



Safe Campus Act / Fair Campus Act

What do other higher education, student groups and law enforcement organizations say about needed reforms on sexual assault and campus adjudication?

The public statements of many other higher education groups, law enforcement organizations, and other interested parties are in congruence with NIC positioning on this issue. For this very reason, we are continuing to solicit additional support for Safe Campus. Some examples include:

- Position of the American Council of Trustees and Alumni** - "Rape and sexual assault are felonies and they are matters for the police and criminal justice system—not universities. The higher education community simply is not equipped to play judge, jury and executioner in matters that require the careful eye of police and jurists. Both accusers and the accused are given short shrift when due process and the Constitutional safeguards of the criminal justice system are swapped for amateur investigators and ad hoc college tribunals."
- American Council on Education (ACE)** - "We believe that current federal requirements that may undermine an institution's ability to work with local law enforcement agencies—such as the requirement that campuses investigate and resolve sexual assaults in 60 days or less—ought to be carefully reconsidered. When law enforcement specifically requests that an institution suspend its campus investigation, institutions should be permitted to comply with that request without fear of Title IX repercussions."
- ACE Letter to Congress (June 2014)** - "Because colleges and universities may lack the expertise and resources needed in these areas, we believe it is essential to work closely with local law enforcement agencies when sexual assault cases arise. Unfortunately, current federal policy can undermine our ability to do this. OCR requires that campuses resolve sexual assault reports within 60 days. But such a hard and fast deadline is often incompatible with the timetable used by local law enforcement agencies."
- ACE Letter to Congress (June 2014)** - "For example, in one recent case, highly relevant forensic evidence will not be available in time to inform campus disciplinary proceedings. In another, a prosecutor instructed an institution not to say or do anything about a reported sexual assault, lest it undermine the prosecutor's ongoing investigation. This put the institution in an untenable situation—anxious to comply with a request from the local prosecutor but at risk of violating the deadlines imposed by OCR."
- ACE Letter to Congress (June 2014)** - "The current regulatory framework does not adequately reconcile the real conflicts that exist between federal requirements for prompt and equitable responses and appropriate deference to law enforcement. Parallel school and criminal investigations also highlight the differences in the resources available to law enforcement investigations compared to campus proceedings."
- ACE Letter to Congress (September 2014), signed by numerous higher education groups including NASPA** - "We reiterate our strong desire for local law enforcement to assist campuses in addressing sexual assault. We believe that current federal requirements that may undermine an institution's ability to work with local law enforcement agencies – such as the requirement that campuses investigate and resolve sexual assaults in 60 days or less – ought to be carefully reconsidered. When law enforcement specifically requests that an institution suspend its campus investigation, institutions should be permitted to comply with that request without fear of Title IX repercussions. Proceeding with a Title IX investigation against an express request from law enforcement could not only jeopardize the investigation and prosecution of the criminal case, but could also violate state laws prohibiting interference with an ongoing criminal investigation."
- Association for Student Conduct Administration (ASCA)** - "If it appears that pursuing the campus investigation may jeopardize the criminal investigation, ASCA (in alignment with guidance from the United States Department of Education's Office for Civil Rights) recommends an interim hold on the campus investigation while the fact finding occurs in the criminal investigation. During this temporary time, the campus may put interim measures in place to protect its students or community, which may include separating the accused student from the campus community."
- Foundation of Individual Rights in Education (FIRE)** - "FIRE believes that continuing to entrust campus judiciaries with the responsibility to determine the guilt or innocence of students accused of one of society's most heinous crimes ensures continued failure. The current system is broken. Greater procedural protections would certainly be an improvement, but they will not solve the problem." "FIRE believes that to best serve both efficacy and fairness, law enforcement and the criminal justice system must investigate and adjudicate allegations of criminal misconduct. We maintain that the "safety of our nation's college students demands the focused attention of well-trained law enforcement professionals, not campus administrators following risk management practices."

Section Resources

8 THINGS INTERFRATERNITY COUNCIL OFFICERS MUST KNOW

[> LEARN MORE](#)