

COMMONWEALTH OF MASSACHUSETTS TASK FORCE REPORT ON  
SEXUAL MISCONDUCT SURVEYS

*Report to Department of Higher Education Commissioner Carlos E.  
Santiago*

As Approved and Issued by DHE Commissioner Santiago

May 3, 2022

## Table of Contents

Task Force Members.....	3
I. Executive Summary.....	4
II. Task Force Process.....	10
III. Analysis: Existing Sexual Misconduct Surveys, the MA Statute Requirements, and Proposed Model Questions.....	12
IV. Generating Meaningful and Representative Results.....	19
V. Conclusion.....	27
VI. Acknowledgements & Final Considerations.....	27
Appendix A: Applicable Language in the Statute.....	28
Appendix B: Model Questions.....	31
❖ Prevalence of Sexual Misconduct on Campus.....	31
❖ Student Knowledge of and Familiarity with Campus Practices for Reporting and Addressing Sexual Misconduct.....	51
❖ Services Available to Victims of Sexual Misconduct.....	55
Appendix C: Public Comment Responses.....	61
Appendix D: Additional Resources.....	68

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## I. Executive Summary

In 2021, with the support of the Campus Safety and Violence Prevention (CSVP) community and stakeholders, and tremendous student advocacy, the legislature enacted landmark legislation, [Chapter 337 of the Acts of 2020](#), also known as the *2021 Campus Sexual Assault Law* (referenced herein as “the (MA) law” or “the (MA) statute”). This is the first comprehensive state law of its kind in the Commonwealth, and one of the first in the nation, specifically focused on campus responses to sexual violence. The law applies to both public and private higher education institutions (referenced herein as “institutions” or “IHEs”) located in the Commonwealth and authorized to grant degrees.<sup>1</sup> It has two major sections: a section pertaining to the requirement that all institutions conduct sexual misconduct climate surveys at least once every four years (M.G.L. c. 6, §168D); and another section which imposes specific policy, procedure and reporting requirements on institutions’ efforts to identify, prevent and respond to sexual misconduct (M.G.L. c. 6, §168E). This report will focus on M.G.L. c. 6, §168D and the requirement for a Task Force on Sexual Misconduct Surveys to develop and deliver model survey questions and related recommendations to the Commissioner of Higher Education for his approval and subsequent use by institutions in the Commonwealth.

As identified rather widely in research related to addressing sexual misconduct on campuses, including the Department of Higher Education’s 2016 report entitled: *Securing Our Future: Best Practice Recommendations for Campus Safety and Violence Prevention*,<sup>2</sup> conducting sexual misconduct climate surveys at IHEs is a best practice. Other examples: in 2014 and in 2017, the White House Task Force to Protect Students from Sexual Assault presented reports<sup>3</sup> recommending, in part, that IHEs regularly conduct campus climate surveys as one part of a plan to address sexual misconduct on campuses; and in 2016, the CDC recommending the use of climate surveys in their *Sexual Violence on Campus: Strategies for Prevention* publication<sup>4</sup>.

Campus climate surveys can enable institutions to better understand the scope of sexual misconduct on campuses. Survey results provide IHEs with information on the prevalence of sexual misconduct on campus, on students’ knowledge – or lack thereof – of reporting processes and services available. By employing high quality survey tools on a regular basis (e.g., not less than every two - four years), institutions can monitor changes in the prevalence of sexual misconduct on campus and in students’

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<sup>1</sup> There are currently 29 public higher education institutions in the Commonwealth (9 State Universities, 15 Community Colleges and 5 University of Massachusetts campuses), and 22 private, independent institutions of higher education located in the Commonwealth and authorized to grant degrees.

<sup>2</sup> <https://www.mass.edu/bhe/lib/documents/MACampusSafety&ViolencePreventionReport2016.pdf>

<sup>3</sup> <https://www.justice.gov/archives/ovw/page/file/905942/download> (April 2014);

<http://www.changingourcampus.org/resources/not-alone/Second-Report-VAW-Event-TF-Report.PDF> (January 2017); and

<https://obamawhitehouse.archives.gov/sites/obamawhitehouse.archives.gov/files/images/Documents/1.4.17.VAW%20Event.Guide%20for%20College%20Presidents.PDF> (January 2017)

<sup>4</sup> CDC, *Sexual Violence on Campus: Strategies for Prevention*;

<https://www.cdc.gov/violenceprevention/pdf/campusvprevention.pdf>

knowledge in these two areas. That information can help inform IHEs' prevention and response efforts and provide a catalyst for enacting policies and practices to address sexual misconduct on campus and improve training and awareness programs. Most importantly, regular campus climate surveys can demonstrate that IHEs prioritize sexual misconduct prevention, education, and response.

### ***Task Force on Sexual Misconduct Surveys Requirements***

Under M.G.L. c. 6, §168D, the law commissions a 27-person Task Force on Sexual Misconduct Surveys. Co-chaired by designees of the Commissioners of the Department of Higher Education (DHE), along with the Department of Public Health (DPH), this Task Force is charged with developing model questions for use by institutions in sexual misconduct climate surveys, and providing the model questions to the Commissioner of Higher Education with related recommendations regarding the content, timing and application of the surveys. The law also states that the recommendations should include recommendations on "achieving statistically valid response rates and addressing non-response bias." More detail on the process the Task Force undertook can be found in in the *Task Force Process* section of this report.

Once in receipt of the recommendations, the Commissioner of Higher Education shall review the model questions provided by the Task Force and, once approved, provide a copy to institutions. The Commissioner is also required to periodically review and make recommendations for changes to the model questions and to the content and timing of the sexual misconduct climate surveys. In addition, the Task Force may be revived at any time by the Commissioner.

### ***Institutional Requirements***

The law requires each institution to conduct a sexual misconduct climate survey of all students at the institution *not less than* once every 4 years. Within 120 days after completion and analysis of a sexual misconduct climate survey, each institution shall also post a summary of the results on the institution's website. A sexual misconduct climate survey, including any campus-specific surveys developed and implemented by an institution, shall collect anonymous responses and shall prohibit the disclosure of identifying information.

M.G.L. c. 6, §168D of the statute can be found in its entirety in *Appendix A* of this report.

### ***Recommendations to the Commissioner***

The Massachusetts statute requires the Task Force to provide IHEs with model questions that include “a subset of questions taken from or consistent with questions in the Administrator Researcher Campus Climate Collaborative survey or another sexual misconduct climate survey that is currently in use by institutions and that the task force deems high-quality.” The statute specifies that this subset of model questions shall generate responses related to topics including, but not limited to the following:

1. the prevalence of sexual misconduct on campus;
2. student knowledge of and familiarity with campus practices for reporting and addressing sexual misconduct; and
3. services available to victims of sexual misconduct.

The Task Force identified extant surveys that have been validated through pilots and administered by multiple IHEs on more than one occasion, as well as some surveys developed by IHEs on their own, many in response to the White House Task Force Report to Protect Students From Sexual Assault (2014) and subsequent guidance issued by White House Task Force.<sup>5</sup> The Massachusetts Task Force reviewed these survey instruments and considered how they aligned with both the letter of the MA Statute and the aspirational objectives articulated during the drafting of the Massachusetts legislation.

The Task Force determined that the Administrator Researcher Campus Climate Collaborative (“ARC3”) survey instrument (initially developed in 2015 by researchers with expertise in gender-based violence in close collaboration with student affairs personnel, according to rigorous research and ethical guidelines) was most closely aligned with the letter and spirit of the MA Statute.<sup>6</sup> Accordingly, the Task Force recommends using certain modules of the ARC3 survey instrument, with some modification and/or supplementation, to comply with the mandates of the MA Statute and current research and best practices around culturally competent, trauma-informed inquiries, as the foundation for the model questions that it proposes in each of the categories referenced above.

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<sup>5</sup> These existing surveys included the Administrator Researcher Campus Climate Collaborative (“ARC3”) survey, which was first administered in 2015 and which has been updated on an annual basis since then (as well as survey tools from which the ARC3 instrument was developed); the Association of American Universities (“AAU”) survey, first administered by 27 IHEs in 2015 and administered again in 2019 by 33 IHEs; the #iSPEAK Campus Climate Survey administered at Rutgers University-New Brunswick (2014-2015); the National Campus Climate Survey administered at University of Michigan (2015); the Campus Climate Survey Validation Study (“CCVS”)(2016); Brandeis University Campus Climate Survey (Spring 2019); SUNY Sexual Violence Prevention Campus Climate Survey (2021); and the 2021-2022 Higher Education Data Sharing Consortium (“HEDS”) Sexual Assault Campus Climate Survey.

The Task Force also reviewed and considered the Campus Climate Base Survey recommendations of the task force convened under the recent New Hampshire legislation (RSA 188:H) requiring IHEs to conduct campus sexual misconduct climate surveys biennially.

<sup>6</sup> For a fuller description of the development of the ARC3 survey, see [Measuring Campus Sexual Misconduct and its Context: the ARC3 Survey](#) (K. Swartout, *et al.*)(American Psychological Assoc. 2018).

**Therefore, the Task Force recommends the Commissioner:**

1. Provide institutions with the model questions in *Appendix B* of this report in its entirety for use in conducting a sexual misconduct climate survey, as intended and required by the law, with the instruction that institutions should add an IHE-specific introduction to their survey, as well as questions to elicit the remaining information required by the statute for which the statute did not require the Task Force to provide model questions (for example, demographic information that will enable the IHEs to identify groups that are particularly “at risk”).
2. Issue policy guidance and allow for a process, in furtherance of the intended purpose of M.G.L. c. 6, §168D(d)(4) of the law, which enables institutions to develop their own surveys for use on their campuses, as long as the institutions include a subset of questions that generate responses related to topics including, but not limited to:
  - a. the prevalence of sexual misconduct on campus;
  - b. student knowledge of and familiarity with campus practices for reporting and addressing sexual misconduct; and
  - c. services available to victims of sexual misconduct.

Institutions developing their own surveys should be encouraged to review and utilize the model questions in *Appendix B* for use in their surveys and/or to serve as a guide to successful question development. To the extent that an institution chooses not to use the model questions, the institution should be asked to identify the questions in its survey that generate responses related to the mandatory topics required by statute and covered by the model questions.

3. Provide all institutions with, and advise institutions to follow, the guidance included in the *Generating Meaningful and Representative Results* section of this report to successfully develop and implement their surveys, as well as analyze and share the results, to achieve the intended intent of the statute.
4. Provide for flexibility in the timing of sexual misconduct surveys. While most Task Force members recommend early Spring semester as an opportune time to conduct a survey, the Task Force recognizes that institutions may operate on different schedules and/or offer different types of programs that do not fit into a traditional Fall/Spring semester calendar. However, all institutions should consider administering surveys *after* the first 12 weeks of the Fall semester. This allows for capturing incidents and experiences that occur during the first 6 weeks of school, which is often referred to as the “Red Zone,” a time of statistically heightened instances of campus sexual misconduct. Administering surveys after this period also avoids competing training, orientation, and other activities that typically account for students’ time and attention at the beginning of the semester.

The Commissioner, however, should revisit this recommendation after they have the opportunity to review data from two to four years of surveys and assess whether it is necessary to provide further guidance or to specifically regulate the timing of surveys to help improve survey response rates and results.

5. Advise institutions to carefully consider the appropriate frequency with which to administer their survey. While the statute requires sexual misconduct surveys be conducted at minimum of “not less than once every 4 years”, the majority of Task Force members recommend that a two-year cadence may be beneficial, for a variety of reasons. Task Force members suggest that a two-year frequency offers every student an opportunity to complete the survey, not only the traditional 4-year students, but also 2-year graduate students, students who graduate early, and students pursuing certificate programs and associate degrees, thus more effectively capturing every cohort at an IHE and accounting for the diverse needs of and differences between the Commonwealth’s IHEs (M.G.L. c. 6, §168D(d)(3)(vi)). This also allows the opportunity for IHEs to capture data that reflects a broader range of student experiences. Some Task Force members, however, caution that a two-year frequency may not be feasible or may have adverse effects for some institutions and their campus communities – citing survey fatigue and potential low response rates, as well as concerns for cost in administering surveys and analyzing results, particularly for smaller institutions with limited resources.
6. Provide institutions with a list of incentives they could offer survey participants that may serve to increase response rates. The Task Force members, based on research and their personal experience in this area, suggest the following incentives for consideration:
  - a. Cash or money card.
  - b. Textbook/online materials credit or bookstore gift certificate (and/or IHE swag items).
  - c. Campus dining dollars/food voucher. This can be for on-campus or off-campus vendors as appropriate for the institution.
  - d. Automatic entry in or the opportunity to enter a raffle for larger prizes, perhaps a grand prize and secondary prizes. Prize ideas include, but are not limited, to: a laptop/iPad; room/board credit; parking voucher; first choice for parking or housing assignment.
  - e. Free admission to a school sponsored event(s).
  - f. Offer of a campus concert or other desired event once responses reached a certain level.

It should be noted that incentives must not interfere with the 100% voluntary characteristic of the survey. For example, incentives should not be tied to registration or enrollment holds. It should also be noted that engaging students and staff in identifying effective incentives is encouraged and can be helpful.

Institutions should consult with their budget offices, and other applicable offices, to determine what is allowable and available for use for incentives.

7. Work with the institutions to explore the availability of state, federal or private funding opportunities to help provide access to funds for public IHEs and small, private institutions that have limited resources to help support the costs of developing, conducting, analyzing and publishing the results of the surveys.

8. Direct institutions to adhere to best practices and currently accepted and utilized demographic questions in their surveys. The Task Force recognizes the importance of ensuring that this portion of a sexual misconduct survey aligns and is consistent with diversity and inclusion on our campuses. Though demographic questions are required to be collected per the statute, the Task Force has left the development of these questions to the institutions in order to allow for each IHE to properly "account for the diverse needs of and differences between the commonwealth's institutions of higher education" (M.G.L. c. 6, §168D(d)(3)) and align with other surveys they may be conducting on their campus(es).
  
9. Include the optional module of bystander questions in the dissemination of sexual misconduct survey questions and recommendations to institutions, suggesting use of the questions, but noting they are optional. Though the MA statute does not require IHEs to capture this data, research shows that this information may enable IHEs to educate and train its students more effectively in the area of sexual misconduct prevention. Although bystander training should not be the only prevention method IHEs employ, it has been proven to be a successful method of prevention, particularly in the short-term.<sup>7</sup> Understanding how students do or do not engage as bystanders can promote the development of more effective awareness and prevention programs.

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<sup>7</sup> See E. N. Jouriles, A. Krauss, N. L. Wu, V. L. Banyard & R. McDonald, *Bystander programs; addressing sexual violence on college campuses: A systemic review and meta-analysis of program outcomes and delivery methods*, J. of Am. College Health (2018); M. P. Koss, K. Swartout, E.C. Lopez, R. V. Lamade, E. J. Anderson, C L. Brennan & R. A. Prentky, *The Scope of Rape Victimization and Perpetration Among National Samples of College Students Across 30 Years* (Sage, 2015).

## II. Task Force Process

Under M.G.L. c. 6, §168D, the law commissions a 27-person Task Force on Sexual Misconduct Surveys, co-chaired by designees of the Commissioners of the Department of Higher Education (DHE), along with the Department of Public Health (DPH). Those designees are DHE Chief Legal Counsel Constantia (Dena) Papanikolaou and DPH Sexual and Domestic Violence Division Director Judy Benitez Clancy. The Task Force is charged with developing model questions for use by institutions in sexual misconduct climate surveys, and providing the model questions to the Commissioner of Higher Education with related recommendations respecting the content, timing and application of the surveys. The recommendations shall include, but not be limited to, recommendations on achieving statistically valid response rates and on addressing non-response bias.

