



ADDRESSING CAMPUS SEXUAL VIOLENCE

Creating Safer Higher Education Communities

**New Jersey Task Force on Campus Sexual Assault
Report and Recommendations**

June 2017



The New Jersey Task Force on Campus Sexual Assault

Co-Chairs

Donna M. Barry

Director, University Health Center
Montclair State University

Patricia Teffenhart, MPA

Executive Director
New Jersey Coalition Against
Sexual Assault (NJCASA)

Helen Archontou, MSW, LSW

Chief Executive Officer
YWCA Bergen County

Anne Marie Bramnick, Esq.

Bramnick, Rodriguez, Grabas, Arnold
& Mangan, LLC

Rochelle Hendricks

Secretary of Higher Education
The State of New Jersey

Virginia M. Lyttle

Past State President
American Association of University
Women-New Jersey
(AAUW-NJ)

Sarah McMahon, Ph.D., MSW, LSW

Associate Professor and Associate Director
Center on Violence Against Women and
Children at the School of Social Work
Rutgers, The State University of New Jersey

Frank Merckx, DMH

Dean of Students
Drew University

Bette M. Simmons, Ed.D.

Vice President of Student Development
and Enrollment Management
County College of Morris

Jennifer Stonerod, Esq.

Deputy Attorney General
Deputy Chief of Staff
Division of Criminal Justice
State of New Jersey

Charmaine Thomas

Assistant Commissioner
Department of Children and Families
Division on Women
Division of Family Community Partnerships

Corlisse Thomas, Ed.D.

Vice Chancellor for Student Affairs
Rutgers-Newark, The State University of
New Jersey

Staff

Alan Guenther, Christina Quin

Office of the Secretary of Higher Education

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Robert Baran

Assistant Director
New Jersey Coalition Against Sexual Assault

Christie L. Bevacqua

Deputy First Assistant Prosecutor
Middlesex County Prosecutor's Office

Deni Carise, Ph.D.

Chief Clinical Officer
Recovery Centers of America

Paul M. Cell

Chief of Police
Montclair State University

Pam Drager

Senior Manager of Community Engagement
Domestic Abuse and Sexual Assault
Crisis Center of Warren County

Shannon Gary

Associate Vice Provost and Dean of Students
University of San Francisco

Sergeant Patricia Gusmano

Union County Prosecutor's Office

Leidy Londono

Prevention Coordinator
healingSPACE: A Sexual Violence
Resource Center

Joseph P. Rem, Jr., Esq.

Rem Law Group
Hackensack, NJ

Laura Valente

Associate Vice President for Student
Engagement, Dean of Students
and Title IX Coordinator
New Jersey Institute of Technology

Sarah Bear

Training and Outreach Coordinator
New Jersey Coalition Against Sexual Assault

Katherine Buck

Vice President for Student Life
and Dean of Students
College of Saint Elizabeth

Gabriela C. Celeiro

Co-Founder and Chief Clinician
Sanar Wellness Institute

Jennifer Downing

Deputy First Assistant Prosecutor
Mercer County Prosecutor's Office

Jason Fredericks

Assistant Dean of Student Services
at Raritan Community College

Michelle Gasparian

Supervising Assistant Prosecutor
Mercer County Prosecutor's Office

Alison Kiss

Executive Director
Clery Center

Najma Q. Rana

Assistant Prosecutor
Hudson County

Remi Spencer, Esq.

Spencer & Associates
Counselors at Law, L.L.C

Liz Zadnik

Statewide Capacity Manager
New Jersey Coalition Against Sexual Assault

Glossary and Resources

Campus Climate Survey

Mentioned in the first *Not Alone* report, campus climate surveys have been conceptualized as a way to gather information from students and members of the campus community. Surveys are intended to capture meaningful and actionable data regarding school climate, victimization experiences, and community norms. Sections of the survey can include campus climate, perceptions of campus response processes, experiences of sexual violence victimization, bystander efficacy, and self-reflection regarding other pro-social behaviors.

The development of survey measures and guidance is an ongoing team effort. Rutgers University's Center on Violence Against Women & Children was charged with piloting and evaluating the survey. The Justice Department's Office on Violence Against Women supported implementation by working with campus grantees to disseminate the survey and glean practical insights. The Bureau of Justice Statistics engaged in a validation study in order to further refine the process and offer guidance on next steps.

To learn more:

Bureau of Justice Statistics - Campus Climate Survey Validation Study Final Technical Report:

<https://www.bjs.gov/index.cfm?ty=pbdetail&iid=5540>

Rutgers University – Center on Violence Against Women & Children - Understanding and Responding to Campus Sexual Assault: Comprehensive Campus Climate Assessment:

<https://socialwork.rutgers.edu/centers/center-violence-against-women-and-children/research-and-evaluation/understanding-and>

Department of Justice Campus Climate Survey resources:

<https://www.justice.gov/ovw/protecting-students-sexual-assault#campusclimate>

Progress report on campus climate surveys: <http://changingourcampus.org/wp-content/uploads/2017/01/Progress-on-Campus-Climate-Surveys.pdf>

Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“Clery Act”) was signed into law in 1990 and is named after Jeanne Clery, a young woman who was assaulted and murdered while at college in Pennsylvania. The Clery Act is a consumer protection law that requires institutions of higher learning to record and disclose campus crime statistics and safety policies. The Clery Act also requires schools to have a procedure for offering timely warnings and emergency notifications to campus community members, as well as protect the rights of victims by offering resources and options when violence is reported.

To learn more:

The Clery Center: <https://clerycenter.org/>

Complainant

The individual making an accusation of sexual assault.

Confidential Sexual Violence Advocates (CSVA)

Provides services to victims of sexual violence.

‘Dear Colleague’ Letter

The Office for Civil Rights (OCR) of the U.S. Department of Education periodically releases policy guidance to notify schools and federal grantees of their obligations and outlines ways OCR enforces federal civil rights laws, as a tool for helping them comply with the law. When precedent-setting cases highlight or operationalize specific applications of the law, OCR sends around "Dear Colleague" letters and supplementary materials to help stakeholders and the public understand how decisions apply to schools, districts, and educational institutions of higher learning.

‘Dear Colleague’ Letters of note:

- February 22, 2017: Office for Civil Rights Withdraws Title IX Guidance on Transgender Students
- April 24, 2015: Guidance on Obligation of Schools to Designate a Title IX Coordinator
- April 29, 2014: Questions and Answers about Title IX and Sexual Violence
- April 4, 2011: Guidance on Addressing Sexual Harassment/Sexual Violence

To learn more:

Department of Education, Office for Civil Rights – Dear Colleague Letters: Sex Discrimination Policy Guidance:

<https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/sex.html>

National Sexual Violence Resource Center – Dear Colleague Letter: Sexual Violence:

<http://www.nsvrc.org/publications/dear-colleague-letter-sexual-violence>

Forensic Medical Exam

Within five days of an assault, a victim has the option to undergo a forensic medical exam at a local emergency room. This procedure is conducted by a forensic nurse examiner (FNE) to collect physical evidence of an assault. The FNE documents the findings and assembles the evidence into a sexual assault forensic exam (SAFE) kit (often referred to as a “rape kit”). The completed and sealed kit is then transported and stored according to the appropriate chain of custody, often in collaboration with the county prosecutor’s office. After the examination, the FNE can make recommendations for medical treatment, sexually transmitted infection (STI) prophylaxis, and pregnancy options.

To learn more:

U.S. Department of Justice Office on Violence Against Women – A National Protocol for Sexual Assault Medical Forensic Exams:

<https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>

Sexual Assault Forensic Examiner Technical Assistance:

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

Not Alone Report

Released April of 2014 by the White House Task Force to Protect Students from Sexual Assault, this document outlines the Task Force’s plan to address campus-based sexual violence by offering guidance and resources for schools. *Not Alone* highlighted the role of campus climate surveys in

supporting accountability and school responsiveness, described promising prevention strategies designed to address root causes of sexual violence perpetration, gave research-based examples for developing trauma-informed services to students who report sexual assault, and outlined next steps for federal transparency and coordinated oversight. The second report, released in January of 2017, served as a “progress report” of Task Force efforts and included new resources for schools.

To learn more:

The Center for Changing Our Campus Culture – Not Alone page:

<http://changingourcampus.org/about-us/not-alone/2014>

Not Alone report: <https://www.justice.gov/ovw/page/file/905942/download>

2017 Not Alone report: <http://www.changingourcampus.org/resources/not-alone/Second-Report-VAW-Event-TF-Report.PDF>

Prevention

The Centers for Disease Control and Prevention (CDC) have identified sexual violence as a public health issue that can be prevented. The CDC has defined and categorized violence prevention into three categories: primary, secondary, and tertiary.

Primary prevention includes efforts that seek to prevent violence before it occurs. Primary prevention strategies focus on addressing and reducing factors that put people at risk for perpetrating violence.

Secondary prevention focuses on minimizing the impact immediately after violence has occurred. Secondary prevention efforts concentrate on the needs of the victim, significant others, and the community, such as crisis intervention and medical care.

