

# **TITLE IX, CLERY ACT, VAWWA, AND THE CAMPUS SaVE ACT**

---

*SUPPLEMENTAL TRAINING*

*FALL 2021*

# HISTORY

---

- **1972 - EDUCATION AMENDMENTS**

*Title IX of the Education Amendments of 1972 revised federal funding laws to prohibit sex-based discrimination in higher education. "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."*

- **1990 - CLERY ACT**

*Initially called the "Crime Awareness and Campus Security Act", and later renamed in memory of slain student Jeanne Clery, this act amended federal financial aid laws to require all participating postsecondary institutions to disclose campus crime statistics and security information.*

# HISTORY (cont'd)

---

- **1994 - VIOLENCE AGAINST WOMEN ACT (VAWA)**

*Established federal legal definitions of domestic violence, dating violence, sexual assault, and stalking. Made funding grants for reducing these crimes available to higher education institutions.*

- **2001 - REVISED SEXUAL HARASSMENT GUIDANCE**

*Department of Education Office for Civil Rights (OCR) guidance explored Title IX sexual harassment protections. "[S]chools need to ensure that employees are trained so that those with authority to address harassment know how to respond appropriately, and other responsible employees know that they are obligated to report harassment to appropriate school officials."*

# HISTORY (cont'd)

---

- **2011 - APRIL 2011 DEAR COLLEAGUE LETTER**

*Noting that sexual assault had become an epidemic on college campuses, OCR reiterated that Title IX guarantees all students an education free from sexual harassment and violence. OCR also recommended that "all schools implement preventive education programs" as part of their orientation programs for new students, faculty, and staff.*

- **2013 - CAMPUS SaVE ACT**

*Amended the Clery Act to mandate extensive "primary prevention and awareness programs" regarding sexual misconduct and related offenses.*

- **OCTOBER 1, 2014**

*Schools must report compliance with the Campus SaVE Act in their Annual Security Reports.*

- **MAY, 2020**

*New Title IX regulations go into effect August, 2020.*

# CLERY ACT/VIOLENCE AGAINST WOMEN ACT (VAWA)

---

- *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) was signed into law in 1990.*
- *Colleges must report crime statistics that occur on campus or within their “Clery Geography”.*
- *Colleges must publish an Annual Security Report (ASR). This must be accessible to everyone through a college’s website.*
- *College must have a timely warning if there is a known risk to public safety on campus.*

# CLERY ACT/VIOLENCE AGAINST WOMEN ACT (VAWA)

PRIOR TO JULY 2015 THE CRIMES THAT WERE REQUIRED TO BE REPORTED  
IN THE ASR ARE AS FOLLOWS:

---

- *aggravated assault*
- *arson*
- *burglary*
- *criminal homicide*
- *motor vehicle theft*
- *arrests (liquor law violation, drug law violation, and illegal weapon possession)*
- *referrals (liquor law violation, drug law violation, and illegal weapon possession)*
- *robbery*
- *forcible sex offense (forcible fondling, forcible rape except statutory, forcible sodomy with an object)*
- *non forcible sex offenses (incest and statutory rape)*
- *hate crimes*


## **CLERY ACT/VIOLENCE AGAINST WOMEN ACT (VAWA) (cont'd)**

---

- *In 2013 President Obama reauthorized VAWA, which in turn, amended the Clery Act.*
- *All required changes had to be in place by July 1, 2015.*
- *The changes that were made expanded the rights of victims of sexual assault, domestic violence, dating violence, and stalking.*

# CLERY ACT/VIOLENCE AGAINST WOMEN ACT (VAWA) (cont'd)

---

- *Institutions must now include statistics of sexual assault, dating violence, domestic violence, and stalking in their ASR.*
  - *Institutions must have policies in place that outline procedures that will be followed after a report is received.*
  - *Institutions must outline rights and options available for survivors (i.e., change in academic, living, transportation, or work situations; on campus resources, community resources, etc.).*
  - *Institutions must provide prevention programming.*
  - *Institutions must provide options and supportive measure for supervisors.*
- 



