



SAFE AND INCLUSIVE LEARNING ENVIRONMENT

WORKING GROUP DELIVERABLE

The **Safe and Inclusive Learning Environment Working Group** will focus on developing best practices to enhance safety and support services on campus, and giving students a voice in these important campus matters. In particular, the group will be charged with:

- ➔ Promoting the practice of data analysis through campus climate surveys.
- ➔ Establishing best practices for creating campus safety and inclusive environments.
- ➔ Drafting an implementation guide for colleges on the recommendations set forth by the 2017 Task Force on Campus Sexual Assault.

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OVERVIEW

“**Where Opportunity Meets Vision: A Student-Centered Vision for New Jersey Higher Education**” is New Jersey’s commitment to transform higher education through a vision for a Student Bill of Rights. This includes making sure every student in New Jersey feels safe and supported in their learning environment and that students have a voice in decisions impacting their education. In order to ensure students are safe from physical harm and feel included and welcome on campus, will take the collective work of all stakeholders. In New Jersey, one of our strengths is our diversity, but we need to make sure that students from all backgrounds feel they belong at our institutions.

In recognition that all stakeholders provide a vital role, the **Safe and Inclusive Learning Environment (SILE)** workgroup was established to provide best practices to support the State’s plan to strengthen higher education in New Jersey. A variety of stakeholders, including students, practitioners, faculty, and organizational leaders, convened to discuss how the State, institutions, and students can move forward in with actionable steps to developing and sustaining safe and inclusive learning environments. We hope the work put forward from this group will serve as a useful resource for institutions to help students thrive at our New Jersey institutions so they can focus on successfully completing their degree program.

The group focused on three specific charges outlined in the State higher education plan:

1. Promote the practice of data analysis through campus climate surveys.
2. Establish best practices for creating campus safety and inclusive environments.
3. Draft an implementation guide for colleges on the recommendations set forth by the 2017 Task Force on Campus Sexual Assault.

Over the course of six months from May through October 2019, the group researched and vetted best practices within the state and nation. As an outcome of this work, three deliverables were created to help guide the work moving forward. These products include:

DELIVERABLE: INVENTORY OF CAMPUS CLIMATE SURVEYS

In response to the promotion of data analysis via campus climate surveys, a guidebook has been developed to assist institutions in finding appropriate instruments to administer to students, faculty and staff. In addition, a step-by-step implementation guide is provided to help institutions better understand what resources may be needed and what they should consider during key decision points in implementation.

DELIVERABLE: A RESOURCE GUIDEBOOK FOR PROMOTING SAFE AND INCLUSIVE CAMPUSES

In response to establishing best practices for creating safe and inclusive environments, a resource guidebook has been developed to assist institutions in supporting diversity, inclusion, and safety initiatives on campuses. The goal of the resource guidebook is to provide best practices, sample policies and key elements to consider when designing policies.

DELIVERABLE: IMPLEMENTATION GUIDE

In accordance to the recommendations set forth by the 2017 Task Force on Campus Sexual Assault, an implementation guide was developed to assist New Jersey institutions in the areas of: prevention and education, college procedural processes, community collaboration, and evaluation and assessment. As an example, the implementation guide could equip students and campus leadership in creating an environment where students are knowledgeable of their rights, and can easily access the appropriate information and resources.

CONCLUSION

By utilizing these three deliverables, New Jersey institutions of higher education will be able to proactively work towards fostering diverse, inclusive, and safe environments for student learning and engagement. The deliverables are “building blocks” – and provide a variety of action students that institutions can utilize both immediately and in their long-range planning to assess and improve in the campus culture. Through this collaboration and continued conversation, we can work to make safe and inclusive learning environments that will help students persist and complete. The engine for being an economic and innovation leader in the United States will be for New Jersey to commit to foster and nurture learning environments where all students – regardless of race, ethnic origin, sex, gender, sexual orientation, religion, ability, and other identities, as well as their intersection – have the ability to be successful in college, preparing them for future success in the workforce.

Disclaimer:

The views expressed in this document belong to the Working Group and do not necessarily reflect the official policy of the State of New Jersey. The content provided is intended to serve as a resource to help develop strategies to increase support for students at New Jersey's colleges and is provided in good faith. Due to time constraints, the Working Group notes the information may not be comprehensive and readers should take into account context for how the deliverable is used as well as further research that may be available after publication.

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Introduction

In June 2017, the New Jersey Task Force on Campus Sexual Assault released an official report with recommendations for the state's institutions of higher education. The report, *Addressing Campus Sexual Violence: Creating Safer Higher Education Communities*, was compiled by experts across the state who had a vested interest in continuing to see New Jersey positively impact efforts for sexual violence education and prevention. The report and recommendations were intended to serve as a baseline for many schools (report available here:

<https://www.nj.gov/highereducation/documents/pdf/index/sexualassaulttaskforcereport2017.pdf>).

In March 2019, the Office of the Secretary for Higher Education (OSHE) released a state higher education plan, [*Where Opportunity Meets Innovation: A Student-Centered Vision for New Jersey Higher Education*](#). The purpose of this plan was to ensure that education is affordable and accessible for students across the state. Within the plan was a vision for a New Jersey Student Bill of Rights, listing 10 critical components of education that all students deserve. To help carry out that vision, the Safe and Inclusive Environment Working Group was established to develop actionable steps and share best practices for institutions and the state. One of the charges for this group was to create an implementation guide to address the nine recommendations from the New Jersey Task Force on Campus Sexual Assault's 2017 report. Those recommendations include the following:

1. Campus climate surveys should be conducted every three to four years and should be specifically tailored to each campus. Results should be shared with the college or university community. Data from the climate surveys should be used to develop an action plan to collect missing information or provide necessary services.
2. Sexual violence education needs to begin sooner than college. A Sexual Violence Primary Prevention Task Force for New Jersey should be created to research best practices in teaching curriculum content for the middle and high school years.
3. Higher education institutions should ensure that students' rights are protected and that equal representation is provided to survivors and the accused.
4. Each college and university should develop an investigation and adjudication model that honors the survivor, the respondent, and the particular needs, character, and philosophy of the college or university.

5. Investigations should be separate from adjudications in campus sexual assault cases. Investigators who are trained in collecting evidence should not also sit in judgment as adjudicators.
6. Students should know where they can confidentially report an incident of sexual violence, and they should know that if they report an assault, they will be able to obtain counseling and services without being required to report the incident to authorities, except in cases where reporting is mandated by state or federal guidelines.
7. Students should be accurately educated on the role of law enforcement so they can make informed decisions regarding reporting, including being apprised of the availability of county victim witness advocates who can assist the student in navigating the legal process.
8. Although not every campus has the capacity to provide appropriately in-depth prevention and intervention services outlined in federal guidelines, community partnerships can help increase the availability of services. A formal Memorandum of Understanding (MOU) should exist between campuses and county-based rape crisis centers so that help and expertise is available whenever necessary. A collaborative strategy for addressing funding for the MOU must be developed.
9. Colleges and universities should be invited to attend meetings for the county Sexual Assault Response Teams (SART), which provide coordinated community responses to sexual violence.

This implementation guide was created to provide tangible information and resources to ensure our institutions of higher education are able to deliver on the recommendations presented above. The nine recommendations from the Task Force Report are grouped into the following implementation areas that are covered in this guide:

- prevention and education,
- services for survivors and accused students,
- investigation and adjudication,
- community collaboration, and
- evaluation and assessment.

Each of these areas is discussed further with suggestions for implementation based on a review of best practices and innovative methods.

Prevention and Education

According to the National Institute of Justice, 1 in 5 women and 1 in 16 men are sexually assaulted during their time at college¹. For students that identify as LGBTQ+, research has shown higher rates of sexual violence on campus². As a result, it is critical that students, faculty, and staff receive adequate and comprehensive education around issues related to interpersonal violence, which includes sexual violence, domestic violence, stalking, and gender- and power- based harassment. Further, research indicates many individuals experience acts of sexual violence prior to attending college,³ suggesting that prevention education should start before college. According to the Task Force recommendations, sexual violence education, including what constitutes consent, needs to begin at home and be reinforced throughout the middle and high school years. Then, when students arrive at college campuses, programming efforts can expand upon the foundation that is already in place.

It is important that institutions be able to tailor prevention programming and education to the unique campus community. Attempts should be made to meet the needs of all members of the campus; however, we recognize that not all programs will meet these needs. Below are some general guidelines and best practices that can and should be tailored in accordance with state guidelines, federal mandates, and the specific needs of each institution.

Issues, Policies, and Resources

It is important for students to have an overall understanding of what constitutes sexual violence, including definitions, relevant statistics, who is impacted, and the short- and long-term consequences of victimization (including physical and mental health, social, and academic impacts). Institutions must also ensure that students, faculty, and staff are aware of the available campus and community resources, as well as how to access such services. It is also critical to educate students, faculty, and staff about the institution's policies, including their rights and responsibilities. Campus and community resources and services should always be a part of prevention and education efforts on campus.⁴ It is reasonable for campuses to experience an increase in student disclosures and reports of sexual violence when participating in awareness and prevention efforts.

Key Components and Recommendations for Prevention and Education

Begin early and often⁵

Prevention and education efforts should begin in the home and be reinforced throughout the middle, high school, and college years. Brief, one-session programs are not effective at changing behavior in the long run and should therefore be avoided. Exposure to messages around sexual violence prevention should be regular and should be reinforced in other settings, through programs, and reflected in campus culture (i.e., on syllabi and university websites).

Incorporate theory and evidence^{6,7}

Strategies should be based on the best available evidence and relevant theory (i.e. the social-ecological model, social norms theory, theory of change). Emphasis should also be placed on rigorous evaluation measures.

Be comprehensive⁸

Prevention and education efforts must address the multiple root causes, risk factors, and protective factors at various levels of the socio-ecological model (a theory-based framework for understanding the multifaceted and intersecting factors that influence a person's life). It is important for programs to be intersectional in that they address multiple areas of a person's life and identities.

Utilize varied teaching methods⁹

Prevention and education efforts should recognize that not all students learn in the same way and should include a combination of lectures and discussions; active, skill-based components; multi-media elements; and hands-on experiences. It is important to be inclusive and to meet students where they are so that they are encouraged to learn and engage around the issue.

Be culturally relevant¹⁰

Students and survivors should be made to feel included, respected, supported, and connected. In order to achieve those goals, prevention and education efforts should be intersectional and tailored to fit within cultural beliefs, practices, and local community norms. Campus communities are diverse, so deliverers of information should be knowledgeable about and familiar with the unique campus communities and target audiences. Programming should not take a one size fits all approach.

Emphasize healthy and positive relationships¹¹

A strengths-based approach would avoid focusing solely on unhealthy or abusive behavior. Effective programming would also include information on strong, positive,

healthy relationships and what they do and do not look like. Programming should promote social norms that protect against violence and model appropriate behavior and conduct.

Encourage bystander intervention¹²

Mobilizing students and peers around prosocial behavior is key to ending sexual violence on campus. Research has shown that encouraging bystander intervention and a wider community approach is more effective than targeting individuals as perpetrators or victims. Bystander intervention training is important because it incorporates students and peers as potential witnesses to problematic behavior as well as educates them about how to respond to a peer that may have experienced sexual violence.

Teach consent^{13, 14}

Teaching students about healthy sexuality and affirmative consent is important in prevention and education efforts. Positive and affirmative consent is a necessary component of a healthy sexual relationship, but oftentimes students are not clear on how to obtain or give consent.

