



OVC
Webinar Transcript

Campus Sexual Assault:
Advocating Under Title IX

[date]



Campus Sexual Assault: Advocating Under Title IX

Billie Matelevich-Hoang: Good afternoon, everyone. I think we are ready to get started. Thank you all for joining us today. My name is Billie Matelevich-Hoang. On behalf of the Office for Victims of Crime Training and Technical Assistance Center's Legal Assistance for Crime Victims Initiative, I would like to welcome you to today's Webinar. Our topic today is *Campus Sexual Assault: Advocating Under Title IX*. This Webinar is presented by Lindy Aldrich, the Deputy Director with the Victim Rights Law Center (VRLC). We are honored to be working with Lindy and the staff at the Victim Rights Law Center on this project. Before we officially start, we do have some housekeeping issues to cover.

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Billie Matelevich-Hoang: This Webinar was produced as part of a collaboration between OVC TTAC and the Victim Rights Law Center, with funding from the Office for Victims of Crime, Office of Justice Programs, United States Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this presentation are those of the contributors and do not necessarily represent the official position or policies of the United States Department of Justice.

Billie Matelevich-Hoang: I am now going to turn it over to Jason to discuss the Webinar platform.

As with all technology, we may experience a momentary lapse in the Webinar session. In the event of a problem, please be patient and remain on the line. If the problem persists, please contact our technical support representative, Jason Adams, by sending a private chat or e-mailing him at jadams@ovcttac.org for technical assistance.

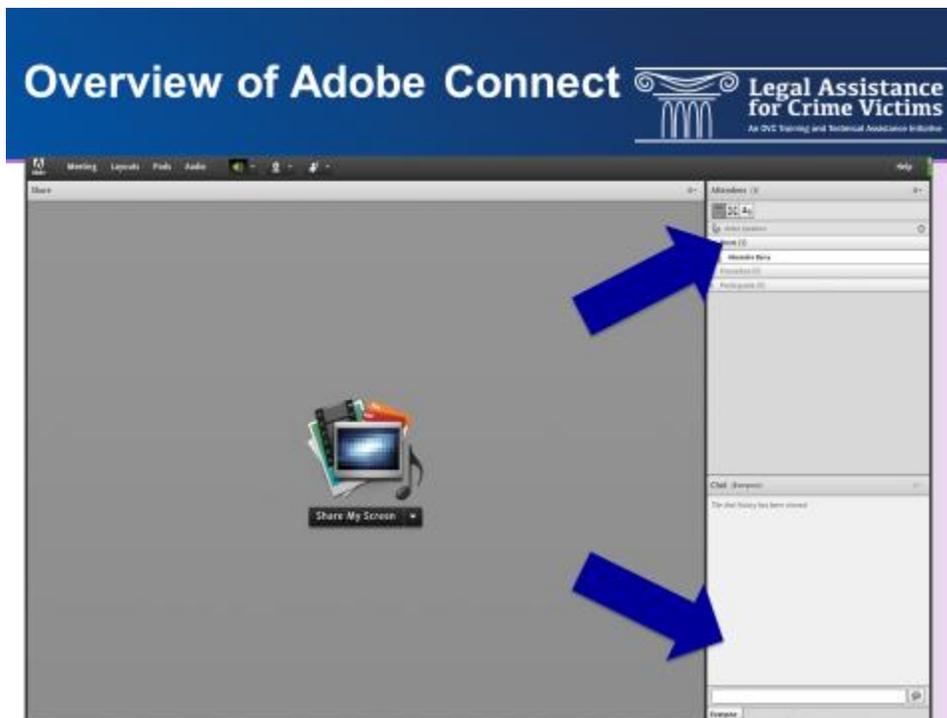


The Session Today Will Be Recorded

Jason Adams: Hello, everyone. My name is Jason Adams and I am with OVC TTAC. I am just going to give you a quick overview of Adobe Connect, which is the platform that we will be using today. Just as a reminder, as with all technology, we may experience a momentary lapse in the Webinar session. In the event of a problem, please be patient and remain on the line. If the problem persists, please contact me, Jason Adams, by sending me a private chat, which we will discuss in a minute, or by e-mailing me at jadams@ovcttac.org for technical assistance. And, just as a reminder, the Webinar today will be recorded.

Make sure you are connected on the Web and on the phone. *The audio for the Webinar is available by phone only. Please keep your phone muted during the presentation.*

Jason Adams: Also, please make sure you are connected on both the web and on the phone. The audio for the Webinar is available by phone only. Please keep your phones muted during the presentation.



Overview of Adobe Connect

Jason Adams: Now, for a quick overview of what you are seeing on the screen, we have three different pods that we will be using today. In the largest pod on the left-hand side is where the presentation will take place. You should have received the same PowerPoint presentation in the e-mail this morning for your reference. On the right side of your screen, you will see the Attendees pod. This is the list of everyone who is attending the Webinar today. You will see the participants at the bottom, above them the presenters, and finally, me, the host. I am listed as OVC TTAC. This is where you can private chat with me if you have any technical issues, and you can also private chat with Billie if you have any specific questions about the presentation that you would like to ask discreetly. To do that, you are going to take your mouse, hold it over our names, and you will see a few options but you want to choose Start Private Chat.

Jason Adams: Below the Attendees pod, you will see the Chat pod where you can ask questions to presenters throughout the presentation. Underneath that, you will see a tab that says Everyone. If you start a private chat with me or Billie, you will see a second tab next to it with our names. Just click on the tabs to switch back and forth between the different chats. I think that is it. And now I am going to pass it back to Billie.

Help us count



If you are viewing as a group, please go to the chat window and type in the name of the person registered and the total number of people in the room, e.g. Billie Hoang- 15. This will help us with our final count.

Thank you.

Help Us Count

Billie Matelevich-Hoang: Thank you, Jason. And I just have one more item. We know that some of you are viewing this presentation and Webinar from a group. If you could please help us out. We are trying to really accurately count the number of people that are on the Webinar. So if you could go to the Chat window and type in the name of the person registered for the Webinar and the total number of people in the room, we would appreciate it. This will help us with our final count. And, without further delay, I will turn this over to Lindy Aldrich. Thank you, Lindy.

Who is the VRLC?



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Who is the VRLC?

Lindy Aldrich: Great. Thank you, guys. It is really exciting to have everyone on. Oh, it is so exciting that there are so many of you. I am seeing you are putting other people who are in the office. That is really cool. Thank you, that was a great suggestion and I love hearing that. So, again, my name is Lindy Aldrich. I am the Deputy Director of the Victim Rights Law Center, and this is the second Webinar in a series where we have been talking about – the first one was about victims and what are their rights under Title IX, and today we are going to have a discussion about not only some of the what victims, what rights they have under Title IX, but also how advocates can help in the process. And we are going to get into some very kind of specific things that advocates and attorneys can do. But first I wanted to talk a little bit about the Victim Rights Law Center and what we do in case there are those of you who have not heard of us.

Lindy Aldrich: So a) I would like to thank OVC for the opportunity, and everyone today for their time. And I also wanted to say to you, if you have any questions, please feel free to ask them either in the private chat box or in the larger chat box there at the bottom. I am really excited to hear what things are going on for you guys, so I am happy to take as many questions as I can. So please feel free.

Lindy Aldrich: For those of you who have not heard of the Victim Rights Law Center, we were started about 10 or 11 years ago. A lot of people, when they interact with us first, often know our Director in our Portland office, Jessica Mindlin, so you may have worked with Jessie over the years. But we started when our founder was a first-year law student and she was volunteering at a local rape crisis center. As she was talking to more and more victims, and as they called in, she realized that many of the issues they were presenting, things like how to get out of a lease if they were raped in their apartment, worried about being fired from a job after being raped by a coworker, fear of losing a scholarship when they were raped by a classmate and could not attend

class. And the idea dawned that rape victims need attorneys, that they have civil rights, and that while going to the police is an option, it is not the only option.

Lindy Aldrich: Our first mission is to provide direct legal representation to rape victims in two states, we are in Massachusetts and Oregon, and you can see those addresses up on the slide. We are also OVW (Office on Violence Against Women) technical assistance providers and we provide assistance to LAV (Legal Assistance to Victims) and rural attorneys and advocates, grantees, and so if you are either of those things, please feel free to get in touch with us because we have materials and people to speak with on a variety of different issues.

Lindy Aldrich: One last thing before we jump in. I want to say that I use the word “victim” deliberately. Not only is it in our name, but I personally have worked with hundreds of victims who are working towards becoming survivors but would not use that term for themselves. So we use the word “victim” as a nod to those clients who are still working their way forward and, you know, hopefully they all get to a place where they may or may not want to use that term. But for today we are going to use “victim.”

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Copyright Notice

Lindy Aldrich: All right, so moving forward. Copyright notice. As I mentioned before, today’s presentation is being recorded for future use, but we do ask that if you wish to use any of the slides included in this presentation that you contact the VRLC just for permission so that we know how they are being used.

The VRLC will not be providing legal advice and encourages all organizations to direct legal questions to appropriate legal counsel.

And then, just because I am a lawyer and I cannot stand it, we do have to say that we are not providing legal advice today. And we encourage you all to direct any legal questions to appropriate legal counsel. I am only barred in the State of Massachusetts, and that means that I am not aware of every state law that really could have an impact on victims' cases in your state. So I encourage you that, as things come up or questions that may involve state law, that you consider what are potential, you know, resources for attorneys in your state where you can get your questions answered. Today we are going to be talking a lot about federal law and kind of general practices.

Agenda



Overview of Title IX

Highlights from the April 2014 FAQs

Areas to Advocate

- Negotiate With Schools
- Disciplinary Process
- Office for Civil Rights Complaints
- Department of Justice Civil Rights Division

Agenda

Lindy Aldrich: All right, so here's the agenda. We are going to do a quick overview of Title IX, because we did some of that in the first Webinar, and I just want to make sure that everyone is still on the same page. We are going to do a couple of highlights from the most recent Office for Civil Rights, and we are going to talk about who that is. They put out a 50-odd page *Frequently Asked Questions* document in April, and so I want to talk about some of those highlights. But mostly today we are going to really delve into that bottom area about where to advocate on behalf of specific victims with their particular campuses. So that is where we are going to spend the most of our time today, but I just wanted to make sure that everyone is on the same page before we get to that bottom part.

