

# President's Working Group on Sexual Assault & Harassment



**SEPTEMBER 10, 2013** ♦ **THE DYNAMICS OF  
SEXUAL HARASSMENT  
AND ASSAULT**

**OCTOBER 15, 2013** ♦ **INTRODUCTION TO  
TITLE IX, CLEARY ACT, VAWA  
CAMPUS AND COMMUNITY SUPPORTS**

**NOVEMBER 19, 2013** ♦ **PREVENTION AND  
EDUCATION  
CAMPUS JUDICIAL PROCESS**

# Meeting Agenda



- Welcome and announcements
- Student survey & campus focus groups update
- Introduction to Federal Mandates
- Supports for survivors
  - Advocacy
  - Medical and Counseling
  - Residence Life
  - Academic Support
  - Law Enforcement

# Overview: Federal Mandates



- **Title IX** of the Education Amendments of 1972
- **Jeanne Clery** Disclosure of Campus Security Policy and Campus Crime Statistics Act
- **Violence Against Women** Reauthorization Act

# Title IX



- **Paradigm shift**

- ✓ **Nationally: Dear Colleague letter, April 2011**
  - ✓ **New interpretations and expectations**
  - ✓ **Primarily focused on sexual misconduct**
- ✓ **Here: Campus events, May 2012**

# Title IX



- Dear Colleague/Title IX
- Clery Act
- Violence Against Women Act/  
Campus SaVE Act
  - ✓ FERPA
  - ✓ Oregon statutes

# Title IX



- **Title IX (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.”**

# Title IX



- Title IX requires:
  - ✓ Publish a non-discrimination statement;
  - ✓ Appoint a Title IX Coordinator;
  - ✓ Adopt and publish grievance procedures
  - ✓ Use and enforce appropriate remedies;

# Title IX



- Title IX requires, continued:
  - ✓ Education and prevention programs
  - ✓ General training for all
  - ✓ Specific training for key staff



# Title IX



- Title IX requires:
  - ✓ Equitable procedures
  - ✓ Prompt timeframes for responding
  - ✓ Clear communication
  - ✓ Mechanisms for remedies
  - ✓ Investigations:
    - ✓ Preponderance of the evidence standard
    - ✓ Balance the rights of all parties

# Title IX



- Title IX requires:
  - ✓ Institutional accountability to respond
    - ✓ “Knows or should have known”
    - ✓ “Responsible employee”
      - ✓ Authorized
      - ✓ Has a duty to report
      - ✓ Student perception of employee

# Title IX



- **Enforcement of Title IX:**
  - ✓ U.S. Dept. of Ed/Office of Civil Rights
  - ✓ Recent AVC's:
    - September 2010 Notre Dame College
    - November 2010 Eastern Michigan University
    - July 2011 University of Notre Dame
    - June 2012 Yale University
    - July 2012 Xavier University
    - May 2013 University of Montana

# Clery Act



- Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”, 1990):
  - ✓ Report annually to Dept. of Education
  - ✓ Disclose statistics publically
    - Certain reported crimes
      - on campus
      - nearby
    - Not required:
      - Investigation
      - Finding of guilt or responsibility

# Clery Act



- Clery Act requires:
  - ✓ Duty to warn
  - ✓ Develop policies, procedures and outreach
    - ✓ Reporting process
    - ✓ Conduct/disciplinary process
    - ✓ Sanctions
    - ✓ Options re: law enforcement
    - ✓ Support services

# VAWA



- **Violence Against Women Act/Campus Sexual Violence Elimination Act (Campus SaVE ACT, effective March 2014):**
  - ✓ Adds to Clery reporting requirements
  - ✓ Requires students to receive rights in writing:
    - ✓ To receive assistance with law enforcement
    - ✓ Access to certain modifications and supports
    - ✓ To receive information about conduct processes and sanctions
    - ✓ To conduct processes that meet specific standards
  - ✓ Outreach programs for both employees and students

# Overview: Federal Mandates



- Dear Colleague letter #2 (April 2013), additional interpretation of Title IX:
  - ✓ Prohibits retaliation:
    - ✓ Intimidating, threatening, coercing, or in any way discriminating against a complainant or participant

