



December 11, 2017

The Honorable Virginia Foxx, Chairman  
Committee on Education & the Workforce  
2262 Rayburn House Office Building  
Washington, DC 20515

The Honorable Bobby Scott, Ranking  
Committee on Education & the Workforce  
1201 Longworth House Office Building  
Washington, DC 20515

The Honorable Brett Guthrie, Chairman  
Higher Education & Workforce Development  
2434 Rayburn H.O.B.  
Washington, DC 20515

The Honorable Susan Davis, Ranking  
Higher Education & Workforce Development  
1214 Longworth House Office Building  
Washington, DC 20515

Dear Chairmen Foxx and Guthrie and Ranking Members Scott and Davis:

[The National Alliance to End Sexual Violence](#) (NAESV) is the voice in Washington for the 56 state and territorial sexual assault coalitions and 1300 rape crisis centers working to end sexual violence and support survivors. Along with the undersigned state sexual assault coalitions, we write to express our grave concerns about the sexual assault and Clery Act provisions in the proposed Prosper Act. At a time when the nation is grappling with the issue of sexual misconduct and survivors are bravely coming forward, the Prosper Act represents a serious step backward on campus sexual assault response. This is a particularly dangerous time for the House of Representatives to walk back protections for survivors, and we respectfully ask that you refrain from moving forward with these provisions.

Every day, the local programs in our network see the widespread and devastating impact of sexual violence on students. The aftermath of rape can hamper both educational attainment and future employment for survivors. Survivors deserve the strongest protections from the federal government.

We support fair campus disciplinary processes for all—both complainants and respondents. Everyone benefits from fair systems. However, the Prosper Act goes too far in singling out sexual misconduct cases. The bill adds burdensome and confusing provisions that will delay proceedings and interfere with students' access to education. Survivors who could be healing and returning to their studies will be forced to languish in trauma, in continued contact with their assailants, and have high risk of being pushed out of school.

Allowing institutions to pick a standard of evidence for sexual misconduct determination suggests that it is permissible to be more suspicious of these cases. To the contrary, fairness should require that sexual assault determinations be made on exactly the same standard of proof as other civil rights violations.

The federal government has a responsibility to enforce civil rights law. Yet the Prosper Act repeatedly permits federal funding recipients to privilege local criminal processes over their students' federally guaranteed civil rights. Those two objectives don't have to be in tension, and placing them in tension is a hindrance to survivors' safety and educational access and to overall campus safety. Schools have a right, and a need, to enforce their own conduct policies in the interest of keeping their campuses safe.

**National Alliance to End Sexual Violence**

1129 20<sup>th</sup> Street, N.W., Suite 801 / Washington, DC 20036 / [www.endsexualviolence.org](http://www.endsexualviolence.org)

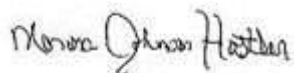
We know survivors want options. In 2015, NAESV and Know Your IX conducted an [internet survey on reporting](#). Almost 90% of survivors responded “yes,” they should retain the choice whether and to whom to report. When asked their concerns if reporting to police were mandatory, 79% said, “this could have a chilling effect on reporting,” while 72% were concerned that “survivors would be forced to participate in the criminal justice system/go to trial.” Yet the Prosper Act permits police and the criminal legal system to halt students' civil rights complaints and fails to require any accommodations during a stay.

We oppose altering the crime definition for Clery Act reporting that could potentially change the broader definition developed in the negotiated rulemaking process to the more narrow Uniform Crime Report (UCR) definition. The negotiated rulemaking process took into consideration a broad range of opinions and input to help clarify the campus response process, and we do not support backing away from this important work. Moreover, we oppose provisions in the bill that decrease clarity about schools' reporting requirements under the Clery Act. Taken together with confusing provisions related to climate surveys, the bill fails to improve accountability and efforts to understand sexual violence on campus.

Finally, while we care deeply about survivors' access to services, the sexual assault counselor provisions fall short and fail to require 24/7 access to an advocate. Many states have imposed professional requirements for counselors and it is unclear how the Prosper Act definitions would mesh with state statutes. Moreover, sexual assault survivors need more than counseling, they need access to advocates. Advocates can inform survivors of options (including educational, civil, and criminal justice options), provide safety planning, and connect survivors with vital services such as sexual assault forensic exams, health care, and legal services.

Taken as a whole, we have no choice but to oppose the Prosper Act as a serious and untenable step backward on efforts to address sexual assault on campus. Please feel free to reach out to Terri Poore, Policy Director, at [terri@endsexualviolence.org](mailto:terri@endsexualviolence.org) with any questions.

Sincerely,



Monika Johnson Hostler, President

Arizona Coalition to End Sexual and Domestic Violence

California Coalition Against Sexual Assault

Colorado Coalition Against Sexual Assault

Connecticut Alliance to End Sexual Violence

DC Rape Crisis Center

Florida Council Against Sexual Violence

Idaho Coalition Against Sexual & Domestic Violence

Illinois Coalition Against Sexual Assault

Iowa Coalition Against Sexual Assault

**National Alliance to End Sexual Violence**

1129 20<sup>th</sup> Street, N.W., Suite 801 / Washington, DC 20036 / [www.endsexualviolence.org](http://www.endsexualviolence.org)

Jane Doe Inc., the MA Coalition Against Sexual Assault and Domestic Violence  
Kansas Coalition Against Sexual and Domestic Violence  
Louisiana Foundation Against Sexual Assault  
Maine Coalition Against Sexual Assault  
Maryland Coalition Against Sexual Assault  
Minnesota Coalition Against Sexual Assault  
Missouri Coalition Against Domestic and Sexual Violence  
Montana Coalition Against Domestic & Sexual Violence  
Mississippi Coalition Against Sexual Assault  
Nebraska Coalition to End Sexual and Domestic Violence  
Nevada Coalition to End Domestic and Sexual Violence  
New Hampshire Coalition Against Domestic and Sexual Violence  
New Jersey Coalition Against Sexual Assault  
New Mexico Coalition of Sexual Assault Programs, Inc.  
New York State Coalition Against Sexual Assault  
North Carolina Coalition Against Sexual Assault  
Ohio Alliance to End Sexual Violence  
Pennsylvania Coalition Against Rape  
Tennessee Coalition to End Domestic & Sexual Violence  
Texas Association Against Sexual Assault  
Utah Coalition Against Sexual Assault  
Vermont Network Against Domestic and Sexual Violence  
Virginia Sexual & Domestic Violence Action Alliance  
West Virginia Foundation for Rape Information and Services  
Wisconsin Coalition Against Sexual Assault  
Wyoming Coalition Against Domestic Violence and Sexual Assault