Increasing reports of sexual violence on college campuses across the nation have brought the subject out of the shadows and into the light. Whether it’s that sexual assaults are increasing in frequency or just that more people are coming forward to report such incidents, it’s an issue that must be addressed. So how can colleges and universities curb sexual violence on campus and create the safe, respectful, collegiate learning and teaching environment that every student and employee deserves? Through education, training, ongoing dialogue and a deliberate shaping of campus culture.

The Laws
If we want to eradicate sexual violence on campus, we must first understand the laws in place that allow us to address such criminal offenses. These federal laws empower educational institutions to take action against sexual violence on campus and drive the culture change that discourages violent crimes among a collegiate community. By better understanding what these laws are meant to do and why they are in place, we can be more resourceful in implementing change across campus.
Violence Against Women Act
The Violence Against Women Act (VAWA) has funded the investigation and prosecution of violent crimes against women since 1994. This watershed law created benchmarks at the federal level for what constitutes rape and battery and provided funding for victims’ services and violence prevention and training programs. In 2013, the Campus Sexual Violence Elimination (SaVE) Act was added to VAWA as an amendment, clarifying standards for minimum disciplinary procedures and requiring colleges and universities receiving federal funds to provide written rights to students and victims as well as violence recognition and prevention training for students and employees.

In October 2014, the Department of Education published its final regulations for the VAWA amendments, which expanded the categories of violence covered in the Act to include stalking, domestic violence and dating violence; outlined new definitions for acts of sexual aggression; mandated expanded prevention and awareness programs on college campuses; and increased the notifications institutions must provide to the campus community about the institution’s responsibility to assist victims, how victims can obtain help, and victims’ and alleged perpetrators’ rights under the law. The amendments took effect in March 2015.

Title IX of the Education Amendments of 1972
Title IX prohibits discrimination on the basis of sex in any federally funded education program or activity. What originally began as an “equality in athletics” initiative has greatly evolved over the past four decades. According to the U.S. Department of Justice, the principal objective of Title IX is “to avoid the use of federal money to support sex discrimination in education programs and to provide individual citizens effective protection against those practices.” This law applies to traditional educational institutions, such as colleges, universities and elementary and secondary schools. Every institution that receives federal funding is required to have a Title IX investigator/coordinator on campus.

In order to facilitate culture change on campus, institutions must go above and beyond the minimum requirements of VAWA, Title IX and Clery Act laws.

The key components of primary prevention and awareness training programs (which are mandated for all incoming students and new employees) must, by law, include the following:

- A statement explaining that the institution prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as defined under the Clery Act.
- Clear definitions of dating violence, domestic violence, sexual assault, stalking and consent in reference to sexual activity in the applicable jurisdiction.
- Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault or stalking has occurred.

Training and Dialogue
Given the proper training and plenty of opportunity to engage in meaningful dialogue, employees and students can have a tremendous impact on the effort to eliminate sexual violence on campus. Part of your job as an HR professional is to help your campus stay ahead of the legislation related to campus sexual violence and to help your institution maintain compliance. HR is also often called upon to lead training efforts and facilitate dialogue. So where do you start?

The Clery Act
The Clery Act was signed into law in 1990, requiring all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their campuses. The law authorizes certain departments, groups and individual employees as campus security authorities, having a duty to report crimes of which they become aware.

VAWA, Title IX and the Clery Act apply to everyone on a college campus, including faculty, staff and students. By enforcing these laws, universities can drive the culture change that discourages sexual violence. When institutions inform their collegiate communities about the support provided to witnesses and survivors of violent crimes, individuals will be more empowered to report incidents and authorities will be able to bring perpetrators to justice. By encouraging students and faculty to take action and speak up, incidents that may have gone unrecognized previously can be brought to light and addressed immediately.
Specific descriptions of safe and positive options for bystander intervention.

Available information on risk reduction.