Address attitudes and beliefs¹⁵

Prevention programs that work to address attitudes, beliefs, and social norms are more effective because cultural and social norms influence behavior, including the use of violence. Topics to include range from gender inequality and unhealthy masculinity to rape myth acceptance and media literacy.

Involve the entire campus community^{16, 17}

Institutionalized prevention and education means that prevention should be a part of everyone's job on campus. Faculty, staff, administrators, and leadership should all be engaged and should use a common language around prevention. Leadership buy-in is crucial and impacts opportunities for campus prevention and education efforts. Faculty and staff, in particular, are in a unique position as they may play multiple roles in the effort to combat sexual violence on campus, including a potentially supportive role for a survivor. It is important that they are aware of policies, resources, services, and best practices in terms of reporting obligations and how to respond to a student who discloses.

Collaborate with community agencies^{18, 19}

Campuses that employ prevention and advocacy staff should collaborate with community-based agencies to ensure that all members of the community have access to all services available and to highlight that prevention efforts are a community concern. Campuses that do not employ prevention and advocacy staff should work with local, community-based sexual violence programs, including law enforcement, which are trained in prevention approaches, and contract with them to provide assistance with awareness and prevention programs.

Employ a trauma-informed approach²⁰

Prevention and education programming should be survivor-centered and trauma-informed. A trauma-informed program recognizes the impact that trauma can have on an individual's life and integrates this knowledge into every aspect of the program. Efforts should support survivor's needs, avoid victim blaming, and aim to not re-traumatize the survivor.

Include rigorous evaluation²¹

Prevention and education strategies should emphasize rigorous evaluation that measures changes in behavior and program effectiveness. Evaluating programs can provide valuable feedback to individual campuses on the impact of their prevention and education efforts. It also allows programs to be adjusted based on the evaluation and feedback.

Employ a well-trained staff

Staff and educators must be well-trained in the area of violence prevention, and even more specifically, in the area of sexual violence. Areas of expertise should include: social change theory, the social ecological model, advanced knowledge of sexual violence issues, intersectionality, program evaluation, and current best practices and evidence on prevention and education strategies.

Awareness Versus Risk Reduction Versus Prevention²²

Comprehensive campus education and prevention programs can address a number of factors. Some key approaches typically utilized on college campuses include primary prevention, awareness/outreach, and risk reduction. Each of these has different goals and intended outcomes. Research suggests that primary prevention is critical in order to ultimately reduce perpetration and victimization. Awareness and outreach are critical for increasing understanding of the issues and utilization of services. The role of risk reduction has been debated over the years, but research increasingly demonstrates that integrating it with other forms of prevention programming can help increase safety. Each approach is further described in Table 1.

Table 1. Different Approaches to Prevention and Education

	Primary Prevention	Awareness/Outreach	Risk Reduction
Definition	Education that focuses on preventing the perpetration of sexual violence; stopping violence before it even begins.	Education that focuses on raising awareness about the issues, such as the dynamics, prevalence, and consequences of sexual violence.	Education that focuses on reducing or minimizing the risk of someone becoming a victim.
Focus	Changing and/or addressing the underlying root causes of sexual violence; challenging social norms; addressing multiple risk factors.	Educating the community about sexual violence and where to access services and resources.	Teaching individuals skills to reduce their risk of being victimized and empowering them to identify their needs and wants. (Focuses on some forms of sexual violence.)
Target	Aims to change risk factors for individuals and for the community. Places the responsibility on everyone in the community to eradicate the root causes of sexual violence.	Aims to educate the general public so that individuals can intervene when appropriate and help survivors access services and supports.	Aims to educate a potential victim on how to assess risk of sexual assault, identify resistance strategies, stop an attack in progress, increase empowerment, and develop healthy communication skills.

Goal	Eliminating and reducing factors that perpetuate sexual violence to keep it from happening in the first place; creating healthy norms and healthy communities; challenging social norms, beliefs, and attitudes; creating safe spaces.	Telling the community that sexual violence exists; reaching out to victims/survivors so that they will seek services.	Thwarting an attack in process; avoiding imminent attacks; avoiding potentially dangerous people or situations
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Evidence-Based Prevention Programming for Colleges and Universities²³

Table 2 includes examples of curricula that have been vetted through rigorous research. By no means is this an exhaustive list, but a sample of options available. For additional information for each program, please visit the [Culture of Respect website](#).

Table 2: Selected Research-supported Prevention and Education Programs for Campus Sexual Violence

Program Name	Format	Target Audience	Program Goal
Bringing in the Bystander	In-person workshop, one day	Undergraduate	This program focuses on healthy relationships and increasing prosocial bystander skills to interrupt and prevent sexual violence and dating violence.
Enhanced Access, Acknowledge, Act (EAAA) Sexual Assault Resistance	In-person workshop, 12-hour course	Undergraduate	This is for female-identified students and helps them detect risk in men's behavior.

Green Dot	In-person workshop and marketing campaign, length varies	Undergraduate Graduate Faculty/Staff	This program focuses on creating a change in culture, bystander training, and increasing awareness.
interACT	Presentation, length varies	Undergraduate	Utilizes interactive theatrical performance to help increase the number of students engaging in bystander intervention.
Know Your Power	Marketing campaign and guided exercises	Undergraduate Graduate Faculty/Staff	Provides resources regarding bystander intervention.
Media Aware	Online course, up to 2 hours	Undergraduate	This program focuses on increasing healthy behavior and reducing risky behavior regarding sexual health.
Men's Workshop	In-person workshop, 2 ½ hours	Undergraduate	This workshop is for male-identified students and addresses how they can foster empathy toward survivors and increase awareness of consent.
Men's Program	In-person workshop, 45 minutes	Undergraduate	This workshop is for male-identified students and helps them gain skills to recognize, intervene, and assist survivors.
One Act	In-person workshop, four hours	Undergraduate Graduate	This program focuses on decreasing myths around sexual violence and increasing prosocial bystander behavior.
RealConsent	Online course, three hours	Undergraduate	This program is for male-identified students and helps them increase knowledge regarding sexual violence, informed consent, and how to build skills for intervening.

SCREAM Theater and SCREAM Athletes	In-person workshop, 75 minutes	Undergraduate	Interactive session and discussion on various topics including harassment, alcohol, and consent.
Sex Signals	Presentation, 1 hour	Undergraduate	This program establishes a baseline on how culture impacts unhealthy sexual behavior and how students can intervene.
The Women's Program	In-person workshop, no time length provided	Undergraduate	This program is designed for female-identified students to recognize high-risk perpetrators and help them intervene or help rape survivors.

Note: Cost varies based on the needs of the institution.

Resource: <https://cultureofrespect.org/programs-and-tools/matrix/>

Services for Survivors and Accused Students

According to the New Jersey Task Force on Campus Sexual Assault Report, institutions of higher education (IHE) should “...strive to create an atmosphere in which survivors feel safe to (1) seek services and resources available to him or her, both on and off campus, after an alleged assault and (2) to participate in the adjudication processes available to him or her, both on- and off-campus, if they choose to do so”²⁴. Additionally, IHEs also have “the challenge of attending to the person accused of perpetrating the assault if that person is a member of the campus community”. Below is information on each of the types of services that should be provided to survivors and to accused students.

Services for the Survivor

The Task Force recommends²⁵ “that higher education institutions should ensure that there are adequate services available to assist students who are victims/survivors of sexual assault”. Victim service programs should incorporate efforts that are tailored to the individual needs of the victim/survivor, be trauma informed, culturally relevant, collaborative, inclusive, and be accessible to all students. Services for the victim/survivor should be comprehensive and “should include medical care, mental health support, and general counseling services”²⁶.

Services can be provided directly from *on campus resources* or *off campus providers* and should include crisis intervention, advocacy, and counseling.

On-Campus Resources

Category	Description
Crisis Intervention ²⁷	Ensures immediate assistance to victims/survivors in a confidential setting.
24-hour availability	The most important element of crisis intervention is the ability to provide immediate response to student needs. ²⁸
24-hour response line	Each program should promote a 24-hour phone number that students can call to access services and emotional support.
Safety planning	During a crisis, students may feel emotionally and physically unsafe. Program staff can assist by assessing their safety and developing safety plans with the victims/survivors.

Victim Assistance Emergency Fund	These funds exist and should be easily accessible to help restore a sense of dignity and safety during a crisis situation. They can be used for emergency food, clothing, toiletries, shelter, transportation, or any other immediate needs.
Trauma-informed spaces	Each victim services program must consider the physical, psychological, and emotional impact of interpersonal violence and respond with an awareness of the effects of trauma. It is important for physical spaces to be confidential and private to provide an opportunity for students to share their experience in a safe environment. ²⁹
Advocacy	Includes creating a safe environment for victims/survivors, believing and validating them, acknowledging their feelings and perceptions, educating them about their options, and supporting their decisions. ³⁰
Information and referral	Those representing the victim services program serve an important role in providing information about reporting options, victim rights, crime compensation, and appropriate resources. ³¹
Accompaniments	Advocates can provide support at proceedings such as reporting to law enforcement, legal proceedings, campus adjudication meetings, or forensic exams.
Accommodations	Victim services programs may also play a role in supporting victim/survivor requests to make changes that enhance their wellbeing and safety. Accommodations can include parking and transportation assistance, escort services, interpreter services, housing or employment modifications, and academic or financial support. ³²
Survivor-centered services	Advocacy must be victim/survivor centered. Advocates are distinct from Title IX Coordinators and university administration as they are first and foremost responsible to the victim/survivor. ³³
Counseling	Counseling is crucial to addressing both the short and long term impact of sexual violence and helps students identify difficulties, address symptoms, develop skills, and process the experience in a supportive space. ³⁴
Individual counseling	It is recommended that both short-term and long-term individual counseling is offered. ³⁵ Clinicians providing this counseling must have trauma-informed training, as well as training specific to sexual violence, domestic violence, and stalking. ³⁶
Group counseling	Support groups aid in recovery and work to build the victim/survivor support network as well as decrease the feeling of being isolated. ³⁷

Off-Campus Resources

- Substantive partnerships between higher education institutions and local community agencies is essential to insuring survivors receive informed services and responses. Please see the section on [MOUs](#) in the guide.
- Campuses should be prepared to advise survivors of the availability of the county based Sexual Assault Response Team, which can provide access to a confidential sexual violence advocate, a forensic nurse examiner, and local law enforcement.³⁸ A confidential sexual violence advocate assist survivors by “providing crisis intervention, emotional support, essential information, and referrals.”³⁹
- Campuses should have an understanding of, and relationship with, local and county law enforcement agencies.⁴⁰

Policies

According to the New Jersey Task Force report, campuses should develop policies and procedures related to sexual misconduct that are easy to understand, “are easily accessible to students and widely publicized” (p. 15).⁴¹

- A comprehensive list of both on-campus services and off-campus community resources should be available to students. This list should be inclusive of all student populations (i.e. international students, LGBTQ+ students, commuter students, etc.) and include medical services (including forensic exam locations), mental health services, counseling services, law enforcement contact information, and advocacy support services information;
- Information on how a survivor may be able to contact a confidential sexual violence advocate off-campus or an on-campus equivalent;
- A list of reporting sites and/or college and university personnel that clearly defines who are mandatory reporters and who are confidential resources, as defined by federal law;
- Guidelines for reporting a sexual assault to the college or university, and the college or university adjudication process that follows; and
- Amnesty or “responsible action” policies for survivors who may fear being subjected to alcohol or drug violations under campus conduct codes.

