

STATE POLICY PLAYBOOK

FOR ENDING CAMPUS SEXUAL ASSAULT



EMPOWERING STUDENTS *to* STOP SEXUAL VIOLENCE

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Acknowledgments

The authors gratefully acknowledge our readers Alexandra Brodsky of the National Women's Law Center, Abbey Marr and Diana Rhodes of Advocates for Youth, Karen Moldovan of the State Innovation Exchange, Terri Poore of the National Alliance to End Sexual Violence, Laura Dunn of SurvJustice, and the Know Your IX team for their contributions, feedback, and guidance.

Dedication

This Playbook is dedicated to student survivors and advocates who have boldly stood up to demand their right to learn free from harassment, violence, and discrimination.

Founded in 2013, Know Your IX is a survivor- and youth-led project of Advocates for Youth that empowers students to end sexual and dating violence in their schools

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The Know Your IX State Policy Playbook was authored by
Alyssa Peterson and Sejal Singh.

It was edited by Dana Bolger and Mahroh Jahangiri.
It was designed by Rachel Margolis.

The fonts in this book include:
Lato by Łukasz Dziedzic
Bebas Neue by Ryoichi Tsunekawa



STATE POLICY PLAYBOOK

INTRODUCTION

Title IX of the Education Amendments of 1972: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

More than forty years after the passage of Title IX, a federal civil rights law designed to tear down gender-based barriers to education, its promise remains unfulfilled. Research shows that one in five women, as well as many men and gender-nonconforming students, will experience sexual violence during their time in college. Younger students, LGBTQ students, and students of color are **particularly vulnerable**¹ to violence. Yet many students, particularly those who are most marginalized, have been dismissed by the schools to which they have turned for support.

The costs of sexual violence—and administrative indifference to it—severely impact students' ability to learn. Student survivors often see their grades **drop dramatically**², develop PTSD and anxiety, and are frequently left no option but to withdraw from classes or extracurriculars to avoid their perpetrators on campus. Others **leave school for good**³ due to their school's failure to address gender-based violence on campus.

The days when universities can ban women from science labs and require them to take secretarial courses are long gone. But gender equality on campus will never be possible until schools provide survivors with the protections they need to learn and thrive.

Federal law, including Title IX, requires schools to take action to address gender-based violence on campus—but federal law only sets a floor for schools' obligations to create safe and equal campuses. States can and should do more to keep schools from sweeping sexual violence under the rug. Know Your IX has outlined a series of key reforms that students, advocates, and state policymakers can pursue to support survivors on campus, keep students safe, and end gender-based violence in school.

Every student deserves an education free from violence and harassment; together, we can make that right a reality. If you are interested in using these policies in your advocacy or state legislation, please contact us for assistance at **info@knowyourIX.org**.

1 "Statistics." Know Your IX. Accessed June 26, 2017. <http://www.knowyourix.org/issues/statistics/>.

2 Jordan, Carol E., Jessica L. Combs, and Gregory T. Smith. "An Exploration of Sexual Victimization and Academic Performance Among College Women." *Trauma, Violence, & Abuse* 15, no. 3 (2014): 191-200.

3 Bolger, Dana. "Gender Violence Costs: Schools' Financial Obligations Under Title IX." *Yale Law Journal*, 2016, 2106-129. Accessed June 26, 2017. <http://www.yalelawjournal.org/feature/gender-violence-costs-schools-financial-obligations-under-title-ix>.



34% of
COLLEGE
STUDENT
SURVIVORS
have experienced
POST TRAUMATIC
STRESS DISORDER
(PTSD)

SCHOOL CLIMATE SURVEYS

1. CAMPUS TRANSPARENCY

Students, parents, and alumni deserve comprehensive data on how their schools respond to reports of sexual violence. By adopting common-sense transparency requirements, states can keep schools from sweeping sexual and dating violence under the rug, ensure prospective students and parents can make informed choices about where to attend college, and provide students and alumni with the data they need to hold schools accountable in creating and sustaining safe learning environments.

I. School Climate Surveys

II. Data on Campus Disciplinary Outcomes



43% of
DATING
COLLEGE WOMEN
report experiencing
VIOLENT & ABUSIVE
DATING BEHAVIORS

INCLUDING

PHYSICAL | **SEXUAL**

**TECHNOLOGY-
FACILITATED**

VERBAL

OTHER FORMS OF CONTROLLING ABUSE

States should require the State Department of Education to develop a comprehensive, standardized campus climate survey for schools to administer every two years.

A climate survey generates school-specific data on the nature and prevalence of gender-based violence within a school community, as well as data on the attitudes and perceptions about gender-based violence among different student groups. Despite these benefits, many schools have declined to conduct such a survey, leaving students and their parents with little information about how their institution handles gender-based violence or its prevalence on campus. While some individual colleges and trade associations have developed survey instruments to tackle this issue, without standardization, these tools may omit critical questions, bias responses, or make it difficult to compare sexual violence prevalence and response across institutions.

Survey Best Practices

In order to implement this recommendation, a state agency should create a standardized survey instrument modeled after **survey tools developed by the federal government**¹ and best practices from peer-reviewed research about measuring sexual violence and harassment. The survey should be fair and unbiased, scientifically valid and reliable, and meet the highest standards of survey research.

Questions should address topics that include, but are not limited to, the following:

- The incidence and prevalence of sexual harassment, sexual violence, dating violence, domestic violence, and stalking;
- Whether the perpetrator was a student and other contextual factors, such as whether force, incapacitation, or coercion was involved;
- Whether students know about institutional policies and procedures, such as the identity of the Title IX Coordinator, the location of university resources, and definitions of sexual misconduct;
- If survivors reported gender-based harassment violence, to whom they reported, and what response the survivor may have received;
- The cost and/or impact of violence on survivors, such as costs associated with counseling, medical services, or housing changes, as well as any disabilities that may have resulted from experiencing gender-based violence or harassment;
- Community attitudes toward gender-based violence and harassment, including individuals' willingness to intervene as a bystander;
- Community members' perception of campus safety and confidence in the institution's ability to appropriately address gender-based violence and harassment.

The survey should not require or encourage individuals to provide personally identifiable information. Given the sensitive nature of the survey, questions should use trauma-informed language (language written with an understanding of trauma and its potential impacts on students taking the survey) to prevent retraumatization and effectively measure experiences with sexual violence, dating violence, domestic violence, and stalking.

¹ "Draft Instrument for Measuring Campus Climate Related to Sexual Assault." 2016. Accessed June 26, 2017. http://knowyourix.org/wp-content/uploads/2017/01/RevisedInstrumentModules_1_21_16_cleanCombined_psg.pdf.

In order to accurately measure prevalence, schools should administer surveys online for all students, including individuals who are currently on leave, studying abroad, or have recently graduated from campus. These climate surveys should be administered once every two years to measure changes in culture.

Further, both the state agency and the individual institutions should be required to publicly release the results of the surveys on their websites within six months of completion, with the exception of any information which could reasonably identify an individual. Information should be directly available from the homepage of the institution's website to increase its accessibility for students and their families.

Resources

- The Campus Accountability and Safety Act — legislation proposed at the federal level — contains a strong model for requiring climate surveys. The Bureau of Justice Statistics has issued a [climate survey guide](#)², a [draft survey instrument](#)³, and a [technical report on a nine-school pilot of the survey](#)⁴ as well as a [student action packet for college students](#)⁵ to push for a survey on their campus.
- Dana Bolger, [“Testimony before the Senate Committee on Health, Education, Labor, and Pensions.”](#)⁶

2 White House Task Force to Protect Students from Sexual Assault. “Climate Surveys: Useful Tools to Help Colleges and Universities in Their Efforts to Reduce and Prevent Sexual Assault.” April 2014. Accessed June 26, 2017. <http://knowyourix.org/wp-content/uploads/2017/01/ovw-climate-survey.508.pdf>.

3 White House Task Force to Protect Students from Sexual Assault. “Draft Instrument for Measuring Campus Climate Related to Sexual Assault.” 2016. Accessed June 26, 2017. http://knowyourix.org/wp-content/uploads/2017/01/RevisedInstrumentModules_1_21_16_cleanCombined_psg.pdf

4 Bureau of Justice Statistics, Department of Justice. “Campus Climate Survey Validation Study Final Technical Report.” 2016. Accessed June 26, 2017. <http://knowyourix.org/wp-content/uploads/2017/01/ccsvsfr.pdf>.

5 Office on Violence Against Women, Department of Justice. “Student Action Packet on Campus Climate Surveys.” 2016. Accessed June 26, 2017. http://knowyourix.org/wp-content/uploads/2017/01/student_action_packet_final.completepacket508_0.pdf.

6 U.S. Cong. Senate. Committee on Health, Education, Labor and Pensions. Testimony of Dana Bolger. 114th Cong., 1st sess.

PEOPLE WITH DISABILITIES



ARE 3X MORE LIKELY TO EXPERIENCE SEXUAL VIOLENCE

than people who do not identify as disabled

BUREAU OF JUSTICE STATISTICS, DEPARTMENT OF JUSTICE, CRIME AGAINST
PERSONS WITH DISABILITIES, 2009-2012 STATISTICAL TABLES 4 (2014)



DATA ON CAMPUS DISCIPLINARY OUTCOMES

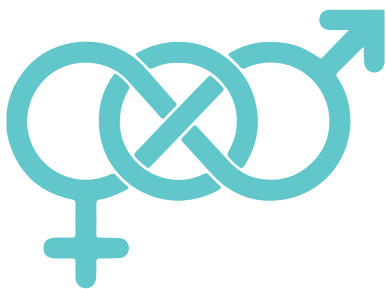
1. CAMPUS TRANSPARENCY

I. School Climate Surveys

II. Data on Campus Disciplinary Outcomes

Survivors and accused individuals alike have argued that school processes have led to unfair investigations and disciplinary processes. Comprehensive data on disciplinary outcomes would give students, parents, and administrators the tools they need to accurately assess the fairness of existing practices and improve policy.

Schools' lack of transparency is particularly concerning given potential bias against individuals from marginalized communities. For example, survivors of color have historically **had their claims of violence taken less seriously**¹ than white survivors, and accused men of color **have received harsher sanctions**² than white men accused of similar offenses.



46% OF BISEXUAL WOMEN have been
SEXUALLY ASSAULTED compared to
13% OF LESBIAN WOMEN & approximately **17% OF HETEROSEXUAL WOMEN**

M.L. WALTERS & M.J. BREIDING, CENTERS FOR DISEASE CONTROL AND PREVENTION, THE NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY: 2010 FINDINGS ON VICTIMIZATION BY SEXUAL ORIENTATION 33 (2013).

¹ Zatz, Marjorie S. "The Convergence of Race, Ethnicity, Gender, and Class on Court Decisionmaking: Looking Toward the 21st Century." *Criminal Justice* 3 (2000): 503-52. Accessed June 26, 2017. https://www.ncjrs.gov/criminal_justice2000/vol_3/03j.pdf.

