
Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence
Chair Attorney General Mark Herring

Law Enforcement Subcommittee

Recommendation Topic:

Creation of Campus Sexual Assault Response Teams

Recommendation:

Amend Virginia law to add to the requirement that public colleges and universities have violence prevention committees and threat assessment teams, that prevention efforts and policies address sexual assault, and that campus sexual assault response teams (SARTS) be created, and that all of these requirements apply to both public and private institutions of higher education.

1. Amend paragraph A of Virginia Code § 23-9.2:10 to include private colleges and universities in the mandate to establish a violence prevention committee, threat assessment team, and sexual assault response team.
2. Amend paragraph A of § 23-9.2:10 to specifically state the “inclusion of sexual assault” in prevention policies and procedures.
3. Amend paragraph B to specifically state the “inclusion of sexual assault” in the committee charged with education and prevention of violence on campus.
4. Amend paragraph B to specifically include in the committee charged with education and prevention of violence on campus representatives of victim advocacy and health and wellness centers.
5. Amend Virginia Code § 23-9.2:10 to include a new paragraph mandating the establishment of a campus sexual assault response team (SART) on campus as part of the violence prevention committee's responsibilities. Such paragraph shall include:
 - (i) Mandate to establish a specific sexual assault response team (SART) that shall include members from campus security or campus law enforcement and local law enforcement, mental health professionals, health and wellness center personnel, representatives of student affairs, victim advocates, counseling services, the Title IX coordinator or representative, and others as identified by the committee. The SART shall implement the intervention and response policies of the violence prevention committee with respect to sexual assault, and shall address sexual assault prevention efforts.
 - (ii) Mandate to determine if, in the response to a report of sexual violence, the incident may represent an ongoing threat to the safety of the student and the campus; and

upon such a determination, to refer the report to the established threat assessment team for the handling of such incidents.

- (iii) Mandate to address the acute needs of the victim and provide support for investigation, prosecution, and victim advocacy.
6. Amend Virginia Code § 23-9.2:10 to include a new paragraph mandating each campus sexual assault response team (SART) to establish relationships or utilize existing relationships on campus and with local and state law enforcement agencies as well as local sexual assault crisis centers, local victim witness programs, the attorney for the Commonwealth, community forensic nurse examiners (SANE) or other health care providers who perform physical evidence recovery kit examinations (PERK), to support the victims' needs.
 7. Amend Virginia Code § 23-9.2:10 to include language allowing the threat assessment and sexual assault response teams may share information in accordance with federal and state laws.

Need:

- The current legal requirement (Virginia Code § 15.2-1627.4) for coordination of a multidisciplinary response to sexual assault is insufficient.
- The law requires the Commonwealth's Attorney to coordinate the establishment of a multidisciplinary response to criminal sexual assault and to hold an annual meeting to (i) discuss implementation of protocols and policies **for sexual assault response teams** consistent with those established by the Department of Criminal Justice Services pursuant to subdivision 45 of §9.1-102; and (ii) establish and review guidelines for the community's response.
- **Although required to discuss protocols and policies for sexual response teams, such teams are NOT required by code in the localities or in institutions of higher education.**
- Participation in these multidisciplinary meetings is not required and is often sparse at best. In addition, the list of those to be invited does not include the Title IX Coordinator or other campus representatives, other than the chief of campus police.
- In practice, it appears that the law is being satisfied, if at all, by holding an annual meeting. These meetings are not designed to provide immediate and consistent reporting options for students on campus, to support to the victim, and appear not to be providing the coordinated response that is needed.
- A mechanism currently exists in code (Virginia Code § **23-9.2:10**) which requires institutions of higher education to establish violence prevention committees. While these committees are excellent vehicles for the administration and oversight of such sexual assault response teams dedicated to serving the campus community, they will not address the lack of

such sexual assault response teams in the community at large. This Subcommittee recognizes that such teams need to reside in the community as well.

- Newly created federal statutes regarding Title IX and Clery Act reporting require a more concerted and robust response with consistent and readily available information to students who report sexual violence or misconduct. Such response needs to be consistent, coordinated, transparent, and appropriate to the student. The best way to meet the federal requirements is through a sexual assault response team (SART) that gives consistent and accurate information regardless to whom the student discloses the sexual assault.
- The Law Enforcement Subcommittee recognizes the importance of ensuring a holistic, seamless approach to handling sexual assaults when they occur. However, this holistic approach must be integrated much earlier in the process, specifically in the realm of the prevention of campus sexual violence.

Anticipated Challenges to Implementation of Recommendation:

Counter-arguments to this recommendation:

If there is an existing community SART in the jurisdiction, adding this additional campus SART may place an additional workload on individuals that may need to be part of both teams.

If the existing community SART is functioning well, it may be able to incorporate the campus needs into their team so an additional campus team would not be necessary. However, the current code would need to be amended to include recommendations set forth above.

Municipal teams may be overlooked and not receive the attention and resources that the campus SARTs may receive. It may be possible to strengthen existing code language for community SARTs to increase the efficiency of these teams.

Implementation:

Legislation would be needed to implement this recommendation.

The State Council on Higher Education in Virginia (SCHEV), campus administrators, and the Virginia Association of Campus Law Enforcement Administrators (VACLEA) would likely support this bill because this amended legislation would allow campuses to implement the SART and provide consistent, coordinated, transparent, and appropriate responses to students who have been a victim of sexual violence.

Fiscal Impact:

There would be little fiscal impact for this recommendation because campuses would be utilizing the existing members on campus and other relevant professionals already present on campus. Most private and non private institutions of higher education also are complying with the threat assessment legislation voluntarily. This recommendation would not generate revenue and it will not require a budget amendment.