

Campus SaVE Act and Title IX:



Campuses Taking Action

North Carolina Coalition Against Sexual Assault
811 Spring Forest Rd. Suite 900
Raleigh, NC 27609
(919) 871-1015

Title IX “No person in the United States...



Shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”



North Carolina Coalition Against Sexual Assault

NCCASA
EDUCATION > ADVOCACY > LEGISLATION

20 U.S. Code § 1092



**Institutional and financial
assistance information
for students**



FAFSA

FREE APPLICATION FOR FEDERAL STUDENT AID

We Help Put America Through School

North Carolina Coalition Against Sexual Assault

NCCASA

EDUCATION + ADVOCACY + LEGISLATION

Clery Act

20 U.S.C. 1092(f)



Requires disclosure of campus security policy and campus crime statistics.

Jeanne Clery Campus Security Policy & Crime Statistics Disclosure Act

Jeanne Clery was raped and murdered in her dorm room at Lehigh University in 1986. Her killer was another student. Her parents believe she would have been more cautious if she had known about other violent crimes at Lehigh.



North Carolina Coalition Against Sexual Assault

NCCASA
EDUCATION • ADVOCACY • LEGISLATION

Dear Colleague,



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

2011 guidance from the department of education.

July 21, 2006

Dear Colleague:

I am writing to inform you of a new requirement to provide assurances of compliance with the *Boy Scouts of America Equal Access Act of 2001* (*Boy Scouts Act*), 20 U.S.C. 7905, 34 CFR Part 108. The *Boy Scouts Act* applies to any public elementary school, public secondary school, local education agency (LEA), or state education agency (SEA) that has a designated open forum or limited public forum and that receives funds made available through the United States Department of Education (described in this letter as "recipients subject to the *Boy Scouts Act*"). To comply with the *Boy Scouts Act* regulatory provision at 34 CFR §108.8, you must submit to the United States Department of Education (Department), Office for Civil Rights (OCR), a signed assurance of compliance. The reason for this requirement follows.

On Jan. 8, 2002, President George W. Bush signed into law the *No Child Left Behind Act of 2001*, Public Law 107-110, amending the *Elementary and Secondary Education Act of 1965* (*ESEA*). The *Boy Scouts Act* is section 9525 of the *ESEA*. The *Boy Scouts Act* prohibits any recipient subject to the act from denying equal access or a fair opportunity to meet to, or from discriminating against, any group officially affiliated with the Boy Scouts of America (Boy Scouts) or any other youth group listed in Title 36 of the United States Code (as a patriotic society) that wishes to conduct a meeting within the recipient's designated open forum or limited public forum.

If OCR determines, based on the investigation of a complaint, that a recipient subject to the *Boy Scouts Act* has not complied with the act or with its lawfully adopted regulations, guidelines and standards, OCR will attempt to secure the recipient's voluntary compliance. If OCR is unable to negotiate a voluntary agreement with the recipient, OCR will initiate enforcement action, which could include termination of all funds made available through the Department.

The final regulations for the *Boy Scouts Act* were published in the Federal Register on March 24, 2006. A copy of the Federal Register notice can be found on the Department's Web site at <http://www.ed.gov/legislation/FedRegister/figure/2006-1/032406a.html>. More information on the *Boy Scouts Act* can be found on OCR's Web site at <http://www.ed.gov/policy/rights/guid/ocr/boyscouts.html>.

400 MARLAND AVE., W. WASHINGTON, D.C. 20202-1001

North Carolina Coalition Against Sexual Assault

NCCASA
EDUCATION • ADVOCACY • LEGISLATION

Higher Education **Students**



20-25% of female students are sexually assaulted;
3% of which are rape or attempted rape.

Higher Education **Students**



In 85-90% cases, the victim knew the perpetrator.



Higher Education **Students**



<5% Sexual Assault Cases Reported.



Higher Education **Students**



Women ages 20-24 are at the greatest risk of partner violence.



Higher Education **Students**



Students ages 18 and 19 are at the greatest risk of stalking.



Higher Education **Students**



Students more likely to report when they know how.



Higher Education Institutions



1/3 report crime statistics correctly.

Clery Report Daily Log

Form Number	Form Title	Form Description	Form Date	Form Time	Form Location	Form Status
00000001	00000001	00000001	00000001	00000001	00000001	00000001
00000002	00000002	00000002	00000002	00000002	00000002	00000002
00000003	00000003	00000003	00000003	00000003	00000003	00000003
00000004	00000004	00000004	00000004	00000004	00000004	00000004
00000005	00000005	00000005	00000005	00000005	00000005	00000005
00000006	00000006	00000006	00000006	00000006	00000006	00000006
00000007	00000007	00000007	00000007	00000007	00000007	00000007
00000008	00000008	00000008	00000008	00000008	00000008	00000008
00000009	00000009	00000009	00000009	00000009	00000009	00000009
00000010	00000010	00000010	00000010	00000010	00000010	00000010
00000011	00000011	00000011	00000011	00000011	00000011	00000011
00000012	00000012	00000012	00000012	00000012	00000012	00000012
00000013	00000013	00000013	00000013	00000013	00000013	00000013
00000014	00000014	00000014	00000014	00000014	00000014	00000014
00000015	00000015	00000015	00000015	00000015	00000015	00000015
00000016	00000016	00000016	00000016	00000016	00000016	00000016
00000017	00000017	00000017	00000017	00000017	00000017	00000017
00000018	00000018	00000018	00000018	00000018	00000018	00000018
00000019	00000019	00000019	00000019	00000019	00000019	00000019
00000020	00000020	00000020	00000020	00000020	00000020	00000020

Higher Education Institutions



< ½ offer any sexual assault training; even then, only to Resident Advisors and Security Officers.