² *Id.*

Best Practices

Schools, therefore, should gather and publish anonymized, aggregate, and non-identifying data on an annual basis regarding reports of sexual harassment and other forms of gender-based violence. Schools should also publish the outcomes of disciplinary processes, including reports that are resolved informally. **Data should include:**

- The number of reported instances of sexual harassment and gender-based violence, including domestic and dating violence and stalking;
- The type of process used to resolve each report (i.e., informal resolution or formal investigation), including alternative resolutions such as complainants or respondents leaving campus to end the process prior to a resolution;
- The number of investigations opened;
- The number of cases in which accommodations were requested, granted, modified, and denied;
- Where not identifying (as determined by a state agency through regulation), the number of students who experienced any of the following after reporting gender violence:
 - Withdrawal from a class;
 - Placement on academic probation;
 - Voluntary or medical leave from school;
 - Transfer;
 - Withdrawal from school;
- The number of respondents who were found responsible, the sanctions imposed, and the reasons given for the decision;
- The number of respondents who were found not responsible and the reasons given for the decision;
- The number of cases in which any changes were made to the determinations or sanctions as a result of an appeal and reasoning;
- The length of each case, from the time of the initial report to the final resolution.

Resources

- Minnesota's **Postsecondary Education Law (§135A.15)** requires postsecondary institutions to report aggregate data about reported incidents of sexual assault and related disciplinary outcomes.
- Zoe Ridolfi-Starr, *Yale Law Journal*, "**Transformation Requires Transparency: Critical Policy Reforms to Advance Campus Sexual Violence Response.**"³
- **Yale University's release of information**⁴ relating to sexual misconduct investigations provides an example of an aggregate data policy in practice.

³ Ridolfi-Starr, Zoe. "Transformation Requires Transparency: Critical Policy Reforms To Advance Campus Sexual Violence Response." *Yale Law Journal*, 2016, 2156-2181. Accessed June 26, 2017. <http://www.yalelawjournal.org/article/transformation-requires-transparency>.

⁴ Yale University: Yale University Report of Complaints of Sexual Misconduct Brought forward from January 1, 2013 through June 30, 2013. Yale University, 2014. http://bigassets.huffingtonpost.com/FINAL_Jul2013.pdf.

EVIDENCE-BASED PREVENTION PROGRAMS

2. PREVENTION

Research shows that robust, evidence-informed education can help prevent gender-based violence and harassment in schools and beyond. States can and should do more than than simply address sexual assault in its aftermath. Instead, they can work to prevent violence from happening in the first place by requiring comprehensive, age-appropriate, and evidence-informed consent education for all students.

I. Evidence-Based Prevention Programs

- II. Consent and Healthy Relationships Training in Secondary Schools
- III. Preventing Serial Sexual Assault

Under the 2013 Violence Against Women Reauthorization Act amendments to the **Clery Act** (also known as Campus SaVE), institutions of higher education are required to provide ongoing prevention and awareness education to all incoming students and employees. However, despite research indicating that long-term exposure to prevention training is key to **preventing sexual and dating violence**¹, many institutions have sought to satisfy federal requirements through a **single workshop** offered during orientation. States can raise the bar for consent education above the floor established by federal law by requiring schools to adhere to the following best practices.

Best Practices

Every institution of higher education should adopt a comprehensive prevention education program designed to educate community members on an ongoing basis about gender-based violence and their rights under school policy and relevant laws. A comprehensive prevention education program should be required for all incoming community members during orientation/onboarding. All community members should be required to attend a follow-up program at least once **every six months**.

Effective prevention programming should:

- Be provided to all school community members, including first-year, transfer, and graduate students, faculty, and staff;
- Be evidence-informed, medically accurate, and regularly evaluated to ensure consistency with contemporary best practices;
- Be conducted in-person at all residential colleges and universities, and conducted in-person to the extent possible at all other institutions;
- Be inclusive of LGBTQ and disabled people's particular experiences and needs and clearly explain that all community members, including LGBTQ and disabled students, who experience and/or report gender violence have the same rights under school policy and applicable laws as other survivors;
- Include programming that helps students identify behavior that constitutes gender-based harassment, including sexual violence, dating and domestic abuse, and stalking. This curriculum should include clear, evidence-informed information about relevant topics, including:
 - Conduct that constitutes gender-based harassment and violence under the school's policies and relevant law, including concrete examples;
 - Unwelcome sexual conduct that creates a hostile environment, and is therefore prohibited, including examples;
 - The effects of trauma, including neurobiological changes and the variety of responses common for victims of violence;
 - The role intoxicating substances can play in facilitating incidents of gender-based violence, including the deliberate use of alcohol and/or other drugs to perpetrate sexual violence;
- Include training on healthy relationship behavior;

¹ National Association of Services Against Sexual Violence. "Framing Best Practice: National standards for the primary prevention of sexual assault through education." 2009. Accessed June 26, 2017. http://www.nasasv.org.au/PDFs/Standards_Full_Report.pdf.

- Include bystander engagement training that teaches campus community members to support survivors who come forward;; intervene to prevent or disrupt sexual harassment and misconduct;; and challenge peers' behavior, language, or attitudes that may create a hostile environment;
- Include clear information about Title IX, the Clery Act, school policies and procedures about gender-based harassment (including sexual and dating violence), and other relevant law and policies, including:
 - How students can confidentially access accommodations, if they choose to do so;
 - Relevant mandatory reporting laws and policies;
 - How students can report an incident to their educational institution if they so choose;
 - The interim safety measures, accommodations, and on and off campus resources available to a survivor;
 - Disciplinary code provisions relating to sexual violence and the consequences of violating those provisions;
 - The roles of an institution's Title IX coordinator, campus security officials, sexual assault response coordinators, and other campus offices that address gender-based violence;
 - An individual's right to pursue a Title IX grievance process regardless of whether law enforcement proceedings are also underway;
 - Federal and state law protections against retaliation, including those provided by Title IX.

States should allow schools to create, at their discretion, a confidential process for offering accommodations for students who have experienced sexual violence and/or dating abuse and may find attending prevention programming upsetting.



Resources

- **Sexual Violence Prevention Strategies**, Centers for Disease Control and Prevention
- **Preventing Sexual Violence on College Campuses: Lessons from Research and Practice**, Centers for Disease Prevention and Control, 2014
- Office for Civil Rights, Department of Education: **"2011 Dear Colleague Letter on Sexual Violence"**
- Office for Civil Rights, Department of Education: **"Frequently Asked Questions About Sexual Harassment, Including Sexual Violence"**
- **Bystander-Focused Prevention of Sexual Violence**, Office on Violence Against Women, 2014
- **Establishing Prevention Programming: Strategic Planning for Campuses**, Office on Violence Against Women, 2014
- **STOP SV: A Technical Package to Prevent Sexual Violence**, Centers for Disease Control and Prevention
- **A Systematic Review of Primary Prevention Strategies for Sexual Violence Perpetration**, by Sarah DeGue, in *Aggression and Violent Behavior*, 2014
- **Illinois' 'Preventing Sexual Violence in Higher Education'** law requires higher education institutions to provide annual primary prevention training to all students who attend one or more classes on campus.



CONSENT AND HEALTHY RELATIONSHIPS TRAINING IN SECONDARY SCHOOLS

2. PREVENTION

- I. Evidence-Based Prevention Programs
- II. Consent and Healthy Relationships Training in Secondary Schools**
- III. Preventing Serial Sexual Assault



**48% OF
SEVENTH THROUGH
12TH GRADERS**
report experiencing
SEXUAL HARASSMENT

Sexual violence and harassment does not begin in college: **48 percent of seventh through 12th graders¹** report experiencing sexual harassment. Dating violence is also pervasive prior to college: the Center for Disease Control's **2013 Youth Risk Behavior Study²** found that more than 20 percent of female high school students and 10 percent of male high school students report being physically or sexually abused by a dating partner over a single 12 month period. To end teen sexual and dating violence, states should require that all middle and high schoolers receive age-appropriate, evidence-informed consent and healthy relationship training on an ongoing basis.

Prevention education can reduce the prevalence of **sexual harassment** and **teen dating abuse**, inform students of their legal rights following violence, and help survivors access critical resources. Many of the most effective prevention and intervention programs are **designed for young adults³**, making prevention programs for middle and high schools an important and age-appropriate strategy to end gender-based violence in schools and beyond.

Best Practices

In order to be effective, consent and healthy relationship education programming in middle and high schools must be evidence-informed, age-appropriate, and inclusive.

Prevention education programs should:

- Be provided to all school community members, including students, faculty, and staff at least once every six months;
- Be evidence-informed, medically accurate, and regularly evaluated to ensure consistency with contemporary best practices;
- Be conducted in-person, to the extent possible;
- Be inclusive of LGBTQ and disabled people and clearly explain that all community members, including LGBTQ and disabled students, who experience and/or report gender violence have the same rights under school policy and applicable laws as other survivors;
- Include programming that helps students identify behavior that constitutes gender-based harassment, including dating and domestic abuse, stalking, and sexual violence (and including childhood sexual abuse). This curriculum should include age-appropriate and evidence-informed information about relevant topics, including:
 - Conduct that constitutes gender-based harassment and violence under the school's policies and relevant law, including examples;
 - Unwelcome sexual conduct that creates a hostile environment, and is therefore prohibited, including examples;
 - The effects of trauma, including neurobiological changes and the variety of responses common for victims of violence;

¹ Hill, Catherine & Kearl, Holly. American Association of University Women. "Crossing the Line: Sexual Harassment at School."

² Vagi, Kevin J., Emily O'Malley Olsen, Kathleen C. Basile, and Alana M. Vivolo-Kantor. "Teen Dating Violence (Physical and Sexual) Among US High School Students." JAMA Pediatrics 169, no. 5 (2015): 474

³ Center for Disease Control and Prevention, Division of Violence Prevention. "Sexual Violence: Prevention Strategies." 2017. Accessed June 26, 2017. <https://www.cdc.gov/violenceprevention/sexualviolence/prevention.html#Effective%20Programs>

- The role intoxicating substances can play in facilitating incidents of gender-based violence, including the deliberate use of alcohol and/or other drugs to perpetrate sexual violence;
- Include training on healthy relationship behavior;
- Include bystander engagement training that teaches school community members to support survivors who come forward, intervene to prevent sexual harassment and misconduct, and challenge peers' behavior, language, or attitudes which may create a hostile environment;
- Include clear information about Title IX, school policies and procedures about gender-based harassment (including sexual and dating violence), and other relevant law and policies, including:
 - How a student can report an incident to the institution and confidentially access accommodations, if they choose to do so, to the extent possible under state and local law;
 - Relevant state mandatory reporting laws and policies;
 - The interim safety measures, accommodations, and on and off campus resources available to a survivor;
 - Disciplinary code provisions relating to sexual violence and the consequences of violating those provisions;
 - The roles of an institution's (or district's) Title IX coordinator, campus security officials, sexual assault response coordinators, school counselor, school nurses, and other school personnel that address gender-based violence;
 - An individual's right to pursue a Title IX grievance process regardless of whether law enforcement proceedings are also ongoing;
 - Federal and state law protections against retaliation, including those afforded by Title IX.

