

Addressing Sexual Misconduct and Other Crimes on Campus: TITLE IX, Clery and VAWA



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Federal and State Mandates Regarding Campus Crime

Intersecting legislation aimed at addressing sexual misconduct and other crimes on college and university campuses include:

- Title IX
- Clery Act
- Violence Against Women Act (VAWA)
- State Law

Sexual Misconduct & Sexual Discrimination are Defined as:

Any sex-based circumstances/events that deny or limit an individual's ability to participate in or receive benefits, services, or opportunities in the university's programs: academic programs, internships, sports, housing, admissions, health services, etc.

What Is Title IX

- 1972 Landmark civil rights protection
- Provides protection from all forms of sexual misconduct including: sex-based discrimination, harassment, or gender violence at any educational institution receiving federal funding
- Students are the primary focus of Title IX, although it is applicable to all campus constituencies
- Applies to males and females, including gender non-conforming individuals

Title IX Focus: Sexual Misconduct

- **Sexual Misconduct:**

All forms of harassment and violence that are sexual in nature

- **Sex-Based Harassment:**

Stalking, voyeurism, exhibitionism, verbal or physical abuse or threats thereof

- **Sex-Based Violence:**

Intimate partner or domestic partner violence, dating violence, attempted or completed rape, and other forms of sexual assault

What is the Clery Act?

“Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act” (formerly the Campus Security Act):

A federal law that requires U.S. institutions of higher education to disclose campus security information including crime statistics for the campus and surrounding areas

College Responsibilities Under Clery Act

* Notification:

- Immediate notification to the campus community is required for crimes that pose a serious and ongoing threat
- Immediate notification is sent out through text message alert, siren system activation or through notification on the college homepage
- The campus must be notified in a timely manner (usually within 24 hours of a threatening incident)
- ‘Timely Warning’ notification may be given by voicemail, email, information bulletins, newspaper announcements, etc.
- These notifications are important as they make the campus aware of incidents and may prevent someone else from being harmed
- Training
- Dedicated campus website (easily accessible)

What is Violence Against Women Act (VAWA), signed in 1994

- * Coordinated community and legal response to domestic violence, sex dating violence, sexual assault, and stalking;
- * Emphasis on Law enforcement, prosecutors, victim services;
- * VAWA provides specific support for work of organizations that serve economically and socially disadvantaged women

VAWA College Responsibilities

Under VAWA, colleges and universities are required to:

- * Report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates;
- * Adopt certain student discipline procedures, such as for notifying purported victims of their rights; and
- * Adopt certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel.
- * Conduct campus awareness campaigns

State Law

- * Yes Means Yes –requires "an affirmative, unambiguous and conscious decision" by each party to engage in sexual activity.

Colleges must develop:

- * Victim-centered policies
- * Prevention education during new student orientations and awareness campaigns
- * Comprehensive training for campus officials
- * Comply

Critical Definitions

- **Responsible Employee per the OCR**

Any person who has the authority to take action to redress sexual harassment/misconduct; who has been given the duty of reporting incidents of sexual harassment/misconduct by student to the Title IX coordinator, or who a student reasonably believes has this authority or duty

- **CSA (Campus Security Authority)**

Any official with significant responsibility for student and campus activities (i.e. Program Director, Dean, Vice President, President)

Just Get the Facts

- Title IX Coordinators will categorize the report; your job is to get the information the person is willing to tell you.
Remember:
 - *You are not a detective.*
 - *You don't have to prove what happened or who was at fault.*
 - *You are not supposed to find the perpetrator.*
- Clery: Use the BIT form. The identity of a victim is confidential, not required, and should not be included in your BIT report.
- Title IX: The victim must be identified, however, the victim can request anonymity from the Title IX Coordinator.

Report All Crimes Even if They Did Not Occur at Oxnard College

Any crime involving an OC student while attending a college sponsored event, function or in conjunction with the educational process must be reported, no matter the location of the incident.

Example 1:

A student is assaulted while attending a college sponsored conference in another city. For example, ASG student attending a student leadership conference in Sacramento.

Example 2:

A student is being sexually harassed during an academic internship at a local business.

What is next?

- * At the district level, policies are being revised and updated to reflect the most current state and federal mandates.
- * On-line Training for CSA, staff and faculty available/
Each campus is responsible for compliance
- * Denim Day in April
- * New student orientation

Questions

