
Faculty Led Education Abroad: The Risks That Accompany the Rewards (and How to Address Those Risks)

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Session agenda

Introductions

Ultra-Brief Overview Clery, Title IX, VAWA

Overview of NYU Faculty Training

Case Study

Questions

Introductions

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Ultra-Brief Overview of Clery, Title IX, VAWA

Let's imagine the following scenario...out of the country and off the grid

Ultra-Brief Overview of Clery, Title IX, VAWA

- Clery in Brief
- Crime and safety policy reporting, three years of statistics of certain crimes and incidents, as well as other allied requirements such as timely warnings, emergency notifications, missing persons policies, etc.
- Initially passed in 1990 as Crime Awareness & Campus Security Act; amended in 1992, 1998 (renamed for Jeanne Clery), 2000, 2008, 2013 & ???

Ultra-Brief Overview of Clery, Title IX, VAWA

- Four Geographic Locations
 - On Campus
 - On Campus Residential
 - Public Property (adjacent to and accessible from)
 - Non-Campus
- “Campus Security Authority” distinction

Clery cares about where crimes occur, not who the victim or assailant is...
but what of Title IX?

Brief Overview of Clery, Title IX, VAWA

- **Title IX**
 - “Prompt and effective response to complaints of sex discrimination, including sexual violence.”
- **Not based on geography, based on *who*.**
- **“Responsible Employee” distinction**
- **Clery and Title IX look *backwards*, VAWA looks *backward & forward*:**
 - Training requirements
 - Reporting requirements

Ultra-Brief Overview of Clery, Title IX, VAWA

- A chain is only as strong as its weakest link.
- For the college to do the right thing, we need to know of the incidents that occur. We need faculty to do the right thing.
- Faculty cannot handle reports “in house.”
 - Disservice to victim and accused
 - Violates Federal (and sometimes state) law

Extra-Territorial Applications of these U.S. Laws

- Conflicts where local law overrides or conflicts with U.S. expectations
 - VAWA tells us we need to inform student of law enforcement options
 - What if it's not a crime in that country?
 - What if reporting to the police puts the student at risk for arrest, even as the survivor?
- What do initial remedies really look like abroad?
- Local privacy laws that may impact data sharing ability

A model - NYU

- Responsible Employees AND Campus Security Authorities when taking students abroad
- Departmental-based approach (train the trainer)
- Pair with presentations about responding to disruptive students
- Resource and liaison relationships with local site staff and central office in NYC

Sexual Assault scenario

While in Morocco, a group of 12 students and the faculty advisor travel forty miles outside of the nearest town. The group sets up camp the night before an important archeological dig to begin the next morning. Late that night a student approaches the professor to say she was sexually assaulted by a fellow student on the trip. The result...

At your tables:

1. Discuss if your faculty leaders are currently prepared to deal with this situation
2. What are your campus policies?
3. Make a list of your 5 most pressing questions in addressing Clery, Title IX and VAWA

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Ask the Experts

Fun fact

Or something to keep you up at night...

THE CHRONICLE OF HIGHER EDUCATION

February 3, 2015

What Obama's 2016 Budget Means for Higher Ed

By Paul Basken, Brock Read, Madeline Will, and
Washington

A move to bolster Title IX enforcement.

The budget leaves little doubt that curtailing campus sexual assault is among the president's top higher-ed priorities. He's seeking a 31-percent increase in funding for the Education Department's Office for Civil Rights, which is charged with enforcing Title IX rules that require colleges to investigate and resolve complaints of sexual misconduct.

Program and Financing (in millions of dollars)			
Identification code 091-0700-0-1-751	2014 actual	2015 est.	2016 est.
0001 Obligations by program activity:			
Civil rights	98	100	131

With that budget boost, the office would hire 210 new full-time staff members, increasing its ranks from 544 to 754—a number that might be better equipped to handle the more than 90 investigations that are currently open. That is just part of the ramping up—and professionalization—of what is becoming an entire industry that investigates and oversees sexual-assault complaints. —B.R.

Resources

- United Educators: Title IX and Beyond: FAQs on Federal Laws and Guidance Regarding Campus Sexual Violence www.EduRiskSolutions.org
- What Obama's Budget Means for Higher Ed <http://chronicle.com/article/What-Obamas-2016-Budget-Means/151595/>
- SUNY Clery and Title IX Procedure for International Programs <http://system.suny.edu/media/suny/content-assets/documents/compliance/international/SUNY-Clery-Policy-for-Council-on-International-Programs-FINAL.pdf>
- SUNY Crime and Incident Reporting Guidelines for CSAs and Responsible Employees <http://system.suny.edu/media/suny/content-assets/documents/compliance/Crime-and-Incident-Reporting-Guidelines-for-CSAs-and-Responsible-Employees-FINAL.pdf>
- NYU Sexual Misconduct, Relationship Violence and Stalking Policy <http://www.nyu.edu/life/safety-health-wellness/sexual-respect/sexual-misconduct-relationship-violence-and-stalking-policy.html>
- NACUA Note: The Clery Act and Overseas/Distance Study: New Developments and Compliance Guidance <http://apps.forumea.org/documents/TheCleryActandOverseasDistanceStudyNewDevelopmentsandComplianceGuidanceNACUA.pdf>
- Brief Analysis of the Violence Against Women Act (VAWA) and Changes to the Clery Act & Title IX Compliance <http://www.nacua.org/documents/VAWASummary.pdf>

More resources

- The Loop, article on consent <http://www.theloop.ca/this-woman-just-explained-consent-with-the-most-perfect-metaphor/>
- *Who Are You?* Video about sexual assault, and how students can look out for each other <https://www.youtube.com/watch?v=iUj2OHLAg3w&feature=kp>
- *Think About It: A Title IX Program that combines sexual assault and substance abuse prevention via a comprehensive harm-reduction model* <https://www.campusclarity.com/>
- *Lost in the Translation: Helping Study Abroad Students Understand Sexual Violence* DVD and companion guide, 2008, Rutgers Study Abroad *Single copies of this curriculum are available by request at no cost. Email your request to RU_Abroad@email.rutgers.edu*

THANK YOU!

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