Higher Education Institutions



36% offer safety training that includes preventing and defending against sexual assault.



Higher Education Institutions



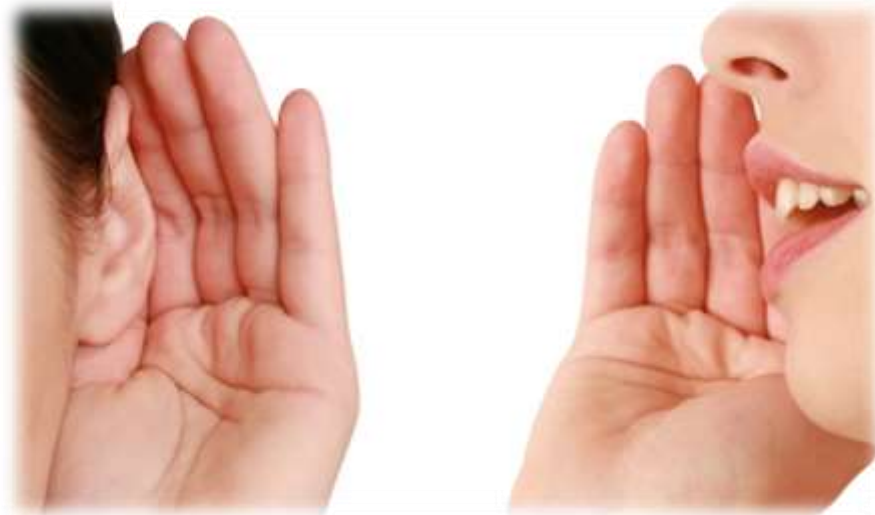
<20% educate acquaintance rape.



According to campus administrators...



“The reporting of sexual assaults would be facilitated if institutions provided services for victims, written law enforcement response procedures, new student orientation, and campus-wide publicity about past crimes.”



Campus Sexual Violence Act

H.R. 2016



Purpose: Improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

Clery Act Additions



- Description of four crimes.
- Institutional procedures followed once an incident has been reported.
- Description of victims' rights and institutional responsibilities regarding protection orders.

Each institution shall...



- Develop and distribute a statement of policy:
 - Primary prevention
 - Procedures after report made
 - Provide, in writing, to each student who reports:
 - Right to notify law enforcement
 - Option to be assisted by campus authorities
 - Right of victims to not notify authorities
 - Right of victims to seek protective order



Each institution shall provide in writing...



- Contact information for:
 - Victim advocacy
 - Counseling
 - Health
 - Mental health
 - Legal assistance
 - Campus and local community services available
- Availability of victims' rights advocate to assist in reporting incident and locating and utilizing victim services.

Each institution shall develop and distribute...



- Explanation of the institution's disciplinary process.
- Suggested safety planning.



Each institution shall provide...



- Description of how institution shall help to enforce any protection order.
- Information about how the institution will protect the confidentiality of victims.
- Possible sanctions or protective measures following disciplinary procedure.
- Procedures victims should follow.

REPORTING, SUPPORT, RESOURCES



REPORTING	SUPPORT	RESOURCES
ANONYMOUS REPORTS	CONFIDENTIAL SUPPORT	UNIVERSITY RESOURCES
FORMAL REPORTS	MEDICAL SUPPORT	
POLICE REPORTS	MENTAL/EMOTIONAL SUPPORT	
JUDICIAL REPORTS		

Primary Prevention and Awareness Programs-



- Statement prohibiting **domestic violence, sexual assault, dating violence, and stalking.**
- Definition of each.
- Definition of **consent.**
- Information about reporting such offenses.
- Elements of healthy relationships and right to live without fear of becoming victim.
- Bystander intervention.
- Risk reduction.
- Reporting procedures and options.
- The importance of preserving evidence.

Responsible employee



- A school is deemed to **have notice** if a **responsible employee knew or**, in the exercise of reasonable care, **should have known** about the harassment. A responsible employee includes any employee who:
 - Has the authority to take action to redress the harassment;
 - Has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or
 - **A student could reasonably believe has the authority or responsibility to take action.**
- Obligation to report alleged discrimination to appropriate school officials even if the employee does not have the authority to address the discrimination and take corrective action.

Representation



- Accuser and accused entitled to same opportunities to have others present during institutional disciplinary proceedings.



N.C. Gen. Stat. §116-40.11



- “Any student enrolled at a constituent institution who is **accused** of a violation of the disciplinary or conduct rules of the constituent institution **shall have the right to be represented** regarding the alleged violation.”



Retaliation Clause-



- No officer, employee, or agent of an institution participating in any program shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities.



Burden of Proof



- **Preponderance of the evidence-**

This requirement means disciplinary charges against accused students must be proven by "the weight of the evidence" or "more likely than not."



Student and employee conduct:



- Mandates certain procedures in cases of violence:
 - Prompt, equitable investigation and resolution
 - Conducted by trained officials



North Carolina Coalition Against Sexual Assault

NCCASA
EDUCATION • ADVOCACY • LEGISLATION

Disciplinary Proceedings



Written notice to the victim and accused including:

- Outcome
- Appeals
- Any changes in results before they become final
- Final results



Questions



Contact Information



North Carolina Coalition Against Sexual Assault
811 Spring Forest Rd. Suite 900
Raleigh, NC 27609
(919) 871-1015