

STAYING AHEAD OF THE CURVE

SEXUAL ORIENTATION, GENDER IDENTITY, AND STUDENT SEXUAL ASSAULT IN TEXAS K-12 SCHOOLS

HIGHER EDUCATION PRACTICE GROUP

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ABOUT TODAY'S PRESENTER – SCOTT SCHNEIDER

- NATIONALLY RECOGNIZED PROFESSIONAL ON INSTITUTIONAL RESPONSE TO SEX ASSAULT
- PROVIDES EXPERT WITNESS TESTIMONY ON MATTERS DEALING WITH INSTITUTIONAL RESPONSE TO ALLEGATIONS OF SEXUAL MISCONDUCT
- DESIGNS AND DELIVERS TRAINING PROGRAMS AROUND THE COUNTRY
- AWARD-WINNING PROFESSOR AT TULANE
 UNIVERSITY
- RETAINED BY THE NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY TO SERVE AS A FACULTY MEMBER FOR ITS TRAUMA-INFORMED SEXUAL ASSAULT INVESTIGATION AND ADJUDICATION TRAINING PROGRAM FOR CAMPUS OFFICIALS





IF YOU HAVE QUESTIONS . . .



Norwin school board urged to let transgender students choose bathroom

Transgender Student's Suit Against School 🕢 By NBC4 Staff Published: September 19, 2016, 12:56 pm | Updated: September 19, 2016, 12:56 pm | Updated: September 19, 2016, 1:00 pm District Advances



Teacher accused of bullying transgender students





Virginia school system weighs protections for transgender students and staff

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"DEAR COLLEAGUE" LETTER ON TRANSGENDER STUDENTS

- http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf
- Title IX prohibits discrimination on the basis of gender identity, including transgender status
- Schools covered by Title IX must treat the student consistent with student's gender identity
- No medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity



TWO PRACTICAL TAKEAWAYS FOR K-12

- **Restrooms and Locker Rooms**: A school may provide separate facilities on the basis of sex, but must allow transgender students access to such facilities consistent with their gender identity.
- **Athletics**: Title IX regulations permit a school to operate or sponsor sex-segregated athletics teams when selection for such teams is based upon competitive skill or when the activity involved is a contact sport. A school may not, however, adopt or adhere to requirements that rely on overly broad generalizations or stereotypes about the differences between transgender students and other students of the same sex (*i.e.*, the same gender identity) or others' discomfort with transgender students.



IS SCHOOL COVERED BY TITLE IX?

Must be a recipient of "federal financial assistance"

(i) The acquisition, construction, renovation, restoration, or repair of a building or facility or any portion thereof; and

(ii) Scholarships, loans, grants, wages or other funds extended to any entity for payment to or on behalf of students admitted to that entity, or extended directly to such students for payment to that entity.

(5) Any other contract, agreement, or arrangement which has as one of its purposes the provision of assistance to any education program or activity, except a contract of insurance or guaranty.

TITLE IX COVERAGE

RUSSO V. GREENSBURG CENTRAL CATHOLIC HIGH SCHOOL

A DIOCESE'S RECEIPT OF FEDERAL FINANCIAL ASSISTANCE THROUGH THE NATIONAL SCHOOL LUNCH PROGRAM RENDERED IT AMENABLE TO SUIT UNDER TITLE IX AND THE REHABILITATION ACT. ALTHOUGH THE STUDENT ALLEGING FENDED A HIGH SCHOOL DISCRIMINATION ΑI THAT DID NOT PARTICIPATE IN NSLP, THE OTHER HIGH SCHOOL IN THE DIOCESE WAS A PARTICIPANT. BECAUSE THE HIGH SCHOOLS WERE NOT INDEPENDENT LEGAL ENTITIES, AND WERE BOTH ENTITIES OF THE DIOCESE, THE DIOCESE WAS IN RECEIPT OF FEDERAL FINANCIAL ASSISTANCE.



