

Sexual Misconduct, Education Abroad and Title IX/Clery Act

The Forum on Education Abroad Standards Committee Title IX/Clery Act Working Group

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A Note from the Working Group Chair, Jodi Malmgren

The Forum Standards Committee charged the working group to create a resource to help the education abroad field understand U.S. federal law with regard to sexual misconduct in the context of the Clery Act and Title IX legislation and evolving federal guidance. Working group members represent two- and four-year U.S. institutions, providers, and international universities; our document deliberately addresses all of these types of institutions. The resource follows the style of The Forum *Standards* by offering bullet points and queries for members to prevent, respond to, and report sexual misconduct abroad. It includes an overview of the law, definitions, resource links, and two supplementary reports. We are indebted to the expertise provided by the many individuals who read and responded to our early drafts and offered helpful feedback. We hope that colleagues will continue to contribute to and strengthen this resource.

Overview and Audience

U.S. federal laws create specific obligations for U.S. colleges and universities regarding the prevention, reporting, and response to campus **sexual misconduct**.¹ This resource aims to assist [The Forum on Education Abroad](#) (Forum) member institutions to understand U.S. federal law with regard to **sexual misconduct**. State law in the United States and international laws are outside the scope of this document.

Forum member institutions have differing obligations with regard to U.S. federal law:

- U.S. **home institutions** are required to comply with the law and to implement best practices to prevent, report, and respond to **sexual misconduct**.² This resource may assist U.S. institutions to meet their legal and institutional policy obligations, and to educate their education abroad partners about their expectations.
- U.S. **program providers** not based at a U.S. institution, but who primarily serve students from U.S. sending institutions, have no legal obligation to comply with these laws. This resource may assist **providers** to implement institutional practices that support their U.S. sending institutions ability to comply.
- **Host institutions** and **program providers based outside the U.S.** are not bound to comply with these laws unless they participate in U.S. federal financial aid programs.³ This resource may assist international **host institutions** and **providers** to understand the U.S. legal context, to implement institutional practices to support U.S. **home institution** partners and students, and to convey their own legal and institutional obligations.
- Other Forum member institutions (e.g., insurance companies) may have no obligations under the law and are not the primary audience of this document, but are encouraged to use it to better understand U.S. federal law regarding **sexual misconduct** and to review their own institutional policies and procedures to assist their fellow Forum member institutions where possible.

All Forum member institutions can endeavor to understand the U.S. legal environment and to educate their partners about their own legal and policy frameworks. An effective response to the evolving expectations around **sexual misconduct** prevention, reporting, and response will require constructive dialogue among all members of the education abroad field. Further, all Forum members can benefit from understanding the best practices related to the prevention,

¹ All terms in **bold** are included in the Definitions section of the document, following Section 6.

² When a U.S. **home institution** makes arrangements with a **program provider/host institution** to serve its students, 34 CFR 106.31(d) of Title IX requires the U.S. institution to “develop and implement a procedure designed to assure itself that the ... sponsor... takes no action ... which this part would prohibit such recipient from taking.”

³ The U.S. legal framework of Title VII, Title IX, the Clery Act, and VAWA (described in more detail in Section 1) is met with countervailing expectations under international laws, and U.S. **home institutional** policies may contrast with those established by the **host institution**. In particular, expectations of **confidentiality** and duty of care differ substantially from country to country and institution to institution.

reporting, and response to **sexual misconduct**, even where not required by the laws, because these practices educate and support students studying abroad.

Section 1: Understanding the Law

The U.S. Legal Context

U.S. federal laws create specific obligations for U.S. colleges and universities regarding the prevention, reporting, and response to campus **sexual misconduct**:

- [Title VII of the Civil Rights Act of 1964](#) (Title VII),
- [Title IX of the Education Amendments of 1972](#) (Title IX),
- [The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990](#) (the Clery Act), and
 - [The Violence Against Women Reauthorization Act](#) (VAWA), signed in 2014, amended and expanded certain requirements of the Clery Act as they relate to sexual violence.

This Forum resource focuses on **sexual misconduct** in higher education where Title IX and Clery/VAWA legislation overlaps. There are areas of both Title IX and Clery that are outside the scope of this resource. For purposes of this document, “**sexual misconduct**” is defined to include:

- Under Title IX
 - Sexual harassment including sexual assault and violence that are, at a minimum, violations of state or Federal criminal law, but are also violations of students’ and employees’ civil rights and violations of the institution’s code of conduct and employee handbooks.
 - Verbal, nonverbal, and physical acts of a sexual nature that are unwelcome and create a hostile environment on campus. Examples include but are not limited to sexist jokes, gender harassment, flashing, groping, catcalls, rape, relationship-based violence, stalking, quid pro quo sexual harassment, and revenge porn.
- Under the Clery Act as amended by VAWA
 - Sexual Assault (examples include but may not be limited to rape, fondling, incest, and statutory rape),
 - Domestic violence, dating violence, and stalking.

Clery Act requirements with regard to **sexual misconduct** are to have policies, procedures and training related to the Clery-type sexual crimes and to report incidents of these specific types of **sexual misconduct** that occur on certain types of property. In a Clery Annual Report⁴, incidents are reported publicly by crime, property type and year. Only *numbers* are provided.

⁴ See a report template on pages 9-5 and 9-6 of the [Clery handbook](#) (2014) and note that the Clery Annual Report can also be in narrative or descriptive format. Also, note the very specific definitions for Clery type crimes and properties in the [law](#).

Title IX requirements for **sexual misconduct** are much broader than Clery Act requirements and include **sexual misconduct** outside of the Clery-type crimes (see definition of **sexual misconduct** above). The reach of Title IX is not limited by property type but instead applies to any **sexual misconduct** that creates a hostile environment on campus.⁵ Title IX does not require a public Annual Report but does require internal instructional reporting with student name(s) attached.⁶

The Education Abroad Context

The law, at present, does not specifically address the management of a Title IX incident on a university-sponsored activity abroad. Limited official guidance is available on the Clery Act obligations on education abroad.⁷ Yet, U.S. students are now aggressively educated on their rights and responsibilities at home regarding **sexual misconduct**; students maintain these expectations when they go abroad. Further, many campuses extend their policies on **sexual misconduct** to their education abroad programs, even where not necessarily required by law to do so, especially in relation to providing support to a **reporting individual**. How a particular U.S. college or university interprets its Title IX and Clery Act obligations, and how those obligations play out in education abroad at that institution, is highly dependent on institutional context and the legal and cultural frameworks in locations abroad.

