

# Campus Safety and Violence Prevention 2022 Annual Report

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November 8, 2022



MASSACHUSETTS  
Department of  
Higher Education

# Agenda

- Overview and Implementation Update: Massachusetts Campus Sexual Misconduct Law
- Year 2 Annual Incident Data Collection
- Year 2 MOUs Status Update
- Sexual Misconduct Survey Update
- EDvera Portal Demo
- Questions

# Overview: Campus Sexual Assault Law

- *An Act Relative to Sexual Violence on Higher Education Campuses* ~ 337 Mass. Acts 2020 (Jan. 2021)
- Focuses on campus responses to sexual violence
- Applies to both public and private IHEs
- Effective Date: August 1, 2021
- Two major sections:
  - IHE Policies, Procedures & Reporting (G.L. c. 6, §168E)
  - Campus Climate Surveys (G.L. c. 6, §168D)

# BHE/DHE Responsibilities

**Specifically, under this new legislation, the BHE/DHE is responsible for the following:**

- Appointing a **campus safety advisor** to facilitate and advance statewide campus safety at public and private IHEs.
- **Annual report** publication with aggregate statewide information on frequency/nature of sexual misconduct at IHEs; includes the collection and assessment of such data
- Reviewing and granting MOU waiver requests for agreements between IHEs and **community-based sexual assault crisis service centers**
- Promulgating regulations regarding IHEs' entrance into **MOUs with local law enforcement agencies** to coordinate responses to sexual misconduct
- Convening a Task Force on **sexual misconduct climate surveys**

# IHE Responsibilities

**Specifically, under this new legislation, the IHE's are responsible for the following:**

- Provide regular prevention & awareness programming for students and employees
- Provide training to officials involved in response, investigation and disciplinary processes
- Designate confidential resource providers
- Provide options for anonymous reporting
- Include amnesty provisions
- Adhere to **annual reporting requirements**
- Enter into, or request waiver for, agreements with **community-based sexual assault crisis service centers and domestic violence programs**
- Enter into **MOUs with local law enforcement agencies (LEAs)**
- Conduct **sexual misconduct climate surveys** no less than once every 4 years

# DHE Annual Report

- DHE is responsible for the collection and assessment of the incident data points required under the law
- The result will be an **Annual Report** publication with aggregate statewide information on frequency/nature of sexual misconduct at IHEs
  - Report submitted to the Massachusetts Attorney General, the Clerks of the Senate and House of Representatives, and the Joint Committee on Higher Education
- Also includes a summary of the implementation process and progress of the other components of the law

# 2022 Incident Data Collection Process

- 2022 CSVP Annual Report is live in EDvera
- Minor changes to the incident data to be collected based on stakeholder feedback
- Questions related to the MOUs' status remain the same
- Added questions regarding sexual misconduct surveys

*Reminder: the 2022 CSVP Annual Report is due by December 31, 2022*

# 2022 Incident Data Collection Changes

- Removed:
  - Number of anonymous reports made against students/employees
- Clarified:
  - “Reports” and “formal complaints” are now separate fields
  - “Reports” – any info brought to TIX Coordinator (or campus police)
  - “Formal complaints” – formal complaints made under Title IX or IHE policies
  - IHEs will report the # of reports that did or did not result in a formal complaint
  - IHEs may consolidate # of reports/complaints re: same incident, at IHE discretion
  - Reports/formal complaints concerning off campus conduct must be included if reported to TIX Coordinator or campus police
  - IHEs should **not** include any reports/complaints of pre-enrollment incidents



# 2022 Incident Data Collection Changes

- IHEs will report the # of formal complaints that resulted in disciplinary action or were dismissed, withdrawn, or didn't result in disciplinary action
- Definition of "report" means reaching out to share information regarding an alleged sexual misconduct incident with a student or employee of the institution regardless of the reporting person's identity or the identity of the alleged perpetrator, regardless of where the incident allegedly occurred, that is initially or subsequently brought to the attention of and recorded by the institution's Title IX Coordinator
- IHEs will submit 1 report for all MA-based campus locations and report aggregate statewide sexual misconduct incident data
- Campus police are considered "LEAs" for report totals when they are (1) sworn officers (2) conducting criminal investigations

*Reminder: the 2022 CSVP Annual Report is due by December 31, 2022*

# MOUs with Local Law Enforcement Agencies (LEAs)

- DHE promulgated [610 CMR 14.00](#), which governs the adoption of a memorandum of understanding between each institution of higher education with a physical location in the Commonwealth and a local law enforcement agency for purposes of determining each entity's roles and responsibilities regarding preventing and responding to incidents of on- and off-campus sexual misconduct
- Per 610 CMR 14.00, each institution shall, to the extent feasible, enter into an MOU with each local law enforcement agency having jurisdiction to report as a first responder to an incident of sexual misconduct occurring on or around each campus of the institution.
- In February 2022, DHE Commissioner Carlos Santiago and EOPSS Secretary Terrence Reidy sent a memo to all Massachusetts Municipal Chiefs encouraging LEA participation in the MOU process.
- DHE worked with the Massachusetts Chiefs of Police Association to send a follow-up communication with similar messaging on August 10, 2022.

# MOUs with Local Law Enforcement Agencies (LEAs) Cont.

- AICUM-developed, and DHE-accepted MOU template, is available on the DHE [CSVP website](#).
- This template meets the minimum required MOU criteria set forth in 610 CMR 14.00.
- Institutions that opt to use this template must individualize it to represent and adequately capture their unique circumstances.
- The DHE-approved template prompts and strongly encourages institutions to add specific and detailed information to reflect the full extent of the engagement with the relevant local law enforcement agency (or agencies).
- Other nationally recognized templates are also on the CSVP website

# MOUs with Local Law Enforcement Agencies (LEAs)

- Status Update
  - As of Sept 2022, all 114 IHEs have either entered into the required MOU(s) or reported to DHE on the feasibility of entering into such MOU(s).
  - Thirty-four (34) of those IHEs have made progress with LEA(s) in the form of an executed MOU
  - Year 2 data collection process will include a status update on LEA MOUs, same as Year 1

# MOUs with Community-Based Crisis Service Centers

- Under the statute, an institution that does not provide its own sexual assault crisis service center shall enter into and maintain an MOU with a community-based sexual assault crisis service center funded by the department of public health and a community-based domestic violence program funded by the department of public health.
- Institutions that already have such services in place on-campus may be exempt from this statutory requirement.

# MOUs with Community-Based Crisis Service Centers

- Status Update
  - As of Sept 2022, all 114 IHEs either have an SACSC on campus, have entered into the required MOU(s), or requested waivers for 2021
  - 5 IHEs have SACSCs on campus
  - 48 IHEs entered into MOUs
    - 34 IHEs entered into both required MOUs
    - 14 IHEs have entered into at least one required MOU
  - 61 IHEs were granted waivers

# Future of Sexual Misconduct Surveys

- Task Force model questions and recommendations were approved by the Commissioner in the May 2021
- Under the law, IHEs have until Aug 1, 2025 to conduct its first survey in compliance with the law
- Model Questions are being input into a survey tool using a Qualtrics platform
- Federal Legislation tasked US DOE with generating similar survey
  - Requirement in the law seems to be in line with MA's model questions
  - Will require IHEs to conduct a survey every 2 years

# Portal Demo

- Alex



# Questions?

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