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*California Campus Blueprint to Address Sexual Assault*

REPORT TO GOVERNOR SCHWARZENEGGER

AND

THE CALIFORNIA LEGISLATURE

California Campus Sexual Assault Task Force

April 1, 2004

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## EXECUTIVE SUMMARY

The following report, the *California Campus Blueprint to Address Sexual Assault (Blueprint)*, presents legislative recommendations to the Governor of California and the California Legislature regarding changes that should be made in existing laws and enactment of new laws to enhance the sexual assault-related policies and practices of colleges and universities – both public and private – throughout the state. The *Blueprint* also contains considerations for campus administrators, including specific action steps that can be taken to improve individual campus responses to sexual assault.

These recommendations are the result of: (a) a comprehensive study of campus policies, prevention education and response programs, and victim services from a representative sample of 52 colleges and universities in California; (b) a review by the Governor-appointed California Campus Sexual Assault Task Force (Task Force) of all relevant state and federal legislation; and (c) thorough discussion of the information by the Task Force through public hearings and closed deliberations.

Sexual assault is a crime committed primarily against women and youth. Research over the past 20 years has consistently estimated the rate of sexual assault among traditional college-aged women as one in four.<sup>1</sup> Because of the prevalence of sexual violence among college women, it is essential that institutions of higher education establish comprehensive victim services programs, prevention education programs, judicial protocols, law enforcement and security responses, and training for faculty and staff. In addition, a number of state and federal laws outline a range of requirements for institutions of higher education regarding sexual assault crimes. In response, campus administrators must create protocols and policies to ensure compliance with these laws.

The Task Force encourages every institution of higher education in California to create a campus plan to address sexual assault. At a minimum, each plan should include a:

- Sexual assault policy that defines prohibited behavior and sanctions for violations
- Campus protocol for responding to reported sexual assaults
- Coordinated victim services delivery system utilizing campus and/or community-based resources
- Campus plan to prevent sexual assaults
- Set of policies and practices that address all campus community members (e.g., students, faculty, staff), as potential victims or perpetrators of sexual assault
- Plan to provide faculty and staff training

Campus administration officials such as Presidents, Deans, Chancellors, and Provosts should spearhead efforts to develop such plans. And, while many of these activities are legislated through various California Education Code sections, the Task Force encourages the Legislature to make such activities compulsory rather than voluntary. When addressing campus sexual assault, administrators should make use of both on- and off-campus resources, including local rape crisis centers, municipal law enforcement

agencies, district attorneys' offices, and forensic medical examination sites. This model allows campuses to draw upon the expertise and resources of a broader group and decreases the likelihood that limited financial or personnel resources may prohibit the provision of a basic level of response and services.

The Task Force makes the following recommendations to the California Legislature:

***The Clery Act: Policies and Compliance***

1. Enact legislation directing the chief executive officers of the University of California (UC), California State University (CSU), and California community college systems to designate an official responsible for reviewing the annual report from each campus in their system for compliance with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) prior to submission to U.S. Department of Education (DOE).
2. Enact legislation requiring each campus to provide training on the content of the report to campus security authorities and campus police or security staff.
3. Enact legislation requiring campuses to post the full text of their annual Clery Act report on a campus-sponsored website.
4. Direct the state auditor to receive guidance directly from DOE on how to determine compliance with the Clery Act.
5. Enact legislation revising California Education Code section 76380, which currently requires only certain campuses to create and post a campus safety plan, making the section applicable to all California institutions of higher education.

***Sexual Assault Prevention Education***

1. Require all institutions of higher education in California to implement the provisions of California Education Code section 67390.
2. Once the provisions of California Education Code section 67390 are made mandatory, support an evaluation and assessment to measure progress after two years and four years, and then re-examine the legislation to incorporate any necessary changes.
3. Enact legislation that provides funding for California community colleges to comply with Education Code section 67390.
4. Enact legislation that provides funding to support institutions of higher education in the development of sexual assault prevention education programs and implementation of activities required through Education Code section 67390.

### ***Faculty and Staff Training***

1. Enact legislation that provides funding for the development and delivery of faculty and staff training programs.

### ***Campus Law Enforcement and Security***

1. Enact legislation mandating that all campus law enforcement departments certified by Police Officer Standards and Training (POST) employ at all times at least two officers who have attended the POST Sexual Assault Investigators Course.
2. Enact legislation requiring campuses using a security force that has not been certified by POST to provide first responder training on sexual assault to all officers, following the training recommendations outlined in this report.
3. Enact legislation requiring all law enforcement and security first responders to receive training on cultural competence and sensitive responses to sexual assault victims beyond what is currently provided in the required POST training courses.

Enact legislation to provide funding to develop a POST instructional video for use by campus law enforcement officers, addressing the following issues: first responder protocol for sexual assaults, sections of the *Blueprint* that relate to campus law enforcement, and sex offender registration statutes as they pertain to campuses.

### ***Campus Judicial Protocols, Policies and Training***

1. Enact legislation requiring institutions of higher education to record and report the number of sexual assault complaints made, number of cases resolved through mediation, number of cases resolved through both informal hearings and formal hearings, and the final outcome of all cases, including appeals.
2. Enact legislation requiring the UC, CSU and California community college systems to develop training programs that include the elements outlined in this report for judicial officers with responsibility for hearing sexual misconduct complaints.

### ***Victim Services***

1. Enact legislation to expand California Education Code section 67385 by requiring all institutions of higher education to create a plan for the delivery of victim services as outlined in this report, using resources from the campus, community or a combination thereof.

2. Enact legislation to ensure that sexual assault victims served by campus-based sexual assault programs are accorded the same confidential privilege as sexual assault victims served by “sexual assault victim counselors” per California Evidence Code section 1035.2 et seq.

## INTRODUCTION

The late 1980s marked a transition in college and university responses to sexual assault. In particular, the previously unseen phenomenon of acquaintance rape was exposed through new research and the increased willingness of sexual assault victims to report their victimization.

Since then, innovative prevention education programs, comprehensive protocols and policies, campus-based victim services programs, and campus and community collaborations have strengthened higher education institutional responses to sexual assault. In addition, both federal and state legislation now require campus administrators to report sexual assault victimization rates, provide information to campus community members about available services and crime reporting options, and disseminate prevention and awareness education to the campus community.

Simultaneously, research has repeatedly measured the rate of the sexual victimization of college-aged women at one in four<sup>2</sup>, and recent studies have begun to illuminate the emergence of related crimes – dating violence and stalking – as further threats to safety and security on America’s college and university campuses. Moreover, neither faculty nor staff are immune from this type of victimization.

Today, across the State of California, sexual assault policies, protocols and services at various colleges and universities – both public and private – vary greatly. And, while the California Education Code contains guidelines from the Legislature regarding campus sexual assault, funding for implementation of prevention education programs, victim services, and protocol and policy development as well as enforcement of mandated activities has not been allocated. In addition, until now, the state has not provided a comprehensive plan to assist California institutions of higher learning in their efforts. This report, the *California Campus Blueprint to Address Sexual Assault (Blueprint)*, offers such a framework.

The *Blueprint* includes specific recommendations to the Governor and the Legislature regarding minimum standards for training of campus personnel, sexual assault prevention education, campus police/security protocols and training, judicial protocols and training, and victim services. The report also includes considerations for campus administrators regarding specific steps they should take to enhance the performance of their institutions in these areas.

The *Blueprint* fulfills the legislative mandates established in section 67385.3 of the California Education Code.<sup>3</sup> As required, the report addresses sexual assault<sup>4</sup> in the context of campus law enforcement policies and training, prevention education, programs, faculty and employee education, campus judicial policies, victim services, and the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).<sup>5</sup>

## Extent of the Problem

Studies have consistently shown that sexual assault primarily affects women and youth and that most perpetrators are friends, acquaintances, or someone known to the victim.

- In 1994, Robin Warshaw demonstrated that one in four college women had been the victim of a completed or attempted rape and that in fully 84 percent of the attacks, the victim knew the perpetrator.<sup>6</sup>
- The National Violence Against Women Survey of 1998 demonstrated that 83 percent of rape victims were under 25 years old when assaulted.<sup>7</sup>
- In 2000, Bonnie Fisher's *Sexual Victimization of College Women* survey estimated that colleges with 10,000 students might expect more than 350 rapes per year.<sup>8</sup>
- Additionally, half of all stalking victims are between the ages of 18 and 29 years<sup>9</sup> and women ages 16 to 24 years experience the highest rate of domestic violence victimization.<sup>10</sup>

While sexual assault primarily affects young women, they are not the only targets. Men,<sup>11</sup> individuals with disabilities,<sup>12</sup> members of cultural and religious minority groups, and lesbian/gay/transgendered individuals also experience sexual assault and frequently do not report their victimization. In response, institutions of higher education should ensure that their programs, services and policies reflect the composition of their campus community and are responsive to the needs of a wide range of victims.

Sexual assault is a critical issue for all college and university campuses. Even though many officially report zero sexual assault crimes each year, sexual assault is known to be a historically underreported crime. As such, crime reports alone cannot provide the basis for determining the extent of the problem on any given campus. Community colleges, large residential campuses, and religiously affiliated institutions are equally obligated to proactively and comprehensively address sexual assault within their communities. No campus is immune from this problem.

Addressing campus sexual assault is the right thing to do, and not only because it is a crime. Supporting a comprehensive institutional approach to address sexual assault ensures that all members of the campus community have access to the education and employment they seek. If a student, staff or faculty member is sexually assaulted, the emotional, physical and psychological impact may interfere with his or her work and school performance. When appropriate services are provided to victims, such factors are mitigated and increase retention rates. Thus, institutions of higher education can best serve members of their community by ensuring timely access to appropriate services and creating an environment intolerant of sexual assault.

While the approach of each campus to addressing sexual assault will vary according to its needs and resources, the following report provides minimum standards for every college and university campus in California.

