

Beyond Title IX:

Guidelines for Preventing and Responding to Gender-based Violence in Higher Education



Formerly Family Violence Prevention Fund

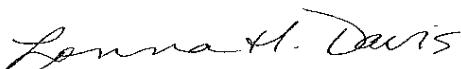
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Acknowledgements

Futures Without Violence, formerly Family Violence Prevention Fund, is extremely grateful to the many advisors and experts who made this document possible. As we began this project 15 months ago, we did not anticipate that we would have the privilege of meeting so many smart, creative and courageous people along the way. This document is dated, and it sits currently in the context of a national conversation that will continue for several years to come. From the 2010 Center For Public Integrity report to the media blitz surrounding Penn State, there is indeed much to discuss. We are honored to be part of this important national debate and we hope this document provides some relief for the many who are working to make their schools safer for everyone. This document is dedicated to the women, children and men who have been victims of gender-based violence on US campuses.

First, I want to thank the Avon Foundation for Women for their foresight and leadership to end violence against women in the United States and around the world. Their support enabled us to meet and convene a fantastic group of leaders who are listed in Appendix A. This group gathered in June 2011 as the "Campus Advisory Board" and paved the way for the vision of this document. Next I want to thank the team of Futures Without Violence staff and consultants who skillfully balanced imagination with detail every step of the way; Jennifer Rose, University of Hawaii at Manoa; Maya Raghu, attorney at Futures Without Violence; Peggy Costello, a recent graduate from the University of Pennsylvania; and a particular thanks to Ann Fleck-Henderson for her tenacity and steadfast leadership.

Although many contributed to the frame of the document, several people thoughtfully reviewed and edited several iterations, and we are deeply appreciative of their wisdom and time: Linda Langford (Higher Education Center for Alcohol, Drug Abuse, and Violence Prevention), Annette Lynch (University of Northern Iowa), Roberta Gibbons (Metropolitan State University), Christine Borges (Students Active For Ending Rape), Saundra Schuster (National Center for Higher Education Risk Management), S. Daniel Carter (Security on Campus, Inc), Claire Kaplan (University of Virginia Women's Center), Diane Rosenfeld (Harvard Law School), Meredith Bragg (Harvard Law School Class of 2013), Joanne Caceres (Harvard Law School Class of 2013), Amy Chmielewski (Harvard Law School Class of 2013), Elizabeth Greaney (Harvard Law School Class of 2012), Michelle Issadore (School and College Organization for Prevention Educators), and Luis Manzo (City University of New York). Thanks to all who participated and to you for reading. It's time to be on the right side of history and imagine futures without violence.



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Recent legal developments, research reports, and tools for practice have brought us to a unique moment in preventing and addressing gender-based violence on college and university campuses. The time is now to build on and improve campus efforts. To bring together the best practices and most sophisticated knowledge, Futures Without Violence and the Avon Foundation convened a national Campus Advisory Board of experts in the field. This document is a product of that meeting and is offered to provide guidance to colleges and universities on how best to create and promote a campus norm of interpersonal respect and non-violent relationships.¹

These guidelines were developed by Futures Without Violence with the assistance of national experts in the field. The guidelines are intended as an educational tool and not as any assurance of legal compliance with relevant laws. This document does not constitute legal advice and should not be used or relied upon as such. Do not rely on legal information included in this document without first consulting qualified legal counsel in your jurisdiction.

1 A note on language: we use the term “gender-based violence” throughout this document to refer to intimate partner violence, sexual misconduct and stalking. “Sexual misconduct” includes any non-consensual sexual contact, sexual harassment, and sexual exploitation. “Intimate partner violence” includes abuse in a dating or coupled relationship. We use the terms “college/university” and “institution” interchangeably. We recognize that men may be victims of intimate partner violence, sexual violence or stalking in same-sex or heterosexual relationships. Our use of “women” in this document reflects women’s much higher risk of intimate partner violence and of health consequences from the violence.

I. Introduction

Women have surpassed men in the overall college population, with 55 women enrolled for every 44 men.² Yet women of traditional college age continue to be at particular risk for gender-based violence, including sexual violence, intimate partner violence and stalking. The Bureau of Justice Statistics indicates that young women ages 20-24 are at highest risk for dating violence³; approximately 80% of female victims experienced their first rape before the age of 25 and almost half experienced the first rape before age 18;⁴ a 2007 National Institute of Justice-supported study confirms other findings that one in five women experience sexual assault in the college years⁵; and young women ages 18-24 are at highest risk of stalking.⁶ The issue of violence against women on campuses, particularly sexual violence, has received increased attention over the last decade, due to high profile cases, new research,⁷ development of bystander intervention models⁸, and reports, such as one published by the Center For Public Integrity in 2010.⁹ Recently, the Department of Education, Office of Civil Rights' *Dear Colleague Letter* of April 2011¹⁰ and Vice-President Biden's subsequent address, have provided an impetus for colleges and universities to review and revise policies and procedures addressing sexual misconduct, stalking and intimate partner violence, particularly as those forms of gender-based violence constitute gender discrimination under Title IX. In that context, new resources have been developed concerning legal requirements, model policies and prevention programs. A partial list of relevant resources is appended. This document supplements and provides a larger context for these important resources.

