



October 13, 2015

Dear Representative,

The National Task Force to End Sexual and Domestic Violence Against Women (NTF) represents a large and diverse group of national, tribal, state, territorial, and local organizations, as well as individuals, committed to securing an end to violence against women. Included are civil rights organizations, advocates for children and youth, anti-poverty groups, immigrant and refugee rights organizations, women's rights leaders, education groups, and others focusing on a wide range of social, economic, and racial justice issues.

The advocates, service providers, and stakeholders in our networks see every day the widespread and devastating impacts of campus sexual assault upon survivors. College sexual assault survivors suffer high rates of PTSD, depression, and drug or alcohol abuse, which can hamper both their ability to succeed in school and future employment. At the same time, only a small percentage of these cases are reported, sanctioned by campus judicial boards, or prosecuted, allowing offenders to go without punishment as well as creating an unsafe environment for students.

We write to express our opposition to the Safe Campus Act of 2015 (H.R. 3403) and the Fair Campus Act of 2015 (H.R. 3408). Both bills threaten to undermine the protections of Title IX and the critical progress policy makers, universities, advocates, students and survivors are making to end the scourge of sexual assault on campus. Every student has a right to an education free from sexual harassment and violence. When campus environments are hostile because of sexual harassment, assault, or violence, students cannot learn and miss out on true educational opportunities. In order to encourage educational attainment, we must expand options for survivors, rather than limit them. Sexual violence is prevalent at all colleges and universities and impacts all students, but even one incident is one too many. In addition, it remains a seriously underreported crime. The Safe Campus Act and the Fair Campus Act will not help in solving these problems and will, in fact, make campuses less safe for survivors.

The Safe Campus Act inappropriately conflates the roles of colleges and universities and the criminal justice system in responding to campus sexual violence, while claiming to support a more fair process. Requiring schools to wait until law enforcement acts, even if only at the behest of the survivor, ignores the actions schools can and must take to combat sexual violence. Current laws such as Title IX require schools to respond to campus sexual assault because students' civil rights are on the line. Additionally, schools also have a role in addressing sexual harassment and violence on campus because they are best equipped to provide interim measures and accommodations. Accommodations such as class schedule or housing changes, for instance, are necessary to survivors' ability to complete their education.

Schools are also best situated to assess and remedy such incidents, in an administrative setting and according to their established student codes of conduct and anti-discrimination policies. Appropriately, schools are not in the business of imposing criminal punishments. Those decisions are left to the authorities in charge of criminal investigation and prosecution, if a survivor chooses to pursue that course. The school's civil rights investigation and any law enforcement criminal investigation represent parallel and equally necessary paths. We completely reject the argument that only one system in our nation should be

held accountable for keeping young people safe from sexual violence. We all want a robust criminal justice response to rape. The criminal justice system does not operate in a vacuum and all systems where our young people learn and grow and live—communities of faith, neighborhoods, the military, schools, and institutions of higher learning—must address this tragic problem that traumatizes so many. By requiring the criminal process to move forward in order for survivors to have access to the disciplinary process on campus, the Safe Campus Act limits the options campus sexual assault survivors have and makes it more difficult for them to seek justice.

In addition, both the Safe Campus Act and the Fair Campus Act would require changes to schools' disciplinary processes that would be overly onerous when incidents of sexual violence occur. We oppose these provisions, which would allow institutions to determine their own burden of proof and allow offenders and offenders' attorneys unfettered and inappropriate access to question survivors and to information about survivors. Specifically, we oppose altering the burden of proof that schools use in disciplinary proceedings related to sexual discrimination, including harassment and violence, because these are not criminal trials. The currently used preponderance standard is in keeping with other similar civil and administrative proceedings. There is ample legal precedent for administrative responses to sexual misconduct in non-educational settings. Under Title VII, employers—including colleges and universities—must conduct their own investigations of sexual harassment complaints and take remedial actions, often including terminating an employee found responsible for harassment. We additionally oppose provisions in both bills that prevent institutions from acting quickly to sanction student groups that engage in discriminatory and abusive behavior. Such interim measures can be key to alleviating a hostile environment on campus even while investigations are ongoing.

We are eager to work together to stop sexual violence on campus but oppose both the Safe Campus Act and the Fair Campus Act for taking a misguided approach to tackling the issue.

Sincerely,