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A National Assessment and Systematic  
Classification of the Scope and Challenges  
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**Responding to sexual assault on campus: A national assessment and systematic classification of the scope and challenges for investigation and adjudication**

**Final Summary Overview**

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## Executive Summary

Given the considerable changes in federal legislation and the pressing requirements that colleges and universities develop policies and practices that meet the needs of victims and of those accused of sexual assault, there is a critical need to document and understand how colleges are handling these demands and coordinating campus approaches to investigation and adjudication of sexual assaults. In 2015, the National Institute of Justice (NIJ) funded a project to commence January 2016, designed to examine the variations in policies and practices and understand more about challenges and emerging best practices. The research reported here was designed to identify the range and scope of policies and practices related to the investigation and adjudication of sexual assault on college campuses in the U.S. The Wellesley Centers for Women (WCW) with the assistance of an expert panel of advisory board members has documented and classified the current landscape (the breadth and differences) of campus approaches to investigations and adjudication of sexual assault. Our first step, informed by a victim-centered focus, was a web-based search of a randomly selected sample of four year colleges and universities (Institutions of Higher Education, IHEs) on policies and practices for investigation and adjudication of sexual assault reports. This web search was a systematic broad-based environmental scan designed to examine the policies and practices promulgated to the public and, most importantly, made available to students by IHEs. This environmental scan was followed by interviews with Title IX coordinators to develop a clearer understanding of the challenges and successes of these policies.

### **Environmental Web-scan:**

Institutions of higher education are required to make detailed information regarding sexual assault and the related institutional policy public, particularly via an institution's website (Campus SaVE Act, 2013). We conducted an environmental scan to provide a panoramic snapshot of how colleges publicly present their investigation and adjudication approaches to reports of sexual assault. The scan was a content analysis conducted in 2016 of each IHE's website information related to reporting, investigation, and adjudication of sexual assault and was informed by a victim-centered focus. Trained undergraduate student researchers conducted a web-based search of a randomly selected representative sample of 969 four year colleges and universities. Data on 151 items related to response to sexual assault were collected. Of the 969 IHE websites scanned, 33 (3% of the websites) were excluded from analyses because the website had no information about sexual assault and lacked details on the definition of sexual assault, the reporting of a sexual assault, a Title IX office, or investigation or adjudication policies. Beyond the 33 IHEs with no discernable information on Title IX and sexual assault, the lack of information on many sites and the missing information on investigation and adjudication generally raises concerns about the extent to which IHEs are effectively serving as a resource for students concerned about sexual assault. In general, the further along in the process in response to a complaint of sexual assault (reporting → investigation → adjudication → sanctioning), the less likely our student researchers were able to find information on the IHE websites.

Where information on reporting, investigation and adjudication was available, our web-scan did not find a dominant model for who investigates complaints, determines responsibility or imposes sanctions. Investigators included sole investigators, teams or panels. Adjudicatory and sanctioning responsibilities were spread across general panels, sexual misconduct specific

panels, administrative panels, and sole campus administrators, with some determinations of responsibility made by a sole investigator. Following a finding of responsibility, possible sanctions described on the websites ranged from low level and infrequently mentioned sanctions, such as community service or a no contact order, to serious sanctions more typically described on the websites, such as expulsion and suspension.

An important caveat is that these data represent *what an IHE promulgated in writing on their publicly accessible website*, but may (or may not) differ from what they do in actual practice. Also, just because information could not be located on a website does not mean that information, service, or policy does not exist. Finally, the data were collected in 2016 and, therefore do not reflect any more recent changes in the website content.

While there were no readily discernable models for investigation or adjudication found in the review of the IHE public websites, we explored the extent to which more sophisticated statistical methodologies could be useful in identifying models of approaches to investigation and adjudication from the data collected. While recognizing that these data are based only on what was gleaned from the websites and that much information was missing, we conducted an exploratory cluster analysis to determine if any, clear investigation and adjudication policy models emerged from the web-scan data. These analyses identified some themes and preliminary typologies of investigatory and adjudicatory responses to sexual assault on college campuses including: A *Single Investigator Model* (42% of IHEs), a *Quasi-Criminal Justice Investigative Model* (40% of IHEs) and a *Collaborative Investigative Model* (18% of IHEs) and, for adjudication, a *Basic Due Process Model* (57% of IHEs) and a *Criminal Justice Based Due Process Model* (24 % of schools). In the analyses conducted, we did not identify distinct or mutually exclusive models nor did we find models that were specifically associated with IHE characteristics. Further analyses we conduct will be reported in scholarly papers and reports.

## Interviews of Title IX Coordinators

Our interviews with 47 Title IX coordinators focused on the approaches used in investigation and adjudication of sexual assault and the challenges and benefits of the approaches they took. In regard to models for investigation and adjudication, our initial meetings with the advisory board and some preliminary interviews led us to the plan to collect specific answers to mutually exclusive categories such as: the approach to investigation that involves a solo investigator OR a team of investigators (either comprised on internal or external staff or contractors), OR the investigation includes fact finding hearings, etc. Interestingly, and paralleling our web-scan findings, we found that the protocols within many IHEs involved more of a “smorgasbord” approach and included “all of the above” as possibilities. Interviews also uncovered new changes in protocols in response to new guidance, laws or regulations. The pathways to different approaches in some cases depended on characteristics of the complaint and the wishes of the parties involved. We found that some IHEs included administrative review panels not only for adjudication, but also for investigations. In addition, we found that sanctioning protocol varied and was administered by individuals (including the Title IX coordinator) or by boards of various compositions, and often (especially in cases which resulted in suspension or expulsion) with final affirmation by the president of the institution.

Regardless of the format of the investigation and adjudication, which we found varied considerably across institutions, Title IX coordinators described efforts to assure the protection of the victims along with a focus on assuring fairness in response to both the complainants and the respondents (alleged perpetrators). Efforts were also made to handle sexual assault cases, particularly sanctioning, as partly an educational process, in keeping with the main mission of IHEs to educate.

Many challenges were mentioned by the Title IX coordinators including:

1.) Lacking capacity to respond to what have been increased numbers of complaints and reports of sexual assault. Especially acute is a need for more well-trained investigators, whether these are from within the IHE community, public safety, or external sources.

2.) Garnering support from institutional leadership (the chief officers, including the President) is critical to the success of the office of the Title IX coordinator. Such support includes resources; visibility of the office, and an approach that supports and legitimates the importance of the Title IX activities (reporting, investigation, and adjudication, as well as, prevention) as a part of an institutional commitment to prevent and respond to campus sexual assault.

3.) Improving the Title IX office network of connections on campus and cultivating trust of the Title IX officer in the community among students, faculty, and staff.

4.) Achieving a high level of institutional support, not only in terms of funding but also in supporting an administrative structure that does not “silo” the Title IX office in such a way that it diminishes the Title IX coordinator’s authority or isolates them from the larger campus community.

5.) Achieving institutional support designed to lower barriers to reporting by students, faculty and staff and thereby providing a culture in which sexual harassment and assault are understood and not tolerated.

Based on data gathered from a national sample of 969 four-year IHEs, in conjunction with interviews with key informants from 47 institutions, this project provides a context for understanding and elaborating the wide variety of individual IHE approaches and programs and thus provided an opportunity to examine how a variety of approaches address the challenges of responding to college sexual assault. In part, the diversity of responses may be a reflection of the ever-changing landscape of Title IX, driven by changes in federal guidance and policies, state laws and policies, and the impact of civil suits and judicial guidance emerging from these cases. These responses point to a need for follow-up research designed to examine the impact of different approaches so recommendations can be made for best practices.

The work of this project will be disseminated on our website (<http://www.wcwonline.org/jgbvr>) and through guidelines such as the guidance prepared for institutions to conduct a website self-evaluation (see appendix D). In addition, we are developing a digest of investigative and adjudicative approaches based on our cluster analysis and the interview findings. Scholarly presentations, articles, and white papers are planned for future dissemination.

## Acknowledgements

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A study of this scope required the assistance of many not only in conceptualizing the project but also in guiding its many pieces to completion. This research would not have been possible without the work of Mary Frederick, Project Manager and Research Administrator, and Research Associates, Ineke Cedar and Amanda Richer. In addition, the invaluable support provided by the Wellesley Centers for Women and Wellesley College supported student interns, Meredith Clark, Alex Shook, and Dhanya Nageswaran who provided critical research and policy assistance. Data collection and web-scan work was completed by a team of hard-working Student Research Assistants including Sabine Admanson, Abby Animashaun, Denisse Becerra, Val Gardner, Sam Goldstein, Ayeona Hopkins, Vipasana Karkee, Callie Kim, Lumi Kinjo, Diana Lobontiu, Katie Madsen, Melissa Marcial, Monica Naranjo, Trang Nguyen, Jennifer Nwako, Bridget Peak, Neha Rajbhandary, Iris Remillard, Juliette Sander, Soo Jin So, Rhoda Tano-Menka, Kavindya Thennkoon, Esa Tilija, Yuhan Wu, Danielle Zarbin, Sitara Zoberi, and Sophia Zupanc.

## Responding to sexual assault on campus: A national assessment and systematic classification of the scope and challenges for investigation and adjudication

### Introduction

Sexual assault on college campuses is a critical concern for students, policy makers, college administrators, and parents of current and prospective students. The best estimates from national studies reveal that between one in four to one in five women will experience an attempted or completed sexual assault during their college careers (Fisher, Cullen, & Turner, 2000; Krebs, Lindquist, Warner, Fisher, & Martin, 2007; Edwards, Sylaska, Barry, Moynihan, Banyard, Cohn, Walsh, & Ward, 2015; Kilpatrick, Resnick, Ruggiero, Conoscenti, & McCauley, 2007) and the vast majority of these incidents go unreported (Fisher, Cullen, & Turner, 2000; Sinozich & Langton, 2014). A recent meta-analysis found that completed rapes (i.e., forcible vaginal, anal, or oral intercourse using physical force or threat of force) ranged from 0.5% to 8.4% of college women. The rate of unwanted sexual contact (i.e., attempted or completed unwanted kissing, sexual touching using physical force, threat of physical force, and/or verbal coercion) ranged from 1.8% to 34% (Fedina, Holmes, & Backes, 2018).

Since the year when we proposed this research (2015), hundreds of IHEs (Institutes of Higher Education) were investigated by the U.S. Department of Education Office for Civil Rights (OCR) for possible violations of federal law under Title IX in their handling of sexual violence and harassment complaints. At the state level, multiple legislatures passed and adopted new laws to address issues of sexual assault on college campuses including: mandated campus climate surveys; requirements regarding hearings and rights to appeal; requirements to implement sexual assault prevention programming; and specified definitions of sexual assault and consent. The Obama Administration initiated the *Task Force to Protect Students from Sexual Assault*, and the resulting “Not Alone” and “It’s On Us” campaigns (<https://www.notalone.gov/> and [www.itsonus.org](http://www.itsonus.org)). At the time this study was funded, IHEs had come under fire for taking inadequate steps to address the problem of sexual assault on campus (i.e., seen as providing inadequate support for survivors and failure to hold offenders accountable and to impose appropriate sanctions), which led to rapid policy change.

In the years after these policy changes, in addition to continued criticism on behalf of victims, IHEs came under fire for their handling of sexual assault investigations and adjudications, this time on behalf of the accused. Central to these critiques were that these processes “lack the most basic elements of fairness and due process, are overwhelmingly stacked against the accused, and are in no way required by Title IX law or regulation.” (See the September 2017, OCR issued Dear Colleague letter rescinding many of the provisions of current guidelines and introduced a rules making process.<sup>1</sup>

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<sup>1</sup> In a September 22, 2017, “Dear Colleague” letter from the Department of Education under Secretary DeVos, prior policy documents issued under the President Barack Obama administration were withdrawn. These included statements of policy and guidance as were reflected in the “Dear Colleague Letter on Sexual Violence” issued by the Office for Civil Rights at the U.S. Department of Education, dated April 4, 2011 and the “Questions and Answers on Title IX and Sexual Violence”, issued by the Office for Civil Rights at the U.S. Department of Education, dated April 29, 2014.

At the time of this report, IHEs are awaiting the final rules to emerge from that process, as well as adjusting to a number of new state laws and federal appeals court decisions. It is not surprising that this has been a time of great change for IHEs, that there is high turnover in Title IX coordinators (Brown, 2019); and, where resources permit, IHEs are hiring additional staff and advocates, sending staff to conferences and trainings focused on the issue, and implementing campus climate surveys to assess and address the issue. Finally, a number of consultants, not-for-profit and for-profit companies and professional associations have positioned themselves to assist.

There is a lack of high quality information on exactly what IHEs are doing in an atmosphere in which there is formidable advocacy for victims and considerable push-back from individuals, institutions and the media with the contention that the problem of sexual assault on college campuses is overblown (Schmidt, 2015; Will, 2014). While conversations about Title IX and sexual assault on college campuses have become more frequent and organizations and collaborators both locally and nationwide have burgeoned, the system is currently at a crossroads and seeks information on how peer institutions are handling these issues and if there are different approaches and solutions in place in different institutional settings (e.g., specifically to address campus sexual assault in either private or public, small or large, rural or urban, commuter or residential institutions).

Colleges and universities continue to seek guidance on how to develop and implement investigative and adjudicative policies and practices. It is a crucial time when the stakes are high for the victims, the accused, and the institutions. Although Richards (2016) found that over the past decade the IHE response to sexual assault demonstrates increased compliance with more recent OCR guidance on Title IX and new directives from the Campus SaVE Act, there is a need to develop a better understanding of models that are employed by IHEs and the benefits and challenges of these models so that, even in the face of likely changes in federal guidelines, there is a better understanding of what is promising practice to reduce rates of victimization and improve investigation and adjudication of sexual assault.

This project was designed to identify the range and scope of policies and practices related to the investigation and adjudication of sexual assaults on college campuses in the U.S. The Wellesley Centers for Women with the assistance of an expert panel of advisory board members has documented and classified the current landscape (the breadth and differences) of campus approaches to investigations and adjudication of sexual assault complaints. Advisors included

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The 2017 letter from the U.S. Department of Education (ED), Office for Civil Rights Acting Assistant Secretary Candice Jackson not only announced the withdrawal of the guidance established by the prior administration, but also published a document, Q&A on Campus Sexual Misconduct to be in effect until new policy is developed through a "rulemaking process that responds to public comment." The Department of Education noted that they would continue to rely on the 2001 Revised Sexual Harassment Guidance and the reaffirmation of that guidance in the 2006 Dear Colleague Letter on Sexual Harassment. In addition, the Q&A references the Violence Against Women Reauthorization Act and Amendments to the Clery Act and requirements of the Clery Act, which can be found in The Handbook for Campus Safety and Security Reporting 2016 Edition.

The issues raised by the Department of Education under Ms. DeVos related to standards of proof, the appeals process, use of cross-examination, collaborations with law-enforcement authorities, and raised concerns that "lack the most basic elements of fairness and due process, are overwhelmingly stacked against the accused, and are in no way required by Title IX law or regulation."



student advocates and survivors of sexual assault, university leaders in student life, and those responsible for investigations and counseling. These advisors helped to guide our data collection protocols and assisted in developing frameworks for the typologies of responses guiding schools and gathering their feedback on the challenges and successes of their practices.

### **Principal Aims of the Project**

1. Identify the range and scope of policies and practices related to the investigation and adjudication of sexual assaults on college campuses in the U.S. by documenting and classifying the current landscape (the breadth and differences) of campus approaches.
2. Develop a clear understanding of the challenges and successes of the current policies.
3. Create accessible resources for those on IHE campuses regarding current and promising practices to respond to sexual assault reports in a fair and equitable manner and thus inform their ongoing work.

Thus, the project was conducted in three phases. Phase One: Environmental Web- scan; Phase Two: Title IX coordinator interviews and; Phase Three: Development and dissemination of reports and web resources describing models in use in responding to sexual assault at IHEs and the challenges and benefits of current approaches.

### **Environmental Web-scan**

#### **Background**

Campus sexual assault and the responses of institutions of higher education (IHEs) have received much attention in the last 10 years. Institutions of higher education are required to make public detailed information regarding sexual assault and the related institutional policy, particularly via an institution's website (Campus SaVE Act, 2013). This is based on an assumption that IHE websites are a primary source students use to gather information. Other researchers have taken advantage of the availability of this information to conduct systematic studies of IHE policies. For example, Richards (2016) updated research conducted by Karjane, Fisher, and Cullen (2002) and found supply of information has improved over time. IHE websites were likely to include their Title IX and Sexual Misconduct policies on their website.

#### **Methods- Environmental web-scan**

Our web-scan was informed by a victim-centered focus and involved a web-based search of a randomly selected sample of four-year colleges and universities to document the policies and practices for investigation and adjudication of sexual assault reports. We conducted a systematic broad-based environmental scan to examine the policies and practices promulgated to the public and, most importantly, made available to students by IHEs. The web-scan provided a panoramic snapshot of how colleges publicly presented their investigation and adjudication approaches to reports of sexual assault. An environmental scan was undertaken because college and university websites are a key resource that many students use to seek information or guidance. Issues and concerns with investigation and adjudication of sexual assault on campus begin at the reporting

stage. The information to which a victim<sup>2</sup> has access when considering if, how, or when to report a sexual assault may influence the decision whether to report to campus authorities at all, and how to connect with other resources or services. Thus, this review of information provided on IHE websites took the perspective of a reporting student to evaluate if what they may want to know is commonly available on IHE websites: “Can I get help without reporting? How do I report? What happens after a report? Who investigates? Who decides? What is my role?”