## **A CAMPUS PLAN TO ADDRESS SEXUAL ASSAULT**

Every institution of higher education in California must develop and implement a plan to address the problem of sexual assault. At a minimum, the plan should include a:

- Campus sexual assault policy
- Campus protocol for responding to reported sexual assaults, including a coordinated system for reporting sexual assault (and other crime) statistics to internal and, where required, external audiences
- Coordinated victim services delivery system utilizing campus and/or community-based resources
  - Campus plan to prevent sexual assault
  - Plan to provide faculty and staff training

The plan also must designate financial and personnel resources for implementing the plan and establish immediate and long-range goals along with a mechanism for measuring progress over time. Campus plans to address sexual assault also must reflect the unique needs of each individual campus community, including the needs of minority groups, individuals with disabilities, and nontraditional college students.

### **Protocol and Policy Development**

Every campus must create a sexual assault policy and protocol.

- *A campus sexual assault policy* establishes the institution's intent to proactively address sexual assault complaints, respond to the needs of victims (including students, faculty and staff) and hold perpetrators (including students, faculty and staff) accountable.
- *A campus sexual assault protocol* provides a detailed description of procedures that will be implemented in response to a sexual assault complaint. The protocol establishes a communication plan to ensure that relevant campus offices and departments are included in the response to an incident, evidence is properly collected and preserved, confidentiality of case information is maintained, and victims needs are addressed. The protocol also ensures that sharing of information with outside interests such as parents and the media is coordinated, and that appropriate reporting requirements of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act are met (see the chapter on the Clery Act for additional information).

The following entities should be included in the protocol:

- Campus law enforcement or security
- Campus and/or community-based victim services providers

- Campus and/or community health services, counseling or mental health services, and local hospital or Sexual Assault Response Team (SART)
- Student affairs, including judicial affairs, residential services, campus ministries, and women's resource centers

Both the campus sexual assault policy and protocol must be actively publicized to the campus community. The Student Handbook, Faculty and Staff Handbook, campus website, class schedule, and orientation materials are appropriate venues.

### **Sexual Assault Victim Services Delivery System**

Every campus plan to address sexual assault must include a strategy for delivering and coordinating a continuum of services to address victim needs. At a minimum, the victim services plan must ensure that:

- Victims have access to services provided by people with the requisite expertise in various aspects of sexual assault, including support for emotional, medical and legal needs.
- Services for victims are available at all times, including nonbusiness hours and academic breaks.
- Victims are informed about campus resources and community-based services (e.g., local rape crisis center), their programs and services, and the level of confidentiality they provide.
- Victims are assured that trained law enforcement or campus security officers are available and prepared to respond appropriately.
- Services are accessible and appropriate for all members of the campus community, including students, faculty, staff, minority groups, individuals with disabilities, gay/lesbian/bisexual/transgendered individuals, nontraditional college students, commuting or parenting students, and friends and families of victims.

The plan should identify an individual or group on campus to oversee the victim services delivery system and conduct regular reviews of effectiveness. Funding for services should be consistent and adequate.

### **A Campus Strategy for Preventing Sexual Assault**

The plan must designate an individual or group with responsibility for providing prevention education to the campus community. This may be an individual or a group of individuals from different areas of campus such as law enforcement/security, counseling, health services, or the women's center. In some cases, an off-campus agency such as the local rape crisis center may be the most appropriate sexual assault prevention education provider. Some campuses may use a combination of both on- and off-campus resources.

The prevention education strategy used must address social, behavioral and environmental factors.

- Social factors include establishing community standards for behavior, defining consent, and addressing myths and attitudes that support sexual assault.
- Behavioral factors include working with men on initiating the prevention of sexually violent acts and working with women on awareness and safety issues (e.g., self-defense).
- Environmental factors include physical and capital improvements to increase safety (e.g., lighting, emergency-call boxes, maintenance of landscape vegetation, building locks, and appropriate equipment for campus law enforcement/security).

### **Role of Campus Officials in Creating the Campus Plan**

Implementation of federal and state laws designed to improve campus responses to sexual assault requires multidisciplinary coordination,<sup>13</sup> with serious consequences for noncompliance. Protocols to meet these legislative mandates can and should be incorporated into each campus plan to address sexual assault, and campus administration officials (e.g., Presidents, Deans, Chancellors, and Provosts) should spearhead efforts to develop the campus plan.

Campus administrators also must work to create an environment in which victims feel comfortable seeking assistance and services. This includes efforts to ensure that members of minority cultural or religious groups, individuals with disabilities, and male victims are confident that their unique needs will be respected and appropriately addressed. Administrators also must actively work to send a message to potential perpetrators, including students, faculty and staff, that violations of campus conduct codes will not be tolerated and that all reported cases will be thoroughly investigated.

### **Inclusion in Development of the Plan**

Campuses are encouraged to make use of both on- and off-campus resources, and each campus plan to address sexual assault should reflect the unique resources and expertise of the campus and its surrounding community.

Campus plans to address sexual assault must be developed in collaboration with multidisciplinary working groups, including at a minimum:

- Campus law enforcement or security
- Campus victim services providers, including victim advocates, counselors, health care providers, and women's center staff
- Judicial affairs
- Campus affiliated housing
- Community rape crisis centers

- Local Sexual Assault Response Team (SART)
- Clery Act compliance resources

Representatives from the following groups can enhance the working group:

- Local law enforcement, district attorney, crime lab and forensic medical examination staff
- Campus ministries and local faith-based groups
- Campus ombudsperson
- Faculty and students
- Representatives of minority cultures or religious groups on campus.

Campus administrators should support the working group by:

- Clarifying that participation in the development of the campus plan is part of their job responsibilities
- Stressing the importance of each individual's participation
- Providing requested resources
- Publicly recognizing and supporting the efforts of working groups or subcommittees.

Individual campuses do not have to address sexual assault in isolation. All institutions of higher education – whether large or small, public or private – have access to resources throughout the campus and surrounding community to leverage in the development and delivery of the campus' plan to address sexual assault. Campus administrators are encouraged to engage in a planning process that draws upon these unique resources. This type of approach increases the likelihood that the broadest possible spectrum of services and resources will be built into the campus plan.

Once such a plan is established, administrators will be better positioned to implement the recommendations outlined in this report.

## **THE CLERY ACT: POLICIES AND COMPLIANCE**

### **History**

The passage of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) in 1990 dramatically changed the ways in which colleges and universities report incidents of sexual assault by establishing new mandates regarding the annual publication of crime statistics and policy statements.<sup>14</sup> Because victims do not disclose their experiences only to law enforcement officials, compliance with the act requires a coordinated effort between the offices most likely to hear a disclosure (e.g., campus administrators, victim services providers, campus law enforcement or security departments, etc.). Thus, every campus plan to address sexual assault must incorporate provisions to ensure compliance with the Clery Act.<sup>15</sup>

### **Requirements**

The Clery Act requires institutions of higher education eligible to receive federal financial aid to publish an annual security report. Reports include certain crime statistics for the prior three-year period and a number of security policy statements required by the act. Campuses must publish their sexual assault policies, assure basic victim rights, detail the authority of campus law enforcement or security, and provide specific directions for reporting crimes. The annual report is made available to all current students, faculty and staff, and notice of the report's availability and directions for obtaining a copy must be provided to student, staff and faculty applicants.

In addition, the statistics portion of the annual report is submitted to the U.S. Department of Education (DOE), the entity responsible for monitoring compliance with the act.<sup>16</sup> Colleges and universities must also issue timely warnings to alert the campus community about ongoing threats to safety posed by a reported crime and make available to the public a campus crime log containing a record of reported crimes.<sup>17</sup>

### **Compliance With the Act**

Since the Clery Act was first passed, institutions of higher education have struggled to remain current on amendments to the law and have experienced difficulty with interpreting its provisions. Data gathered for this report from 52 colleges and universities in California suggest that some campuses are struggling to appropriately distribute their reports, include required policy statements, and report crimes consistent with the act's requirements (see Appendix A). On a national scale, a study measuring compliance with the Clery Act found that only 36.5 percent of schools reported forcible and nonforcible crime statistics in a manner fully consistent with the legislation.<sup>18</sup>

In an effort to assist campuses, DOE has scheduled the release of a compliance handbook in spring 2004.<sup>19</sup> Security on Campus, Inc. and the International Association of Campus Law Enforcement Agencies are collaborating with the department to develop the handbook, and a copy of the publication will be provided to each institution of higher education required to comply with the act. The handbook should provide valuable information for colleges and universities that are actively working to comply with the act.

In an effort to further monitor compliance among California's higher education institutions, the California Legislature passed Education Code section 67382. This legislation empowers the state auditor to report on or before January 1, 2004, and every three years thereafter, the results of an audit of a sample of no fewer than six campuses. The state auditor evaluates the accuracy of each campus' statistics and the procedures used by the institutions to identify, gather and track data for publishing, disseminating and reporting crime statistics. The report is submitted to the chairs of the Assembly Higher Education Committee and Senate Education Committee. Campuses to be audited are those required to comply with the Clery Act.

### ***Recommendations to the Legislature***

1. Enact legislation directing the chief executive officers of the University of California (UC), California State University (CSU) and California community college systems to designate an official responsible for reviewing the annual report from each campus in their system for compliance with the Clery Act prior to submission to DOE. (This is a current practice of both CSU and UC.) The designated officials from each system will identify problems with reports and work with individual campuses to take corrective action before the reports are submitted to DOE. As the data gathered for this report shows, this practice has resulted in the inclusion of required policy statements at a higher rate than exhibited by the California community college and independent institution samples (see Appendix A).
2. Enact legislation requiring each campus to provide training on the content of the report to campus security authorities and campus police or security staff.
3. Enact legislation requiring campuses to post the full text of their annual Clery Act report on a campus-sponsored website. The report must include the three most recent years of crime reports and the required policy statements. While not mandated by the Clery Act, this practice should make the reports more readily accessible to the public.
4. Direct the state auditor to receive guidance directly from DOE on how to determine compliance with the Clery Act. The state auditor, in turn, must use the exact criteria as DOE, thereby ensuring consistency in monitoring efforts. When a campus is found to be out of compliance with the act, the state auditor should notify DOE so that the department can initiate an official investigation. At a minimum, the state auditor should conduct an annual review of whether or not all campuses required to submit an annual report have complied. When a campus is found to have not submitted an annual

report, a complaint must be filed with DOE. In addition, the state auditor should establish criteria for selecting campuses to audit, taking into consideration the audits most recently conducted by DOE. Campuses most recently audited by the federal government and not found to be in significant violation should not be reviewed by the state auditor for a specified number of years.

