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Securing Our Future:  
Best Practice Recommendations for Campus  
Safety and Violence Prevention

A Report Presented to the  
Massachusetts Board of Higher Education



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## Executive Summary

Amongst its numerous obligations to students, families, and the Commonwealth as a whole, the Massachusetts Board of Higher Education (BHE) is charged with advancing campus safety and violence prevention for the public and private institutions under its purview. Since 2008, when the BHE first commissioned a campus safety study in the wake of the Virginia Tech shootings, the issue has only grown as an urgent, and challenging, priority for institutional and state leadership. Against the backdrop of legal, administrative, and even moral obligations, the challenges that each institution faces to ensure safety and security must constantly be balanced with the needs of an open and welcoming community of learners, one that allows for the free flow of individuals and ideas. Protecting students, faculty, staff, and visitors from any violence that they may encounter – whether from a stranger with a gun, or from a peer at a party – is foundational and essential if we expect the campus community to thrive and succeed in an academic environment.

This report encompasses more than a series of recommendations related to campus safety and violence prevention, with a focus on active shooter and sexual violence risks. By building off of prior studies, work done across the campuses, national best practices, and emerging research, its overall theme is to focus on practical, fair, and transparent ways to protect our campus communities, especially the Commonwealth's 29 public institutions, from an array of harms. While the report reflects a moment in time and is responsive to the current focus on active shooter and sexual violence incidents in institutions of higher learning, it also reflects the need to have nimble and flexible capabilities for whatever present and future harms our institutions may face. Our goal is to identify the baseline needs and governance structures required to provide for the overall wellness of students, campus employees, and the higher education system as a whole.

The wellness of our system is dependent on recognizing individual and collective institutional challenges, as well as the disparate experiences each community encounters. There is no single “one size fits all” campus safety solution for institutions of higher learning; they serve both residential and commuter students and are diverse in terms of geographic locations, operating structures, and available resources. Yet, we also recognized - after careful consultation, site visits, and progress reports - that a strategic roadmap and baseline capability recommendations could provide these institutions with the best way forward for the safety and security challenges they face today and will into the future.

A variety of underlying themes animated the findings and recommendations in this report:

- *Higher Education is different:* Campus safety and violence prevention demands must be balanced with the overall philosophy of institutions of higher education. Campuses are quite different from airports or federal buildings. Their openness makes them, inevitably, soft targets but for all the right reasons: a desire to remain open to a wide variety of individuals, ideas, and even disagreements. Any safety and security apparatus must focus on minimizing risks and maximizing defenses to protect the community, but must also maintain the special status these institutions have in our society.
- *Governance is key:* The necessity of providing safe and secure environments goes well beyond tactical or procedural requirements. A number of the report's recommendations focus instead on providing guidance on the best governance structures at the system, segmental, and

institutional level that can provide coordinated approaches to protect the wellness of our communities.

- *Ownership must be shared:* The “silos” that exist between those charged with campus safety and violence prevention – either traditional law enforcement or staff involved with sexual violence complaints – and the leadership structures of each institution continue to persist. Safety and security, to be effective, must be “owned” by the entire community.
- *Flexibility for the future:* From the physical campus layout to the diversity of the student body, the range of demands on 29 different institutions of learning requires respect and deference to each institution’s unique culture and experience. A focus on baseline capabilities, campus climate surveys, and best practices in this report is intended to allow for each institution to prioritize its policies in light of specific needs. It also allows for adaptation to new potential threats in the years ahead.
- *Do not reinvent the wheel:* The Commonwealth’s institutions have done tremendous work in this arena and since the last study of this nature conducted in 2008. Mechanisms to share these best practices must be institutionalized to promote unity of effort, lower costs, and minimize redundancies. We also recognize Massachusetts is not alone. This report highlights national research and lessons learned from other higher education systems.
- *Communication gaps foster perception gaps:* A key finding of this report is the disjoint between the significant efforts to communicate information related to campus safety and violence prevention and what students are retaining or accessing. This report, therefore, puts greater focus on transparency, communicating information in a way that students will retain, and elevating safety and security into a “whole of community” effort.
- *Funding is, always, relevant:* Funding to support some of the recommendations is an important concern. Many safety and security assessments demand increased investment by institutions that are already facing budgetary constraints. While this report respects those challenges, acknowledgment that a long-term and diverse funding strategy to support top priority investments is critical. This report hopes that by understanding and documenting where individual institutions may fall behind peer institutions or national standards, existing resources can be directed strategically. It is important that a well-rounded blueprint for implementation include conversations among policymakers, institutional leaders, and the community to work collaboratively on achieving increased financial support. As such, this report acknowledges that expenditures alone will not make campuses safer and gives equal weight to the need for better governance, improved communication, and enhanced protocols.

The report that follows provides a roadmap for the array of situations that can occur, from random violence to an intimate interaction that crosses a threshold. It is not intended to be overwhelming, but to affirm our shared value that the wellness of our institutions of higher education begins with the safety and security of its community.

The remainder of this Executive Summary provides a highlight of the process undertaken to produce this report; a snapshot of the current state of campus safety and violence prevention, nationally and among the Commonwealth's public institutions; a summary of recommendations to equip our institutions for current and future safety and security challenges; and an overview of next steps in this process. A more detailed look at each section can be found in the body of the report.

### **Project Process and Approach**

The BHE has long recognized campus safety and violence prevention as a priority for the Commonwealth's system of public higher education and has worked to assess, develop, implement, and maintain policies, plans, and practices that address the current risk environment. The BHE has had ongoing discussions on this topic, and based on research and conversations with its constituent institutions and their stakeholders, has chosen to focus its current efforts on two distinct but equally important risks: active shooter and sexual violence.

To effectively address these two primary focus areas for evaluation and enhancement, the Commissioner of Higher Education assembled a Campus Safety and Violence Prevention Task Force ('Task Force') consisting of experts from around the state to include higher education Presidents, Campus Police Chiefs, Title IX Coordinators, and student leaders; representatives of the Commonwealth's executive branch and agencies; and community based practitioners. For a complete list of Task Force members, please see pages 3 & 4.

Through a coordinated effort, the Task Force was charged to assess existing policies and practices on campus safety and violence prevention and, guided by research on national best practice, make recommendations to help enhance public and private higher education institutions' efforts to properly identify, prevent, and respond to campus violence, with a special focus on sexual violence.

### **Current State of Campus Safety and Violence Prevention**

To begin, the BHE and the Task Force recognized the importance of first assessing existing policies, plans, and practices in campus safety and violence prevention at the Commonwealth's public institutions of higher education. In order to accomplish this, TSG Solutions, Inc., the consultants for this project, worked with the Task Force to develop and execute a statewide survey of the 29 public institutions, followed by site visits/interviews with a sample of selected institutions.

One component of this task was to evaluate the status of a report commissioned by the BHE in 2008, entitled *Campus Violence Prevention and Response: Best Practices for Massachusetts Higher Education* (referenced from here as the '2008 report'), which made recommendations for enhancements in prevention, response, and recovery in the areas of campus violence, specifically active shooter. Given the time that has elapsed since this report was published, during which not only has the risk environment changed but so has the approach to prevention/mitigation and response to an active shooter incident, the BHE opted to take another look at this critical issue. Therefore, the 2016 survey was designed in part to ascertain the implementation status of the 2008 recommendations to better understand areas of progress and also to identify challenges with implementation (e.g., policy restriction, cost/budgetary limitation, technology limitation, not applicable, and/or lack of personnel/resources).

What the survey results reveal is that much progress has been made over the last eight years. An overall analysis concludes that of the 27 recommendations made in the 2008 report, we have seen progress towards implementation in almost every area. Where there were obstacles to implementation, the most common reason was funding and/or lack of personnel resources. Some of the more prominent examples of progress are in the areas of planning and prevention, communications, and law enforcement response; for example:

- Nearly all of institutions (93%) now share emergency protocols with the campus community such as making it available on their website; and most (89%) include the topic of safety and security in student orientation.
- In terms of technology, there was a significant increase in the number of campuses that have the ability to remotely lock down some or all doors on campus in an emergency<sup>1</sup>; as well as an increase in the number of institutions that utilize video security as a tool for prevention/deterrence, situational awareness, and investigation.<sup>2</sup>
- Communications is another area of progress, with more campus police/public safety departments reporting that they have the ability to communicate with other responding agencies in an emergency; and 100% of the institutions participating in the survey have a mass notification system that can notify their campus community(ies) of an emergency in various ways. The methods of notification (i.e., text, voice call, email, public address system, social media, etc.) varied.
- Additionally, enhancements were made in equipping campus police/public safety departments with the training and tools necessary to prepare for and respond to an active shooter incident, such as annual active shooter training for officers, arming of officers, and door breaching tools that are accessible in an emergency.

These results substantiate that the 2008 report was a solid document for its time. The survey and research findings provided an important baseline for the Commonwealth in its planning efforts, and the 2008 recommendations have served as a guidance tool for institutions to implement enhancements in the area of active shooter/emergency management. The recommendations that follow in this 2016 report build on that progress to advance current efforts and provide a strategic plan that is adaptable to the rapidly changing higher education risk environment, including in the area of sexual violence.

In regards to sexual violence, a topic that was not addressed in the 2008 report, the 2016 survey results largely tell us that our public institutions are working diligently to adapt to federal regulations and guidance. A significant step in this direction was made with the development and adoption of segmental affirmative action plans that directly address sexual violence and Title IX procedures.

The site visits to selected institutions also revealed two components that can have a major impact on the “success” of a sexual violence prevention and response program:

- *Engagement and support from the institution’s leadership.* Some of the most successful initiatives and programs at the institutions visited were incorporated into the school’s overall

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<sup>1</sup> From 25% in 2008 to 68% in 2016.

<sup>2</sup> From 46% in 2008 to 89% in 2016.

strategic plan for campus safety and violence prevention. Being elevated to this level was a direct result of an Administration and/or Board of Trustees that fully support and/or have an active role in guiding these efforts. Too often it is sidelined from the core planning; it must be elevated and recognized as a shared responsibility.

- *Educating students on ways in which to prevent and report sexual violence, as well as on the institution's policies and procedures on investigating and responding to such violence.* One of the most interesting findings of the site visits was the apparent disconnect between the administration and the students. For the most part, institutions are providing adequate information to students regarding emergency protocols, to include active shooter, as well as information related to the prevention and reporting of, and response to, sexual violence; but students are not retaining that information for a variety of reasons. Students listen and learn in different ways, which requires the administration to (1) find out exactly the ways in which their student body does listen and learn, and (2) think outside of the box to effectively reach them. While this report does include some ideas on how to accomplish this, such as utilizing active theatre and/or classroom based education delivered by faculty, the methods employed at each institution should be based on what works specifically for their unique student body.

In the Commonwealth, and nationally, institutions are heeding the recommendation from the White House Task Force to Protect Students from Sexual Assault to utilize campus climate surveys as a tool to identify the particular needs of their campus communities. Such surveys promote awareness of the topic of sexual violence and result in data that educates the institution, and its community, about the way in which the problem manifests itself at the institution. This is important, because no two institutions are exactly alike.

National research (including the results of climate surveys) and our survey and site visits provided insight into many other noteworthy points that factored into the discussions over the last couple months among the Task Force, two of which should be noted here:

- *The incidence of sexual violence is widespread and no campus is immune.* 1 in 4 to 5 female undergraduate students of residential colleges or universities are sexually assaulted during their undergraduate experience.<sup>3</sup> At non-residential community colleges, types of sexual misconduct tend to differ than at a four-year residential institution, and more often include incidents of harassment, stalking, and domestic violence.<sup>4</sup> And although much of the attention has been on institutions of higher education, it is pertinent to the discussion to acknowledge the occurrence of sexual violence in high school, or even earlier. The Centers for Disease Control (CDC) estimates that approximately 1 in 6 boys and 1 in 4 girls are sexually abused before the age of 18, and 35.8% of sexual assaults occur when the victim is between the ages of 12 and 17.<sup>5</sup> There

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<sup>3</sup> Krebs, C.P., Lindquist, C.H., Berzofsky, M., Shook-Sa, B., Peterson, K., Planty, M., Langton, L., & Stroop, J. (January 2016). *Campus Climate Survey Validation Study Final Technical Report* (funded by the Office on Violence Against Women, Washington D.C.) (hereinafter cited as the "CCSVS Report"); Cantor, D, Fisher, B., Chibnall, S. Townsend, R., Lee, H., Bruce, C., & Thomas, G. (September 2015). *Report on the Assoc. of American Universities Campus Climate Survey on Sexual Assault and Sexual Misconduct* (hereinafter cited as the "AAU Study").

<sup>4</sup> Association for Student Conduct Administration. (April 18, 2015). *Community Colleges and Sexual Misconduct: Unique Challenges and Opportunities*.

<sup>5</sup> American Psychological Association. (February 19, 2014). *Child Sexual Abuse: What Parents Should Know*.

Referenced at: <https://www.nsopw.gov/en/Education/FactsStatistics#reference>.

has also been a growing focus on how, and the degree to which, such violence affects members of the LGBTQ community and students with disabilities.

- *There is an overlap between sexual violence and alcohol (or substance) use.* Heavy drinking, including binge drinking and extremely rapid ingestion of alcohol (more likely to cause “blackout drunk” states in which an individual may appear cognitively functional but is not) is common, especially at residential institutions. Alcohol use does not cause sexual violence, nor does it excuse it, but the correlation between sexual violence and one or both parties being under the influence of, or incapacitated by, alcohol is high. Prevention programs focusing on the intersection of these phenomena are emerging as a “best practice” in this area, as is the establishment of amnesty policies (i.e., policies that make it clear that the institution prioritizes claims of sexual violence, and will have discretion not to discipline a sexual assault victim or witness for infractions of alcohol/substance abuse policies).

For a national picture of both active shooter and sexual violence statistics, trends, and best practices and promising programs, please see the National Best Practices Research section on page 37.

## **Summary of Recommendations**

The recommendations put forth by the Task Force are designed to provide a strategic roadmap that can be utilized by a variety of stakeholders engaged with institutions of higher education to address the current and anticipated future challenges of campus safety and violence prevention, with a particular focus on active shooter/emergency management and sexual violence.

The recommendations are divided into three primary categories, or topic areas: cross-sectional, active shooter/emergency management, and sexual violence recommendations. For each we present overarching guiding principles and baseline capabilities that are necessary to adequately plan/prepare for and respond to issues related to campus safety and violence prevention. More prescriptive recommendations and/or examples of how to achieve the baseline, and beyond, for an optimal level of preparedness, are included with each baseline capability. Greater detail for each recommendation can be found in the Recommendations section of the report.

### **Cross-Sectional Campus Safety and Violence Prevention Recommendations**

The Cross-Sectional recommendations are those elements of a campus safety and violence prevention strategy that can be applied to all areas addressed in this report. These recommendations, following the principle of a ***Coordinated, Collaborative Approach***, will support the foundation of a comprehensive strategy and corresponding implementation plan.

#### **Guiding Principle 1: Coordinated, Collaborative Approach**

There are a variety of stakeholder groups that make up the higher education apparatus. At each level, there has to be a commitment to the collective goal of ensuring safe and secure campuses, as free from violence and like disruptions as possible. There also has to be a level of accountability among the ranks to ensure the capabilities we work to achieve are supported as they continue to evolve, adapt, and mature, as required by the changing risk environment. Therefore, the Guiding Principle here is essential: to take a ***Coordinated, Collaborative Approach*** to campus safety and violence prevention that reflects the fundamental duty to protect, cognizant of the needs and financial constraints of each institution.

The baseline capabilities required under this principle focus on different stakeholder groups and different levels of the higher education system to accomplish the overall goal. They are as follows: Active, Coordinated Approach at the System Level, Strategic Planning Process at the Institution Level, and On-Campus Resources and External Partnerships.

<b>Active, Coordinated Approach at the System Level</b>	
1.1	Provide a centralized resource to advance campus safety and violence prevention initiatives
<b>Strategic Planning Process at the Institution Level</b>	
2.1	Elevate Board of Trustees engagement
2.2	Establish a cross-divisional committee at the institution level
2.3	Increase visibility and accessibility of Campus Police/Public Safety Officers
2.4	Focus on training and awareness efforts to reach students effectively
<b>On-Campus Resources and External Partnerships</b>	
3.1	Provide access to appropriately trained counselors on campus and/or in the community
3.2	Provide access to mental health professionals trained in identifying, assessing, treating, and managing individuals at risk of perpetrating violence
3.3	Provide access to substance abuse resources for students, faculty, and staff

## Active Shooter / Emergency Management Recommendations

The Active Shooter/Emergency Management recommendations focus on the principles of Planning, Communications, and Response; efforts that a system and/or institutions should focus on to adequately prevent, mitigate, respond to, and recover from an emergency. While the focus is on active shooter/active threats, some tenets of the recommendations can also be applied to a broader all-hazards, emergency management approach.

### Guiding Principle 1: Planning

A critical component of any campus safety and violence prevention program is Planning. Each institution should conduct an individual assessment of assets, the particular risks that may impact those assets, and the current countermeasures in place to prevent, mitigate, respond, and recover. Where there are gaps or vulnerabilities, solutions should be identified as part of the planning process. The statewide survey results as well as the site visits and interviews conducted with the sample institutions show tremendous work has been done, but that some gaps still exist in this area and efforts must be continually maintained.

The baseline capabilities required under the **Planning** principle are as follows: Policies and Protocols, Prevention Efforts, Education and Training, and Electronic and Physical Security.

<b>Policies and Protocols</b>	
1.1	Develop, implement, and maintain a comprehensive emergency operations plan
1.2	Create a multi-disciplinary campus emergency operations team
1.3	Attain state accreditation for campus law enforcement
<b>Prevention Efforts</b>	
2.1	Establish and train a campus behavioral threat assessment and management team
2.2	Establish a central point of contact for reporting suspicious behavior
2.3	Actively engage with local law enforcement and intelligence groups
2.4	Employ social media review services
<b>Education and Training of Students, Faculty, and Staff</b>	
3.1	Provide active shooter training for students, faculty, and staff
3.2	Develop active shooter awareness campaigns
<b>Electronic and Physical Security</b>	
4.1	Evaluate the use of electronic security systems and door locking hardware
4.2	Explore additional technology options
4.3	Adopt building security design using Crime Prevention through Environmental Design

**Guiding Principle 2: Communications**

Once an incident does occur, the response tactic is highly dependent on the nature and parameters of the emergency. One thing that is certain, communication is key. There are various groups to consider: the campus community, essential personnel/emergency operations team, first responders, families, other stakeholders, and the public. Institutions must outline the plan and protocols, as well as identify the systems and equipment available, for communicating with these groups before an incident occurs. While this can be considered Planning as well, how you execute these efforts can make the difference between a manageable situation and a critical event.

The baseline capabilities required under the **Communications** principle are as follows: Mass Notification Process, Internal Communications, and External Communications.

<b>Mass Notification Process</b>	
5.1	Use various modes of communication to reach the campus community in an emergency
5.2	Develop preset messages for rapid release
5.3	Establish a clear process and policy for authorization
<b>Internal Communications</b>	
6.1	Follow the National Incident Management System and Incident Command Structure
6.2	Develop and maintain key personnel emergency contact sheets
<b>External Communications</b>	
7.1	Ensure radio interoperability with local law enforcement partners
7.2	Develop a communications plan for outside the immediate campus community

**Guiding Principle 3: Response**

The Commonwealth’s public institutions of higher education are very diverse in the structure, size, and mission of their campus police/public safety departments. Regardless of those differences, there must be a baseline level of service available to ensure the safety and security of the campus community. In this regard, we must focus on the readiness of law enforcement to execute plans and respond effectively.

The baseline capabilities required under the **Response** principle are as follows: Law Enforcement Training, Law Enforcement Equipment, and External Resources.

<b>Law Enforcement Training</b>	
8.1	Adopt a foundational training and response approach to active shooter
8.2	Conduct additional training specific to active shooter response
<b>Law Enforcement Equipment</b>	
9.1	Ensure access to proper response equipment
9.2	Ensure adequate training on all equipment
<b>External Resources</b>	
10.1	Establish written agreements with local and state first responder agencies
10.2	Share information resources with campus, local, state, and federal partners

## Sexual Violence Recommendations

The Sexual Violence recommendations focus on the principles of Prevention, Reporting, and Response, and identify ways in which institutions can implement these principles. The overarching goal is to: heighten their communities’ awareness of sexual violence, decrease its incidence, facilitate reporting, and enhance the efficacy of their response, from the perspective of all parties as well as of the institution. Efforts to meet these goals must occur in compliance with applicable regulations and due process standards. A commitment to the achievement of these goals will enable institutions not only to meet compliance requirements but also to develop and hone what are emerging as best practices in this area.

### Guiding Principle 1: Prevention

A critical component of any program that addresses sexual violence is prevention. The U.S. Department of Education’s (DOE) Office of Civil Rights (OCR) has urged institutions to engage in awareness and prevention programs in its guidance documents, and has required this in the resolution agreements with various institutions. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act regulations also specify that institutions must engage in awareness campaigns (on the subjects of sexual assault, dating violence, domestic violence, and stalking) targeted at students and employees, and must offer primary, as well as ongoing, prevention programs that are “culturally relevant and inclusive of diverse communities,” and must include information about safe and positive options for bystander intervention.

The baseline capabilities required under the **Prevention** principle are as follows: Strategic Planning, and Awareness and Training.

<b>Strategic Planning</b>	
1.1	Create a team focused on the prevention of, and response to, sexual violence
1.2	Conduct campus climate surveys
1.3	Obtain additional student input and encourage student engagement
1.4	Consider practical ways in which to address the prevalence of alcohol on residential campuses
1.5	Implement a policy regarding minors on campus
<b>Awareness and Training</b>	
2.1	Provide training to promote awareness and increase prevention in a variety of ways, at different times
2.2	Provide training to faculty, staff, and volunteers
2.3	Include information regarding the LGBTQ community and students with disabilities
2.4	Engage male students, male athletes, and Greek Life members
2.5	Strive to make training mandatory
2.6	Educate students about the relationship between alcohol/drugs and sexual violence
2.7	Train those interacting with minors on campus

**Guiding Principle 2: Reporting**

Studies concerning the reporting of sexual assault generally, as well as recent college and university campus climate surveys, indicate that sexual violence is significantly underreported. Therefore, a primary goal of an educational system, as well as its individual institutions, should be to identify and eliminate the barriers to reporting. The institution should provide clear, widely disseminated information on reporting options, and those options should be designed with an eye towards mirroring the diversity of the population for which they are available.

The baseline capabilities required under the **Reporting** principle are as follows: Clear Reporting Methods and Communication.

Clear Reporting Methods	
3.1	Clarify Confidential Employee and Responsible Employee
3.2	Expand access to confidential resources
Communication	
4.1	Communicate sexual violence reporting options in a variety of ways
4.2	Consider the particular needs of international students

**Guiding Principle 3: Response**

The institution’s response to sexual violence has two components. First, it is essential that a survivor be provided with appropriate and culturally sensitive resources, including counseling and academic support, as well as whatever residence, transport, schedule, or other modifications are warranted either as interim measures or on an on-going basis. Counseling and other support services for accused students and other students who may be affected by sexual violence should also be provided. Second, and of equal importance, the institution must provide a process for investigating and resolving complaints of sexual violence that is prompt, thorough, and impartial, and in compliance with applicable regulations and DOE/OCR guidance.

The baseline capabilities required under the **Response** principle are as follows: Internal Resources and External Resources.

Internal Resources and Process	
5.1	Provide survivors of sexual violence with access to a variety of resources
5.2	Provide accused individuals with access to a variety of resources
5.3	Provide other affected individuals with access to appropriate resources
5.4	Ensure investigators have the appropriate training and time to investigate complaints
5.5	Ensure a prompt, thorough, and impartial complaint process for all parties
External Resources	
6.1	Form partnerships with off campus partners

## **The Way Forward**

As is described in the opening pages of this Executive Summary, and repeated throughout this document, there is no one size fits all solution for our institutions. There are certainly areas where we would benefit from guidance and overarching policies at the system level, as well as plans and procedures designed and developed at the segmental level, but overall it is up to the individual institutions to determine how best to implement the enhancements recommended in this report. The Guiding Principles are just that, they are a guide; they are concepts to work towards, with various ways to get there. And then there are the baseline capabilities that go one step further. They represent what we consider necessary elements of a comprehensive campus safety and violence prevention program and should, at some level, in some capacity, be part of the strategic plan for the system as a whole, at the segmental level, and/or at each institution. In some way or another, directly or indirectly, the baseline capabilities must reach each and every campus.

The recommendations for implementation are ultimately the way to “get there”, to achieve our objectives of safer and more secure campus communities, lessening the occurrence and impact of violence. While we are not prescribing that these are the only way, they are what we have found, through this process and as a result of the Task Force’s collective expertise, to be the most common, most effective, and most efficient means (i.e., best practices and promising programs) to meet the baseline capabilities, guided by overarching principles.

The recommendations presented vary in the level of effort required for implementation. Additional funding will be needed to support some of the key recommendations, while many of the recommendations will require policy changes or program enhancements, such as training and awareness, that will rely on leadership, coordination, and nominal financial resources. Others will require a long-term investment strategy to support equipment, staff, and/or system enhancements. What this report strives to do by presenting the recommendations in this manner is outline options, remembering again that one size does not fit all; it does not fit all campus needs, institutional structures, or budgets and resources.

This report is not the end. Additional discussions must be had and work must be done to navigate this roadmap. And it must be a collaborative effort, utilizing and building on the planning tools and structures already in place at the system, segmental, and institutional levels.

## I. Introduction

Campus safety and violence prevention is a critical component of successful and flourishing academic and educational programs. There is a delicate balance between maintaining the open and welcoming learning environment that institutions of higher education are known for and ensuring the safety and security of the campus community. Through the years we have seen a continuously changing risk environment on our campuses, from the threat of natural disasters to that of manmade incidents, evoking an adaptive approach to address such risks by campus administrators, policy makers, law enforcement officials, and service providers.

We can trace the evolution of national policies, plans, and practices back to significant trends and events in recent history that required a change in strategy to ensure the safety and security of the campus community. For example, the mass shooting at Columbine altered law enforcement's tactical strategy for active shooter incidents; the shootings at Virginia Tech highlighted the need to establish behavioral threat assessment teams to identify and manage students, faculty, and staff of concern on campus; the incidents involving minors at Penn State uncovered a policy area, minors on campus, that had previously gone largely unaddressed; and the multitude of sexual violence cases that have come to light in recent years, along with the investigations initiated by the U.S. Department of Education's (DOE) Office of Civil Rights (OCR), have at last forced a long overdue review of higher education policies and procedures for prevention, reporting, and response.

In this ever changing environment, systems of higher education and campus communities must be able to take proactive steps to mitigate risk and adapt as needed. This requires regular review and revision of policies, plans, and practices, both at a system level as well as an individual institution level. The Massachusetts Board of Higher Education (BHE) recognizes this and has risen to the challenge. This report delineates the process by which the BHE took on the issue of campus safety and violence prevention and the recommendations that have resulted.

### A. Background

The 13-member BHE is the statutorily created agency in the Commonwealth of Massachusetts responsible for defining the mission of and coordinating the Commonwealth's system of public higher education and its institutions. The BHE works to create and maintain a system of public higher education which provides Massachusetts citizens with the opportunity to participate in academic and educational programs for their personal betterment and growth, to contribute to the area's existing base of research and knowledge, and to contribute to the Commonwealth's future economic growth and development. The Massachusetts Department of Higher Education (DHE) is the staff responsible for executing the Board's policies and day-to-day operations.

In order to create an environment in which these educational goals can be achieved and flourish, campus safety and violence prevention must be an integral part of the process. The BHE has long recognized this as a priority for the Commonwealth's system of public higher education and has worked to assess, develop, implement, and maintain policies, plans, and practices that address the current environment. As discussed previously, this can include an array of potential risks that could affect an individual institution and its assets, or the system as a whole, and that may require dedicated efforts, at various levels, to adequately address them. The BHE has had ongoing discussions on this topic, and

based on research and conversations with its constituent institutions and their stakeholders, has chosen to focus its current efforts on two distinct but equally important risks: active shooter and sexual violence.

Building off an evaluation and recommendations report commissioned by the BHE in 2008, the first area of risk to be addressed is active shooter incidents. The 2008 report, entitled *Campus Violence Prevention and Response: Best Practices for Massachusetts Higher Education* (referenced from here as the ‘2008 report’), made recommendations for enhancements in prevention, response, and recovery in the areas of campus violence, specifically active shooter. Given the time that has elapsed since this report was published, during which not only has the risk environment changed but so has the approach to prevention/mitigation and response to an active shooter incident, the BHE opted to take another look at this critical issue.

The second area of risk, sexual violence, has received increased attention in the last decade where it has become a focus of universal awareness in the United States. While the incidence of such violence varies from institution to institution, reports and findings suggest incidents are occurring at a significant rate. For example, recent studies reflect that 1 in 4 to 5 female undergraduate students of residential colleges or universities are sexually assaulted during their undergraduate experience.<sup>6</sup> At community colleges, where students are less likely to live or socialize on campus, types of sexual misconduct tend to differ than at a four-year residential institution, and more often include incidents of harassment, stalking, and domestic violence.<sup>7</sup> And although much of the attention has been on institutions of higher education, it is pertinent to the discussion to acknowledge the occurrence of sexual violence in high school, or even earlier. Research conducted by the Centers for Disease Control (CDC) estimates that approximately 1 in 6 boys and 1 in 4 girls are sexually abused before the age of 18, and 35.8% of sexual assaults occur when the victim is between the ages of 12 and 17.<sup>8</sup> There has also been a growing focus on how (and the degree to which) such violence affects members of the LGBTQ community and students with disabilities.

In no greater area has the adaptive nature of an institution’s obligations been tested than in the area of sexual violence. This obligation has been met by an array of laws, regulations, and policies to meet the challenge. At its first meeting of the 2014-15 academic year, the BHE declared a “zero tolerance” for sexual violence, including “stalking, dating violence, domestic violence, harassment, and sexual assault, which can have devastating effects on individual victims, as well as serious negative consequences for colleges and universities.”<sup>9</sup> The BHE directed the Commissioner of Higher Education to coordinate a statewide effort among the public colleges and universities to strengthen campus policies around sexual assault prevention, and to review the Board’s own guidelines on prevention and response.

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<sup>6</sup> Krebs, C.P., Lindquist, C.H., Berzofsky, M., Shook-Sa, B., Peterson, K., Planty, M., Langton, L., & Stroop, J. (January 2016). *Campus Climate Survey Validation Study Final Technical Report* (funded by the Office on Violence Against Women, Washington D.C.) (hereinafter cited as the “CCSVS Report”); Cantor, D, Fisher, B., Chibnall, S. Townsend, R., Lee, H., Bruce, C., & Thomas, G. (September 2015). *Report on the Assoc. of American Universities Campus Climate Survey on Sexual Assault and Sexual Misconduct* (hereinafter cited as the “AAU Study”).

<sup>7</sup> Association for Student Conduct Administration. (April 18, 2015). *Community Colleges and Sexual Misconduct: Unique Challenges and Opportunities*.

<sup>8</sup> American Psychological Association. (February 19, 2014). *Child Sexual Abuse: What Parents Should Know*. Referenced at: <https://www.nsopw.gov/en/Education/FactsStatistics#reference>.

<sup>9</sup> For purposes of this report sexual violence refers broadly, unless otherwise noted, to incidents of sexual assault/attempted assault, sexual harassment, sexual discrimination, domestic violence, dating violence, and stalking.

## B. Task Force Charge

To effectively address these two primary focus areas for evaluation and enhancement, the Commissioner of Higher Education assembled a Campus Safety and Violence Prevention Task Force ('Task Force'), consisting of experts from around the state to include higher education Presidents, Campus Police Chiefs, Title IX Coordinators, and student leaders; representatives of the Commonwealth's executive branch and agencies; and community based practitioners. For a complete list of Task Force members, please see pages 3 & 4.

Through a coordinated effort, the Task Force was charged to assess existing policies and practices on campus safety and violence prevention and, guided by research on national best practice, make recommendations to help enhance public and private higher education institutions' efforts to properly identify, prevent, and respond to campus violence, with a special focus on campus sexual violence and emerging technologies.

## C. Project Approach

The DHE and the Task Force engaged TSG Solutions, Inc. ('TSG') and its team of subject matter experts to manage the project, to include conducting a statewide survey of existing policies and programs, conducting national level research on each of the subject areas, and providing the Task Force with recommendations for enhancements. More information about the TSG team can be found in Appendix A.

TSG worked closely with the DHE and the Task Force to analyze the causes of campus-based violence; assess the overall state of campus safety and violence prevention policies across the Commonwealth's system of public higher education; identify state and national best practices in this area; and develop a comprehensive set of recommendations to augment statewide policy for higher education.

This was accomplished in a multi-tasked approach as follows:

1. **Assess Existing State Policies and Procedures** via an electronic survey of the Commonwealth's 29 public higher education institutions. Each institution was sent three separate surveys designed for completion by the 1) President or Chancellor of the institution; 2) Campus Police/Public Safety department; and 3) Title IX Coordinator.
2. **Conduct Site Visits** to six of the public institutions of higher education, to include: Bunker Hill Community College, Greenfield Community College, Massasoit Community College, Salem State University, Fitchburg State University, and UMASS Lowell. At each institution, TSG met with stakeholders engaged in campus safety and violence prevention for a discussion that expanded upon the questions/topic areas covered in the surveys. TSG also visited Emerson College in order to gain an understanding of these issues in the private higher education sector.
3. **Conduct National Research** on active shooter and sexual violence statistics/trends, best practices, strategies, prevention methodologies, and standards. TSG consulted open source resources to conduct a study on current efforts in both areas.

4. **Develop Recommendations for Enhancement** to be presented to the BHE. The recommendations are designed to provide a strategic roadmap that can be utilized by a variety of stakeholders engaged with institutions of higher education to address the current and anticipated future challenges of campus safety and violence prevention. The recommendations are divided into three primary categories, or topic areas: cross-sectional, active shooter/emergency management, and sexual violence recommendations. The foundation of the strategic approach is built on guiding principles and baseline capabilities that are necessary to adequately plan/prepare for and respond to issues related to campus safety and violence prevention. Included with those principles and capabilities are more prescriptive recommendations and/or examples of how to achieve the baseline, and beyond, for an optimal level of preparedness.

## II. Key Findings

### A. Massachusetts Public Institutions of Higher Education

DHE and the Task Force recognized the importance of first assessing existing policies, plans, and practices in campus safety and violence prevention at the Commonwealth's public institutions of higher education. In order to accomplish this, the TSG team, in conjunction with the Task Force, developed and executed a statewide survey of the 29 public institutions, followed by site visits/interviews with a sample of selected institutions. An additional component of this assessment was to evaluate the status of the 2008 report recommendations.