Who is required to comply with Title IX?

- All public & private educational institutions that receive federal funds.
 - What is *receive federal funds* under Title IX?
 - Qualifying federal financial assistance can be in the form of: an award or grant of money; use of rent of federal land or property; and federal training.
 - Federal financial assistance can also be received indirectly
 - Example: Accepting students who receive federal financial aid (FAFSA)

What does Title IX say?

- General mandate: Prohibits recipients of federal financial assistance from discriminating on the basis of sex in education programs or activities. ***Sexual harassment of students, which includes acts of sexual violence, can be a form of sex discrimination prohibited by Title IX.***

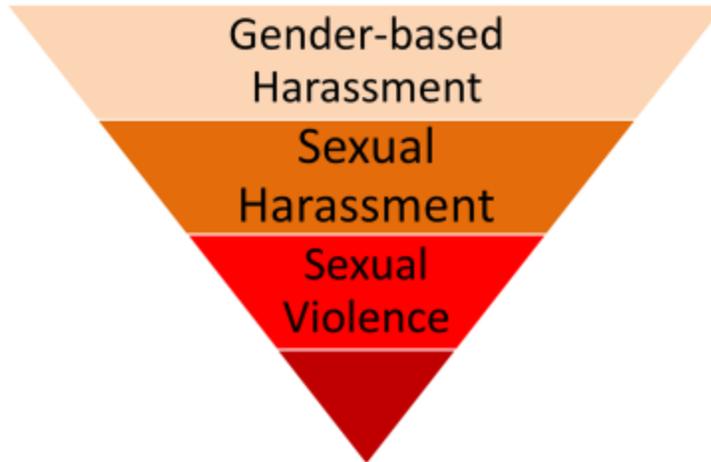
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Overview

Lindy Aldrich: All right, so in our first Webinar, I went through a lot of this early information, but just to make sure that we are on the same thing, we are going to kind of fly through a couple of these slides. But I just wanted to make sure that everyone who may not have been familiar with Title IX is as we kind of move forward.

Lindy Aldrich: So, Title IX is from the Education Amendment of 1972, and many people who have heard of Title IX have generally heard of it as a vehicle for providing equity for women's athletics. But Title IX is actually a huge federal statute that provides much more, and it is really a vehicle to end gender-based discrimination and not just in sports.

Lindy Aldrich: So who, who has to comply with Title IX? Any public or private educational institution that receives federal funds. And there are a lot of different ways that you can receive federal funds. And OCR, which is the Office for Civil Rights, which is the enforcement office of the Department of Education, they are the office that enforces Title IX and they are also the one to call or contact if you have questions about whether or not a school in your area would be receiving these funds. Title IX goes from kindergarten all the way through higher education. So a lot of times when we get questions as to it seems odd that we are talking about campus-age students, it is because people do not understand that we are talking about all the way down to kindergarten or the 4- or 5-year-old age child. So it is something to kind of, you know, keep in mind as we talk about definitions or kind of any legal particular, you know, concepts because, in essence, they are thinking about children all the way up.



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Lindy Aldrich: And what does Title IX say? It simply says that it prohibits anybody who receives these funds from discriminating on the basis of sex in their education programs or activities. So, sexual harassment, which is included as a part of sexual violence – and I am going to show you a quick thing – can be considered as a form of discriminatory practice. So sometimes the legal words get in the way so we wanted to just come up with a quick charter saying gender-based harassment is kind of the umbrella term for all of Title IX, and sexual harassment falls under that. And oddly, which seems a little counterintuitive, sexual violence falls under that. So while we are talking about sexual harassment, it is what we would call a term of art. And terms of art for lawyers means that it has some particularized or specific meaning in the law. And it seems a little backwards, but sexual harassment in this context is actually kind of a bigger term than sexual violence. But everything is covered. It is really mostly just words and how we are using them. So if you have ever thought – I get a lot of questions sometimes about whether sexual, whether Title IX is just for sexual harassment. I think people consider that in kind of like an employment context, or if you are harassed at work. It actually is, it actually is kind of an umbrella term for sexual violence in this context.

How does Title IX protect students?

Protects students in connection with all the academic, educational, extracurricular, athletic, and other programs and activities of the school.

Advocacy Tip: Remember that Title IX applies to K-12 schools, as well as colleges. Keep this in mind when working with minor survivors.

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Lindy Aldrich: So, how does Title IX protect students? The way to consider this is if the incident that has occurred is in some way connected like ever related to the school. So the actual term is in connection with academic, educational, extracurricular, athletic, programs, activities, so all these different words here. What that means is if the parties that were a part of the harassment or the violence are in any way connected to the school, then Title IX is likely going to connect to that particular incident. It is going to apply. So let us think about some ways in which that may or may not be the case. So, if you have two students of the same institution that are at an off-campus party and one person assaults the other, Title IX is going to likely cover this action. And I say “likely” because a school has to process all the complaints to determine whether or not their – whether or not the conduct or the incident affected the program or activity at the school. But it is not just the specific program. It can also be say, for instance, in an off-campus party setting. Right? Which is not necessarily directly like on-campus or in a, you know, either at a specific game or extracurricular activity. Right? It can be also that the impact of the incident had continuing effects on the program or activity. So that is how they cover both on-campus and off-campus and, as we know, when somebody is assaulted off-campus, that does not mean that they do not bring retaliatory behaviors and other discriminatory behaviors back to campus. So that is how Title IX protects students.

Lindy Aldrich: It also covers faculty, it covers employees, so if there are sexual harassment, sexual violence that occurs, you know, between an employee to a student, all of that is going to be covered. A lot of times we are seeing, too, where there are questions about, say, study abroad programs, or if there is, you know, kind of an off-campus event that is covered by the school. All of those things are going to count.

Lindy Aldrich: So, who would it not cover? We have a lot of cases where a student goes home on break, a holiday break or something like that, and is assaulted by a former classmate from high school or a neighbor or something like that, and that person is not attached to the school. So that is a clear instance where Title IX is not going to apply. However, we are going to talk in a little

bit about how the Office for Civil Rights does consider that this other violence should also be – there are ways sometimes in which, where they are going to actually encourage the school to take and help that victim, even though it is not necessarily in the same rubric. So I just want to say that. So it is important, I think, for people to realize, you know, what it covers and what it does not.

Highlights



Highlights from the April 2014 FAQs

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Highlights

Lindy Aldrich: All right, so let us talk a little bit about the April 2014 *Frequently Asked Questions*. This is a lengthy document. It is well over 50 pages. So to try and go through it too detailed would be very difficult just in this 90 minutes. So I have picked out a few highlights that I think will be helpful with the populations you are working with.

Lindy Aldrich: So, another time just to kind of talk about that term of art that I mentioned earlier. There is a big legal difference between the word “shall” and “may” in the law. And we are seeing that victims have a really difficult time discerning those lines, and oftentimes when they are working with schools they will blur the line as to whether or not this is something a school is required to do versus something that the school is encouraged to do, which obviously that is the nice way of saying that they do not have to do it at all. I think it is important as advocates and attorneys who are working with this population to help them get better educated about what, what schools have to do and what they do not. So when we use certain language in here, we are using it on purpose, and I will try to point out where things are just merely encouraged versus required.

The Highlights



- Title IX protects against discrimination based on gender identity
- Title IX protects students regardless of their immigration status or citizenship status (ex. International students)
- Disclosures at public awareness events are not considered notice to the school (ex. Take Back the Night)
- Responsible employee analysis
- When a student-victim reports but requests confidentiality, the school must do a safety-risk assessment
- Even when the perpetrator is not affiliated with the school, the school must provide appropriate remedies to the complainant and, where appropriate, the broader school population
- Title IX does NOT require a school to report to law enforcement, although such a report may be required by state, local, or other federal laws.

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Lindy Aldrich: So the highlights here. OCR wanted to make clear that Title IX protects gender identity discrimination, as well as protecting students who may be undocumented or international students. Title IX is still going to protect them, they wanted to be clear on those. They also wanted to be clear that awareness events, things like Take Back the Night, that when students, you know, when students actually speak out at those events and talk about their assaults, that that is not considered notice. The school is not on notice because of a Take Back the Night or some kind of an awareness campaign. So I wanted to throw that out as well.

Lindy Aldrich: We are going to talk a little bit more about this responsible employee analysis in a slide, as well as that safety-risk analysis. Actually, I am just going to drop down to the last bullet because we are going to cover those three in just a second.

Lindy Aldrich: Importantly, Title IX does not require a school to report to law enforcement. We are seeing a lot of cases in which schools are essentially getting a report from a victim and then immediately contacting state and local law enforcement. Absent a specific law in your state that requires you to report to law enforcement, and I know there are some, I think it is fairly rare, schools should not be reporting to law enforcement without the consent of the victim. So I think it was another important piece that the Office for Civil Rights, or OCR, wanted to clarify. So I send that out to you because I am sure you are seeing similar problems in your state.

FAQs: When the Perpetrator is Not Affiliated With the School



"Even though a school's ability to take direct action against a particular perpetrator may be limited, the school **must still** take steps to provide appropriate remedies for the complainant and, where appropriate, the broader school population."

