

Key Definitions and Terms

Alleged Perpetrator

The person about whom a complaint of sexual violence is filed under a school's grievance procedures.

Key Terms and Definitions (n.d.). Retrieved from <https://www.notalone.gov/students/>

Bystander Intervention

The bystander intervention model focuses on helping community members understand and become more sensitive to issues of sexual assault, domestic violence, dating violence, and stalking by teaching prevention and interruption skills. The bystander role includes interrupting situations that could lead to assault before it happens or during an incident; speaking out against social norms that support sexual assault, domestic violence, dating violence, and stalking; and having skills to be an effective and supportive ally to survivors.

Key Terms and Definitions (n.d.). Retrieved from <https://www.notalone.gov/students/>

Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, otherwise known as the Clery Act, is a federal law that requires institutions of higher education to provide current and prospective students and employees, the public, and the Department with crime statistics and information about campus crime prevention programs and policies. Among other crimes, the Clery Act requires that colleges and universities report forcible sex offenses including sexual assault and rape. The Clery Act was most recently amended by the Violence Against Women Reauthorization Act of 2013.

Key Terms and Definitions (n.d.). Retrieved from <https://www.notalone.gov/students/>

Dating Violence

Threats or actual sexual or physical abuse in a dating relationship.

The Clery Act in Detail (n.d.). Retrieved from <http://knowyourix.org/the-clery-act-in-detail/>

Domestic Violence

Crime of violence committed by former spouse, cohabiting partner, or someone with whom you share a child.

The Clery Act in Detail (n.d.). Retrieved from <http://knowyourix.org/the-clery-act-in-detail/>

FERPA

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA generally prohibits the

nonconsensual disclosure of personally identifiable information from a student’s education record.

Key Terms and Definitions (n.d.). Retrieved from <https://www.notalone.gov/students/>

Hate Crimes

Any crime motivated by perpetrator bias against the victim based on race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability (whether actual or perceived).

The Clery Act in Detail (n.d.). Retrieved from <http://knowyourix.org/the-clery-act-in-detail/>

Hostile Environment

Sexual harassment, including sexual violence, creates a hostile environment for a student when the conduct is sufficiently serious to limit or deny a student’s ability to participate in or benefit from the school’s educational program.

Key Terms and Definitions (n.d.). Retrieved from <https://www.notalone.gov/students/>

Intimidation

Words or conduct that places the victim in reasonable fear of bodily harm (does not include use of a weapon, which is a different crime under Clery).

The Clery Act in Detail (n.d.). Retrieved from <http://knowyourix.org/the-clery-act-in-detail/>

Responsible Employee

A responsible employee includes any employee who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school official; or whom a student could reasonably believe has this authority or duty. Whether an employee is a responsible employee will vary depending on factors such as the age and education level of the student, the type of position held by the employee, and consideration of both formal and informal school practices and procedures.

Key Terms and Definitions (n.d.). Retrieved from <https://www.notalone.gov/students/>

Retaliation

Intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual’s informal or formal complaint or participation in a school or OCR investigation or proceedings related to sexual violence or other civil rights concerns. Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws.

Key Terms and Definitions (n.d.). Retrieved from <https://www.notalone.gov/students/>

Sexual Assault

Rape (oral, anal or vaginal), fondling, incest, or statutory rape.

The Clery Act in Detail (n.d.). Retrieved from <http://knowyourix.org/the-clery-act-in-detail/>

Sexual Harassment

Unwelcome conduct of a sexual nature, including sexual violence. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. A school violates Title IX when sexual harassment is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by its employees.

Key Terms and Definitions (n.d.). Retrieved from <https://www.notalone.gov/students/>

Sexual Violence

...refers to physical acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the students' age or use of drugs or alcohol, or because an intellectual or other disability prevents the students from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

Questions and Answers on Title IX (April 29, 2014). Retrieved from www2.ed.gov/.../qa-201404-title-i

Sexual Violence

Physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent (for example, due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, fellow students, students from other schools, or third parties. Sexual violence is a form of sexual harassment.

