



COMMONWEALTH of VIRGINIA

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

REPORT AND FINAL RECOMMENDATIONS  
TO THE GOVERNOR  
MAY 28, 2015





## Commonwealth of Virginia

May 28, 2015

Dear Governor McAuliffe:

It is my pleasure to present you with the final report of the Governor's Task Force on Combating Campus Sexual Violence, pursuant to Executive Order 25.

This report is a result of the tireless efforts of the Task Force who approached this issue with the urgency and dedication that it demands. Over the course of eight months, each member of the Task Force was guided by an unwavering commitment to students' well-being and working toward a common goal of providing a comprehensive, survivor-centered approach to addressing the issue of campus sexual violence. These principles were reaffirmed at every step of the process.

The Task Force has approved 21 recommendations to prevent campus sexual assault, to make certain that victims feel safe and are willing to report the crime, to ensure a survivor-centered response, and to make certain that we properly seek justice against offenders.

Every student must know that their institution and the Commonwealth are committed to keeping them safe and encouraging their success, and I firmly believe that the Task Force's recommendations affirm these sentiments.

Throughout this process, Virginia has emerged as a national leader in the effort to eliminate sexual assault on our campuses. This would not have been possible without your continued leadership and support on this issue. Thank you and I look forward to continuing these efforts to better serve Virginia's students.

Sincerely,

A handwritten signature in black ink that reads "Mark R. Herring". The signature is fluid and cursive, with the first letters of the first and last names being capitalized.

Mark R. Herring, Attorney General

## Acknowledgments

The depth of knowledge throughout the Commonwealth on the many facets of the problem of sexual violence is extensive, and the Task Force sought to draw on this expertise as much as possible. In addition to the active participation of Task Force members, each subcommittee, and the full Task Force, benefited significantly from presentations from an array of stakeholders and allied professionals willing to share their insight and experiences.

We wish to thank the following individuals for their contributions to the work of the Task Force:

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## Executive Summary

On August 21, 2014, Governor Terry McAuliffe issued Executive Order 25, establishing the Governor's Task Force on Combating Campus Sexual Violence. The Task Force, chaired by Attorney General Mark R. Herring, was directed to provide a final report of recommendations to the Governor by June 1, 2015. This truly collaborative effort included top state leaders and experts including the Secretaries of Education, Health and Human Services, and Public Safety and Homeland Security, representatives from higher education, law enforcement, community advocates, health professionals, and relevant state agencies.

Over the course of the next eight months, the Task Force met monthly in three distinct subcommittees: Prevention, Response, and Law Enforcement. The Task Force worked diligently to grasp the scope of the problem of campus sexual violence through presentations and conversations with countless stakeholders and through sharing their professional and personal expertise. Between October 2014 and May 2015, 24 subcommittee meetings, full Task Force meetings, and subcommittee chair meetings were held.

Task Force members formulated victim and survivor-focused recommendations to prevent campus sexual violence; to ensure that students and employees feel safe and are willing to report crimes of sexual violence; to ensure that proper procedures are in place to provide a victim-centered response; and to make certain that perpetrators are held accountable. Members of the Task Force believe that addressing campus sexual violence requires long-term commitment, and efforts were made to address the sustainability of the Task Force's work in the recommendations.

The Task Force's 21 recommendations fall under five distinct themes:

- ❖ **Engaging Our Campuses and Communities in Comprehensive Prevention:** To fully address the underlying cause of campus sexual violence, there must be a strong prevention effort that focuses on changing societal norms, increasing awareness, and modifying risk behaviors. Prevention recommendations encourage ongoing education and primary prevention.
- ❖ **Minimizing Barriers to Reporting:** Many complex factors determine whether a victim/survivor of sexual violence will come forward and seek help. These recommendations seek to eliminate barriers to reporting and provide innovative, accessible reporting options.

- ❖ **Cultivating a Coordinated and Trauma-Informed Response:** With federal, state, local, and institutional response policies and procedures intersecting, it is critical to coordinate among multiple stakeholders to ensure the most effective response. Additionally, this response must be survivor-sensitive and trauma-informed to minimize additional harm to the victim. These recommendations aim to establish partnerships to ensure an effective and integrated response, with support and procedural protections for all parties.
- ❖ **Sustaining and Improving Campus Policies and Ensuring Compliance:** Clear, transparent and consistent policies are critical to securing equitable outcomes for victims. These recommendations focus on how institutions can ensure a survivor-centered response.
- ❖ **Institutionalizing the Work of the Task Force and Fostering Ongoing Collaborations:** The work of the Task Force is a first step in implementing effective changes to eliminate sexual violence on campuses. These recommendations include measures to solidify partnerships and collaborations to fulfill the goals outlined in this report.

These recommendations are a beginning to the critical work needed to ensure that our institutions of higher learning are safe living and learning environments for all of Virginia's students. As we work to reduce stigma and change societal attitudes about sexual violence, we will foster an environment in which no survivor feels further victimized by a response that is inadequate, suspicious, or judgmental. The task is too large for stakeholders to work independently: information-sharing, advancing best practices, and forging non-traditional partnerships are essential to our collective success. We recognize that the issue demands our attention, our creativity, and our continued diligence.

It is time to say "no more" to sexual violence on our campuses.

***"We need to send a clear message that we will not tolerate sexual violence at our schools and we will not accept a societal culture that condones it."***

***Attorney General Mark R. Herring***

## Introduction and Overview

Virginia is home to some of the nation's preeminent institutions of higher education. By creating the Task Force, the Commonwealth established itself as a national leader in combating campus sexual violence. The Commonwealth's commitment to excellence in all aspects of higher education guided the Task Force's victim/survivor-centered approach. The report and its recommendations benefited from the full participation of the Commonwealth's colleges and universities. Sexual assault is a serious crime, a public health issue, and a violation of civil rights. The report and recommendations recognize the complexities of addressing this issue in the higher education context.

Though recent spotlighting of campus sexual violence has increased awareness, the problem is not a new one. An early study titled "Male sex aggression on a university campus" by Clifford Kirkpatrick and Eugene Kanin dates back to 1957.<sup>1</sup> Federal law, implementing guidance, and policies mandate that institutions respond to reports of sexual violence by conducting investigations, alerting institutional communities of threats to campus safety, taking appropriate and responsive disciplinary action against those who commit violations, and eliminating the causes and remedying the effects of sexual violence. Across the U.S., colleges and universities have promulgated services, educational campaigns, policies, and adjudication processes in an effort to raise awareness and respond properly to reports of sexual violence.

In 1990, the U.S. Congress passed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act aims to improve safety on college campuses and its requirements include that institutions prepare an annual security report, keep a crime log, and issue timely warnings.<sup>2</sup> In 2011, the U.S. Department of Education's Office for Civil Rights (OCR) reiterated its guidance that institutions must investigate sex discrimination, including sexual violence, that might violate Title IX of the Education Amendments of 1972 (Title IX), and in 2014, OCR clarified this guidance further to work towards consistent enforcement.<sup>3 4</sup> Also in 2014, the White House issued *Not Alone: The First Report of The White House Task Force to Protect Students from Sexual Assault*.<sup>5</sup>

In addition to federal efforts, the Commonwealth of Virginia has previously focused attention on the problem of campus sexual violence. In 1991, then Governor Wilder formed the Governor's Task Force on Substance Abuse and Sexual Assault on College Campuses.

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<sup>1</sup> Kirkpatrick, C and Kanin, E. (1957). Male sex aggression on a university campus. *American Journal of Sociology*, 22(1), 52-58.

<sup>2</sup> 20 U.S.C. § 1092(f) and its implementing regulations, 34 C.F.R. Part 668.

<sup>3</sup> Dear Colleague Letter; Sexual Violence (April 4, 2011) (<http://www.ed.gov/ocr/letters/colleague-201104.pdf>)

<sup>4</sup> Questions and Answers on Title IX and Sexual Violence (April 29, 2014) (<http://www.ed.gov/ocr/docs/qa-201404-title-ix-pdf>)

<sup>5</sup> <https://www.notalone.gov/assets/report.pdf>



Recommendations from this task force were employed by institutions and state agencies to improve campus climate. Task forces, commissions, and legislative studies in the Commonwealth subsequent to 1991 have repeatedly examined these issues. A renewed interest in the problem of campus sexual violence was inspired in 2014 by the nationwide attention to this issue, ever increasing federal mandates, and violent crimes against students on or near college campuses.

This report and its recommendations are the culmination of hours of research and discussion by members of Governor McAuliffe's Task Force on Combating Campus Sexual Violence. The expectation is that implementation of these recommendations will improve the safety of members of campus communities and enhance institutional response. Institutions are challenged to respond to reports of sexual violence while complying with federal and state mandates and legislation that, at times, offer contradictory guidance. Guided by a sensitive and supportive approach to all parties involved in a report, institutions can strengthen responses to reports and provide the desired safe and equitable learning and teaching environment for students, faculty members, and staff.

***"Campus sexual violence is a nationwide problem that affects every state, town, city, and neighborhood. The White House has made it clear that the issue is a top priority for the President, and I want to make it clear that it is a top priority in my office as well. "***

***Governor Terry McAuliffe***

## **Appointment and Duties of the Task Force**

On August 21, 2014, Governor Terry McAuliffe issued Executive Order 25, establishing the Governor's Task Force on Combating Campus Sexual Violence and designating Attorney General Mark Herring as Chair. On that same day, a joint declaration was signed by Governor McAuliffe, Attorney General Herring, the presidents of all 16 public colleges and universities in Virginia, and the chancellor of the Virginia Community College System pledging to work together to eliminate sexual violence on Virginia's campuses.

As outlined in Executive Order 25, the Task Force's responsibilities were to include:

- ❖ Recommending best practices for protocols used by campus officials, including campus police, Title IX Coordinators, and others, to respond to sexual violence on campus;
- ❖ Recommending best practices to reinforce existing relationships and form new relationships between Virginia's institutions of higher education, campus police, local law enforcement, commonwealth's attorneys, crisis response centers, mental health providers, and advocacy organizations, to include the development of a model memorandum of understanding that will delineate respective responsibilities for investigations, sharing of information, and training;
- ❖ Recommending best practices for policies governing sexual violence and associated procedures for the investigation and resolution of complaints, and revising such policies and procedures, if needed, to meet all legal requirements;
- ❖ Examining sexual violence prevention and awareness programs and recommending measures to maximize best practices for sexual violence prevention training for students, faculty, and staff, as well as bystander intervention programs and mandatory training for incoming residential students, at all of Virginia's universities and colleges;
- ❖ Recommending measures to encourage reporting of sexual violence; and
- ❖ Assessing the degree of accessibility of campus services and programs, coordination with community resources and programs, and efforts to make students aware of these resources.

The Task Force, led by Attorney General Herring and comprising the Secretaries of Education, Health and Human Services, and Public Safety and Homeland Security, and appointed members including representatives from the higher education arena, law enforcement, community advocates, health professionals, and relevant government agencies, was directed to serve in an advisory role and provide a final report of recommendations to the Governor by June 1, 2015.

## Organizational Structure of the Task Force

At the inaugural meeting of the Governor's Task Force on Combating Campus Sexual Violence, held October 9, 2014, Attorney General Mark Herring, Task Force Chair, outlined the task force structure. The thirty members were divided into three subcommittees and each group was provided with suggested areas of focus as a starting point for discussion:

### Prevention

- ❖ Find ways to create an open and supportive relationship among students, faculty members, campus organizations, the administration, law enforcement, community-based organizations, and the greater college/university community.
- ❖ Assess current prevention programs for faculty members, students and staff to determine what training is currently being utilized, who are the recipients and their effectiveness.
- ❖ Research and review prevention programs for faculty members, students and staff in Virginia, nationally and internationally to identify best practices.
- ❖ Identify the best methods to encourage reporting by victims and anonymous reporting by witnesses.

### Response

- ❖ Find ways to create an open and supportive relationship among students, faculty members, campus organizations, the administration, law enforcement, community-based organizations, and the greater college/university community.
- ❖ Identify ways to better coordinate campus and community response services and ensure response services are accessible to victims/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) while keeping both the complainant and respondent informed about the process, proceedings, and outcomes in a timely manner.
- ❖ Ensure compliance with law and applicable federal guidance, and investigate the intersection of law enforcement with Clery Act/Title IX/Violence Against Women Act (VAWA).

- ❖ Provide guidance on best practices regarding trauma-informed response, policies, and procedures to respond to sexual violence.

### **Law Enforcement**

- ❖ Find ways to create an open and supportive relationship among students, faculty members, campus organizations, the administration, law enforcement, community-based organizations, and the greater college/university community.
- ❖ Create a collaborative response between university police departments, local police departments, and Title IX investigators that provides for a trauma-informed approach to investigations of sexual violence with the intent to minimize re-traumatization of the victim. Investigators should provide victims of sexual violence with information regarding university and off-campus community processes and resources.
- ❖ Explore methods of information-sharing among colleges and universities, law enforcement, and external service providers to create more collaborative investigations.
- ❖ Develop a model Memorandum of Understanding between campus law enforcement, local law enforcement, and other partners.
- ❖ Investigate the intersection of law enforcement with Clery Act/Title IX/VAWA.
- ❖ Strengthen evidence preservation and support of prosecution efforts.

Each subcommittee was led by a chair, who had the option of selecting a co-chair, and the Attorney General provided each committee with a member of his staff and an attorney from his office to serve as staff support. Each of three Secretaries (Education, Health and Human Services, and Public Safety and Homeland Security) worked with a subcommittee.

The subcommittees met monthly (and additionally as needed) and the full Task Force assembled quarterly to review progress and receive updates. Over the course of eight months, a total of twenty four Task Force and subcommittee meetings were convened.

***“We need to be sensitive to the traumas of these young victims, encourage and empower them to report, and support them through the university and community prosecutions of their cases.”***

***Secretary of Public Safety and Homeland Security Brian J. Moran***

## Task Force Recommendations

Ultimately, the Task Force approved 21 recommendations for presentation to the Governor. Out of these recommendations, five distinct themes emerged. These themes reflect the variety of stakeholders involved and the complexities of the issue of campus sexual violence, which requires a multi-faceted response:

1. **Engaging Our Campuses and Communities in Comprehensive Prevention**
2. **Minimizing Barriers to Reporting**
3. **Cultivating a Coordinated and Trauma-Informed Response**
4. **Sustaining and Improving Campus Policies and Ensuring Compliance**
5. **Institutionalizing the Work of the Task Force and Fostering Ongoing Collaborations**

### ***Engaging Our Campuses and Communities in Comprehensive Prevention***

While institutions of higher learning often focus on a crisis-oriented response to occurrences of assault, prevention efforts provide an important opportunity to proactively address the issue of campus sexual violence. When prevention efforts are comprehensive and evidence-based, they allow institutions to prevent future victimizations by increasing awareness, changing attitudes, and modifying high-risk behaviors, and to impact campus culture and change social norms. Prevention programming that occurs before and after students arrive on Virginia's college and university campuses can aid in fostering a culture of respect and equality.

#### ***The Task Force recommends the following:***

1. Direct each college and university to develop a comprehensive prevention plan that will be supported and implemented by a multi-disciplinary, multi-stakeholder team of administrators, faculty members, staff and students
2. Include law enforcement prevention efforts as a part of coordinated campus and community sexual assault prevention
3. Create a state-based small grants program to fund research and evaluation for sexual and gender-based violence prevention to assist in the development of evidence-based practices
4. Encourage the Virginia Department of Education to incorporate healthy relationship programming in K-12 schools, covering topics around healthy relationship formation and the broad range of bystander intervention skills

[Full text of Recommendations 1 – 4 available in APPENDIX A]

## ***Minimizing Barriers to Reporting***

Like many other victims of sexual assault, victims of campus sexual violence are often reluctant to report the crime. For campus victims, their hesitance to report may stem from a variety of concerns: fear that they will not be believed; apprehension over responses from their friends, family, and campus community, including law enforcement and campus personnel; feelings of guilt and shame, particularly in instances of non-stranger assault; confusion about the reporting process and the various options available; and fear of legal or administrative consequences for their own behavior. When sexual violence goes unreported, victims may not ultimately receive the assistance that they need to recover and offenders are not held accountable. Overcoming this reluctance requires that victims easily be able to access clear, simple information about their reporting options and be able to understand the criminal and judicial processes involved. Additionally, victims must feel comfortable that their disclosure will be supported and that their case will be handled professionally and with sensitivity.

### ***The Task Force recommends the following:***

5. Improve and increase reporting options using emerging technologies, infographics, and on-line portal options for reporting sexual violence
6. Issue a Clery-required Timely Warning Notice (TWN) for every report of felony sexual assault made within a specified time of the incident using a notification template that includes appropriate prevention messaging and resource information
7. Pilot the “You Have Options” program with at least two law enforcement agencies (campus law enforcement agencies and/or municipal law enforcement agencies with at least one campus in their jurisdiction) within the Commonwealth
8. Adopt the Start by Believing public awareness campaign, with the Attorney General and Governor playing prominent roles

[Full text of Recommendations 5 – 8 available in APPENDIX B]

## ***Cultivating a Coordinated and Trauma-Informed Response***

From the moment a victim of campus sexual violence discloses an assault to campus personnel or other allied professionals (law enforcement, forensic nurses, etc.), it is vital that they receive immediate support, have access to comprehensive services, and understand available options. All victims deserve to be treated with respect, sensitivity, and competence by responders who

are well-versed in trauma-informed practices. A coordinated approach to addressing campus sexual violence helps ensure that victims are properly supported; additionally, such collaboration provides a forum for discussion and problem-solving for service providers, investigators, and prosecutors; improves communication and fosters working relationships among those charged with responding; and enhances campus safety. By providing a multidisciplinary, victim-centered approach to service delivery and investigation, responders can help mitigate the trauma that victims experience.

***The Task Force recommends the following:***

9. Amend Virginia Code § 23-9.2:10 to require public and private institutions of higher education to establish Sexual Assault Response Teams (SARTs)
10. Amend Virginia Code § 9.1-102 to require the Department of Criminal Justice Services (DCJS) to provide curriculum and training in trauma-informed sexual assault investigation
11. Follow the SANE Education Guidelines as set forth by the International Association of Forensic Nurses in all courses offered in the Commonwealth for Sexual Assault Nurse Examiners (SANE)/Forensic Nurse Examiners (FNE). In addition, SANE nurses practicing in Virginia should be certified SANE-Adult (SANE-A), SANE-Pediatric (SANE-P).
12. Formalize partnerships between colleges and universities and local sexual assault crisis centers using a Memorandum of Understanding (MOU), as required by new Virginia law, following a standard set of components
13. Amend Virginia Code Sec. 23-234 (B) to require that institutions of higher education have MOUs with either the Virginia State Police or the local law enforcement agency and that MOUs with local law enforcement address the prevention of and response to sexual assault
14. Amend Virginia law to require the collection and storage of Physical Evidence Recovery Kits (PERKs) in cases of restricted reporting and to require that PERKs be retained for a specific period of time
15. Conduct a study that results in establishing standards of care or metrics for response services and staff for responding to reports of sexual violence on campus (i.e. appropriate ratio of counselors and law enforcement officers to students)

[Full text of Recommendations 9 – 15 available in APPENDIX C]

## ***Sustaining and Improving Campus Policies and Ensuring Compliance***

At their best, policies are an expression of an institution's commitment to a safe and equitable learning and working environment. Institutional policies, procedures, and protocols must encourage reporting and hold accountable those who are responsible for violating conduct policies. Clear, transparent, fair, and consistently applied policies and procedures are in the interest of victims, individuals who report, and individuals who are accused. While challenging, it is imperative that institutions comply with federal and state law, regulations, and applicable guidance.