*Membership as set forth in the law includes:*

1. the commissioner of higher education or a designee, who shall serve as co-chair;
2. the commissioner of public health or a designee, who shall serve as co-chair;
3. the secretary of public safety and security or a designee;
4. the attorney general or a designee;
5. 1 member of the house of representatives to be appointed by the speaker of the house of representatives;
6. 1 member of the senate to be appointed by the senate president;
7. **21 persons to be appointed by the governor,**
  - a. 1 of whom shall be a student attending a community college,
  - b. 1 of whom shall be a student attending a public university,  
2 of whom shall be students attending an independent institution of higher education in the commonwealth,
    - i. 1 of whom shall be a representative of the University of Massachusetts recommended by the president of the university,
  - c. 1 of whom shall be a representative of the state universities recommended by the Massachusetts State Colleges Council of Presidents,
  - d. 1 of whom shall be a representative of community colleges recommended by the Massachusetts Association of Community Colleges,
  - e. 2 of whom shall be representatives of private colleges and universities recommended by the Association of Independent Colleges and Universities in Massachusetts, Inc.,
  - f. 1 of whom shall be a representative recommended by Jane Doe, Inc.: the Massachusetts Coalition Against Sexual Assault and Domestic Violence,
  - g. 1 of whom shall be a representative recommended by the Victim Rights Law Center, Inc.,
  - h. 2 of whom shall be representatives recommended by sexual assault crisis service centers and counseling centers located in an urban and rural region of the commonwealth,
  - i. 2 of whom shall be representatives recommended by community-based sexual assault crisis service centers funded by the department of public health,
  - j. 1 of whom shall be a representative recommended by the Massachusetts commission on lesbian, gay, bisexual, transgender, queer and questioning youth,
  - k. 1 of whom shall be a representative recommended by the Every Voice Coalition or any successor organization,
  - l. 2 of whom shall be researchers with experience in the development and design of sexual misconduct climate surveys

- m. 2 of whom who shall have experience in higher education survey analysis and be researchers of: (i) statistics; (ii) data analytics; or (iii) econometrics.

#### ***Task Force Meetings & Report Development***

The law went into effect on August 1, 2021, and official appointments began in late June 2021, with nearly all members clearing background checks and being officially appointed by mid-September 2021. Accordingly, the Task Force held its first meeting on September 15, 2021, followed by meetings on October 7, November 5, December 3, and December 17. Each meeting was organized by DHE/DPH support staff, held virtually (for two hours in length), and audio-recorded. Meetings consisted of a combination of presentations and open discussions.

The DHE/DPH team also worked between meetings with Task Force members, conducting research, facilitating discussions and drafting model questions and related recommendations. The Task Force members were surveyed twice to assist the DHE/DPH team in gathering input from the group, solidifying discussions previously had during meetings. The first survey asked Task Force members to indicate which questions and categories they thought best to capture in the model questions, and those that they would like to see as “optional”. The second survey asked Task Force members to weigh in on the best time to administer sexual misconduct surveys; the frequency with which IHEs should administer surveys; and incentives that they know to have been successful in increasing survey participation.

The Task Force was provided a copy of the draft report on January 7, 2022 to review and provide comment to the DHE/DPH team. The Task Force was provided a second version for comment on January 20, 2022.

The Task Force report was posted on the DHE website for public comment for a three-week period – February 11, 2022 through March 4, 2022. The Task Force and DHE/DPH team reconciled comments for the final version of the report. Written responses to each comment can be found in *Appendix C* of this report.

### III. Analysis: Existing Sexual Misconduct Surveys, the MA Statute Requirements, and Proposed Model Questions

The Massachusetts Campus Sexual Assault Law requires the Task Force to provide IHEs with model questions that include “a subset of questions taken from or consistent with questions in the Administrator Researcher Campus Climate Collaborative survey or another sexual misconduct climate survey that is currently in use by institutions and that the task force deems high-quality.” The statute specifies that this subset of model questions shall generate responses “related to topics including, but not limited to” the following:

- a. the prevalence of sexual misconduct on campus;
- b. student knowledge of and familiarity with campus practices for reporting and addressing sexual misconduct; and
- c. services available to victims of sexual misconduct.

The Task Force identified extant surveys that have been validated through pilots and administered by multiple IHEs on more than one occasion, as well as some surveys developed by IHEs on their own, many in response to the White House Task Force Report to Protect Students From Sexual Assault (2014) and subsequent guidance issued by that Task Force. The Task Force reviewed these survey instruments and considered how they aligned with both the letter of the MA statute and the aspirational objectives articulated during the recent drafting of the Massachusetts legislation.

The Task Force determined that the Administrator Researcher Campus Climate Collaborative (“ARC3”) survey instrument (which was developed by researchers with expertise in gender-based violence in close collaboration with student affairs personnel, according to rigorous research and ethical guidelines) was most closely aligned with the letter and spirit of the MA statute. Accordingly, the Task Force recommends using certain modules of the ARC3 survey instrument as the foundation for the model questions that it proposes in each of the categories referenced above.

The Task Force was mindful of the MA statute’s requirement that its model questions in these three categories be either “taken from” or “consistent with” questions already in use as part of a survey that the Task Force deems to be of high quality (such as ARC3). The Task Force was also mindful of its responsibility, as the group of individuals whose experience and/or expertise qualified them for this work, to recommend places in which the ARC3 questions require modification or supplementation in order to comply with the mandates of the MA statute and current research and best practices around culturally competent, trauma-informed inquiries. With these objectives in mind, and after careful review and discussion, the Task Force provides the following commentary and analysis (by category) that led to the development of the proposed model questions (model questions can be found in *Appendix B*).

## **ANALYSIS: PREVALENCE OF SEXUAL MISCONDUCT ON CAMPUS REQUIREMENT**

“Prevalence” questions should elicit data as to how often incidents of sexual misconduct occur on the IHE’s campus. The MA statute defines “sexual misconduct” to include:

- a. sexual violence
- b. dating violence
- c. domestic violence
- d. gender-based violence
- e. violence based on sexual orientation
- f. violence based on gender identity or expression
- g. sexual assault
- h. stalking
- i. sexual harassment

The ARC3 survey modules are labeled specifically to elicit data about the prevalence of sexual violence, dating violence, sexual violence, sexual harassment, and stalking ((a), (b), (h) and (i) above).<sup>8</sup> In addition, the way in which the ARC3 survey phrases the questions about dating violence and sexual violence encompasses domestic violence and certain types of sexual assault (those involving violence, coercion, or incapacitation by alcohol).<sup>9</sup> The Task Force recommends using the questions in these ARC3 modules (as set forth in *Appendix B*), with some minimal word changes (identified in red) to minimize any potentially triggering impact on students and to align more closely with the current research and best practices referenced above.

ARC3’s “sexual violence” module elicits data regarding the prevalence of “sexual assault” to the extent that the assault involves violence, coercion, or incapacitation by alcohol. The ARC3 module does *not* include questions about sexual incidents involving other forms of incapacitation (*e.g.*, due to drugs, disability, or sleep). The Task Force proposed the addition of language covering these other possibilities, as set forth in the proposed model questions (and identified in red).

ARC3’s questions on sexual violence also do not capture data regarding non-violent sexual encounters that occurred without consent. The Task Force recommends including questions about such encounters in light of the fact that they constitute a significant proportion of the non-consensual sexual encounters that students at residential colleges and universities report. The Task Force notes that the Association of American Universities (AAU) Campus Climate Survey (2019) does include two questions about sexual

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<sup>8</sup> The ARC3 Survey (as updated in 2021), Modules 5-12. The ARC3 survey does this by eliciting both victimization and perpetration data in the categories of Sexual Harassment, Dating Violence, Stalking, and Sexual Violence. The Task Force’s proposed model questions are limited to victimization, based on its recognition that the inclusion of perpetration questions not only falls outside the scope of the MA Statute’s requirements but would render the survey longer and would expand the volume of data requiring analysis by IHEs. IHEs for whom these considerations are not concerns may wish to include questions seeking to capture perpetration as well as victimization data.

<sup>9</sup> ARC3’s “sexual violence” module includes questions that cover domestic violence in that they ask what the relationship between the student and the perpetrator is and “relative/family” is one possible response. ARC3’s “dating violence” module also states that it applies to relationships between spouses (including ex-spouses). Accordingly, use of ARC3’s sexual violence and dating violence modules would elicit data regarding the prevalence of domestic violence as well as sexual violence, dating violence, stalking, sexual harassment and some types of sexual assault.

encounters that occurred without physical violence, coercion, or incapacitation, but for which the student had not provided “active, ongoing, voluntary agreement.”<sup>10</sup> The Task Force proposes that these questions be included as set forth in the model questions (and identified in red), modified to be consistent in form with the ARC3 questions they follow.

The MA statute requires IHEs to capture data regarding the prevalence of three types of “sexual misconduct” that are *not* specifically included within the “sexual misconduct” definition of any nationally-regarded campus climate survey of which the Task Force is aware.<sup>11</sup> These are:

- gender-based violence
- violence based on sexual orientation
- violence based on gender identity or expression

The Task Force proposes the addition of questions designed to capture instances of these three types of violence. It is unclear whether the inclusion of these forms of violence within the MA statute’s definition of sexual misconduct means that only acts of a sexual nature must be captured. A broader reading of the term “sexual misconduct” would include incidents based on a person’s sex, gender, sexual orientation, gender identity, or gender expression, whether sexual or not.

Brandeis University’s most recent campus climate survey (2019) includes questions as to whether students believed that the incidents of sexual misconduct they reported related to an aspect of their identity.<sup>12</sup> The Task Force has drafted model questions, informed by those in the Brandeis survey and in the format of the ARC3 questions, to capture data regarding any acts of sexual violence, sexual harassment, dating violence, domestic violence, or stalking based on gender, sexual orientation, gender identity or gender expression. The Task Force has also drafted model questions designed to capture data regarding any act of violence based on a student’s gender, sexual orientation, gender identity or gender expression, whether sexual in nature or not. These proposed model questions are identified in red in *Appendix B*.

Finally, the MA Statute instructs IHEs to capture data regarding “when and where” incidents of sexual misconduct occurred but does not direct the Task Force to provide model questions encompassing these specifics. The model questions provided in *Appendix B* adhere to the approach reflected in ARC3, which is to refrain from seeking this level of detail from students, other than to ask whether incidents of violence occurred on campus. The model questions also specify that they only seek information about incidents occurring while the student was enrolled at the IHE. While IHEs may wish to ask for more

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<sup>10</sup> The AAU Climate Survey on Sexual Assault and Sexual Misconduct (2019), Section G (Questions G8, G9).

<sup>11</sup> Both ARC3 and AAU ask for details about incidents of sexual violence but they do not include specific questions as to whether the student felt that the violence stemmed from a bias or hostility against him/her/them based on sexual orientation, gender, gender identity or expression. They also do not cover acts of violence based on the student’s gender, sexual orientation, or gender identity or expression that are not sexual in nature. Both ARC3 and AAU pose demographic questions designed to capture the prevalence of sexual misconduct within certain communities (including the LGBTQ+ community) but this is a different question.

<sup>12</sup> Brandeis University Campus Climate Survey (Spring 2019). These questions ask about correlation between the sexual violence and the identity issue (sexual orientation, gender, gender identity, gender expression). The questions do not ask whether the student experienced *non-sexual* violence based on his/her/their sexual orientation, gender, gender identity, or gender expression.

information as to “when and where” incidents of sexual misconduct occurred, they should be mindful not to jeopardize the anonymity and confidentiality that must attach to their climate surveys.

### ***ANALYSIS: STUDENT KNOWLEDGE OF AND FAMILIARITY WITH CAMPUS PRACTICES REQUIREMENT***

Established campus climate surveys all seek to capture students’ knowledge of, and familiarity with, the resources that the IHE provides to, or to which it refers, students who report sexual misconduct. These questions must be specific to the IHE in order to capture relevant data. The Task Force has prepared model questions consisting of the entire ARC3 Module entitled “Perceptions of Campus Climate Regarding Sexual Misconduct,” modified to distinguish between student knowledge of on and off-campus resources as well as of confidential versus non-confidential resources.<sup>13</sup>

The ARC3 Module questions (and the model questions set forth in *Appendix B*) extend beyond the mandate of the MA statute in that they ask students not only about their knowledge of, and familiarity with, campus sexual misconduct resources, but also about their:

1. perceptions of the IHE’s climate around the reporting of sexual misconduct; and
2. exposure to sexual misconduct information and education.

The Task Force proposes inclusion of the entirety of ARC3 Module 4 because the three sections of this module flow well together and should enable IHEs to obtain a fuller understanding of what their students actually know and understand about the IHE’s policies, practices, and resources in the area of sexual misconduct.

As noted above, the Task Force proposes modification of the ARC3 questions in Module 4(B) to enable IHEs to capture their students’ understanding of what resources are available not only on campus but also in the community. These modifications are set forth (identified in red) in the model questions in *Appendix B*. The Task Force believes that it will be important for IHEs to have this information, particularly in light of the MA statute’s mandate that IHEs provide their students with information about various off-campus resources (including through local law enforcement and at sexual assault nurse examiner (SANE) hospitals) and that they enter into Memoranda of Understanding with local sexual assault crisis centers in the event that they lack such resources on campus and to make such resources available to survivors who choose to receive services off campus.<sup>14</sup>

The Task Force also proposes modification of the ARC3 questions to capture the degree to which students understand the difference between resources that the IHE has designated as “confidential” versus those that are non-confidential. The MA statute requires IHEs to designate at least one confidential resource provider on campus and sets out in detail the responsibilities of that provider. The Task Force believes that feedback on whether students know and understand the role of confidential resources will be important and that these model questions should be drafted in a way that captures

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<sup>13</sup> See ARC3 Module 4(A)-(C).

<sup>14</sup> A SANE hospital is one with one or more sexual assault nurse examiners (“SANEs”) on staff. A SANE is a Registered Nurse who has received special training so that he/she/they can provide comprehensive care to sexual assault victims.

this data. Modifications to facilitate such feedback are included in the model questions set forth in *Appendix B* (and identified in red).

### ***ANALYSIS: SERVICES AVAILABLE TO VICTIMS OF SEXUAL MISCONDUCT***

The MA statute does not elaborate upon what questions should be included in the model questions regarding “services available to victims of misconduct,” but (in an earlier section of the statute) specifies that IHEs must capture data regarding:

- whether students reported the sexual misconduct and if so, to which campus resource(s);
- whether a student was informed of or referred to local, state, campus or other resources or victim support services, including appropriate medical care and legal services; and
- whether a student was provided with information about resources for protection from retaliation, access to school-based supportive measures, and civil and criminal justice remedies.

The Task Force interprets the statute as requiring IHEs to capture data concerning what proportion of incidents of sexual misconduct are reported and to whom, as well as what services are made available to students (from the students’ perspective).<sup>15</sup>

The ARC3 survey does not pose questions about whether incidents of sexual misconduct (other than sexual harassment) were “reported,” nor does it ask exactly what services the IHE provided or referred the student to in response to a report of sexual misconduct. Rather, ARC3 asks questions about whether the student “told” various individuals and programs/offices. ARC3 also asks students who did report whether they felt supported, believed, etc. and (on a scale of Very Useful to Not at All Useful) how useful they found the IHE-specific resource they accessed. Other established survey instruments (such as the AAU survey) do ask whether incidents were “reported” (and if not, why not) but – like ARC3 – do not pose questions about which particular services were made available to the students.

In order to meet the requirements of the MA statute while adhering to questions drawn from a validated instrument, the Task Force recommends the following:

- The Task Force proposes using ARC3 Module 13B (entitled “Institutional Responses – Reporting Experiences”), with some modifications similar to those proposed for the questions in ARC3 Module 4 regarding student familiarity and knowledge of resources.<sup>16</sup> The proposed modifications are reflected in the model questions in *Appendix B* (and identified in red).
- The Task Force recommends that the questions in ARC3 Module 13B be modified to specify that they include individuals/offices/resources to whom the student “reported” the incident, not simply those whom the student “told” about it. The two communications capture potentially different categories of information, both of which are useful to IHEs.
- Despite the fact that the MA statute only requires IHEs to ask students which “campus resource” they reported to, the Task Force proposes that these questions encompass whether students accessed off-campus resources (as the ARC3 questions do) as well. This proposal is based on the

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<sup>15</sup> Although the statute asks what services “are available,” the Task Force determined that the only reasonable interpretation of this language is to encompass the services about which students report being informed or to which they were referred.