**Sample selection: Environmental Web-scan.** Institutions of Higher Education with at least a baccalaureate (4 year) degree program were selected (N=1982) from the data maintained by the Integrated Post-Secondary Education Data Center (IPEDS) housed at the National Center for Education Statistics (NCES). That data includes information on every college, university, and technical and vocational school that participates in federal student financial aid programs. IPEDS data include institutional characteristics, admissions, enrollment, and degrees conferred. We removed from the sample any schools with more than 90% of students enrolled only in online classes, schools located outside of the 50 states, and all-male theological schools or seminaries. This resulted in a population of 1822 schools. From these a stratified random sample of 1019 schools was selected to assure a large enough sample representative of geographic area and school size in the overall population. Of the 1019 schools selected an additional 50 schools were eliminated from analysis for the following reasons: 25 of the school websites were found to have no internal search mechanism; seven schools had merged with another school or closed; nine schools were found to have no undergraduate students enrolled or had no 4-year program; and nine were found to be largely offering course-work on line. This resulted in a final sample of 969 schools for which we collected data from the websites. Tables 1–3 provide the details of the sample of 969 schools surveyed.

**Data collection: Environmental Web-scan.** The scan was a content analysis of each IHE’s website information related to reporting, investigation, and adjudication of sexual assault. The scan and its results were informed by the knowledge of what was required to be made public about campus sexual assault from key legislation and documents (e.g., Clery Act, Campus SaVE Act, OCR 2011 Dear Colleague Letter, OCR 2014, Title IX Q & A, DOJ Findings Letters). Data were collected from the IHE’s websites by trained undergraduate students, which was fitting since undergraduates are the target audience. Data were entered directly into a secure online survey platform. The 25 student researchers received human subjects training and signed a confidentiality pledge. In addition, they also received a mandatory training that included information on self-care and use of the team discussion boards; guidelines for collecting data from the websites, including the meaning of the questions and definitions of terms; technology instruction; and access to a secure server. These students collected data on 151 questions (see appendix A - Web-scan Data Collection Form) and reliability checks were conducted to assure that there was at least an 80% reliability coefficient.

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<sup>2</sup> We use the terms victim, (alleged) perpetrator, accused, complainant, and respondent somewhat interchangeably depending on the individual’s status being discussed. In criminal justice system writings, one might also use alleged victim and alleged perpetrator and in some materials survivor may be a better substitution for the term “victim.” Here we use terms “complainant” and “respondent” when the official status of the individual relating to a Title IX complaint is discussed – the victim becomes a complainant and the (alleged) perpetrator becomes the respondent. In some of the quotes from Title IX coordinators, they use different terminology and the quotes reflect their words.

### Findings – Environmental Web-scan<sup>3</sup>

The final sample of 969 institutions was representative of four-year colleges and universities on characteristics including geographic location (region of the U.S.) (Table 1); locale classification (urban/suburban/rural) (Table 2); size of student body (under 1,000/1,000-4,999/5,000-9,999/10,000-19,999/20,000 and above) and “sector” of the institution (36% were public institutions, 59% were private non-for-profit, 5% were private for profit institutions) (Table 3); religious affiliation (35% religiously affiliated), college sports division, and percent of students living on campus (Table 4).

Thirty-three IHEs (3% of the websites scanned) were excluded from further analyses because the website had no information about sexual assault and lacked details on the definition of sexual assault, the reporting of a sexual assault, a Title IX office, or investigation or adjudication policies. As a result, data presented on the investigation and adjudication characteristics of the sample are based on the sample 936 IHEs with at least some information on responding to college sexual assault (See Table 5).

Beyond these 33 IHEs with no discernable information on Title IX (recall that the websites of an additional 50 IHEs of the initial 1019 selected had no search engine), the lack of detailed information on many sites and the missing information as described below (Tables 5-11) generally raises serious concerns about the extent to which IHEs are effectively serving as a resource for students concerned about sexual assault. In general, the further along in the process (reporting → investigation → adjudication → sanctioning), the less likely student researchers were able to find information on the websites. Please also note that when tables do not total 100, that is because there could be multiple options selected.

Tables 5 - 11 present report findings on some key questions that were a part of the environmental scan of the 969 websites (936 with basic information on sexual assault and Title IX office) and provide an overview of the information that was available on the websites. On the IHEs websites 75 – 94% had basic information about definitions of sexual assault, guidance in reporting sexual assault, or contact information for making a report of sexual assault. An important caveat is that these data represent *what an IHE promulgated in writing on their website*, but may (or may not) differ from what they do in actual practice. In addition, just because information could not be located on a website does not mean that information, service, or policy does not exist. For example, a victim may be required to participate in an investigation after reporting, even if information about that could not be located on the website (e.g., see Table 11).

In terms of information about adjudication and sanctioning, a substantial minority of college websites (17% to 23%) were missing this information entirely. The exceptions were that websites typically did include who was involved in determining responsibility (4% no information, Table 15) but usually did not provide information on whether the victim or alleged perpetrator were permitted to question each other at hearings (Table 16). The available information on the college websites reflected an equal balance of rights afforded to victims and alleged perpetrators in terms of being allowed to have advisors (Table 13), to question the other

<sup>3</sup> For additional detail on variables, analysis, and results, please contact that research team and refer to future published materials.

party during hearings (Table 16), and to file an appeal (Table 19). An exception our finding on an equal balance of information on the victim's and accused's rights was in the detail provided on provision of interim measures. The possible changes to academic, housing, dining and work arrangements were mentioned as available options more often for victims than for alleged perpetrators (Table 12). The information available on websites was largely consistent with what was recommended or required under Title IX for handling of sexual assault cases at the time of data collection: interim measures were available to students (information found on 77% of websites, Table 12), students were allowed advisors (74% of websites, Table 13), and the standard of proof for a finding of responsibility was preponderance of the evidence (72% of websites, Table 14).

There was no evidence of a dominant model for what type of board adjudicated or who the members were who determined the responsibility or sanctions. Adjudicatory and sanctioning responsibilities were spread across general panels, sexual misconduct specific panels, administrative panels, and sole campus administrators, with some determinations of responsibility made by an investigator (Tables 15 & 17). Once there was a finding of responsibility, possible sanctions ranged from low level and infrequently mentioned sanctions, such as community service or issuance of a no contact order, to serious sanctions frequently mentioned on the websites, such as expulsion and suspension (Table 18).

In terms of prevention and education (Tables 20-22), most IHE websites provided sexual assault statistics on their websites (86%, Table 20), with the majority being part of the annual security report required by the Clery Act (78%, Table 20). Information on mandatory student education (Table 21) and bystander programs was found less often, but a substantial number of websites reflected that schools had these two things (61% required education on sexual assault, Table 21; 46% of campuses had a bystander program, Table 22).

Overall, we found that most IHE websites provided answers to basic questions students with a complaint about a sexual assault may ask. Different approaches to investigation, adjudication, and sanctioning were evidenced. Information varied considerably on who is involved in these aspects of the IHE response. We found that, generally, the websites of public IHEs provided information that is more detailed and websites of very small IHEs (less than 1,000 students) were less likely to do so. Additional research is needed, however, to explore how different approaches are actually implemented, including fidelity to the written policies

**Models of Investigation and Adjudication.** While there were no easily discernable models for investigation or adjudication found in the review of the IHE public websites, we explored the extent to which we could utilize some statistical methodologies to identify models of approaches to investigation and adjudication. While recognizing that these data are based only on what was gleaned from the websites and that much information was missing, we conducted an exploratory cluster analysis<sup>4</sup> to determine what, if any, clear investigation policy and adjudication policy models emerged in the information available to inform students about these processes from the web-scan data.

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<sup>4</sup> We used a latent cluster analysis methodology and Latent Gold software to estimate the cluster models.

Investigation model variables included:

1. Is there information on who is involved in the investigation of sexual assault complaints?
2. Who is involved in the investigation of sexual assault complaints? (We included five variables as multiple choices could be indicated): Title IX coordinator; Campus law enforcement; Local law enforcement; Other administrator; and Independent investigator
3. Is there training for the investigative unit or office?
4. How are concurrent investigations with law enforcement handled?
5. Is there a Memo of Understanding (MOU) with local law enforcement?
6. Are there time frames associated with making a report and when an accused student is notified?
7. Are student victim reporters, third party reporters, and witnesses protected from retaliation for participating in proceedings? (3 variables)
8. Are victims and accused students entitled to lawyers/advisors in proceedings? (4 variables)
9. Are there interim measures available to victims during the investigation?
10. Is the victim required to participate in the investigation after a report?
11. Is there information on a time frame for completing the investigation after a report?
12. Does the website offer guidance on how to obtain interim measures?
13. Are there interim measures available for victims not wishing to participate in investigation?

Adjudication model variables included:

1. Who is involved in the responsible decision and sanctioning decisions? (2 variables)
2. Does the policy mention that prior sexual behavior of victim and alleged perpetrator will not be considered in the adjudication proceedings? (2 variables)
3. Does the policy mention if victims and alleged perpetrators are allowed to question each other? (2 variables)
4. Does the policy mention if victims and alleged perpetrators are allowed to present witnesses at hearings, meetings, or conferences? (2 variables)
5. Is there an appeals process?
6. Is there a restorative justice/reintegration option for alleged perpetrators who accept responsibility for a violation before adjudication?
7. Does the alleged perpetrator have an adjudication format choice?
8. Do victims have an option not to participate in proceedings?
9. What are the sanctioning options?
10. What is the standard of proof in determining responsibility for a violation?

Several parallel web-scan review questions related to complainants or respondents had very similar distributions. For example, the questions on advisors/lawyers for each indicated that policies included that complainants (28%) and respondents (28%) could have lawyers as advisors and 50% of policies provided that both could have advisors that could not be lawyers. Including both options in the cluster model estimation increased the number of parameters, but did not necessarily further distinguish the clusters. Therefore, we included the complainant version of the question in the investigation model analyses and the respondent version of the response in the adjudication model analyses, but they could have been interchanged.

Given the multitude of interim measures and post-adjudication sanctions reported, entering them individually into the cluster routine would significantly increase the number of parameters to be estimated without necessarily contributing context. Therefore, for each, the options were categorized into a single multi-category variable. For interim measures, a value of zero was information not located, one indicated minor level measures (e.g., mental health or medical services; class, work or housing changes), two indicated moderate level measures (e.g. leave of absence, no contact order, escort, geographic restrictions), and three indicated major level measures (e.g. suspension, removal from sports program, police notification or transcript notation). For sanctions, a value of zero was information not located, one was moderate level (such as warning, probation, change of residence, awareness training, class changes, no contact order, monetary damages, limits on program participation, apology, geographic restrictions, and suspension), and two was major level (including expulsion, law enforcement notice, and transcript notation). Schools were coded according to the highest level of sanction identified.

**Investigation Cluster Analysis Results.** After preliminary analysis for model fit, eight nominal level variables were entered into the cluster analysis.<sup>5</sup> The solution with the best fit was the three cluster model ( $L^2$  square,  $p = .23$ ). To determine the global fit for the model, a measure of misclassification was obtained by cross classifying the modal classes by the actual probabilistic latent classes, resulting in eighty-six percent of the cases as correctly classified (or a misclassification of 14%). Table 23 reports the marginal conditional probabilities of how clusters are related to each policy variable. The columns for each policy item sum to 1 within each cluster. Table 24 reports covariate relationships between selected variables in each cluster. Taken together, these results are used to describe the three clusters.

**Investigation Cluster 1 - Single Investigator Model (42% of IHEs).** While all clusters were likely to involve a Title IX staff in investigations, Cluster 1 was much less likely to report the involvement of other administrators. They were not likely to involve law enforcement (campus or local) or have a Memorandum of Understanding (MOU) with local law enforcement. While all clusters were likely to report some training for investigators, this cluster of IHEs was much less likely to have training. Students could have advisors, but they were not likely to be lawyers. The IHEs in this cluster had a varied level of interim measures, but there were also many that did not include information on interim measures on their websites. This cluster had higher probabilities for the “not located” categories of policy variables including who investigates reports of sexual assault, time limit for an investigation report, if the victim was required to participate after initial report, a time frame for an alleged perpetrator receiving notice of a complaint, how a concurrent investigation with law enforcement is handled, interim measures,

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<sup>5</sup> The latent cluster analysis results reports  $L^2$  statistics for the fit of each cluster estimation routine increasing from 1 cluster solution to a 4 cluster solution. The desired solution is the one with the fewest number of clusters and an adequate fit indicated by a non-significant  $L^2$  statistic which follows a chi-square distribution. All variables were initially considered in the estimation but some were removed when the routine did not produce a solution with an adequate fit according to the  $L^2$  statistic. This may be due to lack of sufficient variation in some of the variables. For example, less than 10% indicated there was a time limit for when a report has to be made, 11% for a time frame when accused get notified, and 13% with no policy on prohibiting retaliatory behavior against victim reporters. These variables were, however reintroduced as independent, inactive covariates to the final clusters to help further define the clusters.

and policies on interim measures for victims. In short, the websites for the IHEs in this cluster were more likely to be missing important policy information.

***Investigation Cluster 2 - Quasi-Criminal Justice Investigative Model (40% of IHEs).*** In cluster 2, Title IX investigators and campus law enforcement were likely to be involved in investigations. Students may have lawyers as advisors. IHEs in this model were much less likely to involve local (off campus) law enforcement than Investigation Cluster 3. Interestingly, while the websites for these IHEs were not likely to reflect involvement of local law enforcement, they were more likely than other IHEs to indicate that they let local law enforcement take priority in an investigation. They have a .52 probability of having an MOU in place with local law enforcement. The websites of the IHEs in this cluster were likely to provide information that they offer protection against retaliation against those who participate in procedures. This is the most likely of the clusters to have detailed information on their websites on severe interim measures. Interim measures can be severe but are likely to be decided on a case-by-case basis.

***Investigative Cluster 3 - Collaborative Investigative Model (18% of IHEs).*** In this cluster, the IHE websites are more likely to reflect the potential to include all actors in investigations, including local law enforcement. This feature distinguishes this cluster from the other two investigative models. The websites of the IHEs in this cluster are more likely to indicate that investigations are handled collaboratively. IHEs in this model are most likely to report that they have in place an MOU with local law enforcement (.83) and to reflect that students can have advisors but not lawyers. The websites of these IHEs have information on varied interim sanctions but lean toward reporting information on severe sanctions. These websites are also more likely to reflect that they offer interim measures at a victim's request.

**Adjudication Cluster Analysis Results.** As with the investigations cluster analysis and after preliminary analysis for model fit, eight variables were included in the final analyses for the adjudication models reflected in the IHE websites. We generated model estimates for 1 to 4 cluster solutions. The routine converged on an adequate fit for a three cluster solution based on the L square statistic ( $p = .87$ ). The global model indicates that 95% of schools are correctly classified (or a 5% error rate). (See Tables 25 & 26)

***Adjudication Cluster 1 - Basic Due Process (57% of schools).*** This cluster of IHEs did not present with a dominant type of responsible/not-responsible decision-making body. The websites of these IHEs reflected a strong presence of utilizing a general conduct board or sole administrator in adjudication, but other forms of decision-making bodies were also reflected on the websites of these IHEs. This cluster was likely to include IHEs that present information on their websites on appeal protocols for the victim and the alleged perpetrator, on allowing alleged perpetrators (and victims) to have witnesses at proceedings, and to report major sanction options. These IHEs were much less likely than Adjudication Cluster 2 to report including information from confidential sources as part of the process, use victim impact statements, or employment of restorative justice options. Adjudication Cluster 1 IHEs were more likely to report that it is not necessary for victims to participate in adjudicatory proceedings. The websites for the IHEs in this cluster tended to reflect that investigators present evidence to administrators in determining responsibility.

***Adjudication Cluster 2 - Criminal Justice Based Due Process (24 % of schools).*** This cluster reflects websites that have the most comprehensive policy coverage that aligns closely with a criminal justice-based due process model, as well as having the highest uniformity across IHEs of policy attributes of the adjudication clusters. This cluster represents IHEs that were most likely to utilize a board or panel decision format when making a “responsible” decision. They were most likely to use a conduct board specific to handling sexual assault cases, followed by an administrative panel and a general conduct board. Adjudication Cluster 2 was most likely to use a conduct board specific to sexual assault in determining sanctions. Most offered appeals for victims and accused. The websites indicated that alleged perpetrators (and victims) could provide witnesses at proceedings. These schools also noted in their policies the potential use of confidential sources in proceedings, prohibited a victim’s (and a perpetrator’s) prior sexual history from being considered in proceedings, and indicated major sanction options. They were also much more likely to provide opportunities for victim impact statements and restorative justice options. While preponderance of evidence was the typical standard for all clusters, this group includes the few IHEs that used a “beyond a reasonable doubt” standard. This cluster also includes IHEs that were more likely than other IHEs to expect the victim to participate in adjudicatory proceedings and allow alleged perpetrators (and victims) to question each other. Investigators in this cluster were more likely than others to participate directly with administration in determining responsible/not responsible. In this cluster, alleged perpetrators were also more likely than in other clusters to have an adjudication format choice.

***Adjudication Cluster 3 - Limited Information (18%).*** IHEs in this cluster tend to use a general conduct board, a board specific to handling sexual assault, or a sole administrator in determining responsibility. However, there was a significant group for which this information was not located when compared to other clusters. These schools also provided few additional defining details. Specifics on appeals, type of sanctions, and victim impact statements were not provided in the web-based policies for schools in this cluster. They were also more likely than other clusters to lack information related to the use of prior sexual history in adjudication or details on the use of witnesses or questioning of victims and perpetrators.

We identified some themes and preliminary typologies of investigatory and adjudicative responses to sexual assault on college campuses. We identified preliminarily a *Single Investigator Model (42% of IHEs)*, a *Quasi-Criminal Justice Investigative Model (40% of IHEs)* and a *Collaborative Investigative Model (18% of IHEs)* and for adjudication a *Basic Due Process Model* and a *Criminal Justice Based Due Process (24 % of schools)*. While in the analyses we conducted, we did not identify distinct or mutually exclusive models nor did we find models that were specifically associated with IHE characteristics, further analyses are possible and in progress. These will be reported in scholarly papers and reports.



## Title IX Coordinator Interviews

### Background

We conducted interviews with Title IX coordinators to develop a clearer understanding of the challenges and successes of the policies in effect at their institutions. The project start date was in January 2016 and, as described in the introduction, as the environmental scan of the IHE websites was completed, there were major changes in some state laws relating to responding to sexual assault on college campuses. There was also the beginning of discussion of anticipated major changes in the federal guidelines for implementation of Title IX as it related to sexual assault on college campuses. Directives about responding to sexual assault were promulgated by the new administration following the election of a new president in November of 2016. This led to a dramatic change in federal policies related to college sexual assault.

