
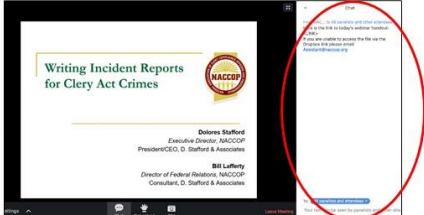


## Webinar Handout Instructions



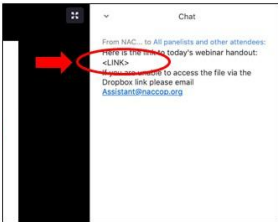
**#1**

Click the chat icon on the menu bar at the bottom of the Zoom window.



**#2**

The chat window will open on the right hand side of the screen.



**#3**

Click the hyperlink to the PDF handout that will be included in the chat box message.  
 If you don't immediately see the link it will be reposted periodically throughout the 30 minutes prior to the webinar start and the first 30 minutes after the webinar begins.

If you are unable to access the handout email [assistant@naccop.org](mailto:assistant@naccop.org). For more on the chat feature visit:  
<https://support.zoom.us/hc/en-us/articles/205761999-Webinar-Chat>

1

## Violence Against Women Act Policies and Educational Requirements Webinar



Presented by:  
**Adrienne Meador Murray**  
 Vice President, Equity Compliance & Civil Rights Services, DSA  
 Director of Training and Compliance Activities,  
 NACOP  
 2 hours  
 Webinar Series  
 May 1, 2025

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# Introduction



- Today's webinar is being conducted by the National Association of Clery Compliance Officers and Professionals (NACCOP).
- It is sponsored by D.Stafford & Associates.
- Once the webinar begins and throughout the presentation, you may submit questions by typing them into the question box (**Not chat**) in the panel to the right of your screen. We will review questions and ask as many as possible at the end of the webinar.
- Although we will not be recording this webinar, we sent out the presentation slides prior to the webinar for your reference.

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## Adrienne Meador Murray

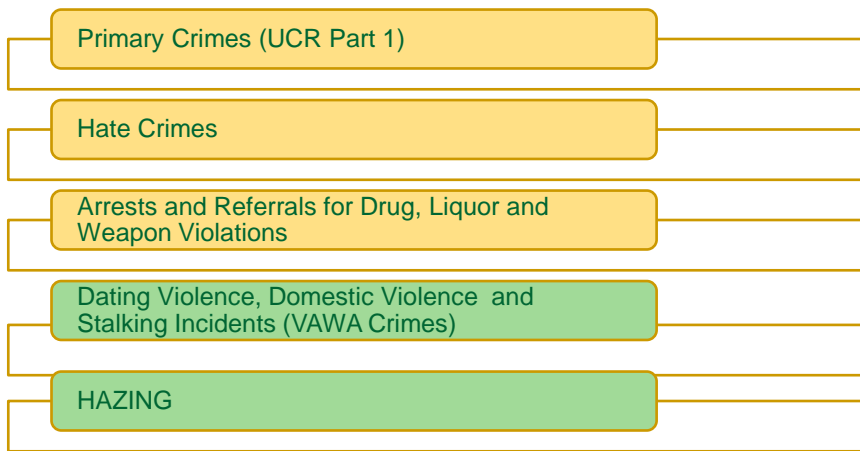


- Director of Training and Compliance Activities for NACCOP
- Vice President, Equity Compliance and Civil Rights Services for DSA
- 17-year law enforcement veteran
  - University of Richmond (Operations Lieutenant)
  - Davidson College (Chief of Police)
  - Trinity Washington University (Chief of Police)
- Author and lead instructor of DSA training programs, including:
  - Sex Crimes Investigations for Campus Police & Public Safety Officers
  - Title IX Coordinator/Investigator Training
  - Investigation of Domestic Violence, Dating Violence and Stalking for Campus Police, Public Safety and Civil Rights (Title IX/Conduct) Investigations
- Title IX, Title VI, and Title VII policy writer, trainer, investigator