States and school districts that require medically or factually accurate sex and/or HIV education should integrate healthy relationship and consent education into existing sex education training programs.

Resources

- **California law** requires comprehensive, research-based, and inclusive consent education for all students grades 9 through 12.
- The federal **Teach Safe Relationships Act of 2015** would award four-year grants to schools to teach "safe relationship behavior."
- **Children's Exposure to Violence: A Comprehensive National Survey**, Department of Justice.



more than
20% of
**FEMALE HIGH
SCHOOL STUDENTS**

&



10% of
**MALE HIGH
SCHOOL STUDENTS**

report being
**PHYSICALLY OR SEXUALLY
ABUSED BY A DATING PARTNER**
over a single 12 month period

PREVENTING SERIAL SEXUAL ASSAULT

2. PREVENTION

- I. Evidence-Based Prevention Programs
- II. Consent and Healthy Relationships Training in Secondary Schools
- III. Preventing Serial Sexual Assault**



Schools should require any student who is found responsible for gender-based misconduct, but not expelled, to attend comprehensive prevention programming before returning to campus and arrange ongoing monitoring and support mechanisms to help rehabilitate the student.

Some research suggests that therapeutic interventions may **reduce the likelihood**¹ that minors who perpetrate sexual violence will commit sexual violence in the future. Prevention training programs should be **evidence-informed, factually accurate, and regularly evaluated** to ensure that they are consistent with current best practices on preventative and rehabilitative education programs.

Resources

- **The Effectiveness of Treatment for Juveniles Who Sexually Offend**, by the Department of Justice Sex Offender Management and Assessment and Planning Initiative.

¹ Przybylski, Roger. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. "Effectiveness of Treatment for Juveniles Who Sexually Offend." Accessed June 26, 2017

PUBLICIZING AVENUES FOR REPORTING

3. SAFE AND CONFIDENTIAL REPORTING

The vast majority of student survivors never report to law enforcement or campus officials. But when schools fail to foster an environment in which survivors feel safe reporting, survivors are left without the accommodations they need to stay in school, and perpetrators are rarely held accountable. States should require schools to adopt baseline best practices to encourage reporting, prevent retaliation against survivors, and ensure survivors know where they can access resources after an assault.

- I. Publicizing Avenues for Reporting**
- II. Sexual Assault Response Coordinators
- III. Protecting Survivors' Privacy
- IV. Amnesty Policies

After experiencing violence, many survivors do not know where to turn for support. Schools should use the best available technologies to distribute information to all community members explaining how to report sexual harassment and gender-based violence and confidentially access resources.

Best Practices

Every school should provide all community members with a written copy of its rules and policies regarding gender-based misconduct.

Such policies should include a clear, plain language explanation of:

- Definitions of conduct that constitutes sexual misconduct (including harassment, violence, and other forms of discrimination) as well as language indicating that such conduct is prohibited;
- How an individual can report an incident of gender-based violence to the institution;
- The resources and accommodations that the institution can provide to a survivor, and how an individual can access these services;
- The roles and responsibilities of the institution's Title IX Coordinator;
- The disciplinary process by which the institution will investigate and adjudicate a report of gender-based misconduct;
- A range of sanctions that may be applied to a community member found responsible for gender-based misconduct;
- Which school officials and employees are considered "responsible employees" and an explanation of their responsibilities;
- The names of decisionmakers, where applicable.

In line with federal requirements under the Clery Act, each institution's written policy should explicitly indicate that survivors have multiple reporting options that can be pursued separately or simultaneously, at the survivor's discretion.



These policies should indicate that a survivor can choose to pursue one or more of the following reporting options:

- Receive confidential resources (such as, but not limited to, medical attention and counseling);
- Report an incident confidentially to college or university officials who are not responsible employees and may maintain confidentiality, and can assist in obtaining campus, local, and state resources and services;
- Anonymously disclose an incident to school officials, including through online mechanisms;
- Make a report to a school employee with the authority to address complaints (such as a Title IX coordinator, student conduct official, or human resources employee) that will be addressed promptly and equitably in a school disciplinary hearing;
- File a family or civil court action;
- Make a report to law enforcement.

Further, each institution should post its policy on the homepage of its website in an easily accessible manner and take reasonable steps to ensure the policy is widely distributed to and understood by students. Schools should be required to make policies accessible to students with disabilities through measures such as, but not limited to, providing braille copies and audio recordings.

The policy should also note that all institutional services and protections afforded to reporting individuals and responding parties are applicable to conduct that has a **reasonable connection or “nexus” between the misconduct and the educational institution** (such as off-campus events that create a hostile school environment for a survivor or other students). In these cases, the policy **should apply regardless of whether the violation occurs on campus, off campus (including online), or while studying abroad.**

Resources

- **New York’s ‘Enough is Enough’ law** and **Illinois’ ‘Preventing Sexual Violence in Education’ law** contain a strong state mandate for publicizing school policies on gender-based harassment and violence.
- The Obama Administration’s White House Task Force to Protect Students from Sexual Assault **created a sample confidentiality policy** for schools to use.
- **Callisto** is a third-party software that survivors on participating campuses can use to make a time-stamped report online.
- **Minnesota’s Postsecondary Education Law (§135A.15)** requires schools to provide an online reporting system (permitting anonymous reports) to receive complaints of sexual harassment and violence.



90% OF SURVIVORS
believe that victims should retain
THE RIGHT TO CHOOSE WHETHER
AND TO WHOM TO REPORT

KNOW YOUR IX & THE NATIONAL ALLIANCE TO END
SEXUAL VIOLENCE, ASK SURVIVORS SURVEY (2015)

SEXUAL ASSAULT RESPONSE COORDINATORS

3. SAFE AND CONFIDENTIAL REPORTING

- I. Publicizing Avenues for Reporting
- II. Sexual Assault Response Coordinators**
- III. Protecting Survivors' Privacy
- IV. Amnesty Policies

Although some survivors do not want their school to initiate a formal investigation, they may still want help accessing accommodations. Other survivors may want guidance on the school's reporting and investigative processes or access resources, such as a Rape Crisis Center, while deciding whether or not to report.

Schools should ensure that their resources are available to all students by designating sexual assault response coordinators to whom survivors can turn to for support and help accessing services without triggering an investigation by the school or law enforcement.

Best Practices

State and federal governments should require schools to designate one or more sexual assault response coordinators at the institution to whom non-employee victims of sexual harassment, domestic violence, dating violence, sexual assault, or stalking can report, including anonymously. The advisor should not be an undergraduate student, a full-time graduate student, or the Title IX coordinator. The sexual assault response coordinator should be exempt from the requirements imposed on responsible employees and should not be disciplined for performing the duties outlined in this section. *Note: This measure is not intended to bar students from serving as peer counselors or advocates.*

Sexual assault response coordinators should:

- Inform survivors of their rights under campus policy and relevant law and reporting options, including the option to notify a responsible employee and local law enforcement. Coordinators should also inform survivors of the potential consequences of reporting, if reasonably known. At a survivor's request, sexual assault response coordinators should facilitate reporting to a responsible employee or law enforcement.
- As appropriate, serve as a liaison between a survivor and a school employee or law enforcement official when directed to do so by a survivor who has been fully and accurately informed about what procedures will be triggered once the school and/or law enforcement are notified.
- Be authorized by the institution to liaise with appropriate school staff to arrange reasonable accommodations through the institution on behalf of the survivor. Requests for accommodations made by a sexual assault response coordinator should not prompt an investigation by the institution, even if the sexual assault response coordinator deals only with matters relating to gender-based violence.
- Be authorized to accompany a survivor, upon the survivor's request, to interviews and other proceedings of a campus investigation and institutional disciplinary proceedings.
- Advise survivors of their rights and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by the institution or a criminal, civil, or tribal court. The sexual assault response coordinator should also provide this information to a victim in writing.

Resources like crisis counseling and medical attention must be available to all survivors, including survivors who are not yet ready to report an assault. To ensure that all survivors can seek help, the sexual assault response coordinator should not be obligated to report crimes to law enforcement, or to the institution in a way that identifies a victim or an accused individual, unless otherwise required to do so by law. The school should designate an individual who has protection under State law to provide privileged communication as a sexual assault response coordinator.

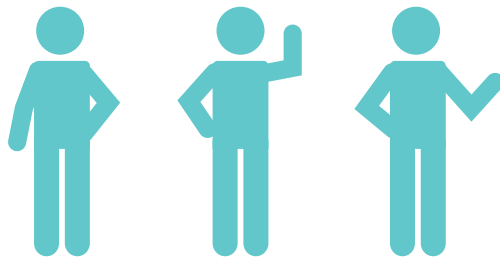
Resources

- The **Campus Accountability and Safety Act**— legislation proposed at the federal level – contains a strong mandate for a sexual assault response coordinator.
- **Illinois' 'Preventing Sexual Violence in Education' law** requires all higher education institutions to designate a trained advisor who can assist survivors in accessing resources and accommodations and reporting gender-based violence.



SCHOOLS SHOULD ENSURE

that their resources are available to all students by



DESIGNATING SEXUAL ASSAULT RESPONSE COORDINATORS

to whom survivors can turn to
for support and help accessing services

PROTECTING SURVIVORS' PRIVACY

3. SAFE AND CONFIDENTIAL REPORTING

- I. Publicizing Avenues for Reporting
- II. Sexual Assault Response Coordinators
- III. Protecting Survivors' Privacy**
- IV. Amnesty Policies

States should
PROTECT SURVIVORS' PRIVACY
by expanding advocate privilege to
school-based confidential employees



In more than half of states, “advocate privilege” ensures that select direct service providers, such as rape crisis counselors, cannot be compelled to testify about a survivor’s care. However, it is often unclear whether this privilege extends to school-based “confidential employees” or other school-designated advisors who provide confidential support for survivors of gender-based violence. If survivors have reason to fear that highly sensitive information about their abuse could become public, some may opt not to seek help at all.

States should protect survivors’ privacy by expanding advocate privilege to school-based confidential employees who commonly receive disclosures of gender-based harassment and violence. By ensuring that qualified school service providers are covered by advocate privilege, states can ensure that survivors’ privacy is protected without unduly limiting the number of individuals who can serve as confidential supporters.

Best Practices

State governments should create or expand advocate privilege under state law to include conversations between certified school-based advocates and survivors in the course of safety planning, counseling, support, or advocacy services. This privilege should also extend to records that are created or maintained in the course of providing such services to survivors, consistent with the Federal Educational Rights and Privacy Act (FERPA) and existing state laws. A staff member should be considered a certified advocate if, and only if, they have completed at least 40 hours of a state agency-approved training in advocacy for victims of domestic violence, sexual assault, or stalking.