Services for the Accused

Students who are accused of sexual assault should have access to services and resources and support to assist with understanding their rights and school policies. According to the Task Force recommendations, “While higher education institutions must strive to create an atmosphere in which the individual making an accusation of sexual assault (“the complainant”) feels safe to access services and resources and participate in adjudication processes if he or she chooses to do so, higher education institutions also have the challenge of attending to the person accused of perpetrating the assault (“the respondent”) if that person is a member of the campus community.”⁴²

- Services and resources should be available to provide health, mental health support, general counseling services, and legal support services both on and off campus.⁴³
- A resource advisor who serves the respondent should be identified by the institution as a point person for learning and accessing services available and should act as “a support person with whom the respondent can speak face to face” (p. 17).⁴⁴
 - This resource advisor should be:
 - informed as to the campus and community services, and the legal resources available to the respondent, on and off-campus
 - familiar with the Title IX investigation and adjudication process
 - aware of potential legal proceedings that may occur at the request of the complainant
 - separate and apart from the Title IX Coordinator, the investigator and/or adjudicator, and should be a different advisor from the advisor recommended to assist the complainant

Policies

- Campuses should develop written policies and procedures outlining the investigation process as well as the potential sanctions the institution may impose following a final determination.
 - Policies and procedures should be available online and easily accessible.

Investigation and Adjudication

As stated in the New Jersey Task Force Report, “Federal law dictates that all higher education institutions respond to allegations of sexual assault involving a college or university student with an on-campus investigation and adjudication process. To date, there is no “model process” for New Jersey to look to as federal guidance on Title IX implementation continues to expand and develop.”⁴⁵ Title IX is a part of the Educational Amendments of 1972 (Title 20 U.S.C. Sections 1681-1688), and is focused on the prohibition of sex discrimination in schools and has since been interpreted as important to the issue of sexual violence. Colleges and universities, regardless of their size and resources, must comply with Title IX and state non-discrimination laws and respond fairly and equitably to Title IX complaints. Schools with limited resources face many challenges and often must be creative with personnel in order to achieve compliance.

The Task Force Report divides Title IX proceedings into two key parts: 1) investigation and 2) adjudication. Although not generally required by Title IX, the report states that “These two processes should be independent and conducted by two or more individuals with specific delineated roles– an investigator and an adjudicator. These roles should not be merged into one process or into one person serving as both investigator and adjudicator.”⁴⁶

The purpose of this section is to provide information on best practices, points to consider when developing investigative and adjudication procedures, and sample policies from a diverse assortment of colleges and universities, both private and public. This section will also highlight some guidance points.

The content of this section and the New Jersey Task Force Report are based on current federal law. The U.S. Department of Education has proposed rules that would substantially change the federal requirements, including by imposing many new procedural requirements for Title IX investigations and changing the substantive standards for identifying sexual harassment. If adopted, the proposed rules will require schools to undertake significant efforts to train staff and educate students about the new rules, and certain recommendations in the New Jersey Task Force Report and this document may no longer comport with federal requirements.

New Jersey Task Force Recommendations

Key recommendations related to investigation and adjudication from the New Jersey Task Force on Campus Sexual Assault report include the following:

- “Investigations should be led by experienced, trained investigators. It is encouraged that these investigators be trained in trauma-informed response and, particularly in how trauma can affect both the complainant and the respondent. Once the investigation is concluded, these investigators should memorialize their factual findings in a report that is given to the Title IX adjudicator.”⁴⁷
- “Adjudicators should receive appropriate and on-going training on Title IX requirements, developments in Title IX implementation nationwide, best practices of Title IX nationwide, and sexual assault prevention and intervention training that enrolled students are required to receive. It is encouraged that students, faculty, staff and administrators collaborate on the development of the campus’s adjudication model, processes and procedures. Once the adjudication process has concluded with either a “Responsible” or “Not Responsible” adjudication, the findings should be released to the complainant and the respondent at the same time”⁴⁸.

In order to implement these recommendations, the following guidance is offered. In their review of adjudicating student sexual misconduct, Wilgus and Lowery (2018) note several promising practices⁴⁹, some of which are listed below:

1. Determine an appropriate investigative model

Currently, there are a number of investigative models available that universities and colleges utilize for both student and employee processes. Three main processes are used most frequently: 1) the investigative model, 2) the hearing administrator model, and 3) the hearing panel model.

- The **investigative model** has one or two trained investigators that manage the case from information collection through adjudication. This approach was not recommended by the New Jersey Task Force, although it remains in use throughout the country, particularly at smaller schools.
- The **hearing administrator model** has one or two trained investigators that collect information. Then a single administrator hears the information and makes a decision on responsibility and sanctions.
- The **hearing panel model** is similar to the hearing administrator model in which investigator(s) collect information and forward a report. However, in this model a panel comprised of several faculty, staff, and (sometimes) students hears the case and makes a determination on responsibility and

sanctions. Some experts caution against panels which include students, due to their lack of training and concerns about confidentiality.

Increasingly, best practices suggest using a model in which the investigators are not the decision makers (i.e. the hearing administrator or panel), and to ensure that anyone involved in the investigation is properly trained.

2. Provide specialized training

The 2014 White House Task Force to Protect Students from Sexual Assault⁵⁰ highlighted the importance of training for investigators, who must understand how sexual assault occurs and how victims may respond. As such, trauma-informed training is critical.

Trauma-informed training focuses on the neurobiology of trauma and educates those involved in an investigation or adjudication process how someone in a traumatic state may respond “differently” than expected. Some experts question whether trauma-informed investigations inherently create a bias for the victim/complainant. This Working Group recommends that institutions familiarize themselves with trauma-informed practices; not as a way to justify a decision but as a way to understand behaviors (from either party) displayed during a Title IX process.

3. Use research-informed sanctioning methods

Each institution needs to determine whether to adopt a sanction range for incidents of sexual violence within their jurisdiction. Any minimum sanction or prescribed range of sanctions should be identified in policies and align with the mission of the institution.

The Task Force recommends that there be a range of sanctions (i.e. from suspension to expulsion) for sexual violence to account for the facts of each case.

4. Offer Restorative Justice Practices and Alternative Resolution

Information gathered in campus climate surveys confirms that students affected by sexual violence are looking for additional avenues to redress the harm caused them. An alternative resolution process based on restorative justice practices may allow a harmed party to participate in a process that is less focused on disciplining the other party or parties.

At The College of New Jersey, for example, “alternative resolution is a voluntary process that allows a respondent in a Title IX investigation process to accept responsibility for their behavior and/or potential harm. By fully participating in this process the Respondent will not be charged with a violation of college policy. The alternative resolution process is designed to eliminate the prohibited conduct, prevent

its recurrence, and remedy its effects in a manner that meets the needs of the Reporter while still maintaining the safety of the overall campus community.”⁵¹

General Considerations for Administrators

This section highlights reminders and considerations for Title IX administrators throughout their sexual misconduct processes.

- In accordance with the Clery Act, college administrators should determine if there is an imminent and ongoing threat to the college community. If so, disseminate information regarding the incident and any safety tips. If there is not an ongoing threat but the initial report includes claims regarding a weapon, physical injury, or a repeat respondent, the college should consider interim measures (i.e., interim suspension of the accused) and contacting law enforcement for the safety of the complainant/reporter.
- Invite students, faculty, staff, and administrators to collaborate on the development of the campus’ adjudication model, processes, and procedures. Having buy-in from all levels is incredibly important to demonstrate a whole campus approach to addressing campus sexual violence.
- Develop guidelines for reporting Title IX incidents to the college or university and ensure that training is conducted so all community members know how to report and what happens when information is reported. It is recommended that colleges routinely retrain their responsible employees as policies and procedures may change. Additionally, if not all employees are considered responsible employees then open training sessions for all who may be interested in learning more about campus processes are recommended.
- In addition to training, colleges should publish a list of reporting sites and/or college and university personnel that clearly defines those who are considered mandatory reporters and who are confidential resources, as defined by federal law. For example, Ramapo College (<https://www.ramapo.edu/titleix/files/2017/01/Title-IX-Reporting-Requirements-Responsible-Employees-.pdf>) has designated **all** employees as responsible employees. Alternately, The College of New Jersey (<https://titleix.tcnj.edu/policy-procedures/responsible-employee/>) has a **limited** designation of employees.
- Develop a cadre of trained Title IX investigators to serve multiple roles on a case by case basis. Frequently, Title IX administrators are understaffed, so it is recommend training additional on-campus professionals to assist in different capacities.

- Provide written disclosure of rights and options to both parties immediately after a complaint is submitted. Both parties should be offered free mental health services as well.
- Implement amnesty or “responsible action” policies for students who may fear being subjected to alcohol and/or drug violations under campus conduct codes. This example, taken from Cornell University, could be applied to your institution.
 - *“The health and safety of every student at the university is of utmost importance. The university recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that prohibited conduct under these procedures occurs may be hesitant to report incidents due to fear of potential consequences for their own conduct. The university strongly encourages students to report such prohibited conduct. A student bystander or complainant acting in good faith who discloses any incident of prohibited conduct under these procedures to a [insert college name] official or to law enforcement shall not be subject to action under the university’s policies for violation of alcohol and/or drug use occurring at or near the time of the commission of the prohibited conduct.”⁵² “*

Community Collaboration

Institutions of higher education have a multitude of responsibilities in terms of educating and protecting students, oftentimes with limited capacity and/or resources. Institutions may choose to engage with community-based partners who have extensive expertise in serving victims/survivors of violence.

The implementation of community collaboration is often guided through the development of Memorandums of Understanding (MOUs) which outline how the institution of higher education and the community agency will collaborate in ways that clearly delineate roles, responsibilities, and communication. Per guidance in the 2017 final report from the New Jersey Task Force on Campus Sexual Assault, “[a]lthough not every campus has the capacity to provide appropriately in-depth prevention and intervention services, community partnerships can help increase the availability of services. A formal MOU should exist between campuses and county-based rape crisis centers so that help and expertise is available whenever necessary.”⁵³

The following section will discuss considerations for colleges and universities as they enter memorandums of understanding with community partners, specifically two key partners: sexual violence programs and law enforcement agencies.

Memorandums of Understanding Between Sexual Violence Programs and Institutions of Higher Education

Formalized and collaborative relationships between sexual violence programs (“SVP”) and institutions of higher education (“IHE”) can be enormously beneficial for survivors. Memorandums of Understanding enable the IHE and SVP to define the roles and responsibilities of each party, provide clear guidance around confidentiality and its limits, delineate services that will be provided, and more.

As the White House Task Force to Protect Students from Sexual Assault noted in its report, “The scope of the partnership [between an IHE and SVP] will vary according to the needs of the school and the capacity of the rape crisis center.”⁵⁴ For this reason, the enclosed sample MOU (see Appendix A & B) is largely customizable, as this Committee also recognizes and affirms that the most successful relationships between IHEs and SVPs will be unique to each party’s needs, responsive to their respective communities and

student bodies, respectful of each other's staffing structures and resources, and will therefore vary in content and deliverables based on these and other factors.

It is important to note that changes can never be made to the MOU that would affect or infringe upon the confidentiality of a confidential sexual violence advocate (CSVA) and the supervisory structure that allows CSVAs to hold privileged communications.⁵⁵ The MOU should also clearly outline the financial compensation for each service provided by the SVP, per guidance from the SVP on expenses of services.

