



Clery Act Requirements for Domestic Violence, Dating Violence, Sexual Assault, and Stalking (DVSAS) Disciplinary Procedures

Policy Analysis Breakout Group Activity

Round 1:

Directions:

Read the policy statements regarding the role of the advisor of choice below.

Answer these questions:

- Is the fullness of the advisor of choice requirement represented in these procedures?
- What would you change in these statements, if anything?

Process A (Title IX Process): Advisor of Choice

The complainant and the respondent may each elect to be accompanied by an advisor of their choosing to any meeting, interview, or proceeding regarding the allegations that are a subject of a Formal Complaint. The advisor may be anyone who may be, but is not required to be, an attorney. Clery Act University will not limit the choice or presence of the advisor for either the complainant or the respondent; however, advisors must follow the restrictions laid out within this policy. Except where explicitly stated, Advisors shall not participate directly in this process.



- Educational assignments in the form of research, essays, service to the community, counseling, or removal of participation in student clubs and organizations.
- Denial of access to campus
- No contact orders
- Withholding or revocation of degree/diploma
- Transcript notation
- Academic class section reassignment
- Fines and/or restitution
- Probation
- Suspension
- Expulsion

Please see [this link](#)* for a detailed description of each sanction.

**Please note that this is not an active link for the purpose of this exercise.*

This project was supported by Grant 15 JOVW-24-GK-03041-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.



COMPLAINT

I was raped by John Turner early in the morning of October 21, last year, in my dorm room. I did not consent to sexual intercourse and told John that I did not want to continue sexual contact, John continued. He raped me.

On Friday night, October 20, I had some friends over to my dorm room to pregame and then we went to a party being hosted at the hockey house. I was introduced to John at this party. I knew of him since we both worked at the library, but I didn't really know much about him. We talked for most of the party and even danced a little. I started getting tired and I was ready to go home and asked John to walk me home since it was late.

When we got back to my dorm room John came into my room and started kissing me. I was fine with kissing him and taking off some clothing but when we got on the bed and I realized I only had my underwear on I got nervous because I did not want to go further. I told him to hold on and instead of stopping he took off my underwear, penetrated me with his fingers, and then penetrated me with his penis.

I felt trapped and unable to decide what to do since I had been drinking and it was the middle of the night. I told him I wasn't on birth control and I asked him if he was using a condom, and then he stopped. I managed to turn over to get out of the situation, but then I felt pressure on my ass. It hurt really bad, and I realized he was penetrating me anally. I leaned away from him and turned my face toward the wall and hoped it would be over soon. I had tears rolling down my face as he raped me. Still in shock I barely noticed when he got off me and dressed before leaving my dorm room. I didn't know what to do after he left, and eventually fell asleep.

The next morning, I got up and my roommate asked me how I was doing. I just started crying and told her I was not OK. I stayed in my room the rest of the day.

I couldn't bear seeing John anymore, so I quit my job at the campus library to avoid seeing him. I couldn't even bring myself to go tell my boss in person, so I sent her an email. Since the incident, I have had no contact with John, but I'm afraid I'm going to run into him on campus somewhere and then I don't know what I'll do.



RESPONSE

On October 20 of last year, my friend Thomas Anderson was hosting a party at his apartment. I arrived early to help him set up. I didn't drink very much before the party started because I had work the next day and couldn't be hungover.

While at the party, Thomas introduced Jane Sanders to me around 11:30pm because he knew we both worked at the campus library. As Thomas was walking away, he reminded me that Jane had hooked-up with a lot of our friends, men and women. Jane and I were getting along great, she was leaning close to me, we were laughing and having an enjoyable conversation throughout the night. We were both drinking and decided to get another drink. We both had another beer. By this time, I was not even tipsy, and Jane was making jokes and fully participating in our engaging conversation.

Jane told me she was heading back to her dorm and I offered to walk her back. I wanted to be nice and continue our conversation. On the walk home, we were both being somewhat flirtatious so when we arrived at the entrance to her dorm I was not surprised when she left the door open behind her and we went up to her room.

In her room she kissed me, and we started making out. We moved on to the bed where she was on top of me while I was lying down. Jane was moving on top of me, clearly enjoying what was happening, and we were still kissing. She began taking her clothes off and then started taking my clothes off. We were touching and kissing each other and then we rolled over so that I was on top of her. I took off her underwear, then we started having sex. She asked me if I was using a condom. I said no, and she said she wasn't on birth control, so I got up to get a condom. I reached into the pocket of my pants that were on the floor and removed a condom. I put the condom on and when I got back to the bed, Jane was turned over, I figured she wanted to do something different, so we started to have anal sex. Jane was making sexy, moaning noises as we had anal sex. During sex she was pretty active and moved along with what I was doing. After a while, I came and got up to throw away the condom.

I didn't want to assume that I could stay in her room and I had work the next day, so I put my clothes on and said goodbye. I knew we had a good time, so I suggested we see each other again soon, Jane nodded her head from where she was lying on her bed and then I left.

This project was supported by Grant No. 2017-TA-AX-K046 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.

Staying the Course: Making Adjustments for Long Term Change

Program Description: _____

What factors contributed to your success?

Capacity	Relationships
Synergy	Assessment
What else?	

Program Description: _____

What strengths can you leverage to apply to another area?

Capacity	Relationships
Synergy	Assessment
What else?	

This project is supported by Grant Nos. 15JOVW-23-GK-05131-CAMP and 15JOVW-23-GK-05121-CAMP awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this program are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.



Additionally, there are professional faculty and staff members from the College who have received specific training on this policy and the rights afforded to parties.

Process B (Other Sex-Based Misconduct): Advisor of Choice

The complainant and the respondent may each elect to be accompanied by an advisor of their choosing from the University community. Advisors must follow the restrictions laid out within this policy. Except where explicitly stated, Advisors shall not participate directly in this process. Additionally, there are professional faculty and staff members from the College who have received specific training on this policy and the rights afforded to parties.

Round 2:

Directions:

Read the policy statement on sanctions below:

- Does the statement provide a complete list of sanctions?
- For which law are you required to permit a range? For which law do you need to include an exhaustive list? Can you do one or the other?

Sanctions

Sanctions for employees include, but are not limited to, withholding a promotion or pay increase, reassigning employment, compensation adjustment, suspension, demotion, and termination of employment.

Sanctions for students include:

- Loss of financial aid