

**Guidance for Creating College and University
Domestic Violence, Dating Violence, Stalking, and
Sexual Violence Prevention and Intervention
Programs and Policies for Students**



*Adapted by the DC Coalition Against Domestic Violence for
Universities in Washington, DC*



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Overview

This document, the Guidance, is one of two documents prepared by the North Carolina Coalition Against Domestic Violence (NCCADV) and edited and adapted by the DC Coalition Against Domestic Violence (DCCADV). This guide serves as a general guide for colleges and universities as they develop their domestic violence, dating violence, stalking, and sexual violence policies. The Template is the second document, a supplement to the Guidance, and includes a recommended layout and language for the policy itself.

Institutions are at varying stages of their policy development. These documents are comprehensive and therefore will serve institutions differently. Institutions that are at the beginning stages may be more likely to adopt the entire template, whereas institutions that have recently written or updated their policies may be more likely to view these documents as additional guidance and/or suggestions.

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Table of Contents

Overview	2
Acknowledgements	2
Introduction.....	5
Guidance and Template Language	6
Best Practices for Creating College and University Policies & Procedures	7

Policy Contents

I. Welcome Statement & Scope of Problem.....	7
II. Required Elements for Student IPV, Stalking, and Sexual Violence Prevention Programs & Policies	10
Provide Prevention Education Programs.....	10
Address Victims’/Survivors’ Rights.....	12
Retaliation statement	12
Appeals.....	13
Outline Institutional Statistical Reporting Requirements.....	14
Specify Conduct Proceedings.....	15
Publish an Annual Security Report	16
III. Additional Recommendations Not Required by Law	16
Amnesty Policy	16
Responsible Action (Good Samaritan) Policy.....	17
Additional Recommendations by DCCADV	17
Parent/Guardian Notification Statement.....	17
Eliminate Financial Burden.....	17
Safety warning	18
Provide information online	18
Safety Plan (See Appendix A for a model safety plan).....	18
Policy dissemination, updates, and feedback	18
Reporting options	18
Character Witnesses	19
College/University & Community Resource Team.....	19
IV. Include a Summary of Current Relevant Federal Legislation	20
V. Provide a Definition of Terms	22
Domestic Violence.....	22

Dating Violence	22
Sexual Violence	23
Stalking	23
Consent.....	23
Additional Considerations.....	25
VI. Confidentiality and Reporting Procedures.....	26
Confidentiality Considerations.....	26
Private and Confidential Employees	27
Reporting Options	29
Reporting Considerations	29
VII. Victim/Survivor Rights.....	32
VIII. Assistance and Support	32
IX. Sanctions	34
XI. Resources	35
XII. State Laws & Other College/University Policies	36
XIII. References	37

Guidance for Creating College/University Domestic Violence, Dating Violence, Stalking and Sexual Violence Prevention and Intervention Programs and Policies for Students

Introduction

This information has been gathered by the North Carolina Coalition Against Domestic Violence (NCCADV) and adapted by the DC Coalition Against Domestic Violence (DCCADV) for its use in the District of Columbia.

Terms and definitions used throughout these documents¹

1. **Intimate partner violence (IPV)** is the overarching term used in institutional policies to address any form of domestic or dating violence.
2. **Stalking** refers to a pattern of behavior directed towards a specific person that would cause a reasonable person to feel fear.
3. **Sexual violence** refers to any non-consensual sexual contact including penetration.

Further, as required by the Campus Sexual Violence Elimination Act of 2013, (Campus SaVE), in addition to counting acts of sexual violence, institutions must now also include acts of domestic and dating violence and stalking in Clery Act statistics and in their Annual Security Report.

DCCADV accepts NCCADV's recommendation that all colleges and universities across the nation, including the District of Columbia:

1. *Create comprehensive programs and policies that define IPV, stalking, and sexual violence;*
2. *Explain expectations for responding and reporting IPV, stalking, and sexual violence for students, full and part-time employees, volunteers, and visitors to colleges and universities;*
3. *Describe procedures to be followed and resources to be used when instances of IPV, stalking, and sexual violence are reported;*
4. *Identify and implement strategies to prevent IPV, stalking, and sexual violence before it occurs.*

*The recommendations provided herein reflect federal guidance from the United States Department of Justice (US DOJ), the Violence Against Women Act's [Campus Sexual Violence Elimination Act \(Campus SAVE\)](#), and the [United States Department of Education's Office of Civil Rights \(US DOE's OCR\)](#). Additional guidance was obtained through recommendations from the North Carolina Sexual Violence Prevention Team's 2013 [Guidance for Creating a Campus Sexual Misconduct Policy](#), [The Center for Changing Our Campus Culture](#), the publication *Sexual Violence on the College Campus: A Template for Compliance with Federal Policy* (McMahon, 2008), the organization [Know Your IX](#), and from the Connecticut Coalition*

¹ These terms and definitions will apply throughout this Guidance and related documents unless otherwise noted.

Against Domestic Violence’s document, [Intimate Partner Violence Policies on Campus: Best Practices for College Campuses in Connecticut](#).

Each institution will have to make decisions about what to name its policy and how to make the necessary changes to ensure that any policy covers IPV, stalking, and sexual violence, as required by Campus SaVE.

Guidance and Template Language

- Throughout this guidance, those who have experienced violence will be referred to as “victims/survivors.” As survivor is an empowering term, it is the recommended language to use whenever referring to the person who experienced violence. It is also important however; that the term you choose is consistent with the expressed preferences within your community, such as in conversations and in written materials.
- The guidance will refer to the person who committed the violence as “alleged perpetrator.”
- The policy template, however will use the term “reporting party” when referring to the victim/survivor or whoever put the college/university on notice that a crime occurred, and “responding party” when referring to the alleged perpetrator(s). These terms are considered more neutral than complainant and respondent, commonly used terms in institutional policies. Using terms that imply judgment, such as complainant and respondent, systematically create a culture in which victims/survivors are seen as complainers, while perpetrators are given the benefit of the doubt in being considered “alleged.” The terms reporting party and responding party are specific to the roles of the individuals in the process, and do not judge or place value on their behavior.

Timeframe	Term	Definition
Prior to reporting to the institution	Victim/Survivor	Those who have experienced IPV, stalking and/or sexual violence.
	Alleged perpetrator	The person who is being reported as committing the violence.
After reporting to the institution	Reporting Party	A victim/survivor or person who notified the institution that a crime occurred.
	Responding Party	The person who was reported as committing the violence.
	Perpetrator	The person found responsible by the institution for violating an IPV, stalking and/or sexual violence policy.

- These documents are intentionally gender neutral. In other words, “they” and “their” are used when referencing people as opposed to she and he (except when citing research and statutes). This is recommended so that all students, regardless of their gender identity and/or gender expression, feel included, acknowledged, and valued when reading the policy.

Throughout the document, in addition to required elements for your policy, you will find additional recommendations to increase the quality of your policy. While those are not required for federal compliance, they are recommended as best practice and/or industry standard. It is acknowledged, however, that there are vast differences in culture and resources, and consequently implementation among colleges and universities, and therefore all institutions may not be able to implement these recommendations in the same way nor at all.

Best Practices for Creating College and University Policies & Procedures

Schools should institute and implement clear policies on IPV, stalking, and sexual violence. These resources should:

- ✓ Be easy to access and understand and be available in a variety of accessible formats. Examples include using QR Codes, creating phone Apps, using a video phone/video relay service, creating a video of the policy in American Sign Language, ensuring the policy is in a format accessible to common screen reading software, and having a shortened version of the policy in lay terms.
- ✓ Be available online.
- ✓ State that all students are protected under Title IX, including female, male, transgender, genderqueer, and gender non-conforming victims/survivors.
- ✓ State that the institution prohibits IPV, stalking, and sexual violence.
- ✓ State that victims/survivors and all individuals who participate in the investigation or hearing are protected from any form of retaliation by law and by policy.
- ✓ Publicly release aggregate statistics of sanctions assigned to responding parties found responsible for IPV, stalking, and/or sexual violence.
- ✓ Conduct an annual survey to determine prevalence of IPV, stalking, and sexual violence as well as broader social aspects of campus climate as it relates to IPV, stalking, and sexual violence.
- ✓ Conduct an annual resource audit to determine assets available to assist survivors. Advocate for changes in resources as needed.
- ✓ Involve students and community members in policy development.
- ✓ Refer to victims/survivors and any other person who has put the college/university on notice of an incident of IPV, stalking, and sexual violence, as “reporting party,” and alleged perpetrators as “responding party.”
- ✓ Be accompanied by primary prevention strategies and programming that reach the entire college/university community.

Policy Contents

I. Welcome Statement & Scope of Problem

Begin your policy by creating a strong introduction that states the mission and values of your institution and explains the problem of IPV, stalking, and sexual violence and explicitly states that the institution prohibits IPV, stalking, and sexual violence against all people, including those in different-sex or same-sex relationships regardless of race, color, national origin, sex, disability, ethnicity, religion, gender

identity, gender expression, sexual orientation, age, education, veteran's status, or socio-economic status.

IPV, stalking, and sexual violence are serious problems both in the community and on college campuses. Further, previously a silent problem, IPV is now being identified on college campuses at rates similar to community incidence (Carr, 2005). The following highlights college experiences:

Dating and Domestic Violence

- 43% of dating college women report experiencing some violent and abusive dating behaviors including physical, sexual, tech, verbal or controlling abuse (Knowledge Networks, 2011).
- Nearly one third of college students reported having physically assaulted a dating partner in the previous 12 months (Knowledge Networks, 2011).
- 1 in 5 college women (22%) report physical abuse, sexual abuse, or threats of physical violence (knowledge Networks, 2011). The same study also revealed that more than half of college students surveyed (57%) said that it's difficult to identify dating abuse and 58% said that they don't know what to do to help someone who is a victim of dating abuse.
- College-age women experience the highest rate of nonfatal IPV (Intimate Partner Violence in the US, 2006).
- More than 40% of LGBTQ+ college students (lesbian, gay, bisexual, transgender, queer, questioning and other non-heterosexual identities) report that they have experienced IPV in their current relationships, a rate that generally aligns with the rate of violence among heterosexual couples (Edwards & Sylaska, 2014).

Sexual Violence

- In a study of undergraduate women, 19% experienced attempted or completed sexual assault since entering college (Krebs, Linqvist, Warner, Fisher, & Martin, 2009).
- Among college students who were sexually assaulted, 35% of attempted rapes occurred on dates, 22% of threatened rapes occurred on dates, and 12% of completed rapes occurred on dates (Fisher, 2000).
- 3.5% of undergraduate women reported experiencing rape or attempted rape during a 6–7-month academic year (Fisher, 2000).
- 6.4% of college-aged men perpetrate rape (Lisak, 2002).
- 90% of campus rapes are committed by repeat offenders (Lisak, 2002).

Stalking

- College women experience the highest rates of stalking at 13%, and of those stalked, 42% were stalked by a boyfriend or ex-boyfriend (Fisher, 2000).

There are unique situations on college campuses that complicate the issues surrounding IPV, stalking, or sexual violence. Specifically:

1. Accessibility/Proximity

- The victim/survivor may continue to live in fear after an assault as the alleged perpetrator may live in the same residence hall or attend the same classes, work in the same department or be a member of their student organization, and/or be enrolled in the same graduate program.
- A victim's/survivor's predictable routine (i.e. class schedule, extracurricular activities, on-campus job, housing, and parking) may make it easier for a stalker to predict and/or track their movements.

2. Social Environment/Social Cost

- Victims/survivors may have a small or limited social network on campus once they leave home. This can be especially impactful in "closed communities" such as Greek Life, ROTC, Athletics, Student Government Association, etc.
- Victims/survivors may feel trapped by the social networks and/or the closed environment of many colleges and universities. This can be especially impactful on campuses with first year (or longer) live-on requirements, rural/urban campuses with high residential percentages, etc.
- Social networking sites can provide easy access for perpetrators to attempt to (even anonymously) intimidate or control their partners/targets.
- Victims/survivors of color, particularly African American students, may fear exposing a member of their community to the judicial system as African American men in particular are already disproportionately represented throughout the entire judicial system.

3. Family/Home

- Victims/survivors may feel isolated from their personal support networks and unable to access help because they are away from home. This is especially true if the student is also from a different state or country.²
- Victims/survivors with disabilities may fear losing support from a care-taker, or one who provides significant emotional and/or financial support.
- Victims/survivors might fear their parents may find out and take them out of school. They may be less likely to report, as a result.
- Victims/survivors and their families may not be able to afford supportive services.
- Victims/survivors may be married to the alleged perpetrator or have strong financial ties (especially graduate students and faculty/staff), or they may be in an isolated community because they moved to a new place for one or both partners to attend school.

4. Training/Knowledge

- Administrators may not fully understand the scope of the problem and/or may not react appropriately (e.g. if professors and/or teachers are notified about IPV, stalking, or sexual violence between two students).

² Knowledge Networks for Liz Claiborne Inc. (2011). *College Dating Violence and Abuse Poll*. Break the Cycle.

- Victims/survivors may not define their experience as abusive, particularly with verbal and emotional abuse that does not rise to physical violence.
- Lack of support services and/or prevention and awareness programming on campus.

Given the pervasiveness of IPV, stalking, and sexual violence on campus, as well as the specific factors that make IPV, stalking, and sexual violence especially common on college and university campuses, it is vital that institutions develop specific policies to provide victim/survivor support, hold perpetrators accountable, and highlight prevention education programs.

II. Identify the Required Elements for College/University IPV, Stalking, and Sexual Violence Prevention Programs and Policies

In accordance with the 2013 [Campus Sexual Violence Elimination Act \(Campus SaVE\)](#), colleges and universities, both public and private, participating in federal student aid programs are **required** to:

- 1) [Provide prevention education programs](#)
- 2) [Address victims'/survivors' rights and resources for assistance](#)
- 3) [Outline institutional statistical reporting requirements](#)
- 4) [Specify conduct proceedings](#)
- 5) [Publish an annual security report](#)

Provide Prevention Education Programs

Institutions must provide primary prevention and awareness programs for all incoming students and new employees, along with ongoing prevention and awareness programs for current students and employees.

Campus SaVE defines the following terms:

- a) **Primary Prevention**: Programming, initiatives, and strategies informed by research that are intended to stop IPV, stalking, and sexual violence before they occur through the promotion of positive and healthy behaviors and beliefs that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
- b) **Awareness Programs**: Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.
- c) **On-going Prevention and Awareness Programming**: Initiatives and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing IPV, stalking, and sexual violence, using a range of strategies with audiences throughout the institution.
- d) **Current Students**: While not specifically defined in the statute, “current students” is assumed to include graduate and professional students. The Department of Education decided to interpret

the statute consistent with other Clery Act requirements by requiring institutions to offer these types of training to “enrolled” students. Under §§ 668.41 and 668.46, institutions must distribute the annual security report to all enrolled students. Applying that same approach here would make it clear that the same students who must receive the annual security report must also be offered the training. The Department's regulations in 34 CFR § 668.2 define “enrolled” to mean a student who (1) has completed the registration requirements (except for the payment of tuition and fees) at the institution that they are attending; or (2) has been admitted into an educational program offered predominantly by correspondence and has submitted one lesson, completed by him or her after acceptance for enrollment and without the help of a representative of the institution.

- e) Employees: includes all faculty, staff, contract employees, and other paid employees of the college or university.

These programs must include the following:

- a) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
- b) A description of programs designed to inform students and employees about the prevention of crimes.
- c) A statement that the institution prohibits sexual violence (Campus SaVE’s definition of sexual violence includes IPV, stalking, and sexual violence)
- d) Safe and positive options for bystander interventions. Campus SaVE defines bystander interventions as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene in situations of potential harm for another person; or to prevent institutional structures or cultural conditions that facilitate violence, including recognizing situations of potential harm, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- e) Risk reduction information and warning signs of abusive behavior. Campus SaVE defines risk reduction as options for mitigating risk factors through efforts designed to decrease perpetration and bystander inaction, and to increase empowerment for victims through the augmentation of protective factors in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- f) The definition of IPV, stalking and sexual violence in their jurisdiction. The institution must follow federal definitions when collecting statistics for their Annual Security Report (ASR). (See page 22 of this guidance for these definitions).
- g) College/university policy definitions for IPV, stalking and sexual violence. Institutions have the flexibility to define these terms themselves in a manner that is consistent with their institutions’ mission and core values. While institutions must provide students with state and federal laws, they must also provide students with the campus policy definitions of these terms.

- h) Institutions must include the definition of consent in their sexual misconduct policy or combined gender-based violence policy. This definition must include both the campus definition as well as their state statute.
- i) A clearly expanded definition of sexual violence to include IPV, stalking and sexual violence.

Address Victims'/Survivors' Rights

Institutions must adopt and publish procedures in their Annual Security Report no later than October 1 to afford all students and employees who report an incident of violence – including IPV, stalking, and sexual violence – specific rights whether or not they pursue any formal complaint or not. Additionally, written notice of these rights must be provided to a student or employee when they report their victimization (Clery Act, 1990).

Students reporting victimization will be provided with their written rights to (Clery Act, 1990):

- a) Be assisted by campus authorities if reporting a crime to law enforcement.
- b) Change the academic, living, transportation and working situations of any victim/survivor if requested and reasonably available, whether or not a formal report is made.
- c) Notify the victim/survivor of their right to obtain or enforce a no contact directive, restraining order, or protection order.
- d) Have a clear description of their institution's disciplinary process, including a detailed timeline for each stage of the disciplinary process, and know the range of possible sanctions. Specify that the investigation must conclude within 60 days.
- e) Notify the victim/survivor of campus and community resources including contact information.

Further, DCCADV adds that by having a designated, trained advocate, colleges and universities as well as victims/survivors will benefit from the advocates' specialized knowledge of campus policies, procedures, protocols, and resources, as well as the focused attention in response to incidents of IPV, stalking, and sexual violence. The advocate should also facilitate access for the victims/survivors to community resources. Guidance recommends that colleges/universities should sign memorandums of understanding with local domestic violence and rape crisis centers as well as local law enforcement agencies regarding victim/survivor services and protocols. Care must be taken to establish a victim/survivor advocacy structure in which expectations about confidentiality parameters are clear (See Victim/Survivor Rights section on page 32 of this document for more guidance).

Retaliation statement

The following section is a direct excerpt from the April 2014 Office of Civil Rights Guidance (Questions and Answers on Title IX, 2014):

The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This means that if an individual brings concerns about possible civil rights problems to a school's attention, including publicly opposing sexual violence or filing a sexual violence complaint with the school or any State or Federal agency, it is unlawful for the school to retaliate against that individual for

doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an OCR or school’s investigation or proceeding. Therefore, if a student, parent, teacher, coach, or other individual complains formally or informally about sexual violence or participates in an OCR or school’s investigation or proceedings related to sexual violence, the school is prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against the individual) because of the individual’s complaint or participation.

A school should take steps to prevent retaliation against a student who filed a complaint either on his or her own behalf or on behalf of another student, or against those who provided information as witnesses.

Schools should be aware that complaints of sexual violence may be followed by retaliation against the complainant or witnesses by the alleged perpetrator or his or her associates. When a school knows or reasonably should know of possible retaliation by other students or third parties, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. Title IX requires the school to protect the *complainant*³ and witnesses and ensure their safety as necessary. At a minimum, this includes making sure that the *complainant* and his or her parents, if the *complainant* is in elementary or secondary school, and witnesses know how to report retaliation by school officials, other students, or third parties by making follow-up inquiries to see if there have been any new incidents or acts of retaliation, and by responding promptly and appropriately to address continuing or new problems. A school should also tell *complainants* and witnesses that Title IX prohibits retaliation, and that school officials will not only take steps to prevent retaliation, but will also take strong responsive action if it occurs.

Appeals

Each Institution must describe the appellate procedures (if appeals are permitted), including grounds for appeal, standards of review, the person/entity that will decide appeals, and the applicable reasonably prompt time frames (White House Task Force to Protect Students from Sexual Assault, 2014). Each party’s right to appeal will be clearly specified in the final decision letter. However, appeals should be established to “correct something that went wrong,” not to obtain a second opinion. Appeals must be based on allegations that the party was denied some substantive or procedural due process right guaranteed to them or other right outlined in these policies or for presentation of information that was unknown or unknowable at the time of the original investigation. Parties should not be able to appeal a disciplinary proceeding result simply because they do not agree with the outcome. It is recommended that the university allow at least one level of institutional appeal by an individual or group who have received training. In no circumstances should a finding of suspension or dismissal be “stayed” pending the outcome of an appeal.

³ This section uses the term “complainant” as it is directly from the US DOE’s Office of Civil Rights.

Outline Institutional Statistical Reporting Requirements

Colleges and universities are required to maintain a good faith effort to collect and report statistics for IPV, stalking and sexual violence, as defined by the Violence Against Women Act⁴, occurring on-campus, on public property within and adjacent to campus, and at non-campus properties like off-campus student organization housing and remote classrooms.

Institutions must collect statistics from a broad range of campus officials, identified as Campus Security Authorities (CSA). The Clery Act defines CSAs as (Russlynn, 2011)⁵:

1. A campus police department or a campus security department of an institution.
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.
3. Any individual or organization specified in an institution's campus security policy as an individual or organization to which students and employees should report criminal offenses.
4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

Examples of individuals who meet the criteria are (Russlynn, 2011):

- A dean of students who oversees student housing, a student center or student extracurricular activities.
- A director of athletics, a team coach or a faculty advisor to a student group.
- A student resident advisor or assistant or a student who monitors access to dormitories.
- A coordinator of Greek affairs.
- A physician in a campus health center, a counselor in a campus counseling center or a victim/survivor advocate or sexual violence response team in a campus rape crisis center if they are identified by your school as someone to whom crimes should be reported or if they have significant responsibility for student and campus activities. However, if these individuals are not identified as people to whom crimes should be reported or do not have significant responsibility for student and campus activities, they would not be considered CSAs.