Commonly, MOUs between IHEs and SVPs include some or all of the following services:

- 1. Sexual violence prevention training to students, faculty, administrators, and staff**
 - a. Comprehensive, appropriate, and adequate sexual violence prevention training “addresses factors at all levels of the social ecology – the individual, relational, community, and societal levels.”⁵⁶ Prevention education also infuses principles of anti -racist, -sexist, -homophobic, -ableist, -transphobic, and -classist work (along with other -isms), effectively placing the work of preventing sexual violence in its appropriate, broader context of dismantling oppression (see “[Prevention and Education](#)” of this report). The Centers for Disease Control and Prevention (the CDC) also emphasizes the importance of developing an MOU specifically covering prevention programming, noting, “The existence of the MOU helps to illustrate each entity’s shared belief in the importance of preventing sexual violence. Creation of the MOU allows for thoughtful discussion and helps define what each agency will do, together and as separate organizations, to mutually promote sexual violence prevention.”⁵⁷
 - b. Prevention work that is implemented with fidelity extends beyond one-time sessions at orientation, recognizing that single-dose sessions or outreach events have not been recognized as effective in preventing sexual violence.⁵⁸ (See “[Prevention and Education](#)” of this report.)
 - c. Data-driven sexual violence prevention strategies seek to reduce the risk of sexual violence perpetration, which differs significantly from strategies that seek to reduce the risk of victimization. ‘Risk reduction’ training focuses on placing responsibility on potential victims to prevent violence against themselves, which does not contribute to the larger changing of social norms that allow sexual violence to persist. (See [Appendix C](#).)
 - d. While the MOU should include the SVP’s expertise in terms of prevention, “Schools are cautioned to recognize that partnerships with community

organizations should be used to supplement and assist a school's sexual assault prevention and response programs, not to replace them."⁵⁹

2. Information about off-campus resources, including hotline, counseling, Sexual Assault Response Team (SART), etc.

- a. The IHE can cross-share information regarding how students can access services at the SVP. The IHE should take care to emphasize the confidential nature of these services.
- b. Trained, confidential sexual violence advocates (CSVAs) are available to survivors via the statewide hotline and as a part of the Sexual Assault Response Team (SART), which is the three-pronged response team that meets survivors at hospitals or police stations, when requested. The CSVA serves a critical, non-duplicative role in the response process to a survivor, acting in a critical supporting role to help the survivor navigate a medical exam or an interview with a law enforcement officer. As the CDC notes, "[v]ictims who work with advocates have more positive experiences with both medical and legal systems, including increased reporting and receipt of medical care and decreased feelings of distress."⁶⁰

Memorandums of Understanding between Law Enforcement Agencies and Institutions of Higher Learning

Responsible collaboration and communication between institutions of higher education and law enforcement agencies includes strategic planning for responding to, preventing, and providing service to sexual assault victims on college campuses. As identified critical stakeholders, law enforcement agencies (LEA) and institutions of higher learning (IHE), along with the communities they provide service to, benefit from shared efforts of planning, response, prevention, and education.

The goal, of course, is to prevent sexual assault altogether. Assuring that specific preventative measures and procedures are implemented is a daunting task for one single entity. However, through a collaborative approach via agreements such as an MOU, specific delineation of responsibilities and appropriate procedural tasks can be mapped out and followed accordingly. To echo the White House Task Force's position on stakeholders working together, "Coordinating sexual assault prevention and response works best as part of an integrated public safety and crime prevention strategy and where there is a concerted effort to develop close working relationships and trust among IHEs (Institutions of Higher Education) and law enforcement partners and community groups".⁶¹

An outlined agreement between the LEA and IHL will clearly outline the role law enforcement plays in responding to sexual assault reports from campus. The agreement shall include a statement of principles, as well as procedures for communication, coordination, collaboration, the immediate aftermath, victim response, evidence, prevention, training, accountability, and confidentiality. These elements have been included based upon specific recommendations of the New Jersey Task Force on Campus Sexual Assault Report⁶² as well as practical law enforcement principles and strategies. The MOU does not constitute legal advice, and it is further understood that each IHE across the country is different and operates under tailored university policy and procedure. Parties agreeing to the MOU may choose to tailor it to their liking or modify certain aspects of this MOU. The MOU serves as a template based on previously utilized MOUs and/or recommendations from task forces comprised of individuals from any number of educational, law enforcement, and other backgrounds.

Written understandings with local law enforcement authorities should always be reviewed by IHE legal counsel for consistency with applicable laws, including federal and state confidentiality and privacy laws, such as the New Jersey Law Against Discrimination, Family Educational Rights and Privacy Act (FERPA), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), Title IX of the Education Amendments of 1972 (Title IX), Title IV of the 1964 Civil Rights Act (Title IV), the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 (Section 14141), and the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act). Similarly, we expect that local law enforcement agencies may wish to consult legal counsel regarding applicable local, state, and federal laws, Attorney General Law Enforcement Directives, and other policies.⁶³

See Appendix B for a sample MOU between and IHE and LEA.

Evaluation and Assessment

Collecting information and understanding the impact of programs, policies, and/or procedure are critical for higher education institutions. The three sections above outline specific examples for schools to utilize; however, we recognize that every college has a unique set of circumstances. In this section, information on evaluation tools can help institutions collect information and determine effectiveness, as well as assessment measurements which can be used as a start-up or comparison guide.

Evaluation Tools

1. Climate Surveys

Climate surveys, which were noted in the White House Task Force recommendations as well as previous guidance, are an important data collection tool for campuses. To learn more about climate surveys, different tools colleges can utilize, recommendations for implementation, and evaluation processes, please refer to:

https://www.state.nj.us/highereducation/workinggroups/safe_and_inclusive_learning_environments/deliverable1.

2. Focus Groups

While the purpose of climate surveys is to collect anonymized quantitative data specific to individual campuses, focus groups are a method to further enhance a college's understanding of the data in an effort to make changes or solidify programs, policies, and/or procedures.

Two schools in New Jersey have recently conducted focus groups after a climate survey to elicit further feedback from their population. First, the Rutgers Center on Violence Against Women and Children conducted the iSpeak Focus Groups as part of its comprehensive campus climate assessment. This included a resource audit, climate survey, and focus groups. Focus groups were used as a way for researchers to better understand the data collected through surveys and ask questions of specific subsets of students. The results of the assessment were used to develop an action plan, and the next assessment was used to evaluate the impact of that plan. Second, The College of New Jersey conducted the #LiveLikeLions Focus Groups modeled off of Rutgers University.

The National Sexual Violence Resource Center provides a free toolkit for institutions that are planning to use focus groups and/or surveys to collect data on sexual violence. It includes guidance on the logistics of conducting focus groups, appropriate data analysis,

and an overview of measurement tools to use when assessing sexual violence prevention programs. The National Sexual Violence Resource Center has been recommended by the CDC as a resource for campus prevention programs⁶⁴.

3. Resource Audits

A resource audit is a research method that examines publicly available program information and input from knowledgeable stakeholders to compile a comprehensive listing of the available resources within an organization.⁶⁵

A resource audit can help ensure that an institution's programs, policies, procedures, and resources are up-to-date on-campus, as well as across all campus websites. This may also be a good tool if an institution is looking for funding (internal or grant) or to institutionalize current practices. Additionally, for those creating their own climate survey, a resource audit can be an important first step.

Resources

Although the issue of sexual violence on college campuses is larger than the issue of Title IX compliance, prevention and response efforts must work within the framework imposed by Title IX guidelines and related legal requirements. Below are some resources to assist with this process.

Council for the Advancement of Standards (CAS) in Higher Education

In April 2019, the Council for the Advancement of Standards (CAS) in Higher Education released recommended standards for addressing sexual violence. CAS publishes its book of standards every 3-5 years and revises existing standards every 8-10 years. Unfortunately, this schedule may not keep pace with the frequent changes in the field of sexual violence and gender-based harassment.

The Association of Title IX Administrators (ATIXA)

The Association of Title IX Administrators (ATIXA) is the national professional organization for Title IX compliance and one of the largest professional organizations in the field. ATIXA provides training, consulting, and model policies for institutions throughout the United States. As one of the earliest professional organizations to offer formal training for Title IX Coordinators and investigators, it has become very influential in this field. Many of their recommended investigation methods are now considered best practice and their membership includes approximately 3,600 institutions.

End Violence Against Women International (EVAWI)

End Violence Against Women International (EVAWI) also has a plethora of resources (many free) that colleges and universities can look to for guidance. While not solely focused on educators, EVAWI has a well-established cadre of experts on a wide range of topics such as how alcohol facilitates sexual assaults, trauma-informed investigation techniques, and corroborating evidence.

NASPA Culture of Respect

NASPA, Student Affairs Administrators in Higher Education (NASPA) Culture of Respect builds the capacity of educational institutions to end sexual violence through ongoing, expansive organizational change.⁶⁶ According to its website, the Core Blueprint “is a reference guide of evidence-based and expert-recommended practices in campus sexual violence prevention and response. Compiled by experts from our multidisciplinary Advisory Board, the CORE Blueprint is organized around six key areas - the six pillars - that are essential to an effective institutional strategy for ending sexual violence” (NASPA, 2019).

Federal and State Grants

Funding and personnel can often be a barrier when it comes to implementing efforts to address campus sexual violence, such as those outlined by the New Jersey Task Force on Campus Sexual Assault. There are federal- and state-based grants which can alleviate some of the financial burdens that colleges face. Currently, there are federal grants through the Department of Justice through two sources: the Office of Violence Against Women’s campus-grants program (<https://www.justice.gov/ovw/grant-programs>), and through Victims of Crime Act (VOCA) funds distributed through the state Attorney General’s Office.

Case Study: Caldwell University Campus Programs Grant⁶⁷

Caldwell University is a recipient of the Campus Programs grant via the Office of Violence Against Women (OVW). This program is designed to enhance victim services, implement prevention and education programs, and develop and strengthen campus security and investigation strategies in order to prevent, prosecute, and respond to sexual assault, domestic violence, dating violence, and stalking on college campuses. The Campus Program grant has four statutory, or mandatory, requirements; as well as four additional requirements:

Statutory Requirements

- **Create a coordinated community response (CCR)** including both organizations external to the institution and relevant divisions of the institution.
- **Establish a mandatory prevention and education program** about sexual assault, domestic violence, dating violence, and stalking for all incoming students (i.e., first year and transfer).
- **Train all campus law enforcement** to respond effectively to sexual assault, domestic violence, dating violence, and stalking.
- **Train all participants in the disciplinary process**, including members of campus disciplinary boards and investigators, to respond effectively to situations involving sexual assault, domestic violence, dating violence, and stalking.

Additional Requirements

- **Implement universal prevention strategies that include:**
 - o Ongoing prevention program for entire campus community
 - o Bystander intervention program for all students
- Provide **confidential victim services and advocacy**
- Participate in ongoing, mandatory **technical assistance**
- Follow the appropriate **staffing and activities requirements**

Awarded in August 2018, Caldwell University is an FY (fiscal year) 18 grantee. The Technical Assistance provider assigned is the Victim Rights Law Center. The cohort to which the university belongs is Small Institutions and includes schools such as Centenary University, Albertus Magnus College, and Molloy College.