This document is intended for a team of campus stakeholders working to develop an integrated and consistent approach to the issue of gender-based violence for

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- 2 Kim Parker & Wendy Wang. *Women See Value and Benefits of College; Men Lag on Both Fronts, Survey Finds*. Available at <http://www.pewsocialtrends.org/2011/08/17/women-see-value-and-benefits-of-college-men-lag-on-both-fronts-survey-finds/>.
 - 3 Rennison & Welchans. (2000). *Bureau of Justice Statistics Special Report: Intimate Partner Violence*, at 4. Available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/ipv.pdf>.
 - 4 Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. (2011). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Available at <http://www.cdc.gov/violenceprevention/nisvs/>
 - 5 Krebs, Lindquist, Warner, Fisher & Martin. (2007). *The Campus Sexual Assault Study (CSA): Final Report*. Available at <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>.
 - 6 Baum, Catalano & Rand. (2009). *Bureau of Justice Statistics Special Report: Stalking Victimization in the United States*. Bureau of Justice Statistics Special Report. Available at <http://www.ovw.usdoj.gov/docs/stalking-victimization.pdf>.
 - 7 The work of David Lisak has been particularly important in this area. See Lisak & Miller. (2002). "Repeat rape and multiple offending among undetected rapists." *Violence and Victims* 17 (1), 73–84. Available at <http://www.innovations.harvard.edu/cache/documents/1348/134851.pdf>. There are increasing numbers of peer-reviewed journal articles evaluating education and prevention models. See, e.g., *Violence Against Women* 17(6) (June 2011).
 - 8 Particularly well-known among these are *Bringing in the Bystander*, available at <http://www.unh.edu/preventioninnovations/index.cfm?ID=BCC7DE31-CE05-901F-0EC95DF7AB5B31F1>, and Green Dot, available at <http://www.uky.edu/StudentAffairs/VIPCenter/greendot.html>.
 - 9 Center For Public Integrity. (April 2010). *Sexual Assault on Campus: A Frustrating Search for Justice*. Available at: http://www.publicintegrity.org/investigations/campus_assault.
 - 10 U.S. Department of Education, Office of Civil Rights, *Dear Colleague Letter* (April 2011). Available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>.

their institution. It promotes a focused and coherent system of supports to create a climate that encourages respectful non-violent relationships and addresses all forms of gender-based violence, including intimate partner violence, sexual misconduct and stalking. The goals are:

- to prevent abusive behaviors, insofar as is possible, by engaging faculty, staff and students in promoting healthy relationships;
- to ensure that the institution is prepared to respond promptly and effectively to incidents and reports of violence when they do occur; and
- ultimately to change campus norms so that community members hold themselves and each other to respectful and non-violent standards of interpersonal behavior.

In proposing these guidelines Futures Without Violence draws upon more than thirty years of experience in the field of violence against women, as well as the wisdom and experience of our partners who are leaders in prevention and intervention in sexual and relationship violence on college campuses. Lessons learned in the broader (community) arena of violence against women complement the particular expertise of college administrators and campus-based advocates.

II. What This Document Is and Is Not

While legal requirements shape how campuses address gender-based violence, this document goes beyond the legal requirements and points the way to systems, practices and policies for leadership in prevention and response.

It addresses intimate partner violence, stalking and sexual misconduct, recognizing that institutions may choose to have separate or integrated policies regarding these offenses. Although many campus policies, as well as the *Dear Colleague Letter*, address only sexual misconduct explicitly, intimate personal violence and stalking also contribute to an environment hostile to women and are often interrelated.¹¹

It is not a legal document and should not be construed as providing legal advice.

It is not a compliance document. We assume that policymakers will know and comply with the requirements of the Clery Act,¹² Title IX,¹³ and relevant state and local laws, seeking clarification as needed from the relevant sources, many of which are listed in the Appendix.

It is not, strictly speaking, a policy document. Rather, it provides guidance for

¹¹ For example, acts of intimate partner violence often involve sexual coercion. Stalking behaviors may constitute sexual harassment under a school policy or relevant state law.

¹² See Security on Campus, Inc. Available at <http://securityoncampus.org/>.