5. Enact legislation revising California Education Code section 76380, which currently requires only certain campuses to create and post a campus safety plan. The revision should make the section applicable to all California institutions of higher education and mandate that the information be posted on a campus-sponsored website. Ideally, the campus safety plan would be posted in conjunction with the annual Clery Report.

## **SEXUAL ASSAULT PREVENTION EDUCATION**

Campus sexual assault prevention education activities take many forms, including public media campaigns aimed at raising awareness about the prevalence and dynamics of acquaintance rape, consciousness-raising groups for men to explore their role in supporting sexually exploitative behavior, and peer educator presented role-plays and workshops in residential buildings. Complementary means of preventing sexual assault on campuses include installing security systems, lighting, emergency phones, and surveillance cameras, and promoting self-defense courses to help women avert assaults.

There are a number of reasons why colleges and universities must provide sexual assault prevention education to members of their campus communities. As educational institutions, they assume a role in the development of individuals – fostering character and helping people understand their roles and responsibilities in society. In addition, sexual assault is a crime primarily committed against youth, the population traditionally served by many colleges and universities. Institutions of higher education also sponsor and support a number of social organizations frequently associated with high-profile sexual assault crimes, including fraternities, sororities and athletic teams, which garner significant media attention when incidents occur. And some faculty and staff members may choose to use their positions of authority to perpetrate sexual assault crimes.

The California Legislature addresses college and university sexual assault prevention education efforts through California Education Code section 67390. In this section, the Legislature recognizes that “college students are more vulnerable to rape than any other age group, the majority of reported victims and offenders of rape are of college age, and at most colleges and universities today, few students, faculty or staff are alerted to crucial information about sexual assaults, especially acquaintance rape.” The Legislature also acknowledges that “many people have misconceptions about [sexual assault] crimes that enhance their vulnerability to victimization.”

In recognition of these facts, the Legislature notes that “colleges should implement a variety of effective educational programs to inform all students and other college personnel about sexual assaults on campus.” Such programs “should be implemented to disseminate factual information about sexual assault, promote open discussion, encourage reporting, and provide information about prevention to faculty, staff and both male and female students.” The Legislature specifically encourages campuses to “emphasize to students the seriousness of the offenses of rape and sexual assault” and recognizes that “students need critical factual information about the prevalence of stranger and acquaintance rape, how and where it happens, its impact, and the relationship between alcohol and drug use and sexual assaults.”

Education Code section 67390 also recommends training for specific target populations on campus such as Greek organizations; new students; individuals living in and working in campus-sponsored housing; student services professional staff; campus police; and athletic coaches, administrators and athletes.

The legislation specifically notes that campuses must not simply go through the motions of developing policies and brochures. Instead, campuses are encouraged to disseminate information and materials “in a way that emphasizes their importance and stimulates the interest of students.” This includes utilizing a range of media such as campus newspapers and radio and television stations.

Historically, funding has not been provided to California colleges or universities to implement sexual assault prevention education programs responsive to the recommendations of the Legislature as established through Education Code 67390, nor to local rape crisis centers to assist campuses in their efforts. As a result, programming on California’s college and university campuses is rarely consistent or institutionalized. In fact, many campuses make no effort to provide sexual assault prevention education to their community members. Local rape crisis centers attempt to fill in the gaps where possible, but these centers do not always have adequate staff or funding for this purpose.

### **Considerations for Campus Administrators**

Every California college and university must include in its campus plan to address sexual assault a plan to provide sexual assault prevention education to the entire campus community, including students, faculty and staff. Every campus prevention education plan must – at a minimum – follow the provisions of Education Code section 67390. The campus sexual assault prevention education plan should clarify financial support and responsible personnel, along with a mechanism for evaluating effectiveness. Representatives from various campus communities should be consulted during the development of the plan, including members of religious and cultural minority groups, individuals with disabilities, and nontraditional college students.

Every campus should consider using resources from the campus, surrounding community, or a combination thereof. Community-based resources such as rape crisis centers can provide expertise in sexual assault prevention education programming and address gaps in campus-based services. When campuses choose to form a partnership with their local rape crisis center, representatives from the center must be invited to participate in the planning process.

Campus sexual assault prevention education plans should incorporate a range of strategies, including primary, secondary and tertiary prevention measures as well as a broad range of media and educational techniques. Sexual assault prevention initiatives must not be limited to environmental safety factors such as installation of enhanced security mechanisms, or risk-avoidance techniques such as self-defense courses for women. Such initiatives do not address the root causes of sexual assault.<sup>20</sup>

In an effort to strengthen programming, students should be encouraged to participate in the development and delivery of sexual assault prevention education programs aimed at them. Faculty and staff should also be involved in the development and delivery of programs targeting their peer groups. When members of the target audience take an active

role, this increases the relevancy of the programming and motivates greater buy-in from peers.

Representatives from various groups on campus should also be consulted on the development of programs and invited to participate in the delivery of sexual assault programming, including cultural minorities, individuals with disabilities, athletes, fraternity and sorority members, older students, commuter students, parenting students, international students, and lesbian/gay/bisexual/transgendered individuals. Male students, faculty and staff should play a significant role in developing and delivering sexual assault prevention education.

### ***Recommendations to the Legislature***

1. Require all institutions of higher education in California to implement the provisions of California Education Code section 67390.
2. Once the provisions of California Education Code section 67390 are made mandatory, support an evaluation and assessment to measure progress after two years and four years, and then re-examine the legislation to incorporate any necessary changes.
3. Enact legislation that provides funding for California community colleges to comply with Education Code section 67390.
4. Enact legislation that provides funding to support institutions of higher education in the development of sexual assault prevention education programs and implementation of activities required through Education Code section 67390.

## FACULTY AND STAFF TRAINING

College and university campuses are microcosms of the larger communities in which they reside. As such, campuses experience the same social problems faced by all communities, including sexual assault. Students, staff and faculty alike are potential perpetrators of sexual assault. Moreover, all three groups are also at risk for sexual victimization. However, prevention education and training on institutional policies can prepare campus community members for these realities. In addition, training on campus sexual assault policies clearly conveys the institution's expectations about acceptable behavior for all members of the campus community.

An appropriate place to begin is with training for faculty and staff. These individuals have relationships with students who may view them as trusted resources within the campus community. In turn, professors, teaching assistants, janitors, and administrative support staff must be prepared to appropriately respond to disclosures of sexual victimization. When employees are thus empowered, necessary resources and services can be mobilized without delay.

Unfortunately, a recent study found that “few campuses provide sexual assault response and/or sensitivity training to those most likely to first hear of sexual assaults on their campus: friends and fellow students, campus law enforcement/security officers, and faculty members.”<sup>21</sup> Data gathered for this report illustrates similar shortfalls among California's higher education institutions. Only one campus out of the 52 surveyed reported that all faculty and staff receive some level of training regarding sexual assault (see Appendix A).

Faculty and staff not only provide resources for victims, but are also vulnerable to assaults themselves. A national victimization study sponsored by the U.S. Department of Justice reported that approximately 51,000 employees are raped or sexually assaulted each year.<sup>22</sup> Informing staff members about available resources is a proactive way of ensuring their prompt access to treatment and services. In addition, faculty and staff are potential perpetrators of sexual assault crimes and should receive clear guidance about institutional responses to assaults perpetrated by such individuals.

As is emphasized throughout this report, creating a campuswide plan lays the groundwork for a consistent, uniform approach. Developing a plan for training faculty and staff is no exception. The plan should take into account the different job functions and roles of all personnel on campus as well as their relative likelihood of coming into direct contact with a sexual assault victim. Content of training courses and frequency of delivery should vary by occupation. For example, a facilities manager and a clerk in the registrar's office should receive basic training on how to refer a victim, while a director of housing or campus nurse should be prepared to engage more fully in the campus sexual assault response system.

All faculty and staff should be informed about and have easy access to campus sexual assault policies and protocols. These resources should be readily available when an incident occurs and when students turn to these individuals for help.

### **Considerations for Campus Administrators**

Campus administrators must include in their plan to address sexual assault a mandatory training program for all faculty and staff, not just those who work directly with victims. The training plan must include a mandatory training session for *all new faculty and staff* during orientation activities and ongoing training tailored to individual job duties. Training must be accessible to non-English speaking staff, and the training curriculum must reflect the cultural composition of the target audience. At a minimum, the training plan should:

- Include a training component in orientation activities for all new faculty and staff.
- Include follow-up training for all staff and faculty, varying the content, duration and frequency for each profession.
- Introduce all faculty and staff to the campus plan to address sexual assault.
- Emphasize that faculty and staff are not expected to be experts in sexual assault, but that everyone should be prepared to make appropriate referrals.
- Provide every employee with a copy of the campus' sexual assault protocol and policy, including written information about how to connect victims with appropriate resources.
- Address faculty and staff as potential victims of sexual assault, resources for victims, and potential perpetrators.
- Include a cultural sensitivity and competence component.
- Train all employees about their reporting obligations under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).
- Identify an individual or office to spearhead, monitor and enforce the campuswide training initiative.
- Support faculty initiatives to include information about sexual assault in academic curricula across all disciplines and academic departments.

(See Appendix B for a sample training scheme.)

### ***Recommendations to the Legislature***

1. Enact legislation that provides funding for the development and delivery of faculty and staff training programs.

## **CAMPUS LAW ENFORCEMENT AND SECURITY**

Campus law enforcement and security departments play a significant role in institutional responses to sexual assault. Whether the force is comprised of fully sworn peace officers or hired security guards, the department's response to sexual assault reports must be based in protocol, supported by training, and sensitive to victim needs.

