



**White House Task Force to  
Protect Students from Sexual Assault**

**January 2017**

**Preventing and Addressing Campus Sexual Misconduct:  
A Guide for University and College Presidents, Chancellors, and Senior  
Administrators**

*When college presidents and chancellors truly commit to ending the scourge of sexual violence in institutions of higher education, they set the highest example of what we expect from students, faculty, and administration. And so I send this message to our college and university leaders: Your leadership matters. And your actions reverberate across the nation, indeed around the world.*

-- Vice President Joe Biden, 2016

The White House Task Force to Protect Students from Sexual Assault (“Task Force”) was established in 2014 to focus on the seriousness and urgency of addressing sexual misconduct<sup>1</sup> at colleges and universities.<sup>2</sup> The Task Force has developed resources, reports, and a website<sup>3</sup> that offer action steps and recommendations for conducting campus climate surveys,<sup>4</sup> engaging men and women to assist in developing solutions, effectively responding to reports of sexual misconduct, and increasing transparency and enforcement of campus policies and procedures established to address sexual misconduct. Since then, efforts have been concentrated on identifying promising practices used by schools around the country.

This *Guide for University and College Presidents, Chancellors, and Senior Administrators* was created with those promising practices in mind. The Task Force recommends that college and university leadership use this guide as a foundation to develop, or further hone, comprehensive responses to sexual misconduct at their institutions. Moreover, the Task Force underscores the importance of university leadership sending a strong public message of support for these responses – and the faculty, staff and students who are

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<sup>1</sup> Prohibited forms of sexual misconduct include sex-based harassment, including but not limited to sexual harassment, sexual assault, sexual violence, and sexual exploitation. Sample Language and Definitions of Prohibited Conduct for a School’s Sexual Misconduct Policy (April 2014), available at <https://www.justice.gov/ovw/page/file/910276/download>.

<sup>2</sup> Under Title IX of the United States Education Amendments of 1972, colleges and universities that receive federal funding must respond promptly and equitably to complaints of sexual assault. They must process all complaints, regardless of where the conduct occurred, to determine whether the conduct occurred in the context of an education program or activity or had continuing effects on campus or in an off-campus education program or activity. Off-campus education programs and activities include activities that, e.g., take place at houses of fraternities or sororities recognized by the school, athletic team travel, and events for school clubs that occur off campus. Further, because students often experience the continuing effects of off-campus sexual assault in the educational setting, institutions should consider the effects of the off-campus conduct when evaluating, for Title IX purposes, whether there is a hostile environment on campus.

<sup>3</sup> Task Force resources and materials, previously accessible at *NotAlone.gov*, are now accessible on <https://www.justice.gov/ovw/protecting-students-sexual-assault> and [www.ChangingOurCampus.org](http://www.ChangingOurCampus.org), an online resource center supported by the Department of Justice, Office on Violence Against Women.

<sup>4</sup> The Task Force has described campus climate surveys as a standard set of items, usually in a questionnaire, given to participants to assess attitudes among students, faculty, staff, and/or administrators about the campus atmosphere regarding sexual misconduct, as well as the prevalence or incidence of sexual misconduct. For further information on campus climate surveys, please visit <https://www.justice.gov/ovw/protecting-students-sexual-assault#resources>, <http://www.changingourcampus.org/resources/research>, and <http://www.bjs.gov/content/pub/pdf/ccsvsfr.pdf>.

behind them – and championing a culture shift that promotes safe campuses that are free from sexual misconduct.

It has been encouraging for the Task Force to learn about the important strides that colleges and universities are making to improve their responses to sexual misconduct. It is clear that there is a strong desire on the part of many institutions of higher education to ensure that their schools are safe places for all students. Many schools have begun to engage in various efforts (discussed in further detail in this guide), such as using campus climate surveys to better assess the extent of sexual misconduct against students; implementing and evaluating prevention strategies that take into consideration the best available evidence about their effectiveness; enhancing the focus on improving services for survivors,<sup>5</sup> engaging with students interested in these issues, and connecting with community stakeholders; and ensuring that reports of sexual assault are handled promptly, fairly, and consistently. We have learned that when thoughtful and sensible tools for preventing and improving responses to sexual misconduct are made available, many colleges and universities eagerly embrace them to better protect their own students.

