



COMMONWEALTH of VIRGINIA
GOVERNOR TERRY MCAULIFFE'S TASK FORCE ON
COMBATING CAMPUS SEXUAL VIOLENCE
CHAIR ATTORNEY GENERAL MARK HERRING

RESPONSE SUBCOMMITTEE

Summary of Work to Date and Future Areas of Focus

Background:

Response Subcommittee Areas of Focus:

- Identifying ways to coordinate campus and community response services and ensure response services are accessible to survivors;
- Develop best practices for policies and grievance procedures (confidentiality and requests not to pursue investigation, definition of consent, hearing and appeals processes, interim measures, sanctions);
- Ensuring compliance with federal guidance; and
- Finding ways to create an open and supportive relationship among students, faculty, campus organizations, the administration, law enforcement, community based organizations, and the greater college/university community.

Work to date:

The Response Subcommittee has met three times since the first full Task Force meeting, with an additional meeting scheduled for January 7, 2015. During those meetings, the subcommittee heard from 11 speakers regarding various response measures and issues related to addressing campus sexual violence. The subcommittee learned about Title IX/VAWA/Clery/FERPA as a foundation for upcoming discussions regarding responses to sexual violence. This included information on reporting procedures, interim measures, time frames, confidentiality, victims' rights notifications, coordination between law enforcement and Title IX investigations, resolutions, sanctions, and remedies upon case closure. Through the speakers presenting, the subcommittee discussed the differences between two-year institutions and four-year institutions and that responses to sexual violence are not one-size-fits-all for all institutions. Response policies and procedures must be tailored to meet the needs of each institution, whether it is a two year, four year, public, or private. The presenters discussed the need for collaboration when addressing sexual violence, both internal to the institution (such as case management) as well as partnering with community-based services, programs, and agencies. Additional presentation topics included: the two-year institution response; the four-year institution response; statewide sexual violence programs and the local sexual violence program perspective; student perspective; PERK (Physical Evidence Recovery Kit) exams, SANE (Sexual Assault Nurse Examiner) exams, and how to access these services; law enforcement response; the national context in the student affairs community; and the national conversations about campus sexual

violence amongst higher education governance and leadership organizations. The subcommittee also learned about the impact of trauma on survivors and the long-term effects sexual assault can have on a survivor. Finally, the strategic use of technology as a method for reaching students, providing resources, and for offering assistance after an incident occurs was discussed.

The following action items were identified by the subcommittee to be addressed:

- Trauma-informed response for survivors from the point a report is made through adjudication;
- Fair and equitable response to the accused;
 - Due Process
 - Interim measures
 - Should transcripts be flagged if the accused is found responsible? Should transcripts be flagged if the accused is charged with a violation?
- Collaboration;
 - Case management
 - Sharing information and resources between the institution, local advocacy groups, and crisis centers in specific cases
 - Statewide collaboration and sharing of resources between all institutions of higher education
- Training and education regarding reporting options and support services for survivors. Using technology, apps, and social media to raise awareness of how to respond when an incident occurs;
- Establishing standards or metrics for response services and staff (i.e. having a certain number of counselors or confidential aides based on student population and a ratio of law enforcement officers to students); and
- Address and improve the gaps and collisions between federal mandates (OCR, VAWA, FERPA), Virginia law, local law and practices, and college and university policies for response.

Summary:

At one of its future meetings, the Response Subcommittee will be discussing issues and responses related to the accused student or individual including due process, rights of the respondent in investigation and adjudication, and interim measures. The Response Subcommittee has been in an information-gathering stage thus far in order to identify the key issues to ensure a trauma informed and a fair and equitable response to sexual violence in the campus setting. Future meetings will be dedicated to addressing these issues and formulating detailed recommendations for the final Task Force report due in June 2015.