

**The Second Report of the White House Task Force  
to Protect Students from Sexual Assault**

January 5, 2017



## **A Note from the White House Task Force to Protect Students from Sexual Assault**

A huge debt of gratitude is owed to the numerous survivors of campus sexual assault who have made it their mission to become agents of change. Hundreds of young women and men have come forward to tell the Task Force about their experiences with the hope that their efforts may save another person from experiencing this life-altering crime. Their courage and tenacity, especially after enduring unspeakable trauma, have greatly inspired the Task Force and helped to guide and instruct us along the way.

This report is dedicated to those survivors.

# The Second Report of the White House Task Force to Protect Students from Sexual Assault

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## INTRODUCTION

In January, 2014, President Obama and Vice President Biden issued a [Presidential Memorandum](#) creating the White House Task Force to Protect Students from Sexual Assault (Task Force). The Task Force was created to:

- Raise awareness of the frequency in which sexual assault occurs at all school levels;
- Let survivors of sexual assault know that they are not alone and that there are resources to help;
- Ensure that colleges and universities across the country know how to develop a comprehensive plan to keep students safe from sexual assault; and
- Help schools live up to their obligations under Title IX of the Education Amendments of 1972 (Title IX) and effectively respond when sexual assaults occur.

In the nearly three years that the Task Force has been in place, there has been unprecedented attention directed to the issue of sexual assault on campus. Universities and colleges across the Nation are developing, deepening, or re-examining their approaches to preventing and responding to sexual assault. For example:

- In Massachusetts, the Commissioner of Higher Education appointed a [state-wide task force](#) to study the issue and commission a report to make recommendations for improving campus safety and preventing violence in colleges and universities across the state. In September, 2016, the MA Department of Higher Education, in partnership with the Massachusetts Attorney General's Office and the Executive Office of Public Safety and Security, held a statewide conference to follow up on the report. Their objectives for the conference were to raise awareness of the Task Force report's findings, focus on a systemic approach to addressing campus safety and violence, encourage cross-sector conversations and collaborations, and provide training for administrators, law enforcement, and Title IX coordinators on campus sexual assault.

- In Austin, Texas, the University of Texas (UT) System is investing funds in practical research to help inform and improve their practices. They commissioned a \$1.7 million comprehensive study to examine sexual assault in higher education that will assess the psychological and economic impact of sexual violence on students. In addition, the UT-Austin School of Social Work's Institute on Domestic Violence & Sexual Assault produced a *Blueprint for Campus Police: Responding to Sexual Assault*. The Blueprint is intended to serve as a roadmap for campus law enforcement departments seeking to provide a more comprehensive response to sexual assault, including learning about trauma-informed approaches for interacting with sexual assault victims. The goal is for all sworn peace officers in the 14-campus UT System to be trained on the Blueprint. Since its release in February, 2016, UT estimates the Blueprint has been accessed online nearly 1,000 times by campus police around the country.
- In New Brunswick, New Jersey, Rutgers University was chosen by the Task Force to pilot a model campus climate survey on campus sexual assault. After completing the pilot, Rutgers became a national leader in developing best practices for campus climate surveys, publishing a "[Lessons Learned Guide](#)," and demonstrating how the data produced by surveys can be used to inform comprehensive follow-up action plans to combat campus sexual assault.

These are just some of the hundreds of steps being taken at colleges and universities across the country to better understand sexual misconduct<sup>1</sup> on their campuses and develop comprehensive strategies and responses that are informed by research and centered on the needs of the victim.

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<sup>1</sup> Throughout this report, we refer to sexual violence, sexual assault, and rape; each of these forms of sexual misconduct are described in the following definition provided by the Department of Justice: "Prohibited forms of sexual misconduct, a form of sex-based harassment, including but not limited to sexual harassment, sexual assault, sexual violence, and sexual exploitation." From: *Sample Language and Definitions of Prohibited Conduct for a School's Sexual Misconduct Policy* (April 2014), available at: <https://www.justice.gov/ovw/page/file/910276/download>.

The Department of Education's Office for Civil Rights (OCR) has also sustained its enforcement of Title IX. During this Administration, OCR has negotiated robust agreements with dozens of postsecondary institutions and school districts to resolve investigations related to sexual violence and OCR continues to investigate more than 400 complaints across the country.

Many of OCR's Title IX sexual assault resolution agreements can be found on [OCR's website](#).

Similarly, the Department of Justice's Civil Rights Division (DOJ) continues to use the full breadth of its enforcement authority under: Title IX; Title IV of the Civil Rights Act of 1964; Section 14141 of the Violent Crime Control and Law Enforcement Act of 1994 (Section 14141); and, the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), to comprehensively review how campus and law enforcement institutions respond to reports of sexual assault. This includes carefully examining not only their responses to reports, but also their policies, procedures, training, and information-sharing. When those responses fall short of what federal civil rights laws require, DOJ, like OCR, works with these institutions to identify systemic remedies that improve their ability to respond while educating and supporting students and the larger campus community.

For example, DOJ used a holistic approach when they partnered with OCR to conduct simultaneous investigations of the University of Montana-Missoula, the University of Montana's Office of Public Safety, the Missoula Police Department, and the Missoula County Attorney's Office. DOJ – together with OCR for the University of Montana-Missoula–reviewed the four entities' individual and coordinated responses to reports of sexual assaults, and found serious deficiencies under the applicable federal civil rights laws. DOJ reached settlement agreements with each of the four entities that included substantial reforms to promote prompt, non-discriminatory, and effective responses.