Tertiary prevention is a response after violence has already occurred. Tertiary prevention focuses on the long-term impact of the violence, such as managing the ongoing effects of victimization and/or treatment and management of the perpetrator.

To learn more:

Centers for Disease Control – Principles of Prevention Guide:

http://vetoviolence.cdc.gov/apps/pop/assets/pop_notebook.pdf

Centers for Disease Control – Sexual Violence on Campus: Strategies for Prevention:

<https://www.cdc.gov/violenceprevention/pdf/campusvprevention.pdf>

National Sexual Violence Resource Center – Primary Prevention Primer:

<http://campus.nsvrc.org/course/index.php?categoryid=15>

Resource Advisor

Resource advisor, members of the college or university community who serve [as volunteers] to assist the victim/survivor and the accused students in understating the university policies, procedures and resources. These individuals are trained members of the college or university faculty or staff, and are separate and apart from the higher education institution’s Title IX Coordinator, investigator and adjudicator. Their prime role is to serve as an additional resource throughout the process.

Respondent

The person accused of perpetrating a sexual assault.

SART

The Sexual Assault Response Team (SART) is a collaborative, victim-centered team committed to responding to immediate or near-immediate sexual violence victimization. In New Jersey, core members often include a confidential sexual violence advocate (CSVA), law enforcement, and a forensic nurse examiner (FNE). These individuals work together to support the victim during the forensic medical exam and/or criminal justice investigation (should the victim choose), as well as providing the victim with community referrals and resources to assist with healing and safety.

To learn more:

Office of Justice Programs – SART Toolkit:

<https://ovc.njrs.gov/sartkit/>

Title IX

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits gender discrimination in educational institutions that receive federal funding. The intent of the law is to promote equity and protect the civil rights of students of all genders. It states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” The U.S. Department of Education regards Title IX as broad protections against sexual harassment and sexual violence within school communities. Schools that receive federal funding are legally required to respond and address “hostile environments” when they receive reports of sexual misconduct.

Under Title IX, schools are required to:

- Post notices and policies of nondiscrimination
- Have someone on staff who functions as Title IX Coordinator
- Publish clear and understandable grievance policies
- Offer training to the campus community on misconduct policies and procedures
- Protect students against retaliation
- Offer accommodations to students

To learn more:

Know Your IX: Empowering Students to Stop Sexual Violence: <https://www.knowyourix.org/> and <https://www.knowyourix.org/college-resources/title-ix/>

Table of Contents

Executive Summary	9
Findings and Recommendations	10
Introduction	12
Recommendations	13
Early Education	13
Campus Climate Surveys.....	14
Services for the Survivor	15
Services for the Accused	17
Investigation and Adjudication	18
Prevention	19
Coordinating with Community Agencies.....	20
Education and Training.....	21
Relationship between Substance Abuse and Sexual Assault	22
Other Considerations	24
Addendum	26
A. Citations.....	26
B. Student Voices	29
C. Legislation	38

Executive Summary

Higher education is an opportunity to enjoy a time of self-exploration with the goal of enlightenment. Students, full of hope and promise, enter college anxious to discover their true potential. It is a fragile time. Some students are just out of high school, inexperienced in relationships but eager to experiment. Others, perhaps, are more experienced but no less eager to explore their new collegiate environment. Too often they encounter a brutal reality for which they are ill-prepared to cope.

Approximately 20 percent of undergraduate women experience sexual violence while on college campuses around the nation, most often in their first year of school. This statistic has been replicated numerous times over the years through scientific research and it is clear that a larger number of undergraduate students, particularly women, are impacted by sexual violence while on campus.¹⁻⁵ These forms of sexual violence range from sexual harassment to unwanted sexual touching to rape. It is the position of the Task Force that all forms of sexual violence have detrimental effects on victims and the larger campus community.

In nearly 85 percent of sexual violence cases, the victims know their attackers. Frequently, they fail to report the crime to any campus or law enforcement authority. They are uncertain of their rights and know little about the services or treatment that should be readily available to any student in need of help. In one national survey of nine higher education institutions, students reported 770 completed rapes on campus during the 2014-15 academic year, but only 40 of those were reported to campus authorities under Clery Act guidelines. The Clery Act was signed into law in 1990 after Jeanne Clery was assaulted and murdered while at college in Pennsylvania. The Clery Act requires institutions of higher learning to record and disclose campus crime statistics and safety policies, but research has shown that most acts of sexual violence are not being counted under Clery guidelines.

The FBI recognizes sexual assault as the second most violent crime, the first of which is murder, and the impact on victims can be devastating. Ninety-one percent of the victims of rape and sexual assault are female, and 9 percent are male, according to the National Sexual Violence Resource Center.

Sexual assault survivors have an attempted suicide rate 13 percent higher than the general population. Members of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) community experience victimization rates much higher than others. One in two transgender individuals are sexually abused or assaulted at some point in their lives. Some reports estimate that transgender survivors may experience rates of sexual assault up to 66 percent, often coupled with physical assaults or abuse, according to the federal Office for Victims of Crime.⁹

Defense attorneys point out that those who are accused of sexual assault struggle to find fair treatment and justice through the campus adjudication process. Even when they have not been charged formally with any crime, the accused can find their academic careers suspended for a year or more while investigations are conducted. In most cases, when an incident has first occurred, defense attorneys are barred from campus and are not permitted to interview witnesses. Often, they must rely on interviews conducted by university officials. On the other hand, activists who work for the complainants say that too often the defense puts the victims on trial, forcing them to relive a traumatic experience. Law enforcement officials encourage victims to testify and bring a perpetrator to justice, but understand that a trial can be a challenging ordeal.

The federal Department of Justice defines sexual assault as any type of sexual contact or behavior that occurs without the explicit consent of the recipient. It includes such activities as forced

sexual intercourse, forcible sodomy, and attempted rape. To confront this violent crime on our college campuses, the New Jersey State Legislature and Governor Christie formed the Task Force on Campus Sexual Assault. During the past year, the Task Force interviewed dozens of experts, including defense attorneys and prosecutors, advocates for survivors' rights, community groups, college administrators, faculty, and most importantly, students.

A wide range of issues was discussed. The Task Force reviewed dozens of reports and studies, including two recent White House reports on campus sexual assault. A representative from Rutgers University, who partnered with the White House and the Office of Violence Against Women to develop information on best practices for campus climate surveys, also served as a member of New Jersey's Task Force.

Findings and Recommendations

After much discussion, debate and study, the Task Force on Campus Sexual Assault unanimously recommends the following:

- Every higher education institution in New Jersey should conduct a sexual violence campus climate survey, using a validated research tool and methods that can scientifically glean information from students, faculty members and staff. National surveys have shown that students are more than willing to discuss the issue confidentially. Free information about campus climate surveys can be found here: <https://www.justice.gov/ovw/protecting-students-sexual-assault>
- Campus climate surveys should be conducted every three to four years and should be specifically tailored to each campus. Results should be shared with the college or university community. Data from the climate surveys should be used to develop an action plan to collect missing information or provide necessary services.
- Sexual violence education needs to begin sooner than college. A Sexual Violence Primary Prevention Task Force for New Jersey should be created to research best practices in teaching curriculum content for the middle and high school years.
- Higher education institutions should ensure that students' rights are protected and that equal representation is provided to survivors and the accused.
- Each college and university should develop an investigation and adjudication model that honors the survivor, the respondent, and the particular needs, character and philosophy of the college or university.
- Investigations should be separate from adjudications in campus sexual assault cases. Investigators who are trained in collecting evidence should not also sit in judgment as adjudicators.
- Students should know where they can confidentially report an incident of sexual violence, and they should know that if they report an assault, they will be able to obtain counseling and services without being required to report the incident to authorities, except in cases where reporting is mandated by state or federal guidelines.

- Students should be accurately educated on the role of law enforcement so they can make informed decisions regarding reporting, including being apprised of the availability of county victim witness advocates who can assist the student in navigating the legal process.
- Based on the expertise and research reviewed by the Task Force, there is no evidence to support that banning alcohol on campus will end sexual assault. The Task Force believes that sexual assault is a result of ingrained behaviors and unacceptable cultural norms. Better education and awareness, sharing of information and the promotion of safe behavior are all more important than an ineffective prohibition that students will easily circumvent.
- Although not every campus has the capacity to provide appropriately in-depth prevention and intervention services outlined in federal guidelines, community partnerships can help increase the availability of services. A formal Memorandum of Understanding (MOU) should exist between campuses and county-based rape crisis centers so that help and expertise is available whenever necessary. A collaborative strategy for addressing funding for the MOU must be developed.
- Colleges and universities should be invited to attend meetings for the county Sexual Assault Response Teams (SART), which provide coordinated community responses to sexual violence.
- In addition to conducting campus climate surveys every three to four years, action plans should be developed. Those action plans should evaluate the implementation of any policies, programs, or procedures in an ongoing manner to ensure quality control and effectiveness. This particular Task Force should be reauthorized with its current membership to meet, at most, quarterly to continue to address emergent issues and responses to these recommendations and supplement our findings as needed.

