

# Addressing Sexual Assault and Interpersonal Violence



Athletics' Role in Support of  
Healthy and Safe Campuses



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Primary Author and Editor: Deborah Wilson, Ph.D., George Mason University

Contributing Authors: Connie Kirkland, M.A., NCC, CTS, Northern Virginia Community College  
Brandi Hephner LaBanc, Ph.D., University of Mississippi

Other Contributors: Campus Athletics Administrators  
Student-Athlete Advisory Committee Representatives

NCAA Staff Editors: Karen Morrison, Office of Inclusion  
Mary Wilfert, Sport Science Institute



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## **NCAA Executive Committee Statement on Sexual Violence Prevention and Complaint Resolution**

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At the August 6, 2014, meeting of the Executive Committee of the National Collegiate Athletic Association (NCAA), the following resolution was proposed and unanimously approved by the Executive Committee.

WHEREAS NCAA Constitution Article 4.1.2 charges the NCAA Executive Committee with identifying core issues that affect the Association as a whole and with overseeing Association-wide issues and ensuring that each division operates consistent with the basic purposes, fundamental policies and general principles of the Association;

WHEREAS the Executive Committee regularly takes action to preserve and enhance student-athlete health, safety and well-being and promote nondiscriminatory and effective learning and competitive environments;

WHEREAS NCAA Constitution Article 2.2.3 requires each member institution to protect the health of, and provide a safe environment for, each of its participating student-athletes;

WHEREAS the U.S. Department of Education Office for Civil Rights has issued guidance related to sexual harassment, bullying and violence against all students under Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, which applies to all educational activities, including athletics programs, of higher education institutions receiving federal financial assistance and which states that sexual harassment includes rape, sexual assault, sexual battery, sexual coercion and gender-based harassment.

**Now, Therefore, Be It Resolved**, that the Executive Committee recognizes the importance of addressing the abhorrent societal issue of sexual violence, especially when it occurs on our campuses. The Executive Committee acknowledges that it is our members' collective responsibility to maintain campuses as safe places to learn, live, work and play. The Executive Committee expects NCAA members to ensure that the values and principles articulated in the Constitution to protect the health and safety of student-athletes, operate fairly and ethically, and further to assure that student-athletes are neither advantaged nor disadvantaged by special treatment and that institutions' athletics departments must:

- Comply with campus authorities and ensure that all athletics staff, coaches, administrators and student-athletes maintain a hostile-free environment for all student-athletes regardless of gender or sexual orientation; know and follow campus protocol for reporting incidents of sexual violence; report immediately any suspected sexual violence to appropriate campus offices for investigation and adjudication;
- Educate all student-athletes, coaches and staff about sexual violence prevention, intervention and response;
- Assure compliance with all federal and applicable state regulations related to sexual violence prevention and response; and
- Cooperate with but not manage, direct, control or interfere with college or university investigations into allegations of sexual violence ensuring that investigations involving student-athletes and athletics department staff are managed in the same manner as all other students and staff on campus.

# AUTHOR'S NOTE ON TERMINOLOGY

A question regarding terminology had to be answered in the writing of this guide. Should those on whom sexual assaults and acts of interpersonal violence have been perpetrated be referred to as “victims” or “survivors”? Both terms are meaningful.

“Victim” underscores that these acts are committed without proper consent and have damaging (sometimes devastating) and enduring effects. Therefore, when referring to “victims,” the emphasis is on prevention so fewer or no more individuals will have to deal with the trauma of these crimes. Acts of sexual assault and interpersonal violence are all acts in which a crime has been perpetrated, whether or not the crime is reported to police or goes to conviction.

“Survivor” salutes the courage needed to reconstruct a life in the aftermath of trauma. It emphasizes the struggle that victims endure as they regain meaning and hope in their lives when their vulnerability has been so painfully exploited. “Survivor” focuses on recovery and the importance of providing the appropriate and ongoing resources needed to help victims of these crimes regain a fully functioning life as quickly and completely as possible. “Survivor” is a term often used by counselors, therapists, student activists and others whose focus is on helping survivors through the recovery process.

Oftentimes, “victim” and “survivor” are used interchangeably. For the purposes of this guide, before or during an assault the reference is usually to the “victim.” After the assault the victim is usually referred to as a “survivor.”

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*Athletics should work with campus colleagues to support a safe and caring campus community.*

## I. PREFACE

This guide is a general introduction to the problems that result from sexual assault and interpersonal violence and how they are affecting college students and student-athletes. It is meant to assist intercollegiate athletics administrators and those who provide educational programming for student-athletes in developing their own approaches to preventing or reducing the incidents of sexual assault and other acts of interpersonal violence on their campuses. It provides information on responding appropriately to acts of violence and other matters relevant to complying with federal law. It can help intercollegiate athletics to be better informed about its specific responsibilities with regard to sexual assault prevention, response and recovery. It includes practical suggestions on how intercollegiate athletics may be a valued and valuable campus partner in addressing the issue. Included in the guide is the student-athletes' perspective on this issue. It emphasizes how critical their role is in making meaningful and lasting changes in intercollegiate athletics departments and on their campuses.

This guide can assist intercollegiate athletics staff in developing and enhancing relationships with other campus

offices and experts whose work focuses on sexual assault and interpersonal violence. It provides information on where helpful individuals, materials and other resources may be found on a college campus. For these departments that are in the early stages of tackling those issues or want to expand their efforts, this guide provides information on becoming involved with other campus constituencies and getting institutional support.

For those intercollegiate athletics departments that have already established or made substantial progress in forming cross-campus collaborations and providing educational programming, this guide will be affirming. This guide advocates the advancement of intercollegiate athletics as a prominent player in shifting campus cultures toward greater safety through sexual assault and interpersonal violence prevention. It also addresses effective response and support for recovery from those incidents when they occur. This guide can be a resource to help intercollegiate athletics become a major contributor to make its campus safer for all students, including student-athletes.



*The majority of male and female student-athletes want to have healthy relationships and be part of a campus that is safe for all students. And though most campus sexual assaults are perpetrated by men, most men are not perpetrators and can be effective cultural change agents.*

## II. INTRODUCTION

### **A. Why should all colleges and universities be concerned about sexual assault and interpersonal violence?**

All students, including student-athletes, arrive on their college campuses with personal histories, some of which include exposure to sexual assault and interpersonal violence. They may have been victims, perpetrators or witnesses of violent acts. Their experiences may have been based in reality or fiction. They may have been physically distant to the actual acts of violence, but experienced them through movies, television, pictures, advertisements, literature, newspapers or social media. *Nobody in our culture is untouched or immune to the effects of sexual assault and interpersonal violence.* The causes of interpersonal violence are multi-determined and embedded in our general and college cultures.

College campuses have generally been thought to be safe environments in which some of society's brightest and most capable young adults develop the knowledge and skills to help them lead satisfying adult lives and make meaningful and positive contributions to society. Although many campuses report less violence than is true for the general culture, nationwide, college students are being victimized and re-victimized by sexual assault and interpersonal violence in alarming numbers from the time they enter as freshmen until they graduate or leave their college or university. The costs to the victims, their partners, families and society are significant and lasting; they are also unacceptable. Federal laws and regulatory guidance increasingly recognize the responsibility

of colleges and universities to effectively address this issue and make their campuses safer for all students.

In 2010, the NCAA Executive Committee targeted sexual assault and interpersonal violence as a major initiative of the Association. In January 2014, President Barack Obama and Vice President Joe Biden issued "Rape and Sexual Assault: A Renewed Call to Action."<sup>1</sup> That document was an alert to the nation to address sexual assaults with particular emphasis given to the nation's college campuses. That call to action was followed in April 2014 with "Not Alone," a report from the White House Task Force to Protect Students From Sexual Assault.<sup>2</sup> "Not Alone" is unambiguous in its demand that each college or university understand hostility and violence on its campus, create a safe college environment and respond appropriately and effectively to incidents of sexual assault. It also clarified some of the legal requirements to protect the victims and support the recovery of the survivors of sexual assault.

### **B. Why should athletics address this issue?**

Intercollegiate athletics is uniquely positioned to positively influence the development of hundreds of thousands of young adult male and female college students. Student-athletes compose a significant and visible portion of the undergraduate population at colleges and universities across the country. More than 460,000 students participate in NCAA sports and another 60,000 participate in NAIA-sponsored sports. While there may be other campus activities that give students an opportunity to get to know and work with faculty and other

students, it would be rare to find social or academic programs that not only provide but require the almost daily interaction expected of student-athletes with other student-athletes, their coaches and athletics staff throughout their college years.

Because of the almost continuous and strong influence of coaches, student-athlete peers, athletics administrators and other athletics staff, it is possible for those relationships to significantly help student-athletes become cohesive around and committed to changing a campus culture of violence or apathy to one of safety. The reduction of sexual assault and violence will become manifest among student-athletes as they act together to change behaviors that perpetuate an acceptance of sexual harassment, assault and interpersonal violence. Those changes will ensue naturally as student-athletes realize the changes are expected, recognized and valued by their peers and coaches.

*Athletics has a unique platform on most campuses from which it can visibly and vocally support its colleagues across campus who are working to make the campus safer for all students.* It is imperative that athletics departments educate about the extent and nature of sexual assault and interpersonal violence, commit to reducing incidents involving any students (including student-athletes) and respond effectively to those students and student-athletes who are targets of these crimes.

### **C. What is the focus of this guide?**

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Sexual assaults and acts of interpersonal violence that occur between college students are the focus of this guide. *The effects of sexual assault and interpersonal violence cause real and often lasting emotional, cognitive, physical and other types of damage to its victims.* The extended effects are felt by family members and other people closely affiliated with its victims and perpetrators, like significant others, teammates and friends. When sexual assaults and other acts of interpersonal violence have involved student-athletes, they have resulted in real costs to the individuals involved and to their teams, athletics departments and institutions. While all acts of violence, their causes and prevention deserve careful and thoughtful consideration, this guide is restricted to addressing sexual assault and interpersonal violence that involves college students and occurs between people who are acquainted with one another. Although some suggestions or recommendations may be applicable in dealing with other forms of violence, those other situations may have characteristics that require different approaches.

### **D. What is the nature of sexual assault or interpersonal violence?**

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All acts of sexual assault or interpersonal violence share one characteristic. They are all *acts of dominance in which at least one individual imposes, or attempts to impose, his or her will on another individual or group in a way that threatens a single victim's or multiple victims' safety, welfare or ability to exercise their rights as granted by law.* Colleges and universities provide opportunities to their students, including student-athletes, to engage in the academic, social and recreational

activities of the campus. These opportunities must be offered in a safe and harassment-free environment. NCAA member institutions are required under NCAA Constitution Article 2.2.3 to protect the health of, and provide a safe environment for, each of their participating student-athletes.

Interpersonal violence encompasses a wide range of behaviors. A partial list includes taunting, dating abuse, stalking, harassment, hazing, bullying, assault, rape and murder. Each term represents an act that presents a real or perceived danger to the victim. The act may be verbal, written, graphic, sexual, physical or psychological. The level of threat may be great or small. The actual physical or psychological damage may be mild or severe. The acts may be subtle or overt. On each campus, the chief student affairs officer will be able to provide terms and definitions that are consistent with institutional policies, state laws and federal laws. A list of frequently used terms and their commonly used definitions is provided in "**Appendix A: Glossary.**"

### **E. How prevalent are these crimes?**

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Although there is relatively little research that has specifically addressed the experiences of college students with sexual assault and interpersonal violence, those that have been published reinforce the need to make the prevention of these crimes a priority on every college campus. The most recent major studies of campus crime reported that *approximately 25 percent of college women were sexually assaulted during their college years, that as many as 50 percent of college students experienced dating violence while in college, that 13 percent of college women were stalked while in college<sup>3</sup> and 20 percent of NCAA student-athletes were victims of hazing.<sup>4</sup>* In a 2012 American College Health Association study, male student-athletes reported being victims of sexual assault at higher rates than their nonathlete peers.<sup>5</sup> In a study conducted in 2007, 6.1 percent of college males reported being victims of attempted or completed sexual assault.<sup>6</sup> Other research has reported that approximately one in five women and one in 33 men will be victims of sexual assault during their lifetimes.<sup>7</sup>

A known or suspected identification of an individual as lesbian, gay, bisexual, transgendered or queer/questioning (LGBTQ) may make that individual more vulnerable to being a target for harassment, sexual assault and hate crimes. The National Intimate Partner and Sexual Violence Survey reported that bisexual men and women were at the greatest risk for victimization.<sup>8</sup> The lifetime prevalence of lesbian women, bisexual women, gay men and bisexual men being raped is much higher than the rate for heterosexual men or women. Nearly half of bisexual women have been raped during their lifetimes. Approximately 40 percent of gay men and 50 percent of bisexual men have experienced sexual violence other than rape during their lifetimes.<sup>9</sup> In a 2013 study, 25 percent of heterosexual women had experienced at least one form of severe physical violence by an intimate partner in her lifetime. Those rates were even higher for lesbians (33 percent) and bisexual women (50 percent).<sup>10</sup>

Re-victimization is of particular concern for female college students. Those who enter college with a history of childhood and adolescent victimization are at the highest risk of being

sexually assaulted again during their college years and are particularly vulnerable during their freshman year when compared with their nonvictimized peers. A female college student sexually assaulted during any year of college is at greatest risk to be sexually assaulted again in the same year.<sup>11</sup> Many LGBTQ students are coming to college with a history of sexual assaults. Research on K-12 LGBT students has reported those students were forced to engage in sexual acts against their will at more than double the rate for heterosexual students. Gays and lesbians were the most frequently targeted group for sexual assault, sexual harassment, physical assault and stalking.<sup>12</sup>

In a 2005 study conducted by the American Association of University Women, it was reported that a majority of both male and female college students had experienced harassment from their fellow students, faculty members and campus employees. Approximately one-third of those incidents occurred in the student's first year of college. In that study, *LGBTQ students were more frequently targets of sexual assault and interpersonal violence than their heterosexual peers.*<sup>13</sup>

