

 <p><b>CLERY CENTER</b> FOR SECURITY ON CAMPUS</p>	<p><b>Sexual Violence on Campus: Regulatory Framework</b></p>
<p>© 2014 by the Clery Center for Security on Campus. All rights reserved. No part of this presentation may be transmitted, reproduced, distributed, or adapted without obtaining written permission from the Clery Center</p>	<p><b>Building a Safer Campus Community</b></p> 

---

---

---


---

---

---

---

---

	<p><b>MODULE OVERVIEW</b></p>
	<ul style="list-style-type: none"> <li>✓ 2013 VAWA Amendments to Clery</li> <li>✓ Title IX and the Clery Act</li> <li>✓ Security Awareness Programs: Be Attentive and Prepared</li> <li>✓ Crime Prevention Program: Avoid/Deter</li> <li>✓ Substance Abuse Educational Program</li> <li>✓ Developing Collaborative Partnerships</li> </ul>

---

---

---



---

---

---

---

---

 <p><b>CLERY CENTER</b> FOR SECURITY ON CAMPUS</p>	<p><b>LESSON 1</b></p>
	<p><b>2013 VAWA Amendments to Clery</b></p> 

---

---

---


---

---

---

---

---



### PERFORMANCE OBJECTIVES

- ✓ Identify the additional requirements included within the 2013 Violence Against Women Reauthorization Act amendments to the Clery Act
- ✓ Advise the campus community on how to obtain information on registered sex offenders
- ✓ Develop/refine sexual assault protocols – medical, legal and support

---

---

---


---

---

---

---

---



### 2013 VAWA Amendments to Clery

- ✓ Signed into law on March 7, 2013
- ✓ Covers students and staff of institutions
- ✓ Most dramatic expansion to sexual violence reporting and policy since 1992

---

---

---


---

---

---

---

---



### U.S. Department of Education Preliminary Guidance

- ✓ Negotiated rulemaking process for VAWA amendments to the Clery Act
- ✓ Final regulations after the rulemaking process
- ✓ ASR – October 2014 – Make “good faith” effort to include statistics

---

---

---

---

---

---

---

---

**SEX OFFENSE POLICY STATEMENT REQUIREMENTS**

- 1 • Educational Program to Prevent Sex Offenses
- 2 • Procedures to Follow When a Sex Offense Occurs
- 3 • Option to Notify Law Enforcement
- 4 • Notification of On/Off Campus Services
- 5 • Change of Academic and Living Situation
- 6 • Campus Disciplinary Procedures
- 7 • Sanctions Following a Final Determination

---

---

---

---

---

---

---

---

**Violence Against Women Act Sect. 304 Highlights**

- Addition of domestic violence, dating violence, and stalking
- Prevention and awareness programs (primary prevention)
- Procedures to follow
- Information in writing
- Change in academic/living/transportation/working situation
- Option to notify law enforcement
- Campus disciplinary procedures
- Sanctions following a final determination

---

---

---

---


---

---

---

---

**VAWA Language**



---

---

---


---

---

---

---

---

 **Dating Violence** VAWA

---

✓ **“Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim**

✓ **Where the existence of such a relationship shall be determined based on the following factors:**

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

---

---

---

---

---

---

---

---

 **Domestic Violence** VAWA

---

✓ **“A felony or misdemeanor crime of violence committed:**

- By a current or former spouse or intimate partner of the victim
- By a person with whom the victim shares a child in common
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- By a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred
- By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.”

---

---

---


---

---

---

---

---

 **Stalking** VAWA

---

✓ **“Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:**

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress”

---

---

---


---

---

---

---

---

 **Additional categories of bias** VAWA

---

- ✓ National origin
- ✓ Gender identity

---

---

---

---

---

---

---

---

 **Procedures to follow...** VAWA

---

**Written Information**

- Importance of preserving evidence
- Whom to contact
- To whom to report the offense

---

---

---


---

---

---

---

---

 **Procedures to follow...** VAWA

---

- Importance of preserving evidence**
  - "...as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order."

