

Campus Sexual Misconduct Surveys *Task Force Report and Recommendations*



MASSACHUSETTS
Department of
Higher Education

Sexual Misconduct Climate Surveys: Task Force Report and Recommendations

Agenda

- Campus Safety Advisor, Amanda Robbins, Welcome
- Commissioner Santiago Welcome and Remarks
- Task Force Co-Chairs Remarks
- The Campus Perspective:
 - Ali Hagan, student and Task Force Member
 - Chief Martinez, Chief at UMD and Task Force Member
 - Lisa MacDonald, Title IX Coordinator and Task Force Member
 - Jennifer Quinn, Title IX Coordinator and Task Force Member
- Review of Task Force Report and Recommendations
- Next Steps
- Q&A

Review of Task Force Report and Recommendations

Sexual Misconduct Climate Surveys: Task Force Report and Recommendations

Presentation Agenda

- Overview of the Law- Dena and Alex
- Review of Recommendations- Amanda and Jenn
- Implementation Updates- Alex
- Next Steps- Amanda
- Questions

Overview

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

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

Current MA Climate Survey Landscape

- 41 (36%) institutions reported having administered a sexual misconduct climate survey since 2015
- 22 (54%) of those surveys have been conducted since 2018
- 22 (54%) of those surveys were developed in-house
- Institutions also reported use of the 360 Survey (1), AAU (3), ARC3 (1), Everfi (4), HEDS (2), and Healthy Minds (1)

Sexual Misconduct 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
MA Commission on
LGBTQ Youth & 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

Sexual Misconduct Climate Surveys

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 ARCC3 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

Sexual Misconduct Climate Surveys

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.

Commissioner's Responsibilities

- Commissioner will receive, review, and approve TF model questions
- Commissioner shall provide approved model questions and recommendations to IHEs for use.
- IHEs may develop and their own campus-specific surveys if the surveys:
 - include the subset of model questions;
 - meet quality standards determined by the Commissioner; and
 - are 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.

Task Force Recommendations

Sexual Misconduct Climate Surveys: Task Force Report and Recommendations

Recommendations

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. *(We will discuss this further later in this presentation)*
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.

Sexual Misconduct Climate Surveys: Task Force Report and Recommendations

Recommendations

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 crafting **demographic questions**.
9. Include optional **bystander** module and suggest IHEs use. Statute doesn't require these data, but TF identified bystander intervention as one successful method of prevention.

Next Steps

Implementation

- DHE seeking to input TF model questions into a commonly used/universal format survey instrument
- IHE's have until ***August 1, 2025*** to conduct first survey
- IHE's developing their own surveys will need to provide content information to DHE – more guidance forthcoming (next slides)

Implementation: Developing Own Survey

MGL 168D(d)(4) states:

*The commissioner of higher education shall review and approve the sexual misconduct climate survey model questions provided by the task force and shall periodically review and make recommendations for changes to the model questions and to the content and timing of the sexual misconduct climate surveys. In addition, the task force may be revived at any time by the commissioner. The commissioner shall provide a copy of the model questions to all institutions; provided, **however, that an institution may develop and use its own campus-specific survey if the survey: (i) is designed to provide the institution with data to inform policies to prevent and respond to sexual misconduct; (ii) meets quality standards determined by the commissioner; and (iii) includes the subset of model questions described in paragraph (2).***

Implementation: Developing Own Survey

DHE initial guidance: *An IHE wishing to develop their own survey must:*

(1) certify that its survey:

- *is designed to provide the institution with data to inform policies to prevent and respond to sexual misconduct;*
- *meets quality standards determined by the commissioner; and*
- *includes the subset of model questions described in paragraph (2) [of the statute]*

AND TO

(2) provide a narrative, chart, or other explanatory material setting out the basis for the IHE's certification of these three things.

Sexual Misconduct Climate Surveys

Implementation: Developing Own Survey

Paragraph 2 of the statute: *The sexual misconduct climate surveys shall gather information on topics including, but not limited to:*

- (i) the number of reported and unreported incidents of sexual misconduct at the institution;*
- (ii) when and where incidents of sexual misconduct occurred;*
- (iii) student awareness of institutional policies and procedures related to campus sexual misconduct;*
- (iv) whether a student reported the sexual misconduct and, if so, to which campus resource the report was made;*
- (v) whether a student was informed of or referred to local, state, campus or other resources or victim support services, including appropriate medical care and legal services;*
- (vi) whether a student was provided with information about resources for protection from retaliation, access to school-based supportive measures and civil justice and criminal justice remedies;*
- (vii) contextual factors, such as whether the incident of sexual misconduct involved force, incapacitation or coercion;*
- (viii) demographic information that could be used to identify at-risk groups; and*
- (ix) perceptions of campus safety among members of the campus community and confidence in the institution's ability to protect against and respond to incidents of sexual misconduct.*

Federal Legislation Re: Campus Climate Surveys

- FY2022 Federal spending bill includes a new federal mandate:
 - Will require all institutions that receive federal aid (i.e., Title IV) to conduct campus sexual misconduct surveys every **2 years**.
 - Also requires USDOE to set up a task force to identify and develop standard questions that all institutions must ask in their surveys, using 11 criteria
- DHE initial analysis suggests that:
 - There are no conflicts with the federal law, the state law and the Task Force's recommendations
 - Federal law strengthens some of the recommendations in the report -- *e.g.*, every 2 years; including bystander intervention questions (currently optional) – while also potentially leaving some gaps
 - Not all IHEs participate in Title IV

2021 Campus Sexual Assault Law Implementation Update

IHE Policies, Procedures & Reporting (G.L. c. 6, §168E)

Under M.G.L. c. 6, §168E IHEs are required to:

- 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
- **Adhere to annual reporting requirements**
- **Enter into, or request waivers for, agreements with community-based DPH-funded sexual assault crisis service centers and domestic violence programs**
- **Enter into MOUs with local law enforcement agencies (LEAs)**

2021 Campus Sexual Assault Law

Annual Reporting Requirements

Annually, not later than December 1, each institution shall prepare and submit to the department of higher education a report that includes:

- the total number of reports of sexual misconduct reported to the institution's Title IX coordinator by a student or employee of the institution against another student or employee of the institution
- the number of reports made by a student or employee of the institution against another student or employee of the institution investigated by a local or state law enforcement agency, if known
- the number of students and employees found responsible for violating an institution's policies prohibiting sexual misconduct
- the number of students and employees found not responsible for violating an institution's policies prohibiting sexual misconduct
- the number of disciplinary actions imposed by the institution as a result of a finding of responsibility for violating an institution's policies prohibiting sexual misconduct

The department of higher education shall analyze the incident data and shall publish an **annual report containing aggregate statewide information** on the frequency and nature of sexual misconduct at institutions.

Annual Reporting Portal: 6 Sections

- CSVP Contacts
- Incident Data (M.G.L. c. 6. § 168E(q))
- Jurisdiction / Applicable LEAs by Campus
- LEA MOU Status Update
- SACSC Registration/Waivers & Status Update
- Additional Information – prior IHE climate surveys, informing DHE where technical assistance would be helpful, etc.

DHE Sexual Misconduct Data Portal Focus Groups

- June 16, 10:00 am – Noon

Registration Link:

<https://us02web.zoom.us/meeting/register/tZlqc-CprjwqG9UEE6ikjTOL5htzDmoLS3C1>

- June 23, 1:00 pm – 3:00 pm

Registration Link:

<https://us02web.zoom.us/meeting/register/tZ0rdu6grzwjG9eagLS1RbhoGVnKD6mJExs5>

Questions?

For more information, contact:

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