In recognition of the variety of approaches U.S. college campuses are taking to comply with the requirements under both Title IX and the Clery Act (as amended by VAWA), this resource avoids a prescriptive approach to legal compliance and does not indicate how to comply with Title IX and Clery.⁸ Instead, it presents suggested best practices and queries for Forum members to provide a framework inside which each organization can define, communicate and put into practice its own approach. Education abroad professionals should be mindful of the scope of their professional expertise and work in partnership with Title IX and Clery Act experts and with legal counsel.

International Law

This document does not review laws outside of the U.S. that may overlap or conflict with Title IX and the Clery Act. However, it is important to note that neither law has jurisdiction over non-U.S. institutions that do not participate in U.S. financial aid programs. Thus, recommendations

⁵ Note that many campuses have trained their staff to report all cases of **sexual misconduct**, including any that have a *potential* to create a hostile environment on campus to the appropriate campus authorities so that a decision can be made as to whether the conduct creates an *actual* hostile environment on campus.

⁶ For more information on the recent history, specific requirements under both Title IX and the Clery Act please see Supplement 1: Recent History of Title IX and the Clery Act as Amended by VAWA.

⁷ The Office for Civil Rights (OCR) has taken the position that Section 504, with the same jurisdictional scope of Title IX, does not apply abroad.

⁸ OCR, in a complaint against Arizona State (no. 08012047) took the position that VAWA does apply abroad.

for non-U.S. institutions throughout the document should be read within the context of each institution's own legal structure and requirements.

Section 2: Pre-Compliance

To develop effective policies and procedures with regard to **sexual misconduct** abroad, **home institutions** may first need to create mechanisms to document participation in international experiences, engage with their on-campus experts and stakeholders, identify individuals who will need specialized training, alert participants to their rights and responsibilities, and begin a dialogue with receiving partners.

U.S. Home Institutions:

- Create mechanisms to know when any student – graduate or undergraduate, degree-seeking or non-degree seeking – is traveling abroad under university sponsorship, whether on an education abroad program or any other international experience (e.g., independent research, internship). Document the location, housing, dates, partners, and other details for each international experience.
- Identify all faculty and staff who accompany students abroad in the course of their institutional employment.
- Engage with on-campus stakeholders, (e.g., legal counsel, Title IX coordinator, student life administrators) to create institutional policy and procedure for **sexual misconduct** abroad.⁹
- Rely on Title IX experts on campus to determine who is a **responsible employee** or **mandatory reporter** required to disclose reports of **sexual misconduct** to the **Title IX Coordinator**.
- Ask the Clery Coordinator whether or not you operate, administer or sponsor education abroad programs that fall under Clery reporting requirements. Determine who is a **campus security authority (CSA)** who is responsible to collect and share certain incident data with campus police.¹⁰
- Identify individuals who might be in a position to receive a disclosure of **sexual misconduct** and deem them **first responders**.
- Develop standard reporting language and format.
- Consult with Title IX experts about the campus approach to bystander training and discuss how it will be modified to the international context.
- Note: **Non-residential institutions** that provide or manage housing *only* for programs abroad must consider how a residential component may impact **sexual misconduct**

⁹ Ongoing dialogue helps on-campus stakeholders understand the unique challenges and context of education abroad programs and ensures that education abroad office language, policies, and processes align with the campus **sexual misconduct** policy (shaped by Title IX and Clery). Small or one-person education abroad offices may need even more support from their on-campus colleagues.

¹⁰ Note this data does not include personally identifiable information.

cases and determine how to respond to allegations in which both the **reporting individual** and **respondent** are resident in institutionally-controlled housing. It may be of value to consult with colleagues at residential institutions regarding residential-life-specific policies and procedures related to **sexual misconduct**.

- Identify **program providers** and **host institutions** with whom you will need to begin a dialogue regarding sexual misconduct abroad.

Queries:

1. How do you document international activities of all faculty, staff, and students?
2. Is your education abroad staff connected with on-campus experts in Title IX, the Clery Act, and/or student affairs?
3. What are your policies and procedures for **sexual misconduct** abroad? How are **sexual misconduct** incidents reported and in what format?
4. Have you identified individuals who may be called upon to respond to or report **sexual misconduct**?
5. Have you identified your **program provider** and **host institution** partners to begin a dialogue regarding **sexual misconduct**?

Section 3: Affiliations and Partnerships

Education abroad relies on institutional partnerships to be successful. In the context of **sexual misconduct**, it is recommended that **home institutions** consult legal counsel and the Clery Act and Title IX experts when developing policies and procedures and/or when establishing **affiliation agreements** or contracts that codify expectations with **program providers** and/or **host institutions** (partners).¹¹

Host institutions and **program providers** can seek to understand U.S. **home institution** concerns and requests relating to their **sexual misconduct** policies and convey their own cultural, institutional, and legal contexts. It is important to recognize that U.S. partners may be struggling to formulate their institutional response to these relatively new legal expectations; expectations may well evolve over the next few years as legal obligations in an international context become further established.

¹¹ U.S. institutions involved in partnerships or consortia with other U.S. institutions should consider how the issues and queries below might apply to them both as a home (sending) institution, and as a **provider/host (receiving) institution**, depending on the partner/consortia arrangements.

Home Institutions:

- Establish clear definitions of **sexual misconduct** in dialogue with partners and in contract negotiations.
- Convey institutional policies and legal obligations under Title IX and the Clery Act with regard to **sexual misconduct** abroad to partners.
- Facilitate open discussions with partners about the potential cultural, organizational, and legal issues related to incidents of **sexual misconduct** in the host country and how these issues may affect policies and procedures, educational programming for faculty and staff, and guidance provided to students.
- Establish clear expectations with partners on response, reporting, investigation¹² and adjudication of any incidents of **sexual misconduct** involving their students.
- Define whether partner faculty/staff are considered **responsible employees** or **confidential resources**.
- Work with partners to define student rights when reporting **sexual misconduct** with regard to **confidentiality** and reporting to the home institution.
- Ensure appropriate educational programming for partner staff and faculty on response and reporting of **sexual misconduct**.

Work with partners to conduct a “gap analysis” to identify conflicts between legal obligations and institutional policy with regard to **confidentiality** and duty of care. If gaps cannot be resolved to both parties satisfaction, each will need to consider if the partnership is viable.

