



April 10th, 2019

House Education Committee: Task Force on Sexual Harm in Higher Education

Sarah Robinson, Deputy Director

Thank you for taking testimony today on sexual harm in higher education and for all your work to create equitable educational environments for students in our state. The Vermont Network Against Domestic and Sexual Violence represents 15 Member Organizations throughout the state which provide advocacy and support to victims of domestic and sexual violence. Together, these organizations served 8,550 individuals last year in Vermont and reached 14,000 youth through prevention programming in schools and other settings throughout our state. As Vermont's leading voice on domestic and sexual violence, the Vermont Network works to promote policies that support victims and survivors of violence to thrive – including policy change that impacts student survivors. We support the proposal in front of you today to create a Task Force on Sexual Harm in Higher Education.

Higher education should provide students opportunities for intellectual growth, social development and independence. For too many students, their time in college also includes experiences of sexual assault or sexual harm. Although student victims and survivors are people of all identities, sexual assault remains a gendered phenomenon that disproportionately impacts women and people who are transgender and gender non-conforming. One in five women and just over one in five transgender students are sexually assaulted.¹ Women ages 18-24 are four times more likely than women of other ages to experience sexual violence.² The impacts of sexual assault on college campuses are disproportionate to other types of victimizations - college-aged women are twice as likely to be sexually assaulted than robbed.³ For these student survivors, sexual violence that is experienced in college often has detrimental and material impacts on their educational attainment, future earnings and their overall health and wellbeing.

Despite the prevalence of campus sexual violence, only a very small number (estimated at less than 10%) of these cases are reported at all, and a smaller number still wind their way through campus judicial processes or criminal prosecution.⁴ Importantly, the prevalence of false reporting of sexual assault is extremely low. Several studies have each independently concluded that the rates of false

¹ David Cantor, Bonnie Fisher, Susan Chibnall, Reanna Townsend, et. al. Association of American Universities (AAU), Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct (September 21, 2015).

² Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Rape and Sexual Victimization Among College-Aged Females, 1995-2013 (2014).

³ National Crime Victimization Survey, 1995-2013 (2015); ii. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Rape and Sexual Victimization Among College-Aged Females, 1995-2013 (2014).

⁴ Cullen, F., Fisher, B., & Turner, M., The sexual victimization of college women (NCJ 182369). (2000). Retrieved from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice: <https://www.ncjrs.gov/pdffiles1/nij/182369.pdf>



reporting are between 2 and 10 percent.⁵ Male college aged students are more likely to be sexually assaulted themselves than to be falsely accused of sexual harm.

Like all survivors, student survivors need a range of options that respond to their needs and deserve every possible opportunity to make their own choices related to the impacts of sexual harm. The Network has identified three priority areas which pose significant difficulty for students who experience sexual harm on campus:

- **Privacy:** Survivors want and need a range of options for confidential support. Institutional policies designed to ensure sexual harm is addressed can often have the unintended consequence of compromising student privacy. This can serve as an additional violation of self-determination, and cause additional trauma. Campuses – especially at residential institutions – are very small communities and it is often very difficult for survivors to achieve any semblance of confidentiality.
- **Accountability:** Campus judicial processes are designed and intended to create justice. However, students and advocates report that sometimes these systems leave survivors of sexual violence feeling dissatisfied or even harmed – even when the process is unfolding in accordance with policy and protocol. Statutes and regulations designed to increase accountability for people who cause sexual harm can result in just the opposite. Respondents who can afford to often access expert legal representation leading to a costly and lengthy process. In most instances, respondents are usually advised to deny any wrong-doing. We often hear survivors share that what they most desire is for the person who harmed them to acknowledge what they did, and the impacts of their actions. Even when a judicial proceeding does find that sexual misconduct occurred, the process rarely offers survivors any opportunity for acknowledgement or apology.

Alternative pathways for seeking accountability, including restorative approaches, hold great promise. A few select campuses across the nation are utilizing restorative approaches with good outcomes. Restorative responses can even be helpful even when respondents are not involved. If these promising approaches aim to alter the cycle of sexual harm that is reproduced on college campuses, such efforts must center the needs of survivors, and should be offered among a range of other options including traditional judicial processes.

⁵ Lisak, D., Gardinier, L., Nicksa, S. C., & Cote, A. M. (2010). False allegations of sexual assault: An analysis of ten years of reported cases. *Violence Against Women*, 16, 1318-1334.



- **Support:** Access to specialized support for sexual harm is highly variable across institutions of higher education in Vermont. Only a small minority of schools offer trained confidential advocates, and fewer still provide on-campus sexual assault forensic exams. Students and advocates alike report that support from specialized advocates makes a significant difference in supporting the resilience of survivors as they navigate their efforts to seek justice and to heal.

I would like to address a few specific recommendations regarding S. 164:

- **Timeline:** In testimony in the Senate, the Vermont Network recommended that given the Task Force's scope of duties, the timeline for the Task Force be extended. Our recommendation is that the Task Force exist for 2 years, with a requirement for an interim report that could include actionable legislative recommendations. This will provide the Task Force with adequate time to thoroughly address its charge and also respond to Title IX rule changes that are anticipated to be finalized in 2019.
- **Composition:** The Vermont Network would like to recommend the addition of a representative from the Special Investigative Units with experience working with Vermont's post-secondary institutions. The Special Investigative Units have a long history of partnering with post-secondary institutions and are often the very best resources in Vermont communities on best practices related to trauma-informed investigations.

This is an important and tenuous moment for sexual assault survivors on campuses. There is additional attention and interest in improving campus-based responses in the wake of the #MeToo movement. Survivors on campuses across Vermont and across the country are mobilized and asking for institutions to reform investigative and judicial processes. Given Vermont's scale and existing collaborative relationships, we believe that the Task Force has great potential to highlight important innovations for campuses in our state and across the nation.