---

---

---

---

---

---

---

---

**Procedures to follow...**

---

**Importance of Preserving Evidence**

- Proof in a criminal or campus disciplinary proceeding
- Knowledgeable of what may be preserved and how long
- Recent/fresh complaints
- Evidence collected by student health clinic
- Other physical evidence at the scene

---

---

---

---

---

---

---

---

**Procedures to follow...**

---

**Importance of Preserving Evidence**

- Know state forensic testing laws
- The 2005 reauthorization of the Violence Against Women Act
  - Sexual assault forensic exams without official law enforcement report first
  - No expense to victim
- Make sure information is in ASR

---

---

---

---

---

---

---

---

**Procedures to follow...** **VAWA**

---

**Whom to contact**

- "To whom the alleged offense should be reported"

---

---

---

---

---

---

---

---

**Procedures to follow...**

**Whom to Contact**

**Important Questions:**

- Is there a 24 hour crisis line?
- How is it publicized? Who answers? How are they trained?
- Is there a campus office designated as contact site to disclose acts? How is it publicized, manned, and trained?
- If no on-campus services, is there a local crisis center referral?
- Is the information in the ASR?

---

---

---

---

---

---

---

---

**Procedures to follow...** **VAWA**

**To whom to report the offense**

- “Options regarding law enforcement and campus authorities, including notification of the victim’s option to:
  - Notify proper law enforcement authorities, including on-campus and local police
  - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
  - Decline to notify such authorities
  - Where applicable, the rights of victims and the institution’s responsibilities for orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution

---

---

---

---

---

---

---

---

**Procedures to follow...**

**To Whom A Report Should Be Made**

**Important Questions:**

- Does the campus have sworn police or security officials?
- How do students know which police/security official to contact if there is a choice?
- If there is only non-sworn security on campus, who is the contact for students who wish their cases to be investigated?

---

---

---


---

---

---

---

---

 **Option to notify law enforcement**

- ✓ Reports to campus or local police *begin* the criminal justice process
- ✓ Non-law enforcement reports to security official or victim support office *do not begin* the criminal justice process
- ✓ Careful not to duplicate crime data
- ✓ Be specific in providing:
  - Contact information
  - Steps in notifying law-enforcement
  - Steps in notifying non-law enforcement

---

---

---


---

---

---

---

---

 **Confidentiality** VAWA

- ✓ “Information about how the institution will protect the confidentiality of victims and other necessary parties, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.”

---

---

---


---

---

---

---

---

 **Written Notification** VAWA

- ✓ “Statement that the institution will provide written notification to students and employees about existing:
  - Counseling
  - Health
  - Mental health
  - Victim Advocacy
  - Legal assistance
  - Other services available for victims
- ✓ Both on-campus and in the community”

---

---

---

---


---

---

---

---



 **Written Notification** VAWA

✓ **“Statement that the institution will provide written notification to victims about options for, and available assistance in, changing:**

- Academic
- Living
- Transportation
- Working

---

---

---


---

---

---

---

---

 **Accommodations** VAWA

✓ **“If:**

- Requested by the victim
- Such accommodations are reasonably available

✓ **Regardless of whether the victim chooses to report the crime to campus police or local law enforcement”**

---

---

---


---

---

---

---

---

 **Written Explanation** VAWA

✓ **“A student or employee who reports to an institution of higher education that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee’s rights and options.”**

---

---

---


---

---

---

---

---

 **Procedures for disciplinary action** VAWA

- ✓ “The procedures such institution will follow once an incident of domestic violence, dating violence, sexual assault, or stalking has been reported
- ✓ Statement of the standard of evidence that will be used during any institutional conduct proceeding arising from such a report
- ✓ Possible sanctions or protective measures that such institution may impose following a final determination of an institutional disciplinary procedure....”

---

---

---

---

---

---

---

---

 **Procedures for disciplinary action** VAWA

- ✓ “Must include...clear statement that such proceedings shall:
  - Provide a prompt, fair, and impartial investigation and resolution
  - Be conducted by officials who receive annual training on:
    - the issues related to domestic violence, dating violence, sexual assault and stalking
    - how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability

---

---

---


---

---

---

---

---

 **Procedures for disciplinary action** VAWA

- ✓ “The accuser and accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice”

---

---

---


---

---

---

---

---

 **Procedures for disciplinary action** VAWA

✓ **“Both the accuser and the accused shall be simultaneously informed, in writing, of:**

- The outcome of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking
- The institution’s procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding
- Of any change to the results that occurs prior to the time that such results become final; and
- When such results become final”

---

---

---

---

---

---

---

---

 **Options for Redress**

- Criminal Justice
- Civil Justice
- Disciplinary/Judicial Proceedings
- Support Services