Since its creation, the Task Force has focused its efforts on working collaboratively across the Federal government and with state, local, and community partners to develop and disseminate tools, research, and best practices that can be used to

improve the way schools are preventing and responding to sexual assault. For example, the Task Force's first report, *Not Alone*, contained a [checklist](#) for developing a campus sexual misconduct policy, [a sample memorandum](#) of understanding for developing a formal relationship between the campus and a local rape crisis center, and [sample language](#) for developing a campus policy on reporting and confidentiality. In tandem with the report, the White House launched [NotAlone.gov](#), a dedicated website for schools and students providing information, tools, and resources for preventing and responding to campus sexual assault. For the past two years, NotAlone.gov has housed information and tools developed by or prepared for the Task Force, as well as information on advocacy groups, rape crisis centers, and other resources for victims. Materials from NotAlone.gov, including a [free survey instrument for conducting a campus climate survey](#), are now housed at the DOJ's Office on Violence Against Women's (OVW) [website](#), and on the [Center for Changing Our Campus Culture](#), an OVW-funded online resource center for colleges and universities.

Recommendations in the 2014 *Not Alone* report gave way to several initiatives that came to fruition over the past few years, furthering our knowledge about campus sexual assault and increasing the available resources to the field. In addition, the Task Force grappled with many complicated issues for which there were no simple answers, and for which the research and practice is continuously evolving. This report touches on those issues, documents the advances that have been made throughout this Administration to address sexual misconduct in higher education and in K-12 settings, offers a new guide for college and university leadership, and highlights some of the innovative and forward-thinking initiatives that have been undertaken by campuses across the Nation.

## **TASK FORCE ACCOMPLISHMENTS**

### A New Tool for College and University Leadership

Sexual assault is a devastating and complex crime that can erode the sense of safety and security that students feel at their schools. It is imperative that all schools closely examine how they address sexual assault as part of their educational mission, from the

initial reporting, through the campus adjudication process and final outcome. The Task Force has identified six primary elements that should be considered when a school is developing their comprehensive plan to address sexual assault:

1. Coordinated campus and community response;
2. Prevention and education;
3. Policy development and implementation;
4. Reporting options, advocacy, and support services;
5. Climate surveys, performance measurement, and evaluation; and
6. Transparency.

These elements are further discussed in a new product from the Task Force entitled, [\*Preventing and Addressing Campus Sexual Misconduct: A Guide for University and College Presidents, Chancellors, and Senior Administrators \(Guide\)\*](#). The Guide, which is located in [Appendix A](#) of this report, can be used as a foundation to develop, or further hone, comprehensive institutional responses to sexual misconduct. The visible involvement of college and university leadership in championing a culture shift through improved campus safety sends a strong message to the students, the staff, and the community that sexual misconduct of any kind is unacceptable.

It is important to note that all schools are different and therefore may have unique needs when it comes to what a comprehensive sexual misconduct plan contains. The Guide was developed with this in mind and offers the flexibility necessary for customizing an approach that can fit any school. Organizations such as the [Center for Changing Our Campus Culture](#) offer a variety of resources and technical assistance for schools seeking individualized support while developing their plans.

### Preventing and Addressing Sexual Misconduct in K-12 Schools

Sexual harassment, and its most extreme form, sexual violence, can begin at a young age. Almost 80 percent of rape victims report they were first raped before the age of

25. Of those, approximately 40 percent were raped before their 18<sup>th</sup> birthday.<sup>2</sup> Clearly, prevention efforts need to start early in life, as the research reveals that those who experience sexual assault once, are much more likely to be repeat victims.<sup>3</sup> The trauma of sexual assault, particularly if not addressed appropriately, can adversely impact many aspects of a person's life: mental and physical health; school performance; relationships with family; intimate partner relationships; employment; involvement with the criminal justice system; and even lifetime earnings and retirement, among others.

The Task Force decided to examine sexual misconduct against students in K-12 schools.<sup>4</sup> Educators, parents, and advocates raised this issue numerous times in the early listening sessions of the Task Force. They repeatedly encouraged the Task Force to work with K-12 school districts to examine their policies on sexual misconduct, as they, too, are subject to Title IX requirements. With this in mind, the Task Force released *Considerations for School District Sexual Misconduct Policies*, alongside *Safe Place to Learn: Prevent, Intercede, and Respond to Sexual Harassment of K-12 Students*, a resource package designed and written by the American Institute for Research and the National Center for Safe and Supportive Learning Environments for the Department of Education. These new materials were welcomed by elementary and secondary school faculty and administrators, reinforcing the need to connect K-12 educators with the knowledge and tools they need to address sexual harassment and violence in a developmentally and age-appropriate manner. These materials are described below.

[Safe Place to Learn: Prevent, Intercede, and Respond to Sexual Harassment of K-12 Students](#) is a K-12 resource package that incorporates and emphasizes Title IX

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<sup>2</sup> Breiding, Matthew J. et al., "Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization—National Intimate Partner and Sexual Violence Survey, United States, 2011," *Morbidity and Mortality Weekly Report*, September, 2014/63(SS08); 1-18.

<sup>3</sup> Desai, S., Arias, I., Thompson, M. P., & Basile, K. C. (2002). Childhood victimization and subsequent revictimization assessed in a nationally representative sample of women and men. *Violence and Victims*, 17, 639-653.

