



**University of Virginia Training:
Sexual and Gender-Based Harassment and
Other Forms of Interpersonal Violence**

February 18, 2016

Three key laws govern institutional response to sexual and gender-based harassment and violence



Title IX of the Education Amendments of 1972

- Prohibits sex discrimination in educational institutions that receive federal funds

The Jeanne Clery Act (1990)

- Requires reporting of crimes, timely warnings, education/prevention programs, and policies and procedures for sexual assault

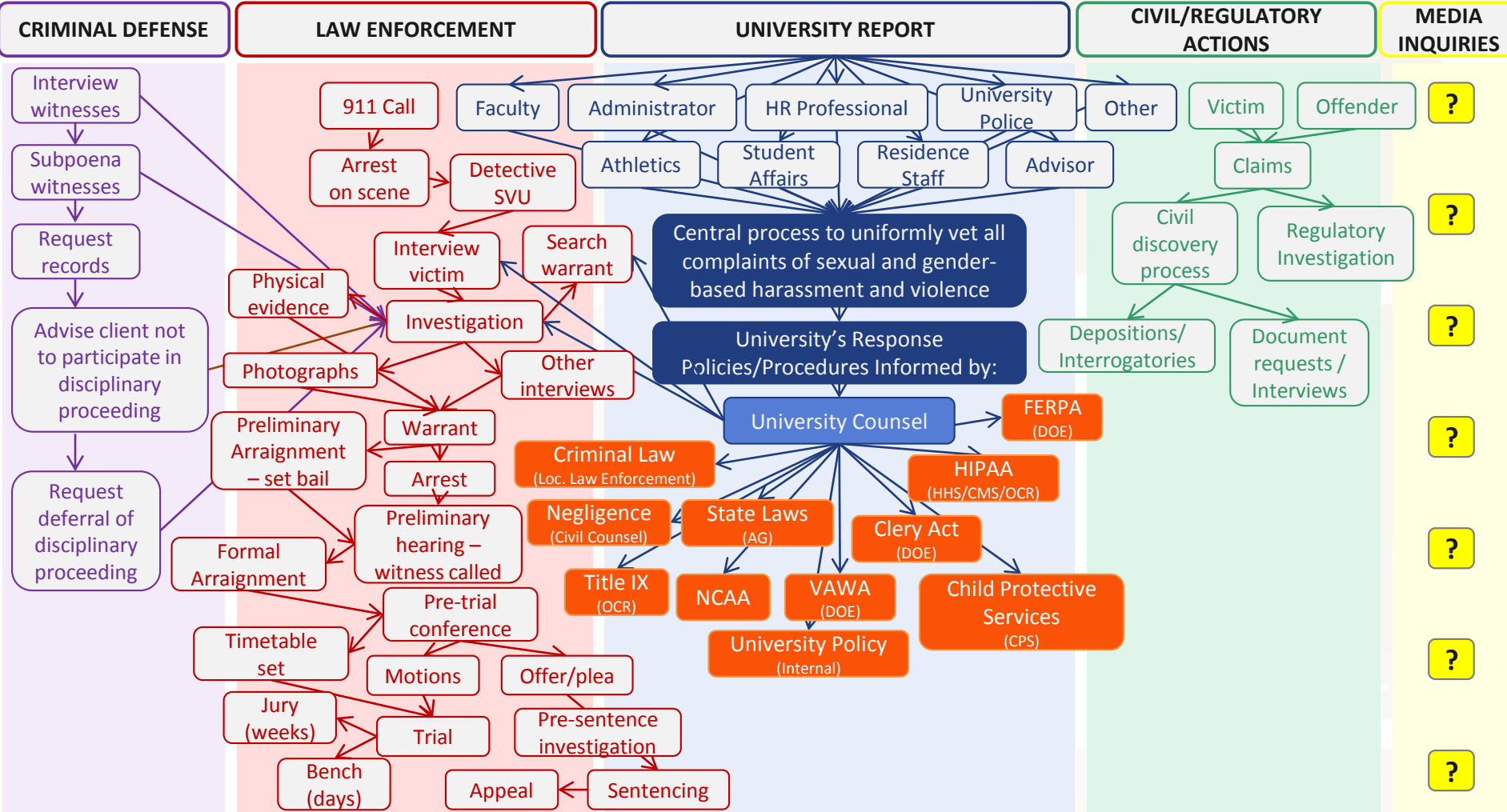
The Violence Against Women Reauthorization Act of 2013

