

# FERPA, CLERY ACT & TITLE IX TRAINING

by

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# TODAY'S AGENDA



Introduction



Definitions



Roles



How to report and the Student Conduct Process

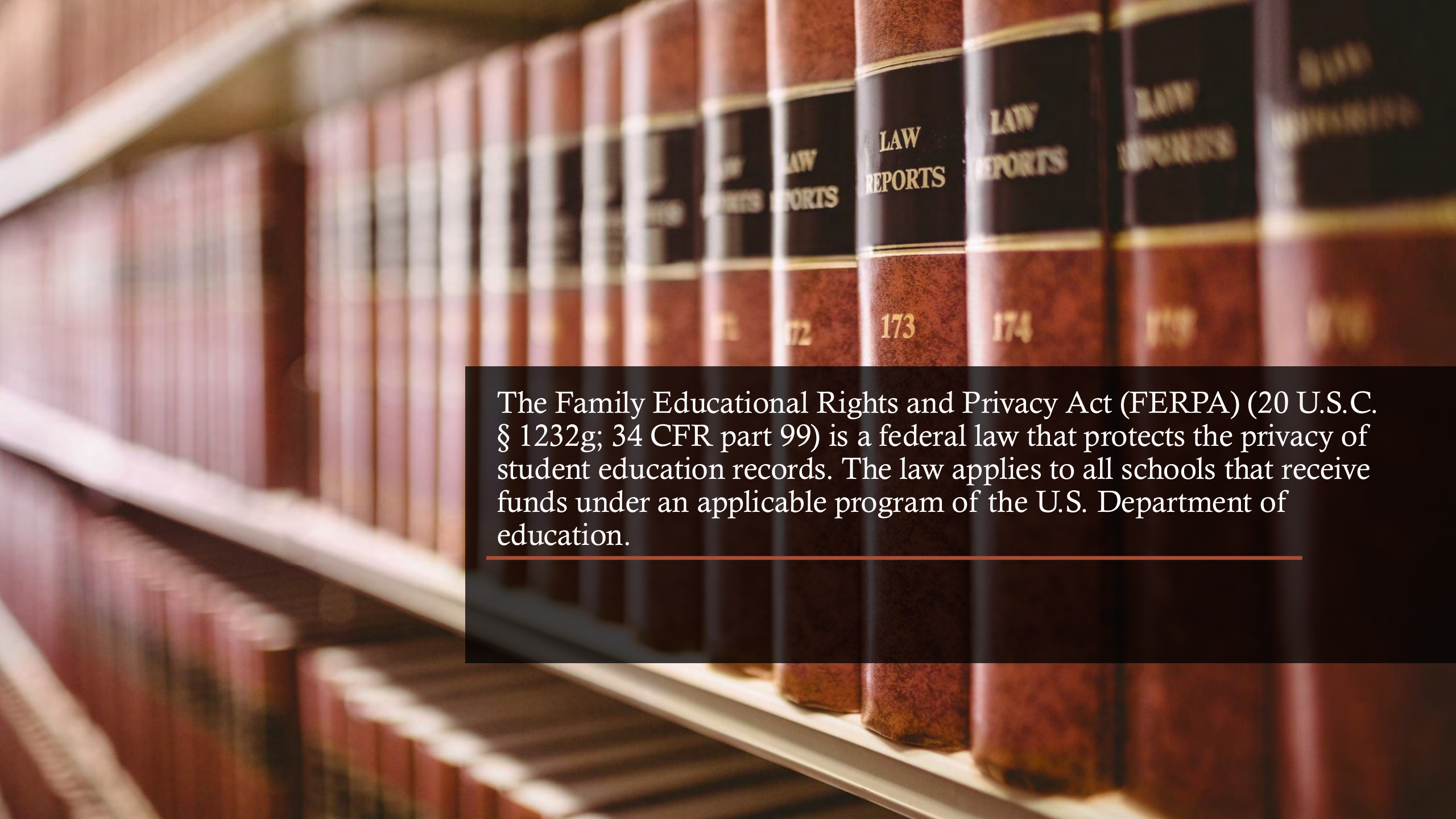


Questions



**WHAT IS FERPA?**



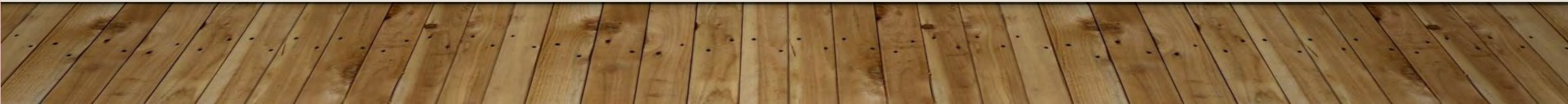


The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR part 99) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of education.