It is the hope of the Task Force that, at long last, through the research, information and recommendations presented in this report, we can begin to address the prevalence of sexual assault, and through increased knowledge and awareness, students can better know their rights if such an incident occurs. The Task Force hopes that this report will help institutions of higher education enhance the safety of students on campus, assist students affected by sexual violence, and create healthier campus communities built on respect.

June 22, 2017

Introduction

Since the release of the *Dear Colleague Letter* from the federal Office of Civil Rights in 2011, and the subsequent *Not Alone* reports in 2014 and 2017 issued by the White House Task Force, discussions relating to the prevalence and impact of sexual violence within campus communities have been elevated.

In response, state policy makers introduced legislation to help address the issue. In New Jersey, the Legislature and Governor Christie authorized the creation of the Task Force on Campus Sexual Assault on Dec. 2, 2015. A diverse selection of expert stakeholders was appointed to the Task Force with the charge of creating a comprehensive report to help guide the legislative process in New Jersey.

The 12-member Task Force consisted of the Secretary of Higher Education, the Attorney General, and the Director of the Division on Women in the Department of Children and Families. Five members appointed by the Governor included representatives of the State colleges and universities, the public research universities, the county colleges, the independent colleges and universities, and the New Jersey Coalition Against Sexual Assault. Four members of the public were appointed, including one person who is a campus sexual assault survivor. The President of the Senate, the Speaker of the General Assembly, the Minority Leader of the Senate, and the Minority Leader of the General Assembly each appointed one of the public members.

The Task Force first convened on June 22, 2016, and met at least once a month for its one year duration. The agenda for each meeting addressed at least one policy priority identified by the legislation which created the Task Force. Guest speakers, research articles, and interviews with experts and students informed the discussion.

This report is the result of the intentional and thorough process followed by the Task Force on Campus Sexual Assault. Following are a list of key recommendations developed by members of the Task Force spanning a number of critical areas for consideration, including early education, campus climate surveys, services for victims, services for the accused, investigation and adjudication, prevention, coordinating with community agencies, and education and training.

Recommendations: Early Education

The Task Force recommends the creation of a separate Task Force to research best practices in teaching and content against sexual violence in middle school, high school and the community. College is too late to begin such education. Sexual violence education, including what constitutes consent, needs to begin in the home and be reinforced throughout the middle and high school years.

According to RAINN (Rape, Abuse & Incest National Network), the nation's largest anti-sexual violence organization, the need for earlier intervention is illustrated by these statistics:

- One in nine girls and one in 53 boys under the age of 18 experience sexual abuse or assault at the hands of an adult.⁶
- 82% of all victims under 18 are female.
- Females ages 16 to 19 are four times more likely than the general population to be victims of rape, attempted rape, or sexual assault.

Nationally, there is increasing awareness that sexual violence is not just a problem for college campuses but also for younger children. In 2016, as a follow-up to their work on the issue of campus sexual assault, The White House released guidance for K-12 schools to address sexual trauma (<https://www.justice.gov/ovw/file/900716/download>). In addition, the Department of Education has recognized the importance of addressing sexual violence within K-12 schools and developed a resource package for educators: (<https://safesupportivelearning.ed.gov/safe-place-to-learn-k12>.)

This evidence shows that sexual assault is an issue in the K-12 school system. The Task Force's own independent research concurred with these findings. That is why the Task Force recommends the Legislature create a separate Task Force to address this issue; specifically a Sexual Violence Primary Prevention Task Force.

Recommendations: Campus Climate Surveys

The *White House Task Force to Protect Students from Sexual Violence* identifies the administration of campus climate surveys as “the first step” in working towards solutions to campus sexual violence. Campus climate surveys are typically used to assess prevalence of sexual assault on campus. They may also include measurement of sexual harassment, stalking and dating violence and student perceptions of the university response to sexual assault. Campus climate surveys should be used to help institutions identify their strengths and address areas in need of improvement.

Recommendation: Each campus should conduct a sexual violence campus climate survey using validated research tools and methods.⁷

- The survey should be conducted every three to four years to assess the college or university’s climate related to campus sexual violence.⁸
- The survey should include but is not limited to the following: students’ victimization experiences; perceptions of reporting an incident and accessing victim services; knowledge of campus and community resources; awareness of policies related to Title IX, reporting and adjudication; perceptions of an institution’s response to sexual violence.⁹
- Validated tools are available to institutions such as the survey from the Bureau of Justice Statistics (<https://www.bjs.gov/content/pub/pdf/ccsvsfr.pdf>).
- Institutions are encouraged to add questions tailored to their own campus (such as assessing awareness of resources unique to the campus).¹⁰
- Surveys should result in a written action plan describing how the school will address gaps and build upon strengths.^{11,12}
- The three- to four-year cycle should include obtaining support from campus administrators and leadership^{13,14}; developing a survey administration plan to maximize the response rate¹⁵; administering the survey; analyzing results; sharing the results of the survey; developing and implementing an action plan based on the results; and reassessing to determine if the action was effective.¹⁶
- The results of the survey should be made available to the campus community in writing and/or online.¹⁷

Resources for conducting campus climate surveys:

Bureau of Justice Statistics Campus Climate Survey Validation Study:
<https://www.bjs.gov/content/pub/pdf/ccsvsfr.pdf>

Center for changing our campus culture:
<http://changingourcampus.org/>

Center on Violence Against Women and Children:
<https://socialwork.rutgers.edu/centers/center-violence-against-women-and-children>

Recommendations: Services for the Survivor

Higher education institutions must strive to create an atmosphere in which survivors feel safe to (1) seek services and resources available to him or her, both on and off campus, after an alleged assault and (2) to participate in the adjudication processes available to him or her, both on- and off-campus, if they choose to do so.

Several higher education experts appeared before the Task Force, sharing their opinions regarding necessary services and response that should be available to survivors, both on and off campuses in New Jersey. In addition to the mandates and guidelines already in place, the Task Force offers the following recommendations:

- Higher education institutions should ensure that there are adequate services available to assist students who are victims of alleged sexual assaults. These comprehensive services should include medical care, mental health support, and general counseling services, and can be provided directly from on-campus resources or off-campus services.¹⁸
- Campuses are encouraged to develop written policies and procedures that are easily accessible to students and widely publicized. In regard to the survivor, it is suggested that these written policies include:
 - A comprehensive list of both on-campus services and off-campus community resources available to students. This list should be inclusive of all student populations (i.e. international students, LGBTQ students, commuter students, etc.) and include medical services (including forensic exam locations), mental health services, counseling services, law enforcement contact information and advocacy support services information;
 - Information on how a survivor may be able to contact a Confidential Sexual Violence Advocate off-campus or an on-campus confidential advocate equivalent;
 - A list of reporting sites and/or college and university personnel that clearly defines who are the mandatory reporters and who are confidential resources, as defined by federal law;
 - Guidelines for reporting a sexual assault to the college or university, and the college's or university's adjudication process that follows;
 - Amnesty or "responsible action" policies for survivors who may fear being subjected to alcohol or drug violations under campus conduct codes.
- Substantive partnerships between higher education institutions and local community agencies is essential to insuring survivors receive informed services and responses. To achieve this goal, the Task Force would suggest both the higher education institutions and county-based Rape Crisis Centers consider taking the following steps:
 - Appropriate college and university representatives (ideally the Clery Act and Title IX coordinator(s)) should be invited to attend all county Sexual Assault Response Team (SART) meetings.

- Campuses should be prepared to advise survivors of the availability of the county-based Sexual Assault Response Team, which can provide access to a Confidential Sexual Violence Advocate, a Forensic Nurse Examiner, and local law enforcement.
- Funded memoranda of understanding should be negotiated between the county-based Rape Crisis Centers and higher education institutions to implement and expand the capacity of campuses to provide sexual assault prevention and intervention services, programs, and support, and cross-training of personnel.¹⁹ The scope of the partnership will vary according to the needs and capacity of the higher education institutions and Rape Crisis centers, but such collaborations can include provision of training to students, faculty, and staff; creation and facilitation of campus-based prevention programs; and increasing access to external support services.
- The availability of county SART services be explained to the campus survivor.²⁰
- Keeping in mind that no student should be forced to seek services (either within or external to the campus community) or take legal action in response to an alleged assault, higher education institutions should have a working understanding of, and partnership with, local and county law enforcement agencies to be able to offer the survivor all services available after an alleged sexual assault. In order to achieve such partnerships, memoranda of understanding between the colleges and universities and local and county law enforcement should be created. The specific role of law enforcement in responding to reports from campuses should be outlined in detail and so should the role of the Title IX Coordinator.²¹ Moreover, the Title IX Coordinator should receive training on the details of the local and county law enforcement response services and law enforcement should be trained on the higher education institution's Title IX requirements, options, and procedures as well as Clery Act reporting requirements.²²
- Recognizing that colleges and universities are limited by resources and personnel, efforts should be made to ensure that support services and resources are available to a survivor after reporting a sexual assault. It is recommended that a trained resource advisor, separate and apart from the higher education institution's Title IX Coordinator, investigator and adjudicator, should be identified to assist and support survivors once they have reported a sexual assault to a college or university. The resource advisor should be informed about the availability of all campus services and community resources available to the survivor.^{23,24} The advisor should support survivors as they exercise their options. Following federal guidance, the survivor should be provided with interim measures such as academic and housing accommodations.
- In 1994, New Jersey passed the "Campus Sexual Assault Victim's Bill of Rights," which was revised in 2013. The Task Force recommends having this bill available in the student handbook and published on the institutions' web sites.

