

**CAMPUS SAFETY: IMPROVING PREVENTION AND
RESPONSE EFFORTS**

HEARING
OF THE
**COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS**
UNITED STATES SENATE
ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

ON

EXAMINING CAMPUS SAFETY, FOCUSING ON IMPROVING PREVENTION
AND RESPONSE EFFORTS

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JULY 13, 2016
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CAMPUS SAFETY: IMPROVING PREVENTION AND RESPONSE EFFORTS

WEDNESDAY, JULY 13, 2016

U.S. SENATE,
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,
Washington, DC.

The committee met, pursuant to notice, at 2:57 p.m., in room SD-106, Dirksen Senate Office Building, Hon. Mark Kirk presiding.

Present: Senators Kirk, Collins, Murray, Casey, Bennet, Baldwin, and Warren.

OPENING STATEMENT OF SENATOR KIRK

Senator KIRK. I recognize the Ranking Member for her opening statement.

OPENING STATEMENT OF SENATOR MURRAY

Senator MURRAY. Mr. Chairman, thank you very much. Were you going to make an opening statement?

Senator KIRK. No.

Senator MURRAY. OK. I would like the opportunity to do that, and I want to thank everyone, and I'm glad we're able to be here to talk about these very important and pressing issues. I want to thank all of our colleagues who are joining us at this hearing as well today. I also want to thank the many great advocates here who have been working with us on reauthorizing the Higher Education Act and, of course, improving campus safety. It is great to see so many new faces as well.

Today, students are making major investments to pursue higher education, which they correctly see as an opportunity to grow and challenge themselves and to develop skills that will better prepare them for their future. While students work hard to succeed in higher education, the last thing they should ever have to worry about is whether they are safe on campus.

I'd like to begin by saying a few words about the Stanford University rape case as a critical example of why today's discussion is so urgent and of the need for us to acknowledge the reality of violence and fear experienced by too many students on our college campuses. I want to make clear that the anger and frustration that the sentencing in this case has generated is completely justified. Our criminal justice system failed a brave survivor who deserved to know her rapist had been held accountable.

But, I admire this incredible young woman who has shown so much strength in telling her story and giving hope to many other survivors across our country and around the world. And I admire the two students, strangers and responsible bystanders, who did step up and take action, which highlights the critical importance of bystander intervention, a prevention strategy for combating all types of violence on campus, and something I look forward to hearing about today. Their action shows how important it is to build a community and a campus culture that empowers students to step in and support students who are being targeted, whether it's sexual assault or bullying or harassment or hazing. A critical part of this is dispelling the myth that bullying and harassment are inevitable aspects of life.

I have introduced legislation named in honor of Tyler Clementi, a young man who we know took his own life after experiencing bullying and harassment on the Internet. I'm so glad that Jane Clementi is here today to talk about her son, Tyler, what he and his family have experienced and how we can help protect students and all gay, lesbian, bisexual, and transgender youth so that no one has to endure what he did.

I'm also looking forward to hearing from Dr. Allan today about hazing. Seventy-four percent of varsity athletes and 73 percent of students participating in social fraternities and sororities have experienced at least one hazing behavior. Alcohol consumption, humiliation, isolation, sleep deprivation, and sex acts are hazing practices common across all student groups. Hazing activities are often billed as traditions, but they can have such damaging and lasting impacts on young people, even claiming students' lives.

I know there are sincere disagreements on what Congress' responsibilities should be when it comes to sexual assault and violence on campus. But I firmly believe the Federal Government has a role to play to hold institutions of higher education responsible for providing a safe learning environment for all students.

Colleges and universities must create a culture that does not accept violence, and to be clear, a flyer or a one-time training in freshman year is not enough. We as the Federal Government have a responsibility to engage in and support these efforts in every way that we can.

Last, there is a lot of heartache in our cities and our communities right now. We mourn the victims and families impacted by the horrific violence in Dallas, the tragic deaths in Baton Rouge and Saint Paul, and we are once again reminded that nowhere is safe from the epidemic of gun violence, not even at our schools, which should be safe havens for our students. My home State of Washington is no stranger to this violence, as we saw clearly with the shooting at Seattle Pacific University just 2 years ago.

We know there are steps we can take to make our students safer. We should come together on a bipartisan basis at every level of government and refuse to accept these horrors as the new normal.

I'll conclude here so we can start this discussion. But it's clear we have a lot of challenges before us. Everyone here today has stepped up to make a real difference, and, going forward, we must challenge ourselves to do even more to make campuses safer. Day by day, step by step, we can change not just our laws and policies

but our behaviors and our culture. I am committed to making sure that happens. I know my colleagues are as well, and I look forward to our continued work.

Thank you.

Senator KIRK. Ms. Collins.

STATEMENT OF SENATOR COLLINS

Senator COLLINS. Thank you very much. Senator Kirk, Senator Murray, I want to thank you for putting together this excellent roundtable to explore the issue of hazing.

I'm delighted to introduce one of our panelists today, Professor Elizabeth Allan from the University of Maine. Professor Allan teaches courses in higher education at the University in the College of Education and Human Development. Her research focuses on college cultures and climates with expertise in student hazing and prevention. The professor is president of StopHazing.org, an organization focused on sharing information and strategies to promote safe campus climates.

She also leads the research efforts of the Hazing Prevention Consortium, a partnership of eight colleges and universities engaged in a multiyear initiative to build an evidence base for the prevention of hazing on college campuses. She has been involved in this issue for a number of years. For example, in 2008, Professor Allan was the principal investigator of the National Study of Student Hazing, which surveyed 11,000 students from 53 universities and colleges, and major findings included that hazing exists outside of traditional fraternity and sorority environments and that schools should develop hazing prevention efforts that reach a wider range of student groups.

Professor Allan received her Ph.D. in Educational Policy and Leadership from Ohio State University and her Master's in Health Education and Promotion, and bachelor's degrees in psychology, both from Springfield College. It's a special honor for me to welcome Professor Allan to our panel today.

Thank you.

Senator KIRK. Ms. Murray to introduce a witness.

Senator MURRAY. Thank you so much. I'm very pleased today to introduce Dr. Melynda Huskey. She currently serves as the Interim Vice President of Student Affairs and the Dean of Students, where her goal is, "to support the determination of students."

She has served at Washington State University for more than 22 years, working with students. She has overseen the university's work on student affairs at a time when schools are becoming more and more important in the fight against all forms of violence and discrimination on our college campuses, while also dedicating herself and her staff to helping all students who walk through the doors.

In 2014, to increase public transparency and accountability, the Department of Education for the first time released a public list of schools with title IX investigations. Dr. Huskey's school, which is Washington State University, was among the first schools on that list. Under her leadership and the leadership of the late president, Elson Floyd, WSU forged forward and made a commitment to improve campus safety for our students.

She and her staff have worked tirelessly to improve the safety and well-being of students at WSU, dedicating themselves to new trainings and protocols. I cannot be happier to have her here today to talk about what she and her staff are doing. As a Cougar alum myself, I'm very proud of this work and how seriously Washington State University has taken this responsibility.

My staff and I have seen Dr. Huskey's leadership on so many fronts, not just on campus safety. She's a true leader on addressing the hurdles that face first-time college students and their families and helping students who are facing the severe challenges that come with the lack of housing and financial security and medical coverage.

I know there are still things Dr. Huskey would like to see improved to make her school an even safer place for students to learn and grow and thrive. But I want to take this opportunity to praise her and her team and the university's leadership for making the strides we've seen there.

I look forward to your testimony, and thank you for coming all the way to what we call the other Washington here to testify today. Thank you.

Senator KIRK. Let me recognize our Ranking Member.

I'll tell members that I put a piece of colored paper before you that is an anti-bullying app that I developed with my student leadership advisor. It's called Back Up Bully that we did with Motorola. You'll notice the Motorola android symbol is in there. They put that in because they pretty much did all the back end of the work.

That's to encourage you to—you can even do some software development on this subject in your own office. It would help if my fellow members would take me up on that. But we've passed out the Back Up Bullying app. It's a little bit—it looks a bit like Donkey Kong there.

Mr. Casey.

STATEMENT OF SENATOR CASEY

Senator CASEY. Thanks very much, Senator Kirk.

I want to thank those who are here today for this hearing. We want to thank all the witnesses who are here to talk about an issue that I believe is a crisis that we need to take action against. I know there's been some progress made in the last couple of years, but we have a long way to go to get this right.

I am privileged today to introduce a Pennsylvania witness, Wendy Krisak, who is the Director of Counseling at DeSales University. Wendy is also the faculty adviser for PACE, which is a program that trains students to be peer counselors. We're grateful that she's here to testify and to take questions. I'm also looking forward to hearing more about PACE itself and the role it's playing in ensuring a safe and supportive campus climate for all of the students on her campus. Wendy has a B. A. from DeSales and a master's in counseling psychology from Kutztown University.

Wendy, we thank you for being here today and representing not only your school but, I guess, in a sense, our State. Thank you.

Senator KIRK. Ms. Murray.

Senator MURRAY. All right. With that, we'll introduce our last three witnesses. We have Rick Amweg. He's a security consultant

who has more than 35 years of experience working at the intersection of higher education and public safety, including as the assistant chief of policy and the director of Public Safety Administration at Ohio State University. He also served as a negotiator for the rulemaking process at the U.S. Department of Education which was conducted to develop new regulations to the Clery Act.

Thank you for being here today.

We also have Joseph Storch, who is an associate counsel for the State University of New York system, or SUNY. In that role, he chairs the Student Affairs Practice Group and specializes in legal issues around campus safety, domestic and workplace violence policies, admissions, and financial aid. He has written on the issue of cyber bullying, and as a member of the Counsel's office, he helps the 26 campuses that are part of the SUNY system implement and understand the title IX and Clery Act to help make the campus safer.

Thank you for being here today.

And as our final witness, I'm very pleased to introduce Jane Clementi, who along with her husband, Joe, is a co-founder of the Tyler Clementi Foundation, which is an organization that seeks to prevent bullying, that she founded on behalf of her son, Tyler. Tyler was just a college freshman who was harassed and cyber bullied and, sadly, died by suicide.

Ms. Clementi advocates for lesbian, gay, bisexual, and transgender rights and the need for families and communities and schools to embrace LGBT students and work to prevent and reduce bullying and harassment in our schools.

Thank you so much for the work that you do and for taking the time to be here with us today. We really value your participation. Thank you.

Senator KIRK. I want to thank all of our witnesses for coming today, and we really appreciate your expertise and coming for this critical topic.

I thank our Ranking Member, Ms. Murray, for doing this, impelling this committee to action on this key issue. I want to encourage all of my colleagues to get into the software development—in this with me, to put together an app like this. As we know, with kids, we've got to speak to them with apps.

With that, I'll depart you. Thank you.

Senator MURRAY [presiding]. Each one of our witnesses is going to give statements to begin with.

Mr. Amweg, we'll start with you.

STATEMENT OF RICK AMWEG, SECURITY CONSULTANT, SECURITY RISK MANAGEMENT CONSULTANTS, LLC, COLUMBUS, OH

Mr. AMWEG. Thank you. Good afternoon, Senator Kirk, Ranking Member Murray, and members of the committee. Thank you for inviting me here today. I'm honored to be here and take part in this process.

I truly do look forward to the discussion and the opportunity to specifically discuss the effects of harassment, intimidation, bullying, including cyber bullying, and hazing on the post-secondary

learning environment and explore ways to improve campus safety by improving prevention and response efforts in those areas.

There are various definitions of bullying, hazing, and related activities. Most experts agree that there are three conditions that must be present for activity to be defined as bullying.

First, an imbalance of power, wherein people who bully use their power to control or harm, and the people being bullied may have a hard time defending themselves. Second, an intent to cause harm. Actions done by accident are not bullying. The person bullying has a goal to cause harm. And, third, repetition. Incidents of bullying happen to the same person over and over by the same person or group. This definition is supported by the U.S. Department of Education and Bullying.gov.

Harassment, intimidation, bullying, and hazing are oftentimes thought of as occurring only in the elementary and secondary school environments. Until recently, most research in this area has focused on students in this environment. Studies now show that bullying and related activities, as well as cyber bullying, do not end with high school but continue into the post-secondary system.

It is important to understand these definitions in the context in which they are applied. In the elementary and secondary school environments, these activities are generally prohibited by rule and/or administrative process. Once individuals reach the age of 18, different protections are provided to victims by law, and laws now address the illegal behavior of the perpetrators.

Part of the problem stems from the different ways bullying and related activities are defined in educational systems. Some behaviors typically labeled as bullying in high school are not treated similarly in college. Findings from a recent U.S. Department of Education study show that when bullying and hazing do occur in college, the consequences for the perpetrators are often harsher than for younger students who are less likely to face legal repercussions.

Two approaches to this issue need to be considered: prevention and response. Some measures, such as training programs for campus staff that interact with students, bystander intervention programs, and awareness and familiarity training, could impact the prevalence of bullying, hazing, and related activities on campus.

Changing behaviors and attitudes toward bullying and hazing are also important aspects of prevention-focused programming. Colleges and universities already implement similar programs in other areas, such as sexual and intimate partner violence and awareness and prevention programs. Applying these principles to bullying and hazing prevention is a logical step.

From the response perspective, most if not all States have statutes that address bullying and hazing activities. Similarly, most colleges and universities have policies and guidelines related to bullying and hazing activities. Some campuses address the issue within the context of harassment in general.

For example, any action that falls generally under the definition of bullying or hazing would be considered a violation of the code of student conduct and would be dealt with through the student judicial process. Typically, students found responsible and in violation would be subject to immediate disciplinary action. Some insti-

tutions include suspension as part of that disciplinary process. Any case of bullying or hazing that is determined to be a violation of criminal statutes can be referred to the campus or local law enforcement authorities.

Our efforts today and through the continued work of this committee should be to identify ways to positively impact the learning experience on our campuses by reducing incidents of bullying and hazing, raising awareness of these activities on our campuses, identifying existing and promising prevention programs, and ensuring that the application of existing statutes and conduct rules apply to these situations.

Thank you. I look forward to the forthcoming dialog.
[The prepared statement of Mr. Amweg follows:]

PREPARED STATEMENT OF RICK AMWEG

Good afternoon Chairman Alexander, Ranking Member Murray, members of the committee. My name is Rick Amweg. I have over 35 years of experience working on safety and security related matters in the secondary and post-secondary education environments. I am here today to participate in this roundtable discussion and specifically discuss the effects of harassment, intimidation, bullying (including cyber bullying) and hazing on the post-secondary learning environment and how campuses can develop and improve awareness and prevention efforts and positively impact safety for their students.

There are various definitions of bullying, hazing and related activities. Most experts agree there are three conditions that must be present for activity to be defined as bullying: (1) An imbalance of power: people who bully use their power to control or harm and the people being bullied may have a hard time defending themselves; (2) Intent to cause harm: actions done by accident are not bullying; the person bullying has a goal to cause harm; and (3) Repetition: incidents of bullying happen to the same the person over and over by the same person or group. This definition is supported by the U.S. Department of Education and Bullying.gov.

Harassment, intimidation, bullying and hazing are often times thought of as occurring only in the elementary and secondary (K-12) school environments. Until recently, most research in this area has focused on students in this environment. Studies now show that bullying and related activities as well as cyberbullying does not end with high school. Some reports indicate that nearly 25 percent of college students are victims of bullying or hazing.

It is important to understand these definitions in the context in which they are applied. In the elementary and secondary school environments these activities are generally prohibited by rule and administrative process. Once individuals reach the age of 18, different protections are provided to victims by law and laws now address the illegal behavior of perpetrators. Part of the problem stems from the different way bullying and related activities are defined in educational systems. Some behaviors typically labeled as bullying in high school are not treated similarly in college. Findings from a recent U.S. Department of Education study showed that when bullying and hazing do occur in college, the consequences for the perpetrators are often harsher than for younger students, who are less likely to face legal repercussions.

Two approaches to this issue need to be considered: Prevention and Response.

Some measures, such as training programs for campus staff that interact with students, bystander intervention programs, and awareness and familiarity training could impact the prevalence of bullying, hazing and related activities on campuses. Changing behaviors and attitudes toward bullying and hazing are also important aspects of prevention-focused programming. Colleges and universities already implement similar programs in other areas, such as sexual and intimate partner violence awareness and prevention programs. Applying these principles to bullying and hazing prevention is a logical step.

From the response perspective, most, if not all states have statutes that address bullying and hazing activities. Similarly, most colleges and universities have policies and guidelines related to bullying and hazing activities. Some campuses address the issue within the context of harassment in general. For example, any action that falls generally under the definition of bullying or hazing would be considered a violation of the student code of conduct and would be dealt with through the student judicial process. Typically, students found responsible and in violation will be subject to immediate disciplinary action. Some institutions include suspension as part of that dis-

ciplinary process. Any case of bullying or hazing that is determined to be of a violation of criminal statutes can be referred to campus or local law enforcement authorities.

Our efforts today, and through the continued work of this committee should be to identify ways to positively impact the learning experience on our campuses by reducing incidents of bullying and hazing, raise awareness of these activities on our campuses, identify existing and promising prevention programs, and ensure that the application of existing statutes and conduct rules apply to these situations.

Thank you. I look forward to the forthcoming dialog on preventing and responding to harassment, intimidation, bullying and hazing on our college and university campuses.

Senator MURRAY. Thank you.
Dr. Allan.

STATEMENT OF ELIZABETH J. ALLAN, Ph.D., EXECUTIVE DIRECTOR OF STOPHAZING.ORG AND PROFESSOR AT THE UNIVERSITY OF MAINE, ORONO, ME

Ms. ALLAN. Senator Kirk, Ranking Member Murray, and members of the committee, thank you for inviting me to participate in this roundtable discussion. I'm honored to be here. My remarks are grounded in more than 25 years of research and education about hazing and its prevention.

I'd like to begin with a statement shared with me this week by a parent who lost her son from hazing. She wrote, "Hazing is emotionally and physically hurting our youth and young adults and can lead to death. My son would be 27 years old. No parent ever expects to send their child off to college and come home in a coffin. It is time for each and every one of us to make a difference now for our children and for generations to come. My 18-year-old daughter will be leaving for college in the next few weeks, and I worry for her and her fellow students, not only for hazing but also for sexual abuse, alcohol abuse, and campus violence."

Hazing is any activity expected of someone joining or maintaining membership in a group that humiliates, degrades, abuses, or endangers them, regardless of a person's willingness to participate. Hazing is widespread, with 55 percent of college students experiencing it and 47 percent in high school. It occurs among athletic teams, fraternities and sororities, marching bands, but also in recreation clubs, intramural sports, and even honor societies.

Hazing extends far beyond pranks and antics to include behaviors that are dangerous, demeaning, and abusive. Alcohol use, sexual harassment and assaults, and bullying are commonly involved. Further, hazing occurs in context where students are learning how to be leaders and team members. While we need to eliminate hazing to enhance campus safety, we also need to eliminate hazing to promote educational environments conducive to learning and to promote the development of ethical leaders who treat each other with dignity and respect.

Though we now have some solid research about the nature and extent of hazing, we are only in the early stages of generating an evidence base for its prevention. At this time, it remains common for individuals and organizations to promote and implement prevention strategies that have limited, if any, evidence for impact in changing behavior.

My work in recent years has focused on addressing this gap in the research. As part of a 3-year, research-to-practice initiative

called the Hazing Prevention Consortium, I collaborated with eight pioneering universities to test promising hazing prevention strategies and evaluate their impact. Through this consortium, we have conducted a considerable amount of research to formalize a data-driven framework for hazing prevention. But as we move forward, we remain cognizant that building a rigorous evidence base is necessary but also long-term and resource intensive.

As we consider hazing prevention in relation to other forms of interpersonal violence in this roundtable, I will briefly point to several areas in which there are needs for government support and engagement as we strive to formulate effective approaches to hazing prevention as one among many campus safety issues.

We need ongoing research to continue to improve our understanding of the problem of hazing and continued testing and evaluation of prevention strategies to identify approaches that have proven track records for effectiveness. We need the establishment of sound laws, policies, and procedures to protect students from hazing and address incidents when they occur.

We need mandates to increase transparency about hazing incidents and reports on campus so that institutions are held accountable for tracking hazing and so that the public has access to accurate information. We need the development of research and prevention frameworks that address the intersections across campus safety issues so that we are not operating in a siloed approach.

State and Federal support of education and training are needed with a focus on ethical leadership development and bystander intervention; financial support for disseminating broad-based information campaigns to educate the public about hazing, signs of it, and where to report it; and coordination of regional and national conferences and meetings to gather scholars, practitioners, educators, families, and other stakeholders to advance the cause of hazing prevention.

In closing, the time is now to ensure that hazing is foregrounded as a threat to campus safety and a threat to positive leadership development in our youth. The time is now to prevent further senseless tragedies and loss of human potential as a result of hazing. And the time is now to recognize that educational institutions will be stronger and safer without hazing. We all have an opportunity and responsibility to make a difference by committing to hazing prevention and promoting safer schools and campuses for the youth of this Nation.

Thank you.

[The prepared statement of Ms. Allan follows:]

PREPARED STATEMENT OF ELIZABETH J. ALLAN, PH.D.

SUMMARY

What is hazing?

Hazing is defined as “any activity expected of someone joining or maintaining membership in a group that humiliates, degrades, abuses, or endangers them, regardless of a person’s willingness to participate” (Hoover & Pollard, 1999). Three key components are embedded in this definition:

1. Hazing is behavior that occurs for the purpose of gaining membership and/or *trying to maintain membership* in an established group, organization, or team.
2. Hazing involves behavior that risks emotional or physical harm.
3. Hazing can occur regardless of a person’s willingness to participate.

Why is hazing a problem?

- Hazing is a threat to campus safety.
- Hazing can leave lifelong scars and in some cases, it can be lethal.
- Hazing can damage relationships, breed anger, mistrust, and resentment that erodes the educational and leadership benefits.
- Hazing is a problem for leadership development in our Nation's youth.
- Hazing wastes time and precious resources.

Nature and extent of hazing

Based on findings from a national study of student hazing (Allan & Madden, 2008)

- 55 percent of college students and 47 percent of high school students experience hazing.
- Men (61 percent) and women (52 percent) experience hazing on campus.
- Hazing cuts across racial identities, meaning all students on campus are at risk.
- Hazing occurs across different types of student groups.
- Hazing behaviors are dangerous, demeaning, and abusive.
- Varsity athletic teams (74 percent) and fraternities and sororities (73 percent) haze at the highest rates, but they are far from the only domains on campus where hazing is common.
- Groups such as club sports (64 percent), performing arts organizations (56 percent), service organizations (50 percent), intramural teams (49 percent), and recreation clubs (42 percent), and even students involved in academic clubs (28 percent) and honor societies engage in hazing behaviors.

Prevention

- A data-driven framework for hazing prevention was developed through work of Hazing Prevention Consortium (<http://www.stop-hazing.org/hazing-prevention-consortium/>) and StopHazing (2016).

• More support is needed to strengthen and advance current initiatives. Action items include: resources for further research and its dissemination, evaluation of hazing prevention strategies to continue building evidence-base for prevention, mandates for institutional reporting and transparency; continued work to strengthen State laws; support from State and Federal agencies to develop prevention frameworks that address intersections among varied campus safety issues to avoid siloed approach; information sharing and coordination through professional associations in higher education; funding and mandates for research-informed and evaluated trainings, conferences, think tanks.