¹³ Useful resources include local Office of Civil Rights offices; the National Center for Higher Education Risk Management resources on Title IX and the Clery Act, available at <http://www.ncherm.org/legal.html>; and the Association of Title IX Administrators resources, available at <http://www.atixa.org/>. Elements of the Clery Act and Title IX are the subject of much policy and compliance discussion at the federal level. This document is not intended to clarify the legal ambiguities, for which there are appropriate expert resources.

developing the policy and practice elements which can support a culture of respectful and non-violent relationships. Prevention programs; education about rights, resources, and responsibilities; and campus-based research are necessary elements to include as institutions work to improve their policies. With a systematic and coherent approach to all the essential elements, schools can take an active role in not only addressing, but also ending gender-based violence on their campuses.

III. The Team

While it is crucial that many perspectives be included on the team, the work often begins with a few stakeholders. Administrative coordination and support is needed as the work progresses, and it is important that the final product be endorsed by the president and administration. The mission should not be seen as “group-specific”; institutional support should be explicit and evident to the college/university community.

From the beginning of the process, the administrative/legal perspective should be joined by the service/advocate perspective. The latter includes two elements:

- One or more persons in the role of advocate for those who experience gender-based violence. An advocate's job includes understanding where on the continuum of disrespectful to abusive an incident falls, knowing what responses are indicated, and representing the survivor's wishes for reparative action in the college/university system. An advocate's effectiveness depends on relationships of trust with both students and university departments and services.
- A prevention/research coordinator who is an *important* member of the team. Often the lone prevention specialist or advocate is isolated, with a lot of responsibility and not enough power to make things really happen. Education and prevention efforts must be synchronized with the institution's policies and are key to creating a respectful climate free from violence. Training of first responders, administrators, Title IX officer and investigators, and human resource staff, an essential component for both prevention and response to gender-based violence, is a key function of the coordinator, in addition to implementing prevention programs on campus.

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Other critical stakeholders to involve will vary across campuses. Usually, these include:

- Title IX officer
- college/university counsel
- public safety (police and security)
- residential life
- athletic department

- women's/men's centers
- IT department¹⁴
- health and counseling services
- student group(s)
- alcohol and drug programs
- religious and spiritual leaders
- representatives of related community services (rape crisis, domestic violence and LGBTQ).

The early involvement of critical stakeholders, including students, greatly increases the chances that the product of this work will be both sound and effectively implemented.

IV. Essential Elements

In this section we outline important areas of practice and policy, highlighting aspects which are particularly relevant from an advocacy perspective and/or particularly complicated. Each area listed is crucial for schools to address, through official policies and/or through programming, in order to combat stalking, intimate partner violence, and sexual misconduct on their campuses. Schools vary in what is labeled "policy," "protocols" or "codes of conduct." The purpose here is to outline important areas, recognizing that they may be used in documents with different names. Each section is followed by questions, the positive answers to which constitute recommended practice.

1. Purpose. The purpose of your work needs to be clearly delineated, so that everyone understands the mission before them: namely, that members of the college/university community hold themselves and each other to respectful and non-violent standards of interpersonal behavior. The specific elements are in service of that mission and supported by the administration.

- a. Do you set forth the general mission statement and goals which will form the framework for the practice and policy details?
- b. Do you address sexual misconduct, intimate partner violence and stalking, either in one document or in separate documents?
- c. Is it clear that recommendations will be consistent with and supported by the student conduct code and other forms of governance on campus? Is it clear that recommendations will be consistent with legal requirements, e.g., the Clery Act, Title IX and state and local laws?
- d. Does the work of this team apply to students only, or to faculty and staff as well? If only to students, is it clear which policies govern faculty and staff?

¹⁴ Information technology is increasingly important. Technology is often an instrument of dating violence, sexual harassment and stalking, and it can play significant roles in prevention and protection.

2. Prevention. Prevention of gender-based violence is the ultimate goal. The intention is to create a culture that resists violence and abuse and promotes healthy relationships for all with an emphasis on respect and equity. It is important to believe prevention is possible, although it will take time and resources to make significant social norm change.

Prevention efforts should be evidence-based: they should rely on expert knowledge and research-supported programs that are tailored to the local campus community. In order to increase knowledge of actual student behaviors, we recommend that institutions go beyond tracking incidents of gender-based violence to include regular research on aggregate student experience, including how students experience the climate of the campus. Research includes any method for listening carefully to student experience, e.g., through focus groups, surveys or meetings of student leaders. Those on campus who may be marginalized, underrepresented or especially vulnerable warrant particular attention. These groups will differ from campus to campus, but may include LGBTQ individuals, women of color, women with disabilities, immigrant women, or international students. Such knowledge will allow the campus to respond better to the needs of its students, as well as become a leader in the field of responding to gender-based violence.

