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Senate Education Committee: Sexual Harm in Higher Education

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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. 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 and live lives free from violence.

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. For these student survivors, sexual violence that is experienced in college often has detrimental and material impacts on educational attainment, and significant impacts on their overall health and wellbeing. Although student victims and survivors may be people of all identities, sexual assault remains a gendered phenomenon that disproportionately impacts women. One in five women are victims of sexual assault while in college. 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.¹

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 when dealing with 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 very easy for survivors to manage any semblance of privacy.
- **Accountability:** Campus judicial processes are designed and intended to create justice. However, students and advocates report that sometimes these processes 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

¹ 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>



who can afford to, often access expert legal representation, leading to costly processes. In addition, 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 process does find that sexual misconduct occurred, such processes rarely offer survivors any acknowledgement as part of the process.

We believe that 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 include various elements of program design and 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.

- **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.

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. There is also deep concern about proposed rule changes to Title IX that could severely weaken vital protections for survivors on campuses. For these reasons, the Vermont Network is pleased with Rep. Colburn's proposal to establish a Task Force on Sexual Harm in Higher Education. We would be happy to work with the Committee and other stakeholders on any proposed changes to the composition of the Task Force. Given Vermont's scale and existing collaborative relationships, we believe that the Task Force has great potential to highlight important innovations and support survivor-centered approaches.