



Your travel host:
US Department of Justice
Office on Violence Against Women

United States Department of Justice Office on Violence Against Women

Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence and Stalking on Campus Program

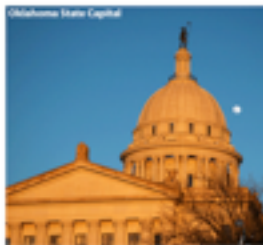
Judicial Affairs/Disciplinary Board & Policy *Campus Program Web Conference Series*

October 25, 2011



Your travel host:

CALCASA
CALIFORNIA ADVISORY CENTER FOR
CHILD ABUSE AND NEGLECT



Your travel host:




Your travel host:




Your travel host:


Agenda

1

- I. Campus Technical Assistance Team
- II. How to use Technology
- III. Announcements
- IV. Communication with Trainees to Enhance Training Impact
- V. Q&A
- VI. Acknowledgements

Campus TA Team

2

Denice Labertew, Director of Advocacy & Campus Services denice@calcasa.org

Livia Rojas, Training & Resource Coordinator livia@calcasa.org

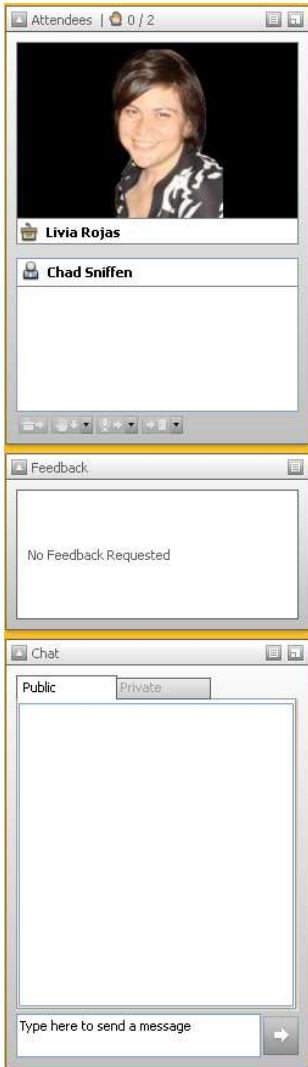
Leah Lyon, Director llyon@ecok.edu

Dorothy Edwards, Director dedwards@kdva.org

Jennifer Sayre, Director of Training & Development jsayre@kdva.org

Althea Hart, Training & Resource Specialist ahart@mscasa.org

Levette Johnson, Executive Director lkelly@mscasa.org



Raise Hand

Q & A

Text Chat

PowerPoint Slides

Chatting on iLinc

4



How has the Dear Colleague Letter impacted your campus response to violence?

Use chat to answer

Announcements

5

- Webinar materials on CALCASA.org/campus
- Campus Institutes – week of January 23, 2012
- Campus Webinar on Feb 1 @ 11.00 a.m. PST

Mandatory Project Directors Meeting



Once the Policy Is

7

Written:

How to Effectively Implement Your Disciplinary Policy

Lindy Aldrich, Esq.

laldrich@victimrights.org

Victim Rights Law Center

October 25, 2011

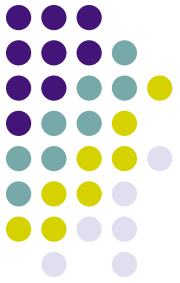
Preparation of this material was supported in part by VRLC grant number 2004-WT-AX-K062, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, and conclusions expressed are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

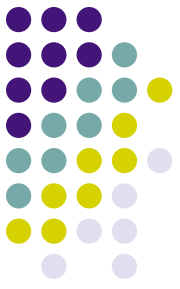
WHO IS THE VRLC?