- Amends Clery to expand sexual assault requirements and include dating violence, domestic violence, and stalking; applies to all students and employees



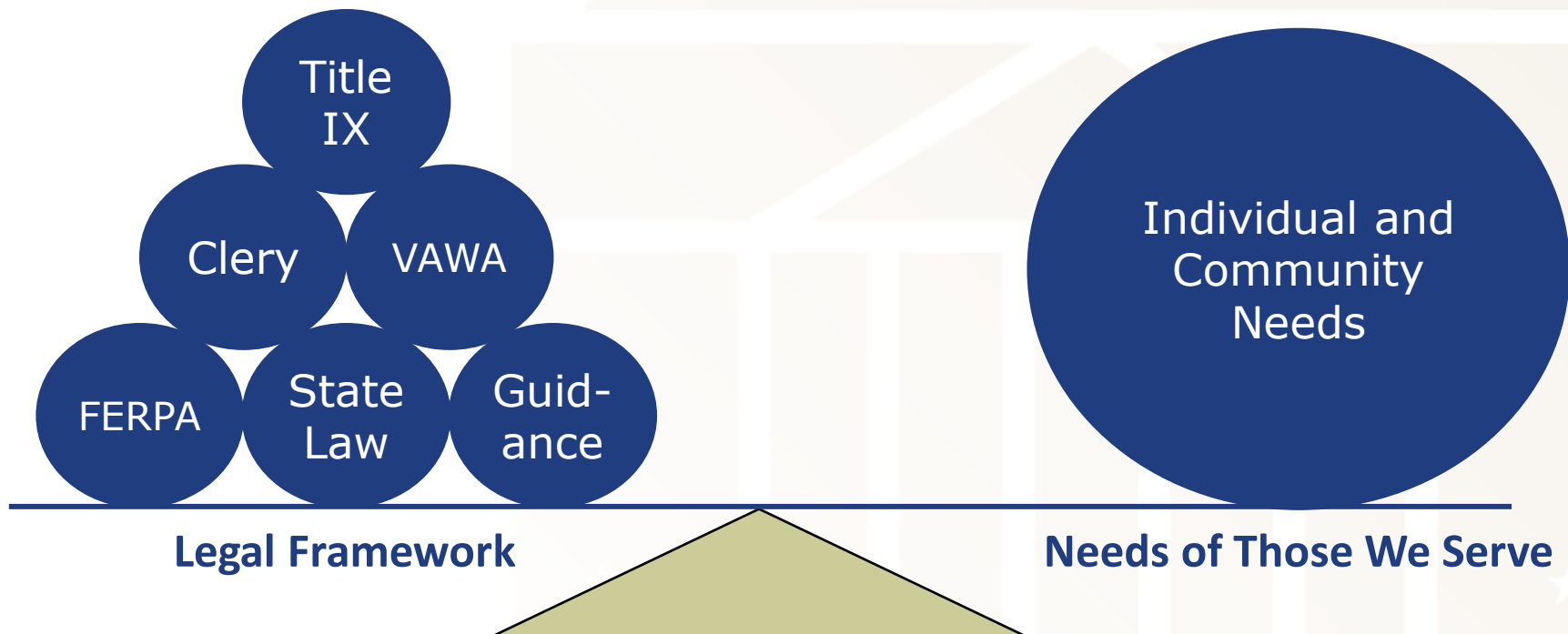
The laws are many, complex, and require thoughtful coordination

