



# CAMPUS SAFETY

Title IX, Clery, Reporting & FERPA

# Student Learning Outcomes

- Students will gain an understanding of the NSU's obligations under Title IX.
- Students will gain an understanding of the NSU's policies and procedures in relation to incidents of sexual violence.
- Students will understand their responsibility to report information to their supervisor, chain of command and ultimately, the Title IX Coordinator.



# Presentation Warning

**T R I G G E R**  
**W A R N I N G**  
**E X P L I C I T C O N T E N T**

# What is Title IX?




Protects individuals from discrimination based on sex in education programs or activities that receive federal financial assistance.



Sexual harassment, sexual violence, dating violence, domestic violence or stalking.



Requires a prompt and timely response by institutions that receive federal financial aid (title IV funds)



"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."

Educational Amendment (1975) to the Higher Education Act of 1972

# History of Title IX since 1975

- 1975 – Title IX regulations become effective.
- 1980- Alexander v. Yale- first legal case to use Title IX charges against an institution.
- 2011 – “Dear Colleague” Letter details Obama Administration Title IX mandates.
- 2011 to 2015 – Headlines feature story about:
  - Jerry Sandusky case at Penn State.
  - Brock Turner accused and eventually convicted of an off-campus rape at Stanford University.
  - Recently terminated TIX Coordinator at Baylor University comes forward with information that the Athletics program hid behaviors and crimes committed by student athletes and athletic staff for decades.
  - Accusations levied against Dr. Nassar and Michigan State University.
  - Lauren McCluskey was assaulted by her boyfriend multiple times culminating in her murder in a car on campus.
- 2017 – Federal guidance for gender equality (protection for transgendered students) withdrawn by Trump Administration.
- 2020- Department of Education issues over 2,000 pages of new regulations with 100 days to implement.

# What does Title IX have to do with Residence Life?

- “providing services to residents in all aspects of residence life”
- “welfare of the students”
- “educate residents to create an environment that respects the rights and privacy of others”
- “respond to student behavior that violates community standards”
- “educate residents ...on policies and procedures, and uphold these policies and procedures fairly and consistently”



# Contributing Factors\* to Sexual Assault

Perpetrators have a strong sense of entitlement and use power and control to commit acts of sexual violence.

Gender-based stereotypes reinforce inequality between genders.

Victim blaming behavior.

- Stigma around reporting crimes of sexual assault.
- Distrust of law enforcement or those in a position of power.
- Fear of retaliation.

Alcohol

- 50% (97,000+ individuals) of sexual assaults are related to alcohol consumption (2 or more drinks, binge drinking, day drinking)
- 81% of reported sexual assaults indicated that both parties had consumed 2 or more alcoholic beverages within 2 hours of an incident.

\*NSVRC- National Sexual Violence Resource Center

\*National Institute on Alcohol Abuse and Alcoholism





## False Reports: Myth or Reality?

A review of research finds that the prevalence of false reporting (of incidents actually reported) is between 2%-10%


The research only covers small, close knit communities and are not board, state or county-wide assessments.

Note: the larger the study, the lower the percent of false reports.



NSU is committed to a learning, working, and living environment that promotes personal integrity, civility, and mutual respect free of discrimination on the basis of sex, which includes all forms of sexual harassment. Sexual harassment violates an individual's fundamental rights and personal dignity. NSU considers sexual harassment in all its forms to be a serious offense.

NSU's Commitment



Title IX defines sexual harassment broadly to include any of the three types of misconduct on the basis of sex, all of which jeopardize the **equal access** to education that title IX is designated to protect: any instance of **quid pro quo** harassment by a school's employee; any **unwelcome conduct** that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of **sexual assault** (as defined in the Clery act), **dating violence**, **domestic violence**, or **stalking** as defined in the violence against women act (VAWA).

NSU's Definition of Title IX

# NSU's Definitions

## Sexual Harassment

- unwelcome, verbal, nonverbal, or physical conduct of a sexual nature
- unwelcome sexual advances
- requests for sexual favors
- attempts to coerce an unwilling person into a sexual relationship
- unwelcome sexual attention
- punishing a refusal to comply with a sexual based request
- making a benefit conditional upon submitting to sexual advances
- sex-based bullying

## Quid Pro Quo

- based on power differentials
- the creation of a hostile environment
- Workplace retaliation

# NSU's Definitions

## Sex Offenses

- is any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females. There are four types of Forcible Sex Offenses.

## 1. Rape

- Rape is the carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.

# NSU's Definitions

## 2. Fondling

- is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity

## 3. Incest

- is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

## 4. Statutory Rape

- is non-forcible sexual intercourse with a person who is under the statutory age of consent.