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## What does FERPA include?

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."



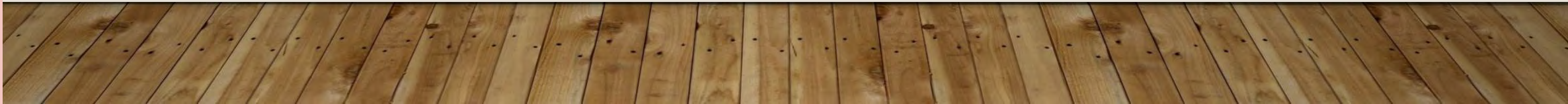




Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- \*School officials with legitimate educational interest;
- \*Other schools to which a student is transferring;
- \*Specified officials for audit or evaluation purposes;
- \*Appropriate parties in connection with financial aid to a student;
- \*Organizations conducting certain studies for or on behalf of the school;
- \*Accrediting organizations;
- \*To comply with a judicial order or lawfully issued subpoena;
- \*Appropriate officials in cases of health and safety emergencies; and
- \*State and local authorities, within a juvenile justice system, pursuant to specific State law.

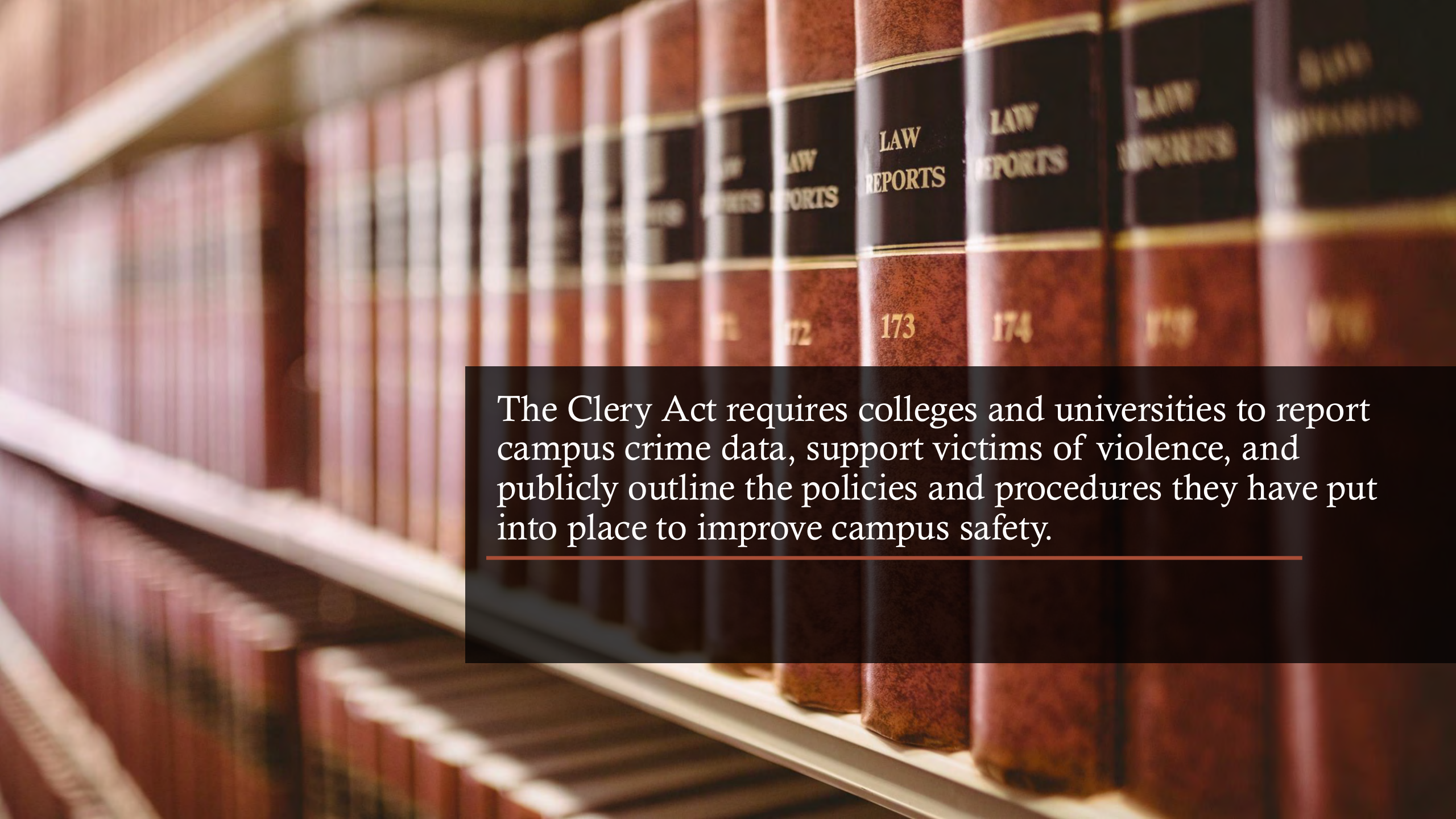
Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.