Example: Perpetrator is athlete or band member from a visiting school

The Office for Civil Rights recommends:

- Investigate
- Report the incident to visiting school
- Encourage visiting school to take appropriate action
- Notify the complainant of any right to file with perpetrator's school or local law enforcement
- The school could decide not to invite back the visiting school to its campus

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FAQs: When the Perpetrator is Not Affiliated With the School

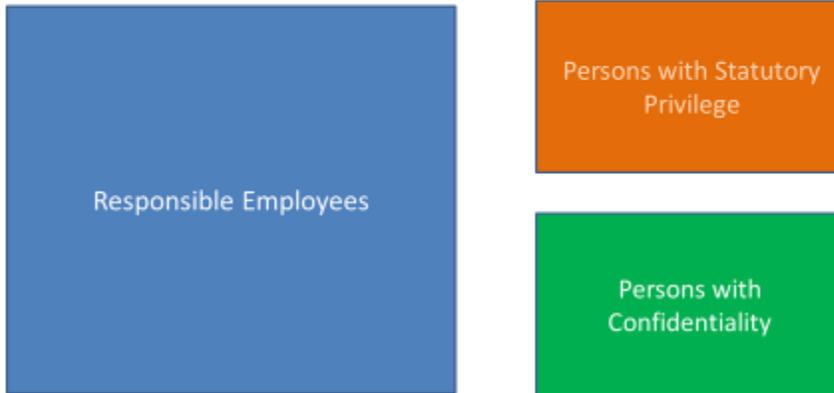
Lindy Aldrich: So getting back to that one, there were a couple of slides here I just want to kind of focus on. Remember we mentioned that if a perpetrator or a person who had committed the violence was not a student or not ever related to the school? OCR attempted to take on this issue. So what they are saying is that even though the school may not have the ability, or what we would say kind of legally, the jurisdiction to, you know, have any disciplinary control or conduct or any kind of punitive way of going after an alleged perpetrator, they still have to take steps to provide remedies for that complainant. So, what we were seeing a lot of times with schools is that a victim would come forward and say, "I was, you know, I was raped by this person." They were, say, an athlete or a visitor from another school. They were here for a game or they were here for, you know, some other event on campus. But the school was saying, "Well, there is nothing we can do." OCR, and I think you are going to notice a word that should jump out at you, it says recommends. So there's that "shall/may" distinction. Right? "Shall" says you have to do it. "Recommends" feels a lot like we are just encouraging you to do it.

Lindy Aldrich: Still, I think it is important and I think it speaks to, when you have an educated victim, a victim who knows that this exists somewhere, and an advocate who says to this victim, "Hey, you know, you can push them to take steps." If nothing else, they should absolutely be providing safety, services, housing accommodations, academic accommodations, things of that nature absolutely to the victim. But also they can report the incident, with the victim's consent, to the visiting school. They can encourage that school to take action. They can take steps to not have that school ever come back to their campus if they feel that their actions were not heeded. There are some steps that schools are encouraged to take, even if the perpetrator does not attend their school and would not fall under that Title IX rubric. So, again, I think it is more about helping victims to really understand what rights they have, what rights are encouraged, and then being able to advocate on their behalf or with them in helping them. And we are going to talk more about that specifically in a minute.

FAQs: Responsible Employee Analysis



Responsible employees MUST report incidents of sexual violence. Once a responsible employee has received a report of sexual violence, the school is on notice for purposes of Title IX.



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FAQs: Responsible Employee Analysis

Lindy Aldrich: All right, this slide, it looks simple, it looks so simple. It is not. It is just not simple. And this is really, victim confidentiality is one of my expertise areas, and it is some of the work that I did with the White House Task Force and with OCR. We spent a lot of time on this particular system, what I call the “bucket system,” that came out in the most recent *Frequently Asked Questions* at the last Webinar which is recorded. And I really would encourage you, that if you have confidentiality questions, and we had received some questions earlier and part of those questions were talking about confidentiality and how victims, who they should report to and how schools are choosing these buckets. So I am going to quickly talk through these, but I encourage those of you who are interested in, and were not at the first Webinar, to go back in and take a look at this one.

Lindy Aldrich: Essentially, OCR created a three-bucket system, and it says if a victim gets to an employee who is in the orange or the green bucket, which is a Person with Statutory Privilege or a Person Who has Been Labeled as Confidential, the persons in those two buckets on the right, the orange and the green boxes, do not have to report to the Title IX Coordinator any identifying information. If a victim gets to someone in the Responsible Employee bucket, in the blue box, which as you will note is much larger than the other two boxes, and that was on purpose, then that person is going to have to report identifying information to the Title IX Coordinator. And within the *Frequently Asked Questions* there is some really good specific language about what they have to report. So that is a very simple overview of this bucket system and there are a lot of intricacies within it. We got into some of that in the last Webinar.

Practically Speaking...

*How often should schools **not** honor a request for confidentiality?*

- “Instances will be limited” – OCR FAQ page 19
- Nearly all requests for confidentiality will preclude a meaningful investigation. Few investigations will be productive or result in a sanction without a cooperation of the victim.

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Safety Risk Assessment

Lindy Aldrich: However, what is not typically talked about, and I wish it were talked about more, is that if a victim does inadvertently disclose to a Responsible Employee, that victim also has the right to ask that they be given confidentiality. So, for instance, if a victim goes to a professor and says, you know, tells, discloses about a sexual assault, and while that professor may be considered a Responsible Employee, when the professor goes to the Title IX Coordinator and provides information, as is required by law, the professor can also alert the Title IX Coordinator that the victim has asked for confidentiality. And there is a whole process that that Title IX Coordinator needs to then go through to determine whether or not they can honor that confidentiality. When a school decides not to honor confidentiality, it is supposedly a very rare, it is supposed to be a very rare occurrence. And they even state in the *FAQ* on page 19, “Instances should be limited.” Most of the time what you are asking – what schools should be doing when they are doing an evaluation of this kind is they are determining whether or not there is a significant safety risk. So they are weighing on one side the victim’s request for confidentiality against a balancing system of whether or not there is a real compelling safety risk. And they are supposed to use these factors to do that evaluation.

Safety Risk Assessment



Safety Risk Factors:

- Whether there have been other sexual violence complaints about the same alleged perpetrator
- Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence
- Whether the alleged perpetrator threatened further sexual violence or other violence against the student or others
- Whether the sexual violence was committed by multiple perpetrators
- Increased risk of future acts of sexual violence under similar circumstances (e.g., pattern of perpetration – use illicit drugs/alcohol at a given location or by a particular group)
- Whether the sexual violence was perpetrated with a weapon
- The age of the student subjected to the sexual violence
- Whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence)

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Lindy Aldrich: As you see, it is kind of a long list. Some of these I like. Some of these I am not as happy with. But this is the list that came out. And, essentially, what they are trying to do is help the school to navigate through: How are you going to make this decision to honor this victim's request? And how, how does it, where do you need to be in order to determine that, although the victim requests confidentiality, we have a much larger problem with this particular accused student? Things like: Have you heard of the accused before? How have you heard of them? Is there a history of arrest? Were there other people involved? Gang rape is something on the rise that we are seeing a dramatic increase in our cases. Was there a weapon? The age of the student? Are there other means of relevant evidence, are there videos, you know, other physical evidence?

Lindy Aldrich: Some of these I think are problematic, but many of them I think are obviously pointing to a case in which you have extreme violence – not to say that rape is not extreme violence – but you are talking about somebody who may be escalating. Perhaps they had committed some smaller infraction and now they are moving up the escalation kind of trail towards really dramatic, dangerous crimes. It is really supposed to help schools kind of figure out what is the next step as they decide whether or not they are going to honor that initial request.

Lindy Aldrich: I will tell you, I do, I have like a 3-hour training that I do for administrators on this, so I am really touching just the tip of the iceberg on how to do this assessment and how schools should be responding to confidential requests. So I want you to know that there is a lot more information in the last Webinar, so if you can, try to, you know, take a listen to that as well.

Lindy Aldrich: All right, so that is my overview, very quickly, of Title IX. And I would like to now switch to going through kind of the meat of this presentation.

Areas to Advocate



- Negotiate With School
- Disciplinary Process
- Office for Civil Rights Complaints
- Department of Justice Complaints

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Areas to Advocate

Lindy Aldrich: Hopefully, we are kind of all on the same page, and now we are going to get into what are some real significant areas where advocates and attorneys can work with victims to, you know, frankly, keep on the original trajectory they were pre-assault. It is part of our mission to help every victim have an attorney, but realistically when we are talking about education law we are talking and helping victims both at the middle school, high school, and college levels to – they had goals. Right? It is an incredibly critical time period in anyone’s life when they are this age and making decisions about their professional lives or educational lives or personal lives. And sexual assault at that juncture really can send a person heading in a direction they had never intended. And we want to make sure that if there are remedies, civil remedies, where victims can decide, you know, get enough time and enough space – what I like to call pushing out the walls – if they are able to do that and given a chance to kind of think through what are their options, we have had an enormous success rate in having victims get that high school diploma, get that college degree, come back and negotiate all their safety needs, their academic needs. And that is what we are going to talk about moving forward is how can you be a part of that process, and ensure that victims, because of a sexual assault, do not drop out, do not give up on, you know, a pursuit that they had pre-assault.

Lindy Aldrich: We are going to talk about four areas: how to negotiate with schools, being a part of the disciplinary process, filing Office for Civil Rights complaints, and Department of Justice complaints. So we are going, we are going to go through each of these in detail.

Negotiate With the School

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Negotiate With the School

Lindy Aldrich: All right, so starting with negotiating with the school, and before we kind of jump into these particular areas, I thought I would give you a brief hypothetical. And I want to use this fact pattern and I am going to keep referring back to this fact pattern as we move through some of the options. So I am also going to be asking you in various sections, if you do not mind typing in for me some answers, some of your thoughts, and so that we can maybe start to show you different ways of how, if you have got victims coming in, how you can help them to kind of negotiate through some accommodations.

Lindy Aldrich: So here is my hypo. Brian is an 18-year-old freshman. Brian is gay but he has not come out to his family or community. He is attending college on a music scholarship as he is a classically trained violinist. Brian was sexually assaulted the first month he was on campus by a fellow student in his program. Brian is having a hard time attending classes because of his fear of seeing the perpetrator, but he is concerned that he is going to lose his scholarship if he does not start attending these required classes. Okay, so 18-year-old freshman. Gay but is not out. Attending school on a music scholarship. Assaulted by a student in the music program. Having a really hard time attending classes but worried about losing that scholarship. Okay. So let us go through the steps of how we negotiate with the school.