---

---

---

---

---

---

---

---

 **Programs to prevent...** VAWA

✓ **“Education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking which shall include....”**

✓ **“Ongoing prevention and awareness campaigns for students and faculty”**

---

---

---


---

---

---

---

---

 **Programs to prevent...** VAWA

---

✓ **“Primary prevention and awareness programs for all incoming students and new employees, which shall include:**

- A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking
- The definition of dating violence, domestic violence, sexual assault, and stalking in the applicable jurisdiction
- The definition of consent in reference to sexual activity in the applicable jurisdiction
- A description of safe and positive options for bystander intervention
- Information on risk reduction
- A description of the institution’s ongoing prevention and awareness campaigns for students and employees”

---

---

---

---

---

---

---

---

 **Sexual Assault, Domestic Violence, Dating Violence, and Stalking Procedures Summary**

---

- ✓ Simply stating the topic of the policy does not meet the requirement.
- ✓ All required components must be included.
- ✓ Institutions have some discretion in the wording and how policies and procedures are put into practice.
- ✓ It is imperative that the policy accurately reflects the institution’s practices.
- ✓ Institutions have an obligation to assist victims in notifying off campus law enforcement.
- ✓ Final regulations will come from the Department of Education in late 2014.

---

---

---

---

---

---

---

---

 **WHAT IS TITLE IX**

---

- ✓ **Federal civil rights law that prohibits discrimination on the basis of sex any education program or activity**
- ✓ **Sexual harassment includes sexual violence, i.e., rape, sexual assault, sexual battery or coercion**
- ✓ **ALL INSTITUTIONS RECEIVING FEDERAL FUNDS ARE REQUIRED TO COMPLY WITH TITLE IX**

---

---

---

---

---

---

---

---

 **RESPONSIBILITIES TO ADDRESS SEXUAL HARASSMENT/VIOLENCE**

---

- ✓  Immediate and appropriate steps to eliminate sexual harassment and sexual violence
- ✓  Prevent reoccurrence
- ✓  Investigate
- ✓  Appropriate steps to resolve

---

---

---


---

---

---

---

---

 **TITLE IX POLICY REQUIREMENTS**

---

**Policy must be:**

- ✓  Widely distributed and available on an on-going basis
- ✓  Inquiries referred to the Title IX coordinator or to OCR

---

---

---


---

---

---

---

---

 **TITLE IX COORDINATOR RESPONSIBILITIES**

---

- ✓ Oversees all complaints
- ✓ Identifies or addresses patterns or systemic problems
- ✓  Campus community must know who is Title IX coordinator – *name or title along with contact info*

---

---

---

---

---

---

---

---

**TITLE IX  
GRIEVANCE PROCEDURES**

Every complainant has the right to:

- ✓ <sup>®</sup> Be present, equal opportunity to present witnesses and evidence
- ✓ <sup>®</sup> An adequate, reliable, and impartial investigation of the complaint
- ✓ <sup>®</sup> Be notified of the time frame within which the investigation will be conducted
- ✓ <sup>®</sup> Be notified of the right to appeal, if any – both accuser and accused entitled to same rights

---

---

---

---

---

---

---

---

**TITLE IX  
GRIEVANCE PROCEDURES**

Every complainant has the right to:

- ✓ <sup>®</sup> Have the complaint decided by using a preponderance of the evidence – more likely that the sexual harassment or violence occurred
- ✓ <sup>®</sup> Be notified in writing of the outcome
- ✓ <sup>®</sup> Know sanctions imposed when they directly relate to the harassed student including restraining orders, suspension, transfers to other classes or residence hall

---

---

---

---

---

---

---

---

**CLERY ACT & TITLE IX  
FOSTER COLLABORATION**

Institutions should foster and promote collaborative approach with police/security departments and Title IX coordinator

Police/security department should be able to identify Title IX coordinator

Together police/security department set the stage for comprehensive response

---

---

---

---

---

---

---

---

**REGISTERED SEX OFFENDERS**

- ✓ <sup>®</sup> Simply required to *inform*
- ✓ Not required to *disseminate*
- ✓ <sup>®</sup> Disclosure must be made in the Annual Security Report

---

---

---

---

---

---

---

---

**IMPLICATIONS OF FERPA**

- ✓ FERPA doesn't prohibit disclosure of registered sex offenders including:
  - Personally identifiable, non-directory information
  - Without prior consent
- ✓ Check state law regarding any limitations on authority to disclose