Bystander approaches to prevention have enormous potential to create positive campus cultures.¹⁵ However, there is no one prevention program that fits all campus contexts. The best prevention efforts are informed by data (both qualitative and quantitative) and are on-going and multifaceted, strategic and targeted.

The following list is not comprehensive; schools should develop programs best suited to their school environment.

- a. Is there a designated and adequately supported prevention coordinator on campus? Does the prevention coordinator have expertise in prevention programs and strategies in the area of violence against women?
- b. Can the college/university demonstrate that at the beginning of the school year it informs all students of their rights and responsibilities regarding sexual misconduct, dating or domestic violence and stalking?
- c. Recognizing that an overload of information early in the year often results in very little being retained and understood, is there appropriate follow-up throughout the year?
- d. Is there mandatory training for students, online and/or in person, regarding

“Bystander approaches to prevention have enormous potential to create positive campus cultures.”

¹⁵ Banyard, Moynihan & Plante. (2007). "Sexual violence prevention through bystander education: an experimental evaluation." *Journal of Community Psychology*, 35(4), 463-481; Coker, A.L. et al. (2011). "Evaluation of Green Dot: An Active Bystander Intervention to Reduce Sexual Violence on College Campuses." *Violence Against Women*, 17, 777-796. See also *Violence Against Women* (June 2011).

gender-based violence? Is that training sensitive to particular needs of international students and those with disabilities?

- e. Do drug and alcohol programs work closely with violence prevention efforts?
- f. Are parents informed of institutional policies regarding gender-based violence prior to their child entering the college/university and encouraged to discuss these with their child?
- g. Does the college/university host events that encourage awareness of the issues of sexual misconduct, intimate violence, and stalking?
- h. Does the college/university have a public education/social media campaign regarding gender-based violence that is informed by campus data as well as evaluation research?
- i. Does the college/university offer bystander education, where men and women are taught to take an active role in preventing all forms of violence on campus?
- j. Does the college/university encourage and support student-led activities that protest, bring awareness to, or work to reduce the incidence of gender-based violence on campus?
- k. Does the college/university support on-campus peer groups with training in the prevention of and response to sexual misconduct, stalking and intimate partner violence?
- l. Has the college/university collected data and identified “hot spots” on campus which create particular risks for sexual misconduct or intimate partner violence? Are there targeted efforts to address these locations and groups?
- m. Do faculty and staff receive training on responding to incidents of gender-based violence?
- n. Are faculty and staff encouraged to promote healthy relationships and community responsibility on campus and in their classrooms, including discouraging sexism and offensive language?
- o. Are health personnel trained to screen for intimate partner violence, sexual misconduct and stalking?
- p. Does the college/university support and fund research on the experience of gender-based violence among its students?
- q. Does the college/university work to ensure a “culture of respect” that makes it clear that all forms of violence, and gender-based violence in particular, are unacceptable on campus?
- r. Does the campus offer safety measures such as police escorts, sufficient lighting, call boxes, etc. (while also recognizing and informing students that most incidents of gender-based violence on campuses are not perpetrated by strangers)?

3. Definitions of Key Terms and Language. Achieving a clear consensus on key terms and their definitions is an important step in creating a policy. Students (and faculty and staff) are often unclear about what constitutes sexual misconduct,

intimate partner violence and stalking. This confusion can lead to underreporting or over-reporting, and to students' remaining unconnected with the resources they need. Prohibited behaviors must be well-defined and stated in terms that are clear to students. The Model Stalking Policy and the Model Sexual Misconduct Policy¹⁶ are invaluable resources for definitions and examples.

- a. Does the college/university policy define sexual misconduct, intimate partner violence and stalking in behavioral terms? Does it refer to the use of technology to abuse, humiliate, harass or stalk someone? Does it give specific examples to clarify the definitions? Does it make clear that the listed examples of sexual misconduct, intimate partner violence and stalking are not exhaustive?
- b. Does the policy make clear that these behaviors, as well as others that the school may deem inappropriate, are prohibited and may result in disciplinary and/or legal action?
- c. Within definitions, are key words defined, e.g., consent, force, incapacitation, physical assault?
- d. Does the language make unmistakably clear the need for affirmative consent to any sexual activity? An unambiguous definition of consent is critical to a sound policy on sexual misconduct.
- e. Do students have input into the language used in these policies, to ensure that definitions and explanations are stated in a way that is easy for the general student body to understand?
- f. Is there a section which gives specific examples to clarify and illustrate the boundaries between what is prohibited and what is disrespectful, but does not violate law or policy?

4. Jurisdiction. Decisions must be made about who is covered by policies on gender-based violence and where, geographically, they pertain. There should be policies covering students, faculty and staff. Off-campus violations must be addressed. Institutions with a largely non-resident student population have particular challenges in addressing these issues.