#### **F. What are the reporting rates for these crimes?**

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The research indicates *the majority of cases involving sexual assault and other forms of interpersonal violence go unreported.* Fewer than 5 percent of campus sexual assaults are reported to the police.<sup>14</sup> When a student shares information with a campus administrator – be it staff, coach or other official of the institution – that report must be formally shared with the appropriate institutional staff to ensure that required protocol is followed. When survivors do not report, or when reporting does not result in appropriate protocol compliance, survivors may not receive the resources that could alleviate their suffering and help them recover as quickly and completely as possible. In a 2011 College Dating Violence and Abuse Poll, over half of the respondents (all college female subjects) chose the same reasons for not reporting a sexual assault. They were concerned they might make it worse for the victim or hurt their relationship with the victim. *In most cases, they knew the abuser and thought the abuser would make life more difficult for them on campus or retaliate if they reported the incident.* Unfortunately, 60 percent of the people who knew of another student's sexual assault thought it was none of their business.<sup>15</sup> It is not understood from the research if those students thought they should not report the incident out of respect for the victim's privacy or they thought their involvement was irrelevant. Because of fears of homophobic and transphobic reactions by responders (including first responders, law enforcement and service providers) LGBTQ survivors are even less likely than their heterosexual peers to report their sexual assaults.<sup>16</sup>

Because of the underreporting of sexual assaults and other violent crimes and the increased cost to victims who do not get appropriate help as soon as possible, the American

College Health Association recommends that students who voluntarily report acts of violence not be sanctioned for the presence or consumption of alcohol if alcohol use has co-occurred with the violent act.<sup>17</sup> *Victims, bystanders and others who become aware of acts of sexual assault and interpersonal violence must feel safe to report them without fear of exposing themselves to sanctions.* Athletics staff can provide training and support to student-athletes to ensure that student bystanders learn how to intervene early, effectively and safely. For more information, see "**Appendix F: Bystander intervention training programs.**"

***When a student shares information with a campus administrator – be it staff, coach or other official of the institution – that report must be formally shared with the appropriate institutional staff to ensure that required protocol is followed.***

#### **G. Are alleged perpetrators sometimes falsely accused?**

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Many thoughtful and responsible people are concerned with damage to the lives of those who are falsely accused of sexual assault. It is important to protect the rights of the accused as well as those of survivors. That understanding needs to be balanced by the knowledge that deliberately false or unfounded accusations occur in an estimated 2-10 percent of all reported sexual assault cases.<sup>18</sup> Of those individuals who are accused of rape, only about 10 percent are arrested<sup>19</sup> and fewer than 4 percent of those arrests lead to conviction.<sup>20</sup> Not being charged with or being acquitted of

sexual assault may mean there was insufficient evidence to convict under a particular state's laws. Also, in the case of a sexual assault, especially rape, the victim often does not feel emotionally capable of enduring the grueling and often humiliating cross-examination in a trial. *It is clear from the reported research that most rapists are not being held accountable for their crimes.*

#### **H. What effects are experienced by survivors of sexual assault or interpersonal violence?**

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Even without knowing the exact prevalence of these issues, it is clear that some of our college students and student-athletes are dealing with the pain and damage caused by acts of violence. Survivors of sexual assault and interpersonal violence can experience physical, emotional, cognitive, social, legal and financial trauma. Unresolved trauma often leads to poor self-image, increased physical ailments, compromised cognitive functioning, sleep disturbances, emotional problems (including post-traumatic stress disorder), disruptions in relationships and a general lowering of the quality of life. *Students who are survivors of violence often experience a negative impact on their academic performances, relationships with peers and the ability to be involved in or benefit from campus life.*<sup>21</sup> Survivors of sexual assault or rape often have future problems with intimate or romantic relationships. Both male and female student-athletes who have been sexually assaulted in the previous 12 months report three times higher rates of suicidal thoughts than other nonvictimized student-athletes.<sup>22</sup> In addition

to the direct victims of sexual assault and interpersonal violence, bystanders or witnesses to traumatic events have cognitive and emotional responses to the event simply by virtue of their exposure.

## I. Who is committing these crimes?

Research has shown males are, overwhelmingly, the most frequent perpetrators of sexual assaults on both males (93 percent of the time) and females (98 percent of the time).<sup>23</sup> In a study of college students, each rapist committed an average of 5.8 rapes. In that study, the 120 male college student rapists (identified by subjects voluntarily and anonymously admitting to different acts of violence) were responsible for a combined total of 1,225 separate acts of violence.<sup>24</sup> Therefore, it appears *a small percentage of college men (approximately 6 percent) are sexual assault repeat offenders<sup>25</sup> or sexual predators.*

## J. What are the predominant risk factors to commit or be victimized by these crimes?

- 1. Alcohol:** The use of alcohol is one of the behaviors most strongly correlated with sexual assault and interpersonal violence. *Alcohol is implicated in 50-70 percent of all college sexual assault cases.*<sup>26</sup> In the 2013 NCAA Substance Use Study, student-athletes reported higher rates of binge drinking than their nonathlete peers and more than 20 percent of male student-athletes who drank consumed 10 or more drinks each time they drank, double the number of drinks required to be considered binge drinking.<sup>27</sup> In a 2002 study, 80.8 percent of respondents who reported raping women indicated their victims were incapacitated by alcohol or another drug at the time of the sexual assault.<sup>28</sup> In a 2004 study, nearly three-quarters (72 percent) of college women who had been raped were too intoxicated to give or refuse consent.<sup>29</sup>

*For college couples, the second-highest predictor for relationship assault or domestic violence by either the male or female partner was the use of alcohol.* For those couples, alcohol use led to a fivefold increase in the probability of relationship violence.<sup>30</sup> Athletics departments and other institutional departments must address the use of alcohol to have an effective sexual assault and interpersonal violence prevention program.

- 2. Other risk factors for being a victim:** Risk factors increase vulnerability in the eyes of a predator, who is looking for a target of his violence. Other than alcohol, some factors that increase the probability a college student will be a victim of sexual assault or interpersonal violence include being female, being a freshman, having a prior history of victimization or abuse that has gone untreated, having a non-majority gender identification (such as being transgendered or bisexual), having a sexual preference for the same sex (lesbian or gay) or being a member of a religious or ethnic minority group. Also, racial minorities are more

## REDUCE RISK

- Address the use of alcohol to have an effective sexual assault prevention program.
- Provide student-athletes effective risk-reduction strategies.
- Help student-athletes understand the situational appropriateness of aggression: what is allowed and desired during competition but not off the field.

likely to be targets of hate crimes when compared with the majority population.<sup>31</sup> Whether or not potential victims are freshmen, transgendered, bisexual, lesbian or gay, if a perpetrator believes they are identified in any of those ways, they are more vulnerable to becoming a victim. If an individual has experienced repeated exposures to sexual, verbal, physical and/or emotional abuse that began at an early age, that individual will be particularly vulnerable to being involved in acts of violence while in college. *The risk of victimization is also increased by being in isolated situations where the potential victim is separated from others who might intervene, such as alone with the perpetrator(s) in a dorm room, vehicle or house.*

Female college students may believe that simply being in a group of friends will help protect them from victimization.<sup>32</sup> Because of their strength and confidence, female student-athletes may believe they are invulnerable to victimization. That belief may be reinforced by their teammates<sup>33</sup> and contribute to risk-taking behaviors. It is important to emphasize with female student-athletes that they are at risk and provide them effective risk-reduction strategies.

- 3. Other risk factors for being a perpetrator:** Sexual violence is at its heart about power and control, including how these issues have existed in the perpetrator's personal history. The probability of an individual perpetrating a sexual assault or other act of interpersonal violence may be increased if an individual has a history of being abused or sexually violated. Many perpetrators have themselves been mistreated and victimized by more powerful and controlling individuals. Other factors that increase the probability an individual will perpetrate a sexual

***Athletics departments can employ life skills programs to mitigate some of the factors that increase the risk of committing violence – programs to improve anger management, to address attitudes about power, control and masculinity, and to define healthy relationships. Other strategies may be employed to attend to issues of previous history.***

assault or act of interpersonal violence include *having a lack of appropriate supervision, a power- and exploitation-based belief of what it means to be male or masculine, previous felony arrests, male peers who hold rape-supportive attitudes, poor impulse control, anger management issues or past involvement in an aggression- or power-based relationship*. Athletics departments can employ life skills programs to mitigate some of the factors that increase the risk of committing violence – programs to improve anger management, to address attitudes about power, control and masculinity, and to define healthy relationships. Other strategies may be employed to attend to issues of previous history.

The research does not show significant differences between student-athletes and their nonathlete peers on probabilities of perpetrating acts of violence. It appears there may be more differences among student-athletes than between student-athletes and nonathletes. Findings from the NCAA 2012 Social Environment Study indicated male student-athletes in the sports of football and baseball had a significant association with aggressive behaviors outside the sport. There were no sport-specific differences for female student-athletes on aggression.<sup>34</sup> Since aggressive and controlling behaviors are promoted in many sports for both male and female student-athletes, *coaches and athletics administrators have a responsibility to help their student-athletes understand the situational appropriateness of aggressive behaviors and that what is allowable and even desirable during an athletic practice or competition has no part in social relationships or “off the field” behavior*.

There is no evidence that participation in athletics or any particular sport causes participants to become perpetrators of violence. What is probable is that personal characteristics (like anger management and impulse control issues) combine with an environmental situation (like the consumption of alcohol) and a triggering event (like a date’s refusal to grant sexual favors) to create a flashpoint for violence.<sup>35</sup>

*Bottom line: Effective prevention includes clear and communicated policy, collaboration with appropriate campus offices, and effective educational programming.*

## **K. What is effective in protecting students and student-athletes from being victimized?**

Having effective policies, ongoing collaboration with campus colleagues and educational programming that addresses prevention can contribute to reducing acts of sexual assault and interpersonal violence.

- 1. Policies:** Protection begins at the top of the organization – from the president’s or chancellor’s office and leadership in each department, including from the athletics director. From that level must come clearly supported, articulated and understood expectations, policies, procedures and sanctions regarding sexual assault and interpersonal violence. Within athletics all policies and procedures must be clearly understood for each level of the department. Student-athletes, other students working in athletics, coaches, administrators and other departmental personnel will have requirements commensurate with the responsibilities of the positions they hold in the athletics department and the activities in which they are involved (camps, recruiting, event management, etc.). Any policies adopted by the athletics department must be in compliance with federal laws, state laws and institutional policies. Compliance issues are more fully discussed in “Section III. Compliance.”
- 2. Collaboration:** Athletics must be part of a unified effort to change the campus culture. By collaborating with campus colleagues, athletics benefits from the expertise of those individuals and offices with special assignments, roles and expertise to address issues of prevention, education and intervention. In addition, when athletics collaborates with campus partners, it sends a strong message to departmental personnel of athletics’ commitment to supporting institutional policies and initiatives.
- 3. Educational programming:** Educational programming in athletics is essential to changing the culture. In general, the individual presentations or activities that compose the overall educational program will focus on prevention, response and recovery. A more complete explanation of educational programming is found in “Section VI: Educational Programming in Athletics.”



# III. COMPLIANCE

## A. Why is it important to understand the federal laws regarding sexual assault and interpersonal violence?

Federal legislation has provided a major impetus for changing the ways colleges and universities have become engaged with the issue of sexual assault and interpersonal violence. In addition to federal and state legislation, colleges and universities have developed their own policies that reflect their commitment to the institution's values regarding student well-being and the opportunity for each student to be involved safely and inclusively in campus academic, social and recreational activities. *Compliance with federal laws, state laws and institutional policies is more than a recommendation – it is a requirement and the foundation of responsible practice in all matters relevant to addressing sexual assault and interpersonal violence.* All members of the athletics staff must be required to understand those laws, policies and procedures and be held accountable for enforcing them.

## B. What are the general legal requirements for colleges and universities?

It has been more than 40 years since the passage of Title IX, a federal civil rights law that prohibits sexual discrimination in educational institutions that receive federal assistance. Known primarily for its programmatic application to intercollegiate sports programs across the country, Title IX provides the legal grounding for the groundswell of voices calling upon the White House to enhance through legislation and enforcement

### LEGAL REQUIREMENTS

Athletics departments are held to the same federal requirements of all institutional staff and departments when it comes to education and reporting requirements. Athletics staff members are required to report any suspected or alleged sexual violence or harassment immediately to appropriate campus offices for resolution; the athletics department is not the appropriate staff to adjudicate a reported case of sexual assault.

the prevention, reporting, investigation and remediation of sexual harassment and other forms of sexual violence on college and university campuses across the nation.

In its 2011 Dear Colleague Letter (DCL), the Office for Civil Rights (OCR), the federal agency responsible for Title IX enforcement, made clear that Title IX enforcement is a priority and that effective prevention of sexual misconduct and training programs in support of effective response to complaints of sexual misconduct are both mandatory and integral components of the educational mission of all schools. Those expectations have been further expanded and reinforced by the Violence Against Women Act (VAWA) Reauthorization of 2013, which includes the Campus Sexual Violence Elimination (SaVE) Act, and the Jeanne Clery aka Campus Safety Act. A fuller presentation of the federal laws and their implications for athletics is found in "**Appendix B: Federal laws.**"

## THE FEDERAL REGULATIONS

- I. Title IX-1972 prohibits discrimination on the basis of sex, including gender-based harassment and sexual harassment, in educational institutions receiving federal funds.
  - a. 2011 Dear Colleague Letter on Sexual Violence requires immediate and effective response to sexual violence.
  - b. 2013 Dear Colleague Letter on Retaliation reminds institutions that retaliation for reporting sexual violence is prohibited.
- II. Clery Act, established in 1998 and formerly known as the Campus Security Act, requires campuses to publish an annual report of campus crime and designates directors of athletics and coaches as campus security authorities (CSAs) who are required to report when they become aware of potential sexual misconduct.
- III. The Violence Against Women Act (VAWA) was reauthorized in 2013 and included the Campus Sexual Violence Elimination Act (SaVE Act), which expands and defines sexual misconduct that must be reported, and requires training and education to all incoming students and new employees.

