

# Student Affairs Today

Best Practices and Strategies for Student Affairs Professionals

VOLUME 16, ISSUE 6

SEPTEMBER 2013

## SNAPSHOTS

### NEWS

Provide more support to parents, pregnant students; raise awareness about identity theft; warn students of hoaxes; and more. **Page 2**

### RESOURCES

Comical e-card gives safe drinking tips; book addresses needs of online learners; and more. **Page 7**

### YOU BE THE JUDGE

Was student dismissed due to an official's fears? See if you can guess how the court ruled in this month's highlighted legal case. **Page 8**

### LAW & CAMPUS

**Direct threat:** Student's rap lyrics don't qualify as terrorism. **Page 9**

**Due process:** Student claims she wasn't given due process. **Page 10**

**Campus safety:** University not liable for student's injuries after an on-campus party. **Page 11**



## COVER STORY

### Learn new requirements reauthorization of VAWA imposes

In reauthorizing the Violence Against Women Act this spring, legislators also approved the Campus Sexual Violence Elimination Act.

This legislation, better known as the Campus SaVE Act, requires institutions to promote more transparency, accountability and education in addressing violence against women on campus.

A recent webinar explained the impact the act will have on higher education. It was sponsored by The School and College Organization for Prevention Educators, the NCHERM Group, LLC, and the Association of Title IX Administrators.

In addition to creating grants to combat violent campus crime, the law substantially amends the Clery Act and codifies some aspects of an April 2011 "Dear Colleague Letter" issued by the Department of Education. **Full story, see pages 4–5.**

#### Timing important

When must you implement compliance efforts at your institution? See what the panelists say. **See page 5.**

## HIGHLIGHTS

### Consider 5 ways to boost your student affairs budget

Check out ideas for cutting costs and bringing in more revenue while still offering high-quality programs and services. **Page 3**

### Offer 24/7 online support, training for busy students

See how Black Hawk College provided more online services to support its busy students plus taught them how to use critical technology. **Page 6**

### Manage effectively when you have too much to do

Follow our time management expert's tips for dealing with distractions and interruptions while still accomplishing what you need to do. **Page 7**

### Help staff members embrace vision, changes

Diane Anderson, Western Michigan University's VP of student affairs/dean of students, explains how to involve staff in updating your strategic plan. **Page 12**

## Learn how to comply with VAWA reauthorization

Legislation modifying the Clery Act places more requirements on institutions when it comes to addressing violence against women on campus. It's the result of the reauthorization of the Violence Against Women Act and approval of the Campus Sexual Violence Elimination Act, better known as the Campus SaVE Act.

Since its passage in 1994, the VAWA increased reporting of domestic and dating violence, sexual assault and stalking. It also helped curb rates of intimate partner violence.

The reauthorization, signed into law on March 7, aims to extend those effects to higher education communities through the Campus SaVE Act, said Brett A. Sokolow during a webinar on how to implement the law's requirements.

He's president/CEO of NCHERM Group, LLC, and executive director of the Association of Title IX Administrators.

Sokolow's co-presenters were Daniel C. Swinton, NCHERM's senior executive vice president; John Wesley Lowery, a department chair and associate professor of student affairs at Indiana University of Pennsylvania; and Michelle N. Issadore, the executive director of The School and College Organization for Prevention Educators.

The following is a run-down on the new law and how institutions must respond:

➤ **New reporting categories.** Institutions must include new hate crime categories in their annual security reports. Under "categories of prejudice, actual or perceived," national origin and gender identity must be added to race, gender, religion, sexual orientation, ethnicity and disability. Plus,

domestic violence, dating violence and stalking are now also included in this group.

➤ **Key definitions.** The definition of "forcible sex offenses" has been expanded to include "any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent."

"Nonforcible sex offenses" are defined as "unlawful, nonforcible sexual intercourse."

The definition of "domestic violence," for Clery Act reporting, has also changed.

It's now any felony or misdemeanor crime committed by a current or former spouse of the victim; a person the victim has a child with; an individual who lives, or has lived, with the victim as a spouse, or a person similarly situated to a spouse; and any other person committing an act "against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction."

The term "dating violence" means violence committed by a person who is, or has been, in a relationship — of a social, romantic or intimate nature — with a victim. The existence of such a relationship is to be determined by the length and type of relationship and the frequency of interaction.

"Stalking" is now defined as engaging in conduct directed at an individual that would cause any reasonable person to fear for her safety or that of others, or that inflicts emotional distress.

