

2016

A REPORT TO THE LEGISLATURE

CAMPUS SEXUAL VIOLENCE PREVENTION TASK FORCE FINAL REPORT

CENTRAL WASHINGTON
UNIVERSITY



EASTERN WASHINGTON
UNIVERSITY



THE EVERGREEN STATE
COLLEGE



UNIVERSITY OF
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WASHINGTON STATE
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THE STATE BOARD FOR
COMMUNITY AND TECHNICAL
COLLEGES



INDEPENDENT COLLEGES OF
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WASHINGTON STATE
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Table of Contents

Executive Summary	1
Introduction	4
Central Washington University.....	4
The Evergreen State College.....	4
Eastern Washington University.....	5
University of Washington	5
Washington State University.....	5
Western Washington University.....	6
State Board for Community and Technical Colleges	6
Independent Colleges of Washington.....	6
Task Force Subcommittee Summaries	13
Campus Climate Assessment Subcommittee.....	13
Advocate Confidentiality Subcommittee.....	14
Student Conduct Processes Subcommittee.....	16
Prevention Subcommittee.....	24
Criminal Justice Subcommittee	26
Underservee Populations Subcommittee	35
Memoranda of Understanding Subcommittee	36
Appendix A: Campus Sexual Violence Prevention Task Force Work Group Members	A1
Appendix B: List of Task Force Presenters and Guest Speakers	B1
Appendix C: Local Researchers and Expert Witnesses for Adult-Victim Sexual Assault Cases	C1
Appendix D: Copy of Authorizing Legislation (SB 5719)	D1
Appendix E: Summary of 2015 Sexual Violence Legislation	E1
Appendix F: Subcommittee Membership	F1
Appendix G: Summaries of Campus Climate Survey Results	G1
State Board for Community and Technical Colleges	G1
Central Washington University.....	G7
Eastern Washington University.....	G10
The Evergreen State College.....	G11
Washington State University.....	G14
Western Washington University.....	G19
University of Washington	G26

Appendix H: Summary of Statewide Sexual Assault Services H1
 Table 1. Sexual Assault Services Funding Formula H1
 Washington State Community Sexual Assault Programs H4

Appendix I: Additional Resources..... I1

Appendix J: Task Force Meeting Dates and Locations..... J1

Acknowledgements K1

The Council of Presidents (COP) is an association of Washington’s six public baccalaureate degree granting college and universities. Located in Olympia, Washington, COP strives to be a common voice for the public baccalaureate sector and the most respected and trusted resource for decision makers on issues affecting public higher education. COP serves a coordinating role for a number of initiatives and activities common to the public baccalaureate institutions, fostering coordination and collaboration among the public baccalaureates as well as with other educational partners, both in Washington and nationally.

This report is also available online at <http://www.councilofpresidents.org>

The Council of Presidents
410 11th Avenue SE; Suite 101
Olympia, WA 98501

Executive Summary

In [Senate Bill \(SB\) 5719](#) the 2015 Washington State Legislature affirmed the importance of sexual violence prevention efforts through creation of a 14-member Task Force broadly representing higher education, law enforcement, and other key constituencies.

The statutory duties of the Task Force are to:

- ◆ Develop a set of best practices that institutions of higher education may employ to promote the awareness of campus sexual violence;
- ◆ Reduce the occurrence of campus sexual violence, and enhance student safety;
- ◆ Develop recommendations for improving institutional campus sexual violence policies and procedures;
- ◆ Develop recommendations for improving collaboration amongst institutions and law enforcement;
- ◆ Report to the legislature and the institutions of higher education on its goals and recommendations annually.

Staff from the Council of Presidents (COP) agreed to staff the Task Force throughout the duration of its work. The Task Force held 12 public meetings across the state over an 18-month period to hear from national and state experts, research and highlight best practices, and discuss how to make Washington state a national leader in addressing the issue of campus sexual violence. This is the second of two reports required in SB 5719; the first detailed early efforts by the Task Force and highlights efforts around sexual violence prevention and response at all of Washington's public baccalaureate, community and technical, and ten nonprofit colleges and universities that comprise the Independent Colleges of Washington.

Also in 2015, policymakers enacted two other, related pieces of legislation. Senate Bill 5518 related to campus sexual violence response. As that legislation contained other reporting requirements for colleges and universities and to ensure the most efficient use of limited resources, the Campus Sexual Violence Task Force chose to comprehensively address issues related to both campus sexual violence prevention and response. Consequently, the Task Force divided into seven subcommittees in order to complete its work:

- ◆ **Campus Climate Assessment**
- ◆ **Prevention**
- ◆ **Criminal Justice System**
- ◆ **Advocate Confidentiality**
- ◆ **Student Conduct**
- ◆ **Underserved Populations**
- ◆ **Memoranda of Understanding**

The result of the work of the Memoranda of Understanding Subcommittee resulted in the [July 2016 joint report](#) from the Council of Presidents, State Board for Community and Technical Colleges, and the Independent Colleges of Washington on efforts to develop memoranda of understanding between colleges and universities and local law enforcement.

The 2015 Washington Legislature passed a number of bills related to the topic of sexual violence (see Appendix E for a summary). [House Bill 1068](#) established an 18-member Task Force to review best practice models for managing all aspects of sexual assault examinations and for reducing the number of untested sexual assault forensic examination (SAFE) kits in Washington. The SAFE Task Force produced a [preliminary report](#) in 2015 and will issue its final report in December 2016.

Below are the 17 recommendations of the Campus Sexual Violence Prevention Task Force:

Funding:

- ◆ Funding for campus prevention education must be adequate.
- ◆ Detail estimates of past and future assessment costs (including surveys).
- ◆ Establish and fund ongoing opportunities for program and professional development (training twice per year on best practices; teams of prevention leaders).

Evaluation and Research:

- ◆ Prevention education efforts on campuses must be evaluated for effectiveness.
- ◆ Encourage further institutional efforts to research and comprehensively address prevention and response efforts for specific populations such as students with disabilities, students under age 18, and GLBTQ students.
- ◆ Continue assessment (e.g. – surveys, focus groups, and other measures) efforts and jointly report to policymakers every three years with a campus climate update.
- ◆ Build holistic assessments that comprehensively address the needs of special populations and are tailored to an individual's affiliation with the institution. This includes but is not limited to specific populations such as students with disabilities, students under age 18, and GLBTQ students.

Training/Professional Development:

- ◆ Pursue opportunities to increase prevention and education opportunities in K-12 schools that involve input from higher education and other stakeholders (such as a K-20 task force).
- ◆ Establish and fund ongoing opportunities for program and professional development (training twice per year on best practices; teams of prevention leaders).
- ◆ Make relevant training more available for police, prosecutors, and judicial officers.
- ◆ Educate juries through the use of local expertise.
- ◆ Explore expansion of the innovative "[You Have Options](#)" Program.
- ◆ Promote Offender-Focused and Victim-Centered Prosecution.

Communication:

- ◆ Promote regional communication through the expanded and robust use of Sexual Assault Regional Teams (SARTs).
- ◆ Pursue opportunities to increase prevention and education opportunities in K-12 schools that involve input from higher education and other stakeholders (such as a K-20 task force).

Legal/Policy Issues:

- ◆ Add a new chapter to state statute (RCW 28B) regarding communication between sexual violence survivors and victim advocates.
- ◆ Institutions of higher education are encouraged to adopt policies regarding the disclosure of disciplinary actions to other institutions in instances where a transferring student has been expelled or suspended for misconduct that poses a significant risk to the campus community.
- ◆ Exempt student conduct proceedings in institutions of higher education from the Administrative

Procedures Act in state statute (RCW 34.05).

- ◆ Adopt due process standards specifically applicable to college student conduct proceedings.

Sexual violence profoundly impacts the lives of all survivors and the health and safety of entire communities. While Washington's public and private colleges and universities have long worked to address all aspects of this issue, recent initiatives at the state level are spurring a level of collaboration and consistency in effort and accountability that will continue to affect positive change on college and university campuses and between campus, community, and law enforcement leaders. The members of the Campus Sexual Violence Prevention Task Force would like to express their gratitude to state policymakers for their bi-partisan efforts in this critical area.

Complete information on the work of the Sexual Violence Prevention Task Force – including this and earlier reports, meeting agendas and minutes, and relevant handouts and news articles – can be found at the [Council of Presidents website](#).

Introduction

According to the [Centers for Disease Control and Prevention](#), “sexual violence is defined as a sexual act committed against someone without that person’s freely given consent. Sexual violence is divided into the following types:”

- ◆ Completed or attempted forced penetration of a victim
- ◆ Completed or attempted alcohol/drug-facilitated penetration of a victim
- ◆ Completed or attempted forced acts in which a victim is made to penetrate a perpetrator or someone else
- ◆ Completed or attempted alcohol/drug-facilitated acts in which a victim is made to penetrate a perpetrator or someone else
- ◆ Non-physically forced penetration which occurs after a person is pressured verbally or through intimidation or misuse of authority to consent or acquiesce
- ◆ Unwanted sexual contact
- ◆ Non-contact unwanted sexual experiences

As detailed in the Task Force’s [2015 report](#), a significant number of college students nationally – particularly but not exclusively female undergraduates – report having been victims of sexual assault and misconduct, including domestic violence, dating violence and stalking. Research further indicates that sexual violence on college campuses is underreported and that many students are unaware of the programs and services available to them. While students are the heart of a college or university campus, prevention and response efforts must also successfully serve faculty, staff, and visitors as well. On any given day Washington’s colleges and universities – whether public or private – welcome students, faculty and staff, and visitors (alumni and other guests, sports fans, hospital patients, and others) from all over the world.

Washington’s public and private colleges and universities have long endeavored to prevent incidents of sexual violence on their campuses. A complete summary of those efforts is detailed in the Task Force’s 2015 report. Below are selected highlights:

Central Washington University has multiple positions to support this process. The University currently has one Title IX Coordinator, six Deputy Title IX Coordinators, and a Violence Prevention and Response Coordinator who meets with all students who present issues related to sexual assault, sexual harassment, dating violence, and stalking. CWU also has three case managers to help students understand resources, navigate processes on the campus, and to advocate for students. Counseling and medical staff on campus also provide services. In addition, the University has training provided for all incoming students on healthy relationships and sexual violence, including bystander training. Combined with ongoing victim advocate training, CWU’s faculty and staff also complete an online training every two years. Finally, a Title IX Task Force meets quarterly to discuss campus climate issues and to discuss initiatives on campus.

In Fall 2014 **The Evergreen State College** launched the Green Dot Strategy for Olympia for undergraduate students. Green Dot seeks to engage all students as potential bystanders to establish intolerance for violence and intervene in high-risk situations without compromising their safety. The scientific basis for Green Dot draws on four areas of research: social diffusion theory, bystander literature, perpetrator data, and marketing and rebranding research. Evergreen employs a Title IX Coordinator and a confidential Sexual Violence Prevention and Response Coordinator to provide direct services to victims and prevention education and programming. Counseling and medical staff in Student Wellness Services provide integrated care to victims.

Eastern Washington University employs six people with Title IX related duties along with several other employees in our Health and Wellness Center who assist students with several health related issues including sexual violence. The Title IX Coordinator pursues regular training and professional development in order to ensure that campus processes are consistent with requirements and reflect a high level of integrity. For example, the University recently purchased a new training program employees will participate in starting January 2017. The program will provide employees with more sexual harassment and violence training along with an opportunity to receive a certificate.

EWU is committed to providing support for sexual assault survivors through both university advocates and partnerships with Lutheran Community Services and the YWCA. The University holds those responsible who violate its student conduct code, following appropriate due process, and creating a culture of prevention and education regarding sexual assault. There are four primary resources that make up the core of EWU's approach to sexual assault education and prevention:

- ◆ **Think About IT** is an online course that all new students, as well as student-athletes, student leaders, and members of our Greek community take each year. It covers sexual assault education and prevention, high-risk drinking, drug use, and university resources.
- ◆ **Speaking of Sex** is an interactive, highly engaging program that we require new students to participate in each year during Welcome Week, which addresses sexual assault education, interpersonal communication about sex, consent, and healthy relationships.
- ◆ **Start by Believing** is a campus-wide public awareness campaign that launched last year to support survivors of sexual assault through positive community response and bystander intervention. Staff lead educational presentations throughout the year that have already trained more than 800 students, faculty and staff – and will continue to increase that number.

In addition to the above, the University conducts year-round educational programming through its Health, Wellness, and Prevention Services and Housing and Residential Life departments. Every April, University staff facilitate an intensive slate of educational programs and resources as a part of the institution's annual Sexual Assault Awareness and Prevention Week.

The **University of Washington's** Title IX compliance program has the support and commitment of University leadership. In April 2013, then-President Michael Young created a Task Force on Sexual Assault Prevention and Response comprised of faculty, staff, and students and charged them with reviewing University policies, exploring best practices, recommending and developing new practices and proposing a plan for implementation. In December 2013, the Task Force presented a final report outlining eight broad goals and 18 recommendations for creating and delivering a strong prevention and response program for the University. The University has made significant progress in implementing and responding to the Task Force recommendations, including hiring a Title IX Investigator for student conduct cases, a Training and Education Coordinator to develop and facilitate comprehensive educational programs for students, and fully funding two victim advocate positions. It also created a Title IX Committee to assist in implementing the Task Force's recommendations across a large institution with a varied and diverse constituency.

Washington State University mandates training for its employees on discrimination, sexual harassment, and sexual misconduct prevention, which includes information on reporting responsibilities and best practices. In addition, the Office for Equal Opportunity regularly provides additional training about sex and gender-based violence and trauma-informed response information for law enforcement, members of the conduct board, and other staff who work with students.

Western Washington University formed a university Title IX Task Force in 2011 to be able to most effectively respond to the April, 2011 “Dear Colleague Letter: Sexual Violence.” The Vice Provost for Equal Opportunity and Employment Diversity/Title IX Coordinator became Chair of this Task Force and focused early efforts on informing students and employees about their resources and reporting options, as well as exploring and coordinating needed training. The Task Force evolved in 2015 to the “Work Group on Sexual Violence Prevention and Response.” This Work Group meets regularly, and includes the directors of campus departments with key responsibilities related to sexual violence prevention and response, as well as faculty and student representatives. Results of this Group’s efforts include: wide spread posters on sexual violence resources and reporting options throughout campus; survivor resources posters in every restroom on campus; robust training in the prevention of sexual violence to student athletes; coaches; resident advisors/directors; student leadership; graduate TA’s and RA’s. In addition, in 2015, Western implemented a mandatory on-line sexual violence prevention training for all new students, faculty, and staff. The Equal Opportunity Office conducts a mandatory two-hour in person training, providing an overview of sexual harassment prevention to all new employees (since 2005), with an every three-year on-line refresher class. In Spring 2016, the Work Group helped develop a sexual violence climate survey for students and employees, for which summary of results are published elsewhere in this report. The current focus of the Work Group is on continuing the development of a broad educational and awareness campaign on sexual violence prevention and response. In addition, a new web site, “[Together Against Sexual Violence](#),” which has been developed this past year, links all relevant offices and information on sexual violence and is accessible from WWU’s home page: <https://wp.wvu.edu/sexualviolence/>.

All Washington **Community and Technical Colleges** are in the process of implementing Campus Clarity, a Title IX training program for employees and students. The District Compliance Officer for Spokane Colleges has a role in making sure the efforts of the Colleges and the District are in accord with federal and state regulations as well as with board policy and college procedures. The Vice Presidents and the Compliance Officer conduct training in Title IX, VAWA, and Campus SaVE as part of fall convocation, and will offer it at least twice yearly. Renton Technical College (RTC) piloted a lesson/training within their College Success course on Title IX, with a focus on consent and resources. During this lesson/training, students view the “[Cup of Tea](#)” consent video available on YouTube. For staff and faculty, RTC launched a training on the Canvas platform in October 2015; completion of the training was mandatory for employees. Lower Columbia College launched an awareness campaign which includes a webpage, posters, digital signage, brochures and cards with information about resources and reporting. At Tacoma Community College, the Campus Safety office offers workshops on self-defense and the Counseling Department offers workshops on sexual assault and harassment.

Prevention and education programs related to campus sexual violence occur in many different forms on all **Independent College of Washington** member college campuses. Some originate in the student development office while others are found in housing and residence life programs, student clubs, campus security offices, and, of course, formal Title IX programs. Typically, all new employees, including faculty, are required shortly after employment to complete some form of a training regarding discrimination and harassment. In addition, newly hired faculty and staff employees receive training on discrimination, harassment and sexual misconduct during orientation programs and in many cases, certain employees are required to complete annual training regarding Title IX awareness, mandatory reporting requirements and trauma-informed investigations and reviews tailored to staff members who may be called upon to serve as investigators and grievance officers in sexual misconduct complaint proceedings. Faculty conferences often include sessions on Title IX updates, mandatory reporting, and educational responses. All new undergraduate and graduate students are typically required to take training courses related to campus sexual violence. Examples include online programs guided through self-reflection designed to examine sexual misconduct, healthy relationships, and substance abuse

through a variety of interactive, realistic scenarios, (“Think About It”) and bystander intervention training sessions. In many cases athletes are also required to attend bystander skills training sessions at the beginning of each academic year.

Federal Efforts and Compliance

For Washington’s institutions of higher education, there are currently two federal statutes that govern sexual violence prevention and response on college and university campuses: Title IX of the United States Education Act Amendments of 1972 (Title IX); and amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (the Clery Act), as most recently amended by the Campus Sexual Violence Act (SaVE Act) provisions of the Violence of Women Act Reauthorization of 2013. Over the past decade and a half, the United States Department of Education’s Office of Civil Rights (OCR) has issued increasingly prescriptive guidance in the form of Dear Colleague Letters (DCLs) identifying specific policies and procedures that an institution should adopt and follow to satisfy obligations under Title IX. OCR’s guidance on these issues culminated in its issuance of the April 4, 2011 Dear Colleague Letter (the DCL), which, at the time, was the agency’s most definitive guidance to date regarding Title IX and student-on student sexual violence.

Since the 2011 DCL and the following OCR guidance as well as passage of the VAWA and new state regulations, colleges and universities have found themselves at a resource deficit in terms of the number of staff necessary to comply with these directives. It is estimated that, because of increasing federal and state regulation, higher education institutions will individually need one to two additional full time equivalent staff directed toward this effort. However, colleges have received no new funding specifically for this purpose from either the federal or state government since 2011.

The Executive Branch has also been actively involved with these issues. In January 2014, President Obama established a White House Task Force to Protect Students from Sexual Assault. Co-chaired by designees of the Office of the Vice President and the White House Council on Women and Girls, this advisory group was tasked with developing a proposal and recommendations for: a) providing examples of instructions, policies, and protocols for institutions, including: rape and sexual assault policies; prevention programs; crisis intervention and advocacy services; complaint and grievance procedures; investigation protocols; adjudicatory procedures; disciplinary sanctions; and training and orientation modules for students, staff, and faculty; b) measuring the success of prevention and response efforts at institutions, whether through compliance with individual policies or through broader assessments of campus climate, attitudes and safety, and providing the public with this information; c) maximizing the federal government’s effectiveness in combatting campus rape and sexual assault by, among other measures, making its enforcement activities transparent and accessible to students and prospective students nationwide; and d) promoting greater coordination and consistency among the agencies and offices that enforce federal laws addressing campus rape and sexual assault and support improved campus responses to sexual violence.

The White House Task Force issued its first report – “Not Alone” - in April 2014 with the following recommendations:

1. Identifying the Problem by Conducting Campus Climate Surveys
2. Preventing Sexual Assault – and Engaging Men in the Cause
3. Effectively Responding When a Student Is Sexually Assaulted
4. Increasing Transparency and Improving Enforcement

Detailed information on the report recommendations can be found at: <https://www.notalone.gov/assets/report.pdf>.

The White House also created a [website](#) to provide additional information and resources for students, colleges and universities, and others to provide information on sexual assault prevention and response resources.

Statewide Sexual Assault Conference

In early 2014 the six presidents who comprise the Council of Presidents decided to organize Washington's first ever statewide conference on campus sexual violence. They directed COP staff to work with relevant public and private, four and two-year college campus leaders and experts to plan what became the 2014 Washington State Higher Education Conference on Sexual Assault Prevention and Response at the University of Washington in Seattle. The event assembled more than 500 administrators and faculty from 50 public and private colleges and universities across Washington to enhance their awareness of key issues, discuss data and reporting challenges, identify opportunities for improvement, learn about successful approaches, and increase prevention efforts to reduce sexual violence on campus. Sixteen different breakout sessions were offered, including sessions on understanding federal regulations, learning from the military, rape myths and rape culture, engaging men, student panel and cultural perspectives. All conference related materials are available on [COP's website](#).

State Action

In Senate Bill (SB) 5719 the 2015 Washington State Legislature affirmed the importance of sexual violence prevention efforts through creation of a 14-member Task Force broadly representing higher education, law enforcement, and other key constituencies.

The statutory duties of the Task Force are to:

- ◆ Develop a set of best practices that institutions of higher education may employ to promote the awareness of campus sexual violence;
- ◆ Reduce the occurrence of campus sexual violence, and enhance student safety;
- ◆ Develop recommendations for improving institutional campus sexual violence policies and procedures;
- ◆ Develop recommendations for improving collaboration amongst institutions and law enforcement;
- ◆ Report to the legislature and the institutions of higher education on its goals and recommendations annually.