### C. What do the federal laws mean for college athletics?

In guidance published by the Office for Civil Rights, *student-athletes and coaches are identified, among others on campus, as individuals who should receive training around issues of sexual harassment and sexual violence, including where and to whom student-athletes should go if they are victims and what to do if they learn of an incident of sexual violence.* In addition, the Clery Act has specifically included *coaches and athletics directors in its list of people on campus designated as “campus security authorities (CSA).”* By description, CSAs include all people who have significant responsibilities for student or campus activities. *Therefore, all athletics staff (including staff in events management, athletic trainers and others) and particularly any staff in leadership positions should receive training and be required to report allegations of sexual harassment and violence.*

An institution’s intercollegiate athletics program has an important role to play in recognizing, preventing and remedying campus sexual violence. Title IX, VAWA, the Campus SaVE Act, the Clery Act and other federal, state and local laws set the floor for an institution’s legal compliance responsibilities. A school’s policies, procedures and practices must meet those minimum standards. Many institutions and athletics departments choose to develop programs, training or policies that go beyond those minimum standards in keeping with the mission and expectations of behavior at their institutions.

Schools are required under Title IX to take *immediate action to eliminate hostile environments, prevent their recurrence and address their effects. Athletics has a responsibility to*

*ensure that all areas and facilities under its oversight are safe, nonhostile environments.* Schools are also required to provide interim measures to ensure the safety of all involved and to prohibit retaliation.

The concept of interim measures is important for athletics where such measures may present pre-resolution challenges, especially where the complainant and respondent are participating on the same team. Under Campus SaVE, schools must provide complainants with options for interim measures whether or not the complainants decide to report the misconduct to campus or local law enforcement. Interim measures may become permanent where the respondent is found responsible for sexual misconduct. In addition, individuals found responsible may face disciplinary action, up to and including expulsion from school. Finally, survivors may be provided additional resources to help remedy and mitigate the effects of sexual misconduct.

A more complete discussion of the federal laws is found in “**Appendix B: Federal laws.**”

## ATHLETICS COMPLIANCE RESPONSIBILITIES

- Ensure student-athletes, coaches and staff receive education on sexual harassment and violence prevention, intervention and response.
- Eliminate hostile environments.
- Ensure all areas and facilities are safe.
- Take immediate action when any incident occurs.
- Cooperate with campus offices responsible for adjudicating any incidents.

### D. Does athletics have specific concerns regarding compliance?

Athletics has significant responsibilities in maintaining safety in the three areas of facilities oversight, recruiting and dealing with pending cases involving student-athletes.

1. **Facilities oversight:** Athletics is responsible for environments that student-athletes and in some cases other students frequent. Those areas may include, but are not limited to, locker rooms, team rooms, athletic training rooms, weight and conditioning facilities, academic support facilities, practice areas and competition venues. Athletics encourages and sometimes requires student-athletes to congregate in or use those facilities. While many of those locations may have regular and fairly constant staff supervision, others may have sporadic or essentially no supervision. Without proper supervision that includes training for coaches, staff and student-athletes (especially team leaders), there can be no confidence that those are healthy environments. *Title IX mandates that if a college or university knows or reasonably should know about sexual misconduct that creates a hostile environment, it must eliminate the harassment, prevent its recurrence, and address its effects.*<sup>36</sup>

**2. Recruiting:** Of particular concern to athletics is the recruitment of prospective student-athletes when the recruitment process involves campus visits and there are times when a prospective student-athlete is unsupervised by appropriately trained athletics staff. Athletics is subject to additional risks and responsibilities when the visiting prospect is legally a minor. The concerns for a minor-age recruit are compounded when the prospect is involved in activities with student-athletes or others who are of legal adult age. The risks for all parties involved increase if the recruit is exposed to the use of alcohol, illegal substances or sexual misconduct. *It is essential that athletics ensures the safety of visiting recruits.*

**3. Pending cases:** When a survivor or alleged perpetrator is a student-athlete, *athletics must report to appropriate campus offices for resolution and must protect those individuals from retaliation from a student, student-athlete or staff in athletics.* That situation can be particularly difficult to manage if both the survivor and alleged perpetrator are student-athletes, have friends in common and/or use the same athletics facilities. Their teammates and friends may respond with disappointment, aggressiveness, defensiveness, protectiveness, anger, disgust, bewilderment, confusion, separation or other reactions. Both survivors and alleged perpetrators must be protected from actions that are considered retaliatory in nature.

It is essential to protect the survivor from further emotional or physical harm. To better understand how to protect a student-athlete survivor, athletics will benefit from consultation with an appropriate campus partner (see “**Appendix D: Campus partners for response**” and “**Appendix E: Campus partners for recovery**”). It is important that athletics works with the appropriate office(s) on campus so the university officials in those offices understand the conditions under which, where and how the survivor and alleged perpetrator might come in contact with each other as they engage in their athletics-related activities.

**4. Language:** Athletics faces a particular concern in regard to derogatory, sexist or offensive language.

*Athletics has a responsibility to ensure that all areas and facilities under its oversight are safe, nonhostile environments.*

## PRACTICAL ON-CAMPUS APPLICATIONS

- Designate at least one employee to be a Title IX coordinator and provide notice to employees and students.
- Identify mandatory reporters for the purposes of Title IX and campus security authorities for purposes of the Clery Act.
- Distribute a notice on nondiscrimination.
- Publish grievance procedures that provide for prompt and equitable resolution of complaints of sex discrimination.
- Develop and implement education and training programs.
- Ensure important concepts of consent, confidentiality and standard of proof are communicated.
- Provide for interim and disciplinary measures.

For more details, see “**Appendix B: Federal Laws.**”

Historically, such language (often combined with hyper-masculine or aggressive statements or behaviors) has been part of many locker room and team cultures. The intent of the language is irrelevant. Also, it is irrelevant if the acts occur on male or female teams, involve male or female coaches or include male or female student-athletes. Hazing, bullying, discrimination and harassment are illegal. Offensive language either falls in one of those categories or is a violation of most institutions’ policies. All of those categories of language contribute to a hostile environment and perpetuate dominance-based and misogynistic attitudes toward women or demeaning and marginalizing attitudes toward minorities or those people with less power. *Unchallenged, such language makes it easier for student-athletes, coaches and other staff in athletics to persist with their unacceptable behaviors and may encourage sexual assailants to commit their crimes since they do not fear negative consequences.* Also, failing to emphasize the unacceptability of inappropriate and offensive language makes it more difficult for student-athlete, coach and athletics staff bystanders to intervene since they are not confident of support.



## IV. STUDENT-ATHLETE PERSPECTIVE

### A. What role do student-athletes play in changing the campus culture?

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Ultimately, *students will be the individuals most often present across the many situations in which their peers are involved and in which acts of violence are likely to occur.* They will be in one another's company in on- and off-campus housing, at parties and social events, with dates, going to bars, at recreational pursuits, during campus and community religious activities, at campus club and organizational meetings, traveling to and from classes and in many other situations. In other words, students and student-athletes will have the most continuous and broadest reach in affecting one another's behaviors because they are most often present. Additionally, when student-athletes are properly trained as peer educators, they can become some of athletics' most successful presenters in reaching other student-athletes.

### B. How do student-athletes perceive this issue?

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In the NCAA 2012 Social Environment Study, both male (76 percent) and female (85 percent) *student-athletes believed that safety was the responsibility of all members of a community.* Unfortunately, they also perceived several significant drawbacks to intervening in a potentially violent situation. From 38 to 46 percent of male student-athletes believed if they intervened, they might get physically hurt, they could get in trouble, it was too much trouble, their teammates might be angry with them or people might think

they were overreacting. From 30 to 40 percent of female student-athletes responded the same way for those items.<sup>37</sup> It appears that *a feeling of responsibility to maintain safety is fairly strong among student-athletes, but they need to know how to do so without putting themselves at increased physical or social risk.*

Ultimately, the perspective of student-athletes must be addressed at the local level with the student-athletes at a given institution. If student-athletes are to become actively engaged in preventing and responding appropriately to sexual assault and interpersonal violence, they must have a voice in their educational programming. For a cultural change to gain traction, student-athletes and students must willingly accept their involvement as instrumental in creating safer campuses. For them to have the motivation, open self-examination and commitment needed to become an active agent of change, their voices must be sought, welcomed, respected, appreciated and incorporated into their required programming. The *educational programming must include ways of intervening to prevent, minimize or defuse potentially violent situations* that feel comfortable for the student-athletes to attempt. Also, *student-athletes should be encouraged to join, support and engage with their nonathlete peers in the broader effort* of changing the campus culture.

It's important to help students and student-athletes see that misogynistic, sexist and demeaning comments can create an environment that enables violence to be perpetrated and that not challenging these attitudes can encourage perpetrators to believe they have carte blanche to mistreat women. Athletics

## MEET STUDENT-ATHLETES' NEEDS

- Educational programming must provide student-athletes strategies for intervening when they see a friend in distress or in danger.
- Educational programs must consider higher risk or other timing issues, such as offseason alcohol use.
- Student-athletes should be encouraged to engage with nonathlete peers in changing the campus culture.
- Consider engaging parents, whom student-athletes identify as their first choice for help or support.



departments can engage student-athletes in peer-to-peer discussions and activism that decries this type of harassment and discrimination. Programs like MVP, Men Can Stop Rape and others provide programming to support campus men to demonstrate healthy attitudes toward all women.

## C. What are student-athletes requesting?

Based on the findings of the 2012 NCAA Social Environments study, it is clear that the top request across all three divisions of NCAA student-athletes for both sexes was to have *more discussion and guidance of what to do when they are in a situation where something is not right*.<sup>38</sup> Interestingly, those same male and female student-athletes believed those topics had been addressed by coaches and/or the athletics department. It appears they are requesting to go beyond or to supplant the currently used educational methods for ones that are more interactive, respecting of bystanders and skill development oriented. It is possible that *bystander intervention programs might offer the best hope of meeting their requests* (see “Section VI. Educational Programming in Athletics: F, 3, f. Bystander intervention training”). In that same study, female student-athletes wanted more educational programming on the topics of drinking/substance abuse, hazing/bullying and relationship violence than did male student-athletes, though at least 14 percent of male student-athletes wanted more programming on those topics.<sup>39</sup>

## D. How can student-athletes become effective agents of violence prevention and cultural change?

Since student-athletes and other students are most often in one another's company when sexual assaults and interpersonal violence situations are developing or in progress, it is important that they receive education on the “bystander effect” and how to overcome it. Regardless of whether or not they choose to take action, bystanders or witnesses to traumatic events have cognitive and emotional responses to the event simply by virtue of their exposure. Lack of action by an observer cannot be assumed to be an expression of not being affected or not caring. *Inaction may be the result of indecision stemming from not knowing how to intervene, not being clear of one's beliefs, not believing that one will be taken seriously or not wanting to expose oneself to physical, social or emotional danger*. Bystander intervention training can be particularly helpful for student-athletes and is more fully explained in “Section VI. Educational Programming in Athletics: F, 3, f.” In delivering the educational programming to student-athletes, their academic and athletic calendars should be taken into consideration. Times when student-athletes are more likely to be heavily engaged in social activities and particularly when alcohol is likely to be present are also times when sexual assaults and acts of interpersonal violence are more likely to occur. Those times include the beginning of each term (particularly the fall term), after finals each term and spring break. Some student-athletes and teams will be tempted to use alcohol more heavily at the conclusion of a season when training standards are relaxed or there is no longer a need to meet weight requirements.

## **E. Why is the involvement and commitment of male student-athletes so important?**

The majority of college student sexual assailants are male college students and many, if not most, who commit these acts are serial offenders. However, *the overwhelming majority of male college student-athletes are not rapists and will never sexually assault anybody*. It is this second group of men that is most receptive to becoming active and effective in making campuses safer. However, these men are hampered by some misperceptions that may be increasing the likelihood they will not intervene. Most men do not understand the extent to which other men are willing to go to intervene and they overestimate their male peers' acceptance of sexual assaults, sexist behaviors and abusive behaviors.<sup>40</sup> Those beliefs can inhibit an individual's impulse to intervene and stop an assault. A lack of action supports the assumption of a rape-accepting culture that gives license to sexual assailants. Because "group think" and solidarity is so strong among sports teams, *if male student-athletes are confident that they will be not just accepted but supported if they speak out or act to stop sexual assaults and interpersonal violence, they can have a profound effect not only on immediate situations, but the athletics culture as a whole*.

## **F. Who is influencing student-athletes' decision-making?**

Effective educational programming for student-athletes includes those individuals who most directly influence the student-athletes' decision-making and behaviors. Athletics has long accepted that *coaches and particularly head coaches* and the coach who works most closely with a given student-athlete *have a very strong if not the strongest influence on a student-athlete during his or her college years*. Certainly coaches are important; so too are teammates, other student-athletes, athletic trainers, academic support personnel, mental health professionals, strength and conditioning coaches, administrators and other staff in athletics.

Of particular interest in understanding who is influencing the decision-making and behaviors of current student-athletes are the findings in the recently released 2012 NCAA research. That study surveyed more than 23,000 NCAA student-athletes representing all three divisions on their help-seeking behaviors and the importance of family. Although the survey allowed the choice of coaches or teammates, the findings were clear that most student-athletes' first choice for help and support is their parents, particularly their mothers. Those findings held true across concerns about romantic relationships, feelings of loneliness, personal substance abuse, discrimination of self or others, hazing and bullying.<sup>41</sup> Athletics may want to consider how it might incorporate parents into some aspects of its educational programming.