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LAW BLOG

Obama Administration Guidance on Transgender Students Likely to be Litigated



PHOTO: REUTERS

U.S. Judge Grants Nationwide Injunction Blocking White House Transgender Policy

August 22, 2016 · 10:30 AM ET

CAMILA DOMONOSKE

Months after the Obama administration advised school districts that transgender students should be given access to bathrooms based on their gender identity, a federal judge in Texas has blocked the guidance from going into effect — for now.

U.S. District Judge Reed O'Connor has granted a preliminary, nationwide injunction in response to a lawsuit filed by Texas and a number of other states.

As we've reported, the lawsuit argues that the guidance from the White House would turn schools "into laboratories for a massive social experiment."



Signs are posted outside Santee High School's gender neutral restrooms at its campus in Los Angeles on May 4. Mark Ralston/AFP/Getty Images

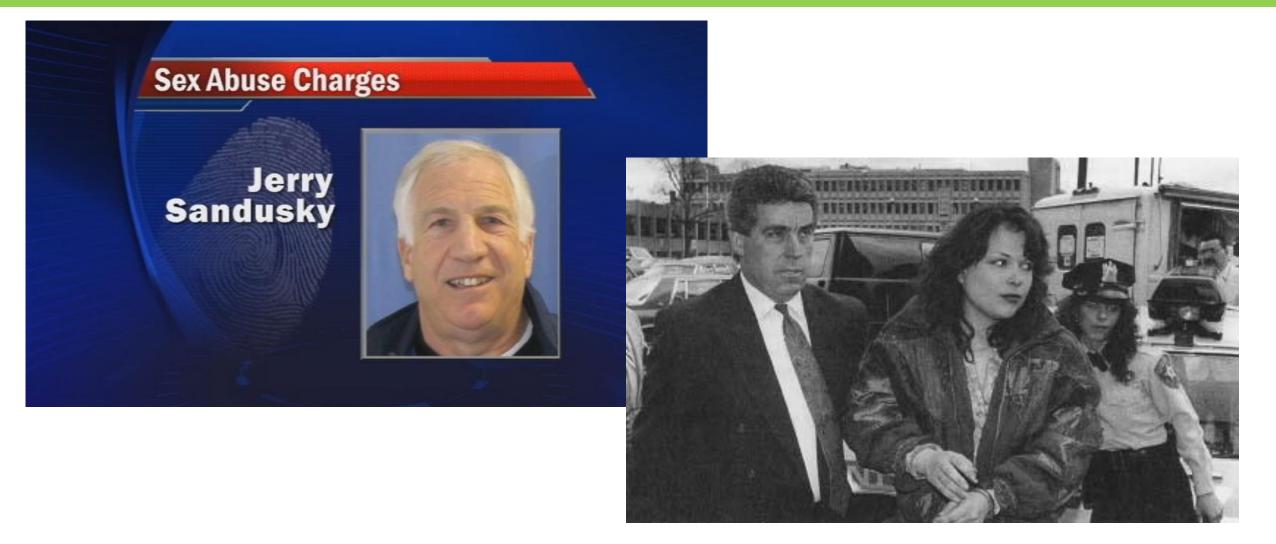








INSTITUTIONAL FOCUS





THAT'S WHERE WE HAVE BEEN.

Where are we going?

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JOURNAL OF ADOLESCENT HEALTH, 2015

- Before college,
- **15.4%** of women identified as being a victim of an attempted or completed **forcible rape**

Before college, 17.5% had experienced an attempted or completed **incapacitated rape**

Incapacitated and Forcible Rape of College Women: Prevalence Across the First Year

Kate B. Carey, Ph.D. 19 No. 19

Altmetric 101

DOI: http://dx.doi.org/10.1016/j.jadohealth.2015.02.018 | () CrossMark

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Abstract Full Text References

Abstract

Purpose

The purpose of this study was to document the point and cumulative prevalence of incapacitated rape (IR) and forcible rape (FR) among first-year college women.

