

BOARD OF DIRECTORS

Ruth Wooden
CHAIR
Retired President
Public Agenda

Judi Kanter
VICE CHAIR
Former Director
San Francisco Office
EMILY's List

Nathan Brostrom
TREASURER
Executive Vice President
for Business Operations
University of California

Susan Leal
SECRETARY
Chief Strategy Officer
Water, Americas
AECOM

**The Honorable
Ronald B. Adrine**
Administrative and
Presiding Judge
Cleveland Municipal
Court

Jacquelyn Campbell
Anna D. Wolf Chair
and Professor
School of Nursing
Johns Hopkins University

M.L. Carr
Former NBA Player
and Coach
Boston Celtics

**The Honorable
Bill Delahunt**
Former Member
U.S. House of
Representatives

Sunny Fischer
Executive Director
The Richard H.
Driehaus Foundation

Ellen Friedman
Executive Director
Compton Foundation

Peter Harvey
Partner
Patterson Belknap
Webb & Tyler LLP

William B. Hirsch
President
Peer Review Films

Esta Soler
PRESIDENT &
FOUNDER



July 21, 2014

U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

**RE: Docket Number: ED-2013-OPE-0124
Title IV Federal Student Aid Programs, Violence Against Women Act**

Futures Without Violence (FUTURES) is pleased to submit comments in response to the Notice Of Proposed Rulemaking (NPRM) with regards to the Clery Act amendments in the Violence Against Women Reauthorization Act of 2013. Title IX and the Clery Act already require schools to take necessary actions to prevent and respond appropriately to sexual assault, and require the federal government to enforce these requirements. The challenge now lies in ensuring that schools fulfill their obligations to protect students from sexual assault, as well as other related gender-based violence such as dating violence and stalking, and support survivors while holding perpetrators accountable. By providing appropriate guidance, the Department of Education can help schools eliminate sexual assault, domestic violence, dating violence, and stalking on college campuses and ensure all students are safe to learn and succeed.

Particularly, there are few areas the NPRM covers for which FUTURES would like to highlight our support.

New Statistics from Enhanced Reporting of Domestic Violence, Dating Violence, and Stalking. The Clery Act, at its core, provides important information about reported crime on college campuses. That information can be used by students and faculty, by prospective students and parents, by community members and researchers, and importantly by school administrators. While we know that sexual violence is grossly underreported, having clear, accessible, and consistent statistics on reported crimes is valuable. The VAWA Amendments to the Clery Act add important new categories to the statistics currently being reported. We strongly support the regulation's inclusion of the new statutory categories of domestic violence, dating violence, and stalking; believe the definitions of domestic violence, dating violence, and stalking are robust; and agree with these new categories laid out in the NPRM. We also suggest that data collection strategies allow for individual incidents to be captured in multiple categories when appropriate. For instance, sexual violence frequently happens in the context of an abusive relationship, and is not merely a single isolated event. Understanding the context of violence and abuse will help schools craft the most appropriate responses and target prevention resources in the most effective ways.

SAN FRANCISCO
100 Montgomery Street, The Presidio
San Francisco, CA 94129-1718
tel. 415.678.5500

WASHINGTON
1320 19th Street, NW, Suite 401
Washington, D.C. 20036-0343
tel. 202.595.7382

BOSTON
281 Summer Street, 5th Floor
Boston, MA 02210-1509
tel. 617.702.2004



Updated Definition of Rape. In addition to reporting new statistics, we support utilization of the updated FBI Uniform Crime Reporting (UCR) Program definitions (specifically, the inclusive definition of rape). Achieving a clear consensus on key terms and their definitions is an important step in creating a policy. Schools and students (and faculty and staff) are often unclear about what constitutes sexual misconduct, intimate partner violence and stalking. This confusion can lead to underreporting or over-reporting, and to students' remaining unconnected with the resources they need. Prohibited behaviors must be well-defined and stated in terms that are clear to everyone. In addition, the separate terms establish misperceptions about sexual violence as it impacts all members of college communities, and specifically male victims and LGBTQ individuals. The FBI's UCR program made important progress in updating its definition of rape to be gender neutral and reflect the full range of behaviors and circumstances that constitute rape. We support the decision in the NPRM for the Clery Act to also use that definition.

Increased Transparency from Schools Regarding Policies, Disciplinary Proceedings, and Available Services. The VAWA Amendments to the Clery Act require schools to increase transparency for students regarding campus policies and practices related to campus sexual assault, as well as students' rights and options following an incident of sexual violence. The proposed regulation explains that schools must be clear with students regarding the way adjudication, or disciplinary, proceedings will work, including providing details on to whom a student should make a report, the steps a proceeding will follow, anticipated timelines, the decision-making process, and the standard of evidence that will be used. In addition to transparency regarding disciplinary proceedings, schools will provide students with information regarding resources on campus and in the community that may be of help following sexual violence. These resources will include existing counseling, health and mental health services, victim advocacy, legal assistance, visa and immigration assistance, and other services. FUTURES is supportive of the regulatory language to implement these statutory changes with regard to disciplinary proceedings, policies, available services.