*Bottom line: Student-athletes should be encouraged to join, support and engage with their nonathlete peers in the broader effort of changing the campus culture.*



# V. COLLABORATION

## A. Why is collaboration essential?

There is no single individual or office on any college campus that has the expertise, resources and influence to unilaterally impact students and student-athletes to the extent needed to change a college culture. *The causes of sexual assault and interpersonal violence are too embedded and reinforced in our culture for it to change significantly without a concerted, coordinated, well-informed, committed, comprehensive and long-term campus effort.* Collaboration with its campus partners is essential if athletics is to commit its full influence to reducing campus violence.

Until it builds a bridge to the rest of its campus community, an athletics department may find itself isolated within its own institution. It is through bridging the gap with colleagues and offices across its campus that athletics may be able to best demonstrate it understands the unacceptable cost of sexual violence and is committed to being a campus partner in addressing this major societal and campus issue.

## B. What does collaboration accomplish?

Collaboration between athletics and others on campus brings together those people and offices that have a vested interest in reducing violence and responding appropriately when it occurs. *Collaboration maximizes the use of resources as the members of the collaboration team understand how they can support one another's efforts.* Collaboration takes advantage of the unique characteristics and resources of the institution. Through its campus collaborations, athletics can identify

### WAYS TO COLLABORATE

- Engage campus experts to provide education and training.
- Facilitate academic accommodations and medical/other campus support for victims.
- Learn how to make referrals to appropriate campus departments.
- Understand campus policy and protocol to report an incident.
- Work with campus offices to help athletics staff in leadership positions prepare for long and far-reaching recovery needs of survivors, teammates, coaches and others in the department.

presenters, consultants, referral sources, content experts, materials, educational methods, financial resources and other resources that will enrich and perhaps fulfill athletics' educational programming needs.

Collaboration minimizes the ineffective use of resources as it reduces the duplication of efforts across departments. Through the exchange of their ideas, individuals composing the collaboration team learn from one another's successes and failures. Because a broad collaboration team usually includes experts with a range of backgrounds, roles and training, the group as a whole may demonstrate a level and quality of creativity not possible to achieve by members working alone. It is not unusual for successful collaborations to develop connections, support and strategies not initially anticipated.

## C. Where on campus can athletics find collaboration partners?

Whether an athletics department is addressing bullying, hazing, sexual harassment, sexual assault or other types of interpersonal violence, there are many resources and potential partners already in place on most college campuses. *Many of the material and personnel resources will be found in the student affairs/student services division or area.* Often, the chief student affairs officer is responsible for providing oversight for the campus services that address sexual assault and interpersonal violence. That individual is one of the best informed colleagues on existing resources, programs, consultants and initiatives addressing sexual violence on a campus. Campus partners can be categorized by their ability and mandate to address one or more of the specific areas of prevention, response or recovery.

- 1. Prevention:** An approach to sexual violence prevention in athletics is best addressed through strategically developed, *comprehensive educational programming that targets student-athletes, coaches and other athletics staff.* Without a comprehensive educational strategy, important elements in a prevention program may be overlooked. Designing and implementing an effective educational plan is critical to creating an environment where sexual assaults or other violent behaviors are not tolerated. Without proper training, student-athletes, coaches and staff will miss critical signs in recognizing and preventing dangerous situations.

Fortunately, athletics does not need to nor is it desirable for it to independently develop a prevention plan. *Athletics has campus partners who are highly trained, skilled and eager to assist in developing and delivering such a plan.* A complete listing of the individuals and offices found on most campuses that focus on sexual assault and interpersonal violence prevention is found in “**Appendix C: Campus partners for prevention.**”

- 2. Response:** An efficient and effective response to incidents of sexual violence is critical to providing appropriate support and resources for survivors. An effective response also mitigates future threats to survivors. *It is critical that coaches and other departmental staff learn how to make a referral to an appropriate staff member or department on campus* where survivors can have their accounts of incidents properly documented, learn of their rights and receive other services such as advocacy, counseling and medical support. It is essential for athletics to use campus resources and connect survivors to experts who are properly trained and required to respond appropriately.

In the aftermath of a traumatic experience, like a sexual assault, a survivor may respond in ways that

are unexpected or seem irrational. It is common for survivors of sexual assaults and other acts of interpersonal violence to have gaps and inconsistencies in their memories of the experience. Being aware of survivor post-trauma behaviors reinforces the need for coaches and athletics staff to be trained in being nonjudgmental when responding to a survivor and ensuring the survivor receives appropriate referrals. *It is essential that student-athletes, coaches and other staff be trained in recognizing behaviors that indicate a referral is needed and how to make an effective referral.* In addition, athletics must be prepared to effectively work with the alleged perpetrator and assure appropriate follow-up according to institutional policy.

When a survivor does not want to report a crisis, it is important that the survivor is provided all options for receiving support. It is imperative to honor a survivor's choice of whether or not to report the incident or accept referrals. In any event, it is important that athletics personnel continue to monitor the situation closely. *When dealing with acts of sexual violence or harassment, all university employees (and coaches in particular) have a responsibility and may be required by law to report the incident.* When dealing with a survivor who is reluctant to take further steps to report the incident or accept a referral, it is important to help the survivor understand that the university and its staff want to and have an obligation to provide support and resources. Resources and referrals to consider when responding to a sexual assault or act of interpersonal violence are found in “**Appendix D: Campus partners for response.**”

- 3. Recovery:** The act of being sexually assaulted or being the target of interpersonal violence is highly traumatic. Even with competent and long-term help, many survivors never return to their pre-trauma levels of functioning. Being a bystander or having other exposure to or involvement with an act of violence can also be traumatic and victimizing. *Each individual immediately or indirectly associated with an act of sexual assault or interpersonal violence will have a unique response and require resources tailored to that individual's needs.* Long-term, competent support is critical to a survivor's recovery. The different types of support may need to address psychological, medical, academic, environmental, financial or other concerns.

It is important for an appropriate representative of the university to be in contact with a survivor after some time has passed from the initial incident and the immediate response has been initiated. Over time, survivors' needs and willingness to consider different options and types of support may change. It is not unusual for a survivor of sexual assault or abuse to become willing to consider counseling or legal options months or even years after the initial crime was committed.



If the survivor is a student-athlete and chooses to continue with or return to a team, athletics may have a role in the recovery process. It is important for the staff in athletics (possibly head coach, administrator, athletic trainer, academic support personnel, mental health professional or other) to work cooperatively with the survivor's primary treating or supporting professionals and to honor the survivor's wishes to determine what would feel supportive and not be overwhelming, counterproductive or intrusive. Personnel in athletics may find they need to modify usual practice, training and academic expectations and provide individualized medical, coaching and academic support while the survivor is re-integrating into athletic and academic activities.

It is critical that staff in athletics (particularly coaches and administrators in leadership positions) protect the survivor from inappropriate responses from other student-athletes, other student workers or staff. If they are aware of the incident, it is possible that teammates, other student-athletes and even staff may behave in ways that make a survivor feel interrogated, blamed, discriminated against, isolated and otherwise rejected. *A mental health professional (internal or external to athletics) can help prepare teammates of the survivor, other student-athletes and staff to respond to the survivor in ways that feel welcoming, nonjudgmental, caring, nonintrusive, respectful and supportive.* It is very important to the survivor's recovery that the situation be contained as much as possible and the survivor's privacy be protected as much as possible. Without preparation, it is improbable that those in athletics who are aware of the incident and will be in contact with the survivor will have clear ideas of how best to act during the survivor's reintegration and recovery process.

Certain situations can cause a re-victimization of survivors who have endured previous sexual assaults or acts of interpersonal violence. It is not necessary for the survivor to be immediately involved in a current incident for re-traumatization to occur. Learning of a recent act of violence can trigger the emotional and cognitive responses a survivor experienced during or following a previous assault. This situation is particularly possible if the survivor has not received sufficient counseling and other support to facilitate recovery following the previous incident. It is possible that a student-athlete who has been previously victimized will be re-traumatized simply knowing that an act of sexual assault or interpersonal violence has been perpetrated in an environment like the college campus that the survivor believed to be safe. Re-traumatization of a survivor may occur when a teammate, other student-athlete, friend or roommate with whom the previous trauma survivor feels a close connection becomes a victim. Also, survivors can be re-traumatized by learning of any sexual assault or act of interpersonal violence that is similar to their previous experiences.

Another situation occurs when a student-athlete is accused of perpetrating an act of sexual assault or

interpersonal violence. Teammates, other student-athletes, coaches and other athletics staff may respond to an alleged perpetrator with protectiveness, solidarity, defensiveness, alienation, aggressiveness or other behaviors. When both the suspected perpetrator and survivor are student-athletes, their teammates and other student-athletes may feel they need to take sides. Because teams and student-athletes in general tend to be close-knit groups, those situations can be further complicated if the "reporter" of the incident is a student-athlete who was a bystander to the incident. In any situation involving student-athletes as survivors, alleged perpetrators or bystander reporters, it is important that athletics responds appropriately and effectively.

*It is important for the leadership in athletics to understand that acts of sexual assault and interpersonal violence can have a significant impact beyond their effects on individual student-athletes.* Some campus resources are just for students but others can support the athletics department staff. Self-care of the leadership in athletics, including coaches, administrators and in particular the athletics director, is critical. Student-athletes may be very aware of how those individuals are responding to the incident. All athletics staff in leadership positions must prepare themselves for a potentially long and far-reaching recovery involving student-athletes, coaches, staff and perhaps the entire department. Resources and campus partners for recovery are found in "**Appendix E: Campus partners for recovery.**"

#### **D. What is the danger to athletics in maintaining separation from its campus partners?**

When athletics maintains separation within its own campus and incidents of interpersonal violence involving student-athletes occur, it is possible for violence to be perceived as a student-athlete issue with athletics as its complicit partner. Separatism leads to misperceptions and mistrust that increase the possibility that the campus community and public will believe athletics either ignores acts of sexual assault and interpersonal violence or protects the "business and image of athletics," rather than the survivors of violence. *Without the support and trust of campus partners who understand the efforts and commitment of athletics to address and prevent violence, when an incident occurs involving a student-athlete as the perpetrator, it is all too possible that the campus community will generalize its negative perceptions from a single student-athlete to all student-athletes or the athletics program.*

Athletics cannot afford to be perceived to be an unconcerned "bystander department" on its own campus. This guide strongly advocates that athletics departments adopt a cross-campus collaborative approach to addressing sexual violence, which may be required by law and institutional policy. Well beyond the protective value collaboration offers athletics in times of crisis or criticism are the benefits inherent in the collaboration process.

## **E. How can athletics begin a collaboration process?**

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*Athletics needs to designate a point of contact or “point person” internal to the department.* The point person should have specific training or job duties that make him or her a logical choice to serve as the conduit between athletics and the larger campus. It is not essential that the point person is an expert on sexual assault or interpersonal violence, although such expertise would certainly be beneficial. He or she may already be well connected with relevant campus colleagues or be responsible for educational programming

for student-athletes and athletics staff. The point person may be the staff member who oversees matters concerning student-athlete well-being or have a particular interest in sexual assault and interpersonal violence. The point person must have the authority and support from the athletics director to represent athletics’ concerns to the collaboration team and to implement the recommended educational programming in athletics. For the collaboration process to be successful, the point person must know what resources will be committed by athletics and that athletics’ commitment in terms of staff time and dedication to changing the culture in athletics and on campus is long-term and consistent.

*Bottom line: Athletics departments should adopt a cross-campus collaborative approach to addressing sexual assault and interpersonal violence.*



# VI. EDUCATIONAL PROGRAMMING IN ATHLETICS

## A. What is educational programming?

Educational programming is the combination of content, design, delivery and evaluation of the educational experiences through which the student-athletes and staff in athletics develop the knowledge, skills and attitudes needed to empower them to effectively address sexual assault and interpersonal violence. Through its educational programming, athletics delivers the content inherent in prevention, response and recovery. Educational programming includes presentations, training, workshops, online curriculum and other educational activities that inform, challenge and motivate students and staff to act responsibly.

## B. Why should educational programming be emphasized in athletics?

Athletics has its greatest responsibility for addressing sexual assault and interpersonal violence with those people for whom athletics has its strongest and most immediate influence – student-athletes, coaches and administrative staff. Through its educational programming and the enforcement that accompanies that programming, athletics builds its credibility within its own department, across campus and with the institution’s upper administration. Those entities must be confident that athletics holds itself accountable for complying with the institution’s

legal requirements and policies. *Through its educational programming that emphasizes prevention of, response to and recovery from sexual assaults and acts of interpersonal violence, athletics demonstrates its commitment to student, student-athlete and community safety.*

## C. What makes educational programming effective?

Addressing sexual assault and interpersonal violence is not an area where merely informing student-athletes, coaches and other athletics staff of expected behaviors and consequences for noncompliance is sufficient. Making a meaningful difference in changing a departmental or campus culture regarding sexual assault and interpersonal violence requires athletics to have a comprehensive conceptual framework and strategy that incorporates all relevant educational experiences. Independent presentations by themselves can be useful in some limited ways. They can be intellectually stimulating, entertaining and effective for those individuals who either already have a cognitive framework into which the presentation fits or who only need a minor adjustment in or reinforcement of attitude or knowledge to demonstrate the desired behaviors. In other words, unconnected *presentations can be effective in maintaining a culture but not in changing it.*

### ELEMENTS OF EFFECTIVE PROGRAMMING

- Covers critical messages.
- Is consistent in content.
- Targets audience interest.
- Is delivered systematically.
- Is sustained over time.

