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COMMONWEALTH of VIRGINIA

GOVERNOR TERRY MCAULIFFE'S TASK FORCE ON
COMBATING CAMPUS SEXUAL VIOLENCE

CHAIR ATTORNEY GENERAL MARK HERRING

NOVEMBER 19, 2014, 11:00AM

GERMANNA COMMUNITY COLLEGE, SEALY AUDITORIUM

RESPONSE SUBCOMMITTEE

DRAFT MEETING MINUTES

(pending approval at the next Subcommittee meeting)

Members Present: Jean Cheek, Daniel Dousseau, Ellen Plummer, Bill Grace, Michael Maxey, Daphne Maxwell Reid, Raychel Whyte, Stephanie Fitzgerald (designee of Peter Blake), Judy Castele

Members Not Present: Allen Groves

Staff Present: Melissa McMenemy, Elizabeth Griffin, Pam Kestner

Meeting Summary

11:09am Meeting called to order by Chair Dr. Ellen Plummer

The members of the committee and staff introduced themselves.

The presentations to the subcommittee members begin with Chief Craig Branch from Germanna Community College and president of the Virginia Association of Campus Law Enforcement (VACLEA).

Chief Craig Branch addressed the subcommittee regarding responding to sexual violence in the community college setting. Community colleges are unique ~ they have an open enrollment process, diverse population, which includes students who range in age from teenagers to 50 year-olds, and they have a multi-campus environment. Many community colleges have multiple locations in different localities and centers where classes are taught, including strip malls. Competing tasks of staff is an issue; for example, staff have more than one role in many two-year institutions. The Title IX coordinator will have additional duties and Title IX is only one aspect of their job. Two-year institutions have to do more with less. Chief Branch emphasized collaboration as being a key in response. The entire college community needs to buy into the response. For example, having a sexual assault response team (SART) on campus is important. At this time, Germanna Community College does not have a campus SART, however, Chief Branch would like to establish one. Germanna Community College is part of two local SARTs, Culpepper and Spotsylvania. Chief Branch also noted that the local law enforcement entities are not understanding campus uniqueness and the needs of the campus setting. Chief Branch

established a victim services officer in an existing security position, which provides support to victims and education to the community college system.

Chief Branch introduced Lt. Houtchins of the Germanna Community College Police Department. Lt. Houtchins has worked at J. Sergeant Reynolds Community College and has participated with the SARTs in Henrico, Spotsylvania, and Culpeper. Lt. Houtchins currently oversees the victim witness program at Germanna. She can go to the victim, assist the victim through the criminal justice process, go to court, assist with obtaining a protective order, and bring the victim back to the school. Lt. Houtchins runs the institution's RAD program for women. Ms. Cheek mentioned the importance of reaching out to the local community colleges.

Chief Branch introduced Laurel Happe, the victim services officer. Ms. Happe creates and promotes awareness activities for both the campus and local area regarding domestic violence, sexual violence, and stalking. Germanna Community College has a central online bulletin board, which is utilized for pushing information out and posting available resources for the students. Ms. Happe is working on prevention efforts, but says that it is difficult to reach all the students. Given that Germanna Community College has five campuses, events cannot always be held on each campus simultaneously. She offers in-class instruction and prevention programs for the students. Germanna Community College partners with RCASA for the Red Flag Campaign during awareness months, however this campaign will be a year-round campaign.

