Combatting Campus Sexual Violence

Presented by:
Sen. Jeanne Kohl-Welles
Washington State Senate
Vice Chair, WICHE
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Combatting campus sexual violence

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College campuses face challenge

- Sexual violence is a nationwide problem that seems to be magnified on college campuses.
  - The Centers for Disease Control and Prevention have determined that sexual violence poses a public health crisis.
  - An estimated one in every five women attending college is a victim of rape or another form of sexual assault.
  - An estimated 6 percent of men are sexually assaulted during their time at college.
High profile cases obscuring larger trend

• Since 2013, several high-profile cases, such as at Florida State, Vanderbilt, and the University of Virginia, garnered national attention.

• In total, 110 colleges and universities nationwide are currently under investigation by the U.S. Department of Education's Office for Civil Rights for Title IX violations relating to their handling of sexual violence cases.

• In 2014, the average time to complete an investigation was more than four years (1,469 days), up from one year (379 days) in 2009. The U.S. Department of Education has said staff capacity has been stretched by the increasing number of complaints, but has set a goal of resolving complaints within 180 days. President Obama has asked Congress to fund a 31 percent increase in the office’s budget to hire additional investigators and staff.
Federal study/task force – “Not Alone”

• In 2014, the White House convened a task force designed to protect students from sexual assault.
  • The task force has recommended that schools conduct campus climate assessments and provided a sample memorandum of understanding for institution to enter into with local law enforcement.

"Perhaps most important, we need to keep saying to anyone out there who has ever been assaulted: you are not alone. We have your back. I’ve got your back."

President Barack Obama, January 22, 2014
Initial steps taken to address problem

• The Federal Government and several states have moved forward to address campus sexual violence policies regarding:
  • Prevention
  • Investigation and confidentiality
  • Disciplinary action

• In 2014, Governor Cuomo (NY) announced a uniform set of practices to combat sexual assault on all State University of New York campuses.

• Also last year, California enacted a number of changes to state law, including the adoption of an affirmative consent standard (also know as - “Yes means Yes”).
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State Legislation – National Trends

State Legislation - Washington State
National trends in state legislatures regarding campus sexual assault

• According to the National Conference of State Legislatures, 26 states have introduced bills addressing campus sexual assault (as of April 14).
Laws enacted in 2015

Of the 21 states that adjourned by the first week of May, five had enacted legislation on the subject:

• Maryland
• North Dakota
• Virginia
• West Virginia
• Washington

• In five additional states, legislation has passed one chamber and remains alive.
West Virginia, North Dakota, Washington

• Created task forces to study the issue further.

• In addition to legislation creating a task force (SB 5719), Washington also passed state policies that are described beginning on Slide 18.
Maryland

Requires institutions to adopt sexual assault policies, including:

• Using either the model sexual violence survey or to develop its own and administer the survey to students on an annual basis.

• Enter into memoranda of understanding with both local law enforcement agency and a state designated rape crisis or sexual assault coalition that outlines how institutions will coordinate referral and victim response.
Virginia

- Requires mutual aid agreements between campus police and law enforcement regarding sexual assault on campus.
Mirroring the federal agenda

• Legislative proposals have included a number of specific state-level changes, but several policy changes recur across several states.
  
  • Many of these are identical to proposed federal legislation or build upon the final rules for the VAWA amendments to the Clery Act, which were published by the U.S. Department of Education in October 2014.
  
  • The most common policy change was requiring institutions to adopt or improve policies regarding campus sexual assault.
Commonly included policy changes

- Six states add an “affirmative consent” standard.
  - This change requires the accused to prove that consent was given freely instead of requiring the accuser to prove that it was not.
  - Different states and institutions define the term differently.

- Seven states require institutions to enter into memoranda of understanding with either local law enforcement, victim resource organizations, or both.
Commonly included policy changes (cont.)

- Seven states, including Washington, include the creation of a task force.
- Three states, including Washington, require that a climate survey be conducted to understand experiences and attitudes regarding campus sexual assault.
  - The federal government strongly encourages all institutions to conduct this survey and may move to require schools to do so next year.
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Introduction

State Legislation – National Trends

State Legislation - Washington State
Senate Bill 5719 (Sen. Barbara Bailey)

• **TASK FORCE**: Establishes a working group with representatives from two- and four-year colleges, state agencies, law enforcement, and the victim advocate community to develop recommendations for best practices on college campuses for preventing and responding to campus sexual violence.
  - Passed Senate, 48-0 on March 4
  - Passed House, 95-2 on April 13
  - Awaiting Governor’s signature.
Senate Bill 5518 (Sen. Jeanne Kohl-Welles)

• Passed State Senate, 48-0 on March 4

• Passed State House of Representatives, 85-12 on April 10.

• Signed into law by Governor Jay Inslee on April 24.
Senate Bill 5518

• **UNIFORM DISCIPLINE**: All institutions are prohibited from establishing different disciplinary processes for students based on membership on an athletic team, fraternity, sorority, or another characteristic or status.

• **NOTIFICATION AND CONFIDENTIALITY**: Institutions must make available information regarding the institution’s policies and procedures for handling complaints and share information pertaining to their compliance with confidentiality and reporting requirements regarding campus sexual violence.
• CLIMATE ASSESSMENT: Each four-year public university and college must conduct a campus climate assessment:
  • To gauge the prevalence and awareness of campus sexual violence on their campuses.
  • To gauge student and employee knowledge of campus policies and procedures for responding to allegations of sexual assault, including the role of the Title IX coordinator and the availability of on- and off-campus resources.
  • The coordinating board for the state’s two-year colleges must also survey its campuses statewide.
  • Surveys conducted in order to meet federal requirements fulfill this requirement.
  • Findings shall be reported to the legislature and governor by December 2016.


Senate Bill 5518

• MEMORANDA OF UNDERSTANDING: Representatives from the public two-and four-year institutions, as well as the private four-year institutions, are required to report to the Legislature by July 1, 2016 about the steps they have taken to enter into memoranda of understanding with local law enforcement that clearly establishes each party’s roles and responsibilities related to prevention and response to campus sexual assault.