---

---

---

---

---

---

---

---



**CLERY CENTER**  
FOR SECURITY ON CAMPUS

## Lesson 2

**Security Awareness Programs: Be Attentive and Prepared**



---

---

---

---

---

---

---

---

 **PERFORMANCE OBJECTIVES**

---

- ✓ Identify the policy statement describing educational security awareness programs
- ✓ Develop or refine the policy statement addressing security awareness programs
- ✓ Identify local, regional and national security awareness initiatives to support your efforts

---

---

---


---

---

---

---

---

 **SECURITY AWARENESS POLICY STATEMENT**

---

- ✓ ⑥ Describe the type and frequency of programs designed to inform students/ employees on security procedures/ practices that are in place
- ✓ ⑥ Encourage students and employees to be responsible for their own security and that of others
- ✓ ⑥ Disclose if no programs are offered

---

---

---

---

---

---

---

---

 **TYPES OF SECURITY AWARENESS PROGRAM**

---

- ✓ Institutionally designed & executed
- ✓ Partnering with other campuses on a local, regional or state initiative
- ✓ In conjunction with national initiatives

---

---

---

---

---

---

---

---





**What type of security awareness programs do you have on your campus?**

---

---

---


---

---

---

---

---



**LOCAL/REGIONAL SECURITY AWARENESS PROGRAMS**

- ✓ **Educational community professionals to build network of services:**
  - Rape crisis center
  - Alcohol and drug
  - Courthouse
  - Other local/regional campuses
- ✓ **Networks to advance knowledge and support victims:**
  - Victim/witness coalitions
  - Sexual assault coalitions
  - Substance abuse consortiums
  - Detective Groups
  - Sex Crime Councils

---

---

---

---

---

---

---

---



**LOCAL/REGIONAL SECURITY AWARENESS PROGRAMS**

- ✓ **Statewide and campus sexual assault coalitions to:**
  - Exchange information
  - Improve campus services
  - Create program initiatives
  - Train campus victim service providers
- ✓ **Half-day or day long trainings for campus and to the community on campus security issues**

---

---

---


---

---

---

---

---



## NATIONAL CALENDAR

Jan	• Nat'l Stalking Awareness Month
Apr	• Nat'l Victims' Rights Week • Nat'l Child Abuse Month • Nat'l Sexual Assault Awareness Month
Aug	• Nat'l Night Out
Sept	• Nat'l Campus Safety Awareness Month
Oct	• Nat'l Domestic Violence Month • Nat'l Alcohol Awareness Month • National Crime Prevention Month
Dec	• World AIDS Day

---

---

---

---

---

---

---

---



## LESSON 3

Crime Prevention Programs: Avoid and Deter



---

---

---

---

---

---

---

---



## PERFORMANCE OBJECTIVES

- ✓ Identify crime prevention policy statement
- ✓ Develop/refine your crime prevention policy statement
- ✓ Identify crime prevention initiatives to support your efforts

---

---

---


---

---

---

---

---

**CRIME PREVENTION POLICY REQUIREMENTS**

- ✓ **® Describe the program, don't just list the titles**
- ✓ **® State which programs target students, employees or both**
- ✓ **® State if no programs**

---

---


---

---

---

---

---

**What type of crime prevention programs do you have on your campus?**

---

---

---

---

---

---

---

**CRIME PREVENTION PROGRAMS**

- ✓ **Campus watch program**
- ✓ **Crime bulletins**
- ✓ **Student/employee safety tips/ brochure**
- ✓ **Website postings – crime log, brochures, tips, etc.**
- ✓ **Braille and foreign translations**

---

---

---





---

---

---

---

**CHECKPOINT**

-  Is there a difference between awareness and prevention programs?
-  Are awareness/prevention programs mandated?
-  What are the policy requirements for security awareness programs?
-  What are the policy requirements for prevention programs?