Methods

Female students (N = 483) completed a health questionnaire (1) on arrival on campus; (2) at the end of the fall semester; (3) at the end of the spring semester; and (4) at the end of the summer following their first year of college.

Results

Before entering college, 18% reported IR (attempted and/or completed), and 15% reported FR (attempted and/or completed). During the first year of college, 15% reported IR (attempted or completed) and 9% reported FR (attempted or completed). By the start of the second year (lifetime prevalence), 26% and 22% had experienced IR and FR (attempted or completed), respectively.

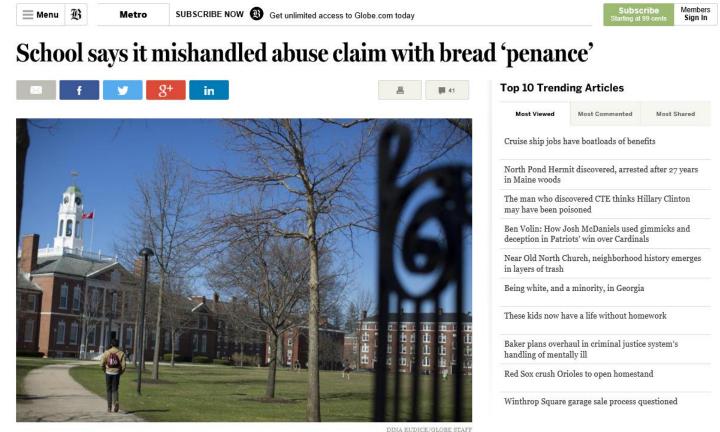
Conclusions

Both incapacitated and forcible sexual assaults and rape have reached epidemic levels among college women. Interventions to address sexual violence on campus are urgently needed.

Keywords: College students, Women, Freshmen, Sexual assault, Incapacitated rape, Forcible rape, Prevalence



THE MEDIA BEGINS TO TAKE NOTE



Activists Take Aim At High Schools For Mishandling Sexual Assault

There are already 53 federal investigations at 51 school districts.

() 10/05/2015 12:00 pm ET | Updated Oct 06, 2015





Phillips Exeter Academy in Exeter, N.H.

By Jonathan Saltzman GLOBE STAFF JULY 20, 2016

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Morning Education

A daily overview of education policy news

New White House effort on sexual assault in K-12 schools

By MICHAEL STRATFORD | 09/19/16 10:00 AM EDT

With help from Mel Leonor, Kimberly Hefling and Benjamin Wermund

RESPONDING TO SEXUAL ASSAULT IN K-12: The White House today is spotlighting the need to combat sexual trauma in K-12 schools by releasing an online interactive tool, called a Safe Place to Learn, with information for schools on the topic. It's also putting out guidance for districts to consider when developing a sexual misconduct policy. "It follows from very serious, very egregious issues we see in our enforcement work as well as ongoing requests for information from our educators who want to do right by the students," Catherine Lhamon, the Education Department's assistant secretary for Civil Rights, told Morning Education. She noted that, "distressingly," the department handles cases involving student





PLAINTIFF LAWYERS TAKE NOTE AS WELL

Ex-St. Augustine band member, mother sue school over 7th-grader's alleged sexual assault on Florida trip

BY JOHN SIMERMAN | JSIMERMAN@THEADVOCATE.COM





0 Comments

The mother of a former seventh-grade member of the **St. Augustine High School marching band** has sued the school and its principal on the boy's behalf, claiming negligence in failing to prevent a student-on-student sexual assault last year during a trip to Florida for a Martin Luther King Jr. Day parade performance.

The lawsuit, filed Friday in Orleans Parish Civil District Court, claims the all-boys Catholic school on A.P. Tureaud Avenue and its principal, Sean Goodwin, failed to ensure the safety of the boy, resulting in a sexual assault by another minor student in a hotel room on Jan. 18, 2015.

