United States Senate
WASHINGTON, DC 20510

July 1, 2016

The Honorable John B. King, Jr.
Secretary
U. S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Secretary King and Attorney General Lynch:

Gender-based violence including sexual assault on our college and university campuses is a serious and growing public health epidemic, and threatens the ability of students across the nation to learn in a safe environment. According to the Department of Justice (DOJ), one in five female undergraduates have been sexually assaulted while in college. Several other surveys support this finding, including a report from the Centers for Disease Control and Prevention (CDC), which found that 20 percent of women are sexually assaulted in their lifetime. On college campuses, sexual violence disproportionately affects women and impedes their ability to participate fully in campus life. Educational equity for women and all students requires fair, responsive, fully developed campus sexual assault policies, knowledgeable administrators, with the shared goal of ending sexual violence on campuses.

The Violence Against Women Reauthorization Act of 2013 (VAWA) amended the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) in response to growing concerns about sexual violence on college campuses. These changes require eligible institutions of higher education to take proactive, robust, and preventive measures to make campuses safer and hold schools accountable. July 1st, 2016 marks one year since these regulations went into effect, and while the Administration has taken strong steps to implement these regulations, we are frankly concerned that schools are not doing enough. Failure to fully adhere to these reforms puts women, and all students, nationwide at risk—and the Departments of Education and Justice have a critical role to play in ensuring the protections laid out in VAWA are fully put into practice.

The VAWA reforms, in part, required colleges and universities to include the number of incidents of sexual assault, domestic violence, dating violence, and stalking as part of the required reporting of crime statistics to the Department of Education (ED). Unfortunately, this new data showed that in 2014, while nearly 11,600 schools reported, only nearly nine percent reported any occurrences of sexual assault, dating violence, domestic violence, or stalking and nearly 91 percent reported having no incidents of sexual assault. Further, 91 percent of schools reported no incidents of

domestic violence or dating violence. These directly conflict with the DOJ and CDC data on sexual assault, and strongly suggest that schools are either not taking the reporting obligation seriously or are not creating an environment where students feel comfortable coming forward to report, and are vastly underreporting these crimes. This discrepancy demonstrates the need for the Department of Education to reinforce schools' obligation and to examine where schools are falling short in creating trusted systems for reporting and documenting and reporting data on gender-based violence, in order to provide targeted technical assistance and support.

Furthermore, recognizing the need to improve schools' proactive work to prevent these crimes in the first place, the VAWA reforms also focused on increasing student awareness and requiring schools to focus on prevention of gender-based violence. Under the reforms, schools were required to:

- Detail policies to prevent domestic violence, dating violence, sexual assault, and stalking;
- Institute procedures that the institution will follow once an incident has been reported;
- Delineate procedures for survivors to follow when a crime occurs;
- Provide written notification about existing services and accommodations for survivors;
- Train officials who investigate a complaint or conduct an administrative proceeding regarding any of these crimes in a manner that protects the safety of survivors and promotes accountability; and
- Implement primary prevention education programs to promote awareness of crimes, provide ongoing awareness and prevention training for students and faculty. This includes making students aware of the definition of consent in the jurisdiction, safe and positive options for bystander intervention to prevent harm, and information on risk reduction to recognize to warning signs of abusive behavior.

Requiring schools to develop and implement prevention strategies is one of the most successful ways to reduce sexual violence in the campus community. Yet, primary prevention is only one piece of the puzzle when it comes to reducing rates of gender-based violence. Prevention complements work on risk reduction, accountability through our criminal justice process, and victim services.

As we mark the one-year anniversary of these reforms, we are concerned that a significant number of schools may be out of compliance. To that end, we request that you evaluate how schools are complying with these reforms and clarify what steps can be taken by schools to prevent gender-based violence on their campuses. Specifically, we ask that you:

- Clarify university obligations under the Clery Act through guidance articulating a clear and final timeline for compliance that addresses schools needing assistance with compliance;
- Work with schools to provide model training for faculty and staff to ensure that school officials are informed and prepared to respond to violence;
- Issue a best practices guide that includes model policies for improving campus safety and preventing and responding to these crimes based on evidence-based measures for school action as required under the statute; and
- Provide oversight review to ensure institutional compliance with reporting obligations under the Clery Act.

The Departments of Education and Justice have been strong partners in our joint efforts to make colleges and universities safe and supporting environments for students to learn, and we appreciate everything you have done to ensure safer campuses for all students. However, we still have more work to do. We look forward to your ongoing partnership in this work and to more progress in the future.

Sincerely,

Patty Murray

United States Senator

Tammy Baldwin

United States Senator

Michael F. Bennet

United States Senator

Richard Blumenthal

United States Senator

Barbara Boxer

United States Senator

Sherrod Brown

United States Senator

Maria Cantwell

United States Senator

Benjamin L. Cardin

United States Senator

Robert P. Casey, Jr.

United States Senator

Richard J. Durbin

United States Senator

Dianne Feinstein

United States Senator

Al Franken

United States Senator

Kirsten Gillibrand

United States Senator

Martin Heinrich

United States Senator

Mazie K. Hirono

United States Senator

Tim Kaine

United States Senator

Patrick J. Leahy

United States Senator

Edward J. Markey

United States Senator

Claire McCaskill

United States Senator

Barbara A. Mikulski

United States Senator

Christopher Murphy

United States Senator

Jack Reed

United States Senator

Bernard Sanders

United States Senator

Brian Schatz

United States Senator

Jeanne Shaheen

United States Senator

Debbie Stabenow

United States Senator

Tom Udall

United States Senator

Elizabeth Warren

United States Senator

Sheldon Whitehouse

United States Senator

Ron Wyden

United States Senator

Cory A. Booker

United States Senator