Examples of individuals who would **not** meet the criteria for being campus security authorities include (Russlynn, 2011):

- A faculty member who does not have any responsibility for student and campus activity beyond the classroom.

⁴ See pages 22 of this Guidance for the VAWA 2013 definitions of these terms.

⁵ Each institution may identify a broader group of mandatory reporters for Clery reporting purposes.

- Clerical or cafeteria staff.

In addition, the law does not limit an institution from more broadly identifying who Campus Security Authorities are for each college/university in order to obtain a more comprehensive representation of crime on campus. The law requires shielding personally identifying information of victims/survivors in order to protect the confidentiality of victims/survivors in these statistical disclosures as well as any public record keeping (i.e. locked non-moveable file cabinets) to the extent provided by law. (See details about confidentiality distinctions on page 26).

Specify Conduct Proceedings

Campus SaVE clarifies minimum standards for institutional disciplinary procedures covering IPV, stalking, and sexual violence. This document refers to victims/survivors as the reporting party, and the person being charged with a violation as the responding party. As discussed on page 6, these neutral terms are preferred over some of the common policy language that refers to victims/survivors as complainant or accuser.

Institutions must adopt and disclose policies that:

- a) Address possible sanctions or protective measures that may result from an institutional disciplinary proceeding.
- b) State the standard of evidence (which under current Title IX guidelines is preponderance of the evidence or more likely than not).
- c) Provide a prompt, fair, and impartial investigation and resolution.
- d) Proceedings must be conducted by officials who receive annual training on all forms of interpersonal violence (which includes IPV, stalking, and sexual violence), including on how to conduct an investigation, protect the safety of victims/survivors, and promote accountability.
- e) Require that both the reporting and responding party are entitled to the same opportunities to have others present, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice (an institution may not meet this requirement by denying both parties the right to an advisor).
- f) Not limit the choice of advisor for either the reporting party or the responding party; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties and comply with state law.
- g) Require that both the reporting party and the responding party shall be simultaneously informed, in writing, of the following:
 - i. The outcome of any institutional disciplinary proceeding, including the behavior alleged (or policy violation), the decision, the sanction and the rationale therefore;
 - ii. The procedures for the reporting party and the responding party to appeal the results of the proceeding;
 - iii. Any change to the results; and
 - iv. When such results become final.

DCCADV recommends that institutions utilize and partner with the existing expertise of those in your community as you enhance your services to meet the above federal requirements. Please see page 35 of this document for a list of specific resources.

Publish an Annual Security Report

Campus SaVE also requires that institutions publish an Annual Security Report (ASR) each year. This report must document three calendar years of select campus crime statistics and include security policies and procedures as well as information on the basic rights guaranteed to victims/survivors of IPV, stalking, and sexual violence. The law requires schools make the report available to all current students and employees, and prospective students and employees must be notified of its existence and given a copy upon request. Schools may comply with this requirement electronically if required recipients are notified and provided exact information regarding the online location of the report. Paper copies of the ASR should be available upon request.

III. Additional Recommendations Not Required by Law

While these recommendations are not required by law, they were recommended by the [Office of Civil Rights, 2011 Dear Colleague Letter](#), and clarified in the [April 2014, Office for Civil Rights Guidance](#). While specific to sexual harassment and misconduct, the recommendations still hold true for IPV, stalking, and sexual violence as institutions should prioritize the physical safety of their students by removing obstacles to reporting IPV, stalking, and sexual violence.

Amnesty Policy

Institutions should create as safe and comfortable spaces as possible so that as many victims/survivors who want to report to campus officials feel comfortable and safe doing so. Sometimes, victims/survivors and witnesses are hesitant to report to university officials because they fear that they themselves may be accused of policy violations, such as drug use or underage drinking at the time of the incident. An amnesty policy offers victims/survivors and witnesses amnesty whenever possible from other policy violations related to the incident. Sometimes policy violations cannot be overlooked, so it is therefore recommended that institutions provide educational options, rather than punishment for violations identified when students have experienced IPV, stalking or sexual violence.

The Office of Civil Rights (OCR) suggests that “schools should consider whether their disciplinary policies have a chilling effect on victims or other students’ reporting of sexual violence offenses” (Russlyn, 2011). The OCR provides the example that “schools inform students that the schools’ primary concern is student safety, that any other rules violations will be addressed separately from the sexual violence allegation, and that use of alcohol or drugs never makes the victim at fault for sexual violence” (Russlyn, 2011).

Responsible Action (Good Samaritan) Policy

Students may be hesitant to offer assistance to others for fear of punishment. A Responsible Action policy creates limited immunity for students who offer help to others in need. Sometimes policy violations cannot be overlooked, so therefore we recommend that institutions provide educational options, rather than punishment, for violations identified when students have offered their assistance to others in need.

Additional Recommendations by DCCADV

DCCADV makes the following recommendations that go beyond the federal requirements and recommendations in order to encourage reporting of IPV, stalking, and sexual violence based on review of the following:

- 1. Various college/university IPV, stalking, and sexual violence policies from institutions around the country*
- 2. Beyond Title IX: Guidelines for Preventing and Responding to Gender-based Violence in Higher Education (Fleck-Henderson, 2012)*

Parent/Guardian Notification Statement

The institution should provide a clear statement outlining their policies for notifying parents or guardians of student experiences. DCCADV recommends that institutions empower reporting parties/victims/survivors to determine if and when they share information with parents or guardians about their experience.

Eliminate Financial Burden

Victims/survivors of IPV, stalking, and sexual violence may incur financial burdens as a result of the violence they experienced. This can include medical costs, fines associated with needing to change housing or parking, or potentially job loss. DCCADV recommends that campuses establish a protocol for consideration of resources to alleviate financial burden on students receiving care after IPV, stalking, and/or sexual violence.

Any policy should clarify any free services or financial support victims/survivors are eligible to receive, particularly as it relates to physical and mental health care, as well as on-going support navigating academic, campus conduct, or law enforcement systems. Ideally, the policy should demonstrate a strong commitment to addressing IPV, stalking, and sexual violence by providing services for the victim/survivor that include access to physical, and emotional care at no cost to the victim/survivor. Wherever possible, colleges and universities providing counseling services for students should provide victims/survivors with access to unlimited free counseling.

Institutions should consider a victim/survivor fund which can alleviate financial burdens outside of campus. This fund would provide a confidential option for victims/survivors who may be reluctant to receive medical services due to fear their parents would find out. Most college students are covered under their parent's insurance policy, and would likely be notified once medical costs were filed.

Safety warning

It is common for an abusive current or former dating partner to track the whereabouts and activities of a victim/survivor, including what they have searched for online. It is highly recommended that institutions include a pop-up window on the college/university website of resources and services. It should warn victims/survivors that a perpetrator could view search history, and exit immediately if necessary. These pop-ups can “block cookies” which would eliminate the tracking feature for that site on their computer.

Provide information online

Institutions should provide policies and processes related to IPV, stalking, and sexual violence, as well as services related to prevention, intervention, and response available online, in hard copy, and through personal contact. Doing so removes obstacles to reporting created by a fear of the unknown, a lack of understanding of IPV, stalking, and sexual violence, or the institutions philosophy toward IPV, stalking, and sexual violence.

Comprehensive policies and resources should be available on the college/university’s website. An individual should not have to click more than 3 times from the home page to access a complete listing (via current hot links) of resources and information.

Safety Plan (See Appendix A for a model safety plan)

Provide a template for a safety plan and note that it is best to complete with a trained campus staff member (e.g. advocate, counselor, police, etc.). Copies of developed safety plans should be provided to trusted friends or family for continuing assistance and support.

A safety plan should include:

- a. A list of safe people to talk to
- b. A list of safe spaces on and off campus
- c. Home/Residence Hall protocol – i.e. what to do if an emergency leave is necessary
- d. An established code word and who to share it with
- e. A list of items to pack if an emergency leave is necessary
- f. A list of people who should have a copy of the safety plan
- g. A list of ways to stay safe emotionally
- h. Emergency resources

Policy dissemination, updates, and feedback

Provide information to all community members annually regarding the location of the policy and resources, how updates are made, and contact information to provide feedback about the policy.

Reporting options

Students must know their reporting options and what will happen after they report. Provide clear definitions of prohibited conduct so that students are able to identify their experiences as misconduct. Students should be informed about to whom they can confidentially report their experiences to

compared to “responsible employees” or “campus security” officials (See details about these distinctions on page 27).

Character Witnesses

Character witnesses are not required in the hearing process. DCCADV recommends character witnesses not be used in the hearing process. If used, both the reporting party and the responding party must have an equal opportunity to present character witnesses. A character witness is a person who attests to another’s moral conduct and reputation in the disciplinary proceeding.

College/University & Community Resource Team

Establish a resource team that provides comprehensive plans for responding to and preventing IPV, stalking, and sexual violence. Members of the team should receive regular training on campus trends, responding to disclosures, reporting requirements, victim/survivor-centered response, current data and research, and relevant community assessments. Key college/university staff such as advocates and law enforcement should serve on local Domestic Violence Response Teams and Sexual violence Response Teams. These are often organized by community-based domestic violence and rape crisis services centers. Key College/University Response Team Members:

- Athletics
- Community law enforcement
- Community SV and DV centers
- Counselors
- DC Coalition Against Domestic Violence (DCCADV)
- District Attorneys
- Disability Services
- Faculty
- Faith-based leaders
- Health Services
- Housing
- Law Enforcement/Campus Security
- LGBTQI+ Center
- Library
- Local DC Domestic Violence Center/shelter where applicable
- Local hospital
- Local law enforcement
- Multicultural Center
- Office of Student Conduct
- Other administrators
- Residential Life
- Sexual Assault Nurse Examiners (SANE)
- Student Affairs
- Student Government

- Student representatives
- Threat Assessment
- Title IX Coordinator
- Women’s Center

IV. Include a Summary of Current Relevant Federal Legislation

Title IX of the Education Amendments of 1972 prohibits sex discrimination in educational programs and activities receiving federal financial assistance. Colleges and Universities face potential loss of federal funding if they are found in violation of Title IX. The [Revised Sexual Harassment Guidance of 2001](#) outlines requirements of educational institutions related to sexual harassment and sexual violence, such as a school’s obligation to respond and procedural requirements. In addition, the “Dear Colleague” letter clarified and reiterated from the 2001 Guidance, steps for preventing sexual harassment and sexual violence as well as remedying the impact that sexual harassment and sexual violence have on a reporting party. It is also important to note the following cases: *Franklin v. Gwinnett* 1991⁶, *Gebser v. Lago* 1998⁷, and *Davis v. Monroe* 1999⁸ as significant touchstones in the evolution of the law and school’s obligations.

Prior to 1988, less than 4% of American colleges publicly reported crimes that occurred on their campuses (McMahon, 2008). In response to a movement generated by the family of Jeanne Clery, a student who was tortured, raped, and murdered in her dormitory, Pennsylvania passed legislation requiring mandatory reporting of crime on Pennsylvania institutions of higher education campuses. Public persistence with leadership by the Clery family demanded action on a national level. Federal response included several laws initially formulated in 1990 as the [Student Right-To-Know and Campus Security Act](#). The 1990 Act was amended in 1992 and again in 1998, when it was titled the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics. Also significant, was the passing of the Violence Against Women Act of 1994.

In 1999, Congress responded to the public’s concern over the incidence of sexual violence on college campuses by mandating that the National Institute of Justice (NIJ), the “research, development and evaluation agency of the United States Department of Justice,” assess Institutions of Higher Education (IHE) compliance with the Clery Act. Specifically, the NIJ explored IHE adherence to federal laws that require IHE to: (1) make public their on-campus crime statistics, (2) publicize prevention and actions designed to respond to crime, (3) institute crime logs, and (4) demonstrate that the rights of victims of sexual violence are preserved (Karjane, Fisher, & Cullen, 2005).

⁶ *Franklin v. Gwinnett County Public Schools*, 503 U.S. 60, 112 S. Ct. 1028, 117 L. Ed. 2d 208 (1992).

⁷ *Gebser v. Lago Vista Independent School Dist.*, 524 U.S. 274, 118 S. Ct. 1989, 141 L. Ed. 2d 277 (1998).

⁸ *Davis v. Monroe County Bd. of Educ.*, 120 F.3d 1390 (11th Cir. 1997).

The Office for Civil Rights (OCR) of the United States Department of Education is the enforcement agency for Title IX of the Education Amendments of 1972, a law prohibiting sex discrimination in federally funded educational programs and activities. The OCR has offered guidance on several occasions on the role of Title IX with regard to sexual violence. Notably, in 1997 and 2001, the OCR issued guidance providing “the principles that a school should use to recognize and effectively respond to sexual harassment of students” (Revised Sexual Harassment Guidance, 2001). Most recently, in 2011, the OCR issued a [“Dear Colleague”](#) letter clarifying colleges’ and universities’ responsibilities concerning sexual violence and sexual harassment. The “Dear Colleague” letter stressed the need for schools to interpret incidents of sexual violence under the rubric of sexual harassment. Consequently, under Title IX colleges and universities must take immediate and effective steps to respond to sexual violence. These steps include taking action to investigate, to stop the behavior, remediate the impact on the victim/survivor and reasonably prevent the recurrence. A critical aspect to effective response is that sexual violence and harassment policies are compliant with Title IX.

While Title IX has been in existence since 1972, it wasn’t until the Franklin v. Gwinnett case in 1992 that the US Supreme Court recognized Sexual Harassment/Violence as prohibited behavior under Title IX. IPV, stalking, and sexual violence, while implied, have not been directly addressed in these requirements until March 2013. The Campus Sexual Violence Elimination Act (Campus SaVE), which was part of the federal Violence Against Women Act 2013 Reauthorization, amended the Clery Act. Campus SaVE was designed by advocates along with victims/survivors and championed by a bi-partisan coalition in Congress as a companion to Title IX. President Obama signed the measure into law on March 7, 2013. Campus SaVE has given teeth to previous federal guidance and recommendations, now requiring institutions to actively work towards eliminating IPV, stalking, and sexual violence. Campus SaVE requires all colleges and universities, public and private, participating in federal student aid programs to (Summary of the Jeanne Clery Act, n.d.):

- 1) Increase transparency of the scope of sexual violence (to include IPV, stalking, and sexual violence) on campus
- 2) Guarantee victims’/survivors’ enhanced rights
- 3) Provide for standards in institutional conduct proceedings
- 4) Provide campus community wide prevention educational programming.

Campus SaVE establishes collaboration between the U.S. Departments of Justice, Education, and Health and Human Services to collect and disseminate best practices for preventing and responding to IPV, stalking, and sexual violence. Campus SaVE regulations took effect on July 1, 2015, and require schools to include their prevention education programs in their Annual Security Reports.

Under Campus SaVE, students and employees have many important, additional rights and options to seek redress if they have been the victim of an act of IPV, stalking, or sexual violence. The U.S. Department of Education’s Clery Act Compliance Division has the power to investigate alleged violations and to enforce these provisions. If an institution is found to be in violation of the Clery Act they may face a warning, civil penalties up to \$35,000 per violation, the limitation or suspension of federal student aid

eligibility, or the loss of eligibility to participate in federal student aid programs (Summary of the Jeanne Clery Act, n.d.).

V. Provide a Definition of Terms

The definitions below are direct language from the [Campus SaVE Act](#). Definitions 1-4 are the definitions required for Clery reporting. These are a helpful guide for you as you develop your college/university policy definitions. As a reminder, institutions must provide students with policy definitions for IPV, stalking, sexual violence, and consent. Institutions have the flexibility to define these themselves (Template for recommended definitions are on page 48, and “Additional Considerations” are on page 25 for more guidance).

1. Domestic Violence

- (1) A felony or misdemeanor crime of violence committed:
 - (i) By a current or former spouse or intimate partner of the victim;
 - (ii) By a person with whom the victim shares a child in common;
 - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - (v) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- (2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime. This definition includes same sex relationships.

2. Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- (1) The existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (2) For the purpose of this definition-
 - (i) Dating violence includes sexual or physical abuse or the threat of such abuse.
 - (ii) Dating violence does not include acts covered under the definition of domestic violence.
- (3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime. This definition includes same sex relationships.

3. Sexual Violence

An act of sexual violence includes the following:

- (1) Sex Offenses: Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.
- (2) Rape: 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.
- (3) Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- (4) Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- (5) Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

4. Stalking

- (1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - (i) Fear for his or her safety or the safety of others; or
 - (ii) Suffer substantial emotional distress.
- (2) For the purpose of this definition:
 - (i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - (iii) Reasonable person means a reasonable person in the victim's circumstances.
- (2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime.

5. Consent

Campus SaVE does not provide a definition of consent, however it does require that institutions include the definition of consent in their sexual misconduct policy or combined gender violence policy. This definition must include both the college/university definition as well as the statutory language around consent in their state. Below is an example of a recommended definition of consent.

Consent is an affirmative decision to engage in mutually acceptable sexual activity expressed by clear actions or words. It is an informed decision made freely, willingly, knowingly, and actively by all

parties. Consent is expressed voluntarily. Consent is active not passive. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity. Silence, in and of itself, cannot be interpreted as consent.

In the District of Columbia, "consent" means words or overt actions indicating a freely given agreement to the sexual act or contact in question. The lack of verbal or physical resistance or submission by the victim, resulting from the use of force, threats, or coercion does not constitute consent.⁹

In the absence of mutually understandable words or actions (a meeting of the minds on what is to be done, where, with whom, and in what way), it is the responsibility of the initiator, or the person who wants to engage in the specific sexual activity to make sure their partner(s) has given voluntary consent.

Conduct will be considered "without consent" if no clear consent, verbal or nonverbal, is given. It is important to not make assumptions; if confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, it is essential that each participant stops and clarifies, verbally, their willingness to continue.

In D.C., a person cannot legally give consent if they are unconscious, incapable of appraising the nature of the conduct, or unable to decline or communicate an unwillingness to participate in the sexual act.¹⁰

The age of legal consent in D.C. is generally 16, with some restrictions. It is illegal for a person to engage in a sexual act or contact with someone under the age of 16 if the perpetrator is at least 4 years older than the victim/survivor.¹¹ Engaging in a sexual act or contact with someone who is at least 16 but less than 18 years old is illegal if the perpetrator is 18 years of age or older and in a significant relationship with the victim/survivor.¹² A significant relationship includes not only a parent, relative or guardian, but any employee or volunteer of a school, church, synagogue, mosque, or other religious institution, or an educational, social, recreational, athletic, musical, charitable, or youth facility, organization, or program, including a teacher, coach, counselor, clergy, youth leader, chorus director, bus driver, administrator, or support staff, or any other person in a position of trust with or authority over a child or a minor.¹³

An individual who is incapacitated is unable to give consent to sexual contact. States of incapacitation include sleep, unconsciousness, intermittent consciousness, blackouts, flashbacks, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to Consent to

⁹ D.C. Code § 22-3001(4).

¹⁰ D.C. Code §§ 22-3002 through 22-3006.

¹¹ D.C. Code §§ 22-3001(3), 22-3008, and 22-3009.

¹² D.C. Code § 22-3001(3), (5A) & (10); §§ 22-3009.01 and 22-3009.02.

¹³ D.C. Code § 22-3001 (10).

sexual contact.

Alcohol or drug use is one of the prime causes of Incapacitation. Where alcohol or drug use is involved, incapacitation is a state beyond intoxication, impairment in judgment or “drunkenness.” Incapacitation is determined by how the drugs or alcohol consumed impacts a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. The question is whether the responding party knew, or a sober, reasonable person in the position of the responding party should have known, that the victim/survivor was incapacitated. Because incapacitation may be difficult to discern, students are strongly encouraged to err on the side of caution; i.e., when in doubt, assume that another person is incapacitated and therefore unable to give effective consent.

Individuals reach incapacitation levels due to drugs and/or alcohol in different ways. For some people, one drink can render them incapacitated. For others it could take five drinks. As such, the important factor to determine incapacitation is state of mind (being able to appreciate the “who, what, where, when or how” of a situation), not the amount of drugs and/or alcohol ingested.

Individuals are **NOT** giving consent if they are:

- saying “no” or “stop”
- crying
- completely still/disengaged
- incapacitated by drugs or alcohol
- moving away
- pushing the other(s) away
- drugged/high
- asleep
- mentally or physically impaired
- beaten
- threatened
- confined
- passed out
- physically or psychologically pressured or forced
- intimidated
- coerced
- manipulated

Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent must be provided contemporaneous with the behavior. Agreeing to engage in a sex act on Thursday does not mean that agreement remains in effect indefinitely.

Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly through actions or words. If consent is withdrawn, all sexual activity must cease.

Additional Considerations

The following are additional considerations, not specified through federal statutes or guidance, which are included as suggestions to make the definitions more comprehensive.

- a) Consider IPV, stalking, and sexual violence as a broad continuum of behaviors. The term IPV

is a broad continuum of physically and emotionally abusive behaviors* that includes** but is not limited to:

- Coercion
 - Cultural abuse
 - Digital (technological) abuse
 - Economic abuse
 - Emotional/psychological abuse
 - Forced substance use or abuse
 - Removing access to medication or assistive devices
 - Intimidation
 - Isolation
 - Minimizing, blaming, and denying abuse
 - Physical violence
 - Sexual violence
 - Stalking
 - Threats
 - Use of privilege
- b) Provide definitions for victim/survivor, perpetrator, and partner.
- c) Use gender nonspecific pronouns.
- d) Clearly define coercion as an unreasonable amount of pressure, as assessed by reviewing the duration, isolation, frequency and intensity of the circumstances that led to the sexual encounter.
- e) Policies should make absolutely clear that entering into or maintaining a dating relationship does not indicate consent to emotional, physical, sexual, or financial violence perpetrated by one's partner (Campus Dating Violence Policy Guide, 2015).
- f) Policies should clearly prohibit both physical and cyber stalking and harassment (Campus Dating Violence Policy Guide, 2015).

* Full definitions for these terms can be found on page 48.