“Hazing is emotionally and physically hurting our youth and young adults and can lead to death. In the case of my son, [he] would be 27 years old [today]. No parent ever expects to send their child off to college and come home in a coffin. There is not a day that goes by that I do not think about my son and it is time for each and everyone of us to make a difference NOW for our children and generations to come. My 18-year-old daughter will be leaving for college in the next few weeks and I worry for her and her fellow students, not only for hazing but including sexual abuse, alcohol abuse, campus violence, etc.”—Lianne Kowiak, mother of Harrison Kowiak killed by hazing in 2008.

Chairman Alexander, Ranking Member Murray, and members of the committee, I would like to thank you for the opportunity to participate in this roundtable discussion about campus safety and violence prevention in higher education. As a Professor of Higher Education and researcher who studies aspects of campus culture and climate, I am honored to be invited to talk with you about my research and work related to student hazing and its prevention. My remarks are grounded in more than 25 years of research and education about hazing and its prevention. Over the past two and half decades, I've talked with thousands of students and education professionals about hazing; I coordinated efforts to pass a State law prohibiting hazing, I founded the first educational website about hazing (www.stophazing.org); have led research teams to survey more than 12,000 college students and interview hundreds more about hazing on college campuses (<http://www.stophazing.org/hazing-view/>), and I currently lead a team of prevention specialists who are working to guide a consortium of eight universities as well as several high schools across the country to implement and evaluate strategies for hazing prevention.

In preparation for this testimony, I reached out to a network of constituents from across the country who are invested in this issue to let them know I would be testifying today and to ask for their input about the most important information I needed to convey to you today. Scholars, educators, prevention practitioners, parents of

victims of hazing incidents, and others who are deeply concerned about this issue responded. Here is some of what they said,

“Hazing has no place in any organization . . . the lasting and irrevocable damage is permanent. A hazing death is senseless and preventable. Time honored ‘so called traditions’ must be ended. A life lost is a tragedy that can be stopped with education and awareness. Hazing is cruel and has claimed innocent lives affecting a family for all time. Nearly 40 years have passed since my son Chuck died needlessly. Not a day passes that we don’t remember the loss we all suffered. The life snuffed out that would have contributed to society. A young and intelligent man who anticipated a bright future—who was denied his family, his future, and not by choice.”— Eileen Stevens, mother of Chuck Stenzel killed by hazing in 1978.

“Hazing is a very serious problem on high school and college campuses. It does not have the carnage that gun violence does. However, it does cause tragedy and death at an alarmingly increasing rate. There has been at least one death every year as a result of hazing. From 2000 to January 2015, there were 57 documented fraternity hazing related deaths. This does not take into account the numerous lesser, more subtle forms of hazing that happen nor other organizations where hazing occurs. What happened to our oldest son, Gary Jr., should have never taken place. His tragic death was totally preventable and avoidable had one person done the right thing and stopped the hazing well before this deadly night. Had universities been required to report hazing incidents and posted on their websites, Gary Jr. would not have been a pledge.”—Julie DeVercelly, mother of Gary DeVercelly Jr. killed by hazing in 2009.

“Hazing has operated as a secretive, accepted, organized, and institutionalized form of physical, verbal, psychological, and emotional torture affiliated with group initiation practices. The urgency is now to prevent hazing before another life is lost.”— Pamela Champion, mother of Robert Champion killed by hazing in 2011.

My comments draw from years of research on hazing, the theories and science of prevention, my experience as an educator and student life professional, and my most recent work to build an evidence-based framework for hazing prevention in college and high school settings. But as indicated by the previous quotes from parents of hazing victims, I am also here to speak on behalf of, and to reflect on, the perspectives of the countless stakeholders from throughout this country who have knowledge about and have been deeply impacted by the prevalence of hazing in our educational institutions. It is my hope that I can do justice to their views and to the sense of urgency they have conveyed to me upon learning that I would be speaking with you today.

My journey into this field was catalyzed by my role as a campus professional at a public university where I worked with talented, capable, and dedicated undergraduate students to promote learning and enrichment outside the classroom through student activities, including leadership education and advising for Greek-letter organizations. As I coordinated leadership development programs with these college students, I also became aware of hazing and its impact. The students with whom I worked were intelligent, hard working, and well-liked. Yet, many of these rising stars were experiencing the abuses of hazing or watching silently as new members of their organizations were hazed. There was the student who visited my office after he was hospitalized with kidney damage from paddling; or the students burned from being sprayed with oven cleaner, the numerous sexual assaults, the “lock-ups,” days and weeks deprived of sleep, the alcohol intoxications, the verbal abuses and other indignities to name a few. Little did I know, this was only the tip of the iceberg. Since then, I have heard hundreds, if not thousands, of similar stories from students and their loved ones about the painful and sometimes tragic consequences of hazing.

Early on, as I became more aware that students at my university were both suffering and perpetrating abuses of hazing and not wanting to be a bystander myself, I felt compelled to take action. Not sure where to begin, and with no “best practices” as a guide, I did whatever I could to educate others about the possible dangers of hazing. I brought guest speakers to campus, I helped to develop trainings, peer education, more stringent accountability for hazing, high-risk drinking, and sexual aggression. I worked to add more rigor to hazing investigations and develop innovative educational consequences for hazing by working with students to develop alternatives to hazing traditions. We instituted a hotline for anonymous reporting and I also led an initiative to enact State legislation—an effort that included press conferences, lobbying efforts at the statehouse, and courageous students telling their personal stories of hazing experi-

ences—all of which eventually culminated in the passage of a State law to prohibit hazing. However, as we know, a State law isn't sufficient to stem the tide of hazing. And workshops and trainings may help, but they are not enough. Attitudes and practices that sustain hazing are often embedded in campus (and school) culture. Like sexual violence, high risk drinking, and other forms of campus violence, hazing prevention efforts need to be data-driven, strategic, and comprehensive.

Hazing is an emerging field of research and prevention practice. Those of us invested in this field still have much to learn about the nature of hazing, challenges in hazing prevention, viable and sustainable alternatives to hazing, and promising strategies for substantial transformation away from a culture of hazing. Resources for further research, trainings, and education about hazing as well as mandates for its prevention are vital next steps in achieving educational environments free from hazing.

As a campus safety issue, hazing is problematic because of the harm that can, and often does, result. However, it is also particularly troubling because it occurs in contexts (clubs, campus organizations, and athletic teams) that are living-learning laboratories for our country's future leaders and citizens. So while we need to eliminate hazing to enhance campus safety, we also need to eliminate hazing to promote educational environments that are most conducive to learning and the development of ethical leaders who treat others with the dignity and respect each deserves.

Hazing and its prevention as a field of research is in early stages of development. However, a recent 3-year long collaboration between researchers and campus professionals has produced a promising framework for hazing prevention. Beginning with a brief overview of hazing including research on the nature and extent of hazing and a review of some of the particular challenges related to hazing prevention, this testimony provides more detail about that framework for hazing prevention and how we can continue to build on this foundation to expand the research base and capacity for more wide-reaching and sustainable prevention in higher education and beyond.

What is hazing?

Hazing is defined as “any activity expected of someone joining or maintaining membership in a group that humiliates, degrades, abuses, or endangers them, regardless of a person's willingness to participate” (Hoover & Pollard, 1999). Three key components are embedded in this definition:

1. Hazing is behavior that occurs for the purpose of gaining membership and/or trying to maintain membership in an established group, organization, or team.
2. Hazing involves behavior that risks emotional or physical harm.
3. Hazing can occur regardless of a person's willingness to participate.

In my experience, many well-meaning individuals are quick to dismiss hazing as harmless antics or pranks, but in reality, hazing can leave lifelong scars and in some cases, it can be lethal. Hazing needs to be addressed because it is a threat to campus safety. But further, hazing can damage relationships, breed anger, mistrust, and resentment that erodes the educational and leadership benefits of belonging to student organizations and athletic teams. The ripple-effects of hazing are far-reaching; its harm is not limited to the boundaries of campus. We need to prevent any more senseless tragedies and loss of human potential as a result of hazing, and we also need to care about hazing **because it is a leadership issue**. Hazing occurs in a context where students are learning how to be leaders and team members and hazing—humiliating, degrading, and abusive behavior—is not the kind of leadership we want to cultivate in future leaders of our country.

Nature and extent of hazing

What comes to mind when you think of hazing?

When asked this question, people often cite prominent examples of hazing from popular culture or the media. Many refer to the 1978 movie *Animal House* and associate hazing with specific types of organizations such as fraternities, sororities, and athletic teams. Or they consider hazing to be exceptional and, referring to high profile accounts portrayed in headlines, conclude that hazing is not an issue within their community. We know from research, however, that these depictions don't tell the full story.

In 2008, I led a research team in a national study of student hazing (Allan & Madden, 2008). That investigation included more than 11,000 students at 53 colleges and universities throughout the United States. We gathered data with an on-line survey and followed-up with more than 300 in-person interviews of students, staff, and administrators. We found that hazing is widespread on college campuses and in high schools throughout the United States with 55 percent of college students experienced hazing and 47 percent in high school—and that it occurs in many

different types of organizations including athletic teams, fraternities and sororities, and marching bands, but also in other kinds of groups, like recreation clubs, intramural sports, and even honor societies. Indeed, it can be argued that hazing is a part of the culture and tacitly supported by individuals, groups, and institutions.

- Men (61 percent) and women (52 percent) experience hazing on campus.
- Hazing cuts across racial identities, meaning all students on campus are at risk.
- Hazing occurs across different types of student groups.
- Varsity athletic teams (74 percent) and fraternities and sororities (73 percent) haze at the highest rates, but they are far from the only domains on campus where hazing is common.
- Groups such as club sports (64 percent), performing arts organizations (56 percent), service organizations (50 percent), intramural teams (49 percent), and recreation clubs (42 percent), and even students involved in academic clubs (28 percent) and honor societies engage in hazing behaviors.

The data also indicate that hazing extends far beyond pranks and antics as often assumed—many behaviors are dangerous, demeaning, and abusive. Troublingly, alcohol use, sexual harassment and assault are commonly used in hazing practices on campuses. At least one hazing death each year has been documented since 1970 and this tally does not account for the many hazing deaths labeled “accidental but were associated with hazing activities” (Nuwer, 1990; 2004). Journalism professor Hank Nuwer has kept a chronology of the senseless loss of life due to hazing (see: <http://www.hanknuwer.com/>). And while the physical harm entailed in some hazing is highly visible and problematic, hazing also involves forms of psychological and emotional harm that are not necessarily apparent on the surface and can be exceptionally complex to treat.

It’s vital to remember that hazing is not just defined by a list of behaviors or activities. Focusing solely on a list of behaviors fails to sufficiently address the power dynamics involved. Being familiar with problematic and prohibited behaviors or activities as a means to inform yourself or others is important, but not enough to prevent hazing from happening. For example, it would seem absurd to include consumption of water on a list of prohibited activities, however, if it’s implemented in an abusive way, consuming excessive water can cause grave harm and can be considered hazing. In fact, tragically, several college students have died from water intoxication in hazing incidents.

Given the severe nature of many hazing activities, the physical, psychological, and emotional harm they can cause, and their prevalence throughout a wide-range of organizations, much more needs to be done to prevent hazing in our colleges and universities. Hazing does not align with institutional missions and can result in tragic outcomes. And from a practical standpoint, hazing can also consume a significant portion of staff time and resources and stretch already thin budgets.

Often, despite a willingness to address the issue of hazing, community members and campus professionals believe hazing occurs in areas shrouded in secrecy and isolation and they are unsure of how and where to begin addressing the problem. Hazing, however, is not nearly as underground as many might think. Students talk to their friends (48 percent), other group members (41 percent), and family members (26 percent) about participating in hazing (Allan & Madden, 2012; 2008). Twenty-five percent of students surveyed perceived their coach or advisor to be aware of hazing, with some indicating that their coach or advisor was present and participated in the hazing activity. Twenty-five percent of students also report that alumni were present during their hazing experiences and 36 percent indicate that some hazing behaviors occurred in a public space.

While we often associate hazing with college students, another striking finding from our study was the high percentage of students (47 percent) who went to college having experienced hazing in high school (Allan & Madden, 2012; 2008). As in college hazing, hazing in high school cuts across a range of groups including athletics, performing arts groups, class hazing, ROTC, and other types of clubs and organizations. And the types of hazing activities involved cover a similar spectrum, highly abusive and physically dangerous as well as seemingly innocuous but degrading and emotionally damaging experiences. These findings suggest the critical importance of early education and intervention to interrupt the onset of patterns of hazing behavior in high school and even middle school but also to ensure that fewer students enter college with the expectation that hazing is an inevitable and acceptable part of group participation.

Taken together, these statistics indicate environments where students are seeing, expecting, and normalizing hazing behavior. Those who wish to speak out against and/or report hazing might lack the skills to do so, be unsure of where to go, or

face considerable barriers such as retribution from their peers and becoming an outsider, amongst other negative consequences.

Prevention specialists know the first step to preventing a problem like hazing is to recognize the behavior. Doing so can be especially difficult for hazing because of strong evidence that a gap exists between students' experiences of hazing and their willingness to label it as such. Of students belonging to clubs, organizations and teams, 55 percent experience hazing, yet only 5 percent say they were hazed (Allan & Madden, 2012; 2008). In other words, when asked directly, approximately 9 out of 10 students who experienced hazing do not consider themselves to have been hazed. This disconnect reflects a number of challenges related to hazing, including:

- Students tend to overlook the problematic aspects of hazing if they perceive that the activity had a positive intent or outcome for themselves or the group.
- Hazing is often normalized as an inherent part of organizational culture that is accepted by the majority as a tradition, initiation, rite of passage, group bonding, or youthful antics, pranks and stunts.
- Individuals may be more likely to recognize hazing if it involves physical harm.
- Emotional and psychological harm that can result from hazing is often minimized or overlooked entirely.
- Hazing is commonly perceived as a positive part of group bonding or "tradition," rather than as a form of interpersonal violence.
- There is a lack of clarity around consent and factors that create a coercive environment, including the common perception that if an individual "goes along with" an activity it is not hazing.
- Students are challenged to reconcile the cognitive dissonance between their notions of group participation—e.g., cohesion, unity and belonging and the harm of hazing.

The normalization of hazing and the difficulty many people have with recognizing when such experiences cross the line into hazing combine to make the problem of hazing particularly difficult to address. Hazing is a complex problem that is embedded in campus culture and is extremely resistant to change.

Intersections: hazing and bullying

As a common behavior among students from high school to college, hazing is a school safety issue in its own right. But as noted, hazing is frequently associated with other forms of interpersonal violence such as bullying and sexual assault. The complexities of hazing need to be understood as both distinct and connected with other forms of interpersonal violence.

Both hazing and bullying are forms of interpersonal violence, they both involve a power imbalance, and they can include abusive behaviors that are verbal, physical, and social in nature. The key distinction is that hazing is part of a membership, induction, or intake process. While the behaviors may look similar when they play out in a school or campus, the context and underlying dynamics are what differentiate them. In simple terms: bullying is typically thought of as a means of exclusion—or ostracizing peers whereas hazing is generally for the purpose of inclusion.

In some cases, incidents of hazing can meet the criteria that define bullying (aggression, intent to cause harm, and repetition) and in those cases, we might refer to hazing as bullying (Olweus, 1999). For example, fraternity pledging can involve aggressive behavior like paddling, kidnapping, lock-ups, or line-ups where new members are screamed and cursed at, and these activities occur over a period of weeks culminating in what's often referred to as "hell night" prior to initiation. In that scenario, it seems hazing meets the criteria that commonly define bullying. However, most instances of hazing do not fit squarely within the scope of bullying as defined by these criteria. For example, sometimes hazing can occur as part of a "rookie night" or "initiation night" and sometimes the activities are not explicitly aggressive—for instance, scavenger hunts, skits, and requirements to "get to know" the older members of the group. Yet frequently those activities cross the line into hazing when they include expectations for sexual favors, other forms of personal servitude, or the consumption of alcohol and/or other drugs.

Why is it important to understand the distinctions?

I've worked with many educators who believe that the bullying policy is sufficient to address hazing as well. However, because hazing is more expansive than bullying by definition, and because it is associated with *inclusion*, many hazing incidents may go unrecognized or be overlooked if a school simply relies on its bullying policy to "cover" hazing. Campus professionals need to be aware of hazing and recognize it can cause physical and emotional harm—and even death.

Intersections: hazing and sexual violence

Just as there are some common dynamics between bullying and hazing, there are also intersections between hazing and sexual violence. Some of the common elements include issues of power, control, and consent. We've heard far too often of locker room assaults with broomsticks and similarly heinous scenarios—hazing and sexual assault can occur simultaneously. Or put differently, acts of sexual violence are among the arsenal of weapons used in hazing. (For more on this topic see my blog post: <http://www.stophazing.org/sayreville-case-yet-another-wake-call-hazing/>).

Prevention

Given the harm and potential harm of hazing, and the extent to which it is normalized or goes unrecognized, what can be done to prevent it? The problem of hazing is not about a few “bad actors” or anomalous groups; hazing is pervasive, exceedingly complex, deep-rooted, and resistant to change. We know there is no simple solution—no “one size fits all” strategy or remedy for any of these problems. Given these challenges, the work of hazing prevention requires systemic thinking and creative solutions that both draw from and expand established frameworks in order to address the specific characteristics of hazing as a form of interpersonal violence.

As a relatively new area of research and practice, hazing prevention builds off of other fields that address prevention of sexual assault, violence, high risk drinking, other substance abuse, among other phenomena, as a public health issue. The public health approach informs a “science of prevention” in which strategies to intervene and prevent behaviors are grounded in theory and research, including rigorous assessment and evaluation. This approach supports efforts to expand understanding and recognition of hazing based on accurate information and analysis. Another foundational principle from the science of prevention is that effective and significant changes are generated by comprehensive prevention efforts that address the issue at multiple levels and through diverse strategies.

A comprehensive approach that involves collective action on multiple levels is needed to create meaningful change. Thanks to dedicated researchers and practitioners, we know a lot more than ever before about what works to advance prevention efforts in many arenas like high-risk drinking and sexual assault. We know it's essential that prevention be data-driven—grounded in assessment and that it be coalition-based, strategic, and synergistic.

If we want to prevent hazing, we need to analyze the factors that contribute to hazing on multiple levels including: individual, group, campus/school, and community. We further need to examine factors that help to mitigate hazing at all those levels. We need to work collaboratively with diverse stakeholders to amplify factors that protect youth from hazing and at the same time, work to reduce factors that foster environments that are conducive to hazing. For example, at the group level, a contributing factor may be that students are more likely to engage in hazing if they don't see alternative paths to promote group bonding. Desirable, “cool,” alternatives that meet needs for group bonding and challenge without hazing would serve as a protective factor.

As part of a 3-year research-to-practice initiative called the Hazing Prevention Consortium (HPC), my organization, StopHazing, LLC, has collaborated with eight pioneering universities to develop a framework for comprehensive hazing prevention (<http://www.stophazing.org/hazing-prevention-consortium/>). This framework is grounded in new data and reflects key components and principles that have emerged from a research base in prevention science. Building on the Strategic Prevention Framework (<http://www.samhsa.gov/capt/applying-strategic-prevention-framework>), our hazing prevention framework is based on a progressive, synergistic, and multi-pronged approach that combines:

Assessment: Collection and analysis of data on hazing climate, activities and the groups and organizations involved in order to identify prevention needs, priorities and target audiences.

Capacity: Building knowledge and capacity in hazing prevention among campus stakeholders through formation of hazing prevention coalitions, stakeholder training and ongoing technical assistance on hazing prevention.

Planning: Evidence-based strategic planning for campus hazing prevention strategies using assessment data and coalition engagement to outline campus-specific action plans.

Implementation: Implementation of multiple hazing prevention programs and activities targeted to specific audiences and desired outcomes.

Evaluation: Evaluation of hazing prevention strategies to inform design and improvement and to measure impact.

Cultural Competence: Efforts to ensure that hazing prevention initiatives factor in and are responsive to differentials of race, ethnicity, gender, socioeconomic status and other cultural variables that inform the attitudes, beliefs, behaviors and impact of hazing in specific institutional settings.

Sustainability: Generation of financial, staff and programmatic resources to sustain hazing prevention initiatives.

Efforts to prevent hazing that engage and resonate with institutional culture will be most effective. And since contributing factors that feed into hazing vary from one institution to another, there is no one-size-fits-all solution. Collection of data to assess campus climate and culture is critical. The culture of an institution can both reinforce and protect against hazing—meaning that some aspects of institutional culture are assets to build upon for prevention, while others present barriers to achieving a hazing-free campus. For further delineation of this framework for campus hazing prevention, please see: Allan, Payne, and Kerschner's (2016) *Hazing Prevention Brief for College and University Professionals*: <http://www.stop-hazing.org/we-dont-haze/>.

Core Strategies for Hazing Prevention

The Hazing Prevention Consortium promotes a comprehensive approach in which campuses work to formulate prevention strategies that respond to institutional culture, align with institutional mission, and address hazing in numerous ways and through varied modes of intervention. Working with experts to translate what has been learned from the research on prevention of sexual assault, bullying, and substance abuse, we have tested and are continuing to work with the following strategies:

Visible campus leadership anti-hazing statement: Development and widespread dissemination of statements from leadership regarding anti-hazing position and positive institutional values and mission that supports a safe campus climate.

Example: *President of the college or university provides public statement to make it clear that hazing is not an acceptable practice and not in alignment with the mission of the institution. The statement is presented as part of new student orientation and included on the campus hazing website along with hazing policies and procedures for reporting and enforcement.*

Coalition-building: Establishment of a hazing prevention coalition or team with stakeholders from across multiple divisions and levels of the organization (including students), with a mandate to lead institutional efforts in hazing prevention, including oversight of campus climate assessments, stages of planning, design, implementation and evaluation of prevention strategies, and sustainability of prevention efforts.

Example: *A campus hazing prevention coalition is established, with members appointed by the institution's President or executive level leadership, with meetings on a monthly basis of entire group, as well as monthly meetings for subgroups focused on Assessment and Evaluation; Coalition Capacity Building; Policy and Procedures Review; Educational Program Design and Implementation; and Sustainability.*

Policy and protocol reviews: Regular review and refinement of institutional policies on hazing and procedures for addressing hazing incidents, with emphasis on widespread dissemination and accessibility, confidential reporting, consistent response protocols, referral systems, professional staff roles and transparency.

Example: *Based on a review of hazing incidents and interviews with Student Conduct staff and a search of other campus resources, campus stakeholders collaborate on revising a hazing policy handbook and website to include a clear definition, statement of policy, resources on prevention, information on reporting, protocols for enforcement, response, and accountability, and a list of staff contacts for referrals and questions.*

Hazing Prevention Trainings: Programs, presentations, and activities to educate and engage stakeholders in building knowledge and awareness of hazing and skills to prevent it.

Example: *A campus with a strong student leadership tradition includes trainings on ethical leadership and hazing for all incoming students, with regular update trainings for students in group leadership positions that emphasize strategies and skills for identifying group values, developing positive group bonding activities, and bystander intervention.*

Social norms messaging: Dissemination of research-based information regarding institutional or campus hazing norms, addressing misperceptions regarding prevalence of values, beliefs and engagement related to hazing, with focus on positive norms that counteract and are alternatives to hazing.