To help schools gain accurate and complete information about gender-based violence and potential hostile environments on campus, sexual assault response coordinators should be permitted to disclose aggregate, non-identifying data to the Title IX Coordinator and the institution more broadly.

Resources

- The Oregon state legislature **passed House Bill 3476, model legislation** that expands privilege to trained individuals on college campuses.
- **Illinois’ ‘Preventing Sexual Violence in Education’ law** expands privilege to campus-based advocates.

AMNESTY POLICIES

3. SAFE AND CONFIDENTIAL REPORTING

- I. Publicizing Avenues for Reporting
- II. Sexual Assault Response Coordinators
- III. Protecting Survivors' Privacy
- IV. Amnesty Policies**



**84% OF
FEMALE SURVIVORS**
report being sexually assaulted
**DURING THEIR FIRST FOUR
SEMESTERS ON CAMPUS**

Although underage students are at the **highest risk**¹ of sexual assault on campus, many do not report because they fear their schools will punish them for drinking or using drugs at the time of the assault. Some schools have retaliated against survivors who have reported by charging them with **violations of honor codes**.² In order to reduce barriers to reporting, states should require all institutions to adopt “amnesty” policies to ensure survivors and witnesses who come forward to report gender-based violence are not punished for doing so.

Best Practices

States should require all institutions to adopt an explicit amnesty policy as part of its code of conduct. This amnesty policy must state, in plain language, that:

- The school will not take disciplinary action against individuals reporting in good faith (including witnesses) for non-violent code-of-conduct offenses that are related to the assault, including the use of intoxicating substances occurring at or around the time of a reported incident;
- If a school’s code-of-conduct prohibits sexual activity (or certain forms of sexual activity), the school will not take disciplinary action against individuals reporting in good faith (including witnesses) on the basis of the reported incident, non-harassing sexual activity related to the reported incident, or other non-harassing sexual activity discovered during an investigation into the reported incident. These protections should explicitly apply to students who report violence within the context of a same-sex relationship or same-sex sexual activity.

Resources

- **New York’s ‘Enough is Enough’ law** contains a strong mandate for an amnesty policy at the state level. The bill was passed into law in 2015.
- **Texas’ ‘Amnesty for Students Reporting Certain Incidents’ law** provides a strong model of standalone amnesty legislation.

1 Jacobs, Peter. “The ‘Red Zone’ Is A Shockingly Dangerous Time For Female College Freshmen.” Business Insider. July 14, 2014. Accessed June 26, 2017. <http://www.businessinsider.com/red-zone-shockingly-dangerous-female-college-freshmen-2014-7>.

2 Lithwick, Dahlia. “BYU Is Violating the Spirit of Title IX and Making Rape More Likely With Its Absurd Honor Code.” Slate Magazine. April 27, 2016. Accessed June 26, 2017. http://www.slate.com/articles/news_and_politics/jurisprudence/2016/04/byu_s_honor_code_violates_survivors_and_makes_rape_likelier.html.

COMPREHENSIVE ACCOMMODATIONS FOR SURVIVORS

4. RESOURCES AND ACCOMMODATIONS

Gender-based violence can take an enormous toll on survivors. Following an assault, survivors may struggle to access medical care, develop PTSD and anxiety, and be forced to skip classes or avoid extracurriculars that they share with the perpetrator(s). Without support, many are forced to withdraw from classes or even drop out entirely. To prevent sexual and dating violence from costing survivors their educations, future career opportunities, and financial stability, states should ensure survivors have access to key resources and accommodations.

I. Comprehensive Accommodations for Survivors

- II. Minimizing Financial Burdens
- III. Remedies for the Entire Student Population
- IV. Access to Accommodations
- V. 24/7 Rape Crisis Centers
- VI. Emergency Medical Care for Survivors

Colleges and universities are uniquely positioned to provide the accommodations and interim measures survivors need to access their education. They can remove a perpetrator from a dormitory floor shared with a student they sexually assaulted, provide counseling to help a survivor manage PTSD, or simply provide a survivor an extension on an essay due the week after an assault. By requiring schools to provide students with comprehensive accommodations, states can help survivors stay in school.

Best Practices

Schools must provide a broad range of reasonable accommodations to ensure a survivor's safety, eliminate a campus hostile environment, and support a survivor in continuing to access their education.

At a minimum, states should guarantee that schools provide a survivor with the following:

- **Reasonable Interim Measures and Accommodations:** Schools must ensure a survivor's safety, eliminate a hostile campus environment and address its effects, and support a survivor's continued access to education by providing them with reasonable interim measures and accommodations. These measures can include, but are not limited to: housing/residential accommodations, campus escorts, academic accommodations such as tutoring,, and transportation arrangements, and campus employment accommodations. In appropriate circumstances, the school should promptly provide these services as interim measures pending the conclusion of a school's investigation. (See section below on "Minimizing Financial Burdens" for a complete list of accommodations.)
- **No Contact Orders:** When the accused and/or respondent is a member of the campus community (including students, faculty, and staff), schools should issue a "no contact order," stipulating that continued contact with a victim constitutes a violation of school policy and is subject to additional conduct charges and sanctions (including interim suspension pending a disciplinary hearing). No contact orders should also prohibit a respondent from contacting a survivor through third parties, including friends, acquaintances, and family members.
 - Both parties should receive a copy of the no contact order and have the opportunity to speak with a school official who can answer questions regarding its operation and scope and the consequences of violating it.
 - If the respondent violates a no contact order, schools should guarantee a protected party assistance from campus security, and university officials in removing the respondent from the protected party's environment at the complainant's request.
- **Persona Non Grata Letter:** When the respondent is not a member of the school community, school officials should serve them a persona non grata letter prohibiting them from entering school property, subject to applicable legal requirements.
- **Orders of Protection:** School officials should facilitate an individual's access to orders of protection or an equivalent protective/restraining order. School assistance should include connecting an individual to victim services providers and arranging any necessary

transportation to court at no cost to the victim. Individuals should not be penalized for missing class, work, or other school obligations to attend protective order hearings.

- **Mental Health and Disability Services:** School officials should ensure victims have access to mental health services (at no cost) and other reasonable disability accommodations required by relevant federal and state law, including Section 504 and Title II of the Americans with Disabilities Act.
- **Student Loan Counseling:** Schools should provide student loan counseling for student survivors considering temporary withdrawal, permanent withdrawal, or half-time enrollment to help them access loan deferment, forbearance, income-based repayment plans, or other student loan programs.
- **Review of Disciplinary Actions:** Schools should review any disciplinary actions taken against the complainant to see if there is a causal connection between the sexual violence and the misconduct that may have resulted in the complainant being disciplined. For example, if the complainant was disciplined for skipping a class in which the perpetrator was enrolled, the school should review the incident to determine if the complainant skipped class to avoid contact with the perpetrator. Under no circumstances should a student who reports gender-based harassment or assault be penalized under school disciplinary codes prohibiting sexual activity.

When a community member reports gender-based harassment or violence, the school should be responsible for promptly inform them, in writing, of their right to request services and accommodations. When taking steps to separate the complainant and the accused student/respondent, a school should minimize the burden on the complainant, and thus should not, as a matter of course, remove complainants from classes, housing, or extracurriculars while allowing alleged perpetrators to remain.

Resources

- **New York's 'Enough is Enough' law** contains a strong state-level mandate for comprehensive accommodations and interim measures.
- Rep. Jackie Speier sent **a letter to OCR requesting reforms**¹ to the student loan program that would benefit survivors.

¹ "Letter to Assistant Secretary Lhamon from the Office of Rep. Jackie Speier", available at: <https://www.knowyourix.org/wp-content/uploads/2017/01/9-13-16-Speier-Letter-to-OCR-re-Sexual-Assault-Student-Loan-Debt.pdf>.

WE NEED A DEPARTMENT OF CIVIL
RIGHTS THAT BELIEVES IN
CIVIL RIGHTS



We all NEEDS TITLE IX
BECAUSE...
we can hold people
in our communities
responsible.

My community NEEDS TITLE IX
BECAUSE...
they should not have to leave
"safe spaces" on campus because
they are being harassed and
have to apologize for them.

My community NEEDS TITLE IX
BECAUSE...
my life
impaired by
the right
without

U of A NEEDS TITLE IX
BECAUSE...
Survivors should
have their basic
rights met + respected

I NEEDS TITLE IX
BECAUSE...
my identities as an
LGBT - Black Native deserve
to be protected and education
is key Gender violence
effects EVERYONE!!!

Western State NEEDS TITLE IX
BECAUSE...
Students don't feel safe on
campus. Lack of safety and
violence should not be a
premise students pay for
their education.

Western NEEDS TITLE IX
BECAUSE... Administration
won't listen.

MY NEEDS TITLE IX
BECAUSE...

The next generation of Survivors NEEDS TITLE IX
BECAUSE...
I need to know what
and rights they
difficult situations

We all NEEDS TITLE IX
BECAUSE...
we should
move beyond
gender based
violence!

Weber NEEDS TITLE IX
BECAUSE...
being a nontraditional
commuter school
is not an excuse

Olivia NEEDS TITLE IX
BECAUSE...
learning is necessary
for improvement of the
individual and society, and
she needs to be able to
actually do it
She's HUMAN

ALL MY SCHOOLS NEEDS TITLE IX
BECAUSE...
GENDER VIOLENCE
SHOULD NOT BE
AN ACCEPTED PART
OF EDUCATION. EVER.

Students NEEDS TITLE IX
BECAUSE...
Students
deserve
& supported

Nevada NEEDS TITLE IX
BECAUSE... it is the
University's responsibility
to protect its students
and survivors must
always be supported.
that's fair

Western State NEEDS TITLE IX
BECAUSE... gender
violence should be

CalArts NEEDS TITLE IX
BECAUSE... Survivors
of color & trans survivors

SCHOOL NEEDS TITLE IX
BECAUSE... A student
get expelled for

BRANDEIS NEEDS TITLE IX
BECAUSE...
Survivors shouldn't
be their

MINIMIZING FINANCIAL BURDENS

4. RESOURCES AND ACCOMMODATIONS

- I. Comprehensive Accommodations for Survivors
- II. **Minimizing Financial Burdens**
- III. Remedies for the Entire Student Population
- IV. Access to Accommodations
- V. 24/7 Rape Crisis Centers
- VI. Emergency Medical Care for Survivors



Empirical estimates of the costs of
**GENDER-BASED VIOLENCE RANGE FROM
\$87,000 TO \$240,776 PER RAPE.**

These costs include medical treatment, counseling,
and harder to quantify impacts on quality of life.

Between the price of medical health care and moving into off-campus housing to avoid a perpetrator who shares a dorm building, student survivors can face extraordinary financial costs due to gender-based violence. For low-income survivors, the costs of counseling, course change fees, or housing change fees may be impossible to pay, forcing them to withdraw from classes or school. Schools should be barred from charging survivors for reasonable accommodations. When schools expect survivors to bear the cost of those accommodations, they create a **discriminatory, gender-based barrier to educational access** and risk forcing survivors out of school entirely.

