

Implementing the *Dear Colleague Letter*: A Title IX Case Study for University Compliance

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This paper analyzes the Dear Colleague Letter (DCL) that was issued by the Department of Education's Office of Civil Rights on April 4, 2011 to examine how sexual harassment and violence are addressed at the collegiate level. After clearly identifying the relevant Title IX requirements and recommendations within the DCL, an instrument was created that higher education institutions can use to assess their level of compliance with these standards. Specifically, this paper examines the implementation of the policy set forth by the DCL at a specific case study institution. The DCL Compliance Instrument (see Appendix A) was created and utilized to determine compliance levels at the case study institution. The instrument represents basic compliance as outlined in the DCL.

Colleges and universities across the country are legally obligated to create and maintain safe campus environments for students, faculty, staff, and visitors in order to ensure the academic and personal success of all campus constituents (Baker & Boland, 2011; Kaplin & Lee, 2009). Violent crimes disrupt campus and can potentially implicate the university in lawsuits for failing to provide a safe and secure environment (Baker & Boland, 2011; Kaplin & Lee, 2009). Although administrators are taking measures to create secure environments, sexual violence, including sexual assault, continues to be an issue on most college and university campuses. Results of a national survey of college students found that nearly one in five female students experienced an attempted or completed sexual assault while at college, a figure that rose to one in four when the results were isolated to seniors; in addition, over six percent of the men surveyed experienced a completed or attempted sexual assault (Krebs, Lindquist, Warner, Fisher, & Martin, 2007). These numbers

are likely lower than the actual number of sexual assaults given the reluctance of many survivors to report these types of crimes (Karjane, Fisher, & Cullen, 2002).

Karjane, Fisher, and Cullen (2002) performed an analysis of higher education institutions' policies regarding sexual assault, the information they distributed to students and employees that related to sexual assault, and the services campuses provided to sexual assault survivors. This research was performed specifically at the request of the United States Congress and was funded by the National Institute of Justice. The findings of Karjane et al. (2002) were telling: only approximately 60% of the schools in the sample of nearly 2,500 had a sexual assault policy. Furthermore, only 40% of the sampled schools offered training in sexual assault response, and even fewer trained faculty, staff, and campus security officers on institution-specific policies or procedures related to sexual assault. Access to sexual assault services was also found to be limited. Less than 50% of schools offered any type of sexual assault services after business

hours. Perhaps the most significant take-away from the Karjane et al. (2002) study was the patchwork of policies and varied levels of compliance institutions had in response to federal laws and other guidelines.

Although leaders inside and outside of education have identified sexual assault on campus as a persistent problem, little has been done to articulate a vision for how to move institutions from where they are today to where they need to be tomorrow. For many years individual campuses, with the guidance of government agencies, have created specific services and response protocols for sexual harassment and violence. The *Dear Colleague Letter* (DCL), issued by the U.S. Department of Education's Office of Civil Rights (OCR) in April 2011, is an example of such governmental guidance. The DCL reminds institutions that sexual violence is an extreme form of sexual harassment and is thus governed by the Title IX Educational Amendments of 1972 (Title IX), which amended the Higher Education Act of 1965, and prohibits discrimination on the basis of sex in any federally funded education program or activity. This includes private institutions that wish to remain eligible for federally funded loans and Pell Grants for their students. Specifically, the DCL establishes standards about actions schools can take in an attempt to reduce sexual violence by educating employees and students on how to prevent and respond to such incidents. In an effort to identify an institution's level of basic compliance with the DCL, we have constructed an instrument to indicate the existence of recommended and/or required sexual harassment and violence services. We applied the instrument to a case study institution to examine how that campus interprets and complies with the DCL.

Literature Review

In 2001 the OCR issued the *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (Guidance)* to modify a set of guidelines originally issued in 1997 due to several Supreme Court decisions related to sexual harassment complaints under Title IX. The 2001 *Guidance* helped schools understand their responsibility to "[recognize] that sexual harassment has occurred and [take] prompt and effective action calculated to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects" (U.S. Department of Education, 2001, p. iii). Although the 2001 *Guidance* provides schools with some ways to fulfill these obligations, it allows the schools a certain level of discretion, acknowledging that "depending on the circumstances, there may be more than one right way to respond" (p. iii). The primary procedural compliance responsibilities outlined in the 2001 *Guidance* included: the issuance of a policy against sex discrimination, the "adoption of grievance procedures providing for prompt and equitable resolution of complaints of sex discrimination (p. 4), and the designation of at least one employee to serve as a Title IX coordinator to ensure institutional compliance with Title IX regulations.