Chair, Dr. Ellen Plummer asked Chief Branch, Lt. Houtchins, and Ms. Happe to walk through the process from the point a call comes in regarding sexual violence, including the "next steps," and what happens with the accused. Chief Branch explains that three investigations are initiated: Title IX, an investigation with the Dean of Students, and a criminal investigation. An incident notification is distributed. The police proceed with a criminal investigation, the Dean of Students interviews the victim and determines if any special accommodations are needed, and the Title IX investigation begins. The college threat assessment team is also notified. The school tries to minimize disruptions in the accused student's learning environment. The institution can make accommodations for both the victim and the accused that can include online learning and changing campus locations. Due process is followed for sexual assault cases, interim measures are put in place until the due process hearing is finalized. If criminal charges are filed, they are referred to the Commonwealth Attorney's Office. Dr. Plummer asked about the student conduct process and how the students are notified of that process. Chief Branch explained that the student conduct process is in the student handbook; the Dean of Students provides the accused a copy of the process and policy, as well as the Title IX Coordinator. Bill Grace asked if the Title IX Coordinator position is a standalone position. Chief Branch responded that the Title IX Coordinator is the Associate Vice President of Human Resources; the Deputy Title IX Coordinator is the Assistant Dean of Student Development and handles most of the Title IX process. Chief Branch has non-sworn security officers trained in Title IX and they are assigned to the Title IX coordinator to assist with investigations. Colonel Grace asked about interacting with the Title IX Coordinator and training for Title IX Coordinators. Chief Branch said they work together and have meetings on taking proactive approaches. Time and resources are the biggest issue regarding training. They have attended DCJS' Title IX trainings. VACLEA is currently working with DCJS on campus trainings. Daphne Maxwell Reed asked if there are any services for the accused to assist them through the process as well. Chief Branch said they do not have services for the accused.

Kate McCord from the Virginia Sexual and Domestic Violence Action Alliance provided an overview of the Action Alliance, which included training, public policy, public awareness, technical assistance, and trying to increase funding to local programs. The Action Alliance runs the statewide hotline for domestic and sexual violence and receives 60,000+ calls per year. The local sexual violence programs provided 74,301 hours of sexual violence advocacy services to 5,175 adults in 2013. She explained how the Action Alliance launched the Red Flag Campaign in 2007, a bystander intervention program which Virginia State University helped them create. The Campaign was originally designed for Virginia's colleges and universities. It has since gone nationwide.

Ms. McCord discussed the recently released California Coalition Against Sexual Assault (CALCASA) report and highlighted some of the key elements from that report, even though the report mainly focused on students from traditionally underserved populations. The report noted that survivor-centered students and employees know how to access assistance, are trauma informed, understand culturally relevant issues, and offer support and follow up. A comprehensive, coordinated response (advocacy, law enforcement, academic options, forensics, legal, counseling) was recommended. The CALCASA report included obstacles to reporting. These obstacles included a lack of safe and confidential services, a lack of coordination and skills on and off campus, a lack of paid staff to support survivors, and a limited capacity to provide training or prevention programming. Ms. McCord explained local programs can offer confidential services, emergency accompaniment, improved coordination, education and training. Training topics can include bystander intervention, consent, healthy sexuality, and primary prevention initiatives.

Judy Castele presented on the local sexual violence program perspective and how Project Horizon works with three local colleges, including VMI. She explained that local rape crisis programs are confidential service providers. Project Horizon can talk with students, explain local and campus resources and the criminal justice and campus processes for reporting. In the past, Project Horizon has served 1-3 students per year. This year, they have seen 13 students since the beginning of the school year and have now added a campus services coordinator. Students see the off-campus resource as a place to go to start the process. Project Horizon would like to work with the institutions in their region on a coordinated response and encourages coordination between the local programs and the colleges and universities. Ms Castele also explained that local programs can provide education to institutions, not identifying as a student.

Connie Kirkland presented on the two-year institution response to sexual violence. Ms. Kirkland is the director of NOVA Cares and the Sexual Assault Program at Northern Virginia Community College (NOVACC). NOVACC does not have a counseling center that provides therapy on campus. They have to rely on local community programs for services for their students. Locally, there are rape crisis centers that can provide free services to victims. NOVACC has 80,000 students enrolled and 6,000 staff. They have multiple campuses in different communities. She is currently working with two community SARTs. Ms. Kirkland is teaching the two SARTs the needs of the community college, provides an understanding of their processes and federal laws, and provides information about why the institution reacts to sexual violence cases and investigates those cases the way it does. She is in process of creating a SART on the NOVACC campus, which is in the beginning stages and they are trying to determine the direction they wish to go in. NOVACC offers RAD training, has a sexual assault awareness month campaign and a take back the night program, and held the clothesline project on three of their six campuses. Daphne Maxwell Reed asked if it is possible to build partnerships with local medical facilities in order to

establish a relationship with one doctor to whom to send a victim. Ms. Kirkland explained that the only SANE nurse program in the area is INOVA Hospital and that is where victims are referred for forensic exams.

