



Clery Center's Clery Act Training Seminar: Title IX-related Content

NOTICE OF APPROVED USE

As a way to support institutions in their efforts to comply with section 106.45 of the final Title IX Rules, Clery Center has compiled all relevant Title IX training materials from CATS (Clery Act Training Seminar) into one comprehensive document.

Clery Center embraces a multi-disciplinary approach to Clery Act compliance and recognizes there are areas wherein the Clery Act and Title IX intersect. However, we believe that only some training content could be interpreted as Title IX training. As such, institutions requesting materials used in the training of "Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process" are only permitted to download and share this document in the format provided, with Clery Center logo and branding intact and unchanged. Individuals and/or institutions are not authorized to alter, copy, adapt, crop, or otherwise change the materials in any way, nor may they use the materials for training or for any commercial purpose unless expressly provided to the institution by Clery Center for that purpose.





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Intersections

- ... (3) Sexual assault (which includes rape, fondling, incest, and statutory rape), domestic violence, dating violence, and stalking under the

WORKBOOK ACTIVITY:



WB 50

- Go to the *Clery/Title IX Intersections* Workbook activity.
- Answer the questions independently.
- Reference your answers as we move through today's content.

GEOGRAPHY/JURISDICTION

THE CLERY ACT

- Four geographic locations for reporting
 - On-campus
 - On-campus student housing
 - Noncampus
 - Public property
- For response: on and off campus

REPORTING REQUIREMENTS

THE CLERY ACT

- Broader scope of reporting responsibility
- Non-personally identifiable information (nature, date, time, general location, current disposition)
- All Clery crimes

TITLE IX

- Higher threshold for a reported incident to be considered “actual knowledge”
- Sexual harassment – one category being DVSA as defined under Clery

WHAT IS CONSIDERED A REPORT TO THE INSTITUTION UNDER TITLE IX?

- Institutions must respond when the institution has *actual knowledge*, meaning a notice of or allegations of sexual harassment (as previously defined) to:

WHAT MUST AN INSTITUTION DO WHEN IT RECEIVES A REPORT?

THE CLERY ACT

- A report of a Clery crime to a CSA leads to institutional actions required under Clery, including:
 - Determining whether there is a serious or ongoing threat that would require **a timely warning**

TITLE IX

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ACCOMMODATIONS & MEASURES

ACCOMMODATIONS & MEASURES

THE CLERY ACT

- Accommodations
- Must be provided in writing
- Options for, available assistance in, and how to request changes to:
 - Academic
 - Living
 - Transportation
 - Working
 - Protective Measures
- If requested by the victim
- If reasonably available
- Regardless of whether the victim chooses to report to campus police or local law enforcement

TITLE IX

- Supportive Measures
- Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge
- To the complainant or the respondent
- Before or after the filing of a formal complaint or where no formal complaint has been filed

PROCEDURES TO FOLLOW: INSTITUTIONAL DISCIPLINARY ACTION

- Explanation of procedures, including:
 - Type of **proceeding**
 - Steps involved
 - How institution determines which type to use
- How to file a disciplinary complaint



Go to the *Title IX Required Process Flow Chart* in the Workbook. Reflect upon your institution's disciplinary procedures.

PROCEEDING UNDER CLERY

INCLUDES:

- Fact-finding investigations
- Formal or informal meetings
- Hearings

DOES NOT INCLUDE:

- Communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim

SANCTIONS & REMEDIES

THE CLERY ACT

- Must list all possible sanctions
- Must describe range of protective measures

TITLE IX

- Must describe range of sanctions, but...
- Must describe range of remedies

TRAINING

THE CLERY ACT

- Proceedings must be conducted by officials who receive annual training on:
 - Issues related to dating violence, domestic violence,

ADVISOR OF CHOICE

THE CLERY ACT

- Both parties must have same opportunities to be accompanied by an advisor of choice
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NOTICE OF OUTCOME

THE CLERY ACT

- Simultaneous notification in writing of:
 - Result of any institutional disciplinary proceeding
 - Procedures for accused and victim to appeal the result, if such procedures are available
 - Any change to the result
 - When such results become final
- Must include rationale for the results and the sanctions

TITLE IX

- Simultaneous written determination, including:
 - Allegations potentially constituting sexual harassment
 - Procedural steps taken
 - Findings of fact supporting determination
 - Conclusions regarding application of code of conduct to the facts
 - Statement of, and rationale for, the results as to each allegation



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