Queries (for **home institutions**):

1. Have you defined **sexual misconduct** and conveyed to your partners your institutional expectations and legal obligations with regard to **sexual misconduct**?
2. Have you learned from your partners about their institutional policy and host country legal and cultural contexts?
3. Have you set clear expectations with partners for response, reporting, investigation and adjudication of any incidents of **sexual misconduct** involving students?
4. Have you identified partner **responsible employees** or **confidential resources**?
5. How do you ensure that students are informed of policies and procedures?
6. How do you ensure that staff and faculty are properly trained on support and reporting requirements?
7. How do you identify conflicts between home and host country legal obligations and institutional policy with regard to **sexual misconduct** and/or **confidentiality**?

Program Providers and Host Institutions:

- Create institutional policies and procedures for response to **sexual misconduct**.

¹² For more information on Distance Title IX investigation, please see the supplementary document on pages 27-29.

- Set clear expectations with partner **home institutions** on how to handle response, reporting, investigation and adjudication of any incidents of **sexual misconduct** and any limitations due to institutional and legal issues in the host country.
- Work with **home institutions** to conduct a “gap analysis” to identify conflicts between legal contexts and institutional policies. Acknowledge expectations and limitations on communications to maintain **confidentiality** of student incidents in accordance with local laws and institutional policies. If gaps cannot be resolved to both parties satisfaction, each will need to consider if the partnership is viable.
- Define whether faculty/staff are considered **responsible employees** or **confidential resources**.
- Ensure appropriate educational programming for staff and faculty for agreed-upon criteria for reporting and response.

Queries (for **program providers** and **host institutions**):

1. What are your **sexual misconduct** policies and procedures?
2. Have you set clear expectations with **home institutions** on how reporting, **reporting individual** support, investigation, and adjudication of any incidents of **sexual misconduct** involving their students will be handled? How are incidents reported and in what format?
3. What are the limitations or restrictions on reporting to the **home institution**, due to **confidentiality** laws in the countries where you are operating and due to institutional policies?
4. How do you determine if someone at your organization can be considered a **responsible employee** for reporting or a **confidential resource** for a **home institution** student?
5. How do you ensure that staff and faculty are properly trained on support and reporting requirements?
6. Consider how the above queries would apply in cases where you are a member of a consortium or partnership of U.S. institutions, and receive/enroll students from another U.S. institution on programs sponsored/managed by your institution. What are your expectations of your U.S. institutional partners vis-à-vis Title IX incidents involving one of their students enrolling on a program sponsored by your institution, and their expectations of you?

Section 4: Student Advising and Orientation

Advising and orientation are a collaborative effort among sending **home institutions** and receiving **program providers** and/or **host institutions**. Pre-departure and on-site advising and orientation should explain students’ rights under the institutional **sexual misconduct** policies and address the context(s) in which such rights, responsibilities, or resources may be limited or differ from the on-campus Title IX environment. Information about rights, resources, and

response for both **reporting individuals** and **respondents** should be provided both verbally and in writing.

Home institutions:

- Work with the Title IX Coordinator to develop a resource for education abroad participants that informs students of their **sexual misconduct** rights and responsibilities.¹³
- Convey to students that cultural, institutional, and legal norms and procedures for responding to incidents of **sexual misconduct** will vary from the U.S. context while abroad in their host country, while certain rights remain intact under your institution’s **sexual misconduct** policy.
 - American Citizens Services (ACS) staff at U.S. embassies or consulates can provide assistance in understanding how **sexual misconduct** is managed by local law enforcement and treated in the law.
 - Members of the **Overseas Security Advisory Council**, a division of the Bureau of Diplomatic Security in the U.S. Department of State, can also contact a Research and Information Support Analyst for assistance in identifying local resources or to liaise with the nearest embassy or consulate.
 - In addition to ACS employees, local faculty and staff are excellent resources in helping to navigate the pros and cons of reporting **sexual misconduct** to local law enforcement.
- Offer students pre-departure orientation that prepares them for the risks¹⁴ of **sexual misconduct** in their host country and offers guidance on how to minimize these risks.
 - Ask Title IX experts and former participants to assist in materials development. If there are faculty or staff with applicable expertise, such as in gender studies or with a long history of their own travel to diverse locations where these risks are present, invite them to be a part of this process.
- Make students aware of **confidential resources**¹⁵ that are available in the U.S. in case of **sexual misconduct**.

¹³ If the institution lacks the capacity to develop such a resource from scratch, consider adding relevant international content to existing information developed for students on campus.

¹⁴ Share information about specific locations that posed risk to students in the past. For example, “based on an act of **sexual misconduct** two years ago, there are CCTV cameras in the lobby to make it clear that anyone who enters our facilities will have their identity recorded.”

¹⁵ Students may report an assault that occurred at home. In this case, the same response mechanism would apply and focus on providing the student any requested medical or mental health services as well as access to university officials on the home campus should they wish to have the perpetrator held accountable. Sometimes, students don’t want to talk about **sexual misconduct** abroad until they return to campus. Many institutions even offer specific services to support **reporting individuals** through Student Affairs, Campus Health Services, or a Women’s Center. A detailed description of services is usually available on their websites.

- Phone 24/7 crisis hotlines in your community to gauge willingness or ability to respond to overseas inquiries. Offer to train employees on **sexual misconduct** that occurs in the education abroad setting.
- See the Links section for international organizations that provide resources for survivors of **sexual misconduct**.
- Explain how response, reporting, investigation and adjudication of any incidents of **sexual misconduct** are handled by the **home institution**.

Queries (for **home institutions**):

1. How does your organization ensure that students are informed of their rights and responsibilities under your **sexual misconduct** policies?
2. How do you convey the differing cultural, institutional, and legal contexts abroad?
3. How is information regarding the risks of **sexual misconduct** incorporated into your pre-departure information?
4. How does your student advising process ensure that students are informed of **confidential resources** and of the institutional process for reporting, investigating, and adjudicating incidents of **sexual misconduct**?

Host Institutions and Program Providers:

- Offer students on-site orientation that prepares them for the risks of **sexual misconduct** in the host country and offers guidance on how to minimize these risks.
- Help students to understand, in advance of (and, as appropriate, again in the event of) an incident disclosure, the cultural norms around dating and sexuality and legal definitions of **sexual misconduct** in the host country.
- Make students aware of **confidential resources** in the host program location, should they require support but not wish to file a complaint.
- Explain how response, reporting, investigation, and adjudication of any incidents of **sexual misconduct** are handled, including communication with the student's **home institution** and/or emergency contact.
- Alert students who don't want parents to know about the incident that insurance claims may automatically go to a parent's home address for medical/psychological services administered abroad.