Example: *Based on survey data, a campus stakeholder group that includes students develops a social norms poster campaign reporting on the percentage of students who believe it is not cool to use coercion or abusive behavior to initiate new*

members, with posters placed in residence halls, on computer screens, in cafeteria table settings, and on bookstore bookmarks, and complementary discussions and/or workshops run jointly by staff and student leaders about positive group norms.

Bystander Intervention: Education, training programs and social norms messaging supporting students, staff, parents, and others to develop skills to intervene as bystanders to prevent hazing.

Example: As part of student organization and athletic team orientation activities, student leaders are trained to facilitate discussion on the **five stages of bystander intervention**—

- (1) Notice behavior;
- (2) Interpret behavior as a problem;
- (3) Recognize one's responsibility to intervene;
- (4) Develop skills needed to intervene safely; and
- (5) Take action—and engage group members in role-play exercises and followup discussions about their roles as bystanders (Berkowitz, 2009).

For a more in-depth discussion of bystander intervention applied to hazing, please see Allan, Payne, and Kerschner's (2016) *Hazing Prevention Brief for General Audiences*: <http://www.stophazing.org/we-dont-haze/>.

Communication to broader campus community: Development and dissemination of information on hazing and hazing prevention efforts to stakeholders outside of immediate institution, including online resources, newsletters, trainings and other programs targeted to alumni, family and parents, and other people and organizations in local community.

Example: Drawing upon available campus resources and data, student affairs staff and senior administrators host and circulate a bi-monthly online newsletter to parents regarding hazing and hazing prevention activities, including the definition of hazing, explanation of hazing policies and reporting procedures, information on how to be a parent bystander, and ways to be involved in campus prevention efforts.

What is needed to propel hazing prevention forward?

Over the course of 3 years, we have worked with members of the Hazing Prevention Consortium (HPC) to implement and evaluate these and other strategies for hazing prevention. In doing so, we have begun to identify promising practices in each of the domains referred to earlier (assessment, capacity, planning, implementation, evaluation, cultural competence, and sustainability). Although the HPC design was informed by evidence about prevention in other fields, we launched this process with a goal to begin building an evidence base for hazing prevention. For while many have worked diligently to develop hazing prevention activities, resources are needed to provide enhanced focus on rigorous evaluation of those activities. Carefully designed and methodically implemented evaluation is critical to measure whether and how hazing prevention strategies are actually working. Without evaluation, we have no way of knowing whether certain strategies have an impact in changing social norms related to hazing and the beliefs, values and actual behaviors of youth. Just as it is essential that the emergent field of hazing prevention be informed by a solid base of research and assessment to inform our understanding of the problem of hazing, in our efforts to advance new and innovative strategies for hazing prevention, it is incumbent on us to carry out scientifically grounded evaluation of those strategies so that we know what is working and what isn't working.

These principles and goals have been the cornerstones of our work on the HPC and have guided us to place particular emphasis on supporting our collaborators to integrate evaluation into the development of new strategies for hazing prevention. As our initial 3-year project draws to a close, we have collected a considerable amount of data regarding promising practices to inform a comprehensive and effective approach to hazing prevention. In the coming year, we will be mining this research to formulate and put forth a preliminary framework for hazing prevention. While we began with hunches from prevention science about what might work best for hazing, we are now in a much better position to assist educational institutions with implementing comprehensive hazing prevention. Having said that, one of the biggest lessons we've learned through the HPC is that comprehensive hazing prevention, and especially its evaluation, is a long term process. So we speak of "promising" approaches to prevention because we know that our work to build an evidence base is an emergent process that will continue to evolve as we collaborate with a growing cadre of colleges and universities, other organizations, fellow researchers, and committed stakeholders, legislators, advocates, parents, and others who are all part of the solution.

In other words, while we've made considerable strides to propel hazing prevention forward, there is a tremendous amount of work that remains to be done. As we con-

sider hazing prevention in light of campus safety and in relation to sexual assault, bullying, cyberbullying, and other forms of interpersonal violence, I will close by pointing to several areas in which there are needs for governmental support and engagement as we strive to formulate effective approaches to hazing prevention as one among many areas of interpersonal violence prevention.

- **Research.** New and continued research to inform prevention, with the following being but a few sample topics:

- A followup national study of hazing in postsecondary settings to compare with 2008 (Allan & Madden, 2012; 2008) data and measure change over time as well as other variables.

- Extent and type of hazing occurring in middle- and high-school settings.
- Variations in extent and type of hazing across cultural groups.
- Intersections of hazing and sexual violence on campus.
- Hazing social norms, with focus on misperceived norms relative to actual beliefs and behaviors.

- Efficacy of bystander intervention for hazing.
- Ethical leadership approaches to hazing prevention.
- Social and psychological motivations for hazing.
- Desirable and proven alternatives to hazing for promoting group cohesion.
- Social, academic, and personal costs of hazing for students, families, and schools.

- Effective strategies for working with victims and perpetrators of hazing, with focus on ways to implement effective support/healing and sanctions (respectively).

- Costs and benefits of transparent institutional approaches to hazing (e.g., inclusion of information on hazing incidents, investigations, sanctions, etc. in annual reports, institutional websites, and websites associated with involved students organizations).

- **Evaluation.** Continued testing and evaluation of hazing prevention strategies at both secondary and higher education institutions, including broad dissemination of findings.

- **Funding.** Provision of State and Federal financial resources targeted to support the research and practice of hazing prevention in educational settings. Note that while there is interest in hazing at the Federal level under the umbrella of school safety, in the Department of Education and to some extent in the CDC, at this time there is little dedicated funding for hazing prevention at the State or Federal level (one exception being Florida which is the first State to mandate use of an online hazing prevention curriculum for first year students in State universities).

- **Policy.** Engagement by State and Federal agencies to collaborate with hazing prevention specialists to establish policies and procedures for protecting students from hazing and addressing incidents of hazing when they occur.

- **Transparency.** Mandates for colleges and universities to make hazing reports public by posting on a website and including the consequences for organizations found responsible for hazing. Cornell University has been on the cutting edge of this practice and numerous other universities are following their lead (Cornell University: <https://hazing.cornell.edu>, Lehigh University: <http://studentaffairs.lehigh.edu/hazing-prevention>, University of Arizona: <https://deanofstudents.arizona.edu/safecats/hazing>).

- **Laws.** Increased State and Federal attention to the legal and criminal issue of hazing on its own and in relation to sexual assault/bullying, including continued work to promote anti-hazing laws in all States and investigation of the legal and criminal dimensions relative to hazing incidents and investigations.

- **Spectrum of Interpersonal Violence.** Support from State and Federal agencies to develop prevention frameworks that address distinctions and intersections among varied campus safety issues so that resources can be shared and to avoid siloed approach to behaviors that are typically interrelated.

- **Training.** State and Federal promotion of education and training on hazing and hazing prevention. Campus focus on trainings that build skills for bystander intervention to prevent hazing as well as ethical leadership development appear to be promising approaches.

- **Coordination.** Financial support and networking structures to help coordinate hazing prevention activities within regional and national professional associations related to higher education and student affairs.

- **Dissemination.** Financial support for outreach within campus and broader community to educate about hazing, the warning signs of hazing, and where to report it. Regional and national conferences and meetings to bring together scholars, practitioners, educators, families, legislators, and other stakeholders to advance the cause of hazing prevention.

Summary

While the previous bullet points are not an exhaustive list by any means, I believe they provide a platform for continuing to move forward in achieving the vision of eliminating hazing from our educational institutions and promoting greater campus safety. This vision requires a cultural shift that moves beyond intervention and toward shaping communities where healthy group bonding and traditions are the norm and where civility, honor, respect, and nonviolence are cornerstones of student decisionmaking, participation, and leadership as members of teams, clubs, organizations, and other groups.

In closing, we must work together to ensure that hazing is no longer overlooked, minimized, or “swept under the rug.” The time is now to ensure hazing is foregrounded as a threat to campus safety and a threat to positive leadership development in our youth. The time is now to prevent further senseless tragedies and loss of human potential that can result from hazing; the time is now to recognize that our educational institutions will be stronger and safer without hazing. We all have an opportunity and responsibility to make a difference by committing to hazing prevention and promoting safe schools and campuses for the youth of this Nation. Thank you.

REFERENCES

- Allan, E.J. & Madden, M. (2008). Hazing in view: College students at risk. Retrieved from http://www.stophazing.org/wp-content/uploads/2014/06/hazing_in_view_web1.pdf.
- Allan, E.J., & Madden, M. (2012). The nature and extent of college student hazing. *International Journal of Adolescent Medicine and Health*, 24(1), 83–90.
- Allan, E.J., Payne, J.M. & Kershner, D. (2016). “*We Don’t Haze*.” A Companion Prevention Brief for Colleges and University Professionals. StopHazing and the Clery Center for Security on Campus. <http://clerycenter.org/sites/default/files/We%20Dont%20Haze%20Companion%20Brief>.
- Berkowitz, A. (2009). *Response ability: A complete guide to bystander intervention*. Chicago, IL: Beck & Co.
- Hoover, N. & Pollard, N. (1999). *National survey: Initiation rites and athletics for NCAA sports teams*. Retrieved from http://www.alfred.edu/sports_hazing/docs/hazing.pdf.
- Nuwer, H. (1990). *Broken pledges: The deadly rite of hazing*. Marietta, GA: Longstreet Press.
- Nuwer, H. (Ed.). (2004). *The hazing reader*. Bloomington, IN: Indiana University Press.
- Olweus, D. (1999). Norway. In P.K. Smith, Y. Morita, J. Junger-Tas, D. Olweus, R. Catalano, & P. Slee (Eds.), *The nature of school bullying: A cross-national perspective* (pp. 28–48). New York, NY: Routledge.

Senator MURRAY. Thank you.
Dr. Huskey.

STATEMENT OF MELYNDA HUSKEY, Ph.D., INTERIM VICE PRESIDENT OF STUDENT AFFAIRS AND DEAN OF STUDENTS, WASHINGTON STATE UNIVERSITY, PULLMAN, WA

Ms. HUSKEY. Mr. Chairman, Senator Murray, and members of the committee, my name is Melynda Huskey, and I’m the interim vice president of Student Affairs at Washington State University. We’re proud to have Senator Murray as an alumna, and I’m very honored to participate today in this roundtable on the important issue of campus safety and violence prevention.

I’m here on behalf of Washington State University’s leadership and our more than 29,000 students. We are the land grant institution of Washington. We are physically present in every county in the State, delivering education, research, and core services that benefit Washingtonians in their daily lives. My role as Vice President of Student Affairs is to oversee all programs and offices which support the out-of-classroom student experience. And in that role,

I've been asked to share with you the approach we take on our campuses toward violence prevention.

Like many universities, our campus has experienced incidents of hazing, bullying, fighting, sexual assault, and cyber bullying. We're deeply committed to using the best evidence-based practices available and have adopted the public health model for violence prevention. In this model, multidisciplinary teams—in our case, healthcare providers, human development experts, prevention scientists, student affairs practitioners, law enforcement, compliance officers, community members, and students—work together to define the nature and extent of violence on our campus, identify risks and protective factors, develop and implement interventions, evaluate their effectiveness, and oversee their broad implementation.

We look at all levels of interaction—social, community, relationship, and individual—which support healthy choices and promote a healthy campus. We also evaluate how well our interventions serve distinct populations: veterans, members of the LGBT community, ethnic and racial communities, international students, and students with disabilities.

For example, our hazing prevention efforts are interdisciplinary and distributed across campus. While a few campus organizations are likely to come to mind, the fact is that hazing occurs in many organizations and once established as a cultural practice can be exceptionally resistant to change. We offer preventative training and information to all student organizations on this issue, provide anonymous reporting, and work with advisers and mentors locally and nationally to identify the risks and protective factors which change outcomes for students.

We take the same approach to bullying and harassment, including an educationally focused student disciplinary process. We are also now focusing on improving suicide prevention efforts on our campus. With support from the Substance Abuse and Mental Health Services Administration, in partnership with the Washington State Department of Health, WSU and other institutions of higher ed across the State are creating and refining research-based suicide prevention plans designed specifically for student life.

Since 2011, we've been fortunate to receive Federal support for our work in the area of sex- and gender-based violence through competitive funding from the U.S. Department of Justice's Office of Violence Against Women's Grant to reduce sexual assault, domestic violence, dating violence, and stalking on campus. We've implemented a suite of required trainings for all incoming students, which includes face-to-face, small group workshops on sex- and gender-based violence; bystander empowerment and intervention strategies; and alcohol and drug impacts on sexual decisionmaking.

We are committed to creating a safe, supportive environment, free from violence, in which all of our students can focus on learning and in which they can graduate as educated citizens ready to contribute to their communities.

Thank you very much for the opportunity to be here today.
[The prepared statement of Ms. Huskey follows:]

PREPARED STATEMENT OF MELYNDA HUSKEY

SUMMARY

- WSU is Washington's land grant institution. Through our five campuses, four research centers and WSU extension, WSU is physically present in every county in the State, delivering education, research, and core services that benefit Washingtonians in their daily lives.

- We are deeply committed to using the best evidence-based practices available and have adopted a public health model for violence prevention. In this model, multi-disciplinary teams—in our case, health care providers, human development experts, prevention scientists, student affairs practitioners, law enforcement, compliance officers, community members, and students—work together to define the nature and extent of violence on our campus, identify risk and protective factors, develop and implement interventions, evaluate their effectiveness, and oversee their broad implementation.

- We look at the societal, community, relationship, and individual factors which support healthy choices and promote a healthy campus. We also evaluate how well our interventions serve distinct populations: veterans, members of the LGBT community, ethnic and racial communities, international students, students with disabilities.

- WSU's hazing prevention efforts are interdisciplinary and distributed across campus. While a few campus organizations are likely to come to mind, the fact is that hazing can occur in any organization, and once established as a cultural practice, can be exceptionally resistant to change. We provide preventative training and information to *all* student organizations on the issue, offer anonymous reporting, and work with advisors and mentors locally and nationally to identify the risk and protective factors which can change outcomes for students. We take the same approach to bullying and harassment, including an educationally focused student disciplinary process.

- We are now focused on improving suicide prevention on campus. With support from the Substance Abuse and Mental Health Services Administration (SAMHSA), in partnership with the Washington State Department of Health, WSU and other institutions of higher education across the State are creating and refining research-based suicide prevention plans, designed for student life.

- Since 2011, we have been fortunate to receive Federal support for our work in the area of sex- and gender-based violence through competitive funding from the U.S. Department of Justice's Office of Violence Against Women Grant to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus. We have implemented a suite of required trainings for all incoming students, which include face-to-face small group workshops on sex- and gender-based violence, bystander empowerment and intervention strategies, and alcohol and drug impacts on sexual decisionmaking. We are committed to creating a safe, supportive environment free from violence, in which all our students can focus on learning, and in which they can graduate as educated citizens who will contribute to their communities.

- I look forward to answering any questions and to working with you going forward.

Mr. Chairman, Senator Murray, and members of the committee, my name is Melynda Huskey and I serve as the Interim Vice President of Student Affairs at Washington State University. We are proud to have Senator Murray as an alumna and I am honored to be invited by the committee and Senator Murray to participate in the roundtable today on the extremely important issue of campus safety and the prevention of all forms of violence on college campuses. Today, I am here on behalf of Washington State University's leadership and more than 29,000 students.

WSU is Washington's land grant institution. Through our five campuses, four research centers and WSU extension, WSU is physically present in every county in the State, delivering education, research, and core services that benefit Washingtonians in their communities every day. As a premiere tier one research university, WSU drives education and innovation in our communities to support and grow the State's economy.

WSU is led by President Kirk Schulz, who joined our Cougar family in June. We are pleased that he supports the WSU land grant mission of advancing, extending and applying knowledge through local and global engagement.

As Interim Vice President and Dean of Students, I oversee the offices and programs which support students in all of their out-of-the-classroom activities and cir-

cumstances—everything from residence life and dining to student involvement and engagement to student conduct to health and wellness to fraternity and sorority life.

I have been asked to share with you the efforts we are making on our campus to prevent violence, and the approach we have chosen to take. Like many universities, our campus has experienced incidents of:

- hazing,
- bullying,
- fighting, and more recently;
- cyber-bullying.

We are also deeply concerned with ongoing issues of sexual violence, dating and intimate partner violence, and stalking. Sexual violence, in particular, requires a redoubling of effort in order to reduce the incidence on all college campuses. At WSU, student survey data, produced by the National College Health Assessment from the 2014–15 school year, indicates that 10 percent of undergraduate students had experienced some form of interpersonal violence (sexual assault, dating violence, stalking) in the previous 12 months. This is unacceptable.

WSU is committed to enhancing the safety of our students, faculty, staff, and visitors at all of our campuses.

To increase campus safety, WSU is engaged in focused efforts across four main areas to further reduce sexual violence, including:

1. improved education and communication regarding acceptable standards and conduct;
2. increased focus on prevention and intervention;
3. an enhanced reporting and response infrastructure that will provide victims with safe and reliable options for ensuring their needs are met; and
4. deeper collaboration with area non-profits and law enforcement to ensure the university is engaging in best practices in confronting and reducing sexual violence on our campuses.

The university has also prepared, and made available, university policies, procedures, statistics, and information relating to campus safety, emergency management, and the health and welfare of the campus community. This includes information on student standards and conduct policies, mental health and counseling services, safety and security policies/procedures for University housing, harassment policies, and sexual assault, domestic violence, and stalking policies. In all of these cases, we continue to evaluate how well we are serving distinct populations: veterans, members of the LGBT community, ethnic and racial communities, international students, students with disabilities. Guidance from the Office of Civil Rights and Department of Education has helped us meaningfully focus and refine these efforts.

As a research institution, we are deeply committed to using the best evidence-based practices available. For this reason, we have adopted a public health model for violence prevention. As many of you know, in this model, multi-disciplinary teams—in our case, health care providers, human development experts, prevention scientists, student affairs practitioners, law enforcement, compliance officers, community members, and students—work together to define the nature and extent of violence on our campus, identify risk and protective factors, develop and implement interventions, evaluate their effectiveness, and oversee their broad implementation. Within this model, we look at the societal, community, relationship, and individual factors which support healthy choices, and those that support violence, and work to intervene at all levels to promote a healthy campus. This approach allows us to address violence in all its forms—from bullying in residence halls to the most serious cases of assault or sexual violence.

Our hazing prevention efforts are interdisciplinary and distributed across campus. While a few organizations are likely to come to mind—fraternities and sororities, marching bands—the fact is that hazing can occur in any organization, and once established as a cultural practice, can be exceptionally resistant to change. We provide preventative training and information to all student organizations on the issue, offer anonymous reporting, and work with advisors and mentors locally and nationally to identify the risk and protective factors which can change outcomes for students.

Bullying and other kinds of harassment are covered under our Standards of Conduct for students. We are committed to a fair, educational, and developmental student discipline process, recognizing the difference between legal proceedings outside our institution and our internal responsibilities to support students' ethical development and accountability to our university community.

We are also committed to the prevention of another serious form of violence on campus: suicide. With support from the Substance Abuse and Mental Health Services Administration (SAMHSA), in partnership with the Washington State Depart-

ment of Health, WSU and more than 15 other institutions of higher education across the State are creating and refining comprehensive, research-based suicide prevention plans. Again, the public health model helps us in defining the scope of the problem, the risk and protective factors, and the prevention strategies—from limiting access to potentially lethal means to promoting strong social connections among students and exploring new technologies for delivering support and mental health evaluations to the “digital native” generation of students.

We have been very fortunate to receive Federal funding to support our efforts. Since 2011, our work in the area of sex- and gender-based violence has been supported, in part, by competitive funding from the U.S. Department of Justice’s Office of Violence Against Women Grant to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus. Our on-campus Violence Prevention Center has supported policy review and revision, mandatory training for employees on the university’s policy prohibiting discrimination, sexual harassment and sexual misconduct, as well as on reporting obligations. We have implemented a suite of required trainings for all incoming students, which include face-to-face small group workshops on sex- and gender-based violence, bystander empowerment and intervention strategies, and alcohol and drug impacts on sexual decisionmaking. We continue to evaluate and refine these efforts for effectiveness.

WSU also recognizes that the best way to increase safety on our campuses, and to support institutional efforts, is to engage directly with our students and community stakeholders in this process. Our student body has created a program called “It’s on Cougs,” led by students to encourage bystander intervention. The program includes trainings, workshops, and social media campaigns around ways to engage in campus safety.

At Washington State University, we are committed to creating a safe, supportive environment free from violence, in which all our students can focus on learning, and in which they can graduate as educated citizens who will contribute to the State, the Nation, and the world.

Thank you for the opportunity to speak with you today about issues we take very seriously at WSU. I look forward to answering any questions and to working with you going forward.

Senator MURRAY. Thank you.
Ms. Krisak.

**STATEMENT OF WENDY KRISAK, M.A., NCC, LPC, DIRECTOR OF
THE COUNSELING CENTER, DESALES UNIVERSITY, CENTER
VALLEY, PA**

Ms. KRISAK. Senator Kirk, Ranking Member Murray, and members of the Health, Education, Labor, and Pensions Committee, I deeply thank you for this opportunity to testify and share DeSales University’s efforts regarding the reduction and prevention of bullying and hazing incidents.

DeSales is a 50-year-old Catholic institution grounded in the teachings of Saint Francis de Sales. In addition to academics, DeSales focuses on educating students morally, socially, and spiritually through its out-of-the-classroom programming, which provides students with a moral compass and enriches their lives on a deeper level. The university mission places Christian humanism at its core and intentionally works to enhance the dignity of the individual.

As freshmen, students learn our character code, which asks them to conduct themselves in a respectful manner and treat others with dignity and respect. The code is posted everywhere on campus. Our DeSales community is committed to maintaining a healthy and conscientiously kind environment.

Before freshmen arrive on campus, they are engaged in Character U, our first year experience program. This program teaches them the basics of navigating college, but also immerses them in a character curriculum that focuses on the virtues of patience, trust

and cooperation, perseverance, love, forgiveness, and hope. These virtues are integrated into their learning experience through keynotes, community service projects, and other programs.

Through Character U, students learn about themselves, the world around them, and the role they play in it. Character U helps new students meet new people, form relationships, and communicate with one another. In a texting and twittering world, this is not always easy for them. DeSales outside-of-the-classroom programming is committed to instilling the concept that every human being deserves to be treated with dignity and respect.

DeSales University takes a multidisciplinary approach to caring for our students. We have an early alert system that places struggling students on our radar so that we can be proactive in supporting them. Early alert prompted the creation of our CARE team, an acronym for Concern, Assessment, and Response. This team includes health professionals and staff from all areas of campus. We meet bimonthly to investigate and respond to matters of concern related to students. We coordinate interventions and make recommendations that will ensure the safety and well-being of our students.

In 2003, one of my colleagues and I created a six-member team, PACE. The acronym stands for Peers Advising, Counseling, Educating. PACE programming emphasizes personal responsibility, deep respect for others, and concern for the common good. This student team researches and presents on relevant wellness topics to their fellow students. In 2012, they created #sorryimnotsorry, a program that addressed bullying and hazing in the cyber world as well as prevention methods. This program led to a student-driven cyber bullying policy which is now official policy in our student handbook.

Since then, PACE has geared its efforts toward addressing the root of bullying in a more positive way through its kindness programming. From harsh words to ruthless behavior, society has tossed aside human compassions for others for their own gain. PACE created a week dedicated to demonstrating kindness to others through selfless acts. These programs inspire others to pass on those kindnesses to promote positive behavior and a more unified campus community.