# CAMPUS SEXUAL VIOLENCE ELIMINATION (SaVE) ACT

---

- *Signed into law by President Obama on March 7, 2013, as part of Violence Against Women Act (VAWA) Reauthorization (Campus Sexual Violence Act (“SaVE Act”) provision, Section 304).*
- *Amends the Clery Act.*
- *The SaVE Act covers incidents of sexual assault, domestic violence, dating violence, and stalking.*

# CAMPUS SEXUAL VIOLENCE ELIMINATION (SaVE) ACT (cont'd)

---

- *Increases transparency on campuses regarding incidents of sexual assaults. Domestic violence, dating violence, and stalking are now required to be reported in a institution's ASR.*
- *Guarantees victims enhanced rights.*
  - *Victims must be informed of their options to, or not to, notify and seek assistance from law enforcement and campus authorities.*
  - *Victims must be informed of their rights, as well as, institutional responsibilities regarding judicial no-contact, restraining, and protective orders.*

# CAMPUS SEXUAL VIOLENCE ELIMINATION (SaVE) ACT (cont'd)

---

- *Sets Standards for Discipline Proceedings:*
  - *Investigators must be trained annually.*
  - *Policy must identify “sanctions or protective measures” the institution may impose following a final determination of rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.*

# CAMPUS SEXUAL VIOLENCE ELIMINATION (SaVE) ACT (cont'd)

---

- *Sets Standards for Disciplinary Proceedings:*
  - *The complainant and the respondent are afforded the same opportunities to have an advisor of their choice present during any proceeding.*
  - *The complainant and respondent must be simultaneously notified in writing of the following: the outcome of the proceeding, appeal procedures, any change to the result before it becomes final, and when the result becomes final.*
  - *Policy must address how victim's confidentiality will be protected, including record-keeping that excludes personally-identifiable information on victims.*

# CAMPUS SEXUAL VIOLENCE ELIMINATION (SaVE) ACT (cont'd)

---

- *Institutions are required to educate students and employees on sexual assault.*
- *Training for all new students and employees must include:*
  - *An institutional statement prohibiting rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.*
  - *The definitions of said offenses based on jurisdiction.*
  - *The definitions of consent, with reference to sexual offenses, based on jurisdiction.*
  - *How to recognize signs of abusive behavior and how to avoid potential attacks.*
  - *Ongoing prevention and awareness programming for students and employees on the above topics.*

# TITLE IX REGULATIONS

---

- *Historically, Title IX is known for ensuring gender equality in education.*
- *Institutions must be proactive in preventing sex discrimination on campus.*
- *Title IX requires institutions to have an established procedure for handling complaints of sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking.*

# TITLE IX FORMAL RESOLUTION PROCESS

---

## **I) Receipt of Complaint**

- *The Title IX complaint process is initiated by the alleged victim (hereafter referred to as the "complainant"), appropriate Title IX coordinator, or an official with the authority to institute corrective measures on behalf of Collin College.*
- *To file a complaint, the complainant contacts the appropriate Title IX coordinator or deputy Title IX coordinator.*

---

***1) Receipt of Complaint (cont'd)***

- *If reported orally, the complaint is reduced to writing by the appropriate Title IX coordinator or designee.*
- *The complaint must contain the complainant's actual or digital signature. If the complainant is not able or willing to sign the complaint, the appropriate Title IX coordinator or designee signs the complaint in the complainant's stead.*



# TITLE IX FORMAL RESOLUTION PROCESS (cont'd)

---

## 2) Notice of Supportive Measures

- *The appropriate Title IX coordinator or designee promptly contacts the complainant and offers the notice of supportive measures (i.e., appropriate advocacy resources on and off campus, as outlined in Collin College's Written Notification of Rights, Options, and Supportive Measures packet).*
- *These supportive measures and resources are available to the complainant whether or not they choose to file a formal complaint.*
- *In the event a formal complaint is filed and the appropriate Title IX coordinator or designee determines an investigation should be initiated, supportive measures are also offered to the respondent.*

# TITLE IX FORMAL RESOLUTION PROCESS (cont'd)

---

## 3) Determination to Proceed with an Investigation

- *The appropriate Title IX coordinator or designee determines whether the allegation(s):
  1. occurred while participating in or attempting to participate in Collin College's education program or activity,
  2. impacted a person in the United States, and/or
  3. if proven, would meet the definition of prohibited conduct.*
- *If the allegations meet the criteria defined above, the appropriate Title IX coordinator or designee assigns an appropriate individual(s) to investigate the complaint.*