Lindy Aldrich: All right, first step. All right, well, you know, I am going to back up. There is a reason that we start with negotiating with the school as the very first kind of advocacy tool. The vast, vast, and I would say close to 75 percent of our education cases are resolved at this stage. Because, let us be honest, and I know you know this, victims know what is best for them. They know how to assess their own safety and whether or not they need a medical leave or just a class adjustment or a housing relocation. Not all of our cases have this level of clarity, but a lot of our clients are very good advocates for themselves. Where they need help often is that they are suffering from debilitating trauma and they need help organizing their thoughts or expressing

themselves. And, in many instances, they just need someone to believe them and to help them stand up for themselves. And that is where I think, you know, frankly, it is the privilege of doing this work, it is just amazing, frankly, to be a part of that process. But I cannot tell you, and I am sure you know this as well, how many rooms I have sat in where it is just me and the victim, and everyone else thinks, you know, we are horrible. And that is okay. You cannot – I cannot imagine my client having to go through this process with no one, and that is why we are out doing Webinars and training to try and encourage as many people as we can to be a part of this process and to learn more about it.

Negotiate With the School



- Step 1:** Discuss desired services or assistance needed from the school with client
- Step 2:** With the help of the client, identify people on campus who are in a position to provide services and assistance
- Step 3:** Contact school to determine willingness to work with victim
- Step 4:** Make requests for services or assistance in writing to the school

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Lindy Aldrich: So, step one, and it is likely the most important step, is helping the victim assess what their goals are. And if there are a couple of goals, helping the victim to really prioritize what those goals are. So, thinking back on Brian and that case, could you guys type in the chat box some of the goals that you think Brian might have? Like what might be some of the things that Brian would be looking for in, say, let us just say he has come to you within a month or two after the assault has happened. Oh, I see typing, that is good. So what kind of goals might be?

Lindy Aldrich: Switching classes. Safety to attend classes, absolutely. Confidentiality, love it. Chance not to be included in class or switching classes, yes. Not losing the scholarship, yes. So these here are all – these are great. HIV testing, love it. Protection, yes. All of these are great. Crisis counseling, love it.

Lindy Aldrich: These are all things that when Brian shows up at that initial meeting, and it is funny, it is interesting, and I know this because you know this as well as I do, that when they come in initially they are not necessarily saying, “I want to file a report with the police,” or, “I want to file a disciplinary complaint.” It is not that Brian may never get there. Brian absolutely may get there. But initially, when that first connection occurs, all of the things you just listed are

exactly what people come forward with because they have immediate issues. And I did not even really go into how trauma may be impacting him. Anxiety, panic attacks, night terrors, PTSD (post-traumatic stress disorder). We know all of them. I did not even go into that, but you know inherently that these are things that he could be feeling.

Lindy Aldrich: So part of these goals is also assessing who would Brian – who has Brian told and who does he want to know? And as we are kind of thinking back on those boxes with the blue box, the orange box, and the green box, if Brian’s goals are to figure out his class situation, get some counseling, and figure out his safety, we need to figure out who are the people that need to know in order to take care of those goals.

Lindy Aldrich: And I think the other important thing here is that Brian’s goals may change. Brian may do 4 months of fixing his class schedule, fixing his housing situation, getting counseling, you know, pushing the walls out, and then Brian may change his mind and say, “Oh, you know what, I do want to do a disciplinary hearing,” and he may come back to you, and that is okay. I think we have seen where victims who are able to access confidential services upfront oftentimes will make a decision later to come forward in a more formalized way. It is something that we spend a lot of time at the VRLC talking, you know, to national communities about and saying, you know, we need to understand the intrinsic – the intrinsic thing that privacy and confidentiality play in the decision making of victims for, frankly, everything. Every decision often is, in many ways, tied to who is going to know, who is going to find out, and why. So I really appreciate all your answers there.

Lindy Aldrich: So, for step two, with talking with the client and thinking through, “Okay, Brian, who – so if we are looking through your class schedule, maybe what we want to do is find a privileged person on your campus that you could speak with, and then,” and this is partly my job, too, as I am getting out there and training schools as much as I can – that they have a program in place where that privileged person is able to reach out on behalf, protecting Brian’s privilege, and asking for accommodations on behalf of classes and things of that nature. So that they are not triggering a Responsible Employee report, but at the same time, they are helping Brian engage in the accommodations that he needs in order to get back on that original trajectory, at least to figure out kind of his immediate needs.

Lindy Aldrich: If there is no privileged person or the school has not identified anyone or that particular bucket system does not seem to be clarified at the school, I think some of the work we do is we then start to reach out to certain people at the school to determine the willingness of the school to kind of come to the table. And, you know, we are doing that in some ways to assess what the reaction is. You know, some schools are really happy to provide help.

Lindy Aldrich: We had a case recently where the school, you know, we could not seem to come to any agreement about safety precautions, and we had had kind of a contentious relationship in the past, so when we asked for a meeting, you know, everybody had their lawyers and, you know, everyone, you know, they have got general counsel and we are there and, you know, everything feels kind of tension filled. And as it turns out, all we were asking for was a key card for the back door entrance that the faculty used because our client was very concerned about entering the front door because she felt that near the elevator bank was where she ran into the perpetrator and friends of the perpetrator. And you could have like felt the air rush out of the room as soon as we stated, you know, we just need a key card for the back entrance to the building. And it was just kind of amazing, you know, how sometimes it is, you know, our clients know what, how to best protect themselves often. They have great intuitive ideas.

Lindy Aldrich: And I am also going to note here, as you, as I am sure you probably already picked up on, there are a lot of lawyers in the room. I think it is, I mean, believe me, I am the first person to say that I think victims should always have counsel. But I will also be the first person to say that sometimes lawyers rushing into a situation does not help the situation. We really view our job at the VRLC as helping victims make, you know, eyes-wide-open decisions. Being as informed as they can be about the good, bad, and the ugly, so that they are making decisions that meet their goals as much as possible. But that does not necessarily mean that we kind of rush right into the situation and, you know, pound the table. We try to view this negotiation piece as strategically as we can, because often victims know exactly what they want, and with just a little bit of help and sometimes we ghost write e-mails, we help them to figure out who is the right person to contact, and we help them to basically get what they need without having to a) declare that they are reporting, and b) without having to declare that they have gotten an attorney, which often really flips the tables quickly on them. So I think there are just a lot of different ways about good advocacy, and I am sure you are already doing some of this.

Lindy Aldrich: Lastly, the big step there, too, is if you are going to make requests for services, try to do as much in writing. We use e-mail a lot. You can certainly send specific letters if you want. But I do think having something in writing also helps to preserve the record in the event that things go poorly. You, at least, have something in writing in the event that, that a client wishes to proceed with an OCR complaint in the future. So it is just good to keep a record of where things are headed.

Negotiate With the School: Services and Assistance on Campus



What can you request on behalf of a survivor?

- Safety measures
- Housing changes
- Campus no-contact order
- Academic assistance

Advocacy Tip: Be Creative! Title IX provides a floor, not a ceiling. The facts and circumstances surrounding each case are different. Survivors are in the best position to tell the school what will make them feel safe.

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Negotiate With the School: Services and Assistance on Campus

Lindy Aldrich: All right, so what are the things you can advocate? What can you negotiate about? So I am going to go back to you guys. What, we talked a lot about what Brian's goals might be. Does anyone have any specific thoughts, if you would not mind putting in the chat box, just about what those goals, like what are, what might be some specific things he could ask for? And I am happy to kind of walk you through my thoughts as well. And there are a couple of cheat sheets here, you know, there are things, you know, safety, housing, a no-contact order, academics. So if folks have thoughts on what you could ask for. And I think, really, the big point here is, you know, be creative. Title IX is the floor, it is not the ceiling. It really kind of tells you the very basic things that you could ask for. But like I had mentioned about the key card, that is not written in Title IX anywhere, that is not in any of the guidances. This is just thinking on your feet and thinking about ways that our client felt that she could be safer.

Lindy Aldrich: Discussing with security and campus police, absolutely. I like that you brought up the restraining order as well.

Lindy Aldrich: One thing to note, too, is not every campus has this, but many, many do. There are campus no-contact orders. So, for instance, in your state, say for Brian, if Brian could not get a non-intimate partner restraining order or protection order in your state, schools will often give out no-contact orders. You have to think through before you get into kind of a no-contact situation how much on alert you wish the accused student to be. So it is definitely a safety planning piece here to consider. But if you have, you know, I think that there are some other potentials here.

Lindy Aldrich: All right, actually, ensure that a change in classes will not impact the scholarship. Absolutely. That is a great negotiating tactic for Brian, to go in and say he has missed these many days but this is why, and we are asking that you kind of erase those absences and do not count that against him.

Lindy Aldrich: Safe practice spaces, [unclear]. Absolutely. If, if, for instance, if he has a schedule in which he has to do so many practice sessions, perhaps there is a way upon looking at the perpetrator's schedule that we can figure out some safe places for Brian to go to practice in or to meet with a teacher at a different time so that it is a better chance that he is not going to run into the perpetrator. These are all great.

Lindy Aldrich: Leniency with scholarship. Absolutely. So these are all really great ideas and, you know, Brian – Brian would likely, to be quite honest, we often say that schools never ask the victim, "How would it be better for you to feel safe?" They have great, great ideas. I cannot tell you the number of times where schools have thrown a lot of options at victims and the victim will come back and say, "I want this, this, and this," and they are often incredibly easy safety measures to put in place. I think sometimes things get a little more complicated than they need to be. Victims often know intuitively how to do that.

Lindy Aldrich: I love the safe on-campus person to discuss issues. Absolutely. And I love that you say, um, I hope that many of the schools that you guys are working with are at least considering at this stage how to have confidential advocates on campus. This is a big issue. I am working with four schools in four states right now where we are dealing with how schools have, let us say, reinterpreted confidentiality and advocacy privilege laws in their states. This is a big issue. I think you guys, also, and this – today's Webinar is really about how to advocate for individual victims, but I think coalitions and rape crisis also play an enormous part in how the community is reacting to that, and obviously schools are a part of that community. So, maybe something to talk about in another day, but I do truly feel that, you know, it is – as you are seeing more of these and you are advocating with them, you are going to be seeing, if you are not

already, what the inside of higher ed looks like and to get a better sense of, you know, these are the places where you guys need to change. These are some places that if you just made some simple adjustments, you know, it would create, you know, a less tension-filled, more trauma-informed response. So, and I know you guys know this because that is your day-to-day work.

Lindy Aldrich: All right, so that is negotiating with schools. Again, a huge, huge piece of the work that we do here, and we are, you know, we are actually in the process of creating a number of different other products with the Office on Violence Against Women. But at some point, when those are finished, I may come back to Billie and talk about getting some of those products out to you guys because I think they would be useful tools for you to use as you work with the campuses in your area.



