



## Legislation Text

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Res. No. 427

Resolution urging Congress to pass and President Obama to sign S. 2692/H.R. 5354, also known as the Campus Accountability and Safety Act.

By Council Members Crowley, Barron, Constantinides, Cumbo, Mealy, Gibson, Cohen, Eugene, Gentile, Koo, Lander, Palma, Richards, Rose, Chin, Rosenthal, Vacca, Williams and Koslowitz

Whereas, Sexual assault on college campuses across the country has increased over the past decade; and

Whereas, According to a 2013 United States Department of Education report on school crime and safety, the number of reported sexual assault incidents on college campuses increased by 52 percent, from 2,200 in 2001 to 3,300 in 2011; and

Whereas, The federal government has taken steps to safeguard students at higher education institutions and increase compliance through several pieces of legislation, including Title IX and The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”); and

Whereas, To strengthen such laws, President Barack Obama signed into law the Violence Against Women Reauthorization Act of 2013, or “VAWA 2013,” which includes a provision that imposes more stringent requirements for higher education institutions, such as reporting sexual assault, student discipline, and training for students and campus employees on sexual violence; and

Whereas, However, each college has its own set of guidelines for handling sexual assault and several advocacy organizations are concerned that such guidelines may not be adequately enforced and, further, may not meet federal standards; and

Whereas, The impact of failing to implement proper sexual assault procedures and policies on college campuses has been illustrated by several reported high-profile incidents in recent years; and

Whereas, In July 2014, Senator Claire McCaskill released a report titled *Sexual Violence on Campus: How too many institutions of higher education are failing to protect students*, which surveyed 440 colleges and universities in the United States to determine how schools handle rapes and sexual assaults on their campuses, specifically, how crimes are reported and investigated, how students are notified about services, and to gauge the effectiveness of current federal oversight and enforcement under federal law; and

Whereas, Senator McCaskill's report found that more than 40 percent of schools have not conducted a single investigation of a sexual assault in the past five years; and

Whereas, The report also found that approximately 30 percent of schools provide no sexual assault training to students, and approximately 20 percent do not provide such training to faculty and staff; and

Whereas, Furthermore, Senator McCaskill's report showed that law enforcement officials at 30 percent of the institutions surveyed receive no training on how to respond to reports of sexual violence, and 73 percent of the institutions have no protocols on how the institution and law enforcement work together to response to such violence; and

Whereas, In addition, the report found that 33 percent of schools failed to provide basic training to individuals adjudicating claims in campus judicial proceedings; and

Whereas, To hold institutions of higher learning more accountable for how they respond to sexual assault incidents on campus, Senator McCaskill and Representative Carolyn Maloney introduced S.2692/H.R.5354, also known as the "Campus Accountability and Safety Act"; and

Whereas, The Campus Accountability and Safety Act would establish new campus resources and support services for student survivors of sexual assault, would ensure minimum training standards for on-campus personnel, requires that the United States Department of Education publish names of all schools with pending investigations, final resolutions and voluntary resolution agreements related to Title IX; and

Whereas, This piece of legislation would also require that all schools use one uniform process for campus disciplinary proceedings and work collaboratively with law enforcement; and

Whereas, Non-compliance could result in a penalty of up to one percent of the institution's operating budget, and penalties for violating the Clery Act would increase to up to \$150,000 per violation from the current penalty of \$35,000; and

Whereas, Senator Kristen Gillibrand, a co-sponsor of Campus Accountability and Safety Act, stated on her website that "the current federal requirements actually incentivize non-reporting, underreporting and non-compliance with the standards under Title IX and the Clery Act"; and

Whereas, Senator Gillibrand also stated on her website that "there is very little cooperation on the part of universities with local law enforcement, and, furthermore, students are not provided with adequate information about their rights and options in the event of a sexual assault"; and

Whereas, The passage of the Campus Accountability and Safety Act is vital to reducing sexual violence on college campuses, to ensuring that institutions of higher education adhere to proper sexual assault procedures, and most importantly, to guaranteeing a safe and secure learning environment for all students; now, therefore, be it

Resolved, That the Council of the City of New York urges Congress to pass and President Obama to sign S. 2692/H.R. 5354, also known as the Campus Accountability and Safety Act.

LS #2331  
8/28/14  
2:45 p.m.  
TC