

May 15, 2015

Dear Chairman Alexander and Ranking Member Murray:

On behalf of the higher education associations listed below, I write to provide comments on S. 590, the Campus Accountability and Safety Act (CASA), introduced by Sen. Claire McCaskill.

Colleges are committed to providing safe settings for their students. The issue of how to prevent sexual violence on campus, and how to respond effectively, compassionately and fairly when it does occur, is one of the most important and difficult issues facing colleges and universities today. Sexual assault cases can be complex and challenging to resolve for myriad reasons. However, institutions have a moral and legal responsibility to take action on multiple fronts: striving to prevent sexual violence through education and training programs; supporting victims/survivors with a wide array of services and resources when an assault does occur; and ensuring that all parties have access to a fair and equitable system of grievance and disciplinary procedures.

CASA includes a number of provisions designed to help institutions respond to this complicated set of issues. We thank the sponsors for the improvements they have made over the prior version of the legislation. At the same time, there remain areas where we believe further clarification and changes would help the bill achieve its important goals. Before setting out specific issues, we highlight three overarching concerns that affect the bill as a whole. Addressing these issues will strengthen the bill and allow institutions to better support survivors, treat all parties fairly, and provide a safe campus.

BROAD CONCERNS

1. One-size-fits-all approach/residential campus focus

First, the bill appears to assume that all college students attend large, four-year residential institutions. In fact, during the 2011–12 academic year, just 14 percent of college undergraduates resided on campus. In addition, many students attend smaller institutions that are unlikely to have the administrative resources of their larger counterparts—nearly 2,000 degree-granting institutions in this country enroll fewer than 1,000 students. And increasingly, students are taking their coursework online rather than attending classes in person, so their interaction with others on an actual campus may be very limited.

It is critical that the bill recognize the variety of institutions covered by the Higher Education Act (HEA) and that the requirements on institutions be tailored to reflect these differences among schools and students. One-size-fits-all mandates that fail to account for these differences will undermine the valuable goals of the legislation. There are several provisions in the bill that are irrelevant to or unworkable for institutions without a residential population and, even more, for institutions without a campus.

As the bill moves forward, we recommend excluding online institutions and students who take classes exclusively online from the bill's provisions. In addition, each of the bill's requirements should be carefully reviewed to ensure that it makes sense in the context of a non-residential student population. We also recommend providing more opportunity for institutions to partner with one another in meeting the bill's requirements. Permitting institutions to form consortia arrangements may allow them to provide better education and training materials and higher quality professional services than if they are required to work alone.

2. Vague and unclear legislative language creates uncertainty

Second, in several places, the bill's language is unclear about the precise requirements placed on institutions and could be subject to multiple reasonable interpretations. For example, the bill requires institutions to provide confidential advisors for "non-employee victims." It is unclear whether the intent here is to limit these services to matriculated students or to require services for individuals with little or no connection to the institution. The bill also requires a memorandum of understanding (MOU) with local law enforcement for each "campus" and requires "campus-level results" for the climate survey, but it does not define "campus" for purposes for this law. For example, it is unclear whether an online institution with an administrative campus where students may visit for technical support or for proctored exams would need to obtain an MOU or conduct a climate survey.

Campus officials already struggle to decipher and reconcile their responsibilities under different federal and state laws as well as the significant volume of federal regulation and guidance related to sexual assault. Campuses are eager to comply fully with all legal requirements, but there are seldom bright-line rules. After exercising their best and reasoned judgment to reconcile competing obligations, institutions often find themselves second-guessed by the Department of Education. By adding new requirements on top of an already complicated web of HEA, Clery Act, Violence Against Women Act, and Title IX requirements, as well as an increasing number of state laws regarding this subject, the bill increases uncertainty for institutions rather than clarifying responsibilities.

For instance, the bill requires institutions to cooperate with local law enforcement "based on the victim's wishes." This implies that sexual assaults should be reported to law enforcement only if the victim wishes to report. If so, this mandate may be contrary to federal and state obligations and to existing MOUs with local law enforcement. The bill language needs to be absolutely clear about institutional expectations and responsibilities.