### ***The Task Force recommends the following:***

16. Develop guidelines to assist institutions in addressing their compliance obligations under state and federal law, regulation, sub-regulatory guidance, and other mandates governing how institutions of higher education respond to campus sexual violence
17. Ensure fair and equitable proceedings for all parties, adequate support and due process for the accused, and sanctions proportionate to the severity of the offense
18. Conduct a climate survey at every public college and university in the Commonwealth at least bi-annually to assess the incidence of campus sexual violence and use the data to monitor the effectiveness of prevention and response initiatives

[Full text of Recommendations 16 – 18 available in APPENDIX D]



## ***Institutionalizing the Work of the Task Force and Fostering Ongoing Collaborations***

Addressing the complex problem of campus sexual violence requires persistent and tireless attention. Sharing of information and resources is essential to developing and advancing robust prevention and response programs. By articulating its report and recommendations to the Governor, the work of the Task Force is complete; however, Task Force members unanimously recognize the importance of establishing mechanisms for carrying on the work. Complex problems require sophisticated and well-informed solutions that must be evaluated and improved over time. Statewide advisory bodies, with wide representation and varied authority can leverage resources and assist institutions in the prevention of and response to sexual violence.

### ***The Task Force recommends the following:***

19. Establish an advisory committee of the coordinated by the State Council of Higher Education for Virginia (SCHEV) that will continue the progress made by the Task Force by coordinating research, best practices, legislative changes, technical assistance, and consultative services
20. Convene a permanent advisory committee, board, commission, council or other such entity on School and Campus Safety under the Offices of the Secretary of Education, Public Safety and Homeland Security, and Health and Human Services
21. Create a network for faculty members, staff, students and community members engaged in sexual violence prevention and education

[Full text of Recommendations 19 - 21 available in APPENDIX E]

***“Sexual assault is more than a crime or a violation of trust: it is a violation of civil rights. It is our collective purpose on our campuses to foster environments conducive to academic achievement, not fear.”***

***Secretary of Education Anne Holton***

## **APPENDICES**

**Appendix A**

**Engaging Our Campuses and Communities in Comprehensive  
Prevention**

**Recommendations 1 – 4**

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 1**  
**Prevention Subcommittee**

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**Recommendation Summary:**

Each college and university should develop a comprehensive prevention plan that will be supported and implemented by a multi-disciplinary, multi-stakeholder team of administrators, faculty members, staff, and students.

**Need:**

Creating and sustaining a culture that helps prevent sexual assault from occurring should be a top priority for all institutions. Doing so cannot be achieved by isolated, simplistic interventions such as the customary one-shot, short presentation during orientation. Only through repeated, evidence-based, comprehensive efforts embraced and delivered across constituencies can meaningful change occur in existing campus culture.

A comprehensive prevention plan must follow evidence-based best practice, including the following:

- Multiple exposures to prevention information, within and across academic years
- Adequate dosage—only as much content presented as can be retained at a given time
- Tailored messaging for different sub-populations, including, but not restricted to, fraternities and sororities and intercollegiate athletics
- Assessment of learning and behavioral outcomes from various interventions
- Programs that integrate multiple sociological dimensions and factors
- Programs that focus on engaging bystanders, who are key to prevention
- Recognition of the enabling role played by alcohol and substance abuse

Sexual violence is complex, driven by the interplay of a multitude of factors that may increase the risk of victimization and the likelihood of perpetration. While no single factor can by itself explain or predict sexual violence, experts recognize the important intersection with sexual violence of alcohol/substance abuse, hazing, mental health, and other problems on campus. Implementing a comprehensive prevention plan therefore requires the participation of multiple stakeholders and the advice of experts from multiple disciplines.

The implementation and monitoring of a comprehensive prevention plan calls for a multi-disciplinary, multi-stakeholder approach that engages students, faculty members and staff. We

recommend that each university create a steering committee or team with various stakeholders and experts that would be charged with coordinating programming, evaluating outcomes, and overseeing new research to help reduce risk of victimization and likelihood of perpetration of sexual violence.

A comprehensive prevention plan at each institution will align programs and initiatives of different areas of prevention throughout the academic year so that dosage, messaging, and the relationship between messages are maximized.

To achieve the goals of coordinating and implementing a comprehensive plan, a multi-disciplinary team should be created to represent the campus community. Suggestions for inclusion are:

- Student leaders in
  - Peer education
  - General student body
  - Minority culturesIf applicable
  - Fraternity and sorority life
  - Intercollegiate athletics
- Professional staff with expertise in the following areas:
  - Sexual violence
  - Alcohol/Substance abuse
  - Hazing
  - Mental Health/Wellness
- A core group of faculty members
- Related community members with a stake in prevention

This team may be tasked with implementing a prevention plan, in addition to actively conducting annual program evaluations and gauging the effectiveness of issue-based initiatives such as those associated with alcohol or hazing, and the effectiveness of the institution's overall prevention plan.

#### **Anticipated Challenges to Implementation of Recommendation :**

The specific elements in each plan and the composition of the prevention team will necessarily vary from institution to institution. The creation and implementation of a comprehensive prevention plan may carry coordination and communication challenges common to any multi-disciplinary/multi-stakeholder initiative.

#### **Implementation:**

It would enhance this effort if off-campus, locally-based prevention efforts were included. A multi-disciplinary committee/task force should be created on each campus to advise and coordinate prevention efforts.

Prevention Strategies should be informed by research, data and rigorously vetted best practices.

Prevention programming should include the following elements: adequate dosage, repeated exposure over all the years in which a student is enrolled, application of adult learning and learning transfer principles, and research.

Multi-faceted education dissemination techniques should follow recommendations from public health and the social-ecological model.

**Fiscal Impact:**

There should be no funding barriers. The only barrier would be time and energy of the participants.

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 2**  
**Law Enforcement Subcommittee**

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**Recommendation Summary:**

Much attention has been placed on campus sexual assault, especially with regards to how such violent acts are handled by the disparate entities involved in the various processes. This emphasis is well founded; the reporting mechanisms for campus sexual assault are complex, challenging, and can be overwhelming and confusing for victims and survivors. While law enforcement plays an obvious role in the criminal justice process, it is equally important that agencies be recognized as partners in sexual assault prevention.

**Need:**

How much effort is expended on preventing sexual violence on campus? Who is sending the prevention message? Is it coming from many sources, or one? Are the messages consistent? How is the prevention message delivered? These are but a few of the questions considered by the Law Enforcement Subcommittee and although the committee heard from various local and campus police agencies, it was abundantly clear that prevention is not delivered by a unified front. The police agencies had some very unique, creative and impressive approaches, but their prevention methodology was singular to their discipline. These silos of prevention methodologies lack synergy. If institutions are to affect change regarding campus sexual violence, stakeholder groups must unite their forces to achieve a multiplicative outcome. This can be achieved through existing violence prevention committees created pursuant to Virginia Code § 23-9.2:10.

The Law Enforcement Subcommittee recommends violence prevention committees consider the following best practices:

- The prevention message must be consistent and multi-faceted. A singular approach will be ineffective.
- Law enforcement must be a part of prevention education efforts.
- Prevention education efforts must be ongoing throughout the student's college education, not just during freshman orientation.
- Prevention education should take many different forms and target different populations/groups:
  - Lecture/discussion
  - Print
  - Social media
  - Sports teams
  - Fraternities
  - Sororities

- Prevention programs must address the prevalence of alcohol consumption in allegations of campus sexual assaults. Both binge drinking and underage consumption of alcohol are prevalent on college campuses. Law enforcement has a role to play in efforts to prevent binge drinking and underage drinking. Law enforcement should work with campus officials and student organizations in efforts to prevent binge drinking and underage drinking, with a goal of enhancing student safety.
  - Policies and practices regarding alcohol consumption on college campuses vary. The Law Enforcement Subcommittee met with the Virginia Tech and Blacksburg chiefs of police, who have been integral to efforts to create a culture of campus safety called, “No Hokie Left Behind.”
- The subcommittee learned that, in Virginia, local/campus police agencies have implemented creative and unique prevention programs. The campus police/local police need a forum/conference to discuss campus sexual assault/prevention efforts and what is working. Successes should be shared, duplicated or adapted if applicable (e.g. Blacksburg and Virginia Tech police departments detailed the partnership they have with each fraternity at Virginia Tech. This “Adopt a Cop” program includes planning together for large parties to ensure safety of the students).
- Campus Alert systems, generally operated by the campus police, can alert students/faculty members, and staff regarding criminal behavior on campus, and the message can include ways to stay safe/prevent sexual violence. The message will reinforce ongoing prevention efforts.
- Memoranda of Understanding (MOUs) and Mutual Aid Agreements (MAAs) between campus/local and state police should contain a prevention component (i.e. the agencies will work together in prevention efforts).

The ultimate goal is for stakeholders to be partners in prevention.

#### **Anticipated Challenges to Implementation of Recommendation:**

Some stakeholders or disciplines may argue that their role in campus sexual violence is not “prevention” or the tasks they are asked to perform are inappropriate to their role.

#### **Implementation:**

The implementation of this recommendation must initially be addressed by clarifying the roles and duties of violence prevention committees created pursuant to §23-9.2:10. Once such an amendment is in place, the specific recommendations cited above may be better suited for a less formalized approach such as “best practices” or “model policy” form. The less formalized approach permits colleges/universities the ability to tailor their prevention message to their unique challenges.



The Law Enforcement Subcommittee heard from several campus and local law enforcement agencies regarding their unique approaches to curtailing campus sexual assault. Shared successes can sometimes be duplicated. Not only should these law enforcement agencies share their practices, but as each college/university creates their own “unified” approach to preventing sexual violence, they should have an opportunity to discuss what is working and lessons learned. This could be accomplished through an annual one day Campus Sexual Violence Prevention forum hosted by one of the institutions.

This recommendation will likely be supported by victim advocate groups, local and campus law enforcement agencies, student groups, parents, Title IX Coordinators, faculty members, state government officials, student health advocates, resident advisors, etc. It will be supported by these groups because they have a sincere interest in preventing sexual violence on their campuses and because it sends a positive message to the students that the entire campus community is concerned about their well-being.

**Fiscal Impact:**

This proposal can be accomplished with existing resources, such as the Title IX Coordinator, faculty members, law enforcement representatives, student groups, etc. This will require additional time commitments from personnel resources that are already in place. It will not generate revenue and a budget amendment is not necessary.

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 3**  
**Prevention Subcommittee**

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**Recommendation Summary:**

Colleges and universities have limited resources to support the work of evaluating the impact and effectiveness of prevention programs to contribute to the ongoing research that will strengthen best practices. A state-based small grants program to fund research and evaluation for sexual and gender-based violence prevention will assist in the development of evidence-based practices to be shared in Virginia.

- Establish and administer a grant program to fund between \$1,000 and \$10,000 to teams of faculty members, staff, students and/or community members for projects related to prevention initiatives.
- Encourage existing research-learning programs at individual institutions to prioritize funding for the evaluation of prevention initiatives and priorities.
- Report results of any grant-funded project to the administering office (State Council of Higher Education for Virginia (SCHEV) and make results available to institutions across the state and appropriate statewide advisory bodies.

**Need:**

Colleges and universities need to continue to work to prevent sexual assault on their campuses. The Centers for Disease Control (CDC) have identified emerging best practices in sexual and gender-based violence prevention, but the majority of research currently outlines what is ineffective, rather than what is effective. Because there are limited resources to support the work being done on this topic, let alone rigorous evaluation and data collection, seed grant funding can enable research that will assist in the revision of existing initiatives, identify the effectiveness of more specific practices, and enable researchers at institutions to prepare to seek funding from larger federal programs.

**Implementation:**

This recommendation requires state funding given to a state agency such as SCHEV, which also may need additional resources in order to administer this program.

**Tools to Provide:**

- Sample grant proposal
- Sample report
- List of existing research proposals

**Anticipated Challenges to Implementation of Recommendation and Fiscal Impact:**

Budgetary impact may limit the ability to offer the grants to institutions in the Commonwealth.

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 4**  
**Prevention Subcommittee**

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**Recommendation Summary:**

A truly comprehensive approach to sexual assault must begin in the early years of education. Students in grades K-12 develop a set of attitudes about sex, relationships, and healthy behaviors that inform the way they behave and respond to others in the college context. Encouraging students to engage substantively with prevention material during the K-12 years makes the transition to prevention programming at the college level more effective. It is recommended that the Virginia Department of Education incorporate healthy relationship programming in grades K-12, covering topics such as healthy relationship formation and the broad range of bystander intervention skills so that students come to college with a better informed set of attitudes and an existing skill-set upon which university-level prevention programming can build.

**Need:**

The prevention of sexual assault depends on changing the cultural scaffolding of sexual and gender-based violence, which includes willingness to intervene, ability to recognize certain behaviors or actions as problematic, and sets of assumptions about gender, sex and relationships.

**Anticipated Challenges to Implementation of Recommendation:**

The Prevention Subcommittee recognizes that change to the school curriculum is a complex process, and that this process must include those who specialize in child development, as well as those more familiar with the challenges of curricular changes within K-12 contexts.

**Implementation:**

Prevention programming should include the following elements:

- Adequate dosage (information presented in amounts that students are able to process and retain)
- Repeated exposure over years. Imbed across pre-existing forms of information dissemination (embedding in existing programs, campaigns or curricula).
- Age appropriate learning (tailoring programming to reflect developmental stages and interests)

Programmatic considerations:

- Content that is developed or adopted be supported by research and data.
  - What are strengths of program? Limitations?
  - What sub-groups were included in assessment? Research? Evaluation?
    - Is the program adequate to reach and incorporate historically marginalized sub-groups (i.e., students of color, LGBT students, faith-based students, etc.)
    - Does the program address populations of interest, such as boys/men, athletes, and faculty members, and staff?
- Content should be immediately actionable, and in addition to outlining interventions, should examine cultural norms that support sexual assault.
- The following elements should be considered when adopting or developing a program:
  - Content should be consistent with the readiness of target audiences.
  - Adhere to research outlining optimal sequence for creating culture change; engaging students first with basic content that meets them where they are and progresses to more advanced content.
  - Content should be actionable and skills-based, giving students tools to use to act on the desire to engage.

**Fiscal Impact:**

It would be up to the Virginia Department of Education to determine the fiscal impact.

**Appendix B**  
**Minimizing Barriers to Reporting**  
**Recommendations 5 – 8**

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 5**  
**Response Subcommittee**

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**Recommendation Summary:**

Improve and increase reporting options using emerging technologies, infographics, and on-line portal options for reporting sexual violence.

1. **Emerging Technologies.** Adopt and support emerging technologies that meet universal design standards such as smart phone applications that provide easy options for student users to report sexual assaults to police (anonymously or with identifying information) and also provide quick access to information (including contact information) for local sexual assault resource agencies and other on or off-campus support services. Apps currently on the market that perform some or all of the desired functions include: BuddyWatch; Circle of 6; Consensible; LifeLine Response; LiveSafe; RaveGuardian; Safer Mobility; SmartTek SmartGuard; TapShield; TipSoft; 911Cellular.
2. **Employ infographics.** Colleges and universities should have clear, easily understandable information posted online and in print at key offices regarding the options available to an individual who wishes to report a sexual assault or other incident of sexual misconduct (such as harassment, intimate partner violence, or stalking).
3. **On-line reporting portal.** Each institution should have an online portal that allows students, responsible employees or others quickly and easily report incidents of sexual assault, sexual harassment, stalking, intimate partner violence or other sexual misconduct. The online reporting mechanism should allow a report to be made anonymously, if desired, although it should state clearly that an anonymous report may limit the institution's ability to fully investigate the alleged violation. The online portal should be accessible to visually and hearing impaired individuals, in accordance with the Americans with Disabilities Act.

**Need:**

1. **Emerging Technologies.** Students who are victims of sexual assault may delay in reporting to police or other authorities in part due to obstacles or difficulties in identifying mechanisms (and contact points) to do so. They may also delay in seeking support services for these same reasons. Emerging technologies such as phone applications that contain links to reporting and support service options (as well as other critical information, such as school policies) may increase the likelihood of a student receiving timely support. An active link to the host institution's reporting portal would be beneficial, provided that appropriate confidentiality of that information passing through the provider's servers (if necessary) could be assured. These phone apps may also provide prevention resources, such as

tracking by friends, emergency text messaging with GPS location to pre-selected friends, and similar tools.

2. **Infographics.** There is confusion as to which options are available to someone who wants to report sexual violence and the manner in which options might be pursued separately or concurrently. Such information should be in the form of an infographic, chart or similar easy to read format, rather than in a lengthy narrative print format. Examples currently in use include:

- <http://smr.yale.edu/> (Yale Univ.)
- <http://www.jmu.edu/healthcenter/PreventionandEducation/ccasa-newsletter111213.pdf> (James Madison Univ.)
- <http://www.virginia.edu/sexualviolence/sexualmisconduct.html> (Univ. of Virginia)
- <http://www.colorado.edu/safety/sexual-assault> (Univ. of Colorado)
- <https://www.rainn.org/get-information/legal-information/reporting-rape> (RAINN)

The infographic should be available online and in paper form (the latter available at key offices such as the Title IX Coordinator's office, Equal Employment Opportunity and Diversity and Equity offices, Office of the Dean of Students or similar student affairs function, Women's Center or equivalent, and Counseling Center/Student Health, by way of example).

A comparable infographic should be created (and available in similar ways) outlining the resources available to, and rights of, individuals who are accused of violating the institution's sexual misconduct policy.

Information provided to both the complainant and respondent should include all elements required for victim and accused rights notification by the implementing regulations of the Violence Against Women Act (see 34 C.F.R. § 668.46 (b)(11)(ii) through (b)(11)(vi)), Office for Civil Rights guidance, and Virginia law, including requirements in recently adopted legislation.

Such information, whether online or in paper format, should also be available in a format that is accessible to visually and hearing impaired individuals, in accordance with the Americans with Disabilities Act.

3. **On-line portal.** Sexual assault and other forms of sexual misconduct are believed to be underreported, in part, because of barriers to easy, confidential and/or anonymous reporting. A prominent, easy to use online reporting portal will facilitate timely reporting and hopefully increase the number of persons willing to make a report to the host institution. Reporting options should be articulated clearly including the institution's policies and procedures covering anonymity, confidentiality, amnesty, and retaliation. Examples of online reporting portals currently in use include:

- [https://secure.ethicspoint.com/domain/en/report\\_information.asp](https://secure.ethicspoint.com/domain/en/report_information.asp) (Amherst)

- <https://police.uoregon.edu/anonymous-sexual-assault-report> (Univ. of Oregon)
- <http://www.virginia.edu/justreportit/sexualmisconduct/> (Univ. of Virginia)

#### **Anticipated Challenges to Implementation of Recommendation:**

1. **Emerging Technologies.** Any smart phone app(s) selected must be easy to adopt by student users and have application to a wide range of smart phones on the market. It must be offered at low or no cost to student users. Cost to the host institution must be reasonable. The app(s) must be customizable to each school, so that local resources, contacts and policies are featured. Some students may fear intrusiveness if the app is linked to local or campus police, so care must be taken to protect student privacy. There are a great many apps currently in the marketplace, and each institution must determine which app or apps fits best with the needs of that school. Some apps currently available do too little, while others are needlessly complex. The technology is changing/evolving rapidly and an app selected today may be obsolete in two years, requiring a new rollout and potential confusion to students.
2. **Infographics.** There are no readily apparent challenges to implementation. Excellent templates already exist at many host institutions. Implementation merely requires design of an easy to read infographic or chart that contains the relevant policy and contact service options. Host institution sexual assault support staff, IT staff, General Counsel and student affairs staff can design the necessary materials. It is recommended that any materials be focus group tested with students, especially those in the survivor and support communities, to make certain that the objective has been achieved.
3. **On-line portal.** Anonymity, if desired by the reporter, must be assured. Thus, any online reporting portal must be truly secure and not provide “back door” channels for authorities to learn the identity of a person who wishes to make an anonymous report. Establishing trust in the system is critical. In addition, host institutions must be prepared to act quickly in responding to any reports received through the online portal, and thus clear protocols must be in place to establish which officials receive notification of each report as received, who is to take the lead in an investigation (even of anonymous reports), who is to contact the reporter (if identified) to offer support services, and who is to make a determination as to whether a Clery Act notice is required to be sent based upon the report. Every efforts should be made to make clear that the use of anonymous reporting for purposes of retaliation is a violation of Title IX and related university or college policies.