Afterward, the lawsuit says, school officials showed a "reluctance to address the situation," leading the victim to drop out of school and "surrender his dream of being a member of the St. Augustine band."

The suit does not specify a dollar figure for requested damages. It says the boy has suffered "emotional distress, and intrusive thoughts related to being sexually assaulted by another male student."

Now 13, he "has exhibited classic symptoms of post-traumatic stress disorders, and other emotional challenges," the lawsuit states.

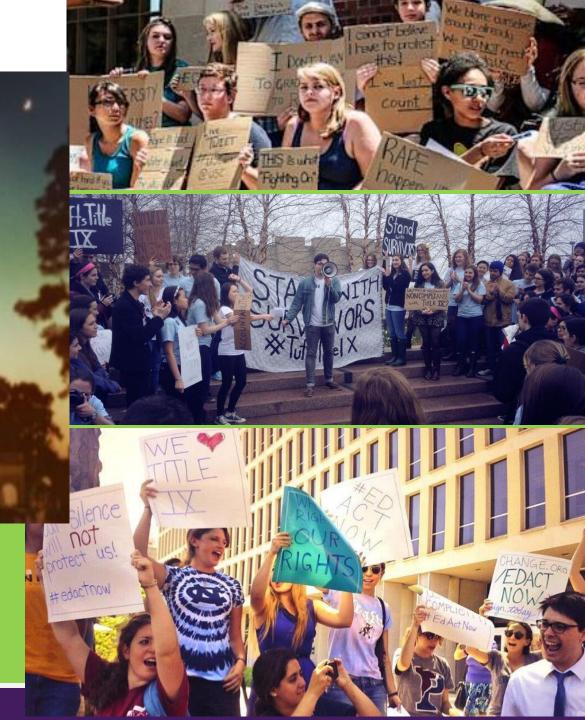


1. Negligence -- Complainants 2. Title IX (if applicable) -- Complainants 3. Breach of contract -- Respondents 4. Defamation -- Respondents 5. Fundamental fairness -- Respondents



THEIR DREAM SCHOOL WILL BECOME A NIGHTMARE.

THE HUNTING GROUND #HunclingGround NOW PLAYING





1.Policies

2.Investigatory Process3.Training and prevention programs



5 SEXUAL MISCONDUCT POLICY QUESTIONS

- 1. Does your school's prohibition against sex discrimination include student-on-student sexual misconduct?
- 2. Do students know who to complain to?
- 3. Who will be responsible for investigating complaints?
- 4. Will your policy apply to acts that take place outside of school?
- 5. How will you handle students accused of sexual misconduct (interim measures)?







HYPOTHETICAL SITUATION

- Student comes to you and alleges he or she was sexually assaulted by a fellow student at a weekend party
- Does not want to be in classes with student but otherwise doesn't want you to do anything else with the complaint because the student is afraid of impact on social circle
- Accused student has no previous record of disciplinary problems
- HOW DO YOU HANDLE?
- A SERIES OF VERY DIFFICULT DECISIONS.

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FIRST IMPRESSION

- GENUINE EMPATHY– REALIZE BARRIERS
- EXTEND RESOURCES
- INVOLVE PARENTS (BUT BEWARE OF DYSFUNCTION)
- BE TRANSPARENT ABOUT REPORTING OBLIGATIONS





A MOMENT ON TEXAS MANDATORY REPORTING

- WOULD TRIGGER A MANDATORY REPORT UNDER TEXAS LAW
- 48 HOURS TO REPORT TO STATE OR LOCAL LAW ENFORCEMENT AGENCY OR THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICE (BUT SOONER IS BETTER)
- COORDINATE YOUR
 INVESTIGATION (IF ANY) WITH
 LAW ENFORCEMENT





COMMUNICATIONS WITH BOARD

- WHEN TO NOTIFY
- WHOM TO NOTIFY
- UNDERSCORE THE
 IMPORTANCE OF
 MAINTAINING
 CONFIDENTIALITY





- IF YOU'RE LUCKY, LAW ENFORCEMENT WILL JUMP ON THIS (OR TELL YOU TO BUTT OUT)
- UNFORTUNATELY . . .





