Problems with the Campus Climate Study Final Technical Report (CCSVS) and the Campus Climate Surveys (CSA) have changed the meanings of the words “rape and sexual assault! The accused are guilty trying to prove themselves innocent in a system stacked in favor of the “victim.” Leaders in our Senate, Congress, state government and the college and university system are using information that is misleading. If you read the research you can see how information is twisted to present a point of view that is not truthful in its presentation!

1. How are “rape” and “sexual assault” being defined by the Campus Climate Survey Validation Survey? (CCSVS) It states “Do not ask about the “most serious” incident, which is problematic because it does not yield information that is necessarily representative of a “typical” incident (in that it underestimates minor events, which potentially distorts the picture of violence on campus.)” The CCSVS wants to “allow for the documentation and description of many more incidents.” It will “not ask about attempted sexual assault because attempts are very difficult to define and categorizing an event as an attempted sexual assault requires a high level of speculation about the perpetrator’s intentions.” It is also recommended that the survey provide a detailed explanation of what students will be asked about including “who the perpetrators can be” If I was raped or sexually assaulted how would I not know this? If I need an explanation of this the meaning of the words rape and sexual assault have been changed. .” The definitions of “rape” and “sexual assault “are clearly being expanded! This is not an impartial survey being given to students to ascertain whether or not they have been victimized. This survey is designed to capture “minor events” and does not directly ask about sexual assault. They want to capture “more Incidents.”

2.“The prevalence rates reported with the CCSVS/CSA/NISVS surveys are substantially higher than the National Crime Victimization Survey (NCVS) victimization and prevalence rates. The NCVS is a longitudinal evidenced based study. The NCVS is presented as a survey about crime, while the NISVS and CSA are presented as surveys about public health. The NISVS and CSA collect data on incidents of unwanted sexual contact that may not rise to a level of criminal behavior, and respondents may not report incidents to the NCVS that they do not consider to be criminal. The three surveys differ in important ways in how rape and sexual assault questions are asked and victimization is measured.”

“The NISVS and the CSA surveys ask about an exhaustive list of explicit types of unwanted sexual contact a victim may have experienced.”

3. “Collection mode and response rates can impact data quality. The NCVS uses in-person and telephone interviews to collect data and has an 88% person and 74% overall response rate. The 2011 NISVS uses random-digit dialing with a 33% response rate. The 2007 CSA is a self-administered survey with 33% to 43% response rates.” The NCVS has the ability to make comparisons over time and between population subgroups. The CSA and NISVS do not have this data.

It is clear that the NVCS evidenced based study is superior with a clearly identified population and very high response rate. The CCSVS attempts to explain how a public health perspective survey is a superior survey and even suggests that the NCVS and other large federal surveys be “redesigned” to the CCSVS format.

4. It states the “campus climate surveys provide one vehicle to collect information that is needed to understand which policies and programs are most effective at holding perpetrators accountable.” Why is a college campus trying to figure out the best way to punish those who have been accused? Is that not what our criminal justice system is for? Governor Cuomo states, “sexual assaults are not simply violations of campus rules, these are crimes and they need to be treated as such.” Senator Gillibrand states, “The reason schools are failing is because the do not take this crime seriously” Senator Grassley states, we need to “treat sexual assault for the crime that it is; Sexual assault is not some mere code of conduct violation. It is a major criminal offense. Like with any crime, weak enforcement make the problem worse.” These are all strong words that rape and sexual assault should be investigated and handled by professionals.

While these boys are being expelled and suspended from colleges and universities. They seem to have fewer rights than those who are incarcerated in prison. Those who are accused on a college campus do not have their due process rights and the preponderance of evidence standard is too low. Add this to the inflated definitions that are designed to catch “minor events” The results can be devastating for those accused!

Someone please tell me how a convicted criminal who has been tried before a jury can sit in jail and obtain a college degree and our boys are denied this????