<sup>4</sup>OCR and DOJ address how K-12 schools respond to sexual misconduct under Title IX. DOJ also can address this issue and other forms of sex discrimination in public school districts under Title IV of the 1964 Civil Rights Act. Like their work in higher education, OCR and DOJ's work in K-12 schools is focused on ensuring nondiscriminatory learning environments through equitable and effective ways of responding to sexual misconduct.

satisfaction; trauma sensitivity; and positive school climate. The materials in the package aim to help three primary staff groups: administrative leadership; all building staff; and staff responsible for interceding and responding to students. The resource package contains guidance, e-learning training modules, and resources to support ongoing conversations and efforts to prevent sexual harassment and violence, as well as bullying, and provide safe, supportive learning environments for all students.

The [Considerations for School Districts Sexual Misconduct Policies](#) presents a guide to help school districts understand the essential components of a sexual misconduct plan, and to integrate those components into their own comprehensive efforts. The resources cover reporting options, support services for victims, definitions, confidentiality, the grievance process, and other critical areas. It also provides helpful links to other federal resources.

### The Campus Climate Survey Validation Study

The landmark [Campus Climate Survey Validation Study](#) (CCSVS), published by the Bureau of Justice Statistics in January 2016, confirmed and expanded upon previous findings about when and how sexual assault happens during the college years.<sup>5</sup> The CCSVS surveyed 25,000 students at nine diverse college and university campuses. The findings varied from school to school, reinforcing that a “one size fits all” approach would not solve the problem. However, the cross-school averages painted an alarming picture that cannot be ignored:

- 1 in 5 women and 1 in 14 men experienced sexual assault while in college.
- For female bisexual and transgender students, victimization rates are even higher. More than 1 in 4 of transgender students and more than 1 in 3 of bisexual students experienced sexual assault while in college.

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<sup>5</sup> Fisher, B.S., Cullen, F.T., and Turner, M.G. (2000). “The Sexual Victimization of College Women.” National Institute of Justice and Bureau of Justice Statistics, and Krebs, C.P., Lindquist, C.H., Warner, T.D., Fisher, B.S., and Martin, S.L. (2007). “The Campus Sexual Assault Study.” National Institute of Justice.

- The highest rates of sexual assault occurred during the first three months of the school year: August, September, and October. This was especially true for first year students.
- Students rarely report rape to school authorities. Of the 2,380 students who indicated that they had experienced rape (out of the 25,000 surveyed), only 170 students—or 7 percent—reported the rape to school authorities. Less than one-quarter of these reports were reflected in the official Clery Act data.
- When students did tell someone about asexual assault, they were much more likely to tell a roommate, friend, or family—not law enforcement or a school official.

These findings present the latest evidence to inform the development of effective policies and procedures for responding to and preventing sexual assault on campus. The Task Force has used these studies and other sources of data and research to develop several tools for colleges and universities to use as guidance when creating or enhancing their own comprehensive plans for addressing sexual assault. The Task Force encourages all schools to undertake their own campus climate surveys to learn about and respond to the concerns of their students. The [survey instrument and methodology](#) for the CCSVS are now freely available online for everyone's use.

### It's On Us: A Campaign to Change the Culture of Sexual Assault

In September 2014, President Obama and Vice President Biden launched [It's On Us](#), a new campaign to engage students and bystanders in preventing sexual assault. This campaign grew out of meetings convened by the Vice President with sports leagues, media, college-age groups, and others to identify messaging that would resonate with the millennial demographic. The campaign is a rallying cry, which seeks to reframe the conversation in a way that inspires everyone to see it as their responsibility to do something, big or small, to prevent sexual assault.

It's On Us features a pledge that anyone can take to commit to standing up against sexual assault (Figure 1). Since its inception, almost 400,000 people have taken the pledge online. The Vice President has been actively promoting the pledge across the country, delivering the It's On Us message to students at nine colleges and universities around the Nation: The University of Illinois; Clemson University; the U.S. Naval Academy; Morehouse College; Ohio State University; Syracuse University; the University of Pittsburgh; the University of Nevada Las Vegas; and the University of Colorado at Boulder. In addition, in April, 2016, he recognized 10 students through the [White House Champions of Change](#) initiative who have "stepped up" to change the culture of sexual assault on their campuses. The Vice President has even brought the It's On Us message to Hollywood. His introduction of Lady Gaga at the 2016 Academy Awards to sing the Oscar-nominated song, "Til It Happens to You," led to a record-breaking number of pledges in the week following the broadcast.

**Figure 1. It's On Us Pledge**

I PLEDGE:

- ✓ To **recognize** that non-consensual sex is sexual assault
- ✓ To **identify** situations in which sexual assault may occur
- ✓ To **intervene** in situations where consent has not or cannot be given
- ✓ To **create** an environment in which sexual assault is unacceptable and survivors are supported

Since the Fall of 2014, students have hosted nearly 2,000 events on more than 500 college campuses nationwide. The campaign has 95 partners, including MTV, Snapchat, Major League Baseball, and the National Collegiate Athletic Association (NCAA). Students participated in developing campus public service announcements (PSAs) in conjunction with It's On Us, and to date, more than 430 college campuses have created their own PSAs. A PSA developed by the White House features the Vice President teamed up with actor Adam Devine to ask college students to take the It's on Us Pledge and promise to intervene when they see something happening that could

result in sexual assault. This video has been viewed over 170,000 times since its release its release in October 2016.