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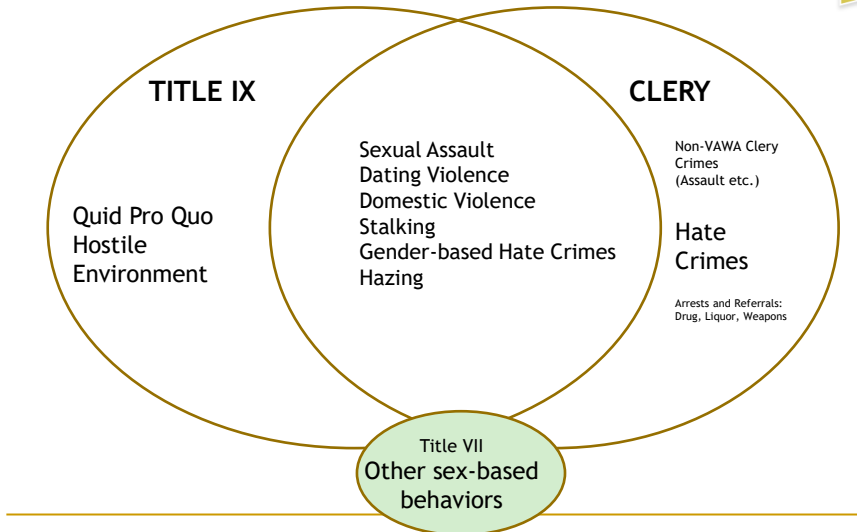
## Clery Act Crime Categories



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## Overlapping Conduct Violations



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## Title IX Specific Prohibited Conduct



Sexual Harassment	
<ul style="list-style-type: none"> <li>• Quid pro quo</li> <li>• Hostile Environment</li> </ul>	
Sexual Assault	
<ul style="list-style-type: none"> <li>• Rape (including sodomy, sexual assault with an object)</li> <li>• Fondling</li> </ul>	
Dating Violence	
Domestic Violence	
Stalking	

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## Definition of Sexual Harassment



*Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:*

*1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;*

*2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity;*

*3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).*

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## Domestic Violence



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 OR
- 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.

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## Dating Violence



Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- i. The existence of such a relationship shall be 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.
- ii. For the purposes of this definition—
  - A. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - B. Dating violence does not include acts covered under the definition of domestic violence.

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## Distinguishing Between Dating and Domestic Violence



Per the Help Desk:

- Domestic Violence is intended to include situations where the victim and perpetrator currently have, have had in the past, a relationship of a domestic nature. This means that they are currently or formerly married, have cohabitated as intimate partners, or have had an intimate relationship of similar domestic nature.
- Dating Violence is intended to include situations where the victim and perpetrator have, or have had, a social relationship of an intimate nature, but have not entered into a domestic relationship as described above. The most common example is a dating relationship where the two parties do not live together, have never been married, and do not share a child in common.



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## Stalking



Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

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

For the purposes of this definition—

- A. **Course of conduct** means two or more acts, including, but not limited to, acts 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.



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## Stalking



**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.

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## Sexual Assault



- The definition (from VAWA) of sexual assault.
  - *Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, A sex offense is **"any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."***

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## Sexual Assault



- *Rape: 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.*
- *Fondling: The touching of the private 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: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.*
- *Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.*

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## Standardized Definition of Hazing



- The term “hazing”, for purposes of reporting statistics on hazing incidents means; any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons), against another person or persons regardless of the willingness of such other person or persons to participate, that-
  - is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
  - causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including-

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## Physical or Psychological Injury



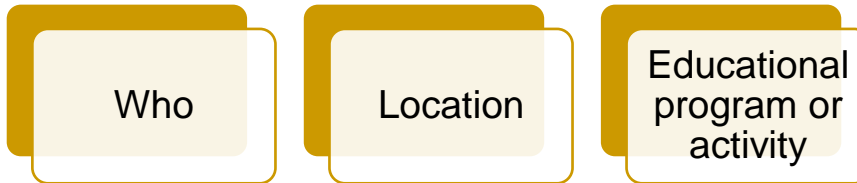
- whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity;
- causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- causing coercing, or otherwise inducing another person to perform sexual acts;
- any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- any activity against another person that includes a criminal violation of local, State, Tribal or Federal law; and
- any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

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## Title IX Applicability/Jurisdiction



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## Mandatory Dismissal



For it to be covered under Title IX,  
it must meet:

- Definitions
- Jurisdiction of person
- Jurisdiction of activity



If it does NOT meet these  
requirements...

