

TRANSCRIPT
Press Conference Call
On Office for Civil Rights Guidance on Campus Sexual Violence

April 4, 2011
2 p.m. ET

Coordinator: Welcome and thank you for standing by. At this time all participants are in a listen-only mode. During the question-and-answer session, please press star 1 on your Touch-tone phone.

Today's call is being recorded. If you have any objections, you may disconnect at this time.

I will now turn the meeting over to Mr. Justin Hamilton. Sir, you may begin.

Justin Hamilton: Good afternoon everyone, and thank you for joining our call today. Just a couple of brief notes, and then I'll turn it over to Secretary Duncan to begin.

We're joined - Arne is joined today by Assistant Secretary for Civil Rights, Russlynn Ali, who will be available to help answer your questions today. So Arne's going to give a brief opening statement and then we'll go straight to Q&A.

So with that, Secretary Duncan.

Arne Duncan: Thank you Justin. Thanks to all of you who join us today. Today for the first time ever and Administration is releasing guidance under Title IX of the Education Amendment 1972 explaining how schools and colleges should deal with sexual violence.

Sexual violence is one of those issues we all which didn't exist. And too often, our society has chosen to ignore it rather than confronting it openly and honestly.

Every school would like to believe it's immune from sexual violence, but unfortunately the facts suggest otherwise. According to one widely referenced study, one in five women is sexually assaulted while in college. And women are not the only victims. About 6% of male college students also report being sexually assaulted.

And the problem is not limited to higher education. Recent data show there are nearly 4000 reports of sexual battery and over 800 reported rapes and attempted rapes in our Nation's high schools. By some estimates, more than one in ten high school girls are physically forced to have sex in or out of school.

Moreover, these figures are probably low, because we all know sexual assault is a notoriously underreported crime. It carries overtones of shame and insecurity. Victims are more likely to suffer academically and to suffer from depression, drug, and alcohol abuse. Tragically, some of them actually take their own lives.

Police and prosecutors have the job of investigating sexual assault and enforcing the law, but educational institutions, including K-12 schools,

colleges, and universities also share responsibility under Federal Civil Rights laws.

Today's guidance, which is being sent out to all school districts, colleges, and universities that receive Federal funds spells out those responsibilities. It also provides practical examples of how schools can meet these responsibilities.

For example, many schools don't realize that they don't have to wait for the conclusion of criminal proceedings to being their own Title IX investigation. They can and they should start right away. Our guidance discusses proactive efforts schools can take to prevent sexual violence.

It provides examples of strategies that schools and our Office for Civil Rights are using to help end sexual violence and remedy these effects. And I want to thank Russlynn Ali and her team who I think are doing an extraordinary job leading our Office for Civil Rights.

We need to help institutions better understand how to prevent sexual violence, ensure that it gets reported, investigated, and dealt with swiftly and appropriately and make sure all of their students feel safe.

Our primary goal is prevention through education. Information is always the best tool to combat sexual violence. We need to raise awareness on this issue because sexual violence has no place in society and especially no place in our Nation's schools. We all must come together. Schools, community organizations, and Federal and Local Law Enforcement agencies to eliminate sexual violence and any other kind of violence, harassment, and intimidation from our schools.

And we're so fortunate to have a great partner and friend and leader in this effort, the Vice President of the United States. Vice President Biden has been active on this issue throughout his long and distinguished career in government.

In the Senate, the Office of Violence Against Women Act in 1994, in the White House, he's been a voice of reason, wisdom, and passion on this issue and on so many others. No one I know is more committed to protecting our children and young people and giving them every opportunity to thrive and succeed in the classroom and in life.

As Vice President Biden said today, students across the country deserve the safest possible environment in which to learn, and that's what we're committed to giving them.

I'll stop there and open it up for any questions you might have for Russlynn or I.

Coordinator: At this time if you would like to ask a question, please press star 1 on your touchtone phone. Please be sure that your phone is not muted. And to withdraw your request, please press star 2.