In submitting the application, Caldwell University formed an internal team comprised (primarily) of the Vice President for Student Life; Director of Corporate, Foundation and Government Relations; Executive Director of Counseling Services; and Assistant Dean of Student Engagement and Retention. The latter two staff had especially useful voices as their offices were the ones that implement programs and events related to sexual, dating, domestic, and stalking violence. This perspective helped provide historical context necessary for the grant application and spoke to the needs of the Caldwell student population.

This internal team identified and successfully met with several campus partners to explain the grant requirements and the partners' roles in fulfilling said requirements; secure

collective buy-in; and get campus partners to sign an Internal Memorandum of Understanding (IMOU) to formalize their partnership. All campus partners who signed the IMOU also agreed to participate on the Coordinated Community Response team.

The internal team also met with two key external partners – the Caldwell police department and the executive director of SAVE of Essex County, the local rape crisis center. Both agencies agreed to partner on the grant and sign the external Memorandum of Understanding. The executive director of SAVE, however, provided more in-depth guidance and feedback – speaking to the feasibility of the grant requirements related to education, prevention, and advocacy; training for staff; and participation on the Coordinated Community Response team. Additionally, both agencies agreed to send staff to OVW Training and Technical Institutes, another requirement of the grant.

Another crucial component of the grant application was the partnership with the consulting agency, McAllister & Quinn, who helped the Caldwell team write the grant. With the assistance of McAllister & Quinn, Caldwell University successfully submitted a Project Narrative/application, an abstract, a concept paper, a budget narrative, and budget summary sheet.

To secure the grant, it was important to show that while grant funds and guidance was needed, Caldwell University had a solid infrastructure already in place or was acting working towards solidifying the infrastructure – namely, the IMOU and EMOU, the CCR team, partnership with the local rape crisis center and police departments

Appendices

Appendix A

Memorandum of Understanding Between [Sexual Violence Program] and [Institution of Higher Education]

This Memorandum of Understanding is between [*Institution of Higher Learning*] and [*Sexual Violence Program*]. The MOU formalizes the commitment of the parties to work together to provide trauma-informed services and support to student and employee victims of sexual assault and to improve the overall response to sexual harassment at [*Institution of Higher Learning*]. The parties share the goal of preventing sexual assault on campus and in the community, enhancing survivor autonomy, and responding appropriately to students and employees who have experienced sexual violence while living, learning, or working on campus.

I. PARTIES

[*Sexual Violence Program*] is a community-based Sexual Violence Program (“SVP”) dedicated to providing services to survivors of violence and promoting safe communities through primary prevention programming. [*Include mission or goal statement and service provided.*] The SVP services are available to individuals and families throughout [*County or service area*].

[*Institution of Higher Learning*] is an institution of higher learning (“IHE”) committed to offering quality education to students, as well as a safe and respectful learning environment for all students, faculty, and staff. [*Include school mission or commitment statement and/or background information on structure or student body [e.g. private faith-based university, commuter campus, small private liberal arts school.]*]

Contact Information

The Parties agree to each identify a liaison or primary point of contact for the other with respect to this MOU. Unless otherwise agreed to, all information-sharing between the Parties described in this MOU will flow between these points of contact.

Contact Information for SVP

The SVP liaison and primary point of contact shall be:

[*Name, Title of staff member*], and may be reached at [*telephone number*] or [*email address*].

The Executive Director of the SVP is:

[*Name of Executive Director*], and may be reached at [*telephone number*] or [*email address*].

Survivors and/or significant others who wish to contact the SVP directly should call [telephone/hotline number] or [other contact information].

Contact Information for IHE Staff

The IHE liaison and primary point of contact shall be:

[Name, Title of IHE staff member], and may be reached at [telephone number] or [email address].

The IHE's Title IX Coordinator is:

[Name, Title of IHE Title IX Coordinator], and may be reached at [telephone number] or [email address].

Other relevant IHE staff:

- [Name, Title of IHE Counseling Center staff member], may be reached at [telephone number] or [email address] for issues regarding [describe purpose of contact (e.g., safety planning coordination, prevention programming, etc.)]
- [Name, Title of IHE Dean of Students staff member], may be reached at [telephone number] or [email address] for issues regarding [describe purpose of contact (e.g., safety planning coordination, prevention programming, etc.)]

The Parties agree to share a contact list with their point of contact for implementation of this MOU, and to notify the Parties of any changes to their points of contact as soon as practicable.

History of Previous Collaboration

[If the partnership is pre-existing]

The IHE and SVP have worked together in some capacity for [insert the length in years of the collaboration, if uncertain use language such as, "for several years" or "since as early as _____."] on programs to prevent and/or address sexual assault on campus. The SVP and IHE have worked together to [list as applicable: provide training and educational resources to members of the campus community; ensure students and staff are provided with access to a variety of resources, including referrals to off-campus counseling and advocacy organizations; provide written and online information related to sexual assault; etc.] This MOU builds on previous collaboration to provide services to victims, facilitate meaningful and relevant training to additional school officials, and support the IHE in institutionalizing policies and practices that strengthen their commitment to creating a safer and more respectful campus community.

[If the partnership is new or emerging]

The mission of the SVP is [include mission, goal, or vision statement] and is consistent with the IHE's commitment to creating a safe learning and living environment for all members

of the campus community. This MOU is intended as a formal commitment between the two organizations to provide services to victims, facilitate meaningful and relevant training to additional school officials, and support the IHE in institutionalizing policies and practices that strengthen their commitment to creating a safer and more respectful campus community.

II. PURPOSE

The purpose of this MOU is to *[establish/enhance/modify]* collaboration between parties regarding the response to and prevention of sexual violence on campus. This strengthened and unified approach to creating a safer campus community could include a number of projects and dynamics, as outlined later in this document.

III. GUIDING PRINCIPLES⁶⁸

- A. Meaningful and mutually-respectful relationship-building: The Parties agree to identify areas where communication, coordination, and collaboration can be enhanced and take thoughtful action to address those areas in order to effectively respond to sexual assault and violence and hate crimes, promote positive social change, and protect a survivor's confidential information.
- B. Champion Campus and Community Safety: The Parties will receive training to assist in the recognition of and appropriate response to any allegation regarding sexual misconduct. This includes, but is not limited to, ways to offer trauma-sensitive treatment and identifying ways that sexual misconduct directly affects the real and perceived safety of all members of a campus community.
- C. Upholding Civil Rights, Civil Liberties, and Victims' Rights: The Parties agree to comply with state and federal laws in a manner that protects individuals' civil rights and liberties and championing justice for survivors. The Parties explicitly recognize the distinctions between criminal law and civil law in the handling of sexual assault and violence that arise under both state and federal statutory frameworks.
- D. Centering the Victim's Needs in Responses to Sexual Assault: The Parties agree to institute specialized, trauma-informed responses developed in consultation with campus and community-based victim advocates.
- E. Specialized Training and Knowledge: The Parties agree that sexual assault and hate crimes require specialized, trauma-informed training for individuals included in this document, potential first responders, and other members of the

campus community. It is recommended that members of the partnership will be conferred with when selecting speakers, topics, and formats for trainings.

- F. Respecting the Unique Needs of Undocumented Individuals: Parties agree to strive to develop, promote, and implement policies and practices that address the unique needs of campus community members who may not have a secure citizenship status or are undocumented, including implementing culturally and linguistically appropriate on- and off- campus support and law enforcement services.
- G. Respecting the Unique Needs of Marginalized Individuals: Parties agree to strive to develop, promote, and implement policies and practices that address the unique needs of campus community members who experience various forms of oppression and inequality, including (but not limited to) implementing cultural and linguistically appropriate on- and off- campus support and law enforcement services, as well as partnering with community organizations.

IV. PARTNERSHIP ROLES & RESPONSIBILITIES

Sexual Violence Program

The Sexual Violence Program agrees, when it does not present an undue burden or conflict, to provide or participate in the following:

- A. Appoint a qualified and full-time staff member as a liaison to facilitate communications and assist with delivering accessible services students and employees referred by the IHE. This person shall serve as the primary point of contact between the SVP and the IHE.
- B. Ensure that staff and volunteers supporting the 24-hour rape crisis hotline services are aware of off- and on-campus resources available to students and employees of the IHE.
- C. Provide confidential crisis intervention, counseling, information and referral, and accompaniment to sexual assault forensic examinations and any court proceedings as requested by students and employees. Services may be limited by available resources.
- D. Provide safety planning to students and employees of the IHE, including a discussion of possible campus-specific safety options, such as no-contact orders and special accommodations. If requested by the student or employee, connect them with the designated IHE contact regarding campus-specific safety planning.
- E. Provide students and employees of the IHE with basic information about available options, including how to contact confidential and non-confidential support staff within the IHE and/or how to report a crime to local or campus law enforcement.

- F. Assist the IHE with the development, research, and/or provision of appropriate prevention programming and training to faculty, students, and school officials. In recognition of the limited resources that may be available to the SVP to fulfill this objective, this role may be modified to one of technical assistance, or offering expertise, on promising practices, emerging trends in primary prevention, and capacity-building for on-campus trainers.
 - a. Upon request and with adequate financial and logistical support as needed from the IHE, provide [*specify hours*] of training to IHE [*specify employee categories and particular student groups*] on [*specify topics*]. See section IVB for more information.
 - b. The SVP will strive to ensure a representative is available and present at relevant IHE events, such as health or student resource fairs. The parties understand that, due to the limited availability of resources, the SVP may be unable to provide particular trainings or event representation, and that such trainings or representation may occasionally be beyond the scope of services offered by the SVP. See section IVB for more information.
 - c. SVPs will also support, as much as possible, campus-based research efforts taking place regarding comprehensive prevention programming, as well as share insights and emerging research from the field with campus partners.
- G. Meet quarterly with the IHE's Title IX Coordinator and/or appointed contact(s) from IHE and other relevant staff to share information regarding, but not limited to: the needs of victims, trends in sexual assault service provision, additional services that are recommended for or requested by students and employees, and the effectiveness of the IHE's sexual assault prevention and response program.
- H. Review and discuss with the IHE's Title IX Coordinator and other relevant staff the results of the IHE's campus climate surveys, in an effort to identify needs and areas where the SVP can assist the IHE to improve sexual assault programming, campus culture, and sexual assault response.
- I. Participate in the IHE's coordinated effort to respond to sexual assault disclosures and crises.
- J. Participate in the IHE's efforts to update/revise/strengthen institutional policies regarding sexual misconduct and hate crimes on campus.

Institution of Higher Education

The Institution of Higher Learning agrees, when it does not present an undue burden or conflict, to provide or participate in the following:

- A. Identify a central point of contact for the SVP staff to facilitate coordination and communication between the SVP and the IHE.