#### **Implementation:**

1. **Emerging Technologies.** It is anticipated that support will come from campus and local city/county police forces, emergency preparedness offices, and parent groups interested in student safety.
2. **Infographics.** Use of an easy to understand infographic setting forth all available options to reporters is seen as noncontroversial and should be supported by all parties involved on this



important topic. Ease of comprehension, factual accuracy and ready access (online and in print format at key locations) are critical.

3. **On-line portal.** Sexual assault resource agencies, victim/survivor support groups, campus and city/county police departments, and Title IX/Clery staff at the host institution should be supportive of this reporting tool, as it makes reporting easier, gathers key facts in an electronic format that may be quickly accessed, and includes information provided directly by the reporter (and thus unfiltered).

**Fiscal Impact:**

1. **Emerging Technologies.** It is anticipated that each institution will incur the cost of a contract with the provider or providers of the app/apps ultimately selected. This financial cost is estimated to be less than \$50,000/year at larger institutions, and less for smaller ones. One possibility is for several institutions to pool resources and enter into a contract with one provider serving those multiple institutions at a reduced per-institution cost.
2. **Infographics.** Budgetary impact is minimal to each host institution. Existing staff can create the necessary infographic. Cost to maintain online is minimal and cost to produce print copies (even color) is not perceived to be significant or a meaningful bar to implementation.
3. **On-line portal.** Budgetary impact to each host institution should be minimal, and will primarily involve IT staff resources required to build the reporting portal (if not already in place) and maintain or enhance it over time. Additional resources will need to be committed to marketing the existence of the reporting portal to students, faculty members, staff and others in the community.

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 6**  
**Law Enforcement Subcommittee**

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**Recommendation Summary:**

Institutions in Virginia should issue Timely Warning Notices (TWN) for any reported felony sexual assault where there is indication of an ongoing and serious threat to the campus community.

**Legal/Regulatory Guidance:**

- Limited guidance is provided in The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act: 20 USC § 1092 (F).
- Department of Education (ED) Handbook for Campus Safety and Security Reporting-2/2011 Edition; Chapter-6; page 111.

**The institution should evaluate each incident on a case-by-case basis** to determine the degree of ongoing threat to the campus community. Institutions should exercise discretion in withholding the Timely Warning Notice if the TWN could hinder the investigation in some way or if the threat no longer exists.

Further, institutions should document the decision-making process used to determine whether or not it will issue a Timely Warning Notice in every instance where a Clery Act crime has been reported to a designated "campus security authority" or the local police.

The U.S. Department of Education requires that a Timely Warning Notice be sent to alert the university community to potentially dangerous criminal situations [defined as "serious or ongoing"] so that community members have both the time and information necessary to take appropriate safety precautions. The Clery Act requires the alerting of the campus community to certain crimes, including sexual assault, in a manner that is timely and will aid in the prevention of similar crimes. The Handbook includes guidance stating that an institution should issue the Timely Warning "as soon as pertinent information is available." All institutions are required to establish and to disclose a policy statement in the mandated Annual Security Report (ASR) that accurately depicts the TWN procedures used by an institution.

**Need:**

There is ongoing debate about whether Timely Warning Notices are required in cases involving a non-stranger assailant. The subcommittee concludes that a continuing threat may exist in non-stranger cases and that a Timely Warning Notice should be provided in felony, non-stranger cases, consistent with the guidance below.

Further, the Department of Education has recently found institutions in violation of the Clery Act in cases in which the institution failed to issue timely warning in the aftermath of non-stranger sexual assaults. In these reports, the Department stresses that “[f]ailure to issue timely warnings of serious and ongoing threats deprives students and employees of vital time-sensitive information and effectively denie[s] them the opportunity to take adequate steps to provide for their own safety.”<sup>6</sup>

**Content of the Timely Warning Notice:** The Clery Act does not specify the format or exact content of Timely Warnings, but the Handbook does state that the intent of the Timely Warning is to enable members of the community to protect themselves and should include relevant information that would promote safety and that would aid in the prevention of similar crimes. The institution must include information about the crime that necessitated the warning so as to educate and empower the community of similar dangers in the environment. The Timely Warning Notice must also be reasonably likely to reach the entire community. Generally, the distribution is made via mass e-mail, posting of hard copy flyers and/or mass notification systems.

Institutions can be fined by the U.S. Department of Education for violations of the Clery Act. Each violation can potentially have a penalty of \$ 35,000. Currently proposed legislation may increase this penalty to \$150,000 per violation.

The issuance of Timely Warning Notices by state institutions for reported sexual assaults should provide prevention and educational information to the community for the intended purpose of preventing similar crimes from occurring, and thus safeguarding the community. The prevention information should be reviewed to ensure that blame is never placed on the victim/survivor.

**Anticipated Challenges to Implementation of Recommendation:**

The Clery Act articulates “serious or ongoing threat to the campus community” as the two most important determining factors when assessing whether or not an institution should issue a Timely Warning. Many argue that in non-stranger sexual assault, there is no ongoing risk or danger to the campus community. However, these situations are often very complicated and enough information is not generally immediately known to assess whether the danger was limited to the incident at question and if it represented a threat to the rest of the community.

**Case-by-case evaluation of facts and circumstances is critical.**

One of the primary functions of the Timely Warning Notice is expressly stated as prevention of the occurrence of similar crimes. The Timely Warning Notice for sexual assault cases should contain limited specific information pertaining to the crime to protect the identity of the victim /survivor and should be robust with prevention and educational information and resources pertaining to sexual assault, including an expressed statement of a zero tolerance for retaliation in any form for reporting such crimes. The Timely Warning Notice actually provides a unique

opportunity for education campus-wide about sexual violence, resources available to victims, and university policy.

**Implementation:**

Allow institutions to establish individual criteria. Criteria for Timely Warning Notices should be based on (3) factors:

1. Geographical location of the incident - Did the offense take place within Clery-reportable geography?
2. Timeliness of the report - Allow institutions to determine relevant timeliness. [An example might be: "If an incident is reported to police within 10 days of occurrence, a Timely Warning notice will be considered." In this example, protocol should allow for issuing a TWN outside of the ten day window for any credible report that fits a pattern or trend of similarly-reported offenses.]
3. Use the 99-1 content formula for Timely Warning Notifications. 1% of the information should be focused on the facts and details of the crime, while 99% of the Timely Warning should be prevention and educational information. (An example of a Timely Warning Notification focusing on education/ prevention of additional sexual assaults is attached.)

This rationale will be supported by law enforcement agencies that place strong emphasis on prevention and education. Victim/Witness program advocates and survivors of sexual assault would also support proactive preventative messaging in the form of a Timely Warning for acquaintance sexual assault cases. This demonstrates and supports an emerging and national best practice referred to as a 'Trauma-Informed Practice Approach'.

The following considerations are also recommended as best practices associated with Timely Warning issuance:

- Campus law enforcement agencies should meet collaboratively with sexual assault survivors, students, victim/witness specialists, and advocates to draft prevention language for inclusion into the Timely Warning that is accurate, effective, and sensitive. Doing this in a collaborative manner is a very effective way to establish language that is not offensive, insensitive, and/or irrelevant.
- Victims and survivors should be fully informed regarding the federal obligation of the institution to issue a TWN. Victims and survivors should also understand that the intention of issuing a TWN is to prevent additional sexual assaults from occurring. Prior to distribution of the TWN, an agency representative should attempt to share the notification's content with the survivor.

**Fiscal Impact:**

No fiscal impact, due to prior federal requirement since the 1990s, and non-revenue-generating

**Review Process:**

This best practice recommendation has been reviewed and contains feedback and input from the following groups / organizations:

- Alison Kiss, Executive Director, Clery Center for Security on Campus
- D. Stafford and Associates
- Margolis and Healy



John A Venuti &lt;javenuti@vcu.edu&gt;

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**Notice of Sexual Assaults – Off Campus**

1 message

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VCUALERT/GA/VCU <vcualert@vcu.edu>  
Bcc: javenuti@apps.vcu.edu

Tue, Oct 28, 2014 at 4:45 PM

**To the VCU and VCU Health System Communities,**

**In compliance with the provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act of 1988, Virginia Commonwealth University is giving notice of three sexual assaults.**

**On October 26, 2014 at approximately 9:30 PM, the VCU Police Department was notified of three reported sexual assaults. The assaults occurred during the early morning hours of October 26<sup>th</sup> during an off campus party at a private residence in the 1100 block of West Main Street. The survivors reported being provided with a beverage that caused them to become incapacitated. The suspects are known to the survivors. The VCU Police Department is currently investigating the incident.**

**VCU Police remind members of the community of the following:**

- **Alcohol and drugs may impair judgment, making it difficult to notice unsafe situations and intervene to help others. If either party is under the influence of alcohol or drugs, consent cannot be given.**
- **Sexual assault is non-consensual activity, ranging from unwanted touching to forced intercourse which can include sexual contact with someone who is impaired by alcohol, drugs, or any other intoxicant that impairs their judgment.**
- **Be on the lookout for suspicious people who may attempt to isolate someone who is intoxicated or has been drinking. Bystander intervention is a known tool to help to prevent campus sexual assault. Get involved if it's safe to do so, or go to a safe area and call for help.**
- **Engaging in any type of sexual activity without the explicit consent of your partner is sexual assault.**
- **Always seek verbal, sober, clear consent. Immediately stop sexual advances if the other person indicates no interest or if they say "no". Consent to one sexual act does not imply consent to another. The absence of a "no" does not mean "yes."**
- **Never pressure or coerce someone into engaging in sexual activity.**
- **Approximately 75% of rapes are committed by acquaintances (www.rainn.org).**

- **If you are ever in a situation where you are unsure or scared call VCU Police immediately.**
- **If you witness a situation that appears unsafe or makes you uncomfortable, intervene if it's safe to do so or go to a safe area and call for help.**

### **Be aware of tactics used:**

Tactics used to commit sexual assault include intruding into someone's personal space physically, isolation and "feeding" or encouraging alcohol and/or other drug consumption.

Although alcohol is the most commonly used drug to facilitate sexual assault, other tactics include adding drugs, such as GHB, Ketamine, or Rohypnol, to a person's drink to incapacitate them. GHB, also known as Liquid Ecstasy, relaxes a person's inhibitions, causes drowsiness, and may result in a loss of consciousness. Ketamine, also known as Special K, makes a person feel as if they are separated from their body and detached from reality. Rohypnol causes a person to become drowsy, dizzy, and lack motor control and coordination. Prescription drugs, such as benzodiazepines or anti-anxiety medications, are also sometimes used to incapacitate an individual.

**Using or requesting the use of birth control is not the same as consenting to sexual activity.**

**Develop a safety plan with friends. Help each other to stay safe by sticking together and making sure someone does not become isolated. Use safety apps, such as Circle of 6 and Live Safe to notify others if you feel unsafe, isolated or need assistance.**

- **Be alert and aware at all times when you are with acquaintances.**
- **Be aware of your surroundings and trust your instincts.**
- **Report all suspicious people and circumstances to the VCU Police Department.**

### **VCU's policies on sexual misconduct:**

Amnesty from Student Conduct for the Reporting Party- It is not the practice of the University to pursue disciplinary action against an accuser or witness for his or her improper use of alcohol or drugs (e.g., underage drinking), provided that such student is acting in good faith as a complainant or witness to the events of the alleged sexual misconduct.

VCU is obligated under federal law (Title IX, 20 U.S.C. § 1681(a)) to investigate reports of sexual misconduct, to take action to eliminate sexual harassment and sexual assault, prevent its recurrence and its adverse effects. Title IX protects any person from sex-based discrimination. The University will take measures in order to protect students' rights and personal safety. Such measures include, but are not limited to, modification of VCU living arrangements, academic accommodations, interim suspension from campus pending a hearing, and reporting to the local police.

**If you are the victim of a sexual assault many options are available to you;  
*Retaliation for reporting is strictly prohibited.***

If you have been the victim of a sexual assault, you are not alone. There are people at VCU, and in the Richmond community, who are here to support you. We encourage you to report it to VCU Police. After speaking with a specially trained officer, a criminal investigation can begin with your consent. VCU will also vigorously address sexual assault, harassment, or misconduct when committed by a VCU student or employee.

### **Reporting/Support Resources:**

For more information on filing a Title IX complaint, visit [www.titleix.saf.vcu.edu](http://www.titleix.saf.vcu.edu) or contact Dr. Reuban Rodriguez, (804) 366-1643 [rrodriguez@vcu.edu](mailto:rrodriguez@vcu.edu)

VCU Office of Institutional Equity: (804) 828-1347

<http://equity.vcu.edu/complaint/index.html>

**VCU Helpline: 888-242-6022 (toll free)**

VCU Sexual Assault and Domestic Violence Services 804-828-9355

<http://www.thewell.vcu.edu/>

**VCU Counseling Services 804-828-6200 (Monroe Park Campus)**

**804-828-3964 (MCV Campus)**

<http://www.students.vcu.edu/counseling/>

University Safety Case Manager 804-837-8753

<http://www.threat.vcu.edu/>

Title IX Coordinator for students, Dr. Reuben Rodriguez 804-828-8940

[http://www.students.vcu.edu/docs/sexual\\_misconduct.pdf](http://www.students.vcu.edu/docs/sexual_misconduct.pdf)

**VCU Police**

<http://www.vcu.edu/police/>

Emergency # 828-1234

Non-Emergency # 828-1196

**VCU Police Victim-Witness Specialist 828-6356**

**Officer Tricia Mozingo- [tmozingo@vcu.edu](mailto:tmozingo@vcu.edu)**

If you are not ready to report, or are unsure, please consider contacting a confidential counselor or victim advocate for yourself or a friend: own situation or someone you know:

VCU Counseling Services: 804-828-6200 (to speak with a counselor after hours, call 828-1234 and ask to be connected to an on call counselor).

The Greater Richmond Regional Hotline: 804-612-6126

LGBTQ Partner Abuse & Sexual Assault Helpline: 866-356-6998 (M-F, 8am-8pm)

To explore your options for reporting, counseling, support groups and other resources, please contact The Wellness Resource Center, to speak with an advocate: 804-828-2085

YWCA of Richmond 804-612-6126

[www.ywcarichmond.org/](http://www.ywcarichmond.org/)

**If you have general questions about the criminal justice process, even if you are not ready to report, you may contact Cynthia Micklem, Commonwealth's Attorney at: 804-646-8685**

Get involved in ending violence and supporting students who have been impacted by violence.

VCU Student Groups

- Sexual Assault & Violence Education-Students (SAVES) 804-828-9355

- Men Against Violence (MAV) 804-828-9355

**Students, faculty and staff are encouraged to share this information with other members of the community, and are asked to be aware of their surroundings, report suspicious activity to police and use the campus RamSafe transportation service by calling 804-828-SAFE (7233).**

**Anyone with information pertaining to this crime can contact the VCU Police Department at**

<https://mail.google.com/mail/u/0/?ui=2&ik=17e113e5f9&view=pt&search=inbox&th=149588303eec44a9&siml=149588303eec44a9>

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10/29/2014

Virginia Commonwealth University Mail - Notice of Sexual Assaults – Off Campus

**(804) 828-1234 or text VCUTIP to 274637 anonymously.**

**You can also download the Live Safe mobile safety application for free and submit information directly to VCU Police.**

Why am I receiving this email? Virginia Commonwealth University is dedicated to promoting a safe and secure environment for learning, living, working or visiting. This notification is part of our efforts to prevent and solve crimes. To report a crime in progress or an emergency on campus, call 804 828-1234. For off campus emergencies, dial 911. VCU's annual safety report is available at: [http://www.vcu.edu/police/2011\\_safetyreport.pdf](http://www.vcu.edu/police/2011_safetyreport.pdf). Maps of the core campus and VCU Police jurisdiction for each campus are available for review. View the Monroe Park Campus at: <http://www.police.vcu.edu/docs/MonroeParkMap.pdf> and the MCV campus at: <http://www.police.vcu.edu/docs/MCVCampusMap.pdf>.

<https://mail.google.com/mail/u/0/?ui=2&ik=17e113e5f9&view=pt&search=inbox&th=149588303eec44a9&siml=149588303eec44a9>

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Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 7**  
**Law Enforcement Subcommittee**

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**Recommendation Summary:**

Virginia will sponsor pilot sites in the Commonwealth for implementation of the You Have Options program in at least two law enforcement agencies.

**Need:**

There is a need to increase the number of sexual assault victims who make reports to law enforcement. Sexual assault victims have had control over their own bodies taken away from them by their assailant and are frequently reluctant to engage a process in which they believe they will have no control. If increased reporting is the goal, victims require a trauma-informed response and a feeling of regained control to trust the criminal justice system.

Recognized in September of 2014 in the Office of the Vice President's publication, "1 is 2 Many: Twenty Years Fighting Violence Against Women and Girls," as a VAWA-funded promising practice, the "You Have Options" Program ([reportingoptions.org](http://reportingoptions.org)) out of the Ashland (OR) Police Department provides sexual assault victims with a variety of different reporting options when they reach out to law enforcement after a sexual assault. Described by program founder Detective Carrie Hull as a "partnership between the victim and law enforcement", You Have Options espouses a trauma-informed response philosophy. Investigators are trained in Forensic Experiential Trauma Interviewing (FETI) to strengthen victim recall and minimize traumatic response to the interview process. Within the You Have Options program framework, law enforcement agencies offer three options for reporting sexual assault:

- **The Information Only** report includes any report of sexual assault where, at the reporting party's request, no investigative process beyond a victim interview and/or a complete or partial Inquiry into Serial Sexual Assault (ISSA) is completed.
- **A Partial Investigation** includes any report of sexual assault where some investigative processes beyond the victim interview and a complete or partial Inquiry into Serial Sexual Assault (ISSA), have been initiated by law enforcement. This may include, but is not limited to, interviewing of witnesses and collection of evidence such as a sexual assault forensic examination (SAFE) kit.
- **A Complete Investigation** includes any report of sexual assault where all investigative procedures necessary to determine if probable cause exists for a criminal offense have been initiated and completed.

The You Have Options program helps restore a victim's sense of control by providing information and choices in the way they report and a guarantee that the report will be handled by trauma-informed law enforcement using evidence-based investigative techniques. The program has met with great success. Victims feel more comfortable coming forward and prosecutors ultimately have stronger cases with more cooperative victims who are fully engaged in the prosecution process. As a result of implementing the program, the Ashland Police Department reported a **106% increase** in sexual assault reporting.

In relation specifically to campus sexual assault, Southern Oregon University developed a companion program called Campus Choice <http://www.sou.edu/campuschoice/index.html> which, among other things, specifies confidential advisors who can assist victims with reporting only to the institution, only to law enforcement, or to both.

#### **Anticipated Challenges to Implementation of Recommendation:**

Some may argue that law enforcement already has anonymous reporting through the use of department websites or that giving victims the option to report information anonymously limits the possibility of future prosecution. Prosecutors may be reluctant to support the program out of concern with the level of victim input in the investigation timeline; however, the Association of Prosecuting Attorneys has recently recognized the You Have Options program as an "Innovation in Criminal Justice".

#### **Implementation:**

It is recommended that at least two Virginia law enforcement agencies (campus law enforcement agencies and/or municipal law enforcement agencies with at least one campus in their jurisdiction) pilot the full You Have Options program. Additionally, the You Have Options program materials are helpful resources for development of curricula and policies grounded in trauma-informed victim response, even for agencies not officially operating under the "You Have Options" banner. Data gathered during a pilot of the program with regard to any increases noted in reporting and impact on conviction rates, as well as feedback from stakeholders, particularly victims and survivors, would be useful in determining the value of program expansion.

In researching the You Have Options/Campus Choice Programs, various stakeholders were consulted including students, deans, local sexual assault center staff, a forensic nurse, a member of the Virginia Sexual and Domestic Violence Action Alliance, member of the Virginia Victim Assistance Network and several local law enforcement leaders, all of whom were very supportive of the program's processes and philosophy. If executed with fidelity to trauma-informed training, the program could go a long way in changing the misperceptions many sexual assault victims have about the criminal justice system and ultimately eliminate barriers to reporting.