WHAT TO DO ON AN INTERIM BASIS?

- SUSPEND ACCUSED
 STUDENT?
- SOMETHING SHORT OF
 SUSPENSION?
- WARNING?
- NOTHING?





INVESTIGATION MANTRA

Thorough Prompt Equitable





THERE ARE SPECIAL CONSIDERATIONS HERE



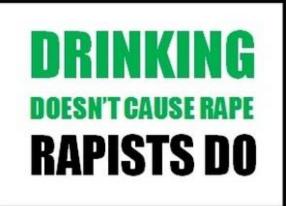
💄 🎽 Follow

Idk how I feel about this Steubenville trail.. not saying she asked for it but why did you consume so much alcohol in the first place?





SHORT SKIRTS DON'T CAUSE RAPE RAPISTS DO







AVOID VICTIM BLAMING

WHAT IS VICTIM BLAMING?

• When the victim(s) of a crime, or any wrongful act, are held entirely or partially responsible for the transgressions committed against them

WHAT TYPES OF QUESTIONS COULD BE CONSIDERED VICTIM BLAMING?

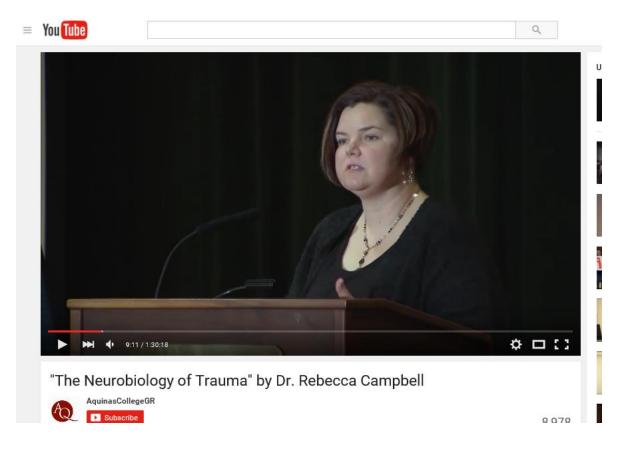
- Why didn't you tell him directly to stop commenting on your body?
- Why did you wait so long to report this?
- Was the complainant flirting with the respondent that evening?
- What was the complainant wearing that evening?



TRAUMA AND ATYPICAL RESPONSE

HTTPS://WWW.YOUTUBE.COM/WATCH?V=4-TCKYX24AA







FORENSIC EXPERIENTIAL TRAUMA INTERVIEW

HTTPS://WWW.YOUTUBE.COM/WATCH?V=ILNKRXZEHTQ



http://www.mncasa.org/assets/PDFs/FETI%20-%20Public%20Description.pdf

The Forensic Experiential Trauma Interview (FETI)

By Russell W. Strand

United States Army Military Police School

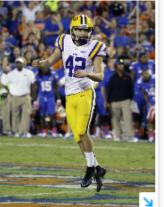
Traumatized individuals often undergo a process many professionals and victims do not commonly understand. Many professionals inside and outside law enforcement have been trained to believe when an individual experiences an event, to include a trauma event, the cognitive (prefrontal cortex) brain usually records the vast majority of the event including the who, what, where, why, when, and how, and peripheral vs. central information. This approach often ignores the role of bottom-up attention of the more primitive portion of the brain during a highly stressful or traumatic event. Therefore, when the





LSU kicker Colby Delahoussaye on final moments before friends' fatal crash

Glenn Guilbeau, USA TODAY Network 7:18 p.m. EDT August 18, 2016



(Photo: John Raoux, AP)

BATON ROUGE — Snapshots and flashes are all LSU kicker Colby Delahoussaye remembers from just before and just after the car accident that killed two of his friends last month on rural Beaver Lake Road between Wales and Merton, Wis.