- a. Is it clear who is included as "student," "faculty," "staff" and "contractor"?
- b. Is it clear that student survivors have access to campus resources whether or not the alleged perpetrator has an affiliation with the college/university?

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¹⁶ See Stalking Resource Center and National Center for Victims of Crime (2011), *Model Campus Stalking Policy*, available at <http://www.ncvc.org/ncvc/AGP.Net/Components/documentViewer/Download.aspx?DocumentID=48282>; NCHERM Partners (2011), *ATIXA Gender-based and Sexual Misconduct Model Policy*, available at http://www.atixa.org/documents/ATIXAModelPolicy_000.pdf.

- c. Is it clear how the policies apply to students who are employed by the college/university, e.g., RAs, TAs, graduate assistants, etc., and to employees who may be taking classes? Is it also clear how the policy applies to those working at the university under a contract or grant?
- d. What locations are covered by this policy? Specifically, are violations which occur off-campus covered? If not, is the limit clearly, and broadly, defined, i.e., are off-campus buildings which primarily serve the institution included?
- e. Are offenses against students by persons not related to the institution addressed, as well as offenses committed by students against those who are not students?
- f. Does a partnership exist between schools that share close physical proximity? If a student at one school is assaulted by a student at a neighboring school, is there a system in place for these colleges to work together to a fair and just resolution for both/all parties?
- g. For any offenses not covered by university policy, is it clear who has jurisdiction (e.g., police)?
- h. Does the policy make clear that even when local law enforcement is involved, the school still has a duty to investigate?

5. Faculty and Staff. This document is focused on student well-being and primarily addresses issues that may arise within student relationships. However, sexual misconduct, intimate partner violence and stalking can occur in many different configurations of relationships, such as students and faculty, students and staff, faculty and staff and faculty/staff and community members. Schools should have a separate workplace policy that addresses violence that may occur between members of faculty and staff, including those that involve a student in an employment or academic context.

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- a. Is there a separate workplace policy that addresses gender-based violence involving faculty or staff members?
- b. Do the college/university policies on sexual misconduct, intimate partner violence and stalking address the issue of violence that occurs between students and faculty or students and staff?
- c. Are these policies sensitive to power differences, e.g., in institutional status, and their role in abuse?
- d. Does the policy have clear guidance for students who allege sexual misconduct, intimate partner violence or stalking by faculty or staff members?
- e. Is it clear that retaliation is not permitted, and the student will not be penalized, academically or otherwise, for reporting the incident/s?

- f. Is there protocol for students to make up any academic work they may miss as a result of the incident?
- g. Is there a protocol for students to transfer jobs or miss work without penalty as a result of an incident?

6. Reporting and Disclosure. The Clery Act and Title IX require institutions of higher learning to record reports of violence and to track patterns of sexual misconduct and other behaviors that create a hostile environment for women. Once an institution “knows or reasonably should know” that a hostile environment exists within its community, Title IX requires the institution to “take immediate action” to end the harassing or violent conduct and address its effects.¹⁷

Offenses reported to officials offer only part of the picture, however, as most intimate/sexual violence is never reported.¹⁸ Because increasing official awareness is a critical component of a successful campus response to gender-based violence, we recommend policies that encourage reporting; specifically, allowing anonymous and confidential reports as well as amnesty for unrelated violations, such as underage drinking. The availability of these options leads to higher instances of reporting, and therefore a better understanding of the campus climate and a better opportunity to serve the needs of survivors. Such policies and a climate that feels safer for those who experience gender-based violence can lead to higher Clery statistics, which may, paradoxically, be a sign of progress.

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Even with the most student-centered policies about reporting, much of what occurs in the private life of students is unknown to administration. Students, like most other people, usually turn to friends and family for support. Recognizing that, it is important to provide resources for those who experience violence that they do not want to report. Peer (bystander) training should improve students’ ability to help each other. Confidential options for consulting about relationship violence, including off-campus resources and counseling and health services, should be available to all students.

University/college personnel have different requirements for reporting incidents of gender-based violence. It is critical that these distinctions be clearly drawn and be known to all concerned. Title IX requires that those persons designated “responsible employees” put the institution on notice if they hear about incidents of gender-based violence or misconduct. The category of “responsible employees” always includes

¹⁷ U.S. Department of Education, Office of Civil Rights, *Dear Colleague Letter* (April 2011). Available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>.