#### Statewide Survey

The first step in this process was to assess existing state policies and procedures via an electronic survey of the Commonwealth's 29 public institutions of higher education. Each President or Chancellor of the institution was sent three separate surveys designated for completion by: the 1) President or Chancellor; 2) Campus Police/Public Safety department; and 3) Title IX Coordinator. Each survey included a question set specific to the respondent's specific areas of responsibility. This included over 165 questions between the three surveys, focused on policies and protocols, equipment and systems, staffing levels, and training and awareness in the areas of active shooter/emergency management and sexual violence. The questions were a mix of multiple choice, yes/no, and open ended questions. Where applicable, respondents were asked for further clarification on 'no' responses in order to understand any challenges to implementation in those areas. Twenty-eight of the 29 institutions completed each of their designated surveys, a 97% completion rate<sup>10</sup>. This included 15 Community Colleges, 9 State Universities, and 4 UMASS schools.

One goal of the survey was to ascertain the status of the recommendations put forth in the 2008 report and identify any challenges with implementation (e.g., policy restriction, cost/budgetary limitation, technology limitation, not applicable, lack of personnel/resources, or other factor). The objective was not only to help guide future efforts as they pertain to emergency management and active shooter mitigation and response, but also in overcoming and avoiding the challenges to implementation where possible in all of the recommendations made by the Task Force. A summary of the survey results as they relate to the 2008 report recommendations follow in the 2008 Status Update section.

Additionally, understanding there has been a significant shift in the campus environment since the 2008 report, particularly with advances in technology and strategy, the advent of social media, increased awareness of sexual violence incidents, and the sensitivity of cultural diversity, the survey also included an expanded question set designed to elicit the current concerns of colleges and universities regarding campus safety and violence prevention, extending beyond the singular topic of active shooter to include other elements of emergency preparedness and management, as well as sexual violence. The questions were specifically tailored to capture these changes and provide insight into the perception with respect to policy, programs, and training gaps and additional resources required as a direct result of this shift.

The survey yielded important data that was utilized as one piece of a comprehensive assessment, in conjunction with the information obtained during site visits and through the national research study, to

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<sup>10</sup> Not all participants responded to each question, therefore percentages referenced are based on the total number of responses for a particular question, not on the number of total respondents for the survey.

provide the Task Force with a look at and understanding of the current state of our campus environment and to inform their process for developing recommendations for enhancements.

### Sample Institution Site Visits

In order to achieve a deeper level of understanding the current state of our campuses, TSG also conducted additional outreach to a sample of institutions. TSG visited six of the public institutions of higher education, to include: Bunker Hill Community College, Greenfield Community College, Massasoit Community College, Salem State University, Fitchburg State University, and UMASS Lowell. These six were selected to provide a cross section of geographic location, school type (community college, state university, UMASS system), school size, and applicable programs in place. TSG also visited Emerson College in order to gain an understanding of these issues in the private higher education sector.

At each institution, TSG met with stakeholders engaged in campus safety and violence prevention to include the President/Chancellor and Executive Staff, Campus Police/Public Safety, and the Title IX Coordinator. Where applicable, TSG also met with those involved in student affairs, counseling and wellness, residential life, and other relevant programs/departments. The visits/interviews provided an opportunity for a discussion that expanded upon the questions/topic areas covered in the surveys, focusing on successes and challenges experienced in the development and implementation of emergency management and sexual violence efforts at each institution. In perhaps the most remarkable portion of the visits, TSG also had an opportunity to meet with a group of students (approximately 6-10 students) at each institution, most of whom were in student leadership roles.

The site visits/interviews revealed many promising and effective programs across the State, many of which are reflected in the Recommendations section of this report, that can be shared from institution to institution. One noteworthy finding was the importance of engagement and support from the institution's leadership. Some of the most successful initiatives and programs at the institutions visited were incorporated into the school's overall strategic plan for campus safety and violence prevention. Being elevated to this level was a direct result of an Administration and/or Board of Trustees that fully support and/or have an active role in guiding these efforts. Too often it is sidelined from the core planning; it must be elevated and recognized as a shared responsibility.

The site visits/interviews also revealed that there are enhancements that can be made, which will likely be a continuous process in this rapidly changing higher education risk environment. One of the most interesting findings was the apparent disconnect between the administration and the students. For the most part, institutions are providing adequate information to students regarding emergency protocols, to include active shooter, as well as information related to the prevention and reporting of, and response to, sexual violence; but students are not retaining that information, particularly on the topic of sexual violence, for a variety of reasons. Some of the specific points made by students include:

- Orientation is an overwhelming time, with so much information being presented, it is hard to remember it all, or know what is really important. Some students were unsure if they even received any sexual violence or emergency preparedness information at orientation.
- Students think these topics should still be included at orientation, but perhaps reiterated in the days/weeks after as well, in different forums that are more engaging (and therefore more effective) such as: workshops or training led by their peers; delivered by faculty in the context of the classroom setting; or during residence hall meetings, led by student residence life staff.

- Food is the only surefire way to get students to workshops or trainings.
- Community college students, and often times commuters at residential institutions, do not spend as much time on campus as residential students; holding programs or handing out information where students organically gather, such as commuter/student lounges, is most effective.
- Students do not check their email! So find other ways to reach them.
- Students want to see information in a concise, easy to use handout or somewhere that is easy to access, such as residence hall doors/bulletin boards, bathroom stalls, or commuter lounges.
- Sometimes, topics like sexual violence do not seem relevant if they have not affected someone personally (either the student or a friend/family member) and therefore students do not pay attention to what they should do to prevent or report an incident.
- It is important to students to understand each other, and be understood by their peers and the institution. Students welcome workshops with topics such as: cultural identity and diversity, gender identity and sexual orientation, and mental health de-stigmatization, to name a few.

The take away here is that students listen and learn in different ways, which requires the administration to (1) find out exactly the ways in which their student body does listen and learn, and (2) think outside of the box to effectively reach them. While the report does include some ideas on how to accomplish this, such as utilizing active theatre and/or classroom based education delivered by faculty, the methods employed at each institution should be based on what works specifically for their unique student body.

### 2008 Status Update

The 2008 report was a solid document for its time. The survey and research findings provided an important baseline for the Commonwealth in its planning efforts; and the 27 recommendations in the areas of Early Detection and Prevention, Physical and Electronic Security, Campus Police Department, Mass Notification, Policies and Procedures, and Emergency Response have served as a guidance tool for institutions to implement enhancements in the area of active shooter/emergency management.

One objective of the 2016 Task Force was to ascertain the implementation status of those recommendations to better understand areas of progress and also to identify challenges with implementation (e.g., policy restriction, cost/budgetary limitation, technology limitation, not applicable, lack of personnel/resources, or other factor). It is important to note that the 2016 survey questions do not match up one for one with the 2008 recommendations - in other words, there could be several 2016 questions that relate to one recommendation - but an overall analysis concludes that of the 27 recommendations made in the 2008 report, we have seen progress towards implementation in almost all of those areas. Where there were obstacles to implementation, the most common reasons were funding and/or a lack of personnel resources.

Some of the more prominent examples of progress are in the areas of planning and prevention, communications, and law enforcement response; for example:

- Nearly all of institutions (93%) now share emergency protocols with the campus community such as making it available on their website; and most (89%) include the topic of safety and security in student orientation.
- In terms of technology, there was a significant increase<sup>11</sup> in the number of campuses that have the ability to remotely lock down some or all doors on campus in an emergency; as well as an increase<sup>12</sup> in the number of institutions that utilize video security as a tool for prevention/deterrence, situational awareness, and investigation.
- Communications is another area of progress, with more campus police/public safety departments reporting that they have the ability to communicate with other responding agencies in an emergency; and 100% of the institutions participating in the survey<sup>13</sup> have a mass notification system that can notify their campus community(ies) of an emergency in various ways. The methods of notification (i.e., text, voice call, email, public address system, social media, etc.) varied as depicted in Figure 3 on page 29.
- Additionally, enhancements were made in equipping campus police/public safety departments with the training and tools necessary to prepare for and respond to an active shooter incident, such as annual active shooter training for officers, arming of officers, and door breaching tools that are accessible in an emergency.

One area where there is a divide on progress is in the identification of “early warning signs” for individuals that may be at risk for causing harm to themselves or others. This speaks to the concept of identifying specific indicators or “concerning behaviors”, and perhaps more importantly, managing those situations as appropriate, whether that means engaging law enforcement, counseling services, or another avenue to mitigate the potential threat and ensure the individual receives the services they need. There was a noticeable enhancement in terms of institutions that have designated individuals (i.e., a team) charged with identifying and managing these cases, but only a small percentage increase in institutions that have written policies and procedures for governing and guiding these efforts. In other words, the survey results suggest that many behavioral threat assessment and management teams have been put in place since 2008, but institutions are not adequately defining their roles and responsibilities, which is critical in such a sensitive area of prevention and mitigation.

Additionally, there has been a decline in the number of institutions that offer specialized mental health services rather than only general services. There could be a couple of reasons for this decline. One reason could be that the question was asked in a slightly different manner, defining “specialized services” in 2016 as suicide prevention, substance abuse, sexual violence, and/or bullying and in 2008 as substance abuse, suicide prevention, and/or eating disorders. However, the more likely explanation is that resources are simply stretched, perhaps more so than in 2008, for reasons that are beyond the scope of this report. What is important to note is not the “decline” but the overall state of the services currently. As is demonstrated in greater detail in the data presented below, while only 42% of

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<sup>11</sup> From 25% in 2008 to 68% in 2016.

<sup>12</sup> From 46% in 2008 to 89% in 2016.

<sup>13</sup> 28 of 29 institutions participated in the 2016 survey.

institutions offer specialized services on campus, nearly all institutions have identified resources in the community to fill the gap.

The summary below presents more detailed survey data obtained in the 2016 survey<sup>14</sup>, as compared with the corresponding 2008 recommendations.<sup>15</sup> Where applicable, survey data from 2008 is also included to provide a baseline figure.<sup>16</sup> It is important to note that the 2008 survey process (i.e., question design, survey tool used, distribution of surveys/participants, data analysis, etc.) likely differs from the 2016 process, which can limit the ability to perform an accurate comparative analysis. Therefore, the data below does not take a direct comparative approach, but rather serves to provide a baseline and summary overview of the progress over the last eight years.

Please see Appendix B for a 2008 / 2016 Survey Data Comparison Table.

### **Early Detection and Prevention**

#### *Mental Health Services*

The 2008 report recommends schools offer specialized mental health services, not just generalized services, and that services should be clearly available and easily accessible to students. The 2008 report states that 83% of institutions surveyed at the time provided on-campus mental health services for students, 57% of which provided specialized services (e.g., substance abuse, suicide prevention, eating disorders) rather than just generalized services.

The 2016 survey results indicate that 86% (24 of 28)<sup>17</sup> of institutions now provide on-campus mental health services for students, with 100% (24) of those providing general mental health services and 42% (10) also providing specialized services such as suicide prevention, substance abuse, sexual violence, and/or bullying. Reasons for not providing mental health services on campus include cost/budgetary limitation, lack of personnel/resources, unknown, and other. Of those 24 institutions providing some level of services, 38% (9) offer them on a 24/7 basis.

The methods utilized to promote access to these services, as reported in 2016, are depicted in Figure 1.

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<sup>14</sup> It is important to note that not all participants responded to each question, therefore percentages referenced are based on the total number of responses for a particular question, not on the number of total respondents for the survey. For clarity in this regard, wherever survey results are noted, the percentage as well as the number of responses will be included.

<sup>15</sup> The 2016 survey questions do not match up one for one with the 2008 recommendations; in other words, there could be several 2016 questions that relate to one recommendation. The status summaries therefore reflect a combination of those applicable questions/responses.

<sup>16</sup> In 2008, a survey was utilized to assess the current state of security and violence prevention at institutions of higher education throughout Massachusetts, to include participants from 25 of the public colleges and universities (four did not respond to the survey by the cut-off date and therefore were not included in the results).

<sup>17</sup> Based on additional survey responses and follow-up conversations with the 4 institutions that do not provide mental health services on campus, it was determined that they all have identified resources in the community to provide these services.

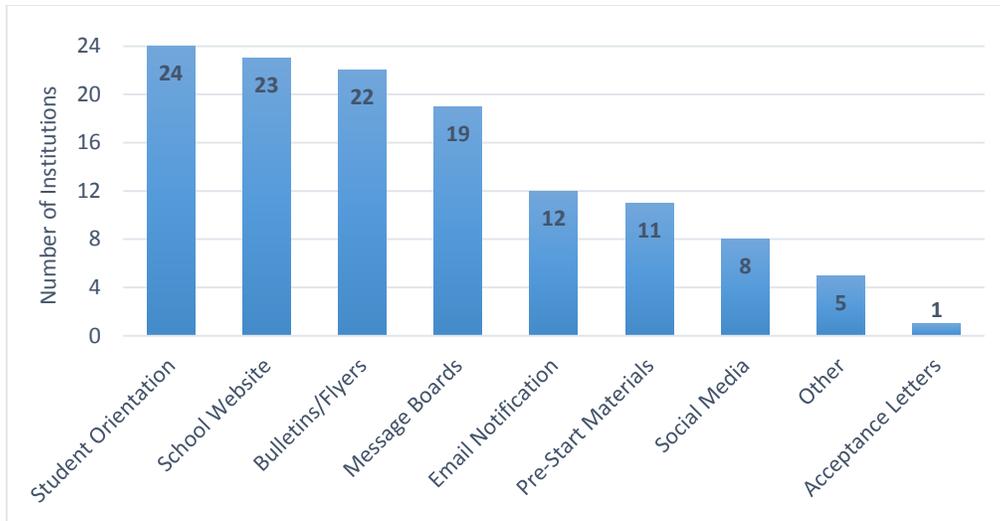


Figure 1: How Students Are Informed of the Availability of Mental Health Services

Additionally, in 2016, 93% (26 of 28) of respondents have identified resources in the community to provide specialized mental health and/or counseling services to supplement services offered on campus (if any). Of those 26, only one (1) institution has a formal agreement, such as a Memorandum of Understanding, in place with all providers, 10 (38%) have a formal agreement with some providers, and 15 (58%) have no formal agreements in place.

#### *Violent Expression*

The 2008 report also includes Violent Expression, specifically writings, drawings, and other forms of individual expression reflecting violent fantasy, in the category of early detection and prevention, recommending that any such expressions be evaluated contextually for potential threats. The 2008 survey data shows that 81% of the schools did not submit potentially violent writings, drawings, and other forms of individual expression to a forensic behavioral science expert for review.

The 2016 survey asked the question slightly differently, inquiring whether writings, drawings, and other forms of individual expression that may have caused a faculty member, staff, or student to be fearful or concerned about safety for a potential threat are evaluated (rather than “submitted to an expert”). The 2016 results indicate that 96% (27 of 28) of respondents do evaluations of this nature. The individuals and teams that are responsible for the evaluations of such expressions and other related behaviors are discussed in subsequent sections.

### **Physical and Electronic Security**

#### *Access Control/Doors*

The 2008 report states that 75% of schools surveyed indicated that they did not have a campus-wide physical security program that allows for remote locking/unlocking of doors, and recommends enhancements to exterior and interior doors to prevent unauthorized access.

In order to ascertain the progress in this area, the 2016 survey asked participants to indicate whether campus police/public safety (or another department) have the ability to remotely lock any doors on campus. Thirty-two percent (9 of 28) of survey participants responded that they do not have that ability.

Among the 19 institutions that do, there are various ways this can be accomplished such as one button to lock down the entire campus and/or by building or zone.

In terms of interior door security, 2016 survey respondents were asked if classroom and office doors can be locked from the inside (i.e., without leaving the room to access the exterior part of the door). As shown in Figure 2, only 14% (4 of 28) and 18% (5 of 28) of respondents replied that all of their classroom doors and office/administrative area doors, respectively, can be locked from the inside.

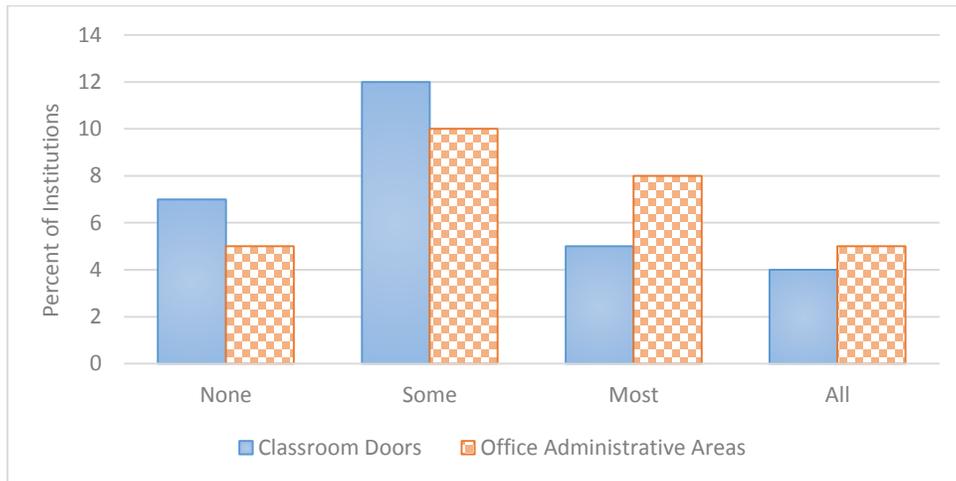


Figure 2: Doors That Can Lock from the Inside

Finally, it is important to note that those institutions with residence halls reported that individual rooms can be secured via mechanical lock at 6 institutions and by both mechanical lock and access control at 6 institutions. This question did not apply to 16 respondents per their response choice.

#### *Video Security*

The 2008 report indicates that 46% of schools surveyed at that time had a video security system deployed.

The 2016 survey questions also inquire about the use and coverage of video security systems on campus. The results show that 89% (25 of 28) of respondents have video security cameras installed on their campus(es). Those without video security cameras cited cost, technology limitation, unknown, and other reasons for the lack of cameras. Coverage varies, with the majority of respondents deploying somewhere between 51-500 cameras<sup>18</sup> in exterior spaces, interior spaces, and major thoroughways and gathering points.<sup>19</sup> Additionally, 76% (19 of 25) have a video security policy governing the use and maintenance of the video security system.

#### *Emergency Signaling*

The 2008 report recommends that schools equip all classrooms with emergency signaling/notification capabilities to ensure all areas of the campus can be reached in an emergency. The 2008 data shows

<sup>18</sup> 40% (10 of 25) indicated they have 51-100 cameras deployed; and 36% (9 of 25) have 101-500 cameras.

<sup>19</sup> 96% (24 of 25) have cameras deployed in exterior spaces; 92% (23 of 25) have cameras deployed in interior spaces; 88% (22 of 25) have cameras deployed in major thoroughways and gathering points.

that 76% of schools did not have in-class/in-lab emergency signaling capabilities, but some had landlines installed in every classroom.

To account for changes in technology, and expand the question to determine the overall capabilities of communication among the campus community in an emergency, the 2016 survey asked participants to indicate the ways in which the campus police/public safety can communicate with the campus community and vice versa.

Out of the 28 participating institutions, 100% indicate that they have a mass notification system that can send notifications in a variety of ways, to include text, voice call, email, public address system, social media, and desktop notification. The graph below provides the breakdown.

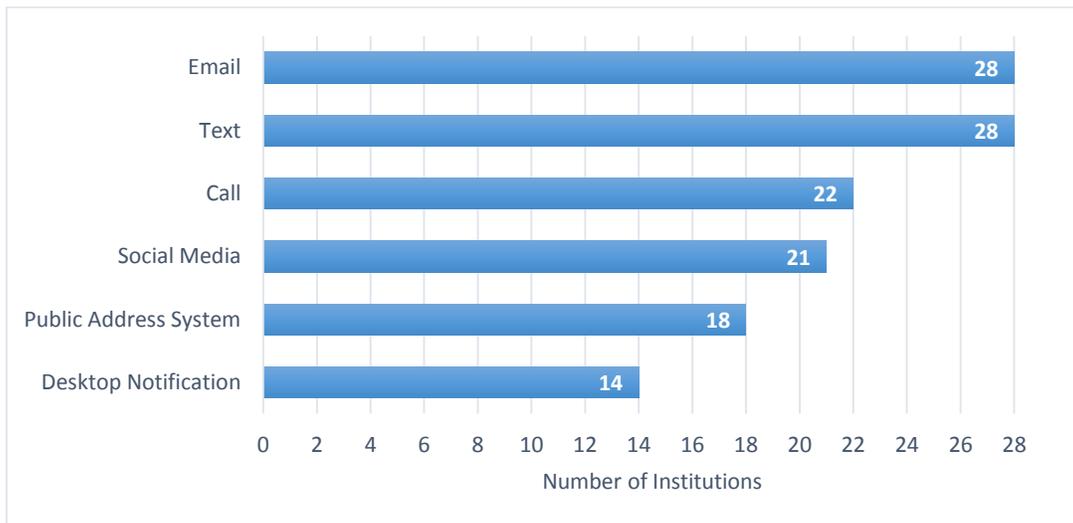


Figure 3: Mass Notification Capabilities

Figure 4 below shows the ways in which the campus community at the institutions surveyed in 2016 can contact the campus police/public safety department during an emergency.

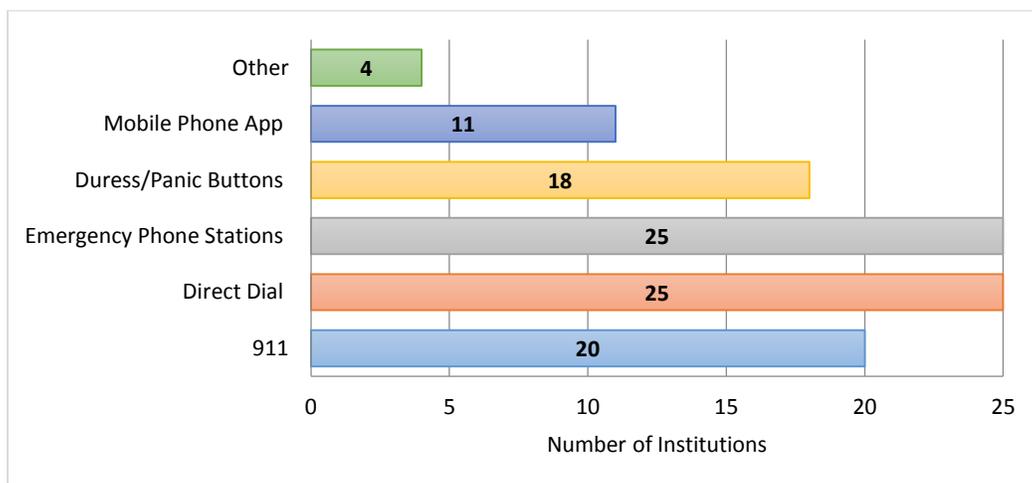


Figure 4: Ways to Contact Campus Police in the Event of an Emergency

**Campus Police Department**

*Active Shooter Response and Training*

The 2008 report emphasizes the importance of campus police departments having up-to-date active shooter response plans in place and training their officers in active shooter response tactics. The 2008 survey data indicates that 52% of institutions trained their campus police officers in active shooter response tactics.

The 2016 survey results show that 86% (24 of 28) of respondents have written protocols for campus police response to an active shooter incident. Those that answered ‘No’ commented that they have a lack of personnel to accomplish this, the protocols are in progress, and/or their officers are unarmed and therefore unable to respond. One-hundred percent (28) of respondents indicate that they have written protocols and/or guidelines that are distributed to the campus community on actions to take during and after an active shooter incident.

Among the 25 institutions that responded to the 2016 survey question regarding officer training in active shooter response, 21 (84%) require annual training. Figure 5 further demonstrates the breakdown of officer-related training in regards to active shooter response.

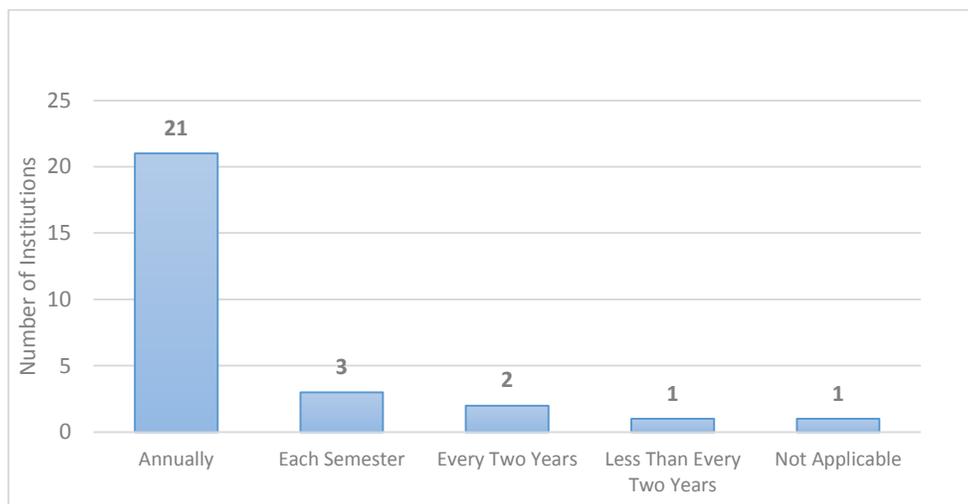


Figure 5: Frequency of Active Shooter Training for Officers

*Staffing Levels*

The 2008 report highlights some factors that are relevant to determining adequate campus safety staffing levels, suggesting that the right combination is dependent on the size and character of the school.

Based on the 2016 survey results, there are a couple of ways to look at this. First, the figure below shows the type of campus police/public safety force utilized by type of institution.

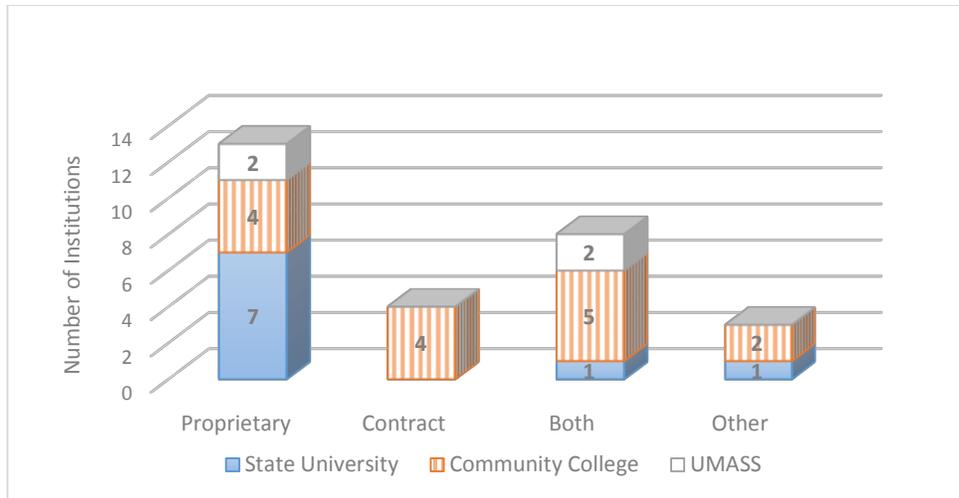


Figure 6: Type of Campus Police/Public Safety

The 2016 data also provides figures for the number of officers employed as well as the percent of those that are sworn officers (i.e., officers possessing police powers of arrest, to include contract and propriety patrol and management level officers). The table below breaks that down by type of institution and size of the student population.

Table 1: Officers by Institution Type and Size

Type	Student Population	Number of Institutions	Total Number of Officers	Average Number of Officer	% Sworn Officers
State University	1,000 - 2,499	3	60	20	53%
	2,500 - 4,999	0	0	0	0%
	5,000 - 7,499	3	77	26	68%
	7,500 - 9,999	1	23	23	83%
	10,000 or more	2	74	37	59%
Community College	1,000 - 2,499	2	26	13	0%
	2,500 - 4,999	1	10	10	40%
	5,000 - 7,499	6	137	23	38%
	7,500 - 9,999	1	16	16	50%
	10,000 or more	5	89	18	69%
UMASS	1,000 - 2,499	1	39	39	72%
	2,500 - 4,999	0	0	0	0%
	5,000 - 7,499	0	0	0	0%
	7,500 - 9,999	1	50	50	44%
	10,000 or more	2	120	60	78%

Another important aspect of staffing levels that the 2016 data reveals is the support institutions receive from external law enforcement agencies. Seventy-one percent (20 of 28) of the institutions surveyed responded that they have some form of an agreement in place (either formal or informal) with local law enforcement regarding a coordinated response to an active shooter incident; 82% (23 of 28) stated that

they have an agreement for a coordinated response to complaints of sexual violence by or against members of the institution's community.

### *Weapons and Equipment*

The 2008 report recommends that sworn campus police officers be armed and trained in the use of personal or specialized firearms. In 2008, the report shows that 84% of schools did have campus police officers that carry "less-than-lethal" weapons, and only one-third (32%) carried firearms.

The 2016 survey results show that among the 25 institutions that responded to the question regarding weapons carried, 80% of respondents (20 of 25) have a police force that carry firearms. Other commonly carried weapons include: batons 92%, other less-than-lethal munitions 40%, and OC spray 48%. Only 8% (2) of respondents said their officers carry electronic weapons. All 28 respondents answered a question regarding additional tools readily deployable for immediate response from patrol cars (or other mobile vehicle) to respond to an active shooter incident, with 21% (6) reporting that their departments have access to long guns.

In addition to weaponry, the 2008 report recommends schools ensure that the campus police department has the equipment necessary to gain forcible entry into locked buildings and classrooms. In the same question referenced above regarding readily deployable tools, the 2016 survey asked participants whether they have access to door breaching tools, with 61% (17 of 28) responding in the affirmative.

### **Mass Notification**

#### *Interoperability*

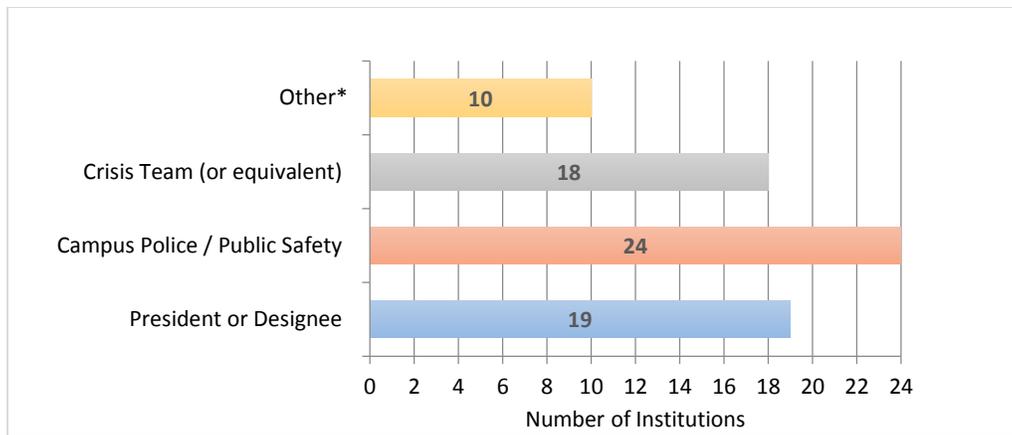
In terms of external communications, the 2008 report recommends schools have a communications system that is interoperable with outside agencies. In 2008, 59% of survey participants reported that their communications equipment was interoperable with local law enforcement agencies.

Of the 28 respondents in the 2016 survey, 82% (23) say they have the ability to communicate with other responding agencies in a crisis event, and of those 23, 52% (12) are a member of an emergency radio network, such as the Boston Area Police Emergency Radio Network (BAPEREN) or similar radio network.

#### *Policy and Practice*

In addition to the mass notification system capabilities highlighted in the *Emergency Signaling* section, the 2008 report emphasizes the need for schools to establish a formal policy for use of their mass notification system. The 2008 report highlights that 68% of institutions at that time had a formal policy in place.

The 2016 survey results indicate that 96% (27 of 28) of respondents have a policy in place for creating and sending an emergency notification, timely warning, and update messages; with one (1) in progress. Also critical is the process for authorization to send a notification/messages. The graph below shows the breakdown of who has that authority at the 27 institutions that have a completed policy in place in 2016.



\*Other includes Emergency Management Director, University/Public Relations/Communications, Facilities (For Weather), President’s Cabinet, PIO

Figure 7: Authority to Send an Emergency Notification/Message

**Policies and Procedures**

*Referral Policy*

The 2008 report recommends a number of measures to address students of concern (i.e., those who appear to be at risk for harming themselves or others); one being that schools should have in place a formal policy outlining how and to whom faculty and staff should refer students who appear to have the potential for becoming violent. The 2008 survey data as presented in the report indicates that 68% of institutions had a policy regarding what staff/faculty should do if they have a concern about a student or colleague who appears to have the potential for becoming violent; and 65% had a Threat Assessment Team (TAT).

In 2016, 100% (28) of institutions participating in the survey have a behavioral threat assessment and management team (same concept as the TAT) capable of reviewing individual cases that may indicate a threat to self or others, and managing the process to address that potential threat. Of the 26 responses received on a follow-up question, 69% (18) indicated written policies and procedures are in place to govern and guide the activities of the team.

*Training and Orientation*

The first two training recommendations in the 2008 report state that faculty and staff should receive training in identifying students at risk, as well as training in managing difficult interactions and situations. According to the data from 2016, different groups are receiving these or similar trainings, with an emphasis on provision of training for behavioral threat assessment teams and mental health providers/counselors, and less consistent training on these issues for all other faculty and staff.

Faculty and staff should also be informed about the appropriate protocols in the event of a crisis, according to the 2008 report, which indicates that 56% of schools at that time did not have a program for informing faculty and staff about protocols. The 2016 data tells us that 82% (23 of 28) of institutions have an emergency response plan (‘ERP’; also referred to later in this report as an ‘emergency operations plan’), with an additional 18% (5 of 28) in progress. Twenty-six (93%) of those institutions share emergency protocols such as those outlined in the ERP with the campus community (e.g., available on the website). Additionally, crisis teams (or equivalent) receive training to test/review

elements of emergency preparedness and response in a variety of ways to include table top exercises and other professional training. Other faculty and staff participate in trainings as well to a somewhat lesser extent.

The 2016 survey results also show that safety, security, and emergency preparedness is included as a topic during student orientations at 89% (25 of 28) of institutions (compared with 80% in 2008). Twenty-two institutions make this orientation mandatory.