### New Resources for Campus and Community Law Enforcement

Three new resources were developed in conjunction with the Task Force to bolster both campus and municipal law enforcement's response to sexual assault: 1) *The Blueprint for Campus Police: Responding to Sexual Assault*, (described on page 5), 2) *The Handbook for Campus Safety and Security Reporting*, and 3) *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*.

The [Handbook for Campus Safety and Security Reporting](#) was published by the Department of Education in June 2016 and describes the procedures and policies higher education institutions need to develop and adopt to comply with the campus safety and security requirements of the Higher Education Act of 1965, as amended. This handbook replaces the 2011 version and includes information on how institutions can comply with the changes the Violence Against Women Reauthorization Act of 2013 made to the Clery Act.

DOJ released the guidance on [Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence](#) on December 15, 2015 to highlight the need for law enforcement to establish clear policies, robust training and responsive accountability systems in order to prevent gender bias<sup>6</sup> in their response to sexual assault and domestic violence. The guidance serves two key purposes. First, it aims to examine how gender bias can undermine the response of law enforcement agencies (LEAs) to sexual assault and domestic violence. Second, it provides a set of basic principles that – if integrated into LEAs' policies, trainings and practices – will help

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<sup>6</sup> From the DOJ guidance on [Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence](#): "Gender bias in policing practices is a form of discrimination that may result in law enforcement agencies providing less protection to certain victims on the basis of gender, failing to respond to crimes that disproportionately harm people of a particular gender or offering reduced or less robust services due to a reliance on gender stereotypes." Available here: <https://www.justice.gov/opa/file/799366/download>

ensure that gender bias, either intentionally or unintentionally, does not undermine efforts to keep victims safe and hold offenders accountable.

### Clearinghouse on Campus Sexual Assault

The [Center for Changing Our Campus Culture: An Online Resource to Address Sexual Assault, Domestic Violence, Dating Violence and Stalking](#) (the Center) is supported by DOJ's Office on Violence Against Women (OVW). This comprehensive online clearinghouse provides important resources for colleges and universities on sexual assault, domestic violence, dating violence, and stalking. The Center is a central source for information on campus sexual assault from the Task Force, the Departments of Justice, Education, and Health and Human Services, and the Centers for Disease Control and Prevention (CDC). The Center has consulted with campus leaders and sought guidance from experts around the country to identify the latest research, policies and protocols, sexual assault prevention programming, and information on how to access training opportunities and technical assistance. It is geared toward campus administrators, faculty and staff, campus and community law enforcement, victim service providers, students, parents and other stakeholders as they work to change the culture on their campuses. The resources available from the Center are meant to be replicated, adapted and used (with permission when noted as necessary) by institutions of higher education to support efforts to address sexual assault and more on campus.

### Research and Data Tools

In March 2016, the Department of Education's Office of Safe and Healthy Students introduced a new, free platform of web-based [school climate surveys](#). This platform allows the nation's schools, no matter the education level, to perform sophisticated analyses of school climate and enable them to assess conditions for learning that range from student safety to the quality of the instructional environment. In addition, a new [Campus Safety and Security Data Analysis Cutting Tool](#) was launched in May 2016 by the Department of Education's Office of Postsecondary Education. The tool was

designed to provide rapid, customized reports for public inquiries relating to data on campus crime, including reports of rape and sex offenses.

### Grants and Funding

OVW's Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program supports institutions of higher education in adopting comprehensive responses to these crimes. These grants help colleges and universities to strengthen culturally relevant and survivor-centered approaches, provide on-campus victim services and advocacy, foster community involvement, and enhance security and investigation. Grant recipients are required by statute to provide prevention programs for all incoming students, train campus law enforcement or security staff to respond effectively, educate campus judicial or disciplinary boards on the unique dynamics of sexual assault, domestic violence, dating violence, and stalking, and create a coordinated community response to these crimes. In fiscal year 2016, the program funded [45 projects](#), totaling more than \$15 million.

First announced in July 2016 by the Department for Health and Human Services (HHS) Office on Women's Health, the College Sexual Assault Policy and Prevention Initiative provided awards totaling \$6 million to nine grantees who are committed to working with colleges and universities to influence and implement campus policies and prevention strategies based on the recommendations from the Task Force. The grantees are: Futures Without Violence; Georgia Independent College Association, Inc.; Guam Coalition Against Sexual Assault & Family Violence; Indiana Coalition to End Sexual Assault; Men Can Stop Rape; North Carolina Coalition Against Sexual Assault; Texas Women's University; University of Kansas Center for Research, Inc.; and, the University of New Hampshire.

### Expanding the Reach of the Task Force's Work

The Task Force has worked closely with national organizations to include expert panels on campus sexual misconduct at their annual conferences. For example, in *Not Alone*, the Task Force charged the [National Center for Campus Public Safety](#) (NCCPS) with “developing a trauma-informed sexual assault investigation and adjudication curriculum that includes Title IX training for campus officials.” In August 2016, NCCPS debuted their brand new [curriculum](#) at their [Trauma-Informed Sexual Assault Investigation and Adjudication Annual Institute](#) and included a day of specialized workshops and discussions, facilitated by Task Force members, on campus sexual misconduct.

