


Title IX Coordinator Training

Module 2: Title IX and Clery Overview


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Agenda – Title IX




Introduction to Title IX

- Sex Discrimination
- Sexual Harassment
 - Sexual Misconduct, including Sexual Violence




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Agenda – Clery



Introduction to the Clery Act

- Clery Act requirements
 - Campus SaVE requirements
- Making Title IX and Campus SaVE Work Together



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Title IX



- **Enforcement Standards**
 - Department of Education Office for Civil Rights (OCR)
 - Statute, regulation, sub-regulatory guidance
 - Dear Colleague Letters
 - Q&As
- **Enforcement Methods**
 - Address complaints of discrimination based on
 - Individual treatment
 - Policies/practices that have the effect of discriminating
 - Program audits and reviews
 - Discontinued audits initiated as outgrowth of specific complaints (March 2018 Case Processing Manual)

Clery Act



- Campus SaVE Act Amendments of the Reauthorization of the Violence Against Women Act (VAWA)
 - Dating Violence, Domestic Violence, Sexual Assault, Stalking
- Enforced by the Department of Education, Office of Postsecondary Education
- Enforcement Methods
 - Reviews and audits
 - No complaint process

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.

- Statute (1972)
- Regulations (1975), (TBA)
- Guidance
 - Sexual harassment (2001)
 - Sexual violence (2017)
 - ~~(2011), (2014)~~ withdrawn
 - Bullying (2010)
 - Retaliation (2013)
 - Athletics (1996), (2008), (2010)
 - Title IX Coordinators (2015)
 - Title IX Resource Guide (2015)

Clery Act

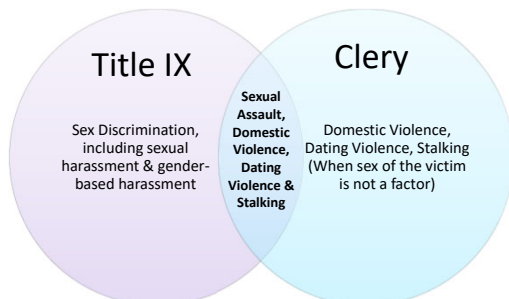


- Campus Awareness and Campus Security Act (1990)
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1998)
- Campus SaVE Act (2013)
 - Final Regulations (Oct. 2014)
- Clery Handbook (2016 Ed.)

Clery/Campus SaVE Act

- Policies, procedures and programs
- Educational programs and campaigns
 - Awareness & prevention programs
- Institutional procedures to respond to allegations of sexual assault, dating violence, domestic violence and stalking.
 - Both student and employee disciplinary standards and procedures

Title IX & Clery/Campus SaVE



Title IX & Clery/Campus SaVE - 2

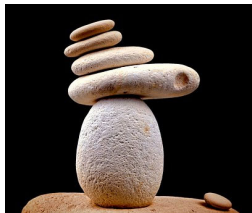
- Covered Procedures
 - Title IX - Student Grievance and Discipline
 - Clery – Student and Employee Discipline
- Sexual Violence
 - Title IX – Unwelcome conduct that affects participation in an educational program
 - Clery – Offenses that meet criminal definitions for rape and fondling

Sexual Violence in Context

- Any student can be a victim of sexual assault
- Any student can sexually assault another student
- Violence and stalking in the LGBTQ community
 - Sexual violence
 - Dating violence
 - Domestic violence
 - Stalking

Shared Requirements

- Develop and publicize policies and procedures
- Respond promptly, offer interim measures, investigate
- Parity and fairness for parties
- Notification of outcome
- Protect confidentiality



Responsible Employee or Campus Security Authority?

- Responsible Employee – Title IX
 - Authority to redress sexual violence
 - Obligation to report incidents
 - Students could reasonably believe have authority
- Campus Security Authority – Clery Act
 - Campus Security position or responsibility
 - Identified to receive reports of crime
 - Significant responsibility for student and campus activities
- Resident Assistants/Graduate Assistants/Paid Team Managers
 - Responsible Employee? - Authority or duty to redress or report misconduct -- Title IX
 - CSA? – “Monitors” access to dormitories – Clery Act



Complementing or Competing?

- Application off-campus
- Confidentiality
- Responding to reports and providing assistance
 - Describe support and available options
 - Offer interim measures
- Standard of proof
- Timeliness
- Working with Law Enforcement



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