*Screening Student Applicants*

The 2008 report recommends that graduate student applicants be directly queried regarding any unusual academic histories, as well as criminal records and disciplinary actions. The 2008 report shows that at only 36% of institutions students were queried and screened. For purposes of the 2016 survey, participants were asked if they review both undergraduate and graduate (if applicable) student applicants. Fifty-two percent (14 of 27) responded that they do.<sup>20</sup>

*Vulnerability Assessment*

Schools are encouraged to conduct vulnerability assessments at least once per year, as recommended in the 2008 report. In 2008, only 12% of institutions reported having conducted an assessment.

In 2016, 86% (24 of 28) of institutions have conducted a Risk and Vulnerability Assessment (i.e., a security and/or risk assessment). Those that have not cite cost/budgetary limitation and lack of personnel as reasons why. About 42% (10 of 24) of those that have conducted a risk assessment update it annually.

The graph below shows elements that each institution evaluates in their risk assessments, as they relate to the mitigation of acts of violence such as active shooter or sexual assault (as reported in the 2016 survey).

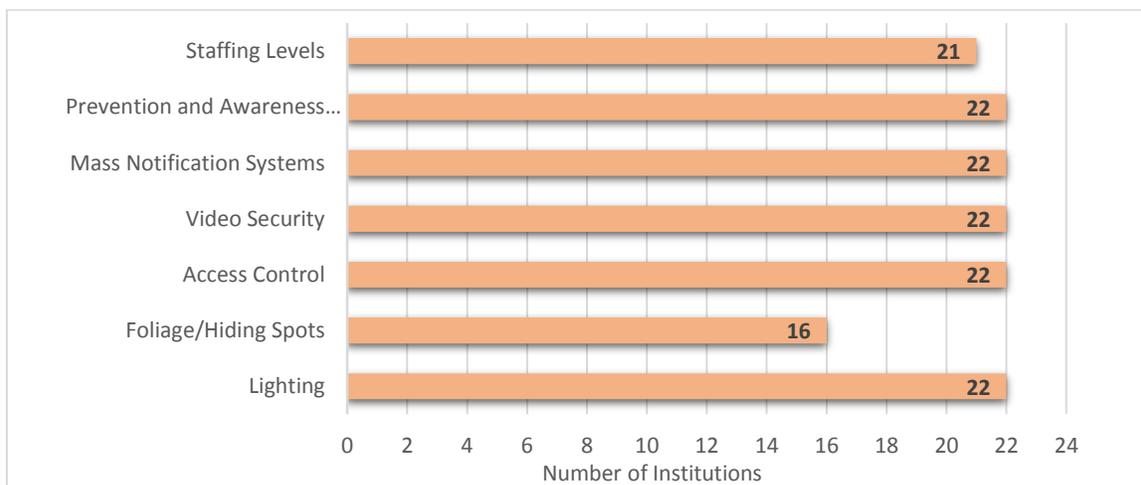


Figure 8: Elements Evaluated in a Risk Assessment

<sup>20</sup> Only 27 participants responded to this question.

### *Agreements and Contracts*

The 2008 recommendations advise schools to form mutual aid agreements or have Memoranda of Understanding (MOU) with agencies in the community having necessary support resources, such as mental health service providers, emergency medical response services, and law enforcement agencies. In 2008, one-third (33%) of schools did not have a mutual aid agreement with neighboring law enforcement agencies, and 48% did not have mutual aid agreements with surrounding communities for emergency medical training or support.

As mentioned under *Mental Health Services*, 93% (26 of 28) of the 2016 survey respondents have identified resources in the community to provide specialized mental health and/or counseling services to supplement services offered on campus (if any). Of those 26, only one (1) institution has a formal agreement, such as an MOU, in place with all providers, 10 (38%) have a formal agreement with some providers, and 58% (15) have no formal agreements in place. In addition to mental health/counseling services, 26% (7 of 27) of respondents also have an MOU in place with a local sexual violence center (e.g., a rape crisis center).<sup>21</sup>

As also previously mentioned under *Staffing Levels*, 71% (20 of 28) of the institutions surveyed in 2016 responded that they have some form of an agreement in place (either formal or informal) with local law enforcement regarding a coordinated response to an active shooter incident; 82% (23 of 28) have an agreement for a coordinated response to complaints of sexual violence by or against members of the institution's community.

### *Anonymous Reporting*

The 2016 survey asked schools if they have a system in place for the campus community to report suspicious behavior, based on the 2008 recommendation to have multiple reporting systems that permit campus community members to report suspicious behavior anonymously and conveniently. In 2008, 64% of schools did not have a "Tip Hotline" to allow for anonymous reporting of suspicious behavior. The results in 2016 show that 100% (28) of institutions do have a system in place, including an email option (79%), hotline/tip line (64%), online form (32%), and/or other method (61%).

## **Emergency Response**

### *Updating the Emergency Response Plan*

In the area of emergency response, the 2008 report begins by recommending that every college and university review and update its ERP on a regular basis. The 2008 report states that all of the schools surveyed had an ERP in place. The 2016 survey results show that 82% (23 of 28) of institutions do have an ERP, with an additional 5 'in progress', and that it is most commonly (50% of the 23 respondents) reviewed and/or updated on an annual basis.

### *Threat Assessment Team*

The 2008 report recommends that every school form, train, and maintain a Threat Assessment Team (referred to in the 2016 survey as a behavioral threat assessment and management team) and makes recommendations regarding team composition. As previously discussed in the *Referral Policy* section, the 2008 report indicates that 65% had a Threat Assessment Team.

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<sup>21</sup> Only 27 participants responded to this question.

The 2016 data reveals that 100% (28) of institutions participating in the survey have a behavioral threat assessment and management team capable of reviewing individual cases that may indicate a threat to self or others, and managing the process to address that potential threat. And of the 26 responses received on a follow-up question, 69% (18) indicate written policies and procedures are in place to govern and guide the activities of the team.

The team compositions, based on the 2016 data, are depicted in Figure 9. These team members receive training at least annually at 46% (13 of 28) of institutions.

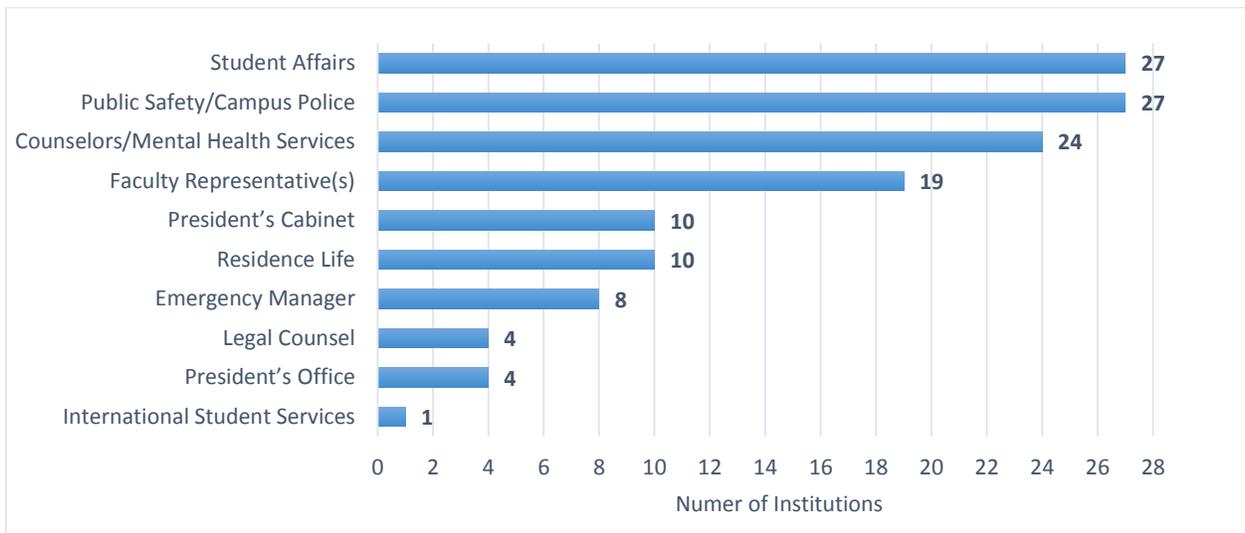


Figure 9: Behavioral Threat Assessment and Management Team Composition

### *Trauma Response Team*

In 2008, 65% of the schools reported that they did not have a trained behavioral health Trauma Response Team. The 2016 data took a slightly different approach to this question and shows that the institutions' emergency response plans address victim services and aftermath issues, as recommended by the 2008 report. All respondents (28) indicated that their plans include Incident Specific Protocols, which often contain instructions for different phases of the incident.<sup>22</sup> Additionally, plans include guidance and protocols for external communications/public relations at 93% (26 of 28) of institutions and recovery plans at 64% (18 of 28).

### **Building on the 2008 Recommendations**

The 2008 report provided an important baseline for the Commonwealth in its planning efforts in the area of active shooter/emergency management. The 2016 survey data and site visits demonstrate that much progress has been made, but gaps still exist that need to be addressed and, just as important, is the need to plan and prepare for the future. The recommendations that follow in this 2016 report build on that progress to further current efforts and provide a strategic plan that is adaptable to the rapidly changing higher education risk environment, including in the area of sexual violence.

Please see Appendix C for a comparison of the 2008 / 2016 recommendations.

<sup>22</sup> This includes those with an emergency response plan (23) and those with a plan 'in progress' (5).

## B. National Best Practices Research

In light of the increasingly complex challenges affecting our nation's institutions of higher education since the 2008 report was published, the Task Force felt it was imperative we take another look at the research, data, best practices, strategies, prevention methodologies, and standards related to campus sexual violence and active shooter preparedness and response. The sections below summarize the current state of these two areas, both of which have in fact undergone significant shifts.

What has remained true is that institutions of higher education play a unique role, serving in some instances as a quasi-parent, in others as a critical supplement to a career or life that is completely independent from the campus environment, and often times somewhere in between. This challenge puts the onus on the system to strike that balance, in both the academic sense but also in its obligations to keep the community safe.

## Active Shooter Research

### I. Introduction

Institutions of higher education face many challenges to campus safety, which can come from within, as well as outside of the community. One of the challenges that carries perhaps the highest consequence to the safety of the campus community, and the focus of this section of the research, is an active shooter incident, or other active threat of similar nature.

There is a longer history of active shooter events than one might recall, beginning before there was a definition and approach to this particular type of incident, perhaps because of its seemingly infrequent occurrence. Or perhaps, more recently, news coverage, the availability of the internet, and social media has brought mass shootings into public consciousness and have left the nation desperate for answers. The law enforcement community has altered its strategies to respond over the years in an effort to better adapt and mitigate harm. Researchers have attempted to measure, forecast, and predict a number of motives and factors that lead one to commit heinous acts such as this.

The sections that follow summarize the scope of the problem, including statistics and trends, and theories of causation; as well as a summary of best practices in the areas of planning, prevention and mitigation, communications, education and training, and response/law enforcement readiness. For purposes of this research and report, an active shooter is defined as an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearms and there is no pattern or method to their selection of victims.<sup>23</sup>

### II. Scope of the Problem

Despite increased security measures and new response protocols, this nation (and others) continues to suffer from active shooter incidents. According to the Federal Bureau of Investigation (FBI), active shooter incidents in the United States are on the rise, with a majority of these events ending prior to law enforcement response. To give some perspective on the scope of the problem, the FBI identified 160 active shooter incidents that occurred in the United States between 2000-2013. In this study they found that the second most common incident location was in educational environments (24.4% of incidents), and some of these incidents involved some of the highest casualty numbers.<sup>24</sup>

The following is a list of 39 active shooter incidents that have occurred at educational facilities, as defined by the FBI, in the United States between 2000 and 2013.<sup>25</sup>

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<sup>23</sup> U.S. Department of Homeland Security. (October 2008). *Active Shooter - How to Respond*. Retrieved from [https://www.dhs.gov/xlibrary/assets/active\\_shooter\\_booklet.pdf](https://www.dhs.gov/xlibrary/assets/active_shooter_booklet.pdf).

<sup>24</sup> Blair, J. Pete, and Schweit, Katherine W. (2014). *A Study of Active Shooter Incidents, 2000 - 2013*. Texas State University and Federal Bureau of Investigation, U.S. Department of Justice, Washington D.C.

<sup>25</sup> *Id.*

Table 2: Active Shooter Incidents at Educational Facilities

Santana High School (Mar. 2001)	Weston High School (Sept. 2006)	Kelly Elementary School (Oct. 2010)
Granite Hills High School (Mar. 2001)	West Nickel Mines School (Oct. 2006)	Panama City School Board Meeting (Dec. 2010)
Appalachian School of Law (Jan. 2002)	Memorial Middle School (Oct. 2006)	Millard South High School (Jan. 2011)
Red Lion Junior High School (Apr. 2003)	Virginia Polytechnic Institute (Apr. 2007)	Chardon High School (Feb. 2012)
Case Western Reserve University (May 2003)	SuccessTech Academy (Oct. 2007)	Univ. of Pittsburgh Medical Center (Mar. 2012)
Kanawha County Board of Education (July 2003)	Louisiana Technical College (Feb. 2008)	Oikos University (Apr. 2012)
Rocori High School (Sept. 2003)	Northern Illinois University (Feb. 2008)	Perry Hall High School (Aug. 2012)
Columbia High School (Feb. 2004)	Hampton University (Apr. 2009)	Sandy Hook Elementary School (Dec. 2012)
Red Lake High School (March 2005)	Larose-Cut Off Middle School (May 2009)	Taft Union High School (Jan. 2013)
Campbell County High School (Nov. 2005)	Inskip Elementary School (Feb. 2010)	New River Community College (Apr. 2013)
Pine Middle School (Mar. 2016)	University of Alabama (Feb. 2010)	Santa Monica College (June 2013)
Essex Elementary School (Aug. 2006)	Deer Creek Middle School (Feb. 2010)	Sparks Middle School (Oct. 2013)
Orange High School (Aug. 2006)	The Ohio State University (Mar. 2010)	Arapahoe High School (Dec. 2013)

In this study, the FBI noted active shooter incidents occurred in small and large towns, in urban and rural areas. While incidents occurred primarily in commerce and educational environments (70%), they also occurred on city streets, military installations, government properties, and in private residences, health care facilities, and houses of worship.

The findings also indicate that the frequency of active shooter incidents overall has increased annually since 2000. Comparing the first 7 years of the study (2000 to 2006) and the final 7 years (2007 to 2013), the average number of active shooter incidents increased from 6.4 incidents to 16.4 incidents annually.<sup>26</sup> While some debate the merits of this figure, it cannot be denied this is a real and active threat, and prevention, mitigation, and response efforts should remain a priority for communities, including campus communities.

The trend identified in the FBI report is depicted in the figure below.<sup>27</sup>

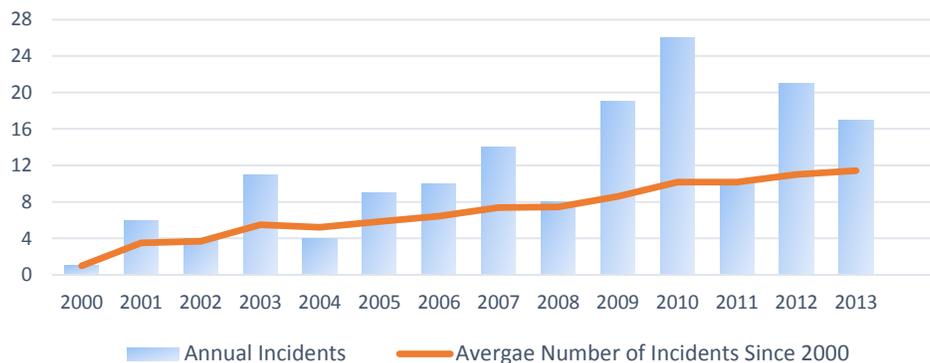


Figure 10: Active Shooter Incidents in United States Between 2000 - 2013

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

The study also found that male shooters acted violently against women with whom they previously had a romantic relationship. In 10% of the incidents, the perpetrators targeted current, estranged, or former wives as well as current or former girlfriends. In 12 of these incidents the targeted victim was killed; in 3 the targeted victim sustained significant injuries but survived; and in 1 incident the shooter could not find the woman.

In relation to educational facilities, 24.4% of all active shooter incidents occurred in educational environments which is second to only commerce (45.6%). Educational environments were broken down further by differentiating between schools (kindergarten through 12<sup>th</sup> grade) and institutions of higher education (IHE). Schools accounted for 16.9% (27) of the incidents while IHEs accounted for 7.5% (12). Of the 12 incidents that occurred at IHEs only 2 were perpetrated by women; 60 individuals were killed and 60 individuals were wounded. In these incidents the perpetrators were 5 former students, 4 current students, 2 employees, and 1 patient visiting a medical center. Five of the shooters were apprehended on-site, 4 committed suicide, 2 were killed by police on-site, and 1 shooter was apprehended at another location by police.<sup>28</sup>

In many cases, active shooter events were precipitated by mentally ill and criminally motivated persons. An analysis of active shooter incidents since 2007 indicate that a majority had some type of previous mental health history. Recent research has looked at whether mental illness and the expansion of treatment reduced the chances of mass murder.<sup>29</sup> Some point out that we are simply missing the signs.<sup>30</sup>

In a recent report in the *Journal of Forensic Psychology* it was reported that a majority (63%) of the shooters studied had a history of psychological issues. Past suicidal ideation (30%), depression (22%), and anger (29%) were the most common issues in shooters' reported psychological histories. Trauma and abuse were present in 26% of the shooters' histories, with 18% having a history of multiple traumatic and/or abusive events. Twenty-nine percent of shooters had a history of disciplinary actions throughout their education, including shooters who were students at the time of the shooting events, as well as adult shooters outside of the school setting. A general history of past violent actions was present in 37% of the shooters in our population. Twenty-seven percent engaged in antisocial behaviors, and 30% had a criminal record.<sup>31</sup>

Over half (60%) of the shooters studied in the *Journal of Forensic Psychology* report had evidence of additional stressors beyond psychological or behavioral. This included an obsession with weaponry and shooting (38%), violence and violent media (31%), and with other active shooter incidents (11%). Twenty-two percent demonstrated maladaptive attitudes and embraced hatred towards a specific or general group, including identification with Nazism, racist ideology, or misogyny. Twenty percent reported bullying or were described as being bullied during their classroom or occupational experiences. Almost 15% reported or displayed evidence of social isolation, with 10% reporting that they were romantically rejected by women.<sup>32</sup>

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<sup>28</sup> *Id.*

<sup>29</sup> Fox, J., & DeLateur, M. (2014). *Mass Shootings in America Beyond Newtown*. Sage Publications.

<sup>30</sup> Ghose, T. (December 2012). *Mass Shooting Psychology: Spree Killers Have a Consistent Profile, Research Shows*. Huffington Post. Retrieved from [http://www.huffingtonpost.com/2012/12/19/mass-shooting-psychology-spree-killers\\_n\\_2331236.html](http://www.huffingtonpost.com/2012/12/19/mass-shooting-psychology-spree-killers_n_2331236.html).

<sup>31</sup> Gamache, K., Platania, J., & Zaitchik, M. (2015). An Examination of the Individual and Contextual Characteristics Associated with Active Shooter Events. *Journal of Forensic Psychology*, 1-20.

<sup>32</sup> *Id.*

In terms of committing the act of violence, an analysis conducted by New York City Police Department in 2014 shows a broad range of tactical sophistication in the planning stage of active shooter attacks. Some active shooters do little to no planning and attack impulsively, while others do extensive planning, including pre-operational surveillance. A few active shooters even set up pre-planned defenses intended to trap victims and prolong their attacks, such as chaining doors and blocking entrances. Some attackers appear to have learned from previous active shooter incidents.<sup>33</sup>

Witnesses point out that mass shooters seem so cool, calm, collective, even smiling. For Columbine they had their plan; they had rehearsed the scenario over-and-over, much like shooters Hassan at Fort Hood; Loughton at Tucson; Homes in Aurora; Lanza in Newtown; and Cho at Virginia Tech. Many active shooters have demonstrated signs of mental illness, and largely broadcasted their violent intentions in advance, including posts online prior to their planned attack. Many active shooters suffer from social isolation and some loss of socioeconomic status.<sup>34</sup>

### III. Strategies and Best Practices

#### A. Background

Higher education campuses are known to have an open environment, purposefully so, where the flow of the community is fairly unrestricted on campus grounds (compared to other private, or public, businesses and buildings). This satisfies the intended academic and social purposes but may increase the opportunity for those who seek to do harm with minimal deterrence and perceived risk. The best defense against an active shooter incident is to develop constant situational awareness. Developing a complacent mindset of “it cannot happen to me” or “it will not happen here” only provides for a false sense of security. Preparation has proven to be instrumental in the ability to survive an active shooter event, in both a confident and competent manner.<sup>35</sup>

The process of preparation focuses on a few key areas: Planning, Prevention and Mitigation, Communications, Education and Training, and Response and Law Enforcement Readiness. The sections that follow highlight current best practices in the field in each area.

#### B. Planning

In order to adequately prepare for an all-hazards risk environment that can include anything from hurricanes and tornados to active shooters and chemical attacks, the most effective course of action is to develop and implement an emergency operations plan that focuses on protecting students, faculty, staff, and visitors from both manmade threats and natural disasters. This includes first conducting a comprehensive review and assessment of policies, procedures, and systems related to campus safety and security.<sup>36</sup>

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<sup>33</sup> New York City Police Department. (2012). *Active Shooter Recommendations and Analysis for Risk Mitigation*.

<sup>34</sup> Jansheski, J. W. (2013). *Mass Shootings in the United States: Common Characteristics and Predictive Behaviors*. U.S. Army Command and General Staff College. Fort Leavenworth, Kansas.

<sup>35</sup> Johnson, O., Carlson, P., Murphy, B., Flory, D., Lankford, B., & Wyllie, D. (2016). Preparing Civilians to Survive an Active Shooter. *Journal of Law Enforcement*, 2-13.

<sup>36</sup> U.S. Department of Education. (2013). *Guide for Developing High-Quality School Emergency Operations Plans*. Washington D.C.: Office of Elementary and Secondary Education, Office of Safe and Healthy Students.

The figure below depicts the six steps in the planning process as suggested by the U.S. Federal Emergency Management Agency (FEMA).<sup>37</sup>



Figure 11: Steps in the Planning Process

This process begins with forming a collaborative team to engage in planning activities. This team should be responsible for drafting, reviewing, updating, and implementing the emergency operations plan. Composition of the team is highly dependent on the institution’s organizational and operational structure but should include representatives that have the knowledge of day-to-day operations and the school’s assets (population, systems/equipment, facilities), as well as representatives that have the authority to initiate and execute the plan during an emergency.

Responsibility for developing, testing, and implementing an emergency operations plan should be shared and communicated across all departments and functions. Case studies suggest that operational planning is most effective when team members and participating organizations understand and accept their roles. Close collaboration between institutions and their community partners ensures the coordination of efforts and the integration of emergency management plans.<sup>38</sup>

As will be further discussed in later sections of this research, Step 6: Plan Implementation and Maintenance is also a critical step not to be overlooked. This requires holding regular meetings and conducting exercises with critical emergency operations team members, key personnel, and other stakeholders, including local first responders. It is important to engage other members of the community in the responsibility of their own safety, to include non-essential employees and students.

<sup>37</sup> U.S. Department of Homeland Security. (November 2010). *Developing and Maintaining Emergency Operations Plans: Comprehensive Preparedness Guide 101, Version 2.0*. Washington, DC.: Federal Emergency Management Agency Retrieved from [http://www.fema.gov/pdf/about/divisions/npd/CPG\\_101\\_V2.pdf](http://www.fema.gov/pdf/about/divisions/npd/CPG_101_V2.pdf).

<sup>38</sup> U.S. Department of Education. (2013). *Guide for Developing High-Quality School Emergency Operations Plans*. Washington D.C.: Office of Elementary and Secondary Education, Office of Safe and Healthy Students.

### C. Prevention and Mitigation

The first step towards prevention is to remain vigilant in identifying persons of concern in the campus community. One way in which to accomplish this is to form a behavioral threat assessment and management team that reviews individual cases that may indicate a threat to self or others, and manages the process to address that potential threat. A behavioral threat assessment and management team is an effective way of preventing a wide array of crimes on campus, not just active shooter related incidents, providing an opportunity to engage students, faculty, or staff of concern, so that they can receive needed referrals or other appropriate assistance and treatment. The implementation of a team is both low-cost and easy to implement since many colleges and universities already possess the key resources on campus.<sup>39</sup> Areas of concern include psychosocial and behavioral problems that may both interfere with adequate and successful functioning that, if unaddressed, might lead to a dangerous outcome to the student or the community.<sup>40</sup>

The Commonwealth of Virginia and the State of Illinois actually require, through legislation, the development of a behavioral threat assessment and management team.<sup>41</sup> In Virginia the statute requires each public college and university establish a team/committee and “each committee shall include representatives from student affairs, law enforcement, human resources, counseling services, residence life, and other constituencies as needed. Such committee shall also consult with legal counsel as needed.”<sup>42</sup> While there are no nationwide or federal statutes requiring higher education institutions have a behavioral threat assessment and management team in place, many individual institutions and educational systems have adopted the practice to assist in their prevention efforts.

Another tool in the area of prevention is encouraging the campus community to not only bring persons of concern to the attention of the behavioral threat assessment and management teams, but also to report suspicious situations and behaviors such as a backpack left unattended or a behavior that does not seem right. Education campaigns such as the U.S. Department of Homeland Security’s “*If You See Something, Say Something™*” have been adopted by states, municipalities, and organizations to help get the word out to encourage their communities to speak up. It teaches participants to report suspicious situations or behavior to local law enforcement, including campus police/public safety, describing in as much detail as possible what they have observed.<sup>43</sup> This can be an important tool in assisting campus and local law enforcement to identify threats before harmful action is taken.

Another emerging approach in prevention and mitigation is the use of social media monitoring for potential threats. As technology advances, administrators and law enforcement agencies have adapted, and are adopting these new techniques. One example in practice: in July 2012, a Kent State University student accused of posting a message on Twitter saying he would be “shooting up” the northeastern Ohio campus was instructed to stay away from the school and its President. The student was ultimately

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<sup>39</sup> Deisinger, G., Randazzo, M., O’Neill, D., and Savage, J. (2008). *The Handbook for Campus Threat Assessment & Management Teams*.

<sup>40</sup> The Jed Foundation. (2013). *Balancing Safety and Support on Campus: A Guide for Campus Teams*. New York: Higher Education Mental Health Alliance (HEMHA) Project.

<sup>41</sup> Campus Security Enhancement Act of 2008, 110 ILCS 12/20(b) (2009); Code of Virginia, § 23-9.2:10 (Violence prevention committee; threat assessment team).

<sup>42</sup> Code of Virginia, § 23-9.2:10.

<sup>43</sup> See <https://www.dhs.gov/see-something-say-something/about-campaign>.

arrested and charged with “inducing panic, a felony, and aggravated menacing”.<sup>44</sup> In this instance, “University officials say an employee [of Kent State University] was monitoring social media mentions of the school in northeast Ohio when the tweet was discovered”.<sup>45</sup> It is unknown if the student would have actually followed through on his threats; however, such menacing language could not be dismissed and monitoring of social media channels by university staff played an important role in disarming a potentially dangerous situation. There are a number of companies that can aggregate data via key phrases, hashtags, geofencing, and algorithms, and other methods of working with meta-data in real-time to help officials identify and mitigate threats, reduce crime, and bring actionable intelligence to evolving situations.

#### D. Communications

The actions taken in the initial minutes of an emergency are critical. A prompt warning to employees to evacuate, shelter, or lockdown can save lives. And a call for help to first responders that provides full and accurate information will help the dispatcher send the right responders and equipment.<sup>46</sup>

A prompt warning to the campus community is not only a lifesaving action, it is also required in some instances under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (‘Clery Act’ or ‘Clery’).<sup>47</sup> The Clery Act requires institutions to “immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. An “immediate” threat as used here encompasses an imminent or impending threat, such as an approaching forest fire, as well as a fire currently raging in a building.<sup>48</sup> This is referred to as an “Emergency Notification”. Under the Clery Act, an active shooter incident would require an institution to issue an Emergency Notification.

The Clery Act also requires an institution to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. Although Clery does not define “timely”, this means that a warning should be issued as soon as the pertinent information is available to enable people to protect themselves. Even if an institution does not have all of the facts surrounding a criminal incident or incidents, a warning is required, with an option to follow up with additional information as it becomes available.<sup>49</sup>

The Clery Act regulations do not require a particular mode of communication but do encourage overlapping means of communication in the event one method fails or malfunctions. Examples of methods available include public address systems, text messaging, e-mail messaging, electronic signboards, emergency phone lines, phone trees, and bulletins posted on building entrances and exits.<sup>50</sup> Clery guidance does not weigh in on requiring the campus community to sign up for certain modes of communication, a challenge many institutions are struggling with, an ‘opt-in’ versus ‘opt-out’ policy.

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<sup>44</sup> Rodriguez, B. (July 2012). *Student in Twitter Threat Ordered to Avoid Kent State*. Retrieved from Atlanta Journal Constitution at <http://www.ajc.com/news/nation-world/student-intwitter-threat-1487191.html>.

<sup>45</sup> Shear, B. (September 2012). *California is the First State to Enact a Comprehensive Social Media Privacy Legislation*. Retrieved from Shear on Social Media and the Law: <http://www.shearsocialmedia.com/>.

<sup>46</sup> Department of Homeland Security: Emergency Response Plan. Retrieved from [www.ready.gov](http://www.ready.gov).

<sup>47</sup> Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. §1092(f)).

<sup>48</sup> U.S. Department of Education. (2011). *The Handbook for Campus Safety and Security Reporting*, Washington, D.C.: Office of Postsecondary Education.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

## E. Education and Training of the Campus Community

Rapid response and engagement by law enforcement personnel has been the exclusive focus of most education programs. Unfortunately, 49% of active shooter events begin and end prior to the arrival of law enforcement.<sup>51</sup> This number is despite the fact that in a 2014 study, data on police response found that the median response time was 3 minutes - fast by law enforcement standards.<sup>52</sup> The fact is there will always be a delay between the initiation of violence and law enforcement response. In the time separating the first and last shots fired in active shooter incidents, often the only individuals who have the capacity to react are the victims/potential victims. The reality of these incidents is that the only individual predominantly in control during an active shooter incident is the shooter.<sup>53</sup>

A key to successful mitigation is preparing the community to respond to a threat on campus without instilling fear. With this in mind, campus administrators and law enforcement agencies are increasingly implementing policies, procedures, and regular active shooter awareness training programs for the entire campus community to assist in mitigation and response efforts. Violence resilience education efforts led by institutions of higher education should be done in a way to reinforce lifesaving lessons in a meaningful and effective way.

The law enforcement community is uniquely positioned to share knowledge across public safety domains and with civilians who may contribute to limiting the loss of life during a time of crisis. “The *Whole Community* concept of response and resilience building has advanced strategies associated with targeted violence and mass casualty events.”<sup>54</sup> Strengthening lines of communication between law enforcement and the communities they serve may mitigate fear and maximize the sharing of information before an attack occurs. Many times exercise scenarios assess the law enforcement response, not the response of faculty, staff, and students. It is suggested that the inclusion, in training scenarios, of those likely to be victimized by targeted violence will yield a better impression of capabilities and areas in need of improvement.<sup>55</sup>

The civilian response to the Boston Marathon bombing is a remarkable example of civilians taking decisive action in concert with first responders to aid and evacuate critically wounded victims.<sup>56</sup> For example, 27 tourniquets were applied by ordinary citizens who used belts, shirts, and other materials to stem the worst bleeding in fast-acting bids to prevent blood loss, shock, and death. No commercially available tourniquets were used. John Blansfield, Boston Medical Center’s trauma program manager, later stated that, “Without a doubt, tourniquets were a difference maker and saved lives”.<sup>57</sup>

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<sup>51</sup> Blair, J., Hunter Martindale, M., & Nichols, T. (December 2015). *FBI Law Enforcement Bulletin*. Retrieved from <https://leb.fbi.gov/2014/january/active-shooter-events-from-2000-to-2012>.

<sup>52</sup> *Id.*

<sup>53</sup> Ergenbright, C. E. (2012). *Defeating the Active Shooter: Applying Facility Upgrades in Order to Mitigate the Effects of Active Shooters in High Occupancy Facilities*. Monterey, CA: Naval Postgraduate School.

<sup>54</sup> U.S. Department of Homeland Security. (2011). *A Whole Community Approach to Emergency Management: Principles, Themes, and Pathways for Action*. Washington D.C.: Federal Emergency Management Agency.

<sup>55</sup> Snyder, G. M. (2015). *The Effects of Active Shooter Resilience Training Programs on College Students' Perceptions of Personal Safety*. Lynchburg: Liberty University.

<sup>56</sup> Leonard, H., Cole, C., & Heymann, P. (2014). *Why was Boston Strong?: Lessons from the Boston Marathon Bombing*. Boston: Harvard Kennedy School.

<sup>57</sup> Johnson, O., Carlson, P., Murphy, B., Flory, D., Lankford, B., & Wyllie, D. (2016). Preparing Civilians to Survive an Active Shooter. *Journal of Law Enforcement*, 2-13.

Research also shows that during critical events it takes only a small number of people to lead and help others who lack the knowledge, skills, and ability to help themselves. Closing the reactionary gap between hearing an attack begin and taking effective protection actions can only be instilled through effective awareness and training.<sup>58</sup> Repetition in training and preparedness shortens the time it takes to orient, observe, and act.<sup>59</sup> Campus law enforcement must broaden their approach to training for active shooter events. Campus resilience is a weight that should be borne by the entire community and not just first responders. Campuses should also consider pre-positioning necessary trauma kits in appropriate locations.<sup>60</sup>

#### F. Response/Law Enforcement Readiness

The type of police response to an active shooter incident will be determined by the unique circumstances of the incident which will require flexible protocols. Some incidents have involved multiple attackers as occurred at Columbine High School while other incidents may only involve a single attacker. Many active shooter perpetrators desire higher casualty counts and have been known to study prior attacks in an attempt to escalate the violence with new and creative tactics. Police should be aware of the potential for escalated violence and tactics to ensure an appropriate readiness state.<sup>61</sup>

Since 2000, police response to an active shooter incident has evolved from establishing a perimeter at the scene, to breaching with a four officer team, to the current ideology of the first officer on the scene advances to neutralize the suspect(s).

Up until the Columbine High School incident, responding officers were trained that initial responders to an active shooter incident were to secure the perimeter, gather as much information as possible, assist the victims, and then wait for a Special Weapons and Tactics (SWAT) Unit and/or a Rapid Response Team to respond and take command of the incident. The lessons learned from the Columbine High School incident, which initiated a change in protocols when responding to active shooter incidents, were that while police were securing the perimeter and formulating a plan, casualties were continuing inside the school.

