Supporting Victims of Sexual Assault on College Campuses

Establishing a new set of information services in support of victims of sexual violence on college campuses

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This bill will complement federal requirements such as Title IX and the Clery Act by establishing a new set of information services in support of victims of sexual violence. It will further educate the community about sexual violence by requiring the university’s sexual assault policies to be sent to each student every semester via email and by mandating sexual violence training for students and faculty. It will provide information to be released in each institution’s annual crime report, and call for the creation of a public safety log in partnership with the Title IX Coordinator. Furthermore, it will require university websites to provide information for resources available to victims of sexual violence. This bill calls for unbiased proceedings in all cases concerning sexual violence, and provides support for the victim throughout such proceedings. The bill will also require a memorandum of understanding with sexual assault crisis services and law enforcement, as well as the implementation of a Threat Response Program for emergency communications. In further support of victims of sexual violence, this bill requires the option for anonymous reporting and the presence of a trained confidential advisor. Lastly, this bill will appoint a public safety officer to the Board of Higher Education to review campus policies. Together, these implementations will not only provide support and justice for those who have experienced sexual violence, but will help prevent future incidents through education. This bill will enact change on college campuses in order to destroy the stigma against sexual violence reporting so that those who experience such trauma are not further attacked by their friends, the university itself, and the larger community.

The Bill
HD. 3220: An Act concerning sexual violence on higher education campuses

Elevator Speech
Hello, my name is Libby and this is Krista and I am a student at Brandeis University. As you are aware, sexual violence on college campuses is a pervasive problem. A college environment is meant to be a safe space — a community. As a college
student, I want to be able to learn in a community that protects all of its students as promised to me by Title IX and the Clery Act. The current state of the higher education system allows for 1 in 5 college women to be the victims of sexual assault during her academic career. A new bill will ensure that proper action is taken to educate students, install preventative programs, and create an educational environment that allows survivors of sexual violence to thrive without fear of harassment, violence and discrimination. It will provide best practice for administrations to follow, and a minimum standard for all universities to comply with. While this is a step in the right direction, this bill lacks an enforcement clause and therefore does not take measures to discipline universities who might ignore the law. Without punishment for the failure to comply, colleges have little incentive to enact the new policies and the legislation will inherently fall short on its promises.

Will you speak to your colleagues on the committee to support an amendment to this bill that lays out enforcement guidelines? We need to hold institutions accountable for the welfare of their students.

Letter to the Legislator

We are Krista Giuntoli and Libby Panipinto, residents of Waltham and students at Brandeis University. As a father of five children, we are sure that you prioritize safety throughout their educational experience. We are working to ensure the safety of all children that come to Massachusetts for the opportunity of higher education by protecting them against sexual violence and providing them with the resources to change the culture that promotes an unsafe atmosphere. We need statewide standards for sexual violence prevention and intervention. Every 21 hours, there is a rape on an American college campus. Six universities in Massachusetts alone are under Title IX investigation. For these six schools, as well as many others, it took the mishandling and mistreatment of victims for changes to be made. By ignoring sexual violence, we are compromising the safety and education of our students.

Colleges are ill-equipped to provide proper support and appropriately address the aftermath of sexual violence due to a lack of both resources and knowledge. We need legislation to proactively fight sexual violence and combat the stigma that blames victims and silences survivors. While schools are beginning to work under Title IX requirements, due to the varying size and financial situation of each institution, schools are handling it differently, and some very poorly. Even worse, there are schools doing nothing at all. We need a minimum

House Ways and Means Script

Mr. Chairman, as a father of three, we know you value the safety and well being of your children. Every parent wants what is best for his or her children: the opportunity to learn and grow in a safe, community environment. Safety should be a fundamental human right; however, it is not. As you are aware, sexual violence on college campuses is a pervasive problem. The current American university allows for 1 out of every 5 female students to be sexually assaulted during her academic career. Clearly, schools are not doing enough to protect the safety and well being of their students. Massachusetts needs to address these issues in our own schools and seize the opportunity to be leaders of this movement. Then, just as you protect your own children, this state can ensure the protection of all the students who come here in order to receive a great education. In doing so, we are supporting college students now and for generations to come.
An Act concerning sexual violence on higher education campuses, H.1041, will ensure that colleges undertake best practice when it comes to intervention and prevention services provided for their students. Under Title IX and the Clery Act, these institutions are already required to provide basic services and handle these situations in a timely and appropriate manner. Unfortunately, due to the varying size and financial situation of each institution, schools are handling these matters differently, and some very poorly. Smaller schools are now starting to train faculty, but due to their small infrastructures, they have not prioritized this issue by hiring the necessary staff. Larger, well-funded institutions may be working to provide properly trained staff, but are not educating students in order to change campus dialogue and prevent these crimes in the first place. And even worse, there are schools doing nothing at all.

This bill would prevent such disparities from occurring by setting minimum thresholds by which all universities must abide. First and foremost, the legislation provides guidelines for intervention on behalf of victims. These schools must have trained faculty, the option to a confidential resource, better protocol for investigation and adjudication processes, and access to on and off campus resources for student and faculty survivors. Another critical component of this bill is the prevention programming through education of students and partnerships with local law enforcement. By involving everyone on campus, from students to administrators to campus police, change is possible.