Queries (for **host institutions** and **program providers**):

1. How does your on-site orientation present information about the risks of **sexual misconduct**, advise students about how to minimize those risks, and provide students with context for the cultural norms¹⁶ and legal definitions related to dating, sexuality, and **sexual misconduct**?

¹⁶ Commonly, education abroad participants raise questions about certain behaviors as they relate to sexual misconduct and the host culture (e.g., catcalling). Following such a conversation, if a student feels they have experienced harmful conduct, then the behavior should be reported under established sexual misconduct reporting procedures and the student should be provided support resources, even if such behavior is common in

2. How does your student advising process ensure that students are informed of **confidential resources** available to them, and of the institutional process for reporting, investigating, and adjudicating incidents of **sexual misconduct** – including policies regarding communication with the student’s **home institution** and emergency contact?

Section 5: First-Responder Educational Programming for Faculty and Staff Abroad

U.S. institutions, providers, or host institutions are urged to develop effective policies, educational programming, and protocols for **sexual misconduct** incident first response.

U.S. Home Institutions:

- Rely on Title IX, Clery and student service experts on campus to develop educational programs and materials specific to education abroad **sexual misconduct first responders**.
- Adapt protocols that address the role and breadth of responsibility of the individual being trained as a responder. Title IX experts can help education abroad faculty and staff understand their responsibilities and their professional limits. For example, it is never advised to engage in a counseling role when one is neither trained nor licensed to do so.
- Define and communicate the institutional understanding of **privacy**. Through training, institutions can help **first responders** understand the contexts in which they must report **sexual misconduct** incidents and to whom. Materials can be developed to provide language a **first responder** can use to explain this responsibility to report as well as to interrupt the disclosure and re-direct a student to **confidential resources** if the student does not want the report recorded by the institution.
- Emphasize that the most important role of a faculty or staff member who receives a disclosure is to take the matter seriously, help the **reporting individual** understand his/her options, and report as required to the Title IX Coordinator. Institutions can model appropriate responses to a disclosure of **sexual misconduct** and provide language that conveys compassion, empathy and support. Helping someone know what to say as well as what NOT to say, is equally useful.
- Consider identifying deputy **Title IX coordinators** for programs with a permanent overseas presence. Permanent, full-time, on-site staff may have a greater role in providing first response and ongoing service to the **reporting individual**, particularly if they are classified as a deputy **Title IX coordinator**. He or she may draft and distribute the Title IX letter, explain institutional procedures related to a formal complaint, and/or assist with an investigation, etc. Education abroad programs with no permanent on-site staff should develop a process to rely on **home institution** Title IX staff.

the cultural context. While the local resource person should strive to help the participant understand typical behavior in the culture, he or she should also recognize that different students will respond differently to the same behavior, take care to validate the student’s response, and err on the side of reporting and support.

Home Institutions, in collaboration with any on-site staff, **Host Institutions** or **Program Providers**, should

- Learn about the risk culture for **sexual misconduct** and resources for assistance in the host country.
- Help faculty and staff to gain familiarity with cultural, institutional and legal issues related to dealing with incidents of **sexual misconduct** and the protection of the rights of **reporting individuals** and **respondents**, including the U.S. embassy and consular services. Evaluate whether it would be appropriate to include local police.
- Develop a medical management plan in concert with the institution's international medical assistance and insurance **provider** that is survivor-centric. Pre-identify medical facilities that specialize in responding to sexual assault and culturally sensitive counseling resources.
- Identify, in advance of need, a variety of resources, in person or in print, to offer support to a **reporting individual**. Some examples include local resources, such as victims support programs, host campus resources, recommendations from your medical or security assistance **provider**, the nearest U.S. embassy or consulate, and trusted colleagues.

Host Institutions or **Program Providers**

- Discuss **sexual misconduct** policy requirements with U.S. **home institution** partners in order to understand their requirements, to what extent you can or cannot support their requirements, and where there may be conflicts between the school's policy and your local/national laws and regulatory frameworks.
- Develop educational programming for staff who interact with U.S. students that addresses reporting and **first responder** issues, and particularly addresses any differences that may exist between local policy and U.S. student expectations around issues such as private vs. confidential supports, referring students to confidential supports, and legal/law enforcement and/or medical/counseling referral options and requirements.
- Develop educational programming about how to accept a disclosure from a student, and how to let students know if their **home institution** will be notified in case of disclosure.
- Have a protocol in place to separate a **reporting individual** from the **respondent** (e.g., adjustments to respondent housing or class schedule) as needed and to the degree possible in the context of local laws and institutional policies. The protocol should also address other interim measures or supports that may be necessary for one or both parties (e.g., extension of assignment deadlines, postponement of exams, modifications to travel requirements).

Queries:

1. What protocols does your institution have in place for identifying and supporting **first responders**?

2. What are your faculty and staff roles (e.g., **first responder**, deputy **Title IX coordinator**, **confidential resource**, **mandatory reporter**)? Have you tailored and offered **first responder** educational programming for these individuals within the scope of their responsibilities?
3. Does your institution have a medical management and counseling services plan for sexual assault and have you identified relevant resources in the host country for treatment and support?
4. Do **home institution** and **host institution** educational programs align with one another?
5. What protocols exist for separating a **reporting individual** from the **respondent** while the incident is under investigation?

Section 6: Communicating Policies and Procedures

A key element in responding to sexual misconduct abroad is transparently communicating policies and procedures to parents/families and the broader public.

Prior to an incident, **Home institutions**, **Host Institutions** or **Program Providers** should:

- Inform the public, including parents and other community members, how the organization handles response, reporting, investigation and adjudication of any incidents of **sexual misconduct** on their website.
- Include information on the web and in conversations with interested parties and the public about **FERPA/HIPAA** and/or other applicable local/national **privacy** laws¹⁷ regarding limitations on communications about specific student incidents and efforts to maintain student **privacy**.
- Include information on the web and in conversations with interested parties and the public about how students identify their emergency contact(s), the organization's emergency contact notification process and insurance benefits for **reporting individuals**.
- Explain that the cultural, institutional, and legal issues related to dealing with incidents of **sexual misconduct** vary greatly from country to country and that these issues may have an impact on local aspects of response, reporting, investigation and adjudication of any incidents of **sexual misconduct**.

