



National Coalition For Men Carolinas (NCFMC)

10 Reasons to Oppose the Campus Accountability and Safety Act (S.590 / H.R.1310)

1. The bill purports to be a safety act yet **fails to identify high risk safety areas, does not include provisions for enhancing security by increasing law enforcement and does not incorporate bystander prevention programs** to help reduce sexual assaults on campus. In short, the bill misses the mark in making campuses safer.
2. The bill is unfair in its treatment of students in that it **automatically presumes guilt of the accused and bestows victimhood to the reporting party** who is repeatedly referred to as either a victim or survivor prior to the outcome of an investigation.
3. The bill should go beyond requiring universities to sign a MOU with local law enforcement. It **should direct all matters involving alleged sexual assault to be handled by local law enforcement** and schools should be required to defer any investigation or adjudication of allegations of sexual assault until law enforcement has completed their investigation.
4. **CASA is silent on due process.** If colleges are going to be required to adjudicate sexual assault allegations, then **schools must provide accused students basic due process rights** including but not limited to: the right to have counsel present during the hearing; the right to effectively cross-examine; timely access to written complaints and evidence; timely and adequate notice of actual charges; elimination of gag orders impeding the ability to talk to witnesses and gather evidence; the exclusion of blatantly unreliable hearsay evidence and hearing panels composed of thoroughly trained objective triers of fact. These protections need to be incorporated into this proposed legislation.
5. The bill **should compel universities to provide fair and equal resources to both accuser and accused** during the disciplinary hearing processes. Lacking from this bill is language that ensures a presumption of innocence for the accused and provisions for equal resources to both the accuser and the accused.
6. The sexual violence **reporting requirements contained in this bill use broad language that is both confusing and in conflict with acceptable sexual assault definitions and standards used by the Department of Justice.** DOJ standards should be the basis for reporting sexual assaults on campus.
7. **The bill defines any "higher education employee" as a "campus security authority"** which we see as problematic. **A campus security authority should be one that is well-trained and preferably licensed** as a security professional which this bill makes no provision for.
8. The bill **requires an anonymous campus-wide survey that is to be conducted every two years but does not indicate how the survey results will be used to improve campus safety.** Related to this subject is the issue that anonymous surveys are known to be unreliable and easily manipulated by ideologues.
9. **The bill provides confidential advisors to assist the reporting party (who is once again referred to as the victim) yet offers no resources to the accused party who may be falsely accused** and in need of the same kind of supportive assistance and health resources. **All the rights conferred to the accuser needs to be equally conferred to the accused.**
10. **The bill should extend the Amnesty Policy to both accuser and the accused,** such that neither party will be sanctioned by the institution for a non-violent student conduct violation, such as underage drinking, that is revealed in the course of such a report.