Post Columbine, new protocols recommended that the scene be breached with a four officer team. This required four officers be assembled at the scene with the primary focus to stop the perpetrator. Officers were trained to move quickly, not stopping to assist victims, towards the sound of active gunfire. If possible, the four officer team would take note of the location of any victims and notify secondary response teams who would be responsible for assisting or removing those victims from the scene. While this tactic improved the response time of police, there was still the potential for a delayed response waiting for the four officer team to be assembled.

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<sup>58</sup> Snyder, G. M. (2015). *The Effects of Active Shooter Resilience Training Programs on College Students' Perceptions of Personal Safety*. Lynchburg: Liberty University.

<sup>59</sup> U.S. Department of Education. (2013). *Guide for Developing High-Quality School Emergency Operations Plans*. Washington D.C.: Office of Elementary and Secondary Education, Office of Safe and Healthy Students.

<sup>60</sup> Jacobs, L. M. (2014). Joint Committee to Create a National Policy to Enhance Survivability from Mass Casualty Shooting Events: Hartford Consensus II. *American College of Surgeons*, 476-478.

<sup>61</sup> Stuart K. Cameron. (May 2014). *Preparing for Active Shooter Incidents: Adapting to the Latest Tactics and Anticipating Future Trends*. The Police Chief 81, 54–57. Retrieved from [http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display\\_arch&article\\_id=3357&issue\\_id=52014](http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=3357&issue_id=52014).

Current protocols recognize that immediate response and action is required by the initial responders to an active shooter incident. Upon arrival to the scene by the initial officer(s) their first responsibility is to enter the scene with their sole objective being to neutralize the perpetrator with the hope of reducing the number of casualties. Timing is critical when responding to active shooter incidents. Command of the scene can then be turned over to SWAT and/or a Rapid Response Teams once they have arrived.

Throughout this evolution, the most crucial element of active shooter response is a well-trained and equipped police force. Campus police and local law enforcement readiness for active shooter response must first begin with relative and practical response training. As part of President's Obama's plan to protect our children and our communities by reducing gun violence, he calls for expanded access to federal active shooter training stating that "one of the best ways to minimize the loss of life in a mass shooting is to make sure law enforcement, first responders, school officials, and others are prepared to respond to an active shooter".<sup>62</sup>

As suggested by Bureau of Justice Assistance (BJA) and the FBI, training should prepare first responders to isolate, distract, and neutralize an active shooter. Training should include, but not limited to: weapon manipulation, threshold evaluation, concepts and principles of team movement (including solo officer strategies), setting up for room entry and room entry techniques, approach and breaching the crisis site, follow-on responder tactics, improvised explosive devices (IED's), post-engagement priorities of work, point-of-wounding casualty care techniques to save lives.<sup>63</sup> These techniques, among others, should be shared with first responders at a state and/or system level to ensure consistency and efficiency.

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<sup>62</sup> Retrieved from <https://www.whitehouse.gov/issues/preventing-gun-violence>.

<sup>63</sup> One training that incorporates these principals is the Advanced Law Enforcement Rapid Response Training (ALERRT) organization located in San Marcos, Texas. In June of 2013, the FBI established ALERRT as the recommended national standard for active shooter response (Investigative Assistance for Violent Crimes Act of 2012). See [www.alert.org](http://www.alert.org).

## Sexual Violence Research

### I. Introduction

Sexual violence is, unfortunately, not a new phenomenon occurring on the campuses of colleges and universities, but it is only during the last decade that it has become a focus of universal awareness in the United States. As the statistics set forth below indicate, the prevalence of sexual violence in the higher education environment is high, particularly for female students and non-traditional student populations. This fact has prompted legislators, regulators, students, and institutions of higher learning – as well as many others, including but not limited to advocates, educators, and members of law enforcement – to examine this multi-faceted problem and to take steps to address it. Their voices have contributed to a wealth of useful information and guidance, and they inform the following discussion.

For purposes of this report “sexual violence” refers broadly, unless otherwise noted, to incidents of sexual assault/attempted assault, sexual harassment, sexual discrimination, domestic violence, dating violence, and stalking.

#### A. Scope of the Problem

Studies concerning the reporting of sexual assault generally, as well as recent college and university campus climate surveys, indicate that sexual violence is significantly underreported. The well-documented reality is that the majority of rapes and other attempted and completed sexual assaults are not reported, either to law enforcement or to the institutions at which they occur.<sup>64</sup> Rape and sexual assaults upon students are more likely than nonstudent assaults to go unreported to the police.<sup>65</sup>

Research shows that a significant number of students experience sexual violence prior to arriving on a college campus. The CDC estimates that approximately 1 in 6 boys and 1 in 4 girls are sexually abused before the age of 18, and 35.8% of sexual assaults occur when the victim is between the ages of 12 and 17.<sup>66</sup> And approximately 1 in 5 female high school students report being physically and/or sexually abused by a dating partner.<sup>67</sup>

On college and university campuses, national, as well as recent campus-specific research, confirms that a significant number of female students (both undergraduate and graduate) experience sexual violence

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<sup>64</sup> AAU Study; Sinozich, S. and Langton, S. (2014). *Rape and sexual assault victimization among college-age females, 1995-2013* (NCJ 248471), reprinted by the National Sexual Violence Resources Center (NSVRC); The First Report of the White House Task Force to Protect Students from Sexual Assault (April 2014) (hereinafter cited as the “Not Alone Report”); Krebs, C.P., Lindquist, C.H. & Warner, T. (2007). *The Campus Sexual Assault Study*. Washington D.C.: National Institute of Justice (hereinafter cited as “CSA Study”); Busch-Armendariz, N.B., Sulley, C., & Hill, K. (2016). *The Blueprint for campus police: Responding to sexual assault*. Austin, TX: Institute on Domestic Violence & Sexual Assault, University of Texas at Austin (hereinafter cited as the “Austin Blueprint”).

<sup>65</sup> Sinozich, S. and Langton, S. (2014). *Rape and sexual assault victimization among college-age females, 1995-2013* (NCJ 248471), reprinted by the National Sexual Violence Resources Center (NSVRC), citing statistics from the National Crime Victimization Survey (NCVS).

<sup>66</sup> American Psychological Association. (February 2014). *Child Sexual Abuse: What Parents Should Know*. Retrieved from <http://www.apa.org/pi/families/resources/child-sexual-abuse.aspx>.

<sup>67</sup> Silverman, J.G., A. Raj, L.A. Much, and J.E. Hathaway (2001). *Dating Violence Against Adolescent Girls and Associated Substance Abuse, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy, and Suicidality*, *Journal of the American Medical Association*, Vol. 286 (No. 5).

during their years of higher education. Although the incidence of such violence varies from institution to institution, recent studies reflect that 1 in 4 to 5 female undergraduate students of residential colleges or universities are sexually assaulted during their undergraduate experience, with the highest rate of incidence being in their first and second years.<sup>68</sup> Although the incidence of sexual violence is significantly lower for male undergraduate and graduate students,<sup>69</sup> all students in the LGBTQ community are at greater risk for such violence than others, and this group is less likely to report sexual assault or harassment.<sup>70</sup> A recent study found that sexual assault for transgender students occurs at a rate of 28%.<sup>71</sup>

Students with disabilities constitute another vulnerable population. Research indicates that individuals of all genders who have physical and/or mental disabilities are more likely to be victimized. Some studies have placed the rate of incidence of sexual assault in this population at alarmingly high rates (women 80%; men 30%).<sup>72</sup> In light of the fact that numerous students and employees of the institution have disabilities, including some with diminished capacities to report an experience of sexual violence, the need to ensure the safety of these individuals is paramount.

Colleges and universities also need to engage in heightened vigilance in order to protect other non-traditional student populations (e.g., minors on campus, international students, etc.). Employees are entitled to work in an environment free of sexual harassment or violence as well.

It is not outsiders who commit most of the sexual violence occurring on college and university campuses. Typically, the people involved knew each other, at least casually, prior to the incident, and most sexual assaults occur in residence hall rooms.<sup>73</sup> The level of acquaintance between the parties in college and university cases is consistent with sexual assault in the general population,<sup>74</sup> and tells us something about how to approach awareness and prevention.

The overlap between sexual violence and alcohol (or substance) use also requires attention. Heavy drinking, including binge drinking and extremely rapid ingestion of alcohol (more likely to cause “blackout drunk” states in which an individual may appear cognitively functional but is not) is very

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<sup>68</sup> CCSVS Report; AAU Study.

<sup>69</sup> CCSVS Report; AAU Study.

<sup>70</sup> *Id.*; Walters, M.L., Chen, J., & Breiding, M.J. (2013). *The National Intimate Partner and Sexual Violence Survey: 2010 Findings on Victimization by Sexual Orientation*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (hereinafter cited as “NISVS Survey”); National Sexual Violence Resource Center. (2015). *Media Packet: Statistics About Sexual Violence*. Retrieved from <http://www.nsvrc.org/publications/nsvrc-publications-fact-sheets/media-packet-statistics-about-sexual-violence>; Edwards, K., Sylaska, K., Barry, J., Moynihan, M., Banyard, V., Cohn, E., Walsh, W., & Ward, S. (2014). *Physical Dating Violence, Sexual Violence, and Unwanted Pursuit Victimization: A Comparison of Incidence Rates Among Sexual Minority and Heterosexual College Students*. *J. Interpersonal Violence* 2015, Vol. 30(4) 580-600.

<sup>71</sup> CCSVS Report.

<sup>72</sup> Washington Coalition of Sexual Assault Programs (2016). *Disability Community*. Retrieved from <http://www.wcsap.org/disability-community>; Milberger, S., LeRoy, B., Martin, A. Israel, N., Potter, L., Patchak-Schuster, P., (February 2002). *A Michigan Study on Women with Disabilities* (funded by the National Institute of Justice); Sobsey, D. (1994). *Violence and abuse in the lives of people with disabilities: The end of silent acceptance*. Baltimore, Maryland: Paul H. Brooks Publishing, Co., Inc.

<sup>73</sup> CCSVS Report; AAU Study.

<sup>74</sup> NISVS Survey.

common in college.<sup>75</sup> The correlation between sexual violence and one or both parties being under the influence of (or incapacitated by) alcohol is high, meaning the intersection of these phenomena must be addressed in any comprehensive effort to prevent such violence.

The Campus Climate Survey Validation Study (CCSVS) found that in more than half of the incidents of rape and sexual battery, the victim perceived that the offender had been drinking or using drugs.<sup>76</sup> The victim's use of alcohol or drugs prior to the incident was more common for rape incidents (63%) than for incidents of sexual battery (49%), but was a frequent factor overall. Similarly, the Association of American Universities Study ('AAU Study') found that nonconsensual sexual contact involving drugs and alcohol constituted a significant percentage of the incidents.<sup>77</sup> United Educators' most recent Claims Study (2015) reflected that 78% of the sexual assaults reported to have occurred at colleges and universities involved one or both parties having consumed alcohol, and that 1 in 3 victims were drunk, passed out, or asleep during the incident.<sup>78</sup> These recent findings are consistent with prior research.<sup>79</sup>

## B. Compliance

The federal statutes of primary applicability in this area are Title IX of the Education Amendments of 1972 (20 U.S.C. §§1681 et seq.) ('Title IX') and the Clery Act, as amended by the Campus Sexual Violence Elimination Act (Campus SaVE Act).<sup>80</sup> Please see Appendix D for a detailed description of each statute, as well as applicable regulations and guidance issued by DOE/OCR.

## II. Emerging Best Practices

### A. Background

The topic of how to reduce sexual violence on college and university campuses, and how to respond adequately to the needs of survivors, has only recently become a matter of significant focus and research. Accordingly, there is no body of established "best practices" that has been in place for decades, or that has been the subject of extensive longitudinal study. Nevertheless, a growing body of research (some of which draws upon well-established science in the area of prevention as well as the neurobiology of trauma) provides insight as to what institutions can do to prevent and respond to sexual violence effectively.

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<sup>75</sup> See Journal of Studies on Alcohol and Drugs (November 2015).

<sup>76</sup> The CCSVS Report was a pilot campus climate survey of nine schools developed by the Bureau of Justice Statistics with funding from the Office on Violence Against Women, designed to be implemented by schools and used to address key White House "Not Alone" Task Force goals related to the measurement of rape and sexual assault in self-report surveys. CCSVS Report, at 1.

<sup>77</sup> The AAU Study was a campus climate survey administered by the AAU through Westat, a research firm, at the end of the spring of 2015 semester on the campuses of 27 colleges and universities, 26 of which were AAU members.

<sup>78</sup> United Educators (2015), *Confronting Campus Sexual Assault: An Examination of Higher Education Claims*.

<sup>79</sup> See CSA Study; see also Kilpatrick, D., Resnick, H., Ruggiero, K., Conoscenti, M., & McCauley, M. (July 2007). *Drug-facilitated, Incapacitated, and Forcible Rape: A National Study*. National Crime Victims Research and Treatment Center, Medical University of South Carolina.

<sup>80</sup> The Campus SaVE Act is part of the reauthorization of the Violence Against Women Act of 1994 (VAWA), signed into law by President Obama in March 2013.

On January 22, 2014, the White House Task Force to Protect Students from Sexual Assault ('White House Task Force') was formed, and it immediately launched its website - [www.NotAlone.gov](http://www.NotAlone.gov) - for the purpose of heightening awareness of the issue and providing useful resources to students and schools. President Obama described the goals of the White House Task Force as being to: (i) stop sexual assault from occurring, (ii) support those who have survived it, and (iii) bring perpetrators to justice.<sup>81</sup> Institutions all across the country have taken steps to achieve these goals, based upon the existing research (often compiled by advocacy groups), the directives of the White House Task Force, and the guidance provided by OCR. These steps fall within the following categories: (1) awareness and prevention; (2) reporting options; and (3) responding to complaints of sexual violence in all necessary ways (e.g., providing culturally sensitive resources and interim protective measures to survivors; and creating a fair and prompt system by which to adjudicate complaints).

Colleges and universities must explore ways in which to heighten their communities' awareness of sexual violence, decrease the incidence of such violence, increase the reporting of it, and improve the efficacy and robustness of their response. A commitment to these goals will enable institutions not only to achieve compliance, but to also develop and hone what are emerging as best practices in this area.

The sections that follow highlight the lessons learned and emerging best practices in the areas of awareness and prevention, reporting, and responding to incidents of sexual violence. While there is still a lot of work to be done, the results of research from organizations such as the CDC and the White House Task Force, the data obtained via campus climate surveys, and the lessons learned from task forces and other subject matter expert groups have all provided a solid starting point from which to address this critical issue. A summary of this work, utilized to inform the recommendations of the Massachusetts Campus Safety and Violence Prevention Task Force, is presented below.

## B. Awareness and Prevention

DOE/OCR has urged institutions to engage in awareness and prevention programs in its guidance documents, and required this in the resolution agreements into which it has entered with various institutions. The Clery regulations also specify that institutions must engage in awareness campaigns (on the subjects of sexual assault, dating violence, domestic violence, and stalking) targeted at students and employees, and must offer primary, as well as ongoing, prevention programs to them. These programs must be "culturally relevant and inclusive of diverse communities," and must include information about safe and positive options for bystander intervention.<sup>82</sup> At present, there is no legal requirement that institutions *mandate* attendance at sexual violence awareness and prevention trainings or programs.

There are many awareness and prevention programs in use on college and university campuses around the country. Several organizations, as well as the White House Task Force, have established websites listing such resources and links to the programs. These include the Center for Changing our Campus Culture, a comprehensive online resource for institutions of higher education, supported by the U.S. Department of Justice's Office on Violence Against Women; the National Sexual Violence Resource Center (NSVRC), an organization funded through a cooperative agreement from the CDC's Division of Violence Prevention; Futures Without Violence, a non-profit organization offering numerous resources

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<sup>81</sup> Not Alone Report, at ii.

<sup>82</sup> 34 C.F.R. § 668.46(a).

for preventing and responding to sexual violence; Men Can Stop Rape; and the American Association of University Women, to name a few.<sup>83</sup>

Certain colleges and universities have also established programs (in addition to designating a Title IX coordinator) dedicated to the prevention of, and response to, sexual violence on campus; the mere existence of these programs promotes awareness. For example, the University of New Hampshire has the Sexual Harassment and Rape Prevention Program (SHARP), California State University has Project SAFE, and Harvard University has the Office of Sexual Assault Prevention & Response (OSAPR); these are programs that work in various ways to promote awareness and prevention as well as to provide information about resources for survivors.<sup>84</sup> The Governor's Task Force in Virginia has recently recommended that each college and university in Virginia develop a comprehensive prevention plan that will be supported and implemented by a multi-disciplinary, multi-stakeholder team of administrators, faculty members, staff, and students who will work to create and sustain a culture that helps to prevent sexual assault from occurring.<sup>85</sup> That Task Force also recommended implementation of a statewide *Start by Believing* campaign, designed to encourage victims to report sexual violence to law enforcement officials.<sup>86</sup>

Although there has been an insufficient passage of time for us to know how effective most of these programs and efforts are, the research that follows aims to identify lessons learned and promising programs.

### ***Lessons Learned and Promising Programs in Awareness***

#### **Communicating Policies**

The relevant laws and regulations make it clear that institutions must have policies in place that prohibit sexual violence and that provide a prompt, thorough, and impartial grievance mechanism for those who experience it, among other things. The policies do not, in and of themselves, necessarily raise awareness; institutions must consider how to get their content across to students in meaningful ways. This is particularly important when it comes to having a prevention effect, as discussed more fully below. It is also true, however, with respect to raising awareness of sexual violence in general.

The University of New Hampshire's (UNH) Prevention Innovations Research Center (PIRC) tackled this issue while conducting research for the White House Task Force.<sup>87</sup> Specifically, UNH found that students recollect and understand policies against sexual violence more fully if they are delivered via different methods (as opposed to in one format), and if messages regarding the topic are not limited to the beginning of the semester (particularly, first-year orientation).<sup>88</sup> Additionally, invitations to watch on-

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<sup>83</sup> See [www.changinourcampus.org](http://www.changinourcampus.org); [www.nsvrc.org](http://www.nsvrc.org); [www.futureswithoutviolence.org](http://www.futureswithoutviolence.org); [www.mencanstoprape.org](http://www.mencanstoprape.org); [www.aauw.org](http://www.aauw.org).

<sup>84</sup> See [www.unh.edu](http://www.unh.edu); [www.calstatela.edu](http://www.calstatela.edu); [www.osapr.harvard.edu](http://www.osapr.harvard.edu).

<sup>85</sup> Commonwealth of Virginia, Governor Terry McAuliffe's Task Force on Combating Campus Sexual Violence. (May 28, 2015). *Report and Final Recommendations to the Governor* (hereinafter cited as "Virginia Task Force Report to the Governor").

<sup>86</sup> *Id.* *Start by Believing* is a public awareness campaign focused on the public response to sexual assault. See [www.evawintl.org](http://www.evawintl.org).

<sup>87</sup> See [www.cola.unh.edu](http://www.cola.unh.edu). The Prevention Innovations Research Center also has a "Bystander Store" on its website, from which anyone may purchase posters, bookmarks, and other items promoting sexual violence awareness. *Id.*

<sup>88</sup> *Id.* at 7.

line videos regarding the topic of sexual violence were largely ignored by students, suggesting that sexual misconduct policies need to be delivered in an engaging manner and that students must be held accountable for obtaining this knowledge.<sup>89</sup>

### Promoting Awareness

Institutions promote awareness of sexual violence primarily through their policies around sexual conduct and gender discrimination, as well as through trainings. Other methods include social marketing campaigns, such as *Know Your Power* and the *Red Flag Campaign*, which rely on images to heighten awareness of sexual violence and opportunities for bystander intervention.<sup>90</sup> Some institutions use interactive theater as the mechanism by which to raise awareness of the problem, as well as to model positive bystander intervention.<sup>91</sup>

Programs focused on heightening male awareness of sexual violence are also being implemented widely. These include the *Campus Men's Action Network*, which encourages college men to develop a campus coalition and to actively engage in work to end gender-based violence (in use at UMASS-Amherst, UCLA, Texas A&M University, and Swarthmore College, among others), and *The Men's Project* (in use at UNC-Chapel Hill, University of Wisconsin at Madison, Washington University, St. Louis and Loyola University in Chicago, among others), to name a couple.<sup>92</sup>

### Collaboration with External Partners

Although most institutions are focused, currently, on improving the level of awareness among members of their own communities, there is a growing recognition of the need to increase awareness more broadly as well.

One example of this is the effort that many institutions are making to communicate more effectively on the topic of sexual violence with local law enforcement. Memorandums of Understanding that describe the respective responsibilities of the institution and the police (including a universally applicable requirement of respect for racial, cultural, and gender identity differences) serve to heighten collective awareness as well as the individual awareness of the officers charged with those duties.<sup>93</sup>

Collaboration with local rape crisis centers and other advocacy organizations also serves to heighten awareness of sexual violence. These organizations have tools and resources that may be useful, and the mere fact of collaborating encourages the entire community to engage in dialogue on the topic.

Finally, research supports the idea that steps to partner – in awareness and prevention campaigns and trainings – with local secondary schools and teen organizations can be powerful. These are premised on the idea of creating healthier attitudes and behavior patterns at an earlier stage.<sup>94</sup>

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<sup>89</sup> *Id.*

<sup>90</sup> See [www.nsvrc.org](http://www.nsvrc.org); [www.theredflagcampaign.org](http://www.theredflagcampaign.org).

<sup>91</sup> These include University of Michigan (*No Zebras*), California State (*InterACT*), and *SCREAM Theater* at Rutgers. A rigorous evaluation of the efficacy of *SCREAM* is currently underway. See [www.NotAlone.gov](http://www.NotAlone.gov).

<sup>92</sup> See [www.janascampaign.org](http://www.janascampaign.org); [www.studentwellness.unc.edu](http://www.studentwellness.unc.edu); [www.msc.wisconsin.edu](http://www.msc.wisconsin.edu); [www.studentinvolvement.wustl.edu](http://www.studentinvolvement.wustl.edu); [www.luc.edu](http://www.luc.edu).

<sup>93</sup> See Austin Blueprint.

<sup>94</sup> Fleming, Wm. M., and Heisterkamp, H.A. (2015). *Cultivating Partnerships: A Case Study For Moving Beyond Campus-Centric Approaches to Sexual Violence Prevention*. University of Northern Iowa, *EJournal of Public Affairs*.

### Connection between Alcohol Awareness and Sexual Violence Awareness

Task forces and other groups at many institutions have recommended linking sexual violence awareness and campaigns with programs on alcohol awareness, both on campus and in the community. For example:

- The President’s Task Force on Preventing and Responding to Sexual Violence and Sexual Assault at the University of California recommended training on topics related to sexual violence and assault, including alcohol-abuse prevention, while taking care not to conflate alcohol education with trauma-informed sexual assault prevention education, which can result in victim-blaming attitudes.<sup>95</sup>
- Virginia Gov. McAuliffe’s Task Force on Combating Campus Sexual Violence recommended a comprehensive awareness and prevention plan that recognized, among other things, “the enabling role played by alcohol and substance abuse,” and that included professional staff with expertise in that area in awareness/prevention training.<sup>96</sup>
- Harvard University’s Task Force on the Prevention of Sexual Assault recommended that alcohol education be “an integral and robust part” of sexual assault and education and training programs, and to consider allocating funds toward the provision of facilities and food to students organizing parties in order to encourage healthier cultural norms with respect to alcohol consumption. Harvard also recommended considering a pilot study regarding policies to discourage the consumption of hard liquor, and collaborating with local bars and package stores to reduce the likelihood that students under 21 are served.<sup>97</sup>
- In its “Lessons Learned From Claims [of Sexual Violence]” Report (2006-2010), United Educators recommended training students on the connection between alcohol and sexual assault, identifying the following as examples: (i) Boston University trains local bar owners about student sexual assault and how to identify situations that may lead to it; (ii) Columbia University has created a list of tips to reduce a student’s risk of becoming a perpetrator or victim of sexual assault when alcohol is involved; and (iii) the University of the Pacific conducts joint student education programs on alcohol and sexual misconduct that target populations known for high alcohol use, such as Greeks, athletes, and first-year students.<sup>98</sup>

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<sup>95</sup> University of California. (September 2014). *Initial Report to the President: President’s Task Force on Preventing and Responding to Sexual Violence and Sexual Assault* (hereinafter cited as “UC Task Fricke Report”).

<sup>96</sup> Virginia Task Force Report to the Governor.

<sup>97</sup> Harvard University. (March 2016). *Final Report of the Task Force on the Prevention of Sexual Assault* (hereinafter cited as “Harvard Task Force Report”).

<sup>98</sup> United Educators (2014). *Student Sexual Assault: Weathering the Perfect Storm*.

## ***Lessons Learned and Promising Programs in Prevention***

### Principles of Prevention

There is well-established data regarding the principles of effective prevention. Specifically, research suggests that prevention strategies are more likely to be effective when they are/have:<sup>99</sup>

- **Comprehensive**, including components that address risk and protective factors at multiple levels, including individual risk-taking, peer and partner relationships, social norms and campus climate, as well as institutional structures and norms that contribute to risk for or that help prevent sexual violence.
- **Appropriately timed in development**, focusing on risk and protective factors most relevant to the college environment and young adulthood.
- **Sufficient “dosage”**, i.e., longer, multi-session programs tend to be more effective than single-session interventions.
- **Well-trained implementers** that are stable, committed, and competent.
- **Socio-culturally relevant** - climate surveys and student focus groups can assist with this.
- **Sound theory of change**, supported by logical theory.
- **Build on or support positive relationships**, e.g., between students and their peers, families, trusted mentors, teachers, coaches.
- **Varied teaching methods** such as interactive instruction and opportunities for active, skills-based learning as opposed to lectures, films.
- **Outcome evaluation** - vigorous monitoring helps to ensure efficacy.

### Promising Programs and Practices in Prevention

As the report prepared by the CDC’s Division of Violence for the White House Task Force in 2014 reflected, institutions are implementing a variety of prevention programs, including *Mentors in Violence Prevention*, *Bringing In The Bystander*, *Green Dot*, *No Zebras*, *Men Can Stop Rape*, etc., with the above principles in mind.<sup>100</sup> Many of these incorporate bystander-focused prevention, which is now required by the most recent Clery Act regulations.<sup>101</sup>

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<sup>99</sup> Centers for Disease Control (April 2014). *Preventing Sexual Violence on College Campuses: Lessons from Research and Practice* (prepared for the White House Task Force to Protect Students from Sexual Assault).

<sup>100</sup> See *id.*, at Table 1.

<sup>101</sup> Campus climate surveys indicate that while there is variation in the comfort level students may have intervening, virtually all them agree they would respect someone who did something to prevent a sexual assault from occurring.

The CDC recently issued a finding highlighting a few effective or promising prevention programs to include:

- *RealConsent* - Identified as effective at perpetration prevention on college campuses, this program uses a bystander-based model drawing on social cognitive and social norms theory.<sup>102</sup>
- *Green Dot* and *Bringing In The Bystander* – Both were identified as “promising programs” for institutions of higher education. *Green Dot* is a bystander-based prevention program designed to increase positive bystander behavior, change social norms, and reduce sexual and other forms of interpersonal violence perpetration and victimization. *Bringing In The Bystander* is a bystander program that aims to engage participants as potential witnesses to violence.<sup>103</sup>
- *Coaching Boys Into Men* – Identified as a “promising program”, it is a dating violence prevention program, developed by the non-profit organization Futures Without Violence that uses the relationships between high school athletes and their coaches to change social norms and behaviors. There has been an effort to adapt this program to the college setting.<sup>104</sup>

Recent research also suggests that institutions may be well advised to combine primary prevention programs (such as bystander intervention, social norming campaigns, and awareness-raising programs) with risk reduction efforts -- programs such as self-defense classes or Rape Aggression Defense training that seek to teach victims how to effectively thwart an assault attempt. These programs are often offered separately and not in a coordinated way, in part because risk reduction programs have received less favorable scrutiny in the last few years; and may be seen as victim blaming and reactionary. A study developed at Ball State University in 2011 resulted in a program known as *Elemental*, which offers a combined primary prevention and risk reduction approach.<sup>105</sup>

#### Characteristics of Promising Prevention Programs

A review of the work done by various task forces over the last couple of years, as well as by others in the field, reveals several emerging best practices or promising programs in the area of prevention, many of which were included in the White House Task Force’s First Report. What follows is a non-exhaustive list of these findings, derived from multiple sources:

- Put together a campus “cross-disciplinary” team, tasked with the responsibility for preventing and responding to sexual violence on campus;

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<sup>102</sup> See [www.cdc.gov/violenceprevention/sexual\\_violence/prevention.html](http://www.cdc.gov/violenceprevention/sexual_violence/prevention.html).

<sup>103</sup> *Id.*

<sup>104</sup> *Id.* See [www.post-gazette.com/local/city/2016/02/28/Coaching-Boys-Into-Men-program-looks-to-reduce-sexual-violence-by-getting-coaches-to-talk-to-male-athletes/stories/201602280187](http://www.post-gazette.com/local/city/2016/02/28/Coaching-Boys-Into-Men-program-looks-to-reduce-sexual-violence-by-getting-coaches-to-talk-to-male-athletes/stories/201602280187).

<sup>105</sup> *Elemental* is a sexual assault protection program that was developed at Ball State University by Chad Menning, Mellisa Holtzman, and a team 15 students from a number of disciplines across campus. The program combines educational programming on assault, consent, party culture, party safety, and so forth with physical and verbal self-defense training. During the 7-hour seminar, students learn how to recognize sexual threats early, give and get consent, communicate with partners about sex, and use a variety of self-protection techniques that vary in intensity and level of violence. Holtzman, M. and Menning, C. (2015). *Primary prevention and Risk Reduction Programming for College-Level Sexual Assault Prevention: Illustrating the Benefits of a Combined Approach*. *eJournal of Public Affairs* 4(2).

- Engage populations that may be more at risk for perpetrating sexual violence (male athletes, fraternities or other exclusive clubs) with specific prevention efforts;
- Identify “hot spots” on or off campus which create particular risks for sexual misconduct or intimate partner violence, and engage in targeted efforts to address those locations or groups;
- Conduct prevention education efforts throughout the student’s college education, not just during first-year orientation, and use a variety of tools. This education should be delivered “not in the spirit of a bureaucratic box to be checked, but as lessons that will be attended to, taken seriously, and internalized;”<sup>106</sup>
- Engage students and obtain their input on how the institution can prevent and respond to sexual violence effectively;<sup>107</sup>
- Support and encourage student-led campus-wide activities that denounce, bring awareness to, or work to reduce the incidence of gender-based violence;
- Support on-campus peer groups advocating for and trained in prevention efforts;
- Encourage faculty and staff to promote community responsibility, respect for cultural and gender identity differences, and healthy relationships in the manner in which they conduct their classes as well as generally on campus;
- Train health care personnel to screen for intimate partner violence, sexual violence, and stalking; and
- Collaborate (on campus and with local resources, such as law enforcement, rape crisis centers) in deciding upon prevention and response strategies and to discuss what is or is not working.<sup>108</sup>

This last finding – that institutions work as closely as possible with local partners/resources, including law enforcement, rape crisis centers, secondary schools, and members of the surrounding or adjacent communities - is also applicable to their response to sexual violence. Specifically, these local partners may enable both those who have experienced sexual violence, and those who have been accused of perpetrating such violence, with a variety of appropriate resources.

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<sup>106</sup>Harvard Task Force Report, at 6.

<sup>107</sup> For example, UNC-Chapel Hill held many student meetings and focus groups prior to convening its task force on redesigning its sexual harassment and misconduct policies and procedures applicable to students. It did the same with employees, for a different task force focused on policies and procedures applicable to employees. See Simmons, K. and Skurky, N. (January 2016). *Never Stop Improving – Key Considerations for Revising Your Campus Sexual Assault Policies and Procedures* (presented at the NACUA 2016 CLE Workshop: “Sexual Misconduct on Campus: Prevention, Compliance, Response and Beyond”).

<sup>108</sup> Fleck-Henderson, A. (2012). *Beyond Title IX: Guidelines for Preventing and Responding to Gender-Based Violence in Higher Education*. San Francisco, CA: Futures Without Violence; See Oregon. (2006). *Attorney General’s Sexual Assault Task Force Guidelines for Comprehensive Sexual Assault Response and Prevention on Campus*; California Coalition Against Sexual Assault. (2014). *2014 Student Summit On Sexual Assault: Report and Recommendations (hereinafter cited as “CALCASA Report”)*. Retrieved from [www.calcasa.org](http://www.calcasa.org); UC Task Force Report; Virginia Task Force Report to the Governor; Austin Blueprint; Harvard Task Force Report.

Some organizations are also focusing on ways to use newer technology for awareness and prevention measures in this area. ATIXA, the Association of Title IX Administrators, is collaborating with an education quiz-based training company called *Trivie*, which has recently launched a smartphone based awareness and prevention product called *U of Nine*, consisting of nine quiz-based modules that are no more than 5 minutes long. Students can track and complete the quizzes wherever and whenever they want. ATIXA represents that each of the quizzes has been subjected to focus-group feedback from students on pilot site campuses all around the country, including community colleges, four-year residential universities, and online institutions.<sup>109</sup>

Significantly, a number of task forces are embracing the DOE's recommendation that awareness and prevention trainings be made *mandatory* for some or all members of the institution's population.<sup>110</sup> This was one of the recommendations that came out of the CALCASA Student Summit as well.<sup>111</sup> It is only if everyone is required to attend and learn the material that the collective consciousness is raised. In addition, the institution makes a statement about the seriousness of the issue by making the trainings mandatory for everyone. Faculty members may not be persuaded of this, but mandatory training for all is clearly emerging as a best practice in the area. Community colleges may face particular challenges in connection with mandating attendance at trainings, along with other measures recommended for preventing and responding to sexual violence. The Association for Student Conduct Administration (ASCA) is engaged in efforts to assist these institutions in the development of workable practices in this area.<sup>112</sup>

### C. Reporting Sexual Violence

Sexual assault has always been significantly underreported, both on and off college and university campuses, for a variety of reasons such as: not wanting others to know about the assault, fear of retaliation, perception of insufficient evidence, uncertainty about whether a crime was committed or harm intended, and uncertainty about whether the incident was "serious enough."<sup>113</sup> The Campus Climate Survey Validation Study (administered in 2015) included a finding that, across the nine schools that participated, only 13% of rape incidents and 4% of sexual battery incidents were reported to an official (defined to mean a school administrator, faculty or staff, campus police or local law enforcement).<sup>114</sup> More than 20% of victims did not report the assault due to concerns that their report

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<sup>109</sup> See [www.uofnine.com](http://www.uofnine.com).