These components are meant to increase awareness among students, staff and faculty of sexual violence, teach them how to identify dangerous situations, lay out best practices for responding and increase their competence in fulfilling any applicable reporting responsibilities.

Training implementation is meant to be a collaborative effort that creates a unified climate change involving each person on campus. An evidence-based, instructional design approach can create real, lasting change among employees and students. So how do you go about designing, implementing and executing a VAWA/Title IX/Clery Act compliance training program? A good place to start is to conduct a needs assessment and campus climate survey to gather data from students on sexual violence and gender bias. If need be, educate or update the president, governing boards and faculty on the laws surrounding the issue.

When designing training, be sure to develop advocates and allies across campus and regularly engage with the people on campus who may be impacted the most by VAWA, Title IX and the Clery Act, including athletic departments, women’s centers, resident advisors, etc. Institution-wide understanding and support of the training program will help ensure its successful implementation. This might seem to go without saying, but it’s crucial to ensure that your institution’s Title IX coordinator (or the person who performs that role as part of his or her other job duties) receives annual training on the issues related to dating violence, domestic violence, sexual assault and stalking, as well as training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Don’t think about training as a one-time, check-the-box task. Engaging content, repeated exposure and a consistent message that takes into account different perspectives and speaks to the unique campus community will be most successful. Make sure your training program includes all members of the community — faculty, staff, students and even parents. The laws, regulations, training requirements and best practices are complex, so it may be beneficial to bring in experts to consult with you or help you develop your training.

Also, make sure existing harassment prevention and diversity training supports and does not contradict your VAWA and Title IX training. Consider bringing the training into the classroom itself by encouraging faculty to develop curriculum with training concepts embedded into their courses. This type of consistent messaging can be another way to engage the collegiate community and students to help change campus culture.

Respect the significant decades of work that women’s groups have contributed to stamping out sexual violence, but avoid old-fashioned thinking that puts the responsibility for culture change solely on women. Actively engage men and bystanders of all genders and abilities, establish safe zones and reach out to women’s centers, student centers and associations to unite the campus in the shared goal.

The student body is a key component to fully implementing a sexual violence prevention training program. Institutions should teach students at the ground level how to be empowered individuals, responsible bystanders and competent responders. Taking courses before and during orientation as well as on an ongoing basis in classes and clinical rotations (when applicable) is a good way to accomplish this. Campuses should encourage students to be advocates for training by educating others and taking what they have learned out into the world.

To best implement an institution-wide training program quickly and efficiently, consider working with a compliance training partner to customize online training for your particular environment. Online training allows the entire campus community to get up-to-date information immediately and ensures that the information can be kept up to date even when laws and rules change.

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Be Prepared for an Investigation

Once a criminal offense has been reported, your institution will need to follow a set procedure. Proceedings should include a prompt, fair and impartial process from the initial investigation to the final result. Here are some things you can do to ensure your institution is prepared in advance in the event of a complaint and resulting investigation.

Make Sure Your Policies Are Up to Date

Policies and procedures must at minimum mirror statutory requirements. Whenever there’s an update to the law and your policy, make sure that information is distributed to the appropriate parties. Policies are only as strong as the people who understand how to comply with and enforce them. Without the proper training, a policy is just paper. As you distribute and publicize your policies, reinforce that it’s everyone’s responsibility to maintain a harassment- and discrimination-free campus. Administrators cannot work in a vacuum — without the cooperation of staff and students, improvement cannot occur.

Coordinate the Coordinator

Of course you have a Title IX coordinator — every institution must. But it’s important to periodically evaluate whether he or she is able to fully address the needs of your campus as his or her responsibility increases. Are your students aware of the duties and authority of the Title IX coordinator? Do they know how to contact the coordinator? Do you have coverage for non-work hours if a student wants to file a complaint during evenings or weekends? Are there back-up or on-call coordinators to address complaints if the office is closed? Is your coordinator always notified of a reported incident (for example, if a student or employee files a complaint with HR, campus security or a resident advisor, do those people know to contact the Title IX coordinator immediately)?

