

Campus Sexual Assault Laws & Regulations Timeline

<p>Higher Education Act of 1965 strengthened the educational resources of our colleges and universities provides financial assistance for students in higher ed.</p>	<p>1965 1972</p>	<p>Title IX, Education Amendments of 1972 (Implemented through Title IX regulations at 34 C.F.R. § 106 in 1975) required gender equity in every educational program that receives federal funding, addressing sexual harassment in education, obligating schools to prevent and address harassment against students (including sexual violence) regardless of who perpetrates the harassment</p>
<p>The Family Educational Rights and Privacy Act (FERPA) ensures that students and parents of students may obtain access to the student’s educational records and challenge the content or release of such records to third parties, protecting students’ privacy</p>	<p>1974</p>	
<p>The Violence Against Women Act (VAWA) enhanced investigations and prosecutions of sex offenses by allowing for enhanced sentencing of repeat federal sex offenders; mandates restitution to victims of specified federal sex offenses; and provides grants to state, local, and tribal law enforcement entities to investigate and prosecute violent crimes against women.</p>	<p>1990 1994</p>	<p>The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires post-secondary institutions to disclose information about crime on and around their campuses. Was amended through 2008, requiring more specifically when and how schools must publish and distribute an Annual Security Report (ASR), maintain a public crime log, provide timely warnings about crimes which pose a serious or ongoing threat to students and employees, and devise an emergency response, notification and testing policy. (Also includes The Campus</p>
<p>OCR’s “Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties” established the <u>hostile environment</u> standard, stating that sexual harassment is any sexually harassing conduct that is “sufficiently severe, persistent, or pervasive to limit a student’s ability to participate in or benefit from an education program or activity, or to create a hostile or abusive educational environment.”</p>	<p>1997</p>	<p>Sexual Assault Victims’ Bill of Rights enacted in 1992.)</p>
<p>OCR’s “Proposed Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties.” responded to the SCOTUS cases by stating that the “appropriate official” does not have to be someone who is in a position to correct the situation, but can be “any school employee a student might notify.”</p>	<p>1998</p>	<p>Gebser v. Lago Vista Independent School District Davis v. Monroe County Board of Education In <u>Gebser</u>, the Supreme Court held that a school district could be liable for money damages under Title IX where it is deliberately indifferent to known acts of teacher-student sexual harassment.</p>
<p>OCR’s Dear Colleague Letter Guidance (April 4, 2011) states that one incidence of sexual assault is sufficient to create a hostile environment and discusses <i>proactive</i> efforts schools should take to prevent sexual harassment and violence, as well as provided guidance on a school’s responsibility to address sexual violence.</p>	<p>2001</p>	<p>In <u>Davis</u>, the Supreme Court held that a school district can also be liable for money damages under Title IX in cases of student-on-student harassment if the school had “<i>actual knowledge</i>” of the harassment and acted in a manner demonstrating “<i>deliberate indifference</i>” to the hostile environment</p>
<p>OCR’s 2014 Title IX Q&A Guidance (April 29, 2014) Established more explicit requirements for schools to reduce re-traumatization to the complainant, including: language making it clear that not every employee is required to report incidents of sexual violence and requirements that schools provide <i>confidential</i> reporting options, counseling services for students free of charge, and training for faculty and staff on procedures for cases with same-sex parties, parties with disabilities, and international and undocumented students.</p>	<p>2004 2011</p>	<p>OCR’s Dear Colleague Letter Guidance (August 4, 2004) reminds postsecondary institutions that Title IX regulations require recipients of federal funds to: (1) Designate a Title IX Coordinator, (2) Adopt and disseminate a nondiscrimination policy, and (3) Put grievance procedures in place to address complaints of discrimination on the basis of sex.</p>
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