<sup>110</sup> See, e.g., Pennsylvania State University Task Force (mandatory training for all employees, whether confidential or responsible). The Pennsylvania State University. (January 2015). *The Pennsylvania State University Task Force on Preventing on Sexual Assault and Sexual Harassment Report* (hereinafter cited as "Penn State Report"). See also UCLA (all students, staff and faculty), UC Task Force Report; and Harvard University (all students), Harvard Task Force Report.

<sup>111</sup> See CALCASA Report.

<sup>112</sup> Association for Student Conduct Administration. (April 18, 2015). *Community Colleges and Sexual Misconduct: Unique Challenges and Opportunities*. Retrieved from [www.theasca.org/Files/2015](http://www.theasca.org/Files/2015).

<sup>113</sup> See Kilpatrick, D., Resnick, H., Ruggiero, K., Conoscenti, M., & McCauley, M. (July 2007). *Drug-facilitated, Incapacitated, and Forcible Rape: A National Study*. National Crime Victims Research and Treatment Center, Medical University of South Carolina.

<sup>114</sup> CCSVS Report.

would not be kept confidential, and nearly 30% cited fears of retaliation.<sup>115</sup> It is relevant to note the vast majority of victims in the study did tell a roommate, friend, or family member about the assault.<sup>116</sup>

One of the benefits of a campus climate survey is it can provide the institution with specific information as to why members of their community do not report the majority of incidents of sexual violence that occur. This data enables the institution to explore ways to increase reporting.

### ***Lessons Learned and Steps to Facilitate Reporting (Access to Services)***

#### Clear Policies and Definitions

Clear and concise policies serve to improve students' awareness of the options that are available to victims of sexual violence. *Futures Without Violence* provides a useful checklist on this topic, emphasizing that students who are willing to report must "know how to do so as simply and effectively as is possible," and must understand which resources are confidential and which will be required, as "Responsible Employees" under Title IX, to file an official report with the institution.<sup>117</sup> Clarity on these matters is very important. Research suggests that the distress a victim of sexual violence experiences may be exacerbated if there exists unclear or potentially punitive means of reporting.<sup>118</sup>

Clear definitions of consent and non-consent are also important.<sup>119</sup> At the time of this writing, four states (California, Hawaii, Illinois, and New York) have enacted legislation that addresses or defines affirmative consent related to sexual activity between students.<sup>120</sup> In two of the states (California and New York) the consent must be consciously or knowingly given. The laws in Illinois, New York, and California describe circumstances under which a person cannot consent to sexual activity, including when the person is incapacitated due to the use or influence of alcohol or drugs or due to a mental disability, or if the person is asleep or unconscious.<sup>121</sup> At the time of this writing, Massachusetts law does not define consent for purposes of sexual violence.

Amnesty policies (i.e., policies that make it clear that the institution prioritizes claims of sexual violence, and will have discretion not to discipline a sexual assault victim or witness for infractions of alcohol/substance abuse policies) are also emerging as a "best practice." OCR has recommended, and many schools (including the Massachusetts system) have implemented amnesty policies, specifying that

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<sup>115</sup> *Id.*

<sup>116</sup> See U.S. Department of Justice. (January 21, 2016). *Understanding the Campus Climate Survey Validation Study Final Technical Report*. Retrieved from [www.justice.gov/opa/blog/understanding-campus-climate-survey-validation-study-final-technical-report](http://www.justice.gov/opa/blog/understanding-campus-climate-survey-validation-study-final-technical-report).

<sup>117</sup> See Fleck-Henderson, A. (2012). *Beyond Title IX: Guidelines for Preventing and Responding to Gender-Based Violence in Higher Education*. San Francisco, CA: Futures Without Violence, at 10. OCR has defined "Responsible Employees" as those individuals (a) who have the authority to take action to redress sexual harassment/misconduct; (b) who have been given the duty of reporting incidents of sexual harassment/misconduct or any other misconduct by students to the Title IX coordinator or other appropriate designee; or (c) whom a student reasonably believes has this authority or duty. U.S. Department of Education Office for Civil Rights. (April 29, 2014). Questions and Answers on Title IX and Sexual Violence. Retrieved from <http://www.ed.gov/ocr/docs/qa-201404-title-ix.pdf>, at D-2.

<sup>118</sup> Smith, C. P. and Freyd, J.J. (September 2014). Institutional Betrayal. *American Psychologist*, at 582.

<sup>119</sup> Austin Blueprint, at 39.

<sup>120</sup> Morse, A., Sponsler, B. & Fulton, M. (2015). *State Legislative Developments on Campus Sexual Violence: Issues in the Context of Safety*, Retrieved from [www.naspa.org](http://www.naspa.org).

<sup>121</sup> *Id.*

the institution prioritizes complaints of sexual violence, and may elect not to discipline survivors and those who witness and report sexual violence for any related infractions of alcohol/substance policies.<sup>122</sup>

#### Trained Confidential Resources Reflective of Diversity

Harvard University's Task Force on the Prevention of Sexual Assault recommended that not only must it be clear which resources are confidential and which are not, if reporting is to be increased, but those designated as confidential resources must: (1) be adequately trained; and (2) reflect the diversity of the student body. Harvard specifically noted the need to provide additional resources for the LGBTQ population within the graduate and professional schools, as well as at the undergraduate level, due to the fact that this group is disproportionately affected by sexual violence and also less likely to report it.<sup>123</sup> Students at UCLA echoed the need for culturally aware and diverse resources, specifically recommending that the institution ensure the availability of advocates trained to respond to a victim of sexual assault in different languages.<sup>124</sup>

The UCLA Task Force on Preventing and Responding to Sexual Violence and Sexual Assault recommended the creation of an independent confidential advocacy office for sexual violence on each college and university campus. The Task Force recommended that each of these offices would be staffed with trained and prepared individuals who would have a dedicated function of providing support to survivors of sexual assault.<sup>125</sup>

#### Trained Public Safety/Campus Police; Collaboration with Local Law Enforcement

Various members of the law enforcement community have also been working to address the chronic underreporting of sexual violence, particularly on college and university campuses. What has emerged as a promising program in recent years is a program developed by the Ashland Police Department in Oregon, *You Have Options*, by Andrea Fleisher and Carrie Hull.<sup>126</sup> The aim of the program is to "rewrite the script for how law enforcement handles non-stranger sexual assault," primarily by embracing a trauma-informed philosophy that conceptualizes the victim and law enforcement as being in a partnership.<sup>127</sup>

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<sup>122</sup> See The Commonwealth of MA Board of Higher Education. December 2014). *Policy on Affirmative Action, Equal Opportunity & Diversity*, at 46.

<sup>123</sup> Harvard Task Force Report, at 10.

<sup>124</sup> CALCASA Report.

<sup>125</sup> UC Task Force Report.

<sup>126</sup> *You Have Options* was recognized as a VAWA-funded promising practice in the Office of the Vice President's publication, *"1 is 2 Many: Twenty Years Fighting Violence Against Women and Girls."* (September 2014). Retrieved from [www.whitehouse.gov](http://www.whitehouse.gov).

<sup>127</sup> See Carpenter, Z. (December 10, 2010). *Whom Should College Students Really Call When They Are Sexually Assaulted on Campus?* The Nation. Retrieved from [www.thenation.com](http://www.thenation.com); *Senators Focus On Campus Assault Police Reports* (December 16, 2014). Retrieved from [www.home.campusclarity.com/?s=McCaskill](http://www.home.campusclarity.com/?s=McCaskill). Since *You Have Options* launched in 2013, the number of reports in Ashland increased by 106 percent. A similar program Fleischer created at Southern Oregon University, called *Campus Choice*, led to the number of sexual assault reports doubling. Van Syckle, K. (November 9, 2014). *The Tiny Police Department in Southern Oregon That Plans to End Campus Rape*. Retrieved from [www.nymag.com](http://www.nymag.com).

A number of organizations and departments have adopted this program, including:

- The National Center for Campus Public Safety included *You Have Options* on its most recent list of recommended training resources.<sup>128</sup>
- On June 1, 2015, the Hanover, New Hampshire Police Department announced it would be training its staff and other members of the community in the *You Have Options* program.
- In May 2015, the Governor of Virginia's Task Force on Combating Sexual Violence recommended that at least two law enforcement agencies (either on or off campus) within Commonwealth pilot the *You Have Options* program.<sup>129</sup>

Regardless of whether an institution decides to implement the *You Have Options* program, the concept of making sure campus law enforcement officials receive training designed to increase the reporting of sexual violence is clearly emerging as a best practice, as is the practice of entering into MOUs with local law enforcement.<sup>130</sup>

#### D. Responding to Complaints of Sexual Violence

In addition to taking steps to heighten awareness of sexual violence and to prevent (or reduce) its incidence, colleges and universities must respond promptly and effectively when such violence does occur. This response needs to include:

- Provision to the survivor of information regarding all appropriate resources, and ongoing communication with the survivor about what may be needed as a result of having experienced the violence, both pending and after any investigation;
- Provision to the accused student of information regarding all appropriate resources, and ongoing communication with the accused student about what may be needed as a result of having been accused of perpetrating sexual violence, both pending and after an investigation; and
- Provision of a prompt, thorough, and impartial process by which to determine whether the accused individual has violated the institution's policies, and effective, appropriate communication of that determination to the parties.

Depending upon the circumstances, the institution may also need to communicate with others affected by or concerned about the incident (e.g., parents, roommates, professors, alumni), and may find itself fielding inquiries from the press (both on and off campus) as well. The response contains different components, but the goal is to make it cohesive, prompt, survivor-centered, thorough, and fair.

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<sup>128</sup> The National Center for Campus Public Safety. (January 2016). *Sexual Violence and Title IX – Information and Resources*. Retrieved from [www.nccpsafety.org](http://www.nccpsafety.org).

<sup>129</sup> Virginia Task Force Report to the Governor, at 43.

<sup>130</sup> See Austin Blueprint, at 36-40, 148. Pending federal legislation would make such MOUs mandatory. See Campus Accountability and Safety Act, S. 290, 114<sup>th</sup> Cong. (2015); H.R. 1310, 114<sup>th</sup> Cong. (2015).

## ***Lessons Learned and Key Components of Response***

### Resources for Victims/Survivors

Title IX requires institutions to take steps to ensure equal access to their education programs and activities and to protect the victim/survivor as necessary, including taking interim measures before the final outcome of an investigation.<sup>131</sup> Individuals are more likely to report having experienced sexual violence if they are aware of the resources available to them upon such reporting, and if they believe such resources will be helpful. Colleges and universities are incorporating this information into their awareness and prevention trainings in order to make sure students and employees understand what resources are available to them. Recent task force studies underscore the importance of this approach:

- Harvard University's recent campus climate survey reflected that students were not clear on "how sexual misconduct is defined, where to get help when sexual assault or other misconduct occurs, where and how to report incidents, and what is likely to happen after an incident is reported." This led the Task Force to recommend a number of actions, including distribution to the faculty of a PowerPoint presentation with information on available resources, to be displayed at the start of a lecture early in the academic year.<sup>132</sup>
- Penn State's Task Force recommended designating each and every employee either "confidential" or "responsible" so that a student would understand the consequences of reporting to each individual (including the resources available through each).<sup>133</sup>
- Students at the CALCASA Student Summit identified safe and confidential resources for survivors as being the most critical among the resources an institution might provide, explaining that these individuals can work to enable survivors to stay in control of what happens after the traumatic experience. This is consistent with the finding of the White House Task Force, which dubbed the identification of trained, confidential victim advocates who can provide emergency and ongoing support as a "key best practice."<sup>134</sup>

Many students, as well as recent task forces considering what type of resources should be made available to the victim/survivor, also stress the importance of collaboration between the institution's response system and community-based organizations (e.g., rape crisis centers, faith institutions, immigrant services, disability organizations, etc.) in identifying and providing these resources.<sup>135</sup> It is clear that whichever individuals are available to receive complaints of sexual violence – and particularly those who are members of campus law enforcement, those who are designated as confidential resources, and those identified as having Title IX responsibilities (Title IX coordinators, Title

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<sup>131</sup> See Appendix D, regarding OCR's 4/29/14 Q&A.

<sup>132</sup> Harvard Task Force Report, at 7-8.

<sup>133</sup> Penn State Report.

<sup>134</sup> CALCASA Report; Not Alone Report. It is worth noting that The Survivor Outreach and Support Campus Act ("SOS"), introduced in the Senate in March 2015, would require higher education institutions to designate a campus sexual assault prevention and response advocate, responsible for providing sexual assault victim services. The bill requires that this advocate: (1) operate independently from the campus authorities responsible for investigating and adjudicating sexual assault complaints; and (2) represent the interest of the students even when those interests conflict with the institution's interests. This advocate would also have the responsibility of providing specific information and support resources to victims of sexual violence. H.R. 1490, 114<sup>th</sup> Cong. (2015).

<sup>135</sup> See, e.g., *id.*; Virginia Task Force Report to the Governor.

IX investigators, and student residential advisors, among others) – should receive training not only on sexual violence but on trauma-informed response and care.<sup>136</sup> The traumatic impact of a sexual assault can be significant, and it has, historically, been overlooked or under-recognized, particularly in cases of non-stranger rape, non-stranger stalking, intimate partner violence, and sexual assault of incapacitated victims.<sup>137</sup> This disparity “can discourage victims from reporting and from seeking help, and can also re-traumatize victims who do come forward if they are blamed for the crimes committed against them or if their disclosures are minimized, criticized, or not believed.”<sup>138</sup> Recent data suggests that a relatively high percentage of college students experience depression (39.7%), anxiety (47.4%), suicidal ideation (18.2%), and “relationship problems” (33.7%), underscoring the importance of dealing with sexual violence in a trauma-informed way.<sup>139</sup>

There is also an increasing awareness that those populations that are historically most vulnerable to sexual violence (e.g., the LGBTQ population, disabled students, undocumented individuals) must believe that the available resources will meet their needs, and will do so without making stereotypical assumptions based upon ignorance or bias. Campus climate surveys consistently reflect the need to provide, and communicate about, resources that will meet the needs of these under-served populations.<sup>140</sup> *End Rape On Campus* has published lists of resources for some of these historically marginalized yet highly vulnerable survivors on its website, as have numerous other advocacy organizations.

#### Resources for Accused Individuals

Individuals who are accused of having engaged in sexual violence also need resources, both to address any psychological and/or practical impact of the accusation (and any interim measures that may have been imposed), and to enable them to participate effectively in any investigation or other response process.<sup>141</sup>

#### The Investigation and Adjudication Process

OCR requires colleges and universities to investigate a complaint of sexual violence in a prompt (60 days if at all possible), fair, and thorough manner.<sup>142</sup> It is up to the institution to decide exactly what form the

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<sup>136</sup> The recent amendments to the Clery Act require that anyone conducting a disciplinary proceeding stemming from a complaint of sexual violence must have annual training on a variety of issues, including “how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.” See Section 485(f)(8)(B)(iv)(I)(bb) of the Clery Act as amended by VAWA. See also Not Alone Report; Austin Blueprint, at 22, 61-65; Virginia Task Force Report to the Governor, at 7.

<sup>137</sup>Kristiansson, V. & Whitman-Barr, C. (February 2015). *Integrating A Trauma-Informed Response in Violence Against Women and Human Trafficking Prosecutions*. The Prosecutors’ Newsletter on Violence Against Women, at 1.

<sup>138</sup> *Id.*

<sup>139</sup> Weaver, S.L. (March 18, 2016). *High Anxiety*. The Chronicle of Higher Education.

<sup>140</sup> See CCSVS Report; AAU Study; see also Harvard Task Force Report, at 10; Austin Blueprint, at 25.

<sup>141</sup> Although OCR does not mandate provision of these resources to accused individuals, its requirement that the institution respond to any complaint in an impartial manner (see Appendix D) suggests that institutions should endeavor to do so. See also, *Law Professors’ Open Letter Regarding Campus Free Speech and Sexual Assault*. May 17, 2016. Retrieved from [www.insidehighered.com](http://www.insidehighered.com).

<sup>142</sup> U.S. Department of Education Office for Civil Rights. (April 29, 2014). *Questions and Answers on Title IX and Sexual Violence*. Retrieved from <http://www.ed.gov/ocr/docs/qa-201404-title-ix.pdf>.

process will take, and whether to use a hearing as part of that process. The White House Task Force and others have encouraged institutions to try newer models that do not include a hearing component.<sup>143</sup> A single investigator, or co-investigator model – wherein the investigator interviews the witnesses, reviews relevant materials (texts, photos, available medical records, etc.), and then prepares a report in which the investigator makes findings of fact and proffers an opinion as to whether the accused individual has violated the pertinent code of conduct – is becoming increasingly popular. Typically, the investigator gives the report to one or more decision-makers at the institution who make a determination as to whether to adopt the investigator’s findings and what sanctions to impose, if any are warranted by those findings.<sup>144</sup> During the process, both parties are entitled to have a confidential advisor (including a lawyer) who may attend the interviews, but whom the colleges may instruct not to participate or intervene.<sup>145</sup>

Whatever form the process takes (and it may be a hybrid), the most important requirement is that it be even-handed (e.g., both parties must be able to see evidence and proffer it; both must be able to have an advisor present at interviews; both must receive notice of the outcome; etc.). In addition, the entire process must be protective of the complainant. OCR “strongly discourages” the institution from allowing the parties to personally question or cross-examine each other during a hearing on alleged sexual violence, prohibits posing questions about the complainant’s sexual history with anyone other than the accused individual, and requires the provision of whatever interim measures the complainant needs in order to feel safe.<sup>146</sup>

As discussed above, the individuals who function as the investigators and adjudicators in this context must have adequate training in sexual violence and trauma-informed response.<sup>147</sup> This training must be provided on a regular basis.

There has been an increasing volume of litigation filed, both by complainants and respondents, alleging that the institution’s investigation or process was inadequate, improper, unduly emotionally stressful, or unfair (devoid of “due process”).<sup>148</sup> Many of the pending lawsuits deal with policies and procedures that pre-dated the most recent guidance from OCR in this area, but others are based on newer procedures.

The allegations made most frequently by complainants have been that the institution:

- Discouraged the student from pursuing a disciplinary complaint;
- Delayed initiating the disciplinary process;
- Engaged in conduct intended to cover up the respondent’s actions;
- Failed to conduct a prompt and thorough investigation; or

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<sup>143</sup> See Not Alone Report.

<sup>144</sup> See Baker, N., Jones, R., Prieto, D., Spellman, M. (March 2015). *Title IX Investigation Models* (presented at NACUA, March 11-13, 2015).

<sup>145</sup> U.S. Department of Education Office for Civil Rights. (April 29, 2014). *Questions and Answers on Title IX and Sexual Violence*. Retrieved from <http://www.ed.gov/ocr/docs/qa-201404-title-ix.pdf>.

<sup>146</sup> *Id.*

<sup>147</sup> 34 C.F.R. § 668.46(k)(2)(ii).

<sup>148</sup> Roberts, S., Crawford, T., Nelson, M. & Laughinghouse, T. (January 2016), *Nobody Likes Me, Everybody Hates Me, But At Least I’ll Win in Court? What Recent Title IX Lawsuits Teach Us About Avoiding and Litigating Claims* (presented at the NACUA 2016 CLE Workshop: “Sexual Misconduct on Campus: Prevention, Compliance, Response and Beyond”).

- Imposed inadequate sanctions.<sup>149</sup>

The allegations made most frequently by respondents have been that the institution:

- Imposed harsh and disproportionate sanctions;
- Improperly considered prior allegations of misconduct that were unsubstantiated or irrelevant;
- Failed to consider exculpatory evidence, such as text messages from the victim referring to the incident but not as a sexual assault;
- Failed to follow the institution’s own policies and procedures, which were “inherently discriminatory against men.”<sup>150</sup>

Advocacy groups for accused students, and others, have also spoken out about the need for the process to be a fair and impartial one, claiming that the pendulum has swung too far; that many institutions are now unjustly biased against accused students.<sup>151</sup>

Institutions engage in best practices in this area when they have clear policies and procedures that allow for a prompt, fair, and thorough investigation performed by appropriately trained individuals, during which the complainant’s safety and ability to participate fully in the institution’s educational programs and activities is preserved.

At the time of this writing, several bills are pending in Congress that may affect institutions’ responsibilities in the area of sexual violence prevention, reporting, and response. These include the Campus Accountability and Safety Act,<sup>152</sup> the Safe Campus Act,<sup>153</sup> and the Fair Campus Act<sup>154</sup> (in addition to HALT and SOS, discussed previously). There are bills pending in the Massachusetts Legislature on this issue as well.<sup>155</sup> Institutions should keep abreast of any new legislation – on both the federal and state levels – in order to ensure that their policies and procedures are compliant.

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<sup>149</sup> *Id.*; see also United Educators (2015), *Confronting Campus Sexual Assault: An Examination of Higher Education Claims*.

<sup>150</sup> *Id.*

<sup>151</sup> For example, In the fall of 2014, 28 then current and retired Harvard Law School professors wrote a letter to the university demanding that it abandon its (then) new sexual misconduct policy and craft different guidelines for investigating allegations, asserting that the new rules violated the due process rights of the accused. See Letter to Harvard. (October 15, 2014). Retrieved from [www.BostonGlobe.com](http://www.BostonGlobe.com).

<sup>152</sup> S. 290, 114<sup>th</sup> Cong. (2015); H.R. 1310, 114<sup>th</sup> Cong. (2015).

<sup>153</sup> H.R. 3403, 114<sup>th</sup> Cong. (2015).

<sup>154</sup> H.R. 3408, 114<sup>th</sup> Cong. (2015).

<sup>155</sup> See, e.g., Sen. Michael Moore’s bill (S 679), paired with Rep. Tricia Farley Bouvier’s bill (H 1041).

### III. Recommendations

#### A. Introduction

The following recommendations are designed to provide a strategic roadmap that can be utilized by a variety of stakeholders engaged with institutions of higher education to address the current and anticipated future challenges of campus safety and violence prevention, with a particular focus on active shooter/emergency management and sexual violence, as per the directive given to the CSVP Task Force. In particular, these recommendations provide guidance for those at a system level (i.e., DHE) as well as at the institution level (i.e., Trustees, Presidents/Chancellors, Campus Police/Public Safety, Title IX Coordinators, and other Senior Staff) on how to assess, plan for, implement, and manage the measures proposed.

The recommendations are divided into three primary categories, or topic areas: cross-sectional, active shooter/emergency management, and sexual violence recommendations. For each we present overarching guiding principles and baseline capabilities that are necessary to adequately plan/prepare for and respond to issues related to campus safety and violence prevention. Included with those principles and capabilities are more prescriptive recommendations and/or examples of how to achieve the baseline, and beyond, for an optimal level of preparedness.

The recommendations presented vary in the level of effort required for implementation. Some require policy changes or strive to enhance programs, such as training and awareness, and others may require capital investment for equipment, staff and/or system enhancements. The recommendations are intended to provide guidance regarding baseline capabilities as well as supplemental measures to equip institutions with the tools to prioritize their needs and make implementation specific decisions. Implementation strategies can be adjusted by system, institution, or even campus to meet specific needs and balance resources.

It is important to note that the following principles, capabilities, and recommendations are intended to respect the academic freedom and open environment that have come to be a defining factor of our institutions. This review was exceptionally cognizant that academic institutions are open by design and attempted to balance the goals of academic freedom with the duty to protect. This is no easy balance, and this report is specifically designed to allow for the fluidity needed while providing baseline recommendations to guide institutions today and for the future.

Please see Appendix E for a complete list of all Recommendations for Implementation and Appendix F for an estimated Cost Impact table.

## B. Cross-Sectional Campus Safety and Violence Prevention Recommendations

The Cross-Sectional recommendations are those elements of a campus safety and violence prevention strategy that can be applied to all areas addressed in this report (active shooter/emergency management and sexual violence). These recommendations, following the principle of a **Coordinated, Collaborative Approach**, will support the foundation of a comprehensive strategy and corresponding implementation plan.

### Guiding Principle 1: Coordinated, Collaborative Approach

There are a variety of stakeholder groups that make up the higher education apparatus. At each level, there has to be a commitment to the collective goal of ensuring safe and secure campuses, as free from violence and like disruptions as possible. There also has to be a level of accountability among the ranks to ensure the capabilities we work to achieve are supported as they continue to evolve, adapt, and mature, as required by the changing risk environment. Therefore, the Guiding Principle here is essential: to take a **Coordinated, Collaborative Approach** to campus safety and violence prevention that reflects the fundamental duty to protect, cognizant of the needs and financial constraints of each institution.

The baseline capabilities required under this principle focus on different stakeholder groups and different levels of the higher education system to accomplish the overall goal. They are as follows: Active, Coordinated Approach at the System Level, Strategic Planning Process at the Institution Level, and On-Campus Resources and External Partnerships. Below, each are further defined and accompanied by recommendations for implementation, to include baseline efforts as well as supplemental measures.

#### 1. Active, Coordinated Approach at the System Level

The Commonwealth of Massachusetts system of public higher education institutions would benefit from a central entity coordinating campus safety and violence prevention initiatives.

*Recommendations for Implementation:*

##### 1.1 Provide a centralized resource to advance campus safety and violence prevention initiatives

The Massachusetts Department of Higher Education (DHE) should consider creating the position of Executive Director for Campus Safety and Violence Prevention. The Executive Director would collaborate with a designee(s) at each of the 29 constituent institutions and provide assistance in the areas of campus safety, security, violence prevention, and emergency management. This would allow for strategic planning for immediate and long term issues on all public campuses across the Commonwealth.

Duties of the Executive Director could include, but not be limited to:

- Serve as a direct liaison between the public institutions of higher education and local, state, federal, and private agency counterparts, to enhance strategic planning within the higher education system and with external agencies to better prepare for and respond to critical incidents. This can include, but is not limited to, serving as the liaison with the Massachusetts State Police and Fusion Center, the Joint Terrorism Task Force, and other like entities; local, state, and national sexual violence advocacy groups/centers; and Massachusetts District Attorney's Offices.

- Lead the effort to bridge the gap between higher education and elementary and secondary education in the area of sexual violence. Research shows that early education is effective at reducing the incidence of perpetration of sexual violence later in life. To this end, the Executive Director, working with their counterparts in the appropriate state office(s), should explore opportunities for joint prevention and intervention programs that focus on respectful relationships, gender identity and expression, sexual violence awareness, and alcohol/drug use and abuse.
- Provide oversight and guidance to the Commonwealth's public institutions of higher education on some of the areas discussed in this report, to include, but not limited to:
  - Serve as a 'clearing house' for best practices in the field to avoid redundancies and inconsistencies.
  - Research and advise on procurement needs as they relate to campus safety, in particular on vendor services, equipment, and trainings.
  - Coordinate the effort to secure funding for campus safety and violence prevention initiatives, to include options for applying a campus safety and security fee, identifying grant and other funding opportunities, and developing budget requests through the legislative process.
  - Spearhead statewide implementation of a foundational officer training and response approach to active shooter.
  - Lead the effort to develop a template for the Annual Security Reports (Clery Act reports). This will ensure consistent definitions, sections, etc., making the process more efficient for institutions.
  - Lead the effort to develop a statewide template for campus climate surveys that institutions can further customize if needed. This will provide a consistent basis from which to measure and compare successes and challenges across institutions, and inform further strategic planning efforts at the system level.
  - Develop awareness campaigns and training curricula for campus sexual violence prevention. This can include the development of templates and other guidance documents to better assist each institution as they explore ways to implement related recommendations.
  - Chair a continuous Campus Safety and Violence Prevention Task Force that meets quarterly and provides annual training opportunities for all institutions.

## **2. Strategic Planning Process at the Institution Level**

Campus safety and violence prevention should be incorporated into each institution's strategic planning process. Engagement at the institution level should include buy-in and commitment from the Board of Trustees as well as Senior Leadership. Too often it is sidelined from the core planning; it must be elevated and recognized as a shared responsibility.

### *Recommendations for Implementation:*

#### **2.1 Elevate Board of Trustees engagement**

The Board of Trustees for each institution carries a level of responsibility for managing and mitigating risks, as an important part of their overall fiduciary duty. Trustees need to be engaged in some level of oversight through the higher level strategic planning process to help make critical decisions related to initiatives and budget priorities. To this end, Trustees are encouraged to form campus safety and violence prevention committees, and receive regular

updates on applicable issues, to enhance accountability for the quality of campus life at all levels of the institution.

## **2.2 Establish a cross-divisional committee at the institution level**

All institutions should establish a cross-divisional committee to oversee high level strategic policy and planning efforts as they relate to campus safety, security, violence prevention, and emergency management at the institution. The composition of this team will vary by campus based on organizational structure but institutions should consider including the following: President/Chancellor's Office, campus police/public safety and emergency operations personnel, legal counsel, human resources, Clery compliance staff, Title IX staff, student affairs personnel, students, faculty, staff with substance abuse expertise, community service providers, public agency specialists, and others. This committee should meet quarterly.

This committee should serve as the umbrella group to other sub-committees/teams that discuss/plan for specific areas such as the emergency operations team, behavioral threat assessment and management team, and/or the sexual violence prevention and response team (these are discussed later in this report). The purpose of the committee is to enable communication among the sub-committees/teams that often operate in a silo. Broader communication surrounding planning efforts will allow key stakeholders to have a constant and consistent pulse on the campus community as it relates to safety and security and make informed adjustments and enhancements as a cohesive community when and if needed.

## **2.3 Increase visibility and accessibility of Campus Police/Public Safety Officers**

Visibility and approachability of campus police/public safety officers can be the difference in an incident occurring and/or being reported. During site visits to various campuses, students expressed the importance of understanding the policies of the police, such as: the need for their presence as a preventive measure rather than a response to a situation of which they are not aware (which can make them nervous and untrusting); the use of systems and equipment, such as video security and firearms; and the response protocol to various crimes from stolen property or active shooter to sexual violence. One way in which departments can achieve a mutual understanding is by being engaged in programs (such as orientation and other consistent events and training opportunities), but also by simply being approachable, making an effort to interact with students on campus and understand their culture as a student. Diversity training of officers is also a mechanism by which campus police/public safety and the campus community can better connect.

## **2.4 Focus on training and awareness efforts to reach students effectively**

There is no one right moment to educate students on their obligations to each other; like education itself, it must be ongoing. Research shows that individuals are more apt to retain information if it is delivered on more than one occasion as well as through more than one medium. First-year students describe being overwhelmed by information during their orientation (when training often occurs), and unable to retain much of it. They also report that they do not typically read institutional policies (on sexual violence or anything else), or watch optional videos. On-line training programs are becoming the norm, and are convenient, but students sometimes disengage from them, particularly if there is no requirement that they provide substantive responses of some sort.

Institutions must look for additional times at which to deliver campus safety and violence prevention training (e.g., during an extended orientation period, at the beginning of each semester, at time of course selection, etc.), and should explore programs that employ various media for transmission of content. Which awareness campaigns and prevention programs would be best suited for the institution will vary, depending upon its size, student population, and applicable regulations. Programs may be tailored to accommodate available resources and to meet specific needs.

This concept applies to all subject areas in this report. It is so essential, it bears repeating, and will therefore be discussed in the individual topic area sections that follow.

### **3. On-Campus Resources and External Partnerships**

The Commonwealth's public institutions of higher education are very diverse in their operations, resources, and needs. A consistent theme across the subject areas that have been explored in this report is the importance of mental health and counseling services. Where baseline and/or supplementary capabilities cannot be met on campus, institutions should have external resources in the community identified and agreements in place to fill those gaps. Cognizant of potential funding requirements associated with external partnerships, the allocation of funding to support such alliances should be a priority.

The following outlines the baseline capabilities that each institution should provide and/or have the ability to call upon in the community or through contracted services. Additional services related to safety and security (as provided by campus police/public safety) and Title IX complaints are discussed further in their respective sections.

#### *Recommendations for Implementation:*

##### **3.1 Provide access to appropriately trained counselors on campus and/or in the community**

Students, faculty, and/or staff who have experienced violence and its associated trauma should have easy access to properly trained mental health staff and other resources to help them heal and recover. Essential resources include accredited counseling centers, experienced and credentialed clinicians and case managers, prompt and 24/7 access to services (crisis lines), and policies that serve to promote treatment. Institutions should strive to include individuals of different genders, races, and cultural backgrounds in the group of available counselors. Institutions that are not able to provide these types of services on campus should have agreements in place with local service providers through a referral program. Regardless of the source of the services, students, faculty, and staff should be made aware of their existence and how/where to access them. Additionally, all faculty and staff should be provided guidance on how/where to direct students with a need for these services.

##### **3.2 Provide access to mental health professionals trained in identifying, assessing, treating, and managing individuals at risk of perpetrating violence**

Institutions should seek to employ, or enter into contracts with, mental health professionals who have education, training, and experience in the psychology of violence, and particularly in perpetrator typology, assessment, treatment, and management. Those individuals who are at risk of committing acts of violence are often in need of mental health services, and frequently exhibit risk factors before committing violent acts. A significant percentage of those who perpetrate violence may be at high risk of committing further acts of violence if they do not

receive proper assessment and treatment. The institution should facilitate both the identification of those at risk to commit violence in its population, and the treatment of known perpetrators, by providing access to professionals with the expertise in assessing, treating, and managing risk for violence.

**3.3 Provide access to substance abuse resources for students, faculty, and staff**

Research shows a high correlation between substance abuse and the commission of violence. In addition, many individuals who experience trauma as a result of violence struggle with substance abuse. Institutions should provide access to professionals, on campus or in the community, who have education and training in the treatment of addiction as well as in the co-occurrence of trauma and substance abuse.

## C. Active Shooter / Emergency Management Recommendations

The Active Shooter/Emergency Management recommendations focus on the principles of Planning, Communications, and Response; efforts that a system and/or institutions should focus on to adequately prevent, mitigate, respond to, and recover from an emergency. While the focus is on active shooter/active threats, some tenets of the recommendations can also be applied to a broader all-hazards, emergency management approach.

### Guiding Principle 1: Planning

A critical component of any campus safety and violence prevention program is Planning. Each institution should conduct an individual assessment of assets, the particular risks that may impact those assets, and the current countermeasures in place to prevent, mitigate, respond, and recover. Where there are gaps, or vulnerabilities, solutions should be identified through the planning process. The statewide survey results and the site visits and interviews conducted with the sample institutions show tremendous work has been done, but that some gaps still exist in this area and efforts must be continually maintained.

The baseline capabilities required under the **Planning** principle are as follows: Policies and Protocols, Prevention Efforts, Education and Training, and Electronic and Physical Security. Below, each are further defined and accompanied by recommendations for implementation, to include baseline efforts as well as supplemental measures.

#### 1. Policies and Protocols

Institutions should periodically review and continue to strengthen their written policies, procedures, protocols, and plans, and ensure the appropriate structures are in place to implement, oversee, and manage them.

