

STATEMENT OF SENATOR KELLY AYOTTE

***SENATE HEALTH, EDUCATION, LABOR & PENSIONS
COMMITTEE HEARING***

**"Reauthorizing the Higher Education Act: Combatting Campus
Sexual Assault"**

July 29, 2015

Chairman Alexander, Ranking Member Murray, and members of the
Committee:

Thank you for holding this hearing today and for allowing me the
opportunity to participate.

I want to thank my colleagues here today—Senators McCaskill, Heller,
and Gillibrand—for working with me on the critical issue of addressing
sexual assault on college campuses. I'd also like to recognize and thank
the Senators on the HELP Committee who have supported our efforts by
cosponsoring the Campus Accountability and Safety Act: Senators
Hatch, Kirk, Whitehouse, and Murphy.

Today's hearing is an important one that shows that members of both
parties can come together to address an issue that is of critical
importance to students, their families, colleges and universities. I would

like to recognize and thank all of our colleagues who have made fighting campus sexual assault one of their priorities. We are pleased to have 32 cosponsors of our bill, both Republicans and Democrats. In order to combat the scourge of campus sexual violence, we must all work together. I look forward to continuing to partner with my colleagues and your Committee on this issue.

Last year, along with 7 of my colleagues, including Senators McCaskill, Heller, and Gillibrand, I helped introduce the Campus Accountability and Safety Act, or CASA. Since introducing the first version of our bill, we have met with many stakeholder groups to garner their feedback, and we incorporated much of it in this year's version of the bill. Because of this technical assistance, we feel that the bill has been strengthened and improved.

Campus sexual assault is an epidemic in this country and unfortunately this serious public safety issue has also impacted my home state of New Hampshire. In order to hear directly from students in my state, I've held roundtables and discussions on campus sexual violence at Dartmouth College, Saint Anselm College, and the University of New Hampshire. I was able to bring together students, survivor advocacy organizations, law enforcement, and campus administration officials in order to discuss

their concerns and learn more about efforts to both prevent sexual assaults on campus and support student survivors.

As a former Attorney General of my state, I know that crimes of sexual violence are serious offenses and should be handled by law enforcement if victims choose to pursue that route. However, the reality is that, for a variety of reasons, these crimes are vastly underreported to law enforcement.

CASA seeks to foster a more cooperative environment between schools and local law enforcement by requiring colleges and universities to enter into a memorandum of understanding, or MOU, with the entity that has jurisdiction to report as first responder to a campus emergency. The goal of the MOU is to foster dialogue between the school and law enforcement **before** a serious incident takes place. An MOU that clearly delineates responsibilities and requires appropriate information sharing can ensure that survivors who come forward and choose to report a crime to law enforcement receive the justice and support they deserve.

We know that 80 percent of rape and sexual assaults against female students ages 18 to 24 currently go unreported to police. Along with the MOU, in an effort to get more of these violent crimes in front of law

enforcement, our bill requires that schools have a confidential advisor made available to survivors of sexual violence. The confidential advisor would coordinate support services for survivors, provide information about options for reporting, and provide guidance or assistance in reporting the crime to campus authorities and/or law enforcement. The confidential advisor would provide this assistance at the direction of the survivor.

Studies have shown that the availability of confidential reporting options can lead more survivors of sexual violence to come forward and report the crime. Survivors deserve someone to talk to who can support them in each step of the process—whether it be changing their course schedule to avoid having a class with their attacker or reporting the crime to the police—should the survivor decide that is how they want to proceed.

These two provisions of our bill would provide confidentiality to survivors of sexual violence and foster a more cooperative working relationship between local law enforcement and colleges and universities, which in turn may help facilitate the reporting of these violent crimes to local police, where they ideally should be handled.

As a former prosecutor, I've been deeply troubled by the haphazard campus investigations of sexual assault that we've seen – which in many cases victimize the survivors all over again. College officials who are responsible for investigating sexual assaults need to be properly trained, and that's what our bill would require. One of the most outrageous things we found while studying this issue was that some schools were actually allowing their athletic departments to investigate allegations of sexual violence against college athletes. Our bill would end this ridiculous practice by requiring all schools to use a uniform process for campus student disciplinary proceedings that ensures greater coordination between schools and local law enforcement—if the survivor decides they want to report to local police. Under our legislation, athletic departments or other subgroups would no longer be permitted to handle complaints of sexual violence.

The status quo on our college campuses is unacceptable. Colleges and universities must do better to protect students. As the mother of two young children, it is my hope that in the future they will be able to attend a college or university that is free from violence. Colleges and universities owe it to our daughters and sons to ensure that their campuses are safe for all students. It is our hope that CASA can play a role in encouraging schools to take action and create safer college campuses across our country.

Thank you again, Chairman Alexander and Ranking Member Murray, for the opportunity to discuss this important issue before your Committee. I look forward to continuing to work with you and the committee, and as you consider legislation to reauthorize the Higher Education Act, I hope that you will work to include our bill so that we can work together to combat campus sexual assault and better protect students.