



Executive Editors: Andrea Stagg, Deputy General Counsel, Barnard College and Joseph Storch, Associate Counsel, SUNY Office of General Counsel

Compliance in Focus

Addressing Campus Sexual Violence with the Clery Act and Title IX:

Reaching for cultural transformation with an integrated legal compliance and public health perspective

By Sarice Greenstein, MPH, Assistant Director, Culture of Respect, NASPA

In 1999, the Centers for Disease Control and Prevention (CDC) published a list of the greatest public health accomplishments of the 20th century. During that time period, the expected lifespan of an American increased by 30 years, due to advancements such as vaccinations, motor-vehicle safety and access to family planning. Sometimes, I revisit this list and swell with pride: these extraordinary accomplishments make me as a public health professional feel like I am part of a powerful, long lasting movement, making life better for people all around the world.

Yet, the legal professional may see this same list in another light: as a set of legal and public policy victories. In these cases, public health professionals and advocates were able to convince legislators of the urgency of each health concern. Multidisciplinary collaboration led to the passing and implementation of effective federal, state and local laws that subsequently changed the behavior

of groups and individuals, eventually transforming how Americans understand risk, safety and health.

“College and university leaders can play a big role: does your institution look at Title IX and Clery with a narrow compliance lens, or can it see them both as an opportunity to transform your campuses, and our world?”

Motor-vehicle safety is a fantastic example: mandatory seat belt, motorcycle helmet and drunk driving laws have drastically reduced traffic-related mortality, an estimated 90% decrease since 1925. This is evidence that this constellation of laws are not just symbolic: our society now views violation of these norms (and laws) as unacceptable. Not only does our government enforce consequences for violations of these laws, but social norms keep all us vigilant to these health and safety standards. Eventually, these daily decisions have become recast in a new light: clicking into your seatbelt is second-nature, driving drunk is worthy of shame and punishment, and helmets are commonplace.

This partnership between public health and public policy

should sound familiar to Title IX and compliance officers at colleges and universities. Institutions of higher education are faced with a pressing social problem that jeopardizes the health and wellbeing of our students: sexual

violence, including domestic and dating violence, sexual assault and stalking. Advocates have lobbied state and federal legislators to pass and actively enforce a series of laws intended to prevent harm and impose consequences for those who inflict it: the Clery Act, Title IX, and state laws such as *Enough is Enough* in New York State and the *Preventing Sexual Violence in Higher Education* act in Illinois. It is clear that public health research and legal advocacy have worked in concert to achieve this outcome.

There is now ample evidence of widespread public acknowledgement that sexual violence is a public health problem of great urgency. But, has the recent implementation of Clery Act and Title IX standards on campus changed

continued on page seven ➤



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➤ *continued from page six*

our society to one that does not tolerate sexual violence? From the ongoing and persistent #MeToo conversations in the media, classrooms and living rooms, we know there is much to be done, both on and off campus. College and university leaders can play a big role: does your institution look at Title IX and Clery with a narrow compliance lens, or can it see them both as an opportunity to transform your campuses, and our world? Culture of Respect, an initiative of NASPA, works with campus leaders to make sure that institutions of higher education choose the latter route.

Culture of Respect Approach

NASPA is a student affairs association with a hundred-year history supporting professionals at institutions globally. Culture of Respect, part of the Health, Safety and Well-being Initiatives of NASPA, builds the capacity of educational institutions to end sexual violence through ongoing, expansive organizational change. We take a public health approach to sexual violence, thinking about the factors that support and sustain violence at each level of the social ecology (individual, community, institutional, cultural) and help

Culture of Respect Tools and Resources

Culture of Respect provides resources and tools that help institutional leaders understand evidence-based practice; work collaboratively across campus; and bring a public health lens to violence prevention and response.

The CORE Blueprint: A detailed guidebook that provides a strategic roadmap for campus stakeholders with the latest evidence-based research, expert guidance, and promising practices in sexual violence prevention and response. Available at CultureofRespect.org at no cost.

The CORE Evaluation: A rigorous self-assessment survey that allows institutions of higher education to inventory their efforts to prevent and respond to sexual violence. The Evaluation is available for free as a PDF. Institutions may inquire about custom technical assistance options, including receiving detailed feedback on institutional results from Culture of Respect staff.

CORE Constructs: A suite of in-depth downloadable guides organized around the six pillars of the CORE Blueprint. Available for purchase in the NASPA Bookstore.

Culture of Respect Collective: An ambitious two-year program that brings together institutions of higher education who are dedicated to ending campus sexual violence and guides them through a rigorous process of self-assessment and targeted organizational change. We will welcome our 3rd cohort of institutions in January, accepting applications until October 31st.



campuses think about ways to prevent and respond to violence at each level. We work with diverse campus professionals – Title IX staff, preventionists, student affairs administrators – providing them a framework for achieving strategic organizational change.