The OCR also outlined the three criteria examined during a federal investigation of a claim against institutional compliance under Title IX: (1) the school has a disseminated policy prohibiting sex discrimination under Title IX and effective grievance procedures; (2) the school appropriately investigated or otherwise responded to allegations of sexual harassment; and (3) the school has taken immediate and effective corrective

action responsive to the harassment, including effective actions to end the harassment, prevent its recurrence, and as appropriate, remedy its effects (U.S. Department of Education, 2011, p. 14).

An important feature of this regulation is that it only provides Title IX guidance on sexual harassment, which it defines as: “unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature” (U.S. Department of Education, 2011, p. 2). While this definition includes a reference to physical sexual behavior, several schools, particularly institutions of higher education, were not using the guidelines set forth in the 2001 *Guidance* regarding how the schools dealt with peer-on-peer sexual violence (U.S. Department of Education, 2011).

The DCL specifically clarifies that sexual violence, including sexual assault, sexual battery, and rape, is considered sexual harassment. Therefore, the OCR has the right to mandate policies in regards to allegations and investigations. In many ways, the DCL echoes the institutional responsibilities set forth in the 2001 *Guidance*: that all schools have and disseminate a notice of non-discrimination, that there is a named Title IX Coordinator, and that schools have and use an appropriate grievance procedure to investigate and attempt to remedy any complaints of sexual harassment that might interfere with a student’s ability to “participate in or benefit from the school’s program” (U.S. Department of Education, 2011, p. 3). However, the DCL is more specific and dictatorial than the original 2001 *Guidance*, particularly regarding the investigation of complaints and any internal judicial hearings.

The DCL is broken into two large sections with subsequent sub-sections to make it easier for implementers to follow. The first section deals with Title IX requirements regarding sexual violence and the second section describes proactive measures schools can take to prevent sexual violence and decrease its negative impact on students. The language between the two sections can at times become confusing. For instance, there are certain items that are merely “recommended” within a section describing requirements. Furthermore, there are some very strongly worded recommendations that due to the language used sound expected, if not explicitly required, by the DCL. The issuance of this letter meant an overhaul of campus judicial procedures at many post-secondary institutions, including our case study institution. The dense and somewhat confusing nature of the policy guidance issued within the DCL, combined with the segmented way in which services previously existed on campus, means that fully implementing the policy requirements and recommendations at the case study institution has been a highly complex process.

Purpose

The purpose of this study was to examine the implementation of the policy set forth by the DCL at a specific case study institution. The DCL Compliance Instrument (see Appendix A) was created and utilized to determine compliance levels at the case study institution. The instrument represents basic compliance as outlined in the DCL. However, we recognize that in order for the case study institution to truly be effective in responding to sexual violence, additional measures may need to be adopted.

Methods

DCL Compliance Instrument

We developed the DCL Compliance Instrument through a multi-step process. First, we performed a thorough reading of the DCL and created a list of all recommendations and requirements that were pertinent within the context of higher education. The items were then mapped for themes or similarities. We identified four main categories of recommendations and requirements in the DCL and labeled them: Proactive Efforts (non-educational), Victim Support Services, Educational Measures and Services, and Incident Investigation and Judicial Proceedings.

The first component, Proactive Efforts (non-educational), calls for the creation of a Title IX Coordinator and the publication and dissemination of non-discrimination policies, grievance procedures, and information regarding the Title IX Coordinator position. The second component, Victim Support Services, includes the provision of medical facilities and counseling services, accommodations for housing assignments, academic assistance, and crisis services. We derived the title Victim Support Services from the terminology present within the DCL. However, we will be referring to individuals who have experienced attempted or completed sexual assault as “survivors,” which we consider a more empowering and progressive term. In the third component, Educational Measures and Services, the DCL states that all students, faculty, and staff must understand what constitutes sexual harassment and violence, as well as the proper reporting methods for those with knowledge of a potential incident. Additionally, the DCL suggests that institutions provide information on

sexual harassment and violence, require training for specific student populations on this topic, and make available sexual harassment and violence educational materials to the campus community. The final component, Incident Investigation and Judicial Proceedings, addresses the investigation process, attempts to minimize harm to the complainant during the investigative process, and requires decision makers to have adequate training in order to appropriately respond to sexual harassment and violence. In addition, it addresses the designation of a Title IX officer and ways Title IX information should be disseminated. We assigned each individual recommendation and requirement to one of these four categories and eliminated duplicated recommendations. To further organize the instrument, we separated all of the items by their status as either required or recommended by the DCL and then secondarily separated into the four sub-categories listed above.