<sup>16</sup> These revisions are designed to bring the survey into better alignment with current best practices and research on conducting an inquiry that is trauma-informed, culturally competent, and socially aware.

MA statute's provision that IHEs may contract with off-campus providers to meet some of their responsibilities regarding services available to victims<sup>17</sup> of sexual misconduct.

- As with the preceding category on student knowledge of resources, it is essential that each IHE pose questions that accurately reflect its resources. The responses to such questions will enable IHEs to learn whether their students are being informed of and/or referred to the resources they have intended to make available.
- The Task Force proposes two model questions not drawn from any extant survey. These are necessary to meet the MA statute's requirement that IHEs determine whether certain specific types of services were made available to its students.

The Task Force recommends, as an option, that IHEs consider including not only ARC3 Module 13B (questions about whether the student told anyone, and if so whom) but also Module 13A, which poses questions to the student about the experience of reporting.<sup>18</sup> While the MA statute does not mandate collection of the data sought by the questions in ARC3 Module 13A, the Task Force recommends use of the entire ARC3 module (with the modifications proposed) because it believes that such questions would capture valuable information for IHEs as they designate and refine the resources and services they provide to students. The Task Force believes that such questions would be particularly useful for capturing data regarding the degree to which students experience the IHE's response (or lack thereof) to a reporting incident as being linked to some aspect of their identity, including those characteristics which are "protected "under MA law.<sup>19</sup>

Finally, the Task Force strongly recommends that IHEs include questions to capture data regarding their students' *non-reporting* of sexual misconduct. Every form of sexual misconduct falling within the MA statute's definition has been found to be chronically and significantly under-reported, not only by students but in the United States at large, for decades.<sup>20</sup> The Task Force believes that IHEs should endeavor to use the mandate of the MA statute, including its broad definition of "sexual misconduct," as an opportunity to gather information regarding the causes of under-reporting within their student communities so that they may take tangible steps to address this persistent phenomenon.

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<sup>17</sup> The word "victim" is being used as it is the term utilized in the statute.

<sup>18</sup> The Brandeis University Campus Climate Survey (Spring 2019) also contains excellent questions regarding the reporting experience of students. If an IHEs is developing its own survey and seeking to include questions on this topic, the Task Force recommends that it consider the Brandeis Survey questions.

<sup>19</sup> See MGL c. 151B (the Massachusetts Fair Employment Practices statute) for a full listing of these.

<sup>20</sup>Krebs, C.P., Lindquist, C.H., Berzofsky, M., Shook-Sa, B., Peterson, K., Planty, M., Langton, L., & Stroop, J. (Jan. 2016). *Campus Climate Survey Validation Study Final Technical Report (CCSVS)*(funded by the Office on Violence Against Women, Washington D.C.); Cantor, D, Fisher, B., Chibnall, S. Townsend, R., Lee, H., Bruce, C., & Thomas, G. (Sept. 2015). *Report on the Assoc. of American Universities Campus Climate Survey on Sexual Assault and Sexual Misconduct (AAU Study)*(prepared for the AAU); 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) *Not Alone (Not Alone Report)*; Krebs, C.P., Lindquist, C.H. & Warner, T. (2007). *The Campus Sexual Assault Study (CSA)*(prepared for the National Institute of Justice, Washington D.C.); Busch-Armendariz, N.B., Sulley, C., & Hill, K. (2016). *The Blueprint for campus police: Responding to sexual assault (Austin Blueprint)*. Austin, Tx: Institute on Domestic Violence & Sexual Assault, the Univ. of Texas at Austin.

Accordingly, the Task Force’s model questions in this category of student reporting and services “made available” include a series of questions as to why students did *not* report incidents of sexual misconduct. Because the ARC3 survey instrument does not contain questions on this topic, the Task Force recommends that IHEs use the questions in the AAU survey; these are included in the Task Force’s model questions in *Appendix B* (and identified in red).<sup>21</sup>

#### ***ADDITIONAL ANALYSIS: PROPOSED MODEL QUESTIONS REGARDING BYSTANDER BEHAVIOR OR INTERVENTION***

The Task Force recommends that IHEs include in their climate surveys questions regarding bystander behavior or intervention. The MA statute does not require IHEs to capture this data, but the research shows that this information may enable IHEs to educate and train its students more effectively in the area of sexual violence prevention. Bystander training has been proven to be one of the most successful methods of prevention; understanding how students do or do not engage as bystanders promotes the development of more effective prevention programs.<sup>22</sup> The Task Force proposes inclusion of the ARC3 survey’s questions on this topic. They are included in the model questions in *Appendix B*.

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<sup>21</sup> Numerous campus climate surveys include questions on this topic. *See, e.g.* AAU Campus Climate Survey (2019); Brandeis University Campus Climate Survey (Spring 2019); #ISPEAK:Rutgers Campus Climate Survey (2014). The most recent AAU survey (administered on 33 IHE campuses) revealed that the most common responses for non-reporting of sexual assault were that students believed they could “handle it” themselves, the incident was not serious enough to contact a program or resource, and that the student felt embarrassed, ashamed, or that it would be “too emotionally difficult to report.” Other prevalent reasons given were that the victim did not think the resources could help them and the victim did not want to get the perpetrator in trouble.

<sup>22</sup> *See, The Effects of Bystander Programs on the Prevention of Sexual Assault Across the College Years* (H. Kettrey & R. Marx) *J. of Youth and Adolescence*, vol. 48 at 212-227 (2019).

## IV. Generating Meaningful and Representative Results

The Massachusetts Campus Sexual Assault Law states that the Task Force’s recommendations to the Commissioner of Higher Education should include “recommendations on achieving statistically valid response rates and on addressing non-response bias” M.G.L. c. 6, §168D(d)(1). To satisfy the need for expertise in this area, the law provided for the addition to the Task force of four researchers: two researchers with experience in the development and design of sexual misconduct climate surveys; and two researchers who have experience in higher education survey analysis and are researchers of: (i) statistics; (ii) data analytics; or (iii) econometrics. The four researchers designated to the Task Force, along with others with experience in this area, drafted and reviewed this section of the report to ensure institutions have the information and resources to adequately develop (if doing so in-house), disseminate, and analyze a sexual misconduct survey and its results. It is imperative that IHEs take great care in following this guidance and well as review additional resources provided (and others) throughout the survey process.

After much research and deliberation, the Task Force concluded that they are collectively unaware of a single survey that currently fulfills all three of the model question topic areas mandated by M.G.L. c. 6, §168D (i.e., prevalence of sexual misconduct on campus (as broadly defined by the MA statute); student knowledge of and familiarity with campus practices for reporting and addressing sexual misconduct; and what specific services were made available to victims of sexual misconduct). The Task Force was mindful to ensure (as per the statute’s requirement) that its model questions in these three categories be either “taken from” or “consistent with” questions already in use as part of a survey that the Task Force deems to be of high quality. After careful consideration and discussion, the Task Force relied on its expertise as a group to recommend places in which the current, high-quality survey it chose to use as a foundation for its model questions (the ARC3 survey) requires modification or supplementation in order to comply with the mandates of the MA statute and current research and best practices around culturally competent, trauma-informed inquiries.

As stated in the recommendations, the Task Force is recommending to the Commissioner that IHEs either utilize the model questions in this report, which include certain (minimally modified) modules of the ARC3 survey instrument (supplemented by demographic questions, questions as to “when and where” the incident occurred and an IHE-specific introduction), or design their own surveys following the guidance for content. Regardless of which direction an institution chooses in the development and implementation of their sexual misconduct surveys, they will need to consider ways in which to ensure the surveys are generating meaningful and representative results. In this section of the report, the Task Force provides brief considerations and guidance for using the recommended survey questions and/or those developed in-house by institutions. Additional resources related to the development and implementation of sexual misconduct surveys are also provided in *Appendix D*. The Task Force recommends the Commissioner review these considerations and provide them to the IHEs, along with the model questions.

## **Considerations for Ethical Data Collection and Data Storage**

### *Collecting Data While Protecting Participants*

Planning and implementation of surveys related to sexual misconduct must be undertaken with significant consideration of ethical issues. Risks include the potential for upset and loss of confidentiality. Institutions should provide, during the survey introduction, adequate explanations of the purpose of the survey, ability of the institution to protect anonymity or preserve confidentiality (including any risks or concerns related to data security), the planned use of data collected by the survey instrument, as well as contact information for supportive resources.

To protect against the risk for upset, contact information for supportive resources should either be displayed on each page of the survey, or at the very end of the survey, in case the survey content is triggering. Participants should be directed that they can skip any question they do not wish to answer.

With regards to anonymity versus confidentiality, anonymous surveys collect no identifiable information (e.g., names, dates of birth, email addresses, phone numbers, etc.) while confidential surveys collect this type of information but commit to not sharing it or releasing it. Most climate surveys can be successfully accomplished anonymously. An important consideration, even in anonymous surveys, is the possibility that individuals can be identified by their responses to demographic questions (for example, if a person identifies as a sophomore, as transgender and as Black, this may lead to identification). As such, it is important to consider which demographic variables are needed to inform campus efforts, and to strongly consider not sharing data about groups with 5 or fewer responses.

### *Data Storage*

If any identifiable information is collected, the identifiers should be destroyed as soon as possible. All data should be stored in a password protected environment, ideally on a server with additional safeguards and protections built-in to ensure the confidentiality of data via industry-standard access restriction and cryptographic measures. The number of people who have access to these data should be limited to only those who need to see it or analyze it. Data should not be used, shared or merged with other data beyond the scope of intended purpose.

## **Considerations for Participant Recruitment**

### *Planning phase: Engage appropriate stakeholders to maximize recruitment and relevance*

Engaging appropriate stakeholders during the planning phase can improve the relevance of the survey results to the institution, and garner the necessary interest and buy-in to facilitate recruitment and implement responsive policy or procedural improvements. Key stakeholders vary by institution but at a minimum should include: undergraduate and graduate students, faculty, staff, administrators, as well as key institutional roles related to sexual misconduct prevention and response, particularly Title IX, campus health/wellness, security, counseling, and any confidential resources specific to sexual violence/misconduct. Student interest groups whose missions include preventing and responding to sexual violence are often vital sources of insight into which survey questions are most relevant, and which kinds of messaging will encourage survey participation. Formal and informal student leaders are essential influencers, and can serve as ambassadors to encourage survey completion; and for this reason

should be integral team members at the start and throughout any planning phases. For these reasons, The Task Force strongly encourages colleges and universities to include students when drafting climate survey questions and when considering effective and trauma-informed strategies for survey promotion.

### *Decide on your sampling strategy*

The optimal survey sample is representative of its underlying population; in other words, it accurately reflects the characteristics of its underlying population, allowing the information to be generalized to the larger population from which it is derived. Most institutions maintain student contact information that can be used for a census approach, i.e., inviting all students in their student body to participate, often via electronic means. A common and efficient method of using the census approach involves sending a survey link to students via email. Students can only use the survey link one time, to avoid having a sole student submit multiple responses. One drawback of using a census approach is that only a small percentage of all students may choose to participate in the survey. For example, perhaps only 10% of students will click on the email link and fill out the survey. Ten percent is a low participation rate—too low to be confident that the results significantly scale to the entire student population. An ideal response rate for a census survey would be 75-80%. As described below, an average response rate to campus climate surveys has been approximately 21%.

An alternate approach is survey sampling (i.e., selecting a random subset of members of the target population to participate in a survey). It may be possible to get a better response rate (closer to 75-80%) if only a small subset of all students are selected to participate in the survey. This approach requires that the selection of individuals is random or probability-based, and not systematic. Alphabetizing student names and selecting every x student is one way to select a subset of students to participate in the survey with minimal risk for bias. It does not work well to choose students to participate based on something that they have in common, such as belonging to a particular academic department, or living in certain dormitories, or all being first year students. The reason for this is that the survey results will then only generalize back to that same type of student, and will not represent the greater underlying student body.

Avoid methods that: enable multiple responses from a single individual, such as circulating a survey link through social media with no means to guard against multiple responses.

### *Incentives*

The provision of incentives is generally recommended to increase survey response rates. Offering incentives suggests appreciation for the person's participation and acknowledges the time and effort survey completion takes. Institutions should strive to find incentives that are motivating to their student bodies. The *Campus Climate Survey Validation Study Final Technical Report* from the Bureau of Justice Statistics Research and Development (2016)<sup>23</sup> conducted a study to look at levels of incentives that led to the highest participation on a sexual victimization climate survey. These researchers suggested that \$25 led to significantly higher participation than \$10, but increasing beyond that amount did not

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<sup>23</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.). <https://bjs.ojp.gov/content/pub/pdf/ccsvsfr.pdf>

improve response rates. Institutions, however, clearly must consider the costs of these incentives when deciding on surveying their entire student body as opposed to a subsample.

### *Why Recruitment Matters*

Response rates, (i.e., the number of survey participants divided by the number of people in the total sample group) are a primary indicator of “reach” or “coverage” into the target population. Response rates for climate surveys vary widely. In the 2019 AAU Campus Climate Survey on Sexual Assault and Misconduct, response rates ranged from 6% to 68%, with an average response rate of 21.9% across the 33 participating institutions.<sup>24</sup> Low response rates are problematic in two ways, specifically: 1) they indicate poor reach or coverage into the population which raises questions about potential biases and generalizability to the broader student body; and 2) they can lead to smaller absolute numbers of participants, which in turn limits statistical power and estimate precision. The Task Force recommends institutions familiarize themselves with strategies to examine response rates, outlined in the “Considerations for Data Analysis” below.

### **Considerations for Survey Design**

Survey results can be affected by non-response bias, which occurs when survey subjects who do not participate in the survey at all have something in common that is also related to the outcome of interest. Another consideration is bias that is introduced by the way a survey is organized. Question wording and question order can influence how people respond to a survey. This is a good reason to use survey questions that have already been vetted and used elsewhere.

### *Order of Survey Questions*

Survey instruments should lead with simple questions<sup>25</sup> that are relevant to the topic at hand and engaging to a survey participant. Survey respondents are more likely to drop out of a survey when multiple questions in a row are difficult to answer and/or irrelevant to their situation. As a result, the Task Force recommends that when possible, survey questions should generally lead with the most important questions first, and demographic questions should be saved for later in the survey.

The Task Force also recommends that whenever possible, institutions use survey designs that allow for routing participants to particular sections of the questionnaire. This can help keep the interest of survey participants by maximizing the number of questions they see that are relevant to their experience. Additionally, utilization of “skip” patterns should be used so that respondents will not have to answer questions about situations they have already said they have no experience in, allowing them to skip such questions and move on to the next question quickly.

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<sup>24</sup> [https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7\\_\(01-16-2020\\_FINAL\).pdf](https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7_(01-16-2020_FINAL).pdf)

<sup>25</sup> “Simple” questions are questions focused on one item at a time. Other ways to reduce the cognitive load on survey participants are to use positive language (e.g. avoiding words with un-, in-, anti-, or not-) and provide fully labeled, verbal response options (e.g. “very good” instead of the number “4”).

### *Alignment Across Survey Questions, within a Survey & Over Time*

Regardless of which survey an institution uses, institutions should confirm that survey participants are provided with the MA statute's definition of "sexual misconduct" and any behaviors asked about that fall under that umbrella term. Note however, as the model questions reflect, the survey questions (as opposed to module headings) should ask about particular conduct or behavior (e.g., Did someone kiss you?) rather than whether someone engaged in "sexual misconduct" towards the student.

For institutions that plan to track trends over time, the context preceding and following an individual survey item should remain relatively consistent across survey administrations to support multi-year analyses.

In addition, whenever possible, surveys should group related questions together on the same page. If the survey becomes excessively lengthy—for example, takes more than 20-30 minutes to complete—the institution should consider breaking the survey into "modules" and rotating the modules each year so that the overall survey length is shorter. For reference, the ARC3 survey (which includes questions about perpetration as well as victimization) consists of nineteen modules and takes an average of 30 minutes to complete.