INCIDENT



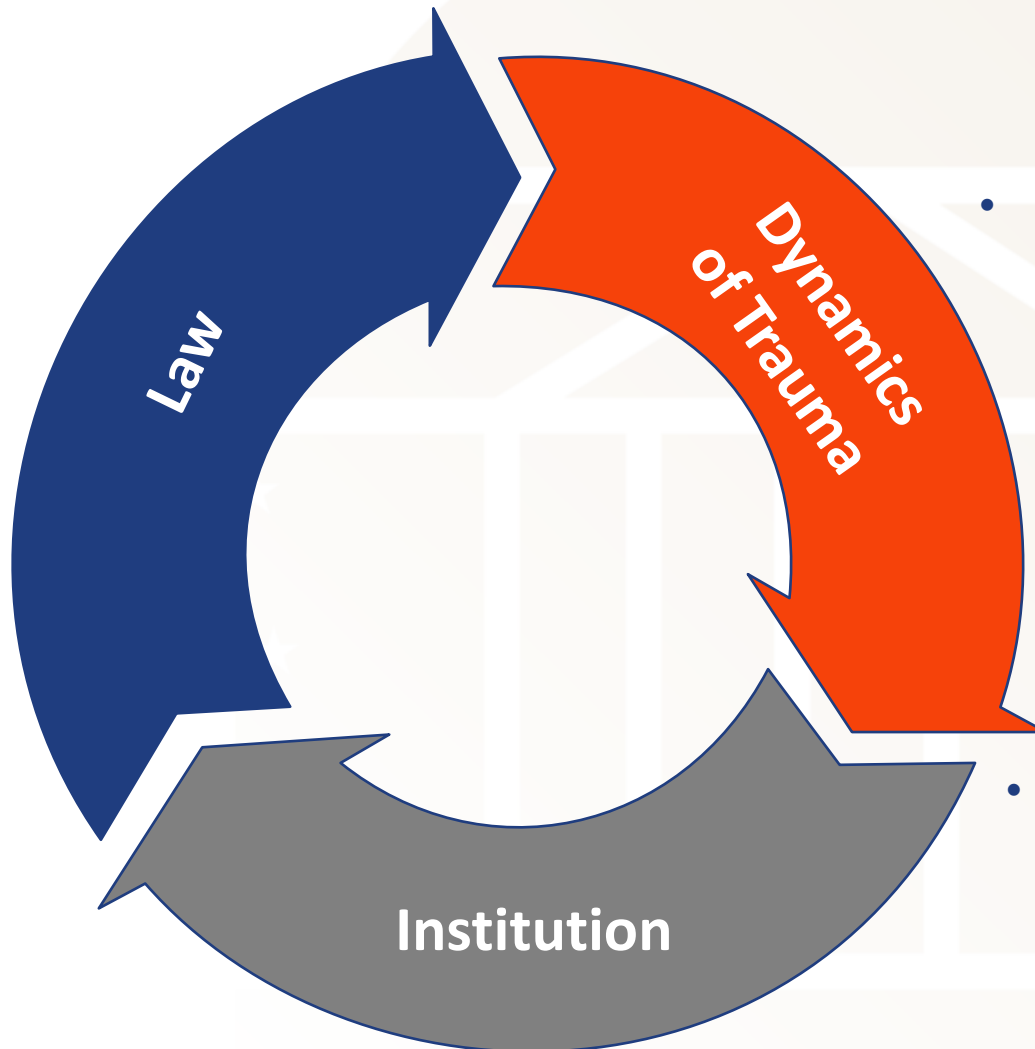
Note: Lists of report recipients and relevant laws not exhaustive .

The legal responsibility must also be viewed through the lens of those we serve



Successful responses require integration and coordination

- **Regulatory framework**
(State and Federal Laws and Guidance)



- **Dynamics of trauma, sexual misconduct, and intimate partner violence**
- **Institutional policy, culture, climate, history, resources, procedures, and personnel**

Understanding Title IX

The Law:

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

20 USCA Sec. 1681

Understanding Title IX

Who Must Follow:

- All recipients of federal financial assistance

Who it Protects:

- Protects students, employees, and third parties from sexual and gender-based harassment and violence by any school employee, another student, or a non-employee third party.

Who can file:

- A harassed student or employee
- The student's parent or guardian
- A third party
- Anyone who requests action on the student or employee's behalf

Understanding Title IX

What it Requires:

- Requires **grievance procedures** for “**prompt and equitable**” **resolution** of student and employee complaints;
- A school violates Title IX if it “**has notice**” of a sexually hostile environment and fails to take **immediate and effective corrective action**. A school has notice if a **responsible employee** knew or, in the exercise of reasonable care, should have known about the harassment.
- Once a school “knew or should have known,” the school must:
 - **Eliminate** the harassment,
 - **Prevent** its recurrence, and
 - **Address** its effects



Title IX: Responsible Employee Recap

- A school is on notice if a responsible employee **knew or should have known** about harassment that creates a hostile environment
- Responsible Employee
 - Has the **authority** to take action to redress harassment
 - Has the **duty** to report sexual harassment or other misconduct
 - Is someone an individual **could reasonably believe** has this authority or responsibility
- Whether an employee is a responsible employee or whether it would be reasonable for a student to believe the employee is, even if the employee is not, will vary depending on factors such as the age and education level of the student, the type of position held by the employee, and school practices and procedures, both formal and informal