In order to allow for a more nuanced understanding of an institution’s level of compliance, we created a four-point range of compliance levels to choose from when completing the instrument: not implemented, planned to be implemented, partially implemented, and fully implemented. As implied through the names, each of these compliance levels seeks to understand the current level of implementation of the actions required or recommended within the DCL. Recommendations or requirements marked as “not implemented” means there are currently no such actions occurring on campus, and no definite plans have been established for implementing such actions on campus. Items can be marked as “planned to be implemented” if there is a definite plan

emerging or created that will implement the recommendation or requirement on campus. "Partially implemented" items are those which have started to be implemented, but are not considered complete at the time of applying the DCL Compliance Instrument. Finally, "fully implemented" requirements or recommendations are those which are in use or available within the campus environment. Practitioners should be careful to note that the DCL Compliance Instrument provides a current snapshot of DCL compliance at an institution at the time the instrument is completed. This level of compliance is subject to change based on new institutional policies and practices.

Site Description

The DCL Compliance Instrument was applied to a single institution to determine whether the sexual assault services provided by the campus align with the requirements and recommendations of the DCL. According to the institution's Clery crime data, there were 117 sexual assaults at the case study institution from 2009-2011. Our case study institution is a large, public university located in the Midwest with an undergraduate and graduate student population over 40,000. The large nature of the campus has led to a decentralization of services where departments operate within functional silos, as defined by Manning, Kinzie, and Schuh (2006), with little communication or interaction between offices or units, in order to meet the needs of the campus community. Student services have followed the same operational approach and function autonomously with staff members who hold specialized roles. Due to the decentralized structure, communication between student services

is not built in nor is it required. Within this model, the institution has various sexual assault services, which provide survivor support as well as judicial action.

Data Collection

In order to gain the information necessary to apply the DCL Compliance Instrument, we contacted various offices on campus (Judicial Office, University Police Department, Counseling Services, Crisis Services, Student Advocates, Health Services, and the Dean of Students Office) and examined their published physical and digital materials to gather information about Title IX related services provided to the campus community. These offices were chosen due to their self-identification as sexual assault service providers. Informational interviews were used to gain comprehensive information about the services and the educational materials that each office provides to sexual assault survivors and other campus constituents. This included the services and educational efforts or programs that are not mentioned in their published physical and digital media, in order to ensure accurate assessment of all relevant campus services and educational materials. The aggregate of the published documents, digital media, and informational interviews were used to determine whether our case study institution met, at minimum, a base level of compliance as outlined within the DCL.

Findings

When applying the DCL Compliance Instrument to our case study institution, we had to first determine who the Title IX Coordinator was in the context of the DCL. At our case study institution there are several deputy

coordinators who address compliance with all aspects of Title IX. The Deputy Coordinator for Students is the Dean of Students, who is responsible for Title IX compliance in matters involving students, including training, education, communication, and administration of the grievance procedure for all complaints against students. After the DCL was published, the case study institution set aside funding for a full-time professional whose specific and sole job responsibility is to investigate student cases of sexual harassment and violence. The Dean of Students delegated these responsibilities to this individual who works out of the Judicial Office. For the purposes of this case study, the DCL Compliance Instrument will be applied from the perspective of this individual. From this point forward, all references to “the Title IX Coordinator” or “the Coordinator” will be in reference to this individual.

Proactive Efforts (non-educational)

The case study institution has fully implemented all of the proactive efforts required. However, most of the recommended proactive efforts were only partially implemented. We did not find a regular assessment of student activities or groups that focus on preventing a culture that perpetuates sexual harassment and violence. Also, the institution does not conduct a campus climate check with student leaders to assess the effectiveness of existing efforts to prevent sexual harassment and violence. Although a notice of non-discrimination includes a definition of sex discrimination, it does not go so far as to describe or give examples of behaviors that are considered to fall within the definition of sexual harassment and violence. Title IX grievance procedures are not *prominently posted* (U.S.

