



# Task Force on Campus Sexual Misconduct Climate Surveys

Sixth Convening | March 8, 2023, 12:30-2:00 p.m.

# Agenda

1. Welcome
2. Review and Approve February 8, 2023 Meeting Minutes
3. Discussion with Amanda Robbins of Massachusetts
4. Discussion with Kathryn Kiefer of New Hampshire
5. Context of Preventing Sexual Violence in Higher Education Act by Alison Hill
6. Implementation Plan Discussion
7. Plan for Survey Building Working Group
8. Public Comment
9. Next Steps



# Review and Approve Meeting Minutes

February 8, 2023



# Massachusetts Discussion

Amanda Robbins



# Campus Climate Sexual Misconduct Surveys: Task Force Report and Recommendations

Illinois Task Force Presentation  
March 8, 2023

Amanda Robbins, Campus Safety Advisor  
MA Dept of Higher Education



MASSACHUSETTS  
Department of  
Higher Education

# *An Act Relative to Sexual Violence on Higher Education Campuses*

337 Mass. Acts 2020 (Jan. 2021) also known as the 2021 Campus Sexual Assault Law

- Focused on campus responses to sexual violence
- Applies to both public and private IHEs
- Effective Date: August 1, 2021
- Two major sections:
  - IHE Policies, Procedures & Reporting (G.L. c. 6, §168E)
  - Campus Climate Surveys (G.L. c. 6, §168D)

# An Act Relative to Sexual Violence on Higher Education Campuses, *Chapter 113 of Acts of 2019*

## **IHE Policies, Procedures and Reporting** **Chapter 6, §168E**

All IHEs located and authorized in MA must:

- Provide regular prevention & awareness programming for students and employees
- Provide training to officials involved in response, investigation and disciplinary processes
- Designate confidential resource providers
- Provide options for anonymous reporting
- Include amnesty provisions
- Require MOUs with community-based sexual assault crisis service centers and DV programs (with DHE waiver process)
- Require MOUs with local law enforcement agencies\*
- New annual reporting requirements - for IHEs and DHE

## **Campus Climate Surveys** **Chapter 6, § 168D**

All IHEs located and authorized in MA must:

- Conduct sexual misconduct campus climate survey of all students “not less than” once every 4 years.
- Within 120 days after completion and analysis of sexual misconduct climate survey each IHE shall post a summary of the results on the IHE’s website
- A DHE/ DPH task force will develop model questions and related recommendations for Commissioner review and approval
- Commissioner will issue report and recommendations for IHE use

# Campus Climate Surveys: Task Force Members

## State Officials

**Dena Papanikolaou**  
DHE Co-Chair

**Judy Benitez-Clancy**  
DPH Co-Chair

**House Representative**  
**TBD** (Rep. Ehrlich  
departure)

**Senator Michael**  
**Moore**

**Abby Eshghi**  
AGO

**Angela Davis**  
EOPSS

## Students

**Raaya Alim**  
UMass Amherst

**Ali Hagani**  
Brandeis University

**Cindy Mack**  
Bridgewater State  
University

**Cameron Glick**  
Wheaton College

## Advocates

**Hema Sarang-  
Sieminski**  
Jane Doe, Inc.

**Casey Corcoran**  
Boston Area Rape Crisis  
Center

**Gisella Zuniga**  
Center for Women &  
Community

**Genevieve Rogers**  
Every Voice Coalition

**Jennifer Goeway**  
Elizabeth Freeman  
Center

**Fahmina Zaman**  
Bridges

**Lindy Aldrich**  
Victim Rights Law  
Center

**Marienelly Vazquez**  
Pathways for Change,  
Inc.

## Institutions

**Jennifer Quinn**  
TIX Coordinator  
Worcester State  
University

**Lisa MacDonald**  
TIX Coordinator  
MassBay Community  
College

**Haydee Martinez**  
Chief of Police  
UMass Dartmouth

**Sarah Rankin**  
TIX Coordinator  
MIT

**Amy Fabiano**  
Associate General  
Counsel  
WPI

## Researchers

**Emily Rothman**  
Professor  
BU

**Megan H. Bair-Merritt**  
Professor  
BU School of Medicine

**Monnica Chan**  
Professor  
UMass Boston

**Michele Decker**  
Professor  
Johns Hopkins School  
of Public Health



# Campus Climate Survey Task Force: Charge

Task Force shall develop model questions for use by IHE in sexual misconduct climate surveys, along with related recommendations to submit to DHE Commissioner for review and approval.