---

### **3) Determination to Proceed with an Investigation (cont'd)**

- *If the allegation(s) should be addressed through another Collin College process, the appropriate Title IX coordinator or designee forwards the complaint to the appropriate party.*
- *If the allegations do not meet one (1) or more of the criteria listed above, the complaint is dismissed. Additionally, Collin College may dismiss a complaint at any time if:*
  - 1. the complainant would like to withdraw the complaint,*
  - 2. the respondent is no longer enrolled at or employed by Collin College, or*
  - 3. specific circumstances prevent Collin College from gathering evidence sufficient to reach a determination.*

# TITLE IX FORMAL RESOLUTION PROCESS (cont'd)

---

## 4) Investigation

- *The respondent is presumed to be not responsible for the alleged misconduct until a written determination is made at the conclusion of the Title IX complaint process.*
- *The burden of gathering evidence and burden of proof falls on the investigator, not the parties.*
- *The investigator notifies the parties of their rights and options.*
- *The investigator meets separately with each party and their respective advisors (if the parties elect to provide their own advisors during this phase).*

---

#### **4) Investigation (cont'd)**

- *The investigator meets separately with each witness.*
- *The investigator engages in an individualized safety and risk analysis to determine whether interim action(s) are appropriate and may recommend interim action(s) to the appropriate Title IX coordinator or designee. If the interim action(s) include a removal (i.e., temporary immediate suspension, temporary removal from Collin College Student Housing, temporary employee administrative leave, etc.), the respondent has the right to challenge the interim action(s) immediately after the removal.*

# TITLE IX FORMAL RESOLUTION PROCESS (cont'd)

---

## 5) Investigation Report

- *At the conclusion of the investigation, the investigator writes an Investigation Report that fairly summarizes the investigation and includes all evidence.*
- *The investigator sends the parties and their respective advisors (if the parties elect to provide their own advisors during this phase) the Investigation Report in electronic format or hard copy, and gives them 10 days to respond to the document prior to finalizing it.*

---

## 5) **Investigation Report (cont'd)**

- *The investigator finalizes the Investigation Report at least 10 days prior to the live hearing.*
- *The investigator notifies the parties and their respective advisors (if the parties elect to provide their own advisors during this phase) simultaneously in writing of the final Investigation Report, and sends a copy of the document to them in electronic format or hard copy.*

# TITLE IX FORMAL RESOLUTION PROCESS (cont'd)

---

## 6) Live Hearing

- *The investigation is followed by a live hearing.*
- *If a party is unable to obtain an advisor, the appropriate Title IX coordinator or designee assigns an appropriate advisor to the party for the purpose of conducting cross-examination for the party during the live hearing.*
- *The appropriate Title IX coordinator or designee notifies the parties and their respective advisors simultaneously in writing of the date, time, and place of the live hearing.*



---

## 6) Live Hearing (cont'd)

- *Specific procedures for the live hearing, including time limits for statements, rebuttal, and cross-examination, will be provided to the parties and their respective advisors prior to the live hearing.*
- *The appropriate Title IX coordinator or designee assigns an individual(s) from the pool of hearing officers to conduct the live hearing.*
- *The hearing officer deliberates on the evidence, determines responsibility using the preponderance of the evidence standard (i.e., more likely than not to have occurred), and composes a Written Determination of Responsibility.*

# TITLE IX FORMAL RESOLUTION PROCESS (cont'd)

---

## 7) Appeal

- *Either the complainant or respondent may appeal the hearing officer's determination within 10 College District business days on the following grounds:
  1. *procedural irregularity that affected the outcome,*
  2. *new evidence not reasonably available that could affect the outcome, or*
  3. *conflict of interest or bias by Collin College's participants that affected the outcome.**
- *The appropriate Title IX coordinator or designee notifies the non-appealing party the other party has appealed and allows them to submit a written statement in response.*