---

---

---


---

---

---

---


---



**CLERY CENTER**  
FOR SECURITY ON CAMPUS

## LESSON 4

**Substance Abuse Educational Programs**



---

---

---

---

---

---

---

---

**PERFORMANCE OBJECTIVES**

- ✓ Identify the substance abuse education policy statement
- ✓ Develop/refine institution's policy statement
- ✓ Identify substance abuse initiatives to support institution's efforts

---

---

---

---

---

---

---

---

**SUBSTANCE ABUSE EDUCATION POLICY STATEMENT REQUIREMENTS**

- ✓ Programs are required by HEA. The Clery Act asks for a description of these programs and allows a cross-reference of the materials to satisfy the compliance.
- ✓ As such, the institution must:
  - Ⓡ Have a drug and alcohol abuse prevention program available for students and employees
  - Ⓡ This is **not** optional

---

---

---

---

---

---

---

---

**SUBSTANCE ABUSE EDUCATION PROGRAMS**

- ✓ Description of possession, use and sale of alcohol and enforcement of federal and state underage drinking laws
- ✓ Drug and/or alcohol abuse educational programs
- ✓ Drug and alcohol abuse courses for credit
- ✓ National collegiate alcohol and drug awareness week
- ✓ Drug and Alcohol Committee/Campus Task Force

---

---

---

---

---

---

---

---

**SUBSTANCE ABUSE EDUCATION PROGRAMS**

- ✓ Name, organization and telephone number of on/off site resources offering alcohol or drug assistance programs
- ✓ Links to appropriate federal/state/local sites offering information on drug and alcohol abuse
- ✓ Evaluation or assessment programs – evidence-based programs

---

---

---

---




---

---

---

---

**CHECKPOINT**

-  Are drug and alcohol abuse educational programs optional?
-  Do the regulations surrounding substance abuse education policy allow for cross-reference?
-  Is the substance abuse education policy the only instance in which a cross reference is allowed by the Clery Act?

---

---

---

---

---

---

---

---



**CLERY CENTER**  
FOR SECURITY ON CAMPUS

## LESSON 5

**Developing Collaborative Support Services**



---

---

---

---

---

---

---

---

**PERFORMANCE OBJECTIVES**

- ✓ Identify institution's existing support services and gaps
- ✓ Articulate the 10 principles of effective collaboration
- ✓ Design a collaborative approach to support services for student victims of crime

---

---

---

---

---

---

---

---

**TYPES OF SUPPORT SERVICES**

- ✓ Information and referral following the crime
- ✓ Crisis and long-term counseling services and/or referral for therapy
- ✓ Accompaniment to medical and legal appointments
- ✓ Academic intervention as needed

---

---

---

---

---

---

---

---

**ON- CAMPUS SUPPORT SERVICES**

Institutions should decide on:

```

graph LR
    A[Level or extent] --> B[Implement range of programs]
    B --> C[Collaborative partnerships]
  
```

---

---

---

---

---

---

---

---

**FACTORS INFLUENCING LEVEL OF SUPPORT SERVICES**

- ✓ **Qualified staff**
  - crisis counseling
  - long-term therapeutic services
- ✓ **Facilities for confidential services**
- ✓ **Liability concerns**
- ✓ **Resources available**

---

---

---

---

---

---

---

---

**IDENTIFY AND ASSESS EXISTING ON-CAMPUS RESOURCES**

- ✓ Identify services
- ✓ Determine the quality
- ✓ Identify needs
- ✓ Determine resources and
- ✓ Desire to develop/expand

---

---

---

---

---

---

---

---

**IDENTIFYING SERVICE NEEDS - STRATEGIES**

Check the Pulse of:

---

---

---

---

---

---

---

---

**PROMISING PRACTICES**

- ✓ Multi-disciplinary Team
- ✓ Peer Support Program
- ✓ Sexual Assault Response Team
- ✓ Funding Sources
- ✓ Collaborative Partnerships

---

---

---

---

---

---

---

---



 **MULTI-DISCIPLINARY TEAM SOURCES OF DISCLOSURES**

---

- ✓ Academic affairs
- ✓ Athletic services
- ✓ Faculty member
- ✓ Health services
- ✓ Greek life
- ✓ Student representatives
- ✓ University housing
- ✓ Women's crisis center
- ✓ Counseling & career development

