

N.C.C. Notes on Prevention/Training Subcommittee  
1/24/14

Was not able to note all attendees' names due to some broken-up sound on my phone line and some folks who joined the call after we had moved to discussing our agenda.

We discussed the following items (not necessarily in the order listed) and decided on the following next steps:

- a. Both Brian Siegel from the Dept of Education (ED)'s Office of General Counsel and Latinisha Lewis from DOJ's Office on Violence against Women (OVW) made clarifying remarks about issues related to the subcommittee's discussion:
  - a. Brian clarified that ED is in the process of determining how prescriptive it should be in regulations written under the provisions that we discussed. He stated that schools would be required to provide the programs and training specified by VAWA/Clery, and could not simply state in their policies that they do not provide the programs specified in the provisions that we are discussing.
  - b. Latinisha told us a bit about the best practices that OVW encourages through its grant program, which funds school grantees to develop their campus responses and programs around sexual assault, domestic violence, dating violence, and stalking. She stated that OVW requires that grantees provide prevention programs to incoming campus community members and training to those members involved in institutional response and education programs. She also mentioned that OVW provides grantees with technical assistance that helps make their prevention and training programs comprehensive, including lists of core competencies for those involved in institutional responses and educational programming. Finally, she spoke about the importance that OVW puts on coordination throughout the campus in addressing this violence, as well as the need to work with off-campus, community experts and organizations addressing sexual assault, domestic violence, dating violence, and stalking.
- b. Term definitions for those terms used in the prevention-related provisions; fitting the terms together:
  - a. The group agreed that the various prevention-related terms used in subsections (8)(A)(i) and (8)(B)(i) indicate an intention to have schools create prevention programs that are comprehensive and intentional.
  - b. The group also agreed that certain types of programs should be clearly defined as *not* qualifying as "prevention," especially if not a part of a comprehensive prevention program. Self-defense classes, speak outs, marches, and similar awareness raising events were mentioned specifically as needing inclusion on this list.

- c. We discussed the term “bystander intervention” (subsection (8)(B)(i)(l)(dd)) and whether the term should be broadened beyond domestic violence, dating violence, sexual assault and stalking. The group discussed the dangers of broadening the term because schools might be confused about the nature of acceptable bystander intervention programs under this provision—that schools might believe that bystander intervention programs primarily targeting such behaviors as alcohol or drug use could satisfy this provision, when such programs would be insufficient. The group decided that the ideal definition would acknowledge that bystander intervention programs can address other behaviors, but that satisfying the VAWA/Clery provisions means providing bystander intervention programs specifically addressed to domestic violence, dating violence, sexual assault and stalking.
  - d. We discussed the difficulties of the placement of “risk reduction” (subsection (8)(B)(i)(l)(ee)) under “primary prevention” because the group agreed that risk reduction is *not* prevention and can often be incorrectly used by schools as synonymous with prevention, a use that is victim-blaming, since it suggests that the victim of violence can “prevent” the violence. The group talked about how the risk reduction methods that could be acceptably included in a school’s educational programs are really methods designed to reduce risk of becoming a victim of crime generally, so are not specifically about the violence addressed by this statute. The group suggested that the term be defined so that it makes clear its distinction from prevention and that its inclusion in VAWA/Clery is intended to make risk reduction only one minor aspect of a comprehensive program.
  - e. **NEXT STEPS:**
    - i. **Jill Dunlap, Denice Labertew, Jen Messina, Holly Rider-Milkovich, and Teresa Wroe** agreed to work to come up with draft definitions for all of these terms.
    - ii. This group will work over email or phone to agree on some initial definitions and any other regulatory language they think ED should consider to articulate the points made during the discussion on Friday, including about comprehensiveness, intentionality, programs that do not constitute prevention and the parameters of bystander intervention programming.
- c. We also discussed the provision that requires schools to provide “annual training on the issues related to domestic violence, dating violence, sexual assault and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.”
- a. The group developed an initial list of topics that should be included in such an annual training, including:
    - i. Understanding the effects of trauma on victims
    - ii. Integrating community resources in the training
    - iii. Explaining the victims’ rights in all processes and procedures
    - iv. Developing and using equitable investigation and other processes
    - v. Identifying and becoming skilled in the OVW core competencies
    - vi. Understanding the reactions of perpetrators and accused perpetrators
    - vii. Various “nuts & bolts” categories (to be provided by Gina Smith)
    - viii. The regulatory framework
    - ix. Linking this training to educational and prevention programs being offered more widely to the campus as a whole.

- b. The groups spoke briefly about who should be included in creating, contributing to, and implementing training, as well as prevention programs. The importance of drawing from expertise both on and off-campus was emphasized.
- c. **NEXT STEPS:**
  - i. **Nancy Cantalupo, Andrea Goldblum, Denice Labertew, Jen Messina, Gina Smith and Daniel Swinton** will work together to complete the list above.
  - ii. **Gina Smith** will circulate the list of nuts and bolts categories she mentioned at Friday's meeting, as well as a table of training requirements incorporating existing training requirements from ED Office for Civil Rights proactive guidance and prominent investigations under Clery and Title IX.
- d) Prevention- and training-related topics for future revisions and/or expansions of the handbook.
  - a. Recognizing that some of the topics we discussed above may ultimately end up in the handbook, we did not get very far discussing this topic.
  - b. One topic that was identified for the handbook was that schools should think through and very intentionally identify which persons should deliver which messages in prevention and training programs. E.g. campus or other police should deliver messages regarding methods students should use to increase their safety and reduce their risk of crime, *generally*.
  - c. **NEXT STEPS:** Please send other topics that should be included in the handbook to Nancy Cantalupo via email.

A doodle will be circulated with or slightly after circulation of these notes to set-up our second and final call.