As an incident is under investigation, **Home institutions**, **Host Institutions** and **Program Providers** should:

¹⁷ Note that **FERPA**, **HIPAA**, and state **privacy** laws do not inherently conflict with an institution's requirements under Title IX and Clery. Clery doesn't include the names of impacted individuals in any public reporting so **privacy** is built in. Title IX has no public reporting requirements and offers a **respondent** both **confidential** and **non-confidential** options. Though Title IX requires some individuals to report specific information about a student, these reports are *within* the institution and thus would fall under the **FERPA** allowance for internal institutional communication with those who *need to know*. Where a state law is implicated, as a general rule, federal laws (including Title IX and Clery) would supersede the state law. Consult your legal counsel with specific questions about the overlap of these laws and how to comply.

- Communicate only with the student(s) involved, those expressly permitted by the student, and essential support and reporting personnel.
- Share process and resource information only (i.e., no specifics of the incident) when communicating with anyone other than the **reporting individual** and/or **respondent**
- Establish a point person for any external communication (e.g., responses to press inquiries).
- Commit, as possible within institutional policy and legal frameworks, to informing sending institutions of events that impact their students in a timely manner.
- Follow best practices within local legal contexts of issuing **timely warnings** to the student body in general about any threat in their community.¹⁸

Queries

1. How are your organization's **sexual misconduct** policies (for response, reporting, investigation, adjudication, and communication) conveyed to external constituents?
2. How does your organization convey communication policies with regard to **confidentiality** and privacy to external constituents?
3. Does your website include information on insurance benefits and other resources pertaining to **sexual misconduct** incidents?
4. How do you ensure that faculty and staff are trained to understand the organization's communication policies and limits with regard to **confidentiality**, **privacy**, and U.S. or host country legal restrictions?
5. How does your organization collect emergency contact information from participants and communicate with emergency contacts if an incident has occurred?
6. What are your organization's policies for how **timely warnings** are written and issued? How are those policies applicable (or not applicable) in the local legal and cultural context abroad?

¹⁸ **Timely Warnings** are not issued when the perpetrator is in custody. Warnings should be crafted in a manner that shows sensitivity to the **reporting individual**. Campus police or security make great effort to craft appropriate messages; contact them for guidance.

Definitions¹⁹

Affiliation Agreement - Arrangement, usually in writing, between a **home institution and an education abroad provider** or **host institution**. The affiliation may take many forms. Examples range from a loose relationship giving the **provider's** programs a higher profile on the home campus, to relationships outlining very specific responsibilities and privileges on both parts, to formal membership in a consortium.

Campus Security Authority* [Clery Act]: A college or university officer who has significant responsibility for student and campus activities, is a member of the campus police or security department, or has been designated by the institution in its campus security policy as an individual to which students and employees should report criminal offenses and/or sexual harassment. (Note: Most campuses have several CSAs, and they collect incident reports for the units or divisions that they oversee, including international programs. A faculty leader for a short-term program may be considered a CSA. A permanent resident director may also be a CSA. Institutions that provide extensive international opportunities should consider designating an employee to work with the Clery Coordinator to develop an efficient process for international compliance).

Confidentiality: A set of rules or ethics, often expressed in the form of a promise, which restricts or limits disclosures of certain types of information.

Confidential Resource* [Office for Civil Rights April 2014 Q&A]: A resource that is not obligated to report information that is given to them. This allows the client to explore his or her options in a non-pressure environment in order to make informed decisions. The only exceptions to this rule are in cases that involve imminent risk of serious harm, emergent hospitalization, or a court order. While specific information may be kept confidential, these incidents may be counted for statistical purposes, as per the [Clery Act](#). (See [source](#).) Each campus will identify, by policy, which staff members are confidential resources but examples may include counselors, clergy, the ombudsman, sexual violence center staff, or women's center staff.

FERPA/HIPAA: The Family Educational Rights and privacy Act ([FERPA](#)) protects the privacy of student educational records and the Health Insurance Portability and Accountability Act ([HIPAA](#)) protects the **privacy** of health records.

First Responder: In the Title IX context, the first person to receive a disclosure of **sexual misconduct** and to provide or aid in the delivery of assistance.

Home Institution (or Home School) - The educational institution in the U.S. where an education abroad student is a continuing student, usually working toward the completion of a degree.

Host Institution (or Host School) – The institution that the education abroad student attends while abroad.

¹⁹ Definitions marked with an asterisk are taken from external legal sources such as legislation, Department of Education memos, etc., with the source(s) of the definition noted in brackets. Definitions not marked with an asterisk are from [The Forum's Glossary](#), or were developed by the working group for the purposes of this document.

Non-confidential resource*: A resource person, identified by University policy, who is required to report incidents/violations and take legal, disciplinary or other action accordingly. (See [source](#).)

Non-residential institution: In this context, a U.S. college or university that does not provide any institutionally-owned or institutionally-managed housing for students.

Overseas Security Advisory Council: (OSAC) it is a division of the Bureau of Diplomatic Security in the U.S. Department of State to provide security information sharing for U.S.-based entities with operations or individuals [traveling] abroad. While each constituent organization can have only one point-of-contact (POC), this individual can confer membership on an unlimited number of participants within their organization. OSAC shares information in a variety of ways, including twice daily emails summarizing security incidents worldwide and upcoming OSAC-sponsored events or informational products. Members can also contact a Research and Information Support Center (RISC) regional analyst to discuss specific safety or security concerns. OSAC also sponsors a number of regional and sector-specific listservs, such as the AWG, which facilitates collaboration, networking and benchmarking on safety, security and health issues regarding college or university-sponsored international travel. For more information about OSAC, including instructions on how to join, visit their [website](#).

Privacy: A person's right to control access to his or her personal information.

Program Provider (or simply **Provider**) – An institution or organization that offers education abroad program services to students from a variety of institutions. A program provider may be a college or university, a nonprofit organization, a for-profit business, or a consortium.

Reporting Individual: In this context, the person who claims to be the victim of **sexual misconduct** and reports the crime to the police or officials responsible for investigating the crime.

Respondent: In this context, the person alleged to be the perpetrator of **sexual misconduct**.

Responsible Employee* [Office for Civil Rights April 2014 Q&A] (Note: Some institutions may instead use the term **mandatory reporter**): Any employee who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. As a result, faculty and staff considered **responsible employees** must also be instructed on how to respond to the disclosure of a sexual assault, and in particular, where to refer **reporting individuals** for support services, including medical care. These instructions must also include techniques to help the employee interrupt a disclosure and allow the student to be re-directed to a **confidential resource** if the **reporting individual** does not wish to involve the institution in the recovery process.

