

Module 6

Campus Sexual Assault



Learning Objectives

- Cite key statistics on campus sexual assault.
- Describe the laws that apply to sexual assault on campus.
- Identify resources available to victims of campus sexual assault.

Victims of Campus Sexual Assault

According to the 2015 Association of American Universities Campus Climate Survey:

- 11.7 percent of all student respondents reported experiencing nonconsensual sexual contact since enrolling in their university.
- 23.1 percent of female undergraduate respondents and 5.4 percent of male undergraduate respondents reported experiencing nonconsensual sexual contact since enrolling in college.
- 8.8 percent of female graduate/professional students and 2.2 percent of male graduate/professional students reported experiencing nonconsensual sexual contact since enrolling in their university.

Physically Forced Sexual Assault Factors

According to the 2007 National Institute of Justice (NIJ) Campus Sexual Assault Survey, factors include:

- Number of sexual partners.
- Previously threatened/hurt by dating partner.
- Length of time in college.
- Years in college.



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Incapacitated Sexual Assault Factors

According to the 2007 NIJ Campus Sexual Assault Survey, factors include:

- Voluntary substance abuse.
- Substance abuse without knowledge/consent.
- Previously hurt/threatened by dating partner.
- Length of time in college.



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Primary Laws

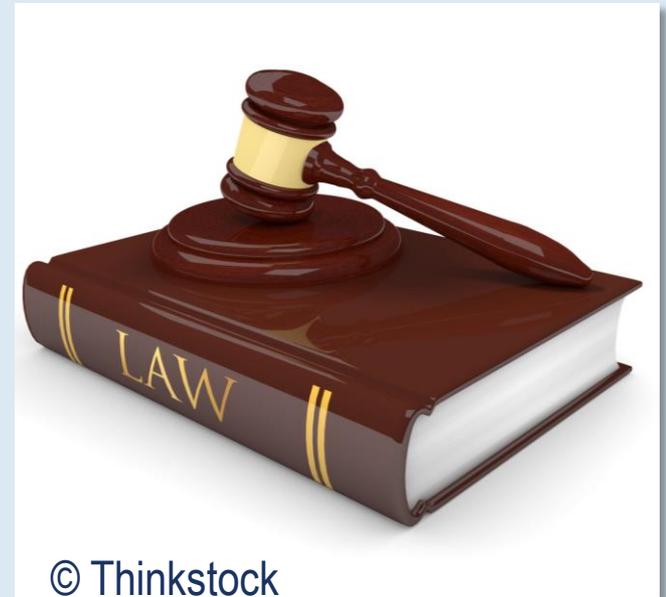
1. Title IX.
2. Clery Act.
3. VAWA Amendments (commonly referred to as Campus SaVE).



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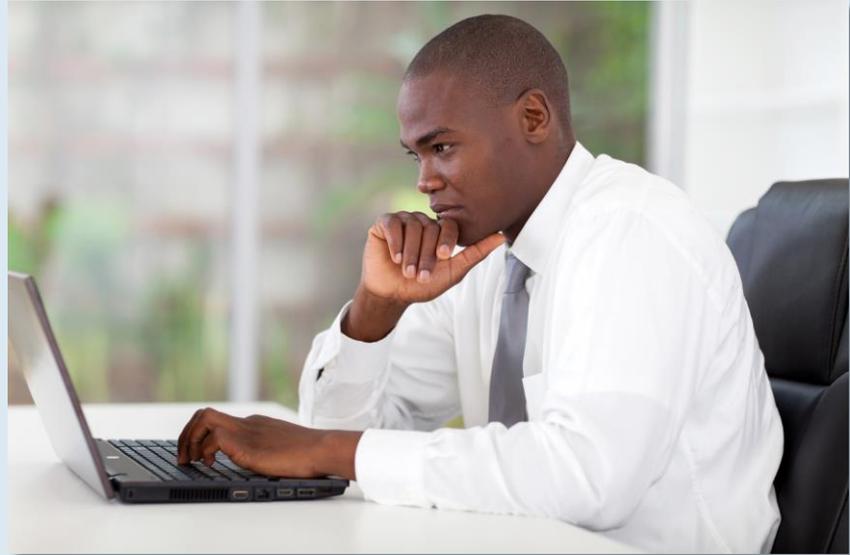
Title IX

- Civil rights statute.
- Applies to all schools that participate in federal financial aid programs.
- Provides for fairness in education.
- Enforced by the U.S. Department of Education, Office for Civil Rights.
- Retaliation is strictly prohibited.



Title IX Basic Requirements

- Publish a notice of nondiscrimination.
- Designate an employee to coordinate Title IX compliance.
- Adopt and publish grievance procedures.