** The judicial system might use other terms, or define these terms differently.

VI. Confidentiality and Reporting Procedures

Confidentiality Considerations

Institutions must identify how the Institution will protect the confidentiality of victims/survivors, including how publicly-available record-keeping will be accomplished without the inclusion of identifying information about the victim/survivor, to the extent permissible by law. Policies should do the following:

- 1) Clearly state that only individuals who have a need to know, or to whom the victim/survivor has approved should be provided information. Access about the issue should be informed, and materials and information should be shared only as necessary with investigators, witnesses, and other relevant parties. Disclosure of such information may be made if it is determined that such disclosure is necessary due to serious and imminent threat to the community. Pattern, prediction, threat, or violence (PPTV) is a common tool used to assess these circumstances. In these events, the victim's/survivor's name and identifying information should not be included.
- 2) Explain that while any request made by a victim/survivor that a matter not be investigated should be taken into account, appropriate steps should be taken to respond to the matter in

cases of serious and imminent threat to the community.

- 3) Inform victims/survivors of the confidential resources available to them both on campus and in the community.
- 4) State that victims/survivors can seek assistance from off-campus crisis centers, which can maintain confidentiality. Include names and contact information of these centers.
- 5) Clearly state which types of staff and faculty members are not confidential resources and have an obligation to inform campus authorities of any reports of IPV, stalking, or sexual violence.

Responsible Employees

The Office of Civil Rights (OCR) requires that certain employees on campus be deemed Responsible Employees. According to [OCR's 2001 Guidance](#), a responsible employee includes any employee:

- 1) Who has the authority to take action to redress IPV, stalking, or sexual violence;
- 2) Who has been given the duty of reporting incidents of IPV, stalking, sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee (typically these are managers and supervisors);
- 3) Or anyone to whom a student could reasonably believe has this authority or duty. A school must make clear to all of its employees and students which staff members are responsible employees so that students can make informed decisions about whether to disclose information to those employees. A school must also inform all employees of their own reporting responsibilities and the importance of informing the reporting party of:
 - a. The reporting obligations of responsible employees;
 - b. Reporting parties' option to request confidentiality and available confidential advocacy, counseling, or other support services;
 - c. And reporting parties' right to file a Title IX complaint with the school and to report a crime to campus or local law enforcement.

When a responsible employee knows or reasonably should know of possible IPV, stalking, or sexual violence, OCR deems a school to have notice of the sexual violence. The school must take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to the confidentiality provisions), and, if the school determines that sexual violence created a hostile environment, the school must then take appropriate steps to address the situation (Questions and Answers on Title IX, 2014). The US Department of Education, Office for Civil Rights' [Questions and Answers on Title IX and Sexual Violence](#) 2014 Guidance is an excellent resource for understanding details around responsible employees.

Private and Confidential Employees

Medical professionals, professional counselors, and pastoral counselors can provide completely confidential support services to victims/survivors of IPV, stalking, or sexual violence. Further, individuals who are not professional or pastoral counselors, but who work or volunteer in on-campus domestic violence and/or rape crisis centers, victim/survivor advocacy offices, women's centers, or health centers, including front desk staff and students, and provide assistance to students who experience IPV, stalking,

or sexual violence should inform the reporting party of their obligation to report aggregate data, but not report, without the student's consent, incidents of IPV, stalking, or sexual violence to the school in a way that identifies the student (Intersection of Title IX and the Clery Act, 2014). It is highly recommended that institutions designate confidential resources for victims/survivors. Without this option, students may be less likely to ever report an incident. There are two categories of private and confidential employees:

- 1) **Confidential: Campus Professional and Pastoral Counselors:** Professional, licensed counselors, and pastoral counselors whose job responsibility it is to provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident(s) to the Title IX coordinator without a victim's/survivor's permission.
- 2) **Confidential or Private: Campus Non-professional Counselors and Advocates:** Individuals who work or volunteer in the on-campus sexual violence center, victim/survivor advocacy office, women's center, health center etc., including front desk staff and students, can generally talk to a victim/survivor without revealing any personally identifying information about an incident(s) to your institution. This however will depend on your institution's designation of confidential versus private reporting sources, as well as relevant state laws. A victim/survivor can disclose to and seek assistance and support from these individuals without activating an investigation that could reveal the victim's/survivor's identity or that the victim/survivor has disclosed the incident(s) (Sample Language for Reporting, 2014). While maintaining a victim's/survivor's confidentiality¹⁴ of identity, these individuals or their office will report the nature, date, time, and general location of an incident(s) to the Title IX Coordinator. This limited report – which includes NO information that would directly or indirectly identify the victim/survivor – helps keep the Title IX Coordinator informed of the general extent and nature of IPV, stalking, and sexual violence, on and off-campus, so the Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim/survivor to ensure that no personally identifying details are shared with the Title IX Coordinator.

*New guidance from the Department of Education in April 2014 makes clear that on-campus counselors and advocates – like those who work or volunteer in sexual violence centers, victim advocacy offices, women's and health centers, as well as licensed and pastoral counselors – can talk to a survivor in confidence¹⁵. In recent years, some schools have indicated that some of these counselors and advocates cannot maintain confidentiality. This new guidance clarifies that they can.

Read more in the "Resources" section on page 35 about clearly naming these resources and their designation as confidential or not.

¹⁴ There are always exceptions to confidentiality, particularly if there is risk of serious harm to self or others.

¹⁵ There are always exceptions to confidentiality, particularly if there is risk of serious harm to self or others.

Reporting Options

Clearly identify the procedures available to victims/survivors of IPV, stalking, and sexual violence. Institutions should encourage students to report any IPV, stalking, or sexual violence offenses, while stating that the victim/survivor has the right to decline notifying authorities.

Institutions should include procedures for filing the various types of reports below:

- 1) **Anonymous** – a reporting system that allows for victims/survivors and third-parties to report incidents online or in written form. An anonymous reporting pathway will encourage reporting by students without risk of exposure or being forced to file charges. Because this is unofficial, the police cannot make an arrest based on this report, but it will provide useful information regarding the types of assaults that are occurring at the institution.
- 2) **Confidential** – reports made to employees who have no reporting requirements (i.e. counselors, advocates, clergy, etc.), *with the ethical exception of when there is potential harm to self or others.*
- 3) **Formal** – a report made resulting in an investigation through the student disciplinary process.
- 4) **Non-confidential** – reports made to individuals who must report to the Title IX coordinator all known information, including the nature, date, time, and general location of the incident, and the identities of the victim/survivor and alleged perpetrator. If the reporting party requests confidentiality, the recipient of the report must report that to the Title IX Coordinator; however confidentiality is not promised or guaranteed.
- 5) **Quasi-confidential** – reports made in which the receiver of the information must provide to the Title IX coordinator the nature, date, time, and general location of an incident, if known, but no information that would directly or indirectly identify the reporting party or victim/survivor.
- 6) **Third-party** – reporting options, often anonymous, for witnesses or acquaintances of those involved in the incident.

Reporting Considerations

See section above for details about types of confidentiality. Below is a guide for institutions as they develop reporting procedures:

- 1) Provide a very clear and visible statement that reports of same-sex and different-sex IPV, stalking, and sexual violence are encouraged and will be taken seriously and handled respectfully.
- 2) Address the importance of preserving evidence that may be needed to prove an act of IPV, stalking, or sexual violence has occurred. State the fact that collecting evidence does not require a victim/survivor to press charges against an alleged perpetrator, but may simply assist investigators should the victim/survivor decide to file a formal report of the offense at a later point.
- 3) Clearly state to whom the alleged offense should be reported, including the victim's/survivor's options to formally or informally report the alleged offense. Informal reporting options may

result in accommodations such as changes in class schedule, housing arrangements, etc. Formal reporting options may result in campus law enforcement notification.

- 4) Outline campus-specific confidential reporting options for victims/survivors.
- 5) Provide information for victims/survivors on their options regarding reporting to law enforcement and campus authorities, including notification of their option to:
 - a. Notify the proper law enforcement, including on-campus and local police.
 - b. Be assisted by campus authorities in notifying law enforcement.
 - c. Decline to notify law enforcement.
- 6) Develop a primary prevention-based Timely Warning (see Appendix B for more information). If possible, and the victim/survivor wants to, they should assist law enforcement (or whoever develops the warnings for your institution) in determining the language for the warning. (Please see Appendix B for recommended language).
- 7) Outline the victim's/survivor's rights and process for obtaining, as well as the institution's specific responsibilities regarding, criminal orders of protection, institution-issued no-contact orders, civil restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.
- 8) Clearly state anonymous reporting procedures. Anonymous reports do not typically result in the initiation of a formal disciplinary proceeding, although the Institution is responsible for investigating all reports of IPV, stalking, and sexual violence to ensure safety in the community. Anonymous reports will result in data collection for the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, and may be significant in identifying patterns or systemic issues.
- 9) Schools should establish a memorandum of understanding (MOU) between campus police and local law enforcement to ensure that civil protection orders are fully enforced on campus and off (Campus Dating Violence Policy Guide, 2015). The [White House Task Force on Protecting Students provides a helpful example](#) of an MOU.
- 10) Schools should establish a MOU with community-based domestic violence and rape crisis service providers to ensure IPV, stalking, and sexual violence victims/survivors receive the support they desire (Campus Dating Violence Policy Guide, 2015).
- 11) Hearing recommendations: It is recommended that all institutions work with a single investigator model, and not a full hearing board, when addressing cases of IPV, stalking, and sexual violence. If your institution does not yet have the capacity to use this model, and a hearing board system is currently in place, it is strongly recommended that the following be taken into consideration:
 - a. Students should never be on the hearing board.
 - b. Hearing boards should never serve as an investigative body, but rather only as a determinative body.
 - c. Hearing boards can be a part of the process in determining a finding, or as a second review from an investigation recommendation, or as a sanctioning or appeal body.
 - d. The Title IX Coordinator or a designee with significant experience investigating IPV, stalking, and/or sexual violence cases should be part of the investigative process.

- e. It is recommended that the Title IX Coordinator or designee observe the hearing and the hearing board's deliberations. In this scenario, the Title IX Coordinator does not participate as a decision-maker, but is present as a resource to the board to advise the board on Title IX compliance within the hearing process.
- 12) Schools should hire extensively trained investigators and adjudicators who understand the dynamics of relationships in which one is being abused, which are often counter-intuitive and can take years (not hours) of education to comprehend. Trained individuals will understand the types of abuse and the varying tactics perpetrators use to control and manipulate the victim/survivor (often without physical or sexual violence), as well as the reality that some victims/survivors never leave an abusive partner or successfully do so only after a number of attempts. Further suggested training topics include the psychological consequences of IPV, stalking, and sexual violence on victims/survivors, the dangers of leaving the relationship, the spectrum of violence including emotional, psychological, physical and sexual, and signs of abuse, and the neurobiological responses of a trauma victim/survivor (Campus Dating Violence Policy Guide, 2015).
 - 13) Schools should not permit responding parties to introduce personal details about victims'/survivors' mental health in disciplinary proceedings unless mental health goes towards proving or disproving an essential element of the case. (Campus Dating Violence Policy Guide, 2015).
 - 14) Schools should not permit responding parties to introduce personal details regarding the victims'/survivors' sexual history with anyone other than the responding party. Those designated to investigate and hear these cases will receive training that explains that the mere fact of a previous consensual sexual relationship does not itself imply consent or preclude a finding of sexual violence (Campus Dating Violence Policy Guide, 2015). The sexual behavior of the reporting party is irrelevant to any issue in the disciplinary process unless such behavior:
 - (1) Was between the reporting party and responding party; or
 - (2) Is evidence of specific instances of sexual behavior offered for the purpose of showing that the act or acts charged were not committed by the responding party; or
 - (3) Is evidence of a pattern of sexual behavior so distinctive and so closely resembling the responding party's version of the alleged encounter with the reporting party as to tend to prove that such reporting party consented to the act or acts charged or behaved in such a manner as to lead the responding party reasonably to believe that the reporting party consented; or
 - (4) Is evidence of sexual behavior offered as the basis of expert psychological or psychiatric opinion that the reporting party fantasized or invented the act or acts charged.
 - 15) Schools should implement a *standard* (not mandatory) expulsion policy. Many victims/survivors of IPV, stalking, and sexual violence feel reluctant to report the alleged perpetrator out of concern that someone they love or loved will be expelled automatically/unconditionally. Sometimes that reluctance changes as a victim/survivor meets other victims/survivors of the same alleged perpetrator, or as they progress through the reporting process. Regardless, it is

critical that schools preserve victims'/survivors' control over the process, and take care not to dissuade them from reporting by instituting a mandatory expulsion policy (Campus Dating Violence Policy Guide, 2015).

- 16) Schools should not penalize victims/survivors who have obtained civil protection orders (which often include distance requirements) by keeping them out of a disciplinary hearing room if they wish to be present in person. If a protection order is in effect, schools should ensure that the burden of complying with that order falls squarely on the responding party, who can then participate by having a partition during the hearing or through video software such as a closed-circuit camera (Campus Dating Violence Policy Guide, 2015).

VII. Victim/Survivor Rights

As required by [Campus SaVE](#), both the reporting party and responding party must be offered equal rights. Further, victims/survivors must be offered as many forms of assistance and support as possible to decrease the hostile campus environment. Examples include:

1. Identify how the Institution will protect the confidentiality of victims/survivors, including how publicly-available record-keeping will be accomplished without the inclusion of identifying information about the victim/survivor, to the extent permissible by law.
2. Clearly state that only individuals who have a need to know about the issue should be informed, and materials and information should be shared only as necessary with investigators, witnesses, and other relevant parties. Disclosure of such information may be made if it is determined that there is a serious and imminent threat to the community. In these events, the victim's/survivor's name and identifying information should not be needed.
3. Explain that while any request made by a victim/survivor that a matter not be investigated should be taken into account, appropriate steps should be taken to respond to the matter in cases of serious and imminent threat to the community (Campus Dating Violence Policy Guide, 2015).
4. Inform victims/survivors of the resources available that can provide confidentiality, sharing options and advice without any obligation to inform other college/university staff members, unless requested by the victim/survivor. For example counseling services, health and mental health services, and ministry staff. Additionally, victims/survivors can seek assistance from off-campus crisis centers, which can maintain confidentiality¹⁶. Clearly state which college/university staff and faculty are "responsible employees" and thus are not confidential resources and have an obligation to inform campus authorities of any reports of IPV, stalking, or sexual violence.

VIII. Assistance and Support

Inform victims/survivors of IPV, stalking, and sexual violence of their options for, and available assistance in, changing academic, living, transportation, and working situations if such assistance and

¹⁶ There are always exceptions to confidentiality, particularly if there is risk of serious harm to self or others.

support are available. These services should be available to victims/survivors whether or not they choose to report the offense to Campus Security Authorities.

- 1) At the victim's/survivor's request, and depending on the risk and lethality of the individual situation, schools should consider removing the alleged perpetrator from victim's/survivor's residence hall, classes, or other shared spaces. If it is not possible to remove a particular alleged perpetrator, schools should assist the victim/survivor in seeking alternate housing (and/or lock changes), and academic and other types of assistance and support. Schools should ensure confidentiality and privacy for victims/survivors (Campus Dating Violence Policy Guide, 2015).
- 2) An institution should never release directory information that a student requests be kept private. Many victims/survivors of IPV, stalking, or sexual violence live in fear of the perpetrator discovering where they live.
- 3) Schools should offer and enforce campus-based no-contact orders when both the reporting and responding parties are students enrolled at the Institution (regardless of whether victims/survivors have obtained court-issued protection orders). This should also be available to students who request them against a faculty or staff member. Campus no-contact orders should prohibit the alleged perpetrator from contacting the victim/survivor in person, via technology, or through a third-party (e.g., mutual friends). Schools should explicitly state the consequences for breaking a no-contact order (and, if there are none, schools should make this clear so that victims/survivors can seek other protective measures) (Campus Dating Violence Policy Guide, 2015).
- 4) While we recognize that not all institutions can guarantee this, we recommend that they make clear that victims/survivors will suffer no academic penalties for missing class to secure a civil protection order or other forms of assistance and support. Additionally, school administrators should assist victims/survivors with academics (including extensions on assignments, papers, and exams) and additional academic support services (Campus Dating Violence Policy Guide, 2015).
- 5) Schools should ensure victims/survivors can access services 24/7 and should provide *free* transportation to a local hospital (e.g., for a forensic evidence exam), court (e.g., to obtain a civil protection order/restraining order), and counseling (e.g., if your school does not provide adequate counseling services for IPV, stalking, and sexual violence survivors on campus) (Campus Dating Violence Policy Guide, 2015).
- 6) Provide victims/survivors of IPV, stalking, and sexual violence with assistance and support, if requested, to ensure that they can remain students at the College/University, meet academic standards, obtain necessary health/mental health treatment, and maintain social relationships.
- 7) Assistance and support should include, but not be limited to, the following:
 1. Academic support and tutoring
 2. Change in academic schedule
 3. Change in course load, including reduced course load or alternative assignments
 4. Excused class absence for treatment, hospitalization, and medical or mental health care
 5. Retrospective withdrawal from classes
 6. Immediate withdrawal from a class

7. Offer victim/survivor option for independent study
8. Leave of absence from the institution
9. Referral to health services
10. Victim/survivor advocate services
11. Arranging dining schedules
12. Arranging study area schedules
13. Security escorts
14. Housing assistance
15. Change in on-campus work schedule
16. Access to community resources
17. Provision of resources for medical and/or psychological support
18. Imposition of interim suspension for the alleged perpetrator
19. Limiting an alleged perpetrator's access to engage in activities
20. Any other reasonable safe forms of assistance and support as requested by victim/survivor to aid them in feeling safe and supported

IX. Sanctions

Identify possible sanctions that the College/University may impose following a final determination of institutional disciplinary proceeding regarding IPV, stalking, and sexual violence. Appropriate sanctions for IPV, stalking, and sexual violence offenses include, but are not limited to the following (Intimate Partner Violence Policies on Campus, 2014):

1. **Changes in Academic Schedule:** Requiring the responding party to make changes in class schedule to ensure that no classes are shared with the victim(s)/survivor(s).
2. **Community Restitution:** Requiring the responding party to perform a certain number of service hours either on-campus or in the community. It is not appropriate to send them to an office that regularly works with victim/survivors such as a counseling center, women's center, student health or DV/SA office.
3. **Educational Intervention:** Requiring the responding party to participate in online and/or physical classes addressing issues such as IPV, stalking, and sexual violence. This may include facilitating a program, creating educational posters regarding institutional policies and student conduct, and writing a paper.
4. **Expulsion:** A permanent separation from the institution that involves denial of all student privileges, including entrance to the institution premises and matriculation.
5. **Probation:** A status that indicates either serious misconduct not warranting expulsion, suspension, or removal of institutional privileges, or repetition of misconduct after a warning has been imposed.
6. **Referral for Assessment or Counseling:** Requiring the responding party to meet with a staff member of the Health/Counseling Center to have an assessment of their mental health and lifestyle choices. The Health/Counseling Center may also recommend further evaluation and participation in counseling services. May be on or off campus health/counseling center.
7. **Removal of College Privileges:** Restrictions on the responding party's access to certain locations, functions, organizations, teams, and/or activities; does not preclude the student from continuing their academic program.

8. **Removal or Non-Renewal of Scholarships:** Institution-administered scholarships are not awarded or are not renewed to students that have violated the student code of conduct.
9. **Residential Reassignment:** Removes the responding party from current residence and reassigns to a new room. Specific restrictions on access to one’s previous residence may be imposed.
10. **Restitution/Fines:** The responding party may be fined for violations of the policies and procedures outlined by the institutions. The individual may be required to make a payment to the institution and/or another person or group for damages incurred as a result of the violation.
11. **Suspension:** A temporary separation from the institution that involves denial of all student privileges, including entrance to campus premises, and may include conditions for reinstatement, such as successful completion of a counseling or treatment program. A warning of actual suspension may be imposed if counseling or treatment is not successfully completed.
12. **Termination of Residency:** Loss of on-campus housing, without refund, and/or dining privileges, permanently or for a specified period of time.
13. **Transcript Entry:** May be implemented on its own or in combination with another sanction. The entry will indicate that a student was found responsible for IPV, stalking, and/or sexual violence. Expulsions and suspensions are also permanently recorded on a student’s transcript.
14. **Withholding of Degree:** The institution maintains the right to withhold the awarding of a degree otherwise earned until the completion of any imposed sanctions.

Mediation should never be an option. Mediation is a negotiated resolution between two parties, therefore, placing an alleged perpetrator and victim/survivor in the same space to address the abuse. This can put the victim/survivor at risk for future abuse. Additionally, the institution must be a part of the resolution in order to ensure safety mechanisms are in place for the victim and for the campus. Victims/survivors are likely to not share any abuse, or significantly minimize the abuse out of fear of retaliation from the perpetrator. Mediation may also imply that both parties are responsible for the abuse, when in fact only the perpetrator is responsible for their behavior.

XI. Resources

Provide, in writing, a list of names, addresses, and phone numbers of on-campus and off-campus community resources available for students regarding IPV, stalking, and sexual violence:

- Athletics
- Campus advocate
- Campus and community-based culturally-specific resources
- Campus law enforcement
- Campus response team
- Civil Clerk’s Office
- Community counseling services
- Community SV and DV centers
- DCCADV
- DC Rape Crisis Center
- Dean of Students
- Director of Residential Life
- Disability Services
- DC Office of the Attorney General (include whether they have a specialized DV/SV unit)
- LGBTQI+ Center
- Local DC Domestic Violence Center/shelter where applicable

- Local hospital
- Local Legal Aid Office
- Local police departments (include whether they have a specialized DV/SV unit)
- Magistrate's Office
- Off campus medical care
- Office of Civil Rights (OCR)
- On-campus counseling
- On-campus medical care
- SANE Program
- Sheriff's department (include whether they have a specialized DV/SV unit)
- Title IX Coordinator

XII. Include DC Laws & Other College/University Policies

DC laws must be included in your IPV, stalking, and sexual violence policies. See Appendix C for the full statutory language.