Sexual Misconduct: “Sexual Misconduct” is frequently used as an umbrella term used by colleges and universities in relation to Title IX. For purposes of this document, “sexual misconduct” will be used broadly to include:

- Title IX
 - Sexual harassment including sexual assault and violence that are at minimum, violations of state or Federal criminal law, but are also violations of students’ and

employees' civil rights and violations of the institution's code of conduct and employee handbooks.

- Involves verbal, nonverbal and physical acts of a sexual nature that are unwelcome and create a hostile environment on campus. Examples include but are not limited to sexist jokes, gender harassment, flashing, groping, catcalls, rape, relationship-based violence, stalking, and revenge porn.
- Clery
 - Sexual Assault (examples include but may not be limited to rape, fondling, incest, and statutory rape),
 - domestic violence,
 - dating violence, and stalking.

Timely Warning: The Clery Act includes a provision for different types of emergency notifications based on the type and severity of threats to members of the community. Certain Clery reportable threats – such as a homicide, sex offense or robbery where the perpetrator is at large – trigger a Timely Warning. Other types of emergency notifications have broader parameters, such as the outbreak of an infectious disease, impending severe weather, or planned fire drills. Such notifications can be broad-based or tailored to specific populations.

Title IX (or Deputy Title IX) Coordinator: A Title IX Coordinator oversees an institution's compliance with Title IX, including coordinating the investigation of and response to sex discrimination complaints, responding to inquiries concerning Title IX, tracking incidents and trends involving **sexual misconduct**, coordinating equity in athletics compliance, publicizing institutional policies, and providing training on preventing sex discrimination, sexual harassment, and sexual violence. Larger institutions may have one or more Deputy Title IX Coordinators or Title IX Liaisons who provide similar services to distinct populations, such as athletes, international students, graduate students, study abroad participants, etc. Such individuals are not considered a confidential source of support.

Title IX investigator: A college or university employee charged with assisting in the resolution of complaints involving **sexual misconduct**, sexual harassment, gender-related violence, including stalking and intimate partner violence and protected class discrimination and harassment involving undergraduate and graduate students. (See [source](#).)

Additional Resources for Definitions:

Washington Coalition of Sexual Assault Programs
<http://www.wcsap.org/glossary-legal-terms>

Minnesota Coalition Against Sexual Assault
<http://mncasa.org/glossary-of-terms>

Duhaime's Law Dictionary
<http://www.duhaime.org/LegalDictionary.aspx>

Resources and Links

Bystander Intervention Trainings

Bringing In the Bystander

<http://cola.unh.edu/prevention-innovations-research-center/bringing-bystander%C2%AE-person-prevention-program>

Every Choice

<http://www.every-choice-bystander.com/>

Mentors in Violence Prevention

<http://www.mvpnational.org/>

STEP UP!

<http://stepupprogram.org/>

<https://www.youtube.com/watch?v=iUj2OHLAG3w>

Where Do You Stand?

<http://www.mencanstoprape.org/Strength-Media-Portfolio/preview-of-new-bystander-intervention-campaign.html>

Education Abroad Title IX Resources

The Forum on Education Abroad Standards Toolbox

<https://forumea.org/resources/standards-of-good-practice/>

NAFSA Supporting Study Abroad Resources

http://www.nafsa.org/Find_Resources/Supporting_Study_Abroad/

Risk management Considerations Regarding the Clery Act, VAWA and Title IX When Students Study Abroad in URMIA Government and Regulatory Affairs BLAST

https://higherlogicdownload.s3.amazonaws.com/URMIA/9c74ddba-4acc-4dcd-ba3a-d6cd4c945342/UploadedImages/documents/grac/GRABlast_Clery_Act_VAWA_TitleIX_20160124.pdf

Legislation Links

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (“Clery Act”)

<http://www.gpo.gov/fdsys/pkg/STATUTE-104/pdf/STATUTE-104-Pg2381.pdf>

The Handbook for Campus Safety and Security Reporting: 2016 Edition

<https://www2.ed.gov/admins/lead/safety/handbook.pdf>

The Violence Against Women Reauthorization Act (“VAWA”), signed in 2014, amended and expanded certain requirements of the Clery Act as they relate to sexual violence.

<https://www.govtrack.us/congress/bills/113/s47/text>

Title VII of the Civil Rights Act of 1964 (“Title VII”).

<http://www.eeoc.gov/laws/statutes/titlevii.cfm>

Title IX of the Education Amendments of 1972 (“Title IX”),

<http://www.justice.gov/crt/about/cor/coord/titleixstat.php>

Media Resources/Articles

Cosmopolitan magazine

<http://www.cosmopolitan.com/politics/news/a33996/sexual-assault-abroad/>

Go Overseas

<http://www.gooverseas.com/blog/sexual-harassment-and-study-abroad>

Professional Organizations

Association of Title IX Administrators

<https://atixa.org/>

National Association of College and University Attorneys (NACUA) Title IX Training

<http://www.nacua.org/>

http://www.nacua.org/onlinecourses/title_ix_coordinator_training_2014/index.asp

University Risk Management and Insurance Association (URMIA)

<http://www.urmia.org/home>

Resources for Information, Help, and Support

International Directory of Domestic Violence Agencies

<http://www.hotpeachpages.net/>

It Happened To Alexa

<http://ithappenedtoalexa.org/>

Know Your IX

<http://knowyourix.org/title-ix/title-ix-the-basics/>

Not Alone: Together Against Sexual Assault

<https://www.notalone.gov/>

Overseas Security Advisory Council

<https://www.osac.gov/Pages/Home.aspx>

Rape, Abuse, and Incest National Network

<https://rainn.org/>

Sexual Assault Support and Help for Americans Abroad

<https://sashaa.org/>

U.S. Department of State Bureau of Consular Affairs

<https://travel.state.gov/content/travel/en.html>

U.S. Department of State Resources for U.S. citizen victims of crime abroad

<https://travel.state.gov/content/passports/en/emergencies/victims.html>

U.S. Embassies and Consulates Abroad

<http://www.usembassy.gov/>

Title IX University Resources

Appalachian State University, Resource Guide for Responding to Sexual Assault

<http://sexualassault.appstate.edu/sites/sexualassault.appstate.edu/files/University-Resource-Guide.doc>

California Polytechnic, San Luis Obispo Faculty Handbook for Cal Poly Global Programs

http://www.international.calpoly.edu/files/travel/faculty_handbook_2015.pdfC

City University of New York, Title IX Compliance Guidelines for CUNY Employees Traveling Abroad with Students