- B. Offer the SVP as a confidential off-campus option to students and employees who have disclosed experiences of sexual violence. Referrals may be made by any IHE employee, and the IHE will ensure that all employees likely to receive reports of sexual assault have accurate and up-to-date information and knowledge regarding resources that are available both on- and off- campus. Students and employees who have disclosed experiences of sexual violence will be encouraged to make their own choices about when, where, and whether to receive services.
- C. Provide printed and online materials about services available to students and employees in New Jersey, including materials from the SVP and the New Jersey Coalition Against Sexual Assault. It is highly encouraged that local and state hotline information be included in outreach materials, policy documents (in print and online), and other visible education content.
- D. Provide students and employees with printed and online materials regarding the nearest facility with a forensic nurse examiner (FNE) and sexual assault forensic exam (SAFE) participating facility. Materials will also include information about local community sexual assault response team (SART) processes, including rights regarding pursuing (or not pursuing) law enforcement processes, sexual assault survivor rights, the role of local SVP advocates, and how long evidence can be held for forensic exams.
- E. Provide students and employees with printed and online materials regarding how to obtain campus-based no-contact orders, civil protective orders, and other legal remedies. The IHE shall ensure that students who have disclosed experiences of sexual violence are provided with written information regarding their legal rights and available legal services and advocacy.
- F. Provide printed and online materials about reporting options for students and employees, including information about how to file a grievance with the IHE and how to report a crime to local or campus law enforcement.
- G. Provide the SVP with copies of sexual assault prevention and response materials available to students and employees and organize opportunities to collaborate on strengthening the content of materials.
- H. Collaborate with the SVP on research efforts regarding prevention approaches and activities in order to ensure strategies are consistent with and contribute to promising practices in sexual violence prevention. Prevention programming will reflect principles of effectiveness and be offered at varying times throughout a student's tenure at the IHE, as well as be a part of faculty and staff ongoing development.
- I. Keep the SVP updated on:
 - a. On-campus resources that are available to student and employee victims of sexual assault;

- b. IHE's plans for complying with federal and state requirements for campus sexual assault response;
 - c. Reporting procedures for students or employees who wish to file a report with campus law enforcement;
 - d. Reporting procedures for students or employees who wish to file a grievance with IHE administrators;
 - e. The student code of conduct and disciplinary process; and
 - f. The educational and safety accommodations that are available to students who have experienced a sexual assault.
- J. Keep the SVP updated regarding reporting obligations of IHE employees and identify those employees with whom students can speak confidentially (and any exceptions to that confidentiality). This includes identifying responsible employees under Title IX,⁶⁹ and campus security authorities under the Clery Act.⁷⁰
 - K. Keep the SVP updated regarding the IHE's prohibition on retaliation, how allegations of retaliation can be reported, and what protections are available for students who experience retaliation.
 - L. Keep the SVP updated regarding the IHE's policy regarding drug and alcohol consumption or use in the context of a sexual assault report, as well as the IHE's amnesty policy.
 - M. Ensure the availability of the Title IX Coordinator and other relevant staff to meet regularly with the SVP liaison.
 - N. Share results from the IHE's campus climate survey in a timely manner to allow for feedback and insights on strengthening response, education, and prevention efforts.
 - O. Contribute \$[3,000] to the SVP as compensation toward the services provided, including support for liaison services, travel expenses, event representation, and training-related expenses. Additional support may be requested or provided for individual events.

V. COMMUNICATION & CONFIDENTIALITY

The Parties will meet regularly – at least once per quarter – to:

1. Share and examine data and research regarding current trends and patterns in sexual assaults both on and off campus;
2. Share additional relevant, non-identifying crime data in furtherance of crime prevention goals. The SVP understands that once the IHE becomes aware of an incident of sexual assault, it has obligations to take prompt and appropriate action to investigate, independent of any investigation by local law enforcement.
3. Plan implementation and/or evaluation of training and prevention efforts on campus.

4. Provide updates on laws or regulations relevant to sexual violence on campus.

Communications Between Parties

The IHE agrees that if a victim requests confidentiality regarding a reportable incident, Parties will take all reasonable steps to comply with the victim's request or inform the victim when the IHE or SVP cannot ensure confidentiality.

When meeting or referencing survivor needs, Parties will not disclose names or identifying information to other Parties, unless the survivor has provided written consent to being identified after being informed of their right to have identifying information withheld.

- A. All Parties will inform individuals disclosing sexual assault that notification to the IHE - including confidential on-campus resources - will likely result in notice to the campus Title IX coordinator. **However, notification to confidential resources will not result in disclosure of personally identifiable information to the Title IX coordinator.**

Privileged & Confidential Resources for Victims

The Parties acknowledge that communications between victims and Confidential Sexual Violence Advocates operating under the supervision of the SVP, licensed clinical professionals (e.g. counselors or social workers) employed by a SVP, or Clergy Members are privileged communications. The privilege covers all confidential communications with professionals and those who work or volunteer in their offices when the communications are reasonably necessary for the accomplishment of the purpose for which the professional was consulted. Such professionals generally are under no obligation to report incidents of sexual violence, unless the victim is a minor, and can generally claim the privilege in a criminal proceeding.

The Parties further acknowledge that communications between campus-designated "confidential resources" and victims are generally ***protected from disclosure of personally-identifying information*** except in limited circumstances, including potentially in a criminal proceeding unless they qualify as privileged.

Finally, the Parties acknowledge that communications between victims and any Responsible Employees on [Campus] who are NOT designated "confidential resources" are not confidential and are subject to federal and state reporting requirements.

The Parties agree to develop materials to share with each other, with individuals who disclose sexual assault, and with the campus community listing appropriate points of contact on- and off-campus within the above three categories, and including information about the levels of confidentiality and privilege applicable to resources in each category.

VI. OTHER PROVISIONS

This MOU shall begin on [date] and shall terminate on [date]. [One year is suggested for the first year.]

This MOU may be renewed at the option of either Party. If each of the Parties desires to renew this MOU, they shall make every effort to exercise this option no later than 60 days prior to MOU expiration.

The individuals executing this agreement on behalf of each party warrants their individual authority to execute the agreement on behalf of their respective agencies and that the agency will be bound by the terms and conditions herein.

This MOU is effective upon signature by each Party. This MOU may be terminated upon 30 days' notice by any Party. This MOU may be amended or terminated by mutual agreement of the Parties. An amendment or termination should be done in writing. This MOU may be executed in counterparts.

Each Party agrees to act in good faith to observe the terms of this MOU; however, nothing in this MOU is intended to require any unlawful or unauthorized act by any Party. Nothing in this MOU shall be interpreted to limit or restrict each of the Parties' legal, jurisdictional, or other rights or obligations with respect to the subject matter of this MOU. No provision of this MOU shall form the basis of a cause of action at law or equity by any Party against any other Party, nor shall any provision of this MOU form the basis of a cause of action at law or equity by any third party.

_____	_____
Sexual Violence Program Liaison – Printed Name	Role
_____	_____
Sexual Violence Program Liaison – Signature	Date
_____	_____

Sexual Violence Program Executive Director -
Printed Name

Role

Sexual Violence Program Executive Director -
Signature

Date

College or University liaison and primary
point of contact - Printed Name

Role

College or University liaison and primary
point of contact - Signature

Date

Appendix B

Memorandum of Understanding Between [Law Enforcement Agencies] and [Institution of Higher Education]

I. PARTIES

This Memorandum of Understanding is between [Institution of Higher Education, or “IHE”] and [Law Enforcement Agency, or “LEA”]. The Parties agree to establish a point of contact for the other with respect to this MOU. [Insert points of contact for each Party]. All information sharing and communications described in this MOU should flow between the designated points of contact established in the “Parties” section of this MOU. Should the Parties of any entity entered in this MOU change, notification of those changes should be made to other Parties as soon as possible.

II. PURPOSE

The purpose of this MOU is to set forth the respective roles of each party and to memorialize their agreement as to each party’s responsibilities and shared collaborative efforts in responding to reports of campus sexual assaults. The process of developing an MOU fosters open communication among the parties and helps to build relationships necessary to create a successful strategy to reduce sexual assaults. These partnerships are also vital in efforts to change the culture and restore trust and confidence among victims, the accused, families, and the public in how our institutions of higher education and the criminal justice system respond to these crimes.⁷¹

It is further the purpose of this MOU to enhance safety for students, employees and visitors, and better serve the residents and students in this community, ensure that investigations are comprehensive, aid in disciplinary proceedings, facilitate the prosecution of offenders, respect the legal rights of those accused of sexual assault, and provide appropriate support to victims of sexual assault, this Memorandum of Understanding sets forth the respective roles and responsibilities of the Parties related to the prevention of and response to sexual assault. The Parties acknowledge that the unique circumstances of individual cases may give rise to issues not addressed by this MOU, which may necessitate further discussion and agreement.⁷²

Lastly, it is the purpose of this MOU to promote compliance with the numerous state and federal laws that provide specific requirements related to these issues, as outlined in “New Jersey Statutes 18A. Education, Subtitle 8A. Public and Private Institutions of Higher Education, Chapter 61E. Campus Sexual Assault Victim’s Bill of Rights Act”, the

federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”); Title IX of the Higher Education Amendments of 1972 (“Title IX”), and Regulations on the requirements of Title IX, 34 C.F.R. Part 106 – Nondiscrimination on the basis of sex in education programs or activities receiving federal financial assistance.

III. STATEMENT OF PRINCIPLES⁷³

A. Improving Communication, Coordination, and Collaboration: The Parties agree to enhance communication, coordination, and collaboration to remedy sexual assault, and protect the victim’s confidential information.

B. Championing Campus and Community Safety: The Parties will receive training to assist in the recognition that any allegation regarding sexual misconduct requires sensitive treatment and directly affects the real and perceived safety of all members of a campus community.

C. Upholding Civil Rights, Civil Liberties, and Victims’ Rights: The Parties agree to comply with state and federal laws in a manner that protects individuals’ civil rights and liberties, while prosecuting crimes and championing justice for survivors. The Parties explicitly recognize the distinctions between criminal law and civil law in the handling of sexual assault and violence that arise under both state and federal statutory frameworks.

D. Centering the Victim’s Needs in Responses to Sexual Assault: The Parties agree to institute specialized, trauma-informed responses developed in consultation with campus and community-based victim advocates and delineated in this agreement.

E. Ensuring Accountability & Auditing: In an effort to promote greater transparency, the Parties have, or will implement a means to monitor, record, and accurately maintain all reports of sexual assaults, their outcomes, and processes, while maintaining confidentiality where the law provides. Record retention shall be guided by and in compliance with the State of New Jersey Division of Revenue and Enterprise Services – Records Management Services (RMS) “Records Retention Schedule” as appropriate:

<https://www.nj.gov/treasury/revenue/rms/retention.shtml>

F. Specialized Training and Knowledge: The Parties agree that sexual assault require specialized, trauma-informed training for the Parties and other potential first responders.

G. Respecting the Unique Needs of Undocumented Individuals: Parties should strive to promote policies and practices that address the unique needs of undocumented individuals, including implementing culturally and linguistically appropriate campus and law enforcement services.

IV. DEFINITIONS

A. Campus Police- Law Enforcement Agency with sworn members employed by an IHE, whose primary patrol and reporting responsibilities lie therein.

B. Institution of Higher Education, or “IHE”- General definition of institution of higher education as provided by 20 U.S. Code § 1001.

<https://www.law.cornell.edu/uscode/text/20/1001>

C. Jean Clery Act- In summary, The Clery Act “is a consumer protection law that aims to provide transparency around campus crime policy and statistics”.⁷⁴

<https://clerycenter.org/policy-resources/the-clery-act/>

D. Law Enforcement Agency, or “LEA”- Government agency that is responsible for the enforcement of laws. For purposes of this MOU; the LEA Party or Parties in agreement to this MOU could be Local / Municipal, County, State, or “other” Law Enforcement Agencies.

E. New Jersey Campus Sexual Assault Victim’s Bill of Rights- Rights provided to victims of sexual assault who are students of IHEs or victims of sexual assault that occurs on campus of IHEs. 2013 New Jersey Revised Statutes Title 18A – EDUCATION Section 18A: 61E

<https://law.justia.com/codes/new-jersey/2013/title-18a/section-18a-61e-1/>

F. Sexual Assault- 2018 New Jersey Revised Statutes Title 2C- The New Jersey Code of Criminal Justice Chapter 14, Section 2C:14-2 Sexual Assault Definition.