The Task Force held 12 public meetings across the state over an 18-month period to hear from national and state experts, research and highlight best practices, and discuss how to make Washington state a national leader in addressing the issue of campus sexual violence. This is the second of two reports required in SB 5719; the [first](#) detailed early efforts by the Task Force and highlights efforts around sexual violence prevention and response at all of Washington's public baccalaureate, community and technical, and ten nonprofit colleges and universities that comprise the Independent Colleges of Washington.

Also in 2015, policymakers enacted two other, related pieces of legislation. Senate Bill 5518 related to campus sexual violence response. The provisions of SB 5518 included:

Disciplinary Process. All institutions of higher education must refrain from establishing a different disciplinary process on the same campus for a matter of sexual violence. The disciplinary process cannot change based on the status of the student, including membership on an athletic team, fraternity or sorority, academic year, or any other characteristic.

Confidentiality and Reporting Protocols. Institutions of higher education must make information available on an annual basis to all current and prospective students, employees, and parents of students, regarding the

institution's compliance with campus sexual violence confidentiality and reporting requirements. Resources must also be made available to all campus sexual assault survivors on a confidential basis, regardless of whether the survivor chooses to proceed with a formal report.

Uniform Campus Climate Survey. The four-year institutions of higher education must conduct a campus climate assessment to gauge the prevalence of sexual assault on their campuses. The State Board for Community and Technical Colleges (SBCTC) must conduct a uniform campus climate assessment survey of community and technical colleges. The surveys should assess:

1. Student and employee knowledge of:
 - a. their institution's Title IX coordinator's role;
 - b. campus policies and procedures addressing sexual assault and violence;
 - c. options for reporting sexual violence as a survivor or witness;
 - d. the availability of resources on and off campus, such as counseling, health, and academic assistance;
2. Student and employee bystander attitudes and behavior;
3. Whether survivors reported to the institution or law enforcement and why they did or did not report; or
4. Student and employee attitudes and awareness of campus sexual violence, including any recommendations for better addressing and preventing sexual violence.

Institutions and the SBCTC must report their findings to the Governor and the higher education committees of the legislature by December 31, 2016. The report must include a plan or proposal to undertake a statewide public awareness campaign on campus sexual violence. An assessment conducted to comply with new federal requirements pertaining to campus climate assessments fulfills this requirement.

Memoranda of Understanding. The SBCTC, COP, and ICW must submit reports to the Governor and the legislature's higher education committees by July 1, 2016, on steps taken by their institutions to enter into memoranda of understanding with local law enforcement that set forth each party's roles and responsibilities related to the prevention and response to sexual assault.

Distribution of Policies. Institutions must develop and distribute sexual violence policies and procedures that include, but are not limited to, information about their Title IX compliance officer or other individual responsible for handling sexual violence violations. Institutions must annually distribute these policies and procedures.

As that legislation contained other reporting requirements for colleges and universities and to ensure the most efficient use of limited resources, the Campus Sexual Violence Task Force chose to comprehensively address issues related to both campus sexual violence prevention and response. Consequently, the Task Force divided into seven subcommittees in order to complete its work:

- ◆ **Campus Climate Assessment**
- ◆ **Prevention**
- ◆ **Criminal Justice System**
- ◆ **Advocate Confidentiality**
- ◆ **Student Conduct**
- ◆ **Underserved Populations**
- ◆ **Memoranda of Understanding**

The result of the work of the Memoranda of Understanding Subcommittee resulted in the July [2016 joint report](#) from the COP, SBCTC, and ICW on efforts to develop memoranda of understanding between colleges and universities and local law enforcement.

One of the foundational principles of its work was that all meetings and efforts related to Campus Sexual Violence Prevention Task Force would be conducted in a transparent and open manner. Thus key stakeholders, including leaders from the Office of Superintendent of Public Instruction (OSPI), the Washington Student Association (WSA), and Washington Coalition of Sexual Assault Programs (WCSAP) attended meetings and lent their expertise to the conversation. All three organizations attended multiple Task Force meetings and participated in subcommittee meetings, with WCSAP staff serving as co-chair of the “Underserved Populations” Subcommittee.

The Task Force would like to particularly reaffirm the importance of the student voice in addressing campus sexual violence. COP staff presented an update on the Task Force’s work to the WSA Board of Directors in Seattle in September 2016. In addition, the Task Force heard from representatives from the Associated Students of the University of Washington (ASUW) concerning their comprehensive review and study of student needs and concerns. The student voice must be thoroughly represented in campus-based sexual violence prevention and response efforts for them to be relevant and effective.

Proposal for a Statewide Public Awareness Campaign on Sexual Violence

Senate Bill 5518 also included a directive regarding a statewide public awareness campaign:

“The four-year institutions of higher education and the state board for community and technical colleges shall report their findings to the governor and the higher education committees of the legislature by December 31, 2016. The report must also include a plan or proposal to undertake a statewide public awareness campaign on campus sexual violence.”

It is the recommendation of the Task Force that, presently, not enough information is available to conduct a campaign. Information from institutional assessments currently being conducted should directly and clearly inform this work.

At a minimum, key elements to include should be:

- ◆ Targeted to desired populations
- ◆ Regionally, state, and locally relevant
- ◆ Additive to prior efforts
- ◆ Take advantage of expertise in the public, private and nonprofit sectors
- ◆ Encompass various and emerging forms of media
- ◆ Regularly reviewed for effectiveness

Task Force members believe that funding must be secured in order to ensure that any media campaign be effective and of high quality.

Prevention Efforts in K-12 Education

The new K-12 [Health and Physical Education Student Learning Standards](#) include fairly comprehensive student learning outcomes related to healthy relationships, violence prevention, harassment, intimidation and bullying, and communication. These outcomes do not represent required instruction, but rather provide examples of what students should know and be able to do at each grade level.

The state of Washington has not adopted a specified sexual violence prevention curriculum for Washington schools. The most widely used sexual health curriculum in our state's schools is the [FLASH curriculum](#) (Family Life and Sexual Health). FLASH is a widely used comprehensive sexual health education curriculum developed by Public Health – Seattle & King County and designed to prevent teen pregnancy, STDs, and sexual violence. FLASH is available for elementary, middle, high school and special education classrooms. The most recently revised version of FLASH for high school includes at least eight lessons on sexual violence prevention. The middle school version includes at least two lessons on this topic.

The OSPI Learning and Teaching Division includes a position dedicated to focusing on sexual health education.

Final Recommendations

Below are the 17 recommendations of the Campus Sexual Violence Prevention Task Force. Detailed information on each recommendation is provided through individual reports provided later in this report from each subcommittee.

Funding:

- ◆ Funding for campus prevention education must be adequate.
- ◆ Detail estimates of past and future assessment costs (including surveys).
- ◆ Establish and fund ongoing opportunities for program and professional development (training twice per year on best practices; teams of prevention leaders).

Evaluation and Research:

- ◆ Prevention education efforts on campuses must be evaluated for effectiveness.
- ◆ Encourage further institutional efforts to research and comprehensively address prevention and response efforts for specific populations such as students with disabilities, students under age 18, and GLBTQ students.
- ◆ Continue assessment (e.g. – surveys, focus groups, and other measures) efforts and jointly report to policymakers every three years with a campus climate update.
- ◆ Build holistic assessments that comprehensively address the needs of special populations and are tailored to an individual's affiliation with the institution. This includes but is not limited to specific populations such as students with disabilities, students under age 18, and GLBTQ students.

Training/Professional Development:

- ◆ Pursue opportunities to increase prevention and education opportunities in K-12 schools that involve input from higher education and other stakeholders (such as a K-20 task force).
- ◆ Establish and fund ongoing opportunities for program and professional development (training twice per year on best practices; teams of prevention leaders).
- ◆ Make relevant training more available for police, prosecutors, and judicial officers.
- ◆ Educate juries through the use of local expertise.
- ◆ Explore expansion of the innovative "[You Have Options](#)" Program.
- ◆ Promote Offender-Focused and Victim-Centered Prosecution.

Communication:

- ◆ Promote regional communication through the expanded and robust use of Sexual Assault Regional Teams (SARTs).
- ◆ Pursue opportunities to increase prevention and education opportunities in K-12 schools that involve input from higher education and other stakeholders (such as a K-20 task force).

Legal/Policy Issues:

- ◆ Add a new chapter to state statute (RCW 28B) regarding communication between sexual violence survivors and victim advocates.
- ◆ Institutions of higher education are encouraged to adopt policies regarding the disclosure of disciplinary actions to other institutions in instances where a transferring student has been expelled or suspended for misconduct that poses a significant risk to the campus community.
- ◆ Exempt student conduct proceedings in institutions of higher education from the Administrative Procedures Act in state statute (RCW 34.05).
- ◆ Adopt due process standards specifically applicable to college student conduct proceedings.

Task Force Subcommittee Summaries

Campus Climate Assessment Subcommittee

Chaired by Joe Holliday, State Board for Community and Technical Colleges

Senate Bill 5518 required the public four-year institutions and the SBCTC to conduct sexual assault campus climate assessments to gauge prevalence, student and employee knowledge, bystander attitudes and behavior, and reporting behavior. To meet that requirement, the Campus Sexual Violence Prevention Task Force formed concurrently by SB 5719 created a Campus Climate Assessment Subcommittee to coordinate university and college efforts. Subcommittee members are listed separately in this report.

The subcommittee met approximately monthly during the 2015-16 academic year via conference call. SB 5518 required that the SBCTC conduct a uniform assessment at all of its 34 community and technical colleges, while the six public four-year institutions developed or selected their own assessment instruments. Much of the early work of this group was focused on identifying best practices in campus climate assessment and possible survey instruments to use. Among the resources consulted were those of the White House “Not Alone” Task Force and the ARC3 consortium of sexual assault researchers and student affairs professionals formed in response to the White House Task Force’s call to action. In the end, the SBCTC and each of the six public baccalaureates developed their own survey instrument or decided to use an existing one, relying heavily upon these resources. These instruments are available upon request but are not included in this report.

The subcommittee worked to adequately assess both students and employees, including whether to ask employees the sexual violence prevalence questions. In addition, questions were raised about developing protocols to guard against re-traumatizing survivors of sexual violence, and how to avoid gender stereotyping and victim-blaming in survey question design. Because the SBCTC needed to conduct a uniform assessment at all 34 of its member colleges, it faced some unique challenges, including how to incorporate information about local resources (considered a best practice) and how to coordinate with human resources, student services, Title IX, public information and research staff at all institutions.

Assessment Results

The variety of assessment instruments used and the low response rates make it difficult to draw meaningful conclusions from the results, especially about the prevalence of sexual assault on Washington’s campuses. For these reasons, the subcommittee can make only general recommendations at this time:

- ◆ Institutions of higher education should continue assessment (e.g. – surveys, focus groups, and other measures) efforts and jointly report to policymakers every three years with a campus climate update.
- ◆ It would be useful to develop detailed cost estimates of past and future assessment costs (including surveys) and to make funding available to conduct further research.
- ◆ Assessments should be holistic (not limited to surveys) and should comprehensively address the needs of underserved populations including but not limited to specific populations such as students with disabilities, students with limited English proficiency, students under age 18, and GLBTQ students.
- ◆ Assessments should be tailored to an individual’s affiliation with the institution, providing relevant information for students and informing each institution’s sexual violence prevention and response efforts (including Title IX activities).

Please see [Appendix G](#) for a summary of the survey results.

Advocate Confidentiality Subcommittee

Chaired by Natalie Dolci, Coalition Ending Gender-Based Violence

Background

By enacting Chapter 28B.112 RCW, the legislature has recognized the need for Washington's institutions of higher education to provide protections, resources, and services to students, staff and faculty survivors of sexual assault, domestic violence, dating violence, and stalking. See RCW 28B.112.005. Additionally, the legislature has required Washington's two-year and four-year colleges and universities to make information and support services available to all campus sexual assault survivors on a confidential basis, regardless of whether the survivor chooses to file a formal report of sexual assault. RCW 28B.112.020(2). Institutions must also comply with federal law and guidance pertaining to sexual violence prevention, awareness and disciplinary processes. In particular, there are new federal requirements included in the Campus Sexual Violence Elimination Act, as well as guidance from the Department of Education's Office for Civil Rights which require institutions of higher education to address the confidentiality of a survivor's information, including personally identifiable information within records maintained by the institution.

To address the question of whether Washington's institutions of higher education are well-positioned to comply with state and federal law and provide confidential resources and services to students, staff and faculty, the Task Force created the Advocate Confidentiality Subcommittee. The subcommittee undertook the task of reviewing Washington law to identify any issues or areas of concern relating to providing confidential information and services to survivors of sexual assault, domestic violence, dating violence, and stalking. In reviewing Washington's confidentiality provisions for victim advocates in RCW 5.60.060, as well as exemptions for crime victims in the Public Records Act, RCW 42.56.240, it is clear that the legislature strongly favors the protection of communications between survivors and victim advocates. Colleges and universities can meet federal confidentiality requirements by contracting or partnering with community based sexual assault victim advocacy programs to provide confidential support services to sexual assault survivors on a college or university campus. However, it is not clear from existing state law that these confidentiality provisions extend to students, staff and faculty who receive services from "campus affiliated advocates," i.e., sexual assault victim advocates who are either employed by institutions of higher education or work as volunteers on campus, but are not affiliated with a community based advocacy organization.

There is precedent for protecting the confidentiality of campus based advocates working within public institutions. This has been addressed by numerous colleges and universities. One such peer institution is the University of California system and their CARE Advocacy model.¹ However in Washington, it appears that there may be a conflict between the legislature's requirement that public colleges and universities provide confidential information and services to survivors and a public institution's ability to protect that information under current law.

As a result and in an effort to allow Washington's institutions of higher education to comply with legislative intent and federal requirements, the subcommittee makes the following recommendation:

¹ The University of California provides campus affiliated sexual violence victim advocacy to students on all of its campuses through a program entitled "CARE." An explanation of the confidential services provided to sexual violence victims through the CARE program can be found at <http://sexualviolence.universityofcalifornia.edu/faq/care-advocates.html#confidential>.

Recommendation

The task force recommends that the legislature enact a provision within Chapter 28B.112 RCW providing for confidentiality of a survivor's communications with, and records maintained by, campus affiliated advocates, and provide that such records are subject to disclosure by victim advocates employed by or volunteer for an institution of higher education only upon the consent of the survivor; clear, imminent risk of serious physical injury or death of the survivor or another person; mandatory reporting requirements; or court order following an in camera review.

Rationale

In reviewing Washington law, it is evident that current law does not clearly address confidentiality for survivors receiving services from victim advocates who are employed by or volunteering for institutions of higher education and are not affiliated with a community-based sexual assault victim advocacy programs (campus affiliated advocates). For example, RCW 5.60.060 prohibits community-based domestic violence and sexual assault advocates from disclosing confidential communications or being examined in court without the consent of the survivor, unless there is a clear, imminent risk of serious physical injury or death of the survivor or another person. But it is not clear whether these protections apply to victim advocates on college or university campuses who are not affiliated with a community based advocacy organization. However, it is imperative that survivors receiving services from campus affiliated advocates be provided with the same opportunity to receive resources and protections that survivors using community-based advocates receive, for the same reasons, in addition to the requirements of RCW 28B.112.020(2). Further, federal policies and guidance from the Department of Education require that institutions of higher education specify how survivor records, including personally identifiable information, will be maintained by their school. Survivors in college who seek assistance from advocates who volunteer for or are employed by an institution of higher education should have the same assurances of confidentiality for highly sensitive and private information as survivors who seek assistance from community-based advocates.

Similarly, it is not clear under current law whether records created by campus affiliated advocates are exempt from disclosure under Washington's Public Records Act, RCW 42.56.240. For example, under Federal privacy laws, students are entitled to review copies of their own student records which are broadly defined as records "[d]irectly related to a student" that are "maintained" by an educational institution. 34 C.F.R. §99.3. The breadth of this definition could be interpreted to include the release of communications between a survivor and an advocate employed by a college or university that are related to another student. In order to protect survivors from the unnecessary disclosure of personally identifiable information that may be invasive and may allow their perpetrators to locate them or learn of confidential discussions with these victim advocates, this information should be exempted from disclosure under the Public Records Act. Discussions between survivors and victim advocates are not pertinent to the work of government officials and contain sensitive, highly-personal information that should not be subject to public disclosure. Yet, it is imperative and part of the legislature's intent in enacting Chapter 28B.112 RCW that students, staff and faculty be provided with resources and services to help address incidents of sexual and interpersonal violence.

Institutions of higher education should have clear guidance and be able to assure survivors seeking resources and services from campus-affiliated victim advocates that their confidential communications and personally identifiable information will not be disclosed to others, in the same way that survivors receiving services from community-based victim advocates are protected against such disclosures.

Student Conduct Process Subcommittee

Chaired by Amanda Paye, University of Washington

Issue Overview

The Student Conduct Processes Subcommittee was tasked with (1) reviewing student conduct procedures used to adjudicate sexual violence allegations at Washington’s public institutions of higher education, (2) developing best practices and recommendations for improvements in these adjudicative processes, and (3) identifying statutory and institutional barriers to implementing these best practices and recommendations. This work was intended to address the Task Force’s charge to “develop recommendations for improving institutional campus sexual violence policies and procedures.”²

In its December 2015 report, the subcommittee identified common challenges among colleges and universities for adjudicating student conduct matters and identified areas for improvement, including:

- ◆ Reducing the amount of time it takes to fully adjudicate a student conduct charge;
- ◆ Creating an accessible and understandable process for students and other participants; and
- ◆ Ensuring the process maintains fidelity with our institutions’ educational missions.

Since that report, the subcommittee has continued with its analysis and review, including:

Reviewing and analyzing current student conduct practices;

- ◆ Assessing best practices;
- ◆ Reviewing and analyzing alternative student conduct practices at other higher education institutions outside of Washington State that have been subject to review or investigation by the Office for Civil Rights related to their compliance with Title IX; and
- ◆ Evaluating the intersection of these practices with the Washington State Administrative Procedures Act (APA), Chapter 34.05 RCW.

It has become apparent to the subcommittee that the APA imposes an overly restrictive and legalistic structure on to student conduct proceedings and lacks critical provisions necessary to ensure colleges and universities can bring their adjudicative processes into compliance with federal law and guidance regarding responding to sexual violence. The subcommittee has concluded that clarifications relating to administrative procedures under Washington State law are necessary to ensure that public institutions of higher education can, not only, achieve compliance with federal laws and guidance regarding responding to allegations of sexual violence, but also ensure that student conduct matters are adjudicated in a timely, fair, and equitable manner that aligns with the institution’s educational goals and purposes. Given that conclusion, this final report of the subcommittee describes and analyzes the necessary clarifications and provides options for implementing those clarifications.³

The Intersection of the APA and Federal Law and Guidance

The following is a brief summary of the provisions of federal law and guidance and state law relating to the adjudicative process for student conduct matters involving sexual violence.

2 Please note that these recommendations are for public institutions of higher education only, given that they are governed by the APA; however, private schools may wish to consider these recommendations as “best practices.”

3 On December 1, 2016, the Washington Court of Appeals, Division III issued its opinion in *Arishi v. Washington State University*, holding that WSU’s student conduct procedures did not comply with the APA. This opinion issued shortly before the deadline for publishing this report and after the Student Conduct Subcommittee and the Task Force had completed their deliberations. Consequently, the following analysis has not been revised to reflect the holding in *Arishi*. Nonetheless, the Subcommittee is confident that the holding in *Arishi* does not substantively change its recommendations.

VAWA and OCR Guidance

VAWA and OCR guidance require that schools create disciplinary processes that are fair, prompt, and equitable for respondents and complainants in order to effectively respond to allegations of sexual assault, sexual harassment, domestic violence, dating violence, and stalking (collectively, “sexual violence”). Best practices are also emerging, which includes alternative models to the more traditional “hearing” model (sometimes tracking the adversarial, evidence-gathering criminal justice model). Preliminary reports from the field suggest that these innovative alternative models, in which college “judicial boards” play a more limited role, encourage reporting and bolster trust in the process, while at the same time safeguarding the respondent’s right to notice and to be heard.⁴

Washington State Administrative Procedures Act (APA)

In Washington, student conduct proceedings at public institutions of higher education are governed by the Administrative Procedure Act (APA), Chapter 34.05 RCW. In 1988, the State of Washington engaged in a wholesale legislative effort relating to adjudicative proceedings by state agencies. Many separate laws and regulations were repealed in favor of creating one overarching Administrative Procedures Act. The legislative intent was “to clarify the existing law of administrative procedure, to achieve greater consistency with other states and the federal government in administrative procedure, and to provide greater public and legislative access to administrative decision making.” RCW 34.05.001. At that time, the APA borrowed heavily from civil court proceedings, including adopting a more traditional “hearing” model.

Analysis of Necessary Clarifications and Improvements

Since 1988 when the APA was passed, the proliferation of laws, regulations, and federal guidance specifically related to the adjudication of student conduct matters, has created a high-level of complexity. In the past several years, Washington colleges and universities have engaged in work to revise their student conduct codes to comply with the rapidly developing federal law, while attempting to interpret how to fit these processes into the APA framework. Developing effective and compliant adjudicative proceedings for these complex matters, in addition to reconciling the nearly 30-year-old provisions of the APA, is an increasingly difficult challenge. Given these complexities and without clarity from the legislature, colleges and universities are at risk of inconsistent applications of the APA and, if subjected to judicial review, are at risk of inconsistent outcomes by Washington courts. The following sections provide an overview of these challenges and describe areas of possible improvement based on federal laws and guidance and identified best practices.