Recommendations: Services for the Accused

While higher education institutions must strive to create an atmosphere in which the individual making an accusation of sexual assault (“the complainant”) feels safe to access services and resources and participate in adjudication processes if he or she chooses to do so, higher education institutions also have the challenge of attending to the person accused of perpetrating the assault (“the respondent”) if that person is a member of the campus community.

The Task Force members recognize that this is a delicate and difficult balance for any institution to undertake, not just higher education institutions. Therefore the Task Force members dedicated an entire research session to hearing the perspective of respondents through attorneys who have represented such students in legal proceedings both on campus (Title IX investigations) and off campus (criminal justice system). Based upon this research, the Task Force makes the following recommendations:

- Campuses should develop written policies and procedures outlining the potential sanctions the institution may impose following a final determination. These policies and procedures should be available online and easily accessible to students and members of the campus community.²⁵ In regards to the respondent, it is suggested that these written policies include resources that are available to provide mental health support, general counseling services, and legal support services both on-campus and off-campus.
- Once a sexual assault complaint is filed, it is recommended that a resource advisor who serves the respondent be identified by the college or university as a point person for learning and accessing services available to him or her.
 - The purpose of this resource advisor is to provide a support person to the respondent with whom the respondent can speak face-to-face. This resource advisor should be (a) informed as to the campus and community services, and the legal resources available to the respondent, on and off-campus, (b) familiar with the Title IX investigation and adjudication process, and (c) aware of potential legal proceedings that may occur at the request of the complainant.
 - The resource advisor for the respondent must be separate and apart from the Title IX Coordinator, the investigator and/or adjudicator, and should be a different advisor from the advisor recommended to assist the complainant.

Recommendations: Investigation and Adjudication

Federal law dictates that all higher education institutions respond to allegations of sexual assault involving a college or university student with an on-campus investigation and adjudication process.²⁷ To date, there is no “model process” for New Jersey to look to as federal guidance on Title IX implementation continues to expand and develop.²⁸ Therefore, as part of its research, the Task Force invited several speakers from various areas of expertise to speak not only to their particular expertise but also to their experience with Title IX investigations and adjudications on New Jersey college and university campuses.

Such speakers included college and university administrators, currently enrolled college and university students, sworn law enforcement officers from campus departments and from municipality or county departments, assistant prosecutors, criminal and Title IX defense attorneys, and advocates from sexual assault community resource agencies. From this research, the Task Force recommends the following:

- Each college and university should develop an investigation and adjudication model that incorporates each of the following recommendations in a way that honors the survivor, the respondent and the particular needs, character and philosophy of the college or university.

Investigations

Investigations should be led by experienced, trained investigators.²⁹ It is encouraged that these investigators be trained in trauma-informed response and, particularly in how trauma can affect both the complainant and the respondent. Once the investigation is concluded, these investigators should memorialize their factual findings in a report that is given to the Title IX adjudicator.

Adjudication

- Adjudicators should receive appropriate and on-going training on Title IX requirements, developments in Title IX implementation nationwide, best practices of Title IX nationwide, and sexual assault prevention and intervention training that enrolled students are required to receive.³⁰
- It is encouraged that students, faculty, staff and administrators collaborate on the development of the campus’s adjudication model, processes and procedures.³¹
- Once the adjudication process has concluded with either a “Responsible” or “Not Responsible” adjudication, the findings should be released to the complainant and the respondent at the same time.³²

- There are two parts to Title IX: (1) investigation and (2) adjudication. These two processes should be independent and conducted by two or more individuals with specific delineated roles – an investigator and an adjudicator. These roles should not be merged into one process or into one person serving as both investigator and adjudicator.³³
- As mandated in the Violence Against Women Act of 2013, it is important for institutions to ensure that both the complainant and the respondent should have the option to have an advisor, or support person, of their choice present during both the investigation and the adjudication hearing.³⁴ While it is recommended that this advisor or support person be physically present during these times, he or she should also be without a voice in either proceeding.

Recommendations: Prevention

Sexual assault prevention programming is essential, both on campus and in our communities. In order, however, for that programming to be effective, it must saturate a community. One-shot-deals during first-year orientation, or spotlight sessions for specialty groups are ineffective and do not meet the Public Health definition of “prevention programming,” but rather serve as awareness opportunities.³⁶

Colleges and universities must think of the ways in which they promote multiple forms of prevention on different levels including primary, secondary or tertiary.³⁸ Examples of these different types of prevention efforts include promoting gender equity and respect (primary prevention), encouraging bystander intervention (primary or secondary prevention), and facilitating the campus adjudication process (tertiary prevention) as a way to deter perpetration.^{39, 40} Best practices indicate that prevention should not only address individual attitudes and behaviors but also take into account the role of peers and the larger campus community.⁴¹

In addition, sexual violence prevention education is best facilitated by experts in the field. Many times, well-intentioned, and low-resourced institutions expand the roles of existing faculty members and/or staff to include this work. But that often means that messages are not expertly informed, or grounded in strong prevention principles.

- Appropriate resources must be dedicated to insure the hiring, or through funded Memoranda of Understanding (MOU), the contracting of qualified professionals to conduct sexual violence prevention programming on campus.
- Sexual violence prevention programming should be evidence-informed and participation should be available for all students – not just incoming students.^{42,43}
- Sexual violence prevention programming should take into account the unique circumstances, cultural contexts, and experiences of each campus community.^{44,45}
- Sexual violence prevention efforts should be ongoing, use different modalities, and address various subgroups – individuals, peers and campus communities.^{46,47}
- Campuses should assess the ways in which their structure promotes gender equity and respect, and insures that leadership is as diverse as its student population.^{48, 49}
- Sexual violence policies that promote equity and respect among diverse student populations should be created and upheld.

Recommendations: Coordinating with Community Agencies

Not all campuses have the professional or financial capacity to appropriately address the breadth of sexual violence prevention and intervention needs of their campus community. It is essential that campuses engage in substantive partnerships with the local community to expand their capacity.⁵⁰ At the same time, no student should be forced to seek services within or external to the campus.

County Sexual Assault Response Team (SART)

- Campus representation should be added to the state SART Coordinating Council.
- Colleges and universities should be invited to attend County Sexual Assault Response Team (SART) meetings.

County-based Rape Crisis Centers

- Funded MOUs between campuses and their county-based rape crisis center can ensure that sexual violence prevention and intervention programming is grounded in best practice.
- MOUs may include that the county-based agency:
 - Provide sexual violence prevention training to students, faculty, administrators and staff;
 - Provide information about off-campus resources including hotline, counseling, SART, etc.;
 - Offer on-campus “office hours” to serve student survivors.

Confidential Sexual Violence Advocates (CSVA)

CSVAs training should include information about Clery Act and Title IX options and reporting requirements.

Law Enforcement

- MOUs between campuses and local law enforcement should clearly outline the role law enforcement plays in responding to reports from campus.
- Law enforcement training should include information about Clery Act and Title IX options and reporting requirements.

Recommendations: Education and Training

The Task Force recommends that education and training should be divided into a variety of sub areas. These areas are informed by the federal guidance and best practices learned from research both inside higher education and from professional organizations.

Education and training must be collaborative, working with those within the college or university and those agencies within the county and state. Education and training should be mutual between all parties and programs presented should be evidence-based.

The Task Force recommends that education be provided for:

- New, incoming students and university employees.⁵¹
- University officials responsible for responding to sexual violence.
- In addition, on-going educational opportunities should be offered to the college and university community.⁵²

Currently, it is federally required all new, incoming students and employees should be educated on sexual assault.^{53,54} This should include:

- On- and off-campus resources for preventing and responding to sexual assault, including the right to any aspect of the Sexual Assault Response Team, whether this is the Confidential Sexual Violence Advocate, Forensic Nurse Examiner or law enforcement.
- Information on whom to report incidents of sexual violence, including those who are able to receive a report confidentially, and those who are able to address their concerns through a form of investigation.
- Education should focus on the state and national trends and available, verified information, but should also include information from each campus's own climate assessment. It is imperative that students learn what is happening on their campus.
- Education and training should encompass all groups within the college community, yet programs should be offered appropriately to each audience. For example, international students, commuters and others may need to be educated in a different way than domestic or residential students.
- New and incoming students and employees should be provided with educational opportunities using a variety of learning modalities that should also be made available to all students.

University Officials Responsible for Responding to Sexual Violence

- Employees of colleges and universities must know their rights and their responsibilities under federal and state law and regulations. It is recommended that training be provided to all including their roles in preventing and responding to sexual violence.
- Training for those who will respond to sexual violence, from initial report through adjudication and appeal, should be annual and based upon current best practices.