Title IX: Responsible Employee

- If an employee is required to report other misconduct that violates school policy, then the employee would be considered a **responsible employee** obligated to report incidents of sexual violence that violate school policy
- A responsible employee **must** report incidents of sexual violence to the Title IX coordinator or other appropriate school designee
- Title IX coordinator **must** be informed of all reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office
- A responsible employee **must** report all relevant details about the alleged sexual violence that the student or another person has shared and that the school will need to determine what occurred and to resolve the situation, including:
 - The names of the alleged perpetrator (if known)
 - The student who experienced the alleged sexual violence
 - Other students involved in the alleged sexual violence
 - Relevant facts, including the date, time, and location

Examples of Conduct Covered Under Title IX

- **Sexual discrimination and harassment**
 - Verbal
 - Physical
 - Electronic
- **Sexual violence**
 - Rape
 - Sexual assault
 - Exploitation
- **Stalking**
 - Cyberstalking
- **Interpersonal violence**
 - Intimate partner
 - Domestic
 - Dating
 - Relationship
- **Retaliation**
- **Gender-based discrimination and harassment**
- **Bullying/hazing**



Title IX and Law Enforcement: Two Distinct Systems

“A law enforcement investigation **does not relieve the school of its independent Title IX obligation** to investigate the conduct” and “resolve complaints promptly and equitably.”

“Police investigations may be useful for fact-gathering, but because the standards for criminal investigations are different, **police investigations or reports are not determinative of whether sexual harassment or violence violates Title IX.**”

“Conduct **may constitute unlawful sexual harassment under Title IX even if the police do not have sufficient evidence** of a criminal violation.”

VAWA and Criminal Process

“Policies shall **address procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred**, including information in writing about:

Options regarding law enforcement and campus authorities, including notification of the victim's options:

- Notify proper law enforcement authorities, including on-campus and local police
- Be assisted by campus authorities in notifying law enforcement authorities **if the victim so chooses**
- **Decline to notify the authorities”**

Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence



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Title IX and VAWA

THE POLICY | PROCEDURES | RESOURCE GUIDES | TRAINING



Related Links

- [Report an Incident](#)
- [Sexual Violence Education and Resources](#)
- [Office of Equal Opportunity Programs](#)
- [Office of the Dean of Students](#)

The Policy

The new policy applies to all members of the University community.

▶ [Read more](#)

Procedures

The new Policy has separate procedures for reports of Prohibited Conduct against Students ([Appendix A](#)) and Employees ([Appendix B](#)).

▶ [Read more](#)

Resource Guides

The University offers a wide range of resources for both Students and Employees following any incident of Prohibited Conduct.

▶ [Read more](#)



Prohibited Conduct under the University Policy

- Sexual Assault
- Sexual or Gender-Based Harassment
- Sexual Exploitation
- Stalking
- Intimate Partner Violence
- Complicity
- Retaliation

Training: Reporting Responsibilities



- First response
- Where to report
- What to report
- What happens when reporting
- Documentation?

Stop, Drop, and Roll

- **Stop:** Assess safety and need for emergency response
 - How long ago did the incident happen?
 - Is there an immediate safety threat?
 - Is there a need for immediate medical attention?
- **Drop:** Document the report
 - Take basic information as to who, what, when, where
- **Roll:** Roll it out to the Title IX team
 - Get the report to the centralized team
 - Triggers the University's response

How to Report?

SEXUAL AND GENDER-BASED VIOLENCE UNIVERSITY OF VIRGINIA JUST REPORT IT

Advocate: Online Complai x Margaret

https://advocate.admin.virginia.edu/public_report/index.php/pid187196?rep_type=2

Apps ★ Bookmarks Adobe Connect Login Canvas Adobe Connect Login Outlook Web App LT4 - Microsoft One... Advance The University of Vir...

My Name *

My Email Address*

Number at which I can best be reached*

Alternate Number at which I can best be reached

Name of person who reported this information to you* If you are reporting information regarding an incident you personally observed or personally experienced, please write "self."