To achieve this, every campus plan to address sexual assault must include first responder and investigation protocols for campus law enforcement or security. Whether a department receives one report every three years or one every week, protocols outlining response and investigation procedures are critical.

- Protocols and policies provide the necessary foundation for a uniform and proficient response.
- Uniform procedures increase the likelihood that victims and perpetrators are interviewed appropriately and key evidence preserved.
- When cases are turned over to a municipal law enforcement department for investigation or district attorney for prosecution, implementation of uniform procedures following a protocol can increase the strength of case information.

California institutions of higher education employ a range of law enforcement and security forces with varying levels of authority and training requirements. While all University of California and California State University campuses employ fully sworn peace officers,<sup>23</sup> California community colleges and independent institutions either employ a security force, contract for security services, contract with a local law enforcement entity, or refer crimes to local municipal law enforcement.<sup>24</sup>

Training requirements for campus law enforcement and security departments vary by the level of authority of each force.<sup>25</sup> However, every campus law enforcement and security department must be prepared to respond to sexual assault complaints. Therefore, every campus plan to address sexual assault must include both a first responder and investigation protocol for campus law enforcement or security, and both types of protocols must be reinforced through ongoing training.

### **Protocols for Departments That Do Not Investigate Sexual Assault Reports**

Some campus law enforcement or security departments do not investigate sexual assault reports. When the campus is not the primary investigative agency for sexual assault, administrators must implement a written policy and protocol establishing procedures for the following:

- Notifying the appropriate investigative law enforcement agency
- Providing written information to the victim about contacting appropriate campus and community rape crisis support services and calling the agency if the victim requests this
- Informing the victim about forensic medical examination services and how to access these services
- Interacting with other offices on campus such as judicial affairs, housing, student health center, counseling center, and campus ministries
- Complying with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and other applicable, mandatory reporting requirements, including both child abuse and adult sexual assault
- Maintaining appropriate levels of confidentiality
- Following up with the victim.

### **Protocols for Departments That Investigate Sexual Assault Reports**

Every campus with a law enforcement or security department with responsibility for investigating sexual assaults must develop a protocol that includes the following:

- Procedure for notifying and mobilizing all critical campus units in the event of a sexual assault
- Requirement to notify victims of the right to have an advocate and a support person present during interviews<sup>26</sup>
- Procedure for contacting a qualified support person for the victim and accused (e.g., a rape crisis advocate/counselor or other specially trained individual)
- Procedure for connecting the victim and accused with medical and forensic evidence services
- Steps for complying with legal reporting requirements, including those mandated by the Clery Act and other applicable mandatory reporting requirements, including both child abuse and adult sexual assault
- Resource information for both on- and off-campus service providers for victims and accused
- Protocol for transporting the victim and the accused to off-campus offices (e.g., local law enforcement, forensic examination site, etc.)
- Procedure for obtaining alternative living arrangements for victim, if requested
- Procedure to ensure confidentiality, including those protections offered pursuant to California Penal Code section 293
- Protocol for releasing information to the media and issuing timely warnings to the campus community, pursuant to confidentiality policies and the Clery Act
- Responsibilities of both on- and off-campus law enforcement entities
- Procedures for working with the local district attorney's office
- Description of campus disciplinary protocol and possible sanctions
- Protocol for working with victims who choose not to officially report an incident, but still wish to seek medical and/or emotional support services

- Case management for both the victim and accused
- Procedures for regularly evaluating and updating the protocol
- Training plan for relevant entities regarding implementation of the protocol

When developing protocols, applicable federal and state laws must be addressed, including the following:

- The Clery Act,<sup>27</sup> along with a timely warning protocol that includes the threat to the campus community for acquaintance rape and procedures for updating and maintaining the daily log
- The Campus Sex Crimes Prevention Act,<sup>28</sup> a federal law that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or who work or volunteer on campus<sup>29</sup>
- California Education Code section 67385,<sup>30</sup> concerning written procedures to ensure that sexual assault victims receive treatment and information
- California Education Code section 67380, which in part requires a compilation of statistics on reported crimes that are committed on campus and that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication
- California Education Code section 67381,<sup>31</sup> which requires campuses to enter into written agreements with local law enforcement agencies that clarify operational responsibilities for investigations of Part 1 violent crimes occurring on campus
- Labor Code section 230 and 230.1, which provide protections for victims of sexual assault and domestic violence

Protocols and policies for all types of campus-based law enforcement and security departments must address the progression of both on- and off-campus processes, which may occur simultaneously and independently from one another. These may include campus judicial and community criminal and/or civil processes, campus-sponsored housing or campus-sponsored organization review, or civil suit against the university for failure to protect.

Campus law enforcement and security departments must have a clear protocol for situations when the victim chooses not to officially report a crime. In such cases, authorities must be prepared to refer victims to appropriate support services and respect requests for confidentiality and anonymity.

All campuses are encouraged to develop a relationship with and/or assign a campus liaison to participate in the community's sexual assault response team (SART), the entity responsible for coordinating forensic, medical, legal, and support services in instances of sexual assault.

## **Training Recommendations**

All campus police agencies and security departments must provide first responder training to all employees, including officers, guards and dispatchers. The current state Police Officer Standards and Training (POST) Guidelines for Sexual Assault Investigation should be utilized, including the Sexual Assault Investigation Considerations List. In addition, every sworn police agency must send at least two officers to the POST Sexual Assault Investigative Course.

Campuses that employ security departments may not exclude themselves from this recommendation. The training curriculum for security departments should address protocol procedures for initial contact with the victim and accused, evidence preservation procedures, steps for contacting the law enforcement entity responsible for handling sexual assault cases, and available resources and appropriate victim referrals.

Every campus must develop and implement an in-house training program to address its own unique protocols and policies.

- Training must be mandatory for all newly hired officers and reinforced through annual sessions to maintain proficiency and provide updates on policy revisions and new laws.
- The training curriculum must be developed and implemented in collaboration with experts in sexual assault, including victim advocates.

At a minimum, the training curriculum should include the following:

- Campus plan to address sexual, campus sexual assault policy, and campus sexual assault protocol
- Law enforcement or security department sexual assault response and investigation protocols
- Description of available campus and community services for victims
- Overview of sexual assault myths and facts, dynamics of sexual assault, applicable laws, appropriate interview techniques with the victim and accused, cultural competence, and confidentiality.

Written materials containing contact information for on- and off-campus sexual assault resources must be made available to all law enforcement and security officers for distribution to victims and accused perpetrators.

All campus law enforcement/security departments must post the following information on their department website:<sup>32</sup>

- “What to do if sexually assaulted,” including specific instructions outlining options, from initial reporting to available support services to campus and community judicial systems

- Agency names and phone numbers for referrals, including the community rape crisis center (and where possible, details about what happens when a victim calls for assistance)
- At least one confidential resource, either on campus or in the community, so that victims can explore options without having to commit to a course of action (ideally available 24 hours a day, seven days a week, 365 days a year)
- Available support services for victims who choose not to report the crime
- Description of instances when parental notification is mandated (for minors) and when timely warnings to the campus community are required
- Alternative reporting options for the crime (e.g., anonymous, third-party or confidential reports)
- Definitions of sexual assault and consent
- List of victims' rights as provided through the Clery Act and the "Victim's Bill of Rights" as provided for in the California Constitution, Article 1, section 28(a)
- Website link to or copy of the campus' sexual assault policy and protocol

### ***Recommendations to the Legislature***

1. Enact legislation mandating that all campus law enforcement departments certified by POST employ at all times at least two officers who have attended the POST Sexual Assault Investigators Course.
2. Enact legislation requiring campuses using a security force that has not been certified by POST to provide first responder training on sexual assault to all officers, following the training recommendations outlined in this report.
3. Enact legislation requiring all law enforcement and security first responders to receive training on cultural competence and sensitive responses to sexual assault victims beyond what is currently provided in the required POST training courses.
4. Enact legislation to provide funding to develop a POST instructional video for use by campus law enforcement officers, addressing the following issues: first responder protocol for sexual assaults, sections of the *Campus Blueprint to Address Sexual Assault* that relate to campus law enforcement, and sex offender registration statutes as they pertain to campuses.

## **CAMPUS JUDICIAL PROTOCOLS, POLICIES AND TRAINING**

Campus judicial<sup>33</sup> systems address behavior that violates the campus code of conduct, interferes with the educational mission of the institution, or adversely affects individual members of the campus community. In order to sustain and strengthen their communities, campus judicial systems also work to promote a climate of safety and mutual respect. Sanctions are issued to protect individuals, protect the campus community, and provide an educational opportunity for the accused.

In most cases of sexual assault, the reported behavior is a criminal offense as well as a violation of the institution's code of conduct.<sup>34</sup> Campus judicial systems operate independently from state and federal criminal justice systems. Typically, their sanctions apply a lesser burden of proof than that required by either state or federal criminal systems, and these sanctions do not restrict basic liberties. As a result, a campus may decide to pursue an allegation of sexual assault that the criminal justice system might dismiss.

Individual victims may choose not to report to municipal or campus law enforcement/security and instead pursue a remedy only through the campus judicial system. For these reasons, a campus judicial system's response to a sexual assault complaint may be a victim's only avenue for seeking justice. Therefore, campuses must actively work to ensure that their judicial systems are fair, unbiased and responsive to the needs and rights of both victims and those accused of sexual assault.

Federal legislation requires institutions of higher education to respond promptly and guarantee victims certain rights when reports of sexual assault are filed.<sup>35</sup> These rights are as follows:

- The accuser and accused have the same opportunity to have others present.
- Both parties shall be informed of the outcome and sanctions of any disciplinary proceeding, including appeals, with respect to an alleged sexual offense.<sup>36</sup>
- Survivors shall be informed of their options to notify law enforcement.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic and living situations.

In addition, Title IX requires institutions to provide a timely response and remedy to reports of sexual assault and harassment.<sup>37</sup> Judicial codes and protocols must be designed to ensure that such responses routinely occur.

