



THE **resource**

TECHNICAL ASSISTANCE FROM YOUR COALITION

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How Community Partners Can Work with Students on Title IX

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How Community Partners Can Work with Students on Title IX

HOW YOUR AGENCY CAN AID STUDENT SURVIVORS

Recently, the occurrence of sexual assault on school campuses has received increased state and national attention. In spite of federal requirements guiding how schools should address these crimes, many students are either uncomfortable with their schools' services or unable to access them. Some students may turn to an off-campus program that provides sexual violence services. This tip sheet is intended to prepare advocates for working with students and building relationships with campus-based service providers and professionals.

HOW TITLE IX EVOLVED

Title IX, "Title Nine," aims to eliminate hostile environments for students. It is part of the federal educational amendments of 1972 signed into law to prevent gender-based discrimination within educational institutions that received federal funding. It reads: "No person in the United States shall, on the basis of sex, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal assistance." During the past 40 years, court decisions have further refined what Title IX means to students who are victims of sexual harassment and sexual assault.

1972	1980	1992	1999	2003	2011
Title IX was passed prohibiting gender-based discrimination within educational institutions.	<i>Alexander v. Yale U.</i> found that sexual harassment is a form of discrimination and, thus, is illegal under Title IX.	<i>Franklin v. Gwinnett County Public Schools</i> determined that sexual assault is a form of sexual harassment.	<i>Davis v. Monroe County Board of Education</i> held schools liable for student-on-student sexual harassment.	<i>Kelly v. Yale U.</i> ruled that colleges are required to respond to student rape allegations.	The Office of Civil Rights released the Dear Colleague letter on Title IX.

In April 2011, the Office of Civil Rights released a Dear Colleague letter that further explains regulations put forth by Title IX.

In the 1999 *Davis v. Monroe County Board of Education* case, the U.S. Supreme Court stated that "the harassment was so severe, pervasive, and objectively offensive that it deprived the plaintiff of access to the educational opportunities or benefits provided by the educational institution."

WHAT THE 2011 “DEAR COLLEAGUE” LETTER SAYS

- Schools that receive federal funding are obligated to respond to reports of sexual harassment and sexual violence involving students or employees.
- Educational institutions must publish a notice of nondiscrimination. The notice of nondiscrimination should clearly state that the institution does not discriminate based on sex through its programs or activities.
- Each institution must appoint a Title IX coordinator, who is tasked with maintaining compliance with Title IX.
- Each school must implement and make accessible equitable grievance procedures for the reporting and resolution of sexual assault or sexual harassment complaints.

DEFINING SEXUAL ASSAULT AND SEXUAL HARASSMENT

Currently, Title IX does not define sexual assault or sexual harassment. However, Title IX requires each school to include a transparent definition of sexual harassment and sexual assault in its Title IX grievance procedures; the school’s definition of consent also should be included. The *White House Task Force to Protect Students from Sexual Assault* has guaranteed a clarifying definition of the various forms of sexual misconduct by September 2014. MCADSV will keep members apprised as new information is released. *More information about Title IX definition requirements can be found in the Resources section at the end of this tip sheet.*

WHAT THE CAMPUS SAVE ACT SAYS

The Campus SaVE (Sexual Violence Elimination) Act, enacted in March 2013, is an amendment to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). Campus SaVE is intended to complement Title IX. Unlike Title IX, which affects all schools that receive federal funding, Campus SaVE only applies to post-secondary schools that “participate in federal student financial assistance programs.”

The Campus SaVE Act expands the Clery Act by requiring transparency, accountability, education and collaboration from post-secondary schools.*

- **Transparency:** this means that institutions must disclose incidences of violence, including domestic and dating violence, sexual assault and stalking in their annual crime statistics reports. Victims of crimes must also be informed of their rights in writing.
- **Accountability:** Campus SaVE provides standards and guidelines for campus disciplinary proceedings.
- **Education:** Campus SaVE requires that institutions provide training on domestic and dating violence, sexual assault and stalking.
- **Collaboration:** Campus SaVE requires collaboration between the U.S. Departments of Justice, Education and Health and Human Services to establish best practices.

**More information about the Campus SaVE Act can be found in the Resources section at the end of this tip sheet.*

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TITLE IX AND HIGH SCHOOLS

Title IX is not specific to colleges and universities, but extends to all schools that receive federal funding. This includes K-12 schools. Domestic and/or sexual violence service providers should work with K-12 schools to help them understand and put into practice the requirements of Title IX. In many ways, K-12 schools even have greater challenges because of child abuse mandated reporting laws. Schools should examine state and local laws and reconcile those laws with the federal Title IX requirements. Advocates can be a valuable part of the process.

WHAT COMMUNITY PARTNERS NEED TO KNOW ABOUT TITLE IX:

- Schools **must** perform an investigation upon learning of sexual assault or sexual harassment to remain Title IX compliant. Student reports of sexual violence or harassment will initiate a Title IX investigation into the incident, regardless of the student's wishes.
- A Title IX investigation (occurring within the school's conduct system) is different than a criminal investigation (occurring within the criminal justice system) and can yield very different results. Advocates need to make this clear to student survivors, who also may decide to pursue a criminal investigation.
- Confidentiality on campus is different than confidentiality off-campus. Agencies working with campuses should encourage faculty and staff at each educational institution to research their campus' confidentiality policy.