# NSU's Definitions

## **Domestic Violence**

- is a pattern of abusive behaviors and tactics used to inflict power and control over another person. This includes felony or misdemeanor crimes of violence committed by a current or former spouse/intimate partner of the victim.
- Co-parents
- Co-habituating individuals
- Spouses
- Domestic family members

## **Dating Violence**

- is violence committed by a person who is, or has been, in a social relationship of a romantic or intimate nature with the victim.

# NSU's Definitions

## Stalking

- is a pattern of behavior directed at as specific person that would cause a reasonable person to:
  - Fear for one's safety or the safety of others
  - Suffer substantial emotional distress

Examples include:

- 2 or more acts in which the stalker directly, indirectly, or through third parties,
- by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or
- interferes with a person's property.





# STANDARD OPERATING PROCEDURES



## Consent

is the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter which can be revoked at any time. Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. When alcohol or other drugs are being used, a person may be considered unable to give valid consent.

# What must the Title IX Coordinator do?

- Provide supportive measures and access to other resources regardless if someone wants to file a formal complaint.
- Provide timely and prompt investigations into allegations and complaints.
- Guide parties through the entire Title IX grievance process and beyond.
  - Complainants
  - Respondents
  - Witnesses
  - Staff
- Treat all parties fairly and equally.
- Work to prohibit retaliation.
- Provide annual training for staff and for new students
  - Watch your NSU email for training notices





QUESTIONS?

# Pregnant or Parenting Students

- Pregnant or Parenting students must be treated similarly to other students
- Special services provided to students who have temporary medical conditions must also be provided to pregnant students.
- A student who is pregnant or has given birth may not be required to submit medical certification for school.
- NSU must excuse a student's absences because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary.
- When a student returns, they must be allowed to return to the same academic and extracurricular status as before their medical leave began.



# Title IX & Campus Safety: Jeanne Clery Act

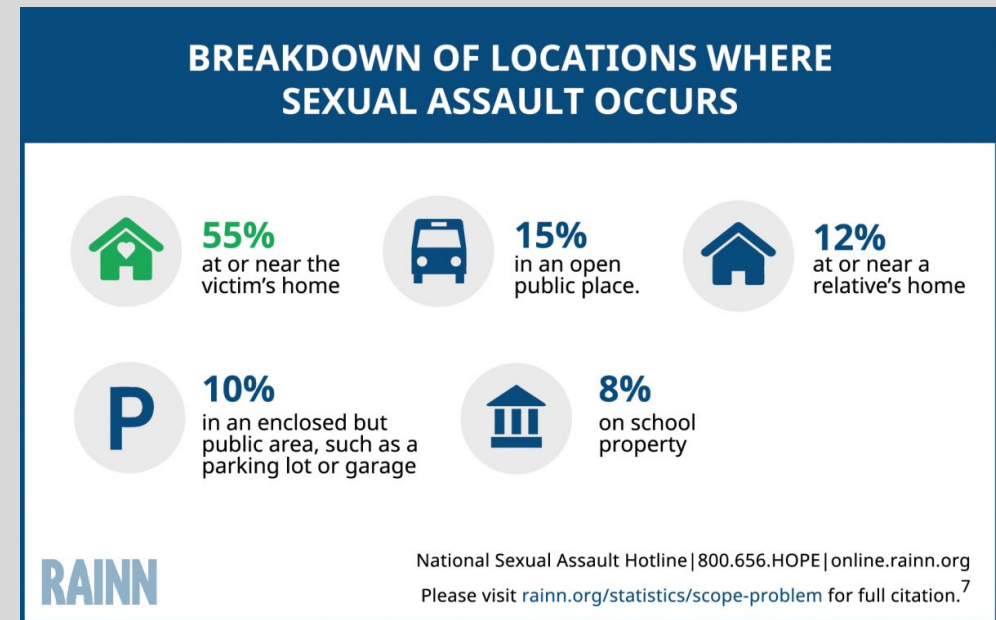
- April 5, 1986
- LeHigh University
- Freshmen living in Stoughton Hall on campus
- Beaten, raped and strangled to death by another student
- Originally looking to burglarize rooms
- Entered the hall through a propped open basement door, through a propped open hall door and an unlocked bedroom door
- 38 violent crimes on campus since 1983
- Family felt they were not “informed consumers”
- Founded the Clery Center for Security On Campus.



# United States v. the Statistics\*

## Sexual Assault

- Every 73 seconds an American is sexually assaulted
- 1 in 6 women are victims of sexual assault or attempted sexual assault in a lifetime
- 1 in 33 men are victims of sexual assault or attempted sexual assault in a lifetime



# Colleges & Universities v. the Statistics\*

## Sexual Assault

- 1 in 4 women experience some form of sexual violence while in college.
- 1 in 6 men experience some form of sexual violence in their lifetime.
- More than 90% of sexual assault victims on college campuses do not report the assault.