The wreck on July 23 killed former Michigan State punter Mike Sadler of Grand Rapids, Mich., who was driving, and senior Nebraska punter Sam Foltz of Grand Island, Neb., who was in the passenger seat.

Delahoussaye, an LSU senior from New Iberia, La., happened to sit in the two-door Mercedes coupe's back seat, an arbitrary fact that saved his

life. That and the burning sensation he felt on his upper left leg after impact.

- "We were talking and all joking around. After we got in the car, Mike started playing some Justin Bieber, and me and Sam kind of looked at each other. And Mike said, 'I hope you guys don't mind. His new album (Purpose) is awesome.' That's what Mike told us. We were just having fun. Mike was always a humorous guy – just smiling, having a good time. And I remember that it was a really dark road, a back road."
- "There were no lights or anything. I remember, on the GPS, I could see a curve coming up. But as soon as I told Mike, I said, 'Hey, Mike, there's a curve,' I mean, as soon as I said that, the curve was right there. And you couldn't see anything. The only thing you could see is what the headlights showed you because there were no lights around. Next thing I remember is he tried to turn, but it was raining, the roads were wet, and I remember us going down the hill. I remember seeing some trees and all that."
- "I'm pretty sure I had to have been knocked out," Delahoussaye said. "I remember spots of it, but I had to have been knocked out."
- "The next thing I remember I remember my leg burning, And I remember waking up, and I was hanging upside down. I had my seatbelt on. The car was upside down. I remember seeing the fire. I remember trying to get out of my seatbelt."
- "I don't remember how I got out of my seatbelt. I don't even remember how I got out of the car."
- Delahoussaye's next clear memory is being in a thick wooded area outside the car, unsure of exactly how he got there.
- "I remember being on my hands and knees in the mud in the woods, and running up and calling 911," he said. "And my phone was shattered. I don't know how I called on that either. But God was definitely right there with me because there's no explanation why I'm here talking with you guys right now. Whenever people talk of miracles, that's it. There are miracles. That was a 100 percent miracle. I have no idea where my phone was before I called."



BUT WE MUST BE CAREFUL HERE ...

I want to apologize for my behavior last weekend -- for not being more careful and candid in how I described the events of that early morning and for my role in taking the focus away from the many athletes fulfilling their dreams of participating in the Olympics. I waited to share these thoughts until it was confirmed that the legal situation was addressed and it was clear that my teammates would be arriving home safely.

It's traumatic to be out late with your friends in a foreign country - with a language barrier - and have a stranger point a gun at you and demand money to let you leave, but regardless of the behavior of anyone else that night, I should have been much more responsible in how I handled myself and for that am sorry to my teammates, my fans, my fellow competitors, my sponsors, and the hosts of this great event. I am very proud to represent my country in Olympic competition and this was a situation that could and should have been avoided. I accept responsibility for my role in this happening and have learned some valuable lessons.

I am grateful for my USA Swimming teammates and the USOC, and appreciate all of the efforts of the IOC, the Rio '16 Host Committee, and the people of Brazil who welcomed us to Rio and worked so hard to make sure that these Olympic Games provided a lifetime of great new memories. There has already been too much said and too many valuable resources dedicated to what happened last weekend, so I hope we spend our time celebrating the great stories and performances of these Games and look ahead to celebrating future successes. yanlochte

70.5k likes

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rodri8o Do you lie a little or a Lochte ??? ij1981b LIAR!!!!!

run.16 @twizzlizz No it's stronger

thepercycomafay He says, "..to many valuable resources dedicated to what happened last week". Can someone please tell me what "resources" he's talking about? Was it the USA Swimming and USOC staffers who were forced to defend him? The time spent by Brazilian police investigating a crime that never occurred? The State Department staffers who scrambled to keep this from becoming a major diplomatic incident?

flaviabomfim18 Mentiroso

vanessaleonard LoollIII it is indeed traumatic to go out at night in someone else's country, especially when you act

Log in to like or comment.

