



July 28, 2015

The Honorable Lamar Alexander  
Chairman, Senate Committee on Health,  
Education, Labor and Pensions  
428 Dirksen Office Building  
Washington, DC 20510

The Honorable Patty Murray  
Ranking Member, Senate Committee on Health,  
Education, Labor and Pensions  
428 Dirksen Office Building  
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray,

On behalf of the more than 170,000 bipartisan members and supporters, over 1,000 branches, and 800 college and university partners, of the American Association of University Women (AAUW), I would like to thank you for hosting a hearing on, "Reauthorizing the Higher Education Act: Combating Campus Sexual Assault."

When campus environments are hostile because of sexual harassment, assault, or violence, students cannot learn and miss out on true educational opportunities. AAUW has long identified the need to end sexual harassment and violence on college campuses. Our own research revealed that nearly two-thirds of college students experience sexual harassment.<sup>1</sup> In addition, a 2007 campus sexual-assault study by the U.S. Department of Justice found that around 28 percent of women are targets of attempted or completed sexual assault while they are college students.<sup>2</sup> As of July 22, 2015, 124 colleges or universities and 40 school districts are under investigation for their handling of sexual assault incidents.<sup>3</sup>

### **Title IX**

Title IX of the Education Amendments of 1972 is the federal law that prohibits sex discrimination in education. Title IX protects students from unlawful sexual harassment in all of a school's programs or activities, whether they take place in the facilities of the school, at a class or training program sponsored by the school at another location, or elsewhere. Title IX protects both female and male students from sexual harassment, regardless of who the harasser may be.<sup>4</sup>

Title IX requires schools to evaluate their current practices, adopt and publish a policy against sex discrimination, and implement grievance procedures providing for prompt and equitable resolutions of student and employee discrimination complaints. Sex discrimination includes sexual violence. Under Title IX schools are required to eliminate sexual harassment and sexual violence, prevent their recurrence, and address their impacts.<sup>5</sup> The law and guidance issued by the U.S. Department of Education requires schools to do several things. Schools must have and distribute a policy that defines sex discrimination (including sexual harassment and violence) and states that the school does not discriminate.<sup>6</sup> In addition, schools must have and make known procedures for students to file complaints when sex discrimination (including sexual harassment and violence) takes place. Also, schools must appoint a Title IX coordinator to oversee these activities, review complaints, and deal with patterns or systemic problems (even when there are not formal complaints. The school must notify students of the coordinator's name and contact information.<sup>7</sup>

## **The Clery Act**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires colleges and universities that participate in federal financial aid programs to disclose campus crime statistics and security information.<sup>8</sup> Every school must provide this information publicly. Currently, sexual assaults that are reported to campus security and local law enforcement are included in these disclosures.<sup>9</sup>

In 2013, Congress reauthorized the Violence Against Women Act (VAWA) and included provisions to improve campus safety. Schools are now required to report additional crime statistics (on domestic violence, dating violence, and stalking), update procedures following an incident of sexual violence, and provide prevention and bystander intervention training to all students and employees.

AAUW supported the campus sexual violence provisions that were included in the Violence Against Women Reauthorization Act in 2013. As this new law is implemented, schools will have to step up and work to change the culture on their campuses. The changes required by this new law, including additional reporting around incidents and additional transparency regarding policies on campus, have the potential to bring about important changes at schools across the country.

The statistics and policy disclosures required by the Clery Act all serve an important purpose – they are a public compilation of the efforts the school is making on all safety issues, not just sexual violence. Congress passed the Violence Against Women Reauthorization Act of 2013 with updates to the Clery Act by large bipartisan margins in both chambers. Following passage, regulations for the Clery Act provisions were developed and adopted by a diverse group of stakeholders who worked through complex issues during a negotiated rulemaking and came to consensus in support of the final rule. These provisions are only just being implemented. AAUW looks forward to learn from implementation and enforcement efforts to improve the law in the future.

The Clery Act requirements are in addition to the longstanding obligations that schools have under Title IX. These laws work together to ensure that students have the information they need regarding campus safety, as well as a clear course of action when sexual violence occurs.

