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years. This information will enable the Department to monitor the extent to which reports of Clery Act crimes are unfounded so that we can provide additional guidance about how to provide these rights, procedures and progr

ams. Prevention and awareness programs for all new students and employees, as well as ongoing prevention and awareness campaigns for enrolled students and faculty would be beneficial in providing additional information to students and employees.

The revised provisions related to institutional disciplinary proceedings in cases of alleged dating violence, domestic violence, sexual assault, and stalking would protect the accuser and the accused by ensuring equal opportunities for the presence of advisors at meetings and proceedings, an equal right to appeal if appeals are available, and the right to learn of the outcome of the proceedings. Victims of these crimes would gain the benefit of a written explanation of their rights and options.

Institutions would largely bear the costs of these regulations, which will fall into two categories: paperwork costs of complying with the regulations, and other compliance costs that institutions may incur as they attempt to improve security on campus. Under the regulations, institutions will have to include in the annual security report descriptions of

included the addition of clarifying definitions for “outcomes,” “initial and final determinations,” “resolution,” “dating violence,” “employees,” and “consent.” The alternative approaches to these definitions considered by the Department are discussed in the following section.

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The Department considered harmonizing the terms, “outcomes,” “initial and final determinations,” and “resolution,” used throughout the Clery Act regulations for internal consistency and to provide clarity for institutions. These terms are often used interchangeably, along with the term “results.” The Department considered defining “outcomes” to be one or more parts of the results. An alternative definition of “initial determinations” was also considered by the Department and would have referred to decisions made before the appeals process, if the institution had such a process, meaning prior to a final determination. A “final determination” would have been defined as the decision made after the appeals process had been completed. Adding a definition of the term “resolution” was also considered by the Department. The Department ultimately decided to use the term “results” in the regulations to include the initial, interim, and final decisions.

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The Department considered several alternatives in the definition of “dating violence.” The inclusion of emotional and psychological abuse, along with sexual and physical abuse, was considered. The Department decided to include only sexual or physical abuse or the threat of such abuse in the definition. The Department decided that emotional and psychological abuse did not always elevate into violence and had concerns over the ability of campus security authorities to identify this abuse.

The Department also took into consideration the definition of “dating violence” as a crime when it is not a prosecutable crime in some jurisdictions. To address this concern, the Department added a statement that any incident meeting the definition of “dating violence” is considered a crime for the purposes of Clery Act reporting.

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The Department considered adding a definition of “employees” to the regulations. This definition would clarify whether contractors and other employees, such as hospital employees affiliated with the hospital of the institution, were included as employees since they had a presence on campus. The Department decided not to include this definition as the statute already requires institutions to determine who current employees are for the purposes of distributing their annual security reports.

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The Department considered adding a definition of “consent” for purposes of the Clery Act. Some of the negotiators argued that a definition of “consent” would provide clarity for institutions, students, and employees for when a reported sex offense would need to be included in the institution’s Clery Act statistics. However, a definition of “consent” would also create ambiguity in jurisdictions which either do not define “consent,” or have a definition that differs from the one that would be in the regulations. The Department decided against including the definition of “consent” in the regulations as we were not convinced that it would be helpful to institutions in complying with the Clery Act.

For purposes of Clery Act reporting, all sex offenses that are reported to a campus security authority must be recorded in an institution's Clery Act statistics and, if reported to the campus police or the campus security department, must be included in the crime log, regardless of the issue of consent.

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The regulations would apply to institutions of higher education that participate in the title IV, HEA Federal student financial aid programs, other than foreign institutions of higher education. The U.S. Small Business Administration (SBA) Size Standards define for-profit institutions as "small businesses" if they are independently owned and operated and not dominant in their field of operation with total annual revenue below \$1,000,000. The SBA Size Standards define nonprofit institutions as "small organizations" if they are independently owned and operated and not dominant in their field of operation, or as "small entities" if they are institutions controlled by governmental entities with population of 500 or fewer.

Under the final regulations in § 101.701(b) we are revising and expanding existing language and adding new requirements for items to be reported annually. We are revising § 101.701(b)(1)(i) to require institutions to, in addition to the existing required information, address in their statements of current policies concerning campus law enforcement the jurisdiction of security personnel, as well as any agreements, such as written memoranda of understanding between the institution and State and local police agencies, for the investigation of alleged criminal offenses. This change incorporates modifications made to the Clery Act by the Higher Education Opportunity Act.

We are revising and restructuring § 101.701(b)(2). Specifically, we require institutions to include in their annual security report a statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking as well as the procedures that the institutions will follow when one of these crimes is reported. This change incorporates modifications made to the Clery Act by VAWA.