In addition, the Task Force recommends the clear use of timelines and benchmarks within the survey because the survey questions ask participant to recall past events. Asking respondents to recall incidents within the current academic year or semester are more likely to elicit accurate responses than asking respondents to recall incidents over a more general time period.

### *Timing of Survey Administration*

Because sexual misconduct and gender-based violence surveys are only one part of a higher education institution's survey activity, it is possible that these surveys will be administered close to other student, faculty and staff surveys on campus. The Task Force recommends that offices within a higher education institution coordinate survey activities where possible so that potential survey participants are not fatigued from receiving many survey requests in a short period of time.

### *Other Considerations*

- Lengthy surveys compromise response rates – keep survey length in check. Many of the campus climate surveys reviewed by Task Force members take 20-30 minutes to complete; some participants may need more time if many sections of the survey apply to their experiences.
- Gather input from stakeholders on length and flow of the survey instrument before launching.
- Ensure that the survey can be visualized on a range of electronic devices including mobile phones and tablets.

### **Considerations for Data Analysis**

#### *Calculating Response Bias*

Low response rates can raise questions about the accuracy of results and generalizability to the broader student body, while limiting statistical power and precision of estimates. Evaluating survey results for bias is one way to address the concerns of low response rates. Institutional analysts can evaluate survey results for bias in coverage by comparing the demographic characteristics of survey participants to those

of the underlying population as illustrated in Table 1 below. Differences in the demographic characteristics of survey participants and the broader student body (or college community, if faculty and staff are included) can signal potential biases in survey participation. By contrast, a low response rate with no evidence of bias is disappointing but less problematic.

*Table IV-1: Sample Table Comparing Survey Participants with Broader Population*

	Climate survey participants % (# / total climate survey participants)	Underlying student body % (# / total student body)
Academic year		
First		
Second...		
Race/ethnicity		
Category A		
Category B...		
Gender		
Category A		
Category B...		
Sexual Orientation		
Category A		
Category B...		
Age		
Academic Department/Major		
Financial Dependency Status, etc		

*Weighting to Account for Survey Sampling and Response Biases*

Institutions that decide to sample participants instead of using a census-based approach will need to account for the sampling design by using survey weights. Those who identify response biases may wish to consider post-estimation weights to enhance generalizability to the underlying population. These weights are constructed to account for the assumption that a sampled individual response represents more than themselves as an individual. While the scope of those analytical requirements are beyond the scope of this report, the Task Force recommends that institutions incorporating analytic weights in their

analyses internally examine both weighted and unweighted results and publicly report whether analytic weights were used to calculate any published results.

## **Considerations for Reporting Results**

### *Disseminating Results*

When data have been collected and analyzed, the results should be shared with the college or university community and the public, including the following stakeholder groups: undergraduate and graduate students, faculty, staff, administrators, and members of the public. M.G.L. c. 6, § 168D(e) of the MA statute requires that within 120 days after completion and analysis of a sexual misconduct climate survey, each institution post a summary of the results on the institution's website.

The way that results are presented, and by whom, can make a difference in terms of how they are received. IHEs should consider making results available in tables or other user-friendly formats. A brief written description of the major findings that are presented in the table, in sentence format, should accompany the table. An accompanying infographic that relays the most important, high-level results is also useful. Attention should be paid to making the results accessible for diverse end-users, in terms of legibility, using headings and clear document structure, using meaningful hyperlinks, simple language for readability, and using "alt text" for images and charts. In addition, institutions may consider making online or in-person presentations to the community. Presentations can be an opportunity to partner with student groups and academic departments, to engage campus community members in dialogues about the results and their implications. Using podcasts, radio shows, and video to further enhance access to results and engage members of the community in discussion about the meaning of the survey findings can further dissemination, generate richer discourse, and inspire productive next steps.

Whenever results are presented, openness to critique about survey method limitations and bias, and transparent acknowledgement of the weaknesses of the methodology are advantageous. These acknowledgements can include reporting survey response rates and publishing information on the survey instrument and sampling strategy. Reporting this additional information beyond the main results can assist the public in contextualizing differences in results across campuses and institutions. Some differences in results across institutions and over time may be attributable to differences in survey administration, or the instrument itself, rather than substantial differences in campus climate.

### *Sharing Survey Responses*

Because of the sensitive nature of the data to be collected, institutions should think carefully about data sharing policies. In other words, can any member of the public, or of the academic community (*e.g.*, a statistics class) request the data for secondary analysis purposes? The institution should determine how such requests will be reviewed and by whom. Because the identity of individuals who participated in the survey could be guessed using demographic information, if the institution shares data, variables with less than five respondents in any one response option category should be suppressed, as well as, minimally, the next lowest category of response options, where exclusion of a suppressed category could be determined by simply subtracting the sum of the remaining categories from the total.

### *Convene stakeholders for evidence-informed action planning*

High-quality campus climate survey data provides essential insights to guide prevention and response strategies. The stakeholders convened in the planning phase, including Title IX, wellness, confidential resources, students and administrators should be convened to review results and generate an action plan that targets the needs identified.

### **Considerations for Institutional Review Boards**

Each of the considerations above as related to a sexual misconduct survey may fall under the purview on an institutional review board (IRB), particularly given the sensitivity of the subject at hand and the required publication of results. IRBs can help ensure the safety and wellbeing of participants and provide a review of practices associated with the survey (e.g. participant recruitment, incentives, etc). Although campus climate surveys may fall under an exemption for review, the Task Force recommends that institutions consult with their local IRB to confirm any relevant application procedures. This is especially important given the potential range of IRB practices and sensitive nature of sexual misconduct surveys.

Other key ethical considerations the IRB may address, include, but may not be limited to:

- Age of research participants. Some college students are not yet 18 years of age, which means they may not legally be able to provide consent to do the survey themselves.
- Informed consent. Participants will need to indicate their consent to participate in the survey and understand what that means.

## V. Conclusion

The Massachusetts statute requires each institution in the Commonwealth, public and private, to conduct a sexual misconduct climate survey of all students at the institution not less than once every 4 years, and post a summary of the results on its website within 120 days after completion and analysis of a sexual misconduct climate survey. This Task Force was charged with providing recommendations to the Commissioner that serve as a roadmap for institutions to accomplish this. While there remains a lot of work to be done on the part of the IHEs to successfully implement a sexual misconduct survey, the Task Force hopes this report provides a clear path forward, with the end goal of supplementing the institution's strategy to address sexual misconduct on their campus(es).

## VI. Acknowledgements & Final Considerations

The Task Force wishes to express appreciation and acknowledgement of the MA Legislature, the Governor's Office, DHE and DPH for their work and leadership in this area. Task Force members especially wish to acknowledge the leadership of the co-chairs Dena Papanikolaou and Judy Clancy, and the efforts of Amanda Robbins, Alex Nally, Mark Bergeron-Naper and Jennifer Davis for facilitating Task Force meetings, synthesizing information across sometimes conflicting sources, and drafting the report. We also express appreciation to the survivors, advocacy organizations, and institutional administrators outside the Task Force that helped ground each of us in our service here.

Finally, while the statute focuses on sexual misconduct surveys to all students at an IHE, the Task Force encourages the legislature, institutions and other stakeholders to also consider the experiences and perspectives of non-student campus community members, specifically faculty and staff, with respect to sexual misconduct prevention, reporting, and response on campus. There is an increasing recognition, by IHEs across the country, that a broadening of the conversation to include the experiences of faculty and staff, is beneficial in developing a holistic and workable approach to the problem of sexual misconduct on campus, particularly in the area of prevention and awareness. In addition, many faculty and staff members may be unaware of the resources that are available to them for the reporting of sexual misconduct. Non-student climate surveys provide a mechanism for capturing the extent of that lack of awareness so that IHEs can take meaningful steps to address and rectify the problem. Finally, the act of soliciting input from faculty and staff, as well as students, sends a message that the IHE is committed to the creation and maintenance of a safe environment for every member of its community.

## Appendix A: Applicable Language in the Statute

M.G.L. c. 6, § 168D of [Chapter 337 of the Acts of 2020](#) provides the requirements for the sexual misconduct survey portion of the law. It is in its entirety below.

M.G.L. c. 6, § 168D. (a) For the purposes of this section, the following terms shall have the following meanings unless the context clearly requires otherwise:

“Institution”, a public or independent institution of higher education located in the commonwealth and authorized to grant degrees pursuant to any general or special law.

“Sexual misconduct”, an incident of sexual violence, dating violence, domestic violence, gender-based violence, violence based on sexual orientation or gender identity or expression, sexual assault, sexual harassment or stalking.

(b)(1) Each institution shall conduct a sexual misconduct climate survey of all students at the institution not less than once every 4 years.

(2) The sexual misconduct climate surveys shall gather information on topics including, but not limited to: (i) the number of reported and unreported incidents of sexual misconduct at the institution; (ii) when and where incidents of sexual misconduct occurred; (iii) student awareness of institutional policies and procedures related to campus sexual misconduct; (iv) whether a student reported the sexual misconduct and, if so, to which campus resource the report was made; (v) whether a student was informed of or referred to local, state, campus or other resources or victim support services, including appropriate medical care and legal services; (vi) whether a student was provided with information about resources for protection from retaliation, access to school-based supportive measures and civil justice and criminal justice remedies; (vii) contextual factors, such as whether the incident of sexual misconduct involved force, incapacitation or coercion; (viii) demographic information that could be used to identify at-risk groups; and (ix) perceptions of campus safety among members of the campus community and confidence in the institution’s ability to protect against and respond to incidents of sexual misconduct.

(c) There shall be a task force on sexual misconduct surveys. The task force shall consist of: the commissioner of higher education or a designee, who shall serve as co-chair; the commissioner of public health or a designee, who shall serve as co-chair; the secretary of public safety and security or a designee; the attorney general or a designee; 1 member of the house of representatives to be appointed by the speaker of the house of representatives; 1 member of the senate to be appointed by the senate president; and 21 persons to be appointed by the governor, 1 of whom shall be a student attending a community college, 1 of whom shall be a student attending a public university, 2 of whom shall be students attending an independent institution of higher education in the commonwealth, 1 of whom shall be a representative of the University of Massachusetts recommended by the president of the university, 1 of whom shall be a representative of the state universities recommended by the Massachusetts State Colleges Council of Presidents, 1 of whom shall be a representative of community colleges recommended by the Massachusetts Association of Community Colleges, 2 of whom shall be representatives of private colleges and universities recommended by the Association of Independent Colleges and Universities in Massachusetts, Inc., 1 of whom shall be a representative recommended by Jane Doe, Inc.: the Massachusetts Coalition Against Sexual Assault And Domestic Violence, 1 of whom shall be a representative recommended by the Victim Rights Law Center, Inc., 2 of whom shall be representatives recommended by sexual assault crisis service centers and counseling centers located in an urban and rural region of the commonwealth, 2 of whom shall be representatives recommended by community-based

sexual assault crisis service centers funded by the department of public health, 1 of whom shall be a representative recommended by the Massachusetts commission on lesbian, gay, bisexual, transgender, queer and questioning youth, 1 of whom shall be a representative recommended by the Every Voice Coalition or any successor organization, 2 of whom shall be researchers with experience in the development and design of sexual misconduct climate surveys and 2 of whom shall have experience in higher education survey analysis and be researchers of: (i) statistics; (ii) data analytics; or (iii) econometrics. Membership on the task shall be reflective of the gender, racial and geographic diversity of the commonwealth and preference shall be given to those with background, education and experience in the fields of public health, survey design or Title IX.

(d)(1) The task force shall develop model questions for use by institutions in sexual misconduct climate surveys. The task force shall provide the model questions to the commissioner of higher education with related recommendations respecting the content, timing and application of the surveys. The recommendations shall include, but not be limited to, recommendations on achieving statistically valid response rates and on addressing non-response bias.

(2) The sexual misconduct climate survey model questions shall include a subset of questions taken from or consistent with questions in the Administrator-Researcher Campus Climate Collaborative survey or another sexual misconduct climate survey that is currently in use by institutions and that the task force deems high-quality. The subset of model questions shall generate responses related to topics including, but not limited to: (i) the prevalence of sexual misconduct on campus; (ii) student knowledge of and familiarity with campus practices for reporting and addressing sexual misconduct; and (iii) services available to victims of sexual misconduct.

(3) In developing the sexual misconduct climate survey model questions, the task force shall: (i) utilize best practices from peer-reviewed research and consult with individuals with expertise in the development and use of sexual misconduct climate surveys by institutions of higher education; (ii) review sexual misconduct climate surveys that have been developed and previously utilized by institutions of higher education; (iii) provide opportunities for written comment from organizations that work directly with survivors of sexual misconduct to align questions with a trauma-informed approach and to ensure the adequacy and appropriateness of the proposed content; (iv) consult with institutions of higher education on strategies for optimizing the effectiveness of the survey; (v) provide opportunities for written comment from advocates to ensure that the survey impartially addresses campus sexual misconduct; and (vi) account for the diverse needs of and differences between the commonwealth's institutions of higher education.

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

(e) Within 120 days after completion and analysis of a sexual misconduct climate survey, each institution shall post a summary of the results on the institution's website.

(f) A sexual misconduct climate survey, including any campus-specific surveys developed and implemented by an institution, shall collect anonymous responses and shall prohibit the disclosure of identifying information.

(g) The department of higher education shall promulgate regulations necessary to implement this section.

## Appendix B: Model Questions

\*Please note that some of these instructions in [] refer to an electronic survey administered that has skip logic and other features.

### ❖ Prevalence of Sexual Misconduct on Campus

The Task Force provides the following model questions regarding the prevalence of sexual misconduct on their campuses. Proposed modifications to the text of the ARC3 survey (as updated in 2021) are noted in red. All other text in the model questions was drawn directly from the ARC3 survey and remains unchanged.

#### Sexual Violence Victimization (ARC3 Module 11)

##### A. Sexual Violence Victimization Prevalence

*Instructions: The following questions concern **incidents of sexual contact** that you may have had that were unwanted. We know that these are personal questions, so we did not ask your name or other identifying information. Your information is completely confidential. We hope that this helps you to feel comfortable answering each question honestly. Fill the bubble showing the number of times each **incident** has happened to you.<sup>26</sup> If several **incidents** occurred on the same occasion – for example, if one night someone told you some lies and had sex with you when you were drunk, you should indicate both.*

*We want to know about **incidents** since you were enrolled at [INSTITUTION]. These **incidents** could occur on or off campus, when school is in session or when you are on a break.<sup>27</sup>*

1. **Someone fondled, kissed, or rubbed up against the private areas of my body (lips, breast/chest, crotch, or butt) or removed some of my clothes without my consent (but did not attempt sexual penetration) by:**
  - Telling lies, threatening to end the relationship, threatening to spread rumors about me, making promises I knew were untrue, or continually verbally pressuring me after I said I didn't want to.  
0 times/1 time/ 2 times/ 3+ times
  - Showing displeasure, criticizing my sexuality or attractiveness, getting angry but not using physical force, after I said I didn't want to.  
0 times/1 time/ 2 times/ 3+ times
  - Taking advantage of me when I was too drunk, **high, asleep**, or out of it to stop what was happening.

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<sup>26</sup> These model questions are not presented with “bubbles” in this report. IHEs may wish to present the questions in the original “bubble” format.

<sup>27</sup> The MA statute only requires IHEs to obtain data about prevalence of sexual misconduct on campus but the Task Force recommends inclusion of off-campus incidents (as ARC3 does). The IHE might want to include, in its institution-specific introduction to the survey, a description of what the survey covers and the Task Force recommends that it be broad enough to encompass incidents that occur off-campus but within the student's institution-related environment (*e.g.*, an off-campus fraternity house, a program abroad, *etc.*)

0 times/1 time/ 2 times/ 3+ times

- Taking advantage of a disability I have (or had) that prevented me from communicating what I felt or stopping what was happening.

0 times/1 time/ 2 times/ 3+ times

- Threatening to physically harm me or someone close to me.