Yes this actually is happening. Boys who have been suspended or expelled on most college applications now have to “check the box” if they were disciplined. There is no way around this and with the “rape epidemic” they are not able to return to college and get a degree and earn a living but a convicted criminal can!

In New York State the campus climate survey is a requirement under the Enough is Enough Law that was passed. Governor Cuomo states “ An epidemic of campus sexual assault is spreading across the country and shockingly, New York has more schools being investigated for possible violations of federal law over the handling of sexual violence and harassment complaints than any other state. Does New York State have more cases being investigated because the campus climate survey is being used and the accused are being brought up on “minor incidents?”“Reports of sexual assault on the University at Albany campus hit 150 in 2015 – a 200 percent increase from the previous year, according to Chantelle Cleary, UAlbany’s Title IX Coordinator. UAlbany is taking a different approach from other schools, embracing the rising numbers. “I know it sounds crazy to say, but we want reports to go up,” said Cleary”

I was able to attend the “SUNY summer training series-Best Practices in Conduction Trauma Informed Investigations of Sexual and Interpersonal Violence.” Joseph Storch,Esq, Associate Counsel, State University of N.Y. was one of our presenters. He stated “the number of incidents has been stable over time.” But campuses are seeing and increase in reporting of 100%. So despite this huge increase in reporting the actual number of “rapes or sexual assaults” has not changed. This supports the evidenced based study done by the DOJ,Rape and Sexual Assault Victimization Among College-Age Females, 1995–2013.

The training overwhelmingly focused on the victim. They talked about many worst-case criminal scenarios as examples of what happens to the brain in these situations. As a nurse who works in an emergency room and on a college campus, I can understand a Trauma Induced Response in the situations that were described. It is appropriate for those supporting the victim. It should not be that every person investigating these “crimes” be trained to support only the victim. We have created a biased system against the accused on campus. The criminally prosecuted cases provided as examples were violent acts of rape and sexual assault. The training did not discuss any cases that might fall into the gray areas, or captured “minor events” of sexual assault in these campus climate surveys. Chantell Cleary the Title IX SUNY Albany Coordinator was another major speaker at the training. Chantelle stated “interviewing a respondent is a little different because they did not experience trauma.” This statement immediately tells you to assume the respondent is guilty because you need to believe the “victim.” Dr. James Hopper the guest speaker on the neurobiology behind Trauma Informed Prevention also reinforced “this defense circuitry can kick in even if someone was not touched.” “If you don’t create a safe space for them to tell you how they reacted their stories may change.” The accused really has to prove their innocence.

There was very little time spent on the accused person rights because it basically comes down to the fact you do not have rights on a college campus! You only have the rights the college defines for you! This does not include your constitutional rights on a college campus!! Here is the summary of the accused rights given by SUNY Albany Title IX director Chantelle Cleary;

Preservation of the Accused rights:

Is there a Criminal Investigation pending?

Is there a campus investigation pending?

Is the accused aware that all statements made to you can be used against them in a criminal case? Chantelle- “You do not have to tell them this!” “I do to be fair”

While Chantelle states she informs those accused anything stated to the college could be used against them in a court of law she made it clear to all those at the training THIS IS NOT REQUIRED! She also stated while the accused maybe involved in a criminal case it is their choice if they decide not to participate in the college process. This may not be a good choice to make but that is too bad it was their choice. The college moves on with the process. I don’t believe many off those at the training have the ability to tell the accused statements made can be used against them in a court of law and then collect the information they need for their investigation. One Title IX director asked “What if you are unable to come to a conclusion on cases?” The Title IX director seems afraid to be able to say an accused student was not responsible! Many of the campus cases fall into this gray area and it was clear many of these Title IX Coordinators are unclear and are feeling the pressure to protect the “victim” and the college. They are trying to do their best but they are being trained to only believe the victim. This is biased!!

