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President Barack H. Obama
The White House
Washington, D.C.

Dear President Obama,

I've read very carefully your [announcement of a task force on campus sexual violence](#) and the memorandum you signed this week to authorize it. It's good to know that this topic continues to be a priority for your administration. The goals seem, at first blush, sufficiently noble. They include:

1. Provide educational institutions with best practices for preventing and responding to rape and sexual assault.
2. Build on the federal government's enforcement efforts to ensure that educational institutions comply fully with their legal obligations.
3. Improve transparency of the government's enforcement activities.
4. Increase the public's awareness of an institution's track record in addressing rape and sexual assault.
5. Enhance coordination among federal agencies to hold schools accountable if they do not confront sexual violence on their campuses.

I'm sure the government officials you've appointed will call on subject matter experts so that the work of the task force is truly meaningful. As the task force seeks to learn what recommendations to make (in the brief 90 day window you have set out), I hope that some of these ideas might be among them:

- Best practices for prevention and response need to be separate goals. 90% of campus resources expended on sexual violence are expended on response, with too little invested in prevention. So, on the prevention front, perhaps your task force might tell campus presidents that prevention — specifically primary prevention — can actually be effective at making sexual violence less frequent. They aren't convinced of this, and the empirical support is weak, so they spend their few resources on response, for fear of being publicly slapped for non-compliance by the [Office for Civil Rights](#). It will be hard within 90 days to fund studies that will demonstrate what the prevention best practices are, and which are most effective in specific contexts, but I'd focus on applications of bystander engagement, social normative marketing, environmental

management and engaging men as allies as some of the most promising. Some campuses lack the will to tackle the prevention challenge, though most have sincere willingness and zero resources. Funding the research on what is effective will convince presidents that prevention is worth the investment, and they may more efficiently reallocate resources between prevention and response. The more we effectively prevent, the less we have to expend on response.

- Best practices for response are important to identify as well, but a list of practices is worthless without the appropriate training. Such training should: 1) ensure that those on the front lines of campus intake know how to provide a quality response that minimizes secondary and tertiary victimization, 2) provide the right information in a crisis, and 3) empower victims to make an informed choice about what is in their best interest. Right now, campuses largely lack a culture of training, and are already bombarded with training mandates under Title IX and the newly enacted (by you, on March 7th, 2013) [SaVE Act](#) that they can't meet. Campuses need well-staffed prevention and response offices, equipped to train thousands of students and employees on what to know, what to do, and who to tell. Those mostly don't exist, so how will the messages of your task force actually be delivered?
- You want to build on your administration's enforcement efforts. Why? Do you doubt you have our attention? I spent twelve years (as have many other activists) demanding that campuses pay attention to this issue, because until April 4, 2011, they largely did not. But, as a sharp critic of that failure, I need you to know that you now have their attention. You've had it since April of 2011. If campuses are not moving fast enough toward your goals, it's based on a lack of resources and a lack of clarity from your OCR. The [April 4th, 2011 Dear Colleague Letter \(DCL\)](#) raised more questions than it answered. I'm told 1,400 of those questions were submitted last year to OCR when it solicited queries for an FAQ it intended to publish. Since then, crickets. 1,400 campuses want to know more, to do better, and to get it right. Does that sound like campuses don't care? But, somehow, OCR is too busy enforcing Title IX to provide guidance. By all means, keep our feet to the fire with enforcement, but maybe the task force should ask the larger question of whether the current enforcement scheme even makes sense? Until 2011, OCR never published its enforcement letters. Now it does, so that helps. But, is publicly slapping one campus at a time the most effective way to guide all campuses that are looking for answers? Telling us the [Montana Resolution](#) was a [blueprint](#) was fine, but stick to your guns. Now, we're being told it's not a blueprint. We're looking for guidance, but we can't get a consistent voice from OCR. OCR says new Guidance is coming, but in what form? When? Do we really need to be surprised? We might prepare better and comply better if we had some notice of what the government wants. Look at all the changes campuses have made since April of 2011. It's the most dramatic issue-specific shift I've ever seen in higher education. Ten years ago, I'd have doubted it would ever have been possible. If one letter could create a tipping point, think of what regular communications, webinars, conference calls, dialogue and technical assistance could achieve?
- The task force wants to improve transparency of government enforcement activities, which sounds beneficial. Then, why don't campuses all know what [ECR and VCR](#) are? What a [302 letter](#) is? Shedding some light there might help, so why do some complaints to OCR disappear into a black hole indefinitely? Why isn't there an online tracking system so that complaint status can be checked by the public, and especially by victims, who wait in wonder sometimes for years before they get a decision from OCR? Why doesn't OCR maintain a publicly searchable database of its own enforcement actions? Will OCR intervene in specific cases as they unfold, or is it