<https://law.justia.com/codes/new-jersey/2018/title-2c/chapter-14/section-2c-14-2/>

G. Sexual Assault Forensic Exam, or “SAFE”- Also known as a “rape kit”. Exam given, at the consent of the victim, following a sexual assault.

<https://www.rainn.org/articles/rape-kit>

H. Sexual Assault Response Team, or “SART”- The Sexual Assault Response Team consists of a forensic nurse examiner, a confidential sexual violence advocate (CSVA) and a law enforcement officer. The SART uses a team concept in providing the compassionate and all-inclusive medical care, emotional and informative support, along with the gathering of crucial evidence of the sexual assault incident.⁷⁵ <https://www.njsp.org/division/operations/sexual-violence-info.shtml>

I. Title IX- The U.S. Department of Education’s Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance.^[6]
https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

V. COMMUNICATION, COORDINATION, AND COLLABORATION

A. The Parties recognize that regardless of which law enforcement agency ultimately has operational responsibility in responding to a sexual assault, other Parties may be the first responder to the report of the crime. Thus, each of the Parties has a responsibility to act in a manner that facilitates an effective law enforcement and institutional response, as well as appropriate treatment of the individual reporting the sexual assault. The Parties agree to enhance communication, coordination, and collaboration to remedy sexual assault and protect the victim’s confidential information. This includes ensuring the appropriate preservation of evidence and coordination with law enforcement to maintain chain of custody and authorize sexual assault forensic examinations.

B. The Parties will keep each other informed about current trends and patterns in sexual assaults both on and off campus by sharing data and analysis via group email exchanges and holding meetings as needed.

C. The Parties agree to coordinate the sharing of information about sexual assaults that may pose a serious threat to the health or safety of the campus and near-campus communities to facilitate the issuance of Clery Act-required timely warnings and emergency notifications. The Parties will create a system, to inform each other about such warnings.

D. The Parties agree to implement, when feasible, communication and information technology infrastructure to promote interoperability of law

enforcement, among other things, public safety radio and recordkeeping systems, and access to time-sensitive information and to coordinate operations to the extent permitted by law.

E. The Parties agree to provide each law enforcement agency with basic temporary workspace as needed for report-writing, interviews, and other basic operational purposes in furtherance of this MOU.

F. The Parties agree to share patrol and sector maps to clarify jurisdictional boundaries. Such maps will clearly depict all buildings and properties that are owned or controlled by the IHE, as well as all buildings and properties that are owned or controlled by recognized student organizations. All maps will be reviewed and updated on an annual basis or when a significant change is made to IHE property or local law enforcement reporting sectors. All modified maps will be shared with all law enforcement-related parties to this MOU. In addition, all maps will indicate any federal or tribal lands that are included in the jurisdictional boundaries, and if any such lands are present, all maps and action plans will be shared with those federal and tribal authorities.

G. With the consent of the victim, or where necessary to ensure the health, safety, or welfare of the campus community, the local law enforcement agency will promptly notify the campus police department or campus security office when students are identified as the victims or suspects of sexual assault that occur off campus, so as to coordinate resources to minimize/prevent further victimization, to trigger appropriate institutional investigative action and disciplinary proceedings against alleged offenders, and to adequately inform the greater campus community of serious ongoing threats to student and employee health and safety. All such notifications to campus authorities will be documented in police incident reports. Except in rare and exigent circumstances, personally identifying information will be shared only with the consent of the victim.⁷⁶

H. IHEs that are made aware of an allegation or potential sexual assault that has occurred on campus property or reported by a student victim or alleged student assailant shall immediately notify Campus Police first (if available / applicable) and LEA second (if no Campus Police present). If there is an identifiable victim, the IHE will respect the victim's request as to whether or not they wish to file a formal report with Campus Police or LEA before doing so.

I. The Parties agree, at the appropriate time and as allowable by federal and state law, to share relevant documentation and other information created and/or maintained during local law enforcement investigations (such as records of interviews) in all cases where a victim of sexual assault consents to this information-sharing, and a victim of sexual assault and/or an alleged suspect are students or employees of an IHE, unless the law enforcement agency determines that the information should not be disclosed due to the risk of harm to any individual, harm to any law enforcement investigation, or other good cause as determined by the law enforcement agency. The purpose of this information-sharing is to ensure the delivery of appropriate services under Title IX, to facilitate full and fair disciplinary investigations, to prevent acts of retaliation against the victim or witnesses, and to assess special threats posed by offenders within the respective jurisdictions as part of an overall effort to prevent the occurrence of similar crimes.⁷⁷

J. The Parties agree to work with internal and external individuals and organizations with expertise in sexual assault prevention and response efforts within their respective jurisdictions, and to hold at least annual meetings to address the effectiveness of their prevention and response policies, procedures and efforts.

K. [LEA] and/or “Campus Police” understands that once [IHE] becomes aware of an incident of sexual assault, it has obligations to take prompt and appropriate action to investigate, independent of any investigation by [LEA] or “Campus Police”. [IHE] understands that [LEA] and/or “Campus Police” may initiate an investigation and prosecution of an incident of sexual assault independent of any campus administrative proceeding.

L. Actions that may not necessarily meet the criteria of a “criminal action” may still be addressed through the IHE’s disciplinary proceedings / process. Further, a criminal disposition or judicial finding of “not guilty” in regards to a criminal matter, does not preclude a finding and or violation of IHE’s policies or procedures.

M. Clery Warnings “The Clery Act requires [IHE] to issue timely warnings for Clery crimes on- and off-campus that pose a serious threat to students and employees and emergency notifications for a significant emergency or dangerous situation

involving an immediate threat to the health or safety of students or employees on campus.”⁷⁸

To facilitate the issuance of Clery Act-required timely warnings and emergency notifications, the Parties agree to coordinate the sharing of information as described. The Parties acknowledge [IHE] will inform [LEA] about such warnings as soon as practicable through the points of contact listed in this MOU and/or registering those points of contact to receive those notifications.

VI. AFTERMATH, VICTIM RESPONSE, AND EVIDENCE

A. The Parties agree that in the immediate aftermath of a sexual assault, a victim should be directed to, and receive assistance (including transportation where appropriate) to access services, including referrals to counseling, a health examination and with the victim’s consent, a sexual assault forensic examination (SAFE), at no cost to the victim. This is irrespective of whether the victim engages with law enforcement to file formal complaint.

B. The IHE will ensure victims know of the right to report the sexual assault to law enforcement and will assist victims who wish to report to do so promptly, in order to facilitate preservation of evidence and an effective response by trained criminal investigators. The Parties agree that where the sexual assault is reported to an IHE agent or employee, the IHE agent or employee will notify the victim of his or her reporting options, including the right to file a Title IX complaint with the IHE and his or her right to file a criminal complaint. The IHE will provide the victim with information about how to file Title IX and criminal complaints and in no circumstances will the IHE either dissuade or require the victim to make a criminal complaint.

B. In order to ensure a universal response to the victim all agencies agree to follow the New Jersey, “Attorney General Standards for Providing Services to Victims of Sexual Assault”, <https://www.nj.gov/oag/newsreleases18/AG-SART-Standards.pdf>. In addition, all agencies will provide each other with a copy of any applicable Sexual Assault Standard Operating procedures. All Parties may request assistance from, and render assistance to, the other agencies to respond to or investigate reports of sexual assault.

VII. SEXUAL ASSAULT PREVENTION AND TRAINING⁷⁹

The Parties agree that training will occur in accordance with directives and policy issued by the Office of the Attorney General and Office of the Secretary of Higher Education.

VIII. ACCOUNTABILITY^[13]

A. The Parties agree to collect data, including a baseline number of sexual assaults from the year prior to entering into the MOU, comparison of baseline numbers to current numbers of cases reported, and for each individual case:

1. Whether the Parties met the MOU requirements and if not, why;
2. Whether the case was successfully prosecuted and if not prosecuted, identification of the reason why the case was not pursued; and
3. Feedback from the victim of his or her view of the process.

B. The Parties agree to collect data regarding the number and types of training each Party provides each year, to conduct regular evaluations of the efficacy of those trainings, and to include such evaluation in their data collection and management reviews to look for trends and areas that will need to be revised in future trainings. The Parties agree to determine common definitions to ensure a valid comparison of data collected.

C. Data collection related to the Parties' actions according to this MOU will be reviewed directly between the Parties on at least an annual basis for sexual assaults. Parties will evaluate changes in the number of reports each year and discuss whether any increases or decreases in reporting are due to changes in actual crime levels or changes in levels of reporting. Performance improvement areas, including strategies to increase levels of reporting and decrease instances of crime, will be identified through review of the data and the responsible party will develop action steps to improve those areas.

D. Each Party representative responsible for implementation of this MOU will meet at least annually to discuss and evaluate effectiveness of the MOU to determine areas for improvement and discuss appropriate next steps.

IX. CONFIDENTIALITY

Student victim's contact with any of [IHE]'s confidential resources will remain confidential and will not be shared with [LEA] UNLESS:

- A. the student wishes for such information to be shared with [LEA]; or
- B. state or federal laws require that such information be shared with [LEA].

X. OTHER PROVISIONS

- A. This MOU is effective upon signature by each Party.
- B. This MOU may be terminated upon 30 days' notice by any Party. This MOU may be amended or terminated by mutual agreement of the Parties. An amendment or termination should be done in writing.
- C. This MOU may be executed in counterparts.
- D. The Parties agree that any costs associated with this MOU will be covered as follows [insert any necessary language].
- E. Each Party agrees to act in good faith to observe the terms of this MOU; however, nothing in this MOU is intended to require any unlawful or unauthorized act by any Party. Nothing in this MOU shall be interpreted to limit or restrict each of the Parties' legal, jurisdictional, or other rights or obligations with respect to the subject matter of this MOU.
- F. No provision of this MOU shall form the basis of a cause of action at law or equity by any Party against any other Party, nor shall any provision of this MOU form the basis of a cause of action at law or equity by any third party.