Best Practices

To ensure the financial costs of sexual or domestic violence do not push survivors out of school, schools must be required to provide reasonable accommodations and resources at no financial cost to victims.

At a minimum, schools should provide survivors the following accommodations free of charge:

- **Qualified Survivor Advocate:** Advocates should be available to students through a Rape Crisis Center or other local service provider. See 24/7 Rape Crisis Centers and sexual assault response coordinators for best practices regarding survivor/victim advocates.
- **Mental Health Counseling and Disability Services:** These services include, but are not limited to, access to qualified trauma counselors; academic accommodations for individuals who develop PTSD, anxiety, or other mental health conditions as a result of harassment and gender-based violence; and other reasonable disability accommodations required by state and federal law, including Section 504 and Title II of the Americans with Disabilities Act.
- **Transportation:** Schools should ensure community members are not charged for transportation to court to secure an Order of Protection, to a medical provider for a forensic exam, an off-campus Rape Crisis Center or other direct service provider with which the school has established an MOU, or any other location as needed to ensure a student survivor's safety and continued access to education. In appropriate circumstances, schools should arrange for victims to receive services remotely if necessary.
- **A Campus Escort:** If necessary, schools should provide a campus escort so that a survivor can move safely and comfortably between classes, campus jobs, sports, and other extracurricular activities.
- **Residential and Dining Arrangements:** When a school moves a survivor to a new dormitory or campus dining facility as an accommodation to avoid a perpetrator, they must ensure student survivors are not forced to pay more in housing and meal fees as a result. If necessary, the school should arrange to cover moving costs for the survivor or to reimburse a survivor for lost dining fees.
- **Academic Support:** Student survivors should be able to withdraw from and retake classes without financial penalty, receive tutoring without charge, and be exempted from course change fees, when those services are reasonably necessary to ensure a survivor's continued access to education.

Research **demonstrates** that gender-based violence can cause students' grades to **suffer significantly**. Survivors may face academic probation, suspension, or scholarship loss when their grades fall as a result of violence—outcomes that become more likely when the school fails to take reports of gender-based violence seriously. Schools should be required to take the academic impact of gender-based violence into account when assessing a student's scholarship eligibility, participation in work-study programs, requests for leave, and class withdrawals.

Resources

- Dana Bolger, 125 YALE L.J. *Gender Violence Costs: School's' Financial Obligations Under Title IX* (May 2016).
- Know Your IX, “*Request for Clarification of Office for Civil Rights Guidance on Gender-Based Violence to Better Address Economic Issues*” (November 2014).





MY Daughter NEEDS TITLE IX
BECAUSE...

No young woman
student should
have to

MY Daughter NEEDS TITLE IX
BECAUSE...

Survivors are
too! We All
to feel safe
at school!

MY Daughter NEEDS TITLE IX
BECAUSE...

We All
We can have
our responsibilities

MY Daughter NEEDS TITLE IX
BECAUSE...

All you

NEED

deserve better

MY SISTER NEEDS TITLE IX
BECAUSE...

the cost of school
should not
include sexual violence.

www.knowyourIX.org



REMEDIES FOR THE ENTIRE STUDENT POPULATION

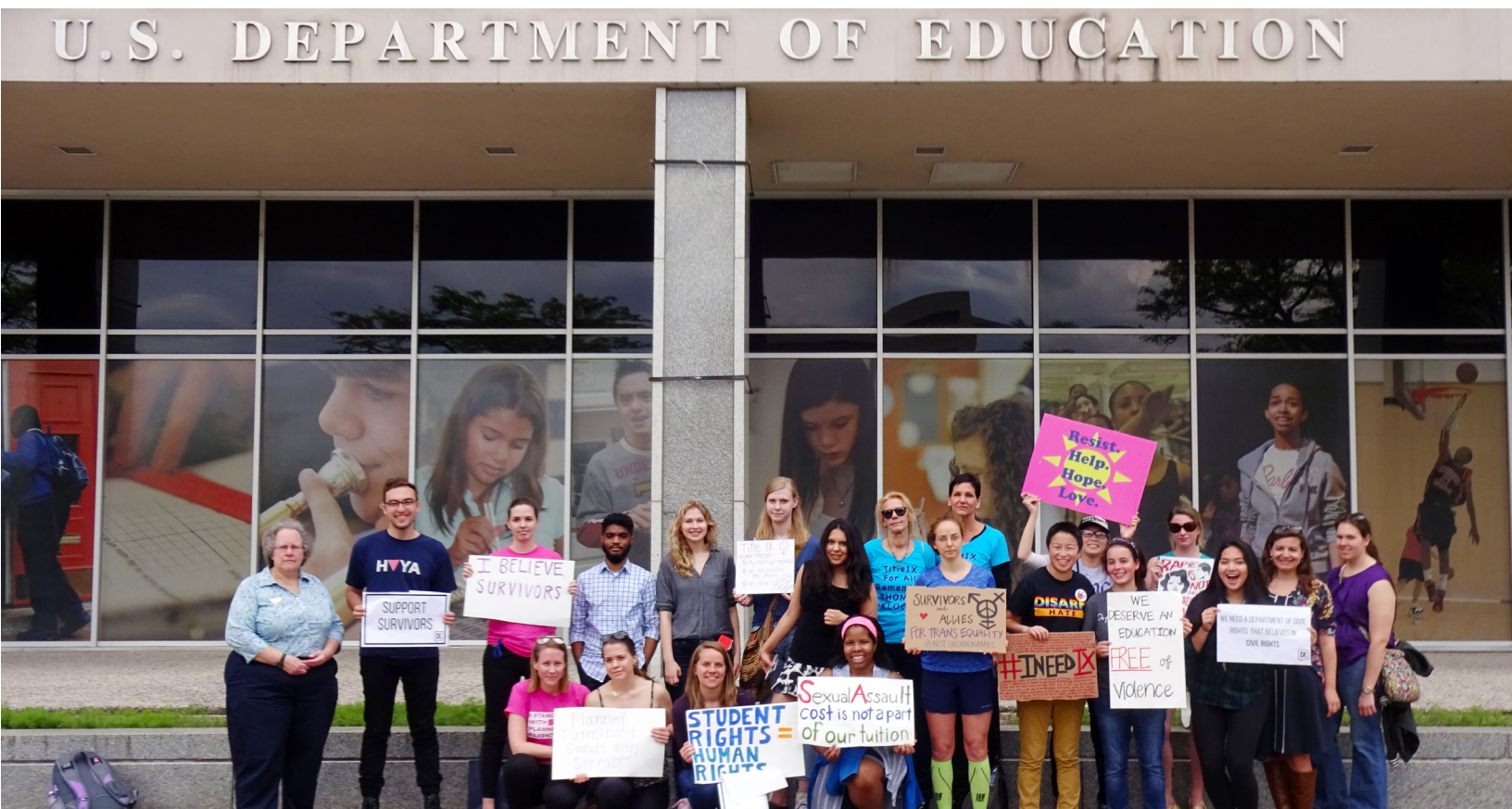
4. RESOURCES AND ACCOMMODATIONS

- I. Comprehensive Accommodations for Survivors
- II. Minimizing Financial Burdens
- III. Remedies for the Entire Student Population**
- IV. Access to Accommodations
- V. 24/7 Rape Crisis Centers
- VI. Emergency Medical Care for Survivors

When a school is unable to conduct a full investigation into a particular incident (i.e., when it received a general report of sexual violence without any personally identifying information or if a complainant has requested confidentiality), it should consider remedies for the broader student population in order to alleviate the hostile environment.

Remedies for the broader school community may include, but are not limited to:

- Designating an on-call individual from the school's counseling center who is specifically trained in providing trauma-informed comprehensive services to victims of sexual violence;
- Training or retraining school employees on the school's responsibilities to address allegations of sexual violence and how to conduct Title IX investigations;
- Developing and distributing to all students materials on sexual violence;
- Conducting bystander intervention and sexual violence prevention programming with students;
- Issuing policy statements or taking other steps that clearly communicate that the school does not tolerate sexual violence and will respond to any incidents and to any student who reports such incidents;
- Conducting, in conjunction with student leaders, a campus climate check to assess the effectiveness of efforts to address sexual violence, and using that information to inform future institutional actions;
- Targeted training for a group of students if, for example, sexual violence created a hostile environment within a residence hall, fraternity or sorority, a cappella group, or on an athletic team.



ACCESS TO ACCOMMODATIONS

4. RESOURCES AND ACCOMMODATIONS

- I. Comprehensive Accommodations for Survivors
- II. Minimizing Financial Burdens
- III. Remedies for the Entire Student Population
- IV. Access to Accommodations**
- V. 24/7 Rape Crisis Centers
- VI. Emergency Medical Care for Survivors

Campus climate surveys from 2016 indicate that **more than 80 percent**¹ of student sexual assault survivors never report their assaults to law enforcement or school officials. But while student sexual assault survivors may not want to open a formal disciplinary case with their school or report to law enforcement, they often still need reasonable accommodations. Students must be able to access critical accommodations without triggering an investigation by the school. For best practices on providing confidential accommodations, please see **“Sexual Assault Response Coordinators”** under Safe and Confidential Reporting.

Best Practices

Institutions that lack appropriate on-campus resources or services should, to the extent practicable, enter into a memorandum of understanding (MOU) or other partnership with existing community-based organizations to provide students with counseling, health care, mental health care, victim advocacy, and legal assistance services. Partnerships with community-based organizations should, where appropriate, include services for respondents as well.

Further, information about campus resources and accommodations for survivors of gender-based violence should be widely distributed, easily accessible online, included in a school’s gender-based misconduct policy, and provided to reporting individuals immediately after disclosure of an incident. Any informational materials should include a plain language explanation of common accommodations that the institution provides and explain how a survivor can access accommodations, whether or not they choose to formally report an incident.

Resources

- **New York’s ‘Enough is Enough’ law** contains a strong state-level mandate for comprehensive accommodations and interim measures.
- Rep. Jackie Speier sent **a letter to OCR requesting reforms** to the student loan program that would benefit survivors.



CHRISTOPHER KREBS, ET AL., BUREAU OF JUSTICE STATISTICS, DEPARTMENT OF JUSTICE, CAMPUS CLIMATE VALIDATION STUDY FINAL TECHNICAL REPORT 107 (2016)

¹ Christopher Krebs et al., Bureau of Justice Statistics, Department of Justice, “Campus Climate Validation Study Technical Final Report.” 2017. Accessed June 27, 2017.