The Task Force cautions institutions to consider the recommendations contained in this guide only after determining the unique needs and characteristics of the institution, its student body, and its surrounding community. This is a guide, neither exhaustive nor exclusive, to help a school to consider all of the various components of a comprehensive plan. Schools should consult their legal counsel to ensure they are meeting all elements required by law.<sup>6</sup>

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<sup>5</sup> Although many advocates prefer to use the term “survivor” to describe an individual who has been sexually assaulted, the term “victim” is also widely used. This document uses the terms interchangeably and always with respect for those who have been subjected to sexual misconduct.

<sup>6</sup> When developing a comprehensive plan to address sexual misconduct against students, schools should review all applicable federal laws, including Title IX of the Education Amendments of 1972 (Title IX), Title IV of the Civil Rights Act of 1964 (Title IV), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Family Educational Rights and Privacy Act (FERPA) of 1974, and their implementing regulations and related guidance; review any applicable state and local laws; and consult with legal counsel to ensure that the policy fully complies with all applicable federal, state, and local laws.

The policies and practices of each institution will vary in detail, specificity, and components, reflecting additional state or local legal requirements and each school's students, size, institutional culture, administrative structure, and what it has learned from past experiences. Additionally, this guide does not constitute legal advice or create additional legal obligations, and institutions that address these elements in their sexual misconduct policies, programming, and practices, in part or in whole, may still be found to be in violation of federal law(s) (e.g., if the institution fails to effectively address a hostile educational environment created by sexual misconduct).

For sample policies, memoranda of understanding, and further information on Federal efforts to address sexual assault against students, please visit <https://www.justice.gov/ovw/protecting-students-sexual-assault#resources>.

## **Elements of the Guide**

This guide focuses on six primary elements that colleges and universities may want to consider as part of a comprehensive plan for addressing sexual misconduct against students. The guide expands upon each element below. Again, in considering whether and how to incorporate the elements as part of a commitment to effective prevention and response, each institution should also take into account its own circumstances and structures.

1. Coordinated Campus and Community Response
2. Prevention and Education
3. Policy Development and Implementation
4. Reporting Options, Advocacy, and Support Services
5. Climate Surveys, Performance Measurement, and Evaluation
6. Transparency

### **1. Coordinated Campus and Community Response**

A school's effective response to sexual misconduct requires strong partnerships with both campus and community partners. Certain services for survivors – such as 24/7 emergency services, long-term therapies, and

advocates who can accompany survivors to medical and legal appointments – may or may not be available on campus. Even when such services are available on campus, students may seek off-campus services for a variety of reasons, including a desire for privacy or a pre-existing relationship with off-campus providers. Schools can maximize different options available to students by partnering with local rape crisis centers and legal services organizations, and ensuring coordination between college and local police, as appropriate. The surrounding community can thus be a source of support for survivors and the school, and the community can simultaneously benefit from learning from campus leaders about promising practices the school is implementing. Below are some critical elements of a coordinated campus and community response to sexual misconduct.

- ❖ Institute a coordinated campus and community response framework for preventing and addressing sexual misconduct, so all members of the school and the larger community understand how they can work together to:
  - Assess the school’s climate in regard to sexual misconduct, including through the use of campus climate surveys (see Element #5 (Climate Surveys, Performance Measurement, and Evaluation), below);
  - Promote safe campuses free from sexual misconduct;
  - Provide trauma-informed services and support for survivors;
  - Develop fair and effective policies and protocols;
  - Hold perpetrators accountable under these policies and protocols;
  - Strengthen student knowledge and bystander intervention skills;
  - Promote campus and community education and collaboration;
  - Foster coalitions and networks;
  - Change organizational practices; and
  - Measure the effectiveness of the school’s efforts.
  
- ❖ Designate a qualified and fully-trained Title IX coordinator who is fully accessible to students and whose name and contact information is

easily accessible to students, including on the school's website. University leadership should:

- Provide the Title IX coordinator with the authority and support necessary to carry out his/her duties;
- Encourage the Title IX coordinator to develop strong relationships with students, staff, faculty, administrators, and community partners, as well as with other Title IX coordinators in the region to share information, knowledge, and expertise.