**Fiscal Impact:**

This recommendation does have a potential fiscal impact, as funding for training for participating law enforcement agency personnel and IT resources for development of a website where victims could submit reports would potentially be required.

Governor Terry McAuliffe’s Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 8**  
**Law Enforcement Subcommittee**

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**Recommendation Summary:**

Implement a statewide “Start by Believing” campaign in which the Attorney General and the Governor become the faces of the Start by Believing public awareness campaign to combat attitudes that prevent sexual assault victims from reporting to law enforcement or getting help from local and state resources.

**Need:**

Adopting a Start by Believing campaign ([startbybelieving.org](http://startbybelieving.org)) can go a long way towards building the trust sexual assault victims need to report to law enforcement and other officials.

A victim’s first disclosure after a sexual assault is typically to a family member or friend, and often the initial response that she or he receives has a tremendous impact on the arc of recovery. When met with non-supportive, blaming, or judgmental responses, victims often choose not to reach out for further services through on-campus resources, local sexual assault centers, or the criminal justice system. The Start By Believing public awareness campaign emphasizes that victim disclosure should be met with belief and support, since the first messages a victim receives upon disclosure are so vital.

In Kansas City, Missouri, and San Luis Obispo, California, police departments sponsored the campaign and saw dramatic increases in the number of hospital callouts and reports to law enforcement. There are campaigns in Utah, New Mexico, California, New York and Arizona. Locally, the City of Richmond sponsored a Start By Believing initiative citywide that included Mayor Dwight Jones signing a “Start By Believing Day” proclamation to commemorate Sexual Assault Awareness Month and Victims’ Rights Week at a ceremony that included several local law enforcement representatives, the Richmond Commonwealth’s Attorney’s Office, and the Office of the Attorney General. The goal of statewide adoption of the Start By Believing program would be a reduction in negative attitudes about sexual assault victims and negative attitudes about the criminal justice response to victims that could result in increased reporting to law enforcement.

**Anticipated Challenges to Implementation of Recommendation:**

There may be some misconceptions from law enforcement about the campaign. It is important to recognize that negative perceptions about victims and victim-blaming attitudes reduce a victim’s likelihood of reporting, impede investigations, and ultimately prevent offenders from being held accountable. Well-trained law enforcement professionals are capable of

investigating the crime thoroughly while simultaneously treating the victim with dignity and respect through a trauma-informed response.

**Implementation:**

The Start By Believing campaign has significant potential as an ongoing statewide awareness campaign. In addition to the Governor and Attorney General, other state-level political leaders and high-profile Virginians (e.g., Secretaries, First Lady, members of the General Assembly) could help raise awareness by participating in the campaign. At the local level, the campaign materials can be tailored to feature local political and community leaders.

Victim advocacy groups including the Virginia Sexual and Domestic Violence Action Alliance and the Virginia Victim Assistance Network are likely to support the public awareness campaign as it could benefit all sexual assault victims.

**Fiscal Impact:**

The fiscal impact of this campaign would be minimal, as most of the promotional materials are provided at no expense by the Start By Believing Campaign. Additional costs may come in the form of the production of public service announcements.

**Appendix C**  
**Cultivating a Coordinated and Trauma-Informed Response**  
**Recommendations 9 - 15**

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 9**  
**Law Enforcement Subcommittee**

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**Recommendation Summary:**

Creation of Campus Sexual Assault Response Teams (SARTs)

**Recommendation:**

1. Amend the title of Virginia Code § 23-9.2.10 to add "Sexual Assault Response Team" after Violence prevention committee; threat assessment team.
2. Amend paragraphs A, B and D of Virginia Code § 23-9.2.10 to add "**private nonprofit institutions of higher education**" to the mandates applicable to public institutions of higher education.
3. Amend paragraph A of Virginia Code § 23-9.2.10 to specify "**sexual assault, dating violence, domestic violence, and stalking**" in prevention policies and procedures.
4. Amend paragraph B to **specify "sexual assault, dating violence, domestic violence, and stalking"** in the responsibilities of the committee charged with education and prevention of violence on campus.
5. Amend paragraph B to add to the members of the committee charged with education and prevention of violence on campus **representatives of victim advocacy and health and wellness centers**.
6. Amend Virginia Code § 23-9.2.10 to include a new paragraph (F) mandating the establishment of a campus sexual assault response team (SART):

Each public and private nonprofit institution of higher education shall establish a sexual assault response team (SART) to ensure that a coordinated campus response is in place to provide immediate support and information to victims about options; to increase the likelihood of reports of sexual assault; to increase the identification and prosecution of sexual offenders; and to decrease the re-victimization of victims and survivors. Each SART shall include the Title IX coordinator, representatives from campus law enforcement, or campus security and the local law enforcement agency responsible for responding to the institution if there is not a campus law enforcement agency; on and off-campus victim advocates; sexual assault nurse examiners (SANE) or forensic nurse



examiners (FNE); and student affairs professionals. Ancillary members of the SART may include representatives from the Commonwealth Attorney's office and others as deemed appropriate by the institution.

The SART shall review and implement the intervention and response policies of the violence prevention committee with respect to sexual assault, except for the review and reporting responsibilities of the review committee, established July 1, 2015 pursuant to Virginia Code Sec. 23-9.2:15. The SART shall work with other campus and community resources as needed to provide a coordinated response to campus sexual assault and shall be guided by the model policies and protocols for SARTs established by the Department of Criminal Justice Services, pursuant to Virginia Code § 9.1-102(45).

7. Amend Virginia Code § 23-9.2:10 to add a new paragraph (G) providing an exemption to the establishment of a campus SART:

Institutions of higher education shall not be required to establish a SART if: a) a community SART has been established as part of the multidisciplinary response to criminal sexual assault under the auspices of the attorney for the Commonwealth, pursuant to Virginia Code § 15.2-1627.4; b) the community SART includes the membership as mandated in Paragraph (F); and c) the community SART provides the same functions as mandated in Paragraph (F).

**Need:**

A coordinated response to campus sexual assault is essential to provide support and options to victims and survivors, increase sexual assault reporting, increase identification and prosecution of sexual offenders, and decrease re-victimization of survivors.

SARTs benefit victims and institutions of higher education by:

- Ensuring that victims have the most comprehensive services available and understand all of their options
- Helping bring perpetrators to justice
- Providing a forum for discussion and problem solving for service providers, investigators, and prosecutors
- Assisting institutions in creating coherent, consistent and effective protocols
- Complying with the federal Title IX and Clery Act requirements; improving communication and fostering working relationships among those charged with responding to campus sexual assault
- Enhancing campus safety

**Problem:**

The current legal requirement (Virginia Code § 15.2-1627.4) for coordination of a multidisciplinary response to sexual assault is insufficient. The law requires the Commonwealth's Attorney to coordinate the establishment of a multidisciplinary response to

criminal sexual assault and to hold an annual meeting to (i) discuss implementation of protocols and policies **for sexual assault response teams** consistent with those established by the Department of Criminal Justice Services pursuant to subdivision 45 of Virginia Code § 9.1-102; and (ii) establish and review guidelines for the community's response.

- Although required to discuss protocols and policies for sexual response teams, such teams are NOT required under current Virginia law in the localities or at institutions of higher education.
- Participation in these multidisciplinary meetings is not required and is often sparse at best. In addition, the list of those invited does not include the Title IX Coordinator or other campus representatives, other than the chief of campus police.
- In practice, it appears that the law is being satisfied, if at all, by holding an annual meeting. These meetings are not designed to provide immediate and consistent reporting options for students, to support to the victim, and appear not to be providing the coordinated response that is needed.

#### **Anticipated Challenges to Implementation of Recommendation:**

If the existing community SART is functioning well, it may be able to incorporate into the team the needs of the institution so that an additional campus team would not be necessary. SARTs existing under current law could meet the requirements of the proposed legislation; however, they would need to include the membership specified in the proposed legislation and implement the campus policies with respect to campus sexual assault. The exemption provided in the recommendation is intended to address this concern.

#### **Implementation:**

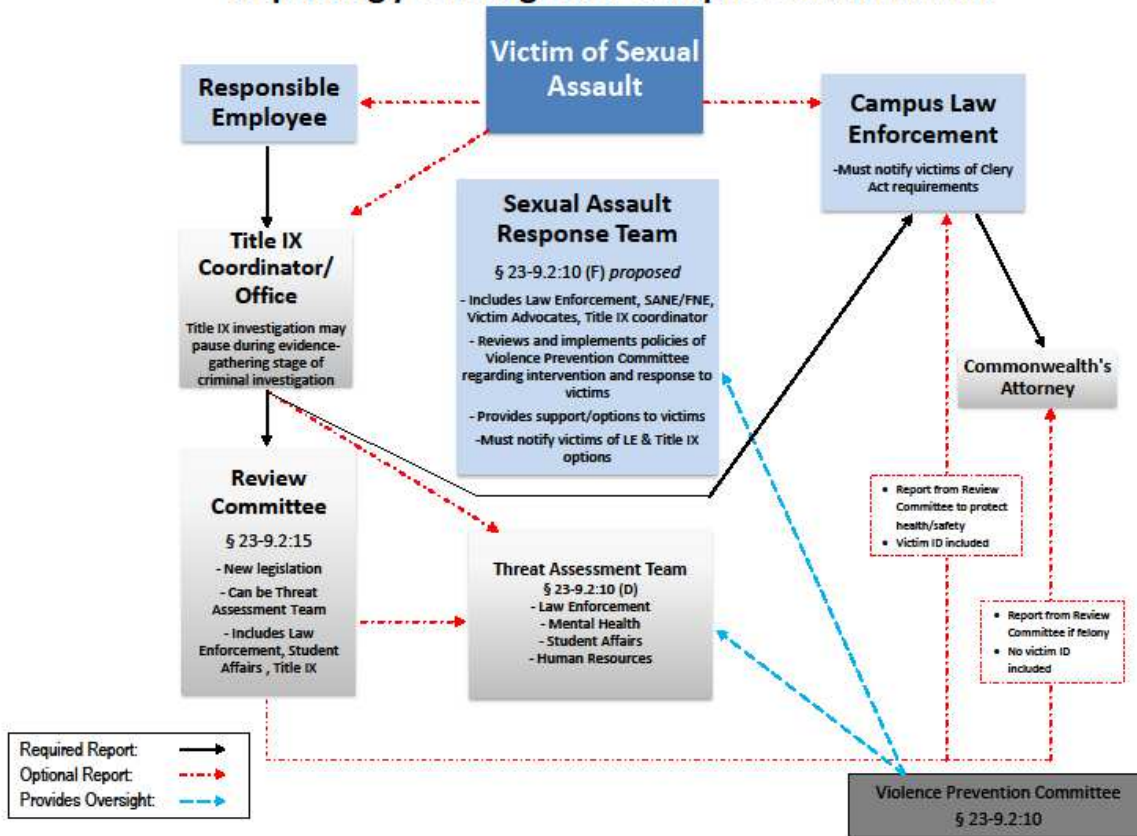
Legislation would be needed to implement this recommendation.

The State Council of Higher Education for Virginia (SCHEV), campus administrators, and the Virginia Association of Campus Law Enforcement Administrators (VACLEA) would likely support this bill because this amended legislation would allow campuses to implement the SART and provide consistent, coordinated, transparent, and appropriate responses to students who have been a victim of sexual violence.

#### **Fiscal Impact:**

There would be little fiscal impact for this recommendation because institutions would be utilizing the existing personnel. Most private and public nonprofit institutions are complying with the threat assessment legislation. This recommendation would not generate revenue and it will not require a budget amendment.

## Reporting / Oversight for Campus Sexual Assault



**Chart 1:** The chart above depicts the campus SART proposed in Recommendation 9 and illustrates how it fits with current campus entities.

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 10**  
**Law Enforcement Subcommittee**

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**Recommendation:**

The Department of Criminal Justice Services (DCJS) should establish and provide curriculum and training on Trauma-Informed Sexual Assault Investigation for law enforcement and related investigatory personnel. This training should also cover the obligations of institutions under Title IX, the Clery Act, and the Violence Against Women Act. The training should be multi-disciplinary to include law enforcement, Title IX coordinators and investigators, campus law enforcement, local law enforcement, prosecutors, victim advocates, and forensic nurses. Best practices for conducting a coordinated response should be developed, maintained and made available. Likewise, models such as the You Have Options Program (<http://www.reportingoptions.org>) should be considered when looking for best response practices. These programs can help allay the concerns of victims when it is imperative that they maintain some sense of control.

**Need:**

With a better understanding of the parameters of each process, Title IX and law enforcement / judicial professionals can work collaboratively to be more effective. Providing training that highlights timelines and opportunities for the reduction of duplication of effort and investigatory overlap would be beneficial for entities involved in investigations of reports of sexual violence. Although on and off-campus response processes work toward the same goals, there remains a lack of understanding of the federal, state, and institutional requirements by which all parties must abide. As a result, professionals charged with executing each process can inadvertently hinder each other's progress, overexpose the victim, and put thorough investigations at risk.

To that end, best practices developed should involve consideration of the following:

**Reporting**

- Upon receiving a report, the victim or reporting party should receive clear information regarding the various investigations and adjudication processes, and be provided whatever assistance possible should the reporting party wish to refer the matter to law enforcement.
- The institution should not discourage a complainant from pursuing criminal prosecution.

- The institution should help the reporting party understand the importance of prompt collection of evidence using a PERK. In addition, the victim should be informed of the ability of the PERK evidence to be stored anonymously, to preserve the option of pursuing criminal charges even if the complainant is not prepared, at that time, to make such a decision.

If available, the victim should be informed of resources for independent victim advocates in the off-campus community.

- With the consent of the victim, the institution should immediately notify the law enforcement agency that would be responsible for investigating the incident. If the complainant has given an initial indication that he or she does not wish to pursue a criminal investigation, the institution should convene the review panel required by legislation passed by the 2015 General Assembly to determine if law enforcement should be notified regardless of the wishes of the victim. In addition, as required by the 2015 legislation, the campus police should report any felony sexual assault to the prosecutor without revealing any personally identifiable information.
- The complainant should be encouraged to speak with a law enforcement investigator while receiving assurances that after such a conversation it will remain the choice of the complainant whether he or she will move forward with a criminal investigation.
- If an initial report of a sexual assault involving a member of the university community is initially reported to local law enforcement or a Commonwealth's Attorney, they should immediately share the report with the institution.

### **Investigation Timetable**

- If a criminal investigation proceeds, the institution may temporarily pause the fact-finding portion of a Title IX investigation while the police are gathering evidence; however, campus officials are still obligated under Title IX to act immediately to provide assistance and remediation to the complainant, and to ensure the safety of the campus. To the extent possible, they should do so in a manner consistent with reasonable requests from law enforcement personnel.
- While Federal law and guidance does not permit an institution to delay a Title IX investigation indefinitely. Once the initial evidence-gathering stage has been completed by law enforcement, the institution should be notified and must immediately recommence the Title IX investigation and fulfill its obligations under Federal Title IX requirements.<sup>6</sup>

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<sup>6</sup> See, Questions and Answers on Title IX and Sexual Violence (April 29, 2014), Question F-3 ("If a school delays the fact-finding portion of a Title IX investigation, the school must promptly resume and complete its fact-finding for the Title IX investigation once it learns that the police department has completed its evidence gathering phase of

## **Interview of the Complainant**

- Law enforcement and campus personnel should use a trauma-informed process for speaking with victims of sexual assault, cognizant of the now-well-documented effects of trauma on memory and the need for sensitivity in questioning about traumatic events. Every effort should be made to minimize the number of times a complainant must recount his or her story.

After an initial report is received, the institution should coordinate with law enforcement in conducting an initial interview in which the complainant provides his or her account of events. Law enforcement and/or the Commonwealth's Attorney should generally allow a university Title IX official to be present for that interview or should provide a recording or transcript to the Title IX official immediately afterward. Law enforcement should recognize that the university investigators may be required by obligations under federal law to ask different and additional questions.

## **Interview with other witnesses and the respondent**

- Law enforcement and/ or the Commonwealth's Attorney may have a legitimate interest in holding off interviewing witnesses or the respondent until other elements of the investigation have been first completed, so as to avoid "tipping off" key parties about the investigation. In general, university officials should honor such requests until the completion of the initial evidence gathering phase of the investigation. However, university officials should not be asked to take steps that would put them at risk of violating their Federal obligations for timely notice of a potential ongoing threat to the community.

## **Anticipated Challenges to Implementation of Recommendation:**

While opposition should be minimal it is important to note that autonomy to deal with the differences in campus environments, student populations, and law enforcement agencies must be taken into account when developing model best practices or implementing pilot programs. All of the individuals involved have extensive training and professional requirements, many Commonwealth's Attorneys may not have institutions of higher education within their jurisdictions, however they could, at any time, find themselves prosecuting a case that is also under Title IX investigation. Resistance would most likely be time/resource-based rather than substantive objection.

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the criminal investigation. The school should not delay its investigation until the ultimate outcome of the criminal investigation or the filing of any charges. OCR recommends that a school work with its campus police, local law enforcement, and local prosecutor's office to learn when the evidence gathering phase of the criminal investigation is complete.")

**Implementation:**

While best practices will need to be developed in coordination with statutory changes and in conjunction with federal guidance and law, there should be no need for further legislation. Mandating training would require legislation; encouraging training without a legislative mandate could be a good first step. Efforts to adopt models aimed at fostering increased reporting could be voluntary with training provided in addition to piloting models such as the You Have Options Program. Proponents would likely include higher education professionals and victim advocates, recognizing that a coordinated approach benefits all parties and creates an atmosphere conducive to increased reporting.

**Fiscal Impact:**

Training for law enforcement and related investigatory personnel should be developed and provided by DCJS. DCJS should work with the State Council of Higher Education for Virginia (SCHEV) to assure the full participation of the appropriate individuals from each institution of higher learning in the state. Periodic updates to training content would be dealt with in the same manner as initial development. If charges apply for the training it could potentially generate revenue. DCJS would need to be consulted to ascertain whether or not a budget amendment would be required and at what level. DCJS would need to provide comprehensive training for investigators on the forensic experiential trauma interview and other evidence based investigation techniques for sexual assault.

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 11**  
**Response Subcommittee**

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**Recommendation Summary:**

Courses offered in the Commonwealth for Sexual Assault Nurse Examiners (SANE)/Forensic Nurse Examiners (FNE) should follow the SANE Education Guidelines as set forth by the International Association of Forensic Nurses. In addition, SANE nurses practicing in Virginia should be certified SANE-Adult (SANE-A), SANE-Pediatric (SANE-P).

**Need:**

Trauma-informed exams and the collection of evidence are crucial steps in the response to reports of sexual violence. The International Association of Forensic Nurses has well-defined education guidelines for the training of forensic nurses in exams and evidence collection. Use of these guidelines is recommended for all courses offered to individuals seeking to be SANE-A and/or SANE-P.

Responding appropriately to reports of sexual violence requires specialized training for providing appropriate response and support to victims who make the choice to report. Victim-centered, trauma-informed training is necessary for all on and off-campus medical personnel to whom a victim might make a report.

It is recommended that institutions engage in a Memorandum of Understanding (MOU) with an area hospital whose personnel are qualified to perform a Physical Evidence Recovery Kit (PERK) exam for collection of evidence for use in criminal investigations. It is recommended that the exam be performed by a Sexual Assault Nurse Examiner (SANE) or Forensic Nurse Examiner (FNE).

**Anticipated Challenges to Implementation of Recommendation:**

Specialized training requires resources. Challenges include identifying appropriate trainers who can deliver training in trauma response to medical professionals.

**Implementation:**

Victims and victim advocates will support the implementation of trauma training for responders. Institutions will need to identify the appropriate personnel to receive the training and from whom. Training content should be reviewed by victim advocates for appropriateness and follow the educational guidelines set forth by the International Association of Forensic Nurses.



**Fiscal Impact:**

Training requires resources. Institutions ought to partner with each other, the local sexual assault crisis services organization, and state agencies for coordinating training. The investment of time and financial resources is necessary to fully implement a comprehensive and thorough training program for individuals who might be involved in responding to or investigating a report of sexual violence.