##### *Recommendations for Implementation:*

#### **1.1 Develop, implement, and maintain a comprehensive emergency operations plan**

Campus safety and violence prevention requires building support and conducting a thorough and systematic process to produce a quality all-hazards emergency operations plan to prepare for and manage emergencies on campus. The purpose of the plan is to outline the management structure, responsibilities, procedures, and guiding policies to assist the institution when responding to an emergency event.

Colleges and universities should conduct a comprehensive review of the policies, procedures, and systems related to their plans and make updates where necessary. One way to accomplish this is by testing plans through the use of tabletop or full-scale exercises. These should include multi-agency, cross-divisional participation with performance metrics identified to measure effectiveness, mitigate gaps, and improve upon the plan. This should not be limited to first responder agencies but also include members of the communities they serve.

Another tool to assist in developing, reviewing, and updating plans is to conduct an all-hazards risk and vulnerability assessment. This process serves to identify an institution's most critical assets, the risks that may impact them (and to what extent), and the current gaps in capabilities and countermeasures to protect against those risks.

This process of review should be conducted annually or more frequently if changes in personnel, systems, or the threat environment occur.

### **1.2 Create a multi-disciplinary campus emergency operations team**

In order to efficiently and effectively develop, implement, and maintain a comprehensive emergency operations plan, there needs to be a team in place charged with, and authorized to, implement and execute the plan. This team should also be responsible for reviewing, updating, and exercising the plan. In addition, the team should be charged with disseminating key emergency protocols to the campus community. This can be accomplished by releasing the plan in whole or in part, depending on its level of sensitivity, and engaging the community in preparedness efforts.

Team composition will vary by institution based on organizational structures but should be comprised of management personnel with the knowledge of critical areas and the institutions assets (its population, equipment/systems, facilities) and the authority to plan for and initiate a response in an emergency. This team's duties should be outlined in the emergency operations plan, following the National Incident Management System and Incident Command Structure.

### **1.3 Attain state accreditation for campus law enforcement**

Attaining state accreditation can be a time consuming task with potential stresses on resources to accomplish. However, if it can fit into an institution's strategic plan, campus law enforcement agencies should strive to do so and adopt the standards of the Massachusetts Police Accreditation Commission (MPAC) and the Commission on Accreditation for Law Enforcement Agencies, Inc., (CALEA®). This will ensure campus police/public safety departments are providing the best police services, primarily by maintaining a body of standards, developed by public safety practitioners and covering a wide range of up-to-date public safety initiatives.

## **2. Prevention Efforts**

Institutions should develop and implement a strategy to identify and manage potential threats. This should be an integral component of the institution's strategic process. There are a number of tools available from threat assessment processes and intelligence gathering to emerging technologies that can assist higher education stakeholders in identifying, and perhaps preventing and/or mitigating, an active shooter incident or similar threat. Once a threat has been determined in its community, it is an institution's duty to manage and diffuse that threat to the best of its abilities, which may include an internal management process and/or assistance from external resources.

### *Recommendations for Implementation:*

#### **2.1 Establish and train a campus behavioral threat assessment and management team**

Also known by various other names, a behavioral threat assessment and management team should serve as the primary body to receive and triage reports of concerning conduct (i.e., behavior indicating a possible threat of harm to self or other members of the campus community, or "early warning signs"). The exact mission of the team should be decided on an institution level, based on organizational structure and operational factors. At a minimum, the team should be capable of evaluating issues or threats that come to their attention, managing the threat assessment process that can include an internal review of an individual's behaviors and intentions and/or initiating threat assessment investigations with campus and local law enforcement partners, and tracking the progress of the case.

This team is different than an academic or code of conduct review board, though they may initially receive reports that ultimately fall into these categories, as there can often be an overlap in what is perceived as “concerning” behavior. Again, institutions must clearly define their individual team mission to include the process by which the team receives, reviews, and acts upon cases brought before them.

The team composition will be highly dependent on the organization of the institutions but should include multi-disciplinary representation. Institutions should also consider if the same team will manage cases with students as well as faculty/staff or if two teams are required for that purpose to avoid any conflicts with sharing personal information.

The team should receive annual professional training, have written policies and procedures in place to govern and guide their roles/responsibilities, and promote their services to the campus community. Institutions should also implement training and/or awareness programs for students, faculty, and staff on identifying concerning behavior and how/where to report. This can be accomplished via members of the team during regular safety and security training sessions, workshops, or dissemination of awareness materials.

## **2.2 Establish a central point of contact for reporting suspicious behavior**

Institutions should establish a central point of contact for the reporting of suspicious behavior, which is defined differently than “concerning behavior” mentioned above. Suspicious behaviors and situations are, for example, an unattended backpack or package, or someone breaking into a restricted area, and are often encouraged to be reported directly to campus or local law enforcement. Institutions should clearly define these terms and the options for reporting, and communicate this to the campus community. There should be multiple ways in which to report, including an anonymous option. All reports of potential threats should be perceived as credible until a threat assessment is completed or otherwise dismissed by a designated agency or group. Institutions should define this process for reporting, receiving, and clearing a potential threat.

Through ongoing training, all community members should be empowered to immediately alert appropriate personnel to a potential threat and know how to submit a report.

## **2.3 Actively engage with local law enforcement and intelligence groups**

An additional way to ensure that concerning or suspicious behaviors and/or threats are appropriately addressed and cleared is to engage local intelligence organizations such as the Commonwealth Fusion Center and the Joint Terrorism Task Force. An open means of communication should exist for institutions to report unusual behavior and individuals of concern to these groups as well as receive guidance where appropriate.

This relationship can assist these agencies as well. By collecting and sharing information about the communities they serve, police departments have been able to significantly increase the data accessible to members of the federal intelligence community and serve as a “force multiplier” protecting both the campuses and national intelligence.

## **2.4 Employ social media review services**

A technology tool that is currently available and in use at institutions of higher education and other organizations is the use of social media monitoring software applications and/or third party monitoring services. While some institutions are manually reviewing social media content

(i.e., individually reviewing sites for threats or setting Google alerts for keyword usage), there are a variety of companies that offer software and services for this purpose, which is significantly more efficient and effective. The software that is currently available can aggregate data via key phrases, hashtags, geofencing, and algorithms, working with meta-data in real-time to help officials identify and mitigate threats, reduce crime, and bring actionable intelligence for review and mitigation. The software applications can be purchased for use by the institution or they can hire a third party service, providing the institution with direct alerts whenever the agreed upon threshold for a threat presents itself.

An institution should work with their campus police/public safety department and perhaps local law enforcement to define the parameters for search terms and what constitutes a threat, and also to outline the process among the responsible agencies once there is an identified ‘threat’ or situation of concern.

### **3. Education and Training of Students, Faculty, and Staff**

Active shooter and other threat related training is critical to inform the campus community on how to prepare and respond to an incident. A sense of knowledge and empowerment to protect one’s self lessens the feeling of vulnerability and promotes a more active role in their own safety if an event should occur.

*Recommendations for Implementation:*

#### **3.1 Provide active shooter training for students, faculty, and staff**

Training should be provided in a variety of forms to most effectively reach all members of the campus community. An effective training program may consider:

- Making training mandatory in all new student, faculty, and staff orientations. Although orientation can be an overwhelming time with the volume of information provided, it is critical to cover topics such as this at the first opportunity.
- Including an effective and self-paced online training such as the programs offered by the U.S. Department of Homeland Security as a follow-up to initial orientation training.<sup>156</sup> Providing this as an option can reduce the barriers that often hinder community members from attending/completing trainings (e.g., schedules, learning styles, etc.) and can be used for ongoing refresher training.
- A classroom based, faculty delivered training component as an additional opportunity to expose students to this subject. On the first day of class, in addition to reviewing the course syllabus, professors could provide an overview of the crisis plan and review some “if-then” scenarios. These can be developed by campus police/public safety and provided to faculty during a brief train-the-trainer program (which can be done in conjunction with the already scheduled training session for the faculty members themselves).

#### **3.2 Develop active shooter awareness campaigns**

Institutions should consider adopting nationally recognized active shooter awareness campaigns that focus on response to incorporate into the training mentioned above. Campaigns should be informative and stick with the audience.

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<sup>156</sup> See <https://www.dhs.gov/active-shooter-preparedness>.

For example:

- The “Stop the Bleed” campaign, announced by a joint release of the White House and U.S. Department of Homeland Security, provides bystanders of emergency situations with the tools and knowledge to stop life threatening bleeding. The goal of this initiative is to build national resilience by empowering the general public to be aware of the simple steps that can be taken to stop or slow life threatening bleeding, and to promote the general public’s access to Bleeding Control Kits in public spaces, while they travel, and in the home.
- Avoid, Deny, Defend™ (A.D.D.) is a concept endorsed by the Advanced Law Enforcement Rapid Response Training (ALERRT) Center. A.D.D. advocates that potential victims should: (1) attempt to avoid the gunman and escape danger; (2) if potential victims are unable to escape from the threat, then they should enter a room and deny the gunman access to their position by locking or barricading the area; and (3) potential victims are encouraged to prepare to defend themselves against the gunman with improvised weaponry. The A.D.D. response for potential victims is also endorsed by the Department of Homeland Security as a best practice for improving survivability of potential victims in active shooter scenarios.
- Run, Hide, Fight is a similar concept, endorsed by the FBI, that teaches potential victims to: (1) have an escape route and plan in mind and evacuate the area if possible; (2) hide in an area out of the shooter’s view, block entry to the area/lock the doors, and silence cell phone and other indicators of your presence; and (3) as a last resort, attempt to incapacitate the shooter with physical aggression.
- ALICE (Alert, Lockdown, Inform, Counter, Evacuate) Training teaches individuals to participate in their own survival, while leading others to safety.

#### **4. Electronic and Physical Security**

There are new and emerging technologies in electronic security that can considerably increase an institution’s ability to prevent an incident from occurring, mitigate the impact of an incident, provide situational awareness during an incident, and conduct investigations following an incident. Elements of physical security can also be a powerful tool in prevention and are often easily incorporated into daily operations. Each institution should conduct an assessment of risks, vulnerabilities, and countermeasures following the recommendations below to determine the appropriate level of enhancement in this area. As technology continues to evolve at a rapid pace, it is wise to advise institutions to maintain a finger on the pulse of this market and revisit their equipment and systems options every couple of years to explore new products and solutions.

*Recommendations for Implementation:*

##### **4.1 Evaluate the use of electronic security systems and door locking hardware**

Each institution should conduct a comprehensive assessment to evaluate the potential deployment (or expansion) of electronic security systems, such as access control, video security, and intrusion detection systems.

Electronic access control on all or certain buildings and doors can greatly assist in managing access to a particular space, adding a critical layer of control. Additionally, in the event of an active shooter incident, this can provide campus police/public safety with the ability to immediately lock down the campus.

Often overlooked in the review of access control systems and perimeter security is mechanical locking hardware on non-access controlled doors. A critical component to securing the perimeter, the proper locking hardware on interior doors is essential during incidents such as active shooter. All interior doors including but not limited to classrooms, offices, administration, and common gathering places such as lecture halls, theaters/auditoriums, libraries, and dining areas, should have a means by which to lock the door from the inside that is in compliance with local and state life safety codes.

Video security systems can also be a powerful situational awareness and investigative tool, and in some cases an element of prevention. As with the other forms of electronic security, each institution should evaluate their current risks and resources to appropriately deploy video. Common areas for deployment include, at a minimum, outdoor areas such as major pathways/throughways, parking lots, building ingress/egress doors, and other high risk areas.

#### **4.2 Explore additional technology options**

An optional element to the video security systems institutions may consider is installing cameras with aggression detection analytics that can automatically detect the occurrence of agitation and aggression. Aggression detection can be used to quickly dispatch officers to the scene of the event and, if available, direct additional pan-tilt-zoom (PTZ) camera assets to obtain higher resolution footage of the event.

Shot recognition software is another tool available to mitigate an active shooter incident, and aid in response. Shot recognition software is capable of detecting gunfire with low failure rates, assisting in locating the shooter and reducing confusion in response. The integration of this capability in large congregation areas such as cafeterias and auditoriums could enhance law enforcement notification and response.

#### **4.3 Adopt building security design using Crime Prevention through Environmental Design**

All major renovations and new construction should adopt Crime Prevention through Environmental Design (CPTED) principles. These principles should be incorporated into the institutions construction master planning guidelines for all future work. Campus police/public safety and facilities management should be involved in design and planning discussions from the outset to ensure safety and security elements are incorporated in the design, avoiding costly changes down the road if deficiencies are identified after the fact.

CPTED principles include:

- *Natural Surveillance* follows the idea that someone is less likely to commit a crime if they think they are being observed. Lighting and landscape are elements to consider in this area.
- *Natural Access Control* relies on doors, fences, shrubs, and other physical elements to keep unauthorized persons out of a particular place if they do not have a legitimate reason for being there. If properly located, these physical elements can direct pedestrian and vehicular traffic in ways to decrease criminal opportunities.
- *Territorial Reinforcement* sets clear boundaries using physical elements such as pavement treatments, landscaping and signage to demonstrate ownership of an area.
- *Maintenance* follows the “Broken Windows” theory that suggests when an area is not cared for, and it shows, others feel less of an obligation to respect the area and may damage the property or otherwise misuse the space for criminal activity.

## Guiding Principle 2: Communications

Once an incident does occur, the response tactic is highly dependent on the nature and parameters of the emergency. One thing that is certain, communication is key. There are various groups to consider, including: the campus community, essential personnel/emergency operations team, first responders, families, other stakeholders, and the public. Institutions must outline the plan and protocols, as well as identify the systems and equipment available, before an incident occurs. While this can be considered Planning as well, how you execute these efforts can also make the difference between a manageable situation and a critical event.

The baseline capabilities required under the **Communications** principle are as follows: Mass Notification Process, Internal Communications, and External Communications. Below, each are further defined and accompanied by recommendations for implementation, to include baseline efforts as well as supplemental measures.

### 5. Mass Notification Process

During an emergency it is not only critical, but required under the Clery Act to notify the campus community (via an emergency notification) of an immediate threat to the health and safety of students or employees occurring on campus. Similarly, a timely warning notice must be issued for an incident that may pose an ongoing threat to members of the community. There is no room for error when lives may be at stake. Therefore, it is imperative that institutions have a process in place to address a wide range of incidents that could trigger a notification or warning, to include but not limited to active shooter or other active threat.

#### *Recommendations for Implementation:*

##### **5.1 Use various modes of communication to reach the campus community in an emergency**

No one method of communication will reach everyone, everywhere, every time; therefore, a campus mass notification system (MNS) should build in redundancy through the utilization of various communication methods, which can include the use of public address systems, sirens, text, email, voice call, and/or social media messages. The MNS should be capable of sending parallel emergency messages via a “one-button” solution, activating notifications in multiple methods simultaneously. Communication centers should conduct a thorough review of the process and procedures in place to initiate this.

##### **5.2 Develop preset messages for rapid release**

Colleges and universities should have preset messages readily accessible within the MNS system, for a variety of incidents, in order to send messages quickly when necessary. Having a number of preset messages can greatly reduce delays in notifying the community.

##### **5.3 Establish a clear process and policy for authorization**

Institutions should implement a policy/procedure that addresses authorization to send MNS messages so it is clear in an emergency who can and should be sending the message. Those designated should also designate a back-up in the event they are unreachable. All those identified to have this authority should be trained in the institutions process for developing and sending the message. Authorization should be delegated to the lowest possible level of the institutional hierarchy.

## 6. Internal Communications

Similar to the capabilities discussed under the Planning principle, it is critical to ensure campus emergency operations personnel know and understand their roles and responsibilities. Further, there should be mechanisms in place for internal communications before, during, and after an incident, particularly written protocols directing the appropriate communications processes.

*Recommendations for Implementation:*

### 6.1 Follow the National Incident Management System and Incident Command Structure

Homeland Security Presidential Directive 5 (HSPD -5) mandates that states and their political subdivisions adopt the National Incident Management System (NIMS) and Incident Command Structure (ICS). NIMS/ICS is a systematic, proactive approach to guide departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work together seamlessly and manage incidents involving all threats and hazards—regardless of cause, size, location, or complexity—in order to reduce loss of life, property, and harm to the environment.<sup>157</sup>

This is important for the operational response, including the communications process and structure – the how, what, when, and who. Internally, an institution should adopt NIMS/ICS to manage incidents and communicate according to that structure/chain of command and the designated roles and responsibilities. As NIMS/ICS is intended to be used by the whole community, providing a common language and span of control that is understood and followed by first responder agencies and other partners that may be involved in an emergency occurring on or around a campus, this will better prepare an institution to manage and respond to an emergency both internally and externally.

### 6.2 Develop and maintain key personnel emergency contact sheets

A seemingly simple but often overlooked task is the development, maintenance, and dissemination of emergency contact information for key personnel. At the very least, primary and back up emails and phone numbers should be accessible for the emergency operations team. Where possible, information for additional key or essential personnel should also be collected (e.g., facilities staff, the behavioral threat assessment and management team, and others). All contact information should be stored in a secure but central location where all need to know personnel can access it. According to the ICS implemented by the institution, there should be clear processes for when and how to initiate communications, and under what circumstances.

## 7. External Communications

During an emergency, there is likely to be external resources an institution calls upon for support. In order to effectively coordinate efforts, there needs to be a communications plan in place among the responding agencies. Additionally, an institution needs to consider how they will communicate with members of their extended campus community as well as the media and the public. A coordinated response in this manner is required to avoid misinformation which can cause panic and potentially hinder response and recovery operations.

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<sup>157</sup> See <http://www.fema.gov/national-incident-management-system>.

*Recommendations for Implementation:*

**7.1 Ensure radio interoperability with local law enforcement partners**

As referenced above, in many situations, especially those involving an active shooter, an external law enforcement agency is likely to assume control of the incident on campus. Communications among responding agencies is critical in order to ensure a coordinated, collaborative approach. Institutions should be able to communicate with outside agencies through an interoperable radio system during an emergency to provide a more effective response and recovery process. Communications and Standard Operating Procedures should be integrated with all local emergency response agencies to include police, fire, and emergency medical services. A system of coordinating interoperability with all local responding public safety partners should be in place (e.g., Boston Area Police Emergency Radio Network (BAPEREN) or similar system).

**7.2 Develop a communications plan for outside the immediate campus community**

It is crucial to have a plan in place to draft and disseminate timely and accurate information for a number of external audiences that may have an interest in the events occurring, and the well-being of the campus community. Parents and families, Trustees, state oversight agencies, and other stakeholder groups will want to have immediate and up to date information following (and perhaps during) an emergency. The media and other sources will also request information as it unfolds. The institution should be prepared by designating a point of contact with the knowledge and authority to respond to these types of requests and inquiries according to the plan in place.

**Guiding Principle 3: Response**

The Commonwealth's public institutions of higher education are very diverse in the structure, size and mission of their campus police/public safety departments. Regardless of those differences, there must be a baseline level of service available to ensure the safety and security of the campus community. In this sense, we are focusing on the readiness of law enforcement to execute plans and respond effectively.

The baseline capabilities required under the **Response** principle are as follows: Law Enforcement Training, Law Enforcement Equipment, and External Resources. Below, each are further defined and accompanied by recommendations for implementation, to include baseline efforts as well as supplemental measures.

**8. Law Enforcement Training**

Campus law enforcement (campus police/public safety officers) should follow a baseline level of training across the Commonwealth that is also familiar to local responder agencies, particularly as it relates to active shooter response. This approach will ensure consistent response efforts to minimize threat and enhance capabilities. Campuses may benefit from joint training opportunities where available and appropriate.

*Recommendations for Implementation:*

**8.1 Adopt a foundational training and response approach to active shooter**

There are number of active shooter training programs in use across the country that can be successfully adopted in the Commonwealth. This training should focus on critical techniques that will help law enforcement to more effectively and safely respond to an active shooter event based on current best practice that suggests those first on the scene must immediately approach the danger to neutralize the threat and reduce the chance of innocent casualties. This training should be conducted with the campus and primary local law enforcement partners.

**8.2 Conduct additional training specific to active shooter response**

To supplement the foundational training discussed above, there are additional elements to active shooter training that campus police/public safety departments should consider to be properly prepared to respond to an active shooter incident. Types/elements of training to be considered by institutions can include, but are not limited to:

- Training in response to active shooter incidents by officers in civilian attire - Institutions with a population of armed law enforcement officers in civilian attire (i.e., ‘plain clothes’) should be exposed to training for plain clothes response to armed encounters, as a prevention strategy to avoid friendly fire.
- Training in Improvised Explosive Device (IED) awareness - Officers should be trained to identify IEDs and the procedure for dealing with them in an active shooter (or other) incident.
- Training to include outdoor moving targets - Events are fluid, officers should be trained in outdoor techniques and must be trained to engage outside if necessary.
- Training on survivability<sup>158</sup> - The concept includes the civilian and law enforcement training in hemorrhage control as a core law enforcement skill. Appropriate equipment, such as tourniquets and hemostatic dressings, should also be available to every law enforcement officer and campus community members (see below).

**9. Law Enforcement Equipment**

Campus law enforcement officers should also follow a baseline level of necessary equipment that is required to respond to an active shooter incident. Again, recognizing the varying structures and resources of the public institutions of higher education across the state, it may be beneficial for some institutions to pool resources where possible.

*Recommendations for Implementation:*

**9.1 Ensure access to proper response equipment**

All campus police/public safety departments that are designated as and plan to be the first responders in an active shooter incident should have the proper response equipment. This includes, but is not be limited to:

- Firearms – Sworn, proprietary (in-house) campus police officers should be armed and trained in the use of personal or specialized firearms. This may include patrol rifles (readily available from the cruisers) to allow them to more effectively resolve active shooter incidents.

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<sup>158</sup> Recommendation of the Joint Committee to Create a National Policy to Enhance Survivability.

- Hard Body Armor - Law enforcement officers should be issued plate carriers to increase their survivability.
- Door breaching tools - Officers should be equipped and taught techniques to help conquer barricades as quickly as possible.
- Quick access to “go-bags” – Officers should have readily available supplies such as extra ammunition, hemorrhage control, and tourniquet.

### **9.2 Ensure adequate training on all equipment**

All officers that are issued and/or have access to any of the equipment listed should have the proper training to accompany each. This includes proper techniques, scenario training, and alternative methods of response if necessary.

## **10. External Resources**

Once again, realizing the difference among campus police/public safety departments there must be a plan in place to supplement on campus services and response when/if the department does not meet the baseline response capabilities discussed above.

*Recommendations for Implementation:*

### **10.1 Establish written agreements with local and state first responder agencies**

Regardless of who is the primary responder to an active shooter incident, institutions should develop a written Memorandum of Understanding with local law enforcement, and other first responder agencies (i.e., emergency medical services, fire departments, etc.) as appropriate, that sets procedures in place in the event of an active shooter, enhances collaboration, and directs resources. If an institution is to rely on local law enforcement (and/or other agencies) as the designated responding agency(ies) for an active shooter incident, the agreement must be explicitly clear in that fact and outline the roles of each department that will be involved in any of the response efforts.

There may also be an opportunity to officially define agreements for sharing resources such as equipment, supplies, and/or personnel as needed during emergencies.

### **10.2 Share information resources with campus, local, state, and federal partners**

Beyond response resources, there is an opportunity to share information and best practices among first responder organizations. A number of avenues to accomplish this have been discussed already in this report, including mutual communications among local intelligence agencies. Another resource is federal agencies (e.g., FBI and DHS), national resource centers (e.g., the National Center for Campus Safety), and other like entities that provide free, online guidance documents, reports, and/or training. Additionally, campus police/public safety and emergency management staff are encouraged to join professional organizations such as the American Society for Industrial Security (ASIS), International Association of Campus Law Enforcement Administrators (IACLEA), International Association of Emergency Managers (IAEM), Northeast Colleges and Universities Security Association (NECUSA), and Massachusetts Chiefs of Police Association (MCOPA).

The DHE can play a primary role in coordinating and disseminating this type of information and fostering these relationships.

## D. Sexual Violence Recommendations

The Sexual Violence recommendations focus on the principles of Prevention, Reporting, and Response, and identify ways in which institutions can implement these principles. The overarching goal is to: heighten their communities' awareness of sexual violence, decrease its incidence, facilitate reporting, and enhance the efficacy of their response, from the perspective of all parties as well as of the institution. Efforts to meet these goals must occur in compliance with applicable regulations and due process standards. A commitment to the achievement of these goals will enable institutions not only to meet compliance requirements but also to develop and hone what are emerging as best practices in this area.

### Guiding Principle 1: Prevention

A critical component of any program that addresses sexual violence is prevention. The U.S. Department of Education's (DOE) Office of Civil Rights (OCR) has urged institutions to engage in awareness and prevention programs in its guidance documents, and has required this in the resolution agreements into which it has entered with various institutions. The Clery regulations also specify that institutions must engage in awareness campaigns (on the subjects of sexual assault, dating violence, domestic violence, and stalking) targeted at students and employees, and must offer primary, as well as ongoing, prevention programs that are "culturally relevant and inclusive of diverse communities," and that they must include information about safe and positive options for bystander intervention.

The baseline capabilities required under the **Prevention** principle are as follows: Strategic Planning, and Awareness and Training. Below, each are further defined and accompanied by recommendations for implementation, to include baseline efforts as well as supplemental measures.

#### 1. Strategic Planning

Each institution should develop a strategic plan to prevent sexual violence on campus. This plan should be developed, implemented, and maintained in a coordinated, collaborative manner. This should include input and engagement from Trustees, Senior Staff, faculty, and students.

##### *Recommendations for Implementation:*

#### **1.1 Create a team focused on the prevention of, and response to, sexual violence**

Each institution should create a Sexual Violence Prevention and Response Team that includes, at a minimum, the Title IX Coordinator, any deputy Title IX Coordinators and/or Investigators, the Dean of Students (or designee), the Director of Counseling (or designee), a representative from Residential Life (if applicable), and one or more student body representatives. If the institution has a Sexual Violence Awareness and Prevention Program of any sort, a representative from that program should be a member of this team. The institution should also ask representatives from local rape crisis centers or advocacy groups to participate, either on a regular or a periodic basis.

It is important that the Title IX Coordinator have the support of this group, and that the institution conveys to its students, faculty, and staff this level of commitment to addressing sexual violence on campus.

The Sexual Violence Prevention and Response Team should meet on a regular (at least monthly) basis, with the goals of:

- Developing an understanding of the facts concerning sexual violence at the institution (e.g., places, contexts, rate of incidence, who is perpetrating, who is being targeted, the role of alcohol or substance use); and how/to whom such violence is/is not reported;
- Assessing the efficacy of sexual violence awareness and prevention programs for students and employees, and discussing evolving options in this area;
- Assessing the adequacy of resources available at or through the institution to victims of sexual violence, as well as those available for accused, and other affected individuals;
- Evaluating the institution's adjudicatory response to complaints of sexual violence, including provision of interim measures and imposition of sanctions;
- Sharing information/perspectives on progress made and challenges faced in preventing and responding to sexual violence; and
- Exploring what resources may be available for the institution to obtain and apply to its efforts to prevent and respond to sexual violence on campus, including but not limited to grants from the U.S. Department of Justice (Office for Violence Against Women).

The team should perform the responsibilities listed above in part by maintaining ongoing communications on these topics with other areas and departments within the institution, including but not necessarily limited to Campus Police/Public Safety, the Student Government Association, Mental Health/Wellness Services (if different from the counseling representative on the team), Athletics (male and female), the Office for Students with Disabilities, the Office for International Students, and Communications/Public Affairs. The team should provide the President/Chancellor updates as to its discussions, and any recommendations it wishes to make, on a periodic basis.

### **1.2 Conduct campus climate surveys**

The findings from the surveys, site visits, and the research suggest that most, if not all institutions in the Commonwealth are taking steps to comply with Title IX efforts. There seems to be a disconnect, however, in communicating these efforts to their students. Because each institution's student body, and campus community, is unique, it is imperative that each institution directly query their students about their perceptions of and experiences with sexual violence, as well as the institution's efforts to prevent and respond to such violence. The most effective way to accomplish this is by conducting a campus climate survey.

It is recommended that a climate survey be conducted annually, but at a minimum of every 2-3 years. The survey, at a minimum, should include the entire student body. The inclusion of faculty and staff will enable a more comprehensive look at the climate on campus. The data received in response to this survey should be reviewed by the Sexual Violence Prevention and Response Team recommended above, and forwarded with any recommendations to the President/Chancellor. Ultimately, the information should be made available to the entire campus community, accompanied by statements reflecting the institution's commitment to eliminate sexual violence through specific measures.

It may be beneficial at the system and/or segmental level to develop a core set of questions to allow for data comparisons and identification of trends, which can assist in the strategic planning process. From this baseline survey, institutions should have the ability to customize

certain sections/questions to best fit their needs. A few examples of the tools currently in use are:

- The White House Task Force to Protect Students from Sexual Assault Campus Climate Survey Toolkit, as revised and pilot tested by the Bureau of Justice Statistics in its Campus Climate Survey Validation Study Final Technical Report (January 2016).
- Rutgers University's #iSPEAK Campus Climate Survey (2014).
- Association of American Universities (AAU) Campus Climate Survey (2015).
- Massachusetts Institute of Technology Campus Climate Survey (2014).

### **1.3 Obtain additional student input and encourage student engagement**

In addition to a campus climate survey, a student summit or focus group provides another means to obtain student input in matters related to sexual violence. The goal is to obtain accurate data from a significant portion of the student body, enabling the institution to develop prevention and response strategies tailored to meet the specific needs of its population.

Institutions are also urged to actively support student engagement on the topic of sexual violence awareness, prevention, and response. The provision of funding for student-led efforts in this area (e.g., advocacy groups, peer advisor groups, obtaining relevant speakers, forming of clubs or groups designed to promote awareness and prevention activities and events, etc.) is one means by which to support such engagement. Other means include, but are not limited to, the provision of venues in which students may gather to discuss these (as well as related) topics, and the allocation of times at which awareness events (e.g., Take Back the Night, White Ribbon Day) may occur on campus.

Institutions should seek ways in which to communicate the administration's support of student engagement in this area. Links on the institution's website to relevant resources and activities, and widespread dissemination of sexual violence awareness campaign materials, are two good ways in which to do this.

### **1.4 Consider practical ways in which to address the prevalence of alcohol on residential campuses**

The statistics, as well as the anecdotal data, establish that the incidence of sexual violence is greater when alcohol is available. It would be unrealistic to think that institutions of higher education, particularly residential campuses, could prevent their students from drinking alcoholic beverages while on campus, although colleges and universities are encouraged to take steps to reduce the incidence of underage and/or binge drinking through awareness campaigns and education programs. Institutions may, however, be able to implement practical measures to: (1) reduce the quantity of alcohol consumed; (2) lessen the impact of that consumption; and (3) render it less likely that intoxication will occur in circumstances where sexual interaction is also likely.

For example, colleges and universities should explore their ability to provide funding for food (and more substantial food) at events and activities where alcohol is likely to be consumed. Where appropriate, colleges and universities should consider coalitions with local bars and liquor stores to work harder at reducing the incidence of underage drinking as well as "over serving" to college students. A ban on hard liquor on campus, with clear penalties for its violation, is another possibility. A majority of the cases in which students become incapacitated involve hard liquor.

An emerging best practice is for institutions to have “amnesty policies,” making it clear that the institution prioritizes addressing sexual violence over punishing students for infractions of its alcohol policies. These policies should be published in various places and at several points during the academic year, and institutions should take steps to ensure that students are aware of them and that they pertain to witnesses and bystanders as well as to the parties directly involved. Amnesty “services,” such as “don’t ask, don’t tell” transport for students who are too intoxicated to return safely to their residence halls, should also be considered.

### **1.5 Implement a policy regarding minors on campus**

Many institutions host programs or activities that involve minors being on campus, whether for the day or an extended period. This can include, but is not limited to: recruitment visits, admitted student weekends, camps and other events, and child day care facilities. Institutions should develop and implement a policy that addresses the protection and safety of minors in such programs and/or on property owned or leased by the institutions and establish procedures for reporting known or suspected abuse, neglect, or injury to minors. The policy, at a minimum, should address:

- Registering the event - All employees and departments interested in sponsoring programs, events, or other activities involving minors should have to register the event with the appropriate oversight office;
- Supervision plan – Institutions should set a baseline for the level of supervision required for an event (i.e., the ratio of minor participants to supervising adults) and provide guidance on applicable supervision protocols such as transportation, curfews, rules pertaining to visitors, and use of free time. The event sponsors should be required to include a plan with their registration materials that outlines how the required level of supervision will be met;
- Training for participating adults – All employees and volunteers, including students, interacting with and/or supervising minors need to undergo training. Training should include what behaviors and interactions are acceptable with or in the presence of minors, as well as how to identify and how/where to report any incidents of concern, such as suspected abuse, and where to refer minors for confidential support and services if needed; and
- Background checks - Institutions should implement a policy that requires those interacting with and/or supervising minors to undergo a background check if one has not already been performed as a condition of their employment or affiliation with the institution.

## **2. Awareness and Training**

As discussed in the Cross-Sectional recommendations, sexual violence education must be ongoing, and should include both awareness campaigns and prevention programs. Raising awareness regarding sexual violence is separate and distinct from educating on its prevention, but efforts to accomplish both must occur, at various times and through various methods. The institution should identify or develop awareness programs that teach students, faculty, and staff about sexual violence: what it is, what may cause it to occur, how and when it happens, and what impacts it may have. Institutions must also provide training on the prevention of sexual violence. This training should, at a minimum, include components on respect for gender and cultural differences, consent, expectations for healthy sexual relationships, and options for bystanders. These trainings should also provide clear and concise information about reporting options and mechanisms, as well as information on the institution’s policies and procedures for investigation and response.

The recommendations below further describe ways in which to accomplish this and examples of successful programs.

*Recommendations for Implementation:*

**2.1 Provide training to promote awareness and increase prevention in a variety of ways, at different times**

Institutions must look for multiple times throughout a student's academic experience at which to deliver sexual violence awareness and prevention training. These might include incorporation of certain information with acceptance materials, conducting workshops during an extended orientation period, providing prevention training at the beginning of each semester or at the time of course selection, to name a few. The goal is to provide adequate dosage, which research has shown to be a key factor in ensuring retention.

Promising programs of this nature may be identified through the White House Task Force website, the Centers for Disease Control, the U.S. Department of Justice's Office on Violence Against Women, the National Sexual Violence Resource Center, and the California Coalition Against Sexual Assault's PreventConnect's Campus site, as well as local resources. Local resources include, but are not limited to, the Prevention Innovation Center at the University of New Hampshire and the Commonwealth of Massachusetts Northwestern District Attorney's Office. Which awareness campaigns and prevention program would be best suited for the institution will vary, depending upon its size and student population; programs may be tailored to accommodate available resources and to meet specific needs.

