The Student Affairs Compliance Report & Analysis

Executive Editors: Andrea Stagg, Deputy General Counsel, Barnard College and Joseph Storch, Associate Counsel, SUNY Office of General Counsel

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Special Report

Education Department's 2017 Letter on Title IX Pulls Back Obama-Era Requirements; Adds Few New Requirements

By Joseph Storch and Andrea Stagg, Executive Editors

Two weeks after the Department of Education (ED) Secretary Betsy DeVos gave a speech about her views on Title IX, ED issued a Dear Colleague Letter (DCL) and Q&A document withdrawing the 2011 DCL and 2014 Title IX Q&A. ED will no longer enforce those guidance documents. The new Q&A lays out ED's approach to Title IX that withdraws many of the mandatory requirements colleges had become used to since 2011 and leaves much more flexibility for schools regarding process. There are fewer "musts" and more "recommendations." No changes were made to regulations and ED reaffirmed the 2001 Revised Guidance. Existing Resolution Agreements remain in force; they are fact-specific and do not bind other schools.

What Remains the Same?

- The severe, persistent, or pervasive standard for denying or limiting access to educational programs.

> "The new Q&A lays out ED's approach to Title IX that withdraws many of the mandatory requirements colleges had become used to since 2011 and leaves much more flexibility for schools regarding process."

- Institutions must appoint a Title IX Coordinator to coordinate response. Other staff can be responsible employees to "help the students… connect to the Title IX Coordinator."

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- Action is required when the school knows or reasonably should know of a violation.
- Interim measures may be undertaken prior to an investigation or while an investigation is pending (but see below).
- Schools must publish and enforce Title IX Grievance Procedures.
- Investigations must be conducted by those free of conflicts of interest (though OCR adds to actual, "reasonably perceived conflicts" a standard that is not defined).
- In sexual violence cases, rights and process made available to one party must be made available to the other, including the right to an advisor of choice and cross-examination or submitting questions to be asked of witnesses.
- OCR recommends (as the VAWA amendments to the Clery Act require) simultaneous written notification to both parties along with information on appeal options.

What Has Changed?

- The 60-day standard was replaced by a reasonableness standard of a "good faith effort to conduct a fair, impartial investigation in a timely manner designed to provide all parties with resolution." Although the previous OCR letter liked to see the 60-day standard described in grievance procedures, a caveat was allowed—schools could reasonably extend deadlines with notice to the parties if the investigation was deemed complex, which could arguably be most cases.
- There is no reference to sexual misconduct or violence cases where the complainant and accused are members of the same sex.
- The absolute ban on mediation in sexual violence cases was lifted. The Q&A gives an institution discretion to determine when an informal resolution, including mediation, is appropriate. If the school does determine informal resolution is appropriate, and if all parties voluntarily agree and receive notice of their option of a formal resolution, an informal process to reach a voluntary resolution among the parties is acceptable.
- Institutions have flexibility as to appropriate and available interim measures, rather than fixed rules (this arguably has been the case at least since the Wesley College Resolution Agreement). Schools must make interim measures available to both parties. Measures should be tailored based on the facts "making every effort to avoid depriving any student of his or her education." Interim measures must be allowed to change as appropriate.
- The DCL adds to its Title IX guidance what can be called traditional due process requirements, already present in the VAWA amendments to the Clery Act, of detailed notice to respondent, sufficient time for respondent to prepare a response before the initial interview, and written notice for all parties in advance of any meetings or interviews to prepare and meaningfully participate. The investigation should conclude with a written report and both parties should have timely, equal access to that report and information that will be used during disciplinary meetings or hearings.
- Findings, with or without a hearing, may be based on either the preponderance of the evidence standard (called for

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in the 2011 DCL) or a clear and convincing standard.

- Schools may offer rights to appeal to both parties (as the 2011 DCL called for and as the VAWA amendments to the Clery Act require if appeals are offered at all [see 34 C.F.R. §668.46(k)(2)(v)(B)]), or offer appeal rights only to respondent (which would seem to run afoul of that section of the Clery Act).

What Must We Change Immediately?

If your institution is already following best practices in written notice, equity in process and the other items bulleted here, you may not need to make many, or even any, changes. This guidance offers more flexibility and discretion to institutions rather than requiring a particular course of action. However, one potential required change is that if your institution uses different standards of evidence for different violations (e.g. preponderance for sexual assault but clear and convincing for aggravated assault), it must harmonize those to a single standard for all violations. Keep in mind that mid-year changes that are not absolutely required by law can lead to students challenging the validity and applicability, particularly because their notice and training did not include the new provisions.

The DCL also acknowledged the overlap between Title IX response and the Clery Act requirements stemming from the 2013 Violence Against Women Act amendments. In many ways, elements of the 2011 DCL were codified into law on the Clery side as they apply to sexual assault, but not for other sex discrimination (for a thorough analysis of the VAWA requirements under Clery, see http://bit.ly/2hx0gFs).

What Must We Change Long-term?

There still appear to be no "musts" for colleges. Colleges *may* consider changes to their standard of evidence (provided all violations use the same standard), and *may* determine that informal resolution, including mediation, is appropriate in any given situation, including sexual violence.

What Comes Next?

ED has stated that it will engage in rulemaking. This will likely include publishing proposed guidelines or regulations, offering an opportunity for formal and informal comments, and perhaps holding hearings or listening sessions. This topic is likely to garner significant interest, and ED must read and analyze each comment; the process will likely take months or even years. There is no timeline set for issuance of proposed rules. When final guidelines or regulations are issued, if ED follows past precedent, there will be a long run-up to their effective date.

What Should We Tell Students?

Student activists have come out strongly against the DCL's changes, fearing that a reduction in rules and role for OCR will mean a less vigorous and fair response to sexual and interpersonal violence on campus. Their opinions must be acknowledged and, although the DCL did not include new requirements that would affirmatively lessen protections for those reporting sexual assault, it did reduce or remove Obama-era requirements that student activists found important.

Engage students and be clear about your institution's plans moving forward. Will you review your policies again based on this DCL? Will you consider a different standard of evidence? What, if any, changes will you make to due process or fair process in your policy? It may be helpful to obtain informal, and more importantly, formal, student and faculty participation in such a process.

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Legal & Legislative Update

NCAA Adopts New Campus Sexual Violence Policy

Editor's Note: *Next month, we will offer an in-depth article to help readers better understand what the 2017 NCAA policy on campus sexual violence requires, as well as the implications of compliance. Stay tuned!*

The NCAA Board of Governors recently adopted a new campus sexual violence policy, requiring coaches, college athletes and athletic administrators to complete sexual violence prevention education annually to enhance prevention efforts and bring about positive cultural change. Importantly, member schools can determine the types and manner of education provided.

Campus leaders – the school president or chancellor, athletics director and Title IX coordinator – must then attest each year that these campus community members were educated in sexual violence prevention.

In addition, according to NCAA.org, these three campus leaders must attest that:

- "The school's athletics department is knowledgeable about, integrated in, and compliant with institutional policies and processes regarding sexual violence prevention and proper adjudication and resolution of acts of sexual violence.