

# Prevention and Response to Sexual Misconduct

Federal: Title IX, Clery Act, Campus SaVE Act

State: AB 1433 and SB 967

April 15, 2015 Mt. San Antonio College Board of Trustees Meeting

Presenters:

Lorraine Y. Jones, Director EEO Programs/Title IX Coordinator/ADA and Section 504 Coordinator

Carolyn Keys, Dean, Student Services

Marti Whitford, Director, Student Health Center

Dave Wilson, Chief, Public Safety

# What We'll Cover

- Overview of Legal and Regulatory Developments
- Mt. SAC Successes
- Questions and Answers

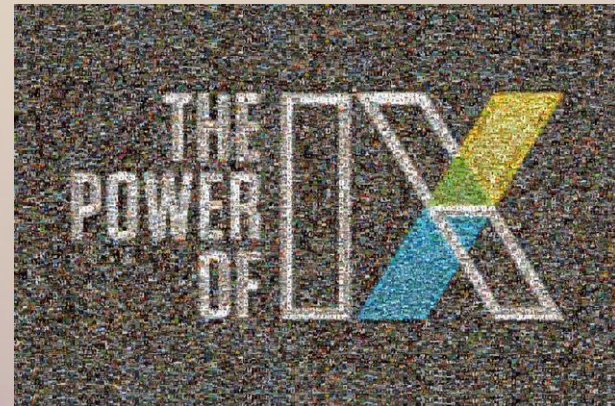
# Legal and Regulatory Developments



- Title IX of the Education Amendments Act of 1972
- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (Clery Act)
- 2011 and 2014 United States Department of Education Office for Civil Rights (OCR) Dear Colleague Letters
- 2013 Violence Against Women Act Reauthorization Section 304-Campus Sexual Violence Elimination (SaVE) Act
- AB 1433- Reporting of Sexual and Hate Violence
- SB 967- Affirmative Consent Law

# Federal Law: Title IX of the Education Amendments Act of 1972

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”



# 2011 Dear Colleague Letter

- All students are entitled to an educational environment free from discrimination
- Sexual harassment and sexual violence interfere with a student's right to receive and education free from discrimination
- Investigations and resolutions must be prompt, fair and impartial
- Institutions must respond to retaliation by and among community members including the complainant and the respondent.
- Gender equity and prevention of sexual misconduct for all.





# 2014 Dear Colleague Letter

- “Procedures following an incident of sexual harassment, sexual assault, dating and domestic violence and stalking
- Institutions must use “preponderance of the evidence” as the standard for investigating sex discrimination complaints
- Options and accommodations for victims including interim remedies



# Federal Law: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Jeanne Ann Clery

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Photo obtained from: [www.clerycenter.org/](http://www.clerycenter.org/)

Overview

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- Annual Security Report
  - Policy Statements
  - Campus Crime Statistics
  - Campus Sexual Assault Victim's Bill of Rights
- Ongoing Disclosures
  - Emergency Notification
  - Timely Warning
  - Public Crime Log

# Campus Sexual Violence Elimination (SaVE) Act



- Amendment to the Clery Act
- Added to the list of reportable crimes:
  - domestic violence
  - dating violence and
  - stalking
- Rules go into effect July 1, 2015
- Mandates prevention and awareness programs.



# AB 1433 Reporting of Sexual and Hate Violence



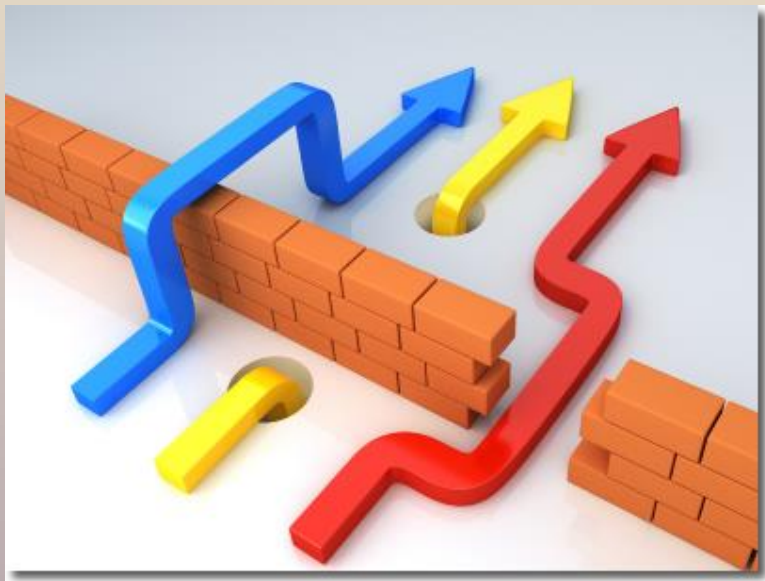
- Requires campus security to submit each report received from a victim of a violent crime to the local law enforcement agency immediately.
- Compliance is a condition for participation in the Cal Grant Program.
- Effective July 1, 2015

# SB 967-Affirmative Consent Law

- Policies must include an “affirmative consent” standard for determining whether consent was given by both parties to sexual activity.
- Mirrors Title IX mandate for preponderance of evidence standard for complaints of sexual assault.
- Requires the adoption of “detailed and victim-centered policies and protocols” regarding sexual assault, dating and domestic violence and stalking involving students.
- In addition to mirroring Federal training requirements for incoming students, SB 967 mandates the implementation of “comprehensive prevention and outreach programs...”
- Mandates MOUs between institutions and local law enforcement and community based organizations.



# Common Challenges



- Dealing with highly sensitive issues
- Unintended consequences of non-reporting
- Making training accessible to all employee groups and students
- Helping complainants negotiate College protocols
- Implementing change while complying with institutional review of policies and procedures

# Mt. SAC Successes

- Multidisciplinary Approach
- Title IX Investigations
- Sexual Assault Response Team (SART)
  - Title IX Training and Certification
    - Lorraine Y. Jones
    - Carolyn Keys
    - Marti Whitford
    - Dave Wilson
- Collaborative partnerships and MOUs with Walnut Sheriff's Station, Project Sister and Employee Assistance for Education
- New Employee and New Student Training
- Draft revisions to BPs and APs



# Required Revisions

## Board Policies

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- 3410-Nondiscrimination
- 3430-Prohibition of Harassment
- 3500-Campus Safety/Emergency Plan
- 3510-Workplace Violence Plan
- 3515-Reporting of Crimes
- 3518-Child Abuse Reporting
- 3530-Weapons on Campus
- 3540-Sexual and Other Assaults on Campus
- 3560-Alcoholic Beverages
- 5500-Standards of Conduct

## Administrative Procedures

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- 3435-Discrimination and Harassment Investigations
- 3510-Workplace Violence Plan
- 3515-Reporting of Crimes
- 3518-Child Abuse Reporting
- 3530-Weapons on Campus
- 3540-Sexual Assaults on Campus
- 3560-Alcoholic Beverages
- 5520 Student Discipline Procedures
- 5530 Student Rights and Grievances



# The Road Ahead

- Continue:
- Revisions to BPs and APs
- Ongoing training for existing staff and students
- Comprehensive education and prevention programming
- Peer Support Program

# Creating Change Through Collaboration

- Students, Faculty, Staff, Administration
- Human Resources
- Title IX
- Campus Public Safety
- Student Services
- Faculty Association
- Student Discipline
- Student Health
- Academic Senate
- Behavioral & Wellness Team
- Legal Counsel
- Board of Trustees

# Questions & Answers

