



## COMMONWEALTH of VIRGINIA

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

MARCH 18, 2015, 1:00 PM  
PATRICK HENRY BUILDING, WEST READING ROOM

### MEETING MINUTES

***DRAFT – to be formally approved at May 28, 2015 meeting***

**Members Present:** Peter Blake, Fran Bradford, Ángel Cabrera, Judy Castele, Leah Cox, Maggie Cullinan, Daniel Dusseau, William R. Grace, Allen Groves, Melissa Ratcliff Harper, Tom Kramer, Penelope Kyle, Michael Maxey, Donna Poulson Michaelis, Christopher Ndiritu, Ellen Plummer, Marianne Radcliff, Abby Raphael, Emily Renda, Tracy Russillo, Frank Shushok, Kristi VanAudenhoove.

**Members Absent:** Jean Cheek, Brandon Day, Dorothy Edwards, Michael Maxey, Nancy Oglesby, and Rosemary Tribble, John Venuti, Raychel Whyte

**Staff Present:** Shannon Freeman, Lisa Furr, Elizabeth Griffin, Kay Heidbreder, Melissa McMenemy, Barry Meek, Kevin O'Holleran, Dietra Trent, Tonya Vincent and Mary Vail Ware.

### **Meeting Summary**

**Attorney General Mark Herring** called the meeting to order at 1:05 pm and welcomed and thanked task force members, the Secretary of Public Safety and Homeland Security, and the Secretary of Education. He called the members' attention to a letter sent to them by Governor Terry McAuliffe (see Attachment 1) and reviewed the meeting agenda with the group. Attorney General Herring also proposed a timeline for finalization of the Task Force's recommendations and report which is due to the Governor June 1, 2015. The General reiterated his thanks to the members for their time, hard work, and effort and pointed out the Virginia can be a national leader on this issue.

Attorney General Herring asked the group for any corrections to the January 8, 2015 minutes. Hearing none, he asked for a motion to approve the minutes as presented. The motion was made by Dr. Ángel Cabrera and seconded by Donna Michaelis to approve the minutes. All members present voted in favor of the motion.

Attorney General Herring then introduced Secretary of Public Safety and Homeland Security Brian Moran who updated the Task Force on legislation passed by the General Assembly relative to Campus Sexual Violence. (See Attachment 2) Secretary Moran also recognized members of the Virginia General Assembly for their interest and commitment to the issue. Secretary Moran then turned the floor over to Secretary of Education Anne Holton for further legislative updates on Campus Sexual Violence bills relative to her secretariat.

Secretary of Education Holton reviewed Senate Bill 1193 (See attachment 2). Secretaries Holton and Moran advised that the Governor is in process of reviewing bills for signature, amendment, or veto. Secretary Holton advised the Task Force that if they had feedback on certain bills, to please contact either her office, or Secretary Moran's office.

Attorney General Herring introduced subcommittee reports and turned the floor over to Dr. Ellen Plummer for the Response Subcommittee Report. (See Attachment 3). Dr. Plummer reported that she has met with the other chairs on an individual basis and believes they have some consensus on issues. Dr. Plummer then presented the slides on Attachment 3. With respect to the recommendation to develop an information-sharing database for expelled students, William Grace commented that this recommendation that he put forward goes further than state law in capturing this data. Frank Bradford asked about including students in process of an administrative hearing in this proposed database. Mr. Grace responded that he was not sure if doing so might violate the Family Educational Rights and Privacy Act (FERPA). Donna Michaelis asked if the recommendation extended to legislate the private colleges and universities to participate in the database and Mr. Grace responded affirmatively. Dr. Cabrera asked if this is redundant to legislation that was just passed by the General Assembly. Mr. Grace offered that transfer notations do not cover sexual assault and the current legislation only applies to students in the transfer process and not those that pause, then resume, their college attendance. Allen Groves pointed out the students could get a clean transcript printed prior to the conclusion of any administrative action and physically submit it to another institution. Secretary Moran asked who would maintain such a database and Dr. Plummer responded the committee has discussed several possibilities. Michael Maxey commented that it is conceivable that students might also be truthful when transferring to a new institution.

Dr. Plummer then reviewed the recommendation pertaining to optimum levels of staffing resources. The recommendation discusses studying and setting staffing standards for law enforcement and counselors/advocates based on the student population. Chief Daniel Dusseau, who proposed this recommendation, commented that in light of federal and state legislation as well as recommendations of the Task Force, it is important for institutions to have adequate staffing to meet the mandates. Donna Michaelis asked if this just applied to campus law enforcement or local law enforcement as well. Chief Dusseau responded that it would only apply to campuses. Dr. Plummer advised the Task Force that all of the Response Committee's recommendations have links to applicable research within the document.