24/7 RAPE CRISIS CENTERS

4. RESOURCES AND ACCOMMODATIONS

- I. Comprehensive Accommodations for Survivors
- II. Minimizing Financial Burdens
- III. Remedies for the Entire Student Population
- IV. Access to Accommodations
- V. 24/7 Rape Crisis Centers**
- VI. Emergency Medical Care for Survivors

Rape Crisis Centers (RCCs) provide a range of vital services to survivors and are often the first place that survivors go for support and resources after an assault. While schools often have on campus RCCs or arrangements with equivalent local providers, many only offer services on weekdays or during regular business hours. Sexual violence does not happen on a schedule, and schools should ensure that student survivors have access to a Rape Crisis Center at all times.

Best Practices

All residential schools should be required to have either have a confidential Rape Crisis Center on campus or a Memorandum of Understanding (MOU) with a local rape crisis center and domestic violence service provider that students can access at all times, including weekends, late nights/early mornings, and during summer/winter programming when students are on campus.

Service providers must have qualified victim advocates on staff who are appropriately trained to assist student survivors in: reporting an incident to school officials and/or law enforcement; directing survivors to both on- and off-campus resources; hospital advocacy and accompaniment; crisis planning; and individual counseling for survivors. Schools should also be required to provide students with information about contacting a confidential, 24/7 victims' hotline.

Resources

- Sample Language for Memorandum of Understanding with Local Rape Crisis Centers, **White House Task Force to Protect Students from Sexual Assault.**



EMERGENCY MEDICAL CARE FOR SURVIVORS

4. RESOURCES AND ACCOMMODATIONS

- I. Comprehensive Accommodations for Survivors
- II. Minimizing Financial Burdens
- III. Remedies for the Entire Student Population
- IV. Access to Accommodations
- V. 24/7 Rape Crisis Centers
- VI. Emergency Medical Care for Survivors**

After an assault, survivors need a range of crisis services—ranging from access to a victim's advocate at a rape crisis center, post-exposure prophylaxis to prevent contraction of HIV, and sexual assault forensic exams (commonly known as SAFEs). States and schools can help survivors access critical medical care they need to manage the trauma of a sexual assault.

Best Practices

Under the federal Violence Against Women Act (VAWA), states, territories, and tribes must ensure that survivors are never charged out-of-pocket expenses for sexual assault forensic exams. Federal law sets a floor of minimum requirements for forensic exams, including collection of evidence and a patient interview. States can and should raise that floor by requiring hospitals to take further steps to collect evidence and provide critical crisis healthcare to survivors.

States should require that every hospital providing hospital emergency services to sexual assault survivors provide the following basic services to survivors, at their request, as part of a forensic exam:

- Appropriate medical examinations and laboratory tests to collect evidence and ensure the health, safety, and welfare of a survivor, including, if medically appropriate: toxicology and drug testing, testing for pregnancy and sexually transmitted infections (STIs), and medical imaging;
- Medically and factually accurate information explaining accepted medical procedures available for the prevention or treatment of sexually transmitted infections (STIs) resulting from sexual assault, provided both orally and in writing;
- Medically and factually accurate information regarding emergency contraception, provided both orally and in writing;
- Instructions indicating the need for follow-up examinations and laboratory tests after the sexual assault to determine the presence or absence of STIs, provided both orally and in writing;
- Medication for treatment, both at the hospital and after discharge, in the amount determined is appropriate by the attending physician, an advanced practice nurse, or other appropriate medical professional, and consistent with the hospital's current protocol for sexual assault survivors;
- Where prophylaxis to prevent HIV or other STI treatment is deemed appropriate, a full course of prophylaxis, along with written and oral instructions indicating the importance of timely follow-up healthcare;
- Any further information or treatment determined by the State Department of Health.

These services should be provided with the consent of the survivor at every separate step of the process or exam, and at the recommendation of an attending physician, advanced practice nurse, physician assistant, or other appropriate medical professional.

As part of a forensic exam, these services must be provided at no cost to survivors and regardless of whether a survivor has decided to report an assault to law enforcement. The costs of medical testing and treatment can be prohibitively expensive for many low-income survivors, leading them to forego critical care. States should direct their Departments of Health to develop billing guidelines that remove barriers to medical care by ensuring that no survivor is required to pay for a sexual assault forensic exam and related medical services at any point. Medical providers and hospital personnel should be trained in billing protocols on-site.

States should mandate that college and university health services provide survivors with free emergency contraception, tests for pregnancy and Sexually Transmitted Infections (STIs), and/or Post-Exposure Prophylaxis (PEP) medications that prevent survivors from contracting HIV and other STIs. After an assault, many student survivors prefer to approach their school's health services rather than an unfamiliar hospital environment. Because college health providers are often the first people survivors tell about their assaults, they must be able to provide survivors with basic crisis healthcare (for example, HIV PEP) that is only effective if administered soon after a sexual assault. Campus health services must also promptly refer survivors to other healthcare providers, including rape crisis counselors, when appropriate.

COMPREHENSIVE ACCOMMODATIONS FOR SURVIVORS

5. FAIR DISCIPLINARY PROCEDURES

As of June 2017, hundreds of schools are under federal investigation for mishandling reports of gender-based misconduct on campus, discouraging survivors from reporting, or failing to appropriately sanction perpetrators. States should establish a Student Survivor's Bill of Rights and common-sense Fair Process requirements to ensure schools hold perpetrators accountable, support survivors, and provide accused students with a fair hearing.

I. Clear and Consistent Gender-Based Misconduct Policies

- II. Student Survivor's Bill of Rights
- III. Preponderance of the Evidence
- IV. Prompt and Equitable Disciplinary Procedures
- V. Regular Policy Audits

Although federal law requires all schools to adopt, implement, and publicize a gender-based misconduct policy, many schools have skirted federal requirements by publicizing unclear policies or failing to apply their own policies consistently. Some schools have special (i.e., more lenient) procedures for investigating athletes accused of sexual assault; others fail to take gender-based misconduct seriously when the perpetrator and victim are of the same gender.

All students should be able to turn to their schools for resources, accommodations, and justice after violence. To help students do so, schools should adopt and implement a clear Gender-Based Misconduct policy that applies equally to all community members.

Best Practices

Schools should adopt and implement a comprehensive, clear Gender-Based Misconduct Policy (Policy), which should be distributed to all community members and include plain-language information about:

- Definitions of conduct that constitute gender-based misconduct (including harassment, violence, and discrimination);
- The resources and accommodations the institution can provide or facilitate for survivors;
- The various safe reporting and disciplinary options that survivors can pursue separately or simultaneously, at their discretion;
- The roles and responsibilities of the institution's Title IX Coordinator; and
- Which school officials and employees are considered mandatory reporters and an explanation of their responsibilities.

Every institution's Policy should include an explicit statement that the institution's policies and procedures apply equally to all community members, regardless of race, class, gender, sexual orientation, gender identity, disability, immigration status, national origin, religion, or any other protected status. States should also require that schools respond to all reports of gender-based misconduct in a manner consistent with the publicly distributed school policy.

The Policy should also note that institutional services and protections afforded to reporting individuals are available to all community members and applicable to conduct that has a reasonable connection, or "nexus," to the educational institution. In other words, the policy should apply regardless of whether the violation occurs on campus, off campus, or while studying abroad.

Each institution should post its Policy on its website in a manner easily accessible to the public, and should take reasonable steps to ensure the Policy is widely distributed to and understood by students. Schools should be required to make policies accessible to students with disabilities through measures such as, but not limited to, providing braille copies and audio recordings of policies and procedures.

STUDENT SURVIVOR'S BILL OF RIGHTS

5. FAIR DISCIPLINARY PROCEDURES

- I. Clear and Consistent Gender-Based Misconduct Policies
- II. Student Survivor's Bill of Rights**
- III. Preponderance of the Evidence
- IV. Prompt and Equitable Disciplinary Procedures
- V. Regular Policy Audits

Many schools pressure survivors not to file a report of gender-based violence, sometimes pushing survivors to leave school instead of investigating perpetrators. Others blame survivors for their own assaults, drag investigations out for a semester or longer without a resolution, or even punish them instead of perpetrators. When they fail individual survivors, schools deter reporting, making campuses less safe

Every school should adopt, implement, and publicize a "Student Survivor's Bill of Rights" as part of its misconduct policy to ensure survivors who come forward are treated fairly by their schools.

Best Practices

States should require all schools to adopt, implement, and publicize a “Student Survivor’s Bill of Rights,” which includes, at a minimum, the right to:

1. Receive from the institution reasonable accommodations—including counseling, residential and academic accommodations, no contact orders, and other services reasonably necessary to eliminate a hostile environment, prevent retaliation, and ensure a survivor is not prevented from accessing their education as a result of gender-based violence. Schools should provide these accommodations at no cost to reporting individuals;
2. Choose whether or not to report an incident to school officials, law enforcement, or both; to participate in a campus conduct or criminal justice process free from undue pressure from the institution; and to have a campus conduct process run in the absence of, or concurrently with, a criminal investigation and proceeding;
3. Have reports of gender-based violence investigated and adjudicated in a campus conduct disciplinary proceeding in accordance with college or university policy and in a timely fashion;
4. Be free from the suggestion by any school employee that a survivor is at fault for an incident of gender-based violence, or that a survivor should have acted in a different manner to avoid the incident;
5. Describe the incident to as few individuals as practicable and not be required to unnecessarily repeat a description of the incident;
6. Choose to submit evidence during the fact-finding stage demonstrating the impact of the violation, including but not limited to: medical records, counseling records, and changes to a student’s grades, enrollment status, and other academic performance;
7. Cease to participate in a campus disciplinary proceeding at any time, without penalty;
8. Withdraw a complaint without penalty. If a complainant requests to withdraw their complaint, the institution should cease its investigation, except where the institution is required to continue by law or where circumstances credibly suggest an increased risk of the respondent committing additional acts of sexual, dating, or other violence or harassment;
9. Be protected from retaliation by the institution, and to have the institution take all reasonable steps to prevent retaliation by any student, the accused and/or the respondent, and/or their friends, family, and acquaintances, and/or other community members within the jurisdiction of the institution.

Nothing in this list should be construed to prevent any institution from providing survivors additional rights that are necessary to support survivors, to encourage reporting, and to create a safe school environment.

Resources

- **New York’s ‘Enough is Enough’ law** and **Minnesota’s Postsecondary Education Law (§135A.15)** both require school gender-based violence policies to include a student survivors’ Bill of Rights which includes reporting options, access to resources, and protection from retaliation.

PREPONDERANCE OF THE EVIDENCE

5. FAIR DISCIPLINARY PROCEDURES

- I. Clear and Consistent Gender-Based Misconduct Policies
- II. Student Survivor's Bill of Rights
- III. Preponderance of the Evidence**
- IV. Prompt and Equitable Disciplinary Procedures
- V. Regular Policy Audits

Title IX requires that schools use a preponderance of the evidence standard of proof in sexual harassment cases (i.e., it is “more likely than not” that the respondent committed sexual harassment or violence). While the Department of Education explicitly clarified that preponderance was the appropriate standard for Title IX procedures in 2011, courts have long affirmed that it is the appropriate standard by which to adjudicate cases under civil rights laws, including Title IX, Title VI, and Title VII of the Civil Rights Act of 1964. Beyond civil rights litigation, preponderance of the evidence is the standard employed in most civil actions and the evidentiary standard that equitably balances the educational interests of both a complainant and a respondent. Additionally, schools regularly use this standard in disciplining students for other criminal or harassing code of conduct violations, including physical assault, burglary, hazing, and racial harassment.