As of September 2017, the policy guidance issued in 2011 and 2014 under the President Barack Obama administration were withdrawn. Not only was this guidance withdrawn but also a newly published document, *Q&A on Campus Sexual Misconduct* (U.S. Dept. of Education, 2017) went into effect and remains in effect as of the writing of this report. A new policy was promised following a period of public comment on a document published in the Federal Register (*Nondiscrimination on the Basis of Sex in Education Programs Receiving Federal Financial Assistance*, 2018) and has not yet been issued.

The issues raised by the U.S. Department of Education, under Secretary of Education Betsy DeVos, include proposed changes related to standards of proof, the appeals process, use of cross-examination, collaborations with law enforcement authorities, and timeliness of the investigation. The document also responded to the administration's stated concerns that "lack the most basic elements of fairness and due process, are overwhelmingly stacked against the accused, and are in no way required by Title IX law or regulation." There were 124,196 comments in response to the Federal Register publication (*Nondiscrimination on the Basis of Sex in Education Programs Receiving Federal Financial Assistance: Public Comments*, 2019).

### Methods - Title IX Coordinator Interviews

The Title IX coordinator interviews were planned to assist in identifying and assessing successes and challenges associated with the IHE responses to reporting, investigation, adjudication, and sanctioning of sexual assault. In 2017, we conducted a series of key informant pre-test interviews and our team then revised the methodology and the planned interview protocol to accommodate the changes in and the challenges of the Title IX guidance that was being rolled out by the U.S. Department of Education. In 2018-2019, we recruited participants and conducted interviews with 47 Title IX coordinators who were our key informants for this project.

**Sample selection - Title IX Coordinator interviews.** We recruited interview participants from a listing of Title IX coordinators in the 969 IHEs that had been included in our web-scan. The list excluded participants from 18 institutions, which had closed in the time that elapsed since the web-scan, 49 IHEs with ongoing OCR investigations, and 50 for-profit institutions. In addition, several IHEs were excluded due to possible conflict of interest with members of the project team or board of advisors. We found that many of the Title IX coordinators had left the institution or changed their positions within the IHE over the time of the study, reflecting high

rates of employee turnover. Some IHEs no longer provided information that permitted us to identify a Title IX coordinator by name, and for these we recruited participation via email to the generic email address provided by the institution.

To focus our recruitment efforts in accord with the distribution of institutions in the sample selected for the web-scan, we calculated a target proportion of interviews to obtain from each type of institution (public, private not religiously affiliated, and private-religiously affiliated) and size of student body (from <1000 students to 20,000+ students - See table 27). We sent three or more email messages from our team at Wellesley Centers for Women at Wellesley College to the institution's Title IX coordinator. These email had links to our website with letters of support from the funder, a list of advisory board members, and letters from relevant experts in the field. We informed the individuals that we were working on a National Institute of Justice sponsored research project "Responding to Sexual Assault on Campus" and that we planned to interview key campus stakeholders with knowledge of investigation and adjudication of campus sexual assault. We explained that the interviews would focus on challenges confronted and innovations available for responding to reports of college student-on-student sexual assault. We arranged confidential phone interviews stressing that their participation would make an important contribution to this research.

We had been concerned that Title IX coordinators would have some trepidation about participation due to the high level of scrutiny these cases were receiving in the media and the attention focused on the policies and attempts to alter these policies by the new administration. Indeed, some never responded to our multiple requests to participate, but we were pleased with the response of many and we were able to achieve a sample of interviewees from a broad array of schools representative of the domains of interest (see Table 27). Many of the interviewees expressed strong interest in the project, support for the work, and indicated they were looking forward to learning the results of the project.

Title IX coordinators from small schools (<1,000) comprised 9% of the sample, schools with a 1,000 - 4,999 enrollment made up 49% of the interviewees, and the next three groupings of larger schools (5,000 - 20,000+ enrollees) comprised 43% of the interviewees (with seven, five, and eight Title IX coordinators interviewed in each size grouping respectively). We also achieved a representative distribution of Title IX coordinators from public, private non-religiously affiliated and private-religiously affiliated institutions. We had a wide distribution of locales (urban, rural, and suburban) and individuals from 23 states from all regions of the country were interviewed.

**Data Collection - Title IX Coordinator Interviews.** Based on input from our advisory board we developed an interview that could be completed by telephone in 30 minutes (although if time permitted and the participant was willing the interview could be expanded to 60 minutes). The advisory board was unanimous in asserting that a request for a 30-minute confidential interview would assure more willingness on the part of Title IX coordinators to participate. Also stressed was the importance of assuring confidentiality, which we assured via the IRB protocol, and consenting procedure, which involved no recording of names and no audio recordings. While it appeared to the interviewers that some coordinators would agree to longer interviews and not object to audio recording, many took maximal steps to assure they were not overheard during the

call and asked for, and were granted, additional assurances of confidentiality during the interview.

To reduce the amount of time needed for the phone interview, a short Qualtrics survey (appendix B) was sent to the participant (along with the consent information) once they agreed to set up a time for the interview. The interviews were conducted via telephone and no audio recording was made. With the consent of the participant, however, all telephonic interviews were conducted by a lead interviewer (one of the study investigators) and listened in on by a second person (one of the study investigators or a research associate) who took detailed notes including some exact quotations from the interview. The interview focused on the approaches used to investigate and adjudicate reports of sexual assault at their institution and the successes and challenges associated with these cases (see IHE coordinator interview Appendix C). We conducted the interviews until saturation was reached, that is, we had reached a point that sampling more data would not lead to more information related to our study questions

**Data Analysis - Title IX Coordinator Interviews.** Data from the interviews were entered into a spreadsheet by both the interviewer and the researcher who listened in on each phone call. Where entries differed, the two parties discussed the answer until they were in agreement about the participant's response. Detailed text and quotations from the interview were also entered into the data collection spreadsheet and then utilized to illustrate themes that emerged from the interviews.

### **Findings - Title IX Coordinator Interviews**

**Characteristics of the interviewed sample.** Of the 47 stakeholders interviewed, 44 completed our requested pre-interview survey.<sup>6</sup> The short pre-interview survey was designed to gather basic background information to help guide the interview questions and to save the limited interview time for more substantive questions about the institution's sexual assault investigation and adjudication process. From these data emerged a picture of the interview sample, particularly their experience related to Title IX and sexual assault case processing.

In terms of demographics, it was a heavily white (72%) and female (68%) sample with a high level of education (83% reported having a graduate or other professional degree). Breakdowns that are more specific are not provided to protect respondent identity.

In the interviews we aimed to gather perspectives from across the various stages of the sexual assault case process, so it was important to include respondents who had experience including coordination of the overall process, initial review of cases, investigation, adjudication, sanctioning, appeals, and acting as advisor for victims and accused. Table 28 reflects that we achieved a diversity of perspectives. Please note that respondents could select all responsibilities that applied to their role at their institution, so the column totals more than 100%.

The interview sample included a range of depth of experience, in terms of years in their current position, overall years of experience with responding to campus sexual assault cases, and number of cases investigated or adjudicated. The vast majority was not long serving in their

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<sup>6</sup> Percentages provided are out of the 47 interviews even though only 44 completed the pre-interview surveys.

current position – 72% had held their position for less than 5 years, with 21% being in their position less than one year. However, a number of respondents had long-term experience either by being in their current positions more than five years (21%) or also by having experience in other roles at the same or at different institutions. When that was taken into account, 36% had more than 5 years' experience. A significant minority had also been involved in the investigation or adjudication of a large number of campus sexual assault cases – 39% of the sample had been involved with at least 20 cases (26% had more than 50 cases). However, a significant percent had also handled very few cases – 13% had handled none and an additional 15% had only handled between one and ten cases. This may be because the roles they have held have never required them to conduct the investigation or to adjudicate the case, they were too new to their role to have yet handled many cases, their institution has had very few cases, or other reasons.

Within the last two years, all interviewees had received training related to handling campus sexual assault cases. They indicated having received training via a number of different avenues (Table 29). Note that respondents could select all ways they had received training, so the column totals more than 100%. This also indicates that many of the interviewees received multiple forms of training in the past two years. Interviewees received training provided by a variety of sources: in-house staff (21%), membership organizations such as the Association of Title IX Administrators (ATIXA) and the National Association of Student Personnel Administrators NASPA (62%), private consulting companies (32%), and other sources (36%).

Our interviews revealed important information about the role of the Title IX coordinators and the approaches to investigation and adjudication. Only 25% reported that coordinating Title IX responses to sexual assault was their primary responsibility. Many of those interviewed also (or primarily) served in leadership roles across a variety of domains: human resources, student affairs, academic affairs, equal opportunity, student development, and student safety. The titles of those interviewed included provost, vice chancellor, vice president, and dean, among others. Many reported to an individual one level below the president and many (but not all) commented that they had a direct line to the president of the IHE.

### **Investigation and Adjudication Models and Approaches**

The plan for our interviews was to focus on the approaches used in investigation and adjudication of sexual assault and to discern models that may be associated with the institutional size and structure. We conducted an exploratory cluster analysis to determine if any clear investigation policy and adjudication policy models emerged from the web-scan data and wanted to see if the interviews could contribute to these. Finally, we wished to learn about the challenges and benefits of the approaches they took to these tasks.

In regard to models for investigation and adjudication, our initial meetings with advisors and some preliminary interviews led us to the plan to collect specific answers to mutually exclusive categories such as: the approach to investigation that involves a solo investigator OR a team of investigators (either comprised of internal or external staff or contractors), OR the investigation includes fact finding hearings, etc. Interestingly, we found that the protocol within many IHEs involved more of a “smorgasbord” approach and included “all of the above” as possibilities. The pathways to different approaches at times depended on details of the complaint and the wishes of the involved parties. We also found that some included administrative review panels for purposes

of investigation and not only for adjudication. In addition, we found that sanctioning was administered by individuals (including the Title IX coordinator) or by boards of various compositions, and often (especially in cases which resulted in suspension or expulsion) with final decision-making or affirmation of the boards' recommendations by the president of the institution.

### **Investigative Approaches.**

*Who investigates?* Concerning the IHE investigation, while most Title IX coordinators interviewed reported that they do not themselves actually conduct the investigations (e.g., they do not interview parties and witnesses), for many others their role included conducting investigations of all complaints (or a proportion of the complaints) that require an investigation. Most coordinators reported that they rely on trained internal staff (singly or in teams of two or three) to conduct the investigations and these are generally non-attorneys and often receive no compensation from the IHE for the additional time required for this work. In some IHEs, the investigators included persons designated as "deputy" Title IX coordinators. Some of these were individuals selected from other departments (e.g., athletics, schools located within the IHE such as nursing).

Most of those interviewed reported that in their IHE the investigations under Title IX are handled concurrently with police (if a report to the police has been made by the complainant). The interviewees stated that the police on rare occasions might have priority, especially when there was a need to delay informing the accused perpetrator of a serious, possibly criminal, accusation. While more than one-half of Title IX coordinators reported that the IHE had an MOU with police, most relied on MOUs executed between their campus police and local law enforcement and most stated there were only rare instances when they would report a case to the police.

Again, there appears to be a "multiple choice menu" in effect regarding differing approaches as complaints proceed to investigation and beyond in many IHEs. Findings from the interviews, however, do not strictly parallel the findings of the cluster analyses derived from the web-scan. At many institutions, the police (campus police or local law enforcement) had little or no role in investigation of the Title IX case. Some IHEs, however, did have MOUs with the police and worked very closely with in-house (i.e., campus) police. In some IHEs, the campus police served either as lead investigators or on the investigation team. In one institution, where campus police led the investigation team, the chief of the campus police reported administratively to the individual who was also the Title IX coordinator. Finally, campus police also may become involved with these complaints as co-recipients of students' on-line reports of sexual assaults.

The model of law enforcement involvement was not associated with one type of institution as the following example reveals. The coordinator from a small to medium sized IHE said, *"The (campus police chief) leads a team of investigators. Typically, a male and female will together interview the complainant and then the respondent. Witnesses will typically be interviewed by only one of the investigators (typically from the pair but sometimes another investigator entirely based on availability). The campus police chief then pulls together the investigative report, which is shared with both parties."*

On the other hand, a large private university in the Northeast had a three-person investigatory team in place and the Title IX coordinator noted that they:

*“Always include someone from public safety, as well as at least one female and one male member. So there is always someone the same gender as the complainant. There is a pool of 24 trained investigators. They also come from faculty, student affairs, (and other administrators and VPs)”*.

Often the Title IX coordinators remarked that they wanted people on that team interested in campus safety, including individuals who have had trauma-informed training.

***Concerns about investigator availability and training.*** Often the investigators are not paid for this work and a common concern among Title IX coordinators who relied on such investigators who were not part of their Title IX office or Public Safety was that this investigatory work had to compete for the time of these staff that were responsible for their other demanding and customary faculty or administrative duties. In addition, due to the demands on time and the challenge of finding staff and faculty to perform these duties, the coordinators reported that often the same few individuals were over-burdened and called upon many times. On the other hand, when the staff or faculty were only occasionally tapped to serve as investigators, they would need more time to get current with the most recent guidelines. These challenges were reportedly minimized in IHEs with more well-resourced offices with dedicated and paid staff, including investigators and paid departmental liaisons who met regularly to ensure nothing- and in the words of one Title IX coordinator, *“no one slipped through the cracks.”*

While a few Title IX coordinators we interviewed reported that their IHEs have tapped lawyers within their institution to assist with this work or have sought outside attorneys as investigators and adjudicators, when asked about this practice the following roadblocks and concerns were mentioned: 1) not having adequate resources to afford such expertise; 2) difficulty posed when an attempt is made to secure outside assistance in a timely fashion; and 3) problems posed when external investigators are not steadily involved with these cases (e.g., rotating *pro bono* attorneys) and/or are not familiar with the culture of the institution.

Other concerns about the IHE approach to investigations stressed the need for more investigators and for training. One participant reported s/he *“feels good about the decision the institution made to train additional people, as originally they only had one to two trained investigators.”* The quandary that arises when only a small number of individuals are trained investigators was described by one coordinator from a private, midwestern college: *“what do you do when someone is busy or leaves?”* However, when resources and institutional support exist, IHEs have implemented an expanded team approach. In contrast, some Title IX coordinators indicated a preference for using funds to support professionally trained investigators hired for that one purpose (or perhaps for handling investigations as well as conducting sexual assault prevention training). This preference arose based on the concern that having too many individuals trained means that *“Mary from X department gets called on once per year or two and really has not retained much of the training.”*

Assembling teams of investigators is a challenge that was mentioned often in the interviews. One tip (though not without cognizance of some liabilities as well) was mentioned in one IHE

where they started audiotaping interviews recently. The Title IX coordinator stated, “*This (taping) is something that the investigators really like. They feel less pressured to get everything right when taking notes in the interview.*” The Title IX coordinator also said that audiotaping seems to make the investigation faster.

Finally, to underscore the finding based on the interviews that there is not one model that emerges for handling investigations but rather a more fluid process, the variations described by one Title IX coordinator are illustrative:

*“There will also be consideration of if the case can be handled informally. First, the school would need to be comfortable with an informal resolution. If so, that possibility is first presented to the complainant and if it is something they want, then also the respondent.”*

The Title IX coordinator went on to point out, however, that after an initial investigation, 95% of the time informal process is declined or is not an option. If the complaint goes forward, an adjudicatory hearing is scheduled and in this institution as in some others, the formal investigation is actually conducted by the adjudicatory body.

**Adjudicatory decision-making.** The Title IX coordinators described a very wide variety of adjudicatory approaches, more varied than our cluster analysis of web-scan data revealed. Some approaches employed a very expeditious manner of handling cases with a small number of persons adjudicating the responsibility of the respondent. Others involved more elaborate adjudicatory proceedings or blended investigations and adjudications.

About one-fourth of the interviewees reported that the adjudication decision (which was almost always reported to be made based on the preponderance of evidence) could be made by the investigators, or by the investigators in consultation with the Title IX coordinator or other senior administrator. This approach, generally, could be referred to as a sole investigator and sole adjudicator model.

In one example, in a small, private university in the northeast, “*A team makes a finding and recommendations which are reviewed*” by the coordinator in consultation with a deputy. In this case, the Title IX coordinator never serves on the investigatory team. There also are no students on investigation teams for sexual misconduct. In the three years of this model, this coordinator reports that s/he “*has only sent back a team recommendation for further review once...*” Furthermore, in this approach it was stated that there are no lawyers on the investigatory team but they have an “*outside attorney who advises when there is something the committee is not real sure of.*” In this institution, as in others, it was also mentioned, “*external investigators may be used in rare instances when there is a conflict of interest, or a special issue arises.*”

In about one-third of the interviews, the Title IX coordinator reported that rather than a sole adjudicator the IHE uses an adjudicatory body (specific to sexual misconduct violations) which reviews evidence gathered in the investigation and decides on the responsibility of the respondent. (A small number of interviewees reported that the IHE instead has a non-sexual assault specific adjudicatory body that reviews the evidence and makes a decision.) Generally, the adjudicatory board approach does not involve a hearing or further investigation. For example, in these cases, a panel of adjudicators will read the investigatory reports and may have access to the investigators themselves but there is no hearing.

In more than one-half of the interviews, however, the Title IX coordinator told the interviewer that the IHE generally relies on an adjudicatory hearing (as distinguished from an adjudicatory

panel that reviews the evidence gathered by others). This hearing board may serve an investigatory and an adjudicatory function. One example was in a large institution and the Title IX coordinator stated that:

*“...adjudication is a hearing before a three-member panel. The members are pulled from a pool of 35 trained adjudicators. The members are only faculty and staff (no students) and they try to balance the panel in terms of gender and seasoned versus new adjudicators, but who has the time is always a big factor.”*

As one Title IX coordinator with this more elaborate hearing model reported, *“Before the hearing the panel members receive the final investigative report and any rebuttals from the complainant or respondent.”* Both parties submit a list of witnesses they would like to appear and testify (providing further evidence) during the hearing. Character witnesses are not allowed. The panel meets with the lead investigator or case manager to review procedure and discuss the questions they would like to be answered in the hearing. The (lead investigator) attends the hearing to answer any questions from the panel about the investigation. The panel proceeds with investigation in the hearing and adjudicates responsibility. The two parties can each have their advisor of choice, *“but the advisor has to be like a potted plant”* (i.e., is an observer only).