While targeted policy and programmatic changes for institutions of higher education are our focus, we recognize that using a compliance lens can help motivate, organize and mobilize campus leaders,

continued on page eight ➤



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➤ *continued from page seven*

from athletics to senior leadership to student government. Through our programs, tools and resources, we see prevention and effective response strategies as the foreground of this work, and the legal context as the background that provides a common language and a shared nationwide vision for what success looks like.

One example of how we communicate this blended approach is through the CORE Evaluation, a detailed self-assessment survey that allows institutions of higher education to inventory their campuswide efforts to prevent and respond to sexual violence. This unique tool urges institutional leaders to work collaboratively to examine and assess their policies, programs and procedures. The survey is organized around the pillars of our CORE Blueprint, six areas that point to the diverse ways institutions can mold their campus climate:

- Survivor support
- Clear policies
- Multitiered education
- Public disclosure
- Schoolwide mobilization
- Ongoing self-assessment.

As campus representatives work their way through the survey, they are confronted with this urgent question: *what can our institution do to support survivors, prevent violence and communicate that sexual violence is unacceptable?* While this question is important, we know it is not the only one that matters. Creeping in the background is always another critical consideration: *is our institution complying with federal laws that urge us to effectively address violence?* By the time our participating schools receive results and feedback on their CORE Evaluation response, institutional leaders have strategies for answering both questions.

Critical Questions

- What can our institution do to support survivors, prevent violence and communicate that sexual violence is unacceptable?
- Is our institution complying with federal laws that urge us to effectively address violence?
- What is urgent to you and your community?

The customized results report provided to institutions includes a checklist of how their responses compare to current Title IX guidance, as well as Clery Act standards. Alongside, institutions are provided with another checklist

that specifies how their responses compare to best-practice recommendations from respected experts and organizations in the field, including the American College Health Association (ACHA) and the White House Task Force to Protect Students from Sexual Assault.

When we provide campus professionals with this key information, steeped both in legal and public health standards, we ask them to think about their specific context by presenting this final question: *what is urgent to you and your community?* The result is that our participants work collaboratively to come up with creative, actionable strategies for how to

move their campus forward that extend beyond the floor of compliance. Participants develop detailed action plans to help them achieve all three intertwined goals: effective prevention and response; compliance with relevant laws; and programs and policies that are suited

to their campus and community context. We ask participating institutions to track their progress for each objective, and also to re-administer the CORE Evaluation to document all the ways in which

continued on page nine ➤



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➤ *continued from page eight*

they were able to expand, improve, and clarify their policies and programs. In an ever-evolving political and legal context, this ongoing documentation helps institutions remain informed of how their policies and practices measure up to relevant laws and guidance.

The Next 90 Years

Because I completed my undergraduate degree in 2010, just

before the infamous 2011 Dear Colleague Letter was published, I did not hear anyone speak about Title IX in the context of sexual violence when I was in college. The Clery Act Timely Warning alerts that came to my inbox were primarily reports of theft because it wasn't until 2013 that Clery crime definitions were expanded to include dating violence, domestic violence, sexual assault and stalking. Today, we expect college students to interface with Title IX and the Clery Act in so

many different ways across their collegiate experience: an online course before they matriculate; Title IX reporting procedures clearly explained in student handbooks and on institutional websites; a public ongoing prevention and awareness campaign; a persistent conversation in the news media about allegations of sexual harassment and assault in the workplace; and so much more.

These expected interactions are an indication that a cultural transformation is under our feet, brought about by a powerful and complex coalition of legal experts, public health professionals, student and survivor activists, passionate politicians and institutional leaders. Though this transformation is painfully incomplete, I am hopeful for the next 90 years. When we look back on 2011, and 2018, will the CDC name "reduction in sexual violence" as a great public health accomplishment of the 21st century? Only if we can continue to bring that vision into our classrooms, residence halls and board rooms through collaboration, passion and, of course, compliance.

To learn more, go to the CultureofRespect.org site or contact the author via email at sgreenstein@naspa.org.

Thinking Outside the Title IX Box: Sample Strategies from Collective Institutions

These are examples of strategies that our participating institutions are implementing, based on the results of the CORE Evaluation and their participation in the Culture of Respect Collective.

- Using an environmental management lens, conduct an analysis of the campus to explore strategies for systems changes that could prevent sexual violence, such as changes to physical plant policies and procedures, or drug and safety enforcement
- Create an institutionalized system for alerting students of key changes to sexual misconduct policy
- Create a "Clery Tips Bank" for staff to reference while they are writing timely warning alerts
- Write and then distribute a "What To Know about Title IX" letter to campus faculty
- Schedule monthly meetings between the Title IX office and student government to facilitate ongoing collaboration
- Compensate students who serve on the institution's sexual violence task force
- Require a prevention education program for all students pledging Greek life organizations
- Create and publish an annual sexual violence prevention and response report