As such, state legislators should specify that schools must adopt a “preponderance of the evidence” standard when adjudicating complaints of gender-based harassment and sexual assault.

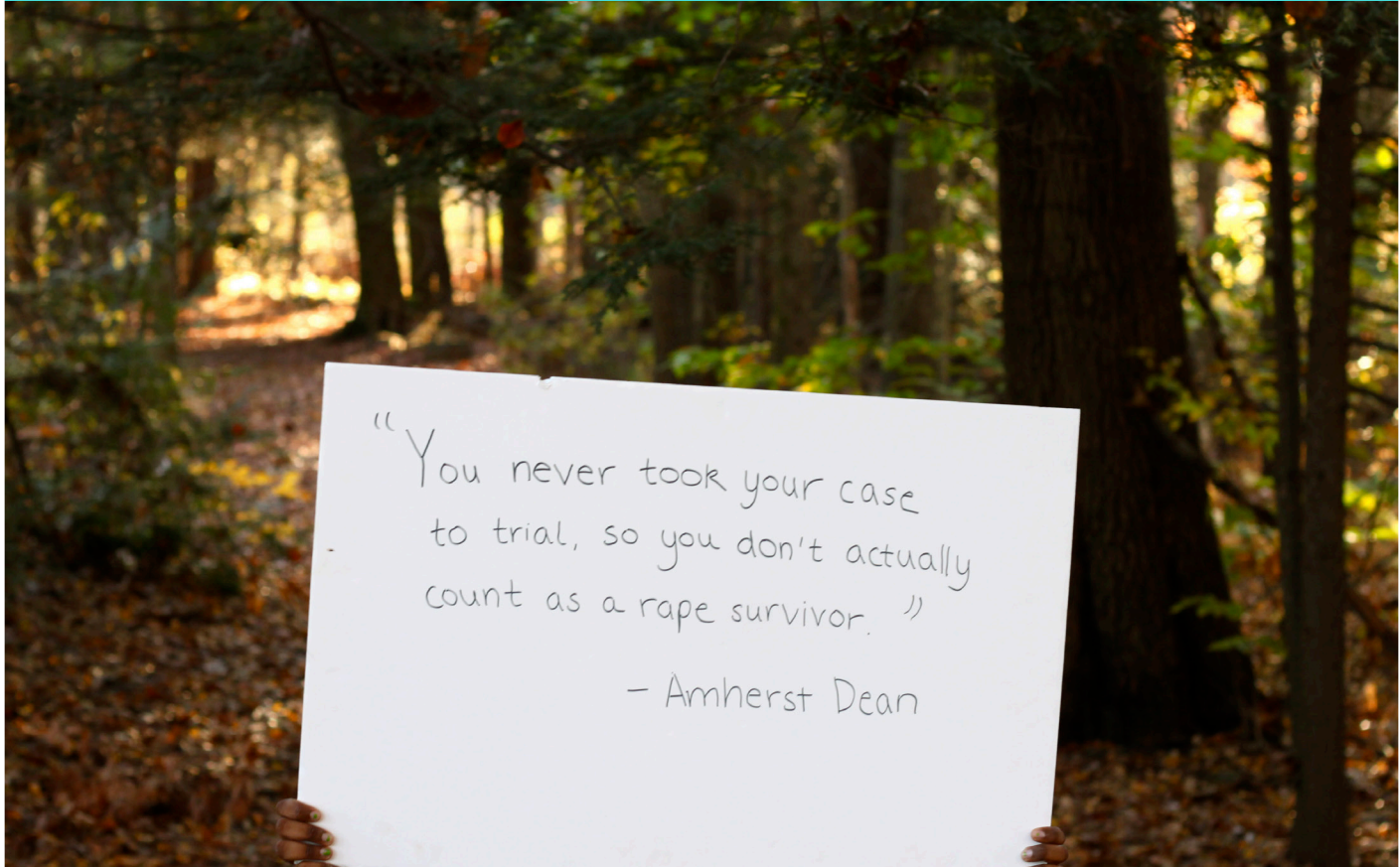
Resources

- Feminist Law Professors, **“Title IX and Preponderance of the Evidence: A White Paper.”**
- Lavinia M. Weizel, 53 B.C.L. Rev. ***The Process That is Due: Preponderance of the Evidence as the Standard of Proof for University Adjudications of Student-on-Student Sexual Assault Complaints*** (2012).
- Amy Chmielewski, 2013 BYU Educ. & L.J. **Defending the Preponderance of the Evidence Standard in College Adjudications of Sexual Assault** (2013).
- **Illinois’ ‘Preventing Sexual Violence in Higher Education’ law** requires campus adjudicators to use a preponderance of the evidence standard.

PROMPT AND EQUITABLE DISCIPLINARY PROCEDURES

5. FAIR DISCIPLINARY PROCEDURES

- I. Clear and Consistent Gender-Based Misconduct Policies
- II. Student Survivor's Bill of Rights
- III. Preponderance of the Evidence
- IV. Prompt and Equitable Disciplinary Procedures**
- V. Regular Policy Audits

A photograph of a person holding a white sign with handwritten text in a forest setting. The person is wearing a white t-shirt with the letters 'DD' visible. The background shows trees and fallen leaves on the ground.

"You never took your case
to trial, so you don't actually
count as a rape survivor."
- Amherst Dean

Survivors shining a light on gender-based violence in schools have exposed systematically biased campus disciplinary procedures that sweep campus sexual assault under the rug. As public pressure forces schools to reform, some have raised concerns that student disciplinary procedures are unfair towards accused students. By requiring schools to adopt basic procedural protections for all parties involved in school disciplinary hearings around gender-based violence, states can help ensure that school procedures are fair to both survivors and accused students.

Best Practices

Schools should take all reports of gender-based violence seriously, and investigate all reports in accordance with college or university policy and procedures, as well as federal and state law. Each college and university should ensure that students have, and are informed of, the right to file a campus conduct complaint related to gender-based harassment or violence. Every institution should be required to inform reporting individuals of their rights under this statute and all relevant federal, state, and local laws.

In all student conduct cases in which a respondent is accused of sexual harassment, sexual assault, domestic/dating violence, stalking, or gender-based violence, schools should be required to provide, at a minimum, the following rights to both the complaining and responding party:

- A.** To be treated with dignity, respect, and fairness by all school and law enforcement officials;
- B.** To a timely investigation and disciplinary process that is fair, impartial, respectful, and provides a meaningful opportunity to be heard;
- C.** To timely, clear, and simultaneous (among the parties) written and electronic notice of both parties' rights and responsibilities under school policy and applicable local, state, and federal law; procedural developments; the final determination; and the sanction(s) imposed, if any. The school shall also provide the respondent timely and clear notice of the date, time, location, and factual allegation(s) concerning the violation;
- D.** To receive written or electronic notice of any meeting or hearing the parties are required or are eligible to attend, provided in advance with sufficient time to prepare;
- E.** To have access to counsel, who may assist and advise any party throughout the disciplinary process, including all meetings and hearings related to such process, in compliance with applicable federal and state laws. States can ensure individuals have access to counsel by establishing a state grant program to fund civil legal services for victims of gender-based violence. Alternatively, states may require schools to establish a memorandum of understanding with legal services providers to secure, at minimum, five hours of legal advice with a qualified advisor for those who are unable to independently access legal counsel for financial reasons. Schools should be prohibited from retaliating against legal services providers for zealous advocacy efforts undertaken on behalf of their client;
- F.** To have a personal supporter of their choice (such as a counselor, parent, or friend) who a student may choose to have present either in addition to or in lieu of an attorney in all meetings and hearings related to such process, in compliance with applicable federal and state laws;

- G.** To have a complaint investigated in an impartial, timely, thorough, and trauma-informed manner by investigators who receive annual training in conducting investigations of gender-based violence, the effects of trauma, and other issues related to sexual harassment, sexual assault, domestic violence, dating violence, and stalking;
- H.** To review available evidence in the case file, with adequate time to consider and respond and in the presence of an advisor of their choice;
- I.** To reasonable opportunity, provided equally among the parties, to submit evidence, recommend witnesses, provide testimony at a hearing, and recommend questions for the other party to investigators, hearing panelists, and other decision-makers;
- J.** To choose to exclude one's own prior sexual history with persons other than the opposing party from admittance in the institution's disciplinary stage that determines responsibility, with the exception of specific instances of a complainant's sexual behavior if offered to prove that someone other than the respondent was the source of semen, injury, or other physical evidence. Past sexual violence findings may be admissible in the disciplinary stage that determines sanction;
- K.** To choose to exclude one's own irrelevant mental health diagnoses and/or treatment from admittance in the institution's disciplinary stage that determines responsibility and sanctioning;
- L.** To not be compelled by school authorities to provide self-incriminating testimony if criminal charges are possible or pending. School disciplinary officials may, in appropriate circumstances, draw adverse inference if a student declines to provide relevant information;
- M.** To provide testimony without encountering the opposing party in person and to view testimony provided by the other party. The school may use a range of options to provide for testimony, including videoconferencing or CCTV;
- N.** To ask questions of the decisionmaker and, via the decisionmaker, indirectly request responses from other parties and any other witnesses;
- O.** To have findings of responsibility or non-responsibility for an incident of gender-based violence determined by a panel of three to five (3-5) impartial and regularly and thoroughly trained decision makers using a preponderance of the evidence standard;
- P.** To fair and proportionate sanctions;
- Q.** To appeal to a panel of three to five (3-5) impartial and regularly and thoroughly trained decision-makers where previously unavailable evidence or procedural error could significantly impact a case's outcome, or where a sanction is substantially disproportionate to the findings, or in other appropriate circumstances. The institution must review requests for an appeal in the same manner regardless of which party files the appeal, and the appeals process must be equitable for both parties;
- R.** To a written explanation of any outcomes, including but not limited to a finding of (non-) responsibility, sanction, or granting of an appeal;

- S. To disclose or discuss the outcome of a conduct hearing;
- T. To attend religious services and holidays without unreasonable interference from a student conduct process.

Resources

- **Illinois' 'Preventing Sexual Violence in Higher Education' law** affords a number of important fair process protections to complainants and respondents. Among these protections are requirements that schools provide survivors with information about how to access resources, no contact orders, and orders of protection; train campus adjudicators; ensure that complainants and respondents have the ability to present evidence and witnesses; provide simultaneous written notification of the results of the complaint resolution procedure to complainants and respondents; and afford complainants and respondents the right to a timely appeal.