Create a Chain of Command

Create a list of who should be contacted based on the nature of the complaint being filed. Issue the document to everyone who could potentially hear about a problem. Indicate whether personal involvement or simple notification is required. Indicate whether the notification is a matter of internal policy or legal responsibility.

Conduct Response Training

No matter who is involved or notified of a complaint, proper response training is critical. To minimize risk and exposure, take affirmative steps to ensure that employees know their duty. The Office of Civil Rights has clearly defined the need for training to address complaints, stating that “schools must ensure that their employees are trained so that they know to report harassment to appropriate school officials, and so that employees with the authority to address harassment know how to respond properly. Training must be provided to any employees likely to witness or receive reports of sexual harassment and violence, including teachers, school law enforcement unit employees, school administrators, school counselors, general counsels, health personnel and resident advisors.”

Develop an Easy-to-Use Complaint Reporting System

Complaint reporting should be easy and accessible. A student with a complaint is already under stress … he or she shouldn’t have to deal with the added stress of figuring out who they should contact. With the crossover of reporting

Looking for Resources on Title IX? CUPA-HR Can Help!

Knowledge Center

The Title IX toolkit in the Knowledge Center contains how-tos on preventing sexual violence on campus, forming partnerships with local rape crisis centers and ensuring compliance with Title IX; forms and templates (including posters and discrimination complaint forms); links to institutional Title IX policies; and other resources, including Q&As, readings, models/programs and manuals/guides. The Investigations toolkit contains information to help you conduct thorough, compliant investigations into discrimination and sexual assault complaints.

www.cupahr.org/knowledgecenter

Webinar

The free, on-demand webinar “Do You Have What It Takes to be a Title IX Coordinator?” explores how institutions can ensure they’re meeting the needs of Title IX coordinators; the daily activities of a Title IX coordinator; and how to ensure Title IX personnel have the necessary tools and resources to conduct thorough investigations.

www.cupahr.org/events/webinars.aspx

CUPA-HR Connect

Gain access to Title IX training resources, join the conversation or pose your questions in the Title IX Group in CUPA-HR Connect, the association’s online, members-only community.

www.cupahr.org/social/community.aspx
requirements, it’s often difficult for even professionals to know who is required for notification. Having a single, central location for all complaints allows the institution to manage notifications, maintain equality in investigations and control the dissemination of information to the appropriate parties. In addition, it makes it easy for staff and students to know who to call, no matter what the problem is.

**Develop a Complaint Resolution Process**

When a complaint is filed, the institution has an immediate responsibility to address it. If your institution doesn’t have a centralized complaint department, the matter should be immediately referred to the appropriate area. Next steps are: (1) take the initial information; (2) notify the complainant of their right to file a criminal complaint, if applicable; (3) initiate an investigation with trained professionals (investigate even if the accuser refuses to name the offender); (4) take any necessary interim measures during the investigation to separate the complainant from the accused; (5) affect corrective action, if needed; (6) notify any appropriate parties of the disposition of the investigation. Remember, the onus is on the institution to conduct a thorough, professional investigation, to ameliorate the problem and to affect change. Failing to train staff to manage these steps properly could be your highest area of exposure.

**Making a Cultural Shift**

In order to facilitate culture change on campus, institutions must go above and beyond the minimum requirements of VAWA, Title IX and Clery Act laws. We must fully engage our entire campus communities in ongoing conversations around sexual violence. The topic can no longer be viewed as taboo, but must instead be exposed and explored. Only by weaving dialogue and training into the fabric of our institutions can we create real, lasting change, uniting students, faculty and staff in the campaign to eradicate sexual violence on college campuses.

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*Sondra Solovay, J.D., is director of content development for Campus Answers. She can be reached at ssolovay@workplaceanswers.com.*