Kindness Week is now an annual event, #happierdesales. It includes programs such as Kindness Can Change the World, a program about bullying that motivates students to increase kindness measures around campus. It includes tabling activities and giveaways, such as Consent Kisses, where students ask permission to give another student a kiss. For their consent, the student receives two Hershey kisses, one to keep and one to give away. This promotes consent and respect for relationships.

Other independent programs have included Write Light, Write Life, where community members nominated someone to receive a letter of encouragement, support, and gratitude. Everyone was invited to help write the letters, which were then distributed during Kindness Week. You Are More Than A Like is a program that encourages students not to rely on how many likes they get on social media to define their self-worth.

Digging Deeper: The Diversity of Individuality highlights our campus-wide solidarity initiative, which focuses on celebrating our differences and developing mutual respect for one another as valued human beings. All of these programs have had great impact on both students and staff.

Again, I thank you for your time and the opportunity to share with you the efforts being made by our small university to derail bullying and unkindness of any kind by nurturing strong character development among our student population.

Thank you.

[The prepared statement of Ms. Krisak follows:]

PREPARED STATEMENT OF WENDY S. KRISAK, M.A., NCC, LPC

Chairman Alexander, Ranking Member Murray, and members of the Health, Education, Labor, and Pensions Committee, I deeply thank you for this opportunity to testify and share DeSales University's efforts regarding the reduction and prevention of bullying and hazing incidents.

With a mission that intentionally works to enhance the dignity of the individual, a philosophy that has Christian Humanism at its core, and a Character Code that asks for all to conduct themselves in a respectful manner, DeSales is a distinctive University which does not just value educating the minds of our students, but also values educating their hearts.

Many efforts are made to ensure that our community is healthy and conscientiously kind. Before our students even step foot on campus as a freshmen, they are engaged in our Character U First Year Experience Program, they have learned the concept of bystander intervention through the on-line program *Haven*, and they have been assigned a peer mentor to assist them with their transition into college. Once they arrive, and throughout their undergraduate years, they are offered countless opportunities to learn about who they are for themselves, and their role in relation to the greater world around them. Character U emphasizes six fundamental character traits: Patience, Trust and Cooperation, Perseverance, Love, Forgiveness, and Hope.

PACE (Peers Advising Counseling Educating), a six-person education team, maintains as its vision to emphasize personal responsibility, deep respect for others, and concern for the common good. With this vision in mind, they work hard to research and present on relevant wellness topics to their fellow students. In regards to bullying and hazing awareness and prevention efforts, they created a program entitled, "#sorryimnotsorry," which focuses on the cyber world, which can often be an ugly place. Out of this program, a student-driven cyberbullying policy was created, approved, and is now an official policy in the student handbook.

Since that time, PACE has chosen to gear their efforts toward the positive. With this in mind, they began developing programming around kindness. They now celebrate their own Kindness Week: #happierdesales each year. Every day of kindness week includes programs ("Kindness Can Change the World"), tabling activities ("Balloon Compliments," "RAK Tree," "A Positive View"), and give-aways ("Consent Kisses," "Flower Friday") that promote a kinder and happier DeSales. Other independent programs have included "Write Light, Write Life," a letter writing campaign; "You Are More Than A Like," which encourages us not to rely on how many "likes" we get on social media to define our worth; "Digging Deeper: The Diversity of Individuality," which highlights our Solidarity Initiative; and "No One Else Can Play My Part," which discourages the use of such words as crazy, suicidal, and mental in casual ways.

In the event a student gets off-track, DeSales has many programs, policies, and procedures, which educate and hold students accountable for their behavior. Through educational conversations, community service, reflective assignments, counseling, and mediations, students are assisted in getting back on track and finding success as contributing members to the university community.

DeSales University is a 50-year-old Catholic Institution grounded in the teachings of St. Francis de Sales. In addition to its strong academic curriculum, DeSales University also focuses on educating students morally, socially, and spiritually through out-of-the-classroom programming that enriches and cares for the entire human being.

Again, I want to thank Chairman Alexander, Ranking Member Murray, and members of the Health, Education, Labor, and Pensions Committee for this opportunity.

Chairman Alexander, Ranking Member Murray, and members of the Health, Education, Labor, and Pensions Committee, I deeply thank you for this opportunity to testify and share the efforts of DeSales University regarding the reduction and prevention of bullying and hazing incidents.

DeSales University is a distinctive institution of higher education. Its culture is based upon its mission of Christian Humanism. DeSales prepares its students not only with a high quality academic education but a character based education as well. Opportunities are created every day for students to explore their vocations, critically think about their value system, and improve their social conscience.

At DeSales University, we not only educate the mind, we educate the heart as well.

The following few pages offer more details about who we are. I assure you that everything from our philosophy and mission through our Heritage and our Character Code, serve as the foundation for our low count of bullying and hazing incidents, and, most certainly, provide the spring board for our continued efforts toward prevention of such behavior.

QUICK FACTS ABOUT DESALES UNIVERSITY

- University President—Fr. Bernard F. O'Connor, OSFS (July 1999).
- Formally named Allentown College of Saint Francis de Sales (opened in 1965).
- Private, 4 year Catholic university for men and women.
- Administered by the Oblates of St. Francis de Sales.
- The enrollment for traditional undergraduate day students is 1,597.
- Total enrollment (traditional, graduate, and ACCESS adult) is 3,136.
- There are 125 full-time faculty members of which 84 percent have the highest degree in their field.
- More than 95 percent of undergraduate, full-time day students receive some form of financial aid.
- Accredited by the Middle States Commission on Higher Education (MSCHE).
- Nineteen athletic teams compete in the NCAA Division III Middle Atlantic States Collegiate Athletic Conference (MAC) and the Eastern Collegiate Athletic Conference (ECAC).

PHILOSOPHY OF DESALES UNIVERSITY

DeSales University is firmly and publicly committed to the principles of Roman Catholic doctrine and morality. It also fully recognizes that the search for truth requires an atmosphere of intellectual freedom and that love demands an openness to all that is good.

DeSales carefully distinguishes between the free pursuit of truth—which it guarantees every member of the campus community—and its own commitment to the teachings of the Catholic Church.

For DeSales University, Christian humanism means that every aspect of human experience is capable of enlightenment by the Gospel of Jesus Christ. This Gospel brings light to each dimension of personal existence (physical, intellectual, social, moral, aesthetic, and religious) and every environmental domain (natural world, social institutions, cultural achievements, historical periods, and religious societies).

The encounter between the Word of God and the concrete world of the human person makes a fully meaningful existence possible. DeSales University strives to teach the student what it means to be Christian in a Salesian way, what it means to embrace one's own life, and what it means to bring this Good News to the human family.

MISSION OF DESALES UNIVERSITY

It is the mission of DeSales University to provide men and women with quality higher education according to the philosophy of Christian humanism as developed by Saint Francis de Sales and his spiritual heirs. The University imparts knowledge about, and develops talents for, personal, familial, and societal living. DeSales University enriches the human community and enhances the dignity of the individual through its educational endeavors. In its work, the University fosters a vital and respectful dialog between Roman Catholic faith and human culture.

CHARACTER CODE

“As a member of DeSales University, I will conduct myself in a *respectful* manner with *dignity* and *honesty* in the Salesian tradition of *humility* and *gentleness*.”

HERITAGE OF DESALES

DeSales University is named for a man who lived more than 400 years ago, but whose lessons are still timely and practical for today's world.

St. Francis de Sales is admired throughout the Church for his great sanctity, learnedness, missionary zeal, gentleness, and understanding of the human heart. Scholar, writer, pastor, spiritual guide for souls, diplomat, bishop, and Doctor of the Church, he is best described as a Christian Humanist, a potent spiritual force for creating a spirituality admirably suited to those in every walk of life, especially the common person.

De Sales was born in Thorens, France, on August 21, 1567. As a member of a noble family, he was educated in the humanities at the Jesuit college of Clermont at the University of Paris and received his doctorate in both civil and canon law from the University of Padua.

For Francis, love of God naturally lead to love for all persons. His life became a model of selfless service to God and the countless individuals who called upon him for advice.

Francis de Sales died in 1622. In 1665, Pope Alexander VII proclaimed him a saint. Today, the Oblates of Saint Francis de Sales are one of several religious congregations in the Catholic Church founded under his patronage.

DESALES UNIVERSITY POLICIES

Cyber Bullying Policy

Cyber bullying is defined as the use of electronic information and communication devices, to include but not be limited to, email message, instant message, text messages, cellular telephone communication, blogs, chat rooms, and defamatory websites that:

- Threaten, harass, intimidate, an individual or groups of individuals;
 - Place an individual in reasonable fear of harm to the individual or damage the individual's property; and
 - Have the effect of substantially disrupting the orderly operation of the school.
- Violation of this policy is considered to be an act of intolerance and anyone found in violation will be subject to appropriate disciplinary action by the University.

General Statement

The University will not tolerate improper actions by University community members or visitors. Actions, which are improper, include, but are not limited to, the following:

- Actual or threats of physical violence, or other forms of harassment.
- Destruction of University property or other private property.
- Interference with entry to or exit from University buildings or facilities, including free movement by individuals.
- Disruption of or interference with instructional activities, campus events or other University business.
- Interference with the rights of others to the freedom of speech and assembly.
- Unauthorized entry to a University facility and failure to leave when requested by a representative of the University.
- Possession of firearms, explosives, chemicals, or fire extinguishers.
- Failure to comply with the orders of directives of University officials, police or other law enforcement agencies acting within the scope of their duties.

Hazing Policy

At DeSales University we believe in the dignity of life and hold a deep respect for each individual person as a creation of God. Hazing is contrary to these beliefs and will therefore not be tolerated in any form. DeSales University defines hazing as any activity suspected of someone affiliating with or joining a group that humiliates, degrades, abuses, or endangers, regardless of the persons willingness to participate. Furthermore, this definition includes any action which DeSales University—2015–16 Student Handbook Page 124 of 162 results in the disruption of the educational process, the impairment of academic performance, or failure to properly fulfill obligations to University sponsored groups or organizations. DeSales University unconditionally opposes all forms of hazing and adheres to Pennsylvania Penal Law which defines hazing as follows:

“Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an in-

stitution of higher education. The term shall include but not be limited to, any brutality of a physical nature such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which would subject the individual to extreme mental distress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be 'forced' activity, the willingness of an individual to participate in such activity notwithstanding. (Penal Law, P.S. 5352)

“Any person who causes or participates in hazing commits a misdemeanor of the third degree.” (Penal Law, P.S. 5353)

Any violation or suspected violation of this hazing policy should be reported to any of the following: the Student Affairs Office, the Director of Athletics, or the Director of Student Engagement and Leadership. In addition, students may also report incidents of hazing to University Police dial ext. 1250 from any on campus phone or direct dial 610.282.1002. Any person or organization in violation of this policy will be subject to University disciplinary action.

Intolerance Policy

Intolerance, harassment, or any other conduct that diminishes the dignity of a human person is incompatible with our fundamental commitment as a Catholic university in the Salesian tradition. Every person shall be treated with respect and dignity. No person shall be subject to any sexual, racial, psychological, physical, verbal, or other similar harassment or abuse. Those who treat others with such intolerance will be subject to appropriate disciplinary action by the University.

Disciplinary Efforts

- Harassing, stalking or hazing any person, including sexually harassing and cyber bullying.
 - Minimum—Disciplinary probation
 - Maximum—Expulsion
- Engaging in disorderly conduct, disruptive, lewd, or indecent conduct.
 - Minimum—Community service
 - Maximum—Expulsion
- Physically harming or threatening to harm any person, intentionally or recklessly causing harm to any person or reasonable apprehension of such harm or creating a condition that endangers the health and safety of self or others.
 - Minimum—Disciplinary probation
 - Maximum—Expulsion

OUR NUMBERS

According to our Director of Student Conduct, our numbers for bullying/hazing are relatively low. The majority of the numbers do revolve around social media, where students feel that they can “hide behind the screen.” Many times, these violations are very hard to address because it is unknown who was involved. Other times, the violators are unknown, but other students will come forward with information because they feel that what was done was wrong. For instance, there was an incident in which derogatory remarks were written on flyers promoting a student program. The remarks were personally attacking the individual on the flyer. Several students came forward and shared that the student who wrote these remarks was bragging about it on his social media (Twitter). The students who came forward said that they did not feel what he did was right and that the students of DeSales are better than that. Our students so often pull together and protect one another.

The following is from the Student Conduct 2015–2016 annual report.

Total Year	2011–12	2012–13	2013–14	2014–15	2015–16
Engaging in disorderly conduct, disruptive, lewd, or indecent conduct	5	6	3	4	11
Harassing, stalking, or hazing any person, including sexually harassing and cyber bullying	0	3	0	0	0

Total Year	2011-12	2012-13	2013-14	2014-15	2015-16
Physically harming or threatening to harm any person or creating a condition that could endanger self or others	0	1	2	0	0
TOTAL	5	10	5	4	11

THE STUDENT CONDUCT PROCESS

Our student conduct director takes an educational, as opposed to punitive approach when addressing student behavior. She knows that everyone in life makes mistakes. Her goal is to work with the students to get them back on track. Students do receive sanctions for violations of policy, however, the key aspect of student conduct meetings is what the student learns and applies to future situations. The minimum and maximum sanctions are listed above. The following are some of the educational sanctions that are often given:

- Educational conversation
- Mediation with both parties (similar to restorative justice)
- Counseling session to process (extended counseling depends on the counselor)
- Educational assignment (student may be asked to research policies/impact and write a paper with a section for reflection of how their violation may have impacted others)
- Community service (when possible, the service has relevant connection to the violation)

PREVENTION

Early Alert Process

- **Purpose:** To provide a confidential referral system which will enable the Counseling Center to be proactive in the support of our students.
- **Reasons to Use an Alert:** Some suggestions for use of an Early Alert Form would be: changes in behavior, depression, eating disorders, attendance irregularity, drug or alcohol use, unusual behavior, loneliness, abuse, rape, death, relationship conflict, and family conflict.

Care (Concern Assessment REsponse) Team

This team provides a confidential resource to the DSU community to which faculty and staff direct concerns they may have about a student. Such as:

- Attendance Concerns
- Academic Decline
- Emotional Issues
- Behavioral Problems

The team investigates and responds to matters of concern related to students, coordinates interventions, and makes recommendations for further action. The team provides assistance to students through consultation with appropriate faculty or staff, and referral to on-campus and off-campus resources.

Areas of Focus

- **Concerns:** through consultation with faculty, staff, and students the team ensures appropriate information exchange and provides support for campus personnel, and attempts to identify behaviors of concern to provide earlier intervention.
- **Assessment:** when additional information is needed, the team functions as an investigative body, charged with gathering relevant and confidential information to assess whether further action is required.
- **Response:** when warranted, the team makes referrals to on-or off-campus resources. University policy, along with other legal and regulatory requirements, guide the team's actions. The team can also serve as a resource to educate the campus community on effective intervention strategies when concerns arise.

Character U (First Year Experience Program)

Character U is designed to ease the transition from high school to college and to help students develop core character values that will set them up to succeed at DeSales and in life after college. Through Character U, they enjoy a close relationship with a peer mentor assigned to guide them through their first year, an instant social group in their dedicated pod of classmates, and a variety of Character U programming. Programming throughout the year reflects character traits inspired by the

Golden Counsels of Saint Francis de Sales. Each month, a trait is highlighted at Character U meetings and at various events across campus:

- September: Patience
- October: Trust and Cooperation
- November: Perseverance
- February: Love
- March: Forgiveness
- April: Hope

Haven

Haven is the premier online program addressing the critical issues of sexual assault, relationship violence, stalking, and sexual harassment—among students, faculty and staff. It was created in collaboration with leading campus practitioners and researchers and national thought leaders, including renowned expert Dr. Alan Berkowitz. *Haven* reaches 700,000 individuals at over 650 institutions across the country. Haven is required for all first-year students (freshmen and transfer students) to complete and introduces and focuses on Bystander Intervention. This empowers our students with the understanding that DeSales University is a community that cares for all.

Solidarity Initiative

Solidarity is an action on behalf of the one human family, calling all of us to help overcome the divisions in our world. The DeSales Solidarity Initiative is to provide students, faculty, and staff with a new understanding of this human family, while encouraging them to “be who they are and be that well.” We inspire mutual respect, the development of friendships, and learning about the realities of each other’s lives through compassion and patience. We commit to fostering the “holistic” growth of the DeSales community by opening a dialog and investing in the good of one’s neighbor. Goals of the Solidarity Office:

- Welcome and accept all at DeSales.
- Welcome, recognize, and respect cultural differences among the student body.
- Provide a comfortable environment where differences are met with love.
- Highlight those who have paved the path to equality.
- Teach one how to accept/love themselves while continuing their journey to “holistic” growth.

Positively DeSales

Positively DeSales is an anonymously created and run Facebook page that was student initiated. Its goal is to spread positivity around campus. Students, faculty, and staff can post positive words about any other member of the campus community. Positively DeSales then posts these words for all to see on the page. This is a wonderful way to anonymously highlight others.



PACE (PEERS ADVISING COUNSELING EDUCATING)

In keeping with the wellness model of college health, the PACE (Peers Advising Counseling Educating) program was born out of a need expressed by the university for peers teaching peers how to lead healthier lifestyles; and this remains their mission today. Following the piece of the DeSales University's mission, "enriching the human community and enhancing the dignity of the individual through its educational endeavors," the PACE team maintains as its vision to emphasize **personal responsibility, deep respect for others, leadership development, and concern for the common good**. Through program development, activities, practices, and policies, PACE reinforces these values and offers students opportunities for personal growth, self-assessment, and success in all aspects of their lives.

PACE also works hard at enhancing our University's Character Code through their programming:

As a member of DeSales University, I will conduct myself in a respectful manner, with dignity and honesty, in the Salesian tradition of humility and gentleness.

The PACE team is comprised of six students. The team includes seniors, juniors, and sophomores. Their majors range from marriage and family studies, psychology, communications, and biology. They represent many leadership roles beyond PACE including, DAWG (DeSales University Welcoming Guides), peer mentors, rugby, tutors, student government reps, yearbook, L.E.A.D.S.U. (leadership program), etc.

As for the brief history, PACE was created in 2003/2004 with a group of six students. Their focus was on wellness education across the campus community. Over the years, this has grown in many ways. Through the years, PACE has broadened its scope from programming on campus to offering "PACE Academy," a leadership course for high school students, "Character Quest," a character-based scavenger hunt for middle school students, and "Bully Busters," an anti-bullying program for elementary school students.

In 2006, "Character U, the First Year Experience Program" was launched at DeSales with each PACER leading a group of five DSU mentors and 50 freshmen. This led to a global initiative, "Destination: South Africa" which took a group of first-year students, led by PACERs, to do service work in South Africa. Over the years, PACE has continued to create new programs, including expanding the Safe Spring Break initiative, the Journey to Wellness Fair, the Walk-A-Mile In Her Shoes (Sexual Assault Awareness Program), To Write Love on Her Arms (Suicide Awareness Program), and on and on. Since its inception, PACE has effectively extended its reach to elementary schools, middle schools, secondary schools, and pro-

fessional groups on campus and internationally. In their short existence PACE grew from nothing to a powerful, positive force on and off campus.

From its beginning, the PACE team has always had a major impact on the campus community, particularly with the offices of Residence Life, Student Engagement and Leadership, Dean of Students, Student Conduct, Career Development, and Health Services. PACE currently has many “canned” programs, which members are willing to present at any time and to any group on campus. All of the programs have their own unique activities and lessons attached to them and are offered periodically through the year. The PACERs are some of the first people that our freshmen meet when they move to campus. The Office of Student Engagement and Leadership (SEAL) truly values the PACE program because they realize that peers can sometimes reach their peers better than staff members, particularly in certain areas of education. Because of this, SEAL requests the PACERs for several key programs throughout freshmen orientation, including alcohol and personal safety. PACE has impacted the campus by bringing awareness to so many important (and sometimes forgotten topics), including alcohol, body image, nutrition, personal safety, sexual assault, “Mean Girl” behavior and cyber-bullying. There is little doubt that their energy and enthusiasm are infectious and will pervade our community for years to come. It is certain that the PACERs will continue to test themselves with new and exciting programs and find ways to better reach the DeSales students and faculty as well as the greater community. With so much accomplished in their years of existence, the DeSales University PACE team is certainly destined to a future of continued success in wellness programming.

What sets PACE apart from other efforts on our campus is first, the name that they have made for themselves. PACE has become synonymous with genuineness, positivity, truthfulness, “down-to-earth,” etc. PACE has worked very hard over the years to become a “go to” when a person, or group, needs to be educated on a topic. Because they are in a fish bowl, PACERs also work hard at living the messages that they teach. They are just a solid, good group of students, with only the best intentions at their very core. When they say they will do something, they follow through. This does not mean that they do not make mistakes every once in a while. Obviously, they do. Nobody is perfect. But, they are willing to admit their mistakes and turn them into something positive (which explains why their Booze Busters first time alcohol offenders program has been so successful).

Awareness and Prevention Efforts and Programming (and Impact)

In the 2011–12 academic year, one of the PACE students created an original program entitled, “*#sorryimnotsorry*.” This program takes a whole different approach to cyber bullying by introducing the most fundamental part of our education; the alphabet. The alphabet, in itself is simply 26 letters, but when rearranged, can be used to spell out words. The Internet has provided a new use for the alphabet, shortening words to save time (i.e., LOL, BRB, LMAO, etc.). While these terms might provide a humorous gesture to some, there can also be an extreme to it. Social Networks have been providing ways to communicate across the world, allowing us all to stay connected at all times. Cell phones, iPads, and laptops, are all easy ways to access websites to update Facebook, Twitter, MySpace, and more. However, the use of the social network for its original purpose of bringing people together, has now changed. In recent years, these “updates” to status have become more of attacks on certain people, races, ethnicities, and more. Bullying is no longer just limited to the schoolyard playground. With technology easily available to record, capture, or send messages, cyber bullying has no limits, and assumes it has no “real” victims. The “*#sorryimnotsorry*” program provides real life examples using tweets, Facebook, and other real messages to show the severity of the issue.

The student who created this program had a strong passion for this topic. Through several incidents that he handled as a Resident Advisor, he knew that DeSales was impacted by cyber bullying. In researching for his program, he realized that DeSales did not have a policy regarding cyber bullying. As a result, he decided to take the pen to paper and write one. This policy made its way through the correct chain of command and was approved by the administration to be added to the 2012–13 handbook.

Although *#sorryimnotsorry* was an extremely successful program which led to new policy, the PACE team felt that they needed to take a different approach to educating on the topics of bullying, hazing, etc. Taking from our mission, philosophy, and heritage, PACE began to create programming that would focus on the other bookend of the spectrum—kindness. They chose to title their first program *#happierdesales*. The following are some of the programs and initiatives that PACE created to make a kinder and happier DeSales:

Kindness Week: #happierdesales

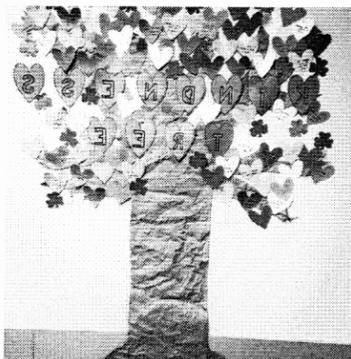
Imagine a world without conflict and everyone coming together. With all of the negativity that is portrayed in the media today, it is hard to be motivated to make a change. Bullying affects people of all ages. From harsh words to ruthless behavior, our society has gone down a path of not caring about other people's feelings for their own gain. Our goal is to create a week solely dedicated to being kind to one another through selfless acts that inspire everyone to pass on the smiles and happiness which will promote positive behavior and a more unified campus community.