Disciplinary Process

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Disciplinary Process

Lindy Aldrich: All right, so the disciplinary process. So as we talked about with Brian before, I would imagine that Brian may not be in a spot when he first got to the U, and at this point maybe Brian decides that he does want to proceed with the disciplinary process. So how do advocates work within the confines of this disciplinary process?

Advocating During the Disciplinary Process



Assist a victim when drafting their initial statement for the disciplinary process.

- Focus the statement on the details of the sexual assault(s), rather than the events leading up to or following the assault.
- Don't "cross-examine" yourself!
- Be up front about "bad facts."

Advocacy Tip: A disciplinary process can be emotionally taxing on survivors. Survivors have a choice as to whether they pursue the disciplinary process. Helping a survivor weigh the potential impact of the process on their academic, social, and extracurricular life against their personal goals can assist a survivor in making a decision that is best for them.

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Advocating During the Disciplinary Process

Lindy Aldrich: So, I think the first place, and we have talked around it a lot, but that tip box at the bottom. This process can be so, I think to use the word emotionally taxing might be an under – an understatement. It can be really devastating. And similarly to kind of a criminal justice trial, the decision about whether or not to pursue this process and helping survivors weigh the impact on their academic, social, and extracurricular life is a really, I think, smart way for victims to make, again, those eyes-wide-open decisions. Often, victims think the process is going to be really short, that it will not have an impact on them. But we have had many schools and, you know, obviously we are fighting this again on a national level to shorten the amount of time. But we have schools that have taken 8, 9, 10 months just to get us to a hearing, if we are going to have a hearing at all. I think that is, frankly, a violation of Title IX. We are waiting to see if others agree with us.

Lindy Aldrich: However, helping a victim to better understand the process and that to anticipate that it could be longer than they think, and that it is not going to be a matter of days and then it is over. That there could be, it could be months of time, and that they need to kind of think about, you know, how their impact on their academic... Are they going to be able to access services that they need to? Some of those things. You know, kind of look at the environment.

Lindy Aldrich: Typically the first step when you are proceeding with a disciplinary complaint is for the victim to draft a statement. The victim drafts the complaint based on things that are included within the policies, and they write up this particular statement. I think it is important for you guys, especially when we talk about helping victims to organize their thoughts, prioritize their thoughts, this is a really, this is an important time to help them, you know, really focus in on what is necessary in the complaint. Obviously, there is a possibility that this, they could, at some later point, decide that they want to file a law enforcement case, or perhaps there is a law enforcement case that is simultaneous to this particular disciplinary hearing.

Lindy Aldrich: It is important to think about when you are writing a document that is going to be supplied to a disciplinary hearing that that document may have other lives, that that document could eventually be subpoenaed, and that that person, you know, that document may not be consistent with other testimony. So it is an important time I think as advocates and attorneys to really help victims to craft a good statement.

Lindy Aldrich: One of the things I think that we often talk about is that victims should avoid talking about events that are not really surrounding or relevant to the actual violence. We have victims who will start, you know, I cannot tell you the number of, you know, complaints that we have reviewed over the years where, you know, we get like a 10-page complaint. There is stuff in there about how they were a previous sex abuse victim, how they have tried to commit suicide or have, you know, these prescriptions and these medications, all of which are valid, all of which are incredibly relevant to the victim but would not be appropriate in this disciplinary setting. If nothing else, it is because it does not protect them. And I think you and I are human, we know we want to present all the facts we have in an effort to be believed, in an effort to be taken seriously. However, that complaint has other lives. It could very well have other places it is going to go, meaning primarily the criminal justice system. So I think it is important for, you know, someone kind of more objective to take a look at that statement and help them craft it and hone it down to really the events leading up to or just following the assault.

Lindy Aldrich: Make sure that they do not cross-examine themselves. We have victims who will explain in a complaint, you know, “I thought, you know, I thought that the, you know, the perpetrator was my friend, and he had acted this way, and then he acted another way,” and they will give these long, drawn-out explanations of, you know, how they second-guessed what they thought originally. And all of this we know to be true, right? We know that victims feel this way all the time. The victim blaming that goes on by victims is, you know, obviously a huge issue. That should not be written into the complaint. We are constantly kind of taking out victim-blaming attitudes and victim-blaming thoughts that our own clients have about themselves. I think that, again, advocates and attorneys are a great place to help people kind of be able to, to let themselves just be a part of the process and not feel like they are at fault.

Lindy Aldrich: The last thing is be up front about bad facts. We had a case once in which a client had used cocaine earlier in the night prior to the assault. And I think in many ways, coupled with alcohol, had incapacitated her. And we were really close to the hearing at the point in which we found out about it, and we found out because the perpetrator had included it in his response. I think that clients, as it is a human reaction, they do not want to tell you about kind of quote/unquote “bad acts.” That they, you know, they want, they want to put their best story forward and that is just a human thing. But we, as advocates and attorneys, cannot deal with something we do not know about. It was definitely a scramble in that particular instance to kind of clean this up as best we could, and to make sure that, you know, her cocaine usage did not impact her case, and we were successful in that.

Lindy Aldrich: But, you know, it was a good lesson for us to, to create hopefully a relationship with our clients that they feel comfortable to let us know, you know, kind of mostly the whole truth and to know exactly, you know, how we are going to present a case and to help them with that complaint. So do not let them, you know, feel like they have to hide some of this. And you know in your practice, as you are meeting with clients in the populations you work with, that building rapport, having that initial trust, that is an innate skill that we all learn. And I just say that to keep using those skills when you are talking with clients, because we have definitely had a couple of instances in which clients, you know, and I felt horrible for this particular client but,

you know, she felt she could not tell us. And, and, you know, luckily we did not find out too late, and we were able to kind of deal with it quickly. But it is an important piece.

Lindy Aldrich: So I want to walk you through a few areas in which victims have specific rights under Title IX. I think it is important for you guys to know this, especially if you are sitting in a disciplinary hearing or participating in any way. It is, it is something that you want to keep your eye on so that, you know, as they are, as, you know, our clients are a part of this process, if something is happening that does not smell right, you have something to fall back on. A lot of these that we are listing here, especially on this one and on the next page, are on a know your – *Know Your Title IX Rights* document that we have on our website. It is on our home page. It was written for victims but I encourage you to feel free to use it if you are meeting with clients or just to have kind of in your back pocket. It has a lot more rights than we are talking about here today. We talked about many of them in the first Webinar. We are going to talk about some more today. But I just wanted to let you know it is listed in the Resources page, the link is listed in the Resources page, so feel free to use that as you see fit.

Lindy Aldrich: I will also tell you on the Resources page, we have links to, you know, documents that we have already talked about today, including the *Frequently Asked Questions*. There was some earlier guidance from OCR, too. So all of that is in there, you know, for little, you know, fun extracurricular reading.

Advocating During the Disciplinary Process (continued)



Help victim prepare for disciplinary hearing.

- **Victims have the right** to be afforded similar and timely access to any information the accused is given, that will be used at the hearing
- If a school allows the victim or the accused to have an attorney participate in a disciplinary proceeding, then **they both must have the right** to have an attorney participate

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Lindy Aldrich: All right, so helping victims prepare for disciplinary hearing. Victims have the right to be afforded the same similar and timely access to information that they accused is given. Anything that is going to be used in a hearing, it is important to, you know, make sure that victims are receiving a copy of the response or receiving – if there is an independent investigator, that the independent investigator is, you know, in a timely manner giving the victim the right to see these materials.

Lindy Aldrich: We also had a question early on about whether or not schools are required to use “complainant and respondent” versus “victim and accused.” They are not. There is no requirement that they use those terms. They absolutely can say “victim and accused.” They absolutely can say “complainant and respondent.”

Lindy Aldrich: The biggest piece of Title IX is this idea of what they call “prompt and equitable,” what we call “fast and fair.” Equitable has, you know, it seems like everything has to be equal, and I think your initial thought is, you know, I think we all have our different translations of what that means. In essence, equitability under Title IX, in our interpretation, is what you do for one party, you must do for the other party. Now, that does not mean though what you do for one party is great or, you know, a best practice, or even right. It just means that both parties are treated consistently. We obviously have seen a lot of campuses that, you know, just, for instance, we had an issue, you know, that neither party was allowed to – I am trying to think what it was – it was something around having particular types of witnesses. And they, you know, they only had, they were only allowed to have two witnesses. It was a very bizarre policy. And they, you know, we had more than two witnesses that we felt would have been relevant, but the policy stated two, and unless we wanted to open up more witnesses for the other side, it just became kind of a battle. You know, I think there are other arguments to be made there, but again, I use that as an example of what does equal mean. It does not necessarily mean right. It just means that it is equal, that both parties are being treated in the same manner.

Lindy Aldrich: They also have the right to have an attorney participate if – so we have seen a lot of policies in which the policy states that the accused is allowed to have an attorney. In fact, encouraged to have an attorney. Whereas it says nothing about the victim seeking counsel. And there are specific policies that talk about, you know, that the attorney can, you know, can come to the hearing but not speak at the hearing. They have all these things that they are talking primarily about the accused and they never talk about that the victim has the right to counsel or the right to bring counsel. Those types of things are inadequate. Those are not going to be considered equitable under Title IX. So things to kind of keep your eye on.

Advocating During the Disciplinary Process (continued)



Support victim during a hearing/fact finding process:

- Throughout a school's Title IX investigation, including at any hearing, **victims have the right** to an equal opportunity to present relevant witnesses and other evidence
- **Victims have the right** to a grievance procedure facilitated by an administrator with training or experience in their campus process
- Schools are strongly discouraged from allowing the accused to cross-examine or directly question the victim during the disciplinary process

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Lindy Aldrich: Victims have the right to equal opportunity to present relevant witnesses. We just talked about that, about how essentially, you know, if the policy says there are two and they are both treated equally, you know, it does not make it right, it just makes it equal.