The 2016 [National Sexual Assault Conference](#) in Washington, D.C., sponsored by the Pennsylvania Coalition Against Rape and the National Sexual Violence Resource Center (NSVRC), included a specialized track on campus sexual assault during the conference in Washington, DC. The track featured panels on topics such as: Title IX; the Clery Act; trauma-informed responses to sexual assault; the multidisciplinary approach to prevention on campus; developing research-informed prevention programs for campuses; and, campus health center responses. The agenda and presentations from this conference are all available on the [NSVRC website](#).

In addition, DOJ’s Office for Victims of Crime’s Training and Technical Assistance Center (OVC TTAC), in collaboration with the [Victim Rights Law Center](#) and the [Clery Center for Security on Campus](#), produced a webinar training series on Title IX and campus sexual assault. This training series, created specifically to support the Task Force, includes topics such as campus safety planning, understanding the Clery Act, and the intersection of the Clery Act and Title IX. The webinar recordings, transcripts, and materials are available on the [OVC TTAC website](#).

### New and Forthcoming Research

The Task Force relied heavily on Federally-funded research to support its work, and consulted with its Federal partners to recommend additional areas of study to address research gaps. What resulted was the funding of a healthy portfolio on research

spanning the broad range of issues identified by the Task Force, such as serial sex offending, effectiveness of prevention programs, and investigation of sexual assault cases. Appendix C contains a listing of new research studies being undertaken by the Department of Justice, ED, and the CDC.

## **FURTHER THOUGHTS**

Throughout its tenure, the Task Force grappled with many complex issues. Below are themes that merit further discussion in the field and have the potential to pave new avenues for policy development, research, and evaluation.

### Protecting the Rights of All Parties

The procedures schools use to resolve complaints of sexual assault must be fair so that everyone – complainants, respondents, and the entire school community – is granted their right to nondiscrimination and can have confidence in the resolution.<sup>7</sup> A balanced and fair process that provides the same opportunities for both parties will lead to sound and reasonable decisions. Schools must strike the correct balance between the rights of the accused and the rights of everyone else on campus, including the complainant and every other student who might be at risk of harm. Properly designed procedures help ensure that everyone's rights are respected. They are important in creating an academic community that respects the well-being of all students and works for everyone.

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<sup>7</sup>Under Title IX, colleges and universities must process all complaints of sexual assault, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity. For example, off-campus education programs and activities include activities that take place at houses of fraternities or sororities recognized by the school, athletic team travel; and events for school clubs that occur off campus. Further, because students often experience the continuing effects of off-campus sexual assault in the educational setting, institutions must consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on campus or in an off-campus program or activity.

In addition to addressing these issues in guidance documents,<sup>8</sup> OCR and DOJ focus on ensuring fair processes for all parties when investigating institutional policies, procedures, and responses to sexual assault. Most recently, on October 12, 2016, OCR reached an [agreement](#) with Wesley College in Dover, Delaware after determining that the college had violated Title IX by, among other things, denying accused students equity in the school's misconduct investigations. OCR's Title IX probe was based on a complaint filed on behalf of an accused student asserting that Wesley failed to fully investigate a report of sexual misconduct against the accused student. OCR found that Wesley College violated Title IX by failing to provide accused students with essential procedural protections and also by not adhering to the safeguards provided for in its own disciplinary policies and procedures. OCR found that the accused student about whom the complaint was filed was not provided a full opportunity to respond to the complaint, rebut the allegations, or defend himself at his hearing.

The Civil Rights Division of DOJ likewise continues to emphasize the necessity for schools to provide prompt and equitable investigations for *both* complainants and respondents in Title IX matters. For example, in a [letter issued on April 22, 2016](#), DOJ found that the University of New Mexico's investigative process: failed to adequately inform respondents of the option to provide their own version of events or to help identify pertinent witnesses or evidence; lacked provisions requiring that complainants and respondents be provided regular updates regarding the investigation, which caused confusion and negatively impacted both students; and did not have adequate procedures in place to provide academic accommodations to respondent students that had been temporarily banned from campus for safety reasons.

Additional recent Title IX resolutions can be found on OCR's [website and DOJ's website](#).

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<sup>8</sup> See: Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (Jan. 19, 2001) page 22, <http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>; 2011 DCL (Apr. 4, 2011) page 12, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>; Questions and Answers on Title IX and Sexual Violence (Apr. 29, 2014) pages 13, 26,29, <http://www2.ed.gov/about/offices/list/ocr/docs/ga-201404-title-ix.pdf>.

## Prevention Programs That Work

Campuses all over the country are implementing sexual assault prevention programs. One important thing to know when choosing a prevention program is whether it has been studied and evaluated with positive results. In 2016, the CDC released a report on the best available evidence on effective strategies for preventing sexual violence called [STOP SV: A Technical Package to Prevent Sexual Violence](#). It includes strategies and approaches that are in keeping with CDC's emphasis on primary prevention – stopping sexual violence before it starts – as well as those designed to reduce risk of victimization and to lessen the short- and long-term harms of sexual violence. The report cites experimental evaluations that have shown that bystander training programs, such as [Bringing in the Bystander](#), can increase college students' confidence in their own ability to speak up against sexist language or other behaviors that promote violence, reinforce positive social norms, and offer help or support to peers. An evaluation of the [Green Dot](#) bystander intervention program for college students found that the campus that implemented the program had lower rates of unwanted or forced sex, sexual harassment, dating violence, and stalking when compared with two campuses that did not.