## Sexual Offenses (VAWA defined)

- 17,454 reports

## Criminal Sexual Offenses (Clery defined)

- 8,620 reports

## Hate Crimes (Clery defined)

- 1,908

## Student Disciplinary Actions

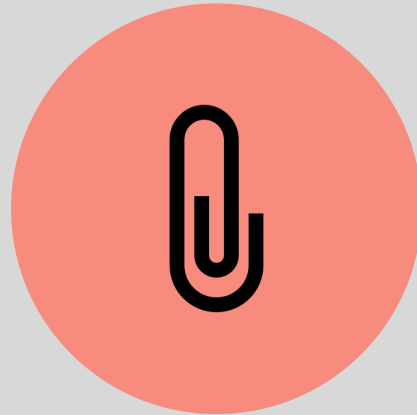
- 207,383



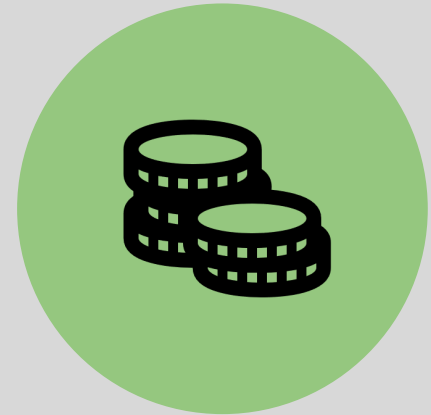
# Title IX & Campus Safety: Requirement



Compliance with the Clery Act is required for all schools who receive federal financial assistance.



Annual Security Report must be posted by October 1<sup>st</sup> and include three years of crime statistics.



The current single civil fine for non-compliance is \$58,328; increasing \$1,000+ annually.

# What does Clery have to do with Residence Life?

# CSA

- “providing services to residents in all aspects of residence life”
- “welfare of the students”
- “educate residents to create an environment that respects the privacy of others”
- “respond to student behavior that violates community standards”
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## What is a Campus Security Authority?

1. Any individuals who have responsibility for campus security but are not members of a campus police department.
2. An official of an institution who has significant responsibility for student and campus activities.
3. An individual who, by virtue of their position, is designated to receive and/or report criminal incidents.



WHAT SHOULD RA'S  
REPORT?



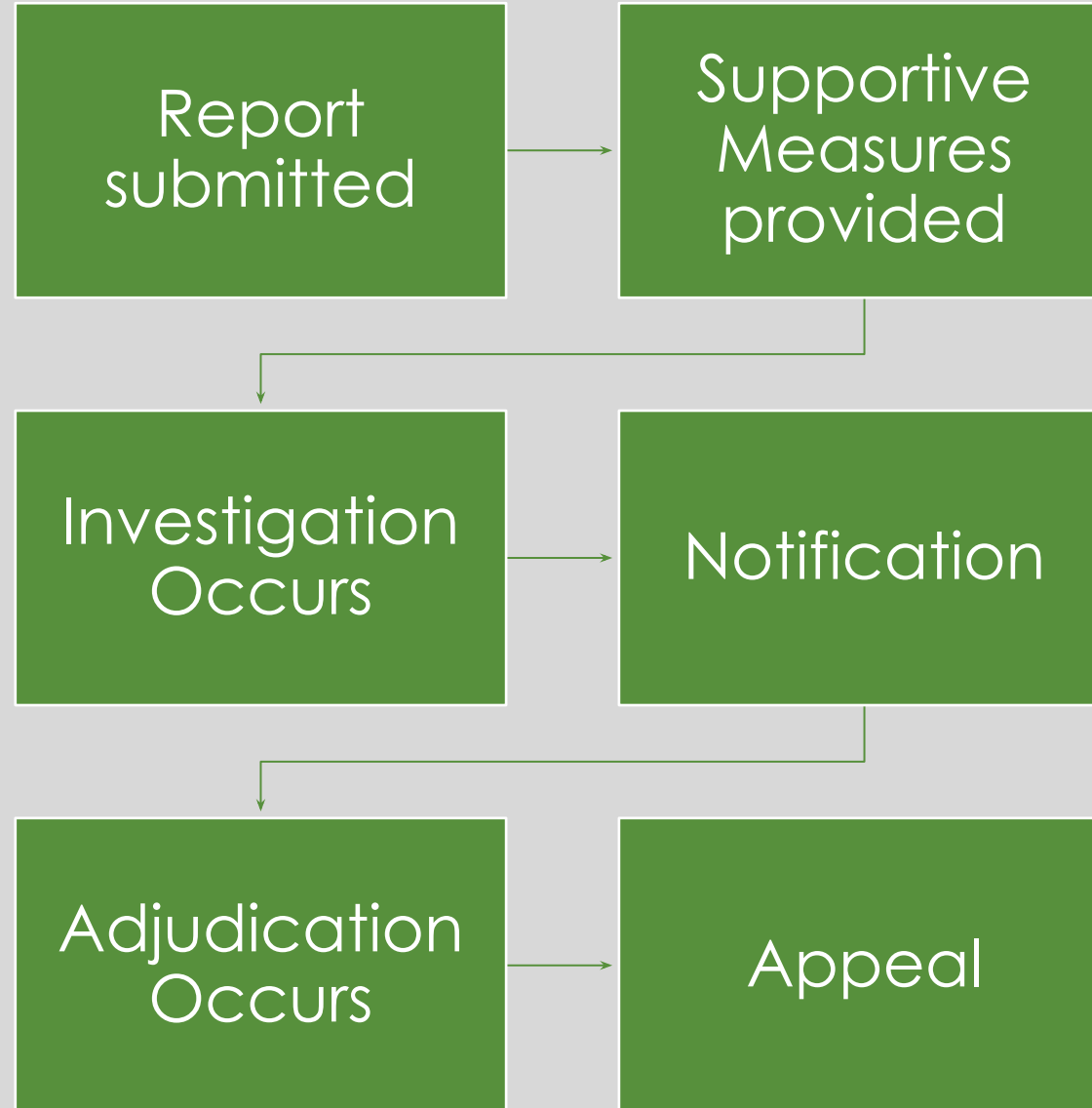
HOW SHOULD RA'S  
REPORT INCIDENTS OR  
CRIMES?