Affiliation of alleged perpetrator (if provided)*

- University Student
- University Employee
- Not-Affiliated with University
- Affiliation Not Known

Was the name of the alleged perpetrator disclosed* Yes No

Were the names of any witnesses disclosed?* Yes No

Was the date/time of the alleged incident disclosed* Yes No

Was the location of the alleged incident disclosed?* Yes No

Note: Incident Description

Please describe the incident as reported to you. Please include all relevant details reported to you, e.g., name of alleged perpetrator; names of any witnesses; date, time, and/or location of reported incident; and description of what occurred.

12:14 AM 8/17/2015



Infographic: What Students Need to Know

SEXUAL AND GENDER-BASED VIOLENCE

WHAT STUDENTS NEED TO KNOW

Obtaining Information, Assistance and Support; Reporting Options



If you have experienced sexual or gender-based violence, there are a number of ways to report the incident and multiple channels for obtaining information, assistance and support to ensure your health and safety, both physical and emotional. This infographic provides an overview of your options. Detailed information can be found in the [Resource Guide for Students \(http://bit.ly/1N4v8M\)](#) and on the [Sexual Violence Education & Resources website \(the "SV Website"\)](#), at www.virginia.edu/sexualviolence.

The term "sexual and gender-based violence" is used here as an umbrella term to refer to all "Prohibited Conduct," as defined in the University's Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence (the "Policy"). Prohibited Conduct includes Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual and Gender-Based Harassment, Complicity (in the commission of any such conduct), and Retaliation against any person for making a good faith report of Prohibited Conduct or participating in any proceedings under the Policy. Detailed definitions of these and other key terms, including "Affirmative Consent" and "Incapacitation" are set forth in the Policy: <http://bit.ly/1N4v8M>

1 IMMEDIATELY AFTER INCIDENT

Reporting the Incident

You are strongly encouraged to report sexual and gender-based violence to the police.



Report to any police officer, in person, or by calling one of the numbers to the right. If you seek medical attention at the UVA Emergency Department (see below), you may ask to make a police report at the hospital. Reporting to police will not affect your ability to pursue resolution through the University process (see next page). The University's process is independent of the criminal process.

HOW TO CONTACT THE POLICE

Emergency: 911

- Non-emergency:
- Albemarle County Police: (434) 877-9844
 - City of Charlottesville Police: (434) 973-2388
 - University Police: (434) 924-7366

Seeking Emergency Medical Attention

You are strongly encouraged to seek medical attention.



You may obtain medical attention at any medical facility. However, the University's Medical Center is the only local hospital with nurses (called "SANE Nurses") who are specially-trained to perform a forensic sexual assault examination. A SANE Nurse can assess for possible physical trauma, sexually-transmitted disease, and/or pregnancy; provide attention and medication to prevent infection and pregnancy; and, within the first 72 hours, administer a "forensic exam" to preserve evidence of a sexual assault. More information about the forensic exam can be found in the [Resource Guide for Students \(http://bit.ly/1N4v8M\)](#) and on the SV Website. Students are not required to report an incident to law enforcement or the University in order to receive medical attention or a forensic exam. Non-emergent and follow-up care may also be obtained through the Ebon Student Health Center (www.virginia.edu/ehcenter/health).

WHERE TO GO FOR CONFIDENTIAL MEDICAL ATTENTION

- | | |
|--|---|
| First 72 hours: | After 72 hours: |
| • UVA Medical Center EPC: 1215 Lee St., (434) 924-2222 | • Ebon Student Health Center: 400 Beverton Ave., (434) 924-6262 |

Seeking Confidential Crisis Counseling

You are strongly encouraged to seek confidential counseling.



You may obtain crisis counseling and confidential information, advice and support through any of the sources listed to the right.

- UVA CONFIDENTIAL CRISIS RESOURCES**
- UVA Counseling and Psychological Services ("CAPS"): (434) 243-8228 (daytime); (434) 973-7094 (evening/weekends)
 - UVA Women's Center: (434) 962-2252 (daytime)
- COMMUNITY CONFIDENTIAL CRISIS RESOURCES**
- Sexual Assault Resource Agency ("SARA"): (434) 977-7273
 - Shelter for Help in Emergency ("SHE"): (434) 293-4500
 - Family Violence and Sexual Assault Virginia Hotline: 1 (800) 638-6738

2 Seeking Emotional Support

2 OTHER INFORMATION, ASSISTANCE AND SUPPORT

There are many sources of information, assistance and support at the University and in the community.