8

VRLC Boston Office
115 Broad Street, 3rd Floor
Boston, MA 02110
Email: TA@victimrights.org
(617) 399-6720
877-758-8132

VRLC Portland Office
520 SW Yamhill, Suite 200
Portland, OR 97204
(503) 274-5477
Email: TA@victimrights.org
Web: www.victimrights.org



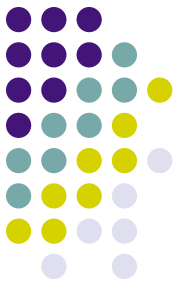


LEARNING OBJECTIVES

9

- How the April 2011 Dear Colleague Letter is Affecting Campus Disciplinary Proceedings
- Awareness of the Top 10 Implementation Problems the VRLC Sees
- What Action Items You Can Take Back to Your Campus

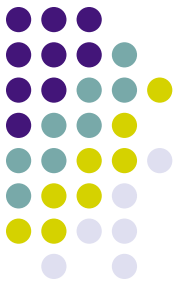
HIGHLIGHTS OF THE APRIL 2011 “DEAR COLLEAGUE LETTER”



10

- A single incident of rape is sufficient to create a hostile environment
- Students engaged in off campus educational activities protected.
- Consider whether events that occurred off campus create a hostile environment on campus.
- Schools must respond separately from law enforcement with a prompt, thorough and impartial investigation whether told by student, parent or third party.

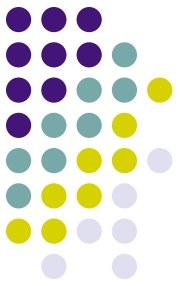
DCL: GRIEVANCE PROCEDURES



11

- Preponderance of the evidence standard (it is more likely than not . . .)
- Mediation cannot be used to resolve a sexual assault complaint.
- Include complaints against school employees, other students and third parties.
- “Adequate, reliable and impartial investigation of complaints.”
- Alert student of administration requirement to respond to any retaliation.

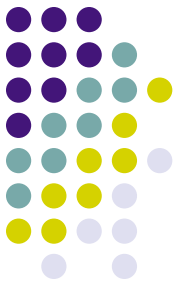
DCL: LAW ENFORCEMENT PARTICIPATION



12

- Should be trained on grievance procedure
- LE investigation not determinative of whether a violation of Title IX has occurred and does not relieve a school of its duty.
- There could be sexual harassment even if insufficient evidence of a criminal violation.
- Schools should not wait for LE investigation to conclude before beginning their investigation.
- Schools should not discourage a criminal complaint.

DCL: AVOIDING A HOSTILE ENVIRONMENT



13

- Options to avoid contact with perp and to change living and academic situations
- Minimize burden on complainant (remove accused from class not victim)
- Victims services/counseling services/medical services available
- Escort between classes
- Allow complainant to retake a course or withdraw without penalty
- Review disciplinary actions against complainant which may pertain to the complaint.
- Follow up with complainants about any retaliation.



Top 10 Implementation Problems

#1 IMPLEMENTATION PROBLEM

15



**Something About A Party
Makes the Complaint
“Complicated” or
“Special”**

#2 IMPLEMENTATION PROBLEM

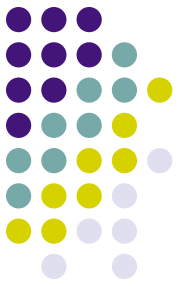
16



Everything In Writing

#3 IMPLEMENTATION PROBLEM

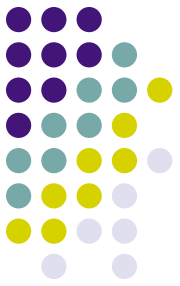
17



**Victim Doesn't Want to Make
Complaint – Must School
Investigate?**

MUST A SCHOOL INVESTIGATE?