Ms. Kirkland explained that students are not sure of what the response will be when they report. A lot of cases are reported to the police and they have a lot of sexual battery reports. Reports are sent to the Title IX Coordinator and to her office. Complaints can be received through the internet, through a faculty member, the Dean of Students, and through their live safe app. She noted that the language is different in all the federal laws, which contributes to the difficulty of everyone being on the same page and using the same language. In addition, training all staff is very difficult. Ms. Kirkland mentioned that anyone who works with sexual violence in any way should have training on trauma-informed responses.

Christine Smith, the co-director of the Women's Center at Virginia Tech, presented on the four-year institution response to sexual violence. Virginia Tech has a Title IX advisory team, which is similar to a campus SART. This team is helpful with managing cases. It consists of the Dean of Students office, an advocate for the accused student, the Women's Center, Title IX Coordinator, Dep. Title IX Coordinator, lead investigators, student conduct representative, and VT police. Ms. Smith explained that their Women's Center used to be considered responsible employees and mandated reporters of sexual assault cases. Last year VT saw a 40% reduction in cases and now the Women's Center is more of a confidential resource and no longer has to file a Title IX report. They are still Clery reporters and they can be subpoenaed. The Women's Center can share non-identifying info with the Title IX team. VT will work with the local rape crisis center; however, it is 30 minutes away. Ms. Smith explain that having a trauma-informed approach leads to better results and if the victims feel supported, they may move forward with the process. Ms. Smith provided a sample of how a report may come in at VT. The example included a student reporting to a friend that she had been drinking and woke up doing something she did not want to be doing. The friend tells an RA, which triggers Title IX and Clery. A timely warning report is made. Hopefully, the victim is provided with information on the Women's Center for services. Now, the student has residence life, law enforcement, and the Title IX Coordinator reaching out to the student after that student confided in a friend about what happened. Once the Women's Center is notified, they come in and try to slow the process. Faculty and staff are happy that the center is confidential and there is a safe space for students. This is where the team approach is important; the Women's Center can go to the team and say they are meeting with a victim and can they have some space and document that victim asked for some space in the 60-day window recommended by OCR for the investigation and resolution process. The Women's Center will coordinate with the Title IX Coordinator and law enforcement about talking with the student so as not to inundate the student with emails and requests. The Office of Student Conduct hears the cases.

A challenge is how to coordinate competing investigations. Fewer students may go to law enforcement because of the mandated process through the school. Some commonwealth's attorneys are not able to take or do not want to take campus sexual violence cases. Dan Dusseau said that law enforcement may or may not be able to use the Title IX information because it may not be admissible for their investigation and they may not be able to pass it on to the prosecutor. There is not a one size fits all answer to every case. Each situation is different and unique onto itself. Ms. Smith noted that the team approach has been helpful for talking through cases. Judy Castele asked if they discussed adding someone from the local sexual assault program to the Title IX team. Ms. Smith responded that they have not yet.

Michael Maxey asked if the victim is a minor, does the response change. The subcommittee discussed that the response does change because employees of colleges and universities are required under Virginia law to report child abuse to local law enforcement. Dan Dusseau noted that there is not a safe space for those children. Dr. Plummer explained that VT has a minors policy that includes residential camps and there is clear direction on what can and cannot happen with minors. Elizabeth Griffin informed the subcommittee that the Virginia Code section on reporting child abuse and neglect is Va. Code § 63.2-1509(A)(18).