### **Considerations for Campus Administrators**

Every campus must incorporate the following elements into its judicial protocols, policies and training practices. All campuses must:

- Establish sexual assault as a specific violation of the campus code of conduct. This creates greater awareness about the institution's expectations regarding the conduct of students, staff and faculty and reaffirms that such behavior is unacceptable within the campus community.<sup>38</sup>
- Establish a specific protocol for the investigation and adjudication of sexual misconduct complaints.
- Include the "Campus Sexual Assault Victims' Bill of Rights" in the campus protocol for adjudicating sexual misconduct complaints.
- Never require mediation as a means of resolution for a sexual misconduct complaint. Mediation assumes a sharing of power and in the case of a sexual assault, an imbalance of power has already been established.
- Establish a policy that enables campus administrators to grant "immunity" from lesser violations of the code of conduct for violations that occurred in relation to the reported sexual assault. For example, this policy would allow a college to refrain from taking action against a sexual assault victim who had engaged in a violation of the campus alcohol policy at the time of the sexual assault.<sup>39</sup>
- Neither prohibit consensual sexual activity nor provide sanctions for consensual sexual activity.<sup>40</sup>
- Establish the right of both the victim and the accused, if an allegation of sexual misconduct is initially handled through an informal hearing process, to at anytime request an end to that process in favor of a formal hearing.
- Prohibit the presentation of irrelevant information about the victim's prior sexual activity, including any prior consensual sexual history between the accuser and the accused.
- Allow victims to make a victim impact statement and affirm the value of victim input as a critical factor in determining sanctions if culpability of the accused has been established.
- Establish the victim's right to appeal to another body or individual if a sexual misconduct complaint is deemed unworthy of a hearing.
- Provide conflict of interest provisions.

Institutions of higher education must incorporate a range of sanctions for sexual misconduct into their judicial protocols.

- Sanctioning guidelines must include a range of options so that the final determination reflects the severity and nature of the specific violation.
- Sanctions must reflect the nature of the misconduct, disciplinary history of the accused, the impact on the victim, and the impact on the community.
- Sanctions must help facilitate a victim's reclamation of his or her academic life.

Individuals with responsibility for hearing sexual misconduct complaints must receive training on how to hear such cases prior to their first case and should have their training reinforced annually.<sup>41</sup> Training topics should include the following:

- The institution's sexual misconduct judicial protocol<sup>42</sup>
- Myths and misconceptions about sexual assault that may lead to inaccurate assumptions by hearing officers about the actions of both the victim and accused
- Statistics about sexual assault, especially acquaintance rape
- Overview of emotional responses and behaviors of victims
- Strategies for remaining objective
- Accurate information about false reports
- The role of alcohol and other drugs as tools used by perpetrators to facilitate sexual assaults

### ***Recommendations to the Legislature***

1. Enact legislation requiring institutions of higher education to record and report the number of sexual assault complaints made, number of cases resolved through mediation, number of cases resolved through both informal hearings and formal hearings, and the final outcome of all cases, including appeals. Sanctions for all cases must be reported and the information made public to the extent allowed by federal and state law.
2. Enact legislation requiring the University of California, California State University, and California community college systems to develop training programs that include the elements outlined in this report for judicial officers with responsibility for hearing sexual misconduct complaints.

## VICTIM SERVICES

Providing or ensuring access to specialized services for victims must be a priority of every campus plan to address sexual assault. While some colleges and universities may choose to support their own sexual assault victim services program on campus, others may establish referral relationships with a local rape crisis center. Either way, every campus plan must include a range of services and be accessible to victims, including students, faculty and staff, at all times.

Limited financial or personnel resources to support a campus-based sexual assault services program should not be seen as an insurmountable obstacle, especially when local qualified service providers are invited to participate in the campus victim services plan. Rape crisis centers throughout California provide a full range of victim services that meet or exceed the standards established by the State Advisory Committee on Sexual Assault Services. In addition, rape crisis centers have an obligation to serve members of the community who seek assistance, and their services – although also sometimes limited by available funding – are reliable, professional and open to all members of the surrounding community. By developing a formal relationship with their local rape crisis center, campuses can help facilitate the quick mobilization of services for campus sexual assault victims.

Campuses providing a limited range of services for sexual assault victims may also consider establishing a formal referral relationship with their local rape crisis center. The center may be able to provide more comprehensive or long-term services to victims than the resources or expertise of the campus allow. In some instances, the local rape crisis center may agree to provide services to members of the campus community during the night, when many campus-based programs are closed.

Campuses seeking to collaborate with a local rape crisis center should enter into a formal agreement, which should:

- Establish a formal point of contact at the campus and the rape crisis center through which information flows.
- Include plans for regular meetings between the two entities.

When a campus chooses to establish a formal referral relationship with a local rape crisis center, the campus must make a commitment to actively advertising the availability of services to the campus community. This involves publicizing contact information about the local rape crisis center using various campus venues, including websites, pamphlets, sexual assault protocols and policies, and the annual report required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

Making referrals to the local service provider also must be an explicit part of the campus' sexual assault response protocol. This is especially true for the campus law enforcement or security department, campus counseling center, student health center, campus

ministries, judicial affairs office, and women's center. Relevant staff should receive training on how to connect victims directly with the local rape crisis center, and pamphlets and brochures from the local service provider should be available at these campus locations.

Those institutions with campus-based victim services must also incorporate the referral process into their campus protocols and provide training to relevant entities on campus about how to connect victims with local service providers.

### **Considerations for Campus Administrators**

Every campus plan to address sexual assault must include the provision of or referral to a qualified victim services agency providing the following services:

- Crisis counseling for victims, family and friends
- Provision of or referral to services 24 hours a day, seven days a week, 365 days a year
- Information about reporting options, medical and legal procedures, and other services available in the community and on campus
- Confidentiality (Victims should be able to access information and services without being obliged to report the incident or compelled to speak with law enforcement officials. Campus plans should allow for confidential services while continuing to meet reporting requirements of the Clery Act.)
- Case management including advocacy and accompaniment services
- Ongoing counseling, including individual and group therapy
- Referrals, information and counseling for friends and families of victims
- Education for the campus community about available services and options

When designing victim services and advocacy programs, campuses must take into consideration the needs of particular victims, with special emphasis on the demographic make-up of the campus community. This includes ensuring that services are accessible to and appropriate for the following types of victims: students, faculty, staff, men, individuals with disabilities, cultural and religious minorities, lesbian/gay/transgendered individuals, commuting or parenting students, older students, and others.

Every campus must post detailed information about its sexual assault victim services plan on webpages for the following campus entities:

- Campus police
- Campus judicial affairs
- Campus health center
- Campus counseling center
- Campus ministries
- Campus women's center

### ***Recommendations to the Legislature***

1. Enact legislation to expand California Education Code section 67385 by requiring all institutions of higher education to create a plan for the delivery of victim services as outlined in this report, using resources from the campus, community or a combination thereof. The amendment must also apply to all California community colleges.
2. Enact legislation to ensure that sexual assault victims served by campus-based sexual assault programs are accorded the same confidential privilege as sexual assault victims served by “sexual assault victim counselors” per California Evidence Code section 1035.2 et seq.

## **APPENDIX A: DATA**

### **Introduction**

In January of 2003, the California Coalition Against Sexual Assault (CALCASA) received an award from the Office of Criminal Justice Planning (OCJP) to implement the Campus Sexual Assault Research Project as authorized in section 67385.3 of the California Education Code. CALCASA's primary task was to support the 15-member, Governor-appointed California Campus Sexual Assault Task Force (Task Force) in the gathering of information from institutions of higher education throughout the state regarding campus sexual assault and the authoring of a *Campus Blueprint to Address Sexual Assault (Blueprint)*, a report to the Governor and Legislature. The Task Force was appointed in August 2003, eight months after the project began.

In order to avoid a delay in project implementation, CALCASA received guidance and approval from OCJP to gather data likely to be solicited by Task Force members upon their appointment. As a result, CALCASA spent the first eight months of the project gathering data independent from the Task Force. Because the Task Force did not design or implement the majority of the data collection activities, members have chosen to report the data as an appendix of the report.

Further research is needed to more accurately measure the activities of California institutions of higher learning regarding sexual assault policies, programs, services, and training. The data contained in this report provide only a snapshot of current activities on 52 of California's college and university campuses. In addition, because the community college and independent institution samples were limited to 10 each, data reported are not truly representative. However, the data clearly support the specific recommendations that comprise the *Blueprint*.

### **Findings**

In general, the data suggest the following:

#### ***Compliance With and Policies Regarding the Clery Act***

- California community colleges and independent institutions were less likely than University of California (UC) and California State University (CSU) campuses to include required policy statements in their annual report required by the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). CSU campuses included required policy statements most consistently.

### ***Sexual Assault Prevention Education***

- All of the UC, about half of the CSU, and some of the independent college and university campuses support a sexual assault prevention education program.
- Sexual assault prevention education is almost entirely nonexistent on California community college campuses.
- Most campuses without a specific sexual assault prevention education program, other than the community colleges, have at least one office or department that can provide programming upon request.

### ***Faculty and Staff Training***

- Only one campus in the sample reported that all employees and staff receive some level of training on sexual assault. While many campuses provide training to a portion of their staff, training for faculty is rare.
- Many campuses provide training on sexual assault to staff identified as those most likely to respond to a sexual assault complaint (e.g., teaching assistants, counselors, resident directors, and health center staff). The frequency, duration and content of these trainings vary greatly from campus to campus and generally do not include the full range of recommended training topics outlined in this report. In addition, faculty and staff rarely receive training that addresses them as potential victims or perpetrators of sexual assault.

### ***Campus Law Enforcement and Security***

- Most campus law enforcement and security departments have protocols for response to and investigation of sexual assault calls for services. However, the content and quality of these vary greatly. The majority of these protocols do not include the elements recommended in this report.
- Many campus law enforcement and security departments that do not have responsibility for investigating sexual assaults do not have protocols that take into consideration victim needs or the handling of evidence as outlined in this report.
- Campus security officers receive little if any training on how to handle reports of sexual assault.