- Mandatory dismissal
- Can go to a different resolution process

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## Likely outside of Title IX

### Title VII

- Hostile environment harassment below Title IX bar

### VAWA Requirements

- Non-Sex-based Stalking
- Domestic violence involving family member

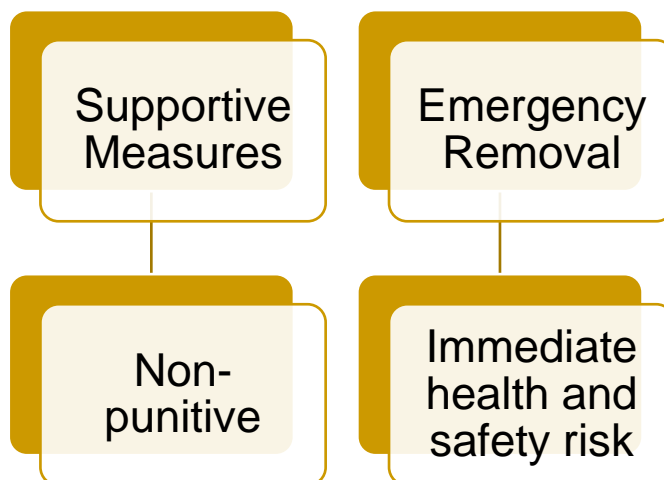
### Other Sex-based behaviors

- Gender-based discrimination
- *Sexual Exploitation*

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## Limitations on Interim Action



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## Advisors



Throughout  
investigation

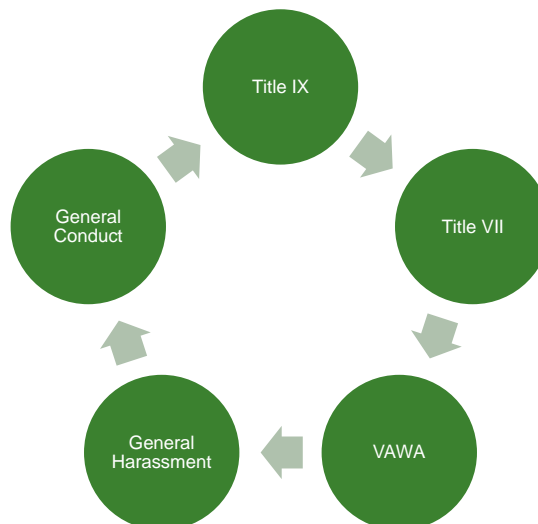


Role at  
hearing

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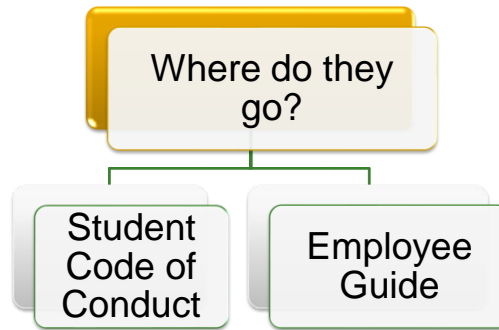
## Allegation Intersections



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## Non-Title IX Cases



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## VAWA PROCEDURAL REQUIREMENTS



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## Response Requirements for VAWA Offenses



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## Written Explanation of Student or Employee's Rights



(b)(11)(vii) “When a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options, as described in paragraphs (b)(11)(ii) through (vi) of this section. . . .”

