

# Compliance and Accountability

Colleges and universities must comply with federal laws, state laws, institutional policies and NCAA regulations – and are accountable for prevention.

Institutional compliance is non-negotiable. Compliance compels accountability for legal requirements, and most importantly, contributes to behavior changes that are essential to create and maintain a culture that fosters well-being and safety for all students. When athletics department staff and student-athletes embrace their accountability for sexual violence prevention, they serve as agents of broader cultural change.

A number of laws apply to sexual violence on college campuses. The U.S. Department of Education's Office for Civil Rights enforces **Title IX** (1972), which prohibits sex discrimination (including gender-based violence and sexual harassment) in educational institutions that receive federal financial assistance. The U.S. Department of Education also enforces the **Clery Act** (1990), which was amended in 2013 through the **Campus Sexual Violence Elimination Act**. Another

relevant law is Title II of the Americans with Disabilities Act, which requires appropriate academic and living accommodations for students with disabilities, including those who experience mental health conditions as a result of sexual violence. The entire campus community, including athletics departments, should ensure compliance with these laws.

Federal and state laws and regulations – and their interpretations – regarding sexual violence are constantly evolving. This underscores the importance of athletics' collaboration with the campus Title IX coordinator and other personnel and departments on campus dedicated to accountability for compliance requirements. To complement the resources in the sidebar, the end of this section features a tool that outlines Title IX and Clery Act requirements for college and universities for reporting, education, prevention and response related to sexual violence.

## CLERY ACT, TITLE II, TITLE IX RESOURCES

- [2016: The Handbook for Campus Safety and Security Reporting](#)
- [July 22, 2015: U.S. Department of Education Office of Postsecondary Education Dear Colleague Letter on the Implementation of the Violence Against Women Reauthorization Act Final Regulations](#)
- [April 29, 2014: U.S. Department of Education Office for Civil Rights](#)
  - » [Questions and Answers on Title IX and Sexual Violence](#)
  - » [Know Your Rights: Title IX Requires Your School to Address Sexual Violence](#)
- [April 24, 2013: U.S. Department of Education Office for Civil Rights Dear Colleague Letter on Guidance on the Prohibition Against Retaliation under Federal Civil Rights Laws](#)
- [April 4, 2011: U.S. Department of Education Office for Civil Rights Dear Colleague Letter on Guidance on Addressing Sexual Harassment/ Sexual Violence](#)
- [October 26, 2010: U.S. Department of Education Office for Civil Rights Dear Colleague Letter on Guidance on Schools' Obligation to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability](#)
- [January 2001: U.S. Department of Education Office for Civil Rights Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties](#)
- [U.S. Department of Justice Title II Highlights](#)

## COMPLIANCE CHECKLIST

### When athletics departments and campuses are in compliance:

- The college or university's nondiscrimination policy addresses sexual harassment and sexual violence and is posted and disseminated throughout the athletics department.
- The name and contact information for the campus Title IX coordinator is posted and disseminated throughout the athletics department.
- Written policies are shared with athletics staff and student-athletes and include the following items:
  - » Methods to report a sexual violence complaint.
  - » Descriptions of complainant and respondent rights.
  - » Strategies to create safe environments.
  - » Instructions for campus visits and recruiting prospective student-athletes. Sample student host instructions and campus visits and recruiting policies are located in the resources section on pages 26-29 of this document.
- Department staff and student-athletes are informed of the definition of "Responsible Employees" (under Title IX) and "Campus Security Authorities" (under the Clery Act), and their respective responsibilities.
- "Responsible Employees" and "Campus Security Authorities" within the athletics department are identified, in consultation with the Title IX coordinator and legal counsel, and their identity is shared with staff and students.
- Staff are informed of and follow federal requirements for reporting sexual violence incidents.
- Referral protocols and information about with whom complainants can share information confidentially are communicated to staff, coaches and student-athletes.
- Department staff and student-athletes are informed about investigation and discipline processes and understand that alleged occurrences of sexual violence are investigated and adjudicated by a schoolwide system that addresses these matters for all students.
- Student-athletes are informed of their rights if they find themselves in a hostile and threatening environment. They also are educated in ways to reduce elements that contribute to a hostile and threatening environment.
- Staff members are aware of their role and responsibilities to reduce elements that contribute to a hostile and threatening environment, and to provide necessary accommodations for students who believe they are subject to such an environment.
- Department staff and student-athletes understand that Title IX protects against retaliation in sexual violence incidents.
- Department staff and student-athletes understand that Title II of the Americans with Disabilities Act may be applicable to survivors of sexual violence.

## COMPLIANCE IMPLEMENTATION TOOL

- **Title IX/Clery Act Compliance Chart:** This chart is located in the resources section on page 30 of this document.