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DIFFICULT QUESTIONS AND ISSUES

- How difficult will this process be?
- Do you believe me?
- Will this impact my social circle?
- What do you do if complainant refuses to cooperate?
- A moment on the importance of impeccable documentation.

Backlash: College men challenge 'guilty until proven innocent' standard for sex assault cases



Title IX witch hunts in higher education

Expelled under new policy, ex-Amherst College student files suit Amherst accused of ignoring evidence in alleged sexual assault

BY ASHE SCHOW | AUGUST 11, 2014 | 6:00 AM

Amherst Student Was Expelled for Rape. But *He* Was Raped, Evidence Shows.

The accused is the victim.

says

Dez Wells' expulsion from Xavier 'fundamentally unfair,' prosecutor Saint Joseph's University Sued for Bias by Accused Rapist

Some Accused Of Sexual Assault On Campus Say System Works Against Them

SEPTEMBER 03, 2014 3:31 AM ET

More Men Fight College Allegations of Sexual Assault

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TRAINING & PREVENTION PROGRAMS

CAN AN ONLINE GAME HELP STOP SEXUAL ASSAULT ON CAMPUS?

One school's betting the somewhat radical method will really, really help.



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ONLINE PROGRAMS

Complete Haven Training

Emory University is actively working toward a campus in which no student fears or experiences violence. Haven is an interactive online education platform and is one part of Emory's comprehensive interpersonal violence prevention program. All incoming students are required to complete Haven training. Through it you will learn about preventing and responding to sexual assault, harassment, domestic violence and stalking in the Emory community.

Haven is a short training program offered in two parts. Part 1 takes approximately 30 minutes to complete. This portion of the training should be completed by July 10th in order to register for classes. Students who fail to complete this training by August 15th will not be permitted to enroll in classes in the fall semester

Part 2 is a follow up survey sent 6 weeks after Part 1 is completed. It takes approximately 10 minutes to complete. Part 2 of the Haven training must be complete by October 10 in order to pre-register for spring classes. All video portions of Haven have a closed captioning (CC) option and all video and audio portions can be replayed.

It is possible that something you read during the Haven training will trigger an emotional response, whether or not you have experienced sexual assault or dating violence yourself. Emory's Respect Program provides free confidential advocacy-based counseling, both in person and at a distance, and is available to all Emory students. For support, contact Lauren (LB) Klein, LMSW at S 404.727.1514 or respect@emory.edu. Additionally, you can get 24/7 support via the national support hotline of the Rape, Abuse, and Incest National Network (RAINN) at S 1.800.656.4673 FREE or access their online counseling. Mary Lou Greenwood Boice, Associate Dean of Admissions and Financial Aid (S 404.727.6330, mboice@emory.edu), and The Rev. Ellen Echols Purdum, Assistant Dean of Student Life and Spiritual Formation (S 404.727.4538, ellen.echols.purdum@emory.edu), can assist you as well.

Copy and paste the following link to your web browser in order to begin the Haven training: https://v9.alcoholedu.com/login/default.aspx?id=emoryhaven

Please note, the above link may not function properly if you click on it. Be sure to copy and paste the link into your web browser (Mozilla Firefox, preferred), in order to access the training.

Sexual Harassment & Sexual Assault Education Requirement Fall Semester 2014

The University of California, Berkeley takes sexual harassment and sexual assault seriously. This is a national issue and the University is committed to the safety of our students and providing education to address issues of sexual assault in our community.

For entering undergraduates in the Fall of 2014, the University implemented mandatory programming to educate new students on sexual harassment and sexual violence.