Department of Education, 2011) on school websites. However, this may be due to the vagueness of the word prominent.

Victim Support Services

The case study institution has fully implemented all of the required victim support services and partially implemented the recommended services. Medical and counseling services for sexual violence survivors are provided free of charge. The institution also provides a 24-hour crisis hotline through counseling services for students who have experienced sexual assault. The institution does not offer an exclusive escort service for survivors, but does have an escort service for the general campus population. With regards to recommended academic services for survivors, students may change or drop a course through normal academic channels, but may still face negative ramifications for dropping a course due to the institution’s course drop and withdrawal policies. However, students may petition to have their grades changed through appropriate campus offices and course fee waivers are available on a case-by-case basis.

Educational Measures and Services

The case study institution has fully implemented all required educational measures and services, while recommended educational measures and services range from fully implemented to not implemented. The institution partially implemented programming throughout the year on institutional policies and reporting procedures related to sexual harassment and violence. In addition, a student and staff committee was created to address important campus topics, one of which is sexual violence, thus the

institution was partially compliant in creating a group to assess the best methods for educating the campus community on sexual violence. However, educating the campus community on sexual violence was not the committee's sole purpose, so we did not consider the institution to be in full compliance with this recommendation. The institution has not implemented programming or the distribution of educational materials on sexual violence during new employee orientation. Finally, the distribution of educational materials on campus ranges drastically and many handbooks are missing information on sexual harassment and violence. In addition, no electronic employee handbooks exist. Rather, employees must visit the human resources or affirmative action department websites to find compliance policies and procedures.

Incident Investigation and Judicial Proceedings

The case study institution has fully implemented all requirements and recommendations for investigations and judicial proceedings. Title IX disciplinary procedures were added to the Code of Student Conduct Procedures. Currently these procedures only exist electronically, but will be printed by Fall 2013. The complainant is notified that complete confidentiality may limit the school's ability to respond to the complaint. The case study institution uses a standard document to help the complainant make an informed decision regarding participation in the sexual violence investigation. If confidentiality can no longer be ensured, the complainant is notified. During the hearing, the Judicial Office also uses the preponderance of evidence standard "that it is more likely than not that the alleged sexual

harassment or violence occurred" (U.S. Department of Education, 2011, p. 11) in any sexual harassment or violence case. In addition to the required compliance standards, the case study institution is also in full compliance with the recommendations. The Judicial Office minimizes ramifications for individuals reporting sexual violence situations where illegal substances (underage alcohol or drug consumption) were involved. When applicable, the case study institution investigates whether school employees knew about sexual violence or harassment and failed to report such incidents. During the judicial proceeding, parties are not allowed to directly cross-examine one another. After the judicial proceeding, parties are notified of the outcome at the same time and the institution has an appeals process in place.

Discussion

Multiple Title IX Coordinators

At our case study institution, there is a Title IX Coordinator for the entire university system. The Coordinator is responsible for the oversight and monitoring of the overall implementation of Title IX Compliance at the university, including the coordination of training, education, communication, and administration of grievance procedures for faculty, staff, students, and other members of the university community. Each campus has at least one Title IX Deputy Coordinator. At our case study institution, there are four: Deputy Coordinator for Students, Deputy Coordinator for Faculty, Deputy Coordinator for Athletics, and Deputy Coordinator for Law Enforcement. We decided to focus on compliance from the student perspective. At our case study

institution, the Deputy Coordinator for Students is the Dean of Students, who is responsible for Title IX compliance in matters involving students. After the DCL was published, the case study institution set aside funding for a full-time professional whose sole job responsibility is to investigate student cases of sexual harassment and violence. The Dean of Students delegated these responsibilities to this individual who works out of the Judicial Office.