## EDUCATION PLAN

### New and incoming student-athletes and new employees and coaches

- Basic education on sexual assault risk factors, managing aggression
- Hazing and bullying prevention
- Bystander intervention training
- Departmental policies and protocol
- Healthy interpersonal relationships
- Alcohol/other drug education

### Sophomore and junior student-athletes

- Leadership development and mentoring
- Bystander intervention training
- Engaging with peers in campus culture change — peer education
- Continuing discussions on alcohol and other risk factors in sexual assault and violence

### Graduating student-athletes

- Transition/adjustments to life outside athletics
- Preparing for long-term committed relationships
- Healthy parenting

Effective coaches know how to build and maintain a culture. They are masters at ensuring the general preparation of and developing the knowledge, skills and attitude needed for their teams to become cohesive units with clarity of purpose, commitment to achieving goals, the willingness to push beyond a comfortable status quo and the ability to manage emotions so they can perform effectively under pressure. *Coaches accomplish those things through direct, clear and precise teaching that is repeated, reinforced and applied in drills and “game like” situations.*

They do not allow unacceptable behaviors to continue but correct them clearly and quickly. Coaches and returning teammates provide the leadership needed both “on and off the field” to help new student-athletes adapt to and become part of the team’s culture. *If whole teams, including coaches and student-athletes, accept a similar commitment to reshaping attitudes and behaviors that have supported sexual assault and interpersonal violence to ones that support health and safety, the culture around those issues will change in athletics.*

Effective educational programming requires a long-term action plan that shows how the various educational experiences and methods are presented over a multiyear period. Following an effective action plan ensures critical messages are covered, reinforced and delivered systematically. To maintain interest, there needs to be limited repetition of identical presentations to the same audience while keeping in mind the necessity of message reinforcement to change behavior.

Presentations need to have both relevancy and immediacy. Relevance requires that presentations be targeted to the interests and needs of specific audiences. While there may be some overlap of content, student-athletes, coaches, athletics administrators and other staff will all benefit from presentations that address their particular concerns and responsibilities. Coaches and administrators may be interested in how the perpetration of or victimization from sexual assault and interpersonal violence affects academic performance, retention and graduation. Coaches and student-athletes will be particularly interested in how those issues impact athletic performance and team dynamics. Administrators, coaches and student-athletes all need to know that few survivors return fully to their pre-victimization levels of academic, athletic and social functioning.

“Immediacy” requires that the information or training be currently meaningful. The transitions and developmental changes student-athletes experience during their college years lend themselves to programming that could increase awareness of personal safety, where to get help and how to make a referral during the freshman year to leadership development and bystander intervention training in the sophomore and junior years. The senior year could emphasize transitioning out of college and into the workforce with the increasing probability of entering a long-term, committed, intimate relationship and parenthood.

Because there is specific information available about how some sexual assault and interpersonal violence issues may be different for male and female college students, some educational activities may be best delivered to separate groups of males and females. For example, a presentation might be delivered to male student-athletes on how the “masculinization” of males in our culture affects their perception of females and the perpetuation of a “rape culture.” Freshman female student-athletes might benefit from a program that emphasizes their particular vulnerability to being victimized and how they can reduce the perception of vulnerability in the eyes of a perpetrator.

Anytime a presentation focuses on ways potential victims can increase their own safety, it is important to emphasize that encouraging student-athletes to consider ways they can reduce their risk for victimization in no way shifts the responsibility for committing acts of sexual assault or interpersonal violence to the victims of those crimes.

***Athletics staff, including coaches, have a duty to report incidents to the appropriate institutional staff members – those who are responsible for providing intervention and treatment, investigating, and adjudicating cases of sexual assault.***

## D. What audiences should be targeted?

Obviously student-athletes, coaches and athletics administrators must be the primary audiences receiving athletics specific educational programming. Each athletics department must decide to what extent it wants to extend to other athletics staff members programming that is in addition to that required by the institution.

Increasingly, athletics departments are offering some educational programming to parents and guardians of student-athletes – often through orientation sessions and

newsletters. It should be noted that when programming is extended to parents and guardians, the goal is not to frighten or alarm but to educate them in ways they can be helpful and supportive to their college student-athletes.

### **E. Can a presentation on sexual assault and interpersonal violence create more harm than good?**

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If any members of an audience are survivors of sexual assault, abuse or other form of interpersonal violence, they may feel overwhelmed by a presentation, or unresolved issues from the previous trauma may resurface during a presentation on sexual assault or interpersonal violence. Those individuals need to have a designated person to whom they can go to be excused from the presentation. Individuals who are excused from a presentation because they cannot cope with the content should be referred for counseling if they are not already in counseling. If individuals are being excused from a mandated program, some form of appropriate counseling or consultation should be required.

### **F. What should be included in athletics' educational programming?**

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The educational programming is composed of universal elements, directed emphases and foundation topics. In addition, each athletics department will have some opportunities and needs specific to its institutional and departmental goals, initiatives and resources that will influence the content, breadth and scope of its educational programming.

1. **Universal elements:** Wherever applicable, each presentation or educational activity addressing sexual assault and interpersonal violence should include all of the following:
  - a. **Getting help:** Information should be provided on how and where survivors and bystanders, or witnesses, can access help or support that is easily available, free, competent and confidential. Federal law requires that all institutions provide certain services and support.
  - b. **Conduct:** Expectations of desired conduct as well as laws, institutional policies and sanctions for misconduct should be covered (as they apply to the specific topic). Athletics should be particularly diligent in addressing derogatory, sexist or offensive language due to its history in locker rooms and some team cultures. See "Language" on page 13 for further explanation.
  - c. **Alcohol:** The role of alcohol use as it applies to the given topic should be included. *Any responsible and effective educational programming will include attention to the role of alcohol in sexual assaults and acts of interpersonal violence.*
  - d. **Communication:** All presentations should use clear, accurate and understandable terminology when ad-

ressing matters relevant to sexual assault and interpersonal violence. Terminology commonly used when referring to sexual assaults and acts of interpersonal violence are found in "Appendix A: Glossary." Discussions need to be frank, honest, direct and respectful. All staff (particularly coaches and administrative leaders) and student-athlete leaders need to be actively involved in discussions with each other and student-athletes about matters relevant to sexual assault and interpersonal violence. Coaches, administrative staff and student-athlete leaders should be trained to talk with student-athletes in nonjudgmental, supportive ways.

- e. **Special issues:** Where the research supports it and it is appropriate to the topic, presentations should address gender differences, gender preferences, sexual orientation and ethnic and cultural differences.
2. **Emphasis:** Each presentation or educational activity will emphasize one, any combination of two or all three possibilities of prevention, response and/or recovery.
    - a. **Prevention:** The goal of prevention is to reduce or eliminate the perpetration of or victimization from sexual assaults and acts of interpersonal violence. To reach or come closer to reaching that goal requires that student-athletes learn to recognize and effectively assess potentially violent, dangerous or inappropriate situations, and learn how to disengage from them and how to intervene safely and effectively before a dangerous or inappropriate situation escalates or causes damage. Campus partners for developing prevention programming are found in "**Appendix C: Campus partners for prevention.**"
    - b. **Response:** Response training is education, skill development and practice to act or proceed appropriately when a sexual assault or act of interpersonal violence has occurred. Response includes reporting the incident and making appropriate referrals for the survivor and/or alleged perpetrator. Athletics staff, including coaches, have a duty to report incidents to the appropriate institutional staff members – those who are responsible for providing intervention and treatment, investigating, and adjudicating cases of sexual assault. Responders need to know the limits of the confidentiality they can offer. A first responder can do a great deal of damage by acting incorrectly. What seems to an untrained responder like gentle inquiry, an attempt to get basic information or look "rationally" at an incident may feel like interrogation, not being believed or being blamed to a survivor. "Blaming the victim" re-traumatizes a survivor and often leads to withdrawal and a refusal to seek or accept other support. It is essential that first responders react nonjudgmentally, communicate a desire to help, refer to the best qualified and most appropriate available help, and report the incident as required. "Blaming the victim" may also happen when an incident is discussed in an athletics department, on a campus or in the media with an interest to

ascribing responsibility to “the guilty party.” That process often shifts blame between the perpetrator and the survivor with little or no real evidence and may re-traumatize a survivor. Personnel in athletics should not be involved in “passing judgment” on any student-athlete involved in a sexual assault. Campus resources for response are found in “**Appendix D: Campus partners for response.**”

**c. Recovery:** Recovery is the longer-term care and support following the initial response. Unless athletics has the services of a mental health professional on staff, it may not have a role in recovery. If it does, that role will probably be limited to reintegrating a survivor (or alleged perpetrator who has fulfilled the required sanctions) into team or academic activities and classes. Resources for the recovery process are found in “**Appendix E: Campus partners for recovery.**”

**3. Foundation topics:** Listed below are topics that should be addressed in the educational program. Some of the topics may be required and covered by the institution. Athletics can certainly go beyond its institutional requirements to ensure staff and student-athletes understand the specific relevance to athletics for each topic. Together, these topics form the minimum base for educational programming that addresses sexual assault and interpersonal violence.

**a. Compliance:** Compliance with federal laws, state laws and institutional policies is essential for all programs for prevention and response. Compliance issues have been presented previously in “Section III: Compliance.”

**b. Sexual assault and harassment:** In addition to the subject matter presented throughout this guide, specific circumstances pertaining to sexual assault and harassment should be clearly understood according to the institution’s policies, state laws and federal laws. Student-athletes need to understand the legal irrelevancy of the perpetrator’s intent, previous consent and the perpetrator’s use of alcohol or other drugs. They also need to know that legal minors, cognitively limited individuals and individuals under the influence of alcohol or other drugs are considered unable to give consent.

**c. Hazing and bullying:** Sometimes violence can be difficult to recognize when it is embedded in a positive cause like developing team cohesion or “toughness” in student-athletes. There can be tremendous group pressure for new student-athletes to accept and conform to what is considered customary and a rite of passage on their teams. Freshman student-athletes are particularly vulnerable to hazing because of their strong desire to be accepted and their uncertain positions on their teams athletically and socially. Underestimating the effect of hazing or bullying can be particularly true when the act is “done in fun” or the victim agrees there was “no real harm done” or has willingly participated in the act.

Approximately 20 percent of student-athletes across all three NCAA divisions have reported they would like more information on hazing and bullying.<sup>42</sup> In a study on hazing in college athletics, more than half of the college athletes had experienced a combination of unacceptable, humiliating and potentially illegal hazing.<sup>43</sup> In a comprehensive look at hazing on college campuses, coaches were aware of the hazing behaviors involving their student-athletes 25 percent of the time.<sup>44</sup>

Fortunately, most college student-athletes are resilient, and even when subjected to hazing and bullying, they will recover. Because a victim is capable of recovery is not sufficient cause to allow those acts to continue. Additional information on hazing and bullying is available in the NCAA guide, “Building New Traditions: Hazing Prevention in College Athletics.”<sup>45</sup>

**d. Discrimination:** Although many people might agree that bullying and hazing create hostile environments, they may not be aware of the many subtle ways a more powerful person or group dictates what is or is not acceptable. Team leaders and dominant team members can influence their teammates to accept that a particular physical appearance, gender identity, social status, ethnic group, racial group, status on a team, athletic ability, intellectual ability, religious preference, sexual preference or other way people identify themselves and bring meaning to their lives is not valued and is unacceptable. Those personal characteristics and group affiliations often become the basis for ridicule, censure or other forms of discrimination. Although they may not be easily identifiable as unacceptable, behaviors that display a grudging tolerance may still create a hostile environment. There are many such behaviors including eye rolling, turning away, snickering and exchanging conspiratorial looks with another.

In sports, particularly in an aggressive, stereotypically masculine sport like football the team locker room can be a hostile and intolerant environment. Team members who are otherwise accepted may “keep hidden” certain preferences, characteristics or affiliations to avoid being marginalized or targeted. For example, gay, lesbian, bisexual or transgendered student-athletes may be particularly wary of disclosing their gender identification or sexual preference if negative comments about people who are identified by those characteristics or preferences have gone unchallenged by their coaches or teammates. Unfortunately, inaction may be assumed to mean approval. When a person with influence, such as a coach or teammate who is held in esteem becomes aware of unacceptable behaviors and fails to intervene or respond appropriately, that failure to act may be perceived as endorsement by the perpetrator, the victim and others who are aware of the situation.

Although values and attitudes of true tolerance,

acceptance and appreciation cannot be mandated, they can be influenced and developed through education, team norms of acceptance, modeling of appropriate behaviors and swift, meaningful stoppage of unacceptable behaviors. Additional information on this topic is available in the NCAA publication “Champions of Respect.”<sup>46</sup>

- e. **Healthy relationships:** Promoting healthy relationships requires providing multifaceted educational experiences that include precise language, descriptions, cases, and communication skills development. Relationship education should include training in negotiating a healthy and sexually intimate relationship with a partner. College student-athletes need to know how to recognize unhealthy and illegal behaviors in sexually intimate relationships. Student-athletes and their nonathlete peers need education to recognize controlling behaviors like coercion, guilt, manipulation, exploitation and bartering. Their education should include how to safely disengage from an unhealthy relationship.

Many young adult males and females have had little opportunity to learn about or have modeled respectful negotiation, care for a partner’s experience and accepting mutual responsibility for practicing safe sex. Education for sexually active relationships should include clearly stating that the purpose of such programs is not simply to avoid or minimize the damage of an unhealthy or violent sexual relationship but for both parties to have an experience that is mutually and clearly agreed upon, anticipated positively and hopefully pleasurable. Reducing risk of violence might also include education on stalking, acquaintance or nonstranger rape, and healthy masculinity. In the 2011 College Dating Violence and Abuse Poll, 43 percent of dating college females reported they had experienced violent and abusive dating behaviors, and 29 percent reported being in an abusive relationship. More than 53 percent of the respondents knew a friend who had been in an abusive relationship.<sup>47</sup>

Another relationship issue within athletics is coach and student-athlete relationships; the NCAA guide “Staying in Bound”<sup>48</sup> includes information to assist members in addressing this concern.