**References:**

International Association of Forensic Nurses, Sexual Assault Nurse Examiner (SANE) Education Guidelines, 2013.

International Association of Forensic Nurses, SANE-A and SANE-P, Certification Examination Handbook, 2015.

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 12**  
**Response Subcommittee**

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**Recommendation Summary:**

Colleges and universities will formalize partnerships with local sexual assault crisis centers using a Memorandum of Understanding (MOU) or other agreement between the parties.

**Need:**

Victim advocacy programs and rape crisis centers are community-based organizations that provide victim advocacy and support services to victims of sexual violence including dating violence, domestic violence, and stalking. Services generally include 24-hour crisis intervention, medical and legal advocacy, and counseling for survivors. Many rape crisis centers also conduct professional training about sexual violence, provide community education, develop prevention programming, and help other organizations develop policies to address sexual violence. Most rape crisis centers are nonprofit organizations, although some are part of governmental social service agencies.

The scope of the partnership will vary according to the needs of the institution and the capacity of the rape crisis center. For instance, providing confidential victim services is an essential part of an institution's response to sexual violence, yet institutions vary widely in their ability to provide these services on their campus. By working with a rape crisis center, institutions can fill gaps and expand the provision of victim services.

Institutions benefit from the expertise of rape crisis centers when developing prevention campaigns and providing training to students, faculty members, and staff. Institutions should invite rape crisis centers to actively participate in the schools' sexual assault response team (SART) or other coordinated team effort.

**Anticipated Challenges to Implementation of Recommendation:**

Not all communities in the Commonwealth have sexual assault crisis centers geographically located within their community; however, a sexual assault crisis center serves every community. If the local center is unable to take on additional work, the state domestic and sexual violence coalition, the Virginia Sexual and Domestic Violence Action Alliance (VSDVAA), may be able to serve as a partner for some purposes. Reimbursing rape crisis centers and the coalition for their services is a best practice.

**Implementation:**

VSDVAA and its member agencies will support this recommendation.

**Fiscal Impact:**

A budget amendment would not be needed to develop MOUs between campuses and sexual assault crisis centers. Reimbursing rape crisis centers and the state coalition for their services is a best practice. If colleges are not able to do so, the state would have to ensure adequate funding to support such services.

## **Sample Memorandum of Understanding**

This Memorandum of Understanding (MOU) is entered into by Rape Crisis Center and College. The MOU formalizes the commitment of the parties to work together to provide trauma-informed services to student and employee victims of sexual assault and to improve the overall response to sexual assault at College. The parties share the goal of preventing sexual assault on campus and in the community, and responding appropriately to students and employees who have been victimized.

### **I. Description of the Partner Agencies**

Rape Crisis Center is a nonprofit, community-based organization dedicated to the elimination of sexual violence in all its forms. Rape Crisis Center provides free, confidential services including a 24-hour hotline, therapeutic services, medical and legal advocacy, community education and training for professionals. Through direct services and education, Rape Crisis Center provides services to more than [insert number] individuals annually. Rape Crisis Center provides empowerment-based services that focus on healing, support, and justice for victims of sexual assault.

College was founded in [year], and serves [enrollment number] students. Its mission is to provide high-quality education in a safe learning environment.

### **II. History of Previous Collaboration**

College and Rape Crisis Center have collaborated for the [insert the length in years of the collaboration] on programs to prevent sexual violence on campus. Rape Crisis Center has conducted [insert number] on-campus educational programs for students of College and provided professional training for health center staff. This MOU builds on the previous collaboration to provide services to victims and training to additional school officials.

### **III. The Role of the Rape Crisis Center**

Rape Crisis Center agrees to:

- a) Appoint a qualified Coordinator of Services to focus on making services accessible to and appropriate for students and employees referred by College.
- b) Make 24-hour rape crisis hotline services available to students and employees of College.
- c) Provide confidential crisis intervention, counseling, information and referral, and

accompaniment to medical and legal services as requested by students and employees.

- d) Provide students and employees of College with information about how to file a complaint with the College and how to report a crime to campus or local law enforcement and offer to assist students and employees with filing a complaint or report.
- e) Provide College with general information about incidents of sexual violence and other reportable offenses for inclusion in its annual Clery Act security report and to help the College identify patterns or systemic problems related to sexual violence.
- f) Conduct victim satisfaction surveys or use other methods to assess the effectiveness of the services provided to students and employees.
- g) Meet regularly with the school's Title IX Coordinator or designee to share information about: the needs of victims, trends in sexual assault services provided, additional services that are needed by students and employees, and the effectiveness of the school's sexual assault prevention and response program.
- h) Provide [specify hours] of training to College health care and student services staff, officials involved in student conduct proceedings, and campus law enforcement on the incidence and prevalence of sexual assault, myths about sexual assault, the physical and emotional effects of sexual assault on victims, the neurobiology of trauma, and appropriate methods for interviewing and communicating with victims.
- i) Assist schools with the development and provision of prevention programming and training to faculty members, students and school officials.
- j) Participate in College sexual assault response team (SART) or other coordinated team effort.

#### **IV. The Role of College**

College agrees to:

- a) Identify a central point of contact for Rape Crisis Center staff to facilitate referrals for confidential services.
- b) Provide training to Rape Crisis Center staff about: on-campus resources that are available to student and employee victims of sexual assault; the federal and state requirements for colleges in responding to sexual assault; reporting procedures for victims who wish to file a report with campus law enforcement and/or a complaint with college officials; the student code of conduct and disciplinary process; and the educational accommodations that can be provided to victims of sexual assault.
- c) Provide printed and online materials about reporting options for students and employees, including information about how to file a complaint with the College and how to report a crime to campus or local law enforcement, the importance of seeking medical attention, the importance of collection and preservation of evidence; the available options for a protective order; the victim's rights to participate or decline to participate in any investigation to the extent permitted under state or federal law; the applicable federal or state confidentiality provisions that govern information

provided by a victim; and the available on-campus resources and any unaffiliated community resources, including sexual assault crisis centers, domestic violence crisis centers, or other victim support services.

- d) Inform the Rape Crisis Center about the reporting obligations of school employees and identify those school employees with whom students can speak confidentially (and any exceptions to that confidentiality).
- e) Inform the Rape Crisis Center about the school's prohibitions on retaliation, how allegations of retaliation can be reported, and what protections are available for students who experience retaliation.
- f) Ensure availability of the Title IX Coordinator or designee to meet regularly with Rape Crisis Center Coordinator.
- g) Meet regularly with the Rape Crisis Center director or designee to share information about: the needs of victims, trends in sexual assault services provided, additional services that are needed by students and employees, and the effectiveness of the school's sexual assault prevention and response program.
- h) Compensate Rape Crisis Center for services provided. [Attach compensation agreement.]

#### **V. Confidentiality**

Rape Crisis Center and College affirm the importance of providing students with options for confidential services and support. All services provided by Rape Crisis Center to students and employees of College will be kept confidential except in the following circumstances:

- a) If the student or employee wants information shared with College or campus security, campus or local law enforcement, Rape Crisis Center will obtain informed consent for release of the information. When releases of information are required, they will be written, informed, and reasonably time-limited.
- b) Rape Crisis Center will provide College aggregate data about incidents of sexual violence and other reportable offenses to include in its annual Clery Act security report and to help the College identify patterns or systemic problems related to sexual violence. No personally identifying information will be provided for Clery Act purposes. The Rape Crisis Center will consult with victims regarding what information needs to be withheld to protect their identity.
- c) If the federal or state law requires disclosure because there is an imminent risk of harm to self or others, the Coordinator will determine: who will be notified; in what form; what information will be provided to the victim regarding this disclosure; and what steps will be taken to protect the victim from the imminent risk.

#### **VI. General Provisions**

This section includes the College's required language for MOUs.

By \_\_\_\_\_  
President, College  
Date \_\_\_\_\_

By \_\_\_\_\_  
Executive Director, Rape Crisis Center  
Date \_\_\_\_\_

**Recommendation 13**  
**Law Enforcement Subcommittee**

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**Recommendation Summary:**

Amend Virginia Code Section 23-234 (B) to require that all public and private institutions of higher education that have a campus police force established pursuant to Chapter 17 of Title 23 become a party to a memorandum of understanding (MOU), rather than or in addition to the currently required mutual aid agreement, with either an adjacent, local law enforcement agency or with the Virginia State Police; and that an MOU with an adjacent, local law enforcement agency will address sexual assault, including law enforcement prevention efforts, sharing of reports, responsibility for and timing of investigations, and training.

Best practices for the development and content of the MOUs between institutions of higher education and local law enforcement agencies would include the following:

1. Development/Review of MOUs

The development of a new MOU, or review of an existing MOU, should be an inclusive process, with input from the law enforcement community and others on campus and in the locality with a role in preventing and responding to reports of sexual assault on campus or involving students in the locality.

2. Purpose

Each MOU should have a clear statement of its purpose.

3. Prevention

The MOU should acknowledge that campus police and local law enforcement have a role in helping to prevent campus sexual assault and provide a description of their coordinated prevention efforts.

4. Sharing Reports of Sexual Assault

Safety is enhanced when campus police and local law enforcement share information about reports of sexual assault on campus and in the locality. MOUs should provide for the timely sharing of reports of sexual assault in the possession of campus police and in the possession of local law enforcement to meet this goal of enhanced safety as permitted by state and federal law.

5. Investigation

The MOU should specify which law enforcement agency will have the primary investigative responsibility when a report of a sexual assault occurring on campus, or

involving a student off-campus, is made. In some instances, there may be provisions for concurrent jurisdiction. Because these investigations involve allegations of crimes, including felonies, law enforcement agencies are in the best position to conduct the investigation. The nature of the mutual aid that the law enforcement agencies will provide to each other should be included.

The following should be addressed in the MOU:

- Providing information to the victim about options and support
- Responsibility for transporting the victim for medical services if the victim so chooses, including a sexual assault forensic evidence exam
- Responsibility for collection and preservation of evidence
- Timing and responsibility for interviewing the victim, witnesses, and possibly the accused
- Procedures involving the Sexual Assault Response Team
- Coordination with the Title IX investigation, including the timing of the law enforcement and Title IX investigations, which may provide for the Title IX investigation to pause while the lead law enforcement agency undertakes the evidence-gathering stage of an investigation

#### 6. Training

It is critical that law enforcement officers have specialized training in responding to reports of sexual assault. Federal law requires annual training for campus law enforcement officers about sexual assault and domestic violence. There is no such requirement for local law enforcement officers. The MOU should discuss the training that campus law enforcement officers receive about trauma-informed investigations and could provide for cross-training with local law enforcement officers.

#### 7. Duration of the MOU and Signatories to the MOU

The MOU should be reviewed and renewed at least every two years. Because current law requires that the institution of higher education is a party to mutual aid agreements, the MOU should be signed by a representative of the institution of higher education and the chief of the campus police department, as well as by the chief of the local law enforcement agency, or by the Superintendent of the Department of State Police.

#### **Need:**

An MOU is a tool to support communication and collaboration that sets forth the roles and responsibilities of the parties with respect to the prevention and investigation of crimes occurring on campus and involving students in the locality. The MOU is designed to enhance public safety and to assist law enforcement agencies, victim advocates, campus officials, and Commonwealth's Attorneys to work together effectively to support sexual assault victims, to conduct timely and fair investigations, and to successfully prosecute perpetrators, if victims so choose.



No single MOU will meet the needs of each institution of higher education. This recommendation is designed to assist in the review of existing MOUs and the development of new MOUs, drawing on work done by the White House Task Force to Protect Students from Sexual Assault, and based on a review of existing MOUs and mutual aid agreements in Virginia.

Virginia law provides that all public or private institutions of higher education that have a campus police force established in accordance with the provisions of Chapter 17 of Title 23 of the Code of Virginia shall have mutual aid agreements with the adjacent, local law enforcement agency, or with the Virginia State Police in the case of, among other crimes, felony sexual assault. Virginia Code § 23-234 (B). Currently, many institutions of higher education have mutual aid agreements with local law enforcement agencies. However, most of these agreements are pro forma and are not specific about prevention efforts, sharing of reports, responsibilities during an investigation, or training.

The Virginia State Police has an MOU in place with all but seventeen of Virginia's institutions of higher education. That MOU provides for reasonable investigatory support as needed and, upon request, has the Virginia State Police assume responsibility as the lead investigative agency in cases involving felony sexual assault.

**Anticipated Challenges to Implementation of Recommendation:**

This recommendation imposes an additional requirement on institutions to have an MOU with local law enforcement that specifically addresses sexual assault or with the Virginia State Police. This will require staff time to develop the MOU.

**Implementation:**

Assistance in reviewing and developing these MOUs could be provided by the proposed Advisory Committee, which is detailed in another recommendation of the Law Enforcement Subcommittee. This proposed Advisory Committee also could be a repository of the adopted MOUs, to ensure compliance with the proposed law, and to provide a resource for institutions of higher education.

House Bill 1785 amends Virginia Code Section 23-234 (B) to add a requirement that mutual aid agreements include a provision for the reporting of felony sexual assault investigations to the Commonwealth's Attorney. This language will need to be amended to conform to the recommendation for memoranda of understanding.

**Fiscal Impact:**

There is no fiscal impact. Staff from the each institution of higher education, the campus police department and the local police department will be needed to review an existing MOU or to develop a new MOU based upon this recommendation.

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 14**  
**Law Enforcement Subcommittee**

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**Background:**

Law enforcement is not required under Virginia law to accept responsibility for the receipt, transport, and/or storage of evidence without a report from the complainant. Under Executive Order 92 by Governor Timothy M. Kaine (2009), the Division of Consolidated Laboratory Services of the Department of General Services was directed “to accept and store evidence from Physical Evidence Recover Kits (PERK) received from health care providers provided that: the PERK examinations have been conducted by a health care provider on victims complaining of sexual assault under Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2...”

Sexual assault victims are not required to participate in the criminal justice system or cooperate with law-enforcement authorities in order to be provided with forensic medical exams. (Virginia Code § 19.2-165.1) Regardless of the victim's level of involvement with the criminal justice system, the expenses associated with evidence collection are covered by the Commonwealth of Virginia through the Criminal Injuries Compensation Fund. In cases of restricted reporting (sometimes called “blind” or “anonymous” reporting, where the victim has evidence collected but chooses not to file a report with law enforcement at the time of the forensic exam), many law enforcement agencies are unwilling to accept the resulting PERK to hold as evidence. In these situations, the PERK is mailed to the Division of Consolidated Laboratory Services (DCLS) for storage. In Virginia, PERKs held by DCLS are discarded after 120 days without notification to the victim.

**Recommendation Summary:**

Evidence should be retained by law enforcement in the jurisdiction where the crime is reported to have occurred, even in cases of blind reporting. Physical Evidence Recovery Kits (PERKs) should be retained for a minimum of two years, or in the case of a victim who is a minor, for a minimum of two years from the point the victim turns 18.

A best practice model for restricted reporting (blind reporting, anonymous) and evidence collection in Virginia would include the following:

- 1) Type of evidence that will be collected and stored
- 2) Length of time evidence will be retained (with regard to the statute of limitations or preferably, held indefinitely)
- 3) Handling and labeling of evidence
- 4) Pick-up and storage of evidence by law enforcement in the jurisdiction where the crime is reported to have occurred

- 5) Consent by the victim regarding collection, release of evidence, length of time evidence will be held and notification regarding disposal of evidence

**Need:**

For victims who choose not to report to law enforcement at the time of the forensic exam, the current Virginia guideline does not allow for collection of full clothing, urine, or blood specimens (for drug testing). As is evidenced by current research, clothing worn by the victim at the time of the assault or shortly thereafter may contain biologic evidence that may link an offender to the reported assault. Current research also supports that alcohol and drugs are likely to have been involved that could have rendered a victim unable to give consent. Being able to submit urine and blood specimens as possible evidence could help prove lack of ability to consent by the victim.

Currently, there is no set national guideline for the length of time evidence should be retained, with variation from state to state. With no statute of limitations for felony criminal sexual assault in Virginia, valuable evidence could be destroyed and unavailable for testing and usage as evidence should a victim decide to seek prosecution in the future. Processing of all PERKS could also potentially link serial cases, as evidence has shown that the majority of sexual assault is serial in nature.

End Violence Against Women International's (EVAWI) *Reporting Methods for Sexual Assault Cases* ([evawintl.org](http://evawintl.org)), the You Have Options Program's ([reportingoptions.org](http://reportingoptions.org)) *Retention of Sexual Assault Evidence*, the Cambria County, Pennsylvania's *Sexual Assault Protocol* (model protocol) and the U. S. Department of Justice Office on Violence Against Women's *National Protocol for Sexual Assault Medical Forensic Examinations-Adults/Adolescents* (2<sup>nd</sup> edition) ([ncjrs.gov/pdffiles1/ovw/241903.pdf](http://ncjrs.gov/pdffiles1/ovw/241903.pdf)) were reviewed and support the noted recommendations as best practices.

**Anticipated Challenges to Implementation of Recommendation:**

A counter argument might be that local law enforcement agencies have insufficient space to hold PERKS for longer periods or indefinitely, no matter which reporting process is chosen by the victim (blind/restricted or traditional reporting process). The Division of Consolidated Laboratory Services of the Department of General Services could provide current numbers of PERKS being stored and how many have been stored since requirement to store was initiated. Anecdotally, this number is reported as low by forensic nurses collecting evidence kits routinely across the Commonwealth of Virginia. Additionally, the Criminal Injuries Compensation Fund reports that the number of forensic exam payment requests they receive from medical facilities arising from restricted reporting cases is consistently between 4 – 5% of total forensic claims since they began handling the state's forensic exam payment in July 2008.

**Implementation:**

New legislation would be required mandating that law enforcement collect and store evidence in blind reporting cases. New legislation would be required mandating storage of PERKS,

indefinitely for felony sexual assault cases. A best practice model for sexual assault cases would contain specific criteria related to blind reporting and retention of evidence. Likely proponents of this recommendation would include advocacy programs and healthcare providers collecting PERKs.

**Fiscal Impact:**

This proposal would require law enforcement personnel resources to retrieve evidence after it is collected. This proposal would not generate revenue. A budget amendment would not be necessary.

Governor Terry McAuliffe’s Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 15**  
**Response Subcommittee**

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**Recommendation Summary:**

Conduct a study that results in establishing standards of care or metrics for response services and staff for responding to reports of sexual violence on campus (i.e. appropriate ratio of counselors and law enforcement officers to students).

**Need:**

Institutions of higher education are tasked with increased numbers of responsibilities, mandates, and expectations in responding to reports of sexual violence. Adequate resources are required to properly respond to reports of sexual violence, support complainants and respondents, and to comply with state and federal obligations. Establishing minimum standards of care would provide a benchmark for institutions to use when allocating resources for addressing reports of sexual violence. For example, the Commonwealth has established minimum standards for instruction outlined in Virginia Code § 22.1-253.13:2 (Standard 2. Instructional, administrative, and support personnel). A similar set of standards could be established for responding to reports of sexual violence. Below are data that assist in understanding the scope of need for responding to reports of sexual violence.

Enrollment Projections, State Council of Higher Education for Virginia (SCHEV)

Projected Total Public 4 Year: Fall Headcount Enrollment, On/Off Campus, All Students					
Year	2015-16	2016-17	2017-18	2018-19	2019-20
In-State	171,241	172,620	174,204	175,540	176,583
Out-of-State	48,596	49,241	49,823	50,354	50,739

Projected Virginia Community College System: Fall Headcount Enrollment, On/Off Campus, All Students						
Year	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
In-State	178,384	178,830	179,724	181,071	182,883	185,626
Out-of-State	8,726	8,747	8,790	8,855	8,946	9,080

For 2015-2016, the projected enrollments for all institutions in the Commonwealth is 542,680 students, with 187,577 (34.5%) of these students enrolled at the Virginia Community College System (VCCS). However, ratios establishing the number of law enforcement officers, counselors, and administrators needed to provide appropriate response services do not exist.

Establishing ratios and implementing appropriate resources would well serve complainants and respondents in their most vulnerable time. Listed below are several standards that outline the proper ratio of law enforcement personnel to students.