While a dedicated, full-time Title IX coordinator is the ideal, some colleges and universities may not have the resources to support a full-time position. If this is the case, it is critical that the employee has the qualifications, training, authority, and time to address all complaints raising Title IX issues. Designating a full-time Title IX coordinator will also minimize the risk of a conflict of interest and in many cases ensure sufficient time is available to perform all the role's responsibilities.<sup>7</sup>

- ❖ Include relevant stakeholder groups in the campus and community efforts to prevent and respond to sexual misconduct, such as representatives from:
  - The student body, including survivors, student leaders, representatives from student government, athletics, sororities and fraternities, resident advisors, etc. Undergraduate and graduate students, from affiliated campuses, and as appropriate, should be represented;
  - The Title IX Coordinator;
  - Faculty (including those with expertise on sexual misconduct);
  - School administration;
  - Alumni;
  - Campus health center;
  - Campus women's center;
  - Campus law enforcement;

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<sup>7</sup> Title IX does not categorically exclude particular employees from serving as Title IX coordinators. However, when designating a Title IX coordinator, a recipient should be careful to avoid designating an employee whose other job responsibilities may create a conflict of interest.

- Community victim advocacy groups;
  - Local law enforcement;
  - Local rape crisis centers;
  - Local hospital(s) or other healthcare providers;
  - Lesbian, Gay, Bisexual, Transgender, Queer/Questioning (LGBTQ) community; and
  - Other relevant and diverse groups.
- ❖ Establish a dedicated task force to implement or monitor the campus and community response framework, and ensure that the task force meets regularly and includes a diverse cross-section of the college or university community, based on the suggestions above. The task force should be empowered to communicate with senior leadership through various channels (i.e., not only through senior administrators and deans) and to make formal recommendations to the university or college president for improvements to the campus response to sexual misconduct. Consider having the task force recommendations focus on each of the six elements in this guide.
- ❖ Support student groups that focus on campus education campaigns (such as bystander intervention and sexual assault prevention and awareness) and ensure that members of such groups are a part of the dedicated task force.
- ❖ Develop and maintain, as appropriate, a Memorandum of Understanding (MOU) between the university or college and community partners such as the local police department and rape crisis center. MOUs should clearly outline the roles and responsibilities of each entity, including cross-training on policies, procedures, and resources of both organizations and clear expectations for effective sharing of resources. MOUs usually require the signatures of the leaders of each organization (e.g., police chief, college president, rape crisis center director) to demonstrate the strength of the commitment.<sup>8</sup>

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<sup>8</sup> For sample MOUs, see <https://www.justice.gov/ovw/page/file/910381/download> (sample MOU with rape crisis centers) and <https://www.justice.gov/ovw/page/file/910376/download> (sample MOU with law enforcement).

## 2. Prevention, Education, and Training

Ongoing prevention, education, and training programs for students – from freshman orientation through graduate school – are critical for imparting skills to students and sending a strong message about campus values. The first part of the school year – August through October – is the time when sexual assaults are most likely to happen. It is therefore crucial to especially focus sexual misconduct programming on orientation and back-to-school activities, and to reinforce this programming throughout a student's academic career. Below are some important considerations for a school's prevention, education, and training programming on sexual misconduct.

- ❖ Provide prevention and education programs on sexual misconduct to all incoming first-year students, transfer students, and graduate students, and throughout the course of all students' education.<sup>9</sup>

Consider programs that:

- Provide bystander intervention training and empowerment opportunities drawn from evidence-based programs, like [Green Dot](#) and [Bringing in the Bystander](#);<sup>10</sup>
- Challenge biases and harmful attitudes – related to gender, sex, intimate relationships, and violence;
- Engage men as well as women in prevention programming, including training as peer educators and leaders;
- Provide customized programming for student leaders and groups, including sororities and fraternities, athletic programs, extracurricular organizations, and resident advisors; and
- Consider the needs of diverse populations, including LGBTQ students, students with disabilities, English learner students, international students, students of color, students studying abroad, and others.

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<sup>9</sup> For further information on developing a comprehensive prevention strategy, see *Stop SV: A Technical Package to Prevent Sexual Violence* at <https://www.cdc.gov/violenceprevention/pdf/sv-prevention-technical-package.pdf>.

<sup>10</sup> For further examples of resources on prevention and bystander intervention programs, see <https://www.justice.gov/ovw/protecting-students-sexual-assault#resources>.