Also notable is the disclosure that some Title IX coordinators had no role in investigations or adjudications and some stated that they had never even attended any of the hearings. Their role was entirely one of coordination of the parties and assurance that the policies and protocol were made available to all.

**Sanctioning decision-making.** While sanctioning may be part of the adjudication process, it also may be separated and the responsibility of a different panel, different panel members, or even a different hearing. We found a wide diversity of choices and avenues for making the sanctioning decisions. In a small number of Title IX interviews, it was reported that the sole investigator makes the sanctioning decision. In a number totaling about one-quarter of the interviews we found that either the sole investigator or the small team of investigators makes that decision. In the majority of the interviews, however, the Title IX coordinator reported that the adjudicators (i.e., a panel or a board separate from the investigation) decide on the sanction. About one-fourth of the interviewees reported that their IHE held a separate sanctioning hearing. In regard to such hearings, in just over one-fourth of the interviews it was reported that sanctions were determined by a sexual assault conduct board and in another quarter, sanctions came from an administrative panel. Often a sole campus administrator had a prominent role in the sanctioning either as part of the sanctioning panel or board or as a final decision-maker. It was only in a small number of interviews that it was reported that students had any role in sanctioning.

We asked about the use of expulsion as a sanction and although it was reported to be rarely used, a majority of the Title IX coordinators reported that the IHE had used expulsion as a sanction (although some mentioned that expulsion had never happened during their tenure or that many years had passed since the last expulsion). Some interviewees mentioned current cases that are likely to result in expulsion. The cases that result in expulsion were reported to be those that involved a finding of forced sexual penetration; physically assaultive behavior (other than the rape itself); physical injury to the complainant; or prior adjudications in which the respondent had been found responsible for sexual misconduct. Separation or suspension were sometime used



especially in smaller schools or in situations in which the person found responsible and the victim were in a class or department that operated with a cohort of students working the program together and from which s/he could not effectively be omitted. In these cases, the respondent found responsible might be suspended until the complainant completed that course work or graduated.

### **Themes Identified from Research and Interviews.**

As we compiled the interviews and the notes we had taken during the calls, several key themes emerged that provide insight into the approaches taken by the IHEs, the key concerns of the Title IX coordinators, and their specific suggestions regarding the benefits of the approaches they are taking and the challenges going forward.

**Response to sexual assault should be aligned with the educational mission of the institution as distinguished from the criminal justice system.** Many interviewees from IHEs of different sizes and from varying locations across the U.S. stressed the role of the educational mission of the IHE and expressed the opinion that as an educational institution their college or university must serve an educational function about proper student behavior and prevention of sexual misconduct while they *“help the student do better.”* This educational mission was reflected in the goals of the Title IX office, e.g., both *“to be fair to all parties”* and to make this *“an educational process.”* In light of the educational mission, some of the coordinators stressed to the interviewers the ways that the fairness is achieved by *“affording all due process.”* One coordinator from a large, state school system in the Northeast stated, *“Hearings are non-adversarial by design, they are meant to be educational...”* suggesting a contrast to a criminal justice system approach or to an adversarial hearing adjudication model.

More than one Title IX coordinator expressed sentiments in accord with this preference for a non-adversarial system. A coordinator from a large, public, NCAA Division 1 Football university would prefer *“that the process could be driven by a humanistic and educational development philosophy rather than a legal one”* and went on to state that the *“(legalistic) goals are not always aligned* (with the educational mission of the institution).” This sentiment was echoed in one very different IHE setting (a small, private college in a southern state) where the Title IX coordinator stated, *“for an educational setting the ‘preponderance of evidence’ is a fair standard.”* And many indicated a wish to retain this standard, suggesting that the standard of *“clear and convincing evidence,”* which is now allowed under the interim rules from the U.S. Department of Education, Office of Civil Rights, is closer to *“beyond a reasonable doubt”* and is more suited for the legal system.

**The coordinators emphasized the motivation to handle these cases well and with empathy.** In both the web-scan portion of this research and in the interviews we found a recurrent theme that stressed providing a fair system that recognizes the rights of the accusers and the accused. For example, one coordinator from a medium-sized private college stated that s/he approached this (task of investigating and adjudicating college sexual assault) as *“a human with empathy”* and expressed concern that *“some of this empathy is lost in the ‘Title IX world’”* and added, *“What is lost is being human.”* The coordinator from a state university reported s/he is *“always mindful that we need to treat people like people - be fair and consistent - there are*

*always 6 sides to one story,*” suggesting also that the coordinators need to address the difficult job and *“find the correct balance between compassion and responsibility.”*

One might question how realistic such goals are in the face of some troubling cases of sexual assault and pressures to provide appropriate victim services. Yet, it was clearly expressed by many that there is a need for the Title IX Office to be *“transparent with information”* and to *“remove the opportunity of bias.”* Some coordinators suggested that because this is an issue *“we care deeply about”* there is an opportunity to *“do what is right.”* Title IX coordinators stressed the need for care and concern and victim advocacy to be the role of others and the pressing need to have such services in place. This was different from the role of the Title IX coordinator that was seen as *“to balance this work”* and to do the right thing for the students and the community.

**The pressing need to professionalize this work.** Yet, despite the humanistic concerns expressed, many Title IX coordinators stressed the need to professionalize the practice of investigation and adjudication of complaints of sexual assault. Having experienced lawsuits and legal challenges and after attaining many years dealing with these cases, some experienced Title IX coordinators strongly expressed the need to professionalize. Some coordinators argued that more experience handling these cases is needed and that, just as one would not give *“brand new lawyers and cops these cases to handle* (in the criminal justice system), *so why* (would inexperienced Title IX coordinators be expected to do so)?”

The key challenge here may be balancing different assessments of what it means to “be professional.” While some of the interviewees were, perhaps, less definitive in their exhortation of the need to professionalize, there was widespread agreement on the need for quality training and the difficulty in finding convenient, appropriate or affordable training and time for such training for investigators in their institutions. In regard to the issue of training and the need to professionalize, one coordinator from a very large, private, university stated that *“Title IX investigators and coordinators are the most maligned set of individuals”* and went on to assert that the training that is being delivered by some organizations is *“thin and poor”* and that it is even *“exploitative and predatory”* (i.e., that some take advantage of the desperation that leads to the high demand for training). Indeed, to professionalize this work high quality training is needed. Such training, as some suggest, may require tapping into the skills of the most experienced individuals and may lead to revision of current training priorities.

**Resources, institutional structure, and authority.** In the current climate of increased reports of sexual assault inspired by the #MeToo movement, concerns were raised about how Title IX coordinators can achieve justice in an environment of scarce resources. Large or small, if the institution did not have or did not devote resources to the Title IX office and its functions, there were considerable difficulties reported by Title IX coordinators in accomplishing the goals. For example, not having enough and properly trained investigators created a large workload for some. In addition, IHEs often did not provide sufficient resources to help change the campus culture and deal with the critical issues raised in these interviews.

As one Title IX coordinator put it, *“When the office is swamped with work it becomes difficult to have an effective response.”* In addition, one coordinator asserted, it all comes down to *“time, money, and authority.”* A frequent call was for the support of senior leadership and for the

removal of administrative siloes that kept Title IX administratively separated from other units and, in the opinion of many, powerless to effect change. Coordinators described the challenges of seeking the authority and capacity to follow through with their mandates. They also pointed out the difficulty encountered when they were charged with conflicting roles, such as when the Title IX Coordinator is also the Dean of Students.

In schools where the Title IX coordinator does not get appropriate support (and authority), the concern was that the professionalism suffers and the educational mission and responsibility are overlooked in favor of exceptions that are made for star students or decision-making that reflects the preferences of donors. Without support for Title IX and an institution-wide response to sexual assault, the Title IX coordinators suggested that time, effort, and resources are more likely to be spent by the IHE's leaders on concerns about the institution's reputation than on making the response to sexual assault effective.

**Title IX Coordinators' expectations for the future.** These interviews took place at a time of upheaval for Title IX and for guidelines on responding to sexual assault at colleges and universities. The laws in many states had changed and were continuing to be revised or vetted, mostly in accord with the principles reflected in the Obama era guidance. Yet because of some civil suits, challenges arose (e.g., Circuit court decisions mandated changes in procedures including one circuit opinion which directed the IHEs to hold adversarial hearings.) Most critical, the U.S. Department of Education imposed new guidelines in September 2017 and announced planned changes in policy, which, at the time of the interviews and of the writing of this report, have not been finalized. One interviewee said that what s/he has been spending much time on is *"keeping up with what is going on as a pendulum swings."* In contrast to claims made by the U.S. Department of Education, many Title IX coordinators reported strong efforts to *"be conscious of the rights of the accused in spite of what others are saying."* While recognizing concerns about coming changes, many reported that they continue to be guided by state law and institutional policies. As one Title IX coordinator from a medium-sized public university in the northwest bluntly put it, *"We are standing behind the 2014 (Obama) policies - come hell or high water."*

New procedures as a result of the 6th circuit ruling (U.S. Court of Appeals, 2019), according to one interviewee, will result in the report going to a hearing where both parties will appear at the same time (but at this IHE the hearings will occur electronically so they are not in the same place at the same time). One Title IX coordinator reflected the concerns of many about the *"chilling effect this change may have on reporting."* Another coordinator from a small religious school in the northeast said, *"new rules coming in are super concerning."* Few *"want to see colleges turn into courtrooms."* Another pointed out that these new changes do not *"feel trauma informed."* In addition, some find the *"cross-examination piece super concerning."* One interviewee pointed out that the *"proposed rules (from the U.S. Department of Education) are in direct conflict with State law."*

The consensus from those interviewed seemed to be that there are new regulations that are or could be both positive and negative. The fact, however, that so much has changed makes it *"frustrating to deal with, it is and confusing for students."* One interviewee from a large private university went on to say, the rumored changes are *"heartbreaking"* and *"everything will change"*

*in the next few months and the significant guidance will be criticized.*” In addition, a coordinator from a large private university in the northwest told us *"No one will trust our findings. Politics is playing a big part - it is a political rollercoaster."* Many expressed concerns that fewer students will report sexual assault under the proposed new guidelines.

Nevertheless, all are awaiting the federal guidelines while continuing to consider options for addressing off-campus assaults, live hearings with direct cross-examination, and changes in investigatory practices and evidentiary standards. As one Title IX coordinator from a large public university in a western state put it *"The Title IX machine has shifted so much time and energy to responding...we just aren't growing our prevention programs as well as we are growing our Title IX protocol."* Another said, *"fear about litigation leads to more resources (given) to responding after the fact and there is a need for more prevention and education."* Indeed, many Title IX coordinators commented on resources being shifted to the legal side and called for more resources for outreach, prevention and education.

### **Dissemination, Discussion and Implications of the Research**

This research has identified numerous approaches to and challenges of responding to sexual assault complaints in colleges and universities in the U.S. The work of this project will be disseminated on our website (<http://www.wcwoonline.org/jgbvr>) and through guidelines such as the prepared guidance for institutions to conduct a website self-evaluation (see appendix D). In addition, we are developing a digest of investigative and adjudicative approaches and a link to our cluster analysis and the interview findings. Finally, we will prepare web resources and reports detailing the wide array of models of sexual assault responses used on college campuses. Scholarly presentations, articles, and white papers are planned.

Based on the environmental scan and the interviews with Title IX coordinators, one important finding is that we have not identified clearly distinct and mutually exclusive models for responding to sexual assault on college campuses. While models of investigation and adjudication based on the details described on the IHE websites identified some themes and preliminary typologies of investigatory and adjudicative responses to sexual assault on college campuses, we found that there is no one model associated with IHEs of a certain size, geographic location, or sector (public, private or religiously affiliated). Instead we found extreme variation in the information made available to the public (and to the students) on the IHE websites and in the approaches to investigation and adjudication described by the Title IX coordinators interviewed.

We did find that the institution's administrative structure and the resources allocated were a key part of the assessment Title IX coordinators made of the effectiveness of the approaches used and the challenges they faced. The number of complaints and the resources available clearly frame the challenges faced in the investigation and adjudication of complaints of sexual assault and we have found that there is no "one size fits all" model on the horizon. In addition, we learned how possible conflicts of interest (necessitating the appointment of different investigators or adjudicators) and the nature of the behavior alleged in the complaint might affect the approach taken in the investigation and adjudication. This was more important than any one

“model” for investigation or adjudication. Even in institutions with a requirement of a formal investigation, approval of findings by a board, an adjudicatory hearing, or a sanctioning board, many complaints never reach these stages. More focus on early stages of complaint processing (remedies available, the role of advocates, and institutional climate, for example) may be an important next step in future research.

Regardless of the format of the investigation and adjudication, which we have found varied considerably across institutions, the challenges mentioned by the Title IX coordinators are many.

- In regard to investigation, when reports increase there is a need for an increased number of well-trained investigators, whether these are from within the IHE community, from public safety, or from external sources.
- There is a need to improve Title IX office connections on campus and to cultivate trust in the community.
- Support from the top is critical to the success of the office of the Title IX coordinator. Such support includes resources, visibility of the office, and leadership that highlights the importance of the Title IX activities including reporting, investigation, and adjudication—but also including prevention
- Much depends on the level of institutional support received, not only in terms of funding but also in terms of providing an administrative structure that does not silo the Title IX office off in a way that diminishes the Title IX coordinator’s authority or isolates them from the larger campus community.
- Institutional support is needed to lower barriers to reporting by students, by faculty and by staff and thus providing a culture in which sexual harassment and assault are understood and not tolerated.

More research is needed in a number of areas. A new review of IHE websites could be undertaken to examine changes and also to assess the extent to which institutions utilize the recommendations found in this report. A next step would be to assess the extent to which what IHEs represent on their websites comports with the reality within the institution. Further research is also needed to examine in detail the implementation of a variety of approaches to investigation and adjudication and to examine how different models impact all parties involved. Only then can recommendations be made for best practices. Assessment of models in sample of IHEs of differing sizes, locales, and administrative structures is needed to evaluate the success on a variety of levels including responding to complaints, student satisfaction, and reduction of sexual assault as measured via official reporting and climate surveys.

In addition to understanding the diversity of responses, we also see emerging in the Title IX arena a complex interplay of old guidelines, state laws, federal circuit court rulings and guidance coming out of law suits, institutional mandates and the speculation about the much anticipated new guidelines from the current administration. It will be important to understand the current state of the field when designing the IHEs response to the new guidelines and to campus sexual assault. This is an important area for new research on the interplay of laws, policy, and practice.

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**Table 1. Geographic distribution of schools in web scan**

Region		
	Number	%
US Military schools	5	.5
<i>New England</i> CT ME MA NH RI VT	87	9
<i>Mid-East</i> DE DC MD NJ NY PA	177	18
<i>Great Lakes</i> IL IN MI OH WI	143	15
<i>Plains</i> IA KS MN MO NE ND SD	109	11
<i>Southeast</i> AL AR FL GA KY LA MS NC SC TN VA WV	227	23
<i>Southwest</i> AZ NM OK TX	78	8
<i>Rocky Mountains</i> CO ID MT UT WY	32	3
<i>Far West</i> AK CA HI NV OR WA	111	12
<b>Total</b>	<b>969</b>	<b>100</b>

**Table 2. Locale classification distribution of schools**

	Sample	
	Number	%
City	504	52
Suburb	221	23
Town	190	20
Rural	54	6
<b>Total</b>	<b>969</b>	<b>100.0</b>

**Table 3. Sector of institution by size of student body**

	Under 1,000	1,000 - 4,999	5,000 - 9,999	10,000 - 19,999	20,000 and above	Total
Public, 4-year or above	12 6%	75 18%	74 59%	91 68%	97 85%	349 36%
Private not-for-profit, 4-year or above	143 77%	317 77%	52 41%	40 30%	16 14%	568 59%
Private for-profit, 4-year or above	30 16%	18 4%	0 0%	3 2%	1 1%	52 5%
<b>Total</b>	<b>185</b> 100%	<b>410</b> 100%	<b>126</b> 100%	<b>134</b> 100%	<b>114</b> 100%	<b>969</b> 100%



**Table 4. Institutional characteristics**

	% Yes (N=969)
With a religious affiliation	35%
With a Title IX complaint filed (as of June 2016)	11%
With an NCAA Division 1 football team	10%
Offer on-campus housing	90%

**Table 5. Locating information in websites**

<b>Locating Basic Information on websites (N=969)</b>	% yes*
Does the website provide a definition of sexual assault/ sexual misconduct?	93
Does the website provide information pertaining to Title IX or Title IX affiliated office?	93
Does the website provide guidance on reporting sexual assault?	94
Does the website provide information on who investigates reports of sexual assault?	91

\*None of the above=33 schools

**Table 6. Web Provides Sexual Assault Definitional Elements**

<b>Sexual assault definitional elements (N=936)</b>	% yes
Q6. Does the definition mention consent in relation to sexual assault	88
Q9. Does the definition discuss inability to consent due to incapacitation related to alcohol use	78
Q10. Does the definition discuss inability to consent due to incapacitation related to drug use	78
Q12. Website identifies as sexual misconduct sexual contact through coercion	83

**Table 7. Reporting information provided: contact person(s)**

<b>Information is provided on reporting a sexual assault to... (N=936)</b>	% yes
Title IX coordinator	90
Campus security/law enforcement	84
Local law enforcement	75

**Table 8. Title IX Coordinator Titles**

<b>Does Title IX coordinator have another title?</b> (N=936)	<b>%</b>
HR-EEO-compliance	28
Student affairs	29
Other	2
No	36
Could not locate	4
<b>Total</b>	<b>100</b>

**Table 9. Reporting and Recommendations**

<b>Reporting sexual assault (N=936)</b>	<b>% yes</b>
Q37. Is there an option for anonymous reporting?	67
Q50. Is there recommendation to preserve evidence?	68
Q51. Is there recommendation to get medical services?	83
Q52. Is there a recommendation to get counseling?	72

**Table 10. Law Enforcement Notification Information Found**

<b>Will police be notified if sexual assault is reported to campus official (N=936)</b>	<b>% yes</b>
Yes, if campus safety is a concern	20
Yes, at victims request	49
Yes, other circumstances	4
Yes, no circumstances mentioned	16
No information	31

**Table 11. Post report Victim<sup>1</sup> Involvement**

<b>Is the victim required to participate in the investigation after a report? (N=936)</b>	
Yes	18%
No	40%
Could not locate	42%
<b>Total</b>	<b>100%</b>

<sup>1</sup> We use the terms “victim” and “perpetrator” in these tables to refer to the complainant and the respondent or accused.