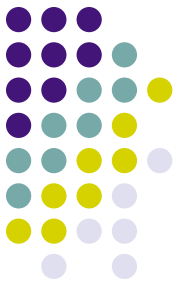
18



- Determine what victim remedies are available
 - Safety measures – class schedule, residence hall, etc
 - Disciplinary Action – suspension or expulsion
- Reporting to law enforcement
 - Campus Alerts
 - Multiple reports on same accused
 - Severity of violence and safety risk to campus
 - Recent OCR compliance reports

#4 IMPLEMENTATION PROBLEM

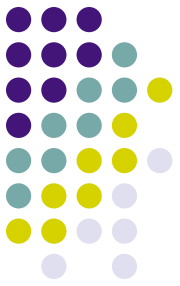
19



**Both of the Parties Claim
They Were Intoxicated**

#5 IMPLEMENTATION PROBLEM

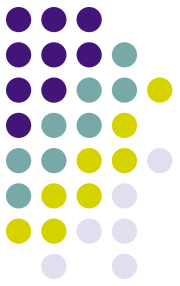
20



Interim Measures Must be Fair and Mindful of Hostile Environment

#6 IMPLEMENTATION PROBLEM

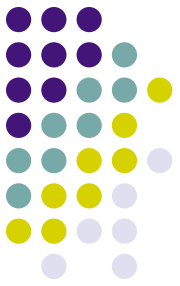
21



**Decision Makers Must be
Trained**

#7 IMPLEMENTATION PROBLEM

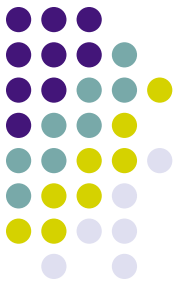
22



**What You Do For One Party
Must Be Done for the Other
Party**

#8 IMPLEMENTATION PROBLEM

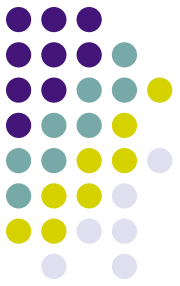
23



**One Assault =
Hostile Environment**

#9 IMPLEMENTATION PROBLEM

24



Uncharted Territory: Appeals Process

#10 IMPLEMENTATION PROBLEM

25



Remember:

- Accused should not directly question the Accuser
- Title IX Coordinator should not be on judicial board or other position of conflict
- Do not wait for the outcome of a criminal case
- Keep a transcript or record of all hearings or fact-finding interviews
- Adherence to written outcomes

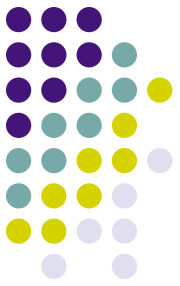
ACTION STEPS

26



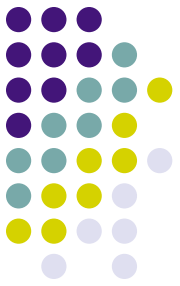
- Consider a “Climate Check” survey immediately to assess hostile environment on campus
- Liability analysis with General Counsel
 - Determine protocol for non-complaint
- Assess your Decision Maker training program
- Review Appeals process for fairness and inclusion

RESOURCES



27

- OCR Web Page:
 - <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>
- Know Your Rights:
 - <http://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.pdf>
- Dear Colleague:
 - <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>
- Background, Summary and Fast Facts:
 - <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201104.pdf>
- Campus SA Policies – www.safercampus.org
- National Center for Higher Education Risk Management – www.nchem.org



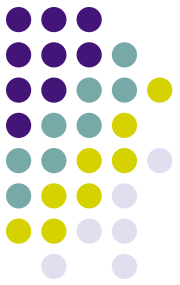
THANK YOU!

Contact Us!

29

VRLC Boston Office
115 Broad Street, 3rd Floor
Boston, MA 02110
Email: TA@victimrights.org
(617) 399-6720
877-758-8132

VRLC Portland Office
520 SW Yamhill, Suite 200
Portland, OR 97204
(503) 274-5477
Email: TA@victimrights.org
Web: www.victimrights.org



Q & A

*Use the text chat to ask Lindy Aldrich or
the Campus TA providers a question*

Acknowledgements

31

Lindy Aldrich, J.D.

Webinar participants

U.S. Department of Justice Office on Violence Against Women

California Coalition Against Sexual Assault

East Central Oklahoma University

Kentucky Domestic Violence Association

Mississippi Coalition Against Sexual Assault