As illustrated by our case study institution, the DCL does not necessarily take large university systems into account when issuing requirements and recommendations. The language in the DCL implies that one person should be responsible for implementing all of the requirements and recommendations, although that may not be how they are implemented on campus. It was difficult to apply the compliance instrument to our case study institution because of the various levels and delegation of responsibilities. Ultimately, the system-wide Title IX Coordinator is responsible for ensuring that the institution is compliant. However, he or she may not be the one to actually enact all of the requirements and recommendations. For example, when asked if the Title IX grievance procedures were “widely distributed” (U.S. Department of Education, 2011), the acting deputy coordinator could not say whether or not they had been sent electronically or if they were available in hard copy as per the requirements of the DCL. However, this same person is solely responsible for investigating all possible sexual harassment and violence complaints. The practice of multiple Title IX coordinators may be necessary but it could cause confusion for these professionals when

delegating tasks and for the campus community when seeking help.

Legal Complexities in the Judicial Process

The DCL states that, on average, these investigations should take approximately sixty days, although the time frame may be longer or shorter depending on the complexities of the case (U.S. Department of Education, 2011). The case study institution adheres to the DCL’s sixty-day recommendation; however, if the same case is being pursued legally, issues may arise. The biggest issue is the distinction between the legal process and the judicial process. Since these processes are separate they must have separate investigations. Although law enforcement may share information with the Judicial Office for its investigation, law enforcement officials must gain investigative information within the context of the law. This may cause undue duress for survivors and/or witnesses who must then subject themselves to two separate investigations. Another nuance is the distinction between university law enforcement and non-university law enforcement. University law enforcement is required to report Clery data and to communicate with other campus offices. However, city and county law enforcement are not required to report to colleges and universities. Therefore, a campus may not know when one of their students has been sexually assaulted if he or she reported through an outside entity.

Another legal and judicial nuance is evidentiary standards. During a hearing, the Judicial Office uses the preponderance of evidence standard in any sexual harassment or violence case. Alternatively, the legal system uses beyond a reasonable doubt standard (i.e. no other logical explanation can be

derived from the facts except that the defendant committed the crime), thereby overcoming the presumption that a person is innocent until proven guilty. Because of the variance in the evidentiary standard, the legal outcome may be different from the judicial outcome. The Judicial Office will never find a respondent “not guilty,” but they may declare “no finding.” This is to validate the survivor’s assertion that he or she was violated although they may not have enough evidence to assert the preponderance of evidence. The legal system, however, will find the respondent guilty or not guilty. When the Judicial Office finds the respondent responsible in the context of their evidence standard, but the law does not, an argument can be made that the student should not be found responsible in one system, but not the other. The competing processes cause complications for law enforcement officers as well as campus officials, survivors, and respondents.

Lack of Funding

While interviewing the case study institution’s various service providers, it became clear that resources, in terms of funding and staff members, for educational and proactive services were not available. Although funding had been set aside for a new Deputy Title IX Coordinator as previously mentioned, there was no dedicated funding for educational and/or proactive measures for the university police, health services, and student advocates. Many of these proactive and educational measures fell onto staff members with other roles in the departments, so they were not able to dedicate as much time as necessary to provide these services. Funding to support additional staff members as well as the required and recommended

services is needed; however, the case study institution has not addressed these concerns. While this is an institutional concern, it also reflects a larger problem. The U.S. Department of Education has mandated change with regards to institutional response to sexual harassment and violence, but has not provided additional funding to assist institutions in meeting these requirements and recommendations.

Limitations

Several limitations surfaced during the process of creating the DCL Compliance Instrument and the subsequent application of this instrument to the case study institution. We attempted to minimize the impact of these limitations upon the study whenever and wherever possible. The first limitation of this study is that it is based upon the DCL, and thus has many of the same limitations that we cited as connected to the DCL itself. It was at times challenging to decode what was either recommended or required within the DCL, especially when the DCL would state that an item was “required” then shortly afterwards state that such a requirement was “recommended” for a following list of individuals or groups. Furthermore, the research team had to self-define what would qualify as “prominently posted” on school websites, per the DCL requirements regarding Title IX information and non-discrimination notices. We did not build this definition into the DCL Compliance Instrument because there was no such definition present within the DCL, and thus other professionals seeking to use this instrument might wish to use a different definition of this term (and would be well within their rights to do so). It will be

difficult to determine with certainty whether a school has met the requirement for “prominently posted” laid out by the DCL without further clarification as to what the Department of Education means by this term. This clarification might not exist until after schools have been penalized for not following this prong of the DCL. The DCL also requires that Title IX grievance procedures be written in language which the students at an educational institution can understand, which again will likely vary from one institution to the next, even within the realm of higher education.