content to use its investigation power solely to prevent future violations? Why do decisions by some OCR offices differ substantively from decisions from other OCR offices? Is centralized editing of 302 letters in DC really that difficult to achieve? Why was the Montana Resolution so much crisper in its legal analysis than most other OCR resolution letters? Was this the DOJ influence in that investigation? Or, did DOJ go too far, and is OCR's backpedal on the "blueprint" concept a signal about that or does DOJ still consider it a blueprint? Yes, transparency is welcome. More than 2,500 civil rights investigators and Title IX Coordinators have come through our [four-day training and certification programs](#) since August of 2011. They just filled our training in New Orleans next week to capacity. They're not just looking for CYA training or to check a box. They invest resources and four straight days of listening until they are exhausted. They're keen on learning how to get Title IX right. They attend every session. Their questions are non-stop. It's easy to paint campuses as inept at addressing sexual violence, but I see earnest, diligent efforts. They want to comply with law. They want to do the right thing. But, when [FIRE's](#) voice is louder than OCR's, they can't distill the message.

- Increasing public awareness of the track record of campuses in addressing sexual violence sounds valuable. Will the government assess the effectiveness of our prevention efforts? Will we be expected to assess our own programs, and share the results with Washington, similar to the self-assessment we do for the Drug Free Schools and Campuses Act? If so, the time is now to make sure that is worked into the regulations for the Campus SaVE Act. How will the government measure the success of response? How should we? Will we have to demonstrate that training was provided, or that training was delivered, or that learning outcomes were attained? Will new statistics or annual reports be mandated, where campuses share their aggregate data on campus complaint resolutions? How will the effectiveness of our remedies be assessed? With huge substantial under-reporting by victims, how will measures of the institution's track record account for its inability to address most of what happens on campus, for lack of reporting? The public is aware of crime data for campuses now, based on the Clery Act, but those statistics don't actually explain whether a campus is safe or not. Are high rates cause for worry, or cause to believe the campus is being transparent and doing a good job of addressing crimes? How will the public know how to measure our effectiveness when we in higher education don't really know how to do so, or by what criteria we are to be compared?
- Enhanced coordination of enforcement seems underway. [Know Your IX](#), [Ed Act Now](#) and other groups are using social networking to file an unprecedented number of complaints against colleges and universities. The Clery Act and Title IX class action complaint is now a commonplace. Victims are using Title IX, Clery Act, Title IV and petitions to OCR and DOJ to keep the heat on. And, we feel it. We have the impetus. What we need are tools, resources, grants, studies, online training courses, prevention curricula, government momentum in developing the technology of prevention, trainer training opportunities, technical assistance (like the guidance we get from [FPCO](#) on FERPA whenever we ask), conferences, brochure templates, model policies, consistency, clarity and transparency. I see higher education, finally, as ready and willing partners. For 15 years, I have been one of the toughest critics of the failures of my field to address sexual violence. Given that history, my sense of higher education's readiness may carry some weight. If we are to take the next step together to transform the face of sexual violence on our campuses, let's do it in a well-informed, intentional partnership. That may take more than 90 days. It may require higher education to have a seat or seats on the task force. It will take a sustained effort. I don't doubt the capacity and willingness of my field to take this on. I'm just not sure about the government, yet.

Very truly yours,



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See also: [The NCHERM Group and ATIXA Executive Summary of the White House Announcement and Report](#)

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