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HOUSE JOINT RESOLUTION NO. 603
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Rules
on February 6, 2015)

(Patron Prior to Substitute—Delegate Knight)

Directing the Virginia State Crime Commission to study the prevention of sexual violence on the campuses of public and private institutions of higher education in the Commonwealth. Report.

WHEREAS, in the April 2014 report *Preventing Sexual Violence on College Campuses: Lessons from Research and Practice*, which was prepared for the White House Task Force to Protect Students from Sexual Assault, Sarah DeGue, Ph.D., of the Division of Violence Prevention for the U.S. Centers for Disease Control and Prevention (CDC), wrote "sexual violence is a serious public health problem affecting the health and well-being of millions of individuals each year in the United States and throughout the world, with notably high rates among college students"; and

WHEREAS, sexual assault is ultimately about power, control, and violence and generally is not associated with sex or sexual attraction, according to the Sexual Assault Prevention and Awareness Center at the University of Michigan and Dr. David Lisak at the University of Massachusetts, author of *Understanding the Predatory Nature of Sexual Violence*; and

WHEREAS, according to the CDC, nearly 1 in 5 women and 1 in 71 men have been raped in their lifetime; approximately 1 in 20 women and men have experienced sexual violence other than rape; and 13 percent of women and 6 percent of men have experienced sexual coercion during their lifetime; and

WHEREAS, the CDC has reported that, nationally, 37.4 percent of female rape victims were first raped between the ages of 18 and 24, and a study of undergraduate women found that 19 percent of study participants had experienced attempted or completed sexual assault since entering college; and

WHEREAS, summarizing a series of articles entitled "Sexual Assault on College Campuses: A Culture of Indifference," Investigative Journalism for the Pacific Northwest reported that the incidence of sexual assault on college campuses continues to rise due to denial about the scope of the problem, virtually nonexistent discipline for alleged perpetrators, fragmented school reporting channels, and poor handling of campus crimes, which compounds the trauma experienced by rape victims, leaving them to bear the emotional, physical, and financial anguish of the assault; and

WHEREAS, confused and bewildered, some women delay reporting a sexual assault while others may report assaults to police, friends, faculty members, doctors, or a sexual assault counseling center; and

WHEREAS, sexual assault crosses all barriers and genders, and same-gender assaults are not uncommon on college campuses, according to Rebecca Norman, development director of the Bradley Angle domestic violence shelter in Portland, Oregon; and

WHEREAS, according to "Sexual Assault on College Campuses: A Culture of Indifference," published by Investigative Journalism for the Pacific Northwest, 62 percent of sexual assaults involve alcohol or drugs, making sex and drinking or recreational drug use a dangerous mix on college campuses, contributing to the high prevalence of sexual assault, and rendering such alleged assaults difficult to prosecute; and

WHEREAS, on March 7, 2013, President Barack Obama signed into law the Violence Against Women Reauthorization Act of 2013 (Pub. Law 113-4), which, among other provisions, amended § 485(f) of the Higher Education Act of 1965, as amended, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; and

WHEREAS, the amended Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires that public and private colleges and universities participating in federal student aid programs disclose campus safety information, including domestic and dating violence, stalking, and sexual assault statistics, and imposes certain basic policies and procedures, an annual security report, and requirements for handling incidents of sexual violence and emergency situations on campus; and

WHEREAS, according to the U.S. Department of Education's Office for Civil Rights, there are currently 78 universities with pending Title IX sexual violence investigations, many of which are related to complaints relating to the handling of assault reports by the universities; and

WHEREAS, § 23-9.1:1 of the Code of Virginia requires that "[t]he board of visitors or the governing body of any public institution of higher education in Virginia shall make available to any interested party upon request a copy of that portion of the most recent report of the Uniform Crime Reporting Section of the Department of State Police entitled 'Crime in Virginia' pertaining to colleges and universities"; and

WHEREAS, Governor Terry McAuliffe formed the Task Force on Combating Campus Sexual Violence on August 21, 2014, chaired by Attorney General Mark Herring, and the task force has been

60 charged with helping to address immediate and long-term issues pertaining to sexual violence on the
61 Commonwealth's college campuses; and

62 WHEREAS, a thorough examination of sexual assault on the Commonwealth's public and private
63 college and university campuses must be undertaken to ensure the coordination of public policy that will
64 benefit all students, prevent college campus sexual violence, and enhance campus safety; now, therefore,
65 be it

66 RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime
67 Commission be directed to study the prevention of sexual violence on the campuses of public and
68 private institutions of higher education in the Commonwealth.

69 In conducting its study, the Crime Commission shall (i) ascertain the breadth of the problem of
70 sexual violence on public and private college campuses in the Commonwealth; (ii) review all relevant
71 state and federal laws, regulations, and policies to identify appropriate ways in which sexual violence
72 may be abated; (iii) assess the policies, process, and procedures for reporting crimes of sexual violence
73 used by colleges and universities in the Commonwealth; (iv) determine whether any institutions of
74 higher education in the Commonwealth have pending U.S. Department of Education Office for Civil
75 Rights investigations for the manner in which allegations and reports of sexual violence have been
76 managed; (v) collaborate with other local, state, federal, college, and community advocates and police
77 departments and entities to address the problem throughout the Commonwealth's higher education and
78 criminal justice systems and among parents and students; (vi) make recommendations to ensure safe
79 college and university campuses throughout the Commonwealth; and (vii) carry out any other duties the
80 Crime Commission deems proper to facilitate the purposes of this resolution.

81 Technical assistance shall be provided to the Crime Commission by the State Council of Higher
82 Education for Virginia and the Virginia Department of State Police. All agencies of the Commonwealth
83 shall provide assistance to the Crime Commission for this study, upon request.

84 The Crime Commission shall complete its meetings by November 30, 2015, and the chairman shall
85 submit to the Division of Legislative Automated Systems an executive summary of its findings and
86 recommendations no later than the first day of the 2016 Regular Session of the General Assembly. The
87 chairman shall also submit the findings and recommendations of the Commission to the Chairmen of the
88 House Committees on Education and for Courts of Justice and the Chairmen of the Senate Committees
89 on Education and Health and for Courts of Justice. The executive summary shall state whether the
90 Commission intends to submit to the General Assembly and the Governor a report of its findings and
91 recommendations for publication as a House or Senate document. The executive summary and report
92 shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for
93 the processing of legislative documents and reports and shall be posted on the General Assembly's
94 website.