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## Written Explanation of Rights and Options



1. **The importance of preserving evidence** that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order
  - ❑ Not required but recommended: Where to obtain forensic exams, contact info, does not require police report and can have exam now, decide later
2. **How and to whom the alleged offense should be reported**
  - ❑ List any person or organization that can assist the victim
  - ❑ Recommended: Also include community organizations

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## Written Explanation of Rights and Options



3. **Notification of the victim's option to**
  - 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; and
  - Decline to notify such authorities
4. **The rights of victims and the institution's responsibilities for**
  - orders of protection,
  - "no contact" orders,
  - restraining orders, or
  - similar lawful orders issued by a criminal, civil, tribal, or institutional

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## Written Explanation of Rights and Options



5. **To students AND employees about existing:**
  - ❑ Counseling
  - ❑ Health
  - ❑ Mental Health
  - ❑ Victim Advocacy
  - ❑ Legal Assistance
  - ❑ Visa and Immigration Assistance
  - ❑ Student Financial Aid
  - ❑ Other services available for victims
6. **Options for, available assistance in, and how to request changes to (if requested and reasonably available)**
  - ❑ Academic, Living, Transportation, Working



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## Written Explanation of Rights and Options



7. **Confidentiality**
  - ❑ Publicly available recordkeeping has no personally identifying information about the victim. (not required for respondent but best practice in most cases)
  - ❑ Accommodations and protective measures are confidential (to the extent they can be without impairing the ability to provide them)
8. **Disciplinary Procedures**
  - ❑ An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as required by paragraph (k)



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## Response to “Actual Knowledge”



### 2020 Title IX Regulations

- Contact the Complainant
- Offer and/or implement supportive measures
- Explain the process for filing a formal complaint

### Clery Act

- Written explanation of victim's rights and options including:
  - procedures to follow (preserve evidence, where report)
  - information about confidentiality
  - existing counseling, mental health, assistance etc.
  - access to law enforcement and no contacts etc.
  - changes to academic, living, transportation and working situations, institutional procedures
  - process for Institutional disciplinary process
- Assess for Timely Warning Notice OR Emergency Notification

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## Clery Requirements for Disciplinary Proceedings



- Anticipated timelines (“reasonably prompt”)
- Decision-making process
- How to and options for filing a school complaint (with contact info)
- How school determines which process to use
- Who makes decisions
- Include employee procedures
- Use procedures regardless of Clery geography

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## Advisors under Clery



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### Advisor Requirement

- Advisor - individual who provides support, guidance, or advice
- Do not limit the choice of advisor
- May restrict participation if apply equally
- Provide timely notice of meetings
- May form a pool of people
- Can remove a disruptive advisor
- Could allow them to serve as a proxy
- Don't have to delay for them (but encouraged to be reasonable)

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## Advisor Requirement



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## Standard of Evidence



- **2020 Title IX Regulations**
  - Either the preponderance of the evidence standard or the clear and convincing standard but must be the same for all sexual misconduct
- **Clery Act**
  - Any standard of evidence ... must include in policy
  - Would not prohibit using different standards for different groups



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## Informal Resolutions



### 2020 Title IX Regulations

- Can offer, but may not require
- Not allowed for “employee on student” sexual harassment
- Party may withdraw up to a point

### Clery Act

- Written information about procedures the institution will follow for VAWA offense (does not differentiate between formal vs informal)

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## Formal Complaint Rights



### 2020 Title IX Regulations

- Treat equitably with goal to restore/preserve access to education; due process for respondent;
- Include presumption of not responsible;
- Include any discipline for false statements
- reasonably prompt time-frames\*;
- Describe the range of sanctions;
- Describe range of supportive measures

### Clery Act

- Prompt, fair, and impartial investigation and resolution
- Anticipated timeframes
- List all possible sanctions for each offense (employees and students)
- Consistent with policy and transparent
- Not required to list all protective measures

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## Formal (Live Hearing)



### 2020 Title IX Regulations

- Requires live hearing with cross examination by advisor

### Clery Act

- Clery is silent regarding live hearing

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## Written Determination



### Title IX

Identification of the allegations	
Procedural steps taken from receipt through determination	
<ul style="list-style-type: none"> <li>• notifications to the parties</li> <li>• interviews with parties and witnesses</li> <li>• site visits</li> <li>• methods used to gather other evidence</li> <li>• hearings held</li> </ul>	
Findings of fact supporting the determination	
Conclusions regarding the application of code of conduct to the facts	
Result (responsibility, rationale, sanctions, remedies for each allegation)	
Appeals procedures	
When results become final (post appeal)	