Institutions should consider student input as to possible mechanisms for education and prevention training in this area (e.g., printed materials, bulletin boards, in-person or online training, various media for transmission of content, etc.). Any approach that encourages creative and innovative thinking is useful. Institutions may also wish to solicit ideas from various academic (including visual and performing arts) departments as to how to communicate these issues to students most effectively. Some institutions have used interactive theatre effectively in this area. Faculty should also be encouraged to find ways in which to incorporate material that educates students on sexual violence awareness and prevention, adapting it to the content of their respective courses. Multi-setting, comprehensive prevention approaches that address the issue in different formats, venues, and media will be more successful than those efforts with just one approach.

**2.2 Provide training to faculty, staff, and volunteers**

Institutions should provide the same awareness and prevention training that it provides to students to the other members of its community, including volunteers if possible. These trainings should contain clear information for these groups regarding who is a "Responsible Employee" for purposes of Title IX reporting, as well as who is a "Confidential Employee". The distinct responsibilities of these categories of employees should be addressed in these trainings, and institutions should provide responsible and confidential employees with written material explaining their duties.

**2.3 Include information regarding the LGBTQ community and students with disabilities**

The research shows that certain populations are at particularly high risk for sexual violence, both on and off campus. The Title IX awareness campaigns and training that institutions provide

should include information about how (and the degree to which) such violence affects members of the LGBTQ community and students with disabilities. This information should be incorporated into trainings and/or campaigns targeted for all groups in the campus community to include students, faculty, and staff, to include campus police/public safety officers. The institution should engage with individuals or organizations with education and experience relevant to these topics for input. Collaboration with off campus partners, as well as particular offices/departments and student groups within the institution, may be useful to ensure the adequacy of this component of the campaigns/training.

In certain cases of sexual violence, there is a question as to whether the disability of a student or employee caused him or her to engage in the offensive conduct. While the potential for this to be the case does not excuse the impact of the conduct, it is important for institutions to identify this issue and to develop resources (or referrals to resources) to which the accused student or employee may be directed.

#### **2.4 Engage male students, male athletes, and Greek Life members**

The research indicates that significantly more males than females perpetrate sexual violence, both on and off campus. It is vital to engage male students on this topic if awareness and prevention efforts are to be successful. One of the few perpetration prevention programs that the CDC has deemed either “effective” or “promising” is a program specifically designed to engage males, and to promote bystander intervention by them. This program, *RealConsent*, is worthy of consideration, as are other programs such as *Green Dot* and *Bringing in the Bystander*.

Additionally, a significant percentage of those students who perpetrate sexual violence are male athletes. Institutions that have an athletic program should provide these students with training on sexual violence awareness and prevention that is in addition to the training they receive as members of the general student population. Coaches should be enlisted to provide appropriate guidance to male athletes in this area. The CDC has identified a program, *Coaching Boys into Men*, that institutions may wish to consider in this regard. *Coaching Boys into Men* focuses on the coach-athlete relationship as a mechanism by which to promote sexual violence awareness and prevention in young males.

At institutions with Greek Life organizations, student members and pledges should also be required to engage in specific, supplemental sexual violence awareness and prevention training. A significant number of incidents of sexual violence have been perpetrated by male fraternity members, and the institution should remind fraternities, as well as sororities, that it will not tolerate conduct towards other students that includes sexual violence, nonconsensual sexual activity, stalking, or the use of alcohol or other substances to diminish the capacity of others for any reason.

The supplemental education that the institution provides to athletes and participants in Greek Life should convey a desire to engage these communities, not to embarrass or threaten them. The goal is to enlist their voluntary assistance in reducing sexual violence on campus. Athletes and participants in Greek Life have the potential to positively affect campus culture through strong leadership in opposition to sexual violence. In fact, team members, fraternity brothers and sorority sisters may well have strategies they use in supporting one another that might be useful in this regard. For example, the idea of taking care of each other, and intervening if necessary, is similar to the underlying principles of bystander intervention.

### **2.5 Strive to make training mandatory**

Certain individuals must be provided with sexual violence awareness, prevention, and response training, by law. These include those individuals who are Title IX Coordinators, and those who investigate and/or adjudicate student or employee complaints of sexual violence. This training must include trauma-informed response as well as sensitivity to cultural differences. Although the law does not presently require others to receive sexual violence awareness and prevention training (institutions must offer these programs but are not required to mandate attendance at them), prevention research establishes that training is most likely to be effective if all members of the campus community are required to participate in it. Such participation also reduces the dissemination of inaccurate and inconsistent information, and increases the collective awareness of resources. An assessment of what type of training (mandatory or not) and how often should be made based on campus climate surveys and should be a part of the strategic planning process.

Institutions at which a significant percentage of the student population consists of part-time, non-residential, and non-traditional students (i.e., community colleges) face particular challenges in requiring mandatory training. It is more feasible for institutions at which the majority of students reside on campus to mandate student attendance. With that in mind, it is recommended that, where practicable, institutions make their sexual violence awareness and prevention training mandatory for students. If it is not realistic or appropriate to require certain students to attend the training due to their minimal presence on campus or other factors, institutions should explore alternative ways to impart this education to these individuals (e.g., one-session on-line training, information included within registration materials, etc.) and build that into their strategic plan. Full-time students who are in residence at an institution should be required to attend this training even if other categories of students are not.

If circumstances are such that the institution cannot require certain employees (i.e., faculty members) to attend this training, it should consider ways to encourage or incentivize such attendance. The fact that individuals may balk at the idea of anything mandatory should not dissuade institutions from this requirement. The institution should endeavor to explain the rationale for mandating participation, characterizing this as a public health matter that deserves attention. At the very least, training should be provided in a manner that provides all members of the community with the opportunity to attend.

### **2.6 Educate students about the relationship between alcohol/drugs and sexual violence**

Students come to college with a wide range of experience in the areas of alcohol/drug use and sexual activity. Alcohol consumption, as well as marijuana use, is widespread on residential college campuses, and other drugs are often readily attainable. A significant percentage of reported incidents of sexual violence involve alcohol, with one or both parties reporting to have been incapacitated by it at the time of the sexual interaction. Alcohol use does not cause sexual violence, nor does it excuse it, but sexual violence and alcohol or substance abuse do frequently co-occur.

The institution should provide students with alcohol and drug awareness and education on the degree to which alcohol/drugs impair an individual's ability to give affirmative consent, and to appreciate the nature, fact, and extent of a sexual encounter. This education may be in the form of a stand-alone program or as part of another course. Regardless of format, this information should be provided in some manner to all incoming students (including transfer and exchange

students) who reside or spend significant time on campus, and their participation should be made mandatory, to the extent practicable. The institution should also consider additional education on these topics, in various fora (e.g., classrooms, focused awareness events, etc.) throughout the academic year. This training should not be conflated with sexual assault training in a way that leads to victim blaming. It should, nevertheless, inform students of the role alcohol and drugs play in non-consensual sexual interactions, and provide students with practical guidance on alcohol and substance use.

Institutions should also develop and maintain updated referral programs for students with substance abuse issues.

### **2.7 Train those interacting with minors on campus**

As discussed under the Strategic Planning capability, institutions that host programs or activities that involve minors being on campus, must provide training for all employees and volunteers, including students, who are responsible for interacting with and/or supervising minors. Training should include what behaviors and interactions are acceptable with or in the presence of minors, as well as how to identify and how/where to report any incidents of concern. This training can be produced and facilitated in-house or by an external third party. Various examples of policies and training materials are available online from peer institutions. Additionally, institutions should stay abreast of evolving state guidance/recommendations from the Massachusetts Child Sexual Abuse Prevention Task Force.<sup>159</sup>

## **Guiding Principle 2: Reporting**

Studies concerning the reporting of sexual assault generally, as well as recent college and university campus climate surveys, indicate that sexual violence is significantly underreported. Therefore, a primary goal of an educational system, as well as its individual institutions, should be to identify and eliminate the barriers to reporting. The institution should provide clear, widely disseminated information on reporting options, and those options should be designed with an eye towards mirroring the diversity of the population for which they are available.

The baseline capabilities required under the **Reporting** principle are as follows: Clear Reporting Methods and Communication. Below, each are further defined and accompanied by recommendations for implementation, to include baseline efforts as well as supplemental measures.

### **3. Clear Reporting Methods**

Research suggests that the distress a victim of sexual violence experiences may be exacerbated if there exists unclear or potentially punitive means of reporting. Clear and concise policies form the foundation for an effective process that clarifies which resources are confidential and that explains what will happen once a report has been made.

*Recommendations for Implementation:*

#### **3.1 Clarify Confidential Employee and Responsible Employee**

Notwithstanding the existence of policies that enumerate a victim's reporting options (including that of not reporting or reporting to local law enforcement), students and others are unclear

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<sup>159</sup> See also <https://malegislature.gov/Bills/188/House/H4305> for more details.

about and confused when it comes to matters of confidentiality. Institutions must clearly define who is a “Confidential Employee” (CE) and who is a “Responsible Employee” (RE) for purposes of receiving reports of sexual violence, and explain what level of confidentiality attaches to each type of report as well as the limitations of that confidentiality. This includes informing students and others of the confidentiality of domestic violence advocates and rape crisis counselors. Each institution should review its policies, as well as the training and resource materials it distributes, with an eye to eliminating any vague, confusing, or inconsistent messaging on these issues. Concise summaries of applicable laws (such as FERPA, the law that renders doctor-patient communications confidential, etc.) should be provided to all members of the community as well.

The institution should also take steps to ensure that CEs and REs have a clear understanding of their respective roles, as well as of the degree of confidentiality that attaches to any disclosures they may receive from students, faculty, or staff. CEs and REs should be prepared to explain to students, in clear and unambiguous terms, exactly what level of confidentiality they can expect, and whether that level is subject to change under certain circumstances. This is particularly true of students who are Residential Advisors or leaders of certain student groups, to whom other students often turn.

It is preferable to list (even if simply by category) those individuals who are REs for purposes of Title IX, rather than to include the statutory definition, in policies and other written materials. Similarly, the institution should identify all those individuals who are CEs, and who thus have a much more limited duty to report.

### **3.2 Expand access to confidential resources**

Students consistently express a desire for readily available confidential resources, to whom they can disclose, and with whom they can discuss, an experience of sexual violence before deciding upon next steps. Such resources should be available not only for victims of sexual violence, but also for accused students, roommates, teammates, and others affected by assaults. Long waits for counselor appointments, and uncertainty about whether the available CE will understand the particular perspective of the victim, are ongoing concerns. This is particularly true for members of the LGBTQ population, international students, and students with disabilities, all of whom experience sexual violence at a higher statistical rate, and report at a lower rate, than others.

Institutions should endeavor to address this problem, in part, by creating a robust list of diverse confidential resources for students and employees who have experienced sexual violence. Strong relationships with local resources (e.g., rape crisis centers, Sexual Assault Nurse Examiner (SANE) hospitals, mental health centers, legal aid services), should be useful in this regard.

Institutions should also consider recruiting qualified professionals who identify as members of the LGBTQ community, as well as of other populations at higher risk for sexual violence, to function as CEs. It is important that individuals who are professional and experienced be available in this role. Institutions should endeavor to meet the needs of all members of their communities in this area, and should pay particular attention to how they will do so for individuals who run the risk of being marginalized due to language access, limited socio-economic means, immigration status, or other factors.

#### 4. Communication

The institution must communicate reporting options, and their consequences, to students and employees in simple and effective terms. The development of clear and concise policies must be followed by straightforward communication of their content. The means of communication should be designed to meet the unique needs of the institution's community, and to reduce the confusion and stress that too often accompanies the reporting of sexual violence.

##### *Recommendations for Implementation:*

#### **4.1 Communicate sexual violence reporting options in a variety of ways**

Institutions are encouraged to consider supplementing their existing policies on sexual violence reporting options with other forms of communication. For example, the institution might develop a single notecard document, a residence hall bathroom poster, a website, or a smartphone application to convey this information in a more consolidated and easily accessible manner. Students might be enlisted to explore various options of this nature. The institution should be careful to consider the needs of students with disabilities, as well as students whose first language is not English, in developing these communications. It is essential that students understand that confidential reporting (accompanied by medical, counseling, and academic support) is always one of their options, as is the criminal justice system.

Institutions should also consider incorporating information about sexual violence reporting options into materials that are made available at multiple points during the academic year. For example, such information might be included in introductory materials provided to students at the beginning of each course, at campus-wide gatherings, or in connection with athletic events.

#### **4.2 Consider the particular needs of international students**

Many students who come from other countries, whether as four-year students or in connection with exchange programs, are uncertain, and sometimes extremely wary, of reporting any sort of misconduct. Their cultural background may contribute to this uncertainty or wariness. The concept of reporting sexual violence to campus police may seem completely unfamiliar to them. Institutions must offset this by making a particular effort to communicate effectively with these students on this topic, and when preparing materials and disseminating information about options for the reporting of sexual violence. For example, it may be useful to provide supplemental training sessions for the international student community, or to identify one or more confidential resources to whom international students may turn with questions in this area.

### Guiding Principle 3: Response

The institution's response to sexual violence has two components. First, it is essential that a survivor be provided with appropriate and culturally sensitive resources, including counseling and academic support, as well as whatever residence, transport, schedule, or other modifications are warranted either as interim measures or on an on-going basis. Counseling and other support services for accused students and other students who may be affected by sexual violence should also be provided. Second, but of equal importance, the institution must provide a process for investigating and resolving complaints of sexual violence that is prompt, thorough, and impartial, and in compliance with applicable regulations and DOE/OCR guidance.

The baseline capabilities required under the **Response** principle are as follows: Internal Resources and Process, and External Resources. Below, each are further defined and accompanied by recommendations for implementation, to include baseline efforts as well as supplemental measures.

## **5. Internal Resources and Process**

The resources and process in place at each individual institution must meet the baseline standards established by federal law and regulations as well as required by the state segmental equal opportunity, diversity and affirmative action policies and plans. An institution's response to sexual violence, and to complainants of sexual violence, will only be effective if it meets this threshold, and if it does so in a way that works within that institution's structure and environment.

### *Recommendations for Implementation:*

#### **5.1 Provide survivors of sexual violence with access to a variety of resources**

Survivors of sexual violence may need assistance in a variety of ways, including but not limited to: connection with an advisor during the pendency of any complaint process, counseling (that is trauma-informed and culturally sensitive), academic support, modifications to living or commuting arrangements, course schedules and/or work shifts, and assistance with legal advice and representation. The institution should provide survivors with access to whatever internal resources are available to meet the survivor's needs in these areas. Where such resources are not promptly available, institutions should inform survivors of external resources that are available, and should follow up with these individuals to ensure that they connect with external providers.

#### **5.2 Provide accused individuals with access to a variety of resources**

Individuals who are accused of perpetrating sexual violence may also require resources and assistance. Particularly during the pendency of an investigation, when the accused individual may be suspended from one or more activities or responsibilities, they may have a need for support of various kinds. Counseling, academic support, assistance in modifying work shifts, commuting arrangements and course schedules, connection with an advisor, and legal advice and representation are among these types of assistance. The institution should provide accused individuals with access to whatever internal resources are available to meet their needs in these areas. Where such resources are not promptly available, institutions should inform accused students of external resources that are available, and should follow up with these individuals to ensure that they connect with external providers.

#### **5.3 Provide other affected individuals with access to appropriate resources**

Individuals other than the survivor, complainant, or accused student may also require support in connection with an experience of sexual violence. The impact of an allegation of sexual violence typically encompasses more individuals than the parties who were directly involved. For example, roommates, teammates, classmates, fraternity brothers or sorority sisters, friends, professors, coaches, and others may be affected by having witnessed or learned of such violence, or by attempting to support one or both parties engaged in a complaint process arising from such an incident. The institution should provide these individuals with access to counseling services, academic support, and other relevant resources. Where internal resources of this nature are not promptly available, institutions should inform these individuals of external resources that are available.

#### **5.4 Ensure investigators have the appropriate training and time to investigate complaints**

Title IX investigators must be trained not only on the legal requirements of Title IX, the Clery Act, and related regulations and guidance, but also on investigation techniques relevant to this context. Although there is no certification requirement, it is recommended that investigators attend trainings that teach the following basic competencies: (1) knowledge of Title IX and the Clery Act, their implementing regulations, and applicable OCR guidance (particularly specific guidance on the investigation process); (2) awareness of potentially applicable privacy laws; (3) interviewing skills (including trauma-informed, culturally aware/sensitive interviewing and the concept of unconscious bias); (4) burden of proof and evidentiary principles; and (5) investigation report writing. Institutions may choose to send investigators to nationally recognized trainings such as ATIXA, NACUA, United Educators, and T9, or opt to develop a training(s) individually, or in conjunction with other institutions, that meet the competencies listed above.

External investigators should be required to provide references who can attest to their investigative competence. In addition, institutions should ensure that the retention of a particular investigator will not result in any real or perceived conflict due to the investigator's pre-existing relationship with any of the parties, witnesses, or due to any other factor. For example, the investigator should not have an ongoing relationship with an advocacy group for either survivors or accused perpetrators of sexual violence that might undermine the investigator's ability to be impartial.

Institutions should also ensure that the individuals who investigate these matters have training in sexual assault and harassment, trauma-informed and culturally sensitive interviewing, unconscious bias, and the complexity of assessing credibility when alcohol is involved. Investigators should also have training on, Investigators should be comfortable working with individuals of all genders, national origins, races, religions and sexual orientations, as well as with individuals who have disabilities. In addition, investigators must conduct these investigations in a manner that is aware of, and sensitive to, the fact that cultural and religious affiliations of the parties (and witnesses) may influence them in direct and indirect ways. While investigators need not be lawyers, they should also have training in basic principles of evidence, as well as its preservation.

Institutions are encouraged to allocate work so that the individuals who investigate their Title IX complaints have sufficient time to do this work in a prompt and thorough manner. Not only is this important for compliance, and the integrity of the investigations themselves, but it creates a climate in which the elimination of sexual violence on campus is a clear priority.

#### **5.5 Ensure a prompt, thorough, and impartial complaint process for all parties**

The institution must implement its sexual violence complaint investigation and resolution procedures in a prompt, impartial, and thorough manner, enabling all parties to have a clear understanding of other party's claims and contentions and to respond to them.<sup>160</sup>

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<sup>160</sup> As of this writing, both the segmental Equal Opportunity, Diversity and Affirmative Action Plan and the Policy on Affirmative Action, Equal Opportunity and Diversity set forth a description of informal and formal reporting options, as well as detailed complaint investigation and resolution procedures for those who elect to pursue a formal complaint. The institution must implement these procedures in a fair and impartial manner, providing both

The following components of a complaint process serve to ensure its fairness and impartiality:

- Written notice to the accused party;
- Written and verbal description of the process to both parties;
- Reminder to both parties and all witnesses of the institution's non-retaliation and confidentiality policies;
- Provision to both parties of the opportunity to select an advisor of the party's choice;
- Provision to each party of the opportunity to present evidence and witnesses;
- Provision to each party of the opportunity to review evidence provided by the other, but not to cross-examine each other;
- Notice of the outcome, including an opportunity to review any investigative report; and
- Opportunity to appeal the decision.

Complainants should also be reminded of their right, at any point, to pursue criminal proceedings if they so choose. The institution's obligation to investigate and respond exists independently of this right.

## 6. External Resources

As the demand for sexual violence prevention and response services increases, institutions are encouraged to establish on-going partnerships with external resources. This can provide significant support to any institution, as a supplement to, or in conjunction with, the services that an institution provides on campus. These partnerships should be formed at the national, state, and local level wherever possible. The allocation of funding to support such alliances should be a priority.

*Recommendations for Implementation:*

### 6.1 Form partnerships with off campus partners

Institutions should develop and maintain relationships with off campus resources/partners to heighten awareness, improve education, and enhance efficacy of the response to disclosures and complaints of sexual violence. Examples of off campus resources/partners include:

- Local law enforcement
- Local rape crisis centers/advocacy offices
- Local mental health services
- Local hospitals and clinics
- Closest SANE hospital (hospital at which a trained sexual assault nurse examiner is available)
- Local legal assistance offices or programs
- Local domestic violence organizations and shelters
- Local public schools

The institution should task appropriate individual(s) with the responsibility of developing these relationships. These individuals should report periodically to the President/Chancellor and to the Sexual Violence Prevention and Response Team on recent communications or collaborations with the off campus partner, as well as regarding the general status of the relationship. These resources should be updated regularly and their availability, and how to access them, should be clearly communicated to the campus community.

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parties with detailed information about the process, the opportunity to select an advisor, and the opportunity to present witnesses and other relevant evidence.

A written Memorandum of Understanding is optimal for clarification of the relationship between the institution and local law enforcement regarding their respective (and sometimes parallel) responsibilities in responding to complaints of sexual violence.

The relationship between the institution and local rape crisis center(s), domestic violence programs, or other advocacy office(s), as well as with local mental health services and the closest SANE hospital, should include periodic communications regarding available resources for victims of sexual violence, as well as for individuals accused of perpetrating such violence and other affected by it. It should also include communications, and ideally an exchange of perspectives, on: the efficacy of various awareness campaigns and prevention programs; the identification of new approaches to awareness and prevention; education/training resources for individuals receiving disclosures of sexual violence; and education/training for individuals charged with investigating and/or making determinations regarding complaints of sexual violence.

## IV. Conclusion

This report does not constitute the end plan for campus safety and violence prevention of the Commonwealth's public higher education system. It is intended to provide a launching point for the future: flexible to allow for adaptation given new threats, laws, and social norms; specific to provide for unified governance structures that will guide these unique communities; respectful of the variety of needs, opportunities, and experiences at each institution; and, finally, cognizant that a great system like this is about the wellness -- in mind and body -- of all its members.

Many of the ideas proposed in this report will take some time to implement as they may require a culture change on some level; many are already being done but would benefit from formalization; some require policy changes or strive to enhance programs, such as training and awareness; and others may require capital investment for equipment, staff, and/or system enhancements. They are intended to provide guidance regarding baseline capabilities as well as supplemental measures to equip the system, the segments, and individual institutions with the tools to prioritize their needs and make implementation specific decisions.

We should advance our efforts as a system, supported by a collaborative and coordinated approach, developing work plans through a comprehensive strategic planning process at the system, segmental, and institution levels to assess, plan, and implement enhancements, now and into the future.

## Appendix A: TSG Solutions Team

TSG Solutions Inc. ('TSG') is a privately held veteran owned business founded in 2001. Operating from offices in California and Massachusetts, TSG is dedicated to providing exceptional services and solutions to enhance customer security, preparedness, and operations. TSG's capabilities include Risk Management and Security Consulting, Geospatial Information Systems for Incident Response and Training, and Technical Services support for military C4ISR communications networks and platforms.

For this engagement, TSG lead the effort from our East Coast office in Quincy, MA. As the overall Project Manager, TSG utilized its in-house experts that specialize in security and emergency preparedness in the higher education environment. This specialized team focuses on providing risk management services to clients worldwide, including school security and risk assessments, security engineering services, and preparedness planning.

The TSG team includes:

**Amanda Botelho Robbins**, Senior Security Consultant and Project Manager

Amanda has over 10 years of experience in the security industry, including positions working as an advisor at the U.S. Department of Homeland Security as well as at the Massachusetts Executive Office of Safety and Security. Over the last 4 years at TSG, she has managed and led various client projects related to security and emergency management, with a focus on the development and implementation of client security and emergency management policies, procedures, and plans; facilitation of emergency preparedness training and exercises; and development and execution of comprehensive risk assessments. Current clients include higher education, K-12 school environments, defense industry, hospitals, hospitality venues, other private business, and government. Amanda served as the Project Manager for this engagement.

**Matthew Williams**, Director

Matthew Williams has over 18 years of experience in the security industry. His experience includes security systems and physical security assessments, security system design and implementation, development of policies and procedures, as well as construction administration. He has worked on a vast variety of large scale projects in a majority of the vertical markets including Healthcare, Government, Higher Education and Fortune 100 companies. He now oversees the East Coast Risk Management Division of TSG.

**Scott Deegan**, Senior Security Consultant

Scott Deegan has over 18 years of experience in the security industry, largely within the Healthcare sector, where he was responsible for the design, planning, and implementation of video security; Security and Building Automation Systems; and Public Safety information technology and infrastructure.

TSG was supported by additional team members with supplemental expertise to include:

**Juliette Kayyem**, Founder, *Juliette Kayyem Solutions, LLC*

Kayyem Solutions provides innovative consulting and analysis in the modern security space, through a holistic, experienced approach to risk assessment and adaptive design. Kayyem Solutions combines years of experience in both government and the private sector to support and advise clients in technology, event and sport planning, venture capital, risk management and more.

Juliette provided direct input and guidance on the overall project approach, as well as lent her expertise in homeland security, public safety, and emergency management to the development of smart and effective recommendations for the Department of Higher Education in each focus area of the project. She brings a unique perspective through her experience as a leader in state and federal government, especially her tenure as Governor Patrick's Homeland Security Advisor where she gained an acute familiarity with the governance, security needs, and operational structure of the Commonwealth. Additionally, her understanding and analysis of recent national issues is invaluable to the issues being addressed here, including her research and commentary on recent active shooter incidents, as well as the protests and discussions on discrimination and racism at institutions of higher education and across the country.

**Matthew Rushton**, Managing Partner, *Campus Safety Associates, LLC*

Since 2013, Matthew Rushton has served as Managing Partner of Campus Safety Associates, LLC, leading the growth and direction of the organization. Matthew brings over 20+ years of law enforcement experience in municipal, healthcare, and higher education settings. As the Managing Partner, Matthew leads the company's associates in providing expertise in the area of compliance, risk-assessments, interim-management support, and training on a variety of topics honed by years of service as a police officer who currently serves at the rank of Lieutenant. He has completed trainings to include Bystander Intervention and Title IX investigator training; and has authored campus departmental policy and procedures in handling active shooter events and campus sexual violence incidents.

Matthew provided direct input and guidance on the overall project approach, as well as lent his expertise in the higher education environment, drawing on his many years as a campus police Lieutenant and leading expert on sexual violence issues for his university and many other clients. Matthew's career experience provided direct operational knowledge on the successes and challenges institutions of higher education face in each focus area of the project. He drew upon this knowledge, as well as a vast array of law enforcement officers and other colleagues, to ensure the project approach and deliverables reflected the most up to date information on policy, training, and leading industry tactics.

**Jennifer Davis**, Founder, *Jenn Davis LLC*

Jennifer Davis is an attorney who conducts independent Title IX investigations for colleges and universities as well as secondary, middle, and elementary schools. She also conducts workplace investigations and trainings for a variety of public and private sector employers. Jenn has received Title IX and Clery Act compliance and investigations training from United Educators and the National Association of College and University Attorneys, and workplace investigation training (including report writing training) from the Association of Workplace Investigators as well as the Massachusetts Commission Against Discrimination (MCAD). She was trained in general investigative techniques by the Federal Bureau of Investigation in connection with her former litigation practice. Jenn is on the United Educators' list of approved independent sexual assault investigators, and on the MCAD's list of approved

workplace trainers. She was the co-chair of the MCAD's Task Force that authored the MCAD's Sexual Harassment Guidelines, and a member of the committee that authored the proposed sexual harassment regulations for the Commonwealth of Massachusetts.

Jenn provided direct input and guidance on the overall project approach, as well as lent her expertise in discrimination/bias and campus sexual violence. She brings extensive experience researching and interpreting the federal and state laws on workplace discrimination and bias, sexual harassment and sexual assault, and advising clients as to the application of these laws. Her current focus with Jenn Davis LLC is on conducting independent investigations on behalf of colleges and universities into allegations of sexual violence (including assault), intimidation, stalking, and harassment. In the course of conducting these Title IX investigations, Jenn interacts with various areas of the institution, including the Office of the General Counsel, the Title IX team, the Dean of Students, Campus Police, the Mental Health Service, and numerous students, faculty members, and other administrators. She is very familiar with the policies and procedures required by Titles VII and IX, as well as by FERPA and other relevant laws. In addition, Jenn has had particular training in trauma-informed and culturally sensitive interviewing, unconscious bias, and the intersection between alcohol and substance abuse and sexual violence.

## Appendix B: 2008 / 2016 Survey Data Comparison

The table below presents a comparison of survey data from the 2008 and 2016 surveys, in the context of the 2008 recommendations. It is important to note that the 2008 survey process (i.e., question design, survey tool used, distribution of surveys/participants, data analysis, etc.) likely differs from the 2016 process, which can limit the ability to perform an accurate comparative analysis.

2008 / 2016 Survey Data Comparison				
2008 Recommendation		2008 Data	2016 Data	Note
1	Campus mental health services should be clearly available and easily accessible to students.	83% of institutions provide on-campus mental health services for students, 57% of which provide specialized services (e.g., substance abuse, suicide prevention, and/or eating disorders)	86% of institutions provide on-campus mental health services for students, 42% of which provide specialized services such a (e.g., suicide prevention, substance abuse, sexual violence, and/or bullying)	
2	Schools should offer specialized mental health services, not just generalized services.			
3	Writings, drawings, and other forms of individual expression reflecting violent fantasy and causing a faculty member to be fearful or concerned about safety, should be evaluated contextually for any potential threat.	81% do not submit potentially violent writings, drawings, and other forms of individual expression to a forensic behavioral science expert for review	96% evaluate writings, drawings, and other forms of individual expression that may have caused a faculty member, staff, or student to be fearful or concerned about safety for a potential threat (4% do not)	2016 asked generally about evaluating, not necessarily "submitted to an expert"
4	Schools should ensure that all exterior doors are properly constructed and lockable.	75% do not have a campus-wide physical security program that allows for remote locking/unlocking of doors	32% do not have the ability to remotely lock any doors on campus	
5	Schools should develop a reasonable plan for electronic access control in the event of an emergency.	Many different data points that figure into this recommendation		
6	Schools should install CCTV cameras throughout their campuses.	46% have video security	89% have video security	

2008 / 2016 Survey Data Comparison				
2008 Recommendation	2008 Data	2016 Data	Note	
7	Schools should equip all classrooms with emergency signaling/notification capabilities.	76% do not have in-class/in-lab emergency signaling capabilities, but some have landlines installed in every classroom	100% have a mass notification system that can send notifications in a variety of ways, to include via text, voice call, email, public address system, social media, and desktop notification	2016 intent was slightly different, focusing overall on mass notification
8	Campus police departments should have up-to-date active shooter response plans in place and train their officers in active shooter response tactics.	52% train their campus police officers in active shooter response tactics	84% require annual training active shooter training for officers	There were only 25 responses to this question in 2016 and it was asked slightly differently than in 2008
9	Campus safety staffing levels should be adequate for the size and character of the school.	Many different data points that figure into this recommendation		
10	Sworn campus police officers should be armed and trained in the use of personal or specialized firearms.	One-third (32%) have campus police officers that carry firearms; 84% carry "less-than-lethal" weapons	80% have a police force that carry firearms. Other weapons: batons (92%), other less-than-lethal munitions (40%) and OC spray (48%)	There were only 25 responses to this question in 2016 and it is believed there have been changes to this figure since the survey
11	Schools should ensure that the campus police department has the equipment necessary to gain forcible entry into locked buildings and classrooms.	20% of security officers have the equipment required to forcibly enter a locked building	61% have door breaching tools	
12	Schools should have a communications system that is interoperable with outside agencies.	59% reported that their communications equipment is interoperable with local law enforcement agencies	82% have the ability to communicate with other responding agencies in a crisis event	

2008 / 2016 Survey Data Comparison			
2008 Recommendation	2008 Data	2016 Data	Note
13	Schools should establish a formal policy for use of their mass notification system.	68% have a formal policy in place	96% have a policy in place for creating and sending an emergency notification, timely warning, and update messages; with one (1) in progress (= 100%)
14	Schools should have in place a formal policy outlining how and to whom faculty and staff should refer students who appear to have the potential for becoming violent.	65% have a Threat Assessment Team (TAT); 68% have a policy regarding what staff/faculty should do if they have a concern about a student or colleague who appears to have the potential for becoming violent	100% have a behavioral threat assessment and management team (same as TAT); 69% have written policies and procedures in place to govern and guide the activities of the team
15	Faculty and staff should receive training in identifying students at risk.	Training for faculty and staff were asked in a different manner in 2016	
16	Faculty and staff should receive training in managing difficult interactions and situations.	Training for faculty and staff were asked in a different manner in 2016	
17	Faculty and staff should be informed about the appropriate protocol in the event of a crisis.	56% did not have a program for informing faculty and staff about protocols	93% share emergency protocols such as those outlined in their emergency operations plans with the campus community (e.g., available on the website)
18	Schools should include public safety as part of the orientation process.	80% include public safety in orientation	89% include safety, security, and emergency preparedness in orientation
19	Graduate student applicants should be directly queried regarding any unusual academic histories, as well as criminal records and disciplinary actions.	36% query and screen graduate students	52% review graduate and undergraduate applicants  For purposes of the 2016 survey, participants were asked if they review both undergraduate and graduate (if applicable) student applicants

2008 / 2016 Survey Data Comparison				
2008 Recommendation	2008 Data	2016 Data	Note	
20	Schools should conduct vulnerability assessments at least once per year.	12% have conducted an assessment	86% have conducted a Risk and Vulnerability Assessment	
21	Schools should form mutual aid agreements or have Memoranda of Understanding (MOU's) with agencies in the community having necessary support resources, such as mental health service providers, emergency medical response services, and law enforcement agencies.	One-third (33%) did not have a mutual aid agreement with neighboring law enforcement agencies, and 48% did not have mutual aid agreements with surrounding communities for emergency medical training or support	<p>1 institution has a formal agreement in place with all specialized mental health and/or counseling service providers, 38% have a formal agreement with some providers, and 58% have no formal agreements in place</p> <p>26% have an MOU in place with a local sexual violence center</p> <p>71% have some form of an agreement in place (either formal or informal) with local law enforcement regarding a coordinated response to an active shooter incident; 82% have an agreement for a coordinated response to complaints of sexual violence by or against members of the institution's community</p>	This question was asked slightly differently in 2016
22	Schools should have multiple reporting systems that permit campus community members to report suspicious behavior anonymously and conveniently.	64% do not have a "Tip Hotline" to allow for anonymous reporting of suspicious behavior	100% have a system in place to report suspicious behavior, including an email option (79%), hotline/tip line (64%), online form (32%), and/or other method (61%)	
23	Every college and university should review and update its Emergency Response Plan (ERP) on a regular basis.	100% have an ERP	82% have an ERP, with an additional 5 'in progress' (=100%); the ERP is most commonly (50% of the 23 respondents) reviewed and/or updated on an annual basis	

2008 / 2016 Survey Data Comparison			
2008 Recommendation	2008 Data	2016 Data	Note
24	Every school should form, train and maintain a Threat Assessment Team (TAT).	65% have a Threat Assessment Team	100% have a behavioral threat assessment and management (same as TAT)
25	The TAT should consist of representatives from various departments and agencies, minimally comprised of student services and counseling staff, faculty, police, human resources personnel, and legal counsel.	2008 and 2016 showed similar composition of teams	
26	Each school should have a trained behavioral health Trauma Response Team, either on campus or through a contract or formal agreement.	65% do not have a trained behavioral health Trauma Response Team	All respondents (28) indicated that their emergency plans include Incident Specific Protocols, which often contain instructions for different phases of the incident; plans include guidance and protocols for external communications/public relations at 93% of institutions and recovery plans at 64%
27	Schools should plan for victim services and aftermath issues.	Similar results as above	
			This question was asked slightly differently in 2016

## Appendix C: 2008 / 2016 Recommendations Comparison

The 2008 report provided an important baseline for the Commonwealth in its planning efforts in the area of active shooter/emergency management. The 2016 survey data and site visits demonstrate that much progress has been made, but gaps still exist that need to be addressed and, just as important, is the need to plan and prepare for the future. The table below shows how (and where) the 2008 recommendations are incorporated into the 2016 plan to further build and expand on the progress thus far. Please see each recommendation in the Recommendations section of the report for more detail.