0 times/1 time/ 2 times/ 3+ times

- Using force, for example holding me down with their body weight, pinning my arms, or having a weapon.

0 times/1 time/ 2 times/ 3+ times

**2. Someone had oral sex with me or made me have oral sex with them without my consent by:**

- Telling lies, threatening to end the relationship, threatening to spread rumors about me, making promises I knew were untrue, or continually verbally pressuring me after I said I didn't want to.

0 times/1 time/ 2 times/ 3+ times

- Showing displeasure, criticizing my sexuality or attractiveness, getting angry but not using physical force, after I said I didn't want to.

0 times/1 time/ 2 times/ 3+ times

- Taking advantage of me when I was too drunk, **high, asleep**, or out of it to stop what was happening.

0 times/1 time/ 2 times/ 3+ times

- Taking advantage of a disability (I have (or had) that prevented me from communicating what I felt or stopping what was happening.

0 times/1 time/ 2 times/ 3+ times

- Threatening to physically harm me or someone close to me.

0 times/1 time/ 2 times/ 3+ times

- Using force, for example holding me down with their body weight, pinning my arms, or having a weapon.

0 times/1 time/ 2 times/ 3+ times

**3. Someone put their penis, fingers, or other objects into my vagina without my consent by:**

- Telling lies, threatening to end the relationship, threatening to spread rumors about me, making promises I knew were untrue, or continually verbally pressuring me after I said I didn't want to.

0 times/1 time/ 2 times/ 3+ times

- Showing displeasure, criticizing my sexuality or attractiveness, getting angry but not using physical force, after I said I didn't want to.

0 times/1 time/ 2 times/ 3+ times

- Taking advantage of me when I was too drunk, **high, asleep**, or out of it to stop what was happening.

0 times/1 time/ 2 times/ 3+ times

- Taking advantage of a disability I have (or had) that prevented me from communicating what I felt or stopping what was happening.

0 times/1 time/ 2 times/ 3+ times

- Threatening to physically harm me or someone close to me.

0 times/1 time/ 2 times/ 3+ times

- Using force, for example holding me down with their body weight, pinning my arms, or having a weapon.

0 times/1 time/ 2 times/ 3+ times

**4. Someone put their penis, fingers, or other objects into my butt without my consent by:**

- Telling lies, threatening to end the relationship, threatening to spread rumors about me, making promises I knew were untrue, or continually verbally pressuring me after I said I didn't want to.

0 times/1 time/ 2 times/ 3+ times

- Showing displeasure, criticizing my sexuality or attractiveness, getting angry but not using physical force, after I said I didn't want to.

0 times/1 time/ 2 times/ 3+ times

- Taking advantage of me when I was too drunk, high, asleep, or out of it to stop what was happening.

0 times/1 time/ 2 times/ 3+ times

- Taking advantage of a disability I have (or had) that prevented me from communicating what I felt or stopping what was happening.

0 times/1 time/ 2 times/ 3+ times

- Threatening to physically harm me or someone close to me.

0 times/1 time/ 2 times/ 3+ times

- Using force, for example holding me down with their body weight, pinning my arms, or having a weapon.

0 times/1 time/ 2 times/ 3+ times

**5. Even though it didn't happen, someone TRIED to have oral, anal, or vaginal sex with me without my consent by:**

- Telling lies, threatening to end the relationship, threatening to spread rumors about me, making promises I knew were untrue, or continually verbally pressuring me after I said I didn't want to.

0 times/1 time/ 2 times/ 3+ times

- Showing displeasure, criticizing my sexuality or attractiveness, getting angry but not using physical force, after I said I didn't want to.

0 times/1 time/ 2 times/ 3+ times

- Taking advantage of me when I was too drunk, **high, or asleep** or out of it to stop what was happening.  
0 times/1 time/ 2 times/ 3+ times
- **Taking advantage of a disability I have (or had) that prevented me from communicating what I felt or stopping what was happening.**  
0 times/1 time/ 2 times/ 3+ times
- Threatening to physically harm me or someone close to me.  
0 times/1 time/ 2 times/ 3+ times
- Using force, for example holding me down with their body weight, pinning my arms, or having a weapon.  
0 times/1 time/ 2 times/ 3+ times

**The Task Force proposes the following two model questions (taken from the Association of American Universities (“AAU”) 2019 survey) to be included after the Sexual Violence Victimization questions above in order to elicit data about the prevalence of sexual assault defined as non-consensual sexual encounters not involving violence, coercion, or incapacitation:**

6. **Since you have been a student at [INSTITUTION], has someone had contact with you involving penetration or oral sex without your active, ongoing voluntary agreement? Examples include someone:**
  - **initiating sexual activity despite your refusal**
  - **ignoring your cues to stop or slow down**
  - **went ahead without checking in or while you were still deciding**
  - **otherwise failed to obtain your consent**

0 times/1 time/ 2 times/ 3+ times
7. **Since you have been a student at [INSTITUTION], has someone kissed or sexually touched you without your active, ongoing voluntary agreement? Examples include someone:**
  - **initiating sexual activity despite your refusal**
  - **ignoring your cues to stop or slow down**
  - **went ahead without checking in or while you were still deciding**
  - **otherwise failed to obtain your consent**

0 times/1 time/ 2 times/ 3+ times

**B. Sexual Violence Follow-Up Questions (back to ARC3 Module 11)**

**[DISPLAY THESE ITEMS IF more than one incident of non-consensual oral, anal, or vaginal sex is reported]**

1. On the last several pages of the survey, you reported that someone had oral, anal, or vaginal sex with you without your consent, either multiple times or using multiple strategies since you enrolled at [INSTITUTION].

\_\_\_\_ All of the incidents were with the same person.

\_\_\_\_ These incidents were with more than one person. (If you chose this, please enter the number of people in the box.)

**[DISPLAY THESE ITEMS IF more than one incident of both non-consensual sex and attempted sex is reported]**

1. On the last several pages of the survey, you reported that since you enrolled at [INSTITUTION] someone had oral, anal, or vaginal sex with you without your consent.

*And*

Even though it didn't happen, that someone TRIED to have oral, anal, or vaginal sex with you without your consent.

\_\_\_\_ All of the experiences were with the same person.

\_\_\_\_ These experiences were with more than one person. (If you chose this, please enter the number of people in the box.)

2. On how many different days did someone either try to have oral, anal, or vaginal sex with you without your consent since you enrolled at [INSTITUTION]?

[Dropdown multiple choice: 1-9 or more]

**[DISPLAY THESE QUESTIONS IF Any Sexual Violence Victimization Question is Greater Than 0.]**

*Instructions: Think about the incident(s) that you have identified on the last screen(s). [Endorsed incidents will be listed here] Now choose one of the incidents you have identified that had a significant effect on you and answer the following questions about that incident.<sup>28</sup>*

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<sup>28</sup> The ARC3 survey asks the student to choose the incident that had the "most significant" effect on him/her/them and then to provide more details about that incident. The Task Force has modified this (in the questions regarding prevalence of sexual violence, dating violence, other gender-based or sexual orientation-based violence, sexual harassment, and stalking) to allow the student to select whatever incident he/she/they want(s) to describe more fully. The Task Force believes that such an approach is preferable because it allows the student to maintain more

1. How would you describe the gender of the person(s) who engaged in the conduct towards you?
  - a. Male
  - b. Female
  - c. Gender Non-Binary
  - d. Another gender not listed; please specify \_\_\_\_\_
  - e. Don't know
  - f. I prefer not to answer
  - g. More than one person:
    - i. Males
    - ii. Females
    - iii. Gender Non-Binary people
    - iv. Males and Females
    - v. Male(s) and Gender Non-Binary person/people
    - vi. Female(s) and Gender Non-Binary person/people
    - vii. Male(s), Female(s), and Gender Non-Binary person/people
    - viii. Don't know
    - ix. I prefer not to answer
  
2. What was your relationship to the other person or persons (check all that apply)?
  - stranger
  - acquaintance
  - friend
  - romantic partner
  - former romantic partner
  - relative/family
  - [INSTITUTION] faculty/staff
  
3. Was the person (or persons) a student(s) at [INSTITUTION]?
  - YES  NO  I DON'T KNOW
  
4. Did this happen on campus?
  - YES  NO
  
5. Had the other person or persons been using alcohol or drugs just prior to the incident?
  - They had been using alcohol
  - They had been using drugs
  - They had been using both alcohol and drugs
  - They had not been using either alcohol or drugs

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control, minimizes the possibility of inadvertent triggering, and enhances the likelihood that the student will complete the survey.

I don't know

6. Had you been using alcohol or drugs just prior to the incident?

I had been using alcohol

I had been using drugs

I had been using both alcohol and drugs

I had not been using either alcohol or drugs

7. During the incident to what extent did you feel:

▪ Scared

Not at all  Slightly  Somewhat  Very  Extremely

▪ Like your life was in danger

Not at all  Slightly  Somewhat  Very  Extremely

▪ Like the other person(s) would hurt you if you didn't go along

Not at all  Slightly  Somewhat  Very  Extremely

8. How do you label this experience? \_\_\_\_\_

**The Task Force proposes inclusion of the following model question:**

9. Do you believe that any aspect of your identity played a role in any of the incidents of sexual violence you have identified above? If YES, please select all that apply:

No

Yes, Gender

Yes, Gender identity

Yes, Sexual Orientation

Yes, Gender expression

Yes, Racial identity

Yes, National identity

Yes, Citizenship status

Yes, Ability status

Yes, Religious identity

Yes, Other: \_\_\_\_\_

## Dating Violence Victimization (ARC3 Module 9)

### A. Dating Violence Victimization Prevalence

Instructions: Answer the next questions about any *hook-up, partner, or spouse* you have had, including exes, regardless of the length of the relationship, since you enrolled at [INSTITUTION].

1. Not including horseplay or joking around, the person threatened to hurt me and I thought I might really get hurt.  
 Never  Once or twice  Sometimes  Often  Many Times
2. Not including horseplay or joking around, the person pushed, grabbed, or shook me.  
 Never  Once or twice  Sometimes  Often  Many Times
3. Not including horseplay or joking around, the person hit me.  
 Never  Once or twice  Sometimes  Often  Many Times
4. Not including horseplay or joking around, the person beat me up.  
 Never  Once or twice  Sometimes  Often  Many Times
5. Not including horseplay or joking around, the person stole or destroyed my property.  
 Never  Once or twice  Sometimes  Often  Many Times
6. Not including horseplay or joking around, the person can scare me without laying a hand on me.  
 Never  Once or twice  Sometimes  Often  Many Times

### B. Dating Violence Follow-Up Questions

**[DISPLAY THESE ITEMS IF Any Dating Violence Victimization Question is Greater Than 0.]**

Instructions: Think about the *incident(s)* that you have *identified* on the last screen(s). **[Endorsed incidents will be listed here]** Now choose one of the incidents you have identified that had a significant effect on you and answer the following questions about that incident.

1. How would you describe the gender of the person(s) who engaged in the conduct towards you?
  - a. Male
  - b. Female
  - c. Gender Non-Binary
  - d. Another gender not listed; please specify \_\_\_\_\_
  - e. Don't know
  - f. I prefer not to answer
  - g. More than one person:
    - i. Males
    - ii. Females
    - iii. Gender Non-Binary people
    - iv. Males and Females
    - v. Male(s) and Gender Non-Binary person/people
    - vi. Female(s) and Gender Non-Binary person/people
    - vii. Male(s), Female(s), and Gender Non-Binary person/people

- viii. Don't know
- ix. I prefer not to answer

2. What was your relationship to the other person (including hook-up, person met on dating app, etc.)?

- stranger
- acquaintance
- friend
- romantic partner
- former romantic partner
- faculty/staff

3. Was the person a student at [INSTITUTION]?

- YES  NO  I DON'T KNOW

4. Did this happen on campus?

- YES  NO

5. Had the other person been using alcohol or drugs just prior to the incident?

- They had been using alcohol
- They had been using drugs
- They had been using both alcohol and drugs
- They had not been using either alcohol or drugs
- I don't know

6. Had you been using alcohol or drugs just prior to the incident?

- I had been using alcohol
- I had been using drugs
- I had been using both alcohol and drugs
- I had not been using either alcohol or drugs

**The Task Force proposes inclusion of the following model question:**

7. Do you believe that any aspect of your identity played a role in any of the incidents of dating violence you have identified above? If YES, please select all that apply:

- No
- Yes, Gender
- Yes, Gender identity
- Yes, Sexual Orientation
- Yes, Gender expression
- Yes, Racial identity
- Yes, National identity
- Yes, Citizenship status
- Yes, Ability status

- Yes, Religious identity
- Yes, Other: \_\_\_\_\_

The Task Force proposes that the following Module be included after the Dating Violence Victimization module above in order to elicit data about non-sexual violence based on gender, gender identity, gender expression and sexual orientation:

**Other Gender-Based or Sexual Orientation-Based Violence Victimization (TASK FORCE)**

**A. Other Gender-Based or Sexual Orientation-Based Violence Victimization Prevalence**

*Instructions: Answer the next questions concerning any violence you have experienced since you enrolled at [INSTITUTION] that someone other than a partner, hook-up or spouse engaged in towards you, that you feel was based on your gender or sexual orientation and that was not sexual in nature.*

1. Have you experienced any non-sexual violence since you enrolled at [INSTITUTION] that you felt was based on your gender, gender identity, gender expression or sexual orientation?

Never  Once or twice  Sometimes  Often  Many Times

**[DISPLAY THESE ITEMS 2-7 IF Any Other Gender-Based or Sexual Orientation-Based Violence Victimization Question is Greater Than 0.]**

2. Not including horseplay or joking around, the person threatened to hurt me and I thought I might really get hurt.

Never  Once or twice  Sometimes  Often  Many Times

3. Not including horseplay or joking around, the person pushed, grabbed, or shook me.

Never  Once or twice  Sometimes  Often  Many Times

4. Not including horseplay or joking around, the person hit me.

Never  Once or twice  Sometimes  Often  Many Times

5. Not including horseplay or joking around, the person beat me up.

Never  Once or twice  Sometimes  Often  Many Times

6. Not including horseplay or joking around, the person stole or destroyed my property.

Never  Once or twice  Sometimes  Often  Many Times

7. Not including horseplay or joking around, the person can scare me without laying a hand on me.

Never  Once or twice  Sometimes  Often  Many Times

**B. Other Gender-Based or Sexual Orientation-Based Violence Follow-Up Questions**

**[DISPLAY THESE ITEMS IF Any Other Gender-Based or Sexual Orientation-Based Violence Victimization Question is Greater Than 0.]**

*Instructions: Think about the incident(s) that you have identified on the last screen(s). [Endorsed incidents will be listed here] Now choose one of the incidents you have identified that had a significant effect on you and answer the following questions about that incident.*

1. How would you describe the gender of the person(s) who engaged in the conduct towards you?

- a. Male
- b. Female
- c. Gender Non-Binary
- d. Another gender not listed; please specify \_\_\_\_\_
- e. Don't know
- f. I prefer not to answer
- g. More than one person:
  - i. Males
  - ii. Females
  - iii. Gender Non-Binary people
  - iv. Males and Females
  - v. Male(s) and Gender Non-Binary person/people
  - vi. Female(s) and Gender Non-Binary person/people
  - vii. Male(s), Female(s), and Gender Non-Binary person/people
  - viii. Don't know
  - ix. I prefer not to answer

2. Which aspect of you identity did you feel this violence was based on?

- gender
- gender identity
- gender expression
- sexual orientation

3. What was your relationship to the other person or persons?

- stranger
- acquaintance
- friend
- romantic partner
- former romantic partner
- faculty/staff

4. Was the person or persons a student(s) at [INSTITUTION]?

- YES  NO  I DON'T KNOW

5. Did this happen on campus?

- YES  NO

6. Had the other person(s) been using alcohol or drugs just prior to the incident?

- They had been using alcohol

- They had been using drugs
- They had been using both alcohol and drugs
- They had not been using either alcohol or drugs
- I don't know