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Clery Act

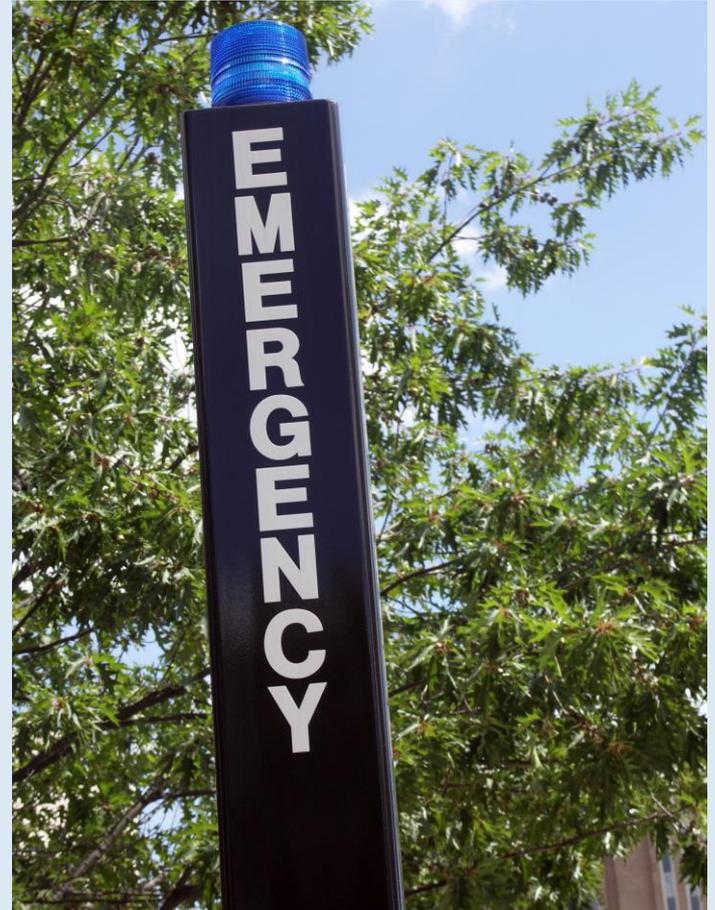
- Requires schools to maintain and disclose campus crime statistics and security information.
- Applies to all schools that participate in federal financial aid programs.
- Enforced by the U.S. Department of Education.



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Clery Act Basic Requirements

- Maintain crime statistics.
- Maintain a public log of all crimes reported to them, or those of which they are made aware.



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VAWA Amendments (Campus SaVE)

- Part of the reauthorization of Violence Against Women Act (VAWA) / Amended the Clery Act.
- SaVE requires that incidents of domestic violence, dating violence, sexual assault, and stalking be disclosed in annual campus crime statistic reports.
- Students or employees reporting victimization will be provided with their written rights.

VAWA Amendments (Campus SaVE), continued

- Requires institutional disciplinary procedures covering domestic violence, dating violence, sexual assault, and stalking.
- Education programs.



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Title IX, Campus Obligations, and Local Law Enforcement

- It is not sufficient that local police investigate the sexual assault; a school's Title IX obligations are different.
- Title IX does not usually require schools to notify local law enforcement; generally, reporting is up to the victim.
- If the police determine that there is insufficient evidence to proceed criminally, a school may still find an accused student “responsible.”
- Local police may ask the victim's school to wait on the Title IX investigation for 7–10 days.

Task Force To Protect Students From Sexual Assault

- Provides colleges and universities with recommendations for preventing and responding to sexual assault.
- Identifies efforts to hold educational institutions accountable for addressing sexual assault on campus.
- Offers guidance to educational institutions on how to combat campus sexual assault and improve compliance with Title IX.

Task Force Recommendations

1. Identify the problem using climate surveys.
2. Implement preventive programs and strategies; research new ideas and solutions.
3. Implement effective response programs.
4. Increase transparency and improve enforcement.



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Confidentiality

- Task Force report recommends honoring victim confidentiality.
- Title IX and Clery Act may impose investigatory and reporting obligations that may conflict with a victim's request.
- Schools are advised to honor confidentiality requests while not compromising investigations—a balance that may be difficult to maintain.

Activity



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Campus Sexual Assault Case Studies Worksheet 6.1, #1: The Perpetrator Leaves School

- Working in groups, read Case Study #1.
- Discuss and answer questions on the worksheet.
- Discuss with the large group.

Activity

1. Is this incident considered sexual harassment under Title IX?
2. If the perpetrator already withdrew, isn't that enough?
3. Is the taunting by classmates considered sexual harassment as defined by Title IX?

Activity

4. Does Title IX permit the victim to receive accommodations? What accommodations might the victim need?
5. What written information, if any, should the school be providing to the victim?
6. Should this be disclosed in the annual crime statistics under the Clery Act?

Activity



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Campus Sexual Assault Case Studies Worksheet 6.1, #2: Full Hearing

- Working in groups, read Case Study #2.
- Discuss and answer questions on the worksheet.
- Discuss with the large group.

Activity

1. What is the disciplinary process?
2. Where can I find the disciplinary process explained?
3. In a disciplinary process, what is the panel trying to decide?

Resources for Campus Sexual Assault

What can advocates do to help campus sexual assault victims?

- Provide resources following the assault.
- Negotiate with the school for/with the victim.
- Provide advocacy during a disciplinary process.
- Help the victim file a Title IX complaint.
- Provide support and resources if the victim wants to report to law enforcement.
- Help the victim navigate the process.

Resources for Campus Sexual Assault, continued

What resources are available on campus?

- Advocacy.
- Medical.
- Mental health.
- Academic counseling.
- Accommodations/interim measures for victims to be safe.
- Title IX Coordinator.

Off-Campus Resources for Sexual Assault

What resources are available off-campus?

- Sexual Assault Nurse Examiner (SANE).
- Local rape crisis center.
- Hospital visit.

Off-Campus Resources for Sexual Assault, continued

Do you have a relationship with the off-campus resources?

- Can they offer training to campus administrators?
- Are they part of a Sexual Assault Response Team (SART)?
- Are their services known and accessible to students?

Review of Learning Objectives

- Cite key statistics on campus sexual assault.
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End of Module 6

Questions? Comments?



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