Equitable Rights for Complainants in the Adjudicative Process

VAWA and OCR guidance require that institutions of higher education provide victims of sexual violence an equal opportunity to access and participate in adjudicative proceedings. OCR also states, however, that “because a school has a Title IX obligation to investigate possible sexual violence, if a hearing is part of the school’s Title IX investigation process, the school must not require a complainant to be present at the hearing as a prerequisite to proceed with the hearing.”⁵ Additionally, victims must also have the right to seek an appeal of a disciplinary determination, if such an appeal is available to respondents.

Although equity for the victim and the respondent in student conduct proceedings is required by federal law, the APA, as currently drafted does not clearly delineate such an arrangement. Those who are a “party” to the matter also have certain rights to participate in the process; however, it is currently unclear what impact on

4 p. 14, https://www.whitehouse.gov/sites/default/files/docs/sexual_assault_report_1-21-14.pdf

5 p. 30, <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

the process should result, if any, if a complainant appears as a party but chooses not to fully participate in the hearing process. Finally, under the APA, a respondent is also entitled to seek judicial review of the outcome of the agency's action, yet it is unclear how or whether a victim would have standing as a party to seek judicial review of an adverse outcome.

Recommendation 1

The subcommittee recommends that the legislature adopt laws that ensure victims of sexual violence have standing to participate as parties in student conduct proceedings as they choose, including the right to seek judicial review of a final order by the agency.

Role of Attorneys

The educational purpose underlying student conduct proceedings makes them unique and sets them apart from administrative proceedings conducted by other state agencies. Unfortunately, some interpret the APA as inviting parties to import court room techniques and procedures that run counter to these requirements, including the filing of pleadings, motions, and discovery. This tendency is exacerbated if attorneys are permitted to appear on behalf of parties. Such a result undermines the educational goal of the proceeding, delays proceedings, and can place students who cannot afford legal representation at a distinct disadvantage.

OCR and VAWA recognize students' rights to be accompanied by an advisor of choice, including an attorney. Students subject to conduct proceedings, particularly those who may also be facing related criminal charges, should be able to be advised by counsel, if they choose. As an advisor, the attorney can help the student prepare for each step of the proceeding and assist with drafting written statements or questions for witnesses. The advisor and the student also may take breaks to consult as needed. Student conduct professionals also recognize this dilemma for students and support that students have legal representation, but caution that schools “[f]acilitate a process that is just and equitable; do not permit attorneys, parents, or anyone to create power differentials that adversely affect the process, or re-victimize anyone.”⁵

The APA does not specifically address the extent to which an attorney may actively participate in a student conduct matter, which leaves it subject to varied interpretations. At some institutions, student conduct proceedings have already begun to resemble mini-courtrooms with pre-hearing motions and discovery orders. Members of the subcommittee anticipate that this trend will grow unless there is clarification regarding the appropriate role an attorney can play in these types of proceedings.

Cross Examination

Although OCR and VAWA do not require that student conduct matters be adjudicated through a “hearing”, if a school chooses to provide a hearing, they warn against turning adjudications into miniature court proceedings. To this end, educators and federal regulators encourage panels to employ questioning techniques that are respectful to the students and do not risk re-traumatizing victims of sexual violence. For this reason, if colleges and universities utilize do provide a hearing to adjudicate student conduct matters, OCR strongly discourages schools from allowing the parties to personally question or cross-examine each other, as it may be traumatic and/or perpetuate the hostile environment.⁶ If a school utilizes a hearing in its process, a best practice has evolved where hearing panels conduct the questioning between the parties and the parties have the

⁶ The Association of Student Conduct Administrators (ASCA) has also issued recommendations that institutions place notations on a student's transcript indicating that the student is ineligible to enroll due to disciplinary issues. See <http://www.theasca.org/files/Best%20Practices/Transcript%20Notation%20-%20Final%20Report.pdf>. The American Association of Collegiate Registrars and Admissions Officers (AACRAO) also recently acknowledged that inclusion of certain disciplinary information on a student's transcript is an acceptable practice. See <http://www.aacrao.org/resources/resources-detail-view/transcripts-can-include-notation-of-disciplinary-actions>.

opportunity to offers questions for the panel to ask. That provides the opportunity for the panel to review and rephrase questions as necessary to maintain the educational tone.

Recommendation 2

The subcommittee recommends that students participating in a student conduct proceeding be required to speak for themselves, if they choose to participate at all. If the student has the resources to retain an attorney, the subcommittee further recommends that the attorney’s role be to advise the student during the process, but not act in lieu of the student (i.e., actively presenting argument or directly questioning the parties or witnesses). Regardless of the presence or role of counsel, the parties’ questions should be asked through the conduct chair or equivalent, not through direct cross examination.

The Appeal Process and Timelines

OCR has issued guidance recommending that adjudications of most allegations of sexual violence be completed within sixty (60) calendar days, barring unusual circumstances. In order to meet this guideline, institutions must provide notice, conduct a fact-finding investigation, hold a hearing or engage in another decision-making process to determine an outcome and, if the student is found to be responsible, impose an appropriate sanction within that 60-day period. Neither VAWA nor OCR require that schools provide an appeal process, but OCR has warned that an unreasonably lengthy appeal process may also call into question whether an institution’s sexual violence procedures are sufficiently prompt.

Currently, the APA permits lengthy adjudication timelines and the respondent also has a right to “appeal” the institution’s initial decision. For example, under the APA, a student has twenty (20) days to file an appeal from the student conduct officer’s initial notice of discipline. Once this appeal is filed and a review completed, the process may extend over several more months. Under the APA, the respondent may also seek judicial review of the agency’s final order. Although the school may act on its final order even if a judicial review is sought, these additional layers of review add to the uncertainty for the respondent, the complainant, and the school.

A lengthy review process that spans multiple quarters or academic years is also likely to have a negative impact on student participants, both emotionally and academically. Multiple layers of review may force students to re-tell their stories and be subject to questioning by multiple individuals, which may be re-traumatizing for victims. In reviewing others colleges and universities’ processes, a practice is emerging of providing a level of internal review, but for limited reasons, such as to review for procedural error, consider newly discovered evidence not reasonably available during the Investigation, and/or to avoid disproportionate sanctioning.

Recommendation 3

The subcommittee recommends that timelines and processes be designed to achieve the goal of finality within a 60-day time period and permits colleges and universities to determine their own model (whether utilizing panels, hearings, etc.). Although the subcommittee supports providing for an internal review process, it recommends avoiding a multi-layered review process that creates uncertainty and redundancies for our students.

Standard of Review

OCR guidance states that schools must use a preponderance-of-the-evidence (i.e., more likely than not) standard of review in any Title IX proceedings, including any fact-finding and hearings.⁷ In at least one case,

⁷ See 34 C.F.R. § 99.31(a)(2)(authorizing disclosure of a student’s educational records to a transfer institution when the disclosure is “related to the student’s enrollment or transfer.”)

OCR has found a school out of compliance because it adopted a different standard.⁸

While the APA is silent on the standard of review, it is well settled under Washington case law that a preponderance of the evidence standard applies. All Washington public colleges and universities have adopted the preponderance of the evidence standard; however challenges have been raised to using that standard. This creates uncertainty for our colleges and universities and the risk of inconsistent decisions upon judicial review.

Recommendation 4

All Washington colleges and universities have clearly stated through rulemaking that they are applying the preponderance of the evidence standard of review. The legislature should consider, however, whether legislating this standard of review could avoid unnecessary challenges and the risk of inconsistent decisions upon judicial review.

Jurisdiction

OCR guidance states that schools must hold students accountable for off-campus conduct that is sufficiently serious to limit or deny another's ability to participate in or benefit from the school's educational program, i.e. creates a hostile environment.⁹

The APA is a mechanism for individuals to challenge state agencies' decisions, but is not designed to hold individuals accountable under a student code of conduct, particularly when that conduct causes injury to another. This illustrates the unique nature of student conduct processes and why the APA does not provide an effective process for them. Although each school has adopted regulations relating to their authority to exercise jurisdiction over off campus conduct, there have been challenges to colleges and universities exercising that scope of authority. This, again, creates uncertainty for our schools and a risk of inconsistent decisions upon judicial review.

Recommendation 5

Washington colleges and universities should and have adopted provisions governing jurisdiction in their student conduct code that are sufficiently broad to include off-campus misconduct as provided for by OCR. The legislature should consider, however, whether legislating the scope of a school's authority consistent with that stated by OCR could avoid unnecessary challenges and the risk of inconsistent decisions upon judicial review.

Options for Implementing Recommendations

Legislative Proposal 1: Exempt Student Conduct Proceedings from the APA

The intent underlying adoption of the APA was to create a single set of procedures for reviewing agency action. This "one-size fits all" approach, however, does not recognize the unique educational mission of public institutions of education. Nor does it provide institutions with the flexibility and creativity to implement procedures that are responsive to both the needs of the student parties and the campus community, as well as in alignment with the rapidly developing federal law and guidance surrounding such issues. Because of these

8 See 34 C.F.R. § 99.34 (setting forth conditions for disclosure of student education records to transfer institutions).

9 The Campus Sexual Assault (CSA) Study (2007); The Campus Sexual Assault Study was conducted by RTI International and funded by the National Institute of Justice. Data were collected using a web based survey from undergraduate students (5,466 women and 1,375 men) at two large, public universities.; Krebs, C. P., Lindquist, C. H., Warner, T. D., Fisher, B. S., & Martin, S. L (2009) College Women's Experiences with Physically Forced, Alcohol or Other Drug Enabled, and Drug Facilitated Sexual Assault Before and Since Entering College. *Journal of American College Health*, 57(6), 639-647.

concerns and the specific issues identified above, the subcommittee recommends that the legislature exempt student conduct matters from the APA and allow colleges and universities to create their own processes based on these recommendations and best practices.

Many actions and decisions by higher education institutions are excluded from the APA, allowing each institution to develop its own standards and procedures. RCW 34.05.010(16). These include academic standards such as admission, academic advancement, academic credit, graduation and the granting of degrees. In regard to academics, each school is able to develop its own process for evaluating academic advancement, yet colleges and universities are not able to develop their own processes for evaluating student conduct, including academic misconduct.

If this option is adopted, it could have the benefit of allowing colleges and universities to develop processes most effective for their students. Under the federal constitution, respondents in student conduct proceedings are entitled to notice and an opportunity to be heard. Consequently, colleges and universities will still be held accountable to ensure that respondents are provided with due process while allowing each school to determine how to equitably provide rights to the complainant, as set forth in federal law and guidance.

Legislative Proposal 2: Adopt Due Process Standards Specifically Applicable to College Student Conduct Proceedings

If the legislature chooses to exempt public institutions of higher education from the APA, the subcommittee would further recommend that it adopt legislation that would reconcile state and federal law governing student conduct proceedings and the equitable rights of students in matters relating to sexual violence. This statutory scheme could include provisions specifying the minimum due process standards applicable to all student conduct proceedings, while, at the same time, providing the schools the flexibility to create procedures that are tailored to each school's culture, traditions of student-governance, shared governance with faculty, and available resources. At the same time, the subcommittee urges that the legislature not attempt to create a "uniform" or "model code." As described in our previous report, because of the significant differences between schools, particularly between four and two year colleges and universities, attempting a one-size-fits all solution would not be feasible or effective.

In SB 5518, the legislature already signaled its concern and willingness to instruct colleges about standards for the responding to sexual assault on college campuses, while recognizing challenges and improvements. The bill would set minimum standards for colleges and universities, but also permit colleges and universities to create policies and processes that will be most effective given each school's unique needs.¹⁰

Legislative Alternative: Selectively Amend the APA

In the event that wholly exempting institutions of higher education from the APA is not achievable, the subcommittee, at a minimum, urges the legislature to selectively amend the APA to address the recommendations, above. These amendments would clarify that victims of sexual violence have the right to participate as parties in student conduct proceedings and any resulting appeals, give public institutions of higher education explicit authority to conduct student conduct proceedings in a manner that is consistent with federal law and that advances the institution's educational mission, and provide institutions with the flexibility to shorten deadlines and the appeal process.

¹⁰ Rape and Sexual Assault: A Renewed Call to Action, The White House Council on Women and Girls, January 2014.

APA Conclusion

The subcommittee recommends legislative proposals 1 and 2. The affected colleges and universities would also invite the opportunity to develop proposed legislation and collaborate with policymakers.

The subcommittee recommends this solution primarily because colleges and universities have already engaged in extensive work to translate federal law and guidance into the APA framework. From this experience, the subcommittee is concerned that attempting to work within the APA would not provide sufficient flexibility or allow for sufficient creativity to continue to apply this framework to these complex matters.

Beginning with a clean slate will allow for thorough evaluation of the unique issues relating to adjudications of student conduct matters and the individual needs and culture of each college and university. At the same time, consideration can be given to creating a model that is in alignment with federal laws and guidance regarding adjudications of sexual violence matters.

Adopt Policies Authorizing Disclosure of Disciplinary Information to Transfer Institutions for Students Found Responsible for Misconduct that Poses a Threat to the Health, Safety, and/or Welfare of the Campus Community

Background

Some educators have raised concerns that students who have been found responsible for sexual violence offenses may be able to transfer to another educational institution without disclosing their disciplinary history.⁶ Without this information, transfer institutions cannot make informed decisions regarding admission of these students and/or are unable to take steps to mitigate risks a student with a history of sexual violence may pose to members of the campus community should they be admitted.

Recommendations

The Student Conduct Subcommittee recommends that institutions of higher education in the State of Washington adopt policies that allow for and encourage the exchange of student disciplinary information to transfer institutions. The subcommittee is sensitive to the fact that institutions will want to devise policies that reflect their individual missions and circumstances, and, therefore, is not prepared to make a “one size fits all” recommendation regarding what information should be shared or how this information should be communicated. Any such policy, however, should take into consideration the nature of the violation giving rise to the sanction (i.e. did it involve physical violence, sexual violence, or cause significant harm to others) and the extent to which the student might pose a threat to the health, safety, and welfare of the transfer institution’s campus community. The subcommittee also recommends institutions consider both establishing time limits on the disclosure of disciplinary information through these procedures, and adopting measures to ensure disciplinary information is only shared with other institutions of higher education, and not future employers or other third parties, unless the disclosure is supported by valid FERPA release.

Rationales

Student Confidentiality Concerns

Personally identifiable student records are subject to confidentiality protections under the Family Educational Rights and Privacy Act (FERPA). FERPA, however, contains an exception that authorizes institutions of higher education to share education records of students who are applying to transfer to the transfer institution without securing the student’s written consent.⁷ Before doing so, however, FERPA requires that the institution provide

advance notice to the student either by including the transfer disclosure policy in the institution's published FERPA policies, or by providing the student with individualized notice of the policy prior to disclosing the records.⁸ Institutions can also adopt application procedures that ask transfer students whether they have a disciplinary history and, if so, require them to provide a written release authorizing disclosure of disciplinary records as part of the application process.

Types of Misconduct

While this recommendation initially arose from concerns related to sexual violence on campus, it became apparent to the subcommittee that it may also be appropriate to share disciplinary information linked to misconduct that poses a threat to health, safety, and/or welfare of the campus community (e.g. conduct that that involved physical violence or caused significant harm to others). Adoption of disclosure policies could ensure that transfer institutions receive timely notice of the student's disciplinary history and an opportunity to appropriately mitigate health and safety risks posed by the student's presence in the campus community.

Disclosure Mechanism

The subcommittee has concluded that decisions regarding the mechanism used to share disciplinary information with transfer institutions should be left to individual institutions. Some institutions note serious disciplinary action on a student's transcript. Others may communicate this information through a letter to the transfer institution. What is critical is that institutions have a policy in place that disciplinary information meeting the institution's stated criteria for disclosure will be available to the transfer institution.

Prevention Subcommittee

Chaired by Kelly Schrader, The Evergreen State College

At the institutional, state, and federal level much of the attention paid to sexual violence on campus focuses on responding to reported incidents. In order to reduce the number of students affected by sexual violence, public and private colleges and universities, K-12 schools, and communities must engage in robust prevention activities. All institutions of higher education participating the Higher Education Act's Title IV student financial assistance programs are subject to the Clery Act which requires prevention education and programming. Programs to prevent sexual assault, dating and domestic violence, and stalking must include primary prevention activities and ongoing awareness campaigns. Programs must promote positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change norms in healthy and safe directions. The prevention subcommittee offers the following recommendations on prevention education and programming at institutions of higher education and in Washington state:

Provide funding for sexual violence prevention education and program evaluation

The innovative sexual violence prevention programs featured in the National Sexual Violence Resource Center's Prevention Assessment: Innovations in Prevention report reported that their "prevention budgets ranged from \$80,000 to \$1.5 million with a median of \$182,000." Further, these programs reported that "the number of full-time employees (FTEs) dedicated to prevention work ranged from 1-7 with the average being 2.8 FTEs." The programs featured in the report served communities of varying sizes, including a program that served a university community. Distinct funding for prevention programs and staff reduces the unresolvable tension between using resources to prevent victimization and helping those who are victimized.

Providing funding for evaluation of prevention programs allows institutions to regularly assess prevention programs for potential improvement and consistently evaluate compliance with new laws and federal guidance. Conducting assessments regularly also provides information to internal and external stakeholders. Evaluation also allows redirection of funds away from unsuccessful programs. Evaluating prevention programs coupled with assessing overall campus climate and prevalence rate may allow institutions to see connections between prevention activities and reductions in prevalence rates or increase in bystander behaviors.

Recommendation 1

We recommend that the legislature provide funding for prevention education and program evaluation distinct from funding for response services or compliance activities.

Recommendation 2

We recommend institutions consider the following criteria when evaluating prevention programs:

- ◆ Utilization of [programs rated effective or promising](#) by the CDC.
- ◆ Program consistency with the CDC's [Principles of Effective Prevention](#).
- ◆ The levels of the [Socio-Ecological Model](#) included in prevention and education programming.
- ◆ Inclusion of populations typically underrepresented in prevention education and programming and specific efforts to outreach to these populations.
- ◆ Long term reductions in prevalence rates on campus.
- ◆ Develop comprehensive, developmentally appropriate prevention education for Washington students

According to the [Rape, Abuse, and Incest National Network \(RAINN\)](#), there are, on average, 288,820 victims age 12 and older of rape and sexual assault each year in the United States. The majority of victims are under age 34—15% are age 12-17 and 54% are age 18-34. When perpetration and victimization occurs at an early age, prevention education, including bystander interventions, must begin even earlier to ensure that the population has the knowledge and skills needed. Primary prevention education and programming aims to prevent first-time occurrence of sexual violence. With young people facing this highest risk for victimization, we recommend a collaborative effort to provide primary prevention education and programming throughout a student's attendance in Washington's schools to reduce the number of students affected by sexual violence. Collaborators from outside the education sector may allow Washington to address sexual violence with a public health approach.

Recommendation 3

We recommend that a future work group that includes all relevant stakeholders make recommendations about holistic, state wide prevention education for Washington's students.

Recommendation 4

We recommend that colleges engage in systemic sexual violence prevention program development funded by the legislature.

Program Development Proposal:

Ten to fifteen colleges are selected for intense cohort model training over an extended time period (2-4 years recommended to make lasting and systemic changes to their infrastructure, policies/procedures, and personnel). The cycle is repeated until all Washington colleges and universities have an opportunity to participate.

Colleges select teams of at least 5 including:

- ◆ Executive level administrator with decision making and budget authority (e.g. Vice President of Student Services)
- ◆ Counseling administrator
- ◆ Faculty member(s) in position of influence (e.g. union leadership, participation in faculty senate, etc.)
- ◆ Campus safety/University police
- ◆ Any staff with jobs focused on the content area (survivor advocates, Title IX Coordinators, conduct officers, BIT/CARE team leaders, etc.)

Full day trainings provided two times a year in fall and spring:

- ◆ Trainings are created for participants so that they build upon each other to help colleges build effective programs to address sexual assault on college campuses.
- ◆ First half of the day focuses on best/promising practices in sexual assault prevention (including presentations from national and regional experts).
- ◆ Second half of the day focuses on team planning/implementation of the specific issue covered in the morning (facilitated by coaches who can assist in project plans, identifying barriers, and brainstorming solutions).
- ◆ This approach allows teams to start with inspirations and great ideas and then work as a group to plan actionable details of what needs to happen on individual campus – since decision makers are members of the group positive change is likely to happen within reasonable timeframes.

Pre- and post-assessment of campus attitudes around sexual assault and prevalence of sexual assault will provide data on the effectiveness of the intervention.

Criminal Justice Subcommittee

Chaired by Natalie Dolci, Coalition Ending Gender-Based Violence

Task Force members have given a great deal of consideration to the component of SB 5719 which requires that the Task Force “develop recommendations for improving collaboration on campus sexual violence issues among institutions of higher education and between institutions of higher education and law enforcement.”

The Criminal Justice Subcommittee is comprised of a multidisciplinary team, including representatives from victim advocacy, community and university legal services, university law enforcement and the state prosecutor’s association.

The issue: Sexual assault and sexual violence among college students is rarely reported to law enforcement and when it is reported, few offenders are held accountable by the criminal justice system. According to the Campus Sexual Assault Study in 2007, while 1 in 5 college women indicated they had been sexually assaulted, as few as 12% reported the assault to law enforcement.⁹ To compound the low reporting rate, studies have shown that few reports lead to arrest and even fewer are actually prosecuted.¹⁰ While many factors contribute to the low reporting, arrest and prosecution rates, it is clear that many victims have lost faith in the criminal justice system as a resource for holding offenders accountable.