Key Terms and Definitions (n.d.). Retrieved from <https://www.notalone.gov/students/>

Stalking

Ongoing conduct that could cause a reasonable person to fear for the safety of themselves or others, or suffer emotional distress (e.g., following, monitoring, threatening, communicating to or about the victim, or interfering with a victim's property).

The Clery Act in Detail (n.d.). Retrieved from <http://knowyourix.org/the-clery-act-in-detail/>

Survivor

The terms “survivor” and “victim” are both used to describe individuals who have been raped or sexually assaulted. Many of these individuals and the advocates who work with them have come to prefer “survivor,” as they regard the term as more empowering. The term “victim,” however, is still in widespread use in research studies and in the criminal justice context.

Key Terms and Definitions (n.d.). Retrieved from <https://www.notalone.gov/students/>

Title IX

Title IX of the Education Amendments of 1972 is a federal law that protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. Title IX states that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance”. Title IX’s sex discrimination prohibition protects against sexual harassment and sexual violence and extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. Other examples of the types of discrimination that are covered under Title IX include the failure to provide equal opportunity in athletics; discrimination in a school’s science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy and parental status. OCR is a primary authority for investigating alleged violations of Title IX in educational institutions because the U.S. Department of Education gives financial assistance to virtually all educational institutions in the country. Other agencies, such as DOJ, that give federal grants or assistance to an educational institution, share authority for addressing alleged violations of Title IX in educational institutions. If a school that receives the Department’s federal funds is found to have violated Title IX and does not come into compliance voluntarily, OCR may initiate proceedings to withdraw federal funding granted by the Department or refer the case to DOJ for litigation.

Key Terms and Definitions (n.d.). Retrieved from <https://www.notalone.gov/students/>

Title IX

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

9 Things to Know About Title IX (n.d.). Retrieved from <http://knowyourix.org/title-ix/title-ix-in-detail/>

- **A landmark federal civil right that prohibits sex discrimination in education.** Title IX is not just about sports; it is a prohibition against sex-based discrimination in education. It addresses discrimination against pregnant and parenting students and women in STEM (science, technology, engineering, and math) programs. It also addresses sexual harassment, gender-based discrimination, and sexual violence. Sexual violence includes attempted or completed rape or sexual assault, as well as sexual harassment, stalking,

voyeurism, exhibitionism, verbal or physical sexuality-based threats or abuse, and intimate partner violence.

9 Things to Know About Title IX (n.d.). Retrieved from <http://knowyourix.org/title-ix/title-ix-the-basics/>

- **Does not apply to female students only.** Title IX protects any person from sex-based discrimination, regardless of their real or perceived sex, gender identity, and/or gender expression. Female, male, and gender non-conforming students, faculty, and staff are protected from any sex-based discrimination, harassment or violence.

9 Things to Know About Title IX (n.d.). Retrieved from <http://knowyourix.org/title-ix/title-ix-the-basics/>

Title IV of the Civil Rights Act of 1964

Title IV of the Civil Rights Act of 1964 is a federal law that prohibits discrimination on the basis of race, color, sex, religion or national origin by public elementary and secondary schools and public institutions of higher learning. Title IV's sex discrimination prohibition protects against sexual harassment and sexual violence and extends to claims of discrimination based on, among other things, gender identity or failure to conform to gender stereotypes. The Department of Justice enforces Title IV through complaint investigations, litigation, voluntary settlement agreements, and consent decrees.

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Violence Against Women Reauthorization Act of 2013

The Violence Against Women Reauthorization Act of 2013 amended the Violence Against Women Act and the Clery Act to provide new requirements for schools to prevent and respond to sexual violence, domestic violence, dating violence, and stalking. Some of these requirements include providing primary prevention education and awareness programs for all incoming students and employees; collecting statistics on domestic violence, dating violence, and stalking in addition to current requirements to collect sexual assault statistics; issuing complainants a written notice of their rights; and adopting grievance policies that are prompt, fair, and impartial as well as administered by trained officials. These updates are sometimes referred to as Campus Sexual Violence Elimination Act or Campus SaVE Act.

Key Terms and Definitions (n.d.). Retrieved from <https://www.notalone.gov/students/>