7. Had you been using alcohol or drugs just prior to the incident?

- I had been using alcohol
- I had been using drugs
- I had been using both alcohol and drugs
- I had not been using either alcohol or drugs

### Stalking Victimization (ARC3 Module 7)

#### A. Stalking Victimization Prevalence

*Instructions: How many times have one or more people done the following things to you since you enrolled at [INSTITUTION]?*

1. Watched or followed you from a distance, or spied on you with a listening device, camera, or GPS [global positioning system]?  
 None  1-2  3-5  6-8  More than 8
2. Approached you or showed up in places, such as your home, workplace, or school when you didn't want them to be there?  
 None  1-2  3-5  6-8  More than 8
3. Left strange or potentially threatening items for you to find?  
 None  1-2  3-5  6-8  More than 8
4. Sneaked into your home or car and did things to scare you by letting you know they had been there?  
 None  1-2  3-5  6-8  More than 8
5. Left you unwanted messages (including text or voice messages)?  
 None  1-2  3-5  6-8  More than 8
6. Made unwanted phone calls to you, including hang up calls?  
 None  1-2  3-5  6-8  More than 8
7. Sent you unwanted emails, instant messages, or sent messages through social media apps?  
 None  1-2  3-5  6-8  More than 8
8. Left you cards, letters, flowers, or present when they knew you didn't want them to?  
 None  1-2  3-5  6-8  More than 8
9. Made rude or mean comments to you online?  
 None  1-2  3-5  6-8  More than 8

10. Spread rumors about you online, whether they were true or not?

None  1-2  3-5  6-8  More than 8

**B. Stalking Violence Follow-Up Questions [DISPLAY THESE QUESTIONS IF Any Stalking Victimization Question is Greater Than 0.]**

*Instructions: Think about the **incident(s)** that you have **identified** on the last screen(s). [Endorsed incidents will be listed here] Now choose one of the incidents you have identified that had a significant effect on you and answer the following questions about that incident.*

1. How would you describe the gender of the person(s) who engaged in the conduct towards you?

- a. Male
- b. Female
- c. Gender Non-Binary
- d. Another gender not listed; please specify \_\_\_\_\_
- e. Don't know
- f. I prefer not to answer
- g. More than one person:
  - i. Males
  - ii. Females
  - iii. Gender Non-Binary people
  - iv. Males and Females
  - v. Male(s) and Gender Non-Binary person/people
  - vi. Female(s) and Gender Non-Binary person/people
  - vii. Male(s), Female(s), and Gender Non-Binary person/people
  - viii. Don't know
  - ix. I prefer not to answer

2. What was your relationship to the other person?

- stranger
- acquaintance
- friend
- romantic partner
- former romantic partner
- relative/family
- faculty/staff

3. Was the person a student at [INSTITUTION]?

YES  NO  I DON'T KNOW

4. Did this happen on campus?

YES  NO

5. Had the other person been using alcohol or drugs just prior to the incident?

- They had been using alcohol
- They had been using drugs
- They had been using both alcohol and drugs
- They had not been using either alcohol or drugs
- I don't know

6. Had you been using alcohol or drugs just prior to the incident?

- I had been using alcohol
- I had been using drugs
- I had been using both alcohol and drugs
- I had not been using either alcohol or drugs

**The Task Force proposes inclusion of the following model question:**

7. Do you believe that any aspect of your identity played a role in any of the incidents of dating violence you have identified above? If YES, please select all that apply:

- No
- Yes, Gender
- Yes, Gender identity
- Yes, Sexual Orientation
- Yes, Gender expression
- Yes, Racial identity
- Yes, National identity
- Yes, Citizenship status
- Yes, Ability status
- Yes, Religious identity
- Yes, Other: \_\_\_\_\_

### **Sexual Harassment By Faculty/Staff (ARC3 Module 5)**

#### **A. Sexual Harassment Victimization**

*Instructions: Since you enrolled at [INSTITUTION], have you been in a situation in which a faculty member, instructor, or staff member:*

1. Treated you "differently" because of your sex (for example, mistreated, slighted, or ignored you)?

- Never  Once or Twice  Sometimes  Often  Many Times

2. Displayed, used, or distributed sexist or suggestive materials (for example, pictures, stories, or pornography which you found offensive)?

- Never  Once or Twice  Sometimes  Often  Many Times

3. Made offensive sexist remarks (for example, suggesting that people of your sex are not suited for the kind of work you do)?  
 Never  Once or Twice  Sometimes  Often  Many Times
4. Put you down or was condescending to you because of your sex?  
 Never  Once or Twice  Sometimes  Often  Many Times
5. Repeatedly told sexual stories or jokes that were offensive to you?  
 Never  Once or Twice  Sometimes  Often  Many Times
6. Made unwelcome attempts to draw you into a discussion of sexual matters (for example, attempted to discuss or comment on your sex life)?  
 Never  Once or Twice  Sometimes  Often  Many Times
7. Made offensive remarks about your appearance, body, or sexual activities?  
 Never  Once or Twice  Sometimes  Often  Many Times
8. Made gestures or used body language of a sexual nature which embarrassed or offended you?  
 Never  Once or Twice  Sometimes  Often  Many Times
9. Made unwanted attempts to establish a romantic relationship with you despite your efforts to discourage it?  
 Never  Once or Twice  Sometimes  Often  Many Times
10. Continued to ask you for dates, drinks, dinner, etc., even though you said, "No"?  
 Never  Once or Twice  Sometimes  Often  Many Times
11. Touched you in a way that you found uncomfortable?  
 Never  Once or Twice  Sometimes  Often  Many Times
12. Made unwanted attempts to stroke, fondle, or kiss you?  
 Never  Once or Twice  Sometimes  Often  Many Times
13. Made you feel like you were being bribed with some sort of a reward or special treatment to engage in sexual behavior?  
 Never  Once or Twice  Sometimes  Often  Many Times
14. Made you feel threatened with some sort of retaliation for not being sexually cooperative (for example, by mentioning an upcoming review)?  
 Never  Once or Twice  Sometimes  Often  Many Times
15. Treated you badly for refusing to have sex?  
 Never  Once or Twice  Sometimes  Often  Many Times
16. Implied better treatment if you were sexually cooperative?  
 Never  Once or Twice  Sometimes  Often  Many Times

**B. Sexual Harassment Victimization Follow-Up Questions [DISPLAY THESE QUESTIONS IF Any Sexual Harassment Victimization Question is Greater Than 1.]**

*Instructions: Think about the **incident(s)** that you have **identified** on the last screen(s). **[Endorsed incidents will be listed here]** Now choose one of the incidents you have identified that had a significant effect on you and answer the following questions about that incident.*

1. The situation involved (check all that apply)
  - Sexist or sexually offensive language, gestures, or pictures
  - Unwanted sexual attention
  - Unwanted touching
  - Subtle or explicit bribes or threats
  
2. How would you describe the gender of the person(s) who engaged in the conduct towards you?
  - a. Male
  - b. Female
  - c. Gender Non-Binary
  - d. Another gender not listed; please specify \_\_\_\_\_
  - e. Don't know
  - f. I prefer not to answer
  - g. More than one person:
    - i. Males
    - ii. Females
    - iii. Gender Non-Binary people
    - iv. Males and Females
    - v. Male(s) and Gender Non-Binary person/people
    - vi. Female(s) and Gender Non-Binary person/people
    - vii. Male(s), Female(s), and Gender Non-Binary person/people
    - viii. Don't know
    - ix. I prefer not to answer

Status at [INSTITUTION] (check all that apply):

1. Faculty member
2. Staff member
3. Graduate student instructor
4. Other (please specify)

3. Did this happen on campus?

YES  NO

4. Please tell us how you reacted to the situation (check all that apply)

- a. I did not outwardly react to the situation
- b. I avoided the person(s) as much as possible.
- c. I treated it like a joke.
- d. I told the person(s) to stop.
- e. I reported the person(s).
- f. I asked someone for advice and/or support.

**The Task Force proposes inclusion of the following model question:**

5. Do you believe that any aspect of your identity played a role in any of the incidents of sexual harassment you have identified above? If YES, please select all that apply:

- No
- Yes, Gender
- Yes, Gender identity
- Yes, Sexual Orientation
- Yes, Gender expression
- Yes, Racial identity
- Yes, National identity
- Yes, Citizenship status
- Yes, Ability status
- Yes, Religious identity
- Yes, Other: \_\_\_\_\_

**Sexual Harassment By Students (ARC3 Module 6)**

**A. Sexual Harassment Victimization**

*Instructions: Since you enrolled at [INSTITUTION], have you been in a situation in which a student or students:*

- 1. Treated you “differently” because of your sex (for example, mistreated, slighted, or ignored you)?  
 Never    Once or Twice    Sometimes    Often    Many Times
- 2. Displayed, used, or distributed sexist or suggestive materials (for example, pictures, stories, or pornography which you found offensive)?  
 Never    Once or Twice    Sometimes    Often    Many Times
- 3. Made offensive sexist remarks (for example, suggesting that people of your sex are not suited for the kind of work you do)?  
 Never    Once or Twice    Sometimes    Often    Many Times
- 4. Put you down or was condescending to you because of your sex?  
 Never    Once or Twice    Sometimes    Often    Many Times
- 5. Repeatedly told sexual stories or jokes that were offensive to you)?  
 Never    Once or Twice    Sometimes    Often    Many Times

6. Made unwelcome attempts to draw you into a discussion of sexual matters (for example, attempted to discuss or comment on your sex life)?  
 Never  Once or Twice  Sometimes  Often  Many Times
7. Made offensive sexist remarks (for example, suggesting that people of your sex are not suited for the kind of work you do)?<sup>29</sup>  
 Never  Once or Twice  Sometimes  Often  Many Times
8. Made gestures or used body language of a sexual nature which embarrassed or offended you?  
 Never  Once or Twice  Sometimes  Often  Many Times
9. Made unwanted attempts to establish a romantic relationship with you despite your efforts to discourage it?  
 Never  Once or Twice  Sometimes  Often  Many Times
10. Continued to ask you for dates, drinks, dinner, etc., even though you said, "No"?  
 Never  Once or Twice  Sometimes  Often  Many Times
11. A choice that indicates attention for this item would be, "once or Twice."  
 Never  Once or Twice  Sometimes  Often  Many Times
12. Sent or posted unwelcome sexual comments, jokes, or pictures by text, email, **social media**, or other electronic means?  
 Never  Once or Twice  Sometimes  Often  Many Times
13. Spread unwelcome sexual rumors about you by text, email, **social media**, or other electronic means?  
 Never  Once or Twice  Sometimes  Often  Many Times
14. **Targeted you with homophobic or transphobic comments or images** by text, email, **social media**, or other electronic means?  
 Never  Once or Twice  Sometimes  Often  Many Times

**B. Sexual Harassment Victimization Follow-Up Questions [DISPLAY THESE QUESTIONS IF Any Sexual Harassment Victimization Question is Greater Than 1.]**

*Instructions: Think about the **incident(s)** that you have **identified** on the last screen(s). [Endorsed **incidents will be listed here**] Now choose one of the incidents you have identified that had a significant effect on you and answer the following questions about that incident.*

1. The situation involved (check all that apply)
  - Sexist or sexually offensive language, gestures, or pictures
  - Unwanted sexual attention
  - Unwanted touching
  - Subtle or explicit bribes or threats

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<sup>29</sup> ARC3 does repeat this question.

2. How would you describe the gender of the person(s) who engaged in the conduct towards you?
- a. Male
  - b. Female
  - c. Gender Non-Binary
  - d. Another gender not listed; please specify \_\_\_\_\_
  - e. Don't know
  - f. I prefer not to answer
  - g. More than one person:
    - i. Males
    - ii. Females
    - iii. Gender Non-Binary people
    - iv. Males and Females
    - v. Male(s) and Gender Non-Binary person/people
    - vi. Female(s) and Gender Non-Binary person/people
    - vii. Male(s), Female(s), and Gender Non-Binary person/people
    - viii. Don't know
    - ix. I prefer not to answer

Was the person (or persons) an undergraduate student(s) at [INSTITUTION] (check all that apply if more than one person)?

- a. Yes
- b. No
- c. Don't know

Was the other person(s) a graduate or professional student(s) at [INSTITUTION]?

- a) Yes
- b) No
- c) Don't know

3. Did this happen on campus?

\_\_\_YES \_\_\_NO

4. Please tell us how you reacted to the situation (check all that apply)

- (a) I did not outwardly react to the situation
- (b) I avoided the person(s) as much as possible.
- (c) I treated it like a joke.
- (d) I told the person(s) to stop.
- (e) I reported the person(s).
- (f) I asked someone for advice and/or support.

5. Do you believe that any aspect of your identity played a role in any of the incidents of sexual harassment you have identified above? If YES, please select all that apply:

- No
- Yes, Gender
- Yes, Gender identity
- Yes, Sexual Orientation
- Yes, Gender expression
- Yes, Racial identity
- Yes, National identity
- Yes, Citizenship status
- Yes, Ability status
- Yes, Religious identity
- Yes, Other: \_\_\_\_\_

## ❖ Student Knowledge of and Familiarity with Campus Practices for Reporting and Addressing Sexual Misconduct

The Task Force provides the following model questions regarding student knowledge of, and familiarity with, their IHE's practices with regard to sexual misconduct. Proposed modifications to the text of the ARC3 survey (as updated in 2021) are noted in red. All other text in the model questions was drawn directly from the ARC3 survey and remains unchanged. Note that the definition of "sexual misconduct" at the beginning of this module has been modified to encompass the MA Statute's definition of sexual misconduct.

### Perceptions of Campus Climate Regarding Sexual Misconduct (ARC3 Module 4)

#### A. Institutional Response

**Sexual Misconduct** refers to physical contact or non-physical conduct of a sexual nature in the absence of clear, knowing, and voluntary consent, **as well as gender-based and/or sexual orientation-based violence, even if not sexual in nature.** Examples include sexual or gender-based harassment, stalking, dating violence, sexual violence, **gender-based violence, sexual-orientation-based violence, and violence based on gender identity or expression.**

*Instructions: The following statements describe how [INSTITUTION] might handle it if a student reported an incident of sexual misconduct. Using the scale provided, please indicate the likelihood of each statement.*

1. The institution would take the report seriously.  
 Very Unlikely    Unlikely    Neutral    Likely    Very Likely
2. The institution would maintain the privacy of the person making the report.  
 Very Unlikely    Unlikely    Neutral    Likely    Very Likely
3. The institution would do its best to honor the request of the person about how to go forward with the case.  
 Very Unlikely    Unlikely    Neutral    Likely    Very Likely
4. The institution would take steps to protect the safety of the person making the report.  
 Very Unlikely    Unlikely    Neutral    Likely    Very Likely
5. The institution would support the person making the report.  
 Very Unlikely    Unlikely    Neutral    Likely    Very Likely
6. The institution would provide accommodations to support the person (e.g., academic, housing, safety).  
 Very Unlikely    Unlikely    Neutral    Likely    Very Likely
7. The institution would take action to address factors that may have led to the sexual misconduct.  
 Very Unlikely    Unlikely    Neutral    Likely    Very Likely

8. The response to this item will be “Neutral” to indicate attention.  
 Very Unlikely    Unlikely    Neutral    Likely    Very Likely
9. The institution would handle the report fairly.  
 Very Unlikely    Unlikely    Neutral    Likely    Very Likely
10. The institution would label the person making the report a troublemaker.  
 Very Unlikely    Unlikely    Neutral    Likely    Very Likely
11. The institution would have a hard time supporting the person who made the report.  
 Very Unlikely    Unlikely    Neutral    Likely    Very Likely
12. The institution would punish the person making the report.  
 Very Unlikely    Unlikely    Neutral    Likely    Very Likely

**B. Knowledge of Sexual Misconduct Resources (on and off campus) (ARC3 Module 4B)**

*Instructions: Using the scale provided, please indicate your level of agreement with the following statements:*

1. If a friend or I experienced sexual misconduct, I know where to go to get information, support and help on campus.

Strongly Disagree    Disagree    Neutral    Agree    Strongly Agree

2. If a friend or I experienced sexual misconduct, I know where to go to get information, support and help off-campus.

Strongly Disagree    Disagree    Neutral    Agree    Strongly Agree

3. I understand what options a student has for reporting a claim of sexual misconduct at [INSTITUTION].

Strongly Disagree    Disagree    Neutral    Agree    Strongly Agree

4. I would know where to go on campus to make a report of sexual misconduct.

Strongly Disagree    Disagree    Neutral    Agree    Strongly Agree

5. I understand that I can choose to initiate a formal complaint process at [INSTITUTION] in connection with an incident that happened to me. .