- ❖ Create and reinforce positive changes in skills, behaviors, and social norms by providing repeated exposure to consistent prevention and education messages and programming throughout a student's tenure. Brief, one-time interventions, especially when focused only on raising awareness about sexual misconduct, are not usually effective for creating lasting behavior change.
- ❖ Make information widely available to students about on-campus and off-campus resources. This may include web-accessible information, social media campaigns, printed fliers, and placing relevant information in campus rest rooms, in residence halls, on the back of student IDs, and other places, making it as easy as possible to access the information.
- ❖ Provide annual training for university and college administrators at all levels, campus law enforcement and security, faculty, staff, contract employees, and volunteers on sexual misconduct policies and on Title IX, Title IV, and Clery Act obligations, including the provision of a victim-centered, trauma-informed response to sexual misconduct.
- ❖ Offer trainings for students, faculty, and staff on how to effectively respond when a friend or family member discloses an incident of sexual misconduct.
- ❖ Implement an [“It’s On US”](#) campaign or a similar public awareness and bystander intervention campaign to support positive social norms on campus.
- ❖ Develop an annual communications plan that clearly and effectively conveys to the campus community (including parents and community stakeholders) the timing and approach for rolling out the prevention, education, and training programming.

### 3. Policy Development and Implementation

- ❖ Adopt a comprehensive policy for responding to sexual misconduct that applies to students.<sup>11</sup> Develop this policy with input from the task force (see Element 1 above) and ensure it is informed by principles of fair process and privacy, as detailed below. The policies and

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<sup>11</sup> Schools should consider developing a separate sexual misconduct policy that applies to employees.

procedures that schools use to resolve allegations of sexual misconduct must be equitable so that everyone – complainants, respondents, and the rest of the school community – receives the benefit of a nondiscrimination policy and can have confidence in the resolution. A prompt and equitable process that provides the same opportunities for all parties will lead to sound and supportable decisions.

❖ Have a grievance process that includes:

- A clearly defined process for investigation and resolution of complaints that:
  - Includes a prompt, adequate, reliable, and impartial investigation;
  - Uses the preponderance-of-the-evidence standard (i.e., more likely than not) to determine whether sexual misconduct has occurred;
  - Provides, among other things:
    - An equal opportunity to present relevant witnesses and other evidence;
    - Equal access to lawyers, other advocates, or support persons; and
    - Equal opportunity to appeal, if appeal options are offered; and
  - Is interpreted consistently with any due process rights of the parties involved.<sup>12</sup>
- Clearly defined remedies, including interim measures, and a range of sanctions.
- Timely methods to keep both the complainant and respondent informed of the outcome of the grievance process, consistent with Title IX, the Clery Act, and FERPA.

#### 4. Reporting Options, Advocacy, and Support Services

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<sup>12</sup> Any grievance process must be consistent with requirements of Title IX and the Clery Act.

- ❖ Encourage and facilitate the reporting of sexual misconduct for those who desire to report. Make clear, accessible information available that describes the various reporting options for survivors, including:
  - Options to use the school’s grievance process, pursue criminal charges, or both;
  - How to secure supportive or interim measures;<sup>13</sup> and
  - The offices or individuals with whom students can speak confidentially (e.g., for counseling, advocacy, health, mental health, pastoral, or sexual assault-related services).<sup>14</sup>
- ❖ Consider developing an online system for anonymous reporting of sexual misconduct.<sup>15</sup>
- ❖ Designate a full-time, well-trained advocate for victims of sexual misconduct:
  - Whose contact information is made widely accessible;
  - Who helps make students aware of the various reporting and confidential disclosure options and support services that are available so they can make informed choices; and
  - Who keeps all communications confidential, except in cases where the advocate is required to disclose information under state or federal mandatory reporting laws.<sup>16</sup>

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<sup>13</sup> See U.S. Department of Education, Office for Civil Rights, Questions and Answers on Title IX and Sexual Violence (April 2014), G-1, G-2, and G-3; White House Task Force to Protect Students from Sexual Assault, Sample Language for Interim and Supportive Measures to Protect Students Following an Allegation of Sexual Misconduct, available at: <https://www.justice.gov/ovw/page/file/910296/download>.

<sup>14</sup> For more information on responding to requests for confidentiality and on designating confidential resources on campus, see U.S. Department of Education, Office for Civil Rights, Questions and Answers on Title IX and Sexual Violence (April 2014), E-1, E-2, and E-3 (Confidentiality and a School’s Obligation to Respond to Sexual Violence); White House Task Force to Protect Students from Sexual Assault, Sample Language for Reporting and Confidentially Disclosing Sexual Violence (April 2014), available at: <https://www.justice.gov/file/910281/download>.

<sup>15</sup> See White House Task Force to Protect Students from Sexual Assault, Sample Language for Reporting and Confidentially Disclosing Sexual Violence (April 2014), at 6, available at: <https://www.justice.gov/file/910281/download>.