Seeking Ongoing Confidential Counseling

At the University, confidential support is available through CAPS (434) 243-6150, the Women's Center (434) 982-2255, and at Student Health (434) 924-6362 (in the departments of Gynecology, General Medicine, and the Student Disability Access Center).

In the Charlottesville Community, confidential support is available through SARA (434) 977-7273 and SHE (434) 293-6500. Detailed contact information and a list of other sources of confidential support is contained on the SV Website: www.virginia.edu/sexualviolence.

Seeking Remedial and Protective Measures

University Measures: ODOCS can arrange for a broad range of protective and remedial measures, including (1) a "No-Contact Directive," which is enforceable through the Standards of Conduct, and (2) appropriate and available academic, University housing and/or university employment modifications. Information you share with ODOCS will be evaluated to assess individual and community safety consistent with UNIVERSITY OBLIGATIONS outlined below. Remedial measures are available regardless of whether a student pursues a report or investigation under the Policy. The [Resource Guide for Students \(http://bit.ly/1N4v8M\)](#) describes such measures in detail.

WHO TO CONTACT

Office of the Dean of Students ("ODOCS") Dean on Call: ODOCS provides 24-hour crisis management services. During regular business hours, call ODOCS at (434) 924-7333. After hours, call the University Police Department at (434) 924-7218, and ask to be connected to the Dean on Call.

Judicial Protective Orders: Where there is an immediate threat to health or safety, it may also be possible to obtain a judicial protective order. ODOCS and/or the University Police can provide information and assistance in filing for a protective order.

3 REPORTING OPTIONS

You may report to the police and/or to the University.



You may report to: (1) the police, in which case the Commonwealth's Attorney will decide whether or not to pursue criminal charges, and (2) the University, in which case the University will assess the report and determine the appropriate course of action. You may pursue both or neither of these options. While you may make a report at any time, filing a report immediately after an incident can help to preserve important evidence.

University Report

You may report to the University through its reporting website, [Just Report It: www.virginia.edu/justreport/1N4v8m](http://www.virginia.edu/justreport/1N4v8m), or by contacting the University's Title IX Coordinator at TitleIXCoordinator@virginia.edu. You may also contact Nicole Evans, Deputy Title IX Coordinator for Students, directly at (434) 924-7218 (or, after hours, contact Dean on Call).

You may also pursue University resolution under the Policy. The standard of proof under the Policy is a "preponderance of the evidence," and sanctions may include disciplinary action, up to and including suspension or expulsion.

Police Report

You may report to the police directly or you may request assistance from ODOCS in reporting to the police. The criminal process is governed by applicable criminal statutes; the standard of proof is "beyond a reasonable doubt," and sanctions may include all applicable criminal penalties.

Anonymous Report

You may report anonymously through [Just Report It: www.virginia.edu/justreport/1N4v8m](http://www.virginia.edu/justreport/1N4v8m). However, the University's ability to respond to an anonymous report may be limited.

