



October 26, 2017

Testimony for Bipartisan Task Force to End Sexual Violence

My name is Dr. Daniel Swinton and I am honored to be here today. I serve as Vice President of the Association of Title IX Administrators (ATIXA) and am here representing over 3,500 members at schools and colleges nationwide. I am also Managing Partner of a law and consulting firm that advises thousands of K-12 and higher education administrators, teachers, faculty and students on issues of sexual violence, consent in sexual interactions, as well as harassment and discrimination in all its forms.

Over the last six years, the Department of Education has given significant time and attention to sexual violence at colleges and universities, but has largely failed to give needed time and attention to sexual violence and consent-based issues in K-12 education. Sexual violence has been called an “epidemic” at colleges, and universities and our members indicate that such a label is both accurate and reflective of the immediate needs to prevent and address sexual violence on their campuses. If higher education is facing an “epidemic,” then K-12 is facing an even more serious, plague-like level of sexual violence, that continues largely unabated. The lack of legal and regulatory attention given to the matter is both startling and frustrating, as many of the issues involve abuse of minors and children. Further, K-12 remains well behind higher education in educating its administrators, teachers and students about sexual violence and the many related issues of consent, substance abuse, and healthy relationships. As one member told me last week, K-12 needs something like Clery and Section 304 of the Violence Against Women Act to ensure appropriate training, prevention, response and accountability are present.

To be fair, K-12 administrators face a litany of demands on their time and a host of unrelated legal and regulatory requirements such that, absent a crisis, a law or a regulation, sexual violence prevention and response receives little, if any attention. The result is that K-12 administrators largely lack the training necessary to appropriately and fairly address issues of sexual violence in their schools and districts. Further, school-based

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(honorary)

Association of Title IX Administrators
· 1109 Lancaster Avenue · Berwyn, PA 19312 ·
Phone: 610-644-7858
Fax: 610-993-0228
www.atixa.org

instruction of K-12 students about consent in sexual interactions is rare, leaving the students to learn about sexual interactions, consent and the impact of alcohol and drugs from peers, the Internet and other media. Certainly, parents play a role in educating their children, but in our members' experience, few parents discuss the nuances of sex, alcohol and consent with their children prior to college. We are seeing significant issues of sexual violence at all levels of K-12, but especially in middle and high school. Any discussion also needs to recognize the role that technology plays in increasing the number and complexity of issues our members are seeing in their schools.

Training and prevention efforts lag, policies and procedures remain inadequate, and prevention is reserved to basic training on how to report child abuse. I want to stress that the current state is not for lack of desire, but, given the nature, complexity and decentralized nature of K-12 education, stems largely from lack of guidance, funding or grants, legal requirements and accountability.

Our members are anxious to give these critical matters time and attention, but buy-in and resources tend to follow only once Congress makes it mandatory. Thank you for your time.