All first-year undergraduate students (both freshmen and transfer students) are required to successfully complete sexual assault/violence education by participating in at least one of three following programs:

- 1. Participating in a Bear Pact presentation hosted on August 26th; or
- 2. Attending an in-person EmpowerU workshop on sexual violence prevention; or
- 3. Successfully completing Haven, an on-line educational program on sexual assault.

Deadlines

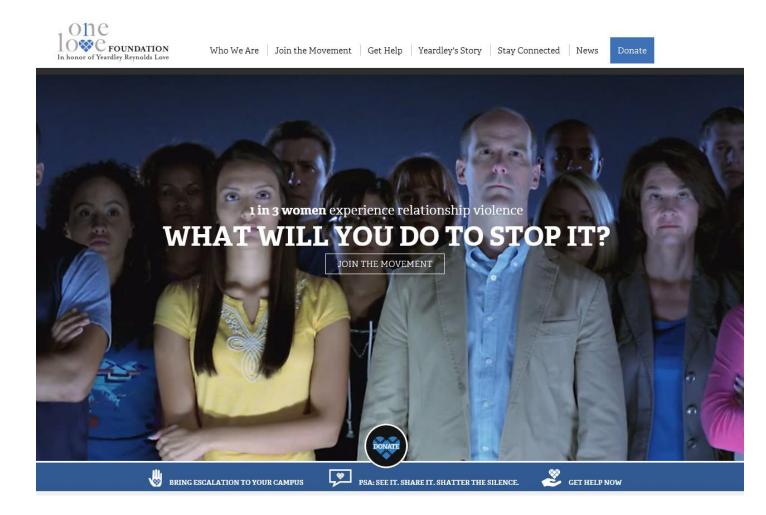
One of the above options must be completed by October 1, 2014 to avoid a registration block being placed on your record which will impact your spring enrollment.

Completing the Requirement

- Bear Pact: While the Bear Pact workshop will not be offered again in fall semester, you may still fulfill your requirement before October 1 by completing Haven, the online educational program, or attending a fall semester *EmpowerU* workshop.
- Haven online module: All new fall undergraduates are able to access the *Haven* online module via their myBerkeley App.
- EmpowerU in-person workshop: Information on the location and times of remaining in-person EmpowerU workshops can be found at http://geneq.berkeley.edu/empowerU. We recognize that some scheduled dates occur after the deadline however completion of these workshops will still meet the requirement.

Accommodations for students with disabilities needing to complete this requirement may be requested through the Disabled Students Program. Information regarding DSP can be found at http://dsp.berkeley.edu/





Fisher Phillips **BYSTANDER INTERVENTION PROGRAMS**



Calendar | Contacts | Tulane A to Z | Webmail



Students | Prospective Students | Parents | Faculty & Staff | Alumni | Visitors

About Tulane	Academics	Administration	Admission	Athletics	Give to Tulane	Libraries	News	Research	Student Life	
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ONE W.	AVE BYS'	TANDER								
							Student Health Center			
							the	theWELL		
OneWave							Counseling and Psychological Services			
							Sup	Support Services		
						Off	Office of Violence Prevention			
							Saf	Safety		
TULANE UNIVERSITY							Inte	Intercultural Life		
						Rep	Report an incident			
						Sub	Submit a concern or complaint			
Hor	ne	Bystander	Get	t Involved	Reso	urces				

One Wave is designed to help equip you with knowledge and skills to empower members of the Tulane community to prevent or intervene in high risk situations.

What is a bystander?

- •Bystander : An individual who observes a risky situation occurring and has a choice: do something, or do nothing.
- •Passive Bystander : Individuals who choose to do nothing.
- •One Wave Bystander : Individuals who do something to create an environment of greater safety.

Here is what we know:

- In 66% of violent crimes a bystander is present and could intervene.
- When a bystander intervenes, they are three times more likely to help improve the situation than make it worse.



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SPECIAL AREAS OF CONCERN FOR K-12 SCHOOLS







SPECIAL AREAS OF CONCERN FOR K-12 SCHOOLS





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