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

Response Subcommittee

Submitted by: Allen W. Groves

Recommendation Summary: *Explain the legal, program and/or policy change(s) proposed.*

Colleges and universities should have clear, easily understandable information posted online and in print at key offices regarding the options available to an individual who wishes to report a sexual assault or other incident of sexual misconduct (such as harassment, intimate partner violence, or stalking). There are many stories in the media regarding confusion as to which options are available to a reporter and the manner in which options might be pursued separately or concurrently. Such information should be in the form of an infographic, chart or similar easy to read format, rather than in a lengthy narrative print format. Illustrative examples currently in use include:\

- <http://smr.yale.edu/> (Yale Univ.)
- <http://www.jmu.edu/healthcenter/PreventionandEducation/ccasa-newsletter111213.pdf> (James Madison Univ.)
- <http://www.virginia.edu/sexualviolence/sexualmisconduct.html> (Univ. of Virginia)
- <http://www.colorado.edu/safety/sexual-assault> (Univ. of Colorado)
- <https://www.rainn.org/get-information/legal-information/reporting-rape> (RAINN)

The infographic should be available online and in paper form (the latter available at key offices such as the Title IX Coordinator's office, Equal Employment Opportunity and Diversity and Equity offices, Office of the Dean of Students or similar student affairs function, Women's Center or equivalent, and Counseling Center/Student Health, by way of example).

A comparable infographic should be created (and available in similar ways) outlining the resources available to, and rights of, individuals who are accused of violating the institution's sexual misconduct policy.

Information provided to both the complainant/victim and the accused should include all elements required for victim and accused rights notification by the implementing regulations of the Violence Against Women Act (see 34 C.F.R. § 668.46 (b)(11)(ii) through (b)(11)(vi)), Office for Civil Rights guidance, and Virginia law (see proposed victim notification requirements in HB 1930/SB 712).

Such information, whether online or in paper format, should also be available in a format that is accessible to visually and hearing impaired individuals, in accordance with the Americans with Disabilities Act.

Need: *Explain the problem or issue addressed by this recommendation, providing background information as necessary. Describe the anticipated results / objectives that this recommendation aims to accomplish.*

It is critical that an individual wishing to make a report of sexual assault or other forms of sexual misconduct have available to him or her critical information regarding the options available, including reporting, investigation/adjudication, and support. Reporters, in particular students, should be informed that they may pursue a police report (criminal), a host institution report (policy), support services, a civil action, and any or all alone or in combination. Reporters should be able to quickly ascertain which employees in a host institution must act on reports of sexual assault or misconduct, and which employees (or other resources) are truly confidential sources who do not need to take further action upon receiving a report. Reporters should also be able to quickly ascertain where and how to access these various options. Simply referring a reporter to the host institution's sexual assault/misconduct policy is insufficient, as many of these policies are tens of pages in length, are written using legalese or other technical language, and are often difficult to navigate, especially by a person who has suffered a traumatic incident. It is critical that the infographic be in compliance with current state and federal law (e.g., OCR "Dear Colleague" guidance, VAWA and Clery Act amendments), and thus it is anticipated that the infographic will need to be updated periodically. Ideally, the online version of the infographic will include live web links to the reporting portal and other relevant web pages. The version of the infographic for accused students should reference support options such as the Counseling Center and other confidential advisors, and should outline (in an easy to follow format) the process that will be followed in investigation and adjudication of the complaint (including any right to have an advisor present during the process, any restrictions on who that advisor may be, and any appeal options).

Anticipated Challenges to Implementation of Recommendation: *Explain counter-arguments to the recommendation. What are some of the obstacles in implementing the recommendation?*

There are no readily apparent challenges to implementation. Excellent templates already exist at many host institutions. Implementation merely requires design of an easy to read infographic or chart that contains the relevant policy and contact service options. Host institution sexual assault support staff, IT staff, General Counsel and student affairs staff can design the necessary materials. It is recommended that any materials be focus group tested with students, especially those in the survivor and support communities, to make certain that the objective has been achieved.

Implementation: *Includes legislative needs, program ideas or needs, strategies, etc. What groups are likely to support this recommendation and why?*

Use of an easy to understand infographic setting forth all available options to reporters is seen as noncontroversial and should be supported by all parties involved on this important topic. Ease of comprehension, factual accuracy and ready access (online and in print format at key locations) are critical.

Fiscal Impact: *Does this proposal require financial or personnel resources? Will it generate revenue? Will a Budget Amendment be necessary?*

Budgetary impact is minimal to each host institution. Existing staff can create the necessary infographic. Cost to maintain online is minimal and cost to produce print copies (even color) is not perceived to be significant or a meaningful bar to implementation.