

Federal Requirements for Addressing Gender-Based Discrimination in the forms of Sexual Harassment and Sexual Assault as well as Dating and Domestic Violence

J. Clery Act

- Requires institutions to create a uniform Campus Security Report and make it publically available
- Designates reporting areas
- Identifies Campus Security Authorities (mandatory reporters)
- Adds National Origin-based violence and gender-identity -based violence to protected classes

White House Task Force on Sexual Assault on Campus (NotAlone.org)

- Resources and suggestions for campus climate survey, prevention and education programs, etc.
- Engaging men and targeted groups for education and prevention
- Effective responses for emotional and physical health and campus discipline when a sexual assault occurs
- Trauma-informed training

Title IX Dear Colleague Letter

- Adopt and publish grievance procedures
- Prompt and Equitable resolutions of reported issues
- Ties Federal Financial Aid funds to the provision of programs and services related to gender-based discrimination
- Classifies Sexual Assault as “the worst form of” Sexual Harassment / gender-based discrimination
- “Preponderance of the Evidence” standard in campus disciplinary procedures and to Investigate all reports
- Title IX Coordinator responsibilities
- Annual training of Coordinators and Investigators
- Immediate remedy to victims (classes and living arrangements)
- Campus Climate surveys
- Retaliation against reporting or participation in discipline
- Confidentiality protections for victims
- Clarifies FERPA to allow for notification of discipline outcome to victims in cases of sexual violence
- Requires use of Preponderance Standard

Violence Against Women Act (VAWA)

Campus SaVE Act (Section 304 of VAWA)

- Bystander Intervention education
- Prevention education programming
- Addresses campus disciplinary procedural issues
- Categorical reporting of Dating Violence, Domestic Violence, Sexual Assault, and Stalking
- Requires notification of outcome simultaneously, in writing
- Right to Advisor of Choice in campus discipline procedures
- When there is a Right to Appeal, both must have that right
- Requires confidentiality protections for victims

FERPA

- Ensures privacy of school discipline records
- Note that both the Title IX DCL and the campus SaVE Act supersede FERPA requirements