#### Law Enforcement Staffing Ratios:

- The Bureau of Justice Statistics 2004-2005 research  
Campus law enforcement averaged 3.8 campus law enforcement employees per 1,000 students <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=411>
- Municipal and township police departments averaged 2.3 full-time officers per 1,000 residents  
<http://www.bjs.gov/index.cfm?ty=tp&tid=71>
- University of California study of its Police Officers 2008  
1.03 per 1,000 students  
[http://annualreport.ucpd.ucla.edu/2008/universitywide/ratio\\_of\\_police\\_officers.html](http://annualreport.ucpd.ucla.edu/2008/universitywide/ratio_of_police_officers.html)
- Community Oriented Police Services (United States Department of Justice) conducted a comprehensive study (2011): *Establishing Appropriate Staffing Levels for Campus Public Safety Departments*. The study was completed at the request of the International Association of Campus Law Enforcement Administrators (IACLEA). “The ratio of officers to students in most universities is between 1.8 and 3 (full-time equivalent) officers per 1,000 students.” [http://cops.usdoj.gov/files/RIC/Publications/e061122378\\_Est-Approp-Stfg-Levels\\_FIN.pdf](http://cops.usdoj.gov/files/RIC/Publications/e061122378_Est-Approp-Stfg-Levels_FIN.pdf)

Campus police and security take on an array of functions that differ from non-campus police agencies. In addition to handling police-related calls, campus agencies respond to medical calls, emergency management calls, safety escorts, locking and unlocking doors, and engage in myriad community policing activities. A community-oriented approach is a proven strategy in combating campus sexual violence. A community-oriented approach stresses problem-solving with partners engaged in prevention, enforcement, and response. This approach requires time and attention beyond responding to calls for service. Many college police and security units cannot adequately provide the resources necessary for a robust response to sexual violence without negatively impacting other required duties and expectations. The ever-increasing demands required by Clery, Title IX, and additional legislation have placed substantial stress on campus police and security departments.

Frequently, the law enforcement and victim services personnel dedicated to preventing, enforcing and responding to incidents of sexual violence end up responding after hours, after having already worked a full day. Ultimately, the Commonwealth’s pledge to combat campus sexual violence is directly connected to its commitment to provide funding to campus police/security and victim services. A sample of victim services staffing ratios is below.

#### Victim Services Staffing Ratios:

- 2014 National Survey of Counseling Center Directors  
“The ratio of counselors to clients, on average, was 1 to 2081 students with smaller schools having much better ratios. This ratio is elevated because of the inclusion of two year school

ratios” and includes sexual assault counseling and many other services.  
[http://0201.nccdn.net/1\\_2/000/000/088/0b2/NCCCS2014\\_v2.pdf](http://0201.nccdn.net/1_2/000/000/088/0b2/NCCCS2014_v2.pdf)

- A 2011-2012 Association for University and College Counseling Center Directors study  
The ratio of certified mental health workers per student was 1:664 students for small colleges, 1:1,864 for mid-size colleges, and 1:2,731 for large universities.  
[http://files.cmcglobal.com/Monograph\\_2012\\_AUCCCD\\_Public.pdf](http://files.cmcglobal.com/Monograph_2012_AUCCCD_Public.pdf)
- The International Association of Counseling Services Inc. (IACS)  
“Every effort should be made to maintain minimum staffing ratios in the range of one F.T.E. professional staff member (excluding trainees) to every 1,000 to 1,500 students, depending on services offered and other campus mental health agencies.”  
<http://www.iacsinc.org//staff-to-student-ratios.html>
- An often cited 2003 report by Robert May recommends one counselor per 600 students in colleges and a 1:1000 ratio in universities with an average of five to six sessions per student. May, R. (2003). How much is enough?: Reflections on the Report of the Harvard provost's committee on student mental health services. Journal of College Student Psychotherapy, 17, 3-10. [http://www.tandfonline.com/doi/abs/10.1300/J035v17n04\\_02#preview](http://www.tandfonline.com/doi/abs/10.1300/J035v17n04_02#preview)
- As reported by the federal government, “one in five women is sexually assaulted in college” Not Alone, The White House Task Force to Protect Students from Sexual Assault: April 2014  
[http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CC0QFjAB&url=http%3A%2F%2Fwww.whitehouse.gov%2Fsites%2Fdefault%2Ffiles%2Fdocs%2Freport\\_0.pdf&ei=GwblVMvvOISINqXvgZAF&usg=AFQjCNEr0AyiSXyX2UAuAhB4V9xJkt79PA&bvm=bv.84349003,d.eXY&cad=rja](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CC0QFjAB&url=http%3A%2F%2Fwww.whitehouse.gov%2Fsites%2Fdefault%2Ffiles%2Fdocs%2Freport_0.pdf&ei=GwblVMvvOISINqXvgZAF&usg=AFQjCNEr0AyiSXyX2UAuAhB4V9xJkt79PA&bvm=bv.84349003,d.eXY&cad=rja)

### **Anticipated Challenges to Implementation of Recommendation:**

The anticipated obstacles for implementing a study with statewide recommended staffing levels is identifying an entity to conduct the study and the determination of a methodology.

### **Implementation:**

It is recommended that the Commonwealth provide a grant of \$100,000 to study the existing staffing ratios of Virginia’s four-year and two-year public institutions of higher education. The study should include work-load assessments of campus law enforcement/security and campus victim services and provide recommended ratios for staffing so that victims and survivors of sexual assault on Virginia’s campuses are not further victimized due to a lack of dedicated resources.

Support for the study can be expected from law enforcement, victim service entities, crime victims and related advocates. Upon conclusion of the study legislation may need to be introduced to mandate necessary requirements. Resistance is anticipated if the study concludes that Virginia’s institutions are significantly understaffed in these areas and resources are required to create new positions.

**Fiscal Impact:**

The cost of the grant to conduct the study is estimated to be \$100,000. If statewide ratios are established, monitoring compliance could be costly due to the need to hire additional staff in these roles. The cost of salary and training of one (1) police or security official and one (1) victim service staff member at each institution might be at least \$50,000.



**Appendix D**  
**Sustaining and Improving Campus Policies and Ensuring**  
**Compliance**  
**Recommendations 16 – 18**

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 16**  
**Response Subcommittee**

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**Recommendation Summary:**

Develop guidelines to assist institutions in addressing their compliance obligations under state and federal law, regulation, sub-regulatory guidance, and other mandates governing how institutions of higher education respond to campus sexual violence.

**Need:**

In responding to campus sexual violence, colleges and universities must be mindful of actions that protect the interests and options of the complainant and the due process rights of the accused. In addition, institutions must comply with multiple overlapping - and sometimes conflicting - state and federal laws, regulations, sub-regulatory guidance, and other mandates. Examples of actions that require careful attention include: the timing and sequencing of reporting and investigation; to whom reports are made and what the responsibilities are of the individual receiving the report; involvement of law enforcement with or without the consent of the complainant; privacy and confidentiality of information about the incident and related health care information; and measures both for the complainant and the campus community to remedy the effects of campus sexual violence.

Such laws, regulations, and guidance include:

1. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232 (g) and its implementing regulations, 34 C.F.R. Part 99, restricting disclosure of educational records, broadly defined to include any record maintained by an institution of higher education pertaining to an identifiable student
2. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act), 20 U.S.C. § 1092 (f), and its implementing regulations, 34 C.F.R. Part 668, as revised by the Violence Against Women Reauthorization Act of 2013 (VAWA) / Campus Sexual Violence Elimination Act (Campus SaVE Act), mandating the reporting of campus crime statistics (including sexual assault), publication of an annual security report, timely warnings to the campus community, and various procedural protections in investigations and disciplinary proceedings both for the accuser and the accused
3. Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulations, 34 C.F.R., Part 106, prohibiting discrimination on the basis of sex in education programs and activities

4. Guidance documents from the U.S. Department of Education's Office for Civil Rights (OCR), mandating extensive and specific requirements for non-discrimination notices and policies and grievance procedures for the fair and equitable resolution of complaints. Such guidance requires institutions of higher education to (i) promptly investigate incidents of sexual violence of which the institution knows or reasonably should have known; (ii) take appropriate and responsive disciplinary action against those who commit violations, with required due process protections; and (iii) eliminate any cause, prevent its recurrence, and remedy its effects. These documents include:
  - a. Revised Sexual Harassment Guidance (January 19, 2001)
  - b. Dear Colleague Letter: Sexual Violence (April 4, 2011)
  - c. Questions and Answers on Title IX and Sexual Violence (April 29, 2014)
  - d. Dear Colleague Letter: Title IX Coordinators (April 24, 2015) and accompanying Title IX Resource Guide. This latest guidance from OCR contains specific mandates related to the overarching OCR requirement that each college or university must designate at least one employee to coordinate efforts to comply with and carry out the institution's responsibilities under Title IX including: the responsibilities and authority of a Title IX Coordinator; visibility of the Title IX Coordinator in the institution's non-discrimination policy, printed materials, and website; training to ensure the Title IX Coordinator is sufficiently knowledgeable about Title IX; and maintaining the independence of the Title IX Coordinator
5. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) and implementing regulations, 45 C.F.R. Parts 160 and 164, providing privacy rights over protected health information for health care rendered at university-affiliated hospitals and other health care entities
6. The White House Task Force to Protect Students from Sexual Assault ([www.notalone.gov](http://www.notalone.gov)), recommending best practices for the prevention of and response to sexual assault
7. Legislation passed in the 2015 General Assembly session, requiring:
  - a. Disclosure by "responsible employees" of a college or university (with several exceptions for confidential reporting) of any report of sexual violence occurring within the Clery-reporting geography of the campus or occurring against a student anywhere to the Title IX Coordinator as soon as practicable

- b. Convening within 72 hours of such report a review committee that will determine whether to override the desires of the victim not to report an incident of sexual violence to law enforcement, after weighing the factors required by OCR guidance and assessing whether a health or safety risk as defined by FERPA exists to a degree requiring disclosure of personally identifiable information to law enforcement
- c. Report by campus law enforcement to the local commonwealth's attorney of an alleged felony sexual assault, without disclosing personally identifiable information
- d. Revisions to existing mutual aid agreements between campus police and local police or the Virginia State Police to include required notification of the local commonwealth's attorney of the initiation of an investigation of felony sexual assault
- e. Notification to victims of sexual violence of options for law enforcement investigation and prosecution and obtaining a protective order, the importance of preserving evidence and how to seek medical care, campus options for investigation and adjudication, on-campus and off-campus resources for victims, protection of confidentiality, and the right of the victim to decline to participate in an investigation
- f. Annual review of sexual violence policies and certification by each institution to the State Council of Higher Education for Virginia by October 31 that policies and procedures have been reviewed and updated as appropriate
- g. Establishing a memorandum of understanding with a victim organization to provide victims with immediate access to a confidential, independent advocate and a trauma-informed response
- h. Including a prominent notation on the transcript of any student who has been suspended or dismissed for a sexual violence offense or who has withdrawn while under investigation for a sexual violence offense

**Recommendation:**

Virginia's institutions of higher education, as advised by the Office of the Attorney General and in conjunction with the recommended advisory committee to be convened and coordinated by the State Council of Higher Education for Virginia, should develop guidelines that "cross-walk" the various state and federal laws and mandates detailed above. Such cross-walk compliance document would reconcile, or at least clarify, the path to successful compliance with these requirements. Once developed, the cross-walk document would then be shared with local law enforcement and commonwealth's attorneys to foster understanding by outside entities of the

many and specific parameters within which colleges and universities must address campus sexual violence.

**Anticipated Challenges to Implementation of Recommendation:**

Implementing these recommendations will require the involvement of a variety of professionals associated with responding to reports of sexual violence including personnel in student affairs, Title IX coordinators, on and off-campus victim advocates, legal counsel, law enforcement, and other professionals responsible for compliance with these state and federal requirements, in addition to state-wide resources.

**Implementation:**

Title IX coordinators, legal counsel, and university and college administrators will support technical assistance to help them comply with state and federal mandates.

Legislative action is not required to implement this recommendation.

**Fiscal Impact:**

The primary fiscal impact of implementation of this recommendation will be the time and energy of the group developing the cross-walk compliance guidance document.

Governor Terry McAuliffe’s Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 17**  
**Response Subcommittee**

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**Recommendation Summary:**

Ensure fair and equitable proceedings for all parties, adequate support and due process for the accused, and sanctions proportionate to the severity of the offense.

**Need:**

Responding to reports of sexual violence requires robust and transparent administrative processes that are fair, protect the rights of all parties, and ensure that all parties are “treated with care, concern, honor, and dignity” (Association for Student Conduct Administration [ASCA], 2014).

Colleges and universities have student codes of conduct that uphold and advance the educational mission and purpose of the institution. Reports of possible violations of the student code of conduct must be addressed using policies, procedures, and programs that guide interactions with the individuals involved, investigations, adjudication, and institutional responses (ASCA, 2014).

Institutional policies and procedures include processes for responding to reports of sexual violence. Institutions are obligated to support and respond fairly to all parties involved in a report of sexual violence while preserving the safety and security of the university community and educational environment. In addition, institutional policies and procedures must comply with state and federal regulations and mandates such as Title IX, the Clery Act, and the Violence Against Women Act (VAWA). Federal guidance on Title IX requires institutions to adjudicate cases of sexual misconduct, regardless of whether there is a criminal prosecution or the outcome of such prosecution. Student conduct policies and procedures focus on the relationship between the student and the institution. By design, these administrative processes, and Title IX obligations, are distinct from criminal investigation and prosecution. “The ultimate goals of student conduct processes are student growth and development and the preservation of the educational environment” (ASCA, 2014).

Each institution in the Commonwealth is required to regularly review and update student sexual misconduct and related policies to ensure fairness and sensitivity, in addition to compliance with Title IX, VAWA, and any Virginia requirements. Institutions must ensure that sanctions for sexual violence offenses are proportionate to the violation and include an array of possible punishments up to and including expulsion and dismissal. In the spirit of transparency, and to comply with federal mandates, all parties should be informed at the outset of an

investigation of a report of sexual violence of the possible sanctions that the institution might impose following any student conduct proceeding.

It is recommended that institutions establish a program to train faculty members, staff, and students to serve as advisors for the accused individual and a process to make such advisors available to accused individuals as needed. Title IX guidance and VAWA regulations require that the accuser and the accused have the same opportunity to have an advisor present during student conduct proceedings and that the same limitations, if any, be imposed on the advisors for all parties. Virginia's public and private law schools should determine ways in which law students could participate in these programs through an academic clinic or a non-credit volunteer program.

It is recommended that each institution create and provide comprehensive on-line and printed materials designed for the accused that describe rights and available resources to include legal and other advisors, counseling, financial support, and other interim measures.

**Anticipated Challenges to Implementation of Recommendation:**

Implementing these recommendations will require the direction of student affairs and other professionals responsible for the administration of student misconduct policies and procedures. Involving institution-wide participation will require collaboration across multiple institutional units and off-campus agencies and organizations.

**Implementation:**

Student Affairs professionals, Title IX coordinators, legal counsel, and university and college administrators will support the implementation of fair and transparent processes for reporting students and those who are accused.

**Fiscal Impact:**

The fiscal impact of implementation of these recommendations will include resources for on-line and printed materials; and resources to support qualified training sessions for individuals who can serve as advisors for the accused.

**Reference:**

Association for Student Conduct Administration (ASCA), Student Conduct Administration & Title IX: Gold Standard Practices for Resolution of Allegations of Sexual Misconduct on College Campuses (2014), [www.theasca.org](http://www.theasca.org),

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 18**  
**Prevention Subcommittee**

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**Recommendation Summary:**

Every institution should conduct a climate survey every two years to assess the incidence and perception of campus sexual violence specific to the institution's community, and use the data to monitor the effectiveness of prevention and response initiatives.

In consultation with the recommendations from the U.S. Department of Education Office for Civil Rights, each institution should implement a campus climate survey to be administered once every two years during the fall semester. The survey should incorporate baseline questions (developed by SCHEV) to be asked at each institution. In addition, each institution would be permitted to add questions that address the unique issues applicable to the individual institution.

**Need:**

A comprehensive approach to prevention and response must be guided by a reliable and valid assessment of incidents of sexual violence. Unfortunately, because only a fraction of assaults are reported, police and student conduct records fail to accurately capture the prevalence of sexual violence.

In order to understand the scope and nature of the problem of sexual violence in campus communities, every institution of higher education in Virginia should implement a climate survey of the college or university community members. We recommend that the survey be administered in the fall, every two years. A fall semester administration facilitates pre-post comparisons.

In order to facilitate the creation of adequate benchmarks, we recommend that survey instruments used at all institutions share at least a core set of identical survey items. We recognize that institutional diversity will require questions that are specific to each institution. A combination of a shared core and an individualized set of questions would achieve the dual goal of responding to the unique culture and characteristics of each institution and the need for shared benchmarks.

Acknowledging the possibility of additional federal mandates regarding the implementation of an institutional climate survey, and recognizing the work already done by several Virginia institutions to implement a survey, we recommend that SCHEV convene a committee of survey researchers and faculty members to review the existing surveys and develop a core set of questions required in any institution's survey.



SCHEV will be responsible for collecting and analyzing climate survey data—at least for the core set of questions-- to identify successful prevention strategies, forming policy goals, and proposing changes in resources. Survey results will be maintained in a central database and reported to all participating institutions.

**Need:**

The campus climate survey would help inform institutions and the Commonwealth of Virginia on prevention, policy, and resource needs. With appropriate Internal Review Board approval (IRB) and safeguards, the survey results can be made available to university researchers for understanding culture and climate changes on campus.

**Anticipated Challenges to Implementation of Recommendation:**

- Students are surveyed frequently and one more surveys may impose an undue burden on students.
- The federal government, through the Department of Education, anticipates issuing guidance on surveys. This guidance will need to be incorporated into survey questions, structure and administration.

**Implementation:**

Implementation of a uniform campus climate survey may not be endorsed by each institution. Therefore, the General Assembly may need to take action to ensure that each institution administers the survey.

**Fiscal Impact:**

The survey will require funding and personnel resources at the institutional and State Council of Higher Education in Virginia levels.

**Appendix E**  
**Institutionalizing the Work of the Task Force and Fostering**  
**Ongoing Collaboration**  
**Recommendations 19 - 21**

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 19**  
**Response Subcommittee**

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**Recommendation Summary:**

Create an advisory committee coordinated by the State Council of Higher Education for Virginia (SCHEV) that will continue the progress made by the Task Force by engaging in issues relating to research, best practices, legislative changes, technical assistance, and consultative services.

The advisory committee would provide advice to SCHEV and to colleges and universities, with a particular focus on boards of visitors and presidents. Under existing statutory authority (see Virginia Code § 23-9.5, § 23-9.6:1, § 23-9.14:1), SCHEV, as advised by the Office of the Attorney General, will convene a group of experts from Virginia's colleges and universities who will provide guidance to all public and private institutions on best practices for the response to and adjudication of reports of sexual violence including strategies to prevent its recurrence and remedy its effects. As a corollary, this entity would establish a network of "deployable" advisors within Virginia who would make themselves available to institutions for technical assistance and training, particularly to those institutions that do not have resources for a comprehensive organization that addresses issues of campus sexual violence. These experts would help improve response services at all institutions and would provide a venue for identification and resolution of issues as they evolve and arise. This entity also may serve to implement new legal requirements enacted by the 2015 General Assembly in House Bill 1930 / Senate Bill 712, requiring annual certification by each public and private institution to SCHEV that it has "reviewed its sexual violence policy and updated it as appropriate" and for each institution to establish a memorandum of understanding with a crisis center or victim advocacy organization. Finally, the advisory committee could explore the value of establishing a campus-based center that would collaborate with academic departments and advance research and scholarship on campus sexual violence.

Membership in the advisory committee would be made up primarily of representatives from colleges and universities with background in the investigation and resolution of complaints under Title IX, guidance from the Office for Civil Rights, the Clery Act and the Violence Against Women Act; academic research into sexual violence and related cultural issues; primary, secondary, and tertiary prevention efforts; and other aspects of the prevention, investigation, and resolution of incidents of campus sexual violence. These experts would provide their time and expertise under arrangements with their institutions and at no additional cost. The advisory committee would draw heavily on the resources of state and local agencies and organizations.