4 UNIVERSITY OBLIGATIONS



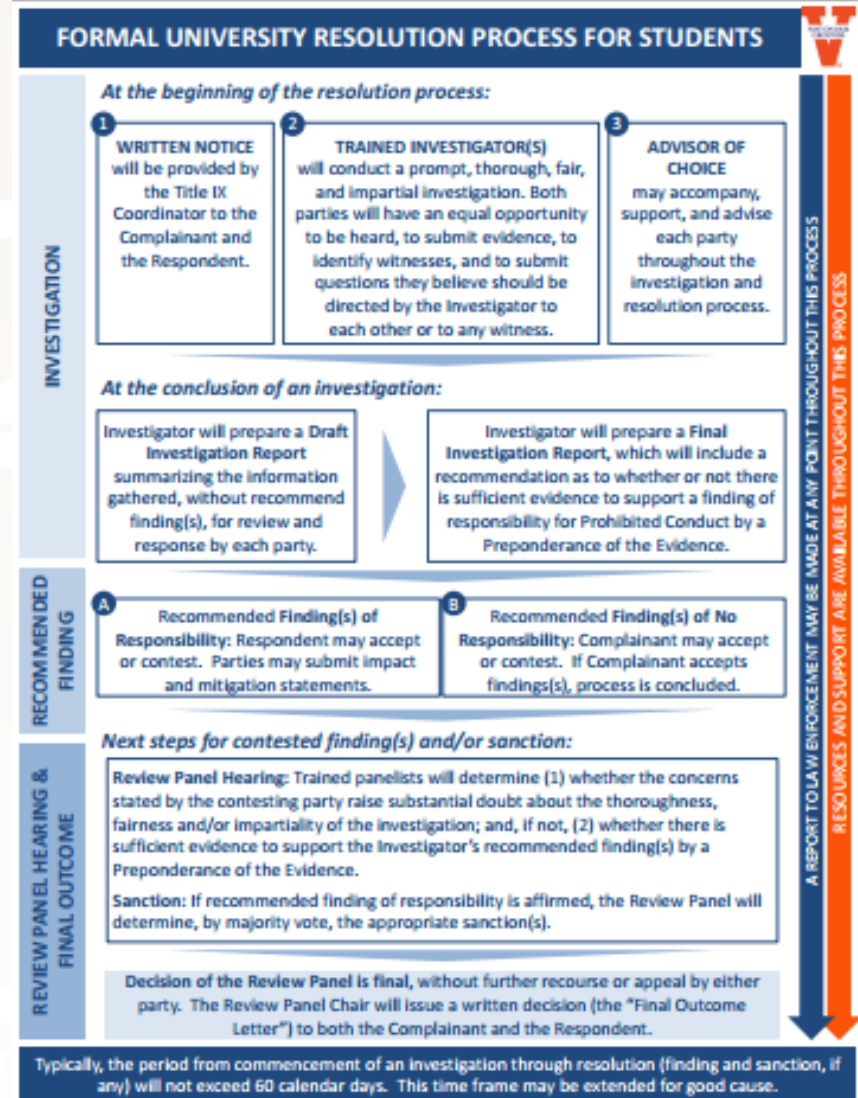
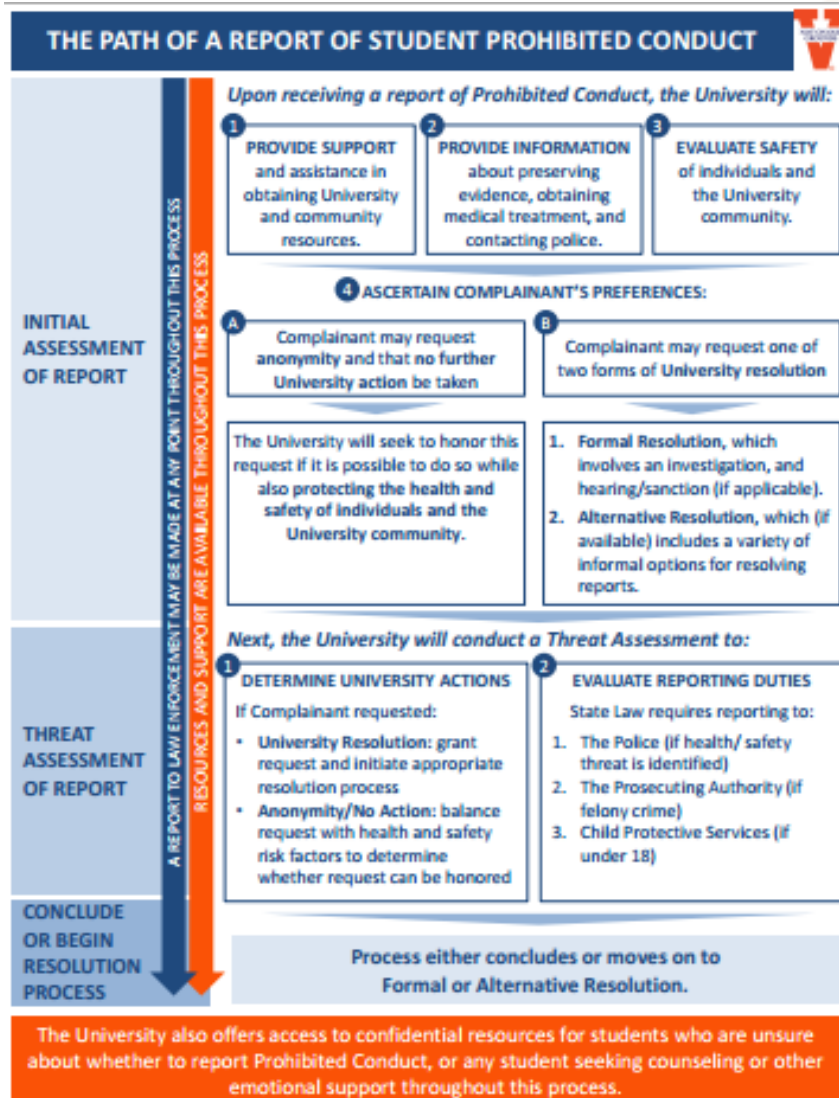
Once a report of Prohibited Conduct is received, the University will conduct an initial assessment, a threat assessment, and take any immediate action that may be necessary to protect the health and safety of individuals and the University community. Depending on the nature and severity of the conduct reported, the University may be required to share all known information, including names, with law enforcement. The University is committed to protecting the safety of the broader University community, which includes reporting crime statistics and, in some cases, issuing incident notifications in accordance with federal law. Most University employees - "Responsible Employees" - are required to report any knowledge of an incident of sexual or gender-based violence or harassment to the University's Title IX Coordinator. Licensed clinical health and mental health care providers are considered confidential resources and will not report Prohibited Conduct to the University's Title IX Coordinator.