Strongly Disagree    Disagree    Neutral    Agree    Strongly Agree

6. I understand that I can speak about an incident in confidence to an individual (or office/resource) on campus and know who and where these confidential resources are.

Strongly Disagree    Disagree    Neutral    Agree    Strongly Agree

7. I would know where to go off-campus (in the community) to make a report of sexual misconduct

Strongly Disagree  Disagree  Neutral  Agree  Strongly Agree

**C. Exposure to Sexual Misconduct Information/Education (ARC3 Module 4C)**

*Instructions: Using the scales provided, please respond to the following questions.:*

1. Before coming to [INSTITUTION], had you received any information or education (that did not come from [INSTITUTION]) about sexual misconduct?

YES  NO

2. Since you came to [INSTITUTION], which of the following have you done? Please check all that apply.

- Discussed sexual misconduct/rape in class
- Discussed the topic of sexual misconduct with friends
- Discussed sexual misconduct with a family member
- Attended an event or program about what you can do as a bystander to stop sexual misconduct
- Attended a rally or other campus event about sexual misconduct or sexual assault
- Seen posters about sexual misconduct (e.g., raising awareness, preventing rape, defining sexual misconduct)
- Seen or heard campus administrators or staff address sexual misconduct
- Seen crime alerts about sexual misconduct
- Read a report about sexual violence rates at [INSTITUTION]
- Visited a [INSTITUTION] website with information on sexual misconduct
- Volunteered or interned at an organization that addresses sexual misconduct
- Seen or heard about sexual misconduct in a student publication or media outlet
- Taken a class to learn more about sexual misconduct
- [OTHER SPECIFIC ITEMS RELEVANT TO INSTITUTION]

3. Since coming to [INSTITUTION], have you received written (e.g., brochures, emails) or verbal information (e.g., presentations, training) from anyone at [INSTITUTION] about the following? Please check all that apply.

- The definition of types of sexual misconduct
- How to report an incident of sexual misconduct
- Where to go and get help if someone you know experiences sexual misconduct
- Title IX protections against sexual misconduct
- How to help prevent sexual misconduct
- Student code of conduct or honor code

4. Please use the following scale to indicate how aware you are of the function of the campus and community resources specifically related to sexual misconduct response at [INSTITUTION] listed below.

**NOTE: The Task Force recommends that each IHE tailor the list of resources below to reflect the resources available to its students. In addition to those included in the ARC3 Module, IHEs will want to add – at a minimum – any resource, office, or process offered or coordinated by the IHE to comply with Title IX, the MA Statute, and any of its anti-bias and non-discrimination policies. These may include all Offices of Equity, Civil Rights Offices, Resource Advocates, Title IX Offices, Human Resources, Bias Incident Response Teams, CARE Teams, Health and Wellness Offices/Programs; Health Services, Mental Health or Counseling Services, Campus Policy/Public Safety, local Law Enforcement, Area Rape Crisis Centers, etc.**

**The ARC3 questions are listed below as they appear in ARC3. The Task Force recommends that IHEs consider modifying the format of the questions in this module to include fewer options, in order to create a more user-friendly survey and to make data capture less complex. Specifically, the Task Force recommends narrowing the possible responses to: “Not at all aware;” “Somewhat Aware;” and “Very aware.”**

1. Office for Violence Prevention and Victim Assistance  
\_\_\_ Not at all aware \_\_\_ Slightly aware \_\_\_Somewhat aware \_\_\_Very aware \_\_\_Extremely aware
2. Office of Student Conduct  
\_\_\_ Not at all aware \_\_\_ Slightly aware \_\_\_Somewhat aware \_\_\_Very aware \_\_\_Extremely aware
3. Title IX Compliance  
\_\_\_ Not at all aware \_\_\_ Slightly aware \_\_\_Somewhat aware \_\_\_Very aware \_\_\_Extremely aware
4. Student Legal Services  
\_\_\_ Not at all aware \_\_\_ Slightly aware \_\_\_Somewhat aware \_\_\_Very aware \_\_\_Extremely aware
5. Counseling Services  
\_\_\_ Not at all aware \_\_\_ Slightly aware \_\_\_Somewhat aware \_\_\_Very aware \_\_\_Extremely aware
6. The Office of Employment Equity  
\_\_\_ Not at all aware \_\_\_ Slightly aware \_\_\_Somewhat aware \_\_\_Very aware \_\_\_Extremely aware
7. Health Services  
\_\_\_ Not at all aware \_\_\_ Slightly aware \_\_\_Somewhat aware \_\_\_Very aware \_\_\_Extremely aware
8. [SUBSTITUTE RESOURCES SPECIFIC TO INSTITUTION]  
\_\_\_ Not at all aware \_\_\_ Slightly aware \_\_\_Somewhat aware \_\_\_Very aware \_\_\_Extremely aware

## ❖ Services Available to Victims of Sexual Misconduct

The Task Force provides the following model questions regarding services available to victims of sexual misconduct. Proposed modifications to the text of the ARC3 survey (as updated in 2021) are noted in red. All other text in the model questions was drawn directly from the ARC3 survey and remains unchanged.

### Institutional Responses (ARC3 Module 13)

#### A. Responses to Survivors (OPTIONAL)

*Instructions: In thinking about the **incidents of** sexual misconduct described in the previous sections, did **[would]****[INSTITUTION]** play a role by...*

1. Actively supporting **[the person]\*** with either formal or informal resources (e.g., counseling, academic services, meetings, or phone calls)?  
 Yes  No  N/A
2. Apologizing for what happened to you?  
 Yes  No  N/A
3. Believing your report?  
 Yes  No  N/A
4. Allowing you to have a say in how your report was handled?  
 Yes  No  N/A
5. Ensuring you were treated as an important member of the institution?  
 Yes  No  N/A
6. Meeting your needs for support and accommodations?  
 Yes  No  N/A
7. Create an environment where **the incident or** this type of experience was safe to discuss?  
 Yes  No  N/A
8. Create an environment where **this incident or** type of experience was recognized as a problem?  
 Yes  No  N/A
9. Not doing enough to prevent this **incident or** type of experience?  
 Yes  No  N/A
10. Creating an environment in which this **incident or** experience seemed common or normal?  
 Yes  No  N/A
11. Creating an environment in which this **incident or** experience seemed more likely to occur?  
 Yes  No  N/A
12. Making it difficult to report the **incident/s or** experience/s?  
 Yes  No  N/A

13. Responding inadequately to the **incident/s or** experience/s if reported?  
 Yes  No  N/A
14. Mishandling your case, if disciplinary action was requested?  
 Yes  No  N/A
15. Covering up the **incident/s or** experience/s?  
 Yes  No  N/A
16. Denying the **incident/s or** experience/s in some way?  
 Yes  No  N/A
17. Punishing you in some way for reporting the incident/s or experience/s (e.g., loss of privileges or status)?  
 Yes  No  N/A
18. If I am reading each item I will choose “No” for my answer.  
 Yes  No  N/A
19. Suggesting that **the incident/s or** your experience/s might affect the reputation of the institution?  
 Yes  No  N/A
20. Creating an environment where you no longer felt like a valued member of the institution?  
 Yes  No  N/A
21. Creating an environment where staying at **[INSTITUTION]** was difficult for you?  
 Yes  No  N/A
22. Responding differently to **the incident/s or** your experience/s based on your sexual orientation?<sup>30</sup>  
 Yes  No  N/A
23. Creating an environment in which you felt discriminated against based on your sexual orientation?  
 Yes  No  N/A
24. Expressing a biased or negative attitude towards you and/or **the incident/s and/or** your experience/s based on your sexual orientation?  
 Yes  No  N/A
25. Responding differently to the **incident or** your experience based on your race?  
 Yes  No  N/A

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<sup>30</sup> Questions 22-27 of the ARC3 module ask questions about whether the student believed that the institution’s response to his/her/their report of sexual misconduct was based in any way on his/her/their sexual orientation or race. If the IHE decided to use a module such as ARC3 Module 13(A), the Task Force recommends that it include the same type of questions with respect to gender identity or expression (Questions 28-30 in the model question above). IHEs may wish to expand these questions to address other identity-linked characteristics such as national origin, disability, religion, etc. as well.

26. Creating an environment in which you felt discriminated against based on your race?  
 Yes  No  N/A
27. Expressing a biased or negative attitude towards you and/or the incident/s and/or your experience/s based on your race?  
 Yes  No  N/A
28. Responding differently to the incident or your experience based on your gender identity or expression?  
 Yes  No  N/A
29. Creating an environment in which you felt discriminated against based on your gender identity or expression?  
 Yes  No  N/A
30. Expressing a biased or negative attitude towards you and/or the incident/s and/or your experience/s based on your gender identity or expression?  
 Yes  No  N/A

**\*display logic carries through the module**

**B. Reporting Experiences [ONLY SEEN IF SEXUAL MISCONDUCT INCIDENT IS REPORTED]**

1. Did you tell (including by reporting to) anyone about the incident before this questionnaire?

Yes  No  N/A

**[DISPLAY THE FOLLOWING QUESTIONS Only if “Yes” to the preceding question.]**

The Task Force recommends that IHEs consider modifying the format of the questions in this module to include fewer options, in order to create a more user-friendly survey and to make data capture less complex. Specifically, the Task Force recommends narrowing the possible responses to: “Very Useful;” “Somewhat Useful;” and “Not at All Useful.”

2. Who did you tell (check all that apply) [DISPLAY THIS QUESTION IF *Did you tell (including by reporting to) anyone about this incident before this questionnaire* Yes is selected.]

- |                                                                |                                                                                     |
|----------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input type="checkbox"/> Roommate                              | <input type="checkbox"/> Off-campus counselor/therapist                             |
| <input type="checkbox"/> Close friend other than roommate      | <input type="checkbox"/> On-campus counselor/therapist                              |
| <input type="checkbox"/> Intimate partner                      | <input type="checkbox"/> Institution health service                                 |
| <input type="checkbox"/> Parent, step-parent, or guardian      | <input type="checkbox"/> Campus security, public safety, or campus police           |
| <input type="checkbox"/> Other family member                   | <input type="checkbox"/> Local police                                               |
| <input type="checkbox"/> Doctor/nurse/other health care worker | <input type="checkbox"/> Title IX Office/Title IX Coordinator or Deputy Coordinator |

- |                                                                                         |                                                                                      |
|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <input type="checkbox"/> Office of Student Conduct                                      | <input type="checkbox"/> Residential Advisor (or Residence Life staff)               |
| <input type="checkbox"/> Religious leader/Office of Spiritual Life                      | <input type="checkbox"/> Office of Equity/EEO/Office of Civil Rights                 |
| <input type="checkbox"/> Off-campus rape crisis center or other victim support services | <input type="checkbox"/> On-campus resource advocate                                 |
| <input type="checkbox"/> Institution faculty or staff                                   | <input type="checkbox"/> Other resources specific to IHE, whether on- or off-campus. |

2a. – 2(fill in with appropriate #). How useful was (name resource listed above) in helping you deal with the incident? [DISPLAY THIS QUESTION ONLY FOR THOSE RESOURCES CHECKED BY THE STUDENT]

- Very useful     Somewhat Useful     Not at all Useful

**The Task Force proposes the following new questions to meet the specific requirements of the MA Statute regarding services made available to the IHE’s students:**

3. Did any office, program, or individual inform you about or refer you to the following resources (check all that apply) [drop down list of the resources listed above]?

4. Even if you did not follow up on the information, were you told where you could obtain local, state, or campus medical services, if you experienced an incident that had a physical impact on you?

- YES     NO

5. Even if you did not follow up on the information, were you told where you could obtain local, state, or campus legal services and/or information about your possible civil and criminal justice remedies?

- YES     NO

6. Were you provided with information about any of the following (check all that apply)?

- Resources for protection from retaliation  
 Access to other school-based supportive measures not identified above.

The Task Force notes that its model questions regarding Student Knowledge and Familiarity With Campus Practices, as well as its model questions regarding Services Available to Students, will require periodic updating by the IHE as the IHE modifies and supplements its prevention, reporting, and response resources for students in the area of sexual misconduct.

**C. Non-Reporting**

The Task Force proposes the following new question as to whether the student did not report an incident of sexual misconduct:

Has someone engaged in sexual misconduct towards you while you have been enrolled at [UNIVERSITY] that you did not report?

\_\_\_ YES \_\_\_ NO

The Task Force proposes that the following questions (Questions E11 and E11A) from the AAU 2019 survey) be included, to be responded to by the students who check off “Yes” in response to the question above:

E11. Why did you decide not to contact any of these programs or services? (Mark all that apply)

- I did not know where to go or who to tell
- I felt embarrassed, ashamed, or that it would be too emotionally difficult
- I did not think anyone would believe me
- I did not think it was serious enough to contact any of these programs or services
- I did not want the person to get into trouble
- I feared negative academic, social, or professional consequences
- I feared it would not be kept confidential
- I could handle it myself
- I feared retaliation
- I didn't think these resources would give me the help I needed
- Incident occurred while school was not in session
- Other [text box]

If E11 = “Not serious enough” or “other” then continue; otherwise skip to E12

E11a. You said you did not contact any of these programs or resources (because it was not serious enough/for an “other” reason/because it was not serious enough and for an “other” reason). Please review the list below and mark any of the reasons that may better describe why you didn't contact any of these programs or resources (Mark all that apply).

- I was not injured or hurt
- The reaction by others suggested that it wasn't serious enough to contact any of these programs or services
- I contacted other programs or services that I felt were appropriate
- I had trouble reaching the program or service
- I was too busy
- The event happened in a context that began consensually
- Because of the person's gender, I thought it would be minimized or misunderstood
- I might be counter-accused
- Alcohol and/or drugs were present
- Events like this seem common
- My body showed involuntary arousal
- Other [Text Box]

## BYSTANDER INTERVENTION (ARC3 MODULE 16)<sup>31</sup>

Instructions: When the situation arose at [INSTITUTION], how often did you do any of the following?

- Walked a friend who has had too much to drink or is very high home from a party, or other social event.

Never  Sometimes  A few times  Most of the Time  Always  N/A

- Talked to the friends of a drunk or high person to make sure they don't leave him/her/them behind at a party, bar, or other social event.

Never  Sometimes  A few times  Most of the Time  Always  N/A

- Spoke up against sexist jokes.

Never  Sometimes  A few times  Most of the Time  Always  N/A

- Tried to distract someone who was trying to take a drunk or high person to another room or trying to get them to do something sexual.

Never  Sometimes  A few times  Most of the Time  Always  N/A

- Ask someone who looks very upset at a party if they are okay or need help.

Never  Sometimes  A few times  Most of the Time  Always  N/A

- Intervene with a friend who was being physically abusive to another person.

Never  Sometimes  A few times  Most of the Time  Always  N/A

- Intervene with a friend who was being verbally abusive to another person.

Never  Sometimes  A few times  Most of the Time  Always  N/A

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<sup>31</sup> The ARC3 module does *not* include questions about the possible influence of drugs; it is limited to alcohol. The Task Force recommends including the reference to drugs (identified in red).

## Appendix C: Public Comment Responses

The Department of Higher Education and the Department of Public Health posted the *Task Force on Sexual Misconduct Surveys* draft report for public comment February 11, 2022 through March 4, 2022. The written responses to those comments are below.