**Table 12. Interim Measures Described**

	% yes
<b>Are interim measures available? (N=936)</b>	77
	<b>Options</b>
Academic arrangements for victim	69
Academic arrangements by perpetrator	50
Housing or dining reassignments by victim	62
Housing and dining arrangements by perpetrator	49
Suspension of perpetrator	43
Changes to work arrangements for victim	52
Changes to work arrangements for perpetrator	43
Removal from sports	23
No contact order	22
Leave of absence	2
<b>Does website offer guidance on how to obtain interim measures?</b>	57

**Table 13. Advisors**

<b>Are alleged perpetrators allowed to have advisors at hearings or meetings? (N=936)</b>	<b>%</b>
Yes	74
No	8
Other	1
Could not locate	17
Total	100
<b>Are victims allowed to have advisors at hearings or meetings? (N=936)</b>	<b>%</b>
Yes	74
No	6
Other	1
Could not locate	19
Total	100

**Table 14. Standard of Proof**

<b>What is the standard of proof used to determine responsible vs. not responsible?</b> (N=936)	<b>%</b>
Preponderance of evidence	72
Beyond reasonable doubt	7
Other, specify	.05
Could not locate	20
Total	100

**Table 15. Determining Responsibility**

<b>What campus actors are involved in determining responsibility (N=936)</b>				
	% Yes	Are students involved?		
		Yes	No	No info
General conduct board	24	18%	34%	48%
Conduct Board specific for sexual assault	28	9%	47%	44%
Administrative panel	17			
Sole campus administrator	17			
Investigator	9			
Other	1			
No information	4			

**Table 16. Hearing Questioning**

<b>Are alleged perpetrators allowed to question the victim?</b> (N=936)	<b>% Yes</b>
Yes, face to face	2
Yes, through submitting written questions	10
Yes, but no details on method of questioning	13
Could not locate	60
Yes, by other means, specify	2
No	13
Total	100
<b>Are victims allowed to question the alleged perpetrator?</b> (N=936)	
Yes, face to face	2
Yes, through submitting written questions	11
Yes, but no details on method of questioning	14
Could not locate	61
No	12
Total	100

**Table 17. Determining Sanctions**

<b>What campus actors are involved in determining sanctions? (N=936)</b>				
	% Yes	Are students involved?		
		Yes	No	No info
General conduct board	22.2	18%	35%	46%
Conduct Board specific for sexual assault	18.4	10%	49%	37%
Administrative panel	17.6			
Sole campus administrator	18.9			
Could not locate	22.8			
Other, please specify	0.1			
Total	100			

**Table 18. Sanctions**

<b>Possible sanctions when found responsible (N=936)</b>	
	% Yes
Expulsion	78
Suspension	74
Probation	60
Warning	53
Change of residence	45
Awareness training	36
Monetary damages	30
Mental health evaluation	28
Transcript note	22
Could not locate	18
Local law enforcement notice	15
Loss of privileges	7
Community service	6
No contact order	5
Parental notification	1
Schedule changes	1
Apology	1

**Table 19. Appeals**

<b>Is there an appeal process? (N=936)</b>	% Yes
Yes, either victim or offender may appeal	75
Yes, only offender may appeal	7
No	2
Could not locate	16
Total	100%

**Table 20. Sexual Assault Statistics**

<b>Are there sexual assault statistics available?</b> (N=936)	<b>% Yes</b>
Yes, climate survey	22
Clery Act -- Official statistics	78
Other	2
Could not locate	14

**Table 21. Mandatory Student Education**

<b>Is there a required education course for students on student conduct/sexual assault awareness?</b> (N=936)	<b>% Yes</b>
Yes	61
Could not locate	39
Total	100

**Table 22. Bystander Education Program**

<b>Is there a bystander program on campus?</b> (N=936)	<b>% Yes</b>
Yes	46
Could not locate	54
Total	100

<b>Table 23. Investigation Three Cluster Probability Profiles</b>				
	Cluster1	Cluster2	Cluster3	Overall
Cluster Size (modal)	0.42	0.4	0.18	1.0
<u>Variables</u>				
q59. Title IX person involved in investigation				
No	0.2671	0.024	0.0718	0.141
Yes	0.7329	0.976	0.9282	0.859
q59. Campus LE involved in investigation				
No	0.812	0.6598	0.0031	0.6154
Yes	0.188	0.3402	0.9969	0.3846
q59. Local law enforcement involved in investigation				
No	0.9066	0.896	0.166	0.7756
Yes	0.0934	0.104	0.834	0.2244
q59. Other Admin (Dean, HR)				
No	0.6806	0.4179	0.2169	0.5011
Yes	0.3194	0.5821	0.7831	0.4989
Q44. MOU with local law enforcement				
Yes	0.0957	0.5163	0.8339	0.3825
No/could not locate	0.9043	0.4837	0.1661	0.6175
Q70. Is there policy prohibiting retaliatory behavior against witnesses in proceedings?				
Yes	0.6693	0.9735	0.5759	0.7692
No/Could not locate	0.3307	0.0265	0.4241	0.2308
q75.q77 Can victims have lawyers/advisors				
Yes advisors can be lawyers	0.1732	0.5208	0.0228	0.2799
Yes advisors but not lawyers	0.5188	0.3953	0.6899	0.5011
No advisors	0.0046	0.0673	0.044	0.0353
Could not locate	0.3034	0.0166	0.2433	0.1838
q80. Sanctions				
Could not locate	0.3789	0.0212	0.2976	0.2286
Minor	0.1676	0.052	0.282	0.1432
Moderate	0.1916	0.0747	0.0006	0.1143
Maximum	0.262	0.852	0.4198	0.5139

<b>Table 24. Covariate Profiles (inactive)</b>				
	Cluster 1	Cluster 2	Cluster 3	Overall
q58. Are there details on who investigates sexual assault complaints				
No	0.0947	0.0146	0.0695	0.0598
Yes	0.9053	0.9854	0.9305	0.9402
q61. Is there time limit for when report has to be made for formal investigation?				
Yes (specify time)	0.1137	0.068	0.113	0.0962
No	0.232	0.5798	0.5864	0.4253
Could not locate	0.6543	0.3522	0.3006	0.4786
q62. Is victim required to participate in the investigation after a report?				
Yes	0.0515	0.343	0.1313	0.1763
No	0.3489	0.3832	0.5873	0.4028
Could not locate	0.5996	0.2738	0.2814	0.4209
q64. Is there a time frame for when alleged perpetrators notified of investigation?				
Yes, specify how long	0.1442	0.0853	0.0757	0.11
Could not locate	0.8267	0.5719	0.4405	0.6634
No	0.029	0.3428	0.4839	0.2266
q66. How are concurrent investigations involving sexual misconduct handled between investigators and local law enforcement?				
Handled collaboratively	0.1989	0.2759	0.7567	0.3238
Law enforcement takes priority	0.0709	0.2549	0.0334	0.1346
Unclear	0.1771	0.2076	0.0919	0.1741
Campus takes priority	0.0161	0.043	0.0121	0.0256
Could not locate	0.537	0.2186	0.1059	0.3418
q68. Policy prohibiting retaliatory behavior against victim reporters?				
Yes	0.8231	0.9881	0.7028	0.8654
No/Could not locate	0.1769	0.0119	0.2972	0.1346
q69. Policy prohibiting retaliatory behavior against third party reporters?				
Yes	0.7691	0.9836	0.6729	0.8344
No/Could not locate	0.2309	0.0164	0.3271	0.1656



<b>Table 24. Covariate Profiles (inactive), cont.</b>				
	Cluster 1	Cluster 2	Cluster 3	Overall
q81. Interim measures for victim not wishing to participate in an investigation?				
Yes	0.2007	0.5507	0.5707	0.3975
No	0.0177	0.0435	0.0564	0.0342
Could not locate	0.7816	0.4058	0.3729	0.5683
q82. website offers guidance on how to obtain interim measures?				
Yes	0.4371	0.7837	0.5696	0.5919
No/Could not locate	0.5629	0.2163	0.4304	0.4081
q84. information on time frame for completing the investigation after a report?				
Yes, specify time frame	0.5045	0.4615	0.5179	0.4904
Could not locate	0.4492	0.194	0.2781	0.3226
No	0.0463	0.3445	0.204	0.187
q83. Policy on interim measures				
interim measures-at victims request	0.1326	0.1445	0.3552	0.1753
Interim Measures on a Case by Case	0.2837	0.6252	0.2064	0.4006
Could no locate	0.5837	0.2303	0.4384	0.4241
q59. Other independent investigator involved in investigation?				
No	0.835	0.8638	0.5301	0.7937
Yes	0.165	0.1362	0.4699	0.2063
q60. Is there mention of sexual assault training for investigative unit or office?				
No	0.3316	0.0926	0.1126	0.203
Yes	0.6684	0.9074	0.8874	0.797

<b>Table 25. Adjudication Three Cluster Probability Profiles</b>				
	Cluster1	Cluster2	Cluster3	Overall
Cluster Size (modal)	.57	.24	.18	1.00
<u>Variables</u>				
q90. What campus actors are generally involved in determining if a person is responsible for violation?				
General conduct board	0.2789	0.1733	0.2123	0.2436
Conduct board specific to handling sexual assault	0.1592	0.6015	0.2659	0.2831
Administrative panel	0.1651	0.2157	0.0718	0.1645
Sole campus administrator	0.2248	0.0088	0.19	0.1667
Investigator	0.1391	0.0006	0.0605	0.094
Could not locate	0.0329	0.0001	0.1995	0.0481
q115. Is there an appeal process?				
Yes, either victim or offender may appeal	0.9151	0.7749	0.1951	0.7799
Yes, only offender may appeal	0.0314	0.2035	0.0228	0.0726
No	0.0115	0.0214	0.0495	0.0192
Could not locate	0.042	0.0002	0.7326	0.1282
q112. Does sanctioning process allow victim impact statements?				
Yes	0.1517	0.7542	0.0217	0.2821
No	0.0335	0.244	0.0343	0.0855
Could not locate	0.8148	0.0018	0.9439	0.6325
q111. Sanctions				
Could not locate	0.0966	0.0121	0.6783	0.157
Moderate	0.032	0.0088	0.0349	0.0267
Major	0.8714	0.9791	0.2868	0.8162
q95. Does the policy mention that the victim's prior sexual behavior will not be considered in adjudication process?				
Could not locate	0.716	0.0025	0.8571	0.5598
Yes	0.284	0.9975	0.1429	0.4402
q100. Are alleged perpetrators allow to present witnesses at proceedings				
No/could not locate	0.1884	0.0097	0.7994	0.2297
yes	0.8116	0.9903	0.2006	0.7703
q85. Is there a restorative justice/reintegration for alleged perpetrators who accept responsibility for violation before adjudication proceedings begin?				
Yes	0.0449	0.6452	0.0027	0.187

<b>Table 25. Adjudication Three Cluster Probability Profiles, cont.</b>				
	Cluster1	Cluster2	Cluster3	Overall
Could not locate	0.9551	0.3548	0.9973	0.813
q97. Does policy mention there is possibility that information from confidential sources sought by victim may be admitted under legal ruling/hearing in an adjudication proceeding?				
Yes	0.1038	0.9305	0.1201	0.3098
Could not locate	0.8962	0.0695	0.8799	0.6902

<b>Table 26. Adjudication Covariate Profiles (inactive)</b>				
Investigation 3 Cluster Classification				
1. Single Investigator	0.5218	0.0359	0.6494	0.4199
2. quasi-cj	0.3825	0.6164	0.1224	0.4038
3. collaborative	0.0957	0.3477	0.2282	0.1763
q92 Role of investigator determining alleged perpetrator responsible/not responsible				
Present results to board/administrators for review in making	0.4944	0.4177	0.2642	0.4433
Participates directly with administration in determining the	0.138	0.5406	0.0918	0.2308
Has sole responsibility for determining responsible/not responsible	0.1668	0.0343	0.0627	0.1196
No role in determining responsible/not responsible	0.2007	0.0074	0.5813	0.2063
q93. Does alleged perpetrator have adjudication format choice?				
Yes	0.0789	0.3635	0.0064	0.1389
No	0.2201	0.591	0.1701	0.3045
Could not locate	0.7011	0.0455	0.8235	0.5566
q98. Mention the possibility that information from confidential sources sought by offender admitted under legal ruling				
Yes	0.0755	0.9028	0.0721	0.2789
Could not locate	0.9245	0.0972	0.9279	0.7211
q99_3 During disciplinary proceedings, victim's participation options? (Check all that apply)-No participation				
Participate as complainant or witness	0.2844	0.7193	0.1659	0.375
No participation	0.3556	0.2686	0.1201	0.3012
Could not locate	0.3601	0.0121	0.714	0.3238
q102. Are alleged perpetrators allowed to question the victim?				
No	0.1722	0.0975	0.0499	0.1367
Yes	0.1216	0.8301	0.0052	0.28
Could not locate	0.7062	0.0724	0.9449	0.5833
q104 Are Victims allowed to present witnesses at hearings?				
No/Could not locate	0.2082	0.0435	0.7987	0.2501
Yes	0.7918	0.9565	0.2013	0.7499

<b>Table 26. Adjudication Covariate Profiles (inactive), cont.</b>				
q108. Standard of evidence used in determining responsibility				
Preponderance of evidence	0.8706	0.6915	0.3529	0.7541
Beyond reasonable doubt	0.0052	0.2686	0.0005	0.0695
Could not locate	0.1241	0.0399	0.6466	0.1764
q109. What campus actors involved in determining sanctions				
General conduct board	0.2579	0.236	0.0943	0.2297
Conduct board specific to handling sexual assault	0.1078	0.4726	0.0543	0.1902
Administrative panel	0.1731	0.2588	0.0903	0.1827
Sole campus administrator	0.2744	0.0233	0.1445	0.1944
Could not locate	0.1867	0.0093	0.6166	0.2031

**Table 27: Interviewees institution size and type**

Institution	Public	Private Not Religiously Affiliated	Private Religiously Affiliated	Total Interviewed	Target
Size	Interviewed	Interviewed	Interviewed	n (%)	%
<1000	1	1	2	4 (9%)	18%
1000-4999	4	10	9	23 (49%)	42%
5000-9999	4	1	2	7 (15%)	13%
10000-19999	3	0	2	5 (11%)	14%
20000+	6	2	0	8 (17%)	13%
Total n (%)	18 (38%)	14 (30%)	15 (32%)	47 (100%)	
Target	38%	28%	34%		100%

**Table 28: Current Roles of Interview Sample (n=47)**

<b>Role</b>	<b>% (n)</b>
Coordinator of Title IX Process	92% (43)
Initial Review	68% (32)
Investigator	38% (18)
Adjudicator	28% (13)
Sanctioner	23% (11)
Appeals Arbiter	2% (1)
Advisor/Advocate Victim	9% (4)
Advisor/Advocate Accused	4% (2)
Investigator for a Criminal Justice Process	6% (3)
Decision Maker for a Criminal Justice Process	9% (4)

**Table 29: Training Modalities**

<b>Type of Training</b>	<b>% (n)</b>
Online	47% (22)
In Person	
On campus	30% (14)
At a Conference	60% (28)
Elsewhere	28% (13)

**APPENDICES**

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## RSACscaninventory

Q1 Please take note of when you start this scan, so you can enter the duration of your work on this session at the end of this list of questions. If you need to take a break in the middle of this scan, make sure to close your browser before you leave your desk.

THIS INSTRUCTION HAS CHANGED: Enter the 8-digit code for this session, no spaces (for example, 00112244). For instructions, see your training handout.

## Q2 SECTION 1: SEXUAL ASSAULT DEFINITION

Q3 LOCATION EFFORT QUESTION: Does the website provide a definition of sexual assault? Instructions for search: From school homepage enter recommended search term 1. "sexual assault"; view results and answer options below; if necessary, enter recommended search term 2: "sexual misconduct"

- Yes, was able to locate definition using search term 1, directly on results page
- Yes, was able to locate definition using search term 1, first link from results page
- Yes, was able to locate definition using search term 1, first link and 1 subsequent link from results page
- Yes, was able to locate definition using search term 2 directly on results page
- Yes, was able to locate definition using search term 2, first link from results page
- Yes, was able to locate definition using search term 2, first link and 1 subsequent link from results page
- Yes, was able to locate, but with additional effort beyond above
- Could not locate

Q4 In what you found above, is the sexual assault definition embedded within a sexual harassment or discrimination policy or context?

- Yes
- No
- Could not locate definition

Q5 Does the definition cover attempted sexual assault?

- Yes
- No
- Could not locate definition

Q6 Does the website provide a definition or description of consent in relation to sexual assault or misconduct?

- Yes
- Could not locate

Q7 Does the website provide a definition or description of affirmative consent in relation to sexual assault or misconduct?

- Yes
- Could not locate

Q8 Does the website define or describe sexual misconduct or sexual assault as sexual contact with someone who is unable to consent due to incapacitation?

- Yes
- Could not locate

Q9 Does the website define or describe sexual misconduct or sexual assault as sexual contact with someone who is unable to consent due to incapacitation or intoxication resulting from alcohol use?