The DCL Compliance Instrument also has inherent limitations because of its purpose and the manner in which it is completed. We created the DCL Compliance Instrument to allow schools to determine whether they were meeting the minimum requirements and recommendations outlined within the DCL. This instrument is not capable of determining how well a school is implementing any of the required or recommended services or procedures. It only allows the school to see, in a snapshot fashion, which of the required and/or recommended aspects of the DCL are and are not being implemented on the campus. We hope that schools will use this instrument to determine possible deficiencies. The instrument is not meant to exonerate a school from going above and beyond the basic requirements laid out or clarified by the DCL.

Finally, there were some limitations associated with our application of the DCL Compliance Instrument to the case study institution. None of the members of the research team are currently employed as full-time professionals within offices dealing with the case study institution’s Title IX compliance measures. Accordingly, we

relied heavily upon information available through public documents, websites, and informational interviews conducted with full time professionals in such offices. Another limitation was the decentralized nature of the case study campus. Services and procedures related to Title IX compliance are enacted by a large number of administrative offices and various service providers. Because of this it is difficult to determine with absolute certainty whether we were able to appropriately identify and collect information from every office or campus entity that might be involved with Title IX compliance and/or provide education or response services relating to sexual violence. In an attempt to minimize the possible impact of this decentralized environment, we asked each office being interviewed if they could identify other offices or individuals on campus who had positions that dealt in some way with sexual violence. We hoped this would prevent us from missing an office that provides services or manages the procedures related to the case study institution’s Title IX compliance.

Conclusion

Safety on college campuses is of the utmost importance to ensure that students, faculty, staff, and visitors are able to pursue and engage with the academic mission of higher education. The persistent issue of sexual assault and violence on college and university campuses has prompted more recent governmental guidance through the DCL. Applying the DCL Compliance Instrument to institutions allows for an inclusive and simplified mode to accurately measure compliance with the DCL. We urge practitioners, Title IX coordinators, and those charged with

compliance and supporting survivors of sexual assault to use the instrument in order to ensure campuses are holistically addressing sexual assault through

Proactive Efforts, Victim Support Services, Educational Measures and Services, and Incident Investigation and Judicial Proceedings.

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Appendix A
DCL Compliance Instrument

Directions for use: Select the implementation level that matches each required or recommended compliance item as follows: “not implemented” means that there are currently no such actions occurring on campus, and no definite plans have been established for implementing such actions on campus. “Planned to be implemented” indicates that there is a definite plan emerging or created that will implement the recommendation or requirement on campus at some point in the future. “Partially implemented” items are those which have started to be implemented, but are not considered complete at the time of filling out the DCL Compliance Instrument. “Fully implemented” items are those which are totally or completely in use/available within the campus environment. For the purpose of this tool “Title IX Coordinator” can refer to either the main coordinator or any deputy or designee thereof.