2008 / 2016 Recommendations Comparison	
2008 Recommendation	2016 Recommendation
1 Campus mental health services should be clearly available and easily accessible to students.	<b>CS #3.1</b> Provide access to appropriately trained counselors on campus and/or in the community  <b>CS #3.2</b> Provide access to mental health professionals trained in identifying, assessing, treating, and managing individuals at risk of perpetrating violence
2 Schools should offer specialized mental health services, not just generalized services.	<b>CS #3.1</b> Provide access to appropriately trained counselors on campus and/or in the community  <b>CS #3.2</b> Provide access to mental health professionals trained in identifying, assessing, treating, and managing individuals at risk of perpetrating violence  <b>CS #3.3</b> Provide access to substance abuse resources for students, faculty, and staff
3 Writings, drawings, and other forms of individual expression reflecting violent fantasy and causing a faculty member to be fearful or concerned about safety, should be evaluated contextually for any potential threat.	<b>AS #2.1</b> Establish and train a campus behavioral threat assessment and management team
4 Schools should ensure that all exterior doors are properly constructed and lockable.	<b>AS #4.1</b> Evaluate the use of electronic security systems and door locking hardware  <b>AS #4.3</b> Adopt building security design using Crime Prevention through Environmental Design
5 Schools should develop a reasonable plan for electronic access control in the event of an emergency.	<b>AS #4.1</b> Evaluate the use of electronic security systems and door locking hardware
6 Schools should install CCTV cameras throughout their campuses.	<b>AS #4.1</b> Evaluate the use of electronic security systems and door locking hardware

2008 / 2016 Recommendations Comparison		
2008 Recommendation		2016 Recommendation
7	Schools should equip all classrooms with emergency signaling/notification capabilities.	<b>AS #5.1</b> Use various modes of communication to reach the campus community in an emergency
8	Campus police departments should have up-to-date active shooter response plans in place and train their officers in active shooter response tactics.	<b>AS #8.1</b> Adopt a foundational training and response approach to active shooter <b>AS #8.2</b> Conduct additional training specific to active shooter response
9	Campus safety staffing levels should be adequate for the size and character of the school.	<b>AS #10.1</b> Establish written agreements with local and state police agencies
10	Sworn campus police officers should be armed and trained in the use of personal or specialized firearms.	<b>AS #9.1</b> Ensure access to proper response equipment <b>AS #9.2</b> Ensure adequate training on all equipment
11	Schools should ensure that the campus police department has the equipment necessary to gain forcible entry into locked buildings and classrooms.	<b>AS #9.1</b> Ensure access to proper response equipment <b>AS #9.2</b> Ensure adequate training on all equipment
12	Schools should have a communications system that is interoperable with outside agencies.	<b>AS #7.1</b> Ensure radio interoperability with local law enforcement partners
13	Schools should establish a formal policy for use of their mass notification system.	<b>AS #5.3</b> Establish a clear process and policy for authorization (of mass notification system)
14	Schools should have in place a formal policy outlining how and to whom faculty and staff should refer students who appear to have the potential for becoming violent.	<b>AS #2.1</b> Establish and train a campus behavioral threat assessment and management team
15	Faculty and staff should receive training in identifying students at risk.	<b>AS #2.1</b> Establish and train a campus behavioral threat assessment and management team <b>AS #2.2</b> Establish a central point of contact for reporting suspicious behavior <b>SV #2</b> Awareness and Training (slightly different intent but part of the expanded scope)
16	Faculty and staff should receive training in managing difficult interactions and situations.	<b>AS #2.1</b> Establish and train a campus behavioral threat assessment and management team <b>SV #2</b> Awareness and Training (slightly different intent but part of the expanded scope)

2008 / 2016 Recommendations Comparison	
2008 Recommendation	2016 Recommendation
17	<p>Faculty and staff should be informed about the appropriate protocol in the event of a crisis.</p> <p><b>AS #3</b> Education and Training of Students, Faculty, and Staff</p> <p><b>SV #2</b> Awareness and Training (slightly different intent but part of the expanded scope)</p>
18	<p>Schools should include public safety as part of the orientation process.</p> <p><b>CS #2.4</b> Focus on training and awareness efforts to reach students effectively</p> <p><b>AS #3</b> Education and Training of Students, Faculty, and Staff</p> <p><b>SV #2</b> Awareness and Training (slightly different intent but part of the expanded scope)</p>
19	<p>Graduate student applicants should be directly queried regarding any unusual academic histories, as well as criminal records and disciplinary actions.</p> <p><b>AS #2.1</b> Establish and train a campus behavioral threat assessment and management team</p>
20	<p>Schools should conduct vulnerability assessments at least once per year.</p> <p><b>AS #1.1</b> Develop, implement, and maintain a comprehensive emergency operations plan</p>
21	<p>Schools should form mutual aid agreements or have Memoranda of Understanding (MOU's) with agencies in the community having necessary support resources, such as mental health service providers, emergency medical response services, and law enforcement agencies.</p> <p><b>CS #3</b> On-Campus Resources and External Partnerships</p> <p><b>AS #10</b> External Resources</p> <p><b>SV #6</b> External Resources</p>
22	<p>Schools should have multiple reporting systems that permit campus community members to report suspicious behavior anonymously and conveniently.</p> <p><b>AS #2.2</b> Establish a central point of contact for reporting suspicious behavior</p>
23	<p>Every college and university should review and update its Emergency Response Plan (ERP) on a regular basis.</p> <p><b>AS #1.1</b> Develop, implement, and maintain a comprehensive emergency operations plan</p>
24	<p>Every school should form, train and maintain a Threat Assessment Team (TAT).</p> <p><b>AS #2.1</b> Establish and train a campus behavioral threat assessment and management team</p>
25	<p>The TAT should consist of representatives from various departments and agencies, minimally comprised of student services and counseling staff, faculty, police, human resources personnel, and legal counsel.</p> <p><b>AS #2.1</b> Establish and train a campus behavioral threat assessment and management team</p>

2008 / 2016 Recommendations Comparison		
2008 Recommendation	2016 Recommendation	
26	<p>Each school should have a trained behavioral health Trauma Response Team (TRT), either on campus or through a contract or formal agreement.</p>	<p><b>CS #3.1</b> Provide access to appropriately trained counselors on campus and/or in the community</p> <p><b>CS #3.2</b> Provide access to mental health professionals trained in identifying, assessing, treating, and managing individuals at risk of perpetrating violence</p> <p><b>AS #2.1</b> Establish and train a campus behavioral threat assessment and management team</p>
27	<p>Schools should plan for victim services and aftermath issues.</p>	<p><b>CS #3.1</b> Provide access to appropriately trained counselors on campus and/or in the community</p> <p><b>AS #1.1</b> Develop, implement, and maintain a comprehensive emergency operations plan</p>

## Appendix D: Sexual Violence Compliance and Legal Considerations

The federal statutes of primary applicability in this area are Title IX of the Education Amendments of 1972 (20 U.S.C. §§1681 et seq.) ('Title IX') and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. §1092(f)) (the 'Clery Act'), as amended by the Campus Sexual Violence Elimination Act (Campus SaVE Act).<sup>161</sup>

### ***Title IX of the Education Amendments of 1972***

Title IX, as well as its implementing regulations (34 C.F.R. Part 106), prohibit gender discrimination in any educational program or activity that receives federal funding, and the United States Supreme Court has held that there is an implied private right of action under Title IX.<sup>162</sup> Sexual harassment (which includes sexual violence) is a form of sex discrimination prohibited by the statute. Prior to April 2011, the U.S. Department of Education's (DOE) Office of Civil Rights (OCR) had issued regulations, as well as guidance, on the topic of sexual harassment in higher education; none of these directives gave rise to much discussion or controversy. Then, on April 4, 2011, OCR issued a "Dear Colleague Letter" (DCL), which was essentially a call to action on the topic of sexual violence on school campuses.<sup>163</sup>

### OCR Dear Colleague Letter (April 4, 2011)

The DCL (characterized by OCR as a "significant guidance document") outlined the institution's obligations in responding to sexual harassment, including sexual violence, and gave some specific directions.<sup>164</sup> Among other instructions, the DCL required institutions to engage in a "prompt (60 days), thorough and impartial" investigation in response to a complaint of sexual violence, and to apply a preponderance of the evidence standard in grievance procedures.<sup>165</sup> Title IX regulations already required institutions to designate someone as the school's "Title IX Coordinator"; OCR described the responsibilities of that position more fully, and specified that Title IX coordinators should have adequate training. OCR also directed institutions to develop policies and other materials on sexual harassment and violence, and to post and distribute them to the school community, along with policies making it clear that retaliation against complainants would be unacceptable.<sup>166</sup>

The DCL stressed the importance of informing victims of their right to file a criminal complaint, and warned schools to remember that they had an obligation to investigate independent of what law enforcement determined in any particular matter. OCR also offered examples of interim protective measures that should be offered to victims of sexual violence, as well as possible ultimate remedies. The DCL recommended that all schools implement preventative education programs and make comprehensive victim resources available.

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<sup>161</sup> The Campus SaVE Act is part of the reauthorization of the Violence Against Women Act of 1994 (VAWA), signed into law by President Obama in March 2013.

<sup>162</sup> *Cannon v. University of Chicago*, 441 U.S. 677 (1979).

<sup>163</sup> *Dear Colleague Letter: Sexual Violence*. (April 4, 2011). Retrieved from <http://www.ed.gov/ocr/letters/colleague-201104.pdf>.

<sup>164</sup> DCLs are issued as guidance; they have not been subjected to the notice and rulemaking process.

<sup>165</sup> DCL, at 11-12.

<sup>166</sup> DCL, at 7, 15-18.

Although not mandatory, the DCL listed possible education programs, including, in pertinent part:

1. orientation programs for new students, faculty, staff and employees;
2. training for students who serve as advisors in residence halls; and
3. training for student athletes and coaches.<sup>167</sup>

In addition, OCR recommended that schools consider whether their disciplinary policies (e.g., regarding alcohol and drug use) had a chilling effect on victims' or other students' reporting of sexual violence offenses.<sup>168</sup>

Most colleges and universities took a close look at their policies and procedures in response to the DCL, and began to implement measures in accordance with OCR's guidance. OCR itself started to step up its enforcement in this area, adding institutions to a growing list of schools under investigation for alleged Title IX violations.<sup>169</sup>

#### OCR Q&A Document (April 29, 2014)

OCR issued another significant guidance document, entitled "Questions and Answers on Title IX and Sexual Violence" (the "Q&A Document"), on April 29, 2014.<sup>170</sup> Again, while this 46-page document did not have the force or effect of law, it told colleges and universities what OCR expected to see in terms of compliance. The Q&A Document did not contradict the 2011 DCL; rather, it provided more detailed guidance in the same as well as some additional areas.

The topics on which the Q&A document focused, primarily were: (1) defining the school's obligation to respond to sexual violence on behalf of all students, including those with disabilities and international (as well as) undocumented students; (2) Title IX procedural requirements; (3) who is a "responsible employee" for purposes of Title IX; (4) confidentiality issues; (5) investigations and hearings in response to complaints of sexual violence; (6) interim measures; (7) remedies, notices of outcome, and appeals; and (8) Title IX training, education, and prevention.<sup>171</sup>

OCR emphasized that Title IX requires institutions to take steps to ensure equal access to their education programs and activities and to protect the victim/survivor as necessary, including taking interim measures before the final outcome of an investigation:

The school should take these steps promptly once it has notice of a sexual violence allegation and should provide the complainant with periodic updates on the status of the investigation. The school should notify the complainant of his or her options to avoid contact with the alleged perpetrator and allow the complainant to change academic and extracurricular activities or his or her living, transportation, dining, and working situation as appropriate. The school should also ensure that the complainant is aware of his or her Title IX rights and any available resources, such as victim advocacy,

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<sup>167</sup> DCL, at 15.

<sup>168</sup> *Id.*

<sup>169</sup> OCR first published this list in May 2014. At that time, there were 55 colleges on the list. By the end of 2015, 161 colleges were under investigation and 197 matters were being investigated. It takes OCR an average of fourteen months to resolve an investigation. Mangan, K. (January 11, 2016). *New Federal Sexual Assault Investigations Outpace Resolutions*. The Chronicle of Higher Education, at A8.

<sup>170</sup> U.S. Department of Education Office for Civil Rights. (April 29, 2014). *Questions and Answers on Title IX and Sexual Violence*. Retrieved from <http://www.ed.gov/ocr/docs/qa-201404-title-ix.pdf>.

<sup>171</sup> *Id.*

housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to campus or local law enforcement. If a school does not offer these services on campus, it should enter into a Memorandum of Understanding with a local victim services provider if possible.<sup>172</sup>

Once again, the emphasis was on the institution's obligation to educate the community on the topic of sexual violence, take steps to prevent it, train those responsible for responding to complaints, and respond in a robust way to all such complaints. Institutions were encouraged to identify resources of various kinds, including comprehensive resources for victims, and required to provide the parties with the opportunity for a fair and effective grievance process.

#### OCR Guidance To and For Title IX Coordinators (April 24, 2015)

On April 24, 2015, OCR issued another DCL, this time reminding institutions of their obligation to designate at least one employee as a "Title IX Coordinator". In this DCL, OCR stated that it had found that "some of the most egregious and harmful Title IX violations occur when [an institution] fails to designate a Title IX coordinator or when a Title IX coordinator has not been sufficiently trained or given the appropriate level of authority to oversee the [institution's] compliance with Title IX". The 4/24/15 letter provided more guidance on Title IX coordinator training, responsibilities, visibility, and support.<sup>173</sup>

Also on April 24, 2015, OCR issued a letter directly to Title IX coordinators, thanking them for serving in the role and providing a Title IX Resource Guide. The purpose of this Guide was to assist Title IX Coordinators in carrying out their responsibilities. It focused, primarily, on the application of Title IX to various contexts (e.g., admission, athletics).<sup>174</sup>

#### ***The Clery Act***

The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. Compliance is monitored by the U.S. DOE, which can impose civil penalties, up to \$35,000 per violation, against institutions for each infraction and can suspend institutions from participating in federal student financial aid programs.

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA), which among other provisions, amended the Clery Act. The regulations implementing the amended statute went into effect in July 2015, expanding the responsibilities of colleges and universities to prevent, respond to, and report sexual violence.

The recent regulations imposed several detailed requirements, starting with broadening the categories of incidents for which institutions must collect and report information to include acts of "dating violence, domestic violence, sexual assault and stalking" when such acts occurred within the institution's

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<sup>172</sup> *Id.*

<sup>173</sup> *Dear Colleague Letter: Title IX Coordinators*. (April 24, 2015). Retrieved from <http://www.ed.gov/ocr/letters/colleague-201504-title-ix-coordinators.pdf>.

<sup>174</sup> *Letter to Title IX Coordinators*. (April 24, 2015). Retrieved from <http://www.ed.gov/ocr/letters-dcl-title-ix-coordinators-201504.pdf>; *Title IX Resource Guide*. (April 24, 2015). Retrieved from <http://www.ed.gov/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>.

“Clery Geography” and if reported to a Campus Security Authority or to local law enforcement agencies.<sup>175</sup> The regulations also revised the categories of bias, for the purposes of Clery Act hate crime reporting, to add gender identity and to separate ethnicity and national origin into two different categories.<sup>176</sup>

The new regulations included numerous directives regarding the manner in which institutions should attempt to prevent sexual violence on campus, as well as how they should seek to resolve reports and complaints of it. These included, in pertinent part, requiring institutions to:

- Provide information on culturally relevant, inclusive prevention awareness programs to incoming students and new employees. The regulations state that these programs *must* include: “a statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking; the definitions of these terms in the applicable jurisdiction; the definition of “consent,” in reference to sexual activity, in the applicable jurisdiction; a description of safe and positive options for bystander intervention; information on risk reduction; and information on the institution’s policies and procedures after a sex offense occurs”.
- Ensure that the prevention programs are “culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness or outcome; and that consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels”.<sup>177</sup>
- Provide ongoing prevention and awareness campaigns for students and employees that include the same information as the institution’s primary prevention and awareness program. The regulations define “awareness programs” as “community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration”.<sup>178</sup>
- Describe each type of disciplinary proceeding used by the institution in cases of alleged dating violence, domestic violence, sexual assault, or stalking; the steps, anticipated timelines, and decision-making process for each type of proceeding; how to file a disciplinary complaint; how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking; the standard of evidence that will be used during the proceeding; and a list of all possible sanctions that may be imposed.<sup>179</sup>

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<sup>175</sup> The regulations define “Clery Geography”. Essentially it incorporates the campus and public property immediately adjacent to it, as well as areas within the patrol jurisdiction of the campus police or security department. 34 C.F.R. § 668.46(a).

<sup>176</sup> *See id.*

<sup>177</sup> *Id.*

<sup>178</sup> 34 C.F.R. § 668.46(j)(2).

<sup>179</sup> The Clery Act does not require that a particular standard of evidence be used in these proceedings. OCR has specified that institutions must apply a preponderance of the evidence standard to Title IX complaints. Application of that standard constitutes compliance with both statutes.

- Describe the range of protective measures that the institution may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking.
- Provide students or employees who report being victims of dating violence, domestic violence, sexual assault, or stalking with a written explanation of their rights and options, including written notification of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the institution and in the community, and the availability of changes to academic, living, transportation, and working situations, or protective measures regardless of whether the victim reports to law enforcement.
- Provide for a prompt, fair, and impartial disciplinary proceeding in cases of alleged dating violence, domestic violence, sexual assault, or stalking in which: 1) officials are appropriately trained and do not have a conflict of interest or bias for or against the accuser or the accused; 2) the accuser and the accused have equal opportunities to have others present, including an advisor of their choice; 3) the accuser and the accused receive simultaneous notification, in writing, of the result of the proceeding and any available appeal procedures; 4) the proceeding is completed in a reasonably prompt timeframe; 5) the accuser and accused are given timely notice of meetings at which one or the other or both may be present; and 6) the accused, the accuser, and appropriate officials are given timely and adequate access to information that will be used during informal and formal disciplinary meetings and hearings.

The Comments to the regulations provided additional information and guidance that is useful for institutions to consider as they work to ensure, and perhaps to exceed, compliance with this law.<sup>180</sup> Specifically, the following points were made:

- DOE/OCR intends to build on the resources developed by the White House Task Force to Protect Students from Sexual Assault (available at [www.notalone.gov](http://www.notalone.gov); see Section A(3), below). OCR is aware that institutions' obligations under the Clery Act and under Title IX overlap in some areas and seeks to continue to provide clarity and information on how compliance with both statutes can be achieved.
- The regulations do not include a definition of "consent" in the sexual violence context; institutions must determine how they will define "consent" for their disciplinary proceedings. The Comments do contain, however, draft language that OCR describes as "a valid starting point for other efforts to define consent or for developing education and prevention programming," stating that it "will provide additional guidance where possible to institutions regarding consent." The draft language defines consent as "the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter," and specifies that an individual who is incapacitated due to the effect of alcohol, drugs or any other reason, or subject to coercion or duress, is incapable of consent.<sup>181</sup>
- OCR noted that it could not, and did not, identify the exact content of the required prevention training.<sup>182</sup> Further, the agency acknowledged that there was "a relative lack of scientific

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<sup>180</sup> See 29 Fed. Reg., No. 202 (Oct, 20, 2014), 62752.

<sup>181</sup> *Id.* at 62755-56.

<sup>182</sup> *Id.* at 62770.

research showing what makes programs designed to prevent dating violence, domestic violence, sexual assault and stalking effective,” and suggested that the term “research” should be interpreted broadly to include not only scientific studies but assessments of efficacy made by other institutions and other organizations.<sup>183</sup>

- OCR declined to specify that these prevention programs must include a component focused on LGBTQ students, wanting to ensure that other non-traditional populations were not sidelined, such as students with disabilities, minority students, and “others”.<sup>184</sup>
- While the regulations do not make primary and ongoing prevention campaigns mandatory, OCR encourages institutions to mandate attendance in order to enhance the effectiveness of these programs.
- Institutions are expressly encouraged to draw on the knowledge and experience of local rape crisis centers.<sup>185</sup> The Comments noted that while OCR does not have the authority to require institutions to work with local and State domestic violence and sexual assault coalitions to develop policies and programs, including resources for survivors, it “strongly encouraged” institutions to form such relationships so that victims of sexual violence would be better served.
- OCR specified that the reference in the definition of “bystander intervention” (34 C.F.R. § 668.46(J)(2)(ii)) to “recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence” might include “the fraternity and sports cultures at some institutions.”<sup>186</sup>

### ***The White House Task Force to Protect Students from Sexual Assault***

On January 22, 2014, the White House Task Force to Protect Students from Sexual Assault (the “White House Task Force”) was formed, and it immediately launched its website [www.NotAlone.gov](http://www.NotAlone.gov) for the purpose of heightening awareness of the issue and providing useful resources to students and schools. The White House Task Force issued its first report in April of that year, and it has posted tools and guidance materials on the website on a regular basis. These materials are designed to assist institutions in exploring how to prevent and respond to sexual violence most effectively, not simply to attain compliance.

The first report of the White House Task Force (the “Not Alone Report”) offered action steps and recommendations to institutions, the primary ones being:

- Conduct a campus climate survey;
- Engage men in prevention programs;
- Have a comprehensive sexual misconduct policy;
- Determine what is “best practice” with respect to how to adjudicate a complaint of sexual violence;
- Make sure any response to a complaint of sexual assault by a student includes someone the survivor can speak to in confidence, and be clear about who is and is not a confidential resource;

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<sup>183</sup> *Id.* at 62758.

<sup>184</sup> *Id.* at 62759.

<sup>185</sup> *Id.*

<sup>186</sup> *Id.* at 62771.

- Provide trauma-informed training for school officials; and
- Partner with the community.

The Not Alone website lists numerous resources, for students, institutions, and advocates. These include, but are not limited to, awareness and prevention programs (including bystander intervention programs), a campus climate toolkit, survivor resources, and resources for non-traditional student populations.<sup>187</sup>

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<sup>187</sup> See [www.NotAlone.gov](http://www.NotAlone.gov).

## Appendix E: 2016 Recommendations Table

The table below provides a list of all recommendations presented in this report. In total there are 7 Guiding Principles, 19 Baseline Capabilities, and 55 Recommendations for Implementation.

Campus Safety and Violence Prevention Task Force Recommendations		
<b>Cross-Sectional Recommendations</b>		
<b>Coordinated, Collaborative Approach</b>	<b>CS #1</b>	<b>Active, Coordinated Approach at the System Level</b>
	1.1	Provide a centralized resource to advance campus safety and violence prevention initiatives
	<b>CS #2</b>	<b>Strategic Planning Process at the Institution Level</b>
	2.1	Elevate Board of Trustees engagement
	2.2	Establish a cross-divisional committee at the institution level
	2.3	Increase visibility and accessibility of Campus Police/Public Safety Officers
	2.4	Focus on training and awareness efforts to reach students effectively
	<b>CS #3</b>	<b>On-Campus Resources and External Partnerships</b>
	3.1	Provide access to appropriately trained counselors on campus and/or in the community
	3.2	Provide access to mental health professionals trained in identifying, assessing, treating, and managing individuals at risk of perpetrating violence
3.3	Provide access to substance abuse resources for students, faculty, and staff	
<b>Active Shooter Recommendations</b>		
<b>Planning</b>	<b>AS #1</b>	<b>Policies and Protocols</b>
	1.1	Develop, implement, and maintain a comprehensive emergency operations plan
	1.2	Create a multi-disciplinary campus emergency operations team
	1.3	Attain state accreditation for campus law enforcement
	<b>AS #2</b>	<b>Prevention Efforts</b>
	2.1	Establish and train a campus behavioral threat assessment and management team
	2.2	Establish a central point of contact for reporting suspicious behavior
	2.3	Actively engage with local law enforcement and intelligence groups
	2.4	Employ social media review services
	<b>AS #3</b>	<b>Education and Training of Students, Faculty, and Staff</b>
	3.1	Provide active shooter training for students, faculty, and staff
	3.2	Develop active shooter awareness campaigns
	<b>AS #4</b>	<b>Electronic and Physical Security</b>
	4.1	Evaluate the use of electronic security systems and door locking hardware
4.2	Explore additional technology options	
4.3	Adopt building security design using Crime Prevention through Environmental Design	
<b>Communications</b>	<b>AS #5</b>	<b>Mass Notification Process</b>
	5.1	Use various modes of communication to reach the campus community in an emergency
	5.2	Develop preset messages for rapid release
	5.3	Establish a clear process and policy for authorization
	<b>AS #6</b>	<b>Internal Communications</b>
	6.1	Follow the National Incident Management System and Incident Command Structure
	6.2	Develop and maintain key personnel emergency contact sheets
	<b>AS #7</b>	<b>External Communications</b>
7.1	Ensure radio interoperability with local law enforcement partners	
7.2	Develop a communications plan for outside the immediate campus community	

<b>Campus Safety and Violence Prevention Task Force Recommendations</b>		
<b>Active Shooter Recommendations</b>		
<b>Response</b>	<b>AS #8</b>	<b>Law Enforcement Training</b>
	8.1	Adopt a foundational training and response approach to active shooter
	8.2	Conduct additional training specific to active shooter response
	<b>AS #9</b>	<b>Law Enforcement Equipment</b>
	9.1	Ensure access to proper response equipment
	9.2	Ensure adequate training on all equipment
	<b>AS #10</b>	<b>External Resources</b>
	10.1	Establish written agreements with local and state first responder agencies
10.2	Share information resources with campus, local, state, and federal partners	
<b>Sexual Violence Recommendations</b>		
<b>Prevention</b>	<b>SV #1</b>	<b>Strategic Planning</b>
	1.1	Create a team focused on the prevention of, and response to, sexual violence
	1.2	Conduct campus climate surveys
	1.3	Obtain additional student input and encourage student engagement
	1.4	Consider practical ways in which to address the prevalence of alcohol on residential campuses
	1.5	Implement a policy regarding minors on campus
	<b>SV #2</b>	<b>Awareness and Training</b>
	2.1	Provide training to promote awareness and increase prevention in a variety of ways, at different times
	2.2	Provide training to faculty, staff, and volunteers
	2.3	Include information regarding the LGBTQ community and students with disabilities
	2.4	Engage male students, male athletes, and Greek Life members
	2.5	Strive to make training mandatory
	2.6	Educate students about the relationship between alcohol/drugs and sexual violence
	2.7	Train those interacting with minors on campus
<b>Reporting</b>	<b>SV #3</b>	<b>Clear Reporting Methods</b>
	3.1	Clarify Confidential Employee and Responsible Employee
	3.2	Expand access to confidential resources
	<b>SV #4</b>	<b>Communication</b>
	4.1	Communicate sexual violence reporting options in a variety of ways
4.2	Consider the particular needs of international students	
<b>Response</b>	<b>SV #5</b>	<b>Internal Resources and Process</b>
	5.1	Provide survivors of sexual violence with access to a variety of resources
	5.2	Provide accused individuals with access to a variety of resources
	5.3	Provide other affected individuals with access to appropriate resources
	5.4	Ensure investigators have the appropriate training and time to investigate complaints
	5.5	Ensure a prompt, thorough, and impartial complaint process for all parties
	<b>SV #6</b>	<b>External Resources</b>
6.1	Form partnerships with off campus partners	

## Appendix F: Estimated Cost Impact of 2016 Recommendations

The table below reflects an *estimated* potential cost to implement each recommendation. The ranges in impact – no, low, medium, and high cost – represent the diverse needs and structures of our campuses, as well as the range of options available to achieve the designated baseline, and beyond.

Estimated Implementation Cost Impact by Recommendation						
		No Cost	Low Cost	Med Cost	High Cost	Note
Cross-Sectional Recommendations	1.1			x		Reflects an estimated salary for DHE Position
	2.1	x				
	2.2	x				
	2.3	x				
	2.4	x				More of a planning item, cost for training is reflected in area specific training recommendations
	3.1	x	x	x		Dependent on services provided and how (e.g., creating a referral program or hiring on campus professionals)
	3.2	x	x	x		Dependent on services provided and how (e.g., creating a referral program or hiring on campus professionals)
	3.3	x	x	x		Dependent on services provided and how (e.g., creating a referral program or hiring on campus professionals)

Estimated Implementation Cost Impact by Recommendation							
		No Cost	Low Cost	Med Cost	High Cost	Note	
Active Shooter Recommendations	1.1	Develop, implement, and maintain a comprehensive emergency operations plan	x	x			Requires time and effort but no cost if developed in-house; could have a cost if consultants brought in for assessment and/or training
	1.2	Create a multi-disciplinary campus emergency operations team	x				
	1.3	Attain state accreditation for campus law enforcement		x	x		Can be time consuming and costly
	2.1	Establish and train a campus behavioral threat assessment and management team	x	x			Setting up the team is no cost; training could have a cost if conducted by a consultant
	2.2	Establish a central point of contact for reporting suspicious behavior	x	x			Process is no cost but if systems (e.g., hotlines, website) need to be created, could be a cost
	2.3	Actively engage with local law enforcement and intelligence groups	x				
	2.4	Employ social media review services		x	x		Variety/range of services available
	3.1	Provide active shooter training for students, faculty, and staff	x	x			Cost dependent on delivery (i.e., in-house or consultant) of training; in-house is common
	3.2	Develop active shooter awareness campaigns	x	x			Cost reflects materials such as posters, flyers, if any are produced; otherwise no cost if campus police develop the program
	4.1	Evaluate the use of electronic security systems and door locking hardware	x	x	x	x	Evaluation is no cost (or low if by a consultant) but implementation of systems/hardware vary
	4.2	Explore additional technology options		x	x	x	Cost dependent on solution(s) chosen

Estimated Implementation Cost Impact by Recommendation							
		No Cost	Low Cost	Med Cost	High Cost	Note	
Active Shooter Recommendations	4.3	Adopt building security design using Crime Prevention through Environmental Design	x	x			No cost if requirement is implemented for design team; low cost if training is required for staff
	5.1	Use various modes of communication to reach the campus community in an emergency		x	x	x	Varies based on what is already in place for equipment and systems; the process itself is no cost
	5.2	Develop preset messages for rapid release	x				
	5.3	Establish a clear process and policy for authorization	x				
	6.1	Follow the National Incident Management System and Incident Command Structure	x				
	6.2	Develop and maintain key personnel emergency contact sheets	x				
	7.1	Ensure radio interoperability with local law enforcement partners		x	x		Cost dependent on radios or other equipment needed
	7.2	Develop a communications plan for outside the immediate campus community	x				
	8.1	Adopt a foundational training and response approach to active shooter	x	x			Cost dependent on type and delivery (i.e., in-house or consultant) of training
	8.2	Conduct additional training specific to active shooter response	x	x			Cost dependent on type and delivery (i.e., in-house or consultant) of training
	9.1	Ensure access to proper response equipment		x	x	x	Dependent on equipment gaps existing and equipment chosen
	9.2	Ensure adequate training on all equipment	x	x			Cost dependent on delivery (i.e., in-house or consultant) of training

Estimated Implementation Cost Impact by Recommendation							
		No Cost	Low Cost	Med Cost	High Cost	Note	
Active Shooter Recommendations	10.1	Establish written agreements with local and state police agencies	x				
	10.2	Share information resources with campus, local, state, and federal partners	x				
Sexual Violence Recommendations	1.1	Create a team focused on the prevention of, and response to, sexual violence	x				
	1.2	Conduct campus climate surveys	x	x			Cost associated with the use of a consultant
	1.3	Obtain additional student input and encourage student engagement	x	x			May be a cost for workshops, events with food, etc.
	1.4	Consider practical ways in which to address the prevalence of alcohol on residential campuses	x	x			One option presented is to provide funding for food at events
	1.5	Implement a policy regarding minors on campus	x				
	2.1	Provide training and awareness in a variety of ways, at different times	x	x			May be a cost if a consultant is used or if materials are needed
	2.2	Provide training to faculty, staff, and volunteers	x	x			May be a cost if a consultant is used or if materials are needed
	2.3	Include information regarding the LGBTQ community and students with disabilities	x	x			May be a cost if a consultant is used or if materials are needed
	2.4	Engage male students, male athletes, and Greek Life members	x	x			May be a cost if a consultant is used or if materials are needed
	2.5	Strive to make training mandatory	x	x			May be a cost if a consultant is used or if materials are needed
2.6	Educate students about the relationship between alcohol/drugs and sexual violence	x	x			May be a cost if a consultant is used or if materials are needed	

Estimated Implementation Cost Impact by Recommendation							
		No Cost	Low Cost	Med Cost	High Cost	Note	
Sexual Violence Recommendations	2.7	Train those interacting with minors on campus	x	x			May be a cost if a consultant is used or if materials are needed
	3.1	Clarify Confidential Employee and Responsible Employee	x				
	3.2	Expand access to confidential resources	x	x			Dependent on services provided and how (e.g., creating a referral program or hiring on campus professionals)
	4.1	Communicate sexual violence reporting options in a variety of ways	x	x			Cost reflects materials such as posters, flyers, if any are produced
	4.2	Consider the particular needs of international students	x				
	5.1	Provide survivors of sexual violence with access to a variety of resources	x				
	5.2	Provide accused individuals with access to a variety of resources	x				
	5.3	Provide other affected individuals with access to appropriate resources	x				
	5.4	Ensure investigators have the appropriate training and time to investigate cases	x	x			Cost for training may vary
	5.5	Ensure a prompt, thorough, and impartial complaint process for all parties	x				
	6.1	Form partnerships with off campus partners	x	x			Should not be a cost but may incur a low cost if there is an agreement with a retainer