- Related recommendations shall include:
  - “content, timing and application the surveys,” and
  - achieving statistically valid response rates and addressing non-response bias.
- Model questions shall include a subset of questions (taken from ARC3 survey, or the like\*) that shall generate responses related to topics including, at a minimum:
  - Prevalence of sexual misconduct on campus
  - Student knowledge / familiarity with campus practices for reporting and addressing sexual misconduct
  - Services available to victims
- Survey must also cover specific topics (ten listed in statute)
  - *i.e.*, # reported incidents, when, where incidents occurred; student awareness of IHE policies/ procedures; referrals; contextual factors (force, incapacitation); perceptions of campus safety among campus community

# Campus Climate Survey Task Force: Charge

In developing the climate survey model questions, the TF shall:

- Utilize best practices from peer-reviewed research and consult with individuals with expertise.
- Review climate surveys previously developed and utilized by IHEs.
- Provide opportunities for written comment from:
  - organizations that work directly with survivors to ensure questions are aligned with trauma-informed approach and ensure adequacy of proposed content; and
  - advocates to ensure survey impartially addresses campus sexual misconduct
- Consult with IHEs on strategies for optimizing survey effectiveness.
- Account for the diverse needs of and differences between the Commonwealth's IHEs.

# Campus Climate Survey Task Force: Commissioner's Responsibilities

- Commissioner will receive, review, and approve TF model questions
- Commissioner shall provide approved model questions and recommendations to IHEs for use.
- Provided, an IHE may develop and its own campus-specific survey if the survey:
  - includes the subset of model questions;
  - meets quality standards determined by the Commissioner; and
  - is designed to provide the IHE with data to inform policies to prevent and respond to sexual misconduct.
- Commissioner shall periodically review and make recommendations for changes to the model questions and to the content and timing of the surveys.
- TF may be revived at any time by the Commissioner
- Commissioner may promulgate any necessary regulations.

# Campus Climate Surveys: Task Force Timeline

- August 1, 2021: Effective Date of legislation
- September 15 – December 17, 2021: Task Force (TF) convened; held 5 virtual meetings
- January 7, 2022: TF received comprehensive, initial draft report for review/ comment; second, revised draft for review/comment mid-January
- January 21, 2022: TF Report feedback by members received and draft prepared for Commissioner review
- February 7, 2022: TF Report approved by Commissioner for public comment
- February 11 – March 4: TF Report posted on DHE website for public comment
- March 22, 2022: BHE discussion
- Present: Final document being prepared for Commissioner review and approval

# Task Force Recommendations

# Campus Climate Surveys: Task Force Report

## 9 Recommendations based on TF member expertise and best practices:

1. Provide IHEs with the model questions that use ARC3 as a base, supplemented and updated where needed to meet the criteria of the law and best practices in the current environment.
2. Issue policy guidance on how, consistent with the legislative mandate, IHEs can use their own surveys that meet the intent of the law and minimum quality criteria. (Guidance and process for approval in progress).
3. Advise IHEs to follow guidance as drafted in the *Generating Meaningful and Representative Results* section of report to help ensure statistically valid response rates and to address non-response bias.
4. Provide flexibility in timing of report. However, after “Red zone” (first 12 weeks of school) advised – ideally spring semester.

# Campus Climate Surveys: Task Force Report

## 9 Recommendations based on TF member expertise and best practices:

5. Advise IHEs to carefully consider frequency of surveys. While statute specifies “at least once every 4 years” TF recommends two-year cadence.
6. Provide IHEs with ideas for incentives as included in the report to help increase response rates.
7. DHE to work with IHEs to explore availability of state, federal or private, funding opportunities to help support small IHE costs of developing, conducting, analyzing and publishing survey results.
8. Require IHEs to follow best practices in their development of demographic questions.
9. Include optional bystander module and suggest IHEs use. Statute does not require this data set, but TF identified bystander intervention as one successful method of prevention.