As you develop and update your policies, it is crucial that you:

1. Include guidance about which other policies may be relevant;
2. Indicate how a situation would be determined, and who would determine if it falls under multiple policies (e.g. stalking and Alcohol and Drug policy). Include whether one policy trumps or takes precedence over the other.
3. Update policies that may need to change as a result of updating your IPV/Stalking/Sexual Violence Policy.

Examples of related/conflicting policies may include:

- Acts of Harm policy
- Alcohol/drug policy
- Amnesty policy
- Community living standards or housing rules/contract
- Discrimination and harassment
- Honor code/conduct code
- Minors on campus
- Relationship policy between supervisors/professors and students/employees
- Responsible Action/Good Samaritan policy
- Sexual harassment
- Threat assessment policy

XIII. References

All pertinent District of Columbia statutes on domestic violence, stalking, and sexual violence offenses can be found at: <https://beta.code.dccouncil.us/dc/council/code/>. The D.C. Code often uses the terms "intrafamily offense" or "intimate partner violence" to refer to domestic violence; and "sexual abuse" to refer to sexual violence.

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College and University Domestic Violence, Dating Violence, Stalking and Sexual Violence Prevention and Response Model Policy Template

Adapted by the DC Coalition Against Domestic Violence



May 2017

Table of Contents

Overview.....	2
Authors	2
Edited and Adapted By	2
Acknowledgements	2
Introduction	5
Guidance and Template Language	6
Best Practices for Creating College and University Policies & Procedures	7
I. Welcome Statement & Scope of Problem.....	7
II. Identify the Required Elements for College/University IPV, Stalking, and Sexual Violence Prevention Programs and Policies.....	10
Provide Prevention Education Programs.....	10
Address Victims’/Survivors’ Rights.....	12
Retaliation statement	12
Appeals.....	13
Outline Institutional Statistical Reporting Requirements.....	14
Specify Conduct Proceedings.....	15
Publish an Annual Security Report	16
III. Additional Recommendations Not Required by Law	16
Amnesty Policy	16
Responsible Action (Good Samaritan) Policy.....	17
Additional Recommendations by DCCADV	17
Parent/Guardian Notification Statement.....	17
Eliminate Financial Burden.....	17
Safety warning	18
Provide information online	18
Safety Plan (See Appendix A for a model safety plan).....	18
Policy dissemination, updates, and feedback	18
Reporting options	18
Character Witnesses	19

College/University & Community Resource Team.....	19
IV. Include a Summary of Current Relevant Federal Legislation	20
V. Provide a Definition of Terms	22
1. Domestic Violence	22
2. Dating Violence	22
3. Sexual Violence.....	23
4. Stalking.....	23
5. Consent	23
Additional Considerations.....	25
VI. Confidentiality and Reporting Procedures.....	26
Confidentiality Considerations.....	26
Responsible Employees	27
Private and Confidential Employees	27
Reporting Options	29
1) Anonymous.....	29
2) Confidential	29
3) Formal	29
4) Non-confidential	29
5) Quasi-confidential.....	29
6) Third-party.....	29
Reporting Considerations	29
VII. Victim/Survivor Rights.....	32
VIII. Assistance and Support	32
IX. Sanctions	34
XI. Resources	35
XII. Include DC Laws & Other College/University Policies	36
XIII. References.....	37
I. Welcome Statement*	46
II. Definitions	48
III. Confidentiality and Reporting Procedures.....	51

Reporting On-Campus	52
Options for Disclosing and/or Reporting On-Campus	54
A. Privileged and Confidential Disclosures	55
B. Reporting to “Responsible Employees”	56
C. Miscellaneous	58
Requesting Confidentiality from [YOUR INSTITUTION]	58
Important Exceptions to Confidentiality	59
IV. Pursuing Criminal Action	62
V. Pursuing Civil Action	63
VI. Assistance and Support	65
VII. Disciplinary Procedures	67
Getting Started	67
Evidence Collection	67
Time Frame	68
Federal Guidance	68
Mediation of IPV, Stalking, and Sexual Violence Incidents	69
Investigation of IPV, Stalking, and Sexual Violence Incidents	69
Notification Process	72
Appeals	72
VIII. Sanctions	73
IX. Perceived Discrimination by [YOUR INSTITUTION]	74
X. Resources	75
On-campus Resources:	75
District of Columbia Resources:	75
National Resources	78
XI. Related College/University Policies	79
XII. Related District of Columbia Statutes	80
Select District of Columbia Criminal Statutes Related to IPV, Stalking, and Sexual violence	80
Arrest	80
Assault	80

Damage to Property.....	80
Threats	80
Trespass/Unlawful Entry	80
Stalking-Related Offenses	80
Rape and Sex Offenses	80
Miscellaneous.....	81
Select District of Columbia Civil Statutes Related to IPV, Stalking, and Sexual Violence	81
Civil Protection Orders	81
Confidential Communications/Privileges	81
Crime Victims' Rights/Compensation	81
Employment	81
Housing.....	81
XIII. References.....	82
APPENDIX A	84
APPENDIX B	91
APPENDIX C	94
D.C Criminal Statutes Related to IPV, Stalking, and Sexual Violence.....	94
Arrests.....	94
Assault.....	94
Damage to Property.....	94
Threats	94
Trespass/Unlawful Entry	94
Stalking-Related Offenses	94
Rape and Sex Offenses	94
Miscellaneous.....	94
APPENDIX D.....	95

College and University Domestic Violence, Dating Violence, Stalking, and Sexual Violence Prevention and Response Model Policy for Students

I. Welcome Statement*

[YOUR INSTITUTION] believes that every person has the basic human right to live free from violence and [YOUR INSTITUTION] is determined to provide a campus environment free of violence for all members of the campus community. For this reason, [YOUR INSTITUTION] does not tolerate domestic violence, dating violence, stalking, or sexual violence and will pursue the student-perpetrators of such acts to the fullest extent possible. [YOUR INSTITUTION] is committed to supporting victims/survivors of domestic violence, dating violence, stalking, and sexual violence through the appropriate provision of safety and support services. This policy applies to all students of the [YOUR INSTITUTION] community, regardless of race, color, national origin, sex, disability, ethnicity, religion, gender identity, gender expression, sexual orientation, age, education, or socio-economic status.

Domestic violence, dating violence, stalking and sexual violence are crimes in the District of Columbia and are subject to criminal prosecution. Students perpetrating such acts will be subject to disciplinary action through [YOUR INSTITUTION] Office of [Appropriate Division Office]. This can include expulsion from [YOUR INSTITUTION] and/or criminal prosecution simultaneously.

Domestic violence, dating violence, stalking and sexual violence, occur at alarming rates on the nation's college campuses. Domestic violence, dating violence, stalking and sexual violence are committed against individuals of all gender identities, races/ethnicities, religions, ages, abilities, sexual orientations, and classes. Often every aspect of a victim's/survivor's life is affected. Domestic violence, dating violence, stalking, and sexual violence are a pandemic and require an immediate and ongoing response from [YOUR INSTITUTION]:

Dating and Domestic Violence

- 43% of dating college women report experiencing some violent and abusive dating behaviors including physical, sexual, tech, verbal or controlling abuse.¹⁷
- Nearly one third of college students reported having physically assaulted a dating partner in the previous 12 months.¹⁸

¹⁷Knowledge Networks for Liz Claiborne, Inc. (2011). 2011 College Dating Violence and Abuse

¹⁸Knowledge Networks for Liz Claiborne, Inc. (2011). 2011 College Dating Violence and Abuse

- 1 in 5 college women (22%) report physical abuse, sexual abuse, or threats of physical violence.¹⁹ The same study also revealed that more than half of college students surveyed (57%) said that it's difficult to identify dating abuse and 58% said that they don't know what to do to help someone who is a victim of dating abuse.
- College-age women experience the highest rate of nonfatal intimate partner violence.²⁰
- More than 40% of LGBTQ+ college students (lesbian, gay, bisexual, transgender, queer, questioning and other non-heterosexual identities) report that they have experienced intimate partner violence in their current relationships, a rate that generally aligns with the rate of violence among heterosexual couples.²¹

Sexual Violence

- In a study of undergraduate women, 19% experienced attempted or completed sexual assault since entering college.²²
- Among college students who were sexually assaulted, 35% of attempted rapes occurred on dates, 22% of threatened rapes occurred on dates, and 12% of completed rapes occurred on dates.²³
- 3.5% of undergraduate women reported experiencing rape or attempted rape during a 6–7-month academic year.²⁴
- 6.4% of college-aged men perpetrate rape.²⁵
- 90% of campus rapes are committed by repeat offenders.²⁶

Stalking

- College women experience the highest rates of stalking at 13%, and of those stalked, 42% were stalked by a boyfriend or ex-boyfriend.²⁷

In addition to our commitment to support victims/survivors and hold perpetrators accountable when acts of domestic violence, dating violence, or stalking occur, [YOUR INSTITUTION] is dedicated to creating a violence-free culture through prevention, education, and awareness programming.

¹⁹Knowledge Networks for Liz Claiborne, Inc. (2011). 2011 College Dating Violence and Abuse

²⁰ Catalano, S. (2007). Intimate Partner Violence in the United States. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

²¹ Edwards, K, Sylaska, K Intimate partner violence among LGBTQ+ college students. The Carsey School of Public Policy at the Scholar's Repository. Paper 210.

²² Krebs CP, Linqvist CH, Warner TD, Fisher BS, Martin SL (2009). College women's experiences with physically forced, alcohol- or other drug-enabled, and drug-facilitated sexual assault before and since entering college.

²³ Fisher, B, Cullen, F, Turner, M. The sexual victimization of college women. Research Report, US Department of Justice, Office of Justice Programs, National Institute of Justice; 2000:1-51.

²⁴ Fisher, B, Cullen, F, Turner, M. The sexual victimization of college women. Research Report, US Department of Justice, Office of Justice Programs, National Institute of Justice; 2000:1-51.

²⁵ Lisak D, Miller, P (2002). Repeat Rape and Multiple Offending Among Undetected Rapists. Violence and Victims.

²⁶ Lisak D, Miller, P (2002). Repeat Rape and Multiple Offending Among Undetected Rapists. Violence and Victims.

²⁷ Fisher, B, Cullen, F, Turner, M. The sexual victimization of college women. Research Report, US Department of Justice, Office of Justice Programs, National Institute of Justice; 2000:1-51.

*As a reminder, this policy is strictly for students. If the alleged perpetrator is an employee or visitor of the institution, please see [YOUR RELEVANT UNIVERSITY POLICIES HERE].

II. Definitions

[YOUR INSTITUTION] is committed to ensuring that every student understands the terms used in this policy so that the expectations regarding student conduct while enrolled at [YOUR INSTITUTION] are clear. If any of the definitions provided below are unclear to a student, it is their responsibility to seek guidance from [YOUR INSTITUTION]'s Office of [Appropriate Division Office]. The following definitions apply to [YOUR INSTITUTION]'s response policy on dating violence, domestic violence, stalking, and sexual violence. (For further guidance on required definitions, see guidance document page 22):

1. **Abusive behavior:** Intimate partner violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.²⁸ Additionally, it may include a single act or an ongoing pattern of behavior.
2. **Alleged Perpetrator:** An individual who the victim/survivor identifies as having perpetrated domestic violence, dating violence, stalking, or sexual violence.
3. **Coercion:** Unlike seduction, coercion involves an unreasonable amount of pressure to engage in sexual activity. Engaging in sexual activity must be freely given. Persons should engage in sexual activity because they want to do so, and not because someone has pressured them into it. Threatening, manipulating, cajoling, and pressuring someone until they finally say "Okay, just get it over with" does not mean an individual has obtained consent.²⁹ Assessing a circumstance suggesting coercion should incorporate a review of the elements of isolation, duration, frequency, and intensity.
4. **Consent:** Consent "must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious."³⁰

²⁸ United States Department of Justice, Office on Violence Against Women (2014). Domestic Violence Definitions

²⁹ Guidance for Creating a Campus Sexual Misconduct Prevention and Intervention Policy, North Carolina Sexual Violence Prevention Team (2013).

³⁰ White House Task Force to Protect Students from Sexual Assault. (2014) Sample Language and Definitions of Prohibited Conduct for a School's Sexual Misconduct Policy.

5. **Cultural Abuse:** Abusive language or actions based on the victim's/survivor's culture, background, beliefs or values.
6. **Dating violence:** A pattern of abusive behavior by an individual against a person whom they are or have been involved in a sexual or dating relationship with, and that is used by one partner to gain or maintain power and control over another intimate partner.*
7. **Domestic violence:** A pattern of abusive behavior by an individual against a person whom they are or have been married to, are or have lived together as if married, or share a child in common that is used by one partner to gain or maintain power and control over the other intimate partner.*

*When a victim/survivor reports that they have been the victim/survivor of domestic violence, dating violence, stalking, or sexual violence as defined in [YOUR INSTITUTION]'s policies, [YOUR INSTITUTION] will err on the side of assuming that a personal relationship qualifies as dating violence or domestic violence if the victim/survivor characterizes their relationship with the alleged perpetrator as an intimate partner relationship.

8. **Economic abuse:** Withholding economic resources to control, intimidate, threaten, or cause the victim/survivor to remain in a relationship because of lack of access to finances. Examples include, but are not limited to, forbidding the victim/survivor to work or attend school, sabotaging employment opportunities, jeopardizing employment by stalking or harassing, or withholding money.³¹
9. **Emotional/Psychological abuse:** Any behavior, verbal or non-verbal, that the alleged perpetrator does to control the victim/survivor and/or damage the victim's/survivor's emotional well-being. Examples include, but are not limited to, name-calling and mocking, yelling, making humiliating remarks, placing little value on what the victim/survivor says, and monitoring phone calls, texts, car, or computer use.³²
10. **Forced substance use or abuse:** An individual who forces the victim/survivor, through threats and/or violence, to use and in some cases, abuse alcohol and other drugs.
11. **Intimate partner violence (IPV):** An umbrella term, which encompasses both domestic violence and dating violence. This term will be used throughout [YOUR INSTITUTION]'s policy to include acts that constitute either domestic violence or dating violence.
12. **Intimidation:** Intentional behavior that would cause a reasonable person in a similar circumstance to feel fear of injury or harm. It is not necessary to prove that the behavior was so violent as to cause terror or that the victim/survivor was actually frightened. Examples include, but are not limited to, breaking items, throwing things, and hurting animals.

³¹ Connecticut Coalition Against Domestic Violence & Connecticut Injury Prevention Center (2014). Intimate Partner Violence Policies on Campus: Best Practices for College Campuses in Connecticut.

³² Connecticut Coalition Against Domestic Violence & Connecticut Injury Prevention Center (2014). Intimate Partner Violence Policies on Campus: Best Practices for College Campuses in Connecticut.

13. **Isolation:** A behavior by a perpetrator that forces the victim/survivor to be or remain alone or apart from others. Examples include: keeping the victim/survivor away from friends and family, monitoring and/or limiting phone calls, texts, emails, social media or other forms of communication, monitoring interactions and activities throughout the day, not allowing participation in activities or hobbies, and using jealousy as an excuse for all of these behaviors.
14. **Minimizing, blame, and denial of abuse:** A common behavior exerted by perpetrators to deflect responsibility.
15. **Physical Violence:** The intentional use of physical force with the potential for causing death, disability, injury, or harm. It does not have to result in harm.
16. **Removing access to medication or assistive devices:** This occurs when an individual removes a victim's/survivor's access to necessary medication or assistive devices such as a wheel chair, glasses, insulin, etc. This is often done to exert control over the victim/survivor, in which only the perpetrator has the power to help and they are therefore dependent on them.
17. **Reporting Party:** An individual who files a report with [YOUR INSTITUTION] informing [YOUR INSTITUTION] that an individual has been the subject of prohibited conduct covered under the Policy.
18. **Reproductive Coercion:** Behavior where there are explicit attempts to impregnate a partner against her will, control outcomes of a pregnancy, coerce a woman to have unprotected sex, and interfere with birth control methods.³³
19. **Responding party:** An individual about whom a report of IPV, stalking, or sexual violence is filed under [YOUR INSTITUTION]'s grievance procedures.
20. **Sexual violence:** According to the Centers for Disease Control and Prevention, sexual violence is defined as “a sexual act that is committed or attempted by another person without freely given consent of the victim or against someone who is unable to consent or refuse. It includes: forced or alcohol/drug facilitated penetration of a victim; forced or alcohol/drug facilitated incidents in which the victim was made to penetrate a perpetrator or someone else; non-physically pressured unwanted penetration; intentional sexual touching; or non-contact acts of a sexual nature. Sexual violence can also occur when a perpetrator forces or coerces a victim to engage in sexual acts with a third party. ³⁴ See [YOUR INSTITUTION]'s definition of sexual violence in the [YOUR INSTITUTION'S SEXUAL MISCONDUCT POLICY NAME].
21. **Stalking:** Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear. This includes unwanted attention; physical, verbal, or electronic contact; Course of conduct is defined as a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct.³⁵

³³ Reproductive and sexual coercion. Committee Opinion No. 554. American College of Obstetricians and Gynecologists. *Obstet Gynecol* 2013;121:411–5.

³⁴ Basile KC, Smith SG, Breiding MJ, Black MC, Mahendra RR. *Sexual Violence Surveillance: Uniform Definitions and Recommended Data Elements, Version 2.0*. Atlanta (GA): National Center for Injury Prevention and Control, Centers for Disease Control and Prevention; 2014.

³⁵ National Center for Victims of Crime (2011). *Model Campus Stalking Policy*.

22. **Technological abuse/Digital abuse:** The use of technology to control, harass, intimidate, threaten, or stalk another person. Examples include, but are not limited to, hacking or logging into a victim's/survivor's email or other accounts without permission, demanding passwords, installing tracking devices on or checking a victim's/survivor's cell phone, manipulation through social media, cyber bullying, violation of information privacy, sharing or threatening to share private or embarrassing pictures or videos of them, and sending insulting or threatening emails or messages.³⁶
23. **Threats:** The use of words, gestures, or weapons to communicate the intent to cause death, disability, injury, or physical or mental harm. Examples of threats include, but are not limited to, suicidal threats, threats of physical or sexual violence, threats to report the victim/survivor for misconduct or destroy their reputation and social connections, threats to family and friends, coercion under threats to make the victim/survivor do things they normally would not and use those activities as further threats; outing or threat of outing LGBTQI-identified people; threat of revealing immigration status, mental or physical disabilities, etc.; a final example includes International students. Perpetrators may threaten their partners by telling them they will be sent back to their country of origin if they report acts of violence against them, and international student victims/survivors may fear retaliation from their abusive partner, who may falsely accuse them of abuse and therefore potentially send them back to their country of origin.
24. **Use of privilege:** When a perpetrator uses their privilege such as white, male, employed, out status, etc. to exert power and control over the victim/survivor.

III. Confidentiality and Reporting Procedures

[YOUR INSTITUTION] believes that supporting victims/survivors of IPV, stalking, or sexual violence is the single most important step for a victim's/survivor's healing process. [YOUR INSTITUTION] understands that when a student has been a victim/survivor of IPV, stalking, or sexual violence, that confidentiality and privacy is often a top concern of the victim/survivor. [YOUR INSTITUTION] is committed to providing victims/survivors with complete, detailed information about their options for obtaining support services and controlling whether the information they share is disclosed, to whom, and for what purposes. [YOUR INSTITUTION] encourages victims/survivors to talk to someone about their victimization so that they can get the support they need and [YOUR INSTITUTION] can respond appropriately. However, [YOUR INSTITUTION] believes that victims/survivors are best served by giving them as much control over the process as is legally allowed, including whether to disclose or report the victimization at all. Therefore, the following sections clearly outline a victim's/survivor's options for disclosing or reporting and explain in detail to whom a victim/survivor can share this information confidentially, and the limits of confidentiality so that victims/survivors can make informed decisions on whether and with whom to share this information.

³⁶ Connecticut Coalition Against Domestic Violence & Connecticut Injury Prevention Center (2014). Intimate Partner Violence Policies on Campus: Best Practices for College Campuses in Connecticut.

Reporting On-Campus

[YOUR INSTITUTION] wants all victims/survivors to know that [YOUR INSTITUTION] takes reports of IPV, stalking, and sexual violence very seriously and will investigate every reported case to the fullest extent. Every student is supported by [YOUR INSTITUTION]'s policy against IPV, stalking, and sexual violence, regardless of race, color, national origin, sex, disability, ethnicity, religion, gender identity, gender expression, sexual orientation, age, education, or socio-economic status. Specifically, [YOUR INSTITUTION] recognizes that IPV, stalking, and sexual violence occur at similar rates in same-sex intimate relationships as in different-sex intimate relationships. [YOUR INSTITUTION] will investigate incidents of IPV, stalking, and sexual violence in same-sex relationships regardless of whether the District of Columbia or Federal Laws recognize violence within same-sex relationships as "domestic violence" or "dating violence."

A report of IPV, stalking, or sexual violence can be made by any person with knowledge of the incident(s). This includes the victim/survivor, a witness, or any other third-party who may have information about an incident(s) of IPV, stalking, or sexual violence.

Persons who have been the victim/survivor of IPV, stalking, or sexual violence not only have the option to report the incident(s) to [YOUR INSTITUTION] staff and advocates but can also choose to report the incident(s) to [CAMPUS POLICE/PUBLIC SAFETY], and/or seek assistance from off-campus resources or report to off-campus police. Victims/survivors have the choice to report to both on and off-campus resources, to just one, or to neither. There is a comprehensive list of off-campus reporting options and resources in the "Resources" section of this policy on page 75.

