



COMMONWEALTH of VIRGINIA

GOVERNOR TERRY MCAULIFFE'S TASK FORCE ON
COMBATING CAMPUS SEXUAL VIOLENCE
CHAIR ATTORNEY GENERAL MARK HERRING

OCTOBER 22, 2014, 10:00 AM
PATRICK HENRY BUILDING, CONFERENCE ROOM #2

LAW ENFORCEMENT SUBCOMMITTEE MEETING MINUTES

DRAFT-to be formally approved at December 10, 2014 meeting

Members Present: Maggie Cullinan, Melissa Ratcliff Harper (via conference call), Penelope Kyle, Donna Michaelis, Nancy Oglesby, Marianne Radcliff, Tracy Russillo, and John Venuti (Subcommittee Chair).

Members Absent: Penelope Kyle and Abby Raphael

Staff Present: Shannon Freeman, Rachel Levy, Barry Meek, and Tonya Vincent.

Meeting Summary

Subcommittee Chair John Venuti called the meeting to order at 10:06 am and welcomed committee members. Committee members and staff introduced themselves and Chief Venuti introduced **Reuban Rodriquez, Dean of Student Affairs and Deputy Title IX Coordinator at VCU**. Dr. Rodriguez provided a brief overview of Title IX, from its creation in the early 1970's as an outgrowth of the Civil Rights era to address inequity in varsity athletics. Title IX prohibits sex discrimination in educational institutions that receive federal funding. Another campus consideration is the Clery Act, which applies to the compilation and reporting of campus-related crime statistics. Guidance material from the Department of Education (DOE) and its Office of Civil Rights (OCR) regarding Title IX / Clery Act include the 2011 Dear Colleague Letter (DCL) and recent updated guidelines from OCR based on the Violence Against Women Reauthorization Act of 2013 (VAWA).

Dr. Rodriguez discussed the manner in which a reported Title IX violation is handled at VCU, beginning with the initial intake process, which generates an administrative report of the case facts with the victim's information redacted. A report may come in from campus police, residence hall security, resident advisors, or other staff. VCU utilizes a web-based electronic filing system called Maxient.

Chief Venuti shared that VCU has expanded their distribution of police information with regard to Title IX cases. For example, Dr. Rodriguez gets information from VCU police as soon as p.d. staff get the information. VCU has been using Maxient for two years – prior to its usage, these cases were manually tracked. When asked by Maggie Cullinan about off-campus cases, Chief Venuti responded that because of a strong relationship between VCU and Richmond PDs, VCU PD is typically notified if a student identifies themselves as a VCU student and wants the school notified.

Dr. Rodriguez reiterated the relationship between the campus law enforcement and the Title IX coordinator. He emphasized that having systems in place to support the victim is critical. He also discussed interim measures available to victims, including housing and academic accommodations.

If a case moves forward with an investigation, outside investigators are used to conduct the investigation (Dr. Rodriguez described this as an emerging trend), and two investigators speak with the parties involved and generate a fact-based report. Based on guidelines by OCR, the institution has sixty calendar days to complete their handling of the case from the point of notification.

Maggie Cullinan expressed concerns about victims having to tell their story multiple times, introducing the possibility of inconsistencies that can be used against a victim later, as well as concerns that Title IX investigations may “tip off” offenders. Dr. Rodriguez emphasized no contact directives to protect both parties and good coordination. Chief Venuti shared that at VCU, there is one officer-related position assigned to these cases and also one prosecutor specifically assigned to VCU from the Commonwealth Attorney’s office to increase coordination and collaboration.

Donna Michaelis asked about training for Title IX coordinators – is it readily available? How are coordinators trained to make sure Title IX doesn’t impede a criminal investigation or due process? Dr. Rodriguez shared that VCU’s model is a good one, and emphasized the need for a real-time, best practices model, but did mention that college administrators are being bombarded by the cottage industry that has sprung up recently addressing these issues. Donna Michaelis reiterated that a multi-disciplinary model needs to be showcased and that we need Virginia-based training. Maggie Cullinan suggested a certification for Title IX coordinators.

