



International Association of Campus Law Enforcement Administrators

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2017 ISSUE BRIEF: GENDER VIOLENCE ON CAMPUS

BACKGROUND

As officers charged with keeping colleges and universities safe, preventing and addressing sexual assault and all forms of gender violence – including protecting and supporting victims and bringing perpetrators to justice by investigating and enforcing the law – is one of our paramount responsibilities.

IACLEA strongly supports transparency in reporting of sexual assault and gender crimes, counseling and support programs for victims, education for all those on campus, along with greater authority, training, resources and tools for campus law enforcement agencies.

Many victims find it difficult to report an assault to public safety authorities for a variety of reasons. In many cases the victim wishes to remain anonymous, limiting what campus safety can do – and in some states that anonymity cannot be honored. Ongoing education of students about available resources is critical in addressing these issues.

IACLEA applauds changes brought about by Amendments to the Violence Against Women Act that went into effect on November 1, 2014. These measures enhanced campus administration relating to educating students, investigating reports and administering justice. However, some of the ensuing regulations have proven to be counterproductive, as well as impossible for campus law enforcement to implement.

ACTIONS TO BETTER ADDRESS THESE ISSUES

Investigative Authority – Campus law enforcement must be the lead investigative authority in response to reports of covered allegations rather than the law enforcement agency of the unit of local government.

Current law does not recognize the difference between a campus law enforcement agency and a campus security department, and implies that only a non-campus local law enforcement agency is better equipped and trained to investigate sexual assault and gender violence crimes. This one-size fits all approach is grossly inaccurate and does not serve to better protect and assist victims or bring perpetrators to justice.

Campus law enforcement is better suited, trained and equipped to conduct and prioritize such investigations, working in collaboration with local law enforcement when and as needed. Campus law enforcement agencies, where they exist, will devote greater resources to these investigations than local law enforcement agencies.

A criminal investigation by a campus law enforcement agency is independent of the administrative investigation required by Title IX. Although the investigations are independent of each other, the campus law enforcement agency is better positioned than a local law enforcement agency to coordinate the criminal investigation with the Title IX investigation so that the trauma to the victim (survivor) is minimized.

IACLEA supports exceptions to campus law enforcement serving as the lead agency in circumstances where the victim chooses to either waive campus law enforcement investigations or expressly requests that campus law enforcement not be involved. Barring these exceptions in support of the victim's rights, IACLEA opposes proposals designed to direct the referral of these allegations to outside law enforcement first.

IACLEA also strongly supports requiring that colleges and universities inform local law enforcement of all reported sexual assaults on campus and in their jurisdiction.

Conflicts in Current Regulations – There are many conflicts in current regulations that are causing issues for law enforcement and impacting victims of sexual assault and gender violence. For example, a Title IX investigation must be investigated within 60 days while the criminal investigation may take longer and can be compromised by the Title IX investigation. The 60-day requirement for adjudication by Title IX investigators, which has a different level of proof than courts, also hinders justice being served as adjudications must move forward even without evidence such as DNA and forensic results.

The definitions used in the law for sexual assault and gender offenses are not consistent with the Uniform Crime Report definitions long established for reporting crimes to the FBI. The definitional inconsistencies create immense difficulties for campus law enforcement and generate tremendous inefficiencies and confusion rather than clarity and transparency. It creates needless paperwork and inordinate expense to our educational institutions. This must be fixed so that these reporting requirements for higher educational institutions are consistent with UCR/NIBRS definitions.

Memorandums of Understanding – In general, institutions of higher education – and more specifically campus law enforcement – have a collaborative and beneficial rapport and working relationship with local law enforcement, which fosters the necessary sharing of information. IACLEA believes these organic relationships produce more beneficial outcomes for serving justice than efforts proposed to rigidly define such relationships through complicated and inflexible memorandums of understanding.

Actions in Good Faith – Congress should acknowledge good faith efforts by institutions and their campus law enforcement officers in the pursuit of their roles and responsibilities under the Clery Act and Title IX, and not take overly punitive actions when genuine errors occur in pursuit of campus safety.

CONTACT

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