¹⁸ Fisher, Cullen & Turner (2000). *The Sexual Victimization of College Women*, at 23. U.S. Department of Justice, NIJ; Orchowsky, Meyer & Gidycz (2009). “College women’s likelihood to report unwanted sexual experiences to campus agencies: Trends and correlates.” *Journal of Aggression, Maltreatment & Trauma*, 18:839-858.

administrators and may include many others, such as faculty. At the other extreme is the group of personnel with whom communications are privileged and confidential and who are exempt from reporting, except as required by professional ethics. It is imperative that the institution decide and clearly articulate (1) who is a “responsible employee”; (2) who is in the middle group which can maintain the privacy of a victim, while reporting the fact of an incident; and (3) who is able to keep conversations confidential.

Because there are profound disincentives to reporting sexual misconduct, intimate partner violence and stalking, it is important that those who are willing and inclined to report know how to do so as simply and effectively as is possible. To that end, the pathways for reporting as well as the consequences should be spelled out explicitly and be easily accessible to students.

- a. Does the policy include the range of reporting options for those who have experienced gender-based violence?
 - i. Does it outline how to file a criminal complaint? Does it specify a resource for help with filing a criminal complaint?
 - ii. Does it outline how to file an institutional complaint of violation of this policy? Does it specify a resource for help in filing an institutional complaint?
 - iii. Does it specify how to file anonymous and confidential reports? Does it specify a resource for help in filing an anonymous and/or confidential report?
 - iv. Does it indicate that reporters can expect amnesty for unrelated violations, e.g. underage use of alcohol?
- b. Does it specify clearly who is mandated to report incidents of violence of which they become aware?
 - i. Does it outline how to file such reports?
 - ii. Does it include guidelines for dealing with survivor requests for anonymity and or confidentiality?
- c. Does it specify with whom in the college/university community one may have confidential communications, i.e. who is not required to report?
- d. Does it recommend a confidential advocate as a starting place for a victim to determine the options for reporting?

7. Formal Grievance Processes. Formal grievance processes include the Title IX investigation process, the college/university conduct process, and may involve the criminal justice system as well. There is a tremendous amount at stake for all concerned in a formal grievance process. It is, therefore, particularly important that the “rules of the game” be clear from the start.

Title IX requires an investigation once the institution knows or reasonably should be on notice (aware) of an incident of gender-based violence. Ideally, this should be

conducted by trained personnel (fact-finder) and overseen by the Title IX officer.

- The investigator(s) may determine that the incident does not constitute a violation of university/college policies and recommend support for the students involved with no further formal action. Alternatively, investigators may find there has been a violation, in which case a hearing may follow.
- In all situations, the goals are to end offending behavior, to protect the community from further violations and to repair the harm done to the victim/survivor. Title IX procedures are under constant discussion at the time of this publication, and consultation with experts (see appended resource list) is recommended.
- Both Title IX investigations and criminal justice investigations may be involved in some situations. It is helpful if the college/university and the local police have a prior memo of understanding about how to proceed in such situations. A police investigation does not relieve an institution of its Title IX obligation to investigate.

Students, both the accuser and the accused, should know a contact person with whom to discuss each formal process as they decide how to move forward with a grievance. Students should be made aware of their right to file a formal complaint, and guided through the process if this is an option they choose to pursue. Insofar as is consistent with protection of the community from repeat offenders, actions should be guided by the reporting student's wishes and needs.

- a. Does the policy address Title IX investigations as an obligation of the institution in response to reported incidents of gender-based violence? Does it name the Title IX officer and clarify the possibility for less formal investigations in some cases?
- b. Does it address the student conduct/grievance process and the criminal process, indicating clearly how a student can opt for both, either or neither route? Does it specify the student's role in choosing which processes to participate in?
- c. Does it include contact persons who can assist survivors and those accused with the grievance process?
- d. Is it clear that the above mentioned contact persons do not work for an "office of notice," but that their role is to help students work through the process?
- e. Is the student conduct/grievance process clearly described, including the rights and responsibilities of both accuser and accused?
 - i. Is it clear that a face-to-face meeting of accuser and accused is not part of the process?
 - ii. Is it clear that the institution will use a preponderance of evidence standard, as the *Dear Colleague Letter* specifies?
 - iii. Are privacy and notification processes described? Is it clear, as the *Dear Colleague Letter* requires, that both accuser and accused have an equal right to notice of the outcome, any sanctions and appeal?

"It is, therefore, particularly important that the 'rules of the game' be clear from the start."