INSERT YOUR COLLEGE/UNIVERSITY PROCEDURE FOR REPORTING IPV, STALKING, AND SEXUAL VIOLENCE HERE. SEE DCCADV'S GUIDANCE DOCUMENT (PAGE 29) FOR DETAILS ON WHAT SHOULD BE INCLUDED IN CAMPUS PROCEDURES FOR FORMAL AND INFORMAL REPORTS, CONFIDENTIAL, QUASI-CONFIDENTIAL and NON-CONFIDENTIAL REPORTS, THIRD-PARTY REPORTS, AND ANONYMOUS REPORTING. BE SURE TO CLEARLY EXPLAIN YOUR INSTITUTION'S STEP-BY-STEP PROCESS AND POSSIBLE OUTCOMES FOR INFORMAL AND OTHER REPORTS. AN OUTLINE FOR DISCIPLINARY PROCEDURES FOLLOWING A FORMAL REPORT IS INCLUDED IN A SUBSEQUENT SECTION ON PAGE 68].

[YOUR INSTITUTION] encourages victims/survivors of IPV, stalking, and sexual violence to consider preserving any evidence of the incident(s). Even if the victim/survivor does not want to report the incident(s) to either campus or local law enforcement authorities, the victim/survivor should consider keeping any evidence in case they decide to pursue a report at a later time. Evidence of incident(s) could include, but is not limited to: pictures of injuries or damaged property; medical reports; phone records; copies of electronic communications such as text messages, emails, social media posts and messages; voicemails, etc.

[YOUR INSTITUTION] wants to hold perpetrators of IPV, stalking, and sexual violence accountable and make [YOUR INSTITUTION] safer. Therefore, [YOUR INSTITUTION] encourages reporting of all incidents of IPV, stalking, and sexual violence to a [YOUR INSTITUTION] authority. [YOUR INSTITUTION] recognizes that whether or not to make a report is a personal decision and one that might change over time. [YOUR INSTITUTION] offers services to victims/survivors even if they choose not to formally report the incident(s). (See Assistance and Support section below). Advocates and/or [INSERT APPROPRIATE OFFICE HERE] are available to inform victims/survivors and third parties of the reporting procedures and offer appropriate referrals. Victims/survivors of IPV, stalking, and sexual violence choosing to pursue the reporting process have the right to assistance or consultation of an advocate and have the same rights that the responding party has during the process.

Further, while [YOUR INSTITUTION] does not condone underage drinking or illegal use of controlled substances, [YOUR INSTITUTION] considers the reporting of IPV, stalking, and sexual violence to be of paramount importance and want victims/survivors to come forward without fear of sanctions against them for violations of alcohol and drug college/university policies or other policies. Therefore, [YOUR INSTITUTION] will extend limited immunity from punitive sanctioning for underage drinking or illegal use of controlled substances to victims/survivors, witnesses, and those reporting incident(s) and/or assisting the victims/survivors of IPV, stalking, and sexual violence.

[YOUR INSTITUTION] will remain ever mindful of the victim's/survivor's well-being, will work with the victim/survivor to create a safety plan and will take ongoing steps to protect the victim/survivor and anyone else participating in the investigation and disciplinary process from retaliation or harm. Complicity in violations of [YOUR INSTITUTION]'s IPV, stalking, and sexual violence policy and retaliation against the victim/survivor, witness or other third-party involved in the investigation and disciplinary process whether by students or [YOUR INSTITUTION] employees, will not be tolerated. [YOUR INSTITUTION] defines and "retaliation" as the following:

- **Retaliation:** Intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's informal or formal complaint or participation in a school or Office for Civil Rights (OCR) investigation or proceedings related to IPV, stalking, sexual violence or other civil rights concerns. Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws.³⁷ The prohibition against retaliation means that if a student, parent, teacher, professor, coach, or other individual complains formally or informally to a school about a potential civil rights violation, such as failure to address IPV, stalking, or sexual violence, or participates in an OCR or school investigation or proceeding, the school is prohibited from retaliating against the individual because of their complaint or participation. These protections should also be extended to victims/survivors who do not make a report or complaint but do

³⁷ United States Government (2016). U.S. Department of Education: Office on Civil Rights Website.

request assistance and support as a result of the IPV, stalking, or sexual violence that they have suffered.

[YOUR INSTITUTION] recognizes that IPV, stalking, and sexual violence are acts that are often cloaked in silence. Therefore, any act that constitutes retaliation, the attempt to silence someone who has been brave enough to come forward and report IPV, stalking, or sexual violence would be considered a violation of the student code of conduct and if found in violation will be met with strong responsive disciplinary action including the possibility of expulsion.

[YOUR INSTITUTION]'s Title IX Coordinator's core responsibilities include overseeing the school's response to sexual violence, including IPV and stalking reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints.³⁸ [INSERT CONTACT INFORMATION FOR TITLE IX COORDINATOR].

Because IPV, stalking, and sexual violence may constitute both a violation of [YOUR INSTITUTION]'s policy and criminal activity, and because [YOUR INSTITUTION]'s disciplinary system is not a substitute for criminal or civil action, [YOUR INSTITUTION] encourages students to report incident(s) of IPV, stalking, and sexual violence to an accredited law enforcement agency as soon as practicable, including [YOUR INSTITUTION'S CAMPUS LAW ENFORCEMENT, IF ACCURATE]. However, although [YOUR INSTITUTION] encourages reporting of all incidents of IPV, stalking, and sexual violence to law enforcement authorities, [YOUR INSTITUTION] respects that whether or not to report to law enforcement is the victim's/survivor's decision. [YOUR INSTITUTION] will not use the victim's/survivor's decision whether or not to report to law enforcement in any way in investigating and evaluating the reported incident(s) or in determining appropriate disciplinary action against an alleged perpetrator.

Finally, [YOUR INSTITUTION] provides the below information about *options* available to students. [YOUR INSTITUTION] is **NOT advising** students about which action(s) to take, whether they will be successful, or whether any particular legal or institutional action is in the student's best interest. This information is intended solely to provide a victim/survivor with as much information as possible so that they can make the best decision for themselves.

Options for Disclosing and/or Reporting On-Campus

All employees at the college/university have the responsibility to maintain the privacy of a victim/survivor, but different employees have varying abilities to maintain a victim's/survivor's confidentiality³⁹:

³⁸ Questions and Answers on Title IX and Sexual Violence (2014). US Department of Education.

³⁹ White House Task Force to Protect Students from Sexual Assault. (2014). Sample Language for Reporting and Confidentially Disclosing Sexual Violence

1. Some are required to maintain near complete confidentiality⁴⁰; talking to them may be called a “privileged communication.”
2. Other employees may talk to a victim/survivor in confidence, and generally only report to [YOUR INSTITUTION] that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not activate a [YOUR INSTITUTION] investigation⁴¹ into an incident against the victim’s/survivor’s wishes. We would identify these contacts as “private.”
3. Some employees are required to report all the details of an incident, including the identities of both the victim/survivor and alleged perpetrator, to the Title IX Coordinator. A report to these employees (called “responsible employees”) constitutes a report to [YOUR INSTITUTION] – and generally obligates [YOUR INSTITUTION] to engage in a preliminary investigation in order to determine what happened and the level of risk to the victim/survivor and/or the larger community(s) and take appropriate steps to address the situation. In all cases the victim/survivor will never be required to participate further in the investigation against their wishes.

These three categories of college/university employees are described in more detail below, including [YOUR INSTITUTION]- specific resources.

A. Privileged and Confidential Disclosures

Professional and Pastoral Counselors:

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) shall not report any information about an incident to the Title IX coordinator without a victim’s/survivor’s permission.

Following is the contact information for these individuals:

[INSERT LIST]

Non-Professional Counselors and Advocates (“Private Reporters”)

Individuals who work or volunteer in the on-campus [LIST THE OFFICES THAT PERTAIN TO YOUR SCHOOL: DOMESTIC VIOLENCE AND/OR SEXUAL VIOLENCE CENTER, VICTIM/SURVIVORS ADVOCACY OFFICE, WOMEN’S CENTER, HEALTH CENTER, ETC.], including front desk staff and students, can generally talk to a victim/survivor without revealing any personally identifying

⁴⁰ There are always exceptions to confidentiality, particularly if there is risk of serious harm to self or others.

⁴¹ There are always exceptions to confidentiality, particularly if there is risk of serious harm to self or others.

information about an incident to [YOUR INSTITUTION]. A victim/survivor can disclose to and seek assistance and support from these individuals without⁴² activating a college investigation that could reveal the victim's/survivor's identity or that the victim/survivor has disclosed the incident(s).⁴³

While maintaining a victim's/survivor's confidentiality, these individuals or their office will report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes NO information that would directly or indirectly identify the victim/survivor – helps keep the Title IX Coordinator informed of the general extent and nature of IPV, stalking, and sexual violence on and off-campus, so the Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim/survivor to ensure that no personally identifying details are shared with the Title IX Coordinator.

Following is contact information for [YOUR INSTITUTION]'s non-professional counselors and advocates:

[INSERT LIST]

A victim/survivor who discloses to a Campus Professional or Non-Professional Counselor or Advocate should understand that if the victim/survivor wants to maintain confidentiality, [YOUR INSTITUTION] will be unable to conduct an investigation into the particular incident(s) or pursue disciplinary action against the alleged perpetrator. A victim/survivor who at first requests confidentiality may later decide to file a report with the school and/or with campus/local law enforcement, and thus have the incident(s) fully investigated. Regardless of whether the victim/survivor wishes to keep the report confidential or chooses not to participate in a full investigation, [YOUR INSTITUTION]'s counselors and advocates will provide the victim/survivor with assistance in receiving other necessary protection and support, such as victim/survivor advocacy, academic support or assistance, disability, health or mental health services, and changes to living, working, or course schedules.

B. Reporting to “Responsible Employees”

A “responsible employee” is a [YOUR INSTITUTION] employee who⁴⁴:

1. Has the authority to redress IPV, stalking, and sexual violence
2. Has the duty to report incident(s) of IPV, stalking and sexual violence or other student misconduct, or

⁴² There are always exceptions to confidentiality, particularly if there is risk of serious harm to self or others.

⁴³ This is true unless there are issues of threats, violence, harm to self or others, weapons, or patterns of behavior. In these cases, the institution is still responsible for taking reasonable action to stop and prevent reoccurrence.

⁴⁴ Campus SaVE Act (2013).

3. A student could reasonably believe has this authority or duty

When a victim/survivor reports to a “responsible employee” about an incident of IPV, stalking, or sexual violence the victim/survivor has the right to expect [YOUR INSTITUTION] to take immediate and appropriate steps to investigate the incident(s) and to resolve the matter promptly and equitably.

A “responsible employee” must report to the Title IX Coordinator all relevant details about the alleged IPV, stalking, or sexual violence shared by the victim/survivor and [YOUR INSTITUTION] will need to determine what happened – including the names of the victim/survivor and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident(s).

To the extent possible, information reported to a “responsible employee” will be shared only with people responsible for handling [YOUR INSTITUTION]’s response to the report. A “responsible employee” will not share identifying information with law enforcement without the victim’s/survivor’s consent.

Institutions will vary in how employee titles/positions are utilized; therefore, it is imperative for institutions to thoughtfully review the definition of ‘responsible employee’ in creating a list of which positions have this designation. At minimum, an institution’s responsible employees should include:

- 1) Title IX Coordinator(s)
- 2) Law Enforcement
- 3) University administrators
- 4) Supervisors
- 5) Employees designated as Campus Security Authorities under the Clery Act.

Before a victim/survivor reveals any information to an employee of [YOUR INSTITUTION], the employee is required by [YOUR INSTITUTION] to ensure that the victim/survivor understands the employee’s reporting obligations – and, if the victim/survivor wants to maintain confidentiality, direct the victim/survivor to confidential resources.

If the victim/survivor wants to tell the “responsible employee” about the incident of IPV, stalking or sexual violence but also maintain confidentiality, the employee will inform the victim/survivor that [YOUR INSTITUTION] will consider the request, but cannot guarantee that [YOUR INSTITUTION] will be able to honor it. In reporting the details of the incident(s) to the Title IX Coordinator, the “responsible employee” will also inform the Coordinator of the victim’s/survivor’s request for confidentiality.

It is not the responsibility of “responsible employees” to pressure victims/survivors towards confidential or reporting resources, but instead to listen to what that individual chooses to share with them, provide them with resources, and pass along certain information to the Title IX coordinator. By the same token,

“responsible employees” will not pressure a victim/survivor to make a full report if the victim/survivor does not wish to at the time.

C. Miscellaneous

Public awareness events such as Take Back the Night, the Clothesline Project, candlelight vigils, protests, survivor speak outs, or other forums in which students disclose incident of IPV, stalking, or sexual violence are not considered notice to [YOUR INSTITUTION] for purposes of activating its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the event organizer will provide information about students’ Title IX rights and sources of victim/survivor resources and support at these events.

Requesting Confidentiality from [YOUR INSTITUTION]

If a victim/survivor reports an incident to a “responsible employee” but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the Responsible Employee must report all the information to your Title IX Coordinator or designee. [YOUR INSTITUTION] will review the information to determine if there is a pattern of behavior represented, or if there is evidence of predation, threat or violence and weigh the victim’s/survivor’s request against [YOUR INSTITUTION]’s obligation to provide a safe, non-discriminatory environment for all students, including the victim/survivor.

If [YOUR INSTITUTION] honors the request for confidentiality, [YOUR INSTITUTION]’s ability to meaningfully investigate the incident(s) and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when [YOUR INSTITUTION] may not be able to honor a victim’s/survivor’s request in order to provide a safe, non-discriminatory environment for all students. [YOUR INSTITUTION] has designated the following individual(s) to evaluate requests for confidentiality once a “responsible employee” is on notice of alleged IPV, stalking, or sexual violence:

[INSERT NAME/POSITION]

When weighing a victim’s/survivor’s request for confidentiality or that no investigation or discipline be pursued, [INSERT name/position] will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of IPV, stalking, sexual violence or other violence, such as whether:
 - there have been other IPV, stalking, or sexual violence reports about the same alleged perpetrator;
 - the alleged perpetrator has a history of arrests or records from a prior institution indicating a history of violence;

- the alleged perpetrator threatened further IPV, stalking, sexual violence or other violence against the victim/survivor or others.
- whether the IPV, stalking, or sexual violence was perpetrated with a weapon;
- whether the victim/survivor is a minor;
- whether [YOUR INSTITUTION] possesses other means to obtain relevant evidence of the IPV, stalking, or sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the victim's/survivor's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead [YOUR INSTITUTION] to investigate and, if appropriate, pursue disciplinary action. If none of these factors are present, [YOUR INSTITUTION] will likely respect the victim's/survivor's request for confidentiality.

If [YOUR INSTITUTION] determines that it cannot maintain a victim's/survivor's confidentiality, [YOUR INSTITUTION] will inform the victim/survivor prior to starting an investigation and will only share information with people responsible for handling [YOUR INSTITUTION]'s response.

[YOUR INSTITUTION] will also provide victims/survivors with appropriate remedial action. For a list of options for assistance and support, see page 32.

[YOUR INSTITUTION] will not require a victim/survivor to participate in any investigation or disciplinary proceeding. Because [YOUR INSTITUTION] is under a continuing obligation to address the issue of IPV, stalking, and sexual violence campus-wide, reports of IPV, stalking, and sexual violence (including non-identifying reports) will also prompt [YOUR INSTITUTION] to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported IPV, stalking, or sexual violence occurred; increased education and prevention efforts, including to targeted population groups; conduct climate assessments/victimization surveys; and/or revisit its policies and practices. Regardless of whether [YOUR INSTITUTION] determines that it can respect a victim's/survivor's request for confidentiality, [YOUR INSTITUTION] will also take immediate action as necessary to protect and assist the victim/survivor.

Despite all of the above information, there are certain exceptions to confidentiality. These are outlined in the section below.

Important Exceptions to Confidentiality

When asking someone for assistance, a victim/survivor has every right to begin the conversation by asking the person they are considering disclosing to whether that person will keep their information confidential and under what circumstances the [YOUR INSTITUTION] staff person will have to report the incident(s) to [YOUR INSTITUTION] or agencies outside [YOUR INSTITUTION]. Although [YOUR INSTITUTION] wants to honor a victim's/survivor's desire for confidentiality, there are several legal

circumstances which require [YOUR INSTITUTION] staff to disclose information that a victim/survivor shared. Those circumstances include:

1. DC mandatory reporting laws
2. Court orders mandating disclosure
3. Serious and imminent threats to [YOUR INSTITUTION]'s victim/survivor or to the college/university community
4. Limited circumstances when student is a minor (under the age of 18)
5. Anonymous statistical data about incident(s) of IPV, stalking, and sexual violence which occurred on or near [YOUR INSTITUTION]'s campus
6. Reports made to on-campus or off-campus law enforcement

Each of these circumstances is described below in more detail:

DC Mandatory Reporting Laws

Although these Campus Professional and Non-Professional Counselors and Advocates will maintain a victim's/survivor's confidentiality relating to [YOUR INSTITUTION], they may have reporting or other obligations under DC law. The following are situations under District of Columbia law where Campus Professional and Non-Professional Counselors and Advocates are required to report information despite a victim's/survivor's request not to do so:

1. Duty to report sexual abuse of a child:⁴⁵
 - a. A child is defined as a person who is under the age of 16 years;
 - b. Any person who knows, or has reasonable cause to believe, that a child is a victim of sexual abuse [as defined by section 22-3020(4)] shall immediately report such knowledge or belief to the police.⁴⁶
2. Duty to report child abuse or neglect by a parent, guardian or custodian, or a child injured by a weapon:⁴⁷
 - a. A child is defined as a person under the age of 18 years;⁴⁸
 - b. Certain professionals are required to make a report to police or child protective services when they know or suspect that a child known to them in their professional or official capacity has been or is in immediate danger of being mentally or physically abused or neglected by a parent, guardian or custodian; or when a child has been injured by a bullet or knife;⁴⁹
 - c. Professionals who must make these reports include every physician, psychologist, registered nurse, licensed practical nurse, person involved in the care and treatment of patients, law-enforcement officer, school official, teacher, athletic coach, social

⁴⁵ D.C. Code § 22-3020.51.

⁴⁶ D.C. Code § 22-3020.52.

⁴⁷ D.C. Code § 4-1321.02.

⁴⁸ D.C. Code § 16-2301(3).

⁴⁹ See D.C. Code § 16-2301(9)) for the definition of an abused or neglected child.

service worker, day care worker, human trafficking counselor as defined in § 14-311(2), domestic violence counselor as defined in § 14-310(a)(2), and mental health professional as defined in § 7-1201.01(11).⁵⁰ A mental health professional means a person licensed to practice medicine or psychology; a licensed social worker; a professional marriage, family, or child counselor; and a rape crisis or sexual abuse counselor who has undergone at least 40 hours of training and is under the supervision of a licensed social worker, nurse, psychiatrist, psychologist, or psychotherapist.⁵¹

Court Orders Mandating Disclosure

A judge has the power to issue a court order requiring Counselors and Advocates to disclose otherwise privileged or confidential information under certain circumstances.⁵²

Serious and Immediate Threats to the [YOUR INSTITUTION] Community

If [YOUR INSTITUTION] determines that the alleged perpetrator(s) pose a serious and immediate threat to the victim/survivor or to the [YOUR INSTITUTION] community [LIST THOSE IN THIS GROUP, IF ANY, WHO YOUR SCHOOL HAS DESIGNATED AS A CAMPUS SECURITY AUTHORITY UNDER THE CLERY ACT] may be called upon to issue a timely warning (SEE APPENDIX B FOR A TEMPLATE) to the community as required by law. Any such warning will NOT include any information that identifies the victim/survivor.

Minors

The Family Educational Rights and Privacy Act (FERPA) governs the rights of students and their parents in accessing a student's education records. According to FERPA, "once a student reaches 18 years of age or attends a postsecondary institution, he or she becomes an "eligible student," and all rights formerly given to parents under FERPA transfer to the student." Therefore, information regarding a report by a minor will not be shared with the victim's/survivor's parents or guardians unless sharing is permissible under FERPA; 2) the victim/survivor has signed a waiver that is compliant with FERPA; or 3) there is a health safety emergency to the victim/survivor.⁵³

Statistical Reporting

[YOUR INSTITUTION] is also responsible for collecting and reporting anonymous statistical information regarding reported criminal incident(s) that occur on or near campus property. This anonymous statistical information will be included in [YOUR INSTITUTION]'s Annual Security Report. If the alleged perpetrator committed the act of IPV, stalking, or sexual violence in an area off campus that is not part of the Clery jurisdiction, the incident will not be included in statistical reports.

⁵⁰ D.C. Code § 4-1321.02((b).

⁵¹ D.C. Code § 7-1201.01(11).

⁵² D.C. Code § 14-307(b).

⁵³ United States Department of Education (2011). FERPA General Guidance for Students.

Reports Made to On or Off-Campus Law Enforcement Agencies

Reports of IPV, stalking, or sexual violence made to campus law enforcement agencies are not education records. Rather, the report becomes a law enforcement record subject to public records laws (if campus law enforcement are sworn state officers). If campus law enforcement are not sworn officers, but rather public safety, or contracted security, then the records remain protected under FERPA and the campus or other law enforcement agency does not have to disclose the records to the victim/survivor and can disclose them to others without the victim's/survivor's permission.

IV. Pursuing Criminal Action

Students may always contact the local or campus law enforcement authorities directly. In addition, [INSERT UNIVERSITY-SPECIFIC RESOURCES] are available to assist students in making reports to the local or campus law enforcement and in pursuing legal options. Information shared with local or campus law enforcement [IS OR IS NOT] confidential.

Students wishing to report IPV, stalking, or sexual violence outside the institution can do so in several ways including:

1. call 911 if it is an emergency;
2. call the DC Victim Hotline: 844-443-5732
3. make an in-person report at any local police station.

Each law enforcement agency has their own policies and protocols for investigating reports of crimes and issuing criminal charges. However, generally speaking, the law enforcement agency with jurisdiction over the area in which the crime occurred (i.e. campus law enforcement if it happened on campus) will take the initial report of a crime and then conduct further investigation, including at times potentially multiple interviews of the victim/survivor. In order for law enforcement to request that a criminal charge be issued against someone, the law enforcement officer must have "probable cause" to believe a crime was committed. "Probable cause" is often defined as "articulable facts that would lead a reasonable person to believe it is more probable than not that 1) this particular crime was committed and 2) it was committed by this particular person."