Raychel Whyte provided a student perspective that focused on her experience at James Madison University. Ms. Whyte reported that an influx of investigations has helped to de-stigmatize reporting of sexual violence on the JMU campus. JMU lacks a safe or confidential space for students to talk with someone regarding their situation. JMU does not currently have a women's center. They do have the CARE campus response, which provides a 24-hour hotline for students and offers presentations. However, they do not have any physical space; all materials are kept in dorm rooms, apartments, etc.. Bill Grace asked if the counseling office is considered a safe space. Ms Whyte responded that historically it is not seen as a safe space to talk. The center has told students it was a lot to handle and has referred students off campus for services. JMU provides education on alcohol use/abuse in an online course, but does not offer a course about healthy relationships or consent. The university is currently working on bystander intervention program related to alcohol consumption, but not on sexual violence. Students would like to feel more heard, supported, and included in the conversations on what impacts them. Improved communication is needed from the administration regarding what efforts and initiatives are being developed. Students would like administrators to attend student-led functions as a show of interest and support in the students. Policies need to keep up with the students, for example the use of social media. Staff need more training on basic terminology in working with LGBTQ students and transgender students. In addition, they need to have accurate and more detailed training on working with queer survivors, male survivors, and nontraditional survivors. A member of the audience asked if all institutions have orientations that include sexual violence. Kate McCord answered saying most trainings are a one-shot deal and are not ongoing education initiatives. Michael Maxey explained that a required academic course on sexual violence would have to be approved by the faculty and the governance of the university. Kate McCord stated that student involvement is needed in order to effect change. Raychel Whyte agreed.

Jean Cheek provided an overview of SANE nurses and forensic exams. A Sexual Assault Nurse Examiner (SANE) is different from a Forensic Nurse Examiner (FNE). A FNE will conduct exams in sexual violence cases as well as other cases that require evidence collection such as assault cases, child abuse, and domestic violence. SANEs and FNEs are typically based out of an emergency department. Some have full-time dedicated staff, some have staff working on the unit, others are on call. There are different levels of responses. A victim will come to an ER and be presented with options, which include blind reporting, medical treatment, and evidence recovery. Victims are not required to make a report to law enforcement to receive treatment or a forensic exam. Local hospitals will have to determine which locality will be responsible for the Physical Evidence Recovery Kit (PERK). A PERK exam can take as little as four hours when there is little trauma and up to eight hours when there is a lot of trauma. Each hospital is different and a response will vary based on the hospital. Many students do not want their parents to know that they were sexually assaulted or drinking alcohol, and they fearful of being charged for underage drinking. This leads to them being fearful of going forward. Ms. Cheek's hospital does not report underage drinking. Police may incidentally interact with a victim who is intoxicated and charge the victim.

Ms. Cheek has found that friends sometimes report incidents to the police or the institution, rather than the victim. Bill Grace asked if all hospitals bring in advocates. Ms. Cheek explained that Richmond has Regional Hospital Accompaniment Response Team (RHART) program and VCUHS has an advocate on staff Monday through Friday. Ms. Cheek

explained that the use of common language and explaining the college response versus the criminal response are important. Students also need

support and assistance with telling their parents.

Melissa McMenemy provided a brief overview of the Trauma-Informed Sexual Assault Investigation and Adjudication Pilot Program offered by the National Center for Campus Public Safety. This training covered a wide range of topics which included Title IX, Clery/VAWA, trauma-informed interviewing, interviewing both the victim and the respondent, due process, investigative strategies, compliance, report writing, and working collaboratively. The participants included representatives from private and public institutions and local police and prosecutors. The training was very informative for someone who is not currently working in a higher education setting. The overview of Title IX, Clery, timely notifications and the importance of collaborating in both the institution setting and with the local police, prosecutor, and local programs were especially informative.

The subcommittee members discussed possible agenda items for the next meeting. These items included hearing from counselors on campus, post-incident follow up and peer pressure post-incident, working with and supporting the respondent, conduct boards and adjudication, the mental health impact of sexual assault, LGBTQ and cultural competence, working with international students, and hearing from student survivors.

2:12pm The subcommittee approved the meeting minutes from the October 29, 2014 meeting as written

2:13pm Meeting adjourned

The next meeting is December 15, 2014, 11:00am-1:00pm