REGULAR POLICY AUDITS

5. FAIR DISCIPLINARY PROCEDURES

- I. Clear and Consistent Gender-Based Misconduct Policies
- II. Student Survivor's Bill of Rights
- III. Preponderance of the Evidence
- IV. Prompt and Equitable Disciplinary Procedures
- V. Regular Policy Audits**



Student survivors should not have to share their personal experiences with the media in order to induce campuses to fix their response to sexual violence. Schools can take simple proactive steps to evaluate and improve their resources, policies, and procedures for responding to gender-based misconduct.

Best Practices

Every two years, schools should be required to audit their gender-based misconduct policies. Audits should include consideration of (1) campus climate survey data; (2) current best practices; and (3) testimonials from students who participated in a disciplinary process and students who sought campus resources but chose not to file a conduct report. Audits should be conducted by an oversight body independent from the institution's Title IX Coordinator(s).

Schools should provide reporting students, responding parties, and witnesses with an optional evaluation form to complete following major steps in the case and after its completion. This form should gather feedback on the students' experiences with the reporting and disciplinary processes, and with accessing resources and reasonable accommodations. Anonymized evaluations should be shared with the oversight body responsible for auditing an institution's gender-based misconduct policy, but in no circumstances should they be shared widely.



GRANT PROGRAMS

6. FUNDING SAFE CAMPUSES

States must ensure that schools and victim service providers have the funding and staff capacity to support survivors and effectively prevent and address campus gender-based violence. In order to meet this need, states should establish a campus grant programs and increase appropriations to victim service providers and state enforcement agencies.

I. Grant Programs

The state Department of Education (or equivalent state agency) should be authorized to make grants to educational institutions for use by such institutions or by consortia consisting of personnel, student organizations, administrators, security personnel, and regional service providers affiliated with the institution. Priority should be given to institutions and consortia that demonstrate need and lack of services, with the goal of helping these institutions and consortia build self-sustaining programs.

Grants should be used to develop and strengthen effective investigation strategies to combat sexual and gender-based harassment; victim services, which may include partnerships with local community-based victim services agencies; state bar associations that provide pro bono legal support for parties involved in campus hearings; and prevention education and awareness programs.

Best Practices

Institutions, consortia, and victim service providers should be able to use grant funds for the following purposes:

1. To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased school-based investigation and adjudication of persons committing gender-based violence, which includes domestic violence, dating violence, sexual assault, and stalking;
2. To develop, strengthen, and implement school policies, procedures, and services that more effectively identify and respond to gender-based violence and to train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards on such policies, protocols, and services;
3. To develop, implement, and operate gender-based violence prevention programming;
4. To develop, expand, or strengthen victim services programs, including programs providing legal, medical, and/or psychological counseling for victims of gender-based violence, and to improve victim assistance on- and off-campus. To the extent practicable, institutions should establish a Memorandum of Understanding (MOU) with any victim service providers in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution should, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization;
5. To disseminate, or otherwise provide information about victims' options on- and off-campus to bring disciplinary or other legal actions, including assistance to victims in immigration matters;
6. To provide culturally appropriate and linguistically accessible print and/or electronic materials for the purposes of gender-based violence prevention and response;
7. To develop or adapt population specific strategies and projects for victims of gender-based violence from underserved populations on campus.

Related Resources

- The Office on Violence Against Women within the Department of Justice administers **a Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus program** at the federal level.

STRONG ENFORCEMENT

7. STRONG ENFORCEMENT

The federal civil rights law Title IX, which forbids sex discrimination in education, requires schools to respond to sexual harassment, including sexual assault, that poses an obstacle to students' access to equal educational opportunities. However, the two Supreme Court decisions that set the legal standards for harassment claims in the education arena undercut the power of Title IX in two key ways: 1) they limited school liability for money damages to only those circumstances where the school was "deliberately indifferent" to harassment of which it had "actual knowledge" and 2) they required the harassment to be both severe and pervasive in order to hold schools liable for damages. In doing so, and without justification, the Supreme Court deviated from civil rights standards used in other contexts. For example, employers are liable when they are negligent (rather than deliberately indifferent) to harassment about which they knew or should have known, and the harassment was severe or pervasive.

As a result, the Supreme Court created a legal regime counter to the purpose of Title IX, in which students are forced to tolerate more extreme forms of sexual harassment than adult workers. Many student survivors are unable to hold their schools accountable in court because of these more demanding standards. For example, their schools may purposefully avoid "actual knowledge" of sexual harassment by making it difficult for students to report harassment, or victims might drop out of school before the sexual harassment has continued for long enough for a court to consider it "pervasive."

States can improve on federal law by creating state-level alternatives with better standards. If they have not done so already, states should pass laws allowing private individuals to sue to challenge sex discrimination in education. These laws should specify that schools are liable for their negligence in response to severe or pervasive harassment of which they knew or should have known. (States with existing sex discrimination laws that mirror Title IX's current damages liability standards should amend them.) If significant political will is present, legislators should consider not merely adopting the employment standard but improving upon it by enacting a due diligence standard, which requires schools to take more affirmative steps to prevent sex discrimination.

Because state-level enforcement of students' civil rights vary widely, we also encourage interested individuals to contact us at info@knowyourIX.org so we can work with you to design enforcement mechanisms that meet the needs of your state.

Resources

- Catharine A. MacKinnon, *In Their Hands: Restoring Institutional Liability for Sexual Harassment in Education*, 125 Yale L.J. 2038 (2016).
- Fatima Goss Graves, Am. Constitution Soc'y for Law & Policy, *Restoring Effective Protections for Students Against Sexual Harassment in Schools: Moving Beyond the Gebser and Davis Standards* (2008).

HARMFUL POLICIES TO REJECT

8. HARMFUL POLICIES TO REJECT

Mandatory Police Referral

In the wake of controversies at colleges and universities across the country, legislators have introduced a series of bills that would dramatically alter how sexual violence on campus is handled by forcing police involvement. These bills, commonly known as “mandatory referral” or “mandatory reporting” laws, would require that survivors’ reports be turned over to law enforcement without their consent. Some bills even include provisions that would criminalize professors who respected survivors’ desire for confidentiality.

While these proposals may seem intuitive to many – and indeed may be well-intentioned efforts by lawmakers to support survivors – if passed, mandatory reporting bills will leave students less safe, not more. Know Your IX has heard from a number of survivors who say unequivocally that they would never have reported an assault to their school if they were forced to go to the police first. In fact, a survey conducted by Know Your IX and the National Alliance to End Sexual Violence found that 88 percent of survivors said that, were their campuses required to turn rape reports over to the police, fewer victims would report to anyone at all.

By decreasing reporting, mandatory police referral policies leave rapists free to roam campus with impunity. These policies also make it more difficult for survivors to receive the Title IX services and accommodations to which they are entitled. As advocates and survivors ourselves, we firmly reject the idea that colleges should be able to expel a student for plagiarism or physical assault but not for rape.

*This section has been excerpted from our resource on “**Resisting State-Level Mandatory Police Referral Efforts.**”¹*

Discriminatory Bathroom Bills

Know Your IX strongly opposes bills like North Carolina’s HB2 legislation that have restricted transgender people’s access to restrooms, locker rooms, and other gender-specific public facilities in the name of “protecting” women and girls from sexual violence and harassment. As advocates fighting sexual assault on campus and beyond, we know that bathroom bills don’t prevent gender-based violence; they exacerbate it.

Evidence clearly shows that equal rights for transgender students, including in access to single-sex facilities, don’t cause sexual assault. Half of Americans already live under state or local laws which protect transgender people in public places—including by allowing them to use bathrooms and other public facilities consistent with the gender they live every day. Despite this, there is no evidence of a public safety threat in the 17 states and hundreds of cities that have implemented transgender non-discrimination protections.

States should instead pass legislation **guaranteeing transgender people equal rights and dignity in education, including in accessing facilities that match their gender identity.**

*This section has been excerpted from our resource on “**Anti-Trans Discrimination.**”²*

¹ Know Your IX, “Resisting Mandatory Police Referral Efforts.” Accessed June 27, 2017. <http://www.knowyourix.org/issues/resisting-mandatory-police-referral-efforts/>.

² Know Your IX, “Anti-Trans Discrimination.” Accessed June 27, 2017. <http://www.knowyourix.org/issues/anti-trans-discrimination/>.

Transcript Notations

In the wake of several high profile cases of students transferring from school to school after being found responsible for committing sexual assault, lawmakers across the country are considering proposals to mandate that universities note findings of sexual misconduct on students' transcripts.

As survivors ourselves—some of whose perpetrators have transferred to other universities—we are sympathetic to the impulses motivating this effort. That said, we believe mandating transcript notations may hurt survivors in the long run and may undermine our commitments to equal access to education for all.

We oppose transcript notations for four key reasons:

1. Mandated transcript notations may discourage victims from reporting.
2. Transcript notations may discourage administrators from opening an investigation or adjudicators from finding a perpetrator responsible.
3. It's not clear that transcript notations make communities safer.
4. Once someone serves their disciplinary punishment, that punishment should end.

Schools have a responsibility to ensure that their campus communities are ones in which students can learn free from violence. We propose that schools alert the university to which a student has transferred of a sexual misconduct finding **after the student has been admitted**. In this way, the new school receives knowledge of the student's past behavior and is able to take reasonable steps (e.g., mandatory counseling, anti-violence classes, etc.) to prevent violence in the future, without foreclosing the possibility of a student being able to access education at all.

*This section has been excerpted from our resource on “**Transcript Notations**”³*

Campus Carry

One in five women will be sexually assaulted while in college, and 32 percent of female students report having been abused by a dating partner. Guns are the most common weapons used in the murders of intimate partners. While proponents of campus carry bills have suggested that allowing students to carry guns will protect them from becoming victims of sexual assault, the truth is that the vast majority of campus rapes are perpetrated by the victim's partner, friend, or close acquaintance—precisely the people around whom victims would never think to carry a gun, let alone use one. And the presence of a gun in a case of domestic violence makes it five times more likely that the victim will be murdered, regardless of who owns the gun.

Though some individual victims might believe that they are safer while carrying a gun, the research is clear: arming potential victims is not an effective strategy for preventing sexual or dating violence, and will actually increase the likelihood that victims or other bystanders will be wounded or killed.

*This section has been excerpted from our resource on “**Campus Carry and Campus Rape**”⁴*

³ Know Your IX, “Transcript Notations.” Accessed June 27, 2017. <http://www.knowyourix.org/issues/transcript-notations/>.

⁴ Know Your IX, “Campus Carry and Campus Rape.” Accessed June 27, 2017. <http://www.knowyourix.org/issues/campus-carry-campus-rape/>.



(2) Prohibition against discrimination; exceptions. No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that: (1) classes of educational institutions subject to prohibition in regard to admissions to educational institutions, this section shall apply only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of

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undergraduate higher education; (2) educational institutions commencing planned change in admissions in regard to admissions to educational institutions, this section shall not apply (A) for one year from

the process of changing from being an institution which has begun of on sex to being an institution which admits only