---

---

---

---

---

---

---

---

 **PEER SUPPORT PROGRAM**

---

*Typically supplement existing support services*

---

---

---

---

---

---

---

---

 **THREE TIERED PEER SUPPORT PROGRAM**

---

- ✓ Peer Advocates
- ✓ Peer Companions
- ✓ Peer Educators

---

---

---

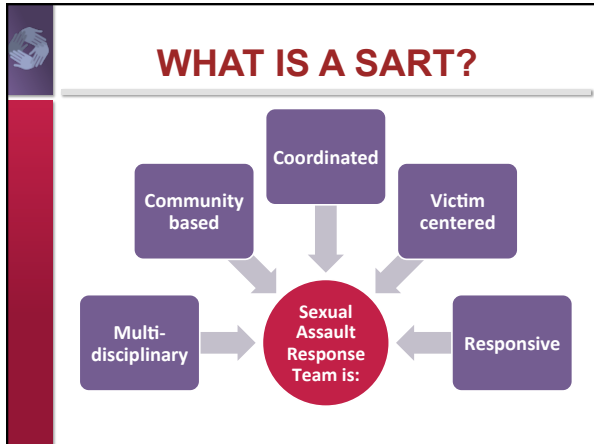
---

---

---

---

---



---

---

---

---

---

---

---

- ### WHO IS A MEMBER OF A SART?
- ✓ Victim advocates/rape crisis advocate
  - ✓ Law enforcement officers
  - ✓ Prosecutors
  - ✓ Sexual Assault Nurse Examiner (SANE)
  - ✓ Forensic Nurse Examiner

---

---

---

---

---

---

---

- ### HOW DO SARTS WORK?
- ✓ Share information, alert each other
  - ✓ Conduct campus climate survey or scan
  - ✓ Respond in a timely manner
  - ✓ Interview victims
  - ✓ Perform medical exams/collect evidence
  - ✓ Provide follow-up/ referrals/ education
  - ✓ Problem solve - V/W compensation
  - ✓ Provide expert court testimony

---

---

---

---

---

---

---

**FUNDING SOURCES**

- ✓ Federal formula grants
- ✓ Discretionary grants
- ✓ State funds
- ✓ Private foundation funds
- ✓ Corporate foundation funds

---

---

---

---

---

---

---

**GRANT FUNDING**

- ✓ [www.grants.gov](http://www.grants.gov)
- ✓ [www.ojp.usdoj.gov/ovc/](http://www.ojp.usdoj.gov/ovc/)
- ✓ [www.usdoj.gov/ovw/](http://www.usdoj.gov/ovw/)
- ✓ [www.foundations.org](http://www.foundations.org)

---

---

---

---

---

---

---

**WHY COLLABORATE?**

Accomplishes what one alone can't

↓

Prevents duplication

↓

Enhances victim advocacy

↓

Creates public recognition/visibility

↓

Provides a comprehensive approach

↓

Provides more opportunities

---

---

---

---

---

---

---



## 10 STEPS TO SUCCESS

---

- I. Identify providers
- II. Develop trust
- III. Identify a shared vision
- IV. Identify areas of expertise
- V. Develop teamwork strategies
- VI. Establish open communication
- VII. Keep partners motivated
- VIII. Assess collaborative resources
- IX. Develop/update the action plan
- X. Celebrate success!

---

---

---


---

---

---

---

---



## LESSON 5: SUMMARY

---

- ✓ Sexual Assaults Policies/Procedures
- ✓ Educational programs designed to promote awareness and prevention programs
- ✓ Substance Abuse Programs
- ✓ Sex offender information
- ✓ Intersection of the Clery Act and Title IX
- ✓ Developing collaborative partnerships

---

---

---


---


---

---

---

---





**Case Study Activity**

---

---

---

---

---

---

---

---



### “ANNIE” Case 1 Particulars

Explores the challenges in a substance-facilitated rape with multiple perpetrators and third party harassment.

- Annie discloses to her tennis coach that she was raped by several members of the basketball team in an off-campus house.
- She states that she was intoxicated and blacking out and could not consent to any of the forced sex acts upon her.
- Annie lives in a residence hall where several other basketball players reside, none of whom were involved in the sexual assault.
- Annie goes to her resident advisor to report that the players who live in the residence hall are mocking her and she feels uncomfortable and unsafe. She states that she doesn't know what to do.

---

---

---

---

---

---

---

---



### “Annie” Questions Part 1

- ✓ Given that the rape occurred off-campus, does the institution have any obligation to respond?
- ✓ Does the fact that Annie was intoxicated, under aged, and doesn't remember everything affect the rights she is owed?
- ✓ Does Title IX apply?
- ✓ What is the responsibility of the tennis coach?

---

---

---

---

---

---

---

---



### “Annie” Questions Part 2

- ✓ What would be a reasonable accommodation for Annie?
- ✓ How should this be counted?

---

---

---

---

---

---

---

---



## “MARYA” Case 2 Particulars

Explores a forcible fondling case and issues arising after a disciplinary hearing.