### ***Campus Judicial Protocols, Policies and Training***

- Most campus judicial systems do not have a unique protocol for hearing complaints of sexual misconduct or include in their protocols the elements recommended in this report.
- Most campuses have not incorporated into their written judicial protocols or procedures the federally required statements of guaranteed victim rights.

- Most judicial hearing officers do not receive training on how to hear violations of the student conduct code involving sexual assault.

### ***Victim Services***

Campuses vary greatly in the range of services they offer for sexual assault victims.

- Almost all of the UC and about half of the CSU campuses support a basic sexual assault victim services program, including crisis counseling and resource referrals.
- Just over half of the independent institutions and none of the community colleges provide these services.
- Those CSU and independent campuses that do not support a program reported that victims can receive general counseling assistance through existing campus services and that appropriate referrals would be made if requested.
- The victim services programs at independent institutions vary greatly by individual campus.
- Some campuses have established partnerships with local rape crisis centers to provide services that reach beyond the scope of the campus-based program.
- Most campus-based victim services programs are experiencing cuts in funding that have or are anticipated to result in reduced staffing and services.

### ***Other Findings***

- Most campuses rely on the motivation of concerned faculty, staff and administrators to lead the advancement of sexual assault initiatives. This practice leads to inconsistency in programs and services since efforts tend to dissolve when key players leave. The lack of institutionalization and funding for sexual assault programs was noted as a problem by interviewees at many campuses.
- Cuts in program funding have led some campuses to develop strong relationships with local rape crisis centers in order to provide services to the campus community that would otherwise not be available. Where such relationships have been established, both campus and rape crisis center staff report satisfactory working relationships.
- Community-based rape crisis centers welcome the development of formal relationships with campuses to provide sexual assault prevention education and services and assist with protocol and policy development.

### **Survey Sample**

California Education Code section 67385.3 directs the Task Force to examine both public and private higher education institutions throughout the state. In response, the survey sample includes nine UC campuses,<sup>43</sup> 23 CSU campuses,<sup>44</sup> and a sample of 10 California community colleges<sup>45</sup> and 10 independent institutions.

Given the small survey sample for both the independent and community colleges, research findings are not truly representative. Rather, the data provide a glimpse or “snapshot” of activities on a small number of these campuses. Again, additional initiatives are necessary to more accurately assess sexual assault related activities on California’s college and university campuses.

The 10 independent institutions included in the survey meet the definition provided in California Education Code section 66010 (b).<sup>46</sup> And, while independent institutions of higher education are bound to comply with some of the California Education Code sections regarding campus crime and safety, section 67380 (d) exempts institutions receiving funds for student financial assistance with a full-time enrollment of less than 1,000 students. As a result, independent institutions chosen for inclusion in this study had student enrollment figures in excess of 1,000 students.

The independent campus sample included institutions from throughout the state with a wide range in student enrollment numbers. The study sample included five campuses from Southern California, two from Central California, and three from Northern California. Four campuses had student enrollment figures in excess of 5,000. Two campuses enrolled between 2,000 and 5,000 students. Four campuses enrolled fewer than 2,000 but more than 1,000 students. The sample also included five religiously affiliated institutions, one art college, and one technical college. All campuses provided on-campus housing for students.

The California community colleges included in the sample were chosen primarily on a geographic distribution model. Approximately half of the community colleges in California are located in the southern region of the state; four of the 10 campuses included in the study were drawn from this region. In addition, two campuses were selected from each of the remaining regions (Northern, Central and Bay Area). This distribution is representative of the number of colleges per region. The California community college sample included campuses with student enrollment ranging from 3,172 to 25,678.

The Task Force designed this report to provide an examination of current practices, policies and services, and not as a venue for singling out underperforming campuses. Therefore, the Task Force has reported data without specifically identifying campuses or individuals by name.

## **Survey Methods**

CALCASA contracted with an individual to serve as the project coordinator. The project coordinator was given primary responsibility for assisting the Task Force with the gathering of information for and writing of the report. While the Task Force was not appointed until August 2003, the project coordinator, with approval from OCJP, began to gather data in January 2003.

Research methods centered around two primary activities. First, the project coordinator reviewed campus websites for policies, protocols and procedures related to the statutorily mandated research subject areas. Second, the project coordinator conducted phone interviews with relevant campus staff to: (1) obtain information not available through the campus websites; and (2) to discuss how well staff understood the policies and whether or not they participated in training regarding and implementation of these policies. Throughout the project period, the project coordinator also conducted research to obtain historical and current information from across the country about campus responses to sexual assault.

### **Relevant Legislation**

California Education Code section 67393 deserves particular attention when considering the data and recommendations of this report. Recognizing the limited resources of California's community colleges, the Legislature specified through this section that many provisions of the education code regarding campus programs to address sexual assault do not apply to the community colleges, unless funds are specifically made available by the Legislature. To date, no such funds have been allocated.

Throughout this section, numbers reported for the community colleges reflect significantly less activity than the other public institutions. While the UC and CSU systems also have not been provided with funds from the Legislature, it is clear that the absence of funding at the community college level has disproportionately hindered advancements in institutional responses to sexual assault.

In general, prevention education, victim services, and specialized protocols for institutional responses to sexual assault are virtually nonexistent on California's community college campuses.

### **Public Hearings**

To augment the Task Force's internal discussions regarding the research findings and relevant legislation, two regional public hearings were conducted in November 2003, one in Northern California and the other in Southern California. These hearings gave interested people from the community a public opportunity to comment on the first draft of the *Blueprint* document, thus providing the Task Force with another valuable source of information and different viewpoints.

## Data

### 1. Compliance With and Policies Regarding the Clery Act

Measuring compliance with the Clery Act is a difficult task, the primary responsibility for which resides with the U.S. Department of Education and the California State Auditor. Within the parameters of this study, determining each campus' compliance with the Clery Act was unrealistic. However, the Task Force decided to review the latest annual report from each campus to determine if five policy statements required by the Clery Act had been included.<sup>47</sup>

The most recent annual security report was obtained from each campus' website or directly from the campus law enforcement/security department.

<b>Does the report make a statement that changes in academic and living accommodations will be made, if requested and reasonably available?</b>	University of California Campuses	California State University Campuses	California Community Colleges	Independent Institutions
Number of reports that included the required policy statement:	8 out of 9 (89%)	22 out of 23 (96%)	4 out of 10 <sup>48</sup> (40%)	6 out of 10 <sup>49</sup> (60%)

<b>Does the report include a policy statement that both the accuser and accused have the same right to have others present during disciplinary hearings?</b>	University of California Campuses	California State University Campuses	California Community Colleges	Independent Institutions
Number of reports that included the required policy statement:	7 out of 9 (78%)	23 out of 23 (100%)	3 out of 10 (30%)	6 out of 10 (60%)

<b>Does the report include a policy statement that both the accuser and accused have the right to hear the outcome of the sex offense disciplinary proceedings?</b>	University of California Campuses	California State University Campuses	California Community Colleges	Independent Institutions
Number of reports including the required policy statement:	8 out of 9 (89%)	23 out of 23 (100%)	4 out of 10 (40%)	7 out of 10 (70%)

<b>Does the report contain a policy statement that victims will be given information about options to notify law enforcement officials (both on- and off-campus) and a statement that campus personnel will assist the student if requested?</b>	University of California Campuses	California State University Campuses	California Community Colleges	Independent Institutions
Number of reports that included the required policy statement:	9 out of 9 (100%)	23 out of 23 (100%)	4 out of 10 (40%)	7 out of 10 (70%)

<b>Does the report contain notification of existing on- and off-campus counseling, mental health or other student services for victims of sex offenses?</b>	University of California Campuses	California State University Campuses	California Community Colleges	Independent Institutions
Number of reports that included the required policy statement:	9 out of 9 <sup>50</sup> (100%)	23 out of 23 <sup>51</sup> (100%)	5 out of 10 (50%)	6 out of 10 (60%)

The data shows that California community colleges and independent institutions are significantly less likely than UC and CSU campuses to include required policy statements in their annual Clery reports.

## 2. Prevention Education

CALCASA measured the number of campuses in the sample that support a sexual assault prevention education program. A sexual assault prevention education program is defined as an individual or office supported by the institution and designated as the campus' lead sexual assault prevention education provider. Programs generally have dedicated staff and a title assigned to the effort that designates it as the campus' sexual assault prevention education provider. Other entities on campus may sponsor sexual assault prevention education initiatives, but the program is the lead entity and primary resource for the campus community.

Some campuses provide sexual assault prevention education using a collaborative model. Such efforts commonly function as a sexual assault committee. For example, representatives from the counseling center, campus police, student affairs, women's center, and campus housing may be assigned to participate in the campus sexual assault committee. The committee is given responsibility by campus administration for designing and providing sexual assault prevention education initiatives. In order to be included in this section, these committees must be institutionally sanctioned, and participation must be assigned as part of the members' job requirements. In general, the committees do not have the necessary funds to implement their activities. These multidisciplinary efforts are reported separately.

A small number of campuses without a sexual assault program or committee receive sexual assault prevention education through volunteer-initiated efforts. The institution does not support time and resources. As a result, these efforts have not been included in the data.

<b>Sexual assault prevention education</b>	University of California	California State University	California Community Colleges	Independent Institutions
Number of campuses with a sexual assault prevention education program	8 out of 9 (89%)	8 out of 23 (35%)	0 out of 10 (0%)	6 out of 10 (60%)
Number of campuses with a sexual assault committee or task force with an institutionally mandated mission to provide sexual assault prevention education to the campus community	1 out of 9 (11%)	10 out of 23 (43%)	2 out of 10 (20%)	2 out of 10 (20%)
Total number of campuses with either form of a sexual assault prevention education initiative: 36 out of 52	9 out of 9 (100%)	18 out of 23 (78%)	2 out of 10 (20%)	8 out of 10 (80%)

Many of the campuses that reported no formal sexual assault prevention education initiatives noted that staff from the campus counseling center or student health center could provide programs upon request. Others noted that their local rape crisis center had provided programming when requested.