The subcommittee recognizes that campus adjudications are an essential component to increasing awareness and prevention of sexual assault at colleges and universities, but it is equally important that the state’s criminal justice system serve as a resource for community safety and offender accountability. An improved response from the criminal justice system will likely result in increased reporting and successful prosecution of sexual violence cases in Washington. The subcommittee acknowledges that parallel Task Forces have been convened to address sexual assault, namely the Washington State Campus Sexual Violence Prevention Task Force¹¹ and the Washington Sexual Assault Forensic Examination Best Practices Task Force¹². Chair Chief Vinson has provided helpful representation on both Task Forces. Our aim is to focus on the criminal justice response to non-stranger, adult victim sexual assaults which represent the majority of assaults on campus.

Through this lens, the subcommittee seeks to identify and recommend best practices for a victim-centered and offender-focused response to reports of sexual violence. The subcommittee is seeking the legislature’s endorsement for the following key recommendations that would elevate Washington’s response to campus sexual violence:

Recommendation 1: Make relevant training more available for police, prosecutors, and judicial officers

Training is a critical component of providing a victim-centered response to allegations of sexual violence. Sexual assault investigations and prosecutions require the participation of objective, trained, trauma-informed and experienced personnel who can respond in a thorough and effective manner in order to increase the likelihood of reporting and reduce victim attrition in the process.

Law Enforcement Specialized Training

In order to effectively respond to these sensitive cases, ongoing training is necessary for law enforcement. Since the Department of Education Office for Civil Rights’ Dear Colleague Letter of 2011, there have been substantial efforts to expose campus personnel and investigators to the dynamics of sexual violence and trauma for their internal investigations. The Dear Colleague Letter put schools on notice that they needed to have

11 <http://app.leg.wa.gov/billinfo/summary.aspx?bill=5719&year=2015>

12 <http://app.leg.wa.gov/billinfo/summary.aspx?bill=1068&year=2015>

“reliable and impartial” investigations of sexual assaults and that they needed to advise students of their rights to report to law enforcement.¹³ Subsequent guidance and legislation such as the Violence Against Women Act Reauthorization of 2013’s Campus SaVE Act¹⁴ and the White House Task Force to Protect Students from Sexual Assault¹⁵ continued to emphasize the importance of having trained investigators. This training cannot exclusively be offered to on-campus investigators conducting Title IX Investigations. There must be efforts to support law enforcement investigations so that they can effectively support victims and put the best possible case forward for prosecution. It is imperative that law enforcement also benefit from the training standards being set for on-campus personnel. Increased training will be made available to law enforcement on best practices for investigating adult victim, non-stranger sexual assault cases. This training will increase the capacity of both patrol officers and detectives who respond to sexual assault cases. Training should include subjects relevant to campus sexual assault cases:

- ◆ Alcohol-Facilitated Sexual Assault
- ◆ Trauma Responses to sexual assault such as the Neurobiology of Trauma ¹⁶
- ◆ Trauma-Informed Interview Techniques such as Forensic Experiential Trauma Interview (aka FETI¹⁷)
- ◆ Offender-Focused Investigative Strategies
- ◆ Effective Report Writing: Using the Language of Non-Consensual Sex¹⁸

Training opportunities should be made available across the state in a variety of modalities that should be ongoing. We recommend that the legislature allocate funding to regional training efforts. Suggested platforms include:

- ◆ Criminal Justice Training Commission
- ◆ Hosting training events with a campus focus such as the National Center for Campus Public Safety’s Trauma-Informed Investigation and Adjudication Training Institute¹⁹
- ◆ Washington State Coalition of Sexual Assault Programs Regional Trainings
- ◆ Washington Association of Prosecuting Attorneys Conference

Training opportunities should encourage team attendance. Patrol officers, detectives, advocates and prosecutors should all be encouraged to pursue cross-training in order to encourage a multi-disciplinary approach.

Though in-person training opportunities are preferable, the Task Force wishes to highlight free, distance-learning training modalities that can be made available to officers such as End Violence Against Women International’s Online Training Institute. End Violence Against Women is a non-profit organization devoted to improving the criminal justice system’s response to sexual assault, stalking and domestic violence. They offer a free Online Training Institute which contains modules on a variety of topics germane to sexual assault investigations. Each module is approved by the Office on Violence Against Women.²⁰

13 <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>

14 <http://www.acenet.edu/news-room/Documents/VAWA-Summary.pdf>

15 https://www.whitehouse.gov/sites/default/files/docs/report_0.pdf

16 <http://nij.gov/multimedia/presenter/presenter-campbell/pages/presenter-campbell-transcript.aspx>

17 <http://www.mncasa.org/assets/PDFs/FETI%20-%20Public%20Description.pdf>

18 <http://olti.evawintl.org/images/docs/REPORT%20WRITING%205-15-12.pdf>

19 <http://www.nccpsafety.org/training-technical-assistance/trauma-informed-sexual-assault-investigation-and-adjudication/>

20 <http://olti.evawintl.org/Default.aspx?ReturnUrl=%2fDefault.aspx>

Judicial Officer Training

Training is vital for all participants in the Criminal Justice System. The subcommittee would like to draw attention to existing resources in the region such as the Sexual Offense Bench Guide.²¹ In addition to these valuable tools, the subcommittee recommends that in-person training be provided to judicial officers. Judges and commissioners who oversee trials, sentencing hearings, and Sexual Assault Protection Order hearings. They must have training in:

- ◆ How to oversee trauma-informed courts
- ◆ The dynamics of non-stranger, adult victim sexual assault cases
- ◆ The dynamics of alcohol facilitated sexual assault
- ◆ The context of state and federal laws and guidance that influence the higher education system's response to these crimes

The subcommittee recommends that funding be made available and that training be offered through an organization such as Legal Momentum's National Judicial Education Program.²²

Recommendation 2: Promote regional communication through the expanded and robust use of Sexual Assault Regional Teams (SARTs)

A Sexual Assault Response Team (SART) is a multi-disciplinary team of professionals with core members representing the various disciplines -medical, victim advocacy, legal services, law enforcement, and prosecution – that respond to sexual assault cases. Additional members may include, but are not limited to, representatives from elderly and adult services, mental health agencies, sex offender treatment programs, probation and parole and the forensic laboratory.²³ For the purposes of improving response to campus sexual violence, the Task Force proposes that relevant local college and university staff be periodically invited to participate in local SART efforts. Campus personnel may attend some meetings to share out the trends of concern on their campus and promote communication with community partners. It is critical to create a forum to examine the unique dynamics of adult victim sexual assault cases. University delegates may include:

- ◆ Campus-based Advocates
- ◆ Campus Law Enforcement or Public Safety Officers
- ◆ Title IX Coordinators
- ◆ Title IX Investigators

SARTs improve the quality of investigations through increased training opportunities, development of investigative skills, improved evidence collection and increased understanding of victim trauma which may lead to improved victim interviews, resulting in more effective prosecutions.

Use this as a Forum to Evaluate Memoranda of Understanding

The MOUs developed per SB 5518 will be unique to local law enforcement agencies and participating colleges and universities. We propose that departments have training and assessment plans for their MOUs. Police departments and prosecutors as well as participating colleges and universities should be evaluating the benefit of these MOUs and treat them as dynamic and evolving documents that merit regular amendment. The SART team will serve as a space to monitor and enhance the use and efficacy of the MOUs.

21 <https://www.courts.wa.gov/index.cfm?fa=home.contentDisplay&location=manuals/SexualOffense/index>

22 <https://www.legalmomentum.org/national-judicial-education-program>

23 <http://ovc.ncjrs.gov/sartkit/>

Promote Cross-System Coordination

Participation in a SART has been associated with significant cross-system coordination.²⁴ This is an opportunity to increase communication and promote integrating victim advocacy throughout the criminal justice system's response. Victim advocates play an integral role in survivor participation in the criminal justice system. When survivors of sexual assault have access to advocacy services, they can receive support, referrals and information throughout their experience with the criminal justice system. Being treated with respect has been linked to survivor confidence in their decision to participate in the investigative process.²⁵ Creating regular opportunities for law enforcement and advocacy to coordinate can strengthen this much needed collaboration.

Respect Confidentiality

SART participants must respect the professional ethics of their colleagues from other disciplines. Advocates, therapists, and some campus staff are bound by confidentiality and may not be able to share specific information about clients/students in this forum without a confidentiality waiver. However, their knowledge of trends, general victim experiences, and climate is of essential value to such a group.

Confidentiality considerations should always be a priority. Some communities may decide to have these meetings serve as a forum to discuss trends and areas for process improvement. Other communities may decide to discuss specific cases. If specific cases are discussed, it should always be an intentional and thoughtful decision how much identifying information is shared about a specific survivor.

By meeting regularly, SART members learn about the different roles and responsibilities of the participating disciplines and determine what the values, commitments and goals will be in their specific community.

All Members Can Set the Agenda

No one office should "own" the SART. Representatives from different disciplines should feel free to contribute agenda items and to bring concerns to this forum. A key element of a SART is the case review. The Criminal Justice system should always be adapting to improve its response to these cases. This forum could serve to aid members through consultation as a case progresses from investigation to prosecution and it can also look at areas for improvement after the final disposition of a case. All members of a SART will have valuable contributions to this process.

Recommendation 3: Explore expansion of the innovative "You Have Options" Program

You Have Options Program (YHOP) is an innovative program for law enforcement response to sexual assault cases. It places an emphasis on victim-centered investigations, increasing reporting and the importance of identifying serial offenders. Locations that have implemented YHOP have increased prosecutions and reporting rates in their sexual assault cases. Ashland, Oregon's Police Department is located in a jurisdiction of approximately 20,000 permanent residents and 7,000 college students. In the first four years of adopting their YHOP, they saw an increase in reporting of 106%.²⁶ The YHOP is a standardized program with 20 elements.

If a police department wishes to adopt this program, they will send a delegate to attend a Train the Trainers curriculum and then that delegate will come back and facilitate implementation. They will have the benefit of the standardized materials, policy templates, and databases furnished by the YHOP. Victims have a right to report online, anonymously, through an advocate or via more traditional means. They can provide

24 Greeson, M., & Campbell, R. (n.d.). Coordinated Community Efforts to Respond to Sexual Assault. 30(14), 2470-2487.

25 Patterson, D., & Campbell, R. (2010). Why rape survivors participate in the criminal justice system. *Journal of Community Psychology*, 38(2), 191-205.

26 http://www.nccpsafety.org/assets/files/library/YHOP_Overview_and_Implementation_Guide_2015.pdf

“information only” reports or they can request a partial or full investigation. Victims are given full information about the criminal justice process before they share their story. Officers use trauma-informed interviewing techniques such as the aforementioned FETI interview.

Garfield County Sheriff’s Department in eastern Washington has adopted a YHOP. Since implementation, they have reported an increase in reporting, prosecution, and collaboration with local advocacy services. The subcommittee recommends that the legislature support expansion by funding police department delegates to receive this Train the Trainers curriculum.

Recommendation 4: Promote Offender-Focused and Victim-Centered Prosecution

Far too often, survivors of sexual assault feel that their actions are scrutinized while the offender’s actions are excused. There is substantial research to support that adult sex offenders are often serial offenders²⁷. The subcommittee proposes that investigations and prosecutions take a deliberate look at the offender. Violence Prevention and Threat Assessment fields see this as a fundamental best practice.²⁸ This means consulting collateral sources of information such as:

- ◆ Previous police reports including cases that were not prosecuted
- ◆ Protection order petitions
- ◆ Military disciplinary records
- ◆ Title IX or workplace sexual harassment/assault complaints

Robust investigations into an offender’s prior bad acts can help establish the severity of the pattern of behavior and focuses the investigation on the appropriate target, the suspect. This can help alleviate the concern many victims express—that they were put on trial.

Improving Prosecution

Though we acknowledge that there are already many regional protocols in place, we recommend that prosecutorial protocols incorporate best practices whenever possible. Such practices include:

Adopt a Victim-Centered Approach

Prosecutors should adopt a victim-centered approach to adult sexual assault. This approach is defined as the systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner.

Vertical Prosecution

Vertical prosecution is recommended in all sexual assault cases. Vertical prosecution means the same prosecutor, who has specialized training and/or experience in sexual assault cases, is assigned to the case from beginning to end. With vertical prosecution, victims are able to work with the same prosecutor and investigator from the time potential charges are first reviewed through the sentencing of the offender. In addition, vertical prosecution fosters a feeling of case ownership for the prosecutor, and likely produces better results.

27 Lisak, D., & Miller, P. (2002). Repeat Rape and Multiple Offending Among Undetected Rapists. *Violence and Victims*, 17(1), 73-84.

28 <https://dojmt.gov/wp-content/uploads/SEXUAL-ASSAULT-POLICY-AND-PROCEDURE-MANUAL.pdf>

Meeting the Victim

It is recommended that prosecutors meet with the victim prior to making a determination about whether or not to charge the defendant. Meeting with the victim gives prosecutors increased insight not available through written reports. Meeting with the victim is also part of being victim centered, demonstrating to the victim that the prosecution is taking the case seriously and provides an opportunity to build trust between the victim and the prosecutor. The prosecutor should:

- ◆ Make sure the victim knows they have a right to have an advocate present
- ◆ Answer the victim's questions as fully and accurately as possible
- ◆ Adopt a non-judgmental and "seeking to understand" perspective in speaking with the victim
- ◆ Explain the legal process and the prosecutor's discovery obligations, including the accumulation of relevant materials and the disclosure and admissibility of sensitive and potentially privileged information concerning the victim (example medical records)
- ◆ Review the victim's rights and explaining the victim's role throughout the prosecution process
- ◆ Inquire about any threats defendants have made toward victims, and respecting and supporting the victim's efforts to maintain their safety

Victims who Choose not to Participate in Prosecution

A victim-centered approach also means that prosecutors should support victims who choose not to cooperate in moving the case forward. Prosecutors may tell victims the consequences associated with not participating in prosecution, but it should be the rare case that prosecutors should seek to go forward when the victim chooses not to participate.

Collaboration with Law Enforcement

Prosecutors should review the investigative file early in the process to identify incomplete information or gaps in the evidence, and follow through with law enforcement on informing them of what evidence is still needed. Working closely with law enforcement ensures the collection of important, timely evidence. Prosecutors should consult with law enforcement when making difficult decisions involving the case. At minimum, prosecutors should inform law enforcement when plea bargaining, and sentencing. When reviewing the case with a victim, a joint interview with the investigating detective also ensures better collaboration and clearer communication about missing or unclear information in the case.

Charging Decisions

A victim-centered response to sexual assault takes into account the potentially lifelong impact that charging decisions have on victims. It is the responsibility of the prosecutor's office to notify a victim of sexual assault that a decision has been made not to charge the case. The notification should occur promptly and if possible, before the defendant is notified. Best practice is to make notification in person or by phone whenever possible. In addition, as a courtesy to the investigating agency, the agency should be consulted and informed of the prosecutor's decision not to file. Notification of the victim should include an honest explanation of the reasons for the decision not to charge. Prosecutors should make available to all victims information about community resources, legal and victim advocacy services to assist with safety and protection options related to declining to filing charges.

Privacy

Law enforcement and prosecutors taking a victim-centered approach in sexual assault cases should recognize the criminal process can be invasive by further violating a victim's privacy rights and retraumatizing them. Though certain private and privileged pieces of information may not be admissible at the trial level, the unnecessary disclosure during the investigation and pretrial process can be embarrassing and humiliating for most victims. To ensure a victim's privacy rights are protected to the extent possible in the criminal process, the subcommittee suggests implementing the following practices:

- ◆ Victims must be informed of their rights related to rape shield, medical, mental health and other privilege on an ongoing basis.
- ◆ Releases and waivers of confidentiality should be drafted to be very limited in their scope and make sure the victim understands signing any release is voluntary.
- ◆ Instead of only requesting records directly from providers, the victim should be given the option of requesting and providing the records themselves, to confirm there is redaction of non-relevant information.
- ◆ Victims should be made aware of their right to seek protective orders on requests or subpoenas for privileged records.
- ◆ Being clear on expectations and rights that may be asserted by a victim in their defense interview or deposition.

Where law enforcement or prosecution sees a conflict in assisting a victim protect their privacy interest, a victim should be informed of victim rights or legal services and victim advocacy programs that provide

Memos to the File

The prosecutor should write a memo explaining the reason for not filing a charge. The memo should contain enough facts to help a prosecutor recall the decision to explain later if necessary. The prosecutor should be mindful that such memos are subject to public records requests and should be careful not to engage in victim-blaming, instead should provide a balancing of the strengths and weaknesses that led to the determination. If the information would not be shared with the victim in person, a prosecutor should not include it in their decline memo. Prosecutors working on campus sexual assault cases should also respect that there may be concurrent Title IX investigations on campus. They should make it clear in documentation that the decision not to file is based on a criminal standard and should have no negative influence the victim's right to access other remedies such as sexual assault protection orders, civil suits or Title IX investigations.

Preparing the Victim and Family

The victim-centered approach recognizes that the victim is the center of the investigation. The victim is the person most affected by the crime and in the majority of sexual assaults, the only witness to the assault. Providing information, education and respect to victims and their families promotes cooperation and helps to build the strongest case possible. When a decision is made to charge the offender, prosecutors must prepare victims and family members for the next steps in the justice process. Prosecutors can do this by:

- ◆ Understanding the victim's trauma
- ◆ Referring the victim to community and campus resources that can help address the effects of trauma, including sexual assault advocates
- ◆ Educating victims about the steps in the process of the investigation and prosecution
- ◆ Educating victims about attendance at court proceedings

- ◆ Educating victims on the estimated timeline of the case
- ◆ Preparing victims for testimony and estimating the amount of time they will be spending on the stand
- ◆ Preparing victims and family members for disclosure of traumatic information in the trial (e.g. - 911 tapes, photos, etc.)
- ◆ Informing victims about media coverage, including the presence of media in the courtroom
- ◆ Cautioning victims about potential consequences of discussing the case with others outside the criminal justice system including individuals and entities who hold privilege or discussing the case in public settings
- ◆ Preparing victims, family members or other loved ones on how to respond to inquiries from defense attorneys, investigators and the media

Protecting Victim Safety

Ensuring the physical and emotional safety of victims during the prosecution phase is critical. In some cases, victims may be subject to intense pressure and harassment from others. To promote victim safety, prosecutors should:

- ◆ Advocate for bail conditions that consider the safety of the victim and the community
- ◆ Ensure that “no contact orders” are entered, if desired by the victim
- ◆ Consider the victim’s specific needs in requesting restrictions in “no contact orders”
- ◆ Provide the victim a copy of the criminal “no contact order”, clarifying pre- or post-conviction and expiration dates
- ◆ Inform victims about the terms of bail conditions for the offender
- ◆ Assist victims to develop a safety plan in the event of retaliation or harassment
- ◆ Be mindful of the need to separate victims and defendants during any proceedings at the courthouse

Initial Court Appearances or Pre-Trial Hearings

A victim’s attendance at court may be a difficult experience. In some cases, it may be the first time the victim and defendant meet face to face after the assault. Because of this, it is not uncommon for defendants to attempt to intimidate the victim. A victim-centered response recognizes that court appearances are a critical emotional juncture for the victim. When working with victims, the prosecutor and/or advocate should:

- ◆ Discuss the advantages and disadvantages of victim attendance at court proceedings
- ◆ Plan where the victim will be waiting prior to and during all court proceedings to limit the victim’s exposure to the defendant, his family or his supporters
- ◆ Attempt to ensure the victim and the defendant do not enter the courtroom at the same time

Plea Negotiations

A victim’s input should always be sought before plea discussions. Explain the rationale for offering a negotiated plea and ask victims for their feedback. Minimally, the prosecutor should:

- ◆ Never present a plea without first attempting to contact the victim
- ◆ Educate the victim about the process of plea negotiations and sentencing options
- ◆ Make sure the victim is informed of the disposition being offered to the defendant

Trial Preparation

A victim-centered approach recognizes the need to fully prepare victims for the realities of the trial process. Involving victims in preparing the prosecution's case will empower them and improve their testimony. To prepare victims for trial, the prosecutor/advocate should:

- ◆ Provide a courtroom tour
- ◆ Prepare the victim for all testimony and anticipated cross examination
- ◆ Remind the victim that what she shares with family and friends is not privileged information and is subject to subpoena. Explain the right of privilege held by crisis center advocates and encourage the victim to use advocates for emotional support
- ◆ Caution the victim about speaking about the case with others in a public place such as a courthouse restroom or any other place where potential jury members or others may be present before, during and after the trial
- ◆ Discuss with the victim the benefits and challenges of attending certain phases of the trial
- ◆ Prepare the victim for the various possible outcomes of the trial

Sentencing

Sentencing can be an empowering and/or traumatic experience for victims and their family members. To prepare victims for the sentencing phase of a trial, prosecutors should:

- ◆ Inform the victim regarding their rights at sentencing
- ◆ Prepare the victim about how to address the court
- ◆ Prepare the victim for sentencing arguments by the prosecution and defense
- ◆ Advise that family members and friends may be present to support the victim
- ◆ Insist that a “no contact order” is included in sentencing, if desired by the victim

Recommendation 5: Educate juries through the use of local expertise

Research has identified that prosecutions can be inhibited by juries' misconceptions about sexual assault and victim behavior.²⁹ In some cases jurors could benefit from expert testimony in the unique dynamics of these cases. Expert witnesses may assist jurors in understanding elements of non-stranger sexual assault such as the neurobiology of trauma³⁰, the use of alcohol to facilitate sexual assault, delayed reporting and other trauma responses. Universities in Washington benefit from numerous researchers who are content experts in these matters. The Criminal Justice Subcommittee proposes that a collaboration in which researchers could serve as experts for the prosecution in criminal justice cases. We have attached a preliminary list of local experts who are willing to participate in these cases. We request that this list be maintained and updated, that prosecutors share information about their experiences using experts, and that training on the use of experts be made available to prosecutors. This could be in the form of a CLE webinar or a breakout at a regional conference such as WAPA.

