

House Committee on Education

In Support of HB2266

WRITTEN TESTIMONY ONLY

March 4, 2015

Chairman Highland and Members of the Committee:

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) is a statewide non-profit organization of the 29 sexual and domestic violence programs serving survivors of sexual assault and domestic violence across the state. As a statewide organization KCSDV and its member programs provide numerous services to victims of domestic and sexual violence who are students on and around college campuses across Kansas.

Approximately 20% of women and 6.1% of men are victims of completed or attempted sexual assault while in college.¹ Currently, Kansas has no state specific law addressing how universities investigate and conduct sexual assault investigations that are perpetrated on or around Kansas colleges and universities. However, federal laws addressing sexual assault at institutions of higher education include Title IX and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). Title IX, enforced by the U.S. Department of Education's Office for Civil Rights (OCR), prohibits sexual discrimination and sexual violence in educational programs *and* activities. Title IX applies to *all* public and private schools, school districts, colleges and universities receiving federal funds.

Last May, the OCR released a list of 55 higher education institutions under investigation for possible violations of federal law over the handling of sexual violence and harassment complaints.² While no Kansas college or university was on the initial list, a few months later the following Kansas universities were added to the list: The University of Kansas, Kansas State University, and Washburn University. As of January 2015, the list has grown to 94 higher education institutions across the country being investigated for possible violations of federal law over the handling of sexual violence and harassment complaints.³ These numbers show that sexual assault on and around campuses continues to be a

¹ Christopher P. Krebs, Ph.D. ; Christine H. Lindquist, Ph.D. ; Tara D. Warner, M.A. ; Bonnie S. Fisher, Ph.D. ; Sandra L. Martin, Ph.D. *The Campus Sexual Assault (CSA) Study*. United States Department of Justice. December 2007. Available at: <http://www.usatoday.com/story/news/nation/2014/05/01/departments-office-for-civil-rights-title-ix-sexual-assaults/8567941/>.

² United States Department of Education. *U.S. Department of Education Releases List of Higher Education Institutions with Open Title IX Sexual Violence Investigations*. May 1, 2014. Available at: <http://www.ed.gov/news/press-releases/us-department-education-releases-list-higher-education-institutions-open-title-ix-sexual-violence-investigations>.

³ Kingkade, Tyler. *List of 94 Postsecondary Institutions That Have Pending Title IX Sexual Violence Investigations*. January 2015. Available at: https://www.atixa.org/wordpress/wp-content/uploads/2012/01/List-of-94-Postsecondary-Institutions-That-Have-Pending-Title-IX-Sexual-Violence-Investigations_as-of-010715.pdf.

pervasive and real problem. Colleges and universities are inconsistent in how they apply their sexual assault policies, procedures, and prevention efforts. The investigation of sexual assault cases and the imposition of discipline are inconsistent.

HB2266 seeks to provide guidance, specificity, and clarity to Kansas institutions of higher education on policies and procedures currently required by federal law to address the crime of sexual assault on campuses. Additionally, HB2266 seeks to improve the safety and treatment of victims of sexual assault at Kansas colleges and universities by requiring victim-centered sexual assault policies and providing an affirmative consent definition.

HB2266 provides further education, definitions, and guidance for colleges and universities to comply with existing federal law and to ensure that colleges and universities adequately address victims' needs, take appropriate disciplinary actions against perpetrators, and provide further direction for institutions on how to protect and provide services and support of sexual assault victims. HB2266 not only helps Kansas colleges and universities meet obligations under federal law but is good Kansas policy to make sure all higher education institutions follow consistent sexual violence prevention, investigation and adjudication standards.

KCSDV supports the passage of HB2266.

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