	Not Implemented	Planned to be Implemented	Partially Implemented	Fully Implemented
<u>I. Required for Compliance:</u>				
Proactive Efforts (non-educational)				
The institution publishes a notice of non-discrimination stating that it does not discriminate on the basis of sex in its education programs and activities, and that Title IX requires it not to discriminate in such a manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The notice of non-discrimination is widely distributed to all students, employees, and applicants for admission or employment at the institution.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The institution has adopted grievance procedures regarding sexual discrimination (including sexual harassment and violence) which apply to any complaints filed by students against school employees, other students, or third parties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The institution publishes its Title IX grievance procedures in a language that is easy for students and staff to understand.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The institution sends a notice of grievance procedures to students and employees, including where complaints may be filed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The institution has a designated Title IX Compliance Coordinator (“Coordinator”).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In the case of multiple Title IX Coordinators, the institution states the responsibilities for each such individual within its Title IX Notice.*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In the case of multiple Title IX Coordinators, the institution designated one coordinator as having ultimate oversight responsibilities, and other coordinators have titles indicating that they are in supporting roles of the main coordinator.*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The institution provides the name or title and contact information to all students and employees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The Coordinator is available to meet with students.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The Coordinator reviews all Title IX complaints.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Not Implemented	Planned to be Implemented	Partially Implemented	Fully Implemented
The Coordinator is tasked with looking for any global/systemic issues relating to Title IX compliance within the institution.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
This individual is prohibited from having any other job duties that may create a conflict of interest (such as responsibilities as a judicial hearing officer and/or general counsel duties).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>This individual received appropriate training, including:</i>				
Training on sexual harassment and violence;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Training on institutional Title IX grievance procedures;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Training on how to conduct a Title IX investigation;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Training on the relationship of alcohol and drug abuse and sexual violence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The Coordinator is available to assist school law enforcement unit employees regarding appropriate response to reports of sexual violence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The Coordinator has access to all law enforcement unit notes and findings as necessary for Title IX investigations, without compromising the criminal investigation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Law enforcement officials are instructed by the institution to inform complainants of their rights to file a Title IX grievance with the school in addition to filing criminal complaints.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Law enforcement officials report incidents of sexual violence to the Title IX Coordinator when they receive consent from the complainant to do so.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Victim Support Services				
The institution notifies the survivor of available support services upon receipt of a complaint.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Students are allowed to change their academic situation if they are in courses with their alleged harasser in cases of sexual violence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Educational Measures & Services	Not Implemented	Planned to be Implemented	Partially Implemented	Fully Implemented
<i>The institution provides adequate training (defined by DCL as being training on what is considered sexual harassment and sexual violence, warning signs of problematic behavior or distress as it relates to sexual harassment and violence, and how to respond to potential incidents of sexual harassment and violence) to the following campus constituents, as recommended by the DCL:</i>				
Professors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
School Law Enforcement Employees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
School Administrators (including student affairs staff)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
School Counselors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
General Counsel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Health Personnel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Resident Advisors (Student residence halls employees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The school law enforcement officers are trained on Title IX grievance (non-criminal or judicial) procedures <u>and</u> in possession of copies of the institution's Title IX policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The institution educates employees and students about how to file a Title IX complaint.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The institution educates employees and students about how to contact the Title IX Coordinator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Incident Investigation & Judicial Proceedings				
Title IX Coordinator has reviewed disciplinary procedures to ensure that they comply with prompt and equitable requirements of Title IX.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The institution allows students to file sexual harassment and/or sexual violence complaints against fellow students regardless of where the incident occurred.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Requirements prior to start of judicial process or investigation:</i>				
Judicial Office requires training of any investigator in sexual harassment and sexual violence prior to that individual performing investigations of such cases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Judicial Office requires training of any judicial decision makers who preside over sexual harassment and sexual violence cases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Judicial Office/Investigator seeks and receives consent from the individual who was harassed and/or assaulted prior to beginning the incident investigation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Not Implemented	Planned to be Implemented	Partially Implemented	Fully Implemented
The institution acts promptly to investigate possible sexual harassment and/or sexual violence even when a complaint has not been filed if the school knows, or reasonably should know, of possible harassment (in accordance with Title IX investigation procedures).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Investigator or judicial office informs complainant of his or her rights to file a criminal complaint.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Institution investigates whether additional students might have been harassed and/or victimized by the alleged perpetrator of the sexual harassment and/or violence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Confidentiality during required investigation:</i>				
Confidentiality is maintained for complainant if and when requested.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The complainant is notified that complete confidentiality may limit the school's ability to respond to the complaint.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If confidentiality can no longer be ensured, complainant is notified.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Judicial Process:</i>				
Institution does not use mediation process in cases of sexual violence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The judicial office uses preponderance of evidence standard ("that it is more likely than not that the alleged sexual harassment or violence occurred;" Dear Colleague Letter, p. 11) in any sexual harassment or violence case.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Both parties have the opportunity to present witnesses during hearing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Both parties have the opportunity to submit evidence during the hearing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Institution affords identical opportunities to both parties to be heard/be aware of the charges and what the other party has stated, as well as equal access to advisors and/or attorneys (if permitted at all).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>After close of judicial investigation:</i>				
Both parties are notified of judicial outcome of investigation/judicial conference in writing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Institution does not require complainant to sign or verbally agree to a non-disclosure statement in relation to the outcome.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If institution offers an appeal process, then it applies to both complainant and respondent.*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parties are notified of appeals process in writing after judicial outcome.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Not Implemented	Planned to be Implemented	Partially Implemented	Fully Implemented
<i>Judicial office or equivalent ensures that investigation of incident will be as prompt and equitable as possible through the following measures:</i>				
Sets a time frame for complete investigation (DCL states that on average these investigations should take approximately sixty days, though the time frame may be longer or shorter depending on the complexities of the case).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sets a time frame for both parties to receive outcome notifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sets a clear time frame for both parties to appeal the outcome/finding, if applicable.*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