- Yes
- Could not locate



Q10 Does the website define or describe sexual misconduct or sexual assault as sexual contact with someone who is unable to consent due to incapacitation or intoxication resulting from drug use?

- Yes
- Could not locate

Q11 Does the website define or describe sexual misconduct or sexual assault as sexual contact with someone who is unable to consent due to psychological or physical impairment (not related to substance use)?

- Yes
- Could not locate

Q12 Does the website define or describe sexual misconduct or sexual assault as sexual contact through coercion (duress, threat, force, deception)?

- Yes
- Could not locate

Q13 Is there a policy stating that school code of conduct applies to sexual assault by students occurring while they are off campus? (hint: may be covered in a "scope of the policy" section)

- Yes, policy language explicitly states that policy applies to students when off campus
- No, policy language explicitly states that policy refers only to students on campus
- No, policy language does not explicitly differentiate between students when on and off campus
- Decided on a case by case basis by a University representative
- Could not locate

Q14 Is there information pertaining to Title IX or Title IX-affiliated office (i.e. Office of Institutional Equity)?

- Yes
- Could not locate

Q15 If yes to above, does Title IX information indicate that Title IX pertains to reporting of sexual assault?

- Yes
- No
- Not applicable

Q16 If yes to above, is the language provided in gender neutral terms? (i.e. uses language that indicates a person can be male, female, or transgender; or generally uses the generic word "they.")

- Yes
- No
- Not applicable

Q17 Please provide any comments or insights on the preceding questions/answers.

## Q18 SECTION 2: SEXUAL ASSAULT REPORTING

Q19 LOCATION EFFORT QUESTION: Does the website provide any guidance on reporting sexual assault? Instructions for search: From school homepage enter recommended search term 1. "report sexual assault;" view results and answer options below; enter recommended search term 2, if necessary: "reporting a sexual assault"

- Yes, was able to locate information using search term 1, directly on results page
- Yes, was able to locate information using search term 1, first link from results page
- Yes, was able to locate information using search term 1, first link and 1 subsequent link from results page
- Yes, was able to locate information using search term 2, directly on results page
- Yes, was able to locate information using search term 2, first link from results page
- Yes, was able to locate information using search term 2, first link and 1 subsequent link from results page
- Yes, was able to locate, but with additional effort beyond above
- Could not locate

Q20 Is there information on how to make a sexual assault report to the Title IX Coordinator or Liaison or Office?

- Yes
- Could not locate

Q21 If yes to above, is contact information provided? (check all that apply)

- Yes, by email
- Yes, by phone
- Yes, by campus location
- Yes, by name (person)
- Not applicable

Q22 Does the Title IX Coordinator have another administrative title within the university?

- Yes, Provost
- Yes, Dean of Students
- Yes, Other, specify \_\_\_\_\_
- No
- Could not locate

Q23 Is there information on how to report sexual assault to campus security / law enforcement?

- Yes
- Could not locate

Q24 If yes to above, is contact information provided? (check all that apply)

- Yes, by email
- Yes, by phone
- Yes, by campus location
- Yes, by name
- Not applicable

Q25 Is there information on how to report a sexual assault to local law enforcement?

- Yes
- Could not locate

Q26 If yes to above, is contact information provided for reporting a sexual assault ? (check all that apply)

- Yes, by email
- Yes, by phone
- Yes, by street address
- Yes, by name (person)
- Not applicable

Q27 Is there guidance on reporting sexual assault to other campus personnel, and if yes, is contact information provided? (Select an answer for each given campus personnel.)

	No	Yes, by email	Yes, by phone	Yes, campus location	Yes, by name
Faculty	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coaches/athletic personnel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Student work supervisors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Residential life	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dean of Students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Counseling services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Diversity offices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Women's resource center	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victim services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ombudsman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other staff; specify	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q28 Does the website indicate if any of the following campus personnel are designated as mandatory reporters or responsible employees (meaning they must divulge the name of the person who reports) and required to officially report to the college once they are made aware of an assault? Check all that apply.

- Yes, faculty
- Yes, administrators (i.e. Dean of Students)
- Yes, student supervisors (i.e. coaches, residential life)
- Yes Ombudsmen
- Yes, but policy is not specific about which employee categories
- Yes, other, specify \_\_\_\_\_
- Could not locate

Q29 If yes to previous question, to whom must a responsible employee/mandated reporter report the incident? Check all that apply.

- Title IX Officer or Liaison
- Campus security / law enforcement
- Local Police
- Other, specify \_\_\_\_\_
- Could not locate
- Not applicable

Q30 Is a sexual assault reported to college counseling services confidential?

- Yes
- Yes, but conditional (enter "not if minor involved" and / or "not if campus safety is a concern" as applicable)
- \_\_\_\_\_
- No
- Could not locate

Q31 Is a sexual assault reported to college health services confidential?

- Yes
- Yes, but conditional (enter "not if minor involved" and / or "not if campus safety is a concern" as applicable)
- \_\_\_\_\_
- No
- Could not locate

Q32 Is a sexual assault reported to college religious services confidential?

- Yes
- Yes, but conditional (enter "not if minor involved" and / or "not if campus safety is a concern" as applicable)
- \_\_\_\_\_
- No
- Could not locate

Q33 Is a sexual assault reported to university administrators (e.g. Ombudsmen) confidential?

- Yes
- Yes, but conditional (enter "not if minor involved" and / or "not if campus safety is a concern" as applicable)
- \_\_\_\_\_
- No
- Could not locate

Q34 If yes to above, specify which university administrators sexual assault confidentiality is discussed for.

Q35 Is a sexual assault reported to other college victim services confidential?

- Yes
- Yes, but conditional (enter "not if minor involved" and / or "not if campus safety is a concern" as applicable)
- \_\_\_\_\_
- No
- Could not locate

Q36 If yes to above, specify which other college victim services sexual assault confidentiality is discussed for.

Q37 Is there an option provided for anonymous victim or student reporting of a sexual assault?

- Yes
- Could not locate

Q38 Will campus security / law enforcement be notified if a sexual assault is first reported to campus officials (i.e. Title IX coordinator or liaison)? Check all that apply.

- Yes, if campus safety is a concern
- Yes, at victim's request
- Yes, under other circumstances, specify \_\_\_\_\_
- Yes, but no special circumstances specified
- Could not locate

Q39 Will campus officials be notified if a report is first made to campus security / law enforcement? Check all that apply.

- Yes, if campus safety is a concern
- Yes, at victim's request
- Yes, under other circumstances, specify \_\_\_\_\_
- Yes, but no special circumstances specified
- Could not locate

Q40 Will campus officials be notified if the on-campus incident is first reported by the victim to local law enforcement?

Check all that apply.

- Yes, if campus safety is a concern
- Yes, at victim's discretion
- Yes, under other circumstances, specify \_\_\_\_\_
- Could not locate

Q41 Is there any indication that campus staff have training on responding to reports of sexual assault?

- Yes
- Could not locate

Q42 Does the website provide information about state laws about the crime of rape and sexual assault?

- Yes
- Could not locate

Q43 Which of the following are listed as general responsibilities of campus security / law enforcement. Check all that apply.

- Answer emergency calls
- Answer routine calls
- Monitor security cameras
- Investigate reported crimes
- Authority to make arrests
- Other, specify \_\_\_\_\_
- Could not locate

Q44 Is there a memorandum of understanding between the University (including campus security / law enforcement) and local law enforcement?

- Yes
- Could not locate

Q45 Will local law enforcement be notified when a sexual assault is reported to campus officials? (check all that apply)

- Yes, if University personnel decide campus safety is a concern
- Yes, at victim's request
- Yes, under other circumstances, specify \_\_\_\_\_
- Yes, but no circumstances mentioned
- Could not locate

Q46 Is reporting to local law prosecutors required?

- Yes, if University personnel decide campus safety is a concern
- Yes, at victim's request
- Yes, under other circumstances, specify \_\_\_\_\_
- Yes, no circumstances mentioned
- Could not locate

Q47 Is there a policy describing any (amnesty, Good Samaritan) protection for reporting students from alcohol use consequences?

- Yes, policy states that no students will be disciplined
- Yes, policy states that amnesty or other protection will be at the discretion of the school
- Could not locate

Q48 Is there an amnesty or Good Samaritan policy describing any protection for reporting students from drug use consequences?

- Yes, policy states that no students will be disciplined
- Yes, policy states that amnesty or other protection will be at the discretion of the school
- Could not locate

Q49 Is there an amnesty or Good Samaritan policy describing any protection for reporting students from other infractions?

- Yes, policy states that no students will be disciplined
- Yes, policy states that amnesty or other protection will be at the discretion of the school
- Could not locate

Q50 Is there information about preserving evidence in the aftermath of sexual assault? (check all that apply)

- Yes, Not washing or showering
- Yes, Preserve clothing and bedding
- Yes, Preserve electronic evidence (texts, emails)
- Yes, Other (specify) \_\_\_\_\_
- Could not locate

Q51 Is there a recommendation to seek a medical exam after an assault?

- Yes
- Could not locate

Q52 Is there a recommendation for victims to seek counseling services after an assault?

- Yes
- Could not locate

Q53 Is the cost for a medical exam provided by on-campus medical services covered by the university?

- Yes
- Yes, unless a minor
- No
- Could not locate

Q54 Are medical services sought at off-campus health service providers confidential?

- Yes
- Yes, unless a minor
- No
- Could not locate

Q55 Is the cost for a medical exam provided by off-campus medical services covered by the university?

- Yes
- Yes, unless a minor
- No
- Could not locate

Q56 Please provide any comments or insights on the preceding questions/answers.

Q57 SECTION 3: SEXUAL ASSAULT INVESTIGATION

**Q58 LOCATION EFFORT QUESTION:** Does the website provide any information on who ON CAMPUS conducts sexual assault investigations after a sexual assault on campus is reported to campus officials? Instructions for search: From school homepage enter recommended search term 1. "sexual assault investigation"; view results and answer options below. 2. WHAT IS SEARCH TERM 2, IF ANY?

- Yes, was able to locate information using search term 1, directly on results page
- Yes, was able to locate information using search term 1, first link from results page
- Yes, was able to locate information using search term 1, first link and 1 subsequent link from results page
- Yes, was able to locate information using search term 2, directly on results page
- Yes, was able to locate information using search term 2, first link from results page
- Yes, was able to locate information using search term 2, first link and 1 subsequent from results page
- Yes, was able to locate, but with additional effort beyond above
- Could not locate

**Q59** Who is responsible for the investigation of sexual assault reported to campus authorities? Select an answer for each option. If yes, also select whether this party has primary responsibility.

	Is responsible for investigation			
	Yes, and primary responsibility	Yes, but not primary	Yes, but role unclear	Could not locate
Title IX coordinator/liaison	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Dean of Students	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Campus law enforcement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other campus employee/office, specify:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Independent investigator	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Local law enforcement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other off-campus, specify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Q60** Is there mention of sexual assault training for investigative unit or office?

- Yes
- Could not locate

**Q61** Is there a time limit for when the report has to be made in order for there to be a formal investigation?

- Yes (specify time) \_\_\_\_\_
- No
- Could not locate

**Q62** Is the victim required to participate in the investigation after a report to campus authorities?

- Yes
- No
- Could not locate

**Q63** How are alleged perpetrators notified of an on-campus investigation?

- Notified in writing (email or letter)
- Notified at a meeting with campus officials
- Phone call or text
- Other, specify \_\_\_\_\_
- Could not locate

Q64 Is there a time frame for when alleged perpetrators will be notified of an investigation?

- Yes, specify how long \_\_\_\_\_
- No
- Could not locate

Q65 In relation to a criminal investigation, a misconduct investigation may take place when?

- Before a criminal investigation begins
- During a criminal investigation
- After a criminal investigation concludes
- Unclear or not specified
- Could not locate

Q66 How are concurrent investigations involving sexual misconduct and criminal behavior handled between campus investigators and local law enforcement?

- They may be handled collaboratively
- Criminal investigation by local law enforcement will take priority
- Sexual misconduct / campus investigation will take priority
- Other, specify \_\_\_\_\_
- Unclear
- Could not locate

Q67 How are concurrent investigations handled between authorized campus investigators and campus security / law enforcement?

- They may be handled collaboratively
- Investigations by authorized campus investigators take priority
- Investigations by campus security / law enforcement take priority
- Other, specify \_\_\_\_\_
- Unclear
- Could not locate

Q68 Is there a policy prohibiting retaliatory behavior against victim reporters?

- Yes
- Could not locate

Q69 Is there a policy prohibiting retaliatory behavior against third party (or witness) reporters ?

- Yes
- Could not locate

Q70 Is there a policy prohibiting retaliatory behavior against witnesses in proceedings?

- Yes
- Could not locate

Q71 Are alleged perpetrators allowed to have advisors at hearings or meetings?

- Yes
- No
- Other, specify \_\_\_\_\_
- Could not locate

Q72 Re: Advisors for alleged perpetrators: Does the school choose advisors?

- Yes
- No, students choose advisors
- Could not locate
- Not applicable



Q73 Re: Advisors for alleged perpetrators: Are lawyers allowed to serve as advisors?

- Yes
- No
- Could not locate
- Not applicable

Q74 Re: Advisors for alleged perpetrators: If yes, does the school provide lawyers?

- Yes
- No
- Could not locate
- Not applicable

Q75 Are victims allowed to have advisors at hearings or meetings?

- Yes
- No
- Other, specify \_\_\_\_\_
- Could not locate

Q76 Re: Advisors for victims: Does the school choose advisors?

- Yes
- No, students choose advisors
- Could not locate
- Not applicable

Q77 Re: Advisors for victims: Are lawyers allowed to serve as advisors?

- Yes
- No
- Could not locate
- Not applicable

Q78 Re: Advisors for victims: If yes, does the school provide lawyers?

- Yes
- No
- Could not locate
- Not applicable

Q79 Are there interim measures that consider threat to victim safety (class changes, housing assignments)? Check all that apply.

- Yes, interim measures are possible without a formal investigation
- Yes, interim measures may apply before an investigation
- Yes, measures are possible during an investigation
- Yes, but policy does not distinguish at what stage they may apply
- Could not locate

Q80 What interim measures are possible? Check all that apply.

- Class changes or other academic arrangements by victim
- Class changes or other academic arrangements by alleged perpetrator
- Housing or dining reassignments by victim
- Housing or dining reassignments by alleged perpetrator
- Suspension of alleged perpetrator
- Changes to work arrangements by victim
- Changes to work arrangements by alleged perpetrator
- Mental health counseling
- The identification of alleged perpetrator to local law enforcement if alleged assailant is a serious or ongoing threat
- Removal from sports team or other university club or organization
- Other, specify \_\_\_\_\_
- Could not locate

Q81 Are interim measures possible when victim does not wish to participate in an investigation?

- Yes
- No
- Could not locate

Q82 Does the website offer guidance on how to obtain interim measures?

- Yes
- Could not locate

Q83 If yes above, what is the policy?

- The victim's request will be honored
- On a case by case basis, at the discretion of university personnel
- Other, specify \_\_\_\_\_
- Not applicable

Q84 Does the website provide a time frame for completing the investigation after a report?

- Yes, specify time frame \_\_\_\_\_
- No
- Could not locate

Q85 Is there a restorative justice/reintegration program for alleged perpetrators who accept responsibility for violation before adjudication proceedings begin?

- Yes
- Could not locate

Q86 Please provide any comments or insights on the preceding questions/answers.

Q87 SECTION 4: ADJUDICATION

Q88 Does the website provide information about state laws or university policies regarding victim rights in the adjudication of sexual assault complaints?

- Yes, reference to state laws
- Yes, reference to university policies
- Yes, both state law and university policies are referenced
- Could not locate

Q89 Does the website provide information about state laws or university policies regarding alleged perpetrator rights in the adjudication of sexual assault complaints?

- Yes, reference to state laws
- Yes, reference to university policies
- Yes, both state law and university policies are referenced
- Could not locate

Q90 What campus actors are generally involved in determining if a person is responsible vs. not responsible for violation?

- General conduct board
- Conduct board specific to handling sexual assault
- Administrative panel
- Sole campus administrator
- Investigator
- Other, specify \_\_\_\_\_
- Could not locate

Q91 If a general conduct board or conduct board specific to handling sexual assault are involved in determining the responsible/non-responsible status, are students included as members of these boards?

	Yes	No	Could not locate	Not applicable
General conduct board	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conduct board specific to handling sexual assault	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q92 What is the role of the investigator(s) in determining if alleged perpetrator is responsible/not responsible for a violation?

- Present results to board/administrators for review in making responsible/not responsible determination
- Participates directly with administration in determining the responsible/not responsible decision
- Has sole responsibility for determining responsible/not responsible
- No role in determining responsible/not responsible
- Could not locate

Q93 Does the alleged perpetrator have an adjudication format choice?

- Yes
- No
- Under certain circumstances, specify \_\_\_\_\_
- Could not locate

Q94 If yes, what are the choices? Check all that apply

- General conduct board with student members
- General conduct board with no student members
- Conduct board specific to handling sexual assault with student members
- Conduct board specific to handling sexual assault with no student members
- Administrative panel
- Sole campus administrator
- Investigator
- Other, specify \_\_\_\_\_
- Not applicable

Q95 Does the policy mention that the victim's prior sexual behavior will not be considered in adjudication process?

- Yes, during the responsible/not responsible decision
- Yes, during the sanction process
- Yes, during both the adjudication and sanction procedures
- Yes, but extent unclear or not mentioned
- Could not locate

Q96 Does the policy mention that the alleged perpetrator's prior sexual behavior will not be considered during the adjudication process?

- Yes, during the responsible/not responsible decision
- Yes, during the sanction process
- Yes, during both the adjudication and sanction procedures
- Yes, but extent unclear or not mentioned
- Could not locate

Q97 Does the policy mention that there is a possibility that information from confidential sources (i.e. medical services, counseling) sought by the victim may be admitted under legal ruling/hearing in an adjudication proceeding?