*Stalking is now a crime throughout the United States with young women and men in the 18- to 24-year-old age range being at the greatest risk for victimization.*<sup>49</sup> Because of the prevalence of stalking in the traditional college-age population, which includes the majority of college student-athletes, this issue is of specific concern to athletics. Stalking can be addressed either as a “stand-alone”

concern or might be effectively considered within the context of healthy relationships and the early identification of unhealthy relationships. In its early stages or when incidents are considered separately, stalking may have the appearance of normal behaviors common on a college campus when young adults are looking for ways to get to meet one another, demonstrate interest and otherwise show their positive attraction. Unlike many sexual misconduct crimes, stalking is not determined by a single incident but is revealed over time as a pattern of behavior that is unwelcome and may induce fear in its victims. Stalking behaviors can become more problematic as victims try to discourage or reject assailants. Research has shown it can escalate into other forms of sexual assault and intimate partner violence.<sup>50</sup> Because stalking may begin rather benignly and be amenable to early prevention efforts, if potential victims are supported when they want to dissuade advances and are educated to recognize stalking in its early stages, more advanced manifestations of stalking and more violent sexual misconduct may be prevented.

- f. **Bystander intervention training:** Bystander intervention training helps to overcome the bystander effect and provides participants the skills they need to act effectively and safely. Bystander intervention training educates participants to recognize potentially violent or dangerous situations, and the skill training to intervene effectively before a dangerous situation escalates or causes damage.

For student-athletes to become even minimally proficient in containing, defusing or helping potential victims get free of dangerous situations requires education, skill development and practice. Understanding what is required to intervene safely is essential but knowing what to do will not adequately prepare bystanders to act during the increasing stress inherent in dealing with potentially violent and dismissive individuals. Effective bystander intervention training needs to be not only knowledge-based but should also emphasize skill development and practice. Bystander education delivered to groups of student-athletes can reinforce learning and develop peer support to change situations of possible sexual assault or interpersonal violence to ones of safety. Brief descriptions of some of the more popular bystander intervention training programs being used with student-athletes are found in “**Appendix F: Bystander intervention training programs.**”

*Bottom line: Athletics has its greatest responsibility for addressing sexual assault and interpersonal violence with those people for whom athletics has its strongest and most immediate influence – student-athletes, coaches and administrative staff.*



## VII. CONCLUSION

Although sexual assault and interpersonal violence do not have their roots in college environments or in college athletics, we in athletics have an opportunity to make a difference. We can educate our student-athletes and staffs on the nature of sexual assault and interpersonal violence and the cost it exacts on each of its victims. We can uphold the law and our institutional policies and work to prevent and respond appropriately to acts of sexual assault and interpersonal violence when they occur. We can insist on timely, competent and easily accessed support for survivors of violence. We can hold ourselves accountable for situations under our control in which sexual assaults and interpersonal violence might occur and make them as safe as possible. Athletics can be a powerful and effective partner in changing the culture of our college campuses.

*Bottom line: Athletics can be a powerful and effective partner in changing the culture of our college campuses.*



## VIII. ENDNOTES

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# IX. APPENDIXES

## APPENDIX A: GLOSSARY

*The following definitions are of terms commonly used to refer to acts of sexual assault or interpersonal violence. These are current, common-usage definitions. When there is federal law that provides a definition, it is so noted. Fuller descriptions of some of the federal legal definitions are found under the noted law in “Appendix B: Federal laws.”*

**Abuse (emotional/psychological/physical/sexual):** The various forms of harm that often occur in acts of interpersonal violence.

**Acquaintance/Nonstranger Rape:** Nonconsensual sexual penetration between people who know one another. This group includes classmates, romantic partners, co-workers, teammates, friends, neighbors, work colleagues and relatives. The incident may involve threats, intimidation, coercion, physical force and/or substances to create memory loss. The preferred term is nonstranger rape.

**Alcohol-Facilitated Sexual Assault:** A nonconsensual sexual act that occurs under the influence of alcohol. Either the victim or the perpetrator or both may have voluntarily or involuntarily ingested alcohol. At times, intoxication of the victim is encouraged by the perpetrator to facilitate the sexual assault. Use of alcohol to facilitate a sexual assault enhances the chance that the victim will lose memory and be unable to give complete details of the event when a report is made. Sex between people who are legally intoxicated is automatically considered a sexual assault.

**Assault and battery:** The intentional striking/hitting of a person causing injury. Aggravated assault involves serious bodily injury.

**Bias Crime/Hate Crime:** When a crime is committed with the intent of harming a person due to his or her specific religion, race, gender, sexual orientation, ethnicity or disability. Hate crimes must be reported under the Clery Act by specific category of prejudice.

**Bullying:** A term to describe the infliction of emotional and/or physical or sexual harm to another person, usually over a span of time, with the intent to overpower the individual. Often emotional distress and/or depression occurs as a result of intense bullying over a period of time. Bullying may be illegal in some states; these acts may be considered illegal even if there is no specific law because the elements of the acts fit other crimes.

**Cyberbullying:** A term that includes bullying through the use of the Internet or other technologies. Examples include the sending of pornographic pictures via Internet or cell phone, as well as sending veiled threats or other messages that are meant to cause harm to the receiver.

**Date Rape:** An act of nonconsensual sexual penetration that occurs during an event that would be termed a date. Date rape can occur whether or not there has been consensual sex on previous dates between the two people. The term nonstranger rape is the preferred term.

**Dating Violence:** An act of violence that is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim (VAWA/SaVE definition); when injury or harm is inflicted on one partner during the course of a dating relationship that does not involve living together. This violence may or may not begin as verbal and emotional abuse and escalate to physical and/or sexual abuse. It is often unreported to authorities due to shame, confusion, and threats made by the abusive partner.

**Domestic Violence:** A pattern of behavior where one person attempts to control or hurt another through actions or threats that can include physical, sexual, verbal or psychological abuse. People of all ages, income levels, faiths, sexual orientations, genders and education levels can experience domestic violence. In most states, this form of abuse requires the presence of specific elements. For behavior to be considered domestic violence, it often requires that the people involved are or have been married, are or were cohabiting partners but are not married, and/or have a child in common. (VAWA/SaVE definition).

**Drug-Facilitated Sexual Assault:** A nonconsensual sexual act that occurs under the influence of prescription, over-the-counter or illegal drugs. Either the victim or the perpetrator or both may have voluntarily or involuntarily ingested drugs. Well-known drugs used for this purpose include Rohypnol, GHB, ketamine and, of course, alcohol. The use of such drugs enhances the chance the victim will lose memory of the event and not be able to make a complete report of the incident.

**Forcible Sex Offenses:** Acts that include forced penile-vaginal intercourse, forced oral or anal sodomy, forced digital or inanimate penetration of a sexual orifice (these are now all known as rape due to a recent FBI redefinition), as well as sexual battery (molestation) and indecent exposure, among others. Forcible sex offenses also include attempts to perpetrate any of the above.

**Gender-Based Harassment:** A term used by the U.S. Department of Education to include both sexual harassment and sexual violence.

**Harassment:** An act in which one uses power and privilege to denigrate another individual with the intent to subdue actions and/or cause enough duress to lower the target's self-esteem.

**Hate Crime:** A legal term used in both federal and state law. See bias crime.

**Hazing:** An activity in which a high-status member of a group orders other members to engage in or suggests that they engage in behaviors that in some way humble a newcomer to the group who lacks the power to resist because he or she wants to gain admission into the group. Hazing can be noncriminal, but usually violates the rules of an institution, team or Greek group.

**Inappropriate, Unwelcome Touch:** Touching a person who has not given permission to do so.

**Interpersonal Violence:** Violence that is predominantly caused due to the relationship between the victim and the perpetrator, to include sexual assault, domestic violence, dating violence and stalking.

**Intimate Partner Violence:** Violence between two people who are or were intimately involved or have children together regardless of their relationship status and whether or not they live/lived together. This term is sometimes used interchangeably with dating violence or domestic violence.

**Murder/Attempted Murder/Manslaughter:** The killing of another person, whether or not premeditated.

**Nonconsensual Sexual Acts:** See sexual assault.

**Nonforcible Sex Offenses:** Sex acts that include incest and statutory rape, as defined in the Clery Act.

**Rape:** The penetration, no matter how slight, of the vagina or anus by any body part or object, or the oral penetration by a sex organ of another person, without the consent of the victim. (This definition is used by the FBI and VAWA/SaVE.) Individuals of any gender can be victims of rape.

**Relationship Violence:** A general term often used to include either domestic violence or dating violence.

**Sexual Assault:** A general term used to include both forcible and nonforcible sex offenses.

**Sexual Harassment:** Harassing conduct that is sexual in nature, is unwelcome and denies or limits a student's ability to participate in or benefit from a school's education program. Such behavior can range from creating a hostile environment to rape or other sexual assault, as defined by the U.S. Department of Education.

**Sexual Misconduct:** An umbrella term currently used by institutions of higher education to include sexual assault, domestic violence, dating violence and stalking.

**Sexual Violence:** A general term used to include both forcible and nonforcible sex offenses. See sexual assault.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial distress. A course of conduct is two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties by any action or method, follows, monitors, threatens or otherwise interferes with the target/victim or with a person's property. (VAWA/SaVE definition)

# APPENDIX B: FEDERAL LAWS

*This appendix presents some of the federal legal requirements and their application on college campuses. Blue italics are used to bring attention to information of particular interest to athletics.*

## A. The law and other relevant sources of guidance

There is a complex array of laws that impose certain requirements and expectations on colleges and universities with regard to campus community conduct. In the area of sexual harassment and sexual violence, federal, state and local laws set compliance minimums for institutions. Institutions may choose to go further in their efforts to prevent and address misconduct provided their efforts do not impinge upon other legally protected rights within the campus community.

This section is a summary overview of the overarching federal standards that apply to schools as set forth by relevant administrative enforcement agencies. It is meant to be useful to athletics in understanding federal laws and is not exhaustive nor does it constitute legal advice. Each institution and its athletics department should check with the institution's legal counsel to ensure compliance with all legal requirements. Title IX coordinators and/or legal counsel can make available the complete laws.

### **Title IX of the Education Amendments of 1972** (20 USC section 1681 et seq.)

Title IX prohibits sex discrimination in educational institutions that receive federal financial assistance. It covers a broad range of conduct that is discriminatory on the basis of sex, including:

- **Sexual Harassment:** The Office of Civil Rights (OCR) defines sexual harassment as unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advance, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature. Sexual harassment of a student that denies or limits, on the basis of sex, the student's ability to participate in or to receive benefits, services or opportunities in the school's program is a form of sex discrimination prohibited by Title IX.
- **Sexual Violence:** Sexual violence is defined by the OCR to refer to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. Sexual violence covers a number of acts, including rape, sexual assault, sexual battery and sexual coercion. All of those areas of sexual violence are forms of sexual harassment covered under Title IX.
- **Gender-Based Harassment:** Gender-based harassment may include acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Under Title IX, schools are required to distribute a notice on nondiscrimination, designate at least one employee to be responsible for Title IX oversight and publish grievance procedures that provide prompt and equitable resolution of complaints.

The OCR in the U.S. Department of Education is charged with enforcing Title IX, among other civil rights laws. In order to assist schools in their compliance efforts, the OCR has issued the following guidance with regard to sexual harassment and sexual violence:

- **Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (2001).**  
This guidance, originally published in the late 1990s, was updated to include important Supreme Court decisions regarding sexual harassment in educational settings. This guidance provides useful information around issues of confidentiality, privacy and freedom of speech.
- **The Dear Colleague Letter: Harassment and Bullying (2010).**  
This guidance makes clear that bullying behavior may also constitute discriminatory behavior prohibited by Title IX. This document reminds institutions that discriminatory behavior must be assessed, evaluated and remedied according to the relevant law and not simply addressed under the framework of bullying.
- **The Dear Colleague Letter: Sexual Violence (2011).**  
This letter, commonly referred to as the DCL, reiterates the obligation of institutions to take immediate and effective steps to respond to acts of sexual violence prohibited under Title IX. The DCL sets forth a framework for schools to implement in carrying out the expectations of the law.
- **The Dear Colleague Letter: Retaliation (2013).**  
This letter further reminds institutions that in addition to the underlying prohibitions against sexual discrimination, retaliation is prohibited against those who report and those who participate in OCR investigations. Retaliation is defined to include behaviors that are found to be intimidating, threatening or coercing or "otherwise discriminate against any individual for exercising his or her rights and responsibilities."

### **Title VII of the Civil Rights Act of 1964**

Title VII prohibits discrimination in the workplace, including discrimination on the basis of sex. Both Title IX and Title VII prohibit employment discrimination, including discrimination on the basis of sex at colleges and universities.

## The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC Section 1092 (f))

Also known as the Campus Security Act, Clery requires colleges and universities to publicly disclose statistical information regarding certain reported crime on or around campus and to inform students of certain procedures victims of sexual assaults should follow, for example, preservation of evidence and to whom offenses should be reported. Enforced by the Department of Education, the Clery Act requires institutions to publish an Annual Security Report including crime statistics, security policies, security procedures and information regarding the rights guaranteed to victims of sexual assault. It requires notice be provided to students to include information regarding options to notify or decline to notify and request assistance from campus and law enforcement and availability of no-contact, restraining and protective orders. In addition, schools are required to have a public crime log, to give timely warning of crimes that represent a threat to the safety of students and/or employees, to make campus security policies public, and to collect, report and distribute certain crime statistics to the campus community and the Department of Education. *Under this law, athletics directors, assistant athletics directors, coaches and assistant coaches are included in the list of institutional employees to be designated as campus security authorities (CSAs). Institutions must provide training to CSAs, who in turn are required to report information they receive about certain crimes.*

## The Violence Against Women Act (VAWA) Reauthorization of 2013, Section 304

VAWA was reauthorized by President Barack Obama on March 7, 2013, and imposes expanded obligations on schools under a provision labeled the Campus Sexual Violence Elimination Act (Campus SaVE Act). Effective March 7, 2013, the Campus SaVE Act codifies and expands the protections set forth in the Campus Sexual Assault Victims Bill of Rights and the Clery Act. In short, it increases the number of reportable crimes, including crimes of sexual violence (to include sexual assault, domestic violence, dating violence and stalking), expands the categories of hate crimes (to include national origin and gender identity) and mandates annual training and prevention education for all incoming students and new employees. This law requires training for those investigating and hearing complaints. *Under Clery and the Campus SaVE Act, all CSAs (including head coaches, assistant coaches and other university officials) must report the crimes listed below.*

- **Forcible sex offenses**  
Forcible sex offenses are defined to include any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. They include but are not limited to, forcible sodomy, sexual assault with an object and forcible fondling.
- **Nonforcible sex offenses**  
Nonforcible sex offenses include unlawful, nonforcible sexual intercourse, incest and statutory rape.