Ongoing Education

- Education and training should be developed so that it is presented throughout the year and available for all students, faculty and staff to attend. A simple way in which this is accomplished is following national "of the month" schedules, including Sexual Assault Awareness Month in April.⁵⁵

Recommendations: Relationship between Substance Abuse and Sexual Assault

How alcohol consumption and substance abuse relate to sexual assault was a consistent theme throughout the Task Force's research. Most invited experts commented on alcohol's relationship to sexual violence in one way or another. Because of this, the Task Force convened a separate research session to examine the issue.

While the Task Force believes that alcohol does not cause sexual assault or violence, research shows that alcohol is frequently a complicating factor and consumption of alcohol can be used to excuse violent or criminal behavior. The question remains: What to do about it?

Based on the expertise and research reviewed by the Task Force, there is no evidence to support that banning alcohol on campus will end sexual assault. The Task Force believes that sexual assault is a result of ingrained behaviors and unacceptable cultural norms. Better education and awareness, sharing of information and the promotion of safe behavior are all more important than an ineffective prohibition that students will easily circumvent.

Education should include information on stages of intoxication and incapacitation, including that incapacitated people are unable to give consent.^{56,57}

The Task Force's finding is supported by its own members' extensive experience in adjudicating cases; by the experts who presented evidence to the Task Force and by research and national studies on this subject. In one research paper published by the National Institute on Alcohol Abuse and Alcoholism, renowned researcher Dr. Antonia Abbey, Ph.D. stated that "[a]lthough alcohol consumption and sexual assault frequently co-occur, this phenomenon does not prove that alcohol use causes sexual assault."⁵⁸ This is true whether the accused is intoxicated, the survivor is intoxicated, or both.

Statistics show that there is little to no difference in the frequency of sexual violence on college campuses whether such campuses are "dry" or "wet." The Task Force does not recommend that colleges and universities become "dry" as a prevention technique for sexual assault. We recognize that sexual assault takes place on all campuses within the state, whether they are "wet" or "dry."

Data on assault is collected under the "Clery Act," the consumer protection law requiring institutions of higher learning to record and disclose campus crime statistics and safety policies. In New Jersey, the Clery data from 2014 and 2015 shows an insignificant difference in the reported acts of sexual violence on campuses that are not exclusively dry. In 2014, .03 percent of students on a "dry" campus reported sexual violence, while .05 percent of students at "wet" campuses reported violence. In 2015, the rate was 0 percent for "dry" campuses and .07 percent for "wet" campuses.

Experts acknowledge that the Clery data shows the significant underreporting of acts of sexual violence on all campuses. Campus climate surveys, based on interviews with students, are a much more accurate way to gauge the extent of the problem.

The Office of Civil Rights states that colleges and universities should educate students on the role alcohol and drugs often play in sexual violence incidents, including the deliberate use of alcohol

and/or other drugs to perpetrate sexual violence.⁵⁹ Alcohol is often involved in sexual violence cases, but sexual violence is not caused by alcohol. Sexual violence is caused by learned behaviors and unacceptable societal attitudes toward violence.

The Task Force recommends that immunity for using alcohol and other drugs should be granted to the complainant and the respondent, unless the alcohol or other drug was used knowingly as a strategy to perpetrate the violence.⁶⁰ No one should be fearful of obtaining resources or remedies from a violent crime solely because they were intoxicated.

Other Considerations

The recommendations put forth in this report should be considered within a number of important contexts, outlined below.

Campus Culture and Norms

Institutions should be aware of shifting problematic norms on campus and build environments that foster healthy, respectful relationships. Shifting norms are challenging work, and will need to be collaborative and long-term. Programs such as bystander intervention and social norms marketing have demonstrated success in challenging social norms and should be considered as options for this type of work.⁶¹

Connecting Campus Sexual Assault with Other Issues

Since various forms of violence such as sexual violence, dating violence, and harassment often co-occur, as well as other pressing issues for college students such as mental health concerns, suicide and substance use, it may be useful to consider the impact of integrated approaches to prevention.^{62,63} In addition, students may experience multiple forms of oppression such as harassment, homophobia, and racism. The Task Force encourages campuses to facilitate collaborative approaches among service providers to address these issues in an integrated manner.^{64,65}

Diverse Student Backgrounds

Colleges and universities host students from diverse backgrounds including various racial/ethnic groups, sexual identities, ages, religions and more. In addition, students may be commuters, residential or online and may be attending classes full-time or part-time. Membership in various communities on campus such as athletics, Greek organizations, LGBTQ groups, military groups, student government, cultural groups and others may also impact an individual's experience with sexual violence, their access to resources, or norms related to sexual violence. The diversity of students should be considered when designing and implementing programs and policies to address campus sexual assault, and input from individuals from the various groups is encouraged.⁶⁵

Varying Levels of Capacity and Resources

It is important to recognize that institutions of higher education across the state have various levels of capacity related to addressing the recommendations put forth in this report. Capacity refers to the ability to effectively develop, organize, and use resources to engage in the implementation of the recommendations (Chavis, 1995). Some institutions already have robust means for addressing campus sexual violence, while others may just be starting. Many of the recommendations in this report require not only financial resources, but also expertise in the area of campus sexual violence. The Task Force encourages institutions to allocate time to build capacity to implement the recommendations successfully, and to consider collaborating with other institutions and community partners to share resources.

Evaluation of Recommendations and Action Plans

In addition to conducting campus climate surveys every three to four years, action plans should be developed. Those action plans should evaluate the implementation of any policies, programs, or procedures in an ongoing manner to ensure quality control and effectiveness. This particular Task Force should be reauthorized with its current membership to meet, at most, quarterly to continue to address emergent issues and responses to these recommendations and supplement our findings as needed.

Involving Students in Drafting Legislation

As evidenced by the student voices in the addendum of this report, students have important contributions to make in understanding the sexual violence climate on campus. Students should be consulted when campus policies and legislation are drafted and invited to testify when legislation is debated.

Addendum

A: Citations

Executive Summary

- ¹ Krebs, C., Lindquist, C., Berzofsky, M., Shook-Sa, B.E., M.A.S., Peterson, K., RTI International, Planty, M.G., Langton, L., Stroop, J., Bureau of Justice Statistics. January 20, 2016: NCJ 249545.
- ² Krebs, C. P., Lindquist, C. H., Warner, T. D., Fisher, B. S., & Martin, S. L. (2007). The campus sexual assault (CSA) study (Document No. 221153). Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>
- ³ Krebs, C., Lindquist, C., Berzofsky, M., Shook-Sa, B., Peterson, K., Planty, M., & Stroop, J. (2016). Campus climate survey validation study final technical report. Retrieved from: <http://www.bjs.gov/content/pub/pdf/ccsvsfr.pdf>
- ⁴ Rothman, E., Exner, D., & Baughman, A. (2011). The Prevalence of Sexual Assault Against People Who Identify as Gay, Lesbian, or Bisexual in the United States: A Systematic Review. *Trauma Violence & Abuse, 12*(2), 55-66.
- ⁵ The “Injustice at Every Turn: A Report of the National Transgender Discrimination Survey” report, conducted by the National Center for Transgender Equality and the National Gay and Lesbian Task Force. The full report, break-out population reports, and videos are available at <http://endtransdiscrimination.org/>

Recommendations: Early Education

- ⁶ Frieden, T. R., Jaffe, H. W., Cono, J. Richards, C. L., & Iademaco, M. F. Youth Risk Behavior Surveillance. *MMWR* 2014; *63*(4):1-168.

Recommendations: Campus Climate Surveys

- ⁷ White House Task Force to Protect Students from Sexual Assault. (2014a). Campus climate surveys: Useful tools to help colleges and universities in their efforts to reduce and prevent sexual assault. Retrieved from <https://www.notalone.gov/assets/ovw-climate-survey.pdf>
- ⁸ White House Task Force to Protect Students from Sexual Assault, 2014a
- ⁹ White House Task Force to Protect Students from Sexual Assault, 2014a; Krebs, Lindquist, Berzofsky, Shook-Sa, Peterson, Planty & Stroop, 2016
- ¹⁰ McMahon, S., Stepleton, K., Cusano, J., O’Connor, J., Gandhi, K., & McGinty, F. (2017; accepted for publication). Beyond sexual assault surveys: A model for conducting a comprehensive campus climate assessment. *Journal of Student Affairs Research and Practice*.
- ¹¹ Ryder A.J. & Mitchell J.J. (2013). Measuring campus climate for personal and social responsibility. *New Directions for Higher Education*. 164:31-48; McMahon, Stepleton, Cusano, O’Connor, Gandhi, & McGinty, 2017.
- ¹² Cantalupo, N. C. (2014). Institution-specific victimization surveys addressing legal and practical disincentives to gender-based violence reporting on college campuses. *Trauma, Violence, & Abuse, 15*(3), 227–241. doi:10.1177/152483801452132
- ¹³ Banyard, V. (2014). Improving college campus-based prevention of violence against women: A strategic plan for research built on multipronged practices and policies. *Trauma Violence & Abuse, 15*(4), 339-351.
- ¹⁴ Lichty, L. F., Campbell, R., Schuitman, J. (2008). Developing a university-wide institutional response to sexual assault and relationship violence. *Journal of Prevention & Intervention in the Community, 36*, 5-22.
- ¹⁵ McMahon, Stepleton, Cusano, O’Connor, Gandhi, & McGinty, 2017
- ¹⁶ White House Task Force to Protect Students from Sexual Assault, 2014a
- ¹⁷ Prevention Innovations Research Center. (2015). Communicating and Using Climate Survey Results. Retrieved from http://cola.unh.edu/sites/cola.unh.edu/files/departments/Prevention%20Innovations/Climate_Survey_Guidance_FINAL_10_24_14_.pdf Accessed June 3, 2015.

