



End Violence Against Women International
(EVAWI)

Sexual Violence on Campus: Reporting and Collaborative Response

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Jennifer Y. Levy-Peck, PhD, Consultant, worked with trauma survivors and in program development for more than 30 years. After obtaining a BA in Psychology from the University of Massachusetts at Boston, she received her Masters' degree in Counseling from Boston University and then earned a PhD in Clinical Psychology at George Washington University in Washington, DC. Jennifer co-founded a domestic violence program in Virginia and participated in the development of services for sexual assault and abuse survivors in the community and on campus. As a clinical psychologist, she has provided therapeutic treatment in a variety of settings and was the Program Management Specialist for the Washington Coalition of Sexual Assault Programs for more than five years. She currently runs her own business, Levy-Peck Consulting, and is the Accreditor for community sexual assault programs in Washington State. Jennifer has written a book for parents of children who have been sexually abused, and has been a presenter at national, regional, and local conferences. She is co-editor (and has written several chapters) of two books on intimate partner sexual violence, one focusing on survivors and the other on perpetrators.



Overview

When college students reveal they have been sexually victimized, the question of how to respond and who should be told is complicated. In addition to informal disclosures to college personnel (who may or may not have a responsibility to report to someone else), a student can report to:

- Campus police.
- Local law enforcement.
- Campus Student Conduct or Judicial Affairs Office.
- Title IX Officer.
- And, in some cases, a student can make an anonymous online report, usually through a campus website.

Institutions of higher education have a duty to protect student safety, as stated in Title IX of the Education Amendments of 1972, a federal civil rights law that prohibits discrimination on the basis of sex. This requirement may sometimes seem to conflict with a victim-centered approach, which gives victims control over their own information and course of action.

Title IX and Sexual Violence

Institutions of higher education, along with all schools receiving any federal funding, must comply with the provisions of Title IX. Title IX requires schools to respond, “promptly and effectively to sexual violence against students.” The Office for Civil Rights of the US Department of Education, under the Obama Administration created a document, [“Questions and Answers on Title IX and Sexual Violence,”](#) to clarify schools’ responsibilities.

Essentially, Title IX requires schools to conduct their own investigations of sexual violence cases, separate from any criminal investigation by law enforcement, and to take action to address sexual violence. Title IX applies to both on- and off-campus incidents, and to both student-on-student and employee-on-student sexual violence, including the creation of a hostile environment that interferes with a student’s ability to participate in the educational process.

This Q&A document explains what schools must do, describes appropriate prevention efforts, explains how Title IX relates to the [Family Educational Rights and Privacy Act \(FERPA\)](#) and the [Clergy Act](#) with regard to keeping a complainant informed, and gives examples of how schools and the Office for Civil Rights can respond to sexual violence. It also tells which school employees are required to report possible sexual violence to school officials and describes the process for addressing the confidentiality issues



involved when a student does not want to be identified or does not want an investigation to move forward. The document describes what a school should do if there is also an ongoing criminal investigation – the school is obliged to proceed with its own investigation, although it may have to delay fact-finding while law enforcement gathers evidence. However, the school should still take action to protect the complainant while this is going on and should not wait for the criminal case to conclude prior to making its own findings.

Sample MOU for Law Enforcement and Institutions of Higher Education

The White House Task Force to Protect Students from Sexual Assault under the Obama Administration promoted effective, victim-centered, trauma-informed response to sexual violence on campus. To further those goals, the Task Force issued a sample memorandum of understanding (MOU) in a document entitled “[Building Partnerships among Law Enforcement Agencies, Colleges and Universities: Developing a Memorandum of Understanding to Prevent and Respond Effectively to Sexual Assaults at Colleges and Universities.](#)” While understanding that particular campuses and communities will need to modify the language of the sample MOU to fit their needs, the document provides sample language to make the process easier. It suggests that the parties to such an MOU should be all the relevant entities (such as campus police and the Title IX coordinator) at the institution of higher education, and any appropriate law enforcement agencies in the surrounding areas. The sample MOU addresses communication and coordination, sexual assault prevention (including sharing crime data), response to reported sexual assault, and training for all professionals involved.

The Big Picture: Policy Guidelines for Campuses

The 2013 reauthorization of the Violence Against Women Act (VAWA) amended the Clery Act through the [Campus Sexual Violence \(SaVE\) Act](#) which required specific types of policies and procedures to address sexual assault and protect victims’ rights. Of interest to law enforcement, campuses are required to have policies that explain the importance of preserving evidence that may be used in a criminal case, provide victims with options for reporting to law enforcement and/or campus authorities, and explain victims’ rights, among other requirements. The enactment of the Campus SaVE Act offers an opportunity for institutions of higher education and law enforcement to reexamine their partnerships and collaborative approaches to sexual violence response.

CALCASA Resource

The California Coalition Against Sexual Assault (CALCASA) offers a resource for institutions of higher education, “[Student Safety, Justice, and Support: Policy Guidelines for California Campuses Addressing Sexual Assault, Dating/Domestic Violence and Stalking.](#)” While the guide includes references to California law and is intended to guide campus policy-makers, it can also serve as an overview of the issues involved in



response to sexual violence on campus. It draws from national examples, not just those from California schools, to describe best practices. This guide is notable for its emphasis on creating practical strategies to institute a survivor-centered, trauma-informed approach to sexual violence response. For example, there is detailed information on protecting confidentiality and offering information to victims right at the outset about what will happen to any information they disclose, and what their disclosure options may be.

This document also describes and provides examples of how to ensure that students have ready access to information about sexual violence, reporting options, and the workings of the university system. Transparency, justice, and coordination are key principles in this guide, along with respect for self-determination by the survivor. Because advocacy agencies (depending on state law) may be able to offer more guarantees of confidentiality than campus personnel, the document includes a sample MOU for a collaborative partnership between a college or university and the local sexual assault or rape crisis center.

Additional Resources

[The National Center for Campus Public Safety](#) brings together all forms of campus public safety, professional associations, advocacy organizations, community leaders, and others to improve and expand services to those who are charged with providing a safe environment on the campuses of the nation's colleges and universities.

[The Clery Center for Security on Campus](#), a non-profit 501(c)(3) dedicated to preventing violence, substance abuse and other crimes on college and university campuses across the United States, and to compassionately assist the victims of these crimes.

[ATIXA](#) provides a professional association for school and college Title IX Coordinators, investigators, and administrators who are interested in serving their districts and campuses more effectively. ATIXA brings campus and district Title IX coordinators, investigators, and administrators into professional collaboration to explore best practices, establish industry standards, share resources, empower the profession, and advance the worthy goal of gender equity in education.