II. Recommended by DCL as Best Practices:

Proactive Efforts (non-educational)

The institution performs a regular assessment of student activities and groups to ensure that there is a not problematic behavior occurring or established culture that support and perpetuate sexual harassment and/or sexual violence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The institution, with the assistance of student leaders, conducts a campus "climate check" to assess the effectiveness of existing efforts to prevent sexual harassment and violence, and uses information from this check to inform future planning/actions.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The notice of non-discrimination includes language defining what constitutes sex discrimination under Title IX, including sexual harassment and sexual violence.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The notice of non-discrimination or non-discrimination policy includes examples of behaviors that are considered to fall within the definition of sex discrimination, harassment, and/or violence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The institution widely distributes its Title IX grievance procedures:				
They are sent electronically to the entire campus community.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They are available in hard copy at various locations throughout campus.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They are included as a summary or attachment in:				
Employee Handbooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Student Athlete Handbooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Student Activity Group Handbooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The institution's Code of Conduct	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Course or other institutional catalogs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
They are "prominently posted" on institutional websites.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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The Coordinator regularly communicates Title IX requirements to school law enforcement officers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The Coordinator reviews all of the materials relating to a judicial case or hearing of a sexual harassment or violence complaint to determine if a Title IX remedy might be available to a complainant which might not be available under current campus disciplinary or conduct policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Victim Support Services				
The institution provides or facilitates medical services for sexual violence survivors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The institution provides or facilitates counseling services for sexual violence survivors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The institution provides or disseminates a crisis number or on-call service for students who are sexually assaulted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The institution offers escort services for survivors of sexual assault.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The institution offers those who have complained of sexual violence the ability to move out of a course shared with a perpetrator/request that the alleged perpetrator be removed from shared course.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The ability to drop or retake courses without negative ramifications including:				
No impact on academic record;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Waiver of course fees for the affected courses/term(s).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The institution offers tutoring as a support service for those who have experienced sexual violence or sexual harassment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Educational Measures & Services				
The institution's new student orientation provides educational information about or has programming related to sexual harassment and sexual violence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The institution's new employee orientation provides educational information about or has programming related to sexual harassment and sexual violence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Student athletes and coaches receive training or educational information on sexual harassment and sexual violence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The institution has programming or distributes information during the year that encourages students to report incidents of sexual violence.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Educational program offerings include information defining sexual harassment and assault, school policies that relate to these issues, and states the penalties for violating the aforementioned policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>The institution created educational materials containing the following information:</i>				
What is considered sexual harassment or violence;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Not Implemented	Planned to be Implemented	Partially Implemented	Fully Implemented
What to do if a student experiences sexual violence or assault;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Contact information for victim support services;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
How to file a complaint within the institution;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
How to contact the Title IX Coordinator;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Description of how the school responds to allegations;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Response/reporting measures for a student or employee who learns about a sexual violence incident.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>The institution distributed the above educational materials:</i>				
By posting them throughout school buildings;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
By giving the materials out during orientation;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
By placing materials within employee handbooks;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
By placing materials within student activities handbooks;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
By placing materials within student athlete handbooks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>The institution created a committee of students and staff to:</i>				
Determine how to best educate students on sexual harassment and sexual violence.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Assess how well educational measures are working/whether students seem to know and understand the information being presented to them.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Incident Investigation & Judicial Proceedings				
Judicial Office minimizes ramifications for individuals reporting sexual violence situations where illegal substances (underage alcohol or drug consumption) were involved.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Incident investigation includes ascertaining whether school employees knew about sexual violence or harassment and failed to report such incidents.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parties are <u>not</u> allowed to directly cross examine one another during judicial proceeding.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parties are notified of outcome at the same time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The institution has an appeal process in place.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* Some items may not be applicable to all institutions--even if they are "required" items according to the DCL. Any such items are noted with an asterisk within this instrument.

^[1] US Department of Education, Office for Civil Rights. (April 4, 2011). "Dear colleague" letter guidance, supplementing the OCR's revised sexual harassment guidance (2001). Retrieved from:
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>