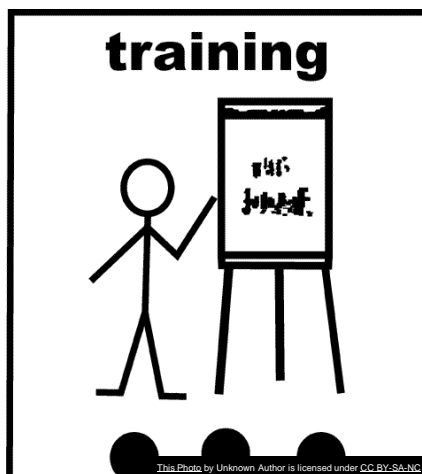
### Clery Act

- Result (include any sanctions and rationale for results and sanction)
- Appeals procedures
- Any change to the result
- When such results become final

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## Clery Requirements for Officials



- Training must be described in ASR
- Annual
- Should include (at a minimum):
  - Relevant evidence and how it should be used
  - Proper interview techniques
  - Basic procedural rules for conducting a proceeding
  - Avoiding actual/perceived conflicts
- Can be in person or electronic (webinar or video)

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## Bias Free and Training for “Officials”



### Title IX (“Title IX Personnel”)

- Annual training on
  - the issues related to dating violence, domestic violence, sexual assault and stalking and on
  - how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability

### Clery (“Officials”)

#### Training for all on...

- definition of sexual harassment in § 106.30
- the scope of the recipient’s education program or activity
- how to conduct an investigation and grievance process
- how to serve impartially, including by avoiding prejudice of the facts

#### Decision Makers

- training on any technology and on issues of relevance

#### Investigators

- relevance to create an investigative report that fairly summarizes

#### Training materials must not rely on sex stereotypes

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## Appeals



### 2020 Title IX Regulations

- Must offer both parties an appeal
- Based on specific grounds

### Clery Act

- Not required (but must provide notice if allowed along with appeal procedures)
- Simultaneous written decision describing result, sanction, any changes to the result, when it becomes final

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## Recordkeeping



### 2020 Title IX Regulations

- 7 years

### Clery Act

- Retain all records used in compiling ASR for three years from the latest publication of the report to which they apply (in effect 7 years)

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## VAWA Education Requirements



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## Education and Prevention under Clery



Annual training for conducting “officials” (Investigators, Adjudicators, Appeals)

Primary Prevention and Awareness Programs for all incoming students and new employees

Ongoing Prevention and Awareness Campaigns for ALL students and employees

CSA Training and “Super” CSA Training

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## Primary Prevention Best Practices



*“Programming, initiatives, and strategies intended to stop dating violence...stalking... before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in a health and safe directions.”*

- Not required that all students take or attend (but mandate encouraged)
- Must show “good faith effort” to reach them with “active notification”
- Format and timeframe encouraging maximum attendance
- Equally important to prevent perpetration as it is to prevent victimization

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## Primary Prevention & Awareness



*"The institution's primary prevention and awareness programs for all incoming students and new employees, which must include..."*



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- Statement prohibiting dating DVDVSAS
- Definitions of DVDVSAS
- Definition of consent
- Safe and positive options for bystander intervention;
- Information on risk reduction

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## Ongoing Prevention & Awareness



*"Ongoing prevention and awareness campaigns for students and employees...must provide the same information as the primary awareness and prevention programs"*



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- Deeper dives
- Sustained over time
- Promote services
- Range of strategies\audiences
  - Social media, email, posters, ads
  - Take Back the Night
  - Sports teams, Greek, dorms
  - Student fairs or campus events
  - DV program for supervisors

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## CSA Training (Recommendations, Not Requirements)



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- Role of a CSA
- Provide Reporting materials
  - Map of Clery geography
  - Definitions of Clery crimes
  - Forms for documenting and reporting
- Importance of documentation
- Need for timely reporting
- “Super CSAs?”
- Personally Identifiable Information

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## Questions ?