Despite all the necessary steps laid out in the bill, it lacks enforcement. We are further advocating for an enforcement clause to be added to this bill in order to hold universities accountable for their actions. Without language laying out consequences for not following this law, universities will not only take their time establishing the necessary components, but will also overlook certain elements entirely. When institutions of higher education are under a level of scrutiny, those institutions will be forced to take positive action. In order to establish language for enforcement, we have collected precedent from both Title IX and the Clery Act. Title IX is enforced by the Office for Civil Rights (OCR). The OCR conducts compliance enforcement by investigating and resolving complaints filed by those who have been harmed by violation of Title IX. Through these complaints, the OCR is able to handle these issues of misconduct and remedy any discrimination that has occurred.

As it is currently laid out, the bill will not affect the state budget in any way. This bill puts the responsibility on the institutions themselves to fund these mandates internally. The only responsibility for the government is to establish a higher education campus safety advisor, however, this cost will be no more than a salary and training: a very minimal cost compared to the need. Furthermore, this position can also be absorbed by a current employee of the Department of Higher Education. While universities may argue that it is unfair for them to bear the burden of the costs, it is a necessity for any institution to provide the designed services. Universities are meant to foster a healthy and safe community where students can learn and find inspiration, and this cannot happen without the regulations in the bill. Furthermore, it is the cost of a non-profit status: since universities are non-profits and therefore receive tax write-offs, they have a larger responsibility to protect their community and should be spending that money that they do not owe the state on protection and prevention instead.

If the enforcement clause is created, this may require the state to put forth funding in order to provide an oversight authority. Whether this means designating new staff to follow up with universities or designating this role within the Massachusetts Department of Higher Education or within the Attorney General’s office, the government will need to play an active role in the enforcement of these policies. Because this financial burden will depend on how the amendment looks, it is unclear what the cost will be. The state can ask universities to cost-share in this issue, but it may be necessary for the state to pay for the creation of an enforcement mechanism.

This is a persistent problem across America that is often ignored. President Obama’s task force on sexual violence released recommendations that universities should adopt, but they have not been turned into laws. With the number of universities in the state, Massachusetts is in a powerful position: we have the opportunity to prioritize the safety of our students, to set an example, to make a change in our nation, and be at the forefront of the movement.

Excerpts from the Campaign Journal

Krista

As soon as Libby and I chose a bill on college-level sexual assault, we knew that we should speak with Sheila McMahon, the Brandeis Sexual Assault Services and Prevention Specialist. Ms. McMahon was incredibly helpful to us, especially in the beginning stages of this project. She told us how many of the legislation’s mandates were now being implemented at Brandeis and highlighted several key factors of bringing these changes to colleges. First, she notified us of huge discrepancies in services and culture between small, large, private, public, different infrastructures, and varied funding. And
since several schools across Massachusetts and many more nationally are under Title IX investigation for mishandling sexual assault cases, there will continue to be great inconsistencies. School faculty play an important role in these issues and with an increasing demand for these services in general, staff already assigned to sexual assault on campus will see workloads increase tenfold. In these cases, administrative tasks such as training and establishing resources will take precedence over providing direct services to student victims. Ms. McMahon pointed all of these out to us as very practical obstacles to successful implementation of prevention and intervention resources on a higher education campus. We were able to bring this information to legislators as potential reasons of pushback from universities in the commonwealth.

Ms. McMahon was able to tell us what has encouraged these changes at schools already. At Brandeis, it was a dedicated group of student activists demanding change and at schools like Harvard and MIT, it was the threatened sanctions of Title IX infringements. This shows that, in any case, enforcement and accountability are absolutely necessary components of legislation dealing with sexual assault on college campuses. Therefore, we changed the direction of our advocacy from support of the bill with a proposed amendment to include an enforcement clause. Without this information, I believe that we could not have been nearly as successful in our discussions with legislators and their aides and thus our advocacy.

Libby

Our meeting with Jessica Ellison (Sexual Assault Nurse Examiner [SANE]) also provided us with some interesting information. She informed us on how the SANE program works throughout Massachusetts, and the various forms it takes based on location. The SANE program provides victims of sexual violence with trauma-trained nurses who specialize in handling rape kits in a sensitive way. The program allows victims to find comfort throughout an otherwise uncomfortable process. Many of the major hospitals in the greater Boston area have a SANE department, giving them the ability to treat any victim of sexual violence in order to ensure a smooth process.

We had hoped to learn about her interactions specifically with college students and the impact of funding to her program; however, most of the information she provided was more general. While we had hoped to gain more from the meeting, it was interesting to hear from a medical perspective, as this bill designates that universities must be able to provide information on and enter partnerships with groups that can handle the medical aspect of sexual violence. She also informed us that UMass Amherst’s health clinic is a designated SANE center. This was interesting to hear, not only because access to SANE locations is less common in the western part of the state, but also as a program template that other schools could adopt. Having a SANE program at college clinics all over the state could have a large effect on the support these students receive, and it was helpful to hear what other institutions have done.

Update

As of September, the official record noted that the Joint Committee had scheduled a hearing for the bill on June 3, 2015.

For more information

Massachusetts Executive Office of Health and Human Services, Sexual Assault Nurse Examiner (SANE)

mass.gov/eohhs/gov/departments/dph/programs/community-health/dvip/violence/sane