---

## 7) Appeal (cont'd)

- *The appropriate Title IX coordinator or designee assigns the appropriate vice president or designee to serve as the appeal decision-maker.*
- *The appropriate vice president or designee deliberates on the evidence, makes a determination using the preponderance of the evidence standard (i.e., more likely than not to have occurred), and composes an Appeal Determination.*

# TITLE IX FORMAL RESOLUTION PROCESS (cont'd)

---

## 8) Expulsion and Termination Appeals

- *In cases where expulsion of a student or termination of an employee is recommended, either party may appeal by submitting a written request to the appropriate Title IX coordinator or designee within 10 College District business days of the appeal decision-maker's determination.*
- *The appropriate Title IX coordinator or designee notifies the non-appealing party the other party has appealed and allows them to submit a written statement in response.*

---

## 8) **Expulsion and Termination Appeals (cont'd)**

- *The appropriate Title IX coordinator or designee forwards all information regarding the case to the College District President or designee.*
- *The College District President or designee deliberates on the evidence and makes a determination to affirm, modify, remand, or reverse the recommendation for expulsion or termination.*
- *The College District President or designee's decision is final and non-appealable.*

# TITLE IX INFORMAL RESOLUTION PROCESS

---

## **I) Receipt of Complaint**

- *The Title IX complaint process is initiated by the alleged victim (hereafter referred to as the "complainant"), appropriate Title IX coordinator, or an official with the authority to institute corrective measures on behalf of Collin College.*
- *To file a complaint, the complainant contacts the appropriate Title IX coordinator or deputy Title IX coordinator.*

---

## ***1) Receipt of Complaint (cont'd)***

- *If reported orally, the complaint is reduced to writing by the appropriate Title IX coordinator or designee.*
- *The complaint must contain the complainant's actual or digital signature. If the complainant is not able or willing to sign the complaint, the appropriate Title IX coordinator or designee signs the complaint in the complainant's stead.*

# TITLE IX INFORMAL RESOLUTION PROCESS (cont'd)

---

## 2) Notice of Supportive Measures

- *The appropriate Title IX coordinator or designee promptly contacts the complainant and offers the notice of supportive measures (i.e., appropriate advocacy resources on and off campus, as outlined in Collin College's Written Notification of Rights, Options, and Supportive Measures packet).*
- *These supportive measures and resources are available to the complainant whether or not they choose to file a formal complaint.*
- *In the event a formal complaint is filed and the appropriate Title IX coordinator or designee determines an investigation should be initiated, supportive measures are also offered to the respondent.*



# TITLE IX INFORMAL RESOLUTION PROCESS (cont'd)

---

## 3) Initiation of Informal Resolution Process

- *Informal resolution is prohibited in any case where an employee is accused of engaging in prohibited conduct against a student.*
- *The parties must provide their voluntary consent in writing to participate in an informal resolution process.*
- *The appropriate Title IX coordinator provides the parties with the required written notice of the allegations and a description of the parameters of the informal resolution process. This written notice will include a statement that either party is permitted to withdraw from the informal resolution process and resume the formal resolution process at any time prior to a final determination being reached in the case.*

# TITLE IX INFORMAL RESOLUTION PROCESS (cont'd)

---

## 4) Meeting with Informal Resolution Facilitator

- *The informal resolution facilitator meets separately with both parties.*
- *The informal resolution facilitator notifies both parties of their rights and options, including the right to withdraw from the informal resolution process and resume the formal complaint process at any time prior to a final determination being reached in the case.*

---

#### 4) **Meeting with Informal Resolution Facilitator (cont'd)**

- *Both parties read and sign the Consent to Informal Resolution Form indicating they are voluntarily and willingly consenting to pursue the informal resolution process at this time.*
- *If either party chooses to withdraw from the informal resolution process after signing the Consent to Informal Resolution Form, they will be required to read and sign the Withdrawal from Informal Resolution Notice Form prior to a final determination being reached and both parties signing the Informal Resolution Agreement Form.*

# TITLE IX INFORMAL RESOLUTION PROCESS (cont'd)

---

## 5) Informal Resolution Agreement

- *The informal resolution facilitator writes the Informal Resolution Agreement Form and clearly explains the informal resolution terms.*
- *The informal resolution facilitator sends the parties the Informal Resolution Agreement Form, and gives them 10 days to review and respond to the document prior to finalizing it.*
- *If, after 10 days, both parties agree to the informal resolution terms, they will sign the final Informal Resolution Agreement Form.*