[IHE Administrator] Signature Date

[Campus Police Chief or Security Director] Date

[Law Enforcement Agency] Signature Date

[Prosecutors] Signature Date

[Other LE] Signature Date

[Other LE] Signature Date

[Other LE] Signature Date

Appendix C

Primary Prevention versus Risk Reduction: What's the Difference?⁸⁰

Primary Prevention	Risk Reduction
<p>DEFINITION: Preventing the perpetration of sexual violence; <i>stopping violence before it even occurs.</i></p>	<p>DEFINITION: Reducing or minimizing the risk of someone becoming a victim.</p>
<p><i>What's the difference?</i></p>	
<p>Changes the social norms that allow sexual violence to happen.</p> <p>Addresses all forms of sexual violence.</p> <p>Educates on creating safe spaces.</p> <p>Focuses on changing the root causes of sexual violence.</p> <p>Places the responsibility on everyone in the community to eradicate the root causes of sexual violence.</p> <p>Addresses multiple risk factors* of sexual violence perpetration.</p> <p>* A risk factor is a characteristic that increases the likelihood of a person becoming a victim or perpetrator of violence.</p>	<p>Places the responsibility on the potential victim to prevent violence against themselves.</p> <p>Educates a potential victim on how to stop an attack in progress.</p> <p>Focuses on some forms of sexual violence.</p> <p>Educates on navigating through existing harmful spaces.</p> <p>Focuses on individual acts of sexual violence, but not the root causes.</p> <p>Does not address risk factors of sexual violence perpetration.</p>
<p><i>Activity Examples</i></p>	
<p>A comprehensive, multi-session educational program implemented in a school with faculty and students that addresses gender inequity.</p> <p>Ongoing education and support to parents on boundaries and building empathy.</p>	<p>Self-defense classes for the purpose of fending off a potential attacker.</p> <p>Drug-detection materials (color-changing coasters, straws, glasses, nail polish, etc. for the purpose of detecting GHB)</p> <p>Mace or pepper spray; rape whistles.</p>
<p><i>Keep in mind...</i></p>	

<p>One risk factor alone does not create sexual violence, but rather a combination of risk factors.</p> <p>There is not one specific primary prevention strategy that addresses all risk factors.</p> <p>While working to decrease risk factors, we can work to increase protective factors* against violence.</p> <p>Primary prevention requires a change in beliefs, attitudes, and behaviors across all layers of our society in order to see a shift in the culture.</p> <p>* A protective factor is a characteristic that decreases the likelihood of a person becoming a victim or perpetrator of violence because it provides a buffer against risk.</p>	<p>Risk reduction strategies do not acknowledge the reality of most sexual violence incidents:</p> <ul style="list-style-type: none">● The majority of survivors know and trust the person who harmed them - it is not a stranger.● When the fight, flight, or freeze survivor modes are activated, survivors may experience the freeze reaction (not by choice) <p>Some strategies, like self-defense, can be empowering for some, but should not be relied upon to prevent violence.</p> <p>Risk reduction strategies can inadvertently increase victim-blaming attitudes and behaviors by placing the responsibility on the victim rather than the perpetrator.</p>
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Appendix D

Additional Resources

Prevention and Education

“Addressing Gender-Based Violence on College Campuses: Guide to a Comprehensive Model.” Changing Our Campus, n.d. Accessed December 30, 2019.

<http://changingourcampus.org/documents/FINAL-GBV-Comprehensive-Model-22117.pdf>

This report provides background information and best practices for institutions to address gender-based violence on college campuses. The authors provide a framework for campuses to help begin a discussion on how to address and engage the community, as well as implement programs to reduce gender-based violence.

“Addressing Sexual and Relationship Violence on College and University Campuses.”

(2016) [pdf] American College Health Association. Accessed December 30, 2019.

https://www.acha.org/documents/resources/guidelines/Addressing_Sexual_Violence.pdf.

The American College Health Association takes an ecological approach to preventing sexual and relationship violence on campuses providing recommendations in the following areas: prevention of sexual and relationship violence, risk reduction, and responding and supporting to sexual and relationship violence.

“Establishing Prevention Programming: Strategic Planning for Campuses.” (2014). U.S.

Department of Justice, Office on Violence Against Women. Accessed December 30, 2019. <https://www.justice.gov/archives/ovw/page/file/913331/download>.

The Office on Violence Against Women provides institutional leaders with guidelines and questions to help in the development of their institution’s strategic planning to address sexual violence.

“Prevention Programming Matrix.” Culture of Respect, NASPA. Accessed December 30,

2019. <https://cultureofrespect.org/programs-and-tools/matrix/>.

The Prevention Programming Matrix is a free tool that provides a list of evidence-based prevention programs. The matrix includes descriptions of the program, level of evidence available, descriptions of the format and target audience.

“Sexual Violence Prevention.” Centers for Disease Control and Prevention. Accessed December 30, 2019.
<https://www.cdc.gov/violenceprevention/sexualviolence/index.html>.

The Centers for Disease Control and Prevention (CDC) provides a wide range of resources and information on sexual violence including: a technical package of strategies, fast facts, prevention strategies, and additional resources.

Services for Survivors and Accused Students

“Technical Assistance Documents.” Center on Violence Against Women and Children. Accessed December 31, 2019. <https://socialwork.rutgers.edu/centers/center-violence-against-women-and-children/rutgers-university-model/campus-sexual-violence-resources>.

The Center on Violence Against Women and Children at Rutgers University has provided technical assistance resources for addressing interpersonal violence. The documents include: running support groups, trauma-informed services, and establishing a comprehensive victim services program on campus.

“Victim Bill of Rights.” End Sexual Violence. Rutgers University. Accessed December 30, 2019. <http://endsexualviolence.rutgers.edu/policies-and-key-terms/victim-bill-of-rights/>.

The working group recognizes that impact of violence on victims and the surrounding community can be severe and long-lasting. Rutgers has adopted this Bill of Rights to articulate requirements for policies, procedures, and services designed to ensure that the needs of victims are met. Colleges and universities in New Jersey may adopt a similar framework to create and maintain communities that support human dignity.

“Where to start: A Guide to Safety Planning with Victims of Campus Sexual Violence.” Victim Rights Law Center. Accessed December 30, 2019.
<https://www.victimrights.org/sites/default/files/VRLC%20MSCASA%20Safety%20Planning%20with%20Campus%20Sexual%20Assault%20Victims.pdf>.

This guide for administrators helps inform current gaps and next steps on campuses in order to help develop a more informed and appropriate response to sexual violence on campus.

Investigation and Adjudication

“Research-Informed Methods for Sanctioning Students Found Responsible for Sexual Misconduct.” Changing Campus Culture, November 17, 2019.
<https://vimeo.com/304220128>.

Changing Campus Culture provides a free video resource regarding informed sanctioning practices.

Smith, N E. “The Old College Trial: Evaluating the Investigative Model for Adjudicating Claims of Sexual Misconduct.” *Colum. L. Rev.* 117, no. 953 (2017).
<https://columbialawreview.org/content/the-old-college-trial-evaluating-the-investigative-model-for-adjudicating-claims-of-sexual-misconduct/>.

The author explores procedures for addressing student-perpetrated sexual misconduct with a focus on the investigative model exploring what schools need to consider based on case law.

“Statement on Trauma-Informed Responses to Sexual Assault.” EVAWI Resource Library. EVAWI, September 23, 2019.
<https://www.evawintl.org/Library/Detail.aspx?ItemID=1341>.

End Violence Against Women International recently issued a press release detailing the common misunderstandings of trauma-informed investigation and discussed the benefits for all investigators (police, college, etc.) to utilize this practice.

“SUNY Student Conduct Institute.” SUNY. Accessed December 31, 2019.
<https://system.suny.edu/sci/>.

The SUNY Student Conduct Institute trains staff at public and private institutions of higher education on how to fairly and equitably investigate and adjudicate conduct violations and disclosures.

“Title IX.” Addressing Sexual Violence. TCNJ. Accessed December 31, 2019.
<https://titleix.tcnj.edu/policies/>; and “University of Michigan Policy & Procedures on Student Sexual & Gender-Based Misconduct & Other Forms of Interpersonal Violence.” University of Michigan. Accessed December 31, 2019.
<https://studentsexualmisconductpolicy.umich.edu/>.

The College of New Jersey and the University of Michigan are two of the first institutions to create and implement an alternative resolution process, based in restorative practices, into their Title IX policies.

Community Collaboration

“Minimum Standards for Creating a Coordinated Community Response to Violence Against Women on Campus.” U.S. Department of Justice, Office on Violence Against Women. Accessed December 30, 2019.

<https://www.justice.gov/sites/default/files/ovw/legacy/2008/01/11/standards-for-ccr.pdf>.

The Office on Violence Against Women provides guidelines for creating a coordinated community response team.

Evaluation and Assessment

“Campus Violence Prevention Resource Guide.” CALCASA. Accessed December 30, 2019.

http://www.calcasa.org/wp-content/uploads/files/calcasa_campus_violence_prevention_resource_guide.pdf

This guide provides information to administrators regarding strengthening policies, improving support services, and utilizing prevention education.

Dills, J., Fowler, D., & Payne, G. (2016). “Sexual Violence on Campus: Strategies for Prevention.” Centers for Disease Control and National Center for Injury Prevention and Control. Accessed December 30, 2019.

<https://www.cdc.gov/violenceprevention/pdf/campusvprevention.pdf>.

This guide recommends the use of data, specifically climate surveys, to tailor prevention efforts to the needs of the campus. It includes the recommendation that prevention plans and evaluation plans be developed simultaneously and that results should be shared with the community.

“Protecting Students from Sexual Assault.” The United States Department of Justice Archives. U.S. Department of Justice Office on Violence Against Women. Accessed December 30, 2019. <https://www.justice.gov/archives/ovw/protecting-students-sexual-assault>.

This website provides resources, including the Not Alone Toolkit and a section on campus climate surveys.

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- ¹ Krebs, C. P., Lindquist, C. H., Warner, T. D., Fisher, B. S., & Martin, S. L. (2007). The campus sexual assault (CSA) study. Washington, DC: National Institute of Justice, US Department of Justice.
- ² Gentlewarrior, S., & Fountain, K. (2009). Culturally competent service provision to lesbian, gay, bisexual and transgender survivors of sexual violence. In *Applied Research Forum (Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence/Pennsylvania Coalition Against Domestic Violence, 2009)*, <http://www.vawnet.org> (pp. 171-72).
- ³ The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report. Atlanta, GA. National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.
- ⁴ Curtis, M. J., & Love, T. (2009). Tools for change: An introduction to the primary prevention of sexual assault.
- ⁵ DeGue, S. (2014). Evidence-based strategies for the primary prevention of sexual violence perpetration. *Preventing sexual violence on college campuses: lessons from research and practice*.
- ⁶ DeGue, S. (2014). Evidence-based strategies for the primary prevention of sexual violence perpetration. *Preventing sexual violence on college campuses: lessons from research and practice*.
- ⁷ DeGue, S. (2014). Preventing Sexual Violence on College Campuses: Lessons from Research and Practice
- ⁸ Ibid.
- ⁹ Dills, J., Fowler, D., & Payne, G. (2016). Sexual violence on campus: Strategies for prevention.
- ¹⁰ Ibid.
- ¹¹ Ibid.
- ¹² Banyard, V. L., Plante, E. G., & Moynihan, M. M. (2003) Bystander education: Bringing a broader community perspective to sexual violence prevention. *Journal of Community Psychology*, 32, 61-79.
- ¹³ Borges, A. M., Banyard, V. L., & Moynihan, M. M. (2008). Clarifying consent: Primary prevention of sexual assault on a college campus. *Journal of Prevention & Intervention in the Community*, 36(1-2), 75-88.
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- ⁷⁰ A "campus security authority" is a term of art under the Clery Act, and includes campus police or security officers, persons who have responsibility for campus security, persons who have been designated by the IHE to receive reports of criminal offenses, and IHE officials who have significant responsibility for student and campus activities.

⁷¹ Ohio Attorney General’s Campus Sexual Assault Initiatives Report 2018, Reviewed 2019. “Appendix A: Recommendations for Crafting a Memorandum of Understanding Between Critical Partners Responding to Reports of Campus Sexual Assault”. https://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Schools/Campus-Sexual-Assault-Initiative-Report_WEB

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⁷⁷ The local law enforcement agency and the campus police department will develop a plan regarding the jurisdiction of each agency over sexual assault, including but not limited to geographic locations and types of crimes. Such plans also may involve information-sharing to ensure both agencies can promptly and effectively respond to crimes within their jurisdiction and appropriately refer any that fall outside their jurisdiction.

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