The CDC report also highlights a 2015 [study](#) in the New England Journal of Medicine involving a program in which college women participated in a 12-hour training on assessing risk from acquaintances, overcoming emotional barriers in acknowledging danger, using verbal and physical strategies to reduce risk, and drawing on information about healthy sexuality and relationships to improve communication. The study found that participants' risk of rape or other types of sexual assault victimization during the following year was significantly lower than that of a control group that only received informational brochures.

The CDC, in collaboration with the Departments of Justice and Education, gathered prevention experts, researchers, and campus leaders to participate in a [CDC Think Tank](#) to discuss prevention strategies for sexual misconduct in colleges and universities.

As a follow up to this meeting, the CDC brought pilot teams of state, community, and campus partners together to develop prevention-focused action plans for their home states. A new report was developed based on these meetings entitled, [Sexual Violence on Campus: Strategies for Prevention](#). The report is intended to be a starting place for sexual violence practitioners and their campus partners to begin planning for and implementing sexual violence prevention strategies in a college or university setting.

The CDC also maintains a [webpage](#) of effective and promising sexual violence prevention programs that is updated as new evidence becomes available. In addition to programs targeting college students, several of the programs that the CDC has identified as effective or promising for preventing sexual violence perpetration are directed toward middle and high school students. These programs take a variety of approaches – promoting models of positive masculinity, enhancing social and emotional learning, teaching healthy relationship skills, training in positive bystander intervention skills, and educating students about healthy sexuality. The CDC notes that the current state of the evidence for sexual violence prevention programming remains limited and must continue to be built through rigorous evaluation. Decisions on using specific programs should be based on a thorough understanding of the evidence, a program’s applicability to the intended population and setting, and best practices for effective prevention. Several innovative studies are in progress, and the CDC will be updating its technical package as new approaches are shown to be effective.

#### Confidentiality/Mandatory Reporting

In April 2014 the Task Force released [sample language](#) for the confidentiality section of a sexual misconduct policy, specifically as it applies to confidential disclosures of sexual violence. The Campus Climate Survey Validation Study found that just four percent of rapes were reported to law enforcement and a mere seven percent were reported to any school official. More than 20 percent of victims who did not report the assault cited concerns that their report would not be kept confidential; and nearly 30 percent cited fears of retaliation, which is closely connected to concerns about confidentiality. These statistics emphasize the importance of connecting survivors with the support they need.

Providing initial, confidential support encourages victims to come forward, helps them regain a sense of control, and makes it more likely that they will proceed with a formal complaint or participate in an investigation. In September 2014, the Task Force released [sample language for providing interim and supportive measures](#) in ways that facilitate victims' access to such measures while respecting confidentiality.

It is important to provide both confidential resources and formal reporting options for survivors and to make it clear, up front, who on campus will (or will not) share what information with whom. Making students aware of the various reporting and confidential disclosure options available helps them make informed choices about where to turn for help should they experience sexual violence. Not only should schools include information about these options in their campus sexual misconduct policy and publicize it widely, but they should also inform students when they access on-campus services about how the information they provide could be used.

Schools also should inform students under what circumstances otherwise confidential information may be disclosed, such as when required or permitted by another law or a court order. This is important because disclosure of personal information that a survivor expects to be kept confidential can be potentially re-traumatizing and can have a chilling effect, as well as discourage other students from reporting sexual misconduct and getting the help they need. [Where to Start: Understanding and Implementing Your Campus Response Protocol to Confidential Reporting](#) is a guide for getting started on designating confidential resources and communicating clearly about the roles and responsibilities of different types of campus employees and is available online at [The Center for Changing Our Campus Culture](#).

### Serial Perpetration of Rape and Sexual Assault

In 2002, Lisak and Miller published a study that examined repeat rape and multiple offending among male college students.<sup>9</sup> This study, using self-reported data pooled

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<sup>9</sup> Lisak and Miller, "Repeat Rape and Multiple Offending Among Undetected Rapists," *Violence and Victims*, Volume 17, No. 1, 2002.

from four different studies from one university, revealed that a small group of men reported perpetrating multiple rapes and were responsible for a majority of the rapes reported. The authors concluded that most of these “undetected rapists” were repeat offenders and almost two-thirds of them raped more than once. This finding struck a chord in the violence against women and criminal justice communities and helped to spur a shift in how to identify and investigate these crimes. In contrast, recent research published in the *Journal of the American Medical Association-Pediatrics* by Swartout and colleagues (2015) examined perpetration by college men using self-reported data from two large, longitudinal datasets from two universities. This study concluded that although a small group of men perpetrated rape across multiple years in college, these repeat offenders constituted a significant minority of all perpetrators; further, this small group of male students was not the population with the highest risk of perpetrating rape when entering college.<sup>10</sup> They found that almost three-quarters of men who committed college rape did so during only one academic year. However, Swartout and colleagues were not able to determine from the available data how many separate offenses were committed by these men during that one year time period; they may have engaged in limited repeat offending.

Recent efforts to reduce the high number of untested sexual assault kits (also referred to as rape kits) across the country has revealed additional information about serial offending. By testing these rape kits in cities like Detroit, Houston, New Orleans, and Memphis, analysts have linked the DNA profiles of offenders to unsolved crimes. The results have been astounding. As of September 2016, the City of Detroit had identified over 770 serial offenders after testing 10,000 rape kits.<sup>11</sup> In Cuyahoga County, Ohio, officials found that more than half of sexual assault kits they tested were connected to

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<sup>10</sup> Swartout, Koss, White, et al, “Trajectory Analysis of the Campus Serial Rapist Assumption,” *JAMA Pediatrics*, 2015; 169 (12): pp. 1148-1154.