One moment please while we wait for the first question to queue.

Our first question comes from (Danny Sterna). Your line is open.

(Danny Sterna): Hi. I'm calling to ask if this is an (unintelligible)...

((Crosstalk))

Coordinator: (Danny Sterna), your line is open.

(Danny Sterna): Yes. This is him.

Justin Hamilton: (Danny) please, this is Justin. Please identify what outlet you're with.

(Danny Sterna): I'm with the Yale Daily News.

Arne Duncan: Go ahead.

Justin Hamilton: Go ahead, (Danny). Your question.

(Danny Sterna): Yes. I'm actually just curious whether this isn't at all connected to the incident at Yale last week where 16 students filed a common complaint and the OCR is opening an investigation into that?

Arne Duncan: Yes. Not at all. This is something we've been working on for a long time and we've had this date on the calendar for months. Well before anything appeared from Yale.

(Danny Sterna): Okay. But are you - but you've been aware of that incident then?

Arne Duncan: We are aware of that and our Office of Civil Rights is actually investigating it.

(Danny Sterna): Okay. Got it. Thank you.

Coordinator: Our next question comes from John Wall. Your line is open.

John Wall: We had a sexual assault here at NC State University this week. Has your office investigated that or heard of it?

Arne Duncan: I'm sorry, sir. We're having a little difficulty hearing. Can you repeat the question?

John Wall: We had a sexual assault here on campus at NC State University this week. Has your office heard about that or investigated it?

Arne Duncan: Again, I'm having a little trouble hearing it. If you can give the name of your university to Justin offline, and we're happy to have our Office of Civil Rights take a look at it if we're not aware of it. But, I couldn't quite hear the name of your university.

John Wall: Yes. Thank you.

Coordinator: Our next question comes from (Regina Zilbermint) of the Daily Iowan. Your line is open.

(Regina Zilbermint): Thank you. I was just curious. Because of several incidents here on the University of Iowa campus, there's concern that students might be reluctant in coming forward. Does your plan I guess address that issue in addition to telling universities how to deal with it once students do come forward?

Russlynn Ali: Yes. The guidance seeks to provide assistance to universities so that all students on campus know their rights and know their rights to both report incidences of sexual violence to adults on their campus, and that there are proper and well publicized grievance procedures so that students know where to go in the event that they are a victim.

Coordinator: Our next question comes from (Jordy Gasso) of Yale Daily News. Your line is open.

(Jordy Gasso): Hi. My name is (Jordy), and I was just wondering how long does it usually take for the Office of - for Civil Rights to open an investigation after receiving a complaint?

Russlynn Ali: There is not bright line answer to that. What we do is evaluate the complaint. It could vary depending on length of complaint and allegations in it.

(Jordy Gasso): Okay.

So in the case of the Yale complaint, it only took two weeks to open an investigation. Is that normal - is that standard time?

Russlynn Ali: Again, there isn't a definition of normal or standard. It would depend on the facts of the case, the allegations, and the complaint. Two weeks does not seem abnormal.

(Jordy Gasso): Okay. Okay.

So it's indicative of something or indicative of some sort of validity to the claims in the complaint?

Justin Hamilton: Hey (Jordy), this is Justin in (unintelligible) message.

Arne Duncan: Yes again, just to be clear; absolutely not. There's nothing - you know, we receive complaints and we open investigations. And so, we are going there with a full and open mind and we'll see where the investigation leads. But the timing there is not indicative of anything.

(Jordy Gasso): Okay. Thanks so much.

Justin Hamilton: And everyone else on the call, please try to limit your follow-ups to be respectful of other people's time and give them a chance to speak as well.

Coordinator: Again, if you would like to ask a question, please press star, 1.

Our next question comes from (Kelly Fugler) of the Parthenon Newspaper.
Your line is open.

(Kelly Fugler): Hi there. This weekend we had a sexual assault not actually reported. She doesn't know if she wants to press charges. Her friend reported it. And I was just wondering do these new plans help you know, girls who just need counseling or something and don't want to you know, press charges?