# Implementation



# Campus Climate Surveys: Implementation

- Finalized reconciliation of report comments, including reconciliation of new federal guidance, and provide final draft to the Commissioner
- Commissioner reviewed and approved model questions and recommendations
- DHE unveiled the work of the Task Force at virtual event
- IHEs have until Jan 1, 2025 to conduct their first survey under this state law
- DHE is currently working on:
  - A potential pilot with 3-4 IHEs
  - Inputting model questions in Qualtrics QSF file
  - Developing additional guidance for utilizing an alternative survey

# New Hampshire Discussion

Kathryn Kiefer



# NEW HAMPSHIRE'S IMPLEMENTATION OF SEXUAL MISCONDUCT ON COLLEGE CAMPUSES STATUTE

Kitty Kiefer

NH Attorney General's Office

[Kathryn.J.Kiefer@doj.nh.gov](mailto:Kathryn.J.Kiefer@doj.nh.gov)

## NH CAMPUS CONSORTIUM AGAINST SEXUAL & INTERPERSONAL VIOLENCE



- Started in 2005
- 501(c)3 organization
- Brings together higher education and advocacy professionals

Consortium Mission: to provide a forum where post-secondary institutions and community partners supporting the Consortium's values can discuss, develop and implement prevention and response strategies to end sexual and interpersonal violence on New Hampshire's campuses.

## NEW HAMPSHIRE RSA 188-H: HISTORY & BACKGROUND

- Originally introduced as SB 679 by the Every Voice Coalition, based on bill from Massachusetts
- Approached NH Coalition and Consortium for endorsement; worked with Consortium to incorporate feedback
- Committee Hearing in February 2020
- Incorporated into Omnibus Bill HB 705
- Passed both chambers of the legislation this summer; signed by Governor Sununu July 20, 2020
- Effective January 2021
- Section 5 states Task Force to have first climate survey out March 31, 2021

## RSA 188: KEY PROVISIONS REGARDING CAMPUS SEXUAL ASSAULT

- Requires climate surveys to be done biennially
- Establishes a statewide task force to develop the base survey
- Requires campuses to establish Confidential Resource Advisors
- Provisions regarding awareness programs and training for individuals involved in the disciplinary process
- Statistical reporting requirements
- Requires campuses to establish MOU with local crisis center
- Requires campuses to develop protocols and procedures to work with law enforcement

## CLIMATE SURVEY & TASK FORCE

- Only sections of RSA 188-H with administrative rulemaking attached
- Large Task Force including higher education professionals, students, state agencies, NH Coalition, NH Consortium, law enforcement,
- Began meeting in spring of 2022
- Issued base survey and recommendations fall of 2022
- First climate survey conducted January through April of 2023
- Passed both chambers of the legislation this summer; signed by Governor Sununu July 20, 2020

## FIRST CLIMATE SURVEY UNDER RSA 188-H

- Differences in college and university climate surveys in the past
- Tailored a version for online institutions
- Hoping for a higher response rate
- Concerns over response rate as compared to completion rate
- Feedback from institutions and students
  - Too long
  - Invasive and intrusive
  - Mixed response to incentives



# Context of Preventing Sexual Violence in Higher Education Act

Alison Hill



# PREVENTING SEXUAL VIOLENCE IN HIGHER EDUCATION ACT P.A. 99-426


*Every student in Illinois  
deserves access to the same  
protections, regardless of where  
they go to school.*



# Preventing Sexual Violence in Higher Education Act

- ▶ The Preventing Sexual Violence in Higher Education Act became law on August 21, 2015. It requires Illinois colleges and universities to implement policies and procedures for addressing sexual violence, domestic violence, dating violence, and stalking. 110 ILCS 155/1 *et seq.*
- ▶ The Act and its reporting requirements apply to every higher education institution in Illinois.
  - A “higher education institution” means a “public university, a public community college, or an independent, not-for-profit, or for-profit higher education institution located in this State.” 110 ILCS 155/5, 110 ILCS 205/9.21.
- ▶ Each HEI’s campus or location must comply independently with the Preventing Sexual Violence in Higher Education Act’s requirements.

# History of the Law


- ▶ Passed to raise awareness and address sexual violence on all Illinois public and private colleges and universities
  - ▶ Increases protections for students and simultaneously strengthens guidelines for institutions' responsiveness
  - ▶ Applies to more than 200 higher education institutions in Illinois, including 2-year and 4-year colleges, community colleges, trade schools, and certificate programs
  - ▶ First reporting deadline was November 1, 2017 and the OAG posts compliance lists in the spring
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# LEGAL REQUIREMENTS



Preventing Sexual Violence In Higher Education  
Act

# OVERVIEW OF THE ACT

- ▶ **Comprehensive Policy**
  - ▶ Definition of Consent
  - ▶ Confidential Advisor
  - ▶ **Procedure to Resolve Complaints**
  - ▶ Separate Notification of Survivor Rights
  - ▶ Annual Student and Staff Training
  - ▶ Participation in Campus Wide or Regional Task Force
  - ▶ **Annual Report**
- 



# Comprehensive Policy

- ▶ All schools must develop a single, **comprehensive policy** concerning sexual violence, domestic violence, dating violence and stalking that includes reporting procedures and university response guidelines. 110 ILCS 155/10.
  - Provide a definition of consent that reaches minimum requirements, but institutions may establish stricter standards
    - A person cannot consent to sexual activity if unable to understand the nature of the activity or give knowing consent. This includes circumstances where the person is incapacitated due to drugs or alcohol, asleep, or unconscious.
  - The policy must state available interim protection measures and accommodations and the range of sanctions the institution can impose.
  - The institution must include an amnesty provision.