Lindy Aldrich: Victims have the right to a grievance procedure facilitated by an administrator with training. I will be honest, you think that seems like such a no-brainer sometimes, it appears that it would be. Yes, if they are going to lead the training, if they are going to facilitate the training, you would know the policy well, that you would be trained in how to do this. That is not necessarily the case. I have done a lot of work with campuses. I do not actually, you know, I do not point the for-shame finger at them because many of them are trying very hard to figure out how to do this and to do this well. It takes time and it takes effort. But it is something I think as an advocate or an attorney to, you know, to ask questions about and, you know, to try to make sure that victims, you know, that they are going to be in a process where the person leading the process, the kind of the judge, for lack of a better word, is a good neutral arbiter. That they are going to be able to make decisions about the policy and that that is going to be a consistent decision throughout the process.

Lindy Aldrich: Schools are also strongly discouraged from allowing the accused to cross-examine or directly question the victim. You are going to notice that language “strongly discouraged.” So everything else I have said “have the right.” That is that “shall” versus “may” distinction. You know, if the school requires that the accused directly question the victim, you may have an OCR complaint. It is – I am not sure given the fact that they have been unwilling to say directly this is a right, this is a must type of situation, whether or not that is going to get very far. I think a lot of schools are understanding how difficult this is. I think there are a lot of schools that are attempting to create... What we typically ask is that the questions go to that neutral arbiter, that person facilitating, and the questions are then given to that person and that person is directing the

questions to the parties rather than having it be, you know, a, you know, someone specifically asking anyone a particular question.

Advocating During a Disciplinary Process (continued)



Support victim after a hearing/fact-finding process:

- For any disciplinary proceeding, **victims have the right** to have that proceeding documented, which may include written findings of facts, transcripts, or audio recordings, depending on the campus process
- **Victims have the right** to be notified, in writing, about the outcome of the complaint – whether or not the accused was found responsible. The right to notice of the outcome only refers to information about the findings of responsibility and not disciplinary sanctions, unless otherwise noted by the school's conduct or disciplinary policy

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Lindy Aldrich: Victims have a right to have the proceeding documented, which could include written findings of facts, transcripts, or audio recordings. A lot of campuses are moving to having their, their hearings recorded. I would support that. We do have a couple of holdouts that are just kind of taking notes. I think that those are difficult. I think it is easy to kind of miss some of the nuances and the tone of the way questions are asked or questions that are asked and then told that they are not to be answered, you know, relevancy discussions. Some of that stuff really matters, and I think recordings do a better job of documenting those. So if I had my druthers, I think I would push schools to have a recording. But, again, they have the right to have it documented. That does not mean it has to be a recording. It just means that something has – some kind of document has to be produced at the end of a hearing so that a victim has a record of what happened.

Lindy Aldrich: Victims have the right to be notified in writing about the outcome of a complaint. Typically, this is to let them know whether or not the accused was found responsible. They also have the right to find out about sanctioning. I know, actually, I think I need to change this where it says, “and not disciplinary sanctions.” They do have the right to understand sanctions. Essentially, how that sanction directly impacts them or the particular complaint of their violence. So, just so you know, that I actually do need to – I think I might need to change that upon kind of further review. But they have the right to be notified, essentially. That is the bigger piece. There are going to be some new changes in this coming out from the Clery Amendment, which we are [unclear] as of 2013, that are also going to I think require schools to provide actual findings letters, meaning they have to explain why they chose the decision, the, you know, why they deliberated, why they found the person responsible or not responsible, and, you know, what were the kind of pieces of evidence that they found most credible, what swayed them most. So some of that is going to be coming out probably after the new year, or just at the end of this year.

Office for Civil Rights Title IX Complaints

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Office for Civil Rights Title IX Complaints

Lindy Aldrich: All right, so, as I have mentioned before, this is really not, you know, the first place we look for when we start our cases. We typically do not file an OCR complaint. I think we, you know, we have right now maybe 40 to 50 active education cases, and I think we only – we only have a few OCR complaints currently filed. We really believe strongly in negotiating with schools. We believe strongly in, you know, disciplinary hearing processes and trying to help shape their policies and shape, you know, their response by, you know, kind of helping victims get to where they need to go based on kind of their intuitive needs and what they know that they need. However, there are definitely, there are a few cases where all of our efforts have not worked out, that we have either been stonewalled or there is just, you know, we are not – we are not dealing in good faith, we are talking with a school that we are not going to get somewhere. And you may be seeing those cases and you may get those cases right off from the – from the first get. Right? You could have a call and that person is going to, you are going to know right away that this is a school that just may not be worth the negotiation, and I – that is completely valid.

Lindy Aldrich: So I wanted to talk you through how, you know, eligibility criteria for OCR complaints and what the elements you will need to file one.

Can You File an OCR Complaint?



- Does the school receive federal funds?
- Was the last act of discrimination less than 180 days ago?
- Does this type of discrimination fall within Title IX?
 - Bullying vs. sexual harassment

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Can You File an OCR Complaint?

Lindy Aldrich: All right, so the first thing you have to kind of figure out – and this is going way back to that first slide – is: Does the school receive federal funds? And, again, you can contact – there are 12 regional OCR offices, you can contact the school, excuse me, contact your regional OCR office and ask them if this particular school. My guess is if you have a college or university in your town, a community college, the vast majority of them are going to apply. If you are talking about a high school situation, some private high schools do not accept funds. So I do encourage you to find out whether or not they are eligible or they fall under the Title IX rubric.

Lindy Aldrich: Second thing to ask is: Was the last act of discrimination less than 180 days ago? So, now, I think it is important that “last act of discrimination” is an important piece here. It does not mean that the discrimination was the actual sexual violence or the domestic violence or the stalking, frankly, also all covered under Title IX and the Clery Act. What it is saying is what was the last act of discrimination? So, for instance, let us say in Brian’s case he had come forward, we had asked for several different accommodations, we were ignored or we were refused after making maybe numerous attempts. We could file a complaint and essentially say that there were discriminatory practices on behalf of the school, that they did not provide – that they did not, you know, provide him this, you know, accommodation to protect his safety, and there are some specific rights that you have to provide safety services within Title IX, also included in that *Know Your Title IX Rights* document on our Web page.

Lindy Aldrich: So that – so let us say if the, if the violence had occurred maybe more than 6 months ago and we have been kind of negotiating with the school for 7 months. We can still claim that the last act of discrimination was the refusal of the school to participate in trying to, you know, help Brian with his safety and helping with his accommodations and things of that nature. So, just know that 180 days does not have to be from the date of the assault, the domestic violence, or the stalking. It actually can, can encompass a lot more because you are trying to say

that the school is continuing to discriminate, and that is, you know, that is where you are trying to make that argument. And, again, when we talked about putting things in writing, if you are asking for things in writing and they are responding to you in writing, a lot of the schools will only want to talk to you on the phone. I am just going to say that. You can ask them to respond in writing or try and kind of force the situation in which they respond in writing. It is very helpful in the event that you feel that you are not getting, you know, an appropriate response for Brian or for any other client.

Lindy Aldrich: And the last thing you need to consider is: Does this type of discrimination fall within Title IX? We see a lot of this in our high school cases, but I have seen some of it in our campus cases where we have a client who is being very severely bullied, but the bullying – and it really comes down to very specific taunts, very specific actions taken on behalf or taken against our client. We had a client once who, you know, they were calling our client horrible names, you know, slut, whore, things of that nature. They were making up stories on Facebook about her quote/unquote “sexual conquests” and things of that nature. And, you know, we made the argument that because of the kind of taunts, the jeering were very sexual in nature and were, you know, obviously her being a female and, you know, I think you could make this type of argument in other cases as well, that that is where the discriminatory practices under Title IX fell in. So you have to make sure that, say there is retaliation, so let us say you have a case in which somebody is being retaliated, let us say Brian is being retaliated against and he is being retaliated against by other people within the music program because of the fact that, you know, somehow they found out that Brian reported and this person is getting in trouble. You can make a case that based on some of the taunts and some of the ways that they are coming after Brian, that that falls under Title IX, and you could potentially file a complaint that has – is only peripherally about the sexual violence, but is more about the discriminatory practices and the effects of retaliation on Brian.

Lindy Aldrich: So, again, there are a lot of different ways you can craft an argument. It is really fact specific. It really depends on, you know, who is, you know, who is doing, you know, how the fact, how – what your fact pattern is and how it falls under Title IX. I would also tell you that, you know, if you are considering some of this and you are an LAV (Legal Assistance for Victims) grantee, please feel free to contact me. I am happy, we have done plenty of these, and if you want to kind of chat through a fact pattern, if you think that you are ready to move on it, I am happy to kind of talk you through. We also even have sample letters and things like that that we have done.

Strategic Considerations When Filing an OCR Complaint



If eligible, is this the right solution for the victim?

- There is a breakdown in communication or trust between the victim and the school
- Victim wants additional training for the school
- The changes the victim is seeking are institutional or systemic
- Victim may seek personal compensation, but understands that the complaint and investigation process is lengthy

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Strategic Considerations When Filing an OCR Complaint

Lindy Aldrich: All right, strategic – strategic considerations. This, you know, just as we talked about negotiating with schools and walking through that client to those four steps, there is another type of, you know, considerations that you need to think about before you file a complaint. So is this the right solution? Has there been a breakdown in communication or trust between the victim and the school? Honestly, these – this is probably the number one reason that we get clients who are ready to go ahead and do an OCR complaint.

Lindy Aldrich: We had a training recently where we were talking about that when schools have no-contact orders in place, and then they allow the perpetrator to violate those no-contact orders, and then there is no punishment for the violation of the no-contact order, we see more students come in and ask for us to file an OCR complaint based on the fact that they feel that they are not protected than almost any other complaint. We are kind of shocked at the number of schools that do not recognize that having a clear no-contact procedure, especially for those states that do not have protection orders for non-intimate partner violence, we are seeing that having a clear no-contact order structure at a school, honestly, could prevent a large amount of OCR complaints that – complaints that we are seeing.

Lindy Aldrich: Sometimes victims come in and they want more systemic changes, they want more training for the school, they think the policy needs to be overhauled, they think that there are institutional dynamics at play that OCR or a federal agency should come in and have a look, and they think could change, you know, more of a systemic, more of a global way of looking at their, their campus. Not all victims can do this, but some do. Some come in and they really recognize that there are problems at this school and they are trying to fix those kind of broader problems.