Recommendations: Services for the Survivor

- ¹⁸ White House Task Force to Protect Students from Sexual Assault (2014b). Building Partnerships with Local Rape Crisis Centers: Developing a Memorandum of Understanding. Retrieved from: <https://www.justice.gov/ovw/page/file/910381/download>
- ¹⁹ White House Task Force to Protect Students from Sexual Assault, 2014b
- ²⁰ White House Task Force to Protect Students from Sexual Assault, 2014b
- ²¹ White House Task Force to Protect Students from Sexual Assault, 2014b
- ²² White House Task Force to Protect Students from Sexual Assault, 2014b

²³ Section 304, Violence Against Women Reauthorization Act (VAWA) of 2013.

²⁴ White House Task Force to Protect Students from Sexual Assault (2014). Key components of sexual assault crisis intervention/victim service resources. Retrieved from: <https://www.justice.gov/ovw/page/file/910266/download>

Recommendations: Services for the Accused

²⁵ White House Task Force to Protect Students from Sexual Assault (WHTFPSSA) (2014). Checklist for Campus Sexual Misconduct Policies. Retrieved from: <https://www.justice.gov/ovw/page/file/910271/download>

Recommendations: Investigation and Adjudication

²⁷ The Dear Colleague letters of 2001 <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf> and again in 2011 <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf> are not the only regulations shared on the college's and university's responsibilities of responding to incidents of sexual and relationship violence, yet are often the most recognized.

²⁸ Questions and Answers on Title IX and Sexual Violence, pg 30, footnote 30:

http://www.nccpsafety.org/assets/files/library/OA_On_Title_IX_and_Sexual_Violence.pdf

²⁹ The Task Force recognizes that there are a variety of ways to accomplish these types of investigations depending on the institutions resources (for example: hiring part-time retired law enforcement, using sworn or non-sworn public safety officers, retaining law firms or insurance investigators) but one avenue that is not recommended is requiring college/university staff or faculty to wear the hat of 'investigator' as an "add-on" to their full-time college/university role. This is not effective and it is not best practice.

³⁰ White House Task Force to Protect Students from Sexual Assault (WHTFPSSA) (2014). Checklist for Campus Sexual Misconduct Policies. Retrieved from: <https://www.justice.gov/ovw/page/file/910271/download>.

³¹ White House Task Force to Protect Students from Sexual Assault (WHTFPSSA) (2014). Checklist for Campus Sexual Misconduct Policies. Retrieved from: <https://www.justice.gov/ovw/page/file/910271/download>.

³² White House Task Force to Protect Students from Sexual Assault (WHTFPSSA) (2014). Checklist for Campus Sexual Misconduct Policies. Retrieved from: <https://www.justice.gov/ovw/page/file/910271/download>.

³⁴ Section 304, Violence Against Women Reauthorization Act (VAWA) of 2013.

Recommendations: Prevention

³⁸ Office on Violence Against Women, US Dept. of Justice, 2017

³⁹ Banyard & Potter, n.d.

⁴⁰ Dills, J., Fowler, D., Payne, G. (2016). *Sexual Violence on Campus: Strategies for Prevention*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

⁴¹ Gidycz, C. A., Orchowski, L.M., & Berkowitz, A.D. (2011). Preventing sexual aggression among college men: An evaluation of a social norms and bystander intervention program. *Violence against women*, 17(6), 720-742.

⁴² Gidycz, Orchowski, & Berkowitz, 2011

⁴³ Office on Violence Against Women, US Dpt. of Justice, 2017

⁴⁴ Banyard & Potter, n.d

⁴⁵ Office on Violence Against Women, US Dpt. of Justice, 2017

⁴⁶ Perez, Z. J. and Hussey, H. (2014). A hidden crisis: Including the LGBT community when addressing sexual violence on college campuses. Issue brief: Center for American Progress. Retrieved from <https://www.americanprogress.org/issues/lgbt/report/2014/09/19/97504/a-hidden-crisis/>

⁴⁷ Office on Violence Against Women, US Dpt. of Justice, 2017

⁴⁸ Banyard & Potter, n.d.

⁴⁹ Dills, Fowler, & Payne, 2016

Recommendations: Coordinating with Community Agencies

⁵⁰ White House Task Force to Protect Students from Sexual Assault (2014). Building Partnerships with Local Rape Crisis Centers: Developing a Memorandum of Understanding. Retrieved from: <https://www.justice.gov/ovw/page/file/910381/download>

Recommendations: Education and Training

⁵¹ Section 304, Violence Against Women Reauthorization Act (VAWA) of 2013

⁵² Section 304, Violence Against Women Reauthorization Act (VAWA) of 2013

⁵³ The education requirements of the Campus SaVE Act required that all Institutions of Higher Education must provide programs on prevention and awareness. A statement that the college or university prohibits sexual and relationship violence; Provide to all the college's or university's definition of domestic violence, dating violence, sexual assault and stalking. These definitions should be based on the definition within their state or jurisdiction, yet colleges and universities must collect and report statistics based upon the federal definitions; Colleges and Universities were instructed to provide the definition for consent within their jurisdiction, which in New Jersey is

a challenge as there is no state definition of consent; There should be education and teaching on how to be a bystander, whether through reporting what one sees occur, or by standing in to prevent or end a potential violent episode; Ways to prevent the risk of sexual or relationship violence to occur; Information on disciplinary proceedings on the individual campus and the victims' rights.

⁵⁴ The Clery handbook states that education should be comprehensive, intentional and integrated programming, initiatives, strategies and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that are: culturally relevant; inclusive of diverse communities and identities; sustainable; responsive to community needs; informed by research or assessed for value, effectiveness or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

⁵⁵ Other theme months and days are: January is National Stalking Awareness Month; February is National Teen Dating Violence & Awareness Month; March is National Women's Month; April is both Sexual Assault Awareness Month and Alcohol Awareness Month, as well as incorporating National Student Athlete day on April 6th; June is traditionally gay pride month; October is National Domestic Violence Awareness Month, as well as National Coming Out day on October 11th; and November brings International Student Education Week.

Recommendations: Relationship between Substance Abuse and Sexual Assault

⁵⁶ U.S. Department of Education, Office for Civil Rights. (2011, April 4). *Dear colleague letter*.

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

⁵⁷ Banyard, V. L. (2013). Go big or go home: Reaching for a more integrated view of violence prevention. *Psychology of violence*, 3(2), 115.

⁵⁸ Antonia Abbey, Ph.D., Tina Zawacki, M.A., Philip O. Buck, M.A., A. Monique Clinton, M.A., and Pam McAuslan, Ph.D. (2001). Alcohol and Sexual Assault. Retrieved from <https://pubs.niaaa.nih.gov/publications/arh25-1/43-51.pdf>

⁵⁹ Hamby, S. & Grych, J. (2013). Evidence-based interventions need to be more systematic, not more disruptive. *American Psychologist*, 68(6), 476-477.

⁶⁰ White House Task Force to Protect Students from Sexual Assault (WHTFPSSA) (2014). Key components of sexual assault crisis intervention/victim service resources. Retrieved from: <https://www.justice.gov/ovw/page/file/910266/download>; U.S. Department of Education, Office for Civil Rights. (2011, April 4). *Dear colleague letter*. Retrieved from: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>

Other Considerations

⁶⁰ Banyard, V. L. (2014). Improving college campus-based prevention of violence against women: A strategic plan for research built on multipronged practices and policies. *Trauma, Violence, & Abuse*, 15(4), 339-351.

⁶¹ Banyard, 2014

⁶² Hamby, S. & Grych, J. (2013). Evidence-based interventions need to be more systematic, not more disruptive. *American Psychologist*, 68(6), 476-477.

⁶³ Banyard, 2014

⁶⁴ Hamby & Grych, 2013

⁶⁵ Banyard, 2014

B: Student Voices

Students from various New Jersey higher education institutions met at Drew University in October 2016 and responded to questions prepared by the Task Force on Campus Sexual Assault. They were representatives of: Caldwell University, Centenary University, College of Saint Elizabeth, Drew University, Fairleigh Dickinson University, Georgian Court University, Kean University, Monmouth University, Princeton University, Ramapo College of NJ, Rider University, Rutgers University – Newark, Rutgers University - New Brunswick, Stevens Institute of Technology, William Paterson University. Note, in some cases the college/university name has been redacted.