If the law enforcement agency determines that there is probable cause that a crime of IPV, stalking, or sexual violence has occurred, then the law enforcement agency will typically work directly with the United States Attorney's Office for the District of Columbia (USAO) to bring criminal charges against the alleged perpetrator.

Once a crime is charged, the case is prosecuted by the United States Attorney's Office for the District of Columbia (USAO). The victim/survivor is considered a witness in the case and can work with the USAO to learn what the next steps are in the prosecution of the case. Once a criminal charge is filed, the victim/survivor does not have the independent power to dismiss or proceed with the charge. The

prosecutor will consider the wishes of the victim/survivor, but ultimately the prosecutor has the sole authority to decide whether or not to prosecute the case.

The victim/survivor has the following rights in the criminal proceeding:⁵⁴

1. The right to be reasonably protected from the accused.
2. The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused.
3. The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
4. The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.
5. The reasonable right to confer with the attorney for the Government in the case.
6. The right to full and timely restitution as provided in law.
7. The right to proceedings free from unreasonable delay.
8. The right to be treated with fairness and with respect for the victim's dignity and privacy.

In addition to these rights for victims of all crime, sexual assault victims have the right to have a sexual assault advocate present at any forensic medical exam, hospital interview, and interviews with law enforcement.⁵⁵

The criminal justice system is complex and can be intimidating to navigate alone. In D.C., there are advocates and attorneys able to help victims by providing free support, information and representation in reporting the crime, the investigation process and enforcing crime victims' rights throughout all trial proceedings (see the Resources section of this document for a list of organizations).

V. Pursuing Civil Action

A student who has been the victim/survivor of IPV, stalking, or sexual violence also has the option to pursue civil action against the alleged perpetrator in addition to the other reporting options, or in lieu of them.

There are several options for civil justice:

- 1) Filing a petition for a "Civil Protection Order" (also known as a CPO) to request that the alleged perpetrator have no contact with, stay away from, and refrain from harassing, assaulting, threatening or stalking the victim/survivor.⁵⁶

⁵⁴ Crime Victims' Rights Act of 2004 ("CVRA"), 18 U.S.C. § 3771. The CVRA applies to local or federal crimes prosecuted by the USAO in D.C. 18 U.S.C. § 3771(e). The D.C. Crime Victims' Bill of Rights, D.C. § 23-1901, affords similar rights in police investigations and prosecutions by the Office of the Attorney General of the District of Columbia.

⁵⁵ D.C. Code § 23-1908.

⁵⁶ D.C. Code §§ 16-1001 to -1006.

- 2) Filing a complaint in small claims court for money owed as a result of IPV, stalking, or sexual violence (ex. Destroyed property).
- 3) Filing a civil “tort” lawsuit seeking monetary damages compensating the victim/survivor for things such as medical and therapy expenses, psychological damage, damage to family relationships, and lost wages.

While all of these options are available to victims/survivors, filing a petition for a CPO is one of the most common civil resources utilized by victims/survivors. A CPO is a type of restraining order, which has the power to order the perpetrator to have no contact with and stay away from the victim/survivor. A CPO has additional remedies such as the ability to order a perpetrator to not possess firearms, to grant possession of a residence or car to the victim/survivor, to grant temporary custody of minor children to the victim/survivor, to reimburse the victim/survivor for and many other remedies. A victim/survivor may file a petition for a CPO free of charge at either of the two Domestic Violence Intake Centers (DVICs) for D.C. Superior Court.⁵⁷

In order to file for a CPO, the survivor must have been a victim of intimate partner violence, stalking, sexual assault or sexual abuse.⁵⁸ “Intimate partner violence” means “an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:

1. To whom the offender is or was married;
2. With whom the offender is or was in a domestic partnership; or
3. With whom the offender is or was in a romantic, dating, or sexual relationship.”⁵⁹

The most common types of criminal offenses that occur in intimate partner violence are assaults, damages to property, threats, rape and sex offenses, and stalking. D.C. recently passed a law that makes it a crime to disclose or publish (including on social media) non-consensual sexual images of another person.⁶⁰

The legal process can often be complicated and feel overwhelming for victims/survivors to navigate alone. Advocates at the Network for Victim Recovery of DC or DC SAFE may be able to provide information and support for victims/survivors as they learn about and weigh the legal options available to them. Although these advocates are not attorneys, and therefore cannot give a victim/survivor *advice* about what course of action to take, the advocates are knowledgeable about the options and local court procedures for filing for a restraining order.

Victims/survivors can obtain the appropriate paperwork to file a CPO petition at either of the following two Domestic Violence Intake Center (“DVIC”) locations for D.C. Superior Court:

⁵⁷ See the Resources section for the address and contact information for the DVICs.

⁵⁸ D.C. Code §§ 16-1001 & 1003.

⁵⁹ D.C. Code § 16-1001(7).

⁶⁰ D.C. Code §§ 22-3051 - 22-3057.

1. DVIC - N.W., Moultrie Courthouse, Room 4550, 500 Indiana Avenue, N.W., Washington, D.C. 20001
2. DVIC - S.E., United Medical Center, Room 311, 1328 Southern Avenue, S.E., Washington, D.C. 20032

After a victim/survivor files the petition for a CPO, they will be given a date to return within 14 days to request an order that is valid for up to one year. The alleged perpetrator will have the opportunity to be present at the hearing as well. Victims/survivors have the right to represent themselves at their CPO hearings. However, many victims/survivors feel more comfortable having an attorney to assist them in the process. D.C. has several legal services agencies that represent eligible victims/survivors of IPV, stalking, and sexual violence for free in CPO hearings. The DVICs have a referral process to legal service providers or a victim/survivor may contact any of the providers listed in the Resources section of this document.

A victim/survivor can file a claim for compensation for expenses related to their victimization, such as medical expenses, mental health counseling, moving expenses, temporary housing, transportation to court and lost income.⁶¹ These claims may be filed in person or by mail with the Crime Victims Compensation Program at D.C. Superior Court, Court Building A, 515 5th Street NW, Suite 109, Washington, D.C. 20001.

A victim/survivor might also be interested in filing a small claims action or civil tort lawsuit against the alleged perpetrator. The goal of these types of suits is to recover financial losses suffered as a result of the IPV, stalking, or sexual violence. These civil actions are typically more complicated and victims/survivors might want to consult with an attorney prior to proceeding with either a small claims action or tort lawsuit.

VI. Assistance and Support

[YOUR INSTITUTION] is committed to supporting victims/survivors of IPV, stalking, and sexual violence by providing the necessary safety and support services so that students can remain at [YOUR INSTITUTION], meet academic standards, obtain necessary health/mental health treatment, and maintain social relationships. Student victims/survivors are entitled to services and assistance and support regardless of whether they choose to formally report an incident of IPV, stalking, or sexual violence. The [INSERT APPROPRIATE OFFICE] provides services, advocates, and information for victims/survivors in a safe, supportive, and confidential setting. These services are free for all students. [INSERT UNIVERSITY-SPECIFIC INFORMATION ABOUT ADDITIONAL RESOURCES AVAILABLE, IF ANY, TO STUDENTS TO HELP OFFSET THE FINANCIAL BURDEN OF VICTIMIZATION]. Any student who has reported being a victim/survivor of IPV, stalking, or sexual violence, will receive notification in writing of their

⁶¹ D.C. Code §§ 4-501 - 4-518.

right to assistance and support. The written notice will include a comprehensive list of potential forms of assistance and support.

[YOUR INSTITUTION] is committed to providing victims/survivors with the following forms of assistance and support upon request:⁶²

1. [YOUR INSTITUTION]-issued order of no contact/restraining order against alleged perpetrator if that individual is also a student at [YOUR INSTITUTION]
2. Victim/survivor advocate services
3. Referral to health services⁶³
4. Access to community resources [INSERT COMMUNITY-SPECIFIC INFORMATION HERE].
5. Change in academic schedule (of either victim/survivor or alleged perpetrator⁶⁴)
6. Change in/alternative housing options (of either victim/survivor or alleged perpetrator)
7. Change in course load, including reduced course load or alternative assignments
8. Excused class absences for treatment, hospitalization, and medical or mental health conditions
9. Immediate withdrawal from a class without penalty
10. Option for independent studies
11. Retrospective withdrawal from classes, if academic difficulties persist, without penalty
12. Postponement of assignments or exams
13. Rearrange dining schedules for victim/survivor and alleged perpetrator
14. Arrange study area schedule for victim/survivor and alleged perpetrator
15. Provide victim/survivor with security escorts
16. Leave of absence from [YOUR INSTITUTION]
17. Imposition of an interim suspension on the alleged perpetrator⁶⁵
18. Limit the alleged perpetrator's access to engage in activities
19. Provision of resources for medical and/or psychological support⁶⁶
20. Change in on-campus work schedule⁶⁷
21. Access to academic support/tutoring⁶⁸
22. Security escorts⁶⁹

⁶² Connecticut Coalition Against Domestic Violence & Connecticut Injury Prevention Center (2014). Intimate Partner Violence Policies on Campus: Best Practices for College Campuses in Connecticut.

⁶³The National Center for Victims of Crimes, Campus Dating Violence Fact Sheet, 2011

⁶⁴ The National Center for Victims of Crimes, Campus Dating Violence Fact Sheet, 2011

⁶⁵ The National Center for Victims of Crimes, Campus Dating Violence Fact Sheet, 2011

⁶⁶ The National Center for Victims of Crimes, Campus Dating Violence Fact Sheet, 2011

⁶⁷ White House Task Force to Protect Students from Sexual Assault. (2014). Sample Language for Interim and Supportive Measures to Protect Students Following an Allegation of Sexual Misconduct.

⁶⁸ White House Task Force to Protect Students from Sexual Assault. (2014). Sample Language for Interim and Supportive Measures to Protect Students Following an Allegation of Sexual Misconduct

⁶⁹ The National Center for Victims of Crimes, Campus Dating Violence Fact Sheet, 2011

23. Any other forms of safety assistance or support requested by student-victim/survivor to aid the victim/survivor in feeling safe and supported

For assistance obtaining these forms of safety assistance and support, please contact [INSERT APPROPRIATE OFFICE/PERSON HERE]. In some circumstances, a victim/survivor may wish to seek an off-campus Civil Protection Order (CPO) against the alleged perpetrator by filing for one at one of the two Domestic Violence Intake Centers (DVICs) for D.C. Superior Court (see pursuing civil action section above).

VII. Disciplinary Procedures

[YOUR INSTITUTION] is committed to providing a thorough, reliable, and impartial investigation and resolution for every report of IPV, stalking, and sexual violence. Both the investigation and hearing process will be conducted by officials who receive annual training on specific issues related to IPV, stalking, and sexual violence. While ensuring both parties are treated equitably, officers will be sensitive to protecting the safety of the reporting party and promoting accountability when the responding party is found responsible for conduct in violation of [YOUR INSTITUTION’S] policies.

Getting Started

Once a report is made to [YOUR INSTITUTION] by the person who experienced the IPV, stalking and/or sexual violence, for the purpose of investigation and disciplinary action, they are considered a “reporting party.” The alleged perpetrator is considered the “responding party.” [INSERT PROCEDURES FOR COMMUNICATION WITH RESPONDING PARTY, REPORTING PARTY WITH REGARD TO HEARING DATES AND OTHER NOTICES.]

[INSERT ADDITIONAL INSTITUTION-SPECIFIC PROCEDURES FOR INVESTIGATING IPV, STALKING, AND SEXUAL VIOLENCE HERE. SEE DCCADV’S GUIDANCE DOCUMENT ON PAGE 30 FOR DETAILS ON THE RECOMMENDED HEARING PROCESS, BEST PRACTICES FOR QUANTITY AND CONTENT OF TRAINING, MEMORANDUMS OF UNDERSTANDING WITH LOCAL LAW ENFORCEMENT AND ADDITIONAL GUIDANCE MATERIALS].

Evidence Collection

[YOUR INSTITUTION] encourages reporting parties to consider preserving any evidence of the incident(s). The investigation of a reported IPV, stalking, or sexual violence incident may entail the following:

- a. Interviewing the reporting party: The reporting party might be interviewed once or more than once depending on the investigator’s need to ask follow-up questions after collecting additional evidence;
- b. Interviewing the responding party;
- c. Interviewing other witnesses identified by either the reporting or responding party;

- d. Collecting and reviewing evidence which might corroborate either the reporting or responding party's recollection of the incident. This might include, but is not limited to:
 - a. Text messages
 - b. Emails
 - c. Social media posts
 - d. Phone records
 - e. Letters
 - f. Voicemails
 - g. Pictures
 - h. Medical records
 - i. Court records
 - j. 911 calls
 - k. Off-campus law enforcement records

Time Frame

[YOUR INSTITUTION] recognizes that reporting parties often prefer that the investigation and hearing process take place as quickly as possible. [YOUR INSTITUTION] must balance the need for swift resolution of IPV, stalking, and sexual violence cases with the importance of thoroughly investigating the allegations and allowing both the reporting party and the responding party sufficient time to prepare for any disciplinary proceedings. Taking these interests into consideration, [YOUR INSTITUTION] will complete all investigations of IPV, stalking, and sexual violence within [INSERT TIME FRAME (RECOMMENDED 60 DAYS)] of receiving the initial report. During this time, it is crucial that [YOUR INSTITUTION]: 1) Assess the risk of the responding party to the safety of the campus and reporting party, and 2) Consider and implement (if appropriate) a safety plan for the reporting party. If unusual circumstances exist that warrant the need for additional time to either investigate or resolve the report, [YOUR INSTITUTION] may extend the timeframe by an additional [INSERT INSTITUTION-SPECIFIC TIMEFRAME] days. If additional time is needed to resolve the alleged violation, the reporting party and the responding party will both receive notice, in writing from [YOUR INSTITUTION], prior to the original deadline expiring. The notice will clearly state the final deadline by which [YOUR INSTITUTION] will resolve the alleged violation. During the period of time when a report of IPV, stalking, or sexual violence is being investigated and resolved, the reporting party is entitled to assistance and support as outlined in the preceding section.

Federal Guidance

Each student is guaranteed the right to present their relevant evidence or defense at the hearing. The hearing board determines if the information sought to be introduced is relevant. In accordance with the Department of Education's guidance, neither party shall be allowed to personally cross-examine the other party (i.e., parties may not ask one another questions directly; all questions must be directed to the hearing officer/board to be asked of the other party, if relevant). Questions regarding the reporting

party's sexual history with anyone other than the responding party will not be permitted. The hearing officer/board will receive annual training on IPV, stalking, and sexual violence, including on how to conduct an investigation, protect the safety of victims/survivors, promote accountability (and explains that the mere fact of a previous consensual sexual relationship does not itself imply consent or preclude a finding of sexual violence).⁷⁰

The sexual behavior of the reporting party is irrelevant to any issue in the disciplinary process unless such behavior:

- (1) Was between the reporting party and responding party; or
- (2) Is evidence of specific instances of sexual behavior offered for the purpose of showing that the act or acts charged were not committed by the responding party; or
- (3) Is evidence of a pattern of sexual behavior so distinctive and so closely resembling the responding party's version of the alleged encounter with the reporting party as to tend to prove that such reporting party consented to the act or acts charged or behaved in such a manner as to lead the responding party reasonably to believe that the reporting party consented; or
- (4) Is evidence of sexual behavior offered as the basis of expert psychological or psychiatric opinion that the reporting party fantasized or invented the act or acts charged.

Mediation of IPV, Stalking, and Sexual Violence Incidents

[YOUR INSTITUTION] is dedicated to providing reporting parties and responding parties with a fair process in resolving reports of IPV, stalking, and sexual violence. Due to the nature and seriousness of IPV, stalking, and sexual violence, mediation is not an option for resolution in these cases. Rather, these cases will be investigated and handled through [YOUR INSTITUTION]'s formal grievance and disciplinary procedures. (See DCCADV's Guidance Document p. 67 for more information).

Investigation of IPV, Stalking, and Sexual Violence Incidents

Reports, at the reporting party's request, of IPV, stalking, and/or sexual violence will be investigated thoroughly by a "case officer," the university official designated to address such matters (e.g., the Title IX Investigator) who will direct the investigation and confer with the Title IX Coordinator (or designee with extensive IPV, stalking, and sexual violence investigation experience), and possibly campus or local law enforcement, on interim action, accommodations for the reporting party, or other necessary remedial short-term actions.

The case officer will then take the following steps⁷¹:

1. In coordination with the campus Title IX Coordinator, initiate any interim safety measures;

⁷⁰ White House Task Force (2014). Not Alone: The First Report of the White House Task Force to Protect Students from Sexual Violence.

⁷¹ ATIXA Model Policy and Grievance Procedures 2014.

2. Determine the identity and contact information of the reporting party (whether that be the victim/survivor, another witness, or a campus proxy or representative);
3. Identify the relevant policies under which the allegations fall;
4. Conduct an immediate initial review to determine whether there is reasonable cause to charge the responding party and initiate an investigation, and identify what specific policy sections are at issue;
 - a. If there is insufficient evidence to support reasonable cause, the grievance should be closed with no further action (all parties have the option to appeal);
 - b. If there is sufficient evidence, the case officer will initiate a disciplinary proceeding by notifying the responding party in writing that they are being formally charged with a violation. The notice of the charge will specify the offense(s) charged, the possible sanctions, and a brief summary of the factual allegations supporting the charge. Disciplinary action for a student found responsible for IPV, stalking, or sexual violence includes consequences up to and including expulsion; as a result, the notice to the responding party of the charge will explicitly state that expulsion is a possibility and that expulsion prevents graduation.
5. Complete the investigation promptly, and without unreasonable deviation from the intended timeline. The investigation will include interviews with parties and witnesses. In addition to the interview, parties may be asked to provide additional forms of evidence if it is available (e.g., photos, text message screen shots, etc.);
6. Determine the appropriate disciplinary proceeding [INSERT INSTITUTION-SPECIFIC OPTIONS]. Some responding parties may choose to waive their right to a disciplinary conference or hearing, to accept responsibility for violations of the Code of Student Conduct, and to accept a sanction determined by a staff member in the Office of Student Conduct. (See APPENDIX E for the procedures that will apply for resolution by Mutual Agreement).

Prior to the hearing both the reporting party and the responding party must be given an opportunity to review any written, photographic or any other documentary evidence that either party or [YOUR INSTITUTION] intends to use at the hearing and a list of witnesses that could potentially be called. Disciplinary hearings will be conducted within [INSERT YOUR INSTITUTION-SPECIFIC TIMEFRAME]. Hearings will be closed to the public. [YOUR INSTITUTION] records all disciplinary hearings and will prepare a transcript or other verbatim record of the hearing.

7. Set a hearing date; the hearing date will be scheduled within [INSERT INSTITUTION-SPECIFIC TIMEFRAME] days but not less than 10 calendar days after the responding party receives notice of the referral, unless the responding party and the reporting party both agree in writing to an earlier hearing date. Before scheduling the hearing date, [YOUR INSTITUTION] will consult with the reporting party to try to identify a hearing date and time that is

convenient for them. Either party may request in writing an extension of time to prepare for the hearing. Whenever a request for an extension is made, both parties should be notified and given an opportunity to consent, remain silent, or object. Extensions over the reporting party's objection should only be granted in extraordinary circumstances. [YOUR INSTITUTION] will not grant more than one extension to the responding party under any circumstances if the reporting party objects;

8. Notify both parties that they are entitled to be accompanied by an advisor of their choice for the hearing.⁷² [INSERT INSTITUTION-SPECIFIC POLICY ON WHETHER ATTORNEYS MAY BE USED AS ADVISORS AND RESTRICTIONS ON THEIR ROLES].
9. Prior to the hearing, provide both the reporting and the responding party a copy of [YOUR INSTITUTION'S] policy so that they are able to understand how the hearing works and also ensure that they understand and have an opportunity to ask questions about the process.
10. Provide the reporting party the option of having a partition during the hearing or participating remotely through video software such as a closed-circuit camera;

The hearing officer⁷³ (who cannot be the same person who gathered the evidence) will then take the following steps:

[INSERT INSTITUTION-SPECIFIC PROCEDURES. Recommendations include:

- Conduct a reliable and impartial hearing. Both parties will have equal access to information presented and an opportunity to respond to the other's statements. Cross-examination, however, is not permitted;
- Make a finding, based on a preponderance of the evidence (i.e., more likely than not), as to whether the respondent is responsible for violating the relevant policy⁷⁴;
- If there is a finding of responsibility, along with the Title IX Coordinator (or designee), shall determine the appropriate sanction for the responding party. They will first hear a victim/survivor impact statement if the victim/survivor chooses to share one and take that into consideration when determining the sanction;

⁷² Both the reporting party and the responding party are entitled to and granted the same opportunities to have others present at any meeting or proceeding related to the investigation, disciplinary hearing, and resolution of a report of IPV, stalking, or sexual violence. Each student is entitled to the equal right of having an attorney or non-attorney advocate present. Representation by attorneys or non-attorneys is not required.

⁷³ [INSERT INSTITUTION-SPECIFIC PROCESS FOR EITHER PARTY TO RAISE CONFLICT OF INTEREST CONCERNS ABOUT THE INDIVIDUAL(S) RESPONSIBLE FOR OFFICIATING THE DISCIPLINARY PROEDURE PRIOR TO THE HEARING].

⁷⁴ The [HEARING OFFICER/BOARD]'S decision will be based solely on the evidence presented at the hearing. [INSERT INSTITUTION-SPECIFIC PROCEDURE RE: WHETHER THE DECISION IS FINAL OR IS A RECOMMENDATION FOR A FINAL DECISION BY A DESIGNATED UNIVERSITY OFFICIAL]. The final administrative decision must be reached within [INSERT INSTITUTION-SPECIFIC TIMERFRAME] days.