# Complaint Resolution Procedure

- ▶ Each campus must adopt a fair, balanced **procedure to resolve complaints** of alleged student violations of the comprehensive policy. 110 ILCS 155/25.
  - The same procedure must apply to all students at that campus.
  - The institution shall use a preponderance of the evidence standard.
  - Students shall receive notice of which individuals will be resolving the complaint in time to request substitution where a conflict of interest exists.
  - Students may have an advisor of their choice present for meetings and hearings.
  - Institutions may not compel a student to testify in the presence of the other party.



# Annual Training

- ▶ Annually **train students and campus employees** to improve awareness of and responsiveness to allegations of sexual violence beginning the 2016-2017 academic year. 110 ILCS 155/30(b)-(c).
  - Student trainings on consent, retaliation, reporting, resources, bystander intervention and risk reduction strategies and other topics.
  - Campus employees who could receive a report of campus sexual assault will receive trauma-informed, survivor-centered training on relevant topics.
  - In addition to the initial 40-hours of training, confidential advisors must complete 6 hours of annual training.
  - Individuals who resolve complaints must receive 8 to 10 hours of additional annual training, including training on how to resolve complaints.

# Reporting Data

## ▶ Annually report data

regarding trainings, prevention programs, incidents, reports

and complaint resolution outcomes to the Office of the Illinois Attorney General (OAG). 110 ILCS 205/9.21(b).


- All reports are due each year by November 1
- The OAG will list on its website institutions that fail to report.
- The OAG provides a template for annual reports




# Annual Report Contents

- ▶ A copy of the HEI's comprehensive policy
- ▶ The HEI's separate written notification they provide to survivors about their rights and options
- ▶ Data on campus training, education and awareness programs intending to prevent sexual violence
- ▶ Aggregate data of reports of sexual violence, domestic violence, dating violence and stalking made to Title IX coordinator, responsible employees and confidential advisors
- ▶ Aggregate data on the responses to the reports received by the HEI
- ▶ Aggregate data of the complaint resolution procedure outcomes.
  - Schools have an opportunity in their report to provide any explanation or clarification for information and data provided as part of their report


# Public Act 102-0325

- ▶ In 2021, PSVHEA amended to require annual campus climate surveys
  - ▶ Created Campus Climate Survey Task Force
  - ▶ First Task Force meeting held September 2022
  - ▶ Task Force to dissolve in 4 years
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# Task Force Requirements and Implementation Methods

- ▶ Task Force is chaired by the Board of Higher Education and consists of stakeholders, advocates, and students
  - ▶ Working to develop a base survey for distribution to HEIs and provide IBHE recommendations
  - ▶ Will collect and review survey results and may adjust climate survey for 2024, as needed based on student responses
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# HEI Requirements

- ▶ Issue survey on biennial basis
  - ▶ Must be anonymous
  - ▶ Published on HEI website:
    - Campus level survey results
    - CLERY report
    - PSVHEA report
    - Link to IBHE statewide data on climate survey data
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# Campus Climate Survey

- ▶ Number and type of incidents both reported and unreported to the HEI
- ▶ When and where incidents occurred (on campus or off campus)
- ▶ Student awareness of institutional policies and procedures
- ▶ Whether student reported to the HEI and if so, to whom
- ▶ Whether student reported to LEA
- ▶ Was student informed of or referred to victim support services including medical care, advocacy, counseling, and legal services
- ▶ Whether student received information on their rights and options
- ▶ Context of incident such as use of force, incapacitation, coercion, or drug/alcohol facilitation
- ▶ Demographic information to identify at-risk groups
- ▶ Perceptions of campus safety
- ▶ Whether student withdrew or took leave of absence from school
- ▶ Whether student withdrew from classes or placed on academic probation



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# Office of the Illinois Attorney General Civil Rights Bureau

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# Implementation Plan Discussion

Ginger Ostro & Ashley Lewis



# Plan for Survey Building Working Group

Ginger Ostro & Ashley Lewis



# Public Comment



ILLINOIS BOARD OF  
HIGHER EDUCATION