The following are the student responses:

GROUP 1

- **What does your college or university do for education for sexual violence education for new and returning students?**
 - Orientation- briefly mentioned. So much information crammed in to one day. They try to make it informative and fun.
 - Hard to remember any information from that time because there is so much information.
 - Great model at NYU where there is an orientation and then it goes throughout the year through a one credit course.
 - Orientation is not enough- this is only one time and only for new students and then you never hear about it again.
 - Orientation can be a jumping off point but it needs to be continued.
 - Orientation at another school is a two-year experience. SCREAM is a powerful tool.
 - Georgian Court, Drew and Ramapo use SCREAM Theater as well
 - Rutgers Newark uses Unity Theater
 - Rutgers New Brunswick uses Not Anymore online training for all incoming students, fraternities and sororities, and athletes. It is well done but it is long.
 - Ramapo- uses alcohol.edu and Haven. Haven is comprehensive. They also have follow up meetings with community-based organizations in first year seminar classes.
 - One hour at orientation. Not taken seriously. More is needed
 - Sexual assault/dating violence focused on at orientation but outside of that, not really discussed. Issue of sexual assault may be over emphasized during orientation. Sometimes it is “overdone” and students are turned off and they end up mocking it. It is off putting.
 - Evaluation follow up done for these programs? Some yes, some no.
 - Important for college campuses to be transparent with surveys (e.g. campus climate) and to provide information back to students and the larger campus community
 - At Rutgers NB, students took the infographic from the campus climate study and talked with other student groups about the findings

- Important to bring information to student groups- not only about campus climate studies, but also information about Title IX and how to report
- Important to engage “Public Opinion Leaders” on campus to help spread the message to help them change norms
- Students liked the idea of having some sort of training for student leaders on these issues- statistics, resources, etc. Also important to put a face on it by knowing that this can happen to people around you, and make safe spaces to share your story as a survivor
- There needs to be structure for places for survivors to share their stories- peer support groups, survivor support groups. It’s a tough task to have survivors who are the “Face” of sexual assault survivors on campus
- Something that has been successful on the Drew campus is a series of student-led forums on different topics (religion, smoking, and other topics). Creates open and encompassing environment for open dialogue. Facilitates student-to-student interaction and helps promote an environment of understanding. This might be a good idea for continued education
- **What are ways that your college or university responds to reports of sexual assault? What can colleges and universities do better to support students involved? As students, what can you do better to support the students involved?**
 - Who is confidential reporters has changed. As residence life assistants, students now have to report.
 - Students do not like the mandated reporting process. If you don’t know that someone like an RA has to report, it is really uncomfortable
 - One student RA explained situations where a student comes to disclose sexual assault and then he has to call the police. That is the policy.
 - Mandated reporting deters most if not all students from using resources- for sexual assault as well as other issues like mental health
 - There are some situations where students are reporting against their wishes
 - Problematic issue of alcohol and afraid of reporting
 - Strong feelings against mandated reporting
 - Most staff are instructed to pass the disclosure “up the ladder” of supervisors and that is problematic because the person reporting does not necessarily want it to be reported
 - What are best practices for immediate response to disclosures?
 - Instead of mandated reporting, we should make sure that faculty and staff have enough information to respond properly. Educating faculty and staff. Everyone should be made aware of the resources and how to best respond.
 - It’s unclear to students who the confidential and mandated reporters are on campus.
 - Peer educators are not mandated reporters and can provide information
 - Guidebook/how-to brochure on how to report would be helpful
 - Shouldn’t be mandatory for RAs to report to police; shouldn’t be mandatory for RAs to report at all. They should be informed of resources.

- Not in favor of mandated reporters but would rather the faculty member directs student to title IX coordinator
- **Do you think that the students involved in incidents on your campus are aware of the resources available for them both on and off-campus?**
 - People are aware of different pieces of the process but not the whole thing. If you are not involved in a student organization, there is less awareness of information
 - How would you want to receive this information? Not through an email, not on our website. Links don't work, not consolidated.
 - The "circle of 6" app is interesting
 - School specific apps – in addition to transportation, dining services, etc.
 - Centralized website would be helpful
- **Other ideas**
 - Students want to be talking about this. Finding ways to facilitate conversation is important. At Rutgers, we consider ourselves "conversation catalysts" to try to get dialogue moving. Universities need to help students have these conversations. They need to plant these conversations among student groups and then encourage conversations.
 - Goal of these conversations are to encourage bystander intervention, as well as to share stories
 - Students have many solutions in their minds but need a place to discuss
 - Need for these to occur in safe spaces
 - Open forum, or student governments, or just informal conversations
 - Ramapo has an app for resources. Campus also has a 24hr service.
 - Ramapo- trying to reinstitute a pledge
 - While sexual assault has taken the stage- it's great that it's being well studied- but we also need to be careful about taking natural student movements and merging them into larger movements (like No More). Student-led movements are genuine
 - Information on consent is needed on college campuses/policies
- **How much information was given to you prior to campus?**
 - Only two students in the group had received information on SV prior to coming to campus
 - There are some good programs in middle school/high school that use peer educators/mentors
 - Doesn't make sense that people are learning about sexually transmitted diseases but have not learned about consent.

GROUP 2

- **What does your college or university do for education for sexual violence education for new and returning students?**
 - Not Anymore Program (RU)
 - Mandatory for all new students at RU-NB and Drew
SCREAM Theatre at NSO - RU-NB and Drew
SCREAM rant from CDC to research bystander education and impact on the community
UNITY Theater at RU-Newark
Not Anymore - students are not taking the program seriously, “Workplace” unsure of name
 - No consequence if you do not complete the program
 - First year and junior year administered program
Drew University - Yellow Card program for athletes
FDU Madison - Greek Life and Athletes receive programming
Relatability is key for students to take this seriously
 - Student/peer
No More @ RU - NB; STOP @ Centenary - peer education organizations
 - RUSA sexual assault prevention chair - RUSA committee on sexual assault receives title IX training from Title IX Coordinator
 - Host a town hall to ask students about Not Anymore; panel of Title IX Coord, director of VPVA
Sexual assault education more about subconscious versus direct education about behavior
Not Anymore forced one student to work through videos and modules and learn
- **Is the timing of the educational programs right? Should it be at the start of the spring semester?**
 - First six weeks = danger zone
Colleges are failing our students because we are not continuously programming after the start of the fall semester
Consider programming around the topic throughout the year
Bystander Intervention Program - should continue after first dose (SCREAM theatre)
 - Brings student attention to the matter. SG Pres. - feels a bit uneducated on the topic
 - No additional programs throughout the year
 - Residential focused training and programming; commuters are not receiving the same training program - orientation program that was approaching the matter from a comedic perspective, not super effective, left student feeling disappointed
 - Education is based in niche communities: athletes, RAs, etc.
 - To keep the education going, there needs to be information and education on this topic worked into the curriculum - must be supported throughout the university; not just student organizations, not just Victim Advocate Office

- **Stevens - Orientation Program is full of information; how do other campuses highlight this issue as a priority?**
 - Set the stage - make people know and understand this is a priority
 - Strategic plan essential
 - Initially a whole day focused on the topic seems like super heavy, but it demonstrates the importance.
 - FDU - first year seminar class highlights the topic over two class sessions
 - SG students know more than other students; feel like students try to cover up real information - creating a “nice” feel to the campus community. Don’t think enough is shared with the community - not receiving timely notifications
 - Being a small campus, people know who is involved; see people transfer after incident
 - Another small campus - reports go to TIX Coord and handled, but not a lot of public information being shared on campus
 - Receive crime alerts, but not about alleged sexual assaults; unsure - but maybe RAs are informed of situation?

- **Are there barriers to reporting?**
 - If a student reports an alleged assault, the RA is mandated to call campus police. Once police arrive, RA is supposed to call Victims Advocacy Office - feels like a lot of miscommunication on campus.
 - This mandated call to campus police has resulted in a decrease in reporting
 - Feels like the response of calling campus police is to cover the university versus supporting the students.
 - Needs to be education on all levels from all students to administrators
 - Student experience - “record the interaction”

- **How would you like your university to respond to these issues?**
 - Giving a victim options, giving them time to let them take control; options presented by RA (student life/residence life)
 - We don’t feel like our institutions are being completely honest with us (students)
 - Think univ administrators think they are protecting us, we are here to help you, but you need to have a voice and a say in this matter.