- Present the findings and sanction to both parties, both may accept the findings, accept the findings in part and reject them in part, or may reject all findings.
- Some universities have institutionalized an option for the responding party to waive a hearing and accept a sanction. Best practice would require the survivors consent for this option to proceed. Sample language:

At any time prior to the conclusion of the disciplinary hearing, the responding party may waive the hearing and accept a sanction proposed by [an impartial designated university official]. The [impartial designated university official] will first determine that the waiver and acceptance of sanction are voluntary and that the charge and sanction have factual support. The responding party’s waiver and acceptance must be in writing and signed by the responding party and the designated university official.⁷⁵ (See APPENDIX D)

Notification Process

INSERT INSTITUTION SPECIFIC PROCEDURES FOR NOTIFICATION. RECOMMENDATIONS INCLUDE:

The final administrative decision must be transmitted in writing to the reporting party and the responding party within **XX calendar days** of the date the decision is made and must contain a brief summary of the evidence upon which the decision is based. Both the reporting party and the responding party shall be simultaneously informed in writing of:

- a. The outcome of the disciplinary proceeding which includes the policies alleged to have been violated, the findings, the sanctions and the rationale for the action,
- b. The procedure and grounds for either party to appeal the results of the disciplinary proceeding,
- c. The date when the results of the disciplinary proceeding become final, and
- d. Any changes to the results of the disciplinary proceeding that occur prior to the time that such results become final.

Appeals

Each student’s right to appeal will be clearly specified in the final decision letter. Appeals may only be based on allegations that the party was denied some guaranteed substantive or procedural due process right or other right outlined in [RELEVANT POLICY] or due to new evidence. Parties may not appeal a disciplinary proceeding result simply because they do not agree with the outcome. All appeals must be filed within **XX days** of receiving the final decision letter. [INSERT UNIVERSITY-SPECIFIC PROTOCOLS FOR APPEALS OF DISCIPLINARY HEARING RULINGS FOR REPORTING PARTY AND RESPONDING PARTY].

⁷⁵ University of North Carolina (2013). University of North Carolina Policy Manual: Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings.

VIII. Sanctions

No later than **XX days** prior to a determination of a sanction, the reporting party and the responding party will be notified in writing of the individuals who will be part of the sanction determination. If either the reporting party or the responding party believes that one of the persons responsible for determining the responding party's sanction has a conflict of interest, **[INSERT UNIVERSITY-SPECIFIC PROCESS FOR EITHER PARTY TO RAISE CONFLICT OF INTEREST CONCERNS PRIOR TO THE SANCTIONS BEING ISSUED]**.

After a perpetrator has been found responsible for violating **[YOUR INSTITUTION]**'s IPV, stalking, and/or sexual violence policy, the victim/survivor is entitled to submit a victim/survivor impact statement to the person(s) responsible for determining the perpetrator's sanction. The person(s) responsible for determining the perpetrator's sanction shall consider the victim's/survivor's impact statement when determining the appropriate sanction.

A student who is found responsible for an act of IPV, stalking, and/or sexual violence is subject to sanctions by **[YOUR INSTITUTION]**, up to and including expulsion and denial of degree. If a student is given a sanction less than expulsion upon being found responsible for an act of IPV, stalking, or sexual violence, and is later found to be responsible for a subsequent violation of **[YOUR INSTITUTION]**'s policies on IPV, stalking, or sexual violence, there will be further sanctions up to and including possible expulsion from **[YOUR INSTITUTION]**. The possible sanctions for being found responsible for a first offense of IPV, stalking, or sexual violence include⁷⁶:

1. **Community Restitution:** Requiring the perpetrator to perform a certain number of service hours either on-campus or in the community.
2. **Educational Intervention:** Requiring the perpetrator to participate in online and/or physical classes addressing issues such as IPV, stalking, and sexual violence. May include facilitating a program, creating educational posters regarding college/university policies and student conduct, and writing a paper.
3. **Expulsion:** A permanent separation from **[YOUR INSTITUTION]** that involves denial of all student privileges, including entrance to campus premises.
4. **Probation:** A status that indicates either serious misconduct not warranting expulsion, suspension, or removal of campus privileges, or repetition of misconduct after a warning has been imposed.
5. **Referral for Assessment or Counseling:** Requiring the perpetrator to meet with a staff member of the (Health/Counseling Center) to have an assessment of their mental health and lifestyle

⁷⁶ Connecticut Coalition Against Domestic Violence & Connecticut Injury Prevention Center (2014). Intimate Partner Violence Policies on Campus: Best Practices for College Campuses in Connecticut.

choices. The (Health/Counseling Center) may also recommend further evaluation and participation in counseling services.

6. **Removal of College Privileges:** Restrictions on the perpetrator's access to certain locations, functions, and/or activities; does not preclude the perpetrator from continuing their academic program. Be clear this could mean removal from an athletics team, fraternity, organization, etc.
7. **Removal or Non-Renewal of Scholarships:** (College/University)-administered scholarships are not awarded or are not renewed to students that have violated the student code of conduct.
8. **Residential Reassignment:** Removes the perpetrator from their current residence and reassigns him/her to a new room. Specific restrictions on access to one's previous residence may be imposed.
9. **Restitution/Fines:** The perpetrator may be fined for violations of the policies and procedures outlined by [YOUR INSITUTION]. A student may be required to make a payment to [YOUR INSTITUTION] and/or another person or group for damages incurred as a result of the violation.
10. **Suspension:** A temporary separation from [YOUR INSITUTION] that involves denial of all student privileges, including entrance to campus premises, and may include conditions for reinstatement, such as successful completion of a counseling or treatment program. A warning of suspension may be imposed if counseling or treatment is not successfully completed.
11. **Termination of Residency:** Loss of on-campus housing, without refund, and/or dining privileges, permanently or for a specified period of time.
12. **Transcript Entry:** May be implemented on its own or in combination with another sanction. The entry will indicate that a student was found responsible for IPV, stalking, and/or sexual violence. Expulsions and suspensions are also permanently recorded on a student's transcript.
13. **Withholding of Degree:** [YOUR INSITUTION] maintains the right to withholding the awarding of a degree otherwise earned until the completion of any imposed sanctions.
14. [INSERT ANY OTHER UNIVERSITY-SPECIFIC SANCTIONS]

IX. Perceived Discrimination by [YOUR INSTITUTION]

[YOUR INSTITUTION] strives to protect the rights of all students and create and maintain a safe environment where students can thrive and pursue an education free from IPV, stalking, and sexual violence. However, if any student believes that [YOUR INSTITUTION] has discriminated against them based on race, color, national origin, sex, gender identity, religion, age or disability, students have the right to report [YOUR INSTITUTION]'s actions to the U.S. Department of Education Office of Civil Rights.

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights. OCR requires that the student filing the discrimination complaint provide their name, address, and email address; the name and address of the person discriminated against; and the name and address of the entity you believe discriminated. OCR will also ask that the student filing the complaint identify which type of discrimination forms the basis for the complaint and provide a description of the conduct that the student believes is discriminatory.

By law, complaints of discrimination must ordinarily be filed within 180 days of the last act of discrimination. Students may still file a complaint with OCR past the 180 days and request a waiver, which requires the student to explain why the complaint was not filed within the 180-day period. The student will also be asked whether they have tried to resolve the matter using a grievance procedure or by filing with another agency.⁷⁷

More information about OCR and how to file a complaint can be found on their website:

<http://www2.ed.gov/about/offices/list/ocr/index.html>

X. Resources

On-campus Resources:

[INSERT NAMES, BRIEF DESCRIPTIONS, AND CONTACT INFORMATION FOR CAMPUS-SPECIFIC RESOURCES. A LIST OF RECOMMENDED RESOURCES TO INCLUDE CAN BE FOUND ON PAGE 35 OF GUIDANCE DOCUMENT.]

District of Columbia Resources:

Government Resources:

DC Superior Court

The Superior Court handles all local trial matters, including civil, criminal, and family court.

(202) 879-1010 | dccourts.gov/

DC Victims Compensation Program

The DC Victims Compensation Program compensates victims of crime for out of pocket crime-related expenses for: medical treatment and medications; mental health counseling; funeral and burial costs; loss of wages; cleaning of a crime scene; replacement value of clothing held as evidence; reimbursement for car rental while vehicle is being held as evidence; temporary emergency shelter where necessary for the health and safety of the victim; and home security for the safety of the victim.

(202) 879-1010 | <http://www.dccourts.gov/internet/superior/crimevictim/main.jsf>

Domestic Violence Intake Centers

The DVIC provides a single access point for victims of domestic violence by conducting intake evaluations, providing counseling, safety planning, assisting victims in drafting pleadings and other documents necessary for acquisition of protective orders and free legal representation. The Centers are open Monday through Friday, (except holidays) between 8 am–4 pm, and are located at the:

- DC Superior Court, 500 Indiana Avenue, NW, Suite 4235, Washington, DC, (202) 879-0152

⁷⁷ United States Department of Education, Office for Civil Rights (2013). OCR Complaint Forms.

- United Medical Center, 1328 Southern Avenue, SE, Suite 311, Washington, DC, (202) 561-3000

District of Columbia Organizations:

Ayuda

Ayuda's mission is to protect the rights of low-income immigrants in the DC metropolitan area. We are the region's leading provider of multilingual legal and social services for low-income immigrants in the areas of immigration, human trafficking, domestic violence and sexual assault.

(202) 387-4848 | ayuda.com

Break the Cycle

Teen dating violence is an urgent, silent epidemic. One in three teens will experience abuse in a dating relationship and more than two-thirds of them will never report it to anyone.

Break the Cycle believes everyone has the right to safe and healthy relationships. We are the leading, national nonprofit organization addressing teen dating violence. We work every day towards our mission to engage, educate and empower youth to build lives and communities free from domestic violence.

(202) 824-0707 | breakthecycle.org

District Alliance for Safe Housing (DASH)

The mission of the District Alliance for Safe Housing, Inc. (DASH) is to ensure access to safe and sustainable refuge for victims of domestic violence through the development and management of safe housing and related services, while increasing the capacity of other community-based organizations to expand housing for victims throughout the District of Columbia.

(202) 462-3274 | dashdc.org

Asian/Pacific Islander Domestic Violence Resource Project (DVRP)

DVRP is a non-hierarchical organization which is built upon mutual respect, shared responsibility, trust and equality, and is supported by a collaborative style of leadership. DVRP strives to foster collaboration with all people and communities to end various forms of oppression.

(202) 464-4477 | dvrp.org

Deaf Abused Women's Network (DAWN)

Deaf Abused Women's Network (DAWN) envisions a diverse community whose members interact free of fear and violence in all aspects of their lives. In this community, each person has access to information and justice and the opportunity to embrace their own cultural values and world values. In the place of domestic violence (DV) and sexual violence (SV), we see equitable and healthy relationships that support everyone's pursuit of happiness.

(202) 559-5366 | deafdawn.org

Domestic Violence Legal Empowerment and Appeals Project (DV LEAP)

Domestic Violence Legal Empowerment and Appeals Project

DV LEAP provides a stronger voice for justice by fighting to overturn unjust trial court outcomes, advancing legal protections for victims of domestic violence and their children through expert appellate

advocacy, training lawyers, psychologists and judges on best practices, and spearheading domestic violence litigation in the Supreme Court

dvleap.org

House of Ruth

Every day at House of Ruth, more than 600 women and children work hard to learn the skills to live independently so they can eliminate homelessness and abuse from their lives. House of Ruth provides housing and services for 63 families and 109 single women; supportive services to 11 families housed in apartments throughout the city; developmental day care to 76 children and supportive services for their parents; and free counseling for more than 400 women a year who are dealing with or recovering from domestic violence.

(202) 667-7001 | houseofruth.org

My Sister's Place, Inc

My Sister's Place, Inc. (MSP) is the largest and oldest non-profit agency exclusively serving battered women and their children in the District of Columbia. Annually, thousands of victims of domestic violence find sanctuary from abuse in our residential programs and supportive services. Currently our programs consist of emergency shelter, transitional housing, the region's only transitional housing for immigrant victims of violence, the Emergency Services Center, and our 24-hour crisis hotline. Combined with our community outreach and education initiatives, My Sister's Place is committed to providing safe refuge for families in crisis.

(202) 529-5261 | mysistersplacedc.org

Ramona's Way

Ramona's Way was inspired by the life of Ramona, a domestic violence survivor, who was chemically dependent and unable to flee an 18-year abusive relationship. Due to lack of services, she and her children were trapped in a physically and sexually violent situation. Unfortunately, women in these circumstances are often blamed for the violence that is inflicted upon them because of the abuse of substances, and their options are limited. Her daughter, a childhood survivor, social worker, and domestic violence advocate, founded Ramona's Way to provide options for battered women like her mother.

(202) 561-3000 | ramonas-way.org

Survivors and Advocates for Empowerment (SAFE)

SAFE, Inc. provides crisis intervention and advocacy services to over 5,000 domestic violence victims each year in the DC Metro Area. Our mission is to ensure the safety and self-determination of domestic violence survivors in Washington, DC through emergency services, court advocacy and system reform.

(202) 408-1476 | dcsafe.org

DC Volunteer Lawyers Project (DCVLP)

The DC Volunteer Lawyers Project is a nonprofit organization whose mission is to provide high-quality, free legal services to low-income District of Columbia residents in family law cases. Our volunteer lawyers provide pro bono legal representation to domestic violence survivors.

(202) 885-5542 | dcvlp.org

Becky's Fund

Domestic Violence in our world has to come to a halt. We at Becky's Fund are doing everything we possibly can to fight this issue and make many aware of its dangers to our world. See our People, Programs and Partners helping us to play our part in this worldwide issue.

(724) 518-1169 | beckysfund.org

La Clínica Del Pueblo

La Clínica del Pueblo is a non-profit, federally qualified health center that serves the Latino and immigrant populations of the Washington, DC metro area. Our goal is to provide culturally appropriate health services, focusing on those most in need.

(202) 462-4788 | lcdp.org

The William Kellibrew Foundation

The William Kellibrew Foundation is an advocate, bridge and community driven partner dedicated to breaking the cycles of violence and poverty. The WKF harnesses and provides resources to both victims and similarly focused organizations through prevention, intervention, education and outreach. By sharing the stories of survivors we give voice to victims, raise community awareness and empower people working to rebuild their lives, families and communities.

Thewkwfoundation.org

The Women's Center

The mission of The Women's Center is to improve significantly the psychological, career, financial and legal well-being of women, men, couples and families, regardless of their ability to pay. Our clinical staff includes over 65 therapists and career counselors who provide more than 37,000 hours of counseling each year. For more than 38 years, we have grown along with the community we serve.

(202) 293-4580 | thewomenscenter.org

National Resources

Center for Changing Our Campus Culture: The Center for Changing Our Campus Culture is a comprehensive online clearinghouse providing important resources for colleges and universities on sexual assault, domestic violence, dating violence, and stalking. <http://www.changingourcampus.org/>

Know Your IX: Know Your IX is a national survivor-run, student-driven campaign to end campus sexual violence. Know Your IX educates students across the country about their civil right to education free from sexual violence and harassment while also pushing policy and legislative change on the national level for better federal enforcement of that same right. <http://knowyourix.org/>

National Alliance to End Sexual Violence: The National Alliance to End Sexual Violence (NAESV) is the voice in Washington for the 56 state and territorial sexual violence coalitions and 1300 rape crisis centers working to end sexual violence and support victims/survivors. <http://endsexualviolence.org/>

National Center for Victims of Crime: The National Center for Victims of Crime is a nonprofit organization that advocates for victims' rights, trains professionals who work with victims, and serves as a trusted source of information on victims' issues. <http://www.victimsofcrime.org/>

National Coalition Against Domestic Violence: The Mission of the National Coalition Against Domestic Violence (NCADV) is to organize for collective power by advancing transformative work, thinking and leadership of communities and individuals working to end the violence in our lives. www.ncadv.org

National Network to End Domestic Violence: A social change organization, is dedicated to creating a social, political and economic environment in which violence against women no longer exists. <http://nnev.org/>

National Organization of Sisters of Color Ending Sexual Violence: An advocacy organization of Women of Color dedicated to working with our communities to create a just society in which all Women of Color are able to live healthy lives free of violence. *Our purpose* is to give voice and develop action strategies that incorporate and address the experiences and realities of Women of Color and Communities of Color. <http://sisterslead.org/>

National Sexual Violence Resource Center: The NSVRC's Mission is to provide leadership in preventing and responding to sexual violence through collaboration, sharing and creating resources, and promoting research. <http://www.nsvrc.org/>

Office for Civil Rights: The mission of the Office for Civil Rights is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights. <http://www2.ed.gov/about/offices/list/ocr/index.html>

Stalking Resource Center: The mission of the Stalking Resource Center is to enhance the ability of professionals, organizations, and systems to effectively respond to stalking. <http://www.victimsofcrime.org/our-programs/stalking-resource-center>

XI. Related College/University Policies

Examples of related policies may include:

1. Acts of Harm policy
2. Alcohol/drug policy
3. Amnesty policy
4. Community living standards or housing rules/contract
5. Discrimination and harassment
6. Honor code/conduct code
7. Minors on campus
8. Relationship policy between supervisors/professors and students/employees

9. Responsible Action/Good Samaritan policy
10. Sexual harassment
11. Threat assessment policy

XII. Related District of Columbia Statutes

The District of Columbia has several criminal and civil statutes related to IPV, stalking, and sexual violence. Other than “violation of a civil protection order” D.C. does not have crimes specific to IPV. Below is the text of statutes that are either directly related to IPV, stalking, or sexual violence or that might be used in cases of IPV, stalking, and sexual violence in D.C. This list is not intended to be comprehensive, but rather to highlight some of the more commonly used statutes in cases of IPV, stalking and sexual violence. The full text of all statutes can be found on the D.C. Council's website, <http://www.dccouncil.us/legislation>.

Select District of Columbia Criminal Statutes Related to IPV, Stalking, and Sexual violence

Arrest

- § 16–1031: Mandatory arrests
- § 23–581: Arrests without warrant by law enforcement officers

Assault

- § 22–401: Assault with intent to kill or to commit first degree sexual abuse, second degree sexual abuse or child sexual abuse
- § 22–402: Assault with a dangerous weapon
- § 22–404: Assault or threatened assault in a menacing manner
- § 22–404.01: Aggravated assault

Damage to Property

- § 22–303. Malicious burning, destruction, or injury of another’s property

Threats

- § 22–407: Threats to do bodily harm

Trespass/Unlawful Entry

- § 22–3302. Unlawful entry on property

Stalking-Related Offenses

- §§ 22-3031 to -3035: Stalking

Rape and Sex Offenses

- §§ 22-3002 to -3006: Sexual abuse
- § 22-3007: Defense to sexual abuse
- §§ 22-3008 and -3009: Child sexual abuse

- §§ 22-3009.01 to -3009.02: Sexual abuse of a minor

Miscellaneous

- §§ 22-3051 to -3057: Non-consensual disclosure or publication of sexual images of another person

Select District of Columbia [Civil Statutes Related to IPV, Stalking, and Sexual Violence](#)

Civil Protection Orders

- §§ 16-1001 to -1006: Proceedings regarding Intrafamily Offenses
- §§ 16-1041 to -1048: Interstate enforcement of domestic violence protection orders

Confidential Communications/Privileges

- § 14-307: Physicians and mental health professionals
- § 14-309: Clergy
- § 14-310: Domestic violence counselors
- § 14-311: Human trafficking counselors
- § 14-312: Sexual assault victim advocates
- § 7-1201 (11): Rape crisis counselor, psychiatrist, psychologist, social worker

Crime Victims' Rights/Compensation

- § 4-501 to -518: Crime Victims Compensation
- §§ 23-1901 to -1906: Crime Victims' Bill of Rights

Employment

- § 32–131.01 Employee Sick and Safe Leave
- § 51–131: Separation from employment due to domestic violence

Housing

- § 2–1402.21: Housing discrimination based on a person's status as a victim of an intrafamily offense
- § 42–3505.07: Notice of lease termination by tenant who is a victim of an intrafamily offense
- § 42–3505.08: Victims of an intrafamily offense protection — Change locks and notice

XIII. References

College/University Policies

- American University
<http://www.american.edu/ocl/wellness/sexual-assault-resources.cfm>
- Catholic University of America
<http://policies.cua.edu/StudentLife/studentconduct/assault.cfm>
- University of the District of Columbia
http://www.udc.edu/docs/equal_opportunity/Discrimination_Harassment_Policy.pdf
- Gallaudet University
<http://www.gallaudet.edu/dps/reporting-sexual-assault-or-misconduct.html>
- George Washington University
<http://my.gwu.edu/files/policies/SexualHarassmentFINAL.pdf>
- Georgetown University
<https://sexualassault.georgetown.edu/>
- Howard University
<https://www.howard.edu/services/counseling/Rape-Sexual%20Assault.htm>
- Trinity University
<https://inside.trinity.edu/dean-students/sexual-assault>

Federal Documents, Statistics, and Statutes

- Catalano, S. (2007). Intimate Partner Violence in the United States. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- Fisher, B, Cullen, F, Turner, M. The sexual victimization of college women. Research Report, US Department of Justice, Office of Justice Programs, National Institute of Justice; 2000:1-51. <http://www.ncjrs.gov/pdffiles1/nij/182369.pdf>
- United States Department of Education (2011). FERPA General Guidance for Students. <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/students.html>
- United States Department of Education, Office for Civil Rights (2013). OCR Complaint Forms. <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.
- United States Department of Justice, Office on Violence Against Women (2014). Domestic Violence Definitions. <http://www.justice.gov/ovw/domestic-violence>
- United States Government (2015). Center for Changing Our Campus Culture. <http://www.changingourcampus.org/>
- White House Task Force (2014). Not Alone: The First Report of the White House Task Force To Protect Students from Sexual Assault. http://www.whitehouse.gov/sites/default/files/docs/report_0.pdf

Guidance from National Organizations

- ATIXA Gender-Based and Sexual Misconduct Model Policy and Model Grievance Process (2014). <https://atixa.org/resources/model-policies/>
- Connecticut Coalition Against Domestic Violence & Connecticut Injury Prevention Center (2014). Intimate Partner Violence Policies on Campus: Best Practices for College Campuses in Connecticut. <http://www.ctcadv.org/resource-library/publications/ipv-policies-campus-2014/>
- Guidance for Creating a Campus Sexual Misconduct Prevention and Intervention Policy, North Carolina Sexual Violence Prevention Team (2013).
- Guidance for Creating Campus Domestic Violence, Dating Violence, and Stalking Prevention and Intervention Programs and Policies, DCCADV, 2015
- National Center for Victims of Crime (2011). Model Campus Stalking Policy. http://www.futureswithoutviolence.org/userfiles/file/Children_and_Families/Model%20CA-MPUS%20Stalking%20Policy%20%282%29.pdf
- Questions and Answers on Title IX and Sexual Violence (2014). US Department of Education, Office for Civil Rights. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

Intimate Partner Violence, Sexual Assault, and Stalking Data

- Edwards, K, Sylaska, K Intimate partner violence among LGBTQ+ college students. The Carsey School of Public Policy at the Scholar's Repository. Paper 210. <http://scholars.unh.edu/carsey/210>
- Knowledge Networks for Liz Claiborne, Inc. (2011). 2011 College Dating Violence and Abuse Poll. http://www.loveisrespect.org/pdf/College_Dating_And_Abuse_Final_Study.pdf
- Krebs CP, Linqvist CH, Warner TD, Fisher BS, Martin SL (2009). College women's experiences with physically forced, alcohol- or other drug-enabled, and drug-facilitated sexual assault before and since entering college. *Journal of American College Health* 2009; 57(6):639-647.
- Lisak D, Miller, P (2002). Repeat Rape and Multiple Offending Among Undetected Rapists. *Violence and Victims*.
- Sellers, C, Bromley, M. (1996). Violent Behavior in College Student Dating Relationships. *Journal of Contemporary Justice*, 1996;12(1).

