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July 21, 2014

Mr. Jean-Didier Gaina  
U.S. Department of Education  
1990 K Street, NW, Room 8052  
Washington, DC 20006-8502

Re: Comments Solicited under 79 FR 35418

Dear Mr. Gaina:

On behalf of the Anti-Defamation League (ADL), we write to offer comments on the proposed rulemaking designed to implement the changes made to the Clery Act by the Violence Against Women Reauthorization Act of 2013 (VAWA). We appreciate the opportunity to present our views on these important issues.

We would like to focus our comments on three issues in the Department of Education's (DoE) proposed regulations.

**Defining Hate Crime and Expanding Hate Crime Categories**

First, the Anti-Defamation League ("ADL") strongly supports the proposed regulations that define "hate crime" and require specific reporting on hate crimes directed against individuals on the basis of their gender identity or national origin. This important change makes hate crime data collected by DoE consistent with data collected by the FBI under the Hate Crime Statistics Act of 1990 (HCSA) – the most important national snapshot of hate violence in America. We believe this greater clarification and specificity can result in more comprehensive and accurate campus hate crime reporting. Note that while the proposed rulemaking states that an institution must compile crime statistics "using the definitions of crimes provided in Appendix A to this subpart and the Federal Bureau of Investigation's UCR Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection," those two FBI publications have now been combined in a single 2012 publication, Hate Crime Data Collection Guidelines and Training Manual.

**Improving Definitions and Expanding Data Collection**

Second, ADL strongly supports the proposed regulations requiring more explicit definitions and enhanced data collection on domestic violence, dating violence, and stalking. We also support the updated definition of rape, which reflects the FBI's recently-updated definition. Studies show that sexual violence is dramatically underreported. Better definitions and more precise and accessible data are important steps forward on which to build prevention programs.

**Better Notice and Transparency for Students and the Campus Community**

Third, we strongly support the provisions of the proposed regulations that require institutions to provide notice to students about the range of crime prevention and awareness programs – and other provisions that promote transparency as to policies and procedures designed to encourage accurate, prompt, and comprehensive reporting of all crimes to campus police and appropriate police agencies. The proposed regulations require better information for students and the campus community about rights and options following incidents of sexual violence. And, importantly, the proposed regulations should spark improvements in programs to promote awareness and prevent dating violence, domestic violence, sexual assault, and stalking at colleges and universities.

**Imagine a World Without Hate®**

Anti-Defamation League, 605 Third Avenue, New York, NY 10158-3560, T 212.885.7700 F 212.867.0779 www.adl.org

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**ADL's Expertise**

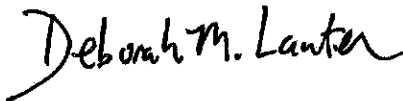
Since 1913, the mission of ADL has been to "stop the defamation of the Jewish people and to secure justice and fair treatment to all." Dedicated to combating anti-Semitism, prejudice, and bigotry of all kinds, defending democratic ideals, and promoting civil rights, ADL is proud of its leadership role in the development of innovative materials, programs, and services that build bridges of communication, understanding, and respect among diverse racial, religious, and ethnic groups.

Over the past three decades, ADL has been recognized as a leading resource on effective responses to violent bigotry, conducting an annual *Audit of Anti-Semitic Incidents* and drafting model hate crime statutes for state legislatures. Now 45 states, the District of Columbia, and the federal government have enacted hate crimes laws based on (or similar to) ADL's model statute. ADL has also long been in the forefront of national and state efforts to train law enforcement officials and civic leaders to deter and counteract hate crimes. For more than a decade, we were privileged to lead a broad coalition of civil rights, religious, educational, professional, law enforcement, and civic organizations that worked to enact the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act (HCPA) in 2009.

ADL has considerable expertise on hate crime data collection techniques and best practices. ADL served as a resource for the FBI as they implemented the HCSA and, more recently, in crafting training materials for the Bureau to implement the HCPA, which included new data collection requirements for hate crimes directed against individuals on the basis of their gender or gender identity, as well as hate crimes committed by and directed against juveniles.

We very much appreciate these thoughtful and comprehensive proposed regulations. We urge the Department to adopt these recommendations and move promptly to implement them.

Sincerely,



Deborah M. Lauter  
Director, Civil Rights



Michael Lieberman  
Washington Counsel