- **Bias-related crimes based on national origin and gender identity**  
Crimes motivated by perceived or actual race, gender, religion, sexual orientation, ethnicity, disability, national origin and gender identity bias are covered in addition to the underlying crime.
- **Domestic violence**  
Domestic violence includes felony or misdemeanor crimes of violence committed by a former or current spouse, intimate partner, co-parent or co-habitant (as a spouse or intimate partner). Also it includes a person who is similarly situated under the domestic or family violence laws of a jurisdiction that receives federal grant money, or by any person included under the domestic or family violence laws of the jurisdiction.
- **Dating violence**  
Dating violence is violence by someone who is in or has been in a romantic or intimate relationship with the victim based on factors including relationship length, type and "frequency of interaction" within the relationship.
- **Stalking**  
Stalking includes conduct directed at a specific person that would cause a reasonable person to fear for his or her own safety or the safety of others or cause substantial emotional distress.

## B. Practical On-Campus Applications

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The institutional requirements listed below are explained only to the extent they may have application(s) specific to athletics. A full explanation of each requirement is available through the institution's Title IX coordinator or legal counsel.

### Legal requirements

- **Designate at least one employee to be a Title IX coordinator and provide notice to employees and students.**  
Institutions may designate more than one individual to be a Title IX coordinator. *Athletics may have its own Title IX coordinator. If so, each coordinator's areas of responsibility must be clearly defined, and one person should be responsible for the institution's overall efforts. The institution must provide the name or title and contact information for all Title IX coordinators to employees and students.*
- **Identify mandatory reporters for the purposes of Title IX and campus security authorities for purposes of the Clery Act.**  
Under Clery, certain school employees, including *head and assistant coaches, are considered to be campus security authorities (CSAs) and are required to report certain crimes that occur on-campus or at certain off-campus locations. Institutions should designate and train all mandatory reporters.*
- **Distribute a notice on nondiscrimination.**  
Under Title IX, schools are required to disseminate a notice on nondiscrimination that is broadly available

and distributed to students and employees. That notice may take the form of a policy prohibiting discriminatory behavior, including sexual misconduct. At a minimum, the notice must state that the school, consistent with Title IX, prohibits discrimination on the basis of sex, including sexual harassment and sexual violence in all of its educational programs and activities. The notice should not require students to confront an alleged harasser before filing or in order to file a complaint. The notice should include a statement clearly prohibiting retaliation against those who file or participate in the process of resolving complaints.

The policy must inform members of the campus community of their rights, procedures to follow and reporting options including a statement that survivors are not required to report crimes to law enforcement, including campus or local police, but that survivors who wish to file a report are entitled to institutional assistance. The notice must include a description of possible sanctions and protective measures that may be available, including no contact and restraining orders. *Under Campus SaVE, schools must provide complainants with written notification of counseling, health, mental health, victim advocacy, legal assistance and other existing and appropriate services both on- and off-campus.*

*It is recommended that schools consider implementing an alcohol or drug amnesty policy to encourage reports of sexual violence and to reinforce the message that the use of alcohol or drugs does not make the victim of a sexual assault at fault. If such a policy is in effect, coaches and student-athletes on teams with a "no alcohol" policy must understand the reach of the policy. For example, the policy should make clear if a student-athlete reports a sexual assault and he or she was under the influence of alcohol or drugs (in violation of departmental or team rules) at the time of the assault whether or not amnesty extends to his or her athletics participation.*

- **Publish grievance procedures that provide for prompt and equitable resolution of complaints of sex discrimination.**

Under the Clery Act, VAWA and Campus SaVE, schools must develop and distribute a policy that includes prevention programs and procedures to be followed once an incident of violence is reported, including the standard of evidence that will be used to evaluate the charge. The policy must provide all possible sanctions, protective orders and the procedures a victim should follow, including the importance of preserving evidence, where to report, reporting options regarding law enforcement and campus security, and the rights of victims.

The procedures must set forth designated and reasonably prompt time frames for the major stages of the resolution process, including provisions for extending time frames where necessary. The OCR expects most cases to be resolved within 60 days of the complaint. Major stages include the time frame within which the school will conduct an investigation and provide notice of outcome and when the involved parties may file an appeal. Appeals are not mandated, but if provided, must be provided equitably to each party. *Under Clery, the accuser and accused must be informed of the outcome of a sex offense case.*

For all crimes covered by VAWA's Campus SaVE Act, the school must have disciplinary procedures that provide:

1. The standard of proof to be used in domestic violence, dating violence, sexual assault and stalking cases.
2. Annual training on issues related to domestic violence, dating violence, sexual assault and stalking for all officials who conduct proceedings. That training must include information on ways to conduct investigations and how the hearing processes protect the safety of victims and promote accountability.
3. Sanctions and protective measures that an institution may impose when a person is found responsible for rape, acquaintance rape, domestic violence, dating violence, sexual assault or stalking.
4. Information on how confidentiality will be protected.

- **Develop and implement education and training programs.**

The OCR recommends that training and education programs define and help participants identify instances of sexual harassment and sexual violence. The training should explain the institution's policies and procedures and list potential disciplinary actions for violations. The training should encourage participants to report violations and provide information describing on- and off-campus comprehensive victim resources. *The training should include a discussion of confidentiality and where individuals involved in sexual violence can be assured of confidentiality.*

*The Clery Act requires schools to identify and train all campus security authorities (CSAs), including head and assistant coaches regarding the categories of crime to ensure those individuals understand what crimes are reportable and to whom they should be reported. In addition, CSA training should include education of what information should and should NOT be included in any report. It is essential that all members of the athletics staff, including coaches, assistant coaches, administrators and others, understand athletics does NOT investigate or hear cases.*

*Campus SaVE further requires primary prevention and awareness be provided for all incoming (freshman and transfer) students (including student-athletes) and must cover:*

1. Identification of covered crimes: domestic violence, dating violence, sexual assault and stalking. The institution must provide a clear statement that it prohibits those crimes.
2. Training with regard to how those offenses are defined in the jurisdiction in which the school is located.
3. Training with regard to how consent is defined, with regard to sexual offenses, in the jurisdiction in which the school is located.
4. Safe and positive options for bystander interventions a person may take to prevent harm or reduce risk in cases of domestic violence, dating violence, sexual assault or stalking.
5. Training designed to help recognize warning signs of abusive behavior and how to avoid potential attacks.
6. Ongoing education and prevention programs for students and staff.

- **Ensure important concepts of consent, confidentiality and standard of proof are communicated.**

Confidentiality is an area that is still developing. Under Title IX, institutions must honor a complainant's request

for confidentiality to the extent possible under the law while still ensuring campus safety and due process. Institutions should inform complainants of the limits of their ability to respond, of the prohibition of retaliation and of the conditions under which confidentiality can or cannot be granted. *In general, staff in athletics, including coaches and administrators, cannot offer confidentiality. Exceptions might include certain medical staff, like licensed physicians, and licensed mental health professionals, like a sport psychologist. Institutional staff should consult with institutional legal counsel for advice and direction on these issues.* Under VAWA, schools must have policies in place that set forth the actions it will take when filing required reports to protect the confidentiality of complainants, including how required public records and timely warnings will not include names of complainants or victims. The report will describe the incident but does not have to identify the victim.

- **Provide for interim and disciplinary measures.**

Schools are required under Title IX to take immediate action to eliminate hostile environments, prevent their recurrence and address their effects. Schools are required to provide interim measures, where appropriate, to ensure the safety of all involved and to prohibit retaliation. Schools should notify complainants of available options to avoid contact with a respondent, where appropriate. For example, a school may change academic, residential, or work assignments and provide safe transportation options.

*The concept of interim measures is important for athletics where such measures may present pre-resolution challenges, especially where the complainant and respondent may be participating on the same team or using the same athletics facilities. Under Campus SaVE, schools must provide complainants with options for interim measures whether or not the complainants decide to report the misconduct to campus or local law enforcement.*

Interim measures may become permanent if the respondent is found responsible for sexual misconduct. Those found responsible may face disciplinary actions, up to and including expulsion from school. Survivors may be provided additional resources to help remedy and mitigate the effects of sexual misconduct.

# APPENDIX C: CAMPUS PARTNERS FOR PREVENTION

*Listed below with explanations of their functions or roles are the campus offices and individuals who work to prevent sexual assaults and interpersonal violence on most campuses.*

**Student Affairs/Student Services Office.** The chief student affairs/student services officer can be an excellent resource to learn about the general campus initiatives, responsibilities, services and resources relevant to sexual assault and interpersonal violence prevention. This officer will have oversight of some of the services listed below. Because of the officer's comprehensive knowledge of the institution, this individual or office can be a primary resource.

**Violence Prevention Office/Program or Sexual Assault Prevention and Response Office.** These offices focus on violence education and prevention. They provide presentations and written information on victim resources, bystander intervention training, safety tips, etc. They may provide services for survivors and may have a victim advocate on staff. The office may be embedded within another office, such as a counseling center, health and wellness center or women's studies department.

**Health Promotion/Education.** This office focuses on health education and may include violence prevention. The office may function similarly to a violence prevention office (see above). This office often coordinates a peer-based outreach service, which can be a powerful and creative way of reaching students. Health promotion may offer classes or support groups for students with alcohol or other substance abuse problems that are highly correlated with acts of violence.

**Identity Centers/Offices.** A few of the most common identity centers are the women's center/gender studies; lesbian, gay, bisexual, transgender, queer/questioning (LGBTQ) office; multicultural center (or specific racial/ethnic centers); and an office of international students. These offices rarely deal with violence directly, but they may offer classes, training, or information on resources for their relevant populations. The professionals found in these offices are excellent resources to learn about special concerns their targeted populations have in regard to sexual assault and interpersonal violence.

**Greek Life Office/Professionals.** Because sororities and fraternities deal with many issues similar to those on sports teams, this office may offer opportunities for collaboration with athletics. Greek organizations often deal with issues of "group think," hazing, recruitment, sexual assault, the use of alcohol and risk management.

**Campus Police or Campus Safety.** Campus police may provide violence prevention services and education, including self-defense and safety classes, as well as presentations on stalking, hazing and related issues. When campuses do not have their own law enforcement department, the institution often has an established relationship with local law enforcement to provide such training and support.

**Human Resources.** Human resources departments often provide training, courses, and educational material on violence prevention in the workplace. This office will likely be the primary place of education on those issues for faculty and staff.

**University Communications.** This office may be able to offer support to develop marketing campaigns and provide multimedia education, such as video messages. This department can be a partner in delivering key messages about sexual assault and interpersonal violence to student-athletes and staff.

# APPENDIX D: CAMPUS PARTNERS FOR RESPONSE

**Important:** Always in the event of a sexual assault or incident of interpersonal violence, the first response must be to ensure the safety and protection of those involved. Before an incident occurs, all athletics staff (especially those in leadership positions) and student-athletes must be trained in where to go and whom to contact to either contain or respond to an incident. If the incident has already occurred, appropriate and effective first response may prevent further damage to the survivor(s) and be a first step to recovery.

*Note: Where “confidentiality” is indicated, it is guaranteed by law for the student, client or patient.*

*The offices or departments listed below are good first responders to consider when a known or suspected incident of sexual assault or interpersonal violence has occurred.*

**Student Affairs/Student Services Office.** Although this office may not be involved directly as a first responder, it will be a valuable resource to learn what is available on campus and which offices or individuals are responsible for response. The chief student affairs officer will have a comprehensive understanding of campus resources.

**Local Hospital/Forensic Evidence.** Although a local hospital is not an on-campus location or service, it may play a critical role in the collection of forensic evidence following a sexual assault or rape. If a survivor wants to press charges or keep open the option to do so, evidence of injuries and/or rape may become critical to a prosecution. A local hospital may have a sexual assault nurse examiner (SANE) who has been specifically trained to collect evidence to use in court. Services at a hospital are confidential.

**Specialized Crisis/Incident Response Teams.** These teams are usually made up individuals from a variety of campus offices and departments. Some teams may also collaborate with community services or individuals. Often, the team will create or follow an established institutional response plan or procedure that should be understood by all staff. Many campuses have layered crisis/incident response teams that focus on different types of crises. For instance, student affairs or student services may operate a tactical team that responds to a broad range of micro-crises (domestic violence, criminal violence, suicide, etc.). There may be niche teams that are designed and trained to address certain types of violence. Some examples of these are:

- Sexual Assault Response Team (SART)
- Student Intervention Team (SIT)/Behavioral Intervention Team (BIT)
- Campus Threat Assessment Team
- Bias Incident Response Team (BIRT)

Because survivors of sexual assault and interpersonal violence often do not choose to pursue campus judicial or legal options, the evidence gathered by the response team may allow the campus to proceed with judicial action even without the survivor’s further involvement.

**Student Health Services.** The scope of health services for victims of violence will likely depend on the size and location of the campus. Almost all student health centers will have at least one nurse and doctor on staff, but those professionals may not be on-call for help after usual business hours. Few campus health centers will be able to collect forensic evidence following a sexual assault. Some centers may have a resident psychologist or psychiatrist to assess a potentially

violent student or provide mental health services to a victim. All student health centers will be able to provide general medical care, make appropriate referrals and make a record of injuries. Services delivered by medical professionals at a student health center are confidential.

**Crisis Hotline.** Operators on this line are trained to respond to callers who have a variety of concerns including sexual assault, domestic violence, suicide and other social or psychological problems. Because there are hotlines that are operated around the clock, they are often a place a person in need of help can call anytime to get information and talk about options. If the campus does not have its own 24-hour hotline service, there are many other off-campus hotline numbers readily accessible. It is not necessary for callers to identify themselves to take advantage of this service.