- Marya reports that Sunil, a fellow male classmate, held her against a wall and fondled her breasts and genitals while on an Environmental 101 class trip to a wooded area off-campus.
- She pursues campus disciplinary charges.
- One week after the disciplinary hearing a determination is reached.
- Two weeks later, Marya is informed that a determination was reached.
- When Marya contacts the dean of students to learn the specifics of the outcome, she is informed that she doesn't have the right to that information unless she signs an agreement not to disclose the information to anyone.

---

---

---

---

---

---

---

---



## “Marya” Questions Part 1

- ✓ Does the Campus Sexual Assault Victims' Bill of Rights apply in this case?
- ✓ Should the institution still encourage Marya to seek support from sexual assault services on- or off-campus?

---

---

---

---

---

---

---

---



## “Marya” Questions Part 2

- ✓ Did the university violate Marya's rights under the Campus Sexual Assault Victims' Bill of Rights by delaying notification to her as well as requesting that she sign a waiver not to disclose in order to learn the outcome of the disciplinary hearing?
- ✓ How should this be counted?

---

---

---

---

---

---

---

---

### "ARMAND" Case 3 Particulars

Explores the same gender sexual assault by a roommate and how trauma may affect reporting and seeking help.

- Erik exposes himself to his roommate, Armand, in their dorm room.
- When Armand tries to leave, Erik forces him to the floor and makes Armand perform oral sex on him.
- Armand, in shock, stays in the dorm room throughout the night with Erik.
- In the morning, Armand's friend Keesha convinces him to go to the hospital and to report the assault to a campus institutional official.
- Armand reports what happened to a professor who serves as his fraternity's faculty advisor.
- Armand's fraternity advisor tells Armand that he will be sure to speak with Erik and warn him not to do this again.
- Armand does not know what to do or what is available to him.

---

---

---

---

---

---

---

---

### "Armand" Questions Part 1

- ✓ Since Armand stayed in the room with the alleged perpetrator after the assault occurred, should the university question the assault?

---

---

---

---

---

---

---

---

### "Armand" Questions Part 2

- ✓ What steps should the fraternity advisor have taken after Armand reported the sexual assault?

---

---

---

---

---

---

---

---



### “Armand” Questions Part 3

- ✓ What options are available to Armand?
- ✓ How should this be counted?

---

---

---

---

---

---

---

---



### “Natasha” Case 4 Particulars

This case study explores confidentiality and options for anonymous or voluntary confidential reporting.

- Natasha, a freshman, is repeatedly raped in her residence hall room shortly before summer break by her ex-boyfriend Joe, who is intoxicated.
- Upon her return to campus in the fall, Natasha experiences nightmares and flashbacks about the rape.
- Natasha, after several sessions at the campus counseling center, reports the rape to her counselor Dr. Garret.

---

---

---

---

---

---

---

---



### “Natasha” Questions

- ✓ What information should Dr. Garret provide to Natasha?
- ✓ Should Dr. Garret report the crime to the campus security department/ police?
- ✓ How should this be counted?

---

---

---

---


---

---

---

---





### **“Rape Crisis Center” Case 5 Particulars**

This case study examines an institution’s obligations concerning third party reporting.

- The Director of the local rape crisis center phones Dr. David, the Director of Residence Life at a nearby college, to report that in the last month three separate students have come to the center to report sexual assaults that occurred in the residence halls.
- She explains to Dr. David that she cannot give out any further identifiable information, but offers to provide free trainings for students.

---

---

---

---

---

---

---

---



### **“Rape Crisis Center” Questions Part 1**

- ✓ Does Dr. David have any responsibility to report these assaults?

---

---

---


---

---

---

---

---



### **“Rape Crisis Center” Questions Part 2**

- ✓ Is there a benefit to having a relationship with off-campus organizations?
- ✓ Why or why not?
- ✓ How should this be counted?

---

---

---


---

---

---

---

---

 <p><b>CLERY CENTER</b> <small>FOR SECURITY ON CAMPUS</small></p>	<p><b>Jeanne Clery Act</b></p>
	<p><b>THANK YOU!</b></p> <p>Clery Center for Security On Campus 110 Gallagher Road Wayne, PA 19087 (484) 580-8754</p> <p>e-mail: <a href="mailto:akiss@clerycenter.org">akiss@clerycenter.org</a> <a href="http://www.clerycenter.org">http://www.clerycenter.org</a></p>

---

---

---

---

---

---

---

---