### 3. Faculty and Staff Training

Only one campus in the sample of 52 reported that all faculty and staff receive some level of training on sexual assault. An independent institution reported that a 15-minute presentation on the campus sexual assault protocol is included as part of the new employee orientation program; copies of the protocol are distributed as well.

None of the UC campuses, CSU campuses or California community colleges reported that all faculty and staff are currently required to receive training on sexual assault.

However, the women's center at one CSU campus reported that staff had recently received approval to begin training all new faculty during the fall 2004 term. This is a significant finding since a number of campuses responded that they provide training to some new employees, but are consistently denied access to faculty.

Many campuses reported that they provide training to individuals who work closely with students. This includes personnel from the campus health center and counseling department, campus law enforcement or security, residential services staff, student affairs officers, student club advisors, and athletic coaches. Many of these individuals receive

training on the campus response system, how to handle disclosures in a sensitive manner, when to report incidents for inclusion in the annual Clery report, and how to refer victims to specific campus resources.

For example, one UC campus reported that all university officials (defined as any person who supervises any student or staff or who works closely with students) since the 1993-94 academic year have been required to attend a training on the campus' Sex Offense Policy and Procedures for Reports of Sexual Assault(s) and Sexual Harassment. This training is provided by the Title IX/Sexual Harassment Officer and lasts for approximately one to three hours; certain faculty are included in the training group. However, this is not a practice at all campuses, and the content, duration and frequency of training vary greatly.

Almost all campus women's centers and rape prevention programs reported that they provide training to faculty and staff upon request. In most cases, these organizations support having a mandatory training requirement for all faculty and staff and welcome an invitation from campus administration to work on the development and implementation of such an initiative.

In general, training of staff was most consistent on UC campuses and those independent and CSU campuses with sexual assault prevention education programs. Little if any training is provided to individuals employed at California community colleges and those independent campuses without a formal campus sexual assault program. In addition, faculty and staff rarely receive information about preventing personal sexual assault victimization or sanctions for perpetrating sexual assault, and if they are trained, it is usually only on how to respond to disclosures from students.

A more thorough examination of groups required to receive training, content of curricula, qualifications of trainers, frequency of delivery, and evaluation of training effectiveness is necessary. At this point, it is clear that administrators on California's higher education campuses have not prioritized training for all faculty and staff, nor have they made it an institutional priority to ensure that employees have access to training.

#### 4. Campus Law Enforcement and Security Protocols and Training

<b>Law enforcement or security departments with first responder protocols</b>	University of California Campuses	California State University Campuses	California Community Colleges	Independent Institutions
Total Number: 36 out of 52	8 out of 9 (89%)	19 out of 23 (83%)	4 out of 10 (40%)	5 out of 10 (50%)

<b>Law enforcement or security departments with investigation protocols</b>	University of California Campuses	California State University Campuses	California Community Colleges	Independent Institutions
Total Number: 32 out of 52	8 out of 9 (89%)	18 out of 23 (78%)	2 out of 10 <sup>52</sup> (20%)	4 out of 10 <sup>53</sup> (40%)

Of the 52 campuses in the sample, 38 employ sworn law enforcement forces. Among the 38 sworn departments, 34 have responsibility for investigating sexual assaults.

- Two out of the 34 campuses that investigate sexual assault reports do not have a formal, written sexual assault investigation protocol.
- Thirty-six out of 52 campuses have a first responder protocol.
- In general, the investigation and first responder protocols do not contain the full range of elements identified in the recommendations section of this report.

*Training for Officers*

<b>Number of campuses that have sent at least one officer to the POST Sexual Assault Investigative Course</b>	University of California	California State University	California Community College	Independent Institutions
Total Number: 35 out of 52	9 out of 9 (100%)	21 out of 23 <sup>54</sup> (97%)	3 out of 10 <sup>55</sup> (30%)	2 out of 10 <sup>56</sup> (20%)

<b>Number of campuses that provide training on the campus' sexual assault policies and protocols to all officers</b>	University of California	California State University	California Community Colleges	Independent Institutions
Total Number: 36 out of 52	8 out of 9 (89%)	18 out of 23 (78%)	2 out of 10 (20%)	8 out of 10 (80%)

5. Judicial Protocols, Policies and Training

<b>Number of campuses with a judicial protocol for handling sexual misconduct complaints</b>	University of California	California State University	Community Colleges	Independent Institutions
Total Number: 23 out of 51	6 out of 9 (67%)	10 out of 22* (45%)	1 out of 10 (10%)	6 out of 10 (60%)

\* One campus did not respond.

<b>Number of campuses providing training to hearing officers on how to hear sexual misconduct complaints</b>	University of California	California State University	Community Colleges	Independent Institutions
Total Number: 16 out of 50	4 out of 9 (44%)	4 out of 22* (18%)	2 out of 9* (22%)	6 out of 10 (60%)

\* One CSU campus and one California community college campus did not respond.

## 6. Victim Services

While not a statutorily mandated research area, the Task Force gathered data on services for victims of sexual assault.

<b>Number of campuses with a sexual assault victim services program, defined as an institutionally designated individual or program providing – at a minimum – crisis intervention and resource referral services</b>	University of California	California State University	California Community College	Independent Institutions
Number of campuses with such a program:	8 out of 9 (89%)	13 out of 22 <sup>57</sup> (59%)	0 out of 10 (0%)	6 out of 10 (60%)

- Twenty-seven campuses out of 51 reported supporting a sexual assault victim services program.
- Of the 27 campus-based victim services programs, 18 responded that they provide confidentiality to victims when accessing information and services. These programs rely on a departmental or program policy that does not rise to the level of a legally guaranteed privilege. As such, if a case goes to court, all information shared by a victim with a victim services provider is eligible for subpoena, and confidentiality is no longer guaranteed.
- Of the 24 campuses that responded that they do not support a campus-based victim services program, 16 reported that they commonly refer victims to a particular local rape crisis center or Sexual Assault Response Team. These relationships are neither formal nor mutual, and, in most cases, brochures or other literature from the community-based service provider are not available on campus.

### *Coordinated Response Systems*

<b>Number of campuses with a trained campuswide Sexual Assault Response Team or Program<sup>58</sup></b>	University of California	California State University	California Community Colleges	Independent Institutions
Total Number: 16 out of 52	6 out of 9 (67%)	8 out of 23 (35%)	0 out of 10 (0%)	2 out of 10 (20%)

*Use of Community Sexual Assault Response Resources*

<b>Number of campuses making referrals to local sexual assault forensic examination services</b>	University of California	California State University	California Community Colleges	Independent Institutions
Total Number: 41 out of 52	9 out of 9 (100%)	21 out of 23 (91%)	5 out of 10 (50%)	6 out of 10 (60%)

*Number of Campuses With Sexual Assault Policies and Protocols*

<b>Number of campuses with a campuswide sexual assault policy<sup>59</sup></b>	University of California	California State University	California Community Colleges	Independent Institutions
Total Number: 41 out of 52	9 out of 9 (100%)	21 out of 23 (91%)	3 out of 10 (30%)	8 out of 10 (80%)
<b>Number of campus protocols that list campus and community entities providing services to sexual assault victims<sup>60 61</sup></b>	University of California	California State University	California Community Colleges	Independent Institutions
Total Number: 35 out of 52	9 out of 9 (100%)	17 out of 23 (74%)	1 out of 10 (10%)	8 out of 10 (80%)

## **APPENDIX B: SAMPLE FACULTY AND STAFF TRAINING SCHEME**

This sample training model is structured so that information presented in Section I would also be included in the training for any of the sections that follow. For example, professions listed in section IV would receive training on issues listed in Sections I through III, in addition to those listed in Section IV.

Campus administrators are encouraged to use this training scheme as a starting point for the development of their own campus-specific training plan.

### **Sample Training Scheme**

- I. New Faculty and Staff Orientation
  - a. Present the campus plan to address sexual assault, including an introduction of the campus and/or community-based sexual assault victim services provider(s).
  - b. Emphasize that faculty and staff are not expected to be experts in sexual assault, but that everyone should be prepared to make appropriate referrals.
  - c. Distribute written materials, including explicit instructions for responding to victims and accessing services and a copy of the campus' sexual assault protocol and policy.
  - d. Clarify reporting obligations regarding the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and provide a point of contact for questions about procedures.
  - e. Affirm that the campus is equally invested in supporting faculty, staff and students who are victimized.
  
- II. Clerical and Secretarial Staff, Janitors, Facilities Managers, Nonsexual Assault Peer Educators, Associated Student Body Government Members, and Student Clubs Council
  - a. Provide an overview of how sexual assault impacts victims and typical behaviors of victims in different stages of recovery.
  - b. Discuss sensitive ways to respond to a disclosure of sexual assault.
  - c. Discuss the importance of maintaining confidentiality and only sharing information about the victim that is mandated.
  
- III. Teaching Assistants, Coaches and Sorority/Fraternity Officers
  - a. Discuss appropriate ways to listen to and sensitively interact with victims.
  - b. Discuss reporting options and available resources.
  - c. Address cultural sensitivity and competence.

IV. Student Affairs Officers, Student Activities Officers, Vice President of Student Services, Deans, Student Services Officers, and Education Abroad Staff

- a. Discuss the dynamics of sexual assault, including both acquaintance and stranger assaults; provide an overview of typical victim responses to each.
- b. Discuss in detail the reporting obligations and procedures that must be followed for compliance with the Clery Act.

V. Student Health Center and Campus Counseling Center/Division/Department

- a. Explain how to connect victims with the local forensic medical examination site, if the victim wishes to report the incident and it is within 72 hours of the assault.
- b. Discuss how to present information to victims about prophylactic treatment of sexually transmitted diseases and pregnancy.
- c. Discuss how individuals from the entities listed above would interact with victim services providers and campus or community-based law enforcement entities.
- d. Clarify legal reporting requirements and confidentiality.