**WHAT IS CLERY?**





The Clery Act requires colleges and universities to report campus crime data, support victims of violence, and publicly outline the policies and procedures they have put into place to improve campus safety.

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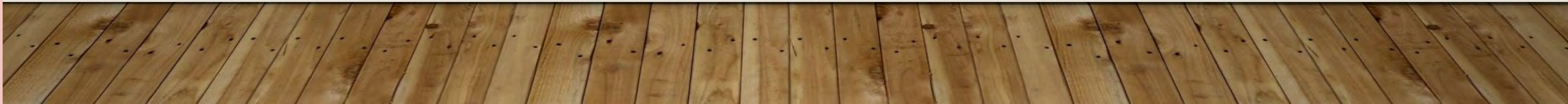
## What does Clery include?

The Clery Act is a consumer protection law that aims to provide transparency around campus crime policy and statistics.

### Annual Security Reporting

The Clery Act requires colleges and universities that receive federal funding to disseminate a public annual security report (ASR) to employees and students every October 1st. This ASR must include statistics of campus crime for the preceding 3 calendar years, plus details about efforts taken to improve campus safety.

ASRs must also include policy statements regarding (but not limited to) crime reporting, campus facility security and access, law enforcement authority, incidence of alcohol and drug use, and the prevention of/response to sexual assault, domestic or dating violence, and stalking.



# Crime Categories

## **CRIMINAL OFFENSES:**

*Criminal Homicide: Murder And Non-negligent Manslaughter, Manslaughter By Negligence*

*Sexual Assault: Rape, Fondling, Incest, Statutory Rape*

*Robbery*

*Aggravated Assault*

*Burglary*

*Motor Vehicle Theft*

*Arson*

## **HATE CRIMES (ANY OF THE ABOVE MENTIONED OFFENSES, AND ANY INCIDENTS OF)**

*Larceny-theft*

*Simple Assault*

*Intimidation*

*Destruction/Damage/Vandalism Of Property*

## **VAWA OFFENSES**

*Domestic Violence*

*Dating Violence*

*Stalking*

## **ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION**

*Weapons Law Violations*

*Drug Abuse Violations*

*Liquor Law Violations*

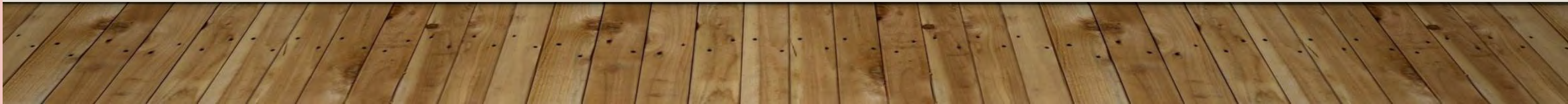




## Crime Reporting Geography and Availability

Every act of crime reporting is not strictly limited to events that occur on campus or within campus buildings and residences. Institutions must include statistics for crime that occur in any of these geographic areas:

- on-campus (anywhere)
- on-campus student housing
- public property within campus bounds
- public property immediately adjacent to the campus
- noncampus buildings and property owned or controlled by the organization that are used for educational purposes and frequently used by students but not a part of the core campus, or those owned or controlled by a student organization officially recognized by the institution
- wherever crimes occur, campus police and public safety departments must maintain a daily crime log of all reported crimes that fall within their jurisdiction. This crime log must be made available to the public during daily business hours.







## Timely Warnings and Emergency Notifications

When a crime covered by the Clery Act occurs, campus officials are required to evaluate if there is a serious or ongoing threat to the campus community to determine if a timely warning needs to be issued to all staff and students.

In the event of an immediate, significant danger to the health or safety campus community (e.g. weather, disease outbreak), campus officials may issue an emergency notification. This notification can include the entire campus, or be limited to a specific area deemed to be at risk.