3. Huge fines with no clear standards

Third, the bill authorizes the Secretary of Education to impose fines of up to 1 percent of an institution's operating budget per violation for failure to comply with any Title IX requirements or with various CASA requirements, including failure to publish information on a website, failure to meet a 24-hour reporting timeline, failure to obtain an MOU with local police, or failure to provide required training to employees. Because the 1 percent fine is per violation, a school with three violations can be fined 3 percent of its operating budget. Even a 1 percent fine can represent a massive amount of money: At some schools, 1 percent of the operating budget exceeds \$30 million. The bill does not establish clear standards to guide federal officials in determining the appropriate level within this wide range. Rather, this determination is left entirely to the discretion of the Secretary, regardless of whether the violation is technical or egregious in nature. In testimony before the Senate Committee on Health, Education, Labor & Pensions, the Department unambiguously stated that it does not want the authority to impose such fines—it believes it has all the tools needed to ensure compliance with laws and guidance addressing sexual assault.

SPECIFIC CONCERNS

We believe that many of the core concepts in the legislation have merit, but the execution of the concepts needs to be improved.

1. Confidential advisors. We strongly support giving survivors of sexual assault access to a confidential advisor whose sole responsibility is to counsel and support the survivor. Institutions need to ensure that members of the campus community are aware of these confidential counseling services and know how to contact a counselor in the event of an assault. By our count, CASA imposes a minimum of 15 specific responsibilities on confidential advisors, many of which are administrative in nature. Confidential advisors should not be given responsibilities such as Clery reporting, investigating an assault, or advising victims about the potential consequences of reporting.¹ It is unlikely that advisors will be in a position to perform these varied roles well and doing so may undermine their ability to maintain confidentiality. Therefore, we believe the sole responsibility of confidential advisors should be to provide counseling and support services to victims.

Institutions should be required to designate advisors who can maximize, under federal and state law, the amount of confidentiality given to conversations with the victim. However, it would be misleading to suggest that complete confidentiality can be maintained under all circumstances. While confidentiality must be protected to the maximum extent possible, survivors have the right to know any circumstances, under state or federal law, in which information might need to be disclosed.

¹ The bill also requires the confidential advisor to liaise with campus officials to provide “reasonable accommodations,” a phrase with a very specific meaning under the Americans With Disabilities Act. Substituting the term “accommodations” or “interim measures” used in relevant statutory provisions and guidance may provide greater clarity.

The Department of Education should not specify the number of confidential advisors each school must have. Instead, institutions should be responsible for having a reasonable number of advisors based on an assessment of institutional needs. There is no precedent for the Department to specify how many employees institutions must have for a particular job category. Especially given institutional differences noted earlier, a federal mandate is not desirable and may prove counterproductive.

The bill requires these advisors to be trained to conduct “victim-centered trauma informed interviews” and to give the victim the option to have the interview recorded. The reason for the interview and recording is not clear. However, it suggests that the advisor would be acting in an investigatory role rather than in a mental health or trauma-counseling role, which could put the recording outside the protection of some state privilege laws as well as FERPA protections.

Under FERPA, notes or recordings created by a professional for the purpose of treatment and maintained solely by that professional are generally protected from non-voluntary disclosure. However, records created and maintained for investigatory purposes rather than treatment purposes would not qualify for this exemption and could be disclosed without the victim’s consent under any of the conditions enumerated under the Department’s regulation at 34 CFR 99.31. Further, even treatment-related records could be subject to release if shared with a third party (e.g., insurance provider, law enforcement, or campus official).² Unfortunately, the title “confidential advisor” implies a greater degree of confidentiality for communications with these advisors than actually exists. We recommend the title be changed and that the requirement for a recorded interview be eliminated.

2. Memoranda of Understanding with local police. Colleges and universities want state and local law enforcement agencies to be involved in dealing with crimes on campus, especially incidents of sexual violence. MOUs can be useful tools. While the MOU language has improved from the prior bill, it is still problematic as drafted.

Under the proposed legislation, institutions must enter into MOUs with any law enforcement agencies with “first responder” responsibilities for the campus. While the “first responder” language limits the number of agencies with which an institution must negotiate, it can still be a substantial number. Combined with the lack of a clear definition of a “campus” for purposes of the MOU requirements, institutions may be required to negotiate MOUs with multiple first responder agencies for multiple locations, diverting attention and resources away from sexual assault prevention and response efforts. We believe that the most important MOU is with the law enforcement agency with primary responsibility for providing police services to the campus in the event of a sexual assault. We recommend that the legislation focus on that one agency.

² It is important to note that it is FERPA, and not other privacy laws such as HIPAA, that would govern the records in question. “Education records” or “treatment records” of eligible students under FERPA are excluded from coverage under the HIPAA Privacy Rule.

