

I am writing to urge the Department of Education to uphold the protections and regulations provided by the 2011 Dear Colleague Letter that allow colleges to appropriately address sexual violence on their campuses. While I write these comments as a private citizen, I have worked as a therapist and as an advocate for survivors of sexual violence for over five years both at a rape crisis center setting in the college-filled town of Boston and in a campus setting at the University of California, Berkeley. I am alarmed by how proposed changes will set our country back by silencing survivors and emboldening perpetrators of violence.

We need to accept the reality that our students are at a high risk for sexual assault, intimate partner violence, stalking, and sexual harassment. The Association of American Universities found that among undergraduate students, 23% of females and 5.4% of males experience rape or sexual assault through physical force, violence, or incapacitation, and 21% of transgender, genderqueer, nonconforming college students have been sexually assaulted.<sup>1</sup> The Department of Justice found that male college-aged students (18-24) are 78% more likely than non-students of the same age to be a victim of rape or sexual assault.<sup>2</sup> The Dear Colleague Letter has provided the necessary backing to equip colleges to intervene for their community's safety, empower survivors to pursue their educational goals, engage in effective violence prevention, and demonstrate a commitment to addressing and ending sexual violence on their campuses.

**Colleges are uniquely situated to address its community, culture, and environment to bring an end to sexual violence.** Colleges function as microcosms, and the injuries of sexual violence reverberates throughout an expansive community that can include social groups, families, classrooms, dorms, academic programs, etc. As 85-90% of campus sexual assaults are committed by perpetrators that the survivor knows, it is essential for universities to be able to address situations where the complainant and respondent share classes or spaces to allow both parties to participate in their education while an investigation is carried out.

Prior to these measures being put in place, I have worked with survivors who had been forced to stop attending classes, transfer schools, or drop out entirely in order to look after their own safety and health. Survivors need to be able to address sexual violence outside of the criminal justice system, and the Title IX process allows them to do so. For many survivors, justice is not about seeking out the prosecution or punishment of their perpetrator. Justice is being able to continue accessing education in the face of traumatic experiences they did not get to choose or control.

**Providing a mechanism for colleges to adjudicate incidents of sexual violence utilized the trauma-informed practice of offering survivors choices, which increases reporting overall.** Relying solely on the criminal justice system or regional

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<sup>1</sup> David Cantor, Bonnie Fisher, Susan Chibnall, Reanna Townsend, et. al. Association of American Universities (AAU), Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct (September 21, 2015).

<sup>2</sup> Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Rape and Sexual Victimization Among College-Aged Females, 1995-2013 (2014).

centers to address “Title IX incident[s] which rises to a criminal level” is shortsighted and will discourage survivors from coming forward to report. Sexual assaults are underreported with only 20% of female student victims, age 18-24, reporting to law enforcement.<sup>3</sup> Low reporting numbers means that survivors do not believe it is safe to come forward. The most effective way to increase reporting is to offer survivors options. When survivors understand the definitions of sexual violence and understand the school’s resources and processes, they are nearly twice as likely to utilize such resources.<sup>4</sup>

Survivors are often coping with the effects of trauma, which places them at a hindrance when trying to engage law enforcement. In the midst of acute trauma, a survivor’s priority is to feel safe and okay, not to collect evidence and make a case for prosecution. Survivors are also required to use their financial resources to pay for expenses related to their assaults, such as their medical care, enrollment and withdrawal fees, counseling, housing, etc. This can create a disproportionate advantage for perpetrators who are able to invest their funds into their legal defense. The preponderance of evidence standard used by the Title IX process addresses these dynamics by placing an equal responsibility on all parties to present their case. The adjudication model adopted by universities also allows for trauma-informed approaches that are not available in the criminal justice system.

Importantly, it must be noted that sexual harassment is a significant issue in colleges, as 62% of female college students report having been sexually harassed at their university with 80% of the reported harassment being peer-to-peer.<sup>5</sup> Sexual harassment is not included in criminal codes and can only be addressed through civil remedies which are cost prohibitive and inaccessible to many survivors.

**Campuses need to prioritize primary prevention and culture change efforts to bring an end to violence.** Violence prevention is a well established and highly researched academic area of study that incorporates principles from public health, social work, psychology, education, and other theoretical and practical realms. Using effective primary prevention strategies leads to fewer incidents of people perpetrating harm and stronger intervention efforts by peers. The Dear Colleague Letter states that schools should “implement preventive education programs and make victim resources, including comprehensive victim services, available.” These efforts will ensure that all members of a university community know what values and norms exist on campus, how they may be held accountable for their actions, and how they can access support if they have been impacted by sexual violence.

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<sup>3</sup> Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Rape and Sexual Victimization Among College-Aged Females, 1995-2013 (2014).

<sup>4</sup> David Cantor, Bonnie Fisher, Susan Chibnall, Reanna Townsend, et. al. Association of American Universities (AAU), Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct (September 21, 2015).

<sup>5</sup> American Association of University Women, (2006).

The 2011 Dear Colleague Letter was vital in sending a message to university administrators and its community: colleges had a stake and a role in addressing sexual violence. Rescinding this letter will have the opposite effect. People who cause harm will know it will be easier to subvert accountability, law, and policy. Survivors who have experienced harm will hear that their trauma is their problem and their only remedy is to withdraw. Please protect our colleges and our communities by strengthening, not peeling back the progress we have made.