Under § 101.701(b)(1)(ii), institutions must provide written information to the victim of dating violence, domestic violence, sexual assault, and stalking. Institutions are required to provide information regarding: the preservation of evidence to assist in proving the alleged criminal offense or obtaining a protective order; how and to whom an alleged offense is to be reported; options for the involvement of law enforcement and campus authorities; and, where applicable, the victim's rights or institution's responsibilities for orders of protection. This change incorporates modifications made to the Clery Act by VAWA.

assault, or stalking that the victim will be provided a written explanation of their rights and options, whether the offense occurred on campus or off campus. This change incorporates modifications made to the HEA by VAWA.

We estimate that

On average, we estimate that the changes to the reporting of crime statistics will take each institution . . . hours of additional burden. As a result, reporting burden at public institutions will increase by , . . . hours (, . . . reporting public institutions times . . . hours per institution). Reporting burden at private non-profit institutions would increase by , . . . hours (, . . . private non-profit institutions times . . . hours). Reporting burden at private for-profit institutions will increase by , . . . hours (, . . . private for-profit institutions times . . . hours per institution).

Collectively, burden will increase by , . . . hours under OMB Control Number . . . -

The final regulations in . . . (j), . . . specify the elements of the required statement of policy on the institution’s programs and ongoing campaigns about prevention and awareness regarding these crimes that must be included in the institution’s annual security report.

The final regulations in § 101.101(k)(1)(i) provide that the statement of policy must describe each type of disciplinary proceeding used by the institution, including the steps, anticipated timelines, and decision-making process for each, and how the institution determines which type of disciplinary hearing to use.

The final regulations in § 101.101(k)(1)(ii) provide that the statement of policy must describe the standard of evidence that will be used during any disciplinary proceeding.

The final regulations in § 101.101(k)(1)(iii) provide that the statement of policy must list all possible sanctions an institution may impose following the results of any disciplinary proceeding.

The final regulations in § 101.101(k)(1)(iv) provide that the policy statement must describe the range of protective measures that the institution may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking.

Under the final regulations in § 101.101(k)(2), the institution will have to provide additional information regarding its disciplinary proceedings in the statement of policy. Section 101.101(k)(2)(i) requires that an institution's statement of policy must provide that its disciplinary proceeding includes a prompt, fair, and impartial process from the initial investigation to the final result. The policy statement must provide that the proceeding will be conducted by officials who receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and annual training on how to conduct an investigation and hearing process that protects the safety of victims and promotes

_____ is _____, _____, _____, as shown in the following chart. This cost was based on an hourly rate of _____ for institutions.

COLLECTION OF INFORMATION

Regulatory section	Information collection	OMB control number and estimated burden [change in burden]	Estimated costs
. (b) Annual security report	Revises and expands existing language and adds new requirements for items to be reported annually.		
. (c) Crime statistics	Revises and expands existing language and adds new reporting requirements for items to be reported in the annual crime statistics report.		
. (j) Programs to prevent dating violence, domestic violence, sexual assault, and stalking.	Specifies the elements of the required statement of policy on and description of the institution's programs and ongoing campaigns about prevention and awareness regarding these crimes that must be included in the institution's annual security report.		
. (k) Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking.	Implements		

A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

(i) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

(ii) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides services to the community.

(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) For the purposes of complying with the requirements of this section and section . . . , any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

An institution must prepare an annual security report reflecting its current policies that contains, at a minimum, the following information:

() The crime statistics described in paragraph (c) of this section.

() A statement of policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including—

(i) Policies for making timely warning reports to members of the campus community, as required by paragraph (e) of this section, regarding the occurrence of crimes described in paragraph (c)() of this section;

(ii) Policies for preparing the annual disclosure of crime statistics;

(iii) A list of the titles of each person or organization to whom reports are made.

- () A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws.
 - () A description of any drug or alcohol-abuse education programs, as required under section (a) through (d) of the HEA, otherwise known as the Drug-Free Schools and Communities Act of . For the purpose of meeting this requirement, an institution may cross-reference the materials the institution uses to comply with section (a) through (d) of the HEA.
 - () A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, as defined in paragraph (a) of this section, and of procedures that the institution will follow when one of these crimes is reported. The statement must include—
 - (i) A description of the institution's educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking, as required by paragraph (j) of this section;
 - (ii) Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about—
 - (A) The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
 - (B) How and to whom the alleged offense should be reported;
 - (C) Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to—
 - () Notify proper law enforcement authorities, including on-campus and local police;
 - () Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - () Decline to notify such authorities;
- and
- (D) Where applies

victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options, as described in paragraphs (b)() (ii) through (vi) of this section.

() A statement advising the campus community where law enforcement agency information provided by a State under

statistics based on a decision by a court, coroner, jury, prosecutor, or other similar noncampus official. (iii) An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

(A) An institution must report to the Department and disclose in

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(ii) Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year; and

(iii) Documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced.

