



Approved
May 3, 2023

TASK FORCE ON CAMPUS SEXUAL MISCONDUCT CLIMATE SURVEYS

Minutes – March 8, 2023

The sixth meeting of the Task Force on Campus Sexual Misconduct Climate Surveys was called to order at 12:30 p.m. via video conference as permitted by Public Act 101-0640 enacted June 12, 2020. Other IBHE staff members were present at the IBHE office.

The following Task Force members were present: Ginger Ostro (Chair), Brenda Angulo, Allison Decker, Alison Hill, Patricia Hindo, Julia Howland, Mindy Schneiderman, and Radhika Sharma.

The following Task Force members were absent: Madeleine Behr, Natalie Bennett, Elizabeth Cook, Megan Greeson, Representative Norine Hammond, Jaya Kolisetty, Jessica Magliocco, Senator Cristina Pacione-Zayas, Jasmine Roton, Kathryn Statz, Representative Katie Stuart, Nabilah Talib, Samir Tanna, Senator Jil Tracy, and Jarrett Williams.

Others present: Melissa Van (IBHE), Ashley Lewis (IBHE), and David Antonacci (IBHE).

The meeting was recorded, and the recording has been posted on the IBHE website.

A. Call to Order and Approval of Meeting Minutes

- **Call Meeting to Order by Chairperson Ginger Ostro**

Chairperson Ostro called the meeting order, explained the Open Meetings Act (OMA) protocol, and stated that the meeting would be recorded.

- **February 8, 2023 Meeting Minutes**

In order to review and approve the minutes, we needed to obtain a quorum of Task Force members. We were not able to do this at the meeting and will review these minutes at the next meeting.

B. Presentation on Massachusetts Sexual Misconduct Survey Task Force by Amanda Robbins

The Massachusetts law known as 2021 Campus Sexual Assault Law (337 Mass. Acts 2020) became effective in August 2021 and had two major sections (one of which was the campus climate survey). This law applies to both public and private higher education institutions (over 100 institutions total). Massachusetts institutions must conduct a sexual misconduct climate survey no less than every four years and institutions must post a





summary of the survey results on their website within 120 days after completion and analysis. The Departments of Higher Education and Public Health co-chaired a 27-member Task Force to create the base survey and recommendations for institutions to use. Massachusetts' Task Force determined that the model questions should resemble or be taken from ARC3 and must include the following topics: prevalence of sexual misconduct on campus; student knowledge and familiarity with campus practices for reporting and addressing sexual misconduct; and the services available to victims. Amanda said that accounting for the diverse needs of all Massachusetts higher education institutions was challenging. Institutions are allowed to use a different survey if a subset of the model questions are included, but the institution must justify that their survey meets the intent of the law and obtains the same data points. Amanda went through the timeline for the Task Force, which included five virtual meetings between September and December 2021, a task force report submitted to the Commissioner on February 7, 2022, and posting for public comment for three weeks. Task Force included nine recommendations with its model questions including using ARC3 as a base, policy guidance on implementation, recommendations for statistically valid response rates and non-response bias, and timing and frequency of the survey.

Massachusetts is currently in the implementation phase. Higher education institutions have until 2025 to conduct their first survey. A few institutions are using model questions for their first survey this semester. The Department of Higher Education is working with three or four higher education institutions to perhaps serve as a pilot. Department of Higher Education is working with Qualtrics to input the model survey for easy use for institutions that have a Qualtrics account, which takes some of the administrative burden off the institutions. Additionally, the Department of Higher Education is working on guidance for utilizing an alternative survey.

Ashley Lewis asked Amanda if she had any advice for Illinois' Task Force. She said that Massachusetts changed plans several times and finally the Department brought the plan to the Task Force for response. They had a consultant who was an expert in Title IX that helped lead the effort along with Department's general counsel.

C. Presentation on New Hampshire Sexual Misconduct Survey Task Force by Kathryn (Kitty) Kiefer

New Hampshire's Consortium Against Sexual and Interpersonal Violence started in 2005, but later became a 501(c)3 organization. Its mission is to provide a forum where community partners and postsecondary institutions can discuss and develop strategies to end sexual and interpersonal violence on New Hampshire's campuses. New Hampshire's Every Voice law (RSA 188-H) is like the law passed in Massachusetts. The bill was passed and signed in July of 2020 and become effective in January 2021. The law (section 5) stated that the Task Force must have the first survey out by March 31, 2021. This was a quick turnaround time that affected the survey's implementation.





New Hampshire's law established a statewide task force to develop the base survey and require that the climate surveys are done biennially. The law included statistical reporting requirements and required campuses to establish an MOU with a local crisis center.

Task Force began meeting in Spring of 2022 and issued the base survey and recommendations in the Fall of 2022. The first survey was conducted January through April of 2023. Researchers in New Hampshire felt very strongly about ARC3 being the best option, so the base survey is largely based on that with some modifications. New Hampshire's Task Force said that all institutions must use the same survey and conduct their surveys during the same year. However, New Hampshire did make modifications for online institutions.