Bullying does not go away when students enter their college years, especially with new technology and the opportunity for cyber-bullying. It is important to educate college communities on the types of bullying that can occur, along with the negative effects that accompany it. In the beginning of "Kindness Week 2014 #happierdesales," students will be flooded with information regarding the commonness of bullying and the increasing risk for low self-esteem, depression, and suicide that coincides with it. As the week progresses, various activities and events will be held in order to promote kindness to combat the negativity of bullying. The main goals in carrying out this project include making students aware of the effects of bullying as well as promoting kindness through the use of activities, giveaways, programming, and events. We hope to instill a sense of positivity on campus that will continue throughout the semester and into the future. "Kindness Week: #happierdesales" includes:

- **"Kindness Can Change the World":** An educational bullying program to motivate students to increase kindness measures around campus.
- Tabling activities in the dining hall to promote kindness & gratitude:
 - "Balloon Compliments" where students wrote down compliments to send to anyone they chose. These compliments were placed in deflated balloons and placed in the recipients' mailboxes. The recipients were instructed to blow up the balloon and then pop it to receive their compliment. Also, PACERs walked around campus and randomly handed out helium-filled balloons that had compliments in them for students.

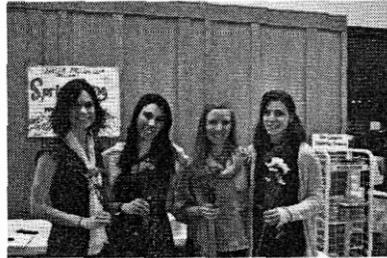


- "Random Acts of Kindness Tree" where students wrote down random acts of kindness that they performed or were shown to them. These were all placed and displayed on a tree in the student union building.



- "A Positive View" where the DeSales community could write positive statements and quotes on the windows in the cafeteria for all to see.

- “Consent Kisses” where our students asked other students if they could give them a kiss to promote consent. When they received a “yes,” they handed the person two Hershey kisses . . . one for them to keep, and one for them to give someone else.
- “Flower Friday” in which locally donated carnations and other flowers were randomly handed out to students.



“Write Light, Write Life”

This letter writing campaign asked the DeSales community to take a few moments to fill out an on-line form nominating any member of the DSU community to receive an anonymous letter of encouragement, gratitude, etc. A day was chosen and all were invited to come and help write the letters, which were distributed during kindness week. People from all across campus called PACE to thank them for initiating such a thoughtful program.

“You Are More Than Just A Like”

This program had us take a look at the emphasis we put on the amount of “likes” we receive on social media. So often we feel our self-worth depends on what people think of words or pictures we post and tweet. Worst yet, we are devastated when negative comments are made. This program illustrated that we are more than a like, more than a filtered picture, and that our self-worth should only be defined by what we know of ourselves.

“Mean Girls”

This program came about after several female students met with one of our male PACERs regarding some “mean girl” behavior that was occurring in the freshmen residence hall. There were two distinct groups of students who were not getting along, but no one seemed to know how it started. The male PACER created this program at which there was a viewing of the movie, “Mean Girls.” Afterward there was a roundtable discussion about the movie and the freshmen females were able to share their concerns in a healthy, mediated dialog.

“Digging Deeper: The Diversity of Individuality”

This program helps us realize that as humans, our individual differences are what make us unique, special, and worthy of respect.

“No One Else Can Play My Part”

During lunch hours in the dining hall students answered the question why “No One Else Can Play My Part.” The papers were later displayed in the Student Union to show that each student’s life is a story; and the part in the story he or she plays cannot be replaced with anyone else. On the second day, students pledged to no longer use words such as crazy, suicidal, mental, and others in a casual or hurtful way. When the words are now used in their proper context, the stigma surrounding mental health illnesses can be eliminated over time.

“The Secret We All Share”

This program is presented in residence halls in lecture format to bring awareness to the fact that 1 in 3 people will be diagnosed with a mental health illness in his or her lifetime, but how no one talks about this commonality, making it a secret we all share. The program detailed the signs and symptoms of the most common mental health illnesses and how to break the stigma surrounding them. The program taught that the most valuable tool to breaking the stigma by talking about mental health illness (i.e. share stories). This can be done by having real, honest conversations and by taking the lead, as so many celebrities have done, to speak up about a mental health illness. This openness will start other conversations that will help to break the stigma.

“To Write Love On Her Arms” Open Mic Night

The event consisted of four different student performers throughout the night. Money was raised in a raffle to benefit To Write Love on Her Arms (TWLOHA), which works to provide funding for mental health research and treatment for those struggling with mental illnesses and suicidal ideation. Between performances, the coordinating PACer spoke about mental health illness and suicidal ideation. Before the entertainment began the coordinating presenter educated the students on the purpose of the program. The student had a friend who took his life; she wanted to do something in his memory and to raise awareness about mental illnesses in the hope that someday suicide, as an end to depression, might be erased. She also spoke about the signs and symptoms of the most common mental health illnesses and the work of TWLOHA. She shared the story of her friend's struggle with depression, and reminded students that no matter their situation, there is hope. During the event, students had the opportunity to write “love” on their arms, write letters of thanks to their support groups of friends and family, and to describe their greatest fears and dreams in order to offer insight about the real, honest conversations that should be occurring to promote openness and discussion on mental health illnesses.

Bystander Intervention

Although this is not a formal program, PACE makes sure to always include this concept into every program they present. They want their peers to take as much pride and ownership in their university community as they do.

Multi-Disciplinary Approach

PACE knows that tackling this issue is not a “one group” effort but requires the efforts of the entire DeSales University community. Therefore, PACE utilizes every opportunity to partner with as many other offices on campus as possible. They have worked with everyone from Student Conduct to Campus Ministry, from the Center for Service and Social Justice, to Student Engagement and Leadership and many others. Most often will work directly with Residence Life to provide in-residence programs.

The “C” in Pace

Pace serves as peer counselors for those students who are more comfortable talking to a peer rather than a professional counselor. In particular, they are sure to attend as many programs as possible in order to be able to process difficult topics with students following speakers and presentations.

SUMMARY

DeSales University is a 50-year-old Catholic Institution grounded in the teachings of St. Francis de Sales. In addition to its strong academic curriculum, DeSales University also focuses on educating students morally, socially, and spiritually through out-of-the-classroom programming that enriches the entire human being.

In a world that has become increasingly desensitized to how we as human beings treat others and how we perceive others who have different beliefs, cultures, lifestyles, etc., every division within the University's student life department is intentionally committed to cultivating an environment based on Christian Humanism, kindness, selflessness, tolerance, service to others, social awareness, moral consciousness, ethical leadership, and responsibility. Through its intentional programming, DeSales seeks to instill in its students the personal role they play within their local and global communities.

Again, I would like to thank Chairman Alexander, Ranking Member Murray, and members of the Health, Education, Labor, and Pensions Committee for this opportunity to showcase the student driven prevention efforts of DeSales University.

Senator MURRAY. Thank you.

Mr. Storch.

STATEMENT OF JOSEPH STORCH, ASSOCIATE COUNSEL, THE STATE UNIVERSITY OF NEW YORK, ALBANY, NY

Mr. STORCH. Thank you. Senator Kirk, Ranking Member Murray, and members of the committee, on behalf of the State University of New York, the largest comprehensive higher education institution in the Nation, its Chancellor, Nancy Zimpher, and its General Counsel, Joseph Porter, I thank the committee for convening this important hearing.

Fifty-five years ago next month, the Fifth Circuit issued a seminal decision in *Dixon v. Alabama* requiring that public colleges offer due process to students charged with violation. St. John Dixon's alleged crime was that he sat in at a lunch counter. He was dismissed with no hearing and no process, and the court said that just won't do. Forty-four years ago last month, this Congress added title IX to the education amendments of 1972, and the law that became the Clery Act recently turned 25.

In the decades since, we have learned much, and much has changed. Students charged with violations receive robust due process, including notice of charges and an opportunity to be heard, at a level unimaginable five decades ago. The Clery Act's attention to crime on campus has led to a complete overhaul such that our students are far safer on campus than in the surrounding communities. Congress and the Department of Education have drawn attention to sexual and interpersonal violence and other violence and the need for colleges to respond robustly.

But there is far more work to be done. We like to say that the best response to bullying, hazing, and other violence is when you don't need to respond at all since it didn't happen in the first place. While a trauma-informed, balanced response with clear neutral policies and due process are important, SUNY was most excited by this Congress' shift in the Violence Against Women Act's amendments to Clery to require significant prevention work, not just at orientation but at a campaign across the year.

Traditionally, the Clery Act and title IX guidance looked backward: respond to violations, report them, count them, warn of past crimes. Congress in VAWA said institutions must look forward: prevent.

But at SUNY, we went farther than VAWA. While VAWA requires that training be offered to all students, at SUNY, we require that our student leaders and our student athletes complete training before they can compete in intercollegiate athletics or before their club or organization can be registered or recognized. Why? Because we think that they're more likely to be offenders? Because we think that they're more likely to be victims? No. Because we think they're most likely to be leaders and leaders who could model pro-social behavior to their fellow students.

We partnered with the Department of Health to offer Green Dot and Bringing in the Bystander training to all SUNY campuses. We worked closely with the New York State Police, the Office of Campus Safety, and the State Coalitions Against Sexual Assault and Domestic Violence to develop cutting edge programs for response and prevention.

We take threat assessment and behavioral analysis seriously and have trained with the FBI and U.S. Marshals to help us appropriately identify and respond to student threats before violence occurs. SUNY partnered with New York's Governor Cuomo who took SUNY policies and proposed them as laws across the State. Now, all New York college students have those same protections.

As a public institution, we spent significant resources training on constitutional due process, including model policies, live trainings, and webinars. In every case, we strive for a fair and equitable process.

But like anything 25 years old, some minor repairs to the Clery Act are in order. While Congress has appropriately added additional requirements for colleges, it hasn't cleaned up ones that are no longer effective or whose bureaucracy outweighs its effectiveness. Make no mistake. SUNY wants to do more to prevent bullying, hazing, and other violence. We just want to do it more effectively.

Ultimately, there is much good work to be done on college campuses. But to be effective, training and prevention of bullying, hazing, and other violence must begin long before college orientation. Students form their habits and interpersonal norms in high school or middle school, and colleges sometimes fight an uphill battle to change those views.

Further, many high school students will graduate or not graduate and never attend college and never have access to the protections that only apply in the Higher Education Act. But we believe they still need education, and that education must take place earlier.

SUNY hears and actively embraces the call to provide the best tools, resources, and services to protect our students from campus violence and support them in the event that an incident occurs. In all the areas described in this oral and my written testimony, we in higher education and the Congress are moving in the right direction, but there is more work to be done.

We're not afraid of taking on tough challenges. But we want to address these issues in ways that are proven with evidence to make a real difference in the lives of our students so that the next 25 years of college attendees will be even safer than the last 25 years, which, with your work, were even safer than the 25 years before that.

Thank you for the deep honor of addressing this committee.

[The prepared statement of Mr. Storch follows:]

PREPARED STATEMENT OF JOSEPH STORCH

SUMMARY

SUNY is the Nation's largest comprehensive public university system, with nearly 500,000 students at 64 institutions, including community colleges, technology colleges, comprehensive colleges, and doctoral degree granting universities. SUNY exhibits a strong commitment to ensuring student safety, and strongly supports the Senate's efforts to prioritize this issue.

Bullying and hazing have significant negative impact on our students. SUNY works diligently on training, policies, and methods to cut down on bullying and hazing and to quickly respond when it does occur (including partnering with national and State groups). But as with sexual and interpersonal violence, education and cultural change must begin earlier. Bullying is all but free, but responding is cost-prohibitive. Since a high percentage of bullying occurs through digital and social media, Congress should examine the Communications Decency Act and consider empowering victims through a notice and takedown, with review provision for harmful bullying content posted online, that balances protected speech with protections against defamation.

While the Clery Act and Title IX guidance traditionally looked backward toward response and reporting, the Violence Against Women Act amendments require colleges to look forward and train in preventing incidents before they occur. SUNY applauds Congress' shift toward robust prevention requirements.

SUNY proudly partnered with New York State Governor Andrew M. Cuomo to develop Education Law § 129-B which, in addition to the most comprehensive response requirements of any State, builds upon the VAWA prevention shift to require that, while programming is *offered* to all new and continuing students (as VAWA re-

quires), student-athletes and leaders must *complete* prevention training. In this way, campus leaders will be well trained to model positive behavior to their fellow students. Additionally, working with State and national partners, we have provided many live and webinar trainings on response and prevention, including partnering with the Department of Health to provide each SUNY campus with a choice of *Green Dot* or *Bringing in the Bystander/Know Your Power* training.

SUNY has proudly worked with members and staff in the Senate and House on common-sense amendments to the Clery Act to clarify confusing elements and add additional requirements that will bring forward more reports, address reports in a balanced but serious manner, and provide meaningful sanctions for violators.

But to meaningfully reduce violence, education must begin long before college. Attitudes and interpersonal norms begin and become reinforced in high school and middle school, we cannot succeed if training to change these habits begins at college. Requiring earlier education will reduce violence at colleges and provide vital education for those who don't go to college.

THE STATE UNIVERSITY OF NEW YORK,
OFFICE OF GENERAL COUNSEL,
ALBANY, NY 12246,
July 11, 2016.

Hon. LAMAR ALEXANDER, *Chairman,*
Health, Education, Labor, and Pensions (HELP) Committee,
U.S. Senate,
Washington, DC 20510.

Hon. PATTY MURRAY, *Ranking Member,*
Health, Education, Labor, and Pensions (HELP) Committee,
U.S. Senate,
Washington, DC 20510.

Re: Campus Safety: Improving Prevention and Response Efforts

DEAR CHAIRMAN ALEXANDER, RANKING MEMBER MURRAY, AND MEMBERS OF THE COMMITTEE: On behalf of The State University of New York (SUNY), I thank the committee for convening this important hearing on Campus Safety: Improving Prevention and Response Efforts. SUNY is the Nation's largest comprehensive public university system, with nearly half a million students at 64 campuses, including community colleges, technology colleges, comprehensive colleges, and doctoral degree-granting universities. Indeed, SUNY is a microcosm of the national higher education sector. As such, this testimony stems from the system's extensive experience in creating policies that both fit the needs of diverse institutions and support system-wide objectives.

As an Associate Counsel in the Office of General Counsel for the SUNY system, I view campus safety issues through the laws that govern institutions of higher education, which are primarily the Higher Education Act (including the Clery Act), Title IX, and State and local laws that apply to campuses. We play a central role in interpreting what the law means for students, faculty and staff, on the 64 campuses within the SUNY system.

While this hearing will focus on campus safety, I will concentrate my comments on the prevention of and response to violence on college campuses, a field that has been my professional focus and is essential for campus safety. SUNY has an unwavering commitment to ensuring student safety, and we strongly support the Senate's efforts to make this issue a national priority, as we have done in New York State. We were proud to work with New York's Governor and legislature to develop the Nation's most comprehensive State law addressing interpersonal violence on campus.

Reducing and Preventing Bullying and Hazing: Bullying and hazing have significant negative impacts on our students. SUNY has worked hard on training, policies, and methods to cut down on bullying and hazing and to quickly respond when it does occur. On SUNY campuses, we train our student groups, deal seriously with those who engage in hazing and bullying, and treat multiple violations with the utmost gravity. But as with prevention and response to sexual and interpersonal violence, colleges need this education and cultural change to begin earlier. Ideas and ideals are ingrained in children long before they start taking college admissions tours. A casual glance at television shows, news media, and social media shows bullying and defamation proceeding at a breathless pace. Institutions can best address bullying if Congress requires educational changes that occur earlier in students' lives.

SUNY has engaged campus leadership at different levels to address bullying and hazing. SUNY has a number of “role-alike” groups where Title IX Coordinators, various student affairs professionals, and many others from the same position within a campus will meet to cross-train and develop best practices. Many of these meetings have focused on bullying and hazing, the need to respond appropriately to protect victims and witnesses while seriously addressing allegations. Where we can, we have engaged New York State and national partners (for instance, conducting a training with the FBI and U.S. Marshalls) to learn and implement best practices.

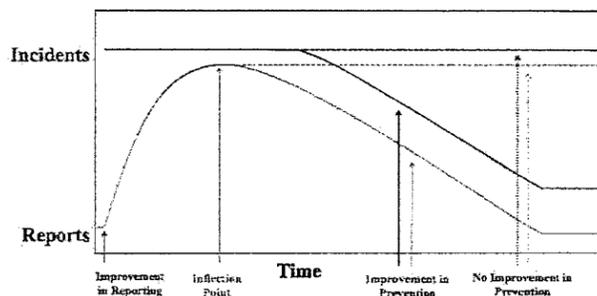
As a high percentage of bullying occurs through digital and social media, Congress should look at the role of the Communications Decency Act in providing immunity to providers for content that they do not create (a good idea) while not requiring them to temporarily take down and review harmful content when they receive a notification (a bad idea). Some victims of online and social media bullying can afford expensive attorneys and investigators to act against their bullies; most cannot. The cost of bullying is all but free; the cost of fighting back is prohibitive. Congress may wish to consider a system similar to the notice and takedown provisions of the Digital Millennium Copyright Act, allowing a victim to notify a website about defamatory material, then have that material temporarily removed and analyzed to ensure that it is defamatory and not protected speech, and either kept off or returned to the site. Some companies are, by necessity, already reviewing comments or prohibiting anonymous commenting. Congress can require or promote consistency in a way that balances speech with preventing brutal bullying and defamation online.

The Clery Act, which turned a quarter century late last year, has traditionally aimed at reporting, and in recent years responding to, certain crimes that occur in certain designated geographic locations. Congress changed that focus in 2013 adding the new requirements to count and classify gender-based violent crimes, and focus on prevention, training, and education, long a hallmark of our own programming. Although we had devoted resources and time to prevention in the past, the legislative shift has given SUNY access to partnerships and new ideas as colleges and community organizations devote more resources and attention to prevention. SUNY takes the issues of harassment and discrimination, including sexual violence, extremely seriously. We believe that this focus has allowed SUNY to emerge as a leader, providing resources to students. We partner with national, State, and local organizations, as well as colleges and universities across the country, to advance our mission of ending violence on campus.

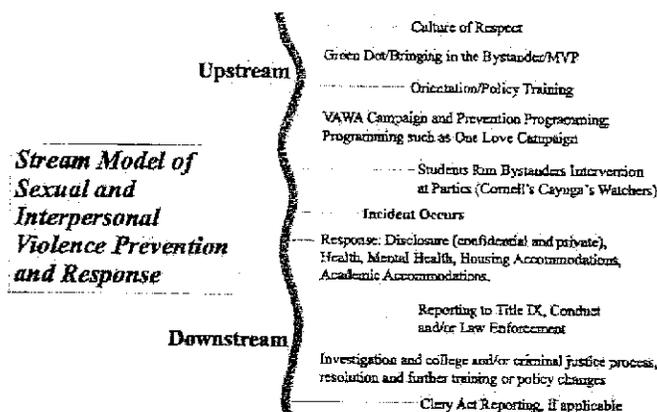
Title IX and its implementing regulations prohibit discrimination based on sex. Alongside other civil rights law, this has been read to include gender-based violence and peer harassment based on race, color, sex, national origin, or disability. Several of these behaviors are common forms of bullying or hazing. The Department of Education (ED) Office for Civil Rights has issued guidance to colleges and universities to provide clarity around the law, and ensure it is enforced properly, guiding campuses to limit the effects of violence and prevent its recurrence. In other words, at least traditionally, both the Clery Act and title IX guidance looked backward: respond to violence, count it, report it. There were some minor calls for training, but both laws were primarily reactive, not proactive, to violence.

Shifting From Response to Prevention: Truth be told, SUNY does not want to be a leader in developing programs, processes, and trainings to *respond* to violence; rather, we look to the day when our dedicated professionals have no violence to respond to. That, quite simply, is our goal. As colleges progressively do a better job of notifying students how to report violence, reports will increase, flooding the offices assigned and requiring additional resources.¹ If we are ever to reduce reports, it will have to be through reducing violence by shifting to a regime of prevention training. That, in turn, will require additional resources and emphasis on the issue from the top down. Without such resources, reports will stay high even as violence stays high. The graph below exemplifies this curve:

¹Joseph Storch, *Sexual Violence: Responding to Reports Is Not Enough*, INSIDE HIGHER ED, <https://www.insidehighered.com/views/2016/03/14/colleges-must-not-only-respond-reports-sexual-violence-also-prevent-it-essay> (Mar. 14, 2016).



To bend that curve, colleges must continually look “upstream,” as shown in the graphic below. Good work *after* the incident occurs is not enough. We must strive to take “water” out of the “stream” in the form of fewer incidents that necessitate responses.



In 2015, SUNY continued its partnership with the New York State Department of Health, working together to provide each SUNY campus with a choice of *Green Dot or Bringing in the Bystander/ Know Your Power* training at no cost to the SUNY attendees. Hundreds were trained in one program or both. In addition, SUNY has a strong relationship with the One Love Foundation, with thousands of administrators, faculty, and students trained using their dating violence prevention curriculum. Students have been moved by the program and it has caused them to question how they would help a friend in a violent relationship. The SUNY Athletic Conference (SUNYAC) decided to take a leadership role in dating violence prevention, and SUNYAC student-athletes have undergone several trainings and engaged in programming on their campuses. In April 2017, the student-athletes will lead a conference-wide single day event that will raise awareness of dating violence amongst tens of thousands of students.

New York Education Law 129-B: In October 2014, New York State Governor Andrew M. Cuomo met with the SUNY Board of Trustees about sexual assault on campus, and the Board passed a resolution that would “establish a comprehensive, system-wide, uniform set of sexual assault prevention and response practices at SUNY campuses, which can be a model for colleges and universities across the State and the Nation.”² SUNY Chancellor Nancy L. Zimpher, a leader on this issue, convened a working group³ comprised of campus presidents, counsel, student life lead-

² <http://www.suny.edu/about/leadership/board-of-trustees/meetings/webcastdocs/Sexual%20Assault%20Response%20and%20Prevention%20REVISED-Merged.pdf>.

³ <http://system.suny.edu/sexual-violence-prevention-workgroup/>.

ership, title IX coordinators, University police and public safety representatives, students, faculty, and nationally recognized external experts to take five-dozen very good policies and develop a single cutting-edge set of policies. In fewer than 60 days, the group ably fulfilled its mandate, and as of December 1, 2014, those policies began to roll out on campus. Governor Cuomo soon took SUNY's policies to the next level, proposing them as State law. After extensive, valuable input from victim advocates, students, private and public colleges, and other experts, the bills passed nearly unanimously, and Education Law § 129-B⁴ was enacted. This practice and the resulting law, can be a model for colleges and universities, and key stakeholders to come together and improve campus safety prevention and response on broader issues.