**Need:**

Due to ever-increasing federal requirements related to Title IX and the Clery Act, Virginia laws passed in the 2015 General Assembly session, and consistent attention to the various factors affecting the prevention of and response to campus sexual violence, there is a pressing need for an advisory committee that provides an interdisciplinary and multifaceted approach to assist Virginia's public and private institutions of higher education.

This approach will put the Commonwealth of Virginia on the cutting edge of strategies to address issues related to campus sexual violence before they arise. Additionally, members of the advisory committee will already be immersed in the subject matter and have extensive knowledge and expertise.

**Anticipated Challenges to Implementation of Recommendation:**

The largest obstacles are time and effort. Individuals with specialized experience at the institutions will need to be open with their time and expertise.

**Implementation:**

The advisory committee may be convened under SCHEV's existing authority without any action by the Governor or the General Assembly. Legislative action, through a bill or a budget amendment, would give the committee greater legitimacy and authority to lead.

**Fiscal Impact:**

The proposal will require financial and personnel resources, and it will not generate revenue. It would not require a budget amendment so long as SCHEV and institution representatives reallocate existing staff resources to support it.

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 20**  
**Law Enforcement Subcommittee**

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**Recommendation Summary:**

Create a permanent advisory committee, board, commission, council or other such entity on School and Campus Safety under the Offices of the Secretary of Education, the Secretary of Public Safety and Homeland Security, and the Secretary of Health and Human Services. The established entity would work with identified state agencies and ex-officio members appointed by the Governor using the latest research, best practices, and legislative changes to address improvements to keep Virginia schools and campuses as safe as possible.

The advisory entity would be charged with identifying and reviewing safety issues affecting K12 public schools and institutions of higher education in Virginia on an ongoing basis. The purpose of the entity would be to advise and assist K12 public school divisions and public and private institutions of higher education in the Commonwealth on matters related to safety and violence prevention including, but not limited to, the prevention of and response to sexual violence in schools and on campuses and compliance with relevant state and federal legislation.

The advisory entity would be comprised of representatives of appropriate state agencies under each Secretariat with school or campus safety initiatives and members selected or nominated by relevant school, campus, and law enforcement and victim advocate associations and/or groups.

The membership shall include but not be limited to:

The Department of Criminal Justice Services (DCJS)

The Virginia State Police (VSP)

The State Council of Higher Education in Virginia (SCHEV)

The Department of Alcoholic Beverage Control (ABC)

Virginia Department of Health (VDH)

Virginia Department of Education (VDOE)

The Department of Behavioral Health and Developmental Services (DBHDS)

The Office of the Attorney General (OAG)

Virginia Association of Chiefs of Police (VACP)

Virginia Association of Campus Law Enforcement Administrators (VACLEA)

Virginia Sheriff's Association (VSA)

Delegate from the House

Senator from the Senate

Local Superintendent of Public Schools

Student Affairs Administrator

Title IX Coordinator

Victim Advocate

Other expert personnel from the local school divisions and institutions of higher education as needed

This advisory entity would work with Secretariats and state agencies under their direction to address improvements needed to keep Virginia schools and campuses as safe as possible through the latest research, best practices, and legislative changes.

The responsibilities of the advisory entity would include but would not be limited to:

- Suggesting studies, data collection efforts, and best practices in the prevention, intervention, and response to sexual violence and misconduct on campus.
- Advising on matters related to training provided to schools, colleges and universities from state agencies on issues of violence prevention, intervention, and response, including but not limited to sexual assault, trauma informed interviewing, stalking, dating violence, sexual violence, and domestic violence.
- Reviewing statewide plans, conducting studies, and making recommendations on needs and priorities for the development and improvement of services to victims of violence in schools and on campuses including but not limited to sexual and domestic violence in the Commonwealth.
- Promoting coordination among state agencies and local service providers to improve the Commonwealth's identification of and response to victims of violence and harassment, including the effective implementation of trauma-informed services, and evidence-based prevention strategies.
- Serving as a repository of Memoranda of Understanding between institutions of higher education and law enforcement, as well as policies and procedures for K12 public schools and institutions of higher education regarding the prevention of and response to sexual assault.

**Need:**

As safety concerns arise each year that impact public K-12 schools and institutions of higher education, there is an increasing need to have a standing entity at the Secretariat level that provides an interdisciplinary and multifaceted approach to the safety of Virginia's students in public schools and on campuses of higher education. With each new task force created, recommendations and best practices are offered, ranging from threat assessment to mental health issues and sexual violence, there is a need to have a standing advisory committee dedicated to reviewing these issues regularly and serving as a resource.

Currently, whenever a new concern arises, the Governor or General Assembly responds by convening experts to review the issue and offer suggestions. By having a standing entity dedicated to school and campus safety issues, the Commonwealth of Virginia will be on the cutting edge of solutions, recommendations, and legislation to address issues in a more proactive manner, rather than being reactive. Additionally, members of the entity will already

be immersed in the subject matter and have relevant knowledge and expertise to address the issue. Subsequently, by having all three Secretariats that are involved in addressing school and campus safety issues engaged in the advisory entity, state agencies will be better positioned to address any recommendations that are made.

**Anticipated Challenges to Implementation of Recommendation:**

No challenges are expected.

**Implementation:**

This recommendation could be accomplished by executive order or legislation added to the code.

**Fiscal Impact:**

There may be a need for small financial and personnel resources, but utilizing existing staff from agencies such as DCJS, the Office of the Attorney General, the Virginia Department of Health, and others, could offset these costs. This recommendation would not generate revenue, and it should not require a budget amendment.

Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence  
Chair Attorney General Mark Herring

**Recommendation 21**  
**Prevention Subcommittee**

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**Recommendation Summary:**

Prevention initiatives at institutions are often developed by practitioners who are working in relative isolation from other practitioners within institutions across the state. To increase the sharing and availability of initiatives, programs, evaluation strategies, and data across institutions, the prevention subcommittee recommends creating a network for faculty members, staff, students and community members engaged in sexual violence prevention and education.

**Implementation:**

The network would be defined by the following elements, initiatives and purposes:

1. Annual Summit for Prevention Experts and Students
  - a. Goals for the summit:
    - i. Sharing evaluation data and assessment tools
    - ii. Updating and revising programming and content
    - iii. Troubleshooting local challenges
    - iv. Opportunities to coordinate student visits across institutions
    - v. Student skill-building and leadership development
2. Creating an online communication tool for prevention experts to share materials, experiences, evaluation data, etc. so that each institution has access to a broader set of materials from which to draw when developing and implementing community-specific initiatives.
3. Facilitating visits between campuses where students can present to one another and foster continuing education among peer educators, help produce collaborative programming, and promoting collaborations between campus prevention and the local community.
4. Creating a shared group of resources for engaging faculty members (providing curriculum infusion options for a variety of disciplines).
5. Many individuals with professional competencies seek credentialing to add credibility to their efforts. Unfortunately a number of individuals and programs identify themselves as prevention experts without any confirmation that what is being offered is efficient or effective.



**Tools to Provide:**

1. Sample summit agenda
2. Examples of curriculum infusion topics and options
3. Credentialing prevention professionals

**Need:**

Prevention work is strengthened by collaboration with others doing the same tasks on other campuses and institutions.

**Anticipated Challenges to Implementation of Recommendation:**

The work of the network would be over and above the ongoing work of individual staff and faculty members tasked with the prevention of sexual assaults on campuses. There is currently some statewide prevention work being done that may need to be coordinated with the campus work.

**Fiscal Impact:**

Funding needs to be found for the generation of this network. This network and any other obligations stemming from the network can then be part of a grant program, organized by a state agency or taken up by any institution.

**Appendix F**  
**Executive Order 25**



*Commonwealth of Virginia  
Office of the Governor*

## ***Executive Order***

**NUMBER TWENTY FIVE (2014)**

### **ESTABLISHING THE GOVERNOR'S TASK FORCE ON COMBATING CAMPUS SEXUAL VIOLENCE**

#### Importance of the Taskforce

Nationwide, colleges and universities are increasingly aware of the necessity to combat sexual violence on campus. While institutions of higher education are typically safe environments for students to thrive, both academically and personally, sexual violence is an issue that colleges and universities should confront and strive to prevent.

Virginia's colleges and universities have signed a Joint Declaration pledging to work together to prevent sexual violence. Moreover, they are each committed to providing an atmosphere designed to promote the fair and equitable investigation, adjudication, and timely reporting of sexual violence. Our institutions of higher learning already offer both mandatory and voluntary programs for awareness and prevention of sexual violence. For those adversely affected by sexual violence, Virginia's campuses also furnish resources, or coordinate referral to external, community-based resources, such as counseling, medical care, and alternative living and educational environments.

Through this Executive Order, I am collaborating with the Attorney General of Virginia, who has a critical role as counsel to Virginia's public colleges and universities, and encouraging leaders from college campuses, law enforcement, mental health, and advocacy groups, to seek and recommend solutions that will bring critical awareness and identify best practices to aggressively combat sexual violence on campus.

#### Establishment of the Task Force

Accordingly, with the authority vested in me by Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to §§ 2.2-134 and 2.2-135 of the *Code of*

*Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Governor’s Task Force on Combating Campus Sexual Violence.

#### Governor’s Task Force on Combating Campus Sexual Violence

The Task Force’s responsibilities shall include the following:

- Recommend best practices for protocols used by campus officials, including campus police, Title IX Coordinators, and others, to respond to sexual violence on campus.
- Recommend best practice to reinforce existing relationships and form new relationships between Virginia’s institutions of higher education, campus police, local law enforcement, commonwealth’s attorneys, crisis response centers, mental health counselors, and advocacy organizations, to include the development of a model memorandum of understanding that will delineate respective responsibilities for investigations, sharing of information, and training.
- Recommend best practices for policies governing sexual violence and associated procedures for the investigation and resolution of complaints and revise such policies and procedures, if needed to meet all legal requirements.
- Examine sexual violence prevention and awareness programs and recommend measures to maximize best practices for sexual violence training for students, faculty, and staff, as well as bystander intervention programs and mandatory training for incoming residential students, at all of Virginia’s universities and colleges.
- Recommend measures to encourage reporting of sexual violence.
- Assess the degree of accessibility of campus services and programs, coordination with community resources and programs, and efforts to make students aware of these resources.

#### Task Force Membership

The Task Force will be chaired by the Attorney General of Virginia. The Task Force will be comprised of the Secretaries of Education, Health and Human Resources, Public Safety and Homeland Security, representatives of the higher education community, law enforcement, community advocates, health professionals, and relevant government agencies, not to exceed more than thirty members, as appointed by the Governor. The Governor may appoint any other person(s) and support staff deemed necessary and proper to carry out the assigned functions.

### Task Force Staffing and Funding

Staff support for the Task Force's work during its existence shall be furnished by the Office of the Governor, and the Offices of the Secretary of Education and the Secretary of Public Safety and Homeland Security, as well as other agencies and offices designated by the Governor.

The Office of the Attorney General will provide legal staff to the Task Force, both through the OAG representatives serving on the Task Force and others, as needed.

Necessary funding to support the Commission and its staff shall be provided from federal funds, private contributions, and state funds appropriated for the same purposes as the Task Force, as authorized by § 2.2-135 of the *Code of Virginia*, as well as any other private sources of funding that may be identified. Estimated direct costs for this Task Force are \$5,000 per year.

The Task Force will serve in an advisory role and will provide a final report to the Governor by no later than June 1, 2015. The Task Force will issue other reports as necessary or as requested by the Governor.

### Effective Date of the Executive Order

This Executive Order shall be effective upon signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in force and effect for one year from its signing unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 21st day of August, 2014.

\_\_\_\_\_  
Terence R. McAuliffe, Governor

Attest:

\_\_\_\_\_  
Levar M. Stoney, Secretary of the Commonwealth

**Appendix G**  
**Joint Declaration on Combating Sexual Violence**

## **Joint Declaration on Combating Campus Sexual Violence**

WHEREAS, a growing national dialogue is focused on campus sexual violence and the efforts of colleges and universities to combat this problem; and

WHEREAS, nationwide, students who are in their freshman or sophomore years are most at risk of sexual violence; and

WHEREAS, the health and well-being of all students enrolled in Virginia's colleges and universities is essential to the happiness and prosperity of the Commonwealth and our communities; and

WHEREAS, all students, faculty, and staff should be able to learn, work, and live in a safe environment free from sexual violence; and

WHEREAS, Virginia's colleges and universities are committed to the well-being and safety of all their students, and as part of that commitment, work to prevent the occurrence of sexual violence; and

WHEREAS, when an incident is reported, colleges and universities have a responsibility to comply with all legal requirements for prompt investigation and fair and equitable resolution; and

WHEREAS, Virginia's colleges and universities currently provide both mandatory and voluntary programs to raise awareness of campus sexual violence and its prevention; and

WHEREAS, Virginia's colleges and universities offer resources to those adversely affected by campus sexual violence, including close coordination with victim advocacy and crisis response organizations, counseling services, referral for medical care, and interim measures designed to address living and educational environments; and

WHEREAS, joint action by the Governor, Attorney General, and Virginia's colleges and universities will enable us to identify best practices, to collaborate on prevention and awareness campaigns, and to highlight the critical problem of campus sexual violence to our students, their parents, and Virginia's citizens.

NOW, THEREFORE, WE DO HEREBY JOINTLY DECLARE our intention to aggressively combat campus sexual violence including our commitment to:

- Vigorously enforce policies and procedures governing sexual violence to encourage reporting and to promote the prompt, fair, and equitable investigation and resolution of reports of sexual violence.
- Work in partnership with the Office of the Attorney General to conduct a top-to-bottom review of policies governing non-discrimination and sexual misconduct, and associated procedures for the investigation and resolution of complaints, and revise such policies and procedures, if needed, to meet all legal requirements.
- Fully participate in the Governor and Attorney General's Joint Task Force on Campus Sexual Violence in identifying best practices for the prevention, investigation, and resolution of reports of sexual violence;
- Reinforce existing relationships and form new relationships between our institutions, campus police, local law enforcement, commonwealth's attorneys, crisis response centers, and victim advocacy organizations, to include our participation in the development of a model memorandum of understanding that will delineate respective responsibilities between colleges and universities and local law enforcement for investigations, sharing of information, and training;
- Continue to encourage the reporting of sexual violence to appropriate law enforcement agencies and to appropriate college and university administrators;
- Ensure that our colleges and universities provide sufficient training to our students, faculty, and staff on sexual violence prevention and awareness, with specific attention to bystander intervention programs and mandatory sessions for incoming residential students; and
- Fully involve our Title IX Coordinators and other appropriate campus administrators in regional summits to be sponsored by the Office of the Attorney General.



## **Appendix H**

### **Task Force Members and Staff**

## Task Force Members and Staff

Prevention	Response	Law Enforcement
<b>Emily Renda, Chair</b> Program Coordinator, Student Affairs University of Virginia	<b>Ellen W. Plummer, Ph.D., Chair</b> Assistant Provost Virginia Tech	<b>John A. Venuti, Chair</b> Assistant Vice President of Public Safety/Chief of Police Virginia Commonwealth University
<b>Fran Bradford</b> Associate Vice President for Government Relations The College of William and Mary	<b>Peter A. Blake</b> Director State Council of Higher Education for Virginia	<b>Maggie Cullinan</b> Director Charlottesville Victim/Witness Assistance Program
<b>Ángel Cabrera, Ph.D.</b> President George Mason University	<b>Judy Castele</b> Executive Director Project Horizon	<b>Melissa Ratcliff Harper, MSN, APRN, SANE-A-P</b> Forensic Nurse Examiner Carilion Clinic - Carilion Roanoke
<b>Leah K. Cox, Ph.D.</b> Special Assistant to the President for Diversity and Inclusion, Title IX Coordinator University of Mary Washington	<b>Jean A. Cheek, RN BS SANE-A CNIV</b> Forensic Nurse Examiner Virginia Commonwealth University	<b>Penelope W. Kyle</b> President Radford University
<b>Brandon T. Day</b> President, Student Government Association Virginia Commonwealth University	<b>Daniel Dusseau</b> Chief of Police Northern Virginia Community College	<b>Donna Poulsen Michaelis</b> Manager Virginia Center for School and Campus Safety Virginia Department of Criminal Justice Services
<b>Dorothy J. Edwards, Ph.D.</b> Executive Director Green Dot	<b>William R. Grace</b> <b>Colonel USMC (Ret.)</b> Inspector General and Title IX Coordinator, Parents Council Liaison Virginia Military Institute	<b>Nancy Oglesby</b> Deputy Commonwealth's Attorney Henrico Commonwealth's Attorney's Office
<b>Tom Kramer</b> Executive Director Virginia 21	<b>Allen W. Groves</b> University Dean of Students University of Virginia	<b>Marianne M. Radcliff</b> Vice President, Kemper Consulting Longwood University Board of Visitors
<b>Christopher N. Ndiritu</b> Student Body President, Student Government Association Old Dominion University	<b>Michael C. Maxey</b> President Roanoke College	<b>Abby Raphael</b> School Board Member Arlington Public Schools

## Prevention

## Response

## Law Enforcement

**Frank Shushok, Jr.**  
Senior Associate VP for Student Affairs  
Virginia Tech

**Daphne Maxwell Reid**  
Member  
Virginia State University Board of Visitors

**Tracy S. Russillo**  
Major  
Virginia State Police

**Rosemary Tribble**  
President  
Fear 2 Freedom

**Raychel Whyte**  
Administrator  
MedStar Georgetown University Hospital

**Kristi VanAudenhove**  
Executive Director  
Virginia Sexual and Domestic Violence  
Action Alliance

**Secretary Anne Holton**  
Office of the Secretary of Education  
Office of the Governor

**Secretary William A. Hazel, Jr.**  
Office of the Secretary of Health and Human  
Resources  
Office of the Governor

**Secretary Brian Moran**  
Office of the Secretary of Public Safety and  
Homeland Security  
Office of the Governor

**Kay Heidbreder**  
University Legal Counsel and Special  
Assistant Attorney General  
Virginia Tech  
Office of the Attorney General

**M. Elizabeth Griffin**  
Senior Assistant Attorney General  
Education Section  
Office of the Attorney General

**Barry Meek**  
Associate General Counsel  
Special Assistant Attorney General  
University of Virginia  
Office of the Attorney General

**Lisa Furr**  
GEAP Program Coordinator  
Office of the Attorney General

**Melissa McMenemy**  
Statewide Facilitator for Victims of Domestic  
Violence  
Office of the Attorney General

**Shannon Freeman**  
Virginia Rules Programs Coordinator  
Office of the Attorney General

## **Appendix I**

### **Task Force Member Biographies**

## Task Force Member Biographies

**Peter Blake** is director of the State Council of Higher Education for Virginia. In addition to his work at SCHEV, he has served as a Legislative Fiscal Analyst for the Virginia General Assembly's House Appropriations Committee, the Deputy Secretary of Education and the Secretary of Education under former Virginia Governor Mark Warner, and the Vice Chancellor of Workforce Development Services for the Virginia Community College System. In addition to his professional service, Mr. Blake serves on various boards, including the Virginia Early Childhood Foundation, the Richmond Public Library, and LEAD Virginia. He holds a B.A. in History and an M.S. in Mass Communications from Virginia Commonwealth University.

**Frances C. Bradford** has spent the past twenty five years championing Virginia higher education through the state and federal legislative process. She currently serves as the Associate Vice President for Government Relations at the College of William and Mary, where she has been since 2003. Prior, she worked at the State Council of Higher Education for Virginia (SCHEV) from 1990-2003, serving as the agency's primary contact with the legislature and providing policy advice and administrative guidance to the Executive Director and agency directors. In the fall of 2005, Ms. Bradford was called on to fill the position of Deputy Secretary of Education during the remaining months of Governor Mark Warner's term, working to forward Governor Warner's higher-education priorities including access, affordability, performance measures, research, economic development and the relationship between higher education and K-12. Ms. Bradford earned a Bachelor of Arts from Earlham College in Richmond, Indiana and holds a Masters of Public Administration from Virginia Tech. She also holds a certificate of completion from Virginia's Commonwealth Management Institute.

