



Testimony from Alison Kiss
Executive Director, Clery Center for Security On Campus

Thank you for the opportunity to speak today regarding sexual assault on college and university campuses. I appreciate the invitation from Judy Grieman at the Connecticut Conference of Independent Schools. I commend the work of CONNSACS, in partnership with some of the colleges and universities, for the development of the Connecticut College Consortium Against Sexual Assault. Their voluntary survey collecting data on sexual assault response and prevention exemplifies proactive steps toward compliance with the laws that govern campus safety.

About the Clery Center for Security On Campus

- The Clery Center was founded in 1987, following the rape and murder of Jeanne Clery in 1986 at a Pennsylvania college by another student whom she did not know. The Clery Center trains college and university police and administrators nationwide on compliance with the letter and spirit of Federal law governing campus safety.
- In its first decade the Center focused on improving policy and legislation governing campus safety. The first state-level law was passed in Pennsylvania; over 25 laws were passed in additional states soon thereafter. The Federal Jeanne Clery Act was passed in 1990.
- The Clery Center's mission is twofold: (1) to prevent violence, substance abuse, and other crimes on college and university campuses across the United States and (2) to assist compassionately the victims of these crimes.
- The Clery Center has served as a technical assistance provider to campus program grantees through funding from the United States Department of Justice Office on Violence Against Women (OVW) since 2009. In this role, we provide guidance to campuses regarding development of policies and procedures relating to Clery Act compliance and sexual assault. Other programs at the Clery Center include education and outreach, victim advocacy, and Clery Act Trainings (in-person or virtual).

Scope of the Problem

Empirical evidence consistently reveals a high frequency of sexual assault of college women by college men (Sloan & Fisher, 2011). Women are at greatest risk for sexual assault during their college years (Edwards, 2009; Jennings, Gover, & Pudrzynskas, 2007; Kress et al., 2006; Lee, Caruso, Goins, & Southerland, 2003). Education about sexual assault on college campuses is imperative because of the severe physical, emotional, and psychological trauma that it can cause victims and survivors (Carmody, Ekhomu, & Payne, 2009; Exner & Cummings, 2011; Kress et al., 2006; Malveaux, 2004; McMahon, 2008). Most often, someone known to the victim as an acquaintance, friend, current partner, or ex-partner perpetrates sexual assault on college campuses. The perpetrators of campus sexual assaults are typically serial in nature, meaning that the attacks are planned and are not one-time incidents. Research has found that most men on campus may not rape, but the ones who do will do so more than once (Lisak & Ivan, 1995; Lisak, 2004).

Relevant Federal Laws

The Jeanne Clery Act

In 1992, Congress amended the Clery Act to include the *Campus Sexual Assault Victims' Bill of Rights* (hereafter, *Bill of Rights*) as part of the *Higher Education Amendments of 1992* (Public Law 102-325, §486 (c)). The *Bill of Rights* articulates policies, procedures, and services for all victims of sexual assaults that occur at postsecondary educational institutions and that result in the convening of disciplinary proceedings. The law is designed to ensure that victims and offenders are both afforded the same rights throughout the student disciplinary process:

- The accuser and accused must have the same opportunity to have others present at campus disciplinary hearings;
- The institution shall inform both parties of the outcome of any disciplinary proceeding;
- The institution shall inform survivors of their options to notify law enforcement and assist them in doing so, if requested;
- The institution shall notify all survivors of counseling services; and
- The institution shall notify survivors of options for changing academic and living situations.

The Act also requires sexual assault prevention programs on college and university campuses in an effort to raise awareness of rape, acquaintance rape, and other forcible sex offenses. The Campus SaVE Act (formally the VAWA amendments to the Clery Act) augments the *Bill of Rights* by expanding it to include dating violence, domestic violence, and stalking. Furthermore, the Campus SaVE Act will require institutions to train their Student Conduct Boards and staff about the dynamics of victimization and to provide victims with written notification of their rights. Negotiated rulemaking on the provisions will commence in January at the United States Department of Education. This law is similar to Connecticut's Act 12-78 as it will include intimate partner violence, add primary prevention, and require assistance with protection orders.

Title IX

The general public commonly equates Title IX with gender equity in sports. While that is one portion of the law, Title IX also prohibits sexual harassment (sexual assault representing an extreme form of sexual harassment) in secondary schools and institutions of higher education as a form of sex discrimination (Cantalupo, 2011). The higher education experience provides an opportunity for students to develop academically and socially. On April 4, 2011, Vice President Joe Biden and Education Secretary Arne Duncan spoke at the University of New Hampshire in support of a "Dear Colleague" letter issued by Assistant Secretary Russlyn Ali of the Office for Civil Rights. The letter stated that the goal of the United States Department of Education is to provide all students with an educational opportunity free from discrimination. The letter goes on to state that sexual harassment of students, which includes sexual violence, interferes with a student's right to receive an education free from discrimination (Ali, 2011).