29 Ellison, L., & Munro, V. (2010). A Stranger in the Bushes, or an Elephant in the Room? Critical Reflections Upon Received Rape Myth Wisdom in the Context of a Mock Jury Study. *New Criminal Law Review*, 13(4), 781-801.

30 <https://www.youtube.com/watch?v=mTOZE90-fCY>

Underserved Populations Subcommittee

Chaired by Kelly Schrader, The Evergreen State College

Background Information

In 2011, the Office for Victims of Crime, a component of the Office of Justice Programs, U.S. Department of Justice published resources for sexual assault response teams. The toolkit called on response teams to consider culture and diversity stating, “sexual violence knows no boundaries. It does not distinguish between racial, ethnic, or cultural backgrounds. Victims vary by social class, spiritual beliefs, physical and mental abilities, sexual orientation, gender, age, literacy, and previous victimizations.”³¹ Prevention education and programming must also take culture and diversity into account in order to address the unique needs of a community or identity group.

The current task force primarily focused on what the Centers for Disease Control and Prevention (CDC) call universal interventions—“approaches that are aimed at groups or the general population regardless of individual risk for sexual violence perpetration or victimization.”³² Further work is needed to create interventions for the diverse population of students attending Washington’s colleges and universities.

Recommendation

The subcommittee recommends that a future and representative work group examine best practices and make recommendations regarding populations that are traditionally underserved by campus sexual violence prevention and response efforts. We recommend the future work group include students in a variety of ways including, but not limited to, focus groups, feedback from student organizations, and connection with the WSA. The scope of the work is outside what the current task force could accomplish. The future work group or task force would consider:

- ◆ Community/Needs Assessment
- ◆ Advocacy Services
- ◆ Policies and Campus Adjudication Procedures
- ◆ Prevention Education and Programming

31 <https://ovc.ncjrs.gov/sartkit/focus/culture-print.html>

32 <http://www.cdc.gov/ViolencePrevention/pdf/SVPrevention-a.pdf>

Memoranda of Understanding (MOU) Subcommittee

Chaired by John Vinson, Washington Association of Sheriffs and Police Chiefs

Federal and State lawmakers have recognized that Memorandums of Understanding (MOU) between public and private colleges and universities and local law enforcement agencies are an important means of ensuring that sexual violence and other serious criminal activity are fully addressed in an appropriate manner on college and university campuses. MOUs can help institutions of higher education and local law enforcement agencies coordinate their investigations of and responses to sexual violence incidents and ensure that the parties understand their respective roles and responsibilities, particularly when an incident gives rise to both student conduct and criminal proceedings.

In June 2016, the Task Force issued two MOU templates in conjunction with the Washington Associations of Sheriffs and Police Chiefs (WASPC) and the University Policing Committee (UPC) and encouraged institutions of higher education to use these templates as a departure point for discussions and negotiations with local law enforcement agencies. One template was developed for institutions of higher education with commissioned police officers on their campuses. The other template was developed for institutions with non-commissioned security personnel. Now that the templates have been in circulation for several months, the Task Force has received the following feedback and recommendations from its members:

- ◆ Although several institutions report having successfully negotiated MOUs with local law enforcement, many other institutions are reporting that law enforcement agencies are reluctant to engage in MOU negotiations citing lack of resources and/or concerns about assuming additional liability. To move this process forward, the Task Force recommends that the legislature adopt legislation funding joint training for local law enforcement and institutions of higher education that will educate both parties about each others' respective roles and obligations when responding to campus sexual violence incidents and provide guidance regarding the issues and concerns that should be addressed in an effective and meaningful MOU.
- ◆ The Task Force also recommends the legislature adopt legislation that limits liability exposure to local law enforcement agencies as they attempt to negotiate and adopt MOUs.
- ◆ When approaching local law enforcement agencies about entering into a MOU, institutions should be prepared to engage in active negotiations. If the institution is using one of the templates, it should fully understand the template provisions, and take time to tailor the template to fit the institution's capabilities and resources.
- ◆ MOU negotiations will necessarily touch upon a complex matrix of policy, resource, and community issues. Therefore, the Task Force recommends that institutions with noncommissioned security forces have a cabinet level administrator at the table during the negotiations with law enforcement.
- ◆ Criminal investigations by law enforcement agencies are governed by criminal law and procedures. Law enforcement agencies are also subject to Washington's Public Records Act. Law enforcement agencies are not subject to student confidentiality laws in the Family Education Record Privacy Act (FERPA), Title IX guidance, or the Campus SaVE Act. Consequently, law enforcement agencies may not be able to extend the same degree of confidentiality to students and survivors as institutions of higher education are able to provide.
- ◆ Institutions that receive services from the same law enforcement agency should consider collaborating on a single MOU. Having a single MOU applicable to all institutions within a police agency's service area will reduce the administrative burden on the law enforcement agency and provide a uniform set of expectations and responsibilities for all parties.

- ◆ During MOU negotiations, the parties should consult with a sexual assault advocate to ensure that the survivor's interests are being adequately addressed.

In closing, the Task Force members would like to express their appreciation of the skill, professionalism, and collaboration that local law enforcement agencies already provide to colleges and universities throughout Washington state. The Task Force anticipates that development and adoption of MOUs will make these strong relationships even more effective and fruitful in the future.

Appendix A: Campus Sexual Violence Prevention Task Force Work Group Members

John Vinson (Chair),

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State Board for Community and Technical Colleges

Chelsea Lamberson/Laurie Connelly

Eastern Washington University

Bruce Marvin

Washington State Office of the Attorney General

Amanda Paye

University of Washington

Eric Richey

Whatcom County Prosecuting Attorney's Office

Rhoretta Rhodes

Whitworth University

Kelly Schrader

The Evergreen State College

Maddy Thompson

Washington Student Achievement Council

Staff:

Paul Francis

Executive Director, Council of Presidents

Darshan Robertson

Executive Assistant, Council of Presidents

Appendix B: List of Task Force Presenters and Guest Speakers

Dr. Kelly Cue Davis

*Research Associate Professor, University of Washington
Member, Seattle Public Schools Task Force for Prevention of and Response to Sexual Harassment and Sexual Assault*

Dr. Mollie Monahan-Kreishman

Independent Consultant, Addressing Sexual Violence in Higher Education

Officer Jim Nelson and Roger Pedersen

Garfield County Sheriff's Department

Marta Palmquist Cady

*Assistant Dean of Students and Director of Student Activities at University of Puget Sound
Instructor, National Center for Campus Public Safety*

Dr. Sharyn Potter

Director, Prevention Innovations Research Center, University of New Hampshire

Angela Sherburne

Prevention Education Specialist, Whatcom County Domestic Violence and Sexual Assault Services

Roy Taylor

Associated Students of the University of Washington

Katherine Troutman

Victim Advocate, Quality Behavioral Health Services, Clarkston, WA

Appendix C: Local Researchers and Expert Witnesses for Adult-Victim Sexual Assault Cases

1. Dr. Kelly Cue Davis

kcue@uw.edu

https://socialwork.uw.edu/sites/default/files/faculty_cv/cv-davis_kellyMAY2016_0.pdf <http://socialwork.uw.edu/faculty/kelly-cue-davis>

2. Dr. Cindy Stappenbeck

cstappen@u.washington.edu

<https://depts.washington.edu/cshrb/cindy-stappenbeck/>

3. Dr. Michael Spinetta

spinetta@seattleu.edu

<https://www.seattleu.edu/artsci/undergraduate-degrees/psychology/faculty--staff/michael-spinetta-phd.html>

4. Dr. William George

bgeorge@u.washington.edu

<http://depts.washington.edu/whgweb/>

5. Dr. Henry Richards

hjrichardsphd@gmail.com

<https://www.linkedin.com/in/henryjayrichards>

Appendix D: Copy of Authorizing Legislation (SB 5719)

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5719

Chapter 239, Laws of 2015

64th Legislature
2015 Regular Session

HIGHER EDUCATION--TASK FORCE ON CAMPUS SEXUAL VIOLENCE PREVENTION

EFFECTIVE DATE: 7/24/2015

Passed by the Senate April 16, 2015
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Passed by the House April 13, 2015
Yeas 95 Nays 2

FRANK CHOPP

Speaker of the House of Representatives

Approved May 11, 2015 2:42 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5719** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

May 12, 2015

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5719

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By Senate Higher Education (originally sponsored by Senators Bailey, Baumgartner, Becker, Kohl-Welles, Parlette, Dammeier, Honeyford, Fain, Fraser, Darneille, McAuliffe, Pearson, Angel, Keiser, Chase, Sheldon, Hill, Jayapal, and Frockt)

READ FIRST TIME 02/13/15.

1 AN ACT Relating to creating a task force on campus sexual
2 violence prevention; creating a new section; and providing an
3 expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The Washington student achievement
6 council, the state board for community and technical colleges, the
7 council of presidents, the institutions of higher education, the
8 private independent higher education institutions, state law
9 enforcement, and the Washington attorney general's office shall
10 collaborate to carry out the following goals:

11 (a) Develop a set of best practices that institutions of higher
12 education and private independent higher education institutions may
13 employ to promote the awareness of campus sexual violence, reduce the
14 occurrence of campus sexual violence, and enhance student safety;

15 (b) Develop recommendations for institutions of higher education
16 and private independent higher education institutions for improving
17 institutional campus sexual violence policies and procedures; and

18 (c) Develop recommendations for improving collaboration on campus
19 sexual violence issues among institutions of higher education and
20 between institutions of higher education and law enforcement.

1 (2) The task force on preventing campus sexual violence is
2 established.

3 (a) The task force includes the following members:

4 (i) One representative from the student achievement council;

5 (ii) One representative from the state board for community and
6 technical colleges;

7 (iii) One representative from the council of presidents;

8 (iv) One representative from each of the state universities, the
9 regional universities, and the state college, who is the Title IX
10 coordinator or who has expertise with Title IX and sexual violence
11 prevention efforts;

12 (v) One representative from the Washington association of
13 sheriffs and police chiefs;

14 (vi) One representative from the independent colleges of
15 Washington;

16 (vii) One representative from the nonprofit community who is an
17 advocate for sexual assault victims;

18 (viii) One representative from the Washington state attorney
19 general's office; and

20 (ix) One representative from the Washington association of
21 prosecuting attorneys.

22 (b) The task force shall select a coordinator to facilitate its
23 progress.

24 (c) The purpose of the task force is to coordinate and implement
25 the goals in subsection (1) of this section.

26 (3) The task force shall report to the legislature and the
27 institutions of higher education on its goals and recommendations
28 annually by December 31st.

29 (4) For the purposes of this section, "institutions of higher
30 education" has the same meaning as in RCW 28B.10.016.

31 (5) To select the representative from the nonprofit community, as
32 required by subsection (2)(a)(vii) of this section, the student
33 achievement council shall issue a request for interest to nonprofit
34 communities that are sexual assault victim advocates, asking who
35 wishes to participate on the task force as a volunteer. The names and
36 resumes, including experience participating in similar efforts, of
37 proposed task force members must be submitted to the student
38 achievement council. The student achievement council shall give this
39 information to the task force and the task force chairs must select
40 the representative from this pool of candidates.

1 (6) This section expires July 1, 2017.

Passed by the Senate April 16, 2015.

Passed by the House April 13, 2015.

Approved by the Governor May 11, 2015.

Filed in Office of Secretary of State May 12, 2015.

Appendix E: Summary of 2015 Sexual Violence Legislation

HB 1068 (Concerning sexual assault rape kits) – Representative Tina Orwall

- ◆ The task force shall submit a preliminary report regarding its initial findings and recommendations to the appropriate committees of the legislature and the governor no later than December 1, 2015.
- ◆ The task force shall report its findings and recommendations to the appropriate committees of the legislature and the governor by September 30, 2016, and by September 30th of each subsequent year.

SB 5518 (Creating procedures to address campus sexual violence) – Senator Jeanne Kohl-Welles

- ◆ The state board for community and technical colleges, the council of presidents, and independent colleges of Washington shall submit reports to the governor and the legislature’s higher education committees by July 1, 2016, on steps taken by their institutions to enter into memoranda of understanding with local law enforcement that set forth each party’s respective roles and responsibilities related to the prevention and response to sexual assault.
- ◆ The four-year institutions of higher education and the state board for community and technical colleges shall report their findings (from having conducted a campus climate assessment to gauge the prevalence of sexual assault on their campuses) to the governor and the higher education committees of the legislature by December 31, 2016. The report must also include a plan or proposal to undertake a statewide public awareness campaign on campus sexual violence.

SB 5719 (Creating a task force on campus sexual violence prevention) – Senator Barbara Bailey

- ◆ The task force shall report to the legislature and the institutions of higher education on its goals and recommendations annually by December 31st. Goals outlined in the bill include:
 - (a) Develop a set of best practices that institutions of higher education and private independent higher education institutions may employ to promote the awareness of campus sexual violence, reduce the occurrence of campus sexual violence, and enhance student safety;
 - (b) Develop recommendations for institutions of higher education and private independent higher education institutions for improving institutional campus sexual violence policies and procedures; and
 - (c) Develop recommendations for improving collaboration on campus sexual violence issues among institutions of higher education and between institutions of higher education and law enforcement.

Appendix F: Subcommittee Membership

Advocate Confidentiality

Tricia Boerger, Bruce Marvin, and Natalie Dolci

Campus Climate Assessment

Joe Holliday, Richard DeShields, Sue Guenter-Schlesinger, Kelly Schrader, Luca Lewis, Chelsea Lamberson, Kim Anderson, and Amanda Paye

Criminal Justice

Natalie Dolci, Steve Rittreiser, Eric Richey, Tricia Boerger, and Riddhi Mukhopadhyay

Memoranda of Understanding

John Vinson and Steve Rittreiser

Prevention

Kelly Schrader, Ruby Hayden, Natalie Dolci, Laurie Connelly, and Sue Guenter-Schlesinger

Underserved Populations

Kelly Schrader, Jen Friedlander, Ruby Hayden, Tricia Boerger, Natalie Dolci, John Vinson, and Kim Anderson

Student Conduct Processes

Amanda Paye, Natalie Dolci, Bruce Marvin, Tricia Boerger, and Kim Anderson, Sue Guenter-Schlesinger and Kelly Schrader

Appendix G: Summaries of Campus Climate Survey Results

State Board for Community and Technical Colleges

The SBCTC began organizing the work to comply with SB5518 in Spring 2015. It was evident that the nature of the required assessment would necessitate a federally assured Institutional Review Board (IRB) approval. The SBCTC does not have a federally assured IRB within its purview that covers all 34 institutions; therefore, the initial idea was to hire a third party to conduct the assessment on behalf of the SBCTC. Since estimates of doing so (more than \$80,000) were prohibitive given that no funding was provided to implement the legislation, the SBCTC conducted the assessment itself due to a \$20,000 internal reallocation of funds. This allowed for the hire of LawRoom/Campus Clarity to administer our survey on-line; however, the SBCTC bore responsibility for developing the instrument, assuring IRB approval, promoting and disseminating the survey, and analyzing the results -- all at a significant cost in professional staff time at the SBCTC and among senior human resources, student services, and research administrators at all 34 institutions.

In Fall 2015 a committee made up of members from our colleges and SBCTC staff was established to develop the instrument. These members included representatives from human resources, student services, and research. The subcommittee evaluated existing instruments that had been used at other institutions (e.g., the White House Not Alone resource and a WSU Campus Climate Assessment) and drew survey questions from these examples to develop the instrument that would best meet the bill's requirements. SBCTC asked the Washington State IRB (within the Washington State Department of Social and Health Services) to review our survey instrument and protocol.

The final instrument, cover letter, and consent form were finalized in January 2016. SBCTC staff shared a copy of the IRB request including survey materials with our system stakeholder groups (presidents and senior officers for human resources, student services and research) to begin the communication process. Some of the groups expressed concerns about the survey itself and the graphic language contained within the questions about the prevalence of sexual assault.

The SBCTC revised the prevalence questions to respond to stakeholder concerns but still follow best practices for assessing sexual assault. The changes to the survey were finalized and an addendum to the IRB application was submitted on March 9, 2016. Following the revision and addendum, SBCTC's executive director sent a memo to college presidents on March 10 reiterating the reason for the survey and the importance of their support throughout the process. This memo included all of the survey materials to include the cover letter, which described how respondents had the right to opt out of the survey or could bypass questions they did not feel comfortable answering. A communications plan was sent out to college Public Information Officers on March 22. IRB approval for the survey and protocol was received on March 29.

On April 1, 2016, we began the process of working with the Directors of Institutional Research at each of the 30 college districts to compile the email distribution lists that would be required for both the employee survey and the student survey, for a total of 60 separate assessments. All employees would be sent the same version of the survey and all students the same version of their survey; however, each list had to be uploaded into the survey tool individually by college because of the requirement for access to localized campus resources as part of the assurances provided within our IRB approval.

The survey launched on May 2 and was open for two weeks. Within the first week, approximately 130 emails to the survey email account were received with a combination of feedback, complaints, and accolades on the process. During the administration phase, we encountered several issues related to the massive number

of emails that were being sent from Campus Clarity's server. Some of the college's junk mail filters blocked the survey, necessitating re-delivery. When the survey process ended, an approximate 2% response rate from students (with significantly fewer responses on the prevalence questions) and a 14% employee response rate was realized.

The requirement to "gauge the prevalence of sexual assault" required SBCTC staff to ask personal questions of a graphic sexual nature, triggering the IRB approval process. We warned people of the sensitive nature of the questions, and per the IRB requirements, had to provide an example of the most graphic one. In addition, we were required to disclose any potential discomforts and the risk of a harmful reaction to those participating in the assessment. Most questions (97%) were attitudinal, but the nature of the four questions that asked about personal sexual activity required us to elevate the level of potential risk to participants for the entire assessment significantly. The response rate to the four prevalence questions was especially low.

The administration of this survey for 30 college districts coordinated by the SBCTC was a substantial burden for a significant number of people across the system. The SBCTC's Director of Policy Research and Director of Student Services spent several hours a week from October 2015 through May 2016 working on the coordination of this survey. Once the instrument was developed, the college Public Information Officers had to spend time on the communications plan for each individual college, working in coordination with the college president and the SBCTC. The email distribution list requirement required multiple staff at each of the 30 college district campuses to work in coordination with the SBCTC's Policy Research Director. It was evident that many college staff felt a lack of control and oversight for a project that was happening with their own college staff and students. Given the challenges with system-level coordination, if this type of assessment is needed again in the future, funding would need to be provided to hire out a coordinating entity for survey design, administration, and analysis or to bring on additional staff.

Summary of Survey Results: Students

It is important to reiterate from the previous section that the convenience sampling approach and the extremely low response rate for students make it impossible to reach generalized conclusions, especially in regard to the prevalence questions.

With that important caveat, findings are summarized below, presented according to the categories of assessment mandated by SB5518.

Prevalence of Sexual Assault, Domestic and Dating Violence, and Stalking On and Off Campus

- ◆ Of the respondents who answered the prevalence of sexual assault questions (~2,600), on average 95% reported no incidences of rape, other sexual assault, or attempted sexual assault
- ◆ 2% of respondents reported multiple incidents of rape or attempted rape
- ◆ 4% of respondents reported multiple incidents of sexual assault or attempted sexual assault
- ◆ 88% of respondents reported no incidents of stalking; of those reporting at least one incident, 36% reported the incident happened on campus, while 33% reported it happened on and off campus
- ◆ 98% of respondents (~1,321) reported no incidence of sexual violence in their dating/romantic relationships
- ◆ 96% reported no incidence of physical violence in their dating romantic relationships
- ◆ 89% reported no emotional abuse in their relationships, but 8% reported multiple instances

Knowledge of Title IX, Policies and Procedures, Options for Reporting, and Availability of Resources

- ◆ A majority of the 3,482 respondents in this section were either somewhat or very aware of campus resources such as public safety, counseling services, and student services; however, close to 70% of respondents were unaware of campus behavioral intervention teams
- ◆ Most of the 3,304 respondents on questions about knowledge of policies and procedures were unaware of formal procedures; i.e., what happens when a student reports (this is likely because those respondents had never utilized processes)
- ◆ A majority of respondents indicated “neutral” or “agree” on statements indicating awareness of other campus resources available either on or off campus, e.g. health resources; however, 40% would not know where to go to make a report or where to get help at the institution
- ◆ Only 22% of 3,000 respondents were aware the institution had a Title IX coordinator

Bystander Attitudes and Actions

- ◆ Respondents reported most likely to take action if they witnessed assault, saw potential harm to an unconscious person, and to talk to a friend who might be in an abusive relationship
- ◆ Respondents were more likely to report they would take action if the victim was female than if the victim was male
- ◆ Respondents were least likely to indicate likeliness to and actual intervening/reporting a couple having a verbal fight
- ◆ Most common reasons for not intervening in any circumstance were: they didn't feel it was their business, they were concerned for their personal safety, or social anxiety/shyness

Reporting by Survivors

- ◆ More than half of respondents reporting some form of sexual assault (n = 303) told someone about it: close friend, boyfriend/girlfriend, parent or guardian, and counselor
- ◆ 5% (n=11) told law enforcement, 4% (n=8) told campus security, 4% (n=8) told a sexual assault advocate, and 2% (n=5) told a crisis line operator
- ◆ Respondents who reported the incident did so because it was against the law, were angry about being victimized, and wanted to protect others
- ◆ Respondents who did not report had other priorities to deal with, were concerned no one would believe them, and some did not know how to report

Attitudes and Awareness of Sexual Violence Issues and Recommendations

- ◆ 85% have not discussed or rarely discuss with peers; less than 10% have recently attended any programs about sexual violence. 35% report taking steps to learn more
- ◆ A majority of respondents report feeling safe from sexual violence on (79%) and off campus (64%) (agree and strongly agree)
- ◆ Approximately the same number of respondents either don't know or agree that sexual violence is a problem on most college campuses
- ◆ A majority of students are unaware if stalking or sexual violence is an issue at the institution
- ◆ Of those who responded other than “do not know,” 65% disagree or strongly disagree that sexual violence is an issue

- ◆ Nearly 80% of respondents disagree or are neutral that there is nothing they can do to prevent sexual assault
- ◆ In regard to rape myths, 85% of respondents strongly disagree and disagree victims are responsible, while 67% agree or strongly agree men should be taught sexual assault is wrong and 80% agree or strongly agree women should be taught how to defend themselves

Student Recommendations for Addressing and Preventing Sexual Violence

On-campus:

- ◆ More education for victims on how to report
- ◆ More education for staff on how best to handle
- ◆ More education on what sexual assault is, focused on all genders
- ◆ Workshops, orientations, brochures, signs, handouts, etc.
- ◆ Better lighting, cameras, and security
- ◆ Self-defense classes, ability to carry protection

Off-campus:

- ◆ More information about off campus resources; bring speakers and representatives to campus
- ◆ More information about process of reporting an incident off campus
- ◆ Make sure students know on campus resources are available to them (counseling) even if an incident takes place off campus
- ◆ Make sure students know about community based sexual assault resources available to them
- ◆ Be an advocate in the community against sexual violence

Summary of Survey Results: Employees

As in the previous section, it is important to reiterate that the convenience sampling approach and the low response rate make it impossible to reach generalized conclusions.