- Yes
- Could not locate

Q98 Does the policy mention that there is a possibility that information from confidential sources (i.e. counseling) sought by the alleged offender may be admitted under legal ruling/hearing in an adjudication proceeding?

- Yes
- Could not locate

Q99 During disciplinary proceedings, what are the victim's participation options? (Check all that apply)

- Victim may be complainant
- Victim may be co-complainant along with university
- Victim may participate as a witness
- No participation
- Could not locate

Q100 Are alleged perpetrators allowed to present witnesses at hearings, meetings, or conferences?

- Yes, during the investigation
- Yes, during adjudication
- Yes, during investigation and adjudication
- Yes, but no distinction between investigation and adjudication
- No
- Could not locate

Q101 If yes to above, is there a time limit on when witnesses can be presented?

- Yes, what is the time limit/deadline for identification of witnesses? \_\_\_\_\_
- Could not locate
- Not applicable

Q102 Are alleged perpetrators allowed to question the victim?

- Yes, face to face
- Yes, through submitting written questions
- Yes, but no details provided on method of questioning
- Yes, by other means, specify \_\_\_\_\_
- No
- Could not locate

Q103 Are alleged perpetrators allowed to question the witnesses?

- Yes, face to face
- Yes, through submitting written questions
- Yes, but no details provided on method of questioning
- Yes, by other means, specify \_\_\_\_\_
- No
- Could not locate

Q104 Are victims allowed to present witnesses at hearings, meetings, or conferences?

- Yes, during the investigation
- Yes, during adjudication
- Yes, during investigation and adjudication
- Yes, but no distinction between investigation and adjudication
- No
- Could not locate

Q105 If yes to above, is there a time limit on when witnesses can be presented?

- Yes, what is the time limit/deadline for identification of witnesses? \_\_\_\_\_
- Could not locate
- Not applicable

Q106 Are victims allowed to question the alleged perpetrator?

- Yes, face to face
- Yes, through submitting written questions
- Yes, but no details provided on method of questioning
- No
- Could not locate

Q107 Are victims allowed to question the witnesses?

- Yes, face to face
- Yes, through submitting written questions
- Yes, but no details provided on method of questioning
- No
- Could not locate

Q108 What is the standard of proof used to determine responsible vs. not responsible?

- Preponderance of evidence
- Beyond reasonable doubt
- Other, specify \_\_\_\_\_
- Could not locate

Q109 What campus actors are involved in determining sanctions?

- General conduct board
- Conduct board specific to handling sexual assault
- Administrative panel
- Sole campus administrator
- Other, please specify \_\_\_\_\_
- Could not locate

Q110 If a general conduct board or conduct board specific for handling sexual assault are involved in determining sanctions, are students members of these boards?

	Yes	No	Could not locate	Not applicable
General conduct board	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conduct board specific to handling sexual assault	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q111 What university sanctions are possible when a student is found responsible? Check all that apply.

- Expulsion from school
- Suspension from school
- Warning
- Probation
- Change of residence
- Notation on transcript
- Awareness training (reflective essays, individual plan to address behavior)
- Notification of judgment to local law enforcement
- Monetary damages to victim
- Mental health evaluation
- Other, specify \_\_\_\_\_
- Could not locate

Q112 Does the sanctioning process allow victim impact statements?

- Yes
- No
- Could not locate

Q113 Does the adjudication process apply if an accused student has graduated, voluntarily withdrawn, or transferred?

- Policy states process only applies to currently enrolled students
- Policy states that process applies to students who have graduated
- Policy states that process applies to students who have transferred
- Policy states that process applies to students who have voluntarily withdrawn
- Decided by University representative on a case by case basis
- Could not locate

Q114 If yes, what sanctions apply if the accused student is found in violation but has transferred? (check all that apply)

- Notation on transcript
- Notification of institution to which student transferred
- Notification of local law enforcement where student transferred
- Could not locate
- Not applicable

Q115 Does the website indicate that there is an appeal process?

- Yes, either victim or offender may appeal
- Yes, only offender may appeal
- No
- Could not locate

Q116 Are the circumstances under which an appeal is possible described?

- Yes
- No
- Could not locate
- Not applicable

Q117 If yes to above, which circumstances are mentioned? Check all that apply.

- Introductory of new information
- Incorrect application of policies or procedures
- Other, specify \_\_\_\_\_
- Not applicable

Q118 Are there multiple stages to the appeal process?

- Yes
- No
- Could not locate

Q119 Who is responsible for handling final appeal?

- General conduct board
- Conduct board specific to handling sexual assault
- Administrative panel
- Sole campus administrator
- Other, specify \_\_\_\_\_
- Could not locate

Q120 If general conduct board or conduct board specific to handling sexual assault are responsible for handling final appeal, are students members of these boards?

	Yes	No	Could not locate	Not applicable
General conduct board	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conduct board specific to handling sexual assault	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q121 Does the website publish the outcomes of investigations (i.e. number of arrests, expulsions)?

- Yes
- No
- Could not locate

Q122 Please provide any comments or insights on the preceding questions/answers.

Q123 SECTION 5: STUDENT SERVICES

Q124 LOCATION EFFORT QUESTION: Does the website provide any information on a college-based 24-hour crisis line?

Instructions for search: From school homepage enter recommended search term 1. "hotline;" view results and answer options below; enter recommended search term 2, if necessary: "24 hour"

- Yes, was able to locate information using search term 1, directly on results page
- Yes, was able to locate information using search term 1, first link from results page
- Yes, was able to locate information using search term 1, first link and 1 subsequent link from results page
- Yes, was able to locate information using search term 2, directly on results page
- Yes, was able to locate information using search term 2, first link from results page
- Yes, was able to locate information using search term 2, first link and 1 subsequent link from results page
- Yes, was able to locate, but with additional effort beyond
- Could not locate

Q125 Is there a college-based 24-hour crisis line?

- Yes, contact info included
- Yes, no contact info included
- Could not locate

Q126 LOCATION EFFORT QUESTION: Does the website provide any information on mental health counseling services?

Instructions for search: From school homepage enter recommended search term 1. "counseling services;" view results and answer options below; enter recommended search term 2, if necessary: "mental health"

- Yes, was able to locate information using search term 1, directly on results page
- Yes, was able to locate information using search term 1, first link from results page
- Yes, was able to locate information using search term 1, first link and 1 subsequent link from results page
- Yes, was able to locate information using search term 2, directly on results page
- Yes, was able to locate information using search term 2, first link from results page
- Yes, was able to locate information using search term 2, first link and 1 subsequent link from results page
- Yes, was able to locate, but with additional effort beyond
- Could not locate

Q127 Is there reference / link to information on mental health counseling services for victims available on campus?

- Yes, contact info included
- Yes, no contact info included
- Could not locate

Q128 Is there reference/ link to mental health counseling services off campus?

- Yes, contact info included
- Yes, no contact info included
- Could not locate

Q129 Is there reference/ link to any state or national resources that deal with sexual assault? e.g., RAINN

- Yes
- No
- Could not locate

Q130 Is there a Woman's Resource Center on campus?

- Yes, contact info included
- Yes, no contact info included
- Could not locate



Q131 LOCATION EFFORT QUESTION: Does the website provide any information on an on-campus medical services office? Instructions for search: From school homepage enter recommended search term 1. "medical services" View results and answer options below; enter recommended search term 2, if necessary: "health services"

- Yes, was able to locate information using search term 1, directly on results page
- Yes, was able to locate information using search term 1, first link from results page
- Yes, was able to locate information using search term 1, first link and 1 subsequent link from results page
- Yes, was able to locate information using search term 2, directly on results page
- Yes, was able to locate information using search term 2, first link from results page
- Yes, was able to locate information using search term 2, first link and 1 subsequent link from results page
- Yes, was able to locate, but with additional effort beyond above
- Could not locate

Q132 Is there reference to medical services offered on campus?

- Yes, contact info included
- Yes, no contact info included
- Could not locate

Q133 Are medical services available on campus 24/7?

- Yes
- No
- Could not locate

Q134 Do university health services include SANE exams or sexual assault kits?

- Yes
- No
- Could not locate

Q135 Is there reference to medical/health services offered off campus?

- Yes, contact info included
- Yes, no contact info included
- Could not locate

Q136 Does the description of health and counseling services available on campus use language inclusive of the LGBTQIA population?

- Yes, uses gender neutral language
- Yes, specific reference to LGBTQIA population
- No, language is not inclusive

Q137 Please provide any comments or insights on the preceding questions/answers.

Q138 SECTION 6: STUDENT CLIMATE

Q139 Is there a required education course for students that addresses student conduct/sexual assault awareness?

- Yes
- Could not locate

Q140 Are there sexual assault reporting statistics available from a campus safety report? Check all that apply.

- Yes, climate survey results
- Yes, official police statistics (UCR, Clery Act)
- Yes, incident log reported by police
- Other, specify \_\_\_\_\_
- Could not locate

Q141 What is the number of sexual assault incidents reported? Enter the number of incidents in the time frame in which number is reported. (For example if incidents are reported on a yearly basis, enter the number there.)

- Yearly \_\_\_\_\_
- Monthly \_\_\_\_\_
- Other time frame, specify time frame. For example: "Semester, 3" indicating reported by semester, 3 incidents  
\_\_\_\_\_

Q142 Are there sexual assault prevention tips provided?

- Yes
- No
- Could not locate

Q143 If yes to above, which sexual assault prevention tips provided? Check all that apply.

- Mention alcohol use
- Mention drug use
- Mention consent
- Location restrictions (i.e. warnings about times and places to be avoided)
- Mention bystander behavior and looking out for each other (e.g., plans to go to and leave parties with friends?)
- Not applicable

Q144 If yes to above, do they suggest that the victim must do something differently? Change behavior? Take self-defense?

- Yes
- No
- Not applicable

Q145 Are student-led resource centers or awareness campaigns to combat sexual assault mentioned?

- Yes, specify \_\_\_\_\_
- Could not locate

Q146 Is there a bystander program on campus?

- Yes, specify \_\_\_\_\_
- Could not locate

Q147 Are there other campus security / law enforcement programs to combat sexual assault?

- Yes, specify \_\_\_\_\_
- No

Q148 Is there a self defense program offered to students?

- Yes
- Could not locate

Q149 Are there support services offered to alleged perpetrators (students)?

- Yes
- Could not locate

Q150 Does the website contain a general statement about the college's commitment to responding to sexual assault?

- Yes
- Could not locate

Q151 If yes to above, what elements included in statement? Check all that apply

- Privacy in reporting
- Respectful treatment of victims (no judging)
- Assistance with getting medical needs met
- Commitment to investigation
- Option and contact information for reporting if commitment not met
- Other, Specify \_\_\_\_\_
- Not applicable

Q152 Is there instruction on making a complaint of discrimination or harassment to the Department of Higher Education or Office of Civil Rights?

- Yes
- No, could not locate

Q153 Please take the time to double check that you have answered each question. Before you press "submit" you will get a reminder if you skipped a question that requires an answer. Please enter the complete time you spent on this scan session when you are finished, excluding breaks. If you took a break, do please let us know (in the comment field below) approximately how long it was so we can deduct it from the timing the survey tool captures behind the scenes.

Spent Hours								Spent Minutes											
1	2	3	4	5	6	7		5	10	15	20	25	30	35	40	45	50	55	0
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q154 Please provide any comments or insights on the preceding questions/answers. Once you press "SUBMIT" you will NOT be able to re-visit this particular data form.

RSACC Interview Survey (revised 5/23/18)

I confirm that no coercion of any kind was used in seeking my participation in this research project and that I have read received the consent form and fully understand the purpose of the research project and its risks and benefits.

By clicking "continue" you are agreeing to participate in this on-line portion of the study.

Q1 When we ask about “campus sexual assault” we are referring to sexual assault by and against students that occurs either on or off campus.

Q2 What is your job title?

Q3 What role do you play in **your institution’s** response to campus sexual assault cases? (select all that apply)

- Coordinator of the Title IX response process
- Initial reviewer or part of the initial review team for sexual assault reports
- Investigator or part of the investigative team (for campus decision-making)
- Decision maker or part of the decision making team for determination of responsibility
- Sanctioner or part of the sanction determining team
- Appeals arbiter or part of the appeals team
- Advocate or advisor for the complainant
- Advocate or advisor for the respondent
- Investigator or part of the investigative team for an on or off-campus policing function
- Decision maker or part of the decision making team related to a criminal justice system process
- Other, please explain: \_\_\_\_\_

Q4 How long have you been in your current job/role related to response to campus sexual assault cases **at this institution**?

- Less than 1 month
- Less than 1 year
- 1-5 years
- More than 5 years

Q5 Have you been in another role related to response to sexual assault on campus **at your current institution**?

- Yes
- No

Q6 Have you been in any role related to response to campus sexual assault at any other institution?

- Yes
- No

Display This Question:

If Have you been in another role related to response to sexual assault on campus at your current institution? Yes Is Selected

Or Have you been in any role related to response to sexual assault on campus at any other institution? Yes Is Selected

Q7 In total, combining your time in this current institution and at any other institution(s), how long have you been involved in response to campus sexual assault?

- Less than 1 month
- Less than 1 year
- 1-5 years
- More than 5 years

Q8 As an adjudicator or investigator how many cases of campus sexual assault have you been involved in at your current institution?

- None
- 1-10
- 11-20
- More than 20

Q9 Over your entire career as an investigator or an adjudicator in how many cases of campus sexual assault at higher education institutions – including at your current institution – have you been involved?

- None
- 1-10
- 11-20
- 21-50
- More than 50

How can individuals report a sexual assault at your institution? (check all that apply)

- Call the Title IX staff directly
- Email the Title IX staff directly
- Anonymous online reporting system
- Not anonymous online reporting system

These questions cover training you may have received since June of 2017 to the present on responding to campus sexual assault complaints.

Q10 Have you received training since June 2017?

- Yes
- No

Display This Question:

If Have you received training since June 2017? Yes Is Selected

Q11 Thinking of the most recent training; What type of training was it? (select all that apply)

- Online
- In person on campus
- In person at a conference
- In person at another location

Display This Question:

If Have you received training since June 2017? Yes Is Selected

Q12 Who delivered the training(s)? (select all that apply)

- Someone at your institution (in-house training)
- Membership organization (e.g., ATIXA, NACUA, NASPA)
- Private company or consultant
- Other, please specify **type** of trainer \_\_\_\_\_

Display This Question:

If Have you received training since June 2017? Yes Is Selected

Q13 How would you rate the quality of the training in giving people what they need to know to do their job (related to investigation and adjudication)? 1 = Not at all adequate in preparing for responsibilities related to campus sexual assault; 10 = Completely adequate in preparing for responsibilities related to campus sexual assault.

- 1=not at all adequate
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10=completely adequate

Q14 From the following list, select the top 3 training topics most needed for people responding to sexual assault at your institution.

- Adjudication
- Campus Climate Surveys
- Clery Act
- Investigations
- Reporting
- Rights of the accused
- Sanctioning
- Victim support
- Other, please specify: \_\_\_\_\_

Q15 Please provide some basic demographic information. This information is used to help ensure that we interview a broad and diverse sample of campus community members.

Q16 Gender:

- Man
- Woman
- Non-binary, non-conforming, or gender-queer
- My gender identity is not listed here
- I prefer not to answer

Q17 Race/Ethnicity (select all that apply):

- American Indian or Alaska Native
- Asian
- Black or African American
- Hispanic/Latino/a
- Native Hawaiian or Other Pacific Islander
- White
- My racial/ethnic identity is not listed here
- I prefer not to answer

Q18 Highest level of education completed:

- High school, GED, or less
- Some college
- Associate's degree
- Bachelor's degree
- Graduate or other professional degree
- Other, please specify: \_\_\_\_\_

Thank you for your participation. We look forward to talking to you soon.