- **Can victims have completely control over the process? Request from student**
 - Responsibility to ensure the community is safe in addition to letting the victim drive the process

- **What can you tell us, what words can you give us to take back to the policy-makers that say that the swing in processes is not helpful?**
 - In situation, students may not want the situation to “blow up” and include everyone to report on the matter. Can we have a student victim advocate program report to the issue

- Awareness and preventative measures must be created. Sexual assault awareness month - to help students feel comfortable coming forward
- Institutional funding is essential - what works at RU may not work at Drew; broad policies and requirements is not the answers. More support for individual institutions would be most helpful. Continue student conversations to ensure we can come other to discuss and support one another.
- **How accessible are the county agencies or NP agencies to you? Would you like them to be more accessible?**
 - Keeping resources within campus works; like having students respond
 - More outside options for students to keep the situation confidential; depending on the severity of the issue
 - 75% commuter; unsure of who to go to; commuters unaware of the process
 - Unsure if general student population really understand what outside resources are available.
- **Additional Topics to Explore**
 - Stalking needs to be a part of the conversation
 - Ratios - fraternity/sorority parties and other locations
 - Task Force Members - students want to be talked with not talked to or at; allows for two-way conversations
 - Interpartner violence and intragender violence
 - Abusive friendships and abusive partnerships; expanding from sexual assault to sexual violence
 - Legal processes and policies: victim rights, various burdens of proof, etc.
 - The one-size fits all legislative solution does not work; passing one bill and going home does not work. We need to get out of that mindset
 - Continue this conversation every year or every other year; this will continue to impact students across our country. More forums like this are important.
 - Focus on education being more open in terms of our conversations that regardless of sexual orientation sexual assault is an issue.
 - Create more of a network among SG/SGA students - would be amazing to continue this network across topics.
 - Are policies in different languages or inclusive of all abilities? We need to be inclusive in our descriptions of policies and resources provided to our communities.
 - A lot of college party culture involves hook-ups and often, drunk hook-ups; that experience needs to be acknowledged and addressed that this is a serious matter.
 - Disclosing information to mandated reporters is a challenging situation. Include students as peer to peer advocates to help guide victims/survivors through the process.
 - Important to keep students at the center of this conversation; keeping students at the center is going to help this conversation.
 - Administration and faculty also must be educated on this process and resources as non-counseling staff must also be included and educated about how we can move forward.

GROUP 3

- **What does your college or university do for education for sexual violence education for new and returning students?**
 - Orientation is heavily focused on sexual assault, but we miss out on educating and training returning students
 - Scream Theater is effective, schools are training their own theater students to model Rutgers
 - Green Dot/Red Dot programs don't work – potentially encourage victim blaming
 - Participation in first year seminars is effective, but again there is a need to find avenues to reach returning students
 - Crisis intervention includes an advocate program that consists of students, faculty, and staff that are available to advocate for and support a victim with 24/7 on-call coverage
 - Idea shared to partner with clubs and organization to reach returning students
 - Not Any More Module – some scenarios do not fit for certain colleges, what works for Rutgers may not work for Drew, personalization is important
 - Take Back the Night is effective

- **What are ways that your college or university responds to reports of sexual assault? What can colleges and universities do better to support students involved? As students, what can you do better to support the students involved?**
 - Investigation and handling of complaint needs to be private and confidential, but there needs to be a loud voice on campus from students and administration from the prevention/education standpoint when an assault occurs on campus
 - There was a perception at one school that allegations were being swept under the rug and that the university sought to quell and silence student protests about an assault that occurred because the university did not want any accountability
 - Students need several different reporting options and the survivor needs to have a voice and control regarding their options
 - Trial/Panel to resolve a case is too scary, not private enough, victims and accused should not have to be in the room together
 - It is seen as a negative to have RAs be mandatory reports, having confidential reporting options and confidential resources is so important and students need to know where they are on campus
 - When the police arrive to a scene there is a noticeable change in the demeanor of the reporter
 - Amnesty policies are seen as a positive to encourage reporting
 - An active student government can be helpful in supporting policy/procedure changes on campus

- **Do you think that the students involved in incidents on your campus are aware of the resources available for them both on and off-campus?**
 - One school could only identify the local police department as an off-campus resource, highlights the need to educate about off-campus resources like Healing Space, it was relayed that every county has a Healing Space
 - Important to train student leaders and club presidents about resources so they can appropriately refer other students
 - More training and information is needed about resources and what are the functions of those resources
 - Idea – faculty at one school are required to have information about sexual misconduct resources and counseling in their course syllabus
 - Campuses need to utilize resources like Healing Space more and build relationships with these community resources
 - Important that on-campus resource locations are discreet and private, but students still know where to go

- **What resources do you think are needed on your campus for better education, prevention efforts, response to incidents or other areas?**
 - Combination of multiple resources is most effective – student groups, different offices on campus, advocacy
 - It is important that we are connecting the dots between everything that is being done on campus from a prevention and education standpoint, not working in silos, should all efforts and initiatives funnel from one entity?
 - Some schools use one website to post all events
 - Student government is a go to place where students can voice concerns
 - Better education is needed on dating violence – it seems like it is the least talked about in all the training efforts but it is the most common form of violence on campus, it is also sometimes harder to decipher and more difficult to become aware of
 - Reiterated that more training was needed on available resources
 - Holding forums on these topics are seen as a positive to get campus feedback

- **There is a large focus on sexual assault on college campuses, yet the data shows that many students are coming to our campuses having already experience sexual violence. What do you think we should do to address this?**
 - Education needs to start way earlier, pressure needs to be put on the state to institute mandatory education in high school on Title IX, and perhaps even earlier than high school
 - One student shared that they didn't know anything about sexual assault or Title IX until they were sexually assaulted during the first semester of their freshman year at college
 - Colleges and universities need to understand that the education in K-12 is not occurring at all, therefore the information cannot be sugar coated or glossed over

Two students - Rahimah Faiq, Student Government President of Rutgers-Newark, and Jared Sutton, Student Government President of Drew University – testified at a Senate Hearing with the recommendations provided by the various students who addressed the Task Force on Campus Sexual Assault questions at Drew University.

The following are their recommendations:

- **One-size-fits-all won't work**
 - Size and culture difference between Drew University (1600 undergraduates) and Rutgers-New Brunswick (35000 undergraduates)
- **Building a relationship between schools and law enforcement. Immediate mandatory reporting to law enforcement discourages survivors to report and seek treatment**
 - Adversarial and violates resetting survivors claims on their own lives and decisions
 - Training needs to improve for both on and off campus responding agencies
 - Schools, law enforcement, prosecutors and advocates need to go beyond basic memorandums of understanding and build relationships of mutual respect
- **International Students/Students with other needs**
 - Drew→ international student population
 - Centenary→ commuter populations
 - Having materials in multiple languages
 - Education
- **Providing increased state funding for education programs→ do so much with so little**
 - Our county non-profit agencies are often on-campus performing education and other trainings or response, yet few have resources to keep this sustainable
- **Coming to college should not be the first time students discuss sexual/dating violence**
 - Many students reported at the forum that the first time they had discussions or education on sexual and dating violence was during college orientation
 - Data shows that women and men are victims of sexual assault in earlier grades with little support like that of a college community
 - Likewise, many are victimized who are not in a college or university setting
- **Dating violence is also an area where dangerous behavior can occur, which often goes unreported**

C: Legislation

AN ACT establishing a Task Force on Campus Sexual Assault.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. a. There is established a Task Force on Campus Sexual Assault. The purpose of the task force is to study and make recommendations concerning sexual assault occurring on the campuses of institutions of higher education in the State.

b. The task force shall consist of the following 12 members:

(1) the Secretary of Higher Education, the Attorney General, and the Director of the Division on Women in the Department of Children and Families, or their designees;

(2) five members appointed by the Governor, including a representative of the State colleges and universities established pursuant to chapter 64 of Title 18A of the New Jersey Statutes, a representative of the public research universities, a representative of the county colleges, a representative of the independent colleges and universities, and a representative of the New Jersey Coalition Against Sexual Assault; and

(3) four members of the public with demonstrated expertise or interest in issues related to the work of the task force, including at least one individual who is a campus sexual assault survivor. The President of the Senate, the Speaker of the General Assembly, the Minority Leader of the Senate, and the Minority Leader of the General Assembly shall each appoint one of the public members.

c. Appointments to the task force shall be made within 30 days of the effective date of this act. Vacancies in the membership of the task force shall be filled in the same manner as the original appointments were made. Members of the task force shall serve without compensation, but shall be reimbursed for necessary expenditures incurred in the performance of their duties as members of the task force within the limits of funds appropriated or otherwise made available to the task force for its purposes.

2. The task force shall organize as soon as practicable following the appointment of its members, but no later than 60 days after the effective date of this act. The task force shall choose a chairperson from among its members and shall appoint a secretary who need not be a member of the task force.

3. The Office of the Secretary of Higher Education shall provide such stenographic, clerical, and other administrative assistants, and such professional staff as the task force requires to carry out its work. The task force also shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission, or agency as it may require and as may be available for its purposes.

4. It shall be the duty of the task force to study and evaluate current policies and practices concerning campus sexual assault, to identify problems and areas for improvement, and to make recommendations concerning campus sexual assault prevention, response, and awareness. The task force shall:

a. gather information from the public institutions of higher education and from a sample of independent institutions of higher education in the State regarding their policies and procedures for addressing campus sexual assault, and review and evaluate those policies and procedures;

b. review current New Jersey and federal laws regarding campus sexual assault;

c. review and evaluate existing research and literature, including any national best practices, professional standards, or guidelines, regarding the prevention of, and response to, incidents of campus sexual assault;

d. consult with, and evaluate testimony from, campus sexual assault survivors and advocates who provide support services to campus sexual assault survivors; and

e. develop and issue recommendations and guidelines concerning campus sexual assault in New Jersey, including recommendations regarding sexual assault prevention and awareness, and recommendations regarding protocols for responding to reports of campus sexual assault and providing victim support services.

5. The task force shall issue a final report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), no later than one year after the task force organizes. The report shall contain the task force's findings and recommendations concerning campus sexual assault.

6. This act shall take effect immediately, and the task force shall expire 30 days after the issuance of its final report.

Approved December 2, 2015.