Prevalence of Sexual Assault, Domestic and Dating Violence, and Stalking On and Off Campus

- ◆ Of the respondents who answered the prevalence of sexual assault questions (~3,000), on average 98% reported no incidence of rape, other sexual assault, or attempted sexual assault on/off campus
- ◆ Less than 1% of respondents to this question reported multiple incidents of rape/attempted rape
- ◆ 1% of respondents who answered this question reported multiple incidents of sexual assault and attempted sexual assault
- ◆ 93% of respondents reported no incidents of stalking. Of those reporting at least one incident (223), 66% reported the incident happened on campus and 21% reported it happened on and off campus
- ◆ 99% (~1,321) reported no incidence of sexual violence in dating/romantic relationships
- ◆ 97% reported no incidence of physical violence in their dating romantic relationships
- ◆ 93% reported no emotional abuse in their relationships, but 5% reported multiple instances

Knowledge of Title IX, Policies and Procedures, Options for Reporting, and Availability of Resources

- ◆ The majority of employees are aware of each of the campus resources, the modal response being “very aware”; similar to students, employees are least aware of behavioral intervention teams
- ◆ Most employees (between 50 and 70%) understand procedures and policies; employees are least aware what happens after a student reports a claim of sexual violence
- ◆ Except for academic resources, most employees agreed other resources are available to students
- ◆ 86% of 3,389 respondents were aware the institution had a Title IX coordinator

Bystander Attitudes and Actions

- ◆ Respondents reported most likely to take action if they witnessed assault, saw potential harm to an unconscious person, and to talk to a friend who might be in an abusive relationship
- ◆ Respondents were more likely to report they would take action if the victim was female than if male
- ◆ Respondents were least likely to intervene with a couple having a verbal fight
- ◆ Most common reasons for not intervening in any circumstance were: concern for personal safety, didn't feel it was their business, or felt the situation was not criminal or had escalated

Reporting by Survivors

- ◆ More than half of respondents reporting some form of sexual assault (n = 46) told someone about it: faculty/staff at institution and close friend
- ◆ 2% (n=2) told law enforcement, 5% (n=5) told campus security, 5% (n=5) told human resources
- ◆ Respondents who reported the incident did so because it was against the law, were angry about being victimized, and wanted to protect others
- ◆ Only two people responded to questions of about not reporting

Attitudes and Awareness of Sexual Violence Issues and Recommendations

- ◆ 70% have not discussed or rarely discuss with peers, compared to 85% of students; 37% recently attended a program about sexual violence compared to less than 10% for students. 51% report taking steps to learn more versus 35% of students
- ◆ A majority of employees report feeling safe from sexual violence on (72%) and off campus (81%) (agree and strongly agree), where students are more likely not report not feeling safe off campus
- ◆ A majority (54%) agree/strongly agree sexual violence is a problem on most college campuses
- ◆ A majority of employees are unaware if stalking or sexual violence is an issue at the institution
- ◆ Of those who responded other than “do not know,” 52% disagree or strongly disagree that sexual violence is an issue as compared to 65% of students
- ◆ 93% of employees strongly disagree and disagree victims are responsible, compared to 85% of students
- ◆ 70% of employees agree or strongly agree more education for men is needed, compared to 67% of students
- ◆ 78% of employees agree or strongly agree women should be taught how to defend themselves, compared to 80% of students

Employee Recommendations for Addressing and Preventing Sexual Violence

On-campus:

- ◆ More mandatory education and training for employees to bring awareness to the issues
- ◆ More education for staff on how best to recognize sexual violence and handle incidents
- ◆ More awareness about the role of the Title IX coordinator
- ◆ Support victims by following through on claims
- ◆ Add health resources to campus
- ◆ More education on what sexual assault is, focused on all genders and students from different cultural backgrounds. Workshops, orientations, brochures, signs, handouts, etc.
- ◆ Better lighting, cameras, and security
- ◆ Self-defense classes, ability to carry protection

Off-campus:

- ◆ Similar themes around campaigns, raising awareness, and education
- ◆ Advertise on campus the resources available off campus
- ◆ Have community resources come to campus for workshops or presentations
- ◆ Better partnerships with off campus resources and experts (law enforcement, hospitals, counselors, social services, etc.)
- ◆ Educate students about dangers and risk factors of things that happen off campus
- ◆ Safety tips
- ◆ Support students and provide resources even if incident takes place off campus
- ◆ Be an advocate in the community

Central Washington University

In compliance with SB 5518, CWU conducted a campus-wide study; this report shares those findings.

The CWU Campus Climate Survey, for students, and the CWU Sexual Misconduct Survey, for faculty/staff, opened for recruitment on October 24, 2016 and concluded on November 16, 2016. A total of 1,170 students (from 11,709) and 347 faculty/staff (from 1,662) participated in the study.

In alignment with the objectives outlined by the state mandate, the following are some summary findings *:

Faculty / Staff Evaluation

Awareness of Campus Sexual Violence

- ◆ 41% agreed or strongly agreed that sexual violence is an issue at CWU
- ◆ 70% agreed or strongly agreed that they feel safe from sexual violence off campus
- ◆ 75% agreed or strongly agreed that they feel safe from sexual violence on campus
- ◆ 38% agreed or strongly agreed that more should be done at CWU to address incidents of sexual violence
- ◆ 8% (n = 25) agreed or strongly agreed that victims of sexual violence are treated badly at CWU
- ◆ 60% agreed or strongly agreed that CWU should do more to educate students and employees on how to prevent sexual violence

Faculty & Staff Sexual Violence Disclosure

- ◆ 15.6% of faculty and staff had a student disclose to them an incident of sexual misconduct and encouraged them to report, while 0% had a student disclose and they discouraged them to report to CWU administration.

Faculty & Staff Reports on Sexual Misconduct Training

- ◆ 78%-85% report having received information, programming, and/or training in “Which behaviors defined as “sexual misconduct,” “How to report a complaint of sexual misconduct,” or “Prevention of sexual misconduct”
- ◆ 46-58% reported it was moderately or very useful

Faculty & Staff Awareness/Attitudes toward Available Resources

- ◆ 80% agree or strongly agree there are counseling resources available at CWU to assist victims
- ◆ 77% agree to strongly agree there are counseling resources in the community to assist victims
- ◆ 79% agree or strongly agree there are health resources available at CWU to assist victims of sexual assault
- ◆ 57% agree or strongly agree there are academic assistance resources available at CWU for victims of sexual assault
- ◆ 37% agree or strongly agree that there needs to be more resources at CWU to assist victims of sexual assault
- ◆ 53% agree or strongly agree that there needs to be more resources in the community assist victims of sexual assault

Faculty / Staff Awareness of CWU Title IX Coordinator

- ◆ 73% knew that the role of the Title IX Coordinator is to “help students with sexual misconduct that happens on campus”
- ◆ 55% knew that the role of the Title IX Coordinator is to “Help students with sexual misconduct that happens off campus”

Student Sexual Assault Climate Evaluation

Attitudes toward CWU Handling of Sexual Misconduct

- ◆ 75% reported likely or extremely likely that “CWU would take the report seriously”
- ◆ 78% reported likely or extremely likely that “CWU would maintain the privacy of the person making the report”
- ◆ 73% reported likely or extremely likely that “CWU would take steps to protect the safety of the person making the report”
- ◆ 73% reported likely or extremely likely that “CWU would support the person making the report”
- ◆ 58% reported likely to extremely likely that “CWU would take action to address the factors that may have led to the sexual misconduct”
- ◆ 65% reported likely to extremely likely that “CWU would handle the report fairly”
- ◆ 9% reported likely to extremely likely that “CWU would punish the person to made the report” (n = 102 of 1,127)

Student Attitudes toward CWU Handling of Sexual Misconduct

- ◆ 45% reported agree or strongly agree that “If a friend or I experienced sexual misconduct, I know where to go to get help on campus”
- ◆ 40% reported agree or strongly agree that “I would know where to make a report of sexual misconduct”

Student Sexual Assault Information, Programming, or Training

- ◆ 76-81% reported having received information, programming, or training in “which behaviors are defined as sexual assault”, “how to report a complain of sexual assault” and or “prevention of sexual assault”
- ◆ 44-57% reported this training was at least moderately useful

Students Reporting At Least One Incident of Sexual Harassment by Another Student

- ◆ 65% of students who reported an incident reported that the incident occurred on campus
- ◆ 91% of students reported an incident said they did not report any of the incidents to a CWU staff or administrator

Students Reporting At Least One Incident of Stalking

- ◆ 51% were reportedly committed by a CWU student
- ◆ 57% of victims reported the incidents occurred on CWU campus
- ◆ 79% of students reported victimization did not report any of the incidents to a CWU staff person or campus administrator

Students Reporting At Least One Incident of Dating/Domestic Violence

- ◆ 43% of incidents were reportedly perpetrated by a CWU student
- ◆ 87% of students who reported victimization did not report any of the incidents to a CWU staff person/ administrator

Student Bystander Behaviors

- ◆ Check in with a friend who looks drunk when she goes to a room with someone else at a party: 23% always do this / 58% never been in this situation

- ◆ Say something to a friend who is taking a drunk girl back to his room at a party: 17% always do this / 66% never been in this situation
- ◆ Confront a friend who plans to give someone alcohol to get sex: 16% always do this / 72% never been in this situation
- ◆ Report a friend to the police if I heard rumors that they had forced someone to have sex: 6% always do this / 83% never been in this situation
- ◆ Tell an RA or other campus authority about information I might have about an sexual assault case if pressured by my peers to stay silent: 9% always do this / 80% never been in this situation

Student Readiness to Help Prevent Sexual Assault

- ◆ 51% reported somewhat true or very much true that “I don’t think sexual assault is a big problem at CWU”
- ◆ 45% reported somewhat true or very much true that “Sometimes I think I should learn more about sexual assault, but I haven’t done so yet”
- ◆ 47% reported somewhat true or very much true that “I am planning to learn more about the problem of sexual assault on campus”
- ◆ 25% reported somewhat true or very much true that “I recently attended a program about sexual assault”
- ◆ 8% reported somewhat true or very much true that “I am actively involved in projects to deal with sexual assault on campus”

We believe these findings highlight both areas where CWU has been successful in reaching students and faculty/staff with sexual assault information, programming, and training, as well as areas where we can improve. In light of such, we have outlined the following activities to better address campus sexual assault:

- ◆ Study Principal Investigator will conduct further statistical analysis to determine potential at-risk student sub-populations for low bystander engagement, as well as high risk for victimization, low awareness for campus resources and services, and any significant demographic correlates of not reporting victimization.
- ◆ Utilize data in social norms marketing regarding sexual assault response
- ◆ Increase visibility of reporting concerns and confidential resources
- ◆ Roll out new website in January with reporting information, resource materials, policy information, and title IX information.
- ◆ Update annual notification information that goes out to faculty/staff and students

**Data is still undergoing analysis and numbers may change slightly*

Eastern Washington University

- ◆ Overall, EWU had an excellent response rate with over 300 staff and faculty responding making our response rate 16%. The student response rate was not as strong, with only 2.4% of the total student body responding; however, the survey was conducted at the end of the school year surrounding finals.
- ◆ Student and employee knowledge of their institution's Title IX Coordinator's role
- ◆ 78% of staff and faculty indicated they at least had an idea as to who the Title IX coordinator is and where they are located.
- ◆ Student's knowledge of the Title IX coordinator was at 44%.

Campus policies and procedures addressing sexual assault and violence

- ◆ 91% of staff and faculty know what Title IX is and what rights it protects
- ◆ Student's knowledge of Title IX and what rights it protects was lower than expected at 45%.

Options for reporting sexual violence as a survivor or witness

- ◆ Staff and faculty knowledge of options for reporting and who to report to was at 83.5%
- ◆ 84% of students knew locations on campus for where to get assistance

Knowledge of resources on and off campus, such as counseling, health, and academic assistance

- ◆ Staff and faculty knowledge of campus resources 31% were area of our health, wellness and prevention center, 63% were aware of our counseling and psychological services center, and 25% were aware of the off campus Lutheran Community Service advocates who can assist survivors.
- ◆ Student knowledge of on and off-campus resources was 74%.

Student and employee bystander attitudes and behavior

- ◆ Students were more likely to intervene when it was involving someone they knew; however, over 75% of students would still say something to a male or female stranger hooking up with a person who was passed out, someone putting drugs or alcohol in someone's drink or engaging in other sexually harassing behavior.

Reporting by survivors

- ◆ 24% of staff and faculty indicated that they knew of a student being sexually assaulted or harassed in the last three years.
- ◆ With respect to students, 37 did not report an incident regarding domestic violence, dating violence, and unwanted sexual contact because they did not know campus reporting procedures. Over 86% of student survey respondents indicated that they have never experienced domestic violence, dating violence or unwanted sexual contact.
- ◆ An evaluation of student and employee attitudes and awareness of campus sexual violence and any recommendations for better addressing and preventing sexual violence.

The Evergreen State College

Survey Process for Implementation of SB 5518

- ◆ The Evergreen State College collaborated with the Washington State University Social and Economic Sciences Research Center (SESRC) to administer the survey. Evergreen used the Administrator Researcher Campus Climate Collaborative (ARC3) survey instrument. The ARC3 consists of nineteen survey modules covering victimization, perpetration, consent, bystander intervention, and institutional perceptions.
- ◆ All registered Evergreen students, except those requesting confidentiality of directory information, received an invitation to participate in the web based survey. The survey was administered as confidential; each participant had a unique access code to log into the web based survey tool. Students received invitations to participate in the survey three times during November 2016. All participants received information about voluntary participation in the survey, and information about the potential risks of participating in the survey. At the beginning and end of the survey, as well as before the sexual violence victimization module, the survey included information on how to reach a confidential victim advocate for anyone who might feel distressed by answering the questions.
- ◆ The Evergreen State College did not conduct a survey of employees at this time. As the survey questions may be view as inappropriate for employees, Evergreen is considering other instruments and consulting with other colleges and universities about current practices.

Summary of Survey Results: Students

The selected results included in this report should be considered preliminary. Further analysis is needed to accurately understand and report the results of the assessment.

For this study, 890 respondents completed or partially completed the survey out of 3,880 eligible Evergreen students resulting in a 23% response rate.

Prevalence of Sexual Assault, Domestic and Dating Violence, and Stalking On and Off Campus

Prevalence estimates are not available at this time. In order to achieve a high response rate and representative sample, the survey remained open for an extended period of time. Evergreen received initial results on November 28, 2016. Further data analysis is needed to determine prevalence rates of sexual assault, domestic and dating violence and stalking.

Knowledge of Title IX, Policies and Procedures, Options for Reporting, and Availability of Resources

Title IX

- ◆ When asked about awareness of the function of the Title IX Coordinator, 47.8% of respondents indicated some level of awareness.

Policies and Procedures

- ◆ 45.7% of survey respondents reported receiving information from Evergreen on the definitions of types of sexual misconduct.
- ◆ 75.2% of survey respondents reported receiving information from Evergreen about the Student Code of Conduct.

- ◆ 42.8% of survey respondents reported receiving information from Evergreen on how to report an incident of sexual misconduct.

Options for Reporting

- ◆ In regards to getting help after experiencing sexual misconduct, 56.3% of respondents agreed that they would know where to get help on campus.
- ◆ Slightly less than half of the survey respondents (48.5%), agreed with the statement “I would know where to go to make a report of sexual misconduct.” However, only 30.1% of respondents indicated agreement with the statement “I understand what happens when a student reports a claim of sexual misconduct at Evergreen.”

Availability of Resources

The survey asked students to rate their awareness of the function of several on campus resources specifically related to sexual misconduct.

Resource	Percentage of respondents indicating some level of awareness of the resource.
Office of Sexual Violence Prevention (OSVP)	63.0%
Senior Conduct Administrator	42.9%
Medical Services	86.7%

Bystander Attitudes and Actions

Students were asked how often they engaged in the following bystander behaviors when the situation arose.

	Never	Sometimes	A few times	Most of the time	Always	N/A
Walked a friend who has had too much to drink home from a party, bar, or other social event.	18.3%	8.4%	12.6%	8.4%	14.9%	37.3%
Talked to the friends of a drunk person to make sure they don't leave him/her behind at a party, bar, or other social event.	18.2%	8.3%	11.7%	9.0%	16.0%	36.8%
Spoke up against sexist jokes.	14.6%	13.5%	12.8%	17.4%	15.6%	26.1%

Tried to distract someone who was trying to take a drunk person to another room or trying to get them to do something sexual.	23.7%	4.7%	5.4%	4.2%	11.0%	51.0%
Ask someone who looks very upset at a party if they are okay or need help.	14.7%	8.6%	11.3%	10.8%	19.0%	35.5%
Intervene with a friend who was being physically abusive to another person.	22.6%	3.1%	3.8%	5.0%	14.4%	51.2%
Intervene with a friend who was being verbally abusive to another person.	18.7%	7.4%	5.4%	6.5%	16.0%	46.0%

Reporting by Survivors

When asked about stalking victimization, respondents were asked to think about the one situation that had the greatest effect on them then asked how they reacted to the situation. For stalking victimization, 7.0% of respondents indicated they reported the person who stalked them.

When asked about sexual misconduct, 38.3% of respondents who experienced sexual misconduct indicated that they told someone about the incident. Most survey respondents indicated they told a close friend other than a roommate, a romantic partner, or a roommate.

Attitudes and Awareness of Sexual Violence Issues and Recommendations

Half of those who responded to the survey indicated that thought sexual misconduct is a problem at Evergreen.

Student Recommendations for Addressing and Preventing Sexual Violence

Recommendations are not available at the time of this report. Recommendations will be available in the future after the qualitative data is coded. Further data analysis may also yield recommendations.

Summary and Conclusions

- ◆ The results reported herein are preliminary. As of the writing of this report, Evergreen has not had adequate time to analyze the survey responses. The survey received an excellent response rate by a representative sample. Further analysis will yield increased understanding of students' experiences of sexual violence at Evergreen.

Washington State University

WSU sent survey invitations to students in April 2016 for a period of five weeks. The survey, which was hosted by Qualtrics, a web-based survey software, was accessible via computers, tablets, and smartphones. WSU did not gather or store identifying information about the student survey respondents.

WSU sent survey invitations to 8,975 WSU students including, on the WSU Pullman campus, to two randomly selected samples of 1,500 undergraduate students between ages 18-25 and to randomly selected graduate and professional students enrolled in 12 credits or more. For the other WSU campuses (Everett, Spokane, Tri-Cities, and Vancouver), WSU sent survey invitations to all undergraduate students between ages 18-25 and all graduate students enrolled in 12 credits or more. Of the students who received the invitation, 2,230 provided some response to the survey, for a response rate of 24.9% (18.9% of undergraduate students and 35.1% of graduate students).

Detailed Survey Method

The methodology and modules in the WSU survey were adapted from the 2016 Campus Climate Survey Validation Study (CCSVS) conducted by the Bureau of Justice Statistics (BJS) and RTI International, with support from the Justice Department's Office on Violence Against Women (OVW). This was the survey instrument and methodology shared in January 2016 by the White House Task Force to Protect Students from Sexual Assault. WSU modified the original survey instrument to be more relevant to WSU local contexts and to include data collection around intimate partner violence and stalking victimization. The WSU student survey included seven modules.

Beginning in April 2016, WSU sent students an initial email invitation and five follow-up reminders encouraging their participation in the survey. The reminders were each worded slightly differently in an attempt to appeal to a broad range of students, and were based on recommendations by Dillman, Smyth, & Christian (2014).