Lindy Aldrich: Victims can seek personal compensation through an OCR complaint, things like tuition reimbursement, housing reimbursement, cost for medical services, things of that nature. That is definitely a more nuanced argument in terms of having OCR negotiate those out for a student, but it is possible. However, if they are in a financial crunch right now, this process to file a complaint, sometimes complaints can take up to 60 days for OCR just even to respond to you. That is because they are overwhelmed and they do not have enough staff. And then you tack on the investigation process which is, on average, about a year. But this is lengthy. So if clients are coming in saying, like, “I am going to lose my scholarship. I am going to lose my, you know, status. I am going to lose my ability to like pay for food. I cannot do work study anymore because, you know...” This OCR process is probably not going to get them to that immediacy, that immediate need to fix something right now. And this is definitely a lengthy process and I think clients have to understand, especially young clients, I think they really do not have a feel for how long these things take, and the impact that it can have on them to have this kind of happening.

How to File an OCR Complaint



1. Contact your regional Office for Civil Rights
2. Submit written complaint
3. Victim signs a consent form
 - Freedom of information Act request
 - Advise student that her/his name will be released to the school

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How to File an OCR Complaint

Lindy Aldrich: So, how do you file a complaint? Contact the regional Office for Civil Rights. You can submit a written complaint online. Or, I think we would really recommend that submitting a letter which details some of the specific pieces that we feel that there are, you know, a complaint or discriminatory practices happening. Again, that letter, you are going to want to – just as much as you thought about that complaint in the disciplinary process, if that happened, you want that same level of scrutiny to go into that letter. It often does not need to be more than a page and a half. It does not need to talk about, in great detail, about the actual incident of violence. Again, if there is going to be a criminal case or even a hint of a potential criminal case, I think restricting the amount of specific facts is necessary. So I would really encourage, if you want to submit a complaint, that, you know, try to be concise and just kind of the basic facts is all you really need to do.

Lindy Aldrich: And speaking again on confidentiality, victims have to sign a consent form. We have seen a couple of different things happen here. We, in the past, have actually signed consent forms for our clients because we represent them as their attorney. We are now seeing, OCR is now coming back and asking that victims sign their own consent forms. So this is our way at the VRLC of protecting our client's identity. But now we are seeing that that may not – that [unclear] around may not actually be working and that they are actually asking for victims to sign.

Lindy Aldrich: You are not allowed to Jane Doe these, to our knowledge. And if there is a Freedom of Information Act (FOIA) by the media or another group, or, you know, there are a lot of different people who are interested in this topic right now. I think it is important to make sure that the victim understands that their name is going to be released at least to the school at some point, and that there is a possibility that their name is going to go broader in the sense of a Freedom of Information Act request of OCR. So, again, these are strategic pieces that we have to talk about with victims. We have gotten a number of calls in recent months of victims who, without counsel, have put in OCR complaints and have been feeling the heat of the media and retaliation against them personally because there has been enough specific information to identify them. And there is almost nothing that we can do at this stage, because once the cat is out of the bag, there is no way I can put the cat back in. And I think helping victims, it is a crucial piece of I think, again, helping victims, eyes-wide-open decision making, making sure that they understand that if they proceed with a case, you know, what can you expect from it and what, you know, what kind of privacy are you likely going to have to give up in order to file the complaint?

Drafting an OCR Complaint



Limit the description of facts regarding the sexual assault

- Helps to avoid inconsistencies if the victim has an ongoing criminal process or decides to report to law enforcement at a later date
 - Police report is not needed to file OCR complaint
- Privacy considerations
 - Don't share more than you need to meet eligibility requirements

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Drafting an OCR Complaint

Lindy Aldrich: Drafting the complaint. We have talked a little bit about this but I want to mention a few other quick things. You want to limit that description of facts. You want to help avoid inconsistencies in the event that there is a criminal process. But if there is not a criminal process, you do not have to have a police report. You do not need to file that along with your complaint. They do not – you do not even – you do not have to have told the police. It does not even have to be a component of the complaint. It could be if, perhaps, your complaint revolves around campus law enforcement and their treatment, and that is a part of the discriminatory practice. Absolutely. But you do not have to have it. And I think, you know, as we have kind of already been talking about, you do not need to share more than what you are eligible, you know, what your eligibility requirements are.

Can You File a Title IV or Title IX DOJ Complaint?



- Is the school a public college or university (or a public K-12 school)?
- If not public, does the school receive federal funding from DOJ?
- No statute of limitations for filing a complaint but the further in time from the incident, the more difficult it can be to investigate
- DOJ does not open an inquiry into every complaint it receives – even when it has jurisdiction; DOJ refers some complaints to OCR

Can You File a Title IV or Title IX DOJ Complaint?

Lindy Aldrich: Okay, there is another way to file a complaint with a federal agency, and that is through a Title IV or a Title IX Department of Justice (DOJ) complaint. So what we have just been talking about is the Department of Education Office for Civil Rights. Well, there is another office, a Civil Rights division at the Department of Justice, and they also have another component of how you can file a complaint. I will tell you that this is not my expertise area. We have not filed a DOJ complaint but it is not to say that we will not in the future.

Lindy Aldrich: But I wanted – they actually provided some information and I wanted to make sure that you have it. These are some of the criteria that you have to understand in order, before you can file. Whether or not the school is a public college or university, so obviously there is a distinction there between public and private. If they are not public, are they receiving federal funding from the Department of Justice? I think generally that means if they are receiving funds from the Office on Violence Against Women. There is no statute of limitations, but, you know, I think they are suggesting that if there is more time, that it can be difficult to do an investigation if

there are, I am hoping maybe years, but you know, if there are months I guess that could also complicate matters. And that they do not open an inquiry into every complaint they receive, however they do sometimes refer complaints to OCR.

How to File a DOJ Complaint



The Educational Opportunities Section accepts complaints of sexual harassment and violence (as well as other forms of discrimination):

By e-mail to education@usdoj.gov

By facsimile at (202) 514-8337

By letter to the following address:

U.S. Department of Justice Civil Rights Division

950 Pennsylvania Avenue, N.W.

Educational Opportunities Section, PHB

Washington, D.C. 20530

In order to properly respond to a complaint, the Section requests that complainants provide their name, address, and the name of the school/school district/university where the alleged discrimination occurred.

How to File a DOJ Complaint

Lindy Aldrich: The best way to file a complaint with DOJ is here, by e-mail, fax, or to the address. I also would say that you could ask for more information through these same mechanisms. And I am fairly certain, as the Office for Civil Rights does, that they will get on the phone with you and they will talk to you about specific cases and, you know, give you other insights into their process. So there is another way in which to engage into these systems.

Additional Helpful Tips



- Provide additional relevant documentation when filing the complaint
 - E-mail correspondence, school’s policy, website screenshots, etc.
- Request an initial meeting with the staff attorney/investigator

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Additional Helpful Tips

Lindy Aldrich: Another couple of helpful hints is we often like to provide other relevant documents when we are filing the complaint. If there are e-mails, the school’s policy, screenshots of, you know, just pieces of information that you think supplement your complaint, I think it is completely okay to provide those. Especially, you know, if it does not mention the victim’s name or really gets to the heart of where you feel there was a process problem or a discriminatory practice. I think giving that to them at the complaint stage is completely fine. Obviously, the same considerations go into these. If there is going to be a FOIA request, if there is going to be other things, you know, that your client or your victim is not interested in having people know about, you know, it is something we have to kind of consider. At the same time, I think it makes your complaint more well-rounded and it certainly kind of shows how you are making your argument. It also helps OCR which is, frankly, overburdened and understaffed, to go ahead and know what evidence they are working with right up front. If you have additional evidence that, say, comes after you have filed a complaint, you can always amend your complaint, you can always give them more information. They typically, you know, will meet with you.

Lindy Aldrich: One of the things that we really like to do is after they have accepted our complaint, we ask to have a meeting with either the staff attorney or the investigator or both, that have been assigned to our complaint. I think that is a really important and crucial step at the very beginning, to meet with them and say, “These are our expectations, this is what our client is asking for, and what can you do for us?” We have, we have resolved many an issue by having that conversation early and saying, you know, having, frankly, OCR misread something or misinterpret something in our letter and, you know, getting them going in a direction that we had not intended. And so I would really recommend a phone call, if nothing else. You do not have to put your client on the phone. You do not have to have a victim on the phone. But sometimes it just kind of helps bridge the gaps any particular issues that, you know, your particular client or victim might be having.

What happens after I file?



- **No action** - you file a complaint and no investigation is opened

- **If OCR opens an investigation:**
 - OCR will contact the Complainant and the school
 - Interview victim
 - Gather documents - “data request”

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What Happens After I File?

Lindy Aldrich: So what happens afterwards? OCR, and obviously we just talked about DOJ, they may take no action. You may file a complaint and nothing happens. They do not – they will not accept the complaint, for whatever reason, they do not feel that it is eligible under Title IX. They typically will send you a letter and tell you that they are not going to accept it. But it is possible that there will be no action.

Lindy Aldrich: If they do send you a letter and they do open an investigation, typically this is what happens. OCR will contact both, you know, the victim, the complainant, and they will contact the school and let them know that they are opening a complaint. I think it is important to do some safety planning with your clients at that stage to make sure that they understand, you know, that the school is about to become aware, and you guys know the schools in your area best and you know the potential for retaliation. Be it... I wish I could tell you that there is never retaliation from administrators, but there is. And I think it is important that the victim be completely aware that when they find out, the victim should know. So that, you know, if they had any requests in or had any specific needs, and all of a sudden everything is no, no, no, no, no, they can at least kind of have an understanding as to why that may be happening and whether or not maybe working with a different administrator or taking a different tact might be better.

Lindy Aldrich: OCR will likely want to interview the victim. Sometimes that can happen on the phone. It does not necessarily have to happen in person. I will be honest with you, if that complaint is very complete and you have provided a lot of documentation and things like that, sometimes they do not want to talk to the victim until much later in the process. Because, typically, what they are going to first do is they are going to start gathering documents, what they call a data request. They send a request to the school and they ask for a mountain of paper. They ask for e-mails. They ask for records. They ask for files. They ask for – and they do not just ask about your particular victim or client, they are asking about the entire process. Currently, when

they begin an investigation, they are also doing somewhat of a climate check, which means they are going onto campuses and holding large focus groups or meeting with other victims who have come forward. They are meeting with members of staff and administration, all the way up to the top, and all the way down. They are really trying to assess not only just the policy, but how it is being implemented, which I think is a good way to go.