- f. Have those responsible for investigating or mitigating received specialized training? Does this training include intimate partner violence, sexual misconduct, stalking, workplace, and civil rights?
- g. Are sanctions that may be imposed for different offenses clearly spelled out?
 - i. If there are offenses which warrant mandatory sanctions, is that clearly stated?
 - ii. Are there more serious sanctions for repeat offenders? Is expulsion mandatory?
 - iii. Are non-expulsion sanctions multifaceted, including punishment, treatment, education, and monitoring?
 - iv. Is there an individual on campus who is responsible for each area of rehabilitation? Is there an individual responsible for overseeing the perpetrator's progress and reevaluating the appropriateness of his remaining on campus?
 - v. Is there a mandatory, more serious punishment should the perpetrator not make progress or refuse to do that which is required of him, such as counseling and training?
 - vi. Is there a mandatory relocation policy for perpetrators who live near their victims, such as in the same dormitory?
 - vii. Do sanctions include the mandatory suspension of athlete perpetrators from their teams?
 - viii. Do sanctions include the mandatory suspension of fraternity member perpetrators from their fraternities and associated parties and events?
 - ix. Are there more serious mandatory sanctions for those involved in multiple-perpetrator sexual misconduct?

“Survivors’ wishes should guide the process insofar as that is consistent with protecting the community from foreseeable future offenses.”

8. Voluntary Informal Grievance Processes. This is a difficult area for policy and practice. Many survivors of intimate partner violence and stalking do not want to take formal action against the alleged perpetrator for many reasons, e.g., fear of retaliation, shame, loyalty, or an environment that is victim-blaming. For many survivors, the goal is simply to make the unwanted behavior stop and to obtain a sense of safety and personal justice, not to pursue formal action against the alleged perpetrator. Survivors’ wishes should guide the process insofar as that this is consistent with protecting the community from foreseeable future offenses.

When the survivor does not wish to pursue a formal grievance process, and/or such a process is not warranted, the goal should be a process that the survivor finds reparative and just and that supports behavioral change of the alleged perpetrator. Informal interventions can be powerful opportunities for learning and change.

- a. Is it clear in the policy that informal responses are offered in a context of a system that also offers formal grievance procedures, and that the victim's choice remains at the center of the school's response?
- b. Are there named services, both on campus and in the community, which can be utilized to aid survivors in their desire for closure?
- c. Are there named services, both on campus and in the community, which can be utilized to help the alleged perpetrator not to reoffend, e.g., counseling services, dedicated men's non-violence groups?
- d. Are faculty, staff and advocates trained to *listen* to survivors regarding how they want to approach the grievance process? Are they trained to balance the harms and offer survivor-centered safety planning?

Examples of less formal grievance options, *always with consent of the accusing student*, include: a visit to the alleged perpetrator from campus public safety as a warning; the alleged perpetrator's meeting with counselors to create behavioral change and avoid repeated offenses; training of a group (e.g., a fraternity, athletic team) on healthy relationships; having a department chair or dean speak with an alleged perpetrator; involving peer support for a survivor's protection and/or to help the alleged perpetrator avoid repeating offenses. These examples are not exhaustive; informal response processes will vary depending on what the survivor feels is the most appropriate course of action and what resources are available.

9. Administrative Accommodations For Those Affected By Gender-Based Violence.

Based Violence. The reality for many victims of gender-based violence is that it is difficult to navigate the many departments that are responsible for academic/administrative accommodations. As a result, some students may drop out of school or perform at erratic levels. The best solution is to have an advocate they can trust to deal with bureaucracy and help them problem solve the various options. Further, victims who suffer from trauma or depression in the aftermath of gender-based violence need additional support and options. Institutional policies should offer the robust accommodations and personalized academic support and guidance that survivors need to succeed and avoid further victimization.

- a. Is it possible to provide alternative housing for the accused and/or accusing student to increase safety?
- b. Is it possible to change a survivor's academic schedule to accommodate her/his needs?
- c. Are all professors required to offer academic accommodations to survivors?
- d. Are tutors and academic counselors available?
- e. May a survivor drop a class without penalty if his/her workload becomes too overwhelming?
- f. Are there accommodations in place for students whose ability to afford school is dependent on a work-study job, such as flexibility in work schedule?
- g. Are there accommodations in place for students who must maintain a certain

GPA for scholarships, such as a semester or yearlong forgiveness period in which her GPA does not count towards scholarship eligibility?

10. Resources For Those Affected By Gender-Based Violence.

In addition to administrative/academic support, all members of the college/university community should have easy access to medical, psychological, moral/spiritual and legal help, on and off campus. While these resources tend to be survivor-focused, resources for those who are concerned about their own behavior or behavior of their peers are also important.