Summary of Survey Results: Students

Prevalence of Sexual Assault

- ◆ 4.5% of responding students said they had been subjected to unwanted sexual contact since the beginning of the 2015-2016 academic year; of these, 79% were female, 17% were male, and 4% identified as other. Of this 4.5%, roughly 31% said the perpetrator was not affiliated with WSU; roughly 60% said the perpetrator was affiliated with WSU, and roughly 9% were not sure whether or not the perpetrator was affiliated with WSU.

Intimate Partner Violence

- ◆ 1.4% of respondents reported experienced physical violence from an intimate partner since the beginning of the 2015-2016 academic year.
 - 56% of these respondents reported that the perpetrator was not affiliated with WSU; 35% said the perpetrator was affiliated with WSU, and 8.8% were uncertain of the perpetrator's affiliation.
 - 15.6% of those who experienced IPV reported it to WSU administrators, faculty, or other officials; 6.5% reported it to a WSU crisis center, helpline, or health care center; 12.9% reported it to WSU Campus Police; 16.1% reported it to local or city police.

- ◆ 5% of respondents reported experiencing physical violence from an intimate partner since they had entered college anywhere.
- ◆ 10% of respondents reported experiencing physical violence from an intimate partner during their entire lifetime.

Stalking

The following percentage of survey respondents reported that they had been frightened, concerned, angered, or annoyed by the following conduct since the beginning of the 2015-2016 academic year:

- ◆ 5.2% by receiving unwanted phone calls or messages
- ◆ 5.8% by unwanted e-mails or other forms of written communication
- ◆ 2.5% by being followed or spied upon
- ◆ 3.2% by being waited for outside or inside places
- ◆ 1.1% by receiving unwanted items, presents, or flowers
- ◆ 3.2% by information posted or rumors spread on the Internet, public places, or by word of mouth
- ◆ 25% of those who affirmatively reporting stalking behaviors notified WSU administration, faculty, or officials.
- ◆ 8% of respondents reported experiencing stalking behaviors since they had entered college anywhere.
- ◆ 16% of respondents reported experiencing stalking behaviors during their entire lifetime.

Of those who reported the above behavior, 35% reported that the perpetrator was not affiliated with WSU, 45% reported that the perpetrator was affiliated with WSU, and 18.8 % were uncertain of the perpetrator's affiliation.

Knowledge of Title IX, Policies and Procedures, Options for Reporting, and Availability of Resources

Survey respondents were asked to indicate how strongly they agreed or disagreed with statements regarding campus policies and procedures by picking one of four response options: strongly agree, agree, disagree, or strongly disagree.

- ◆ 60% of students agreed that they were aware of and understood WSU's procedures for dealing with reported incidents of sexual assault.
- ◆ 69% of students indicated that they knew what services are available for those who experience sexual assault.
- ◆ 69% of students indicated they know where to take a friend who had experienced sexual assault.
- ◆ 76% of students agreed or strongly agreed that those accused of perpetrating a sexual assault are treated fairly.
- ◆ 73% of students indicated they felt that when it has been determined a sexual assault as happened, the perpetrator gets punished appropriately.

Students were asked to indicate whether they had received training from the school on certain topics:

- ◆ Legal definition of sexual assault: 51% Yes
- ◆ Definition of consent and how to obtain it: 51% Yes
- ◆ WSU's policy on sexual assault: 52% Yes
- ◆ How to report sexual assault: 51% Yes

- ◆ Services available for survivors or sexual assault: 48% Yes
- ◆ How to intervene as a bystander to protect other students from sexual assault: 41% Yes
- ◆ Other strategies for preventing sexual assault: 43% Yes

Bystander Attitudes and Actions

Respondents were asked to assess how likely they were (on a scale including the options “very likely,” “likely,” “not likely,” and “not at all likely”) to engage as a bystander:

- ◆ 88% were likely or very likely to say something to a friend who is sending sexual pictures, web pages, or messages to someone who didn’t ask for them in order to get them to stop
- ◆ 77% of students were likely or very likely to say something to someone they didn’t know well who was making unwanted sexual comments, jokes, or gestures to someone else in order to get them to stop
- ◆ 89% were likely or very likely to say or do something to prevent a friend from leading someone away who was very drunk in order to have sex with them.
- ◆ 93% of students was likely or very likely to ask a friend who might be in an abusive relationship if they were being mistreated
- ◆ 74% of students were likely or very likely to report someone to the police or campus administration who told them they’d had sex with someone who was passed out
- ◆ 88% was likely or very likely to speak up to help someone they didn’t know who looked uncomfortable while being touched, grabbed, or pinched in a sexual way.
- ◆ 73% were likely or very likely to come up with a plan for checking in with their friends when going out

Reporting

Respondents were asked to indicate how likely they would be to contact resources if sexually assaulted; 61% of students surveyed said they were likely or very likely to contact WSU administrators, faculty, or other WSU officials; 78% were likely to contact a crisis center, helpline, or care center at WSU; 77% were likely to contact a crisis center, helpline, or care center outside of WSU; 72% were likely to contact WSU police or campus security; 74% were likely to contact police outside of WSU.

Of those students who reported an incident of sexual assault, 73.2% reported telling a roommate, friend, or family member about the incident; 10.1% reported telling an administrator, faculty, or staff at WSU about the incident.; 10.1% reported telling a crisis center, helpline, hospital or health care center at WSU about the event; 11.6% reported telling a crisis center, helpline, hospital or health care center not at WSU about the incident; 4.3% reported contacting police at WSU; and 2.9% reported contacting non-WSU police.

Of those who contacted administrators, faculty, or staff at WSU about incidents of sexual assault, 50% found them helpful. Of those who contacted a crisis center, helpline, or health care center at WSU, 36.4% found them helpful. Of those who contacted similar resources not affiliated with WSU, 30% found them to be helpful. Of those who contacted WSU police, 20% found them to be helpful. Of those who contacted non-WSU police, 22.2% found them to be helpful.

Those who reported experiencing sexual assault were asked to indicate reasons why they did not contact campus administrators, faculty, or other officials: 11.9% indicated they did not know how to contact them; 27.1% indicated they were concerned the school would not keep their situation confidential; 39% were concerned they would be treated poorly or that no action would be taken; 75.9% were concerned their situation was not serious enough to report; 56.9% indicated they did not want any action taken; 51.7% indicated they did not need any assistance; 45.8% felt that other people might think that what happened was at least partly their fault

or that they might get in trouble for some reason; 33.9% were concerned that their aggressor might retaliate. Those who did not contact campus or local police were asked to indicate the reason why they refrained from doing so: 10% cited not knowing how to contact them; 26.7% were concerned about confidentiality; 40% were concerned no action would be taken; 70% felt their situation was not serious enough to report; 56.7% wanted no action taken; 43.3% did not need any assistance; 42.6% felt others might think what happened was partly their fault or that they might get in trouble for some reason; 30% were concerned about retaliation.

Attitudes and Awareness of Sexual Violence Issues and Recommendations

- ◆ 86.7% of those surveyed agreed or strongly agreed that sexual harassment is not tolerated at WSU
- ◆ 83.2% felt that WSU takes sexual assault prevention seriously
- ◆ 76.5% feel that WSU is doing a good job of educating students about sexual assault
- ◆ 81.3% feel WSU is doing a good job of trying to prevent sexual assault from happening
- ◆ 84% believe the WSU is doing a good job of providing needed services to victims of sexual assault
- ◆ 77.8% believe the school is doing a good job of investigating incidents of sexual assault
- ◆ 76% of students feel those who are accused of perpetrating sexual assault are treated fairly
- ◆ 76.8% feel the school is doing a good job of holding people accountable for committing sexual assault

Questions further assessed student attitudes by asking whether they agreed or disagreed with certain statements relating to sexual assault:

- ◆ Only 7.8% of surveyed students felt that it doesn't really hurt anyone to post sexual comments or photos of people without their consent through email, text, or social media
- ◆ A minority of students, 33%, felt that people get too offended by sexual comments, jokes, or gestures
- ◆ 23.2% of students felt that a person who is sexually assaulted while drunk is at least somewhat responsible for putting themselves in that position
- ◆ 90.2% of students would advise a friend who disclosed a sexual assault to them to contact the campus or local police
- ◆ 11.9% of students believe it is not necessary to get consent for sexual activity from someone they are in a relationship with
- ◆ 28.8% of students felt that accusations of sexual assault are often used as a way for one person to get back at another person
- ◆ 21.4% agreed that what people say is rape is actually consensual sex that they regretted afterwards

Student Recommendations for Addressing and Preventing Sexual Violence

Students were asked to pick all appropriate outcomes for students found responsible for committing nonconsensual sexual conduct on another. That most frequently selected answer was expulsion (51.1%), followed by no-contact orders (45.7%), suspension (40.4%), community service (37.7%), probation (37.2%), apology (36.9%), and educational projects (25.5%).

Summary of Survey Results: Employees

WSU is still in the process of surveying employees, and anticipates that the employee assessment may continue into 2017 to allow for a more complete sample. However, results for the survey, hosted by Qualtrics, and sent to approximately 6,800 WSU employees at each of the WSU campus locations will be available on a rolling basis before year-end.

Data from this survey will reflect employee knowledge of Title IX policies, and procedures, options for reporting and availability of resources; employee knowledge of the Title IX Coordinator's role; employee bystander attitudes and actions; reporting by survivors to employees; employee attitudes and awareness of sexual violence issues; and employee recommendations for addressing and preventing sexual violence. WSU has asked general questions to understand employee experience with sexual harassment, but did not request specific incidence data from employees.

Western Washington University

Under the direction of the Title IX Coordinator, members of Western Washington University's Work Group on Sexual Violence Prevention and Response developed the survey instruments utilized for Western's student and employee sexual violence climate assessments. Two separate instruments were developed, with both instruments relying largely on the Draft Instrument for Measuring Campus Climate Related to Sexual Assault developed by the Bureau of Justice Statistics³³ and the Administrator-Researcher Campus Climate Consortium (ARC3) Campus Climate Survey.³⁴ Western expresses its appreciation to the researchers and practitioners who developed, tested, and made available these survey instruments for use by institutions of higher education. Given concerns about inquiring into employees' experiences with sexual violence unconnected to their employment with Western, the employee survey asked more limited questions than did the student survey.

Western students and employees were introduced to the climate assessments via emails sent by then University President Bruce Shepard. The introductory email was sent to 14,254 undergraduate and graduate students on May 10, 2016, and to 2,698 employees on May 12, 2016. The emails stated that the surveys were completely voluntary and confidential, and encouraged student and employee participation and asked that individuals respond honestly so that the information gleaned from the surveys could best inform positive change at Western.

The surveys were administered by Western's Office of Survey Research (OSR), and indicated to participants that the responses would be aggregated confidentially. Both surveys and related communications sent by OSR were reviewed by Western's Research Compliance Officer. OSR provided students with a link to the survey via email on May 10 and May 11, 2016.³⁵ OSR sent two reminder emails to students about the survey, and the student survey closed on June 1, 2016. A total of 1,358 students (9.5%) started the survey and 958 (6.7%) completed it. Of the 1,358 respondents, 1,301 (95.8%) were undergraduate students (including 278 freshmen and running start students) and 57 (4.2%) were graduate students.

OSR provided faculty and staff with a link to the survey via email on May 13, 2016. As with the student survey, OSR sent two reminder emails to employees about the employee survey and the survey closed on June 3, 2016. A total of 623 employees (23%) started the survey and 474 (18%) completed it.

Summary of WWU Survey Results: Students

Given that best practices for asking victimization questions involve inquiring about experiences with specific behaviors, and due to the low response rate, it is not possible to reach generalized conclusions about prevalence. The information gleaned from survey questions about experiences with sexual violence is nonetheless informative.

Experiences with Sexual Assault On and Off Campus

Five questions sought to assess students' experiences with sexual assault, including how the assault was perpetrated. These questions separately asked about (1) non-consensual, non-penetrative sexual touching, (2) non-consensual oral sex, (3) penetrative vaginal sexual assault, (4) penetrative anal sexual assault, and (5) attempted oral, anal or vaginal sexual assault. Notable results include the following:

- ◆ Of students responding they had experienced one or more of the (1) through (5) behaviors above,

33 https://www.notalone.gov/assets/RevisedInstrumentModules_1_21_16_cleanCombined_psg.pdf

34 Administrator-Researcher Campus Climate Collaborative. (2015). ARC3 Campus Climate Survey regarding Sexual Misconduct. Available from <http://campusclimate.gsu.edu>.

35 The link was sent to 10,000 students on May 10, 2016, and to the remainder of students on May 11, 2016.

respondents most frequently identified experiencing non-consensual, non-penetrative sexual touching, with 252 of 1,249 respondents (20.17%) reporting that they experienced such behavior by someone taking advantage of them when they were “too drunk or out of it to stop what was happening.” Analyzed by respondents’ gender identity, 23.72% of women (203 out of 856 people), 10.12% of men (34 out of 336 people), and 27.78% of transgender³⁶ students (15 out of 54 people) reported experiencing such behavior one or more times.

- ◆ 95 students out of 1,140 (7.69%) reported non-consensual oral sex occurring by someone taking advantage of the student when they were “too drunk or out of it to stop what was happening,” including 8.38% of women (71 out of 848), 4.55% of men (15 out of 330), and 16.66% of transgender students (9 out of 54). Non-heterosexual students reported such behavior at three times the rate of heterosexual students (15%, or 51 out of 340 non-heterosexual people, compared with 4.94%, or 44 out of 890 heterosexual people).
- ◆ Non-consensual vaginal penetration perpetrated when someone was “too drunk or out of it to stop what was happening” was reported by 14.32% of women students (121 individuals out of 845) and 18.87% of transgender students (10 individuals out of 53).
- ◆ 11.68% of students (142 out of 1,216 people) reported that “even though it didn’t happen, someone tried to have oral, anal or vaginal sex” with them without their consent by taking advantage of them when they were “too drunk or out of it to stop what was happening.”
- ◆ When asked about non-consensual vaginal penetration perpetrated by “using force,” 7.04% of women (59 out of 838) and 15.38% of transgender students (8 out of 52) reported experiencing such behavior.
- ◆ When asked about non-consensual oral sex perpetrated by “using force,” 52 students out of 1,232 (4.2%) reported such experiences, including 5.08% of women (43 out of 845), 1.81% of men (6 out of 331), and 5.66% of transgender students (3 out of 53). 2.8% of heterosexual students (25 out of 890) reported experiencing forcible oral sex, compared to 8.01% of non-heterosexual students (27 out of 337).
- ◆ The majority of unwanted sexual experiences occurred off campus (305 out of 418, or 73%), while 27% (113) occurred on campus.
- ◆ Of students who indicated they had unwanted sexual experiences, the majority (258 out of 421 people, or 61%) reported that the perpetrator was a Western student, while 31% of perpetrators (129) were not Western students and 8% of students did not know whether the perpetrator was a student.
- ◆ Students reported that the majority of unwanted sexual experiences were perpetrated by someone they knew, while 17% (70 out of 420) were perpetrated by a stranger.

Dating and Domestic Violence On and Off Campus

Students were asked whether they had experienced any of 10 types of behavior from “any hook-up, dating, intimate, sexual, and/or romantic partners” they had since enrolling at Western.

- ◆ The most frequently reported type of behavior, identified by 24.29% of students (283 out of 1,165) was: “Not including horseplay or joking around, the person insulted or humiliated me.”
- ◆ Overall, 17.05% of students (199 out of 1,167) indicated “[n]ot including horseplay or joking around, the person can scare me without laying a hand on me.” 27.47% of students who identified as non-heterosexual (89 out of 324) reported such experiences, compared with 13.13% of students who identified as heterosexual (110 out of 838).
- ◆ Overall, 11.14% of students (130 out of 1,167) indicated that they had been “pushed, grabbed or

³⁶ For purposes of analyses of experiences with sexual assault by gender, transgender students include students who identified as transgender men, transgender women, genderqueer/gender non-conforming, or “a gender not listed here.”

shook” one or more times. 19.08% of students who identified as non-heterosexual (62 out of 325) reported such experiences, compared to 8.12% of students who identified as heterosexual (68 out of 837).

- ◆ 57% of students who indicated having experienced one or more of the 10 described behaviors reported that the perpetrator was a Western student (220 out of 388), while 40% of perpetrators (156) were not Western students and 3% of respondents did not know whether the perpetrator was a student.
- ◆ 73% of incidents (285) occurred off campus, and 27% (104) occurred on campus.
- ◆ 46% of students described the perpetrator as a romantic partner (179 out of 390) at the time of the situation, and 23% (89) described the person as a former romantic partner. The student was not living with the perpetrator at the time in 85% of reported instances (330 out of 388).

Stalking On and Off Campus

Students were asked whether they had ever experienced any of 10 types of behavior that could constitute stalking since enrolling at Western. It is important to note, however, that most students who indicated experiencing such behaviors did not experience them repeatedly.

- ◆ Of students who experienced the 10 behaviors inquired about, students most frequently experienced the following behaviors: leaving “unwanted messages (including text or voice messages)” (240 out of 1,151, or 20.85%); sending “unwanted emails, instant messages,” or messages through social media apps (179 out of 1,150, or 15.57%), and; via showing up in places such as the student’s home, workplace, or school when the student did not want the individual to be there (181 out of 1,157, or 15.64%).
- ◆ The other person was known to be a Western student in 54% (218 out of 407) of instances, while 30% (122) of perpetrators were not Western students and 16% of respondents did not know whether the perpetrator was a student (67).
- ◆ 59% (241 out of 506) of these instances happened off campus, while 41% (165) occurred on campus.

Knowledge of Title IX, Policies and Procedures, Options for Reporting, and Available Resources

- ◆ Almost 65% of students (721 out of 1,113) agreed or strongly agreed that they are aware of and understand Western’s policies and procedures for dealing with reported incidents of sexual assault.
- ◆ 85.6% of students (952 out of 1,112) know what services are available to sexual assault survivors, and 81.7% (907 out of 1,110) know where they could take a friend for help if they were sexually assaulted.

Reporting by Survivors of Sexual Assault

- ◆ 65% (273 out of 422) of students who reported unwanted sexual experiences said they had told someone about it and 35% (149) said they had not.
- ◆ 89% (240 individuals out of 271) of students who had previously told someone about the unwanted sexual experience had told a close friend other than a roommate, and 54% had told a roommate.
- ◆ No more than 8% of students who had unwanted sexual experiences had told any particular Western entity.
- ◆ The most common reasons for not reporting to both Western and local police were students (1) not thinking the incident was serious enough to report (307 of 395 students), (2) not wanting any action taken (279 of 396 students), and (3) not needing any assistance (240 of 392 students).

Bystander Attitudes and Actions

- ◆ 94% of students said they would help if they saw someone they didn’t know who looked uncomfortable and was being touched in a sexual way.

- ◆ 74% of students agreed or strongly agreed that if students see someone trying to have unwanted sexual contact with someone, students will try to stop that person.
- ◆ Students described themselves as least likely to intervene if they heard people they didn't know very well making unwanted sexual comments, jokes or gestures, or to report someone who told the student they had sex with someone who was passed out. Specifically, 23% of students said they were not likely or not at all likely to act in these situations.

Attitudes and Awareness of Sexual Violence Issues

- ◆ Over 91% of students (1,178 out of 1,284) agreed or strongly agreed that they feel safe on Western's campus, and 81% (1,049 out of 1,288) agreed or strongly agreed that Western is trying hard to make sure all students are safe.
- ◆ Almost 70% of students felt that most Western students are knowledgeable about the topic of sexual assault.
- ◆ 92% of students are clear that people who are sexually assaulted while intoxicated are not at all responsible for the assault.
- ◆ 79% of students (903 out of 1,137) agreed or strongly agreed that Western takes training in sexual assault prevention seriously.
- ◆ 70% of students (797 out of 1,136) agreed or strongly agreed that the university is doing a good job of educating students about sexual assault.
- ◆ Almost 80% of students believe Western is doing a good job of providing services to victims of sexual assault.
- ◆ 61% (673 out of 1,100) believe Western is doing a good job of investigating incidents and 58% (634 out of 1,093) believe the university is doing a good job of holding perpetrators accountable.

Student Recommendations for Addressing and Preventing Sexual Violence On Campus

Additional financial resources would be needed to implement recommendations related to additional training.

- ◆ 397 students responded to the question about recommendations for addressing and preventing sexual violence on campus. The most common recommendation posed by students was to improve or increase the training offered to students aimed at preventing sexual violence. Over 150 students made suggestions to this effect, with 23 students specifically recommending requiring a GUR focused either exclusively or in part on topics such as sexual violence, obtaining consent in sexual situations, and sexual health. Students expressed the importance of in-person training in addition to (or instead of) online training, with multiple students suggesting that the university offer bystander intervention programs and increase training in the residence halls.
- ◆ 67 students made recommendations regarded improving the reporting process and response to instances of sexual violence.

Student Recommendations for Addressing and Preventing Sexual Violence Off Campus

- ◆ 323 students responded to the question about recommendations for addressing and preventing sexual violence off campus. 118 students made suggestions regarding increased education and training regarding prevention, including topics such as use of alcohol and drugs, and bystander intervention, consent.
- ◆ 44 students made recommendations about increased awareness and provision of resources for survivors, including information about available community/off-campus resources and the fact that on-campus resources are still available to students who live off-campus.

Summary of WWU Survey Results: Employees

Experiences with Sexual Assault

Survey questions were limited to asking about any experiences that occurred (1) on Western's campus or one of Western's satellite locations, (2) at a program or event related to Western even if it occurred off campus, or (3) that involved another member of the Western community (such as another employee or a student) regardless of the location.