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## The 12<sup>th</sup> Annual NACCOP Conference



**July 16-18, 2025**



**Pre-Cons on July 15**  
**Post-Con July 18**



**Register at [www.naccop.org](http://www.naccop.org)**

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## ANNUAL NACCOP CLERY ACT AWARDS



- Deadline for nominations is June 1<sup>st</sup>.
- Consider nominating an outstanding colleague or institution for one or more of these awards.
- Self-nominations are permitted and encouraged.
- **You deserve credit for your Clery Compliance efforts this year!**

### **Award Categories**

Clery Compliance Officer of the Year  
Clery Compliance Program of the Year  
Most Improved Clery Compliance Program  
D. Stafford & Associates Excellence in Clery Compliance Award  
Title IX Partnership Award (New in 2024)

Submit nominations at: <https://www.naccop.org/awards>

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## 2025 NACCOP Webinar Series



NACCOP is excited to continue our webinar series which provides an overview of the foundational topics related to Clery Compliance activities. The NACCOP Webinar Series is updated annually to include the changes and updates to the requirements for complying with the Clery Act each year.

- **Each webinar begins at 2pm ET**
- Visit [www.naccop.org](http://www.naccop.org) and select "Trainings and Webinars" to register
- **FREE for NACCOP Members!**

#	Webinar Title		Webinar Date
1	Campus Security Authorities	90 minutes	January 30, 2025
2	Clery Geography	90 minutes	February 13, 2025
3	Classifying and Counting Crimes	2 hours	February 27, 2025
4	Drug, Liquor and Weapons Arrests and Referrals	2 hours	March 20, 2025
5	Annual Security Report Statements of Policy	90 minutes	April 3, 2025
6	Timely Warnings and Emergency Notifications	90 minutes	April 17, 2025
7	Violence Against Women Act	2 hours	May 1, 2025
8	Daily Crime Log and Fire Log	75 minutes	May 15, 2025
9	Fire Safety Disclosures and Missing Persons	75 minutes	June 5, 2025
10	Preparing for a U.S. Department of Education Program Review	90 minutes	June 12, 2025
0	Developing a Clery Compliance Committee	75 minutes	November 6, 2025

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## FREE MEMBER-ONLY WEBINARS IN 2025



Date	Webinar Title
February 11, 2025	NACCOP Federal Relations
March 19, 2025	Learn more about the Clery Compliance Officer Certification Program <b>(also free to non-members)</b>
March 27, 2025	Q&A with Department of Education
April 8, 2025	NACCOP News Webinar
May 7, 2025	Beyond the Handbook: Recent Developments in Clery Act Compliance
September 9, 2025	NACCOP Federal Relations
September 10, 2025	Learn more about the Clery Compliance Officer Certification Program <b>(also free to non-members)</b>
October 9, 2025	Q&A with Department of Education
October 28, 2025	NACCOP News Webinar
November 12, 2025	Beyond the Handbook: Recent Developments in Clery Act Compliance

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# 2025 INDIVIDUAL CLERY ACT WEBINARS



Each webinar begins at 2pm ET

Date	Webinar Title
April 9, 2025	Classifying Stalking Offenses for Clery Act Purposes
April 23, 2025	Classifying Domestic and Dating Violence Offenses for Clery Act Purposes
May 14, 2025	Conducting a Clery-Compliant Test of the Emergency Response and Evacuation Procedures
August 6, 2025	PART 1: Before Pressing Send: Strategies for Reviewing and Distributing your Annual Security/Fire Safety Report(s) by October 1, 2025
August 20, 2025	PART 2: Before Closing the Clery Year: Are your tasks completed and is your documentation demonstrating compliance for 2024-2025 Clery Year filed?

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## Comprehensive, Integrated Clery Act Modules

MODULES	TIER 1	TIER 2	TIER 3
Task Manager ⓘ	✓	✓	✓
Clery Geography ⓘ	✓	✓	✓
Local Law Enforcement ⓘ	✓	✓	✓
CSAs ⓘ	✗	✓	✓
Incident Reports ⓘ	✗	✓	✓
Crime Statistics ⓘ	✗	✓	✓
Daily Crime Log ⓘ	✗	✗	✓
Alerts ⓘ	✗	✗	✓

- Visit [www.getcleryedge.com](http://www.getcleryedge.com) to view a detailed description of each module and to sign up for a demo

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