- a. Does the policy clearly state where survivors and those accused of abusive behavior or concerned about their behavior may go for help, on and off campus?
- b. Does the policy include survivor resources separately and specifically for intimate partner violence, sexual misconduct and stalking, e.g., medical resources for rape, advocacy and safety planning, cyber safety?
- c. Do drug and alcohol resources work closely with violence response resources?
- d. Are survivor resources accessible to and prepared for male victims of intimate partner violence, sexual misconduct and stalking?
- e. Is there a “quick-link” on the school’s website that accesses the school’s policy and resource information?
- f. Are counseling and health services available 24/7?
- g. Is there a hotline that students can call 24/7?
- h. Are there peer groups on campus with whom survivors can meet to share their stories? Is there peer support for concerned bystanders? Is there peer support for men concerned about their violence?
- i. Are Residential Advisors, House Masters, and other individuals who are employed by the university, specifically in residence life, required to attend training on sexual misconduct, intimate partner violence and stalking prevention and response? Is basic safety planning included in their training?
- j. Do members of the campus clergy attend training on sexual misconduct, intimate partner violence and stalking prevention and response? Is basic safety planning included in their training?
- k. Is there an option for a student’s cell phone to place emergency calls to campus police and act as a tracking system if such a call is made?

V. Conclusion

As institutions work to revise and improve policies, they must pay attention to the institution's commitment to prevention programs; education about rights, resources, and responsibilities; and campus-based research. In this way, schools can take an active role in not only addressing, but also ending gender-based violence on their campus. To that end, we recommend that every campus have a well-supported prevention coordinator. Campus-based research informs prevention and intervention efforts. Research shared through journal articles, list-serves or conferences increases our collective understanding of gender-based violence in the college/university context.

Over the years, we have learned that intimate partner violence, sexual misconduct and stalking are often interrelated, and each deserves a serious and thoughtful response, whether interconnected or separate. We have also learned about the limits and unintended negative consequences of relying solely on the criminal justice system to redress the wrongs of these abuses. Our guidelines, therefore, raise the legitimacy of survivor-sanctioned less formal restorative measures when appropriate. We also know from long experience the strength of disincentives to report interpersonal violence, whether we are discussing adults, children or teens. Our guidelines, therefore, emphasize the importance of confidential and anonymous reports and, especially, of support for those who know of violations because they are in the personal network of victims. Our experience and the wisdom of campus activists convinces us that victim-blaming and gendered crimes will not be significantly reduced until and unless the campus consistently, and from the top level, communicates its lack of tolerance for violence and its explicit support for respectful relationships. Our institutions can no longer remain silent.

As richly interconnected communities and as the context for the intellectual and social development of many young adults, colleges and universities have unique potential to lead cultural change on gender-based violence. Recent developments in both legal requirements and available resources for consultation and support create a unique moment for progress. The goal is a campus culture that upholds the norm of respectful and equitable non-violent relationships, free of gender discrimination. We hope that this document can help you meet that challenge.

Resources

American College Health Association (ACHA)
www.acha.org

American College Health Association (ACHA) National College Health Assessment
www.achancha.org

Association for Student Conduct Administration (ASCA)
www.theasca.org

Association of Title IX Administrators (ATIXA)
www.atixa.org

Break the Cycle
www.breakthecycle.org

California Coalition Against Sexual Assault (CalCASA)
www.calcasa.org

Centers for Disease Control and Prevention (CDC) – Violence Prevention
www.cdc.gov/violenceprevention

Futures Without Violence
www.futureswithoutviolence.org

Green Dot, etc.
www.livethegreendot.com

Health and Human Services (HHS) Office on Women's Health (OWH)
www.womenshealth.gov/violence-against-women

The Higher Education Center for Alcohol, Drug Abuse, and Violence Prevention
www.higheredcenter.org

Men Can Stop Rape
www.mencanstoprape.org

Mentors in Violence Prevention (MVP)
www.jacksonkatz.com/mvp.html

National Center for Higher Education Risk Management (NCHERM)
www.ncherm.org

National Collegiate Athletic Association (NCAA)
www.ncaa.org

National Sexual Violence Resource Center (NSVRC)
www.nsvrc.org

Office for Civil Rights (OCR)
www2.ed.gov/about/offices/list/ocr/know.html

Office on Violence Against Women (OVW)
www.ovw.usdoj.gov

Prevention Innovations – The University of New Hampshire
www.unh.edu/preventioninnovations

School and College Organization for Prevention Educators (SCOPE)
www.wearescope.org

Security on Campus, Inc.
www.securityoncampus.org

Sexual Assault Prevention Coordinator Listserv (SAPC)
www.sexualassault.virginia.edu/sapc-introduction.htm

Stalking Resource Center (SRC)
www.ncvc.org/src/Main.aspx

Students Active For Ending Rape (SAFER)
www.safercampus.org

Workplaces Respond to Domestic Violence – A National Resource Center
www.workplacesrespond.org

Appendix A

Campus Board Participant List

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**Everyone has the right to live
free of violence. Futures Without
Violence, formerly Family Violence
Prevention Fund, works to prevent
and end violence against women
and children around the world.**



Formerly Family Violence Prevention Fund

Our vision is now our name.

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