- ◆ Over 95% of employees agreed or strongly agreed that they feel safe on Western's campus. Fewer employees, 77%, agreed or strongly agreed that there is a clear sense of appropriate and inappropriate behavior among all employees at Western.
- ◆ 3.65% of employees (21 out of 576) reported experiencing non-penetrative non-consensual sexual touching since they began working at Western.
- ◆ 0.7% of employees (4 out of 577) identified experiencing non-consensual oral, anal or vaginal sex perpetrated by someone showing displeasure, criticizing the employee's sexuality or attractiveness, or getting angry but not using physical force after the employee said they didn't want to.
- ◆ 0.7% of employees (4 out of 576) identified experiencing non-consensual oral, anal or vaginal sex perpetrated by someone taking advantage of them when they were "too drunk or out of it to stop what was happening."
- ◆ 0.3% of employees (2 out of 575) reported experiencing non-consensual oral, anal or vaginal sex perpetrated by "using force."
- ◆ 1.2% of employees (7 out of 576) reported that someone tried to have oral, anal or vaginal sex with them without their consent.
- ◆ 68% of employees (17 out of 25) who identified unwanted sexual experiences indicated that those experiences occurred on campus, and 58% (15 out of 26) indicated that experiences were perpetrated by a Western faculty or staff member.

Dating and Domestic Violence

Employees were asked whether they had experienced any of 10 types of behavior from any dating, sexual, intimate or romantic partner they had since beginning employment at Western who was (1) a member of the Western community regardless of where the behavior occurred or (2) who engaged in the described behavior on Western's campus, at a Western satellite location, or at a program or event related to Western.

- ◆ 9.96% of employees (56 out of 562) indicated: "Not including horseplay or joking around, the person insulted or humiliated me." This was the most frequently reported type of potential intimate partner violence behavior.
- ◆ 1.78% of employees (10 out of 562) indicated that they had been "pushed, grabbed or shook" one or more times. No employees reported being hit or beat up.
- ◆ 79% of employees (56 out of 71) who indicated experiencing one or more of these behaviors indicated that these experiences happened on campus.
- ◆ 89% of employees (64 out of 72) who indicated experiencing one or more of these behaviors reported that they were not living with the other individual at the time of the behavior.

Stalking

Employees were asked whether since they began working at Western anyone had repeatedly followed, called, texted, e-mailed, or attempted to communicate with them in a way that made them feel afraid or intimidated. Employees were asked specifically whether they had experienced such behavior engaged in by any member of

the Western community regardless of where it occurred, or by any person if part of the behavior occurred on Western's campus or one of Western's satellite locations.

- ◆ 94% of employees (541 out of 578) had not experienced such behavior, and 6% (37 employees) reported they had experienced such behavior.
- ◆ 80% of employees indicating they had experienced such behavior said it occurred on campus.

Reporting by Sexual Assault Survivors

- ◆ 54% of employees (13 out of 24) who had unwanted sexual experiences had reported to someone and 46% (11) had not reported. Individuals most commonly told a friend and/or another Western employee (such as a colleague, supervisor or head of the employee's department). None of the survey respondents indicated they had told law enforcement, Western's Title IX Coordinator, a mental health or medical provider, or rape crisis center.
- ◆ The most common reasons for not reporting to both Western and local police were the employee (1) not thinking the incident was serious enough to report (14 of 24 employees), (2) not wanting any action taken (14 of 22 employees), and (3) not needing any assistance (14 of 22 employees).
- ◆ 10 out of 23 employees indicated as a reason for not reporting to Western police that they were worried either the person who assaulted them or other people might find out and do something to get back at them. 9 out of 24 employees indicated this was a reason they did not report to local police

Knowledge of Title IX, Policies and Procedures, Options for Reporting, and Available Resources

- ◆ Over 89% of employees (493 out of 552) agreed or strongly agree that they understand Western's policies and procedures for dealing with reported incidents of sexual assault.
- ◆ 89% of employees know what services are available to sexual assault survivors (492 out of 552), and 89% know where to direct a student for help if a student is sexually assaulted (491 out of 550).

Bystander Attitudes and Actions

- ◆ The large majority of employees described themselves as being likely or very likely to act as bystanders in all of the described situations. Employees described themselves as least likely to intervene if they heard people they didn't know very well making unwanted sexual comments, jokes or gestures (over 18%, or 99 out of 540 people, not likely or not at all likely to intervene), or to report someone who told the employee they had sex with someone who was passed out (17.8%, or 94 out of 528, not likely or not at all likely to report).
- ◆ 90.6% of employees (454 out of 501) agreed or strongly agreed that if employees see someone trying to have unwanted sexual contact with someone else, they will try to stop them.
- ◆ Over 31% of employees disagreed or strongly disagreed that when employees at Western make sexual comments, jokes or gestures, others stand up to them.

Attitudes and Awareness of Sexual Violence Issues

- ◆ Over 95% of employees (561 out of 590) agreed or strongly agreed that they feel safe on Western's campus, and over 90% (530 out of 588) agreed or strongly agreed that Western is trying hard to make sure all employees are safe.
- ◆ 90.6% (509 out of 562) agreed or strongly agreed that Western takes training in sexual assault prevention seriously.
- ◆ 83% (439 out of 527) agreed or strongly agreed that Western is doing a good job of educating students about sexual assault.

Employee Recommendations for Addressing and Preventing Sexual Violence On and Off Campus

- ◆ As in the student survey, the most common recommendation provided in response to the questions about better preventing and addressing sexual violence on and off campus was to improve or increase the training/programming provided to students. On the question about on-campus efforts, 91 employees, equaling 52% of those responding to the question, provided such recommendations. On the question about off-campus efforts, 67 employees, equaling almost 55% of respondents to that question, provided such recommendations.
- ◆ 37 employees (21%) identified the need for increased or improved resources (and awareness of resources) for survivors. 23 employees (13%) identified the need for culture change, and 23 identified the need for increased accountability for administrators.

University of Washington

The University of Washington has already had successful experiences with conducting climate surveys of students around the issues of intimate partner violence and sexual assault and plans were also already underway to conduct a survey in Spring 2016. Given UW's experience with surveying students, the decision was made to prioritize the student survey and then utilize and revise, as necessary, the relevant questions from that survey for the survey of employees.

The University has had two main goals in asking students to complete surveys:

- ◆ Like other universities, to better understand the frequency and nature of sexual harassment, sexual assault, stalking, relationship violence and other sexual misconduct involving its students.
- ◆ To utilize the data to help the University meaningfully enhance its prevention, education, and awareness programs, and resources and support for students. The findings will assist the University in fostering a safe environment free from sexual misconduct.

In developing the 2016 survey for students, UW Health & Wellness teamed up with research faculty to review various survey tools and questions. Ultimately the decision was made to draw questions from the Campus Climate Survey, published by the Administrator Researcher Campus Climate Consortium (ARC3). ARC3 is a consortium of sexual assault researchers and student affairs professionals who came together to respond to the White House Task Force on Keeping Students Safe on Campus, particularly the need to develop a campus climate survey informed by all who would use it.

University of Washington students on all three campuses (Seattle, Bothell, and Tacoma) aged 18 and over who were enrolled in Spring Quarter 2016 were invited to participate in the survey. It was delivered by the UW Office of Educational Assessment utilizing Qualtrics, a survey platform provided by a vendor for the UW, which could deliver the survey anonymously. Because of the nature of the questions, particularly those related to prevalence, the UW took steps to ensure that information relating to UW resources, such as confidential advocates and counseling services, were prominently and readily accessible. Students who completed the survey were also eligible for a random drawing which awarded 20 \$100 Visa gift cards.

In regard to employees, the UW has not conducted a climate survey for employees in the past that emphasized the issues required by SB 5518. Given the University's quarter system, an intentional decision was made to avoid attempting a survey of employees during the summer months when many employees, particularly faculty, take time off. Instead, the survey dates were targeted to begin in mid-to-late October, once Autumn Quarter 2016 was well underway. The survey of employees was open from October 28, 2016, through November 28, 2016.

The UW is fortunate to have an office dedicated to delivering such surveys, so the cost for delivering the surveys was less than other higher education institutions. Besides the staff time devoted to developing the questions, however, the UW has had to divert existing staff and faculty resources to analyzing the data. Although plans were already in place to conduct a survey of students, conducting the employee survey resulted in an additional unexpected and significant diversion of staff resources.

At the time of the drafting of this report, the UW was still in the process of analyzing the data. Its climate survey report will be completed by December 31, 2016.

Appendix H: Summary of Statewide Sexual Assault Services

Washington’s Sexual Assault Services State Plan offers an array of services to survivors, friends and family, and community members impacted by sexual violence.

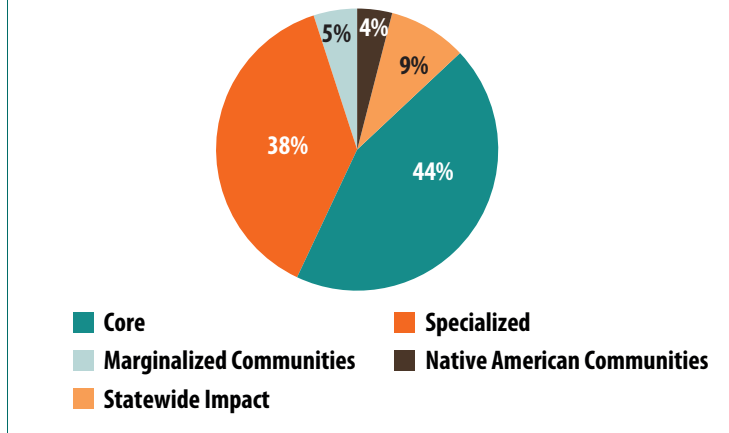
What Funds Support the Sexual Assault Services Funding Formula?

The Office of Crime Victims Advocacy (OCVA) combines our state and federal resources and allocates funds according to the Sexual Assault Services Funding Formula.

Federal sources: Victims of Crime Act (VOCA) funds & Public Health Block Grant (PHBG)

State sources: General Fund allocation for sexual assault victim services and prevention activities

Sexual Assault Services Funding Formula



Core Funding

- ◆ Supports the delivery of Core Services for every community across the state
- ◆ Services provided by an accredited Community Sexual Assault Program (CSAP) at no cost to the survivor, many available 24/7
- ◆ Currently 37 CSAPs in the state, serving every county.

The following are Core Services:

Information, Referral, & Awareness: 24-hour response in person or by phone to direct requests for information or assistance related to sexual assault and available services, as well as conducting community awareness activities related to sexual assault and available services to the community at-large.

Crisis Intervention: An immediately available 24-hour personal response provided in a variety of settings to an individual presenting a crisis related to sexual assault.

General Advocacy: Provide personal support and/or assistance in accessing sexual assault related services.

Legal Advocacy: Act on behalf of and in support of victims of sexual assault on a 24-hour basis to ensure their interests are represented and their rights upheld.

Medical Advocacy: Act on behalf of and in support of victims of sexual assault on a 24-hour basis to ensure their interests are represented and their rights upheld.

Systems Coordination: Coordinate and collaboration among programs and services with a role in the array of sexual assault service provision with the goal of improving service delivery.

Primary Prevention: Optional service that a CSAP may provide. Comprehensive activities that promote attitudes, behaviors, and social conditions aimed at preventing sexual violence before it happens. Primary prevention programming must be culturally and linguistically appropriate specific to the identified community.

Specialized Funding

- ◆ Allocated to each region via a community planning process which is held every two years
- ◆ Supports Specialized Services, enhances Core Services, and/or enhances culturally and community specific services and these service priorities are determined via the community planning process
- ◆ Specialized Services should be available to victims in every community and can be delivered by a variety of providers; not necessarily by agencies or individuals whose primary commitment is to sexual assault victimization issues
- ◆ Specialized funds are currently allocated to 54 grantees across the state

The following are Specialized Services:

Therapy: A professional relationship within a theoretical framework that involves gathering, systematizing and evaluating information and using techniques to address the effects of sexual assault.

Medical Social Work: The service provider prepares children and vulnerable adult victims for medical evaluation; preparing and passing on a complete case history for purposes of contributing to investigation.

Support Group: Regular facilitated meetings of victims and/or secondary victims of sexual assault with a supportive and educational focus.

Marginalized and Native American Communities Funding

- ◆ Culturally and community specific services are those that are provided by community-based non-profit organizations, with a primary mission and history of serving a marginalized community, Tribe or tribal organizations
- ◆ There are currently 12 grantees funded to provide services to historically marginalized communities
- ◆ There are currently 7 grantees funded to provide services to Native American communities.

The following are Marginalized and Native American Communities Sexual Assault Services:

Community Organizing, Training and Education: Provide culturally and linguistically appropriate information and conduct activities to increase knowledge about sexual violence, its root causes, and promote access to services for victims and survivors in marginalized and Native American communities.

Community Responding: Culturally and linguistically appropriate personal support and/or assistance in accessing services and addressing sexual assault related issues for victims in marginalized and Native American communities.

Primary Prevention: Comprehensive activities that promote attitudes, behaviors, and social conditions aimed at preventing sexual violence before it happens. Primary prevention programming must be culturally and linguistically appropriate specific to the identified community.

Therapy: A professional relationship within a theoretical framework that involves a specified helper gathering, systematizing and evaluating information and using techniques to address the effects of sexual abuse/assault.

Additional Grant Programs that Support Sexual Assault Services in our State

Sexual Assault Services Program (SASP)

The Department of Justice, Office on Violence Against Women (OVW) Sexual Assault Services Grant Program (SASP) is solely dedicated to the provision of direct intervention and related assistance to victims of sexual assault. Services such as therapy, advocacy, and support groups to primary and secondary victims

of sexual assault are eligible for funding and can be CSAPs, Specialized Providers, and Native American and Marginalized Communities Service Providers. There are currently 7 SASP funded grantees.

Rape Prevention & Education (RPE)

These funds are awarded through the Federal Centers for Disease Control and Prevention (CDC) to all 50 states, Washington DC and the territories. RPE funds are available to current Core Service and Native American and Marginalized Communities Services grantees. RPE funds support Primary Prevention activities throughout our state. There are currently 7 RPE funded grantees.

Victims of Crime Act (VOCA) 2015-2019 State Plan

Early in 2015, Congress permitted a much larger amount than was historically awarded to be withdrawn from the Federal VOCA fund, which is composed of federal fines and property seizures. This change has resulted in an increase in Washington State's award for pass-through funding; approximately \$40 million/federal fiscal year, compared to previous years' \$7-10 million.

OCVA established a VOCA planning group to conduct a statewide planning process to guide the use of these additional funds, referred to as the 2015-2019 Plan. It is divided into 4 key parts which also includes the current VOCA funds that go into the Sexual Assault Services Funding Formula.

1. Investment in current services
2. Grants for Specific Services and/or Crime Types
3. Set Asides (ex. by & for program, tribal governments, child services)
4. Reserve Fund (emergent issues/emergency response, language and training banks)

Washington State Community Sexual Assault Programs:

Abused Deaf Women's Advocacy Services

Seattle
King County
www.adwas.org

Alternatives to Violence of the Palouse

Pullman
Whitman County
www.atvp.org

Aspen Victim Advocacy Services

Yakima
Yakima County
<http://www.comphc.org/>

Aspen Victim Services of Kittitas County

Ellensburg
Kittitas County

Beyond Survival

Aberdeen
Grays Harbor County
www.ghbeyondsurvival.com

Citizens Against Domestic and Sexual Abuse

Oak Harbor
Island County
www.cadacanhelp.org

Crisis Support Network

Raymond
Pacific County
www.crisis-support.org

Dove House Advocacy Services

Port Townsend
Jefferson County
www.dovehousejc.org/

DV/SA Services of the San Juan Islands, Friday Harbor

Friday Harbor
San Juan County
www.dvsassanjuans.org

DV/SA Services of the San Juan Islands, Lopez Island

Lopez Island
San Juan County
www.dvsassanjuans.org

DV/SA Services of Whatcom County

Bellingham
Whatcom County
www.dvsas.org

Emergency Support Shelter

Longview
Cowlitz County
www.esshelter.com

Family Resource Center of Lincoln County

Davenport
Lincoln County
www.facebook.com/pages/Family-Resource-Center-of-Lincoln-County/162645347098987

Forks Abuse Program

Forks
Clallam County
www.forksabuseprogram.org

Harborview Center for Sexual Assault & Traumatic Stress (HCSATS)

Seattle
King County
www.hcsats.org

Healthy Families of Clallam County

Port Angeles
Clallam County
www.healthyfam.org

Human Response Network

Chehalis
Lewis County
www.hrnlc.org/

King County Sexual Assault Resource Center

Renton
King County
www.kcsarc.org

Kitsap Sexual Assault Center, Bremerton

Bremerton
Kitsap County
www.ksacservices.com/

Kitsap Sexual Assault Center, Main Office

Port Orchard
Kitsap County
www.ksacservices.com/

Lower Valley Crisis & Support Center

Sunnyside
Yakima County

New Hope DV/SA Services

Moses Lake
Adams & Grant Counties
www.grantcountywa.gov/GrIS/New-Hope/

Pend Oreille Crime Victim Services-Family Crisis Network

Newport
Pend Oreille County
www.pofcn.org

Providence Intervention Center for Assault and Abuse

Everett
Snohomish County
washington.providence.org/hospitals/regional-medical-center/services/assault-abuse/

Quality Behavioral Health

Clarkston
Asotin & Garfield Counties
<http://www.qbhs.org/>

Rebuilding Hope! Sexual Assault Center for Pierce County

Tacoma
Pierce County
www.sexualassaultcenter.com

Rural Resources Victim Services

Colville
Stevens County
www.ruralresources.org/get-help/sexual-assault/

SAFE San Juans

Eastsound
San Juan County
www.safesj.org

SafePlace

Olympia
Thurston County
www.safeplaceolympia.org

SAGE, Safety Advocacy Growth and Empowerment

Wenatchee
Chelan & Douglas Counties
www.findsafety.org

Sexual Assault & Family Trauma (SAFeT) Response Center

Spokane
Spokane County
www.lcsnw.org/spokane/SAFeT.html

Skagit Domestic Violence and Sexual Assault Services

Mount Vernon
Skagit County
www.skagitdvsas.org

St. James Family Center

Cathlamet
Wahkiakum County
www.stjamesfc.org

Support, Advocacy & Resource Center

Kennewick
Benton & Franklin Counties
bfcac.org/home-base/emergency-services-sarc

The Support Center

Omak
Okanogan County
www.thesupportcenter.org

Turning Pointe Domestic Violence Services

Shelton
Mason
www.turningpointe.org

Washington Gorge Action Programs - Programs For Peaceful Living

Bingen
Klickitat County
www.wgap.ws

YWCA - Clark County - Sexual Assault Program

Vancouver
Clark County
http://www.ywcaclarkcounty.org/site/c.brKRL6NKLnJ4G/b.9240777/k.66E3/Sexual_Assault_Program.htm

YWCA - Walla Walla County

Walla Walla
Columbia & Walla Walla Counties
www.ywcaww.org

Appendix I: Additional Resources

Northwest Association of Title IX Administrators

<http://www.nwatixa.org/>

Washington Coalition of Sexual Assault Programs

<http://www.wcsap.org/>

Washington Sexual Violence Prevention College Coalition

<http://www.wasexualviolencepreventioncoalition.org/>

You Have Options Program

<http://www.reportingoptions.org/>

Start By Believing Campaign

<http://www.startbybelieving.org/>

Final Report of Seattle Public Schools Task Force for Prevention of and Response to Sexual Harassment and Sexual Assault

https://www.seattleschools.org/UserFiles/Servers/Server_543/File/District/Departments/title_ix/Final_Report_of_Task_Force_submitted_December_9_2015.pdf

Beyond Compliance: Addressing Sexual Violence in Higher Education, a publication of the American College Personnel Association

http://councilofpresidents.org/docs/CampusSA/meeting9_5_19_16/BeyondCompliance.pdf

The National Center for Campus Public Safety

<http://www.nccpsafety.org/>

End Violence Against Women International

<http://www.evawintl.org/>

The First Report of the White House Task Force to Protect Students From Sexual Assault

<https://www.justice.gov/ovw/page/file/905942/download>

The Washington State Office of Superintendent of Public Instruction's Health and Physical Education K–12 Learning Standards

<http://www.k12.wa.us/HealthFitness/Standards.aspx>

Appendix J: Task Force Meeting Dates and Locations

July 2015

University of Washington, Seattle, WA

September 2015

University of Washington, Seattle, WA

October 2015

Washington State University-Spokane, Spokane, WA

November 2015

Bellevue College North Campus, Bellevue, WA

December 2015

Western Washington University, Bellingham, WA

February 2016

Council of Presidents Office, Olympia, WA

March 2016

Council of Presidents Office, Olympia, WA

April 2016

South Seattle Community College Georgetown Campus, Seattle, WA

May 2016

Green River Community College Kent Campus, Kent, WA

June 2016

University of Washington Police Department, Seattle, WA

September 2016

Green River Community College Kent Campus, Kent, WA

October 2016

The Evergreen State College, Olympia, WA

Appendix K: Acknowledgements

The Task Force would like to thank the following individuals for their significant contributions to its work:

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Bellevue College

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Washington State Office of the Attorney General

Tom Fitzsimmons

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Elissa Goss

Washington Student Association

Dr. Ruby Hayden

Lake Washington Institute of Technology

Dr. Luca Lewis

Whatcom Community College

Riddhi Mukhopadhyay

YWCA Sexual Violence Law Services

Major Steve Rittereiser

University of Washington Police Department

Washington Coalition of Sexual Assault Programs Staff