Prevention and Response Webinar Series: SUNY co-produces a webinar series⁵ with the New York State Department of Health, New York State Office for the Prevention of Domestic Violence, the New York State Coalition Against Sexual Assault, and the New York State Coalition Against Domestic Violence to provide training in prevention and response. Webinars are open to colleges, community partners, and government agencies. Topics include explaining title IX to beginners, cultivating a peer-educator program, efficiently educating members of Greek letter organizations, developing different types of campus-wide violence-prevention campaigns, de-mystifying the sexual assault forensic exam, addressing sexual and interpersonal violence in study-abroad settings, reaching out to nightlife establishments to partner in violence prevention, a conversation with *Missoula* author Jon Krakauer, and many more. Webinars are offered completely free of cost and can create a strong sense of community for students by helping raise awareness and educating students.

Sworn Law Enforcement and Local Law Enforcement Memoranda of Understanding: SUNY campuses have title IX coordinators, professionals responsible for Clery Act compliance and training, and trained counselors. State-operated colleges have sworn law enforcement: University Police officers who train alongside local law enforcement but also have at least 60 college credits prior to starting their role. University Police are knowledgeable and recognized in their field, trained in community policing and trauma-informed response. SUNY campuses maintain MOUs with local law enforcement regarding response to crimes of violence and other matters. SUNY has a strong relationship with the New York State Police, and we routinely partner on initiatives to promote safety on campus and in the community.

Training: In recent years, SUNY conducted hundreds of general and specialized trainings for campus personnel in complying with the Higher Education Act (including the Clery Act as amended by VAWA), title IX, and New York Education Law 129-B, and in going beyond these laws to best serve students. Some live trainings have drawn hundreds of participants. Audience members have included University and campus leadership, administrators, faculty, and students.

In the months after Congress reauthorized the Violence Against Women Act amending the Clery Act, SUNY worked diligently to advise negotiated rulemakers on relevant issues, and to develop guidance and training for SUNY professionals and others in higher education (including several national live trainings and webinars). ED issued its proposed regulations on June 19, 2014. On June 26 and July 9, SUNY conducted two live trainings for over 250 SUNY professionals on how to comply with the law and regulations (even though the regulations were not to take effect until the next summer). The training team wrote a 93-page guidance document⁶ in the 1-week before the first training and, following the trainings, SUNY made the guidance free and public; it was shared by several national higher education groups and has since been accessed over 30,000 times. SUNY is partnering with the City University of New York and with State agencies and community organizations to develop cutting-edge prevention resources and trainings. We would like to make them available to the higher education and larger communities, in order to maximize the impact on campus safety. In the years to come, with the support of Congress, we could do even more to reduce violence before it occurs.

Amendments to the Clery Act: SUNY works diligently to comply with the Clery Act and related obligations. We have been privileged to work with members and staff in the House and Senate—from both parties—on amendments to the law that will allow colleges to comply more efficiently. While some minor changes can ease compliance, below are several major changes Congress could enact to make compli-

⁴ <https://www.ny.gov/programs/enough-enough-combating-sexual-assault-college-campus>.

⁵ <http://system.suny.edu/sexual-violence-prevention-workgroup/training/webinars/>.

⁶ <http://system.suny.edu/media/suny/content-assets/documents/generalcounsel/SUNY-VAWA-Guidance-2014.pdf>.

ance more effectual, permitting institutions to devote time saved to prevention education:

- **Clarify Clery geography:** ED has given conflicting guidance regarding how and where to count crimes when students study abroad. This has led to confusion and high compliance cost. In their most recent guidance,⁷ ED writes that if a college rents hotel rooms for one night, they do not count for Clery, unless two different groups use that same hotel for one different night each in 1 year; two nights would count, but only if there are certain agreements in place, and only for the days the college has “control,” and colleges would only count crimes in the students’ rooms, hallways, and public areas. A student killed in a non-student hotel room would not be reportable, a non-student killed in the hotel pool would be reportable. A heinous triple homicide occurring 3 days before students arrive would not be reportable, nor would the same crime occurring on the sidewalk just outside the hotel. And even if colleges are able to organize and count all covered trips taken by study abroad, academic programs, athletics, and certain student organizations, ED would have the college combine those statistics with certain crimes occurring at certain off-campus student organization houses (mostly Greek letter organizations) that have little or nothing to do with these trips. This leads to confusion and very costly compliance, while there is no evidence that it makes students safer.

- **Clarify Local Law Enforcement Letters for Study Abroad:** ED requires that colleges write to local law enforcement for every jurisdiction that includes Clery geography. This means that for the hundreds (even thousands) of hotels, classrooms and other sites that must be included in Clery geography under ED’s June 2016 interpretation, institutions must write detailed letters to local law enforcement asking them to report certain crimes using United States Uniform Crime Reporting definitions, in certain pinpoint locations and only for certain days. Unfortunately, this has simply become an exercise in futility, as international police agencies rarely respond with useful numbers. ED audits against what letters are sent, and a college could run afoul by not having sent a specific letter (even if no answer would ever be received). Institutions are spending significant time and resources developing and mailing letters that bear no fruit. Further, sending letters asking about sexual assault and dating violence to certain localities puts our students in *more* danger. To date, ED has declined to allow for an exception where college professionals have a good faith belief that such letters will endanger our students.

- **Policy Statements:** ED insists that the Annual Security Report include full policy statements and (with a single exception) does not allow colleges to link to the relevant policies. That leads to longer reports which are less likely to be read. Congress could offer flexibility to educate students efficiently, including links to relevant documents.

- **Campus Security Authorities and Responsible Employees:** ED’s Federal Student Aid office has defined “Campus Security Authority” in a manner that differs significantly from ED’s Office for Civil Rights definition of “Responsible Employee.”⁸ Institutions scramble to determine what employees meet the definition of one, the other, or both. Further, the language used in both terms is confusing. SUNY has suggested combining both concepts into a single new term called “Mandatory Reporter” and defining that term broadly. As a matter of policy and in practice, we want *more* reports of crime to come forward, and Mandatory Reporter is a term that has a clear meaning and societal understanding. Except for those with legal privilege or confidentiality restrictions (including medical, mental health, legal, or religious professionals), all compensated employees should be mandatory reporters who must, as soon as reasonably practicable, report all crimes covered by the law to the appropriate office or offices as determined by the institution. Reporting to the title IX coordinator would meet this requirement. This will result in more crimes being brought forward (and higher but more accurate numbers reported), more consistency in reporting, and the ability of institutions to offer a blanket training to employees, rather than spending significant time identifying and narrowly training certain employees as Campus Security Authorities, others as Responsible Employees, and still others as both.

- **Reduce double counting of crimes:** ED has earnestly tried to ensure that all crimes are reported and do not fall through the cracks. Over time, it has modified its use of the Uniform Crime Reporting hierarchy rule, such that certain incidents are double or triple counted or more. The undersigned has identified an example of a single incident that would be counted close to three dozen times for Clery Act purposes. Over-counting crimes provides students with no more of an honest re-

⁷ <https://www.ed.gov/admins/lead/safety/handbook.pdf>.

⁸ <http://system.suny.edu/media/suny/content-assets/documents/compliance/Crime-and-Incident-Reporting-Guidelines-for-CSAs-and-Responsible-Employees-FINAL.pdf>.

port than under-counting of crimes. SUNY therefore has suggested that crimes be reported once in the most appropriate category, and that colleges retain documentation for their decisions.

- **Modernize missing student reporting:** ED, while trying in good faith to develop a method to comply with this 2008 addition, created a complex and confusing regime for reporting missing on-campus students (the ED 2016 Handbook devotes seven pages and more than 2,000 words to complying with its current system). SUNY suggests a return to the plain congressional intent. The requirement can simply read:

“if a student is reported missing for 24 hours, within the next 18 hours, the college must contact local law enforcement, the student’s emergency contact, and the student’s parents, if under 18.”

This will accomplish the important goals (which we firmly support) without adding unhelpful bureaucratic requirements.

NEW ADDITIONS TO THE CLERY ACT

- **Double down on prevention:** As stated earlier, SUNY applauds Congress’ 2013 shift from response only to response *and* prevention. And at SUNY and in New York, we have gone further. While programming is *offered* to all new and continuing students, we *require* that student leaders and student-athletes complete training. This is not because we believe they are more likely to be victims or offenders; rather, it is because we believe they are most likely to be leaders on campus. By training leaders who can model pro-social behavior, we can efficiently educate an entire campus.

- **Transcript notations:** New York State law requires uniform transcript notations for students found responsible and suspended or expelled after a student conduct process for conduct code violations that are equivalent to Clery Act Primary Crimes. Institutions to which the student transfers are not prohibited from admitting the student, but are on notice of past violations and can request additional documentation under FERPA. While New York colleges provide notations for students transferring out, they do not benefit from notations for students transferring in from out-of-state. A uniform standard will allow colleges to consider admitting students with full knowledge of past transgressions.

- **Amnesty:** SUNY supports adding a plain-language amnesty from drug or alcohol use charges to encourage reporting and reduce the fear of a victim or bystander that *they* will get in trouble, not the person who committed the violence. SUNY’s amnesty policy became law in New York and states:

“A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to [College/University] officials or law enforcement will not be subject to [College/University’s] code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.”

- **Training Must Begin Before College:** SUNY firmly believes that colleges and universities must play a major role in the effort to prevent violence, including bullying, hazing, harassment, and sexual and interpersonal violence, and must respond appropriately to any violence that does occur, but the process cannot succeed if it begins at college orientation. While title IX applies equally to elementary, secondary, and postsecondary education, the Clery Act as a part of the Higher Education Act does not apply to elementary and secondary schools. This is not to say that the entire reporting regime of the law must be applied to high schools, but requiring prevention education elements earlier will go a long way toward reducing violence on college campuses. Many young people develop their habits and interpersonal norms during high school or even middle school. By the time they arrive at college, some of those (mis)understandings are deeply ingrained and colleges fight an uphill battle to change their minds. Earlier education will prepare them for the additional training at college, and help to lower incidents of violence that occur before the student ever sets foot on a college campus.

Further, the large number of high school students who graduate (or do not graduate) and never attend college do not benefit from the response, reporting, or newer prevention elements of the Clery Act. Their apartment complex will not issue an Annual Security Report, they will not receive Timely Warnings of dangerous crimes, and they will not be taught the elements of consent and how to prevent sexual and interpersonal violence. These young people are at equal or greater risk of committing or becoming victims of these crimes, but the law does not reach them. While Congress may have difficulty legislating the response and reporting elements of the

Clery Act for private landowners, by requiring more, better, and earlier training and education in consent, bystander intervention, and other elements required by VAWA, we will have a fighting chance of keeping all young people safe, whether or not they attend college.

Congress should consider funding for institutions to partner with school districts to develop and implement training that is research based, creative, and consistent across the students' time in middle school, high school, and college. By taking advantage of scale, targeted funding toward such partnerships can significantly reduce incidents of violence in college, before college, and for students who will never attend college.

CONCLUSION

In 2016–17, SUNY will conduct a University-wide climate survey on all campuses. It will be the largest such survey conducted anywhere in our Nation to date. We will conduct the survey every 2 years, and thereby gather data that, in coordination with State and national partners, will help us understand what works and what doesn't work in reducing violence, so that we can turn those lessons into more effective training and policy. SUNY Chancellor Zimpher is well known for saying we need *real data* to know what works. This climate survey, in addition to our work with State and national partners on research into effectiveness of different programming, will aid colleges and universities across the Nation in addressing violence on campus.

SUNY hears and actively embraces the national call for providing the best tools, resources, and services to protect our students from campus violence and support them in the event that an incident occurs. We must, in short, get down to the business of making our campuses as safe as possible while ensuring more accountability and transparency. In all of the areas described throughout my testimony, we are moving in the right direction, but there is much more work to be done. We are not afraid of taking on tough challenges, but we want to address these issues in ways that are proven to make a real difference in the lives of our students. Thank you for the honor of addressing this committee.

Sincerely,

JOSEPH STORCH, *Associate Counsel,*
The State University of New York.

Senator MURRAY. Thank you very much.
Ms. Clementi.

STATEMENT OF JANE CLEMENTI, CO-FOUNDER, THE TYLER CLEMENTI FOUNDATION, NEW YORK, NY

Ms. CLEMENTI. Thank you, Senator Murray and esteemed members of the HELP Committee. I am grateful for the opportunity to share my son, Tyler Clementi's, story today with you with the hope that you will learn from our family's pain, a family that is not very different than some of your own. Maybe we could even be your neighbors or your friends. I certainly think that we could be your voters and your constituency, because everywhere I go, I hear people that relate to some part of Tyler's story.

As a family, we are like most families. We once had many hopes and dreams, especially for our children. We are very private and simple, and we enjoyed the simple pleasures of spending as much family time together as we could, whether at home in Ridgewood in the beautiful garden State of New Jersey or as we traveled on vacation.

Our family consists of my husband, Joseph, who is a civil engineer by education; myself, a registered nurse; my oldest son, James, who graduated from Skidmore College in 2009 and works full time for the Tyler Clementi Foundation; my middle son, Brian, who graduated from Cornell University in 2010 and is a mechanical engineer, a thermal dynamic specialist; and my youngest son, Tyler, who graduated Ridgewood High School in June 2010.

Tyler was a very kind, caring, and thoughtful young man. He had a great sense of humor and a cheerful, easy-going disposition. He always had a great smile on his face. He always woke up with this huge smile, as if to welcome the day and say, "I can do anything today. Today is a day with many great possibilities, many great opportunities."

He was also very, very creative and very smart and curious. He liked to explore and investigate, and he especially liked to travel. He was very full of life and energy and lots of ideas. Tyler had many interests in his short life, as most children do as they go through many phases and stages. But his one true passion was music. He was an accomplished and gifted violinist.

Tyler was very special and precious to us. But he was unknown to the world until September 2010, when he made national headlines. Shortly after he started his freshman year at Rutgers University, Tyler's roommate web-cammed him in a live stream of him in a sexual encounter with another man. And then Tyler's roommate tweeted about Tyler's encounter, inviting many others to come and join in and watch, inviting them into a very private personal moment.

I can only imagine that these bullying actions by his roommate must have humiliated Tyler in front of his new dorm mates. He must have even thought, maybe, possibly, that his sexual orientation was something to be laughed at or ashamed of. At this point, Tyler's reality became very twisted and distorted. Tyler could no longer see how special and precious he was, and he could not even see or find the support and resources that he had available to him.

Tyler became totally consumed and only concerned about the words of people who were out there trying only to humiliate him. These bullying actions must have caused Tyler to feel isolated, alone, worthless, and so very desperate, because it was at this point that Tyler made a decision that we can never change or undo. On September 22, 2010, Tyler died by suicide. He was 18 years old.

Tyler made a decision that we can never change or correct, a decision that not only affected Tyler, but also our entire family and many others who knew and loved him. We will forever be missing a part of our family. Our family will never be whole again, and the simple pleasures of family time together are not simple anymore. Every holiday and special family event is unbearable and incomplete because Tyler is missing, and a part of us is missing.

As much as we would like to go back and change Tyler's actions, the reality is we can't. Instead, we have decided to move forward and work to change the mindsets and attitudes of people who think that the actions of setting up a camera or sending out tweets that say "come and join in and watch the show" are acceptable, because those are not acceptable actions. This is why my husband, Joe, and I started the Tyler Clementi Foundation to put an end to all online and offline bullying in schools, workplaces, and faith communities.

As an organization, the Tyler Clementi Foundation has initiated several awareness programs based on Tyler's story, as well as partnerships to provide anti-bullying research, information, and tools for youth, parents, and youth-serving professionals. Our Day One Campaign is a simple, innovative, research-based, and effective intervention designed to prevent bullying before it happens. Day

One Campaign creates a safe, inclusive atmosphere within a community where everyone is embraced, not despite their differences, but because of their differences. We are also committed to turn bystanders into upstanders, a person who speaks up when they see someone being humiliated or bullied.

I am not sure why Tyler's story attracted so much attention. But one thing I have learned is that it is not an isolated occurrence. Everywhere I go, people share with me how they connected to some part of Tyler's story, maybe not the exact situation, but some part of the circumstances as well as the emotional toll that Tyler must have experienced.

Research shows that over 3.2 million students report that they have been a victim of some form of bullying every year, and that number is astronomical and unacceptable. This is not a rite of passage or simply kids being kids. This is a public health threat.

But don't be deceived also by thinking that bullying only occurs in school age children or that it is something that is less serious than it truly is, because bullying behaviors do not magically disappear at a certain age. It can and will continue into adulthood unless there are behavior modifications, and bullying behaviors are serious and can sometimes rise to the level of criminal hazing, harassment, invasion of privacy, and/or stalking. And to my knowledge, at this point in time, there are no Federal laws that address the full effects of bullying behaviors or promotes any type of prevention measures.

I do believe that every classroom and institution of higher education can and should be a safe place to learn and thrive. But in order for that to happen, we need Federal legislation to help create safe campus climates for all students in higher education across the country. It is my urge today that I really would love to ask you to include the Tyler Clementi Higher Education Anti-harassment Act in the reauthorization of the Higher Education Act.

The Tyler Clementi Higher Education Act would include initiatives to expand and improve programs to prevent harassment of students, as well as counseling for targets and perpetrators and training for faculty, staff, and students. Book knowledge is important, but the wisdom of empathy and compassion is priceless, and empathy is one of the best tools that we have to make the world a better place.

So the time is now to create safe spaces for all young adults to learn and thrive in our higher education system, because we can't let Tyler's story continue to repeat itself. Action must be taken now, because we have already seen far too many Tylers already.

Thank you.

[The prepared statement of Ms. Clementi follows:]

PREPARED STATEMENT OF JANE CLEMENTI

SUMMARY

In September 2010, my son Tyler Clementi made national headlines. Not for his musical gifts or his thoughtful kindness but because of a decision he made following an incident of cyber harassment/bullying. He had just started his freshmen year at Rutgers University, when he was web-cammed by his roommate while engaging in a sexual encounter with another man. His roommate then tweeted about Tyler's encounter inviting many others to join in and watch. Announcing to the entire world a very personal moment that should have remained just that, a private encounter.

At this point Tyler's reality became twisted and distorted, as he became consumed with and only concerned about the words of people who were interested only in humiliating him. He could not see how special and precious he was or find the resources and support that was available to him. Because it was at this point that Tyler made a decision that we can never change or undo. On September 22, 2010 Tyler died by suicide. He was 18 years old.

Tyler's situation and the end result may have been the extreme, but it is important to remember that no matter what the immediate outcome, all bullying and harassment hurts and almost always leaves painful physical and emotional scars, which can sometimes last a life time. The painful physical and emotional effects of bullying can manifest with emotional distress leading to self-harming behaviors such as alcohol and drug use and/or abuse, cutting, unprotected sex, anxiety, low self-esteem, depression and suicidal ideation. It can also interfere in productivity and attendance at school and work.

I am not sure why Tyler's story attracted so much attention but one thing I have learned is it is not an isolated occurrence. Everywhere I go people share how they connect to some part of Tyler's story, maybe not the exact situation but some part of his circumstances as well as the emotional toll that Tyler must have experienced. Over 3.2 million students report that they have been the victim of some form of bullying every year, that number is astronomical and unacceptable. This is not a rite of passage or simply kids being kids, this is a public health threat.

Our personal response has been to create the Tyler Clementi Foundation, which is working to put an end to all online and offline bullying in schools, workplaces and faith communities. As an organization, The Tyler Clementi Foundation has initiated several awareness programs based on Tyler's story as well as partnerships to provide anti-bullying research, information and tools for youth, parents and youth serving professionals.

Our Day One Campaign is a simple, innovative, research-based and effective intervention designed to prevent bullying before it happens. Day One Campaign creates a safe inclusive atmosphere within a community where everyone is embraced not despite their differences but because of their differences. We are also committed to turn bystanders into "Upstanders." A person who speaks up when they see someone being harassed, intimidated or bullied.

I believe that every classroom and institution of higher education can and should be a safe place to learn and thrive but in order for that to happen we need Federal legislation to help create safe campus climates for all students in higher education across the country.

I urge you to include **The Tyler Clementi Higher Education Anti-Harassment Act** in the reauthorization of the higher education act. The Tyler Clementi Higher Education Anti-Harassment Act would:

1. Initiate, expand and/or improve programs that prevent the harassment of students.
2. Provide counseling to targets and perpetrators.
3. Train and educate students, faculty and staff about ways to prevent or address harassment.
4. Promote ongoing research as to what is the best methods to combat this epidemic.

I believe this bill will allow institutions of higher education to take a fresh look and reexamine their policies and procedures that are and are not in place. In addition this legislation is your opportunity to not only keep our own young adults safe but to also have a global influence as many students come from all over the world to study at our fine institutions of higher education. Book knowledge is important but the wisdom of empathy and compassion is priceless.

Bullying does not magically disappear when someone turns 18. We must continue to provide safe and supportive learning environments for all students in all learning environments including higher education. The time is now, we can't let Tyler's story continue to repeat itself. Action must be taken now because there have been far too many Tyler's already. Thank you.

Chairman Alexander, Ranking Member Murray and the esteemed members of the HELP Committee, thank you for the opportunity to share my son, Tyler Clementi's story today. I hope you will learn from his experiences and allow his story to motivate you to create safe spaces in our higher education system, so that no other young person will ever have to experience or endure the pain, hurt, shame and humiliation that Tyler endured.

TYLER'S STORY

We were and are a very private and quiet family, who like many families once had many hopes and dreams, especially for our children. We enjoyed the simple pleasures of spending as much family time together as we could, whether at home in Ridgewood, NJ or traveling on vacation. Our family consists of my husband, Joseph who is a civil engineer by education, myself a registered nurse, James my oldest son who graduated from Skidmore College in May 2009 and now works for The Tyler Clementi Foundation, Brian our middle son who graduated from Cornell University in May 2010 and is a mechanical engineer, and our youngest son Tyler, who graduated Ridgewood High School in June 2010.

Our youngest son Tyler was a loving son, a kind and caring brother, a thoughtful friend, and a compassionate young man. He had a great sense of humor and a cheerful easy going disposition. He always woke up with a smile on his face. A warm welcoming smile that seemed to announce that the new day was going to be good no matter what came along. Tyler was also very creative, smart and curious. He loved to investigate, explore and travel. He was so full of life and energy. Tyler had many interests in his short life, as most children do, as they move through different phases and stages. But Tyler's one special love that remained constant was music. He was a gifted musician and his instrument of choice was the violin. He was an accomplished violinist.

Tyler was very special and precious to us, his family, but he was unknown to the world until the fall of 2010 when he made national headlines. He had just started his freshmen year at Rutgers University. Tyler's roommate web-cammed Tyler in a sexual encounter with another man and then Tyler's roommate tweeted about Tyler's encounter inviting many others to join in and watch, announcing to the entire world a very personal moment that should have remained just that, a private encounter.

I can only imagine that these bullying actions by his roommate must have humiliated Tyler in front of his new dorm mates. This may have even caused Tyler to think that his sexual orientation was something to be laughed at and ashamed of. At this point Tyler's reality became twisted and distorted. Tyler could no longer see how special and precious he was. He was not able to see or find the support and resources he had available to him. Tyler became totally consumed with and only concerned about the words of people who were interested only in humiliating him. These bullying actions must have caused Tyler to feel isolated, alone, worthless, and so very desperate.

Because it was at this point that Tyler made a decision that we will never be able to undo or change. On September 22, 2010 Tyler died by suicide. He was 18 years old.