# Overview: Federal Mandates



- Additional challenges:
  - ✓ FERPA constraints
  - ✓ “Best practices” models

Office of Civil Rights:  
**“Depending on the circumstances,  
there may be more than one right way  
to respond.”**

*(Revised Sexual Harassment Guidance, OCR)*



# Overview: Federal Mandates



- **Approach: Post-Dear Colleague, April 2011:**
  - ✓ Collaborative policymaking process:
    - ✓ Integrated and coordinated
    - ✓ Inclusive/campus-wide representation
    - ✓ Consultative
  - ✓ Policies:
    - ✓ Comply with applicable laws and regs
    - ✓ Compassionate
    - ✓ Accessible and clear
    - ✓ Student-centered

# Overview: Federal Mandates



**Questions?**

# Support for Survivors



**CAMPUS AND COMMUNITY  
PARTNERS**

# Support For Survivors



[www.willamette.edu/sexualmisconduct](http://www.willamette.edu/sexualmisconduct)

»A-Z »SEARCH »DONATE ONLINE »ENROLLING STUDENTS »STUDENTS »FACULTY »STAFF »ALUMNI »PARENTS

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About Willamette Academics Admission Campus Life Athletics Arts Supporting WU News & Events

Sexual Misconduct Resources

Willamette Home

 Sexual Misconduct Resources

Get Help

Help Someone

Support Resources

Incident Report Form

Sexual Misconduct Policy & Protocol for Students

Prevention

 Frequently Asked Questions

Clery Report Statistics

Willamette Sexual Misconduct Resources

## Sexual Misconduct Resources for Students

**If this is an on-campus emergency, please contact Campus Safety at 503-370-6911 (x6911).**

Sexual assault is an issue in every community, and Willamette University is committed to being at the forefront of institutions confronting this issue. Willamette University is committed to fostering a supportive learning community. Sexual misconduct in any form is a direct violation of this commitment and will not be tolerated, whether it occurs on or off campus and regardless of who is involved (students, staff, faculty, university community and guests). It undermines the trust and respect essential in an institution of higher learning, can create a hostile learning, working, and/or living environment, and represents a breach of specific provisions of the student code of conduct.

### Seeking Support and Care

We strongly encourage students to obtain immediate medical attention and seek support and care by disclosing incidents of sexual misconduct to someone who can connect them to support resources. This may be achieved by contacting one of the resources listed on the [Support Resources](#) page, or simply by completing the online [reporting form](#).

How Do I:

Get Help

Help Someone

Report an Incident

Get Involved in Prevention

*learn more about...*

- [what is sexual misconduct](#)
- [the sexual misconduct policy](#)
- [how terms are defined](#)
- [confidential support resources](#)
- [what happens after I report](#)
- [about students' rights](#)
- [about our responsibilities](#)

# Advocacy



- **SARA**
  - Cynthia Chand
- **Mid-Valley Women's Crisis Service**
  - Emily Trussell
- **Victim Assistance Division, Marion County District Attorney's Office**
  - Molly Hawkins

# Medical and Mental Health



- **Counseling Services**
  - Don Thomson
- **Salem Hospital**
- **Health Services**
  - Margaret Trout

# Medical and Mental Health



Medical Care for Survivors	Salem Hospital	Student Health Services
Services and medications offered at no charge	Yes	Yes
History taken and charted	Yes	Yes
Exam for injury	Yes	Yes
Forensic exam for evidence collection (up to 84 hours post assault)	Yes	No
Medications dispensed to prevent pregnancy	Yes	Yes
Medications dispensed for possible STI exposure	Yes	Yes
Testing for viral STIs (HIV, etc)	No	Yes
Time limit to access care	7 days	none

# Living and Learning Supports



- **Residence Life**
  - Liz Trayner
- **Academic Supports**



# Law Enforcement



- **Campus Safety**
  - Ross Stout
- **Salem Police Department**
  - Jim Ferraris, Deputy Chief of Police
  - Jeff Staples, Detective

# Next Steps



- Encourage student survey participation
- Next meeting November 19, 2013  
Alumni Lounge 5:30-7:30
  - Prevention, Education & Outreach
  - Campus Judicial Process