<http://www1.cuny.edu/sites/title-ix/wp-content/uploads/sites/2/page-assets/resources/Title-IX-Abroad-Employee-Guide.pdf>

Northwestern University Information and Options for Survivors of Sexual Misconduct Abroad

<http://www.northwestern.edu/studyabroad/guide/health-and-safety/emergencies/information-and-options-for-survivors-of-sexual-misconduct-abroad.html>

St. Olaf College Title IX: Be Safe Studying Off-Campus

<http://wp.stolaf.edu/title-ix/be-safe-when-studying-off-campus/>

University of Minnesota International Resources for Sexual Assault and Harassment

<http://global.umn.edu/travel/assault/index.html#!/>

Supplement 1: Recent History of Title IX and the Clery Act/VAWA Legislation

Sexual misconduct is a serious issue on US college campuses; reported incidents do not represent the entirety of the problem. Widely accepted statistics indicate that 1 in 4 to 5 U.S. college women are survivors of sexual assault or attempted sexual assault.²⁰ Over the last several years, increasing public scrutiny – by the media, by advocacy organizations, by **reporting individuals** and their families – has focused on the way in which U.S. colleges and universities respond to campus **sexual misconduct**, including what kind of prevention and educational programs they provide for employees and students; what kind of data is made publicly available about incidents of campus **sexual misconduct**; how institutions respond to and handle accusations and disciplinary procedures related to campus **sexual misconduct**; and what kinds of support and resources are provided to survivors of campus **sexual misconduct**.

In **April 2011**, the U.S. Department of Education’s Office for Civil Rights (OCR) issued a “[Dear Colleague Letter](#)” addressing the Title IX implications of campus **sexual misconduct**. While the “Dear Colleague Letter” is not law, it gives insights into what OCR will consider when investigating an institution, which will include a review of training, compliance, reporting, and procedures relating to campus **sexual misconduct**. An OCR investigation that results in a negative judgment against a college or university can, in theory, result in the loss of federal funding. However, instead OCR usually negotiates a Voluntary Resolution Agreement with the institution.

In **March 2014**, the [Violence Against Women Reauthorization](#) Act (“VAWA”), including changes to the Clery Act, was signed into law. The VAWA amendments added, among other things, domestic violence, dating violence and stalking to the list of Clery crime types, which already included sexual assault.

In **April 2014**, two additional resources were released. First, OCR published an additional guidance document, “[Questions and Answers on Sexual Violence](#).” Then, additional suggestions were released in the White House Task Force “[Not Alone](#)” document. Neither has the force of law but the OCR document tells us what OCR might be looking for in a review and the White House documents tells us the Obama administration’s approach on the issues.

On **May 1, 2014**, the U.S. Department of Education's Office for Civil Rights (OCR) released [a list of the higher education institutions under investigation](#) for possible violations of federal law over the handling of sexual violence and harassment complaints.

In **September 2014**, the White House Task Force updated the “[Not alone](#)” website with their suggestions, which again, have no force of law. The following month, in **October 2014**, the Department of Education released [final regulations](#) regarding the obligations of colleges and universities under the Clery Act amendments.

²⁰ The National Institute of Justice, 2001.

Legal Definitions and Requirements of the Law: the Clery Act

The purpose of the VAWA amendments, as stated by the preamble to the law, is “to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.” VAWA expanded Clery crime reporting requirements in three key ways:

1. Annual Security Report
 - Domestic violence, dating violence and stalking are now added to the list of Clery reportable crimes and
 - National origin and gender identity are added to the existing Clery hate crime prejudice categories.
2. Sexual Violence Policy and Procedure Requirements
3. Sexual Violence Prevention and Training Requirements

The requirements for policy, procedure and training are too large and detailed for the scope of this document. However, notably, the law requires that both the **reporting individual** and **respondent** be notified, in writing, of specific options and processes. For example, a **reporting individual** must be given the option to notify law enforcement, receive campus assistance in notifying law enforcement or to decline to notify law enforcement. Similarly, the law requires that **respondents** understand their options and that the University process provide for fairness and due process protections.

In regards to training, the law now requires both primary and ongoing prevention and awareness programs for new students and new employees. Training must address bystander intervention and “risk reduction to recognize warning signs... and avoid potential attacks.”

The Clery Act is enforced by the Clery Compliance Division of the Department of Education. Each violation carries the possible of a \$35,000 fine and because this multiplies by the number of violations identified, six figure fines are routine in the Clery space.

Legal Definitions and Requirements of the Law: Title IX

Title IX protects students, employees and the public from sex related discrimination under any education program or activity receiving Federal financial assistance. Title IX protections are broader than Clery and protect from any **sexual misconduct** including sexual harassment, sexual assault and any verbal, nonverbal or physical acts of a sexual nature that are unwelcome and create a hostile environment on campus.

Title IX requires that institutions have a process for resolving complaints of **sexual misconduct** that includes prompt steps to stop the harassment, prevent its reoccurrence, remedy the effect and prevent retaliation. As part of this process, each campus must identify a Title IX Coordinator who will oversee the institutional compliance with the law. The institution must also define who is a **responsible employee** on their campus and assure that all **responsible employees** immediately notify the Title IX Coordinator if they become aware of a possible Title

IX violation. The Title IX Coordinator then has additional very specific steps they must assure are taken by the institution including informing the **reporting individual** in writing about available supports and services, the grievance procedure on campus, and available interim remedies before an investigation or hearing takes place.

Title IX is enforced by the Office for Civil Rights (OCR) of the Department of Education and an audit is triggered by a complaint filed directly with OCR. Enforcement options include the loss of an institution's federal financial aid program, however, generally Voluntary Resolution Agreements are negotiated in which the institution agrees to make changes and improvements to address violations. OCR has very aggressively been enforcing Title IX in recent years. Notably, Title IX also grants a private right of action so an individual can bring a suit against their institution directly and seek damages for failing to comply with Title IX.

Context for the Changes and the U.S. Higher Education Community's Reaction

Many higher education professionals in the U.S. have voiced concerns about possible unintended consequences of the law and guidance, including potential impacts on student **confidentiality**, due process for the **respondent**, and the fiscal burden created by reporting and training expectations.

At the same time, there is a broad understanding of, and support for, the goals of these changes and amendments to the law – namely, to create a more survivor-centered reporting and response process, to ensure that survivors of campus **sexual misconduct** have access to resources and support, and ultimately to reduce incidence of **sexual misconduct** on campus. While there are many competing statistics regarding the amount of campus **sexual misconduct**, the reality is that many of our students are survivors of **sexual misconduct**.