(h)

() An institution that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report. This statement must

- (B) The definition of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the applicable jurisdiction;
- (C) The definition of “consent,” in

(iii) Lists all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence,

(l) Compliance with paragraph (k) of this section does not constitute a violation of FERPA.

(m) An institution, or an officer, employee, or agent of an institution, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision in this section.

Revise Appendix A to Subpart D to read as follows:

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The following definitions are to be used for reporting the crimes listed in . , in accordance with the Federal Bureau of Investigation’s Uniform Crime Reporting (UCR) Program. The definitions for

and are from the “Summary Reporting System (SRS) User Manual” from the FBI’s UCR Program. The definitions of fondling, incest, and statutory rape are excerpted from the “National Incident-Based Reporting System (NIBRS) User Manual” from the FBI’s UCR Program. The definitions of and are from the “Hate Crime Data Collection Guidelines and Training Manual” from the FBI’s UCR Program.

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Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

The killing of another person through gross negligence.

The willful (nonnegligent) killing of one human being by another.

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

NOT ALONE

The First Report of the White House Task Force to Protect Students From Sexual Assault

April

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Our sample polic

>: [Increasing Transparency and Improving Enforcement!](#)

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For too many of our nation's young people, college doesn't turn out the way it's supposed to. One in five women is sexually assaulted while in college. Most often, it happens her freshman or sophomore year. In the great majority of cases (-), she knows her attacker, whether as an acquaintance, classmate, friend or (ex)boyfriend. Many are survivors of what's called "incapacitated assault": they are sexually abused while drugged, drunk, passed out, or otherwise incapacitated. And although fewer and harder to gauge, college men, too, are victimized.

The Administration is committed to turning this tide. The White House Task Force to Protect Students From Sexual Assault was established on January , , with a mandate to strengthen federal enforcement efforts and

fear of treatment by authorities, not knowing how to report, lack of independent proof, and not wanting families or other students to find out what happened. Still others don't report because they don't want to participate in a formal college adjudication process.

For colleges and universities, breaking the cycle of violence poses a unique challenge. When a school tries to tackle the problem – by acknowledging it, drawing attention to it, or

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Participants in our listening sessions roundly urged the Task Force to make prevention a top priority. Some even suggested that if prevention and education efforts don't start earlier, it's too late by the time students get to college. While we certainly agree that this work should begin early, the college years, too, are formative. During this transition to adulthood, attitudes and behaviors are created or reinforced by peer groups. And students look to coaches, professors, administrators, and other campus leaders to set the tone. If we get this right, today's students will leave college knowing that sexual assault is simply unacceptable. An

much less likely to step in and help. Programs like [Campus Confidential](#) work to change those perspectives – and teach men (and women) to speak out against rape myths (e.g., women who drink at parties are “asking for it”) and to intervene if someone is at risk of being assaulted.

[The message of the PSA is simple: if she doesn’t consent – or can’t consent – it’s a crime. And if you see it happening, help her, don’t blame her, speak up. We particularly urge men’s groups, Greek organizations, coaches, alumni associations, school officials and other leaders to use the PSA to start campus conversations about sexual assault.](#)

[In addition to the CDC summary, this document identifies the messages and skills that effective programs impart, describes the various ways to get the word out \(in-person workshops, social marketing campaigns, online training, interactive theater\) and provides links to some of the more promising programs out there.](#)

More research is needed to develop and evaluate evidence-based programming to prevent sexual violence on campus. And so:

In Fall 2014, the CDC, in collaboration with the Justice Department’s Office on Violence Against Women and the Department of Education, will convene a panel of experts to identify emerging, promising practices to prevent sexual assault on campus. CDC will then convene pilot teams to put the consensus recommendations into practice.

The Justice Department’s Office on Violence Against Women (OVW) is developing a multi-year initiative on campus sexual assault which, among other things, will test and evaluate prevention programs used by its campus grantees. Grantees will work with OVW

Personal biases also come int

The University of New Hampshire Prevention Innovations Center will design and evaluate a training program for incoming students on sexual assault

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The federal government plays an important role in combatting sexual violence. And as we outlined in our recent report, "[Rape and Sexual Assault: A Renewed Call to Action](#)," this Administration has ta

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U.S. Department of Education Office for Civil Rights
April

U.S. Department of Education Office for
Civil Rights

Catherine E. Lhamon

April



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Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on sex in education programs and activities in federally funded schools at all levels. If any part of a school district or college receives any Federal funds for any purpose, all of the operations of the district or college are covered by Title IX.

Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. All students (as well as other persons) at recipient institutions are protected by Title IX—regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race, or national origin—in all aspects of a recipient's educational programs and activities.

As part of their obligations under Title IX, all recipients of Federal financial assistance must designate at least one employee to coordinate their efforts to comply with and carry out