---

## 5) **Informal Resolution Agreement (cont'd)**

- *The informal resolution facilitator notifies both parties, simultaneously in writing, of the final signed Informal Resolution Agreement Form, and sends the document to them in electronic format and hard copy.*
- *Once the final Informal Resolution Agreement Form is signed, the matter is closed, the informal resolution is non-appealable, and the formal complaint process will not be re-initiated.*

# TITLE IX REGULATIONS

---

- *Institutions must take interim measures to ensure that a victim does not have to share space (i.e., classes, dorms, campus jobs, etc.) with their assailant. For example, institutions may issue no-contact directives to prevent interaction between the complainant and respondent.*
- *Institutions may not retaliate against someone who makes a report and must keep the complainant safe from any other retaliation or harassing behavior.*
- *Institutions can not discourage a complainant from continuing their education.*

# WHEN WORKING WITH STUDENTS, HOW DOES THIS AFFECT YOU?

---

- **Campus Security Authority**

- *Under the Clery Act, a CSA is an employee who has the responsibility of ensuring that information regarding a crime reported or known to them, is conveyed to the university for record keeping and reporting purposes.*

- **Texas Higher Education Code Section 51.252**

- *Texas Senate Bill 212: Mandatory Reporting*

# TITLE IX RESOURCES

---

- **Title IX Formal Resolution Process Flowchart:**

[https://www.collin.edu/titleix/pdf\\_documents/Title%20IX%20Formal%20Resolution%20Process%20Flowchart.pdf](https://www.collin.edu/titleix/pdf_documents/Title%20IX%20Formal%20Resolution%20Process%20Flowchart.pdf)

- **Title IX Informal Resolution Process Flowchart:**

[https://www.collin.edu/titleix/pdf\\_documents/Title%20IX%20Informal%20Resolution%20Process%20Flowchart.pdf](https://www.collin.edu/titleix/pdf_documents/Title%20IX%20Informal%20Resolution%20Process%20Flowchart.pdf)

- **Title IX Complaint Resolution Process Handbook for Collin College Students and Employees:**

[https://www.collin.edu/titleix/pdf\\_documents/Title%20IX%20Complaint%20Resolution%20Process%20Handbook%20for%20Collin%20College%20Students%20and%20Employees.pdf](https://www.collin.edu/titleix/pdf_documents/Title%20IX%20Complaint%20Resolution%20Process%20Handbook%20for%20Collin%20College%20Students%20and%20Employees.pdf)



# CONTACT INFORMATION

## **Title IX Coordinator for *STUDENTS***

**Terrence Brennan**

**District Dean of Students**

**Collin Higher Education Center (CHEC)**

**3452 Spur 399**

**Suite 457**

**McKinney, TX 75069**

**Phone: 972.881.5734**

**Email: [tbrennan@collin.edu](mailto:tbrennan@collin.edu)**

## **Title IX Coordinator for *EMPLOYEES***

**Floyd Nickerson**

**Chief Human Resources Officer**

**Collin Higher Education Center (CHEC)**

**3452 Spur 399**

**Suite 339**

**McKinney, Texas 75069**

**Phone: 972.599.3159**

**Email: [fnickerson@collin.edu](mailto:fnickerson@collin.edu)**

## **Deputy Title IX Coordinator for *STUDENTS***

**Amy Throop**

**Associate Dean of Students**

**McKinney Campus**

**2200 West University Drive**

**Suite B-336**

**McKinney, TX 75071**

**Phone: 972.881.5667**

**Email: [athroop@collin.edu](mailto:athroop@collin.edu)**

## **Deputy Title IX Coordinator for *EMPLOYEES***

**Tonya Jacobson**

**Manager/Employee Relations**

**Collin Higher Education Center (CHEC)**

**3452 Spur 399**

**Suite 339**

**McKinney, Texas 75069**

**Phone: 972.758.3856**

**Email: [tjacobson@collin.edu](mailto:tjacobson@collin.edu)**