## Survivor Rights Options and Resources

**Victims of sexual assault, domestic violence, dating violence, and stalking have specific rights, options, and resources guaranteed to them by the Clery Act.**

### **Prevention Education**


**Institutions are required to provide to students and employees, on an introductory and ongoing basis, prevention and awareness programs on the crimes covered above. These programs must include material on bystander intervention and risk reduction aimed at recognizing the warning signs of these crimes.**

### **Student and Employee Rights**

**Institutions must provide victims of the crimes covered above with a written explanation of their rights. These rights include the option for a relocation/change of housing, transportation, or academic course assignment. They also include access to counseling services, legal services, and law enforcement notification.**

### **Disciplinary Proceedings**


**All disciplinary proceedings must be conducted by trained parties at the institution — either individuals or panels of trained persons. Proceedings are required to be prompt, fair, and impartial, and must confer certain procedural rights to both the accuser and the accused.**





**WHAT IS TITLE IX?**





**Title IX is a federal civil rights law that prohibits sex-based discrimination in educational programs and activities. Enacted as part of the education amendments of 1972, its primary purpose is to ensure that no person in the united states shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.**

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## What does Title IX include?

Sexual Harassment

Sexual Assault

Sexual Misconduct

Gender Equity In Athletics

Transgender And Gender Non-conforming Individuals

Pregnancy And Parenting

Retaliation

Educational Programs And Activities





# WHAT IS CONSENT AT TWU?

Consent means a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Past consent does not imply future consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

- a. Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual activity.
- b. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.





# Understanding Title IX Violations

**Sexual harassment:** sexual harassment involves unwelcome conduct of a sexual nature that creates a hostile or intimidating environment, interfering with a person's educational program or athletic experience.

- Inappropriate comments: making explicit or offensive sexual comments or jokes about a person's appearance or body.
- Unwanted advances: repeatedly and unwarrantedly pursuing a romantic or sexual relationship after being told "no."
- Online harassment: sending explicit or suggestive messages, images, or videos without consent.





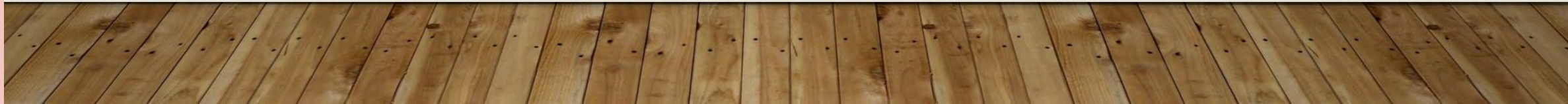
# Understanding Title IX Violations

**Sexual assault**: sexual assault refers to any non-consensual sexual act or contact, including rape, attempted rape, unwanted touching, or any sexual activity without clear and voluntary consent.

**Non-consensual touching**: touching someone sexually without their explicit consent, even if it's not penetration.

**Date rape**: engaging in sexual activity with someone who is unable to give informed consent due to intoxication or incapacitation.

**Forced sexual activity**: using physical force or threats to coerce someone into engaging in sexual acts against their will.



# Understanding Title IX Violations



## Other violations covered by Title IX:

**Stalking**: repeated and unwanted attention or contact that causes fear or distress.

**Dating violence**: physical, emotional, or psychological abuse within a romantic or intimate relationship.

**Domestic violence**: physical, emotional, or psychological abuse between individuals in a domestic setting.





## Role of the Title IX Coordinator

- \*Policy Development
- \*Education And Training
- \*Monitoring And Reporting
- \*Supporting Students
- \*Conducting Investigations:
  - Fair And Impartial Process
  - Gathering Information
  - Resolution And Accountability



## Role of the Peer Tutor

\*Mandatory Reporter

\*See or hear something; say something to TWU Police or Title IX

\*Educate and share what bystander intervention is

\*Lead by example

\*Support someone with reporting:

-confidentially to CAPS or Student Health

-anonymously online

- [WWW.TWU.EDU/CIVILITY](http://WWW.TWU.EDU/CIVILITY)

# STUDENT CONDUCT PROCESS



1. Incident
2. Report
3. Investigation
4. Charges
5. Response
6. Adjudication
7. Appeal



# CAMPUS POLICIES

- Regent Policy: B.20010 Sexual Misconduct Policy
- URP: 01.225 Prohibition of Sexual Misconduct
- URP: 01.235 Resolution Procedures for Complaints of Prohibited Conduct
- URP: 01.230 Consensual Relationships
- URP: 01.220 Title IX Policy

# RESOURCES

- <https://www.clerycenter.org/the-clery-act>
- <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>
- <https://twu.edu/civility/sexual-violence-education-title-ix/>

THANK  
YOU

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