CONNECTING WITH COLLEGES AND UNIVERSITIES:

1. Exchange information: Reach out to counseling centers, health care centers, crisis intervention centers or any other place that a student may report sexual violence so students can become aware of your agency as a resource. This also can provide your agency with knowledge of campus resources.
2. Find out if the educational institutions in your area are fulfilling the mandates set forth by Title IX and the 2011 Dear Colleague letter.
 - a. Who is the designated Title IX Coordinator? Make contact with her/him and exchange agency information.
 - b. Are the notice of nondiscrimination and the grievance procedures published and easily accessible?
3. Title IX requires a campus response to sexual violence/sexual harassment; however, prevention should be a key topic of discussion between community agencies and campuses. Evidence-based prevention strategies are best, such as bystander intervention approaches. Advocates can collaborate with campuses to develop the best prevention strategy for the campus' specific needs by taking a look at factors such as demographics, population, size, etc. Advocates may have the best knowledge of prevention strategies and may be seen as the experts in the community.
4. Involve critical stakeholders on campus to provide educational trainings, information on resources, collaborations, etc. These may include:
 - a. Title IX Coordinator

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- b. Counseling center/At-risk committee, health and wellness centers
 - c. Public safety officers
 - d. Residential Life
 - e. Athletics
 - f. Women's/Men's centers
 - g. LGBTQ centers
 - h. IT departments (to aid in investigations involving harassment via social media/electronic communications)
 - i. Religious and spiritual leaders
 - j. Rape, sexual assault, relationship violence, domestic violence, stalking, crisis intervention service providers
 - k. Student representatives
5. Be aware: As the climate to report sexual assault and sexual harassment becomes safer, the number of sexual assault/harassment reports may increase. Although there are more reports, this may be a sign of progress for the campus and community. Advocates should share this fact with campus stakeholders so they understand the increased reports and can respond appropriately.
 6. Pay close attention to what roles the Title IX Coordinator has. Is she or he a long-time advocate or does she or he have little experience working with survivors? Does the coordinator have an additional position on campus that takes time and attention away from Title IX duties? Community advocates should ask these questions as they learn more about the coordinator's current practices and begin building a collaborative relationship. Regardless of past roles, best practices should be followed when developing new programs or evaluating already established programs.

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WORK WITH THE SURVIVOR AS YOU WOULD ANY OTHER SURVIVOR*:

1. **Listen to and believe the survivor.** Address any concerns of self-blame.
2. **Discuss confidentiality with the survivor.** The survivor may have come to your agency because she or he does not want to make a report on campus. Present the resources, including campus information, about Title IX. Provide information on next steps the survivor can take, such as filing a Title IX complaint, working with community police or seeking counseling. Understand and support the survivor's chosen course of action.
3. **Empower the survivor.** By respecting the decisions the survivor makes, an advocate is already empowering the survivor. The survivor is the expert on her or his situation and will make the best decision for herself or himself. Advocates can provide information, give services and resources, and remain non-judgmental. It is an advocate's job to:
 - a. Help the survivor regain a sense of safety.
 - b. Listen to the survivor's story if she or he chooses to tell it and acknowledge the experience.
 - c. Affirm the injustice of the violence.



- d. Respect the choice the survivor makes.
- e. Provide information on community and campus services.
- f. Respect the survivor's confidentiality.

* More information about how to meet a survivor's needs can be found in MCADSV's *Understanding the Nature and Dynamics of Sexual Violence*.

Resources

Below are some resources that may help advocates understand more about Title IX, the Clery Act and the Campus SaVE Act.

- Questions and Answers on Title IX and Sexual Violence: www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf
- Not Alone: The First Report of the White House Task Force to Protect Students from Sexual Assault: www.whitehouse.gov/sites/default/files/docs/report_0.pdf
- Intersection of Title IX and the Clery Act: www.notalone.gov/assets/ferpa-clerychart.pdf
- Not Alone: Together Against Sexual Assault: www.notalone.gov/
- Beyond Title IX: Guidelines for Preventing and Responding to Gender-based Violence in Higher Education: www.futureswithoutviolence.org/userfiles/file/PublicCommunications/beyondtitleIXfinal.pdf
- Videos on Bystander Intervention Tips by Alan Berkowitz: alanberkowitz.com/videos.php
- The Campus Sexual Violence Elimination (SaVE) Act: clerycenter.org/campus-sexual-violence-elimination-save-act
- High School: Checklist for a Comprehensive Approach to Addressing Harassment: www2.ed.gov/about/offices/list/ocr/checklist.html
- Violence Against Women Act – Federal Register: www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-women-act
- Information on the Campus SaVE Act: clerycenter.org/campus-sexual-violence-elimination-save-act
- Information on the Campus SaVE Act: campussaveact.org/
- Information on the Campus SaVE Act including a Compliance Checklist: www.ue.org/Libraries/Corporate/The_Campus_SaVE_Act_A_Compliance_Guide.sflb.ashx
- Violence Against Women Reauthorization Act of 2013: www.gpo.gov/fdsys/pkg/PLAW-113publ4/pdf/PLAW-113publ4.pdf

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