Amplify and Expand Prevention Programs on Dating Violence, Domestic Violence, Sexual Assault, and Stalking. FUTURES also strongly recommends expanding the guidance to schools on best practices and legal responsibilities with regard to prevention. Research shows that primary prevention efforts are the best means of preventing sexual violence on campus, and must consist of more than a one-time education session in the first week of school to be successful. They should include work on changing the social norms, attitudes and behaviors of those on campus, and in particular work with men on campus, as well as women. Prevention efforts should be evidence-based and should rely on expert knowledge and research-supported programs that are tailored to the local campus community. In order to increase knowledge of actual student behaviors, we recommend that institutions go beyond tracking incidents of gender-based violence to include regular research on aggregate student experience, including how students experience the climate of the campus. Those on campus who may be marginalized, underrepresented or especially vulnerable warrant particular attention. These groups will differ from campus to campus, but may include LGBTQ individuals, women of color, and women with disabilities, immigrant women, or international students. Such knowledge will allow the campus to respond better to the needs of its students, as well as become a leader in the field of responding to gender-based violence.

Bystander approaches to prevention have enormous potential to create positive campus cultures. However, there is no one prevention program that fits all campus contexts. The best prevention efforts are informed by data (both qualitative and quantitative) and are on-going and multifaceted, strategic and targeted.

The following list is not comprehensive, but provides a checklist for schools to help them develop a strong prevention program.

- a. Is there a designated and adequately supported prevention coordinator on campus? Does the prevention coordinator have expertise in prevention programs and strategies in the area of violence against women?



- b. Can the college/university demonstrate that at the beginning of the school year it informs all students of their rights and responsibilities regarding sexual misconduct, dating or domestic violence and stalking?
- c. Recognizing that an overload of information early in the year often results in very little being retained and understood, is there appropriate follow-up throughout the year?
- d. Is there mandatory training for students, online and/or in person, regarding gender-based violence? Is that training sensitive to particular needs of international students and those with disabilities?
- e. Do drug and alcohol programs work closely with violence prevention efforts?
- f. Are parents informed of institutional policies regarding gender-based violence prior to their child entering the college/university and encouraged to discuss these with their child?
- g. Does the college/university host events that encourage awareness of the issues of sexual misconduct, intimate violence, and stalking?
- h. Does the college/university have a public education/social media campaign regarding gender-based violence that is informed by campus data as well as evaluation research?
- i. Does the college/university offer bystander education, where men and women are taught to take an active role in preventing all forms of violence on campus?
- j. Does the college/university encourage and support student-led activities that protest, bring awareness to, or work to reduce the incidence of gender-based violence on campus?
- k. Does the college/university support on-campus peer groups with training in the prevention of and response to sexual misconduct, stalking and intimate partner violence?
- l. Has the college/university collected data and identified “hot spots” on campus which create particular risks for sexual misconduct or intimate partner violence? Are there targeted efforts to address these locations and groups?
- m. Do faculty and staff receive training on responding to incidents of gender-based violence?
- n. Are faculty and staff encouraged to promote healthy relationships and community responsibility on campus and in their classrooms, including discouraging sexism and offensive language?
- o. Are health personnel trained to screen for intimate partner violence, sexual misconduct and stalking?
- p. Does the college/university support and fund research on the experience of gender-based violence among its students?
- q. Does the college/university work to ensure a “culture of respect” that makes it clear that all forms of violence, and gender-based violence in particular, are unacceptable on campus?
- r. Does the campus offer safety measures such as police escorts, sufficient lighting, call boxes, etc. (while also recognizing and informing students that most incidents of gender-based violence on campuses are not perpetrated by strangers)?

The VAWA Amendments to the Clery Act require schools’ annual security reports to include in a statement of policy that addresses the institutions’ programs to prevent dating violence, domestic violence, sexual assault, and stalking. We support the NPRM’s inclusion of language to ensure that the programs are culturally relevant; informed by research or assessed for value, effectiveness, or outcome; and responsive



to community needs. In addition, the NPRM outlines schools' obligations to move beyond risk reduction, to reach incoming students and new employees, and to conduct ongoing prevention and awareness campaigns on campus.

For a more complete listing of what campuses can do to more adequately protect their students and promote a school climate that supports learning, go to:

<http://www.futureswithoutviolence.org/userfiles/file/PublicCommunications/beyondtitleIXfinal.pdf>.

Conclusion

Over the years, we have learned that intimate partner violence, sexual misconduct and stalking are often interrelated, and each deserves a serious and thoughtful response, whether interconnected or separate. We have also learned about the limits and unintended negative consequences of relying solely on the criminal justice system to redress the wrongs of these abuses. Our experience and the wisdom of campus activists convinces us that victim-blaming and gendered crimes will not be significantly reduced until and unless the campus consistently, and from the top level, communicates its lack of tolerance for violence and its explicit support for respectful relationships. With these proposed regulations, the Department moves us closer to this vision.

Futures Without Violence thanks you for the opportunity to comment on the proposed rule for the Title IV Federal Student Aid Programs, Violence Against Women Act. We hope continue to participate in the conversation and look forward to working with you further during implementation.