Russlynn Ali: Yes. Criminal charges are different from the Civil Rights responsibilities outlined in our guidance today. And depending on the facts of the case, there may be responsibilities to provide support to women that are victims.

Coordinator: Our next question comes from (Regina Zilbermints). Your line is open.

(Regina Zilbermints): Thank you. Again after sort of the controversial handling of a sexual here in our campus, our university created an entire separate administrative position to deal with sexual misconduct and coordinating those investigations. Do you know if that's common across the nation? And is that something that you would recommend universities do?

Russlynn Ali: There is no cookie cutter approach to handling these instances, and each university should make the decision according to the culture on their own campuses. That said, the law does require that there be a Title IX Coordinator

or an individual that's really ensuring the university is complying with all aspects of Title IX.

It does sound like a good idea to make sure that there is one person or a couple of people available to victims in the case they need them.

Coordinator: Our next question comes from Stacy St. Claire of the Chicago Tribune. Your line is open.

Stacy St. Claire: Hi. Thank you. Given that the Office of Civil Rights already has fairly high profile investigations going on at Notre Dame and Yale, does today's guidelines serve as sort of a warning to schools or putting them on notice that - you know, that the Office is going to be looking into universities and how they handle sexual assaults going forward?

Arne Duncan: I think it's just so important that we provide information and work on the prevention side here. And the Office of Civil Rights under Russlynn's leadership has been reinvigorated in so many ways. And this is one again where we think - we just want to help everybody do the right thing. So it's not by any means a warning.

We think the overwhelming majority of colleges and universities in K-12 schools want to do the right thing, and may not quite not know how or may not have thought it all the way through. And again, these issues are often tough ones for folks to put on the table. And, we're trying to be very clear, very transparent.

And our hope is through dissemination of great information that we can significantly reduce the number of these incidents and use the education process as a prevention tool - as a prevention strategy. So we're very hopeful

that going forward we'll have many fewer young people victimized by this kind of behavior.

Justin Hamilton: Operator, I think we have time for one more question.

Coordinator: Our final question comes from Emily Wilkins of the State News. Your line is open.

Emily Wilkins: Thanks so much. I was interested in something that you said in regards to schools being able to run another investigation separate from say a legal one with a city or a county. How would the results of the school's investigation affect the legal ones?

Russlynn Ali: If I understand your question properly, there is the criminal side of this, and that is local law enforcement working in conjunction with school faculty. The Civil Rights and regulatory responsibilities are parallel processes complementary. Not at all contradictory.

Emily Wilkins: I see. So they have to work together then.

Justin Hamilton: Caller, are you still there?

Emily Wilkins: Yes. I said that you have to work together then. Yes? Correct?

Arne Duncan: Russlynn, can you say the question one more time?

Justin Hamilton: Yes.

Emily Wilkins: Oh, I'm sorry. I said so then the school and the local law enforcement would have to work together on them. It's not two separate parallel investigations. It's both of them working together on one investigation.

Russlynn Ali: Well, it very much depends on the facts of the case. There are different standards of proof if you're in criminal or if you're under Title IX. So they are processes conducted by different entities. The Title IX is the school's responsibility, and that's what our guidance today seeks to articulate.

So the law enforcement responsibilities are obviously a separate and apart from the university, who are in conjunction with campus police on the university. But these are in fact not necessarily the same investigations. They are processes that happen though in parallel. And Civil Right's responsibilities should not wait for the criminal investigations to be over.

Emily Wilkins: Thank you so much.

Justin Hamilton: And thank you everyone for joining the call today. If you have any follow-up questions or need some additional information, please feel free to reach out to us at press@ed.gov. Again, press@ed.gov, and we'll be happy to help you as you work on your stories.

And again, appreciate your time today, and thank you to both Secretary Duncan and Assistant Secretary Ali for joining us. And we'll be speaking with you soon.

Coordinator: That does conclude today's call. You may disconnect at this time.

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