VI. Resident Assistants and Resident Directors

- a. Discuss the definition of consent.
- b. Discuss the use of alcohol and other predator drugs to facilitate sexual assault crimes.
- c. Discuss how to work with both the accused and victim as cases proceed through the campus and/or community justice systems.
- d. Discuss how to manage and control rumors and fears within the campus residential community.

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<sup>1</sup> Robin Warshaw, *I Never Called it Rape: The Ms. Report on Recognizing, Fighting, and Surviving Date and Acquaintance Rape*, New York: Harper Perennial, 1994, p. 11.

<sup>2</sup> Ibid.

<sup>3</sup> During the summer of 2002, the California Legislature passed and Governor Davis signed into law Assembly Bill 2583, sponsored by Assemblywoman Judy Chu (49<sup>th</sup> Assembly District).

<sup>4</sup> At its most basic level, sexual assault refers to any form of nonconsensual sexual activity.

<sup>5</sup> The category of victim services was not statutorily mandated, but was added by the Task Force.

<sup>6</sup> Warshaw, *I Never Called it Rape: The Ms. Report on Recognizing, Fighting, and Surviving Date and Acquaintance Rape*.

<sup>7</sup> Patricia Tjaden and Nancy Thoennes, *Prevalence, Incident, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey*, Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, November 1998, p. 6.

<sup>8</sup> Bonnie S. Fisher, Francis T. Cullen and Michael G. Turner, *The Sexual Victimization of College Women*, Washington, D.C.: National Institute of Justice, December 2000, p. 18.

<sup>9</sup> Tjaden and Thoennes, *Prevalence, Incident, and Consequences of Violence Against Women*, p. 38.

<sup>10</sup> "Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends and Girlfriends," *Bureau of Justice Statistics Factbook*, Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, March 1998, p. 13.

<sup>11</sup> Most rapes of males are committed by men who are heterosexual in their consensual sexual preference and self-identity. Stephen Donaldson, "Rape of Males," *Encyclopedia of Homosexuality*, Wayne R. Dynes, ed., New York: Garland, 1990, p. 1095.

<sup>12</sup> Women with disabilities are raped and abused at a rate at least twice that of the general population of women. Dick Sobsey, *Violence and Abuse in the Lives of People with Disabilities: The End of Silent Acceptance*, Baltimore, Maryland: Paul H. Brooks Publishing Co., Inc., 1984, p. 35.

<sup>13</sup> For example, the Clery Act; California Education Code section 67380, which mandates the preparation, posting and distribution of a campus safety plan; California Education Code section 67385, which requires that all public higher education institutions and Hastings College of the Law develop written procedures or protocols to ensure that victims of sexual assault receive treatment and information; and California Education Code section 67381, which requires all public and some independent higher education institutions to enter into formal agreements with local law enforcement agencies regarding the investigation of certain crimes.

<sup>14</sup> 20 U.S.C. § 1092(f), originally passed as the Crime Awareness and Campus Security Act of 1990. A 1998 amendment to the law renamed the act in memory of Jeanne Clery, who in 1986 was raped and murdered in her dorm room while a student at Lehigh University.

<sup>15</sup> Noncompliance with the Clery Act, as determined by the U.S. Department of Education, results in a \$25,000 fine.

<sup>16</sup> "Clery Act Annual Report Checklist," [www.securityoncampus.org/schools/cleryact/cleryact.html](http://www.securityoncampus.org/schools/cleryact/cleryact.html).

<sup>17</sup> [www.securityoncampus.org/schools/cleryact/checklist.html](http://www.securityoncampus.org/schools/cleryact/checklist.html).

<sup>18</sup> Heather K. Karjane, Bonnie S. Fisher and Frances T. Cullen, *Campus Sexual Assault: How America's Institutions of Higher Education Respond*, Final Report, NIJ Grant #1999-WA-VX-0008, Newton, Massachusetts: Education Development Center, Inc., 2000, p. viii.

<sup>19</sup> "Congress Provides Funding for Clery Act Compliance Handbook," Student Press Law Center News Flash, [www.splc.org](http://www.splc.org), February 14, 2003.

<sup>20</sup> "Institutions of higher education unintentionally condone victim-blaming when they circulate materials that focus primarily on the individual victim's responsibility to avoid sexual assault without balancing this risk management information with prevention education targeted toward men which stresses the perpetrator's responsibility for committing the crime." Karjane, Fisher and Cullen, *Campus Sexual Assault: How America's Institutions of Higher Education Respond*, p. xi.

<sup>21</sup> Karjane, Fisher and Cullen, *Campus Sexual Assault: How America's Institutions of Higher Education Respond*, p. ix.

<sup>22</sup> Greg Warchol, *Workplace Violence, 1992-1996: National Crime Victimization Survey Special Report*, Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 1998, p. 1.

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- <sup>23</sup> University of California (UC) campuses per Penal Code section 830.2 (b) and Education Code section 92600; California State University (CSU) campuses per Penal Code section 830.2 (c) and Education Code section 89560.
- <sup>24</sup> Penal Code sections 830.32 (a), 830.4 and 830.7 (b); Education Code section 72330; Business and Professions Code section 7582.
- <sup>25</sup> Fully sworn officers must meet training requirements established by state Police Officer Standards and Training (POST), while security officers are regulated by the Department of Justice through the Business and Professions Code.
- <sup>26</sup> California Penal Code section 679.04 (a).
- <sup>27</sup> 20 U.S.C § 1092(f).
- <sup>28</sup> Public Law 106-386 section 1601.
- <sup>29</sup> “Campus Sex Crimes Prevention Act,” [www.securityoncampus.org/congress/cscpa/](http://www.securityoncampus.org/congress/cscpa/).
- <sup>30</sup> Applies to UC and CSU campuses, the California community college system, and Hastings College of the Law.
- <sup>31</sup> Known and cited as the Kristin Smart Campus Safety Act of 1998.
- <sup>32</sup> Sometimes victims are uncomfortable contacting law enforcement for assistance before they are aware of all their options. Posting information on a webpage is an inexpensive and simple way for campus law enforcement and security departments to inform victims about alternative choices.
- <sup>33</sup> Some campuses use the term “discipline,” while others use “judicial.” This chapter uses the term “judicial.”
- <sup>34</sup> Some institutions use the term “sexual misconduct” to cover a broad range of unwanted sexual behaviors. This chapter uses the terms “sexual assault” and “sexual misconduct” interchangeably.
- <sup>35</sup> Campuses are required to guarantee specific rights to victims as established by the “Campus Sexual Assault Victims’ Bill of Rights,” Public Law 102-325 section 486 (c).
- <sup>36</sup> Compliance with this statute does not constitute a violation of the Family Education Rights and Privacy Act (20 U.S.C. § 1232g). Victims may not be required to keep the results confidential.
- <sup>37</sup> The case of *Franklin v. Gwinnett County Schools*, 503 U.S. 60 (1992) determined that sexual assault and harassment are forms of discrimination protected under Title IX.
- <sup>38</sup> “Judicial Affairs Representatives” booklet, *Campus Violence Prevention Resource Guides*, Sacramento: California Coalition Against Sexual Assault (CALCASA), 2003, p. 21.
- <sup>39</sup> This recommendation addresses a common fear that may discourage victims from reporting an incident to the campus judicial system.
- <sup>40</sup> This recommendation addresses a common fear that may discourage victims from reporting an incident to the campus judicial system.
- <sup>41</sup> If sexual misconduct complaints are rarely heard, training should also be provided prior to the handling of each case.
- <sup>42</sup> Consider using case examples to illustrate appropriate implementation of the institution’s protocol.
- <sup>43</sup> Since the tenth and newest campus, UC Merced, is scheduled to open in fall 2004, it was not included in the survey sample.
- <sup>44</sup> The CSU system is comprised of 23 campuses.
- <sup>45</sup> The California community college system is organized into 109 community colleges within 72 districts. ([www.cccco.edu](http://www.cccco.edu) ). CALCASA was unable to include all campuses in this system due to limited resources.
- <sup>46</sup> This section defines “independent institutions of higher education” as those nonpublic, higher education institutions that grant undergraduate degrees, graduate degrees or both; are formed as nonprofit corporations; and are accredited by an agency recognized by the U.S. Department of Education.
- <sup>47</sup> 34 C.F.R. § 668.46(b)(11) et seq.
- <sup>48</sup> Two campuses with college-sponsored residential programs did not include the policy statement. Two campuses without college-sponsored residential programs included the policy statement
- <sup>49</sup> One campus addressed living accommodations, but not academic accommodations, and was not counted as one of the six campuses that included the policy statement.
- <sup>50</sup> In summary, seven out of nine UC campuses included five out of five required policy statements. One UC campus did not include three of five required policy statements, while another campus omitted only one of five required policy statements.
- <sup>51</sup> All 23 CSU campuses included five out of five required policy statements.

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<sup>52</sup> This includes the one California community college campus in the sample that investigates sexual assault cases.

<sup>53</sup> This includes the two out of the 10 independent campuses in the sample that investigate sexual assault cases.

<sup>54</sup> The two campuses that have not sent an officer to training include one campus that does not employ a sworn force and does not handle sexual assault investigations; and one campus that employs a sworn force and handles sexual assault investigations.

<sup>55</sup> This includes the one California community college campus in the sample that handles sexual assault investigations.

<sup>56</sup> These are the two campuses in this sample that handle sexual assault investigations.

<sup>57</sup> Of those, 11 have a campus-based program, and two have a formal relationship with a community agency to provide victim services. Nine CSU campuses reported that they do not support a sexual assault victim services program. One CSU campus declined to provide information for the study.

<sup>58</sup> Defined as one or more departments working with campus law enforcement/security to provide prevention education, response and judicial services.

<sup>59</sup> Policy that contains a philosophical statement about the institution's response to sexual assault, sanctions for sexual misconduct violations, plans for the response system, and process for handling cases.

<sup>60</sup> This information is required to be included in each campus' annual report in compliance with the Clery Act.

<sup>61</sup> Includes both victim services and criminal or civil justice entities.