Tyler made a decision that cannot ever be changed or corrected, a decision that not only affected Tyler but our entire family and many others who knew and loved him. My world crashed to a stop and then crumbled apart with the devastation and trauma of the loss of my son. The anguish and despair has been overwhelming at times. It has been a long dark journey of much sadness and many tears. It remains an ongoing battle to push back the sadness and hold on to the peace. A peace that only recently I have been able to find, now that the fog and haze of the trauma has finally lifted, now after almost 70 months. My life's journey is one I hope no one else will ever have to travel, live through or endure. A piece of me has died and I have been left with an empty space deep within. I will be forever missing a part of me. All memories and photos were excruciating to look back on. It was strange but all of my memories, my happy moments from the past quickly turned and twisted in my head to a future that would never happen. Tyler was gone and our family would never be whole again. The simple pleasures of family time together are no more. Every holiday or special family event is unbearable and incomplete because Tyler is missing.

Also adding to our family's pain was the added torment of enduring a criminal trial against Tyler's roommate for invading Tyler's privacy during a sexual act, hindering an investigation and tampering with evidence. The pain and anguish that I felt during the trial, was overwhelming at times, as I seemed to be listening and watching through Tyler's ears, eyes and mind. As different pieces of evidence were presented they would trigger memories, both good and bad, but none the less all bittersweet and sad. Even simple things such as Tyler's laptop, reminded me how he carefully explored his options and then chose the different features he liked best, including the blue color for the case. And the photos of his dorm room, reminiscing on how carefully we had shopped for all the components of his room, like the lamps and the bedding and all the other accessories and how excited he was to be setting it up and settling in at college. How quickly this all changed.

As much as we would like to go back and change Tyler's actions we can't, but we can move forward by working to change the mindsets and attitudes of people who think that actions like setting up a camera and tweeting messages like "come join in and watch the show"—are acceptable, because they are not. This is why my husband, Joe and I started the Tyler Clementi Foundation, to put an end to all online and offline bullying in schools, workplaces and faith communities.

BACKGROUND INFORMATION ABOUT BULLYING

According to Stopbullying.gov,

"bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose."⁶

This can be deceiving to many young adults who associate the term bullying with school-aged children and something that is less serious than it truly is. This definition can be misleading and might even be seen as a middle class suburban problem. But bullying behaviors do not magically disappear at a certain age, it can and will continue on into adulthood unless there is behavior modification. Bullying behaviors are serious and can sometimes rise to the level of criminal hazing, harassment, invasion of privacy and/or stalking. And to my knowledge at this point in time there are no Federal laws that address the full effects of bullying behaviors or promotes any type of prevention measures.

Tyler's situation and the end result may have been the extreme, but it is important to remember that no matter what the immediate outcome, all bullying and harassment hurts and almost always leaves painful physical and emotional scars, which can sometimes last a life time. The painful physical and emotional effects of bullying can manifest with emotional distress leading to self-harming behaviors such as alcohol and drug use and/or abuse, cutting, unprotected sex, anxiety, low self-esteem, depression and suicidal ideation. It can also interfere in productivity and attendance at school and work.

I am not sure why Tyler's story attracted so much attention but one thing I have learned is it is not an isolated occurrence. Everywhere I go people share how they connect to some part of Tyler's story, maybe not the exact situation but some part of his circumstances as well as the emotional toll that Tyler must have experienced. Over 3.2 million students report that they have been the victim of some form of bullying every year, that number is astronomical and unacceptable. This is not a rite of passage or simply kids being kids, this is a public health threat.

Here Are Just a Few Statistics

- 28 percent of U.S. students in grades 6–12 have experienced bullying.¹
- 20 percent of U.S. students in grades 9–12 have experienced bullying.³
- 9 percent of students in grades 6–12 experienced cyberbullying.¹
- 15 percent of high school students (grades 9–12) were electronically bullied in the past year.⁴
- 55.2 percent of LGBT students experienced cyberbullying.⁵
- 30 percent of young people admit to bullying others in surveys.²
- 70.6 percent of young people say they have seen bullying in their schools.²
- 62 percent witnessed bullying two or more times in the last month and 41 percent witness bullying once a week or more.²

THE TYLER CLEMENTI FOUNDATION

As an organization, The Tyler Clementi Foundation has initiated several awareness programs based on Tyler's story as well as partnerships to provide anti-bullying research, information and tools for youth, parents and youth serving professionals.

DAY ONE CAMPAIGN

Our Day One Campaign is a simple, innovative, research-based and effective intervention designed to prevent bullying before it happens. Day One Campaign creates a safe inclusive atmosphere within a community where everyone is embraced not despite their differences but because of their differences. One of the pieces of knowledge I learned, is that bullying is a power imbalance or struggle. People are usually targeted because they are different. The difference can be real or perceived or even at times fabricated. We must change our culture to embrace our differences and not use them to humiliate someone else. I believe a diverse group of people will

make a community successful and thrive. The truth is we need many different interests, gifts and talents to have a truly great country, one that will lead in areas of technology, business, education and health care. We do not need to like or agree with everyone but we must be respectful and treat everyone with the dignity they deserve.

Our Day 1 Campaign is simple, just visit our website and download the script which states specifically what behaviors, words and actions are acceptable and what are not. Have a leader read the script to the group and get an acknowledgement back from the group that they understand. By verbally calling out and naming specific words and actions that are not acceptable within a certain group, the leader sets the tone and the group understands that this community will be a safe supportive space for everyone.

UPSTANDER PLEDGE

The next step would be to allow individuals in the group or community to pledge to be an Upstander. An Upstander is someone who stands up and speaks out when they see someone being humiliated, harassed or bullied. Another piece of information that I learned is that in 80 percent of all bullying situations there are 3 components, the bully, the target, and the bystanders. This was true in Tyler's situation, there were many witnesses called up during the trial and I couldn't help but think, if just one of those people had reached out to Tyler or had reported what was happening, there might have been a very different ending to Tyler's story.

The good news is, this knowledge creates a great opportunity to enable us to change the power dynamics in future bullying situations, as we turn the bystanders into Upstanders. There are several ways someone can become an Upstander, and of course we never ever want anyone to put themselves in harm's way. If the bystander knows the people involved or they feel safe, they can simply speak up at the time of the incident. Letting the aggressor know that those words, actions or pictures are hurtful and offensive and that they will not be tolerated in this place or space. Sometimes just calling it out can change the tone and atmosphere and is all that is needed. But if that doesn't have impact or if you are not safe speaking up then it is essential to tell a trusted adult and/or a person in authority. Telling is not the same as tattling if the motive is to help and keep someone safe. Most importantly is to speak to the target, especially if you know the target. Make sure the target is safe, and that they know where to go for help and support, as well as letting them know that you are a resource for them if need be.

STEPS FOR BULLYING PREVENTION

The Tyler Clementi Foundation believes that every classroom and institution of higher education can be a safe place to learn and thrive, but in order for that to happen, we need to change the culture in many of these institutions. There may never be a one-size-fits-all solution to the epidemic of bullying. But the simplest and best place to start is to teach and encourage empathy. To encourage people to only do and say what they would want done and said to them. Empathy is one of the best tools we have to make the world a better place.

My personal goal is to change hearts and minds to ignite this culture shift to a society that is empathetic, respectful, considerate and kind but I also understand that sometimes that cannot happen quickly enough without or in isolation of legislation. Legislation is a necessary part of the process to help create that change. Because some people may be blinded or unaware of the harm and pain that is caused by their own biases and prejudices, there is a need for laws that can set a minimum for acceptable behavior and shine a spot light on those injustices and inequalities present on some of our university and college campuses. Federal legislation is urgently needed to help create safe campus climates for all students in higher education across the country.

Because our higher education system is so highly recognized around the world, our colleges and universities attract students from all parts of the world. Students who come with many different thoughts and ideas including ethnic and cultural biases. This further supports the idea that we need to have legislation that will provide a safe campus climate for all students, especially the most vulnerable.

FEDERAL LEGISLATION

My request of you today is simple, I urge you to include **The Tyler Clementi Higher Education Anti-Harassment Act** in the reauthorization of the higher education act. The Tyler Clementi Higher Education Anti-Harassment Act would:

1. Initiate, expand and/or improve programs that prevent the harassment of students.
2. Provide counseling to targets and perpetrators.
3. Educate and train students, faculty and staff about ways to prevent or address harassment.
4. Promote ongoing research as to what is the best methods to combat this epidemic.

I believe this bill will allow institutions of higher education to take a fresh look and reexamine their policies and procedures that are and are not in place. In addition this legislation is your opportunity to not only keep our own young adults safe but to also have a global influence. Book knowledge is important but the wisdom of empathy and compassion is priceless.

Bullying does not magically disappear when someone turns 18. We must continue to provide safe and supportive learning environments for all students in all learning environments including higher education. The time is now, we can't let Tyler's story continue to repeat itself. Action must be taken now because there have been far too many Tyler's already. Thank you.

REFERENCES

1. National Center for Education Statistics and Bureau of Justice Statistics, School Crime Supplement, 2011.
2. Bradshaw, C.P., Sawyer, A.L., & O'Brennan, L.M. (2007). Bullying and peer victimization at school: Perceptual differences between students and school staff. *School Psychology Review*, 36(3), 361–382.
3. Centers for Disease Control and Prevention, Youth Risk Behavior Surveillance System, 2013.
4. Hawkins, D.L., Pepler, D., and Craig, W.M. (2001). Peer interventions in playground bullying. *Social Development*, 10, 512–527.
5. Kosciw, J.G., Greytak, E.A., Bartkiewicz, M.J., Boesen, M.J., & Palmer, N.A. (2012). The 2011 National School Climate Survey: The experiences of lesbian, gay, bisexual and transgender youth in our Nation's schools. New York: GLSEN.
6. Stopbullying.gov.

Senator MURRAY. Thank you very much, and thank you to all of our witnesses today. In the absence of our chairman, Senator Kirk, I'm going to ask some questions and we'll go back and forth. But we really appreciate everyone's participation today.

Ms. Clementi, I just want to thank you for sharing your personal story and for all the work you're doing to stop bullying on our college campuses, especially as it affects our LGBT youth. As a mother, I can only imagine what you've gone through.

I am very proud to lead the Tyler Clementi Higher Education Anti-harassment Act here in the Senate, along with my colleague, Senator Baldwin. But I think we should also recognize my colleague, the late Senator Frank Lautenberg, who originally wrote this and introduced it, and we appreciate his tremendous lead on this.

What this bill does is it actually requires colleges and universities that receive Federal aid to establish anti-harassment policies and specifically recognize the cyber bullying, and creates a grant program to prevent bullying and provide counseling to our students. When I first sponsored this bill, I was actually surprised to learn that there aren't universal policies in place in our colleges and universities across the country, because no student should ever have to face discrimination or harassment when they're pursuing a degree. I just really believe that colleges should be safe places for our students to learn, and it should be all of our responsibility to create that environment.

Ms. Clementi, through the Tyler Clementi Foundation, you have collaborated with many institutions and organizations that are engaging in this work. I wanted to ask you, in your opinion, what

would be the single most impactful thing the Federal Government could do to stop bullying on our campuses?

Ms. CLEMENTI. I'm not sure that there would be one single answer, because I'm not sure that one issue relates to everyone. But I certainly think that the legislation that is put before—that you've spoken about addresses many different issues. I think it talks about prevention, which is key, but also in the event that bullying does happen, we want to have programs in place, and I think it's essential that we have policies in place at colleges and universities.

Many colleges and universities do not have any policies, or they haven't been even updated to fully use the proper research that is out there currently. I think this bill would give colleges a reason to reevaluate their programs and policies and reinstitute and, hopefully, come up with some new ideas that will address the issues.

Senator MURRAY. Thank you, and thank you for your tremendous advocacy on this.

Research on the causes of bullying and hazing and sexual harassment and sexual assault and intimate partner violence indicates that bystanders are a key piece of prevention work. And as I mentioned when I began—Stanford University and what happened there—it really became clear to many of us how important it is to train students on intervening as bystanders. If not for those two Stanford graduate students who were strangers to the victim but were willing to intervene and help, the situation could have been a lot worse.

I think it's really essential that the Federal Government and schools invest in violence prevention programs that help to build self-awareness and responsibility and confidence. I want to start with Dr. Huskey and Dr. Allan. What are some of the promising programs and activities and practices that work to prevent violence on our campuses and really change campus culture?

Dr. Huskey or Dr. Allan, whichever one.

Ms. ALLAN. OK. I'll jump in here. Promising programs and practices that work to prevent violence and change campus culture—I think we know from prevention science that it's important to have a prevention framework.

It's very important to assess the climate, gather data, have data-driven approaches, and to evaluate what you're doing; to have staff who are dedicated or designated to do the work so it's not all on one person's shoulders or on no one's shoulders; to have a coalition-based approach, an approach that is considered comprehensive, and what we mean by that and what the literature means is that it's not just one training or one type of workshop or a speaker coming in to campus or a 1-week awareness week. It needs to be something where there's high dosage.

It's a comprehensive, multi-pronged approach that is looking at the problem, the contributing factors, and the protective factors at multiple levels. What's contributing to hazing or bullying, sexual violence, and other issues at the individual level, at the group level, at the institutional level? You're looking at policies, you're looking at individual behaviors, and then also you're looking at the community level as well. The social, ecological approach is critical, we know from the research.

We also know that a social norms approach as well as bystander intervention both have some evidence base to back them up in terms of effectiveness, and a social norms approach works to emphasize rates of positive behaviors that we want to emphasize, positive attitudes and behaviors. We also know bystander intervention—the Know Your Power Program has built a strong evidence based platform for that bystander intervention program, and there are other programs as well.

Of course, training, engagement of students in the planning and design of these efforts, and outreach to the broader community, so in the case—I think in all these cases, it's really important to not only focus on the immediate campus community and the students, but include all the constituencies on campus and other stakeholders as well, including family, parents, caregivers, alumni, and the local community who may come into contact or see warning signs of these kinds of behaviors. And if they know what they're looking for and they know where to report it, they can be very helpful in terms of bystander intervention.

Senator MURRAY. Dr. Huskey.

Ms. HUSKEY. There are a couple of pretty robustly researched programs. Green Dot and Know Your Power are two of those. Both of those really work at the cultural level by norming intervention and pro-social behavior but also by giving students very concrete skills and the opportunity to practice those skills. What we know is that students often don't have many opportunities. Some folks are naturally gifted in intervention and being an upstander. Others are not and really benefit from the opportunity to practice some basic skills.

So we require our new students to attend bystander intervention training as early as possible in their first semester, and then we reinforce that in a variety of environments so that students have many opportunities to practice. We've been very fortunate that our student government has embraced this effort and as student leaders has really been engaged in promoting and extending our work around intervention.

We also know that students would benefit from early and frequent conflict resolution training. As I think we've all agreed, most of this work needs to start in elementary school. By the time we have an 18-year-old student who is facing a major developmental event in coming to college, the ability to generate new behavior is limited just by the incredible cognitive capacity that's taken up by being at college.

If we could introduce more broad-based conflict resolution training early to teach students to deescalate, to intervene, to think about ways of moving away from violence and toward creative problem solving, we know that that would be very helpful. We do our best to provide that in the college experience, and I think we do a good job. But we could certainly—it would be so helpful to be able to build on a strong base of bi-standard training and conflict resolution training that happened early and that we could reinforce.

Senator MURRAY. Very good.

Senator Casey.

Senator CASEY. I want to thank Senator Murray for her leadership today for this roundtable, but also for her work on these issues for a long, long time, and we're grateful for that leadership. It's probably needed now more than ever, and we're grateful for that.

I want to make a preliminary comment and then direct maybe one basic question to both Dr. Huskey and to Mr. Storch. I guess the first comment is when you consider this problem of sexual assault and sexual violence on campus in addition to the related problem of bullying, which seems to occur at all ages in a lot of different circumstances, but especially when children are very young where it can be particularly destructive, I guess in both cases, the tolerance of that activity is the ultimate betrayal.

We told children to study hard, go to school, and you'll succeed. Well, they study hard and they go to school and they get bullied over and over and over again. A lot of adults don't do a damned thing about it. We tell young women to study hard so you can go to college, and you'll be on a college campus and you'll learn a lot. Your life will be improved if you get that college education. And then, once again, people in authority, from politicians to leaders of all kinds and some of them on campuses, don't do very much.

Then you have the horrific circumstances where someone who happens to be gay or lesbian or has a disability becomes the subject of bullying to the extent where they feel that the only way for them to deal with it is to take their own life. I want to thank Ms. Clementi for being here. We can't even imagine what you've been through, but your presence here gives us hope that we can find some answers that will lead us in the right direction.

But it is a betrayal, and for too long, we've, I think, as a society have kind of shrugged our shoulders. Politicians need to do more. Campus or university leaders need to do more. Employers need to do more, and certainly parents need to do more. I think we have to push hard enough to where people get a little bit uncomfortable with some of the things we're proposing, because if people aren't uncomfortable, not much is going to happen.

I've had the chance to work on two parts of this, one to lead the effort to have enacted into law the Campus Save Act, which did a whole host of things, but it's only been in practice for a year. We had to, first of all, get it done as part of the reauthorization of the Violence Against Women Act, and then get the regulatory process done, and then in September 2015, or, I should say, technically, July 2015, it went into effect. So I want to ask about what the experience is by universities.

I want to thank Senator Murray for her leadership on the Tyler Clementi Higher Education Anti-harassment Act. I'm a co-sponsor of that, and I'm also leading the effort on the Safe Schools Improvement Act, which means that local school districts have to do more when it comes to bullying.

But I guess one question only, because we don't have time, for—Dr. Huskey, I'll start with you. In terms of Campus Save, it's been a reality now for just a year. What steps has your institution taken to implement the Campus Save Act?

Ms. HUSKEY. Thanks very much for the question. Because we have been fortunate enough to receive the Department of Justice grant, we were actually in compliance with almost all elements of

the Campus Save Act before it was enacted, so we had the opportunity to extend our work. We were fortunate enough to receive an extension of that grant. So we have been able to really strengthen our Campus Community Relations Team, to provide more education, and to do that work that allowed us to be in compliance.

Senator CASEY. That's great. I should have mentioned some of the elements. We are trying to do a number of things. Increasing transparency is one; promoting bystander responsibility which was talked about today; making sure that victims get the help that they need, that schools have to have in place procedures and policies to help victims; clear procedures for institutional disciplinary proceedings; and assistance to institutions to implement the requirements.

Mr. Storch, maybe you can give your perspective from a major institution like yours.

Mr. STORCH. Thank you, Senator. As I said in my testimony, we dove into the changes in the Campus Save Act, the VAWA amendments to Clery, head first. The Department of Education issued its proposed regulations on June 19th of 2014. On June 26th, we held the first of two trainings for all of our campuses. We had over 250 people between the two trainings.

I had seven of my colleagues, a total of eight attorneys, and we had two very good interns. We wrote a 93-page guidance on how to comply with all aspects, from exactly what you have to do to report on what the State laws are in the annual security report, to policies on bystander intervention, to policies on confidentiality. We took a lot of things that were already working with SUNY and we spun them up to things that would work well across the board.

We wrote 93 pages in a week, written, edited, ready for our trainings. Like I said, we had 250 people between those two trainings, and we wanted to be sure that even though the laws would go into effect in July 2015, by July 2014, all of our SUNY campuses would be trained, and we met that goal. So other colleges were waking up that this was there, and nothing against them. But we were completing our trainings on it, because it is that much of a thing that the entire university thinks about, from our chancellor to our student affairs practitioners, our title IX practitioners, and the like, and we've continued to build on that.

In New York State, we had our SUNY policies—the Governor worked extremely well with SUNY, took those SUNY policies and proposed them. They passed almost unanimously in both houses, and that went way beyond the requirements of VAWA, explaining confidentiality, an affirmative consent definition that is really a model definition, amnesty when bystanders or victims come and report, and a number of really important training things, because, as we said, we encourage you to double down on prevention.

Everybody up here, you've heard about it. SUNY doesn't want to be the leader in responding to bullying, hazing, and violence. We want to have fewer incidents to respond to, and I know all my colleagues up here share that. We really liked what the Congress did with VAWA, and we hope that you continue down that path.

Senator CASEY. Great. Thank you very much. I appreciate it.

Senator MURRAY. Senator Baldwin.

STATEMENT OF SENATOR BALDWIN

Senator BALDWIN. Thank you very much, Senator Murray, for convening this roundtable. This is very, very helpful to all of us, and I appreciate the presence of all of our witnesses here.

I wanted to start with you, Ms. Clementi, and start by also sharing my gratitude to you and your family, all of your family, for, as you said, helping others learn through your family's pain, but, really, taking serious action so that the tragedy that you experienced doesn't happen to other families. I very much appreciate that. I know I'm not alone in being inspired by your strength and your family's strength.

You said in your testimony that through your efforts on this bill that you've learned that Tyler's experience was far from an isolated one. And, in fact, you cited some research, I believe, that counts over 3 million instances of cyber bullying, I think you said. But it strikes me that this is probably an area that's under-researched, that we don't have as much information about the prevalence of bullying in higher education and, particularly, that directed at LGBT students.

However, I imagine from your own experience that you've heard a lot anecdotally, and you've begun to understand how widespread this is. I wonder if you could speak to that.

Ms. CLEMENTI. Sure. Thank you. Yes, I have definitely heard—everywhere that I go to speak, people come up to me from all ages. Whether it's in a workplace that we've spoken or in high schools or colleges, people seem to like to share what it is that attracts them to Tyler's story and what their own experiences are. I do think that it is definitely an under-researched area.

I know as a foundation, we are working with Rutgers University, as we have a Tyler Clementi Center at Rutgers University, and we are working also on research in that area. We are also doing polling in that area, because it's important to not only know that it exists, but also what will work best, like what do you want to hear? Do they want to hear me share Tyler's story, or do they want to hear Beyoncé say, "girls don't put other girls down" or—what are the words that work? Because we want it to work. We want something that will work.

It might not be the same for everyone. There might be different messages for different people. Some people don't even want to call it bullying in the higher education area, but it is. It's harassing. It's ongoing actions that are hurtful to another person. Some inner city youth may not consider it bullying, either. They may just call it a rite of passage or hazing. But whatever it's called, it's behavior that's unwanted, and we need to change it, and we need to address it.

We definitely need more research, more polling, and to survey the area. That's one of the activities that I think our new executive director at the Tyler Clementi Center at Rutgers—it plans to survey colleges and find what's being done for LGBT students, specifically, in the college area, what is working and what is not working, and which schools have programs in place.

Senator BALDWIN. Thank you. With regard to where you left it, which schools have programs in place and policies, we have two

witnesses here whose universities have taken a number of steps to address bullying, hazing, and other threats to campus safety. I'd like to ask this of Dr. Huskey and Mr. Storch.

Can you each talk briefly about how your universities are specifically addressing bullying targeted at LGBT students and why it's important for your schools to have affirmative policies addressing bullying, and what the positive impacts of those policies have been so far on the learning environment?

I'll start with you, Dr. Huskey.

Ms. HUSKEY. I'd be glad to start. Thank you. This is a matter that is very dear to my heart, as a lesbian, as a parent.

I really honor your capacity to be here and to talk about this tragedy. It's astonishing to me, and I have so much respect for what you're doing.

Washington State University has been a leader in LGBT services. We were the first university in the State to have a professionally staffed center. I was the inaugural director of the center, as a matter of fact, and from the very beginning of that time, we have had inclusive policies which acknowledged the value of LGBT students and their full inclusion in our institution. So we do not have policies which specifically prohibit LGBT harassment, because the inclusion of LGBT students in every element of our policy and practice has been established for 20 years.