**Campus Police/Campus Safety.** Many institutions maintain their own campus police department independent of local law enforcement or use a combination of campus safety and local law enforcement. Some institutions will have an established relationship with local law enforcement to provide services to the campus. While most campus police departments may assist with crisis containment, assessment and intervention, training for those responses can vary widely between campuses and within a department. Campus safety departments will have limited ability to investigate and pursue criminal cases involving violence.

Some institutions will have a designated emergency line and number for the campus police. All staff and students must be made familiar with the police emergency number. As is true generally, a 911 call will serve the campus, but may not be the preferred number to use if a different campus emergency number is available.

**Student Conduct/Judicial Affairs.** The student conduct or judicial affairs office will have oversight for the judicial councils in place on a college or university. The judicial council process is used to investigate and discipline students who have violated (or allegedly violated) institutional policies, including policies that prohibit violence. The judicial affairs process is often initiated by a student conduct officer. Usually, a “council” determines whether there has been a violation of policy and, if so, may determine appropriate sanctions.

**Student Housing/Residential Life.** Residence hall directors and resident assistants (RAs) are well trained in their roles and can play an important part in providing evidence and testimony during the investigation and adjudication of a

violent incident. Their areas of responsibility are usually confined to incidents that occur in or around a residence hall. They are also trained to monitor ongoing threats to safety (such as a potentially suicidal or violent student).

**Title IX Office/Equal Opportunity Office/Compliance Office.** All universities and colleges that receive federal funding are required to have a Title IX coordinator. Some universities have multiple individuals who fill that role and may be referred to as assistant Title IX coordinators. Athletics may have a designated assistant Title IX coordinator internal to its department. The duties of the Title IX coordinator vary by campus. At a minimum, the Title IX coordinator investigates allegations or complaints of sex discrimination, which include sexual assaults and other forms of violence and may include domestic or relationship violence. The Title IX coordinator must ensure that, as a result of the violence, the university environment is not hostile to the survivor or to other members of the community. At some institutions the Title IX coordinator may liaison with other professionals in order to provide services or accommodations to survivors of violence, including assistance with academic support, housing changes, and no-contact letters or restraining orders.

**Human Resources.** When an employee is involved in an act of violence, this office should be consulted in an advisory capacity. This office is also another possible home for the Title IX coordinator/office on campus. Sometimes campuses employ a separate Title IX investigator in charge of addressing issues and enforcing policies involving faculty and staff. Human resources may be involved in handling discrimination complaint procedures against employees and/or sanctioning an employee for harassment or violence or terminating employment for misconduct (in some institutions, the complaint and sanction processes for employees are handled primarily by a separate equal opportunity/compliance office).

**College or University Legal Office/University Attorney or Lawyer.** If an act of violence is likely to be high profile, involve a civil or criminal case, or result in significant employee sanctions (for example, if the incident may require the termination of a contracted coach), early consultation with the legal department or member of the university attorney's staff is important to clarify the legal rights of the parties involved, the university's potential liability and other issues. When in doubt, the legal experts should be involved. It is also important to consult with the university's legal staff to ensure that relevant response/adjudication policies and procedures are in compliance with current federal and state laws.

# APPENDIX E: CAMPUS PARTNERS FOR RECOVERY

*The offices and individuals listed below are options to explore during the longer recovery phase. Some of these resources are for the survivor, but others can support the athletics department in general or provide support for team-specific needs.*

*Note: Where “confidentiality” is indicated, the student or client is guaranteed confidentiality by law.*

**Student Affairs/Student Services Officer.** At most colleges and universities, the chief student affairs/student services officer is an excellent resource to learn about campus services available to help survivors through the recovery process. Often, this university official has oversight for many of the resources listed below and has responsibility for coordinating campus services. Because of the officer’s comprehensive knowledge of the university, its responsibilities and its resources, this individual or office can be a primary resource.

**Student or Victim Advocate/Liaison.** This position may stand alone or be part of another office, such as the dean of students office or a violence prevention center. The role of a victim advocate is to provide immediate, individualized, competent and sustained support for survivors. The victim advocate may assist a survivor with obtaining services both on- and off-campus, including assisting the victim to file a complaint with the university or with the police, obtaining medical services or counseling, changing or dropping classes, and resolving housing concerns. A victim advocate may accompany a survivor to the hospital, the court, or the police station, and may work with a survivor during a student conduct hearing. A survivor may have the right to select an individual (on- or off-campus) as an advocate instead of using the designated university official. At some institutions, a student liaison may also be offered or assigned to assist the accused at a conduct hearing. This service is confidential for the individual but may have some general reporting responsibilities (that do not require revealing the identity of the victim/survivor).

**Counseling Center, Psychological or Mental Health Services.** These departments are exempt from many federal and university reporting requirements. Professionals in these services are trained to help a survivor process the trauma of violence, develop coping skills, reintegrate into campus and academic life and, if needed, withdraw from the university. They are particularly helpful in preventing suicides. If a university does not have a designated counseling or psychological center, a counselor, therapist, psychologist or psychiatrist may be available through student health services or a medical center. These professionals will help a survivor access other services and appropriate referrals. These professionals will be able to provide services for entire teams or groups of student-athletes, if needed. Also, psychologists and psychiatrists can do violence and anger management assessments of potential or actual perpetrators. The services of licensed mental health professionals acting in that capacity are confidential.

**Sport Psychologist.** It is becoming more common for institutions to have a sport psychologist working directly in or with the athletics department. If the sport psychologist is associated with athletics, the survivor should be offered the option of working with a qualified mental health professional separate from athletics. If both the survivor and the alleged

perpetrator are student-athletes, the sport psychologist should not work with both parties. The services of a licensed mental health professional acting in that capacity are confidential

**Faith Organizations.** Most institutions have faith groups that are student organizations or affiliated with the university in some way. These organizations usually have a pastor, priest or other religious counselor who will be available to talk with a survivor. Some campus or local faith organizations may provide counseling or other support services for survivors. Services provided by legally recognized clergy are confidential.

# APPENDIX F: BYSTANDER INTERVENTION TRAINING PROGRAMS

The four bystander intervention training programs briefly described below are a sample of the more popular and promising programs currently available and in use on college and university campuses. One of the offices or university officials listed in "Appendix C: Campus partners for prevention" will be aware of the bystander intervention training programs available or already in use on a particular campus.

All of the bystander intervention training programs included in this appendix share the following characteristics

1. They are suitable for and have been used with college students and student-athletes either in the same or separate groups.
2. They are suitable for mixed-gender or single-gender groups.
3. They help develop strategies and skills that are usable in a variety of "risky behavior" situations.
4. They include strategies and skill development to:
  - a. Notice, understand and assess threat.
  - b. Choose a safe and effective method of intervention.
  - c. Take advantage of peer support.
5. They are pro-social.
6. They develop peer support for intervening to make a dangerous situation safer.
7. They are presented through a variety of teaching methods, formats and materials so the information and training can be repeated and still retain variety, immediacy and relevancy.
8. They are easily complemented by other campus or athletics presentations, campaigns or initiatives that address sexual assault and interpersonal violence.

## **A. Step Up! ([www.stepupprogram.org](http://www.stepupprogram.org))**

Step Up! was developed at the University of Arizona C.A.T.S. Life Skills Program in partnership with the NCAA and has been used widely with college student-athletes. It emphasizes intervening early and effectively in a safe manner. It is useful for a variety of campus groups, including fraternities, sororities, violence prevention centers and others. It has an extensive array of teaching materials that are available online. The program includes both facilitator and participant guides. It uses a "train the trainer" approach so after attending a facilitator training program, college and university personnel can implement the program on their own campuses. This program teaches a model of bystander intervention that is applicable across a variety of social behaviors, including alcohol and illegal drug use. The NCAA periodically offers facilitator training for personnel in athletics and encourages their cross-campus partners to attend, as well.

## **B. Green Dot ([www.livethegreendot.com](http://www.livethegreendot.com))**

Green Dot was originally developed for college students to help prevent sexual, dating and other forms of violence. It is based on social change theory and has been used in schools, workplaces and communities. The active participation component is Students Educating and Empowering to Develop Safety (SEEDS). Although each component has been useful, the lecture or speech component combined

with the participation component has been the most effective approach in decreasing false and stereotyped beliefs about rape, survivors and perpetrators. The entire program includes the speech, group training, a club and a campaign. The program provides training courses for people in leadership positions and facilitators. This program was developed by Dorothy Edwards, Ph.D., and has received funding through the Centers for Disease Control and Prevention. Research on the program is available.

## **C. Mentors in Violence Prevention (MVP) ([www.mvpnglobal.org](http://www.mvpnglobal.org))**

MVP was developed by Jackson Katz, Ph.D., at Northeastern University's Center for the Study of Sport in Society. It has materials that address the athletics subculture of colleges and universities. It encourages student leaders and student-athletes to become role models for their peers in promoting violence prevention. This program empowers male and female bystanders to be active in reducing sexual violence by providing them with concrete options to effect change. The program opens dialogues between men and women and increases participants' awareness about the level of men's violence against women and challenges cultural norms that support a male exploitation approach toward women. The program uses a "playbook" to present different role-playing scenarios. There are separate male and female playbooks. The program also includes a trainer's guide. There is a fee for the playbooks and guide. Additional information is available online.

## **D. Bringing In the Bystander (<http://cola.unh.edu/prevention-innovations/bystander>)**

Bringing In the Bystander is based on the assumption that everybody has a role to play in reducing violence against women and that goal is best accomplished through establishing a community of responsibility. This program was developed at the University of New Hampshire for college students. It consists of three 90-minute sessions delivered to single-gender groups and is appropriate for male and female college students. Participants learn about the importance of bystanders engaging in pro-social behaviors, and the sessions include information specifically about sexual violence. A research component is integrated into the program to measure the program's effectiveness. It has been effective in improving bystanders' confidence in intervening, increasing their likelihood of intervening and increasing their sense of responsibility to intervene in situations of potential violence. The program includes a social marketing campaign. The website has additional information and resources.

# APPENDIX G: ADDITIONAL RESOURCES

**Clery Center for Security on Campus:** <http://clerycenter.org>

**National Alliance to End Sexual Violence:** [www.endsexualviolence.org](http://www.endsexualviolence.org)

**National Center for Victims of Crime:** [www.ncvc.org](http://www.ncvc.org)

**National Crime Prevention Council:** [www.ncpc.org](http://www.ncpc.org)

**National Online Resource Center on Violence Against Women:** [www.vawnet.org](http://www.vawnet.org)

**National Sexual Assault Hotline:** 1-800-656-HOPE (4673)

**National Sexual Violence Resource Center:** [www.nsvrc.org](http://www.nsvrc.org)

**National Violence Against Women Prevention Research Center:** [www.musc.edu/vawprevention](http://www.musc.edu/vawprevention)

**NCAA Violence Prevention Website:** [www.ncaa.org/health-and-safety/violence-prevention](http://www.ncaa.org/health-and-safety/violence-prevention)

**Prevention Institute:** [www.preventioninstitute.org](http://www.preventioninstitute.org)

**Rape, Abuse and Incest National Network:** [www.rainn.org](http://www.rainn.org)

**Red Flag Campaign:** [www.theredflagcampaign.org](http://www.theredflagcampaign.org)

**Sexual Assault Resource Service:** [www.sane-sart.com](http://www.sane-sart.com)

**Stop Sexual Violence: A Sexual Violence Bystander Intervention Toolkit:** [www.health.ny.gov/publications/2040](http://www.health.ny.gov/publications/2040)

**Students Active for Ending Rape:** [www.safercampus.org](http://www.safercampus.org)

**U.S. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Division of Violence Prevention:** [www.cdc.gov/injury](http://www.cdc.gov/injury)

**Violence Against Women on Campus (U.S. Department of Justice):** [www.ovw.usdoj.gov](http://www.ovw.usdoj.gov)

# ACKNOWLEDGMENTS

This resource represents efforts over the past few years by many people who have contributed either directly to this guide or to the guide being a natural outcome of their efforts to address sexual assault and other acts of interpersonal violence as they affect college students and student-athletes.

The process began in fall 2010 when the NCAA's Committee on Sportsmanship and Ethical Conduct (CSEC) began discussing a series of incidents reported in the national media. Those incidents all involved college student-athletes who were suspected of or charged with perpetrating sexual assaults and other types of interpersonal violence, including murder of an intimate partner. The CSEC recommended the association seriously consider the issue of violence and violence prevention as it involves student-athletes. By summer 2010, the Executive Committee made a focus on interpersonal violence and its prevention a major initiative of the Association and charged the CSEC with oversight of the initiative.

To help bring the issue to the attention of the membership, in spring 2011, the CSEC sponsored a Summit on Violence. The committee continued its efforts in January 2012 by sponsoring a panel discussion on "Addressing Violence: Cross-Campus Solutions" at the NCAA National Convention. Also in 2012, the student-athlete representatives on the CSEC led their peers in discussions of violence and violence prevention at the Student-Athlete Advisory Council (SAAC) Leadership Conference.

The initiative gained momentum and direction in fall 2012 when the NCAA, under the direction of the CSEC, sponsored a national Violence Prevention Think Tank in Washington, D.C. The Think Tank was addressed by President Mark Emmert and brought together national experts to address sexual assault and other acts of interpersonal violence. Those experts represented higher education, research, prevention, victim advocacy, policy development, national government concerns, the law and legal issues, college athletics and the NCAA.

In June 2013, the CSEC recommended the development of this resource to inform the efforts by member institutions to make a meaningful difference in addressing sexual assault and interpersonal violence in their departments and on their campuses. At the 2014 National Convention during the session "Strategies to Prevent and Address Sexual Harassment and Violence," the membership was informed to expect the publication of this guide.

I want to personally recognize the participants in the NCAA's 2012 Violence Prevention Think Tank, who provided direction and expert advice for this resource and are listed below:

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– Deborah Wilson





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