The bill states that the Secretary of Education shall issue a “waiver” to the MOU requirement if the Secretary determines that certain criteria have been met, which leaves a wide degree of discretion to the Secretary in determining whether to grant a waiver. The language should be clarified to ensure that the Department does not second-guess institutions acting in good faith. In addition, the opportunity to apply for a waiver exists only in cases where the law enforcement agency “refuses” to enter into an MOU. This means that if law enforcement offers an MOU to an institution, regardless of its terms, the institutions must accept it or face huge penalties. This language should be modified to make clear that an MOU needs to be mutually acceptable.

As a condition of entering into an MOU, many law enforcement agencies require that all crimes, including incidents of sexual assault, be reported to them. Institutions of higher education have been reluctant to agree to such conditions because some victims prefer that local and state police not be involved. However, the legislation implies that reporting crimes to local police will depend primarily on the victim’s wishes. Clarity on this point is critical as it will affect the willingness of both local police and institutions to enter into an MOU.

The required content of the MOU is overly prescriptive and may not be in the best interest of victims. For example, the bill requires the MOU to cover “certain serious crimes” including sexual violence. Requiring MOUs to address procedures for sharing information and delineating responsibilities for other serious crimes (e.g., murder) in addition to crimes of sexual violence will greatly complicate these agreements and make them more difficult to negotiate. Other content requirements are not entirely clear, such as requiring MOUs to contain agreed upon “training for the institution” on “issues related to sexual violence.” It is counterintuitive to require local police to train institutions on these matters when some victims avoid going to the police because of concerns that the criminal justice system is not sufficiently sensitive to the needs of survivors. Moreover, local police may include provisions in training materials they develop and implement that are inconsistent with or contrary to institutional obligations under federal law.

Many institutions have existing MOUs with local police departments that function well but would not satisfy the highly detailed requirements of the bill. For example, public institutions in California are required under state law to have MOUs with law enforcement. However, MOUs negotiated under California law are unlikely to meet CASA’s demands and would need to be renegotiated. California law does not require the MOU to include “a method for sharing information about specific crimes anonymously,” for example, whereas CASA would. We recommend making the content requirements of the MOU more flexible. The legislation could suggest possible topics for inclusion in an MOU with law enforcement, rather than mandate what must be covered.

3. Climate survey. We support the use of campus climate surveys and believe that when properly developed and administered, they can give institutions a better understanding of the nature and extent of sexual violence on campus and help institutions improve their prevention and response efforts. Many institutions are currently in the process of

developing and implementing these surveys, informed by the best available research. We have several observations and concerns regarding the bill's survey provisions.

First, the purpose of the survey is unclear. Is it intended for institutional improvement, as a consumer information tool, as an enforcement mechanism, or some combination of all three? Having a clearly defined purpose is critical to designing a valid and reliable survey instrument and would improve implementation efforts. The bill requires the Secretary to develop a single survey instrument for use at all institutions. This one-size-fits-all approach is unlikely to work equally well across the diverse types of institutional settings and student populations. We recommend that the legislation allow for the development of multiple surveys designed for different institutional settings, as well as allow institutions to develop their own surveys, provided they are comparable and meet similarly high-quality standards. In designing any survey, the Department should be required to consult with higher education and survey experts in the development of the survey instrument.

Second, the survey results will be more useful for students and campuses if the required questions outlined in subparagraph (19)(E) are modified. The current list does not include questions relating to campus climate, and we believe these are important to provide an indication of how safe students feel and to what extent they believe administrators are focused on issues related to sexual assault. With one exception, all of the remaining required questions concern victims of incidents. While it is critical to ascertain information related to any relevant incidents, we believe the survey should have a broader focus.

Third, the bill leaves important operational questions about the survey unanswered. For example, the legislative language is ambiguous as to what entity administers the survey. Subparagraph (19)(A) explicitly assigns that task to the Secretary, while subparagraph (19)(B) mandates institutional administration of the survey. The language should be clarified.

If the intention is for the Secretary to conduct a national survey, then the language in subparagraph (19)(C), requiring institutions to "ensure that an adequate, random, and representative sample," is inappropriate. Institutions would not have access to the individual student data collected by the Secretary to make any determination about sample size or data quality. Even if individual student data were to be provided to each campus, the bill's explicit ban on collection of personally identifiable information would make it impossible to ensure truly random responses, which would in turn undermine the assurance of the sample data being representative of the entire campus population. Finally, institutions have no legal authority to force student participation in any survey and thus cannot be held to a completion standard. These issues can be resolved by rephrasing the requirement: "based on the number of respondents reported by the Secretary to each institution, the latter shall, to the maximum extent practicable, attempt to ensure that an adequate *number* of their students participate in the survey administered by the Secretary." It is important to recognize there may be significant challenges in ensuring a sufficient response rate to a survey of this nature.