## **Next Steps to End Sexual Harassment and Violence**

To stem the tide of campus violence federal policies must be updated, not only to guide colleges and universities in supporting students but also to provide strong incentives for these institutions to improve their campus climates.

Implementing a climate and victimization survey would provide a better understanding of both reported and unreported incidents, as well as contributing cultural issues on campus. Very simply, schools need information in order to effectively combat this epidemic. The AAUW-supported, bipartisan Hold Accountable and Lend Transparency (HALT) on Campus Sexual Violence Act would require that schools take this important step and implement a biennial survey. The Campus Accountability and Safety Act (CASA) would also have schools take this step. AAUW encourages the committee to continue to collaborate with stakeholders regarding the best approach to requiring surveys on campus.

In addition, we know that survivors need support and guidance when they decide to report an incident of sexual violence. The AAUW-supported Survivor Outreach and Support Campus Act (SOS Campus Act) would require colleges and universities to establish an independent, on-campus advocate to support survivors of sexual assault. Advocates would connect survivors with resources including emergency and follow-up medical and counseling care, how to report to law enforcement, and information about legal rights.

AAUW also urges additional support for schools to educate students, faculty, and staff, particularly Title IX coordinators, as well as train the appropriate administrators on the relevant laws. Not all schools are bad actors and resources and technical assistance can help them make real change. But, with complaints rising enforcement of federal civil rights laws by the Department of Education and Department of Justice is more important than ever and AAUW supports increasing funding for these agencies.<sup>10</sup>

We look forward to continuing to work with you to tackle the issue of campus sexual violence during the process of reauthorizing the Higher Education Act. If you have any questions or need additional information, feel free to contact me at 202/785-7720, or Anne Hedgepeth, government relations manager, at 202/785-7724.

Sincerely,



Lisa M. Maatz  
Vice President of Government Relations

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<sup>1</sup> AAUW. (2005). Drawing the Line: Sexual Harassment on Campus. [history.aauw.org/aauw-research/2006-drawing-the-line](http://history.aauw.org/aauw-research/2006-drawing-the-line)

<sup>2</sup> Christopher P. Krebs, Ph.D. ; Christine H. Lindquist, Ph.D. ; Tara D. Warner, M.A. ; Bonnie S. Fisher, Ph.D. ; Sandra L. Martin, Ph.D. (December 2007). The Campus Sexual Assault (CSA) Study, Final Report. NIJ Grant No. 2004-WG-BX-0010. [www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf).

<sup>3</sup> Huffington Post. (July 24, 2015). 124 Colleges, 40 School Districts Under Investigation For Handling Of Sexual Assault.

[www.huffingtonpost.com/entry/schools-investigation-sexual-assault\\_55b19b43e4b0074ba5a40b77?utm\\_hp\\_ref=college](http://www.huffingtonpost.com/entry/schools-investigation-sexual-assault_55b19b43e4b0074ba5a40b77?utm_hp_ref=college)

<sup>4</sup> U.S. Department of Education. (September 2008). Sexual Harassment. [www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf](http://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf)

<sup>5</sup> U.S. Department of Education. (2011). Know Your Rights: Title IX Prohibits Sexual Harassment and

Sexual Violence Where You Go to School. [www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html](http://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html)

<sup>6</sup> U.S. Department of Education. (April 2011). Dear Colleague Letter. [www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf)

<sup>7</sup> U.S. Department of Education. (April 2015). Title IX Resource Guide. [www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf](http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf)

<sup>8</sup> Clery Center for Security on Campus. *Summary of the Jeanne Clery Act*. [clerycenter.org/summary-jeanne-clery-act](http://clerycenter.org/summary-jeanne-clery-act)

<sup>9</sup> U.S. Department of Education. *Campus Safety and Security Data Analysis Cutting Tool*. [ope.ed.gov/security/](http://ope.ed.gov/security/)

<sup>10</sup> U.S. Department of Education. (April 2015). Protecting Civil Rights, Advancing Equity: Report to the President and Secretary of Education, Under Section 203(b)(1) of the Department of Education Organization Act, FY 13-14. [www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2013-14.pdf](http://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2013-14.pdf)