<sup>11</sup>Wayne County Sexual Assault Kit Task Force FAQ, 2016. Available here: [http://www.waynecounty.com/documents/exec/wcpo/2016\\_September\\_SAK\\_Task\\_Force\\_FAQ\\_Sheet.pdf#toolbar=1&view=FitH](http://www.waynecounty.com/documents/exec/wcpo/2016_September_SAK_Task_Force_FAQ_Sheet.pdf#toolbar=1&view=FitH)

serial offenders.<sup>12</sup> However, because most rapes are not reported to police, those that are reported tend to involve different tactics and victim-perpetrator relationships.<sup>13</sup> .

It is clear that further research is needed to better understand the nature of serial rape perpetration and how perpetration patterns may differ depending on environment (e.g., campus versus community), victim and perpetrator characteristics (e.g., age, socioeconomic status), and victim-offender relationship. Moreover, multiple approaches to measuring repeat offending should be undertaken, as relying on any one way to generalize about sexual offending would be unwise and likely inaccurate. The National Institute of Justice (NIJ) and the CDC both have research in progress that will add to our understanding of serial rape and the most effective ways to prevent, identify, and investigate sexual assault.

## **CONCLUSION**

Culture change is a slow and difficult process, and shifting norms around campus sexual assault must be steady, thoughtful, and sustained. This Administration has made unprecedented progress in addressing campus sexual assault—from expanding the research evidence base to strengthening federal policy responses, to promoting a national culture that supports survivors and encourages bystander intervention. Still, there is much work ahead. It is incumbent upon students, school leadership, faculty, and administration, victim advocates, health professionals, and law enforcement at all levels, to sustain the strong momentum of this progress.

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<sup>12</sup> Lovell, Butcher, and Flannery, *Cuyahoga County Sexual Assault Kit Pilot Project: Report on Serial and One-Time Sexual Offenders*, Case Western Reserve University, Cleveland, OH, March, 2016.

<sup>13</sup>Wolitzky-Taylor, K. B., Resnick, H. S., McCauley, J. L., Amstadter, A. B., Kilpatrick, D.G., & Ruggiero, K. J. (2011). "Is reporting of rape on the rise? A comparison of women with reported versus unreported rape experiences in the national women's study-replication." *Journal of Interpersonal Violence*, 26, 807-832.

## APPENDICES

### Appendix A: [Guide for College Presidents, Chancellors, and Senior Administrators](#)

### Appendix B: List of Resources on Campus Sexual Misconduct

- Campus Climate Surveys
  - [Online resource guide on performing a campus climate survey](#)
  - [Not Alone Toolkit for conducting a model campus climate survey](#)
  - [“Campus Climate Survey Validation Study” Project Summary](#)
  - [Student Action Packet on Campus Climate Surveys](#)
- Prevention Tools
  - [Resource kit for campus health centers](#)
  - [Best practices report on sexual violence prevention](#)
  - [Sexual Violence on Campus: Strategies for Prevention](#)
  - [STOP SV: A Technical Package to Prevent Sexual Violence](#)
- Training & Technical Assistance
  - [Online technical assistance on addressing sexual assault, domestic violence, dating violence, and stalking](#)
  - [Training program on trauma-informed sexual assault investigation and adjudication](#)
- Sexual Misconduct Policies and Procedures
  - [Research on ways to inform students about campus policies and procedures](#)
  - [Sample Language for Reporting and Confidentially Disclosing Sexual Violence](#)
  - [Sample Language for Title IX Coordinator’s Role in a Sexual Misconduct Policy](#)
  - [Sample Language for Interim and Supportive Measures to Protect Students Following an Allegation of Sexual Misconduct](#)

- [Sample Language and Definitions of Prohibited Conduct for a Sexual Misconduct Policy](#)
- [Checklist for a Sexual Misconduct Policy](#)
- Community Partnerships and Memoranda of Understanding
  - [Sample language for a memorandum of understanding with local law enforcement](#)
  - [Sample language for memorandum of understanding with local rape crisis centers](#)
  - [Summary of promising practices in victim services](#)
- Selected funding opportunities
  - [Campus grants](#): The U.S. Department of Justice's Office on Violence Against Women announced 27 awards to colleges and universities totaling \$8.5 million to enhance prevention, enforcement, and services for victims.
  - [Sexual violence grants](#): The CDC announced approximately \$6.8 million in grants to support research on sexual violence over the next four years, including two awards focused on sexual assault prevention and bystander intervention programs at colleges and universities.
  - [College Sexual Assault Policy and Prevention Initiative](#): The Department of Health and Human Services' Office on Women's Health announced the College Sexual Assault Policy and Prevention Initiative, awarding up to 10 cooperative agreements totaling \$2 million for a 3-year period. Applications should focus on implementing policies and practices at post-secondary schools (colleges, universities, technical schools, community college, and trade schools) to prevent sexual assault on their campuses.
- Related law & policy sources
  - [Resource Guide for Title IX Coordinators](#)
  - [Questions & Answers on Title IX and Sexual Violence](#)
  - [2011 Dear Colleague Letter](#)
  - [2016 Handbook for Campus Safety and Security Reporting](#)