Best and Promising Practices

Practices for prevention and response to sexual assault on college campuses vary from campus to campus. Often the responsibility falls on the shoulders of a lone soldier in campus police or student life. Title IX of the Higher Education Amendments of 1972 centers on the elimination of a hostile environment after the report of a sexual assault. Institutional leadership and community engagement is paramount in developing effective prevention and response to sexual assault. To understand and possibly change the culture, this task cannot fall on the

shoulders of a few people. Institutional buy-in from the students and administration and guidance in the establishment of effective prevention programs for individual campuses are both critical for compliance with Federal law. Campus leadership must proactively engage and support efforts specific to sexual assault prevention and response. This includes “looking beyond the numbers,” since numbers of sexual assault reports increase the more the topic is discussed on a campus.

Review of literature of sexual assault prevention suggests little has been done to bring about effective and measurable prevention. Traditional awareness in the form of one-time-only education is not effective. There is a paradigm shift from this awareness/risk-reduction education to primary prevention. Primary prevention in the form of bystander intervention is an emerging area of prevention education. Bystander intervention is rooted in social psychology and focuses on individual and group choices to intervene actively in situations that are imminently high-risk. Green Dot is a model program emphasizing comprehensive bystander intervention. We work with their staff often as part of the OVW Campus Program Technical Assistance Team.

Sexual Assault Response Teams (SART) enhance evidence collection and facilitate communication to assist survivors with the recovery process. The teams provide proactive training to first responders and campus conduct boards. Campuses should also involve state coalitions dedicated to sexual assault and local county victim service agencies.

Clery Center Collaborative

The Clery Center Collaborative is a multi-disciplinary team approach to developing a comprehensive, proactive plan addressing campus safety. This membership program brings together colleges and universities in teams of 5-7 administrators to design customized and sustainable safety and compliance programs. This cost-effective program provides assessment tools, training from subject-matter experts, virtual resources, and the opportunity to collaborate with members from other institutions. The Clery Center Collaborative was designed as a result of our staff's knowledge of compliance challenges, most notably lack of training and institutional support.

Closing

There is a need for a change in the culture of how institutions of higher education address campus sexual assault. They must be proactive in identifying campus climate and challenges in prevention and response. A critical mass of the campus community, from the top down and bottom up, needs to engage the issue and demonstrate a commitment to victims and survivors.

Thank you for your time and attention to my comments. Please do not hesitate to contact me for any additional information.

Contact information:

Alison Kiss
110 Gallagher Road
Wayne, PA 19087
www.clerycenter.org
(484) 580-8754
akiss@clerycenter.org

References

- Ali, R. (2011, April 4). Dear Colleague Letter. United States Department of Justice Officer for Civil Rights.
- Cantalupo, N.C. (2011). Burying our heads in the sand: lack of knowledge, knowledge avoidance and persistent problem of campus peer sexual violence. *Georgetown Law: The Scholarly Commons*, Research Paper No. 11-41.
- Carmody, D., Ekhomu, J., & Payne, B. K. (2009). Needs of sexual assault advocates in campus-based sexual assault centers. *College Student Journal*, 43(2), 507-513.
- Edwards, K. E. (2009). Effectiveness of a social change approach to sexual assault prevention. *College Student Affairs Journal*, 28(1), 22-37.
- Exner, D., & Cummings, N. (2011). Implications for sexual assault prevention: College students as prosocial bystanders. *Journal of American College Health*, 59(7), 655-657. doi: 10.1080/07448481.2010.515633
- Kress, V. E., Shepherd, J. B., Anderson, R. I., Petuch, A. J., Nolan, J. M., & Thiemke, D. (2006). Evaluation of the impact of a coeducational sexual assault prevention program on college students' rape myth attitudes. *Journal of College Counseling*, 9(2), 148-157.
- Lee, R. W., Caruso, M. E., Goins, S. E., & Southerland, J. P. (2003). Addressing sexual assault on college campuses: Guidelines for a prevention / awareness week. *Journal of College Counseling*, 6(1), 14.
- Lisak, D., & Miller, P. (2002). Repeat and multiple offending among undetected rapists, *Violence and Victims*, 17(1).
- Malveaux, J. (2004). From kobe bryant to campus rape. *Black Issues in Higher Education*, 21(6), 30.
- McMahon, P. P. (2008). Sexual violence on the college campus: A template for compliance with federal policy. *Journal of American College Health*, 57(3), 361-366.
- Sloan, J. J., & Fisher, B. S. (2011). *The dark side of the ivory tower: Campus crime as a social problem*. New York, NY: Cambridge University Press.