- 1 in 4 to 5 U.S. college women experience sexual assault or attempted sexual assault. (The National Institute of Justice, 2001)
- 90% of college rape survivors know their attacker. (The National Institute of Justice, 2001)
- Women ages 20-24 are at the greatest risk for domestic violence. Overall, 1 in 4 women will experience domestic violence in her lifetime. (Safe Haven 2012)
- 52% of U.S. college women report knowing a friend who has experienced violent and abusive dating behaviors. (College Dating Violence and Abuse Poll, 2011)
- The highest risk of stalking is seen in ages 18-24 (the Stalking Resource Center)

It is fair to say that many if not most colleges and universities in the U.S. take these issues very seriously and are currently engaged in efforts to determine how best to balance compliance with the law, meeting the resource needs created by the law, and supporting **reporting individuals**. Notably, education abroad adds a complicating factor on top of an already complicated situation on U.S. college campuses. In addition to all the risk factors on U.S. college campuses, students abroad face language barriers and cultural barriers, and may make decisions and take actions abroad that they might not take while at home.

On the other hand, recent lawsuits and news reports have also illustrated the interest of the **respondent** in sexual violence cases, who feel they have been wronged by a University conduct system focused more on supporting the **reporting individual** than protecting the rights of the **respondent**.²¹ Thus, it is important that we are all thoughtful about efforts to both prevent and respond to incidents of **sexual misconduct** not only where required to do so under law, but also because it is in the best interest of our students.

²¹ See, for example: “Accused College Rapists Have Rights, Too,” <https://newrepublic.com/article/119778/college-sexual-assault-rules-trample-rights-accused-campus-rapists>

Supplement 2: Title IX Distance Investigations

If campus-based investigations of Title IX complaints are considered complicated, it is even more so abroad. A **home institution** Title IX investigation abroad is separate from investigation by local law enforcement or the **host institution**, if applicable, and is limited by the level of ownership or control the institution has over the learning environment. Beyond **home institution sexual misconduct** policies, local laws and/or **host institution** policies also govern the **reporting individual's** and **respondent's** rights, adding to the legal complexity. Further, there may be circumstances where it might not be possible, or necessary, for an investigation to take place on-site. Where a program is relatively short or the misconduct occurs toward the end of the program, it might be that most or all of the investigation and/or hearing happen when the student(s) return to the **home institution**.

Most U.S. colleges and universities have limited or no experience formally investigating a claim of sexual assault abroad, and should not proceed without engaging with the right individuals and resources. Distance investigations are extremely complicated, but must be carried out with the same degree of accountability and professionalism as if they were occurring on campus. **Home institutions** should review the scope of the **campus security authority** staff responsibilities and degree of training to determine if they may be able to assist with some aspects of the process and also consider carefully the role of education abroad faculty or staff in Title IX investigations. **Home institutions** can either employ or contract with trained Title IX investigators.

The following questions are designed to help **home institutions** consider, in advance of need, what to expect from a Title IX distance investigation and how to adapt institutional policies for a distance investigation.

Evidence Collection and Analysis

The interplay between local law enforcement, campus security, and/or private security (if applicable) is complicated. Every effort should be made to determine each party's role and responsibilities in the event of a Title IX investigation, particularly when it comes to the collection of evidence.

A Sexual Assault Nurse Examiner (SANE) is a registered nurse who has received special training so that s/he can provide comprehensive care to sexual assault **reporting individuals** within the U.S. context. In addition, s/he is able to conduct a forensic exam and may provide expert testimony if a case goes to trial. However, SANE nurses, or their equivalent, are often not available abroad. Each country has its own laws and regulations surrounding the collection of evidence and may mandate that only a government certified clinician be permitted to collect evidence and have it be legally admissible in court.

- Will the institution take into possession evidence that is not being processed by law enforcement agencies (e.g., because of **reporting individual** unwillingness to proceed criminally)? How will all evidence be stored, transferred, and documented?
- Will the institution take evidence that must be obtained through computer forensic analysis?
- Who will process the data? How will it be stored? How will it be shared? What forensic evidence is admissible?
- Will the institution allow polygraph test/results from **respondent** or **reporting individual**? Or other professional evidence? Physician's testimony on nature and extent of injuries. If so will the institution allow the opposite party to present evidence to the contrary in the results?
- Does the institution require taping of proceedings or statements? Will the institution allow taping of the proceedings by **reporting individual**, **respondent**, or witnesses?
- Will evidence not uncovered by investigation be allowed to be submitted by either **respondent** or **reporting individual** during hearing?
- In the event of a trial, will the student require legal representation and if so who will be responsible for those costs?

Translators (if applicable)

- Will the institution provide translators for the witnesses, **reporting individual**, or **respondent**? If not, who will provide the translators?
- Will the translator count as the advisor?
- How will the translator be credentialed?
- How will documentary evidence be translated for the report?
- Will **respondent** or **reporting individual** be able to provide conflicting translations?
- Will translators be allowed during hearing?

Distance Interviews

- Does the institution allow for remote interview technologies (Skype, telephone) in the investigation? Note: some countries do not allow Skype.
- How will you credential witnesses to ensure equitable interviews and investigations and to know who you're interviewing is the person they say they are?
- What are your institution's alternatives? Will your institution conduct a similar investigation and hearing process for distance investigations? Or will your institutions only provide accommodations for distance Title IX incidents?

Timeframe

- Does your institution follow an investigatory timeline?
- Will your institution make exceptions or accommodations to that timeline for distance investigations? Is it included within your institutional policies?

Hearing Panel

- Will you allow distance communications in your hearings and appeals for **respondents**, **reporting individuals**, and witnesses?
- Once the investigatory report is completed, will supplemental reports be allowed or generated after finalization prior to the hearing? For example, if witnesses who did not

respond to request for comments are available after finalization of report and become available for hearing process.

Redaction

- Who will have the authority to redact the finalized report?
- What is the institution's process for redaction?

Information Sharing

- How will sensitive information (evidence), which cannot be emailed, be provided to hearing panel members, **respondents**, and **reporting individuals**?
- How will control be kept over such documentation by the institution?
- Who will have authority to redact evidence? Do the institutional policies allow for this?
- What if one or both of those involved are not enrolled at/affiliated with the institution outside of the program abroad? What mechanisms are in place to share information/resources with another U.S. university if there is one involved in the picture?