**Dr. Ángel Cabrera** is president of George Mason University, the largest research university in Virginia. Prior to Mason, Cabrera served as president of Thunderbird School of Global Management in Arizona (2004 to 2012), and professor and as dean of IE Business School in Madrid, Spain (1998 and 2004). Cabrera is the first Spanish-born leader of an American university. He holds BS and MS degrees in engineering from the Universidad Politécnica de Madrid, Spain's premier engineering university. He earned MS and PhD degrees in psychology and cognitive science from the Georgia Institute of Technology, which he attended as a Fulbright Scholar.

**Judy Casteelle** is the Executive Director of Project Horizon, a non-profit human service organization dedicated to reducing domestic, dating and sexual violence in Lexington, VA. Judy is a graduate of Bluefield College and has worked in the field of violence against women for over 25 years. She has been recognized for her outstanding work in the field of victim services by the Virginia Department of Criminal Justice Services in 2000; by the International Association of Forensic Nurses with their Advocacy Award in 2000; and by Virginia Tech, when she was named Community Woman of the Year in 2001. She is a member and past chair of the Governing Body of the Virginia Sexual and Domestic Violence Action Alliance, and was honored by VSDVAA in 2010 with a Nexus Catalyst Award for her collaborative work with law enforcement. In 2011, Judy was named as one the "Top 30 Voices" of people whose work made an indelible impact in the field of violence against women in Virginia.

**Jean A Cheek** is a Forensic Nurse Examiner with the Virginia Commonwealth University Medical Center. Jean started her nursing career in 1994 and discovered Forensic Nursing while working in the emergency room. This nursing specialty ignited a passion for this patient population that still burns bright today. She joined the Forensic Team in 2000 and served as one of the team coordinators from 2002-2015. She also served as one of the ER Clinical Coordinators, overseeing the daily operations of the Emergency

Department. She has served on the board for the Virginia Chapter of the International Association of Forensic Nurses as President and as Member at Large. She has also served as the Chair of the Membership Committee for the International Association of Forensics Nurses. As a member of Virginia Commonwealth University's Division of Trauma's Injury and Violence Prevention Program, Jean helped create the Intimate Partner Screening Training for Health Care Providers for the Project Empower program. She has also co-authored a chapter on Elder Abuse and presented research findings through poster and podium presentations at the local and national level.

**Leah K. Cox, Ph.D.** is currently the Special Assistant to the President for Diversity and Inclusion, as well as the Title IX coordinator at the University of Mary Washington, focusing on the University's mission to promote a diverse and inclusive working environment for students, faculty, and staff. She serves as a member of the president's executive cabinet and assists with the coordination of current diversity programs and new initiatives. She also oversees the Student Transition Program, Rappahannock Scholars Program and the James Farmer Scholars Program; these are outreach and retention programs for underrepresented students. Prior to her tenure at UMW, she served as a program information specialist for George Mason University, student services specialist for Northern Virginia Community College, prevention and education specialist for the U. S. Marine Corps, project coordinator for the Maryland State Department of Education, and placement services coordinator and minority student specialist for Gallaudet University. She received her bachelor's degree from Western Maryland College, in Education, a master's degree from the University of Arizona in Counseling, and a Doctor of Philosophy, in Counseling Personnel College Administration from the University of Maryland.

**Maggie Cullinan** is the Program Coordinator for the Charlottesville Victim/Witness Assistance Program, where she has worked for seven years. Prior to working in victim services, she worked as a probation officer in Charlottesville and Alexandria for seven years, where she helped form the Batterer's Intervention Program that is still in use today. She also served as an intensive supervision officer in Alexandria, where she supervised high risk sex offenders and domestic violence offenders. Ms. Cullinan began her work with victims as an outreach counselor and legal advocate with the Shelter for Help in Emergency, a local intimate partner violence shelter. She currently serves on the Monticello Area Domestic Violence Fatality Review Team, the Charlottesville Albemarle Restorative Justice Task Force, the Charlottesville Criminal Justice Board and the board of Jefferson Area Community Corrections. She holds a Bachelors of Science in Sociology from Virginia Tech and a Masters of Education in Counseling from the University of Maryland.

**Brandon Day** is a senior at Virginia Commonwealth University completing dual degrees in Public Relations and English and a minor in Business. He is currently serving as the Monroe Park Campus Student Government Association President. He also is the Director of Marketing and Communications for Students Today, Alumni Tomorrow and works in the VCU Office of Development and Alumni Relations. He has previously served as the SGA Public Relations Chairman, worked as a Resident Assistant in the VCU Honors College, and interned with TEDxRVA.

**Chief Daniel Dusseau** is the chief of police at Northern Virginia Community College (NOVA) and has been involved in public safety for 28 years. Upon joining NOVA in 2010, Chief Dusseau assumed command of the police department of one of the largest academic institutions in the country, overseeing police and security operations at 12 separate locations providing academic instruction or services to more than 78,000 students and employing 5,000 faculty and staff. Under his leadership, crime has been reduced by 80% in three years. He was selected as the 2014 Police Chief/Security Director of the Year by Campus Safety magazine. He previously served with the Prince George's County Maryland Police Department where he retired at the rank of major. During his tenure with Prince George's County he worked as a

street officer, detective, internal affairs investigator, and commanded multiple units including personnel, internal affairs, records, criminal investigations, and was the commander of a district station. He was credited with reducing crime, decreasing administrative backlogs, establishing policies and procedures that resulted in reduced complaints against police officers, and oversaw more than 5,000 investigations of assorted categories of crimes including sexual assault and other investigations of police misconduct.

**Dr. Dorothy J. Edwards**, author of the Green Dot Violence Prevention Strategy, holds a Ph.D. in Counseling Psychology from Texas Woman's University. She is currently serving as the Executive Director of Green Dot, etc., a center dedicated to effective intervention and prevention of power-based personal violence. With a specialty in primary prevention, she provides training and consultation in the areas of power-based personal violence, organizational capacity building, program implementation, strategic planning and community mobilization.

**Colonel William R. Grace** serves as the VMI Inspector General (IG). Prior to being appointed as the Inspector General at VMI, Colonel William R. Grace served as the Professor of Naval Science at the Institute from 2004-2008. In his capacity as the Inspector General, Colonel Grace reports to the Superintendent and is charged with inquiring into and reporting on matters which pertain to mission performance, efficiency, discipline, morale, effectiveness, and esprit de corps of the VMI community. During his twenty-six years in the United States Marine Corps, Colonel Grace held a variety of operational and training billets. As a Naval Aviator, he accumulated nearly 6,000 military flight hours in fourteen different models of rotary and fixed-wing aircraft; this includes the VH-3D and VH-60N presidential aircraft. While assigned to HMX-1, Colonel Grace led presidential flight detachments on four continents in support of Presidents George H.W. Bush and William J. Clinton. Colonel Grace had the privilege to hold senior leadership positions in five different commands, to include a training group of over 2,200 Marines and Sailors. Colonel Grace is a graduate of Texas A&M University and the United States Army Inspector General School.

**Allen Groves** has served as the University of Virginia's Dean of Students since 2007, overseeing Orientation and New Student Programs, Housing and Residence Life, Student Activities, Fraternity and Sorority Life, Newcomb Hall, Ern Commons, and the Dean-on-Call and Just-Report-It incident response systems. He also serves as a member of the University's Threat Assessment Team, Critical Incident Management Team, Athletics Advisory Committee and Public Art Committee and is the President-elect of the Virginia Association of Student Personnel Administrators. He previously spent 16 years as an attorney in private practice in Atlanta and is admitted to practice law before the Supreme Court of the United States, the Supreme Courts of Virginia and Georgia, and the United States Court of Appeals for the Fourth and Eleventh Circuits. He received his undergraduate degree from Stetson University in 1982, where he currently serves on the board of the College of Arts and Sciences, and his *juris doctor* degree from the University of Virginia School of Law in 1990, where he was inducted into the Raven Society for academic achievement and service to the University. His fraternity service includes six years on the board of directors of the North American Interfraternity Conference, including two years (2012-14) as Chairman. He currently serves as Chairman of the NIC's Presidential Commission on Sexual Violence and Abuse Prevention and previously served on Pi Kappa Alpha's Supreme Council for 10 years, including two years as International President (2004-06).

**Melissa Ratcliff Harper** has been a Registered Nurse since 1990, working as both an emergency and forensic nurse. She is currently employed as a full-time Forensic Nurse Examiner with the Carilion Clinic in Roanoke, VA and also serves as adjunct faculty for the St. George's Medical University in Grenada. She previously served as faculty for the nursing and paramedic programs at the Jefferson College of Health

Sciences. She holds an MSN degree with an advanced practice Clinical Nurse Specialist focus in forensic nursing from the University of Colorado. She is certified as both a Sexual Assault Nurse Examiner-Adult/Adolescent (SANE-A) and Sexual Assault Nurse Examiner-Pediatric (SANE-P). She is a founding member of the Carilion Clinic Forensic Nurse Examiner Program in Roanoke, Virginia, as well a founding member of the Nursing Honor Society of the Roanoke Valley. She recently served on the Commonwealth of Virginia's Governor's Advisory Board for Domestic Violence Prevention and Response. She currently serves on the Roanoke Valley Domestic Violence Task Force and chairs the Roanoke Regional Family and Intimate Partner Violence Fatality Review team. She was honored by the March of Dimes in 2012 as Virginia Nurse of the Year in the "Emergency" category for her work as a forensic nurse.

**Tom Kramer** is the former executive director of the college student advocacy organization Virginia21. In that capacity, he worked to build partnerships between students and public officials to advocate for student centered approaches to preventing and responding to college sexual assault, ensuring access to high-quality and affordable college degrees, making it easier for students to vote, and more. Kramer is currently the Assistant Director of Governmental Relations for Christopher Newport University.

**Penelope Ward Kyle** is Radford University's sixth president and the first woman to hold the position. She came to Radford in 2005 after more than 30 years of experience in the legal and corporate worlds, in state government and in higher education, including practicing law at a large international law firm before becoming the first female officer at a Fortune 500 company. She holds a Juris Doctor degree from the University of Virginia School of Law, a Master of Business Administration degree from The College of William and Mary and an undergraduate degree from Guilford College in Greensboro, N.C. She also completed post graduate work in English at Southern Methodist University in Dallas. She is a member of the board of the Fulbright Foundation Program that provides Fulbright scholarships for faculty and students who study and/or teach between the U.S. and Canada. In 2011, she was elected president of the Big South Athletic Conference, the first woman to hold that office, and has represented the conference as a member of the NCAA Division I Presidential Advisory Group since 2009. Additionally, President Kyle was recently appointed to the Knight Commission on Intercollegiate Athletics.

**Donna Michaelis** has been working in the area of school safety since 1985. She began her career with the Chesterfield County Police Department as the county's first Child Safety Coordinator working in 37 elementary schools and 11 middle schools. She was also one of the first Drug Abuse Resistance Education (DARE) officers in the Commonwealth of Virginia. In 1998, she joined the Virginia Department of Criminal Justice Services in charge of school resource officer training. In 2000, Donna assumed the responsibility of director of the newly legislated Virginia Center for School Safety which was established as a result of the Columbine tragedy. She is currently a manager within the Law Enforcement Division of DCJS overseeing Public Safety Training which also incorporates the Virginia Center for School and Campus Safety which was changed by legislative statute in July 2014. She is a graduate of the College of William and Mary in Williamsburg, VA.

**Christopher Ndiritu** is a rising Senior majoring in Public Health at Old Dominion University. Christopher is currently serving as the Student Body President, who has been recently re-elected for the next 2015-2016 Academic Year. Christopher is very dedicated to the Student Government Association and is very active on engaging in the issues students face at ODU and around the community. Christopher is serving as a prominent student leader who is engaging students in a variety of issues, including Sexual Assault. Christopher has been invited to a White House roundtable, serves on Governor McAuliffe's Task Force to Combat Campus Sexual Assault, and is providing programs/initiatives on campus that promotes a



safer campus which will continue the prevention efforts of campus sexual assault. Christopher plans to graduate from Old Dominion University and pursue a graduate program in student affairs.

**Nancy Oglesby** received her Bachelor of Arts in Political Science from Furman University in 1992 and obtained her law degree from the University of Richmond's T.C. Williams School of Law in 1996. Nancy has been a prosecutor for 17 years and is currently the Deputy Commonwealth's Attorney supervising the Juvenile and Domestic Relations Court team for Henrico County. She has handled thousands of domestic violence, child abuse and sexual assault cases in her career. In addition, throughout her years as a prosecutor, she has trained many professionals including prosecutors, law enforcement officers, advocates, medical professionals and forensic interviewers on the issues surrounding these types of crimes. She was given the Virginia S. Duvall Distinguished Juvenile and Domestic Court Prosecutor award for 2011 and was also recognized in 2012 as the Outstanding Woman of the Year in the area of Law and Government by the Richmond YWCA.

**Ellen Plummer, Ph.D.** is associate vice provost for academic administration at Virginia Tech. In addition to higher education, she has experience in women's and diversity issues, and has worked in private non-profit, and government environments. Dr. Plummer has been an advocate for child and adult survivors of sexual violence in higher education and community settings and worked on legislation and policy in three states.

**Marianne Radcliff** is Vice President for Kemper Consulting, a full-service government relations firm. She represents clients before the Virginia General Assembly, legislative and executive branch agencies, boards and commissions. She is a member of the Longwood University Board of Visitors and the former rector. Additionally she serves as a member of the Board of Directors of both the World Pediatric Project and The Doorways. She has a Master of Public Administration degree from Bowling Green State University and is a graduate of Longwood University. She is a graduate of the Sorensen Institute for Political Leadership at the University of Virginia.

**Abby Raphael** joined the Arlington School Board on January 1, 2008 and was re-elected in November 2011. Her colleagues elected her as School Board Chair for the 2011-12 and 2013-14 school years. In 2014, Ms. Raphael was chosen by her regional school board colleagues to serve as Chair of the Washington Area Boards of Education. She is also is a member of the National Capital Region Emergency Preparedness Council of the Metropolitan Washington Area Council of Governments. Additionally, she serves on the Second Chance Advisory Committee of the Arlington Partnership for Children, Youth and Families Foundation, which provides an early intervention substance abuse program for Arlington youth. A former Arlington County Assistant Commonwealth's Attorney, Ms. Raphael earned her Juris Doctor degree from the University of Virginia School of Law and her Bachelor of Arts degree from Duke University.

**Daphne Maxwell Reid** is best known as Aunt Vivian from the hit comedy, "The Fresh Prince of Bel Air". Her 40-year acting career is still vital with roles on many new television programs including as the host of "Virginia Currents" on Richmond's WCVE (PBS). With her husband, actor/writer/producer Tim Reid, Daphne co-founded and is a principal partner in New Millennium Studios, the first full-service film studio in Virginia. Presently serving on the following boards, her involvement in the community-at-large rounds out a full schedule; Secretary of the Board of Visitors of Virginia State University, Petersburg Library Foundation Board, Virginia Foundation For The Humanities Board, The Richmond Forum Board, the Petersburg Area Art League Board, and the Citizens' Action Committee for the Governor's Mansion. She is an avid photographer of DOORS from around the world and is exhibiting and selling her collection

entitled “Daphne Maxwell Reid’s Fresh Prints®” at speaking engagements, art gatherings and on her website, [DaphneMaxwellReid.com](http://DaphneMaxwellReid.com).

**Emily Renda** is currently a Project Coordinator for Sexual & Gender-Based Violence in the Vice President for Student Affairs Office at University of Virginia, focusing on institutional policy, compliance, and prevention planning. She also currently serves as a member of the Criminal Sentencing Commission. Emily has previously consulted with the White House Task Force, provided testimony to the Senate and served as a student advocate while an undergraduate at UVa. Her research is focused on the relationship of reporting rates and prevention to legal compliance initiatives, as well as resource usage among survivors.

**Major Tracy S. Russillo** serves as the Deputy Director of the Bureau of Administrative and Support Services with the Virginia State Police, and is responsible for all of the divisions that provide support functions to the Department’s sworn personnel, including Communications, Criminal Justice Information Services, Information Technology, Personnel, Property and Finance, Training, and the Office of Legal Affairs. She obtained her Bachelor of Science Degree in Law Enforcement Administration from George Mason University in 1988 and in 2001 she obtained a Post Baccalaureate Certificate in Criminal Justice from Virginia Commonwealth University. Also in 2001, she graduated from Northwestern University School of Police Staff and Command at Nashville, Tennessee. In 2011, Major Russillo attained a Master of Arts Degree in Homeland Security Studies from the Naval Postgraduate School in Monterey, California.

**Frank Shushok, Jr.** serves as Senior Associate Vice President for Student Affairs and Associate Professor of Higher Education at Virginia Tech. In addition to serving as deputy to the Vice President for Student Affairs, he is responsible for campus-wide matters concerning student-on-student sexual violence.

**Rosemary Tribble**, founder and President of Fear 2 Freedom, has dedicated her life to public service. She is the wife of former US Senator and Congressman, Paul Tribble, who has served as the President of Christopher Newport University for the last eighteen years. Rosemary’s passion to help others overcome trials comes from her own experience of hardship. At age 25, she was violently raped at gunpoint, shortly after hosting a television talk show on sexual assault. Since that time, she has dedicated her life to seeing others find restored joy and walk the path to healing. Today, she lives out this service as President of the global non-profit, Fear 2 Freedom, which seeks to redeem and restore those sexually assaulted. Fear 2 Freedom partners with hospitals, universities, and communities to provide after care kits, called F2F Kits, to hospitals for those who have experienced sexual assault. In the past three years, Fear 2 Freedom has provided almost 6,000 F2F Kits to survivors of sexual assault, child abuse, domestic violence, and sex trafficking. Her challenge to students is to “Be the change. Restore the joy.”

**Kristi VanAudenhove** has more than 30 years of experience directing non-profit agencies dedicated to eliminating sexual and domestic violence. She is a passionate advocate committed to working across all community systems and with all individuals to achieve a vision of safety, respect, equality and justice for women, children and men. For more than twenty years she has provided leadership to Virginia’s sexual and domestic violence coalition, the Virginia Sexual and Domestic Violence Action Alliance. The Action Alliance’s accomplishments, achieved in collaboration with their member Sexual and Domestic Violence agencies, include establishing a Training Institute that delivers training to approximately 1,000 advocates and allied professionals each year, a unique and exceptionally effective data collection system that describes not only services provided, but the outcomes of those services (VAdata), forward-thinking prevention programming including the award winning “Red Flag” campus violence prevention campaign,

a strong commitment to social justice and to dismantling racism as a core component of the work to end violence and policy advocacy to improve the response to sexual and domestic violence.

**John Venuti** currently serves as Associate Vice President of Campus Safety/Chief of Police for Virginia Commonwealth University. The VCU Police Department has 92 sworn police officers and over 250 security officers, making it the largest university police department in the state of Virginia and one of the largest nationally as well. VCU is a major public research university with over 50,000 students, faculty, and staff. The VCU Police Department serves the VCU Health System and the Monroe Park Academic campus. Chief Venuti has a degree in Culinary Arts from the Culinary Institute of America and a Bachelor's Degree in Management and Leadership from Bluefield College. He is also a graduate of the FBI National Academy as well as FBI LEEDS. Venuti previously served 26 years with the Richmond Police Department. During his time with RPD, Chief Venuti supervised the Support Services, Major Crimes, Special Investigations, and Special Events divisions. During his tenure in Major Crimes, he supervised the investigation and prosecution of over 475 homicides in the City of Richmond.

**Raychel Whyte** is a recent graduate of James Madison University where she received a Bachelor of Science in Health Science. In her time as a student, she worked in the Sexual Assault Prevention Program and was a leader in the LGBTQ community on campus. Raychel also served as a consultant for the White House Task Force on Protecting Students from Sexual Assault. She now works as an Administrator at Medstar Georgetown University Hospital.