**INTRODUCTION****Interview Protocol****Re: informed consent**

**As you know, we are talking to people on campuses across the county to better understand successes and challenges associated with investigating and adjudicating sexual assault complaints. We are aware of changing state and federal landscape for implementing the Title IX provisions and approaches to handling these cases, so we know there is no perfect time for completing these interviews. However, we also know that you who are on the front lines are going forward with your day-to-day work responding to complaints of sexual assault. So your input is very important and we thank you for agreeing to participate.**

**As a reminder, your identity and your institutions' identity will be confidential but your experiences and suggestions will help others learn from you so in the future the policies and procedures can be improved. The interview is not being recorded, although we are taking notes but those notes are identified only by a participant ID number and do not include any names of individuals or institutions.**

**I have some questions but mostly want to hear your experiences and suggestions.**

**When discussing reports of sexual assault for purposes of this interview we are referring to reports by students of contact sexual assault by another student (we know that there are many other cases that don't involve contact and that these can be very serious and also pose challenges to handle... but for now our focus is on contact sexual assault.)**

**When referring to an institution we are referring to your college or university... in other words to -**

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**Note to interviewer: Throughout the interview, acknowledging the changing landscape, the interviewer should be open to discussion of the current process and how it is impacted by changes or anticipated changes. By the end of the interview get a sense of whether the institution is:**

- \_\_\_ Waiting for federal guidelines before it makes many changes**
- \_\_\_ Primarily intending to stay the course with provisions implemented under the dear colleague letter guidelines (unless they are forbidden from following the original guidance)**
- \_\_\_ Already made many changes in effort to comply with new provisions and changing landscape**

	PROBE and CHECK LIST	NOTES AND COMMENTS
<p><b>Q1.</b> Who coordinates or oversees your institution's response to sexual assault (role or titles)</p> <p><b>Q2.</b> To whom does s/he report?</p>	<p>Does your school have a Title IX coordinator?  <input type="checkbox"/> Yes  <input type="checkbox"/> No</p> <p>Does this person have other institutional responsibilities (For example, are they also the director of human resources or dean of students?) or is being the Title IX coordinator their primary responsibility?</p>	
<b>A. REPORTING</b>		
	PROBE & CHECK LIST	NOTES AND COMMENTS
<p><b>Q3.</b> What is the most common way that reports of sexual assault come in? (Interviewer check off)</p>	<p><b>Method</b>            Call the Title IX staff directly            Email the Title IX staff directly            Anonymous online reporting system            Not anonymous online reporting system</p> <p><b>Top 3 Reporters</b>            Other, describe            Victim            Other student            Residence life staff            Other staff            Faculty            Coaches</p>	

B. INITIAL STAGES		
	PROBE & CHECK LIST	COMMENTS
<p><b>Q4.</b>  <b>What happens once a report is received?</b></p>	<p>Alternate: Please quickly walk me through the typical steps that are taken prior to a more formal investigation or fact-gathering process?</p> <p>(Prompt)                      Who receives and reviews the report (and do they/ how do they all end up there)?</p>	
	PROBE & CHECK LIST	COMMENTS
<p><b>Q5. (THIS QUESTION LIKELY TO BE SKIPPED)</b>  <b>How are requests for confidentiality handled?</b></p> <p><b>What is done when a reporting student or a victim, if not the one who reported, requests that no action be taken?</b></p>	<p><b>What is the decision process here? Are there circumstances in which the institution might move forward with an investigation even if a complainant does not want to?</b></p> <p><b>(Prompt: What factors are considered in making this decision? What steps might be taken other than an investigation?)</b></p> <p><b>And:                      If the complaining student wants no action to be taken do they receive any relief?</b></p>	

REPORTING-POLICE	PROBE & CHECKLIST	COMMENTS
<p><b>Q6.</b> When or under what circumstances do you report a case to the police?</p> <p>(How common is this?)</p> <p>If you report, do you report to:</p>	<p><i>(Don't read this interviewer checks boxes)</i></p> <p>When ongoing victim safety is concern When safety of others on campus is a concern at victim's request always under certain circumstances, explain never</p> <p><i>(Don't read this interviewer checks boxes)</i></p> <p>Campus safety/ security Campus police Local police Both Other, specify:</p>	
<b>C.1. INVESTIGATION (with Police)</b>		
INVESTIGATION	PROBE & CHECKLIST	COMMENTS
<p><b>Q7.</b> When a case is or is going to be investigated by the police, how do you coordinate your campus investigation?</p> <p>What are the pros and cons of this approach?</p>	<p>Are investigations: (Prompt) Concurrent Shared Law enforcement takes priority Campus investigation takes priority Other, explain</p> <p><i>(And does it matter if it is on or off campus... be aware of prior OCR that LE invest should not delay school's attention.)</i></p>	

INVESTIGATION-POLICE	PROBE & CHECKLIST	COMMENTS
<p><b>Q8.</b> Does the institution have an MOU or formalized agreement with local (or campus) police?</p>	<p> <input type="checkbox"/> Yes, Local  <input type="checkbox"/> Yes, Campus  <input type="checkbox"/> No  <input type="checkbox"/> don't know                 </p> <p><b>What are the details of the MOU(s)?</b></p> <p><b>Is the MOU helpful? How?</b></p> <p> <input type="checkbox"/> Yes  <input type="checkbox"/> No  <input type="checkbox"/> don't know                 </p>	
<p><b>C.2. INVESTIGATION (general)</b></p>		
INVESTIGATION	PROBE & CHECKLIST	COMMENTS
<p><b>Q9.</b> If it has been determined that there should be an investigation (or process that includes further fact gathering), then generally what happens?</p> <p>Please walk me through the typical steps to resolution.</p> <p>At the investigation stage do you have a hearing/ hearing board process? (describe including who is involved)</p>	<p>Who conducts the investigation or fact-finding process? (don't read this interviewer checks boxes)</p> <p> <input type="checkbox"/> Title IX Coordinator/ Deputy Coordinator  <input type="checkbox"/> External/Contracted Investigator – Attorney  <input type="checkbox"/> External/ Contracted Investigator – Non-Attorney  <input type="checkbox"/> Internal (i.e., staff) Investigator – Attorney  <input type="checkbox"/> Internal (i.e., staff) Investigator – Non-Attorney  <input type="checkbox"/> Other                 </p> <p>Also note details re: interim measures and determination to move to adjudication.</p>	

INVESTIGATION	PROBE & CHECKLIST	COMMENTS
<p><b>Q10.</b></p> <p><b>a. What have you found to be helpful about your institution’s investigative model/ approach?</b></p> <p><b>b. What are the challenges in using that model?</b></p> <p><b>IF NO EXTERNAL INVESTIGATOR</b>  <i>A number of schools have started contracting with outside investigators for the investigation of campus sexual assault cases.</i>  <b>Have you considered doing this at this institution:?</b></p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO - Why did you decide against that model?</p> <p><b>Don’t know</b></p>	
INVESTIGATION	PROBE & CHECKLIST	COMMENTS
<p><b>Q11.</b></p> <p><b>At the conclusion of the investigation stage, what is the final product or decision?</b></p>		

D. ADJUDICATION		
	PROBE & CHECKLIST	COMMENTS
<p><b>Q12.</b> Once the investigation is complete please walk me through the adjudication process.</p> <p><b>What is the format of any hearings?</b></p> <p><b>Who are the decision-makers?</b></p>	<p><b>Does the investigator make a decision of responsibility— (who makes the decision regarding responsibility?)</b></p> <p>Check boxes for choices—more than one may be checked</p> <p>sole (or __two or more) investigator decision</p> <p>___sole (or __two or more) investigator decision affirmed by an individual in the institution?</p> <p>Who? _____</p> <p>___an adjudicatory body reviews and makes a decision?</p> <p>General body</p> <p>Sexual misconduct specific</p> <p>___ a hearing takes place and the hearing board adjudicates (what is the format of the hearing body for adjudication (number, composition, etc.)</p> <p>___ other describe</p> <p>Are students involved on boards or otherwise as adjudicatory decision-makers?</p> <p>Same Standard of Evidence:</p> <p>Yes</p> <p>No</p> <p>Don't know</p>	

<p><b>Q13.</b> <b>What standard do you follow in making a determination of responsibility? (check boxes)</b></p> <p><i>if not already answered in the response to the questions above</i> <b>Is this the same system used for other types of student misconduct, such as academic misconduct or general student misconduct?</b></p> <p><b>Does the standard of evidence differ?</b></p> <p><b>Does this process differ if the respondent accepts responsibility? If so, how?</b></p>	<p>Standard of evidence:  Preponderance of evidence  Clear and Convincing evidence  Beyond reasonable doubt  Other, specify -</p> <p><b>Do you find this challenging? In what ways?</b></p> <p>Same Process:  Yes  No  Don't know</p>	
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SANCTIONING	PROBE & CHECK LIST	COMMENTS
<p><b>Q15.</b> If a hearing that involves the complainant or respondent may occur (for the sanctioning decision) what are the details?</p>	<p>The complainant role? The respondent role? Other witnesses?</p>	
SANCTIONING	PROBE & CHECK LIST	COMMENTS
<p><b>Q16.</b> What are the benefits and challenges of this model of/ approach to sanctioning?</p>		
SANCTIONING	PROBE & CHECK LIST	COMMENTS
<p><b>Q17.</b> What are some common factors that you consider when determining sanctions?</p>	<p><b>Factors (don't read list)</b> Other conduct violations Other sexual misconduct violations Remorse on the part of the respondent Admission of responsibility by the respondent Victim input (including Victim Impact Statement) Seriousness of the incident (e.g., weapon involved, force involved) Injury to the victim Personal characteristics of the respondent</p>	

<p><b>Q18. Under what circumstances are the sanctions of suspension or expulsion used?</b></p> <p><b>Q19. To your knowledge has the institution suspended or expelled a student for sexual misconduct?</b></p>	<p>Are there factors that warrant a more serious sanction?</p> <p>A less severe one?</p> <p>If you think of past cases, are there characteristics or issues that made it difficult to determine sanctions? What were those?</p>	
<p><b>APPEALS</b></p>	<p><b>PROBE &amp; CHECK LIST</b></p>	<p><b>COMMENTS</b></p>
<p><b>Q20.</b> <b>Is there an appeals process for the determination of responsibility and/or sanction?</b></p> <p><b>What is the appeal process?</b></p> <p><b>What are the required/most common bases for appeal?</b></p>	<p>Is there an appeals process? Yes No</p> <p>Is there a time frame?</p> <p>What rights do the accused have?</p>	
<p><b>FOLLOW UP PROCESS</b></p>	<p><b>PROBE &amp; CHECK LIST</b></p>	<p><b>COMMENTS</b></p>
<p><b>Q21. ((THIS QUESTION LIKELY TO BE SKIPPED))</b> <b>What type of post-hearing or post-sanctioning follow up (if any) do you do with the involved parties?</b></p>	<p>What is done with the complainant in the event of a finding of responsibility?</p> <p>What is done for complainants in the event of a finding of no responsibility?</p> <p>What is done with the respondent?</p>	

LEGAL ENVIRONMENT	PROBE & CHECK LIST	COMMENTS
<p><b>Q22.</b> Are there any recent (new) laws that have been passed in your jurisdiction/STATE that have impacted your policies and practice? Specify:</p>		
CHALLENGES	PROBE & CHECK LIST	COMMENTS
<p><b>Q23.</b> What do you think are the biggest challenges to having an effective and coordinated investigative and judicial response to campus sexual assault cases?</p>	<p>Has your campus been able to try any solutions to address those challenges?</p> <p>What has worked and what has not?</p>	
RECOMMENDATIONS	PROBE & CHECK LIST	COMMENTS
<p><b>Q24.</b> Are there any policies or procedures your institution has implemented that you think are particularly effective in the investigation and adjudication of campus sexual assault cases?</p>	<p>What are they?</p> <p>What do you like about them?</p> <p>Why do you think they are “working?”</p>	

ADDITIONAL COMMENTS	PROBE & CHECK LIST	COMMENTS
<p><b>Q25.</b> Is there anything else you think it is important for us to know about handling these cases?</p>	<p>Is there someone else at your institution with whom I should talk who knows a lot about the types of issues we discussed?</p> <p>(do not divulge with whom we have already talked/ or who has been approached)</p>	

**End with a debriefing review---**

**Ask participant if they have any questions; remind them of confidentiality; assure that they have a copy of the consent which also provides the contact phone numbers.**

## Appendix D

### Website Checklist

Sexual violence is widespread on today's college campuses: one in 4 or 5 college women and one in 16 college men experiences an attempted or completed sexual assault during their college career.<sup>1,2</sup> A primary resource for support for students who experience sexual violence, as well as those who they may tell who can help them, is the institution's website.

A high quality website is a critical part of providing a transparent, fair, and equitable response to campus sexual violence. A high quality website provides victims, those accused, and those working to support them with the information they need to make important decisions about reporting, self-care, and participation in any investigative or adjudicatory processes. To be helpful, information must be accurate, complete, comprehensive, and easy to locate and understand. This can be particularly helpful for students, who whether they are victims or accused, are accessing this information at a stressful juncture in their lives. For victims, information has been identified as one of their critical needs.<sup>3</sup> Finally, all institutions of higher education that receive federal funds (including financial aid for students) are required to have a public provision of information regarding the institution's programs, policies, and procedures related to sexual violence. A high quality website satisfies this requirement.

Our project, the [Responding to Sexual Assault on Campus \(funded by the U.S. Department of Justice, National Institute of Justice\)](#), developed this website checklist to aid institutions in designing and maintaining user-friendly website content related to the prevention and response to sexual violence. It was developed based on the [project's review of 969 college and university websites by undergraduate students](#) and policy documents related to federal requirements (e.g., the OCR Dear Colleague Letter 2011<sup>4</sup>, the Clery Act including the Campus SaVE Act, the U.S. Department of Education's final rule on the Campus SaVE Act, the OCR Title IX Q & A 2014<sup>5</sup>, and the OCR Title IX Q & A from September 2017). Many of the items on the checklist are recommendations based on the fact that most institutions make their Annual Campus Security Report required by the Clery Act public via their website. Some items are required to be on the website and others are recommended, which is indicated in the table in Part Three below.

This document is comprised of three parts.

Part One: **Website design guidelines** for website information related to sexual violence and the institution's prevention and response efforts.

Part Two: **Semester review guidelines** for regular maintenance of the website

Part Three: **Webpage checklist** to outline what information should be included on the website

<sup>1</sup> Fisher, B. S., Cullen, F. T., & Turner, M. G. (2000). *The Sexual Victimization of College Women* (NCJ 182369). Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice and Bureau of Justice Statistics.

<sup>2</sup> Krebs, C. P., Lindquist, C. H., Warner, T. D., Fisher, B. S., & Martin, S. L. (2007). *The Campus Sexual Assault (CSA) Study Final Report* (NCJ 221153). Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

<sup>3</sup> International Association of Chiefs of Police. (2007). *Enhancing law enforcement response to victims: A 21st century approach*. Alexandria, VA: IACP.

<sup>4</sup> Although the OCR Dear Colleague Letter 2011 is no longer an active guidance document, the information in it was considered and incorporated into this checklist guide as appropriate regarding website content.

<sup>5</sup> Although the OCR Title IX Q & A 2014 is no longer an active guidance document, the information in it was considered and incorporated into this checklist guide as appropriate regarding website content.

## PART ONE: Website design guidelines

- ✓ Make information available on the public access webpage and within any password access systems, such as campus portals
- ✓ Whenever possible, make information available on the webpage, not as part of a pdf
- ✓ When use of pdfs is necessary, insure the pdf is searchable
- ✓ When use of pdfs is necessary, if they are long or have multiple sections, insure there is a live table of contents included, so users can click on a section title in the table of contents and be taken directly to that section of the document
- ✓ Use a google powered search box for searching the institution website as it better accommodates misspellings and non-exact search terms
- ✓ Insure that the web content is viewable across different platforms (computers, tablets, and phones) and web browsers
- ✓ Make sure resources (on and off campus) are clearly designated as confidential or not confidential
- ✓ Make sure long documents include a live table of contents
- ✓ Insure that information on the website related to prevention and response to sexual violence is compatible with accessibility software programs for those with visual and other impairments, such as a text reader program
- ✓ Work with the institution's IT and/or marketing departments to assist with these efforts
- ✓ Designate someone, preferably a student, to review the website information related to sexual violence prevention and response efforts before the start of every semester

## PART TWO: Semester review guidelines

- ✓ Check all hyperlinks, both internal and external
- ✓ Confirm phone numbers, locations, and names for all on and off campus resources
- ✓ Insure that the most recent policy information is linked to or included on the web page
- ✓ Do a search on the website using the terms rape, sexual assault, domestic violence, and stalking to insure that users can easily locate resources and applicable policies

## PART THREE: Webpage checklist

The information listed on the next page is either generally required to be available on an institution's website or is recommended.

	<b>Required to be on Website</b>	<b>Recommended to be on Website*</b>
<b><i>Title IX Information, Policy &amp; Procedures</i></b>		
Name of Title IX Coordinator(s)	X	
Contact information of Title IX Coordinator(s), including email, phone number, and office address	X	
Notice of non-discrimination stating the institution does not discriminate on the basis of sex in education policies		X
Link to Title IX information on institution home page	X	
Title IX policy, including:	X	
Procedures that will be followed once a report is received	X	
The time frame for the investigation	X	
Descriptions of the disciplinary proceedings	X	
The standard of evidence for disciplinary proceedings	X	
That complainant and respondent can have advisors of their choice present during proceedings	X	
Procedures for appeal by the complainant and respondent	X	
That complainants and respondents will be notified simultaneously in writing of the outcomes of disciplinary proceedings and appeals	X	
Notice that Title IX prohibits retaliation and officials at the institution will take steps to prevent retaliation and strongly respond to it if it occurs	X	
<b><i>Definitions</i></b>		
Definitions of types of violence, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking		X
Definition of what constitutes a hostile environment		X
Definition of consent		X
Definition and identification of Responsible Employees under Title IX		X
Definition and identification of Campus Security Authorities under the Clery Act**		X
<b><i>Reporting</i></b>		
Clear instructions on how to report an incident of sexual assault, dating violence, domestic violence, or stalking		X
Online option for anonymous reporting		X
Statement of confidentiality, including how to request confidentiality, who will consider the request, and how confidentiality will be maintained		X
<b><i>Support Resources</i></b>		
Advice to victims, including:		X
The importance of preserving evidence		X
To whom the alleged offense should be reported		X
The option to notify proper law enforcement authorities, including on-campus and local police, and be assisted by campus authorities in doing so		X
The option to decline to notify law enforcement		X



	<b>Required to be on Website</b>	<b>Recommended to be on Website*</b>
<b><i>Support Resources, cont.</i></b>		
Their rights and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil or tribal court		X
Describe the range of protective measures the institution offers following an allegation of dating violence, domestic violence, sexual assault, or stalking		X
Information on how to request accommodations including changing of academic situations, changing of living situations, changing of transportation situations, and changing of work situations		X
Resources available to victims on and off campus, including if the resource is confidential and details such as names, phone numbers, office location, emails, websites, costs, and specific services provided		X
Counseling and mental health services		X
Health services		
Victim advocacy services		X
Legal assistance for victims		X
Other services (e.g., disability services, LGBT services, academic support, service for international students)		X
<b><i>Adjudications &amp; Sanctions</i></b>		
Notification that interim measures are available to complaints during investigation and adjudication		X
Notification that victims do not have to be present at a hearing for proceedings to go forward		X
Notification that a complainant's sexual history with individuals other than the respondent will not be considered as a part of the proceedings		X
List all possible sanctions that may be imposed after a finding of responsibility		X
<b><i>Prevention &amp; Education</i></b>		
Details of campus prevention programming, including that they cover sexual assault, dating violence, domestic violence, and stalking, and cover topics including definitions, consent, safe and positive bystander interventions, and risk reduction		X
Three years of data in the number of incidents of sexual assault, dating violence, domestic violence, and stalking (as reported in the Annual Safety Report)		X
Results of the Campus Climate Survey		X

\*If not included on website, must be made public in some form

\*\* See Clery Offenses Definitions attached to this document

## APPENDIX D

### Clery Offenses Definitions

**Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** is defined as a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Sexual Assault (Sex Offenses)** is any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females. Include the crime as Rape, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, include the crime as Statutory Rape.
- Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

**Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.