

Campus Accountability Map + Tool

Glossary of Terms

END RAPE

ON CAMPUS

Accommodations

Services provided to survivors by a school to support the survivor. These may include but are not limited to moving campus residences, providing assistance in getting a temporary restraining order, requiring faculty to extend assignment deadlines or allow incompletes, allowing changes of grading basis to pass/fail, etc. These should be offered to any survivor at any time, regardless of whether or not the survivor is pursuing a complaint of sexual misconduct with the school or whether or not a finding of responsibility has yet been made.

Adjudication

The process which takes place after the investigation process through which evidence and arguments are reviewed by the panel or investigator in charge of making a finding of responsible or not responsible.

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Affirmative consent

The voluntary, freely given, and conscious agreement to engage in sexual activity. It can be revoked at any time, a previous relationship does not constitute consent, and coercion, threat, or force cannot be used to establish consent. Any person who is incapacitated by drugs or alcohol or who is not fully awake cannot give consent. Silence or a lack of protest or resistance also does not constitute consent. A person cannot give consent if they are under their state's legal age of consent. This may be 16, 17, or 18 depending on the state and the age of the other party or parties involved; see individual state's laws for more information.

Amnesty policy

A policy a school may have provided that disciplinary action will not be pursued by the school against any student who reports or experiences sexual misconduct and has been drinking or using drugs during or around the time of the incident of misconduct. These policies may extend to other minor code of conduct violations, but they are most commonly associated with underage drinking and illegal drug usage. They may extend to any bystanders who acted in good faith to help the victim, only to bystanders that reported the misconduct, or only to the victim themselves. "Amnesty policy" may also

refer to similar policies providing protection for people experiencing or reporting alcohol- or drug-related medical emergencies; be sure to read any text pertaining to amnesty policies closely before answering the related questions on the Google Form. Such policies also may exist at the local and/or state jurisdictional levels.

Annual Security Report (ASR)

Also referred to as Annual Security and Fire Safety Report. This is a report that all colleges and universities that receive federal funding are required by the Clery Act to publish every year including campus crime and fire statistics from the previous three calendar years, including statistics on Title IX-related crimes such as rape, sexual assault, fondling, stalking, and domestic violence. It must also include information on efforts to reduce and/or prevent campus crime.

Beyond a reasonable doubt

The standard of evidence used in criminal law. Not necessarily the same thing as 100% certainty. There's no one good explanation, but essentially, if there is another explanation of events that do not involve the defendant being guilty and do not seem unreasonable, this standard of evidence has not been met.

Bystander training

(Sometimes called "Bystander intervention training"). Training that teaches that everyone has a role to play in preventing sexual assault. An active bystander is someone who interrupts a potentially harmful situation. Taking action and interfering safely is a skill that requires training.

Clear and convincing evidence

A standard of evidence that means "highly and substantially more likely than not". It's a higher standard that is usually used in criminal cases. The Supreme Court has only required this standard to be used than the preponderance standard (see below) when the government is bringing a case against an individual and severe consequences are possible like incarceration and deportation. This standard of evidence became allowed in Title IX cases by the Department of Education under Betsy DeVos on August 14, 2020.

Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, signed in 1990 and named after a 19-year-old Lehigh University student who was

raped and murdered in her dorm room in 1986 and whose parents argued that she would not have attended Lehigh if the family had known about the university's high rates of violent crimes. This act requires every institution of higher education that receives federal funding to publish an Annual Security Report (see Annual Security Report definition for details). Colleges and universities that fail to adequately disclose crimes on campus to their school community can be fined for violation of the Clery Act. Famous instances of this include the fines levied on Michigan State University for the Larry Nassar case and on Penn State University for the Jerry Sandusky case.

Complainant

The individual(s) who registers a complaint of sexual misconduct; the victim or survivor. Not to be confused with the plaintiff, as legal system terms do not apply during school Title IX processes.

Cultural competency

Through communication, action, beliefs, and thoughts, learning about and valuing ethnicity, ethnic background, religious beliefs, and social values.

Dating violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

(U.S. Department of Education Campus Safety and Security Data)

Domestic violence

A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By the person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

(U.S. Department of Education Campus Safety and Security Data)

Forensic exam

Trauma-informed, compassionate, comprehensive exam performed by specially trained nurse examiners. The exam can last anywhere from 2-4 hours. The nurse will ask for consent before beginning the exam and throughout. Survivors can choose to have parts, but not all, of the exam conducted. During the exam, the nurse will do some or all of the following things to collect evidence for a police investigation:

- Examine the body from head to toe for injuries
- Take pictures to document anything they find
- Collect body fluids with swabs
- Collect clothing

Mandatory reporter

Someone who is obligated by school policy to notify the school's Title IX office if they are made aware of an incident of sexual misconduct. Who counts as a mandatory reporter varies from school to school, but typically includes almost all school employees, including faculty, staff, resident assistants, etc. Psychological counseling staff and religious personnel are almost always exempt. Medical professionals, such as the staff at the student health center, may or may not be mandatory reporters.

Mediation

An alternative form of resolution to a Title IX complaint that usually does not involve a formal investigation. Mediation that involves a survivor confronting the person who harmed them directly can be traumatic and inflict more harm on the survivor.

Additionally, mediation implies that both sides are in some way responsible for what happened, and that is how the mediator will negotiate the resolution. Survivors of sexual violence are not responsible for harm done to them.

Memorandum of understanding (MOU)

An agreement between two parties to work together towards a common goal. For our purposes, this will refer to an agreement between a college or university and a local law

enforcement agency such as a police department or sheriff's office that the law enforcement agency will provide law enforcement and security services to the school in the event that the school does not have its own police or campus safety department.

Preponderance of the evidence

A standard of evidence that means, "more likely than not". This is the standard that was used by courts in civil cases and is the only standard that treats both sides equally.

Rape

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim (U.S. Department of Education Campus Safety and Security Data).

Respondent

The individual(s) against whom a complaint of sexual misconduct is made; the person(s) "responding to" a complaint of sexual misconduct. Not to be confused with the defendant, as legal system terms do not apply during school adjudication processes.

Responsible/not responsible

The finding a school makes against a respondent; similar to but not to be confused with guilty/not guilty.

Retaliation

Any action against a complainant or complainant's witness intended to harass, harm, or intimidate that person because of their involvement in Title IX proceedings.

Sanctions

Punishments or consequences given to respondents who have been found responsible for sexual misconduct. These may range from a written reprimand, requirement of related education course completion, to expulsion and banishment from campus.

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
- Suffer substantial emotional distress.

(U.S. Department of Education Campus Safety and Security Data)

Title IX

Title IX is a federal civil rights law that was enacted as part of the Education Amendments of 1972. It prohibits discrimination based on sex on the part of any school that receives federal funding, including but not limited to sexual harassment, sexual assault, academic discrimination, and inequality of access to athletics. Title IX states: “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.”

Trauma-informed training

Training given to individuals, particularly law enforcement and medical professionals, who may interact with individuals experiencing trauma in their work that teaches best practices for dealing with people who are currently or have previously experienced trauma in order to avoid retraumatization or further harm to the individual or potential investigation (criminal or school-based) process. This type of training often covers things such as the neurobiology of trauma, different types of responses to trauma, why trauma responses can often appear counter-intuitive, and how to best respond and work with an individual experiencing trauma.

Helpful Resources:

- [End Rape On Campus - The Laws](#)
- [End Rape On Campus - Title IX: In Brief](#)
- [National Women’s Law Center - The Disinformation You’re Falling for on Title IX](#)
- [National Women’s Law Center - Title IX Factsheet](#)