

## Key Campus Sexual Assault Terms and Policies to Know

Title IX is a federal civil rights law that prohibits discrimination on the basis of sex in any educational program or activity that receives federal funding. This includes most schools, including private institutions and grades K-12. Title IX addresses sexual harassment, sexual violence, or any gender-based discrimination that may deny a person access to educational benefits and opportunities.

Department of Education (DoE): The federal office that oversees any educational institutions receiving federal funding. Theoretically, it ensures that students attending these institutions receive equal access to education, through the DoE's enforcement of federal civil rights laws as they apply to educational institutions.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (known as the Clery Act) is a federal law requiring United States colleges and universities to disclose information about crime on and around their campuses. The Act is enforced by the United States Department of Education. The Clery Act requires colleges and universities to do the following with regards to sexual assault reports: 1) Publish an Annual Security Report; 2) Disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities; 3) Issue timely warnings about Clery Act crimes which pose a serious or ongoing threat to students and employees; and 4) Devise an emergency response, notification, and testing policy.

The Campus Sexual Violence Elimination Act (SaVE Act) was once a stand alone bill whose components were instead applied to the Violence Against Women Act (VAWA) amendments to the Clery Act. The Campus SaVE Act updated the Clery Act, expanding the scope of this legislation in terms of reporting, response, and prevention education requirements around rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.

The Dear Colleague Letter (DCL) explains that the requirements of Title IX cover sexual violence and to remind schools of their responsibilities to take immediate and effective steps to respond to sexual violence in accordance with the requirements of Title IX. In the context of the letter, sexual violence means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

Complainant: May also be referred to as victim, survivor, or reporting party.

Respondent: May also be referred to as a perpetrator, assaulter, harm-doer, or responding party.

Survivor: A term used by some individuals who have experienced violence, often as an alternative to the term used in criminal-legal systems, “victim”. Some individuals feel that the word “survivor” offers a term of reclamation of identity and autonomy after an experience of violence. This term is commonly used in national organizing movements around sexual violence.

For Additional Information on the 2014 Q & A:

<https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

For Additional Information on Accommodations:

<https://www.victimrights.org/what-about-school>

For Additional Information on Title IX:

<http://endrapeoncampus.org/title-ix/>

For Additional Information on The Clery Act:

<http://endrapeoncampus.org/the-clery-act/>

For Additional Information on the Campus SaVE Act:

<http://endrapeoncampus.org/the-campus-save-act/>

For Additional Information on the Dear Colleague Letter:

Dear Colleague Letter: Sexual Violence; Background, Summary, and Fast Facts Fact Sheet (2 p.)

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>

For Additional Information on Evidentiary Standards:

<https://atixa.org/wordpress/wp-content/uploads/2017/09/ATIXA-Guide-to-Choosing-Between-Preponderance-of-the-Evidence-v.-Clear-and-Convincing-Evidence-9.22.17.pdf>

<http://www.feministlawprofessors.com/wp-content/uploads/2016/08/Title-IX-Preponderance-White-Paper-signed-10.3.16.pdf>