Currently they are looking at the feedback from the first survey and ways to improve the base survey. The Task Force collected feedback from both institutions and students. Some issues discovered were that many institutions were hoping for higher response rates and had concerns over response rate compared to completion rate. Since demographic information comes at the end of their survey, institutions did not get racial/ethnicity or other such data on those students that quit taking the survey. Other common themes found in the feedback were that the survey was too long, invasive, intrusive, and re-traumatizing, and that there was mixed response to incentives.

Ashley Lewis asked Kitty if she had any advice for Illinois' Task Force. She said that she recommended keeping lines of communication open with nontraditional schools, such as online institutions. Also, she suggested keeping a more critical lens on whether the survey questions are invasive. Amanda Robbins from Massachusetts added that their Task Force had debate on the validity of survey instruments. She said that the Task Force discussed whether the survey is invalidated if you are picking and choosing questions from different surveys. Massachusetts did change ARC 3 questions but not without a lot of discussion and input from researchers on what that means for validity. They ended up being transparent that they did not have time to run a pilot program which would be best practice for validity purposes.

Alison Hill asked both speakers about timing and implementation of the survey and how they plan to implement once the federal survey is issued. Kitty Kiefer says that New Hampshire is moving forward and making changes to their survey after the feedback they received. They feel like they must continue forward in case things fall through at the national level. If the national survey comes through, New Hampshire plans to reconvene the Task Force to reconcile the two surveys. Amanda Robbins said that Massachusetts is also pushing forward, but the federal charge is similar to what was passed in Massachusetts. Unlike New Hampshire, Massachusetts has a four-year window to execute the first survey, so some institutions are waiting until 2025 to see if the federal survey requirements are issued.

Chairperson Ostro asked Kitty how New Hampshire's Task Force planned on changing their survey based on the feedback they received. She responded that they will be shortening the survey especially around where and when the incident took place questions. Additionally, they are looking at optional questions like "would you like to continue" to give students more ownership. Chairperson Ostro followed up to ask if New Hampshire





planned to change anything about the incentives given the feedback they received. Kitty said that they haven't gotten through these suggestions, but that they are planning to take a more balanced approach and encourage institutions to determine what meaningful incentives look like to their students.

D. Presentation on Context of Preventing Sexual Violence in Higher Education Act by Alison Hill

Alison Hill began by explaining that the law creating our Task Force amended the larger Preventing Sexual Violence in Higher Education Act, which is why it is important for the Task Force to know this background. The original Act was passed in 2015 and applies to more than 200 institutions in Illinois, including 2-year, 4-year, trade, certificate and private business and vocational schools. Illinois law is one of the strongest in the nation addressing campus sexual violence. The law increases protections for students and strengthens the guidelines for institutions' responsiveness. The law says that each school must have a comprehensive policy addressing campus sexual violence. The policy must include a definition of consent, a confidential advisor, and procedure to resolve complaints. All schools are required to produce an annual report and turn them into the Attorney General's Office by November 1.

For the comprehensive policy, the schools must develop a single policy concerning sexual violence, domestic violence, dating violence, and stalking that is easy for students to understand and includes reporting procedures and university response guidelines. Additionally, the policy must include interim protection measures, accommodations, and the range of sanctions the institution can impose. The complaint resolution procedures must apply to all students, use preponderance of the evidence standard (before this colleges could use other standards), and cannot compel student to testify in presence of the other party.

Reviewing annual reports is part of Alison's job at the Attorney General's Office. The annual report contains aggregate information from the previous year. Each annual report must contain: a copy of the institution's comprehensive policy; the written notification provided to survivors about rights and options; and data on campus training. Additionally, it must include aggregate data on: (1) reports of sexual violence, domestic violence, dating violence, and stalking on campus; (2) responses to reports; (3) complaint resolution procedure outcomes. The Attorney General's Office posts a notice on their website of institutions who do not comply with the annual reporting requirement. Alison then went over the amendment to the law that added our Task Force and its requirements.

Radhika Sharma asked if there have been any efforts to determine whether a person who has filed a Title IX complaint has ever been harassed by a person outside of the complaint. She also asked if there was any legal remedy to protect against such characters. Alison response that she hadn't heard of any of those concerns in her role. But, under the Illinois Human Rights Act there would be remedies for harassment under that act. Alison asked Radhika if the harassment she had heard about came from the school administration or peers. Radhika answered that it was peers.





E. Public Comment

- **Call for Public Comment by Chairperson Ostro**

Chairperson Ostro announced at the beginning of the meeting how to sign up to give public comment. Chairperson Ostro called for public comment and one person requested to speak. The individual asked what the relationship between our efforts and the federal Department of Education and schools' compliance efforts. Chairperson Ostro answered that we are waiting to see what the Department of Education will put out but that we already have the requirement in our statute that must be complied with. We are going to continue with the process we have until we see what requirements and instruments that the federal government releases.

F. Implementation Plan Creation

- **Implementation Plan Explanation by Ashley Lewis**

All members received a draft of the implementation plan before the meeting. Chairperson Ostro requested that members send us written feedback on that before our next meeting. Ashley explained that some recommendations came from Task Force meetings, while others were based on what was seen in Massachusetts, New Hampshire, and from an ARC3 Tip Sheet.