<sup>16</sup> Except in cases of pastoral or professional counselors, an advocate may need to report for Clery Act purposes the occurrence of a crime, but should not disclose personally identifiable information. In addition, a school may want to collect aggregate data about sexual violence incidents from advocates in order to identify patterns or systemic problems, but advocates should only report general information such as the nature, date, time, and general location and should take care to avoid reporting personally identifiable information.

- ❖ Provide resources and accommodations to support a survivor after an assault, including access and referrals to:
  - A victim advocate;
  - Emergency medical services, including the option for a medical forensic examination;
  - Law enforcement;
  - Mental health services;
  - Transportation to and from services (if the survivor does not have ready access to such services);
  - Housing accommodations, if the survivor would like to change living arrangements or location;
  - Educational accommodations, such as taking classes remotely, retaking classes, or taking a leave of absence; and
  - Other reasonable accommodations and support services as requested by the survivor.
- ❖ Have a campus health center that employs a trained sexual assault nurse examiner (SANE) or have an MOU with a hospital that has a sexual assault forensic examiner (SAFE) or SANE program.
- ❖ Ensure services and accommodations are responsive to the needs of diverse populations, including LGBTQ students, students with disabilities, students of color, undocumented students, English learner students, international students, students studying abroad, and others.

#### 5. Climate Surveys, Performance Measurement, and Evaluation

- ❖ Regularly conduct research-based sexual misconduct climate surveys. Effective surveys often are overseen by university leadership, with additional involvement from the task force, and have several phases:
  - Examine existing campus resources and institutional responses related to sexual misconduct in preparation for the implementation of a campus climate survey;
  - Develop and administer the climate survey to students and, if deemed appropriate, administrators, faculty, and staff;
  - Review the results of the survey and develop an action plan grounded in the survey results; and

- Continue to use campus climate surveys to inform all current and future prevention and response efforts, and to identify improvements to institutional responses to campus sexual misconduct.
  - Repeat this process on a regular basis.
- ❖ Keep accurate and timely statistics on the number of incidents of sexual misconduct.<sup>17</sup> Include the number of incidents reported to campus or local police, the number investigated, the results of the investigation, and any sanctions imposed. Moreover, coordination of recordkeeping (for instance, in a confidential log maintained by the Title IX coordinator) can resolve recurring problems and identify students or employees who have multiple complaints filed against them.
  - ❖ In accordance with Element 1 (above), communicate information learned from climate surveys and statistical collection with the university community on a regular basis.
  - ❖ Arrange a partnership with an impartial evaluator experienced in sexual violence research to regularly evaluate the effectiveness of the school's sexual misconduct policies and practices—and publicly share significant aspects of the evaluation. All approaches without an existing evidence base should include an effort to evaluate them to demonstrate their effectiveness in preventing sexual misconduct.
  - ❖ Commit to adapting policies and programs on an ongoing basis, as identified through school administrators, the task force, other experts and community stakeholders, and the aforementioned independent monitoring and evaluation process, as appropriate.
  - ❖ Survey students who have been through the grievance process, whether as complainants or respondents, about their experiences with the process, and ask for their recommendations for making improvements.

## 6. Transparency

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<sup>17</sup> In addition to sexual assault, schools are required to collect data on intimate partner violence, dating violence, and stalking under the Clery Act. Schools must provide the data to the campus community in the Annual Security Report and to the Department of Education. More information is available in the Department of Education's regulations at 34 CFR 668.46 and in *The Handbook for Campus Safety and Security Reporting*, 2016 edition at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

- ❖ Have a campus-wide website focused exclusively on both school and local community resources for prevention and response to sexual misconduct, and ensure it is easily accessible.
- ❖ Publish, as appropriate, the findings from research and evaluations of sexual misconduct programs the school has offered and include this information on the school's website and in annual reports.
- ❖ Have policies and procedures on responding to sexual misconduct that are available in multiple formats and easy for students, employees, and the general public to access, including information that is formatted in compliance with the Americans with Disabilities Act (ADA).
- ❖ Provide information on the school's sexual misconduct policies and practices. This information should be accessible for the different audiences it is intended to serve (e.g., students of diverse backgrounds and languages, parents, faculty, administration, and staff).
- ❖ Make campus climate survey data and other relevant forms of aggregate data on sexual misconduct publicly available on the school's website, including the school's complete Annual Security Report (required by the Clery Act) on its website.