➤ **Prevention programs.** Institutions must engage in greater prevention efforts, plus include information about those efforts in their annual security reports. A policy statement on their programs to prevent domestic violence, sexual assault and stalking is required. Officials must also list prevention and awareness programs for all incoming students and employees in their reports.

And they must include a statement that their institutions prohibit domestic and dating violence, sexual assault and stalking. Each of those acts must be explained according to their definitions in the applicable jurisdiction.

The law makes bystander intervention a necessary part of prevention and awareness programs for all incoming students so they can prevent harm or intervene in cases of domestic or dating violence, sexual assault and stalking. Plus, those programs must include information to help students and others recognize the warning signs of abusive behavior.

### Need more issues of *Student Affairs Today*?

Quantity subscriptions for *Student Affairs Today* are available at a discount. Contact Customer Service at (888) 378-2537 or by email at [jbsubs@wiley.com](mailto:jbsubs@wiley.com).

Number of subscriptions	Discount	Price of each subscription
1–4	0%	\$ 225.00
5–9	30%	\$ 157.50
10–29	35%	\$ 146.25
30–49	40%	\$ 135.00
50–99	50%	\$ 112.50
100–249	60%	\$ 90.00
250+	70%	\$ 67.50

➤ **Response procedures.** Institutions must include the procedures they will follow to respond to incidents of domestic or dating violence, sexual assault or stalking in their ASRs. Those procedures must provide prompt, fair and impartial investigations and resolutions.

More specifically, both the accused and accuser are entitled to have a support person or advisor of their choice at any campus proceedings. Also, both parties must be simultaneously informed in writing of outcomes of any proceedings, procedures for appealing decisions, any changes occurring before decisions are reached, and dates when results of proceedings become final.

Further, the “standard of evidence” to be used during institutional proceedings arising from reports of domestic or dating violence, sexual assault or stalking must be included in the ASR. And disciplinary procedures must be carried out by officials who receive annual training on those types of cases and on how to conduct investigations and hearing processes in ways that protect the safety of victims and promote accountability.

➤ **Victims’ services.** ASRs must include procedures that victims should follow, as well as information about the importance of preserving evidence to prove a crime or obtain a restraining order. They must state the individual or unit to which those incidents should be reported. Plus, they must state that if the victim so wishes, campus officials can help in notifying local police.

Security reports should also contain information about existing resources available to victims, including counseling, victim advocacy and legal assistance, both on and off campus. And they

## Implement compliance efforts right away

The Campus Sexual Violence Elimination Act contains a laundry list of requirements for institutions. But it doesn’t clearly explain when institutions must be in full compliance with the law.

However, Brett A. Sokolow, president and CEO of the NCHERM Group, LLC, and other presenters of a recent webinar, explained that amendments to institutions’ annual security reports will take effect next spring, or a year after the law’s enactment. Still, the practical application for the 2014–15 academic year is unclear, they noted.

Despite that, they agreed that institutions can avoid trouble by demonstrating that they’re making a “good-faith effort” to comply. And those efforts should start immediately, they said.

Meanwhile, they recommended campus leaders remain on the lookout for the possibility of guidance coming from the attorney general, the Department of Health and Human Services, and the Department of Education. The Campus SaVE Act establishes collaboration between those agencies to collect and disseminate sound practices for preventing and responding to the types of crimes covered in the act. ■

should explain available options and assistance to victims in changing their academic, living, transportation and working situations, regardless of whether victims choose to report incidents to campus or local police.

ASRs must explain the rights of victims and institutional responsibilities when it comes to orders of protection and similar lawful orders issued by a court. Plus, they must have a statement about how victims’ confidentiality will be protected, including how publicly available recordkeeping will be done without identifying victims, and how timely warnings to the campus community will withhold victims’ names.

Institutions must further provide any students or employees who report being victims of the crimes covered in the law with a written explanation of their rights and options, regardless of where the incidents occurred.

Finally, ASRs must make it clear that no one “shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights and responsibilities” under this law. ■

## Want *Student Affairs Today* on your iPhone or iPad?

Now you can receive *Student Affairs Today* directly on your iPhone or iPad!

The Jossey-Bass Newsletters Mobile Reader is a free application available from iTunes that allows current subscribers to download and read issues on their iPhones or iPads, while still receiving them in hard copy or PDF.

Bookmark and archive favorite articles, and search quickly through issues by keywords or terms. Receiving the service requires a one-time verification of your subscription.

For more information or to order, call (888) 378-2537 or visit [www.studentaffairstodaynewsletter.com](http://www.studentaffairstodaynewsletter.com). ■