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## Grappling with Sexual Assaults on Campus

*By Suzanne Hultin*

Sexual assaults on the country's campuses gained a lot of attention after the U.S. Department of Education released a list of 55 colleges under federal investigation for their handling of sexual assault claims in April 2014. The list included elite, Ivy League schools as well as state universities and two-year community colleges. At the same time, the White House Task Force to Protect Students from Sexual Assault released its first report, which laid out a list of recommendations and steps colleges and universities can take to address sexual assault on their campuses.

With an estimated 20 percent of women being sexually assaulted in college, policymakers have become concerned about both the frequency of assaults and how schools are handling them.

### State Action

In response to growing concerns about sexual assault on campus, many states have looked to create stronger policies for how colleges and universities handle the crimes. Five states introduced legislation in 2014 addressing the issue, including Connecticut, which became the first state to enact comprehensive legislation (CT H 5029) aimed at curbing campus sexual assault. The law requires all private and public institutions to create a sexual assault response team with a community-based organization. The team must provide confidential counseling or services and give students sexual assault prevention information, and schools must report annually to the state legislature the number of sexual assault incidents on campus. The law also allows victims of campus sexual assault to report incidents anonymously.

The same year, California became the first state to require colleges to adopt a policy of affirmative consent by students engaged in sexual activity with the passage of CA A 1433. Known as the "yes means yes" law, the legislation defines consent as "an affirmative, conscious and voluntary agreement to engage in sexual activity," and reverses the historically required "no" from victims. The law now says silence does not constitute consent. The legislation also requires that students have access to counseling and health care services, and that training be provided for faculty who review complaints.

The issue has gained even more attention during the last year. In the 2015 legislative sessions, at least 26 states introduced legislation to address sexual assault on and around college campuses. The measures included creating affirmative consent policies; providing sexual assault response teams for victims; improving reporting requirements between local law enforcement agencies, campus police and state legislatures; and increasing access to forensic rape kits on campus. At least 11 states—Colorado, Connecticut, Louisiana, Maryland, New

### Did You Know?

- One in five women is sexually assaulted while in college, most often during their freshmen or sophomore year.
- It is estimated that just 13 percent of rape victims report the crime to the campus police or local law enforcement agency.
- More than 75 percent of campus assaults are committed by an acquaintance, friend, classmate, boyfriend or ex-boyfriend.

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York, North Dakota, Oregon, Texas, Virginia, West Virginia and Washington—had enacted legislation by July 2015. Examples of legislation follow.

Colorado House Bill 1220, enacted in May, requires every higher education institution to enter into a formal agreement with a nearby medical facility that has sexual assault staff or a medical forensic exam program so that victims of campus rape can undergo a forensic exam in a timely manner. The law also requires each school to adopt a sexual assault training and response policy and to provide information on their website about forensic exams and sexual assault care.

Louisiana enacted a handful of laws related to campus sexual assault. One new law, LA S 255, requires every public higher education institution to administer an annual sexual assault climate survey to its students. The law requires that the survey be anonymous and voluntary for students and that results be made available to the Board of Regents, which will publish the results on its website.

Texas HB 699 requires every institution of higher education to adopt a sexual assault policy that must include definitions of prohibited behavior, the protocol for reporting and responding to reports of sexual assault on campus, and sanctions for violating the policy. The schools also must require incoming freshmen and transfer students to attend a sexual assault orientation within their first semester on campus.

There are some concerns about the role of states and university systems in creating new policies, particularly those that aim to define what constitutes consenting to sexual activity. A group of 28 Harvard law professors, for example, have voiced concern that such policies strongly favor the accusers and compromise the right of due process for the accused.

## **Federal Action**

President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA), which included provisions to amend the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The Clery Act, as it's known, first signed in 1990, requires institutions of higher education to disclose information about crimes that occur on or around college campuses and is tied to federal student financial aid programs. On Oct. 20, 2014, the U.S. Department of Education released its proposed regulations to the Clery Act, which include stricter requirements for reporting sexual assaults, revises the definition of "rape," and requires institutions to provide incoming students with campus security reports as well as awareness and prevention material, among other things. The new rules went into effect on July 1, 2015.

In addition, at least five bills have been introduced in Congress this year to address campus sexual assault, and the White House launched the "It's On Us" public awareness campaign to prevent sexual assault.

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## **Additional Resource**

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