### Commentor 1

1. Comment: In the section with recommendations on when to distribute the survey it recommends that the survey be distributed after the Red Zone. However, gathering data at the same time point for every school will help ensure the most accurate and comparable data. It is also necessary for the schools to collect this information *after* the Red Zone or else the majority of cases will go unreported. Frankly, schools who distribute this survey at the very beginning of the school year are going to get skewed data. The language should read that schools are required to distribute the survey after the Red Zone.

**Response:** This report provides guidance to institutions on best practices and options for administering their survey. The report does, as written, emphasize the benefit of administering a survey after the 12 week “Red Zone” and encourages institutions to administer their surveys after this period. This recommendation also suggests the Spring as the opportune time to conduct a survey. As such, the Department and Task Force will not accept this change. However, language will be added which suggests the Commissioner should reevaluate whether to provide additional guidance or regulatory language around timing, after the Commissioner has the opportunity to assess data resulting from the first few years of survey implementation.

2. Comment: Another concern are the gender categories used throughout the survey. Lumping all non cis-normative genders into one category is hurtful in that it is not recognizing and honoring the participants gender expression. This also makes it very difficult to collect data on how violence is experienced and addressed in the LGBTQIA+ community. These questions should be re-examined to be more inclusive of various gender identities.

**Response:** With our partners at DPH, it was concluded that it would not be prudent to suggest the victim could identify the gender identity of the perpetrator (which is what we believe this comment is referencing). The report, and model questions, do not include demographic questions, where the gender identity of the respondent would be asked. This will be left up to the institutions to develop following the guidance in Recommendation 8.

### Commentor 2

1. Comment: Our guidance in New Hampshire for the Base Surveys included a specific time frame (January 15-March 31 perpetually) to ensure that data from across institutions was cross-comparable. Without more specifics in place, there isn't a feasible way to truly compare data from an IHE who conducts the survey in the fall and one that does so in the spring. To better understand rates of CSV and how the institutions compare, I request that there is more specificity in the guidance.

**Response:** This report provides guidance to institutions on best practices and options for administering their survey. The report does, as written, emphasize the benefit of administering a survey after the 12 week “Red Zone” and encourages institutions to administer their surveys after this period. This recommendation also suggests the Spring as the opportune time to conduct a survey. As such, the Department and Task Force will not accept this change. However, language will be added which suggests the Commissioner should reevaluate whether to provide additional guidance or regulatory language around timing, after the Commissioner has the opportunity to assess data resulting from the first few years of survey implementation.

2. Comment: Acknowledgments & Final Considerations: Please include that the initiative to bring a campus climate survey mandate to MA was a student-led initiative.

**Response:** The Executive Summary of the report directly acknowledges the tremendous student advocacy that led to the passage of the 2021 Sexual Assault Law: “In 2021, with the support of the Campus Safety and Violence Prevention (CSVP) community and stakeholders, and tremendous student advocacy, the legislature enacted landmark legislation, Chapter 337 of the Acts of 2020, also known as the 2021 Campus Sexual Assault Law (referenced herein as “the (MA) law” or “the (MA) statute”).

3. Comment: Survey answers, generally: We need to better understand the rates of violence within LGBTQ+ communities and perpetrated against LGBTQ+ students to shape better prevention and response in the future. Please include more gender categories beyond male, female, and non-binary.

**Response:** With our partners at DPH, it was concluded that it would not be prudent to suggest the victim could identify the gender identity of the perpetrator (which is what we believe this comment is referencing). The report, and model questions, do not include demographic questions, where the gender identity of the respondent would be asked. Recommendation 8 in the report speaks to developing demographic survey questions.

4. Comment: Demographic model questions: I scrolled through quite a bit wondering if I was missing this: We are the demographic model questions? While the statute does not require by list to include model questions, you'll see in statute: *The subset of model questions shall generate responses related to topics including, but not limited to: (i) the prevalence of sexual misconduct on campus; (ii) student knowledge of and familiarity with campus practices for reporting and addressing sexual misconduct; and (iii) services available to victims of sexual misconduct.* Please do reconsider this and include model questions on demographics to be provided to institutions to ensure that it is inclusive and expansive as well as not allowing for identifiable information.

**Response:** Correct, the report, and model questions, do not include demographic questions - this will be left up to the institutions to develop following the guidance in Recommendation 8. Please note, Recommendation 8 has been slightly revised in the final version of the report to reflect the point in the comment and better explain the approach.

5. Comment: Additional Resources: I would also request the task force includes resources at the end on how to provide institutional and community-based resources and content warnings in climate surveys.

**Response:** The resource *Useful Tools to Help Colleges and Universities in Their Efforts to Reduce and Prevent Sexual Assault* from the White House Task Force to Protect Students Against Sexual Assault (2014) in Appendix C includes a section: **Protect Participants from Distress** that provides guidance on mitigating distress that can be associated with the types of questions asked in a sexual misconduct survey.

Additionally, in the *Generating Meaningful and Representative Results* section of the report, under **Considerations for Ethical Data Collection and Data Storage**, there is a section that speaks to this, stating: “To protect against the risk for upset, contact information for supportive resources should either be displayed on each page of the survey, or at the very end of the survey, in case the survey content is triggering. Participants should be directed that they can skip any question they do not wish to answer.”

And finally, though this does not speak to providing resources or including content warnings, it should be noted that the Task Force took great care in reviewing each model question and adding some word changes where appropriate to existing ARC3 or other survey tool language that was utilized to minimize any potentially triggering impact on students and to align more closely with the current research and best practices referenced above.

### Commentor 3

1. Comment: In the section with recommendations on when to distribute the survey it recommends that the survey be distributed after the Red Zone. However, gathering data at the same time point for every school will help ensure the most accurate and comparable data. It is also necessary for the schools to collect this information *after* the Red Zone or else the majority of cases will go unreported. The language should read that schools are required to distribute the survey after the Red Zone. As someone who has worked in research and who has experienced student life in Massachusetts, I truly believe this is the best way to get the most accurate data.

**Response:** This report provides guidance to institutions on best practices and options for administering their survey. The report does, as written, does emphasize the benefit of administering a survey after the 12 week “Red Zone” and encourages institutions to administer their surveys after this period. This recommendation also suggests the Spring as the opportune time to conduct a survey. However, the Department will strengthen the language in Recommendation 4 of the report to “strongly” encourage institutions to administer the surveys after the “Red Zone,” and will add language suggesting that the Commissioner reevaluate potentially regulating or issuing additional guidance on this point, after gathering and assessing data resulting from a few years of survey implementation.

2. Comment: Another concern are the gender categories used throughout the survey. Lumping all non cis-normative genders into one category is hurtful in that it is not recognizing and honoring the participants' gender expression. Forcing individuals to use an "other" category re-enforces discrimination and disbelief around their gender expression. This also makes it very difficult to

collect data on how violence is experienced and addressed in the LGBTQIA+ community. Having representative and comparable data gives us a better opportunity to provide resources for this community and gives their stories more of an opportunity to be heard. These questions should be re-examined to be more inclusive of various gender identities.

**Response:** The gender categories were developed in partnership with DPH. With our partners at DPH, it was concluded that it would not be prudent to suggest the victim could identify the gender identity of the perpetrator (which is what we believe this comment is referencing). The report, and model questions, do not include demographic questions, where the gender identity of the respondent would be asked. This will be left up to the institutions to develop following the guidance in Recommendation 8, which requires institutions to adhere to best practices, but allows for flexibility so that the institutions can ensure that the results properly account for “the diverse needs and differences between the commonwealth’s institutions of higher education” and align with other surveys they are conducting on their campuses (e.g., diversity, equity and inclusion).

#### Commentor 4

1. Comment: I am concerned, though, at the 'density' of the survey. It just seems cumbersome because, in the document it is 30 pages...it was a lot to read through. I'm hoping that when produced, the survey will be a little more succinct?

**Response:** Once in a survey tool, the survey questions will be more user friendly and more succinct, as suggested.

2. Comment: I just had one format question - in the draft, pg 38, under B, Q1....the formatting of the answer choices needs to be corrected.

**Response:** A final edit on formatting will be done prior to dissemination of the final report and model questions.

#### Commentor 5

1. Comment: Institutions should not be required to administer sexual misconduct climate surveys every two years because the statute states not less than once every four years; and because of potential risks of survey fatigue, low survey response rates, and adverse impacts on students who may react emotionally to the questions.

**Response:** IHEs are required under the current MA law to administer sexual misconduct climate surveys *no less than* every four years. This report does not alter the minimum state law requirement, but suggests a two-year cadence as a beneficial, recommended option for consideration. It should also be noted that the new federal guidance that was included in the 2022 Omnibus Bill will require institutions to conduct similar surveys every two years. DHE is seeking more detail on this component of the bill directly from the US Department of Education.

2. Comment: The task force-drafted supplemental questions and modifications to ARC3 questions are inadequate because they were not carefully developed by experts, do not conform to basic principles of good survey design, and because the Task Force lacked the time and financial resources to engage with survey design experts and consultants; and therefore the model questions should be

limited only to validated questions and modules taken verbatim from ARC3 without supplementation.

**Response:** As the Task Force Report explains, the Task Force (which included members with substantial experience working with students, victims/survivors of sexual assault, and to prevent and respond to sexual misconduct on IHE campuses), modified the ARC3 questions that are included as model questions for the following reasons:

- to reflect current best practices with respect to word choice in inquiries that may be triggering for students who have experienced trauma (e.g., using the word “incident” instead of “experience”);
- to be more inclusive when providing options for identifying the gender of a perpetrator or perpetrators of sexual misconduct (rather than using ARC3’s options of “Man, Woman, Other”);
- to reflect the possibility that incapacitation may occur as a result of things other than alcohol or coercion (e.g., drugs, disability or sleep);
- to reduce the response options where they appeared burdensome and potentially confusing (the modification being to eliminate optional responses of “moderately useful” and “slightly useful” and to offer only the other three options in these ARC3 questions: “not at all useful;” “somewhat useful,” and “very useful”); and
- to comply with the MA Statute’s definition of sexual misconduct (which is broader than that contained in ARC3) as well as with its requirement that the survey seek information about certain specific services made available to students.

The researchers on the Task Force confirmed that the word changes, inclusion of more gender identification options, and removal of certain response options to the ARC3 questions would not jeopardize the integrity of the ARC3 survey tool.

As the Task Force explained in its Report, no extant validated survey instrument contained questions covering all the types of sexual misconduct that the MA Statute definition required to be covered as a matter of law (including that of gender-based, sexual orientation-based violence, and non-violent, non-consensual sexual conduct) or all the specific services made available to students who report sexual misconduct.

The Task Force recognizes that it did not have time to pilot the model questions that it added to the ARC3 modules. For this reason, the Task Force posed these questions in the same format as the ARC3 questions and and/or took them from two 2019 surveys (the AAU survey and the Brandeis University survey). The Department will also seek to pilot the survey over the next two years, if feasible.

3. Comment: The length of the recommended survey is too long which may result in an unrepresentative sample caused by low participation and completion rates; the survey can be shortened by restricting it only to the ARC3 questions which allegedly take only 30 minutes to complete; or the survey length can be made even shorter by focusing on the three areas required by M.G.L. c. 6 § 168D(d)(2).

**Response:** The model questions cannot be restricted to the ARC3 questions (without modification) because that approach would fail to comply with the MA Statute’s mandate that IHEs gather information about the prevalence of sexual misconduct (more broadly defined than in ARC3) on campus as well as about the availability to students of certain services.

The Task Force did not have the opportunity to pilot its model questions prior to finalizing the report in alignment with the statutory timeline, and does not know how long, on average, it would take a student to respond to them. The Task Force notes, however, that the 30-minute estimate cited by the commentor was derived from students who completed the entire ARC3 survey (i.e., all nineteen modules). The model questions proposed by the Task Force include only seven of those modules (in part because there are no questions about perpetration), with an eighth module (on bystander intervention) as an optional one. The Task Force also added one module to cover gender-based and sexual orientation-based violence, as required by the MA Statute and another to capture data on why students do not report incidents of sexual misconduct. IHEs are required to include an introduction and to seek demographic information (something ARC3 contains as well). Accordingly, the model questions include fewer modules than ARC3 does. Therefore, the Task Force has a reasonable basis upon which to believe that it will not take a student more time to respond to the model questions (along with IHE-specific demographic questions) than it would take them to complete the entire ARC3 survey.

4. Comment: Consider eliminating some or all incident detail follow-up questions on prevalence, which are not needed to estimate prevalence of sexual misconduct on campus.

**Response:** The Massachusetts Statute requires the Task Force to develop model questions “taken from or consistent with questions in the Administrator-Researcher Campus Climate Collaborative survey or another sexual misconduct climate survey that is currently in use by institutions and that the task force deems high-quality.” Another section requires IHEs to gather data concerning “when and where incidents of sexual misconduct occurred.”

In compliance with this statutory language, the Task Force included within its model questions on prevalence complete questions from the validated ARC3 survey tool (or AAU or Brandeis tools). As explained in its Report, the Task Force also added questions to capture the prevalence of types of sexual misconduct covered by the MA Statute but not covered by ARC3, and used the ARC3 question format in doing so. The Task Force’s objective was to mirror the validated instrument as closely as possible in order to maintain the integrity of the survey. The Department does not believe it would be appropriate to remove the incident details that are included in the questions on prevalence, nor does it believe that these details render the survey too lengthy, for the reasons stated above.

5. Comment: Consider eliminating some or all questions in ARC3 Module 4A and 4C (Institutional Response and Exposure to Sexual Misconduct Information/Education) assessing student knowledge of campus practices to allow more time and attention to Module 4B (Knowledge of Sexual Misconduct Resources); and although ARC3 Module 13C (Non-Reporting) is a great fit for a campus-wide survey, because it is placed at the end of the survey it will be most impacted by survey attrition.

**Response:** The Task Force recommends ARC3 Module 4 in its entirety, both because the sub-modules have a flow to them and because the Task Force believes that data on information and education may provide useful insight into the efficacy of the IHE's prevention measures.

Module 13C in the model questions is one that the Task Force proposes adding. ARC3 does not contain a module on non-reporting. As the Task Force explains in its Report, it believes that data concerning why students do not report sexual misconduct is important information for IHEs to gather. Sexual misconduct has been under-reported for decades, and the Task Force encourages IHEs to make every attempt possible to address this, including by seeking information as to why students are reluctant to come forward.

The Task Force also notes that it does not require IHEs to ask the model questions in a particular order.

6. Comment: Due to variance in financial resources available for survey completion incentives, the Task Force should not recommend that IHEs offer specific, and more-costly, incentives such as iPads and room and board credits.

**Response:** The list of incentives provided in the report, including the iPads and room and board credits, provides options for consideration. These are labeled in the report as "prize ideas." Other, less costly, suggestions are also included.

## Appendix D: Additional Resources

The following resources can be useful in the development, dissemination and analyzation of a survey and its results.

### ***Survey Development Best Practices:***

- Climate Surveys: Useful Tools to Help Colleges and Universities in Their Efforts to Reduce and Prevent Sexual Assault (The White House Task Force to Protect Students Against Sexual Assault) (2014). <https://campusclimate.gsu.edu/files/2019/03/ovw-climate-survey.508.pdf>
- University of Maryland: <https://studentaffairs.umd.edu/about-us/divisional-priorities/assessment-and-learning-outcomes/survey-best-practices>
- U.S. Department of Justice, Office on Violence Against Women. *National Progress on Campus Climate Surveys: A Snapshot* <https://www.justice.gov/archives/ovw/page/file/929841/download>

### ***Understanding Quality and Patterns in Survey Response:***

- Barge, S., & Gehlbach, H. (2012). Using the Theory of Satisficing to Evaluate the Quality of Survey Data. *Research in Higher Education*, 53(2), 182–200. <https://doi.org/10.1007/s11162-011-9251-2>

### ***Writing Survey Questions to Avoid Measurement Error:***

- Pew Research Center: <https://www.pewresearch.org/our-methods/u-s-surveys/writing-survey-questions/>
- Gehlbach, H., & Artino, A. R. J. (2018). The Survey Checklist (Manifesto). *Academic Medicine*, 93(3), 360–366. <https://doi.org/10.1097/ACM.0000000000002083>