A campus-controlled (i.e., either directly or contractually administered) survey would still face the survey-completion challenge but could methodologically deal with sampling issues. Institutions could engage in non-response follow-up, check for sample randomness by various stratification criteria, and conduct post-collection adjustments for missing data elements.

Finally, the bill is unclear about how information gained from the survey will be made available, in what form and at what level of specificity, and by whom. The bill requires the Secretary to report to Congress “campus-level data” from the survey in a manner that permits comparison. Again, it is unclear whether the intent is for the report to include raw unfiltered responses to specified survey questions, which could compromise confidentiality, or if the Secretary is to provide summary information. The bill also requires institutions to publish “campus-level results” of the survey on their websites and in their annual security reports. It is unclear whether these “results” are the same as the “campus-level data” reported by the Secretary to Congress, or whether institutions would generate and publish their own results based on the data collected under the survey. This should be clarified.

4. Campus disciplinary processes. The legislation includes legal references that are misplaced and inappropriate with respect to campus disciplinary processes and procedures. While colleges and universities take their obligations to survivors of sexual assault very seriously, campus disciplinary processes are not proxies for the criminal justice system. The use of the term “due process,” for example, in describing procedural protections for victims is likely to confuse. The term has a specific legal meaning for public institutions and has limited application to private institutions.³ Current law requires institutional investigative and disciplinary processes to be “prompt, fair, and impartial.” We recommend that any language on this matter be flexible enough to cover all institutions and be consistent with existing law.

In addition, the bill inserts a new 24-hour requirement for institutions to notify both the accuser and accused of campus disciplinary decisions and outcomes in proceedings for sexual violence or misconduct. Institutions would be required to provide, within 24 hours, notice of (1) the “decision to proceed” with an institutional disciplinary process; (2) the “outcome” of the proceeding; (3) any “change to the results” from the proceeding that occurs prior to them becoming final; (4) the results once final; and (5) the “determination of responsibility that is made by the disciplinary board and any sanctions.” It is unclear what difference, if any, exists between the “outcome” of the proceeding and a “determination of responsibility” or between final “results” and “sanctions.” Additionally, the bill implies that sanctions are assigned simultaneously with a determination of responsibility, but often a different set of individuals make these decisions, which can take

³ Outside of the state contract law context, and absent an explicit state mandate, private institutions do not have “due process” responsibilities. In the public context, due process rights only apply when the school interrupts a student’s enrollment, typically meaning a suspension or expulsion. In this context, due process means the student has the right to (1) notice of the charges and (2) an opportunity to be heard (not necessarily a formal hearing).

several days. Lastly, the bill erroneously assumes that a disciplinary board renders all decisions. Some institutions turn to outside adjudicators, such as an administrative law judge, to make these decisions. These provisions need to be clarified and streamlined.

In addition, a 24-hour time period is unduly prescriptive. Micromanaging colleges and universities in this manner is likely to lead to unintended and negative consequences for students. While institutions should make every effort to promptly inform both parties, this short timeframe may be unrealistic in certain circumstances, such as when one or both parties are away from campus for a school-sponsored trip or for winter break. A temporary delay also may be necessary to protect a student in a fragile circumstance following a traumatic event. In most cases, these notices will require appropriate legal review, which may also require additional time. The legislation should be amended to provide greater flexibility by requiring institutions to provide notice promptly and as soon as reasonably possible.

5. Timetable for implementation. The legislation includes effective dates that are inconsistent with the master calendar and negotiated rulemaking requirements in section 482 of the HEA. For example, the bill includes deadlines for the Secretary to issue training materials that may precede the issuance of final regulations. The master calendar is designed to ensure that campuses have sufficient time to respond to and properly implement any new requirements. Given the bill's extensive requirements and enormous penalties for noncompliance, it is vitally important that implementation proceed in a clear and orderly way. Sufficient time should be given to allow regulations to inform the Department's development of any training materials and for institutions to adequately train their employees following the release of these materials.

6. Training requirements. The bill requires institutions to train, according to a Department-developed training program, each individual involved in implementing the institution's student grievance procedures and each employee responsible for interviewing an alleged victim of sexual assault. We support the development of quality training materials that clarify the responsibilities of campus officials and enable them to respond more effectively and sensitively to victims of sexual assault. However, these training requirements could be improved in several respects.