- [Revised Sexual Harassment Guidance \(2001\)](#)
- [Intersection of Title IX and the Clery Act Chart](#)

**Appendix C: Recently Funded Federal Research on Campus Sexual Assault and Prevention**

<b>Federal Agency</b>	<b>Grantee</b>	<b>Research Focus</b>	<b>Final Results Due</b>
DOJ, National Institute of Justice (NIJ)	Wellesley College: Justice and Gender-Based Violence Research Initiative	Systematic study of 1,000 colleges and universities to learn more about how they are investigating and adjudicating sexual assault cases.	2017
NIJ	University of New Hampshire Prevention Innovations Research Center	Adaptation and evaluation of a video game to reduce sexual violence on campus through a simulated bystander intervention program.	2017
NIJ	Michigan State University	Longitudinal examination of offending patterns of serial sexual assault perpetrators using DNA evidence from previously untested sexual assault kits from Detroit.	2018
NIJ	University of Massachusetts at Lowell	Study to examine sexual assault case attrition and corresponding forensic evidence analyses across three distinct geographic regions (rural, urban, and suburban).	2018
NIJ, Centers for Disease Control (CDC), & DOJ Office on Violence Against Women	Violence Against Women Research Consortium at Rutgers University	This study seeks to adapt the campus climate surveys developed by the Bureau of Justice Statistics for use by Historically Black Colleges and Universities (HBCUs) in diverse geographic locations.	2018
NIJ	Westat	Longitudinal Cohort Study of Interpersonal Violence	2019

		Among College-Aged Women and Men: Planning Phase.	
CDC	University of Texas	This study will evaluate the effectiveness of “It’s Your Game Dating Violence (YGD-DV) Prevention,” a web-based teen dating violence prevention program for ethnic minority middle school students. The study will focus on 6 <sup>th</sup> grade youth in urban middle schools.	2016
CDC	University of Illinois at Urbana-Champaign	This study examines the efficacy of an intervention delivered by teachers to middle school students on preventing sexual violence.	2017
CDC	University of Pittsburgh	This study will examine how to bring “Coaching Boys Into Men,” (CBIM) a program proven to reduce abusive behaviors among male high school athletes, to 39 middle schools in 20 districts across state of Pennsylvania.	2017
CDC	University of New Hampshire	This study will work with high school students and teachers to adapt the University of New Hampshire’s “Bringing in the Bystander” program for early secondary education students.	2017
CDC	University of Pittsburgh (with partners-Pennsylvania Department of	This study will implement and evaluate “Manhood 2.0” within community-based, youth-serving agencies. Manhood 2.0 is	2018

	Health, the YMCA, and Urban League of Greater Pittsburgh)	an 18-hour program that engages male youth, ages 14-17, to explore social norms about masculinity and gender, develop healthy relationship skills and sexual behaviors, and practice bystander intervention.	
CDC	Rhode Island Hospital (with partner Day One of Rhode Island)	This study will evaluate the effectiveness of “Your Voice Your View”, an intervention that uses different approaches to change social norms and train bystanders to intervene and prevent violence.	2018
CDC	University of Texas Medical Branch	This study will focus on “Fourth R,” a school-based healthy relationship program for teens which is designed to reduce risky behaviors. The study will allow researchers to implement the “Fourth R” program in several high schools within the Houston area and help them determine the program’s effectiveness.	2018
CDC	University of Kentucky	This study will evaluate the University of Kentucky’s “Green Dot” violence-prevention program with a particular focus on alcohol abuse prevention.	2018

CDC	University of Kentucky	This study will evaluate the most cost-effective method of increasing bystander intervention through comparing the relative efficacy of components of bystander interventions at 24 colleges and universities across the U.S.	2019
CDC	University of New Hampshire	This study will test the effectiveness of the “Green Dot Community” strategy to prevent intimate partner and sexual violence, which utilizes community action events and a social marketing campaign to shift norms around gender-based violence.	2019
CDC	Rhode Island Hospital	This study will look at how effective a social norms marketing campaign can be in Rhode Island middle schools in affecting misperceptions about the acceptability of dating and sexual violence, and other issues related to sexual communication/ consent.	2019
CDC	Georgia State University School of Public Health	Longitudinal study of 1,144 male freshmen across 30 Georgia university and college campuses examining college-level factors (e.g., school alcohol policy, compliance with the Clery Act, athletic designation, etc.) as risk or protective factors for	

		engaging in sexual violence perpetration.	
CDC	New York State Department of Health	Evaluation of the efficacy of a strengths-based curriculum in after school programs to reduce risk for future sexual violence perpetration among middle school boys.	2020
CDC	University of New Hampshire	Evaluation of a youth-led, peer-support sexual violence prevention training for middle and high school students.	2020
CDC	University of Florida	Evaluation of the impact of a primary prevention youth suicide program, "Sources of Strength," on sexual violence perpetration among Colorado high school students.	2020
CDC	University of North Carolina-Chapel Hill	Evaluation of a primary prevention program, "Wise Guys: the Next Level," for males adolescents focusing on known risk and protective factors to reduce sexual violence perpetration.	2020
CDC	Wayne State University	Evaluation of an adaptation of "Youth Empowerment Solutions" (YES) among eighth grade students. YES is a primary prevention strategy focused on influencing community-level change through youth empowerment and positive development.	2020

## Appendix D: Number of Title IX Complaints, Investigations, and Resolutions 2009-2016

Source: Department of Education, Office for Civil Rights