In NYS Senator Gillibrand has been pushing the Campus Accountability and Safety Act. (CASA). She recently changed this page but she states; “Fewer than one-third of the students found responsible for Sexual assault are expelled.” When I followed the link to the study provided it took me to this study. [http://www.huffingtonpost.com/2014/09/29/campussexualassault\_n\_5888742.html](http://www.huffingtonpost.com/2014/09/29/campus-sexual-assault_n_5888742.html)

What I take from this article is in one study 30% of boys are expelled, (yes less than 1/3) however 42% are suspended 17% had educational sanctions and 13% were placed on probation. That means 77% of the boys have this mark on their record making it much more difficult to continue their education or work in certain fields. This mark never goes away for them. 77% have received the harshest punishments available to the colleges. That is a lot and a high price to pay considering some of the “assaults” may include no touching. The total percentage in that study was 107% it is difficult to really know what the numbers may show. The other study stated a percentage range Expelled 13-30%, Suspended 29-68%. That would mean 42-98% received the harshest punishment.

I followed the link to the study done by Claire McCaskill that states “41 percent reported not having conducted a single investigation into sexual violence in the previous five years.” This stat refers to the National Survey group. It appears the National survey group is made up of mostly online programs and trade certificate programs. So this is not a “campus” situation like the stats they show for the Public and Private colleges. If you have no campus you would not be doing these types of investigations.

Rape law has never been a clearinghouse to redress every less than ideal sexual encounter. Katie Roiphie once summed it up in a landmark New York Times piece: “With their expansive version of rape, rape-crisis feminists are inventing a kinder, gentler sexuality. Beneath the broad definition of rape, these feminists are endorsing their own Utopian vision of sexual relations: sex without struggle, sex without power, sex without persuasion, sex without pursuit. If verbal coercion constitutes rape, then the word rape itself expands to include any kind of sex a woman experiences as negative.”

Coercing someone into sexual activity violates campus policies just as much as physically forcing someone into sex. Coercion happens when someone unreasonably pressures someone else for sex.”

Let us analyze. What does “unreasonable pressure” mean in a culture where sex roles of pursuer and “hard to get” have been fairly divided along gender lines for eons?

The guy can ask for sex, but he can’t ask too much, and he might be expelled if he crosses some indistinct, blurry line that’s about as clear as a dense New England fog. Does a “no” at 7:00 o’clock mean the topic of sex is off-limits? For how long? Until 10:00 o’clock? Midnight? The entire night? When does asking become nagging? Does the policy prohibit any nagging for sex whatsoever? Is a little nagging acceptable? At what point does a little nagging become excessive nagging? When will one more nag be enough to expel a young man? When does “seduction” magically turn into “coercion”? There is no mistaking midnight for noon, but at what point does twilight become night?

To say that the contours are fuzzy is an understatement. No one — no one — can be sure at what point the line is crossed. As a law, it is unworkable. As a policy, it is grossly unjust to men and insulting to both genders.

Criminal law is not a guessing game. A law that does not meet that standard is unconstitutionally vague. Campus tribunals are a guessing game! The senators I quoted above all repeatedly state what is happening on our college campuses is a crime. Experienced investigators should handle these cases. Please we need to get truthful and factual information out to the public. We need the Dear Colleague Letter rescinded and it guidance!! We cannot leave states like New York and California to make there own laws that Do Not Allow for one’s constitutional rights on a college campus!! Please lets change this!!

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[http://www.huffingtonpost.com/2014/09/29/campussexualassault\_n\_5888742.html](http://www.huffingtonpost.com/2014/09/29/campus-sexual-assault_n_5888742.html)

<http://www.mysanantonio.com/opinion/commentary/article/National-survey-of-campus-sex-violence-merited-5672814.php>

One other article I highly recommend reading A probabilistic framework for modelling false Title IX ‘convictions’ under the preponderance of the evidence standard [John Villasenor](javascript:;)

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