First, the bill requires institutions to train employees using materials developed by the Department without any consultation with institutions. We recommend that the training requirements be made more flexible and be developed in consultation with both victims' groups and institutions. We also suggest that the Department create training modules that institutions can choose to adopt and/or modify to best fit the needs of their campus. In addition, compliance with training requirements should not take effect before regulations are issued, the Department has developed training materials informed by the regulations, and institutions have had reasonable time to implement the training on campus.

The bill specifies that the Department's program must include training on the use of "victim-centered trauma-informed interview techniques." When interviewing survivors, campus officials must be sensitive to the needs of the victim and also ensure that their

investigation is fair and impartial. While particular techniques may hold promise, it is important that federal training requirements reflect the best practices informed by research, which will continue to evolve. Therefore, we recommend that the training requirements be made more flexible to suggest the use of a particular set of techniques without mandating it.

The bill also mandates that existing institutional prevention and awareness programs must now be developed “in consultation” with victims’ groups and local law enforcement. Institutions have already developed these programs with the help of experts and researchers and should not be required to retrofit or redesign these programs. Instead, we recommend requiring the Department, in consultation with victim advocates, law enforcement, and institutions, to develop model, off-the-shelf prevention and awareness programs that institutions could opt to use and tailor to meet the needs of their campus. The Department’s programs should reflect the latest and best research on the most effective practices in this area.

7. Confusion about the roles and duties assigned to employees. The proposed legislation creates a new statutory definition of “higher education responsible employee” that differs from the definition of a “responsible employee” contained in the Office for Civil Rights’ (OCR) Title IX guidance. As a result, the bill appears to create a new category of employees with similar but not identical obligations and training requirements. The bill also requires that all CASA “responsible employees” be designated as “campus security authorities” under Clery, again adding to the confusion of roles with similar but different responsibilities and training requirements.

The creation of these different categories will lead to confusion on campus and the inevitability that enforcement agencies or litigants will conflate the definitions and requirements. If the intention is to replace OCR’s definition of a responsible employee with a new CASA definition of this term, further clarification is needed to ensure that institutions are not subject to two different definitions. In addition, the bill requires institutions to designate an individual who is independent of the disciplinary process to advise both the victim and the accused student about information in the written disciplinary notice. Especially at small institutions, it may be difficult to identify someone both knowledgeable about, but independent of, the disciplinary process.

8. Clery Act expansion. The legislation would expand Clery Act reporting to include information about the handling of student disciplinary actions in situations involving sexual violence. This expansion is at odds with the very purpose of the Clery Act and would further complicate an already complex area of law. Clery reporting is designed to capture crimes, as defined by law (typically the UCR/NIBRS) as reported to and by police, occurring within statutorily defined geographic areas (the Clery geography), regardless of whether the individuals involved are students. Decisions about whether to proceed with campus disciplinary action reflect an entirely different set of considerations. For example, certain conduct may be a violation of campus policies even if it would not constitute a crime under state law, while crimes reported under Clery may involve individuals who are not subject to the campus disciplinary process. Combining Clery crime reporting with

information on campus disciplinary proceedings is bound to cause confusion for students and families. In addition, the level of detail suggested, such as describing the final sanctions imposed on an accused individual, could easily lead to violations of individual privacy.

In many cases, information about the campus disciplinary process is already available under state law. We anticipate that some of the information called for on pages 3 and 4 of the bill also may become available through the development of the campus climate survey. However, turning Clery into a catchall for information well beyond its intended scope would be a mistake.

9. Resolving conflicts between Clery and Title IX. Section 9 of the bill amends Title IX to indicate that nothing in CASA “shall reduce or interfere with the rights and remedies” provided for under Title IX. The bulk of Title IX requirements related to sexual assault stem from sub-regulatory guidance issued by OCR in the form of Dear Colleague Letters, which are not subject to formal notice and comment.

This language appears to suggest that Title IX “guidance” should trump statutory language in CASA, should the two laws conflict. Giving sub-regulatory guidance such a privileged position under federal law is unprecedented. We ask that the intent of this section be clarified.