We've seen changes over time. Certainly, issues around Trans students are much more prevalent now than they were when I first came to the institution, and we are very attentive to the changing student populations and the changing needs.

But we do know the work of the Safe Schools Coalition in Washington for years documented that LGBT students are at higher risk for all forms of harassment from unkind words to physical assault, and we need to be very aware that we have a special responsibility—because we know those students are more at risk—to outreach to them and to ensure that everyone on our campuses understands that we value and include all of our students because of who they are, not in spite of, but because of who they are.

Mr. STORCH. Thank you, Senator. Like Washington State, this is something that we think about a lot at the State University of New York. SUNY is, beginning this past year, conducting a survey of all incoming students with questions about, among many other things, sexual orientation, gender identity and expression, with a number of different choices and the option to fill in additional choices. Because we need to know more in order—we need more data in order to be able to most appropriately respond.

We have done a number of trainings. When the Office of Civil Rights issued its recent letter on transgender students, we read that in the counsel's office and said, "Yes, I mean, we've been there for a long time." And if you read some of their past resolution agreements, we weren't surprised by anything that we saw in there. In general, specific to our transgender student population, we have taken an approach where we try to make those students comfortable. We know that for our transgender students, they have been hassled at every point in their life, in elementary school, in high school, their homes, their churches, everywhere they've gone.

When I work with my campus clients and we have a request from a transgender student who wants something different, something to change to make them more comfortable, we take a look and we say, “Is this something that—yes, we’ve been doing it this way for a long time, but is it something that we really need to do this way? You know, the full name on the class roster—do we really need it that way? Can we just use a preferred name? Yes, let’s just use a preferred name.” That is how our SUNY clients look at it, in a really student-centered way, and I’m very proud of them for that.

A slight shift on your question, but I think it gets to the same concept. When SUNY’s chancellor put together a working group in 2014 to look at issues of sexual and interpersonal violence, I was one of the co-coordinators, and I was working with the committee that was writing our affirmative consent definition. We had a bunch of outside experts in our committee.

We had one expert who is one of the co-founders of Equal Justice New York, a woman named Libby Post, and she said, “You know, in your affirmative consent definition, you should say affirmatively, as it were, that this applies regardless of sexual orientation, gender identity or expression, because a lot of students don’t think that it applies to them.” And I said, “OK. Well, what should the sentence say?” She said, “This definition applies regardless of sexual orientation, gender identity, or gender expression.”

We typed it in. It was in there. Passed all the way through the SUNY policies. Passed all the way into the legislation, went into the legislation. There were a lot of changes to a lot of points in the legislation. Both parties let that go, and when that passed, when Governor Cuomo signed that into law in 2015, it was the first time, as I’m told by another activist, that any State had passed a law saying rights are going to be given equally regardless of gender identity or gender expression.

We didn’t know as we were going through it. It was a no-brainer. Libby Post said it and—OK. We put it in. We had no idea how historic it was. But that’s the kind of commitment we have at SUNY. We’re not trying to make history. It’s just business as usual to try to treat students equally.

Senator MURRAY. Thank you.
Senator Warren.

STATEMENT OF SENATOR WARREN

Senator WARREN. Thank you very much. Thank you, Ranking Member, and I offer my apologies. We’re trying to cover multiple things at the same time, so we’re a little bit come and go here.

When I was preparing for this roundtable, I was thinking about the fact of the Boston Pride Parade, which we love in Boston. And for years, when I have gone to the Pride Parade, I don’t march. I dance in the Pride Parade. I love it as much as any single thing I get to do as a Senator, because Pride shows what this Nation looks like when we are at our best, celebrating who we are.

Last month, I danced in the Pride Parade, and the next day, we woke up to find out that a gunman had massacred dozens at an LGBT club in Orlando. It reminded us that the struggle for acceptance is far from over. But this is certainly true on college cam-

puses. A Campus Pride survey found that nearly a quarter of lesbian, gay, and bisexual students, staff, faculty, and administrators were harassed on college campuses based on their sexual orientation, and over 40 percent of transgender respondents reported fearing for their physical safety.

Ms. Clementi, I think about the harassment that your son experienced and about others on college campuses who live with bigotry, who live with hatred, who live with injustice, and I refuse to believe that we cannot make our campuses safe or more welcoming places. You have tried to draw attention to the importance of collecting better data about harassment and bullying of LGBTQ students. Can you just tell this committee a little bit more about why you believe that is so important?

Ms. CLEMENTI. Yes. Thank you, Senator Warren. I think that it's very, very important, because, basically, people in the power struggle and the bullying situation—it's usually because of someone's difference. And, unfortunately, because of some people's cultural or religious biases that they bring with them to the college campus, they like to target LGBT youth, and that's what I think I have found in the work that I've done and in the stories that I've heard from many people who have shared them with me.

That is why I think we really need to work strongly in this area for LGBT youth. We need to collect this data so that we have the input, so that we can do the assessment, and then we can implement a plan, and then we can help correct those actions.

Senator WARREN. I just want to say thank you for throwing your heart into this very difficult fight. It is courageous, it is selfless, and it presses all of us to do better. I am a huge believer in data, that data help us understand what's happening. If you don't count it, you're a lot less likely to be able to—

Ms. CLEMENTI. And that's one of the things I mentioned before with Senator Baldwin. At Rutgers University, we have a Tyler Clementi Center, and we have a new executive director, and that's one of her main goals at this point in time, to survey the 4,000, 5,000 higher education institutions and find out what services they have and who are providing what and what's working in those places.

Senator WARREN. Senator Baldwin has been a real leader—

Ms. CLEMENTI. Yes, I think it was a great point to make.

Senator WARREN. Good. There's another issue that I also would like to raise today. In recent years, we have seen a wave of State legislative proposals that make it easier for college students to bring guns to school despite the fact that students, faculty, and campus law enforcement officials overwhelmingly say this is a bad idea. Of course, the NRA doesn't care that it is a bad idea. They actively boast of their efforts to eliminate some State laws banning concealed weapons on college campuses, and they have had some successes. Just last year, they released a report, and the title of the report is *On Campus Carry, We Have Only Begun to Fight*.

Mr. Amweg, you've spent 35 years in campus law enforcement. In your expert opinion, will allowing more guns on college campuses increase or reduce the risk of violence on campus?

Mr. AMWEG. Thank you, Senator Warren. I think inasmuch—and to highlight what you said—that this is an issue that is taken up

State by State, but in some cases, even institution by institution within those States. I think most educators would agree that introducing firearms into the teaching and learning environment of a higher education institution is counterproductive to the mission of the institution.

For example, in an active shooter situation, introducing more firearms into that incident, into that already armed encounter, would lead, certainly, to creating a less safe, not a more safe environment for that institution. There have been only a few studies that have looked at that as something similar to this, in other words, introducing armed citizens into an already armed encounter, and none of those studies have shown that a positive impact will come from that kind of a mix.

Additionally, law enforcement responding to the scene of an active shooter, particularly on a university campus, are now faced with a mixed environment. Both the, if you will, good guys and bad guys have guns. So while law enforcement officers are certainly trained to evaluate those encounters before using or employing deadly force, it still takes time to determine if the person that they're encountering is, in fact, a good guy or a bad guy, and that's the time officers could be using to eliminate the threat and save lives otherwise.

Senator WARREN. Thank you, Mr. Amweg. I think that's a very powerfully made point. I appreciate that.

Dr. Huskey, you're a current campus administrator. Could you weigh in on this, please?

Ms. HUSKEY. We're fortunate that Washington currently has laws which govern that. Firearms and other dangerous weapons are currently prohibited by statute on our campus. It's not an issue that we have had to consider.

My concern is, consequently, primarily with suicide prevention. We know that young people die much too frequently from suicide. It's the second leading cause of death for young people 19 to 25, just under accidental death, and firearms are the most lethal means available. The use of a firearm is about 85 percent lethal for students attempting suicide as opposed to about 5 percent for overdose or poison.

Reducing access to lethal means is an important part of research prevention programs around suicide, and we will continue to consider that a very important part of our work. Our goal is always to keep students safe, and whatever our legislative and legal environment is, that will be our primary responsibility.

Senator WARREN. Thank you, Dr. Huskey. I appreciate that. Actually, I'd like to go there. Whatever you think about the NRA's unsupported claim that somehow more guns is going to reduce campus violence, the suicide aspect of this and how lethal suicide attempts are with guns is something that we've got to address, and we've just got to address it honestly.

I know, Ms. Clementi, that you have devoted your life to the cause of reducing bullying, harassment, and suicide, which, as Dr. Huskey noted, is the second leading cause of death among college age adults. In your opinion, if we introduced more guns on college campuses, what do you think would be the effect on suicides?

Ms. CLEMENTI. It definitely would increase the number, especially, of completed suicides. It's a no-brainer, a common sense question. You don't want to give a youth who is impulsive and spontaneous a weapon that's going to cause so much self-harm or even harm to other people. I think you need to eliminate as many possible weapons in their arsenal that they can have, and I think that would be an easy answer for that.

Senator WARREN. Thank you very much. I appreciate all of you being here for this. The way I see this, it is up to law enforcement, teachers, campus officials, parents, kids to demand that politicians put the safety of our children above the demands of NRA lobbyists. I will keep fighting, too.

But I want to be clear. Elected officials don't answer to me. They answer to the public, and I very much hope that all of you and everyone else who hears this will be pushing back and pushing our Congress to do more about gun safety. Thank you. Thank you for being here.

Senator MURRAY. Thank you very much. I want to thank all of our colleagues and our witnesses who joined us here today. This is really a good step in laying the groundwork that we need to do to make sure that we have strong reauthorizing language in the Higher Education Act, and I hope that we can do it in a bipartisan way and move it forward. This is obviously a very critical issue, and today is just one part of this conversation. I appreciate everyone being here and participating.

The hearing record is going to remain open for 10 days. Members may submit additional information for the record.

I particularly want to thank all of our roundtable participants today for being here and sharing your knowledge, and I appreciate you working with us to get this done and get it done right. Thank you very much.

With that, the hearing is closed. Thank you.

[Additional material follows.]

ADDITIONAL MATERIAL

RESPONSE TO QUESTIONS OF SENATOR MURRAY BY JOSEPH STORCH

THE STATE UNIVERSITY OF NEW YORK,
OFFICE OF GENERAL COUNSEL,
ALBANY, NY 12246,
August 29, 2016.

Hon. LAMAR ALEXANDER, *Chairman*,
Health, Education, Labor, and Pensions (HELP) Committee,
U.S. Senate,
Washington, DC 20510.

Hon. PATTY MURRAY, *Ranking Member*,
Health, Education, Labor, and Pensions (HELP) Committee,
U.S. Senate,
Washington, DC 20510.

Re: Campus Safety: Improving Prevention and Response Efforts

DEAR CHAIRMAN ALEXANDER, RANKING MEMBER MURRAY, AND MEMBERS OF THE COMMITTEE: On behalf of The State University of New York (SUNY), I am honored to provide written responses to the questions asked by Ranking Member Murray. Below please find the questions as well as testimonial responses.

Question 1. What recommendations do you have to address problems related to campus safety, such as reducing bullying, harassment, gun violence, and campus sexual assault, in the reauthorization of the Higher Education Act?

Answer 1. The Higher Education Act not only prescribes the law and compliance requirements, but also serves as a moral compass to encourage colleges to best serve students. As we said during our recent testimony, when Congress reauthorized the Violence Against Women Act (VAWA) and amended the Clery Act in 2013, it added significant prevention and training requirements. The Clery Act had traditionally looked backward (report what happened, respond to what happened). For the first time, the VAWA amendments to the Clery Act require a look forward, which adds an element of prevention, not just reaction. As Congress considers amendments to the Higher Education Act, we urge you to double down on prevention measures, including assisting campuses to provide more focused training and authorizing additional Federal resources for colleges to meet their prevention goals.

Legislatively, we should not look at bullying, harassment, gun violence, and sexual assault as completely separate issues with distinct solutions, but as a continuum of harm conducted by some against others. There are no simple solutions to any of these problems, but to make progress in preventing any of them we must work efficiently to address all of them simultaneously.

Each issue can be addressed, in part, through prevention programming that encourages respect between and among our students and staff. This is much easier to say than to do, but addressing the issues together and consistently will allow for more progress toward safe campuses than requiring a separate compliance, response, and prevention regime for each issue.

Building upon my initial written testimony, we would also recommend the following changes to strengthen the Higher Education Act and help make campuses safer for students, staff, and members of the community. As Congress adds additional requirements for colleges, it should also consider changes to outmoded requirements whose bureaucratic requirements outweigh any safety gains.

While some minor changes can ease compliance, below are several major changes Congress could enact to make compliance more effectual, permitting institutions to save time and devote more attention to prevention education:

- **Clarify Clery geography:** The U.S. Education Department (“ED”) has given conflicting guidance regarding how and where to count crimes when students study abroad. This has led to confusion and high compliance cost. In its most recent guidance,¹ ED writes that if a college rents hotel rooms for one night, those rooms do not count for Clery unless two different groups use that same hotel for one different night each in 1 year; two nights would count, but only if there are certain agreements in place, and only for the days the college has “control,” and colleges would only count crimes in the students’ rooms, hallways, and public areas. A student

¹<https://www.ed.gov/admins/lead/safety/handbook.pdf>.

killed in a non-student hotel room would not be reportable, a non-student killed in the hotel pool would be reportable. A heinous triple homicide occurring 3 days before students arrive would not be reportable, nor would the same crime occurring on the sidewalk just outside the hotel. And even if colleges are able to organize and count all covered trips taken by study abroad, academic programs, athletics, and certain student organizations, ED would have the college combine those statistics with certain crimes occurring at certain off-campus student organization houses (mostly Greek letter organizations) that have little or nothing to do with these trips. This leads to confusion and very costly compliance, while there is no evidence that it makes students safer.

The statistical validity of assessing safety in a town or village in a holistic way based on crimes collected through certain limited sources during only 24 or 48 hours, and only in parts of a single hotel is little better than polling three people at a political rally and using that to predict an election. In other words, not a good predictor at all. Does the fact that a crime did or did not occur during a day or two in a hotel serve as a predictor of whether the same or another crime would occur in a different day years later in that same hotel? And what, if anything, does that say about the surrounding neighborhood, city, State, or province? The clear answer is little or nothing. The United States possesses assets, including reports by the State Department and Central Intelligence Agency, that provide a holistic and statistically meaningful assessment of safety in a given area. Congress can require that ED work with other agencies to provide information about the given safety of an area, without requiring tedious collection of miniscule data points that do not provide statistically sound information about the safety of a location.

- **Clarify local law enforcement letters for Study Abroad:** ED requires that colleges write to local law enforcement for every jurisdiction that includes Clery geography. This means that for the hundreds (even thousands) of hotels, classrooms, and other sites that must be included in Clery geography under ED's June 2016 interpretation institutions must write detailed letters to local law enforcement asking them to report certain crimes using United States Uniform Crime Reporting definitions, in certain pinpoint locations and only for certain days. Unfortunately, this has simply become an exercise in futility, as international police agencies rarely respond with useful numbers. ED audits against what letters are sent, and a college could run afoul by not having sent a specific letter (even if no answer would ever be received). Institutions are spending significant time and resources developing and mailing letters that bear no fruit. Further, sending letters asking about sexual assault and dating violence to certain localities, which do not recognize sexual and interpersonal violence as a crime and which may choose to arrest or retaliate against reporting victims, puts our students in *more* danger. To date, ED has declined to allow for an exception where college professionals have a good faith belief that such letters will endanger our students. SUNY campuses have been working with national and New York State organizations to better prepare students to prevent violence overseas and to address violence in a careful and tailored manner, but time spent on technical Clery compliance at sites overseas (for which there is no evidence of safety gain) is time not spent on thoughtful, cutting-edge programming to prevent and respond to violence overseas.

- **Policy statements:** ED insists that the Annual Security Report include full policy statements and (with a single exception) does not allow colleges to link to the relevant policies. That leads to longer reports that are less likely to be read. Congress could offer flexibility to educate students efficiently, including links to relevant documents.

- **Campus Security Authorities and Responsible Employees:** ED's Federal Student Aid office has defined "Campus Security Authority" in a manner that differs significantly from ED's Office for Civil Rights definition of "Responsible Employee." Institutions scramble to determine which employees meet the definition of one, the other, or both. Further, the language used in both terms is confusing. SUNY has suggested combining both concepts into a single new term called "Mandatory Reporter" and defining that term broadly. As a matter of policy and in practice, we want *more* reports of crime to come forward, and Mandatory Reporter is a term that has a clear meaning and societal understanding. Except for those with legal privilege or confidentiality restrictions (including medical, mental health, legal, or religious professionals), all compensated employees should be mandatory reporters who must, as soon as reasonably practicable, report all crimes covered by the law to the appropriate office or offices as determined by the institution. Reporting to the Title IX Coordinator would meet this requirement. This will result in more crimes being brought forward (and higher but more accurate numbers reported), more consistency in reporting, and the ability of institutions to offer a blanket training to employees, rather than spending significant time identifying and narrowly training certain em-

ployees as Campus Security Authorities, others as Responsible Employees, and still others as both.

- **Reduce double counting of crimes:** ED has earnestly tried to ensure that all crimes are reported and do not fall through the cracks. Over time, it has modified its use of the Uniform Crime Reporting hierarchy rule, such that certain incidents are double or triple counted or more. The undersigned has identified an example of a single incident that would be counted close to three dozen times for Clery Act purposes. Over-counting crimes can skew reports, and thus misinforms students, just as much as under-counting crimes. SUNY therefore has suggested that crimes be reported once in the most appropriate category, and that colleges retain documentation for their decisions.

- **Modernize missing student reporting:** ED, while trying in good faith to develop a method to comply with this 2008 addition, created a complex and confusing regime for reporting missing on-campus students (the ED 2016 Handbook devotes seven pages and more than 2,000 words to complying with its current system). SUNY suggests a return to the plain congressional intent. The requirement can simply read,

“If a student is reported missing for 24 hours, within the next 18 hours, the college must contact local law enforcement, the student’s emergency contact, and the student’s parents, if under 18.”

This will accomplish the important goals (which we firmly support) without adding unhelpful bureaucratic requirements. We would change the second period to 18 hours to reduce confusion from the current 24 hours/24 hours regime.

NEW ADDITIONS TO THE CLERY ACT

- **Double down on prevention:** As stated earlier, SUNY applauds Congress’s 2013 shift from response only to response *and* prevention. And at SUNY and in New York, we have gone further. While programming is *offered* to all new and continuing students, we *require* that student leaders and student-athletes complete training. This is not because we believe they are more likely to be victims or offenders; rather, it is because we believe they are most likely to be leaders on campus. By training student leaders who can model pro-social behavior, we can efficiently educate an entire campus.

- **Transcript notations:** New York State law requires uniform transcript notations for students found responsible and suspended or expelled after a student conduct process for conduct code violations that are equivalent to Clery Act Primary Crimes. Institutions to which the student transfers are not prohibited from admitting the student, but are on notice of past violations and can request additional documentation under the Family Educational Rights and Privacy Act (FERPA). While New York colleges provide notations for students transferring out, they do not benefit from notations for students transferring in from out of State. A uniform standard will allow colleges to consider admitting students with full knowledge of past transgressions.

- **Amnesty:** SUNY supports adding a plain-language amnesty from drug or alcohol use charges to encourage reporting and reduce the fear of a victim or bystander that *they* will get in trouble, not the person who committed the violence. SUNY’s amnesty policy became law in New York and reads,

“A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to [College/University] officials or law enforcement will not be subject to [College/University’s] code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.”

- **Mobile Resource:** SUNY has launched a mobile website² that allows victims and survivors to anonymously access confidential and private resources 24/7. The SAVR (Sexual Assault and Violence Response) site instantly displays on-campus and off-campus resources (these can be sorted by campus, zip code, or map location), and with a single additional click, opens Google Maps to find the resource. Where appropriate, resources are highlighted as being confidential, open 24 hours per day, or legal in nature. SAVR also includes all relevant policy information plus information specific to victims needing medical assistance. SUNY has the only such system in the Nation, but has made its data base public for others to create additional re-

²<http://www.suny.edu/violence-response/>.

sources and has developed a Toolkit³ for other colleges and States to develop a similar system at low or no cost. Congress can fund a national system or require that States adopt similar systems.

Question 2. In recent years, from Virginia Tech to Seattle Pacific University in my home State of Washington, there have been too many horrific instances of gun violence on college campuses. Despite these tragedies, more and more States have passed legislation that overrides campus policy that ensures that the campus is a gun-free zone.

Colleges and universities have reported to the committee how they battle the epidemic of sexual assault, stalking, harassment, and domestic violence on a daily basis. According to the Department of Justice, 19 percent of college-aged women have experienced dating violence.⁴ In a domestic violence situation, when a gun is present, the risk of a homicide for a woman increases by 500 percent.⁵ Intimate partners are in fact more likely to be murdered with a firearm than by all other means combined. These realities raise concerns about the implications of overriding campus gun-free-zone policies, suggesting that increasing the availability of guns makes a campus a less safe place for all students, especially women.

Mr. Storch, what preventative measures does SUNY take to protect their students against on-campus gun violence?

Answer 2. For almost 50 years, New York State law and regulations have proscribed the possession of weapons on college campuses, except for sworn law enforcement. SUNY enforces these rules at our State-operated and community colleges. More than 15 years ago, New York State law converted our campus officers to police status. As sworn law enforcement, our University Police officers receive the highest level of training equivalent to sister police agencies, plus additional campus-specific requirements. SUNY also requires officers to have college or military experience.

SUNY campuses practice community policing, engaging students and staff constantly through involvement in the community—bike patrols, attendance at residence hall programs, assisting with student events—that help bridge the gap with students. In turn, students can discuss a crime or a danger with a police officer they know, not one at the other end of a phone line.

SUNY campuses coordinate the assessment of students and staff that may pose a risk via threat assessment or behavioral assessment teams. Information is shared in compliance with laws among professionals who are trained to evaluate which factors show a real risk and which constitute normal behavior among college students.

We believe that the best time to protect students from violence or an active shooter is *long* before the violence occurs or the active shooter arrives. The University expends significant resources training campus professionals and building capacity to address students who pose a risk to themselves or others. SUNY regularly cross-trains with local and State law enforcement. We conducted a major conference on the topic with the highest-level threat assessment professionals from the FBI and U.S. Marshalls. We will continue to train and build capacity in this area.

While there are no guarantees, SUNY, its campuses, and its sworn law enforcement and student affairs professionals work diligently and, more importantly, work together—in a coordinated manner to try to keep our students safe from violence, including gun violence.

Please let me know if I can provide any additional information.

Sincerely,

JOSEPH STORCH, *Associate Counsel,*
The State University of New York.

[Whereupon, at 4:19 p.m., the hearing was adjourned.]

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³https://docs.google.com/document/d/1E3ZZqQ03ah3RV_qhrUrdu3TNh5cNSQiq9N8BB21Ij-Y/pub

⁴Krebs, C.P., Lindquist, C.H., Warner, T.D., Fisher, B.S., & Martin, S.L. (2007). *The Campus Sexual Assault (CSA) Study*. Washington, DC: National Institute of Justice.

⁵J.C. Campbell, D.W. Webster, J. Koziol-McLain, et al. (2003). "Risk factors for femicide within physically abusive intimate relationships: results from a multi-site case control study." 93 *Amer. J. of Public Health*.