FOR MORE INFORMATION

about reporting requirements and confidential resources: [Resource Guide for Students: http://www.virginia.edu/sexualviolence](http://www.virginia.edu/sexualviolence)



University Process: At A Glance



Responsibilities and Tools for Implementation



Sexual Violence

Education & Resources

search this site ...

[UVA](#) | [Student Affairs](#) | [Not on Our Grounds](#)

- [Get Help Now](#)
- [Talk To Someone](#)
- [Report An Incident](#)
- [For Employees](#)
- [Supporting a Survivor](#)
- [What is Sexual Assault?](#)
- [What is Intimate Partner Violence?](#)
- [What is Stalking?](#)
- [Law Enforcement/Legal Options](#)
- [Seeking Medical Attention](#)
- [Additional Resources](#)
- [Intersectionality](#)
- [Research & Other Reading](#)

The University of Virginia takes gender-based violence seriously and provides support and information to survivors, friends and families of survivors, and the University community.



GET HELP NOW

TALK TO SOMEONE

REPORT AN INCIDENT

About this Website »

This website will tell you: (1) What to do after an assault; (2) How to support a survivor; (3) What your reporting options are; (4) How to get involved; (5) and more. If you have any suggestions, questions, concerns, or can't find what you're looking for, [email us](#). We're here to help.

University Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence »

The policy is available [here](#).

About Us »

Learn more about the [Maxine Plutzer Lynn Women's Center](#) and the [Office of the Dean of Students](#), the joint sponsors of this website. [Read More.](#)

Get Involved »


Find more information about prevention initiatives, campaigns and groups around Grounds who educate peers about sexual violence and advocate on behalf of survivors. [Read More.](#)

A joint effort between the [Office of the Dean of Students](#) and the [Maxine Plutzer Lynn Women's Center](#).

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[Contact Information](#)

Responsibilities and Tools for Implementation



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Not on Our Grounds

A University of Virginia Initiative to End Sexual Violence

[About](#) | [Green Dot](#) | [#HOOSGotYourBack](#) | [Pledge](#) | [Resources](#) | [Get Involved](#) | [Home](#)




Not on Our Grounds is a University of Virginia Initiative dedicated to ending sexual violence in our community through a series of awareness campaigns and prevention efforts. [More >](#)


Take the Pledge

Sexual and gender-based violence will not end until we, as members of the University of Virginia community, accept responsibility to become part of the solution. That responsibility encompasses words, actions, and beliefs that directly combat sexual violence and help to build a safer community.


Tweets

 Not on Our Grounds @NotOnOurGrounds 18 Aug

@UVAhousing staff getting ready to hear an awesome talk on Green Dot from the amazing Nicole Thomas #HOOSGotYourBack ps. better.com/uv/giv/0346



Expanded

 Melinda Baumann @mjbbaumann 14 Aug

Related Links

- [Sexual Violence Education & Resources](#)
- [Just Report It: Sexual and Gender-Based Violence](#)
- [Student Sexual and Gender-Based Violence: Understanding Your Responsibility](#)
- [Request a Presentation](#)
- [Support the Cause](#)

Across Grounds