Lindy Aldrich: Okay, so I had a question here about: Do these actions preclude a civil lawsuit? No. Not at all. Clients absolutely have the right to pursue a civil lawsuit at any point. They have private right of action possibilities under Title IX. I will be honest with you, a lot of victims have not had success under what they call a private right of action in, under a federal lawsuit just means that a victim can actually seek specific damages to, you know, they feel that they have been discriminated against and they ask for kind of punitive damages for themselves. But I have seen victims take on other lawsuits. We have settled or helped our victims settle, you know, getting tuition reimbursement and things like that when there has been no OCR complaint. So, absolutely, there are other potential remedies in this civil context. We at the Victim Rights Law Center do not do them, but there are a lot of great attorneys across the country who do, and I definitely think this is something to consider when you are thinking about that arsenal. A great question, a very, very good question.

Complaint Investigation



- Following data requests and interviews, a determination is made about whether or not there was a violation of Title IX
- Resolution letter is issued showing violations and mandating corrective behavior

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Complaint Investigation

Lindy Aldrich: So, the complaint investigation. Following that data request and the interviews, the OCR determines whether or not there is a violation of Title IX. Then what happens is, you know, a lot of debate right now. Currently, schools are, essentially they are investigating, then they work, currently OCR is working with the school to issue what they call a findings letter, which describes the violations that they found. And then they enter into what they call a resolution agreement that talks about the ways that the school is going to correct some of the violations. There is a lot of debate about this right now as to whether or not, you know, going into

a resolution agreement is really fixing some of the problems. I will say in terms of policy, I think that it is. I do think that talking to the schools about the ways that they need to correct their policies in the language, talking about the ways and the amount of training that they need to do. I think that resolution agreements and findings letters get them there.

Lindy Aldrich: I think there are some of the basics that are like kind of institutional dynamics that I think OCR needs to drill deeper on, and I think they are, I think they are aware that they need to look into not only what the policy says on paper, but the people who are actually implementing those policies.

Lindy Aldrich: Can somebody file an appeal if it is found there is no violation but the victim disagrees? In the OCR process, no. There is no appeal mechanism in the OCR process. There is an appeal mechanism in the disciplinary process at the school, which could be another training in and of itself. But, yes, if...so there's been negotiation phase, there's the disciplinary hearing phase, or sometimes those can be simultaneous, and then an OCR complaint. So the appeals, the appeals that we have seen most commonly are in that disciplinary phase and are each conducted at the – each school has their own appeals process. So I think it is another huge piece of how advocates and attorneys can work with clients to appeal when they feel the disciplinary procedure has not, you know, has not answered the question correctly. So, yes, that is a great question but if – if a victim does not feel that OCR got to the right resolution of their complaint, there is no appeals process that I am aware of. I will say the Department of Justice may have a couple of other tools in their arsenal, you know, it kind of depends on where they are. But, you know, I am – but I am not sure that DOJ would always intervene in some of those cases.

Lindy Aldrich: So this is really an area of law that is still kind of finding its legs. Obviously, there has been a lot of media scrutiny in recent days about all the different things, you know, that everyone is focused on. But I will be honest with you, a lot of this stuff has not been tested, and it is going to be, it is going to be tested in the courts. We have some Supreme Court language that we use often, but more of it is coming. And so this is an area of law that is going to continue to shape itself I think for the next decade, if not longer.

Resources



VRLC, *Know Your Rights: Understanding Title IX for Campus Sexual Violence Victims*, available at: <http://victimrights.org/sites/default/files/VRLC%20Know%20Your%20Rights-%20Title%20IX%20.pdf>

January 2001, Office for Civil Rights Guidance, available at: <http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

April 2011, Dear Colleague letter, available at: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>

April 2014, Questions and Answers on Title IX and Sexual Violence, available at: <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

Nancy Chi Cantalupo, *Campus Violence: Understanding the Extraordinary Through the Ordinary*, 35 J.C. & U.L. 613-690 (2009), available at: <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1427&context=facpub>.

Nancy Chi Cantalupo, *Burying Our Heads in the Sand: Lack of Knowledge, Knowledge Avoidance, and the Persistent Problem of Campus Peer Sexual Assault*, 43 Loy. U. Chi. L.J. 205 (2011).

Information on filing a complaint at DOJ is available at: <http://www.justice.gov/crt/complaint/#three>

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Resources

Lindy Aldrich: So, lastly, I wanted to just walk you through a couple of these resources. We have talked about a few of them, but I just want to make sure you have them. The first one is our *Understanding Title IX Rights for Victims*. That is the one I referred to that is on our home page. The next three are *Office for Civil Rights Guidances* and, you know, the *Frequently Asked Questions* is on there, including the *Dear Colleague Letter*. The next two are two articles by Nancy Chi Cantalupo, who is currently a research fellow for the Victim Rights Law Center. She has really done some incredible work on how victims are accessing their rights to be a Title IX and the Clery Act, and these are law articles, but at the same time I think they – I find them incredibly helpful to our work. And Nancy continues to do work, I know she is about to publish one on male victims and how they are intersecting with campus communities.

Lindy Aldrich: So I have another question about: How does this process include, or not, the criminal justice system, local police departments, and state attorneys? When do the local rape crisis centers get called in for resources? Okay, so the process that – where the criminal justice system most likely intersects is at the disciplinary hearing stage. Oftentimes, at that beginning stage when you are negotiating with a school, the victim is not capable, really, of coming forward. They often have so many issues that are going on at that point, often trauma related, that they are just attempting to kind of get through another day. So at that initial stage, unless somebody has told somebody else that the victim had not considered, that is typically not what happens. Where we are seeing the most intersection is the criminal justice system and the disciplinary hearing. OCR complaints, and I would imagine the Department of Justice, although that is not my expertise area, they do not intersect often. Those are totally separate areas, and here is why. Victims have rights in two distinct bodies of law. They have criminal rights and they have civil rights, and Title IX is a civil rights statute. Victims have rights in the civil realm of the law. And I think that victims, given kind of the right space and given the right access to services and, you know, kind of being able to figure out what they want to do, should and possibly, hopefully

in the future, are going to access both of those realms. Right now, though, I think the paradigm is for victims only to proceed with law enforcement, which is not a bad way to go, it is just I think some are ignoring the fact that they have rights in this other realm. And that is what Title IX is really doing, it is really saying you have rights in this other area.

Lindy Aldrich: So in terms of the disciplinary hearing, we will often talk to victims about, again, how they are filling out their complaint, how this may or may not impact the criminal case, you know, obviously, you know, trying to keep not as much information, you know, trying to contain. I do not want to talk about their therapy records. I do not want to talk about their diagnoses or medications they may be on, or past history of abuse. Or... I do not want to talk about any of that stuff. I want to stick to the incident, just as I would in a criminal case. I am going to take a lot of protections around their privacy.

Lindy Aldrich: So the second question you have about when do local rape crisis get called in, oh, my God, I wish they would get called in immediately. But I think the reality is that schools are not interfacing with community partners as much as they should be. I am shocked sometimes, and again, I think that schools are, man, they are rocked by this, I think they are on the run in some cases. But oftentimes they are trying to figure out what to do in the midst of all of this kind of smoke and fog. I encourage, number one, that schools have a sexual assault response team (SART), and that community partners like rape crisis, law enforcement, DA's Office, all of those people be a part of that SART. Now, obviously, you guys would never get an ounce of your work done if you sat on every, you know, campuses' SART team. But perhaps there are ways that there can be a larger, more, a bigger community SART where, you know, more campuses are invited in. Hopefully, you already have those. But I definitely feel that rape crisis centers, I am hopeful that there are memorandums for understanding that campuses have those with local rape crisis, that they are giving out services, they are telling victims that they can access services in the community. Obviously, that is not, sometimes is not the case in rural areas or in areas that just, you know, do not have rape crisis or do not have a number of rape crisis places to go. But in the areas that do, I am hopeful that campuses, and I know that I am encouraging that work on my national kind of platform when I go out and train, is that they need to create these sexual assault response teams and they need to include outside members. So many times campuses just want to keep it within the walls of the school, and I think they are missing out on a lot of really good resources, but it also I think gives them – I think you guys educate them. I think you broaden their understanding of how the crime is perpetrated and how they need to be conducting investigations and conduct board hearings and their policies and all of these things. I really hope [unclear] and often, I guess would be my best answer for how campuses should be engaging rape crisis and coalitions.

Lindy Aldrich: So, lastly, I just wanted to mention on here that there is information at the Department of Justice's website if you wanted to get more information about how to file a complaint. And, again, that is not something that I do but if you have or are thinking about other possible remedies, that would be a great place to go. So, Billie, I am going to throw it back to you, but thank you, guys, so much for your time. This was great. Your questions and your work are wonderful. Thank you.

Through OVC's Legal Assistance for Crime Victims Training and Technical Assistance Initiative, OVC's Training and Technical Assistance Center (OVC TTAC) is working to develop and deliver training and provide technical assistance to the legal community. Training and technical assistance provides attorneys across the country with the tools they need to increase their knowledge base about crime victim issues and increase their capacity to provide pro bono or no-cost legal representation to crime victims.

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Information and Evaluation

Billie Matelevich-Hoang: Thank you, Lindy. Before we close, I would just like to thank Lindy again for presenting today and providing us with this fantastic information. If you would like more information about the Legal Assistance for Crime Victims Training and Technical Assistance Initiative, please visit our website at www.ovcttac.gov. You will find information on upcoming and prerecorded Webinars under the Legal Assistance tab. If you have any ideas for additional training on Title IX topics, or if you need additional technical assistance support pertaining to other legal matters affecting crime victims, please contact us at legalassistance@ovcttac.org. We also ask that you take a few moments to complete the survey. And thank you so much for attending and we hope you join us for our future Webinars. Have a good day.

[End.]