APPENDIX A

Safety Planning: A Guide for [YOUR INSTITUTION] Students

This safety plan should be completed by the victim/survivor along with a support person (counselor, advocate, etc.). It is important for the victim/survivor to take the lead while completing this plan so that they become familiar with the steps to take in case a situation arises. The victim/survivor should keep a copy of this plan in a place that is safe where the abuser will not be able to find it. If that is not possible, it should be kept with a close family member or friend.

Table of Contents

- i. Why do I Need a Safety Plan?
- ii. Online Safety
- iii. Staying Safe on Campus
- iv. Staying Safe in the Residence Halls
- v. Stalking
- vi. Trauma and You
- vii. On-Campus Resources
- viii. Local Off-campus Resources

I. Why do I Need a Safety Plan?

Everyone deserves to be in a relationship that is healthy, safe, and supportive. If you are in a relationship in which someone is hurting you, it is important for you to know that the abuse is not your fault. It is also important for you to start thinking of ways to keep yourself as safe as possible from the abuse, whether you decide to end the relationship or not. While you can't control your partner's abusive behavior, you can take action to keep yourself as safe as possible.

Planning ahead of time, and thinking through steps, can give you a feeling of control in a time when you need it most. And, it can help you to feel and be safe. If you prefer, use this interactive program to design a safety plan that works for you: <http://www.loveisrespect.org/get-help/safety-planning>. People who are transgender and/or gender non-conforming have other important considerations (<http://forge-forward.org/wp-content/docs/safety-planning-tool.pdf>). This safety plan combines elements from both resources. Further, thank you to Tammi Slovinsky and her colleagues at Virginia Commonwealth University for their contributions to this plan.

Support is available at [LOCATION OF ADVOCACY/SUPPORT SERVICES] to discuss your plan and offer additional ideas and resources. [ADD OTHER RELEVANT RESOURCES HERE].

If you are currently experiencing abuse or violence in a relationship:

- Think of a safe place to go if a situation becomes dangerous or scary - avoid rooms/spaces with no exits (bathroom, elevators), or rooms with weapons (kitchen area).

- Think about and make a list of supportive and safe people to contact. Keep a list that is separate from your cell phone contacts or memorize numbers in case your partner takes, disconnects, or damages your phone.
- Establish a "code word" or "sign" so that family, friends, teachers or co-workers know when to call for help. (EX: You can call a friend or 911 and "order a pizza")
- Keep sources of money (cash, ATM/debit cards) with you at all times in a safe place where the abuser will not be able to find it. If it is not possible to keep it with you, leave it with a trusted family member or friend.
- Keep a fully-charged cell phone and portable phone charger with you at all times.
- Think about what you will do or say to your partner if they become violent. You are the best resource when it comes to developing strategies to de-escalate potentially dangerous situations.

If you are in the process of leaving a relationship:

- Stay with friends, family or other people you trust or call the [CAMPUS OR COMMUNITY SHELTER SERVICES]
- Consider changing your phone number. You may want to keep the "old" number so your former partner does not know you have a new number, or to store messages for evidence collection purposes. The latter can be helpful if you decide to report to police.
- Save and document all contacts, messages, injuries or other incidents.
- Consider altering your social media privacy settings, and limiting your use if it becomes too difficult. Your former partner may use it to track you, to learn information about you through mutual friends, and to continue contact. If there is any chance your former partner knows any of your passwords, change them.
- Change locks if your former partner has access to a key.
- If you need to meet your former partner, consider meeting in a public place.
- Vary your routine, such as driving different routes to school or work.
- Notify school and work contacts, for example the Title IX Coordinator, Resident Assistants, and advisors (If relevant, notify coaches, faith leaders, Greek "house parents").
- Provide a photo of the abuser to campus [SAFETY OR POLICE], as well as relevant Residence Life staff, including front desk workers, to help identify the abuser.

If you leave a relationship in which you are being abused, or are thinking of leaving, keep important papers and documents with you - make a checklist:

- ✓ Student I.D.
- ✓ Passport and Visas
- ✓ Social Security cards
- ✓ Driver's License
- ✓ Citizenship documentation
- ✓ Birth certificate(s)
- ✓ Licenses, leases or deeds in your name or both yours and your partner's names
- ✓ Debit/charge cards
- ✓ Bank statements and charge account statements
- ✓ Insurance cards
- ✓ Proof of income (pay stubs or W-2's- important if you need to rent)

- ✓ Documentation of past incidents of abuse (texts, online messaging, photos, police reports, medical records, etc.).
- ✓ If you have a protective order, keep a copy of it with you. Consider sharing this with trusted friends, family members, and/or neighbors.

Please note that [YOUR UNIVERSITY] Police/Campus Safety may issue orders prohibiting threatening persons from coming to campus. For any student experiencing sexual misconduct, including abuse, violence, stalking and/or harassment, [YOUR UNIVERSITY] will take interim measures to protect students' safety and/or well-being (including but not limited to, modification of on-campus living arrangements, academic accommodations, and coordinating with campus and local resources). Title IX applies to students of any gender, including female, male, gender non-conforming, and/or transgender students. To learn more, visit: [YOUR UNIVERSITY'S TITLE IX WEBSITE], <http://knowyourix.org/> and <http://www.changingourcampus.org/>.

II. Online Safety

Social networking is a part of life for most people. It helps us feel connected, especially if we are far from the ones we love. You have the right to post things about yourself that you want the world to know. However, abusive people can use the internet and social media as a tool to track and harm another person. The following are suggestions to consider in using social media:

1. Use strong privacy and security settings. Take advantage of the security options provided by social networking services. When choosing appropriate options, err on the side of privacy to better protect your information. These services may change their options periodically, so regularly evaluate your security and privacy settings, looking for changes and ensuring that your selections are still appropriate. Also periodically review the services' privacy policies to see if there are any changes.
2. Avoid suspicious third-party apps. Look for apps developed by vendors you trust, and avoid apps that seem suspicious. Limit the amount of information third-party apps can access. Also limit apps' access to location information. You can change location settings from your device settings.
3. Despite your best efforts to use strong privacy and security settings, you should imagine that when you post something about yourself, it can reach your abuser and the general public. Consider limiting the amount of personal information you post, including any comments or photos.
4. Share information only with people you know. Although many users seek to establish as many contacts on these services as possible, consider sharing personal information only with people you trust. If you expand your contacts beyond people you are sure you can trust, check the service's settings to see if you can group your contacts and assign different levels of access based on your comfort level. Try to confirm that contacts are who they claim to be before giving them access to your information.
5. If it feels safe to do so, tell friends (particularly mutual friends) about the abuse. Ask them not

to accept social media requests from the abusive person(s) or share personal information about you.

6. Request that your friends ask you before they do a check in or tag you in a post or tweet. To be safe, tags and check-ins can be done several days after you meet up with friends if you think it is safe to do so. Some services allow you to control what is posted on your timeline by having to approve it. You can make this change in privacy settings.
7. Regardless of how restrictive you make your security settings, they may not offer complete privacy. An attacker or application may take advantage of software vulnerabilities, or another user may repost your information.
8. Google your name on a regular basis. This helps you to know if the abuser has posted images of you or information about you that you didn't consent to. If the abuser has posted explicit images of you without your consent, there are resources available for support and potentially to help you with "take-down" requests at <http://dmcadefender.com/victim-of-revenge-porn/> and <http://www.cybercivilrights.org/>.
9. For additional information on online safety, visit the [National Network to End Domestic Violence's privacy and safety guide for survivors](#).

III. Staying Safe on Campus

If a victim/survivor pursues charges through student conduct and/or the police, and the victim/survivor approves, it is recommended that universities remove the abuser from places that would interfere with the victim's/survivor's daily routine until the case has been adjudicated. Examples include changing the abusers housing, moving the abuser to another course section, scheduled dining times and study times, etc. If the victim/survivor does not feel comfortable with these accommodations or has not pursued any charges, universities are still required to provide victims/survivors with assistance and support. Taking all of this into account, here are some things to consider as you navigate campus:

1. The safest way for me to get to class or work is:
_____.
2. These are places on campus where I feel the least safe: _____,
_____ and _____. I will try and avoid these places as much as possible or try to go when my abuser won't be there.
3. If I feel threatened or unsafe when I am on campus, I can go to these public areas where I feel safe (library, dining hall, gym, student center, etc.) _____ and/or _____.
4. In addition to the police, these are phone numbers I can call if I feel unsafe (e.g. trusted friends, Title IX Coordinator, Advocate, Counselor, etc.):

IV. Staying Safe in the Residence Halls

1. I can tell these people (hall mates, roommates or Resident Assistant's) about what is going on in my relationship [IDENTIFY CONFIDENTIAL RESOURCES HERE AND WHETHER HOUSING STAFF ARE CONSIDERED CONFIDENTIAL OR NOT]: _____, _____ and _____.
2. There will be times when my roommate is gone. If I feel unsafe during those times, I can have people stay with me. I will ask: _____.
3. The safest way for me to leave my residence in an emergency is: _____.
4. The safest way for me to leave my abuser's residence in an emergency is: _____.
5. If I have to leave my residence hall in an emergency, I should try to go to a place that is public, safe and unknown by my abuser. I could go here: _____, and/or here _____.
6. I will use a code word/phrase so I can alert my family, friends, roommates and/or hall mates to call for help. My code word is: _____.

V. Stalking

The Stalking Resource Center has a wealth of information on stalking behavior, including a stalking log, to document incidents for reporting: <http://www.victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims>

Incidents include harassing phone calls, text messages, letters, e-mail messages, acts of vandalism, and threats communicated through third parties. When reporting the incidents to police, write down the officer's name and badge number for your own records. Even if the officers do not make an arrest, you can ask them to make a written report and request a copy for your records.

***Important note: Since this information could potentially be introduced as evidence or inadvertently shared with the stalker at a future time, do not include any information that you do not want the offender to see.**

Attach a photograph of the stalker, photocopies of restraining or no-contact orders, police reports, and other relevant documents. Keep the log in a safe place and tell only someone you trust where you keep your log. Here is a sample to get you started:

Date	Time	Description of Incident	Location	Witness Names & Contact	Police Called Report Number	Officer Name Badge Number

VI. Trauma and You

People who experience violence, abuse and/or assault can have lasting traumatic emotional and physical impacts. Although everyone responds to trauma differently, some common feelings that survivors experience after a trauma include:

- Feelings of fear
- Feeling like you have lost control
- Difficulty concentrating
- Feeling guilty
- Feeling negative about yourself
- Depression
- Anxiety
- Persistent and invasive thoughts.
- Problems in your relationships
- Nightmares and trouble sleeping.
- Avoiding memories, feelings, people or places associated with your experience

It is common for people who experience trauma to also develop unhealthy coping skills such as:

- Alcohol abuse

- Substance abuse
- Withdrawing from friends/family
- Withdrawing from activities
- Disordered eating habits (too much or not enough)

Please use the following prompts to help explore your thoughts and feelings. Feel free to discuss this with a trusted counselor or friend:

1. When I experience _____, I feel triggered/activated and afraid.
2. If I am triggered/activated I will _____, _____, and _____ to help me feel grounded and safe.
3. When I need a break, I will: _____ (talk to friends, take a walk...)
4. If I have trouble sleeping, I will call: _____ or: _____
5. I am proud of myself because: _____
6. I am strong because: _____
7. If I feel confused, depressed or scared, I can call the following people:

Name: _____

Phone #: _____

Name: _____

Phone #: _____

Name: _____

Phone #: _____

VII. ON-CAMPUS RESOURCES

[LIST ON-CAMPUS RESOURCES HERE AND IDENTIFY WHO IS CONFIDENTIAL]

VIII. LOCAL OFF-CAMPUS RESOURCES

[LIST OFF-CAMPUS RESOURCES HERE AND IDENTIFY WHO IS CONFIDENTIAL]

APPENDIX B

Model Timely Warning

Intended Audience: *The entity(s) on campus that write and issue timely warnings (e.g. campus law enforcement, Title IX Coordinator, Communications, etc.).*

For the purpose of this template, dating violence and domestic violence will be referred to as intimate partner violence or IPV.

Working with the Victim/Survivor Before and After Issuing the Warning

It is recommended that, if the victim/survivor wants to, you write the incident summary with them. This step can help to empower the victim/survivor by allowing them to choose the language that feels most comfortable to them. This process also makes it so that the victim/survivor knows what to expect when the warning is issued, potentially decreasing emotional trauma. It is also recommended that you let the victim/survivor know when and in what format (email, text, etc.) the alert will be issued, and what information will be included. If the victim/survivor has been supported by an advocate during that process, it is also recommended that you let the advocate know that information as well.

Making the Decision to Issue a Timely Warning

The Clery Act requires institutions to issue timely warnings to the campus community about crimes that have already occurred but may continue to pose a serious or ongoing threat to students and employees. Timely warnings are only required for Clery-reportable crimes that occur on Clery Geography although institutions are encouraged to issue appropriate warnings regarding other criminal activity that may pose a serious threat as well.

More information on issuing a timely warning is available in Chapter 6 of the 2016 document, [The Handbook for Campus Safety and Security Reporting](#).

Example Timely Warning

Date of Incident:

Location:

Crime/Offense:

Summary: (for what to include in your summary, please view Chapter 6 of the 2016 document, [The Handbook for Campus Safety and Security Reporting](#).)

“[YOUR INSTITUTION] is providing resources and advocacy to assist the individual(s) involved in this incident, and will continue to take actions to maintain the safety and security of the campus community.”

Suspect Information:

If you have any additional information that might assist [YOUR INSTITUTION] in our investigation, please contact [DEPARTMENT NAME OR PERSONNEL NAME] at [PHONE NUMBER] or [EMAIL ADDRESS]. You may also report crimes anonymously at [INSERT CONTACT INFO HERE].

It is important that everyone in our community familiarize themselves with what constitutes [SELECT RELEVANT CRIME: SEXUAL VIOLENCE, DATING VIOLENCE, DOMESTIC VIOLENCE OR STALKING] under the [RELEVANT POLICIES OR CODE OF STUDENT CONDUCT NAME] (hyperlink these here) and that we, as a community, be vigilant in stopping it. Those individuals who are not willing to live by a code of mutual consent, respect and concern are not welcome in our community.

SIGNS OF ABUSE

The following is a list of warning signs of abuse. Engaging in any of these behaviors is unhealthy and likely abuse. They are also a violation of [YOUR INSTITUTION’S RELEVANT POLICY OR CODE OF STUDENT CONDUCT]:

- Checking your partner’s cell phone, social media pages, or email without permission
- Constantly putting your partner down
- Exhibiting extreme jealousy or insecurity
- Isolating your partner from family/friends
- Physically hurting your partner
- Telling your partner what to do, what to wear, where to go, who to be with, etc.
- Coercing, manipulating, or threatening your partner to have sex
- Intimidating your partner
- Breaking your partner’s cell phone or damaging other personal property
- Threatening to spread rumors about your partner or expose their secrets
- Showing nude or inappropriate pictures of your partner to others without their consent, including through text or social media

PREVENTION

- Treat everyone with kindness and respect.
- Make sure you have consent. Consent is clearly, freely, and willingly given. It is a yes, not the absence of no.
- People who are incapacitated by drugs or alcohol cannot give consent.

- Do not subscribe to traditional gender roles that support the ideal that men are more powerful and dominant than women.
- Do not engage in, supporting, or encouraging sexual harassment including sexist jokes.
- Be active in supporting a safe, respectful, and equitable community. Hold people accountable for their abusive behavior, sexist jokes, and use of degrading language.
- Safely intervene and/or call for help if you witness disrespectful or inappropriate behavior, or a violent crime.

REMEMBER

- IPV, stalking, and sexual violence are crimes that someone chooses to commit. The responsibility always lies with the perpetrator-not the victim/survivor. No one deserves, asks for, or provokes IPV, stalking, or sexual violence. (HYPERLINK THE WORDS IPV, STALKING and SEXUAL VIOLENCE, TO YOUR INSTITUTION POLICY DEFINITIONS AND/OR STATE LAW).
- IPV, stalking and sexual violence happen in all communities, and people of all gender identities can be both the perpetrators as well as the victims/survivors. [YOUR INSTITUTION] Student Code of Conduct AND/OR IPV, stalking, or sexual violence policy, and District of Columbia law prohibit IPV, stalking, and sexual violence. (HYPERLINK TO POLICIES AND LAWS)
- Trust your intuition -- if you feel your relationship is unhealthy it probably is.
- If you feel afraid, utilize campus transportation resources [WEBSITE OR PHONE NUMBER TO INSTITUTION ESCORT SERVICES].
- If you feel threatened on campus, look for a blue light emergency phone or call 911.

RESOURCES

[YOUR INSTITUTION] is here for you. If you have experienced IPV, stalking, and/or sexual violence, we encourage you to share this information with us so that we can provide you with support, resources, options, and/or medical attention. Sharing information does not automatically ensure a police investigation. The following is a list of resources available to you: [LIST INSTITUTION AND COMMUNITY RESOURCES HERE, AND HIGHLIGHT WHICH ARE CONFIDENTIAL].

For status updates, see the [INSTITUTION WEBSITE/PHONE NUMBER THAT PROVIDES THIS INFORMATION].

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), 20 U.S.C. 1092 (f), [YOUR INSTITUTION] issues timely notices to notify the campus community of Clery Act crimes or other serious incidents that the institution determines represent a serious and ongoing threat to the campus. The College/University may distribute timely notices using a variety of means, including emails, text messages, flyers, and website announcements posted on the Campus Law Enforcement/Campus Safety website [CAMPUS LAW ENFORCEMENT/CAMPUS SAFETY WEBSITE HERE].

APPENDIX C

D.C. Criminal and Civil Statutes Related to Domestic Violence, Stalking, and Sexual Violence

*All of the following D.C. statutes can be found on the D.C. Council's website, <http://www.dccouncil.us/legislation>.

D.C. Criminal Statutes Related to IPV, Stalking, and Sexual Violence

Arrests

- § 16–1031: Mandatory arrests
- § 23–581: Arrests without warrant by law enforcement officers

Assault

- § 22–401: Assault with intent to kill or to commit first degree sexual abuse, second degree sexual abuse or child sexual abuse
- § 22–402: Assault with a dangerous weapon
- § 22–404: Assault or threatened assault in a menacing manner
- § 22–404.01: Aggravated assault

Damage to Property

- § 22–303. Malicious burning, destruction, or injury of another's property

Threats

- § 22–407: Threats to do bodily harm

Trespass/Unlawful Entry

- § 22–3302. Unlawful entry on property

Stalking-Related Offenses

- § 22-3031 to -3035: Stalking

Rape and Sex Offenses

- § 22-3002 to -3006: Sexual abuse
- § 22-3007: Defense to sexual abuse
- § 22-3008 and -3009: Child sexual abuse
- § 22-3009.01 to -3009.02: Sexual abuse of a minor

Miscellaneous

- § 22-3051 to -3057: Non-consensual disclosure or publication of sexual images of another person

APPENDIX D

Mutual Agreement

A respondent may choose to waive their right to a disciplinary conference or hearing, to accept responsibility for violations of the Code of Student Conduct, and to accept a sanction determined by a staff member in the Office of Student Conduct.

The following procedures will apply for resolution by mutual agreement:

1. Upon being presented with the information regarding the charge(s), and providing a response to the charge(s), the respondent may accept responsibility and engage in a discussion about any factors that could impact sanctioning.
2. The staff member in the Office of Student Conduct will take into consideration any factors affecting possible sanctions and will determine appropriate sanctions to be presented to the respondent.
3. The respondent will be allowed to ask questions of the hearing officer regarding the suggested sanctions and will be permitted two (2) University business days to consider the agreement. The respondent may be represented by an attorney or other advocate in accordance with [INSERT INSTITUTION-SPECIFIC POLICY/REGULATION], and seek any outside counsel in making a decision to sign the Mutual Agreement.
4. The respondent may sign the Mutual Agreement, indicating an acceptance of responsibility for the allegation(s) and the sanctions. As a condition of entering into the agreement, a respondent waives their right to appeal the decision and sanctions.
5. The respondent may decide against signing the Mutual Agreement and may continue with the resolution of their case through the completion of another appropriate conduct process.