When asked by Nancy Oglesby about the rationale for outside investigators, Dr. Rodriguez shared that it was a national trend to divorce the process from the institutional viewpoint. Major Tracy Rusillo asked about the administrative adjudication process, which Dr. Rodriguez explained, noting that the process may vary by institution and emphasizing that this process is independent of any criminal investigation.

To Major Rusillo’s question about federal reporting, Chief Venuti shared that the crime itself gets reported and then there is an annual security report compilation. Put simply, the Clery Act is concerned with what happened and where it happened, while Title IX is concerned with what happened and who is involved. There is currently no mandate to publish Title IX information.

Donna Michaelis reiterated training needs for individuals investigating and also panels making decisions / administering sanctions, noting that these are individuals without criminal law backgrounds. She expressed concern about the rights of both parties and the potential of lawsuits against institutions and noted that just as we have created model policies/protocols around threat assessment, we now have the opportunity to do so around this issue, demystifying it for both parties and all involved.

After thanking Dr. Rodriguez for his presentation, Chief Venuti introduced **Chelsea Godfrey**, who spoke about her experience as a sexual assault victim while in her first month at Ferrum College. She encountered multiple obstacles in her attempts to report and get assistance, from campus staff, law enforcement, and the forensic nurse. She was not made aware of victim services /resources and felt

discouraged from reporting/going forward with the case. She eventually she appeared before the Grand Jury in Franklin County and was able to secure her own true bill so that the case could move forward criminally. The case was successfully prosecuted and the offender received a 50 year sentence, with 15 years suspended. Ms. Godfrey emphasized how important it was that she felt believed and supported by the prosecutor assigned to her case, describing him as the first person outside of her family that she felt was advocating for her. She reiterated how important it is for victims to be believed and for systems to be in place to offer support and assistance navigating both the criminal process and administrative process on campus. When asked by Donna Michaelis if she would have been comfortable before a judicial review panel if her case had been adjudicated on campus, Ms. Godfrey expressed concern that the panel would not understand the issue of sexual assault. Chief Venuti reiterated the need for comprehensive education for students on the issue of sexual assault and Donna Michaelis agreed, emphasizing bystander intervention. Chief Venuti and other committee members thanked Ms. Godfrey for her openness and willingness to talk to the committee about her experiences, providing an important perspective to inform the committee's work.

Chief Venuti then shared information about Clery Act requirements for timely warnings, sharing a packet of information that included information from the DOE's Handbook for Campus Safety and Security Reporting and examples of VCU's crime alert email notifications (one for armed robbery and one for an off-campus sexual assault). He explained that in a timely warning is required under the Clery Act if there is a perceived "ongoing risk". He also provided a brief explanation of how institutions define their "core campus geography", where most of their educational mission is carried out, for Clery purposes.

Though not all institutions view sexual non-stranger sexual assault as meeting the criteria for a timely warning notification, VCU sends out an alert with each instance, with the goal of prevention and education. They have developed a template which includes resource information and information on the school's sexual misconduct policy. Marianne Ratcliff suggested a campus survey to police chiefs and Title IX coordinators on Virginia's campuses about these and other issues related to our group's work to get a sense of what is currently happening at our colleges and universities.

Shannon Freeman and Rachel Levy provided information to the group about the Task Force web page (which is on the Secretary of Public Safety's website under "Initiatives" tab) which has gone live and includes meeting minutes and agendas, a member list, press information, and other important task-force related information. Shannon Freeman also shared that the Attorney General's Office also has Sharefile available to each subcommittee should task force members need to share documents for review members can upload and download documents to the Sharefile site designated for the subcommittee should the need arise.

Due to time constraints, the group tabled discussion of the subcommittee workplan, which will be considered at the December meeting. Chief Venuti encouraged group members to share ideas for presenters/discussion topics for that meeting with him via email, or email Shannon Freeman. He also reminded the group that the **next subcommittee meeting is scheduled for Wednesday, December 10 from 10 am – 2 pm at VCU**. He will share information about location/parking closer to the meeting date.

With no further business to discuss, John Venuti adjourned the meeting at 12:13 pm.