Allen Groves discussed the recommendation on smart phone applications for reporting sexual assault. He discussed the importance of finding one that doesn't require navigation through multiple screens if someone is impaired; the need to create applications that are compliant with current state and federal laws, and the requirement to have something visual that is easy to understand. Mr. Groves also described the need to have an on-line portal where crimes can be reported in an anonymous fashion.

Dr. Plummer introduced the recommendations to improve response by providing trauma training to providers and to improve response memoranda of understanding with local providers. Secretary Holton asked if all institutions have access to local sexual assault providers. Dr. Plummer responded they do not, and she is working on a grid to determine accessibility to local programs. Melissa Harper pointed out that

Virginia does not have complete coverage with Forensic Nurse Examiners either and institutions should get memoranda of understanding in place so that everyone knows where to take students for evidence.

The recommendation to establish the Virginia Center of Excellence for the Prevention and Investigation of Campus Sexual Misconduct sparked much discussion. William Grace pointed out the group has an opportunity to be a leader in the nation with respect to standardization and best practices if a center were established. Secretary Holton pointed out that the Department of Criminal Justice Services (DCJS) already has a Center for School and Campus Safety. Peter Blake said that research and scholarship would be missing if DCJS took on the charge. Donna Michaelis provided a history of the creation of the Center for School and Campus Safety within DCJS and described the services the center can provide. William Grace estimated it would cost five to six hundred thousand dollars to start a center.

General Herring introduced Abby Raphael, Vice-Chair of the Law Enforcement Sub-Committee to provide their report in the absence of Chairman John Venuti. Ms. Raphael presented the information outlined in Attachment 4 relative to the Law Enforcement Sub-Committee. Chief Daniel Dusseau expressed his concerns about confidentiality issues with respect to the recommendation to implement Campus Sexual Assault Response Teams (SART). Maggie Cullinan and Melissa Harper spoke about how these problems are overcome currently in community based SARTs.

Chief Dusseau also expressed concerns about the timely warning recommendation relative to ensuring that messages are selectively sent so that they do not become common and perhaps ignored by students. Dr. Plummer pointed out that campuses, campus police, local police, and policy makers all may have conflicting interests when it comes to Clery warnings.

Attorney General Mark Herring thanked Ms. Raphael for the report and introduced Emily Renda, Chair of the Prevention Sub-Committee.

Ms. Renda presented the charge of the sub-committee as well as the recommendations outlined in Attachment 3 relative to the Prevention Sub-Committee. Mr. Grace asked why climate surveys were most appropriate to administer during the fall semester. Ms. Renda explained that institutions can get a better baseline on freshman experiences and attitudes before they get all of the prevention information from their institution and then a better measure of any changes over subsequent years. Donna Michaelis inquired about federal requirements for climate surveys, Dr. Plummer pointed out that the federal Office for Civil Rights (OCR) has required them of schools under investigation and the widely held view is that it is only a matter of time before they are explicitly required. Fran Bradford commented that since the federal government may mandate surveys, but probably not specific questions, it would be good to have a start on this activity. Donna Michaelis discussed current surveying activity and pushback that arises from that activity. Ms. Renda agreed and discussed the idea of developing a tool kit that might make the process easier for all concerned.

With respect to K-12 prevention activities, Ms. Raphael pointed out that there is a good health curriculum and perhaps the Department of Education can help integrate some sexual assault prevention activities into this curriculum. Allen Groves expressed how helpful it would be if conversations about appropriate behavior happened in 11<sup>th</sup> and 12<sup>th</sup> grades.

Secretary Holton advocated for a comprehensive sexual violence prevention plan for all institutions inclusive of alcohol education. Dr. Cabrera agreed that coordinating all prevention activities (hazing, alcohol and drugs, dating violence, sexual assault, etc.) would be an improvement.

Attorney General Herring thanked Ms. Renda for the report and asked for public comment. No one had signed up and no one came forward at his request. General Herring reviewed the processes of the Task Force going forward: the committee chairs will meet to discuss common themes, the sub-committees will meet to iron out any issues, then the chairs will meet again to address and issues and finalize recommendations. Final recommendations are due to committee staff by May 1, 2015 and a draft report will be completed by mid-May. The final report will be presented to the Governor at the end of May.

Attorney General Herring announced that all documents generated by the Task Force as well as the sub-committees will be posted on the Office of the Attorney General's website by week's end.

The Attorney General then thanked the members again for their work and commitment and adjourned the meeting at 3:31pm.