We appreciate efforts in the bill to require the Department to provide greater clarity about the intersection between the Clery Act, Title IX, and the proposed CASA provisions. While we support greater clarity, we believe the process envisioned for these clarifications is unlikely to help. The legislation requires OCR (responsible for enforcement of Title IX) and the Office of Postsecondary Education (OPE) (responsible for Clery policy development and regulations)⁴ to issue guidance within six months of enactment that clarifies how these laws interact and resolves any areas of conflict. There is no requirement or expectation that colleges and universities or advocacy groups will be consulted as part of this effort, and we fear the short timeframe would preclude it.

We believe the Department should conduct a negotiated rulemaking process to identify issues and seek workable solutions. Such an effort always starts with a public hearing and involves discussion of issues and possible solutions. If done in response to a legislative mandate, the process is far more likely to result in a better understanding of the problems and a clearer resolution than if the Department simply issues “guidance” uninformed by the clarifications that are needed.

10. The “amnesty policy” provision is overly broad. We support the goal of providing an open environment where survivors may report sexual violence without fear of running afoul of institutional policies that might otherwise result in disciplinary action.

⁴ While the OPE is technically responsible for Clery policy development, the Department’s Federal Student Aid (FSA) office, which is separate from OPE, is responsible for Clery enforcement, the Clery Help Desk, and the Clery Handbook.

However, the bill would provide amnesty for any “non-violent student conduct violation.” This could cover a wide range of serious violations, such as selling or distributing controlled substances. We encourage Congress to carefully consider whether providing a blanket exemption for all “non-violent” violations would have unintended consequences such as condoning unacceptable or illegal behavior or encouraging false reporting.

11. Grant program. It is critical to support further research and development about the most effective policies and strategies for preventing and addressing sexual assault on campus, and we support the addition of a grant program in the bill. The new grant program could be strengthened by addressing two issues.

First, given the need for more research about the most effective practices in this area, we recommend that Congress provide a dedicated and robust stream of funding for these grants. Relying on fines to fund these grants would result in uneven funding, which may not materialize in certain years. Best practices developed through these grants should be shared with all institutions.

Secondly, the grant preference given to institutions with the smallest endowments and lowest tuition rates is problematic. The formula proposed does nothing to ensure that institutions with fewer resources would be more likely to get funding, as tuition and endowment levels alone do not correlate with the availability of overall institutional resources. The purpose of the grants is to enhance institutional capabilities to address sexual assault on campus. Grants should be awarded based on the strongest proposals with the most promising ideas rather than on criteria unrelated to student safety.

12. Timely resolution of OCR investigations. OCR should be required to resolve its investigations in a timely way. According to OCR’s internal guidelines, investigations are expected to be concluded within 180 days of the date filed. This rarely happens with complex cases, such as those involving an allegation of sexual violence. It is not uncommon for OCR to take two or more years to resolve these cases, and we are aware of some cases that have been open for five or more years. These delays are not due to lack of staff resources—OCR currently has approximately 600 attorneys and staff available to investigate complaints and conduct compliance reviews.

While an investigation is ongoing, a cloud hangs over an institution and its students, in part because there often is little publicly available information about the inquiry. Also, institutions are stuck in limbo, unable to adopt new and improved policies and practices until a resolution agreement has been entered, because of uncertainty about whether the policies will be approved by OCR.

To ensure prompt resolution of civil rights violations and basic equity to institutions and their students, OCR should be required to resolve investigations within 24 months of their initiation, unless the institution being investigated has willfully obstructed or impeded the review.

Conclusion

Sexual assault is a serious problem in American society and on college campuses. Colleges and universities must redouble their efforts to prevent sexual assault, to support victims, and seek resolutions that are fair to both parties. These efforts are already underway and will continue in the months ahead. We support many concepts in the bill intended to help campuses prevent and respond to these cases and provide needed support to survivors. However, improving the execution of these concepts would help the bill achieve its intended goals. We are continuing to receive comments about the legislation, and we will share additional observations as we receive them. We look forward to working with you on this critical topic as HEA reauthorization moves forward.

Sincerely,



Molly Corbett Broad
President

MCB/ldw

On behalf of:

American Association of Collegiate Registrars and Admissions Officers

American Association of Community Colleges

American Association of State Colleges and Universities

American Council on Education

American Indian Higher Education Consortium

Association of Governing Boards of Universities and Colleges

Association of Jesuit Colleges and Universities

Association of American Universities

Association of Public and Land-grant Universities

Council for Christian Colleges and Universities

EDUCAUSE

NASPA – Student Affairs Administrators in Higher Education

National Association of College and University Business Officers

National Association of Independent Colleges and Universities

cc: U.S. Senator Claire McCaskill

U.S. Senator Kirsten Gillibrand