WHAT IF THE INCIDENT  
OR CRIME HAPPENED 6  
MONTHS AGO...



WHAT HAPPENS AFTER  
AN RA MAKES A  
REPORT?





# Title IX & Clery Scenario

**“Lily” and “Sara”, two of your residents, ask to speak to you...**

- Scared for their friend Lauren because her boyfriend seems controlling.
- Lauren's boyfriend likes to brag about owning guns and carrying one everywhere he goes.
- Lauren's boyfriend has been staying in her room almost every night for a month.
- Lauren has started showing mysterious bruises on her arms and neck.

**What do you do?**



# Lauren McCluskey

Senior at the University of Utah; student athlete.

Murdered on October 22, 2018 by her ex-boyfriend.

Confronted outside her residence hall by her ex-boyfriend while talking to her mother on her cell phone.

Forced into a car and shot multiple times.

# Behavioral Intervention Team

- Review incident reports for concerning behavior or major crisis
- Personal or academic concerns reported
- Interdisciplinary staff
- Planning, intervention, follow-through



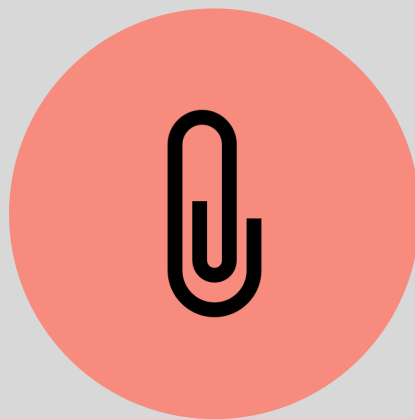
## Making a referral...

- Mental health concern- offer to walk the student to Hawkreach Counseling Services to set up an appointment
- Medical issue- encourage students to use NEO Health on campus or their own DO/MD
- Academic- know the resources available on campus (tutors, academic advisors, major advisors, etc.)
- Disability- get the student connected with Student Disability Services located in Hawkreach

# How can RA's educate their residents?



Hold each other accountable.  
Encourage your residents to report  
issues or concerns as they happen.



Create bulletin boards, fliers or social  
media posts about respect, safety,  
and reporting concerns.



Interact, even virtually, with your  
residents as much as possible. In the  
time of COVID-19, interact safely.



# FERPA

Family Educational  
Rights & Privacy Act

## Question Time!

As an RA, I can share details of an incident with anyone else in Residence Life!

As an RA, I can share details of an incident with my hall director or area coordinator.

As an RA, my hall director will keep me updated on incidents I report even if they involve sexual assault.

# What does FERPA do?

- Designed to give students, and anyone they deem necessary, access to their educational records.

What is considered an educational record?

- For Ras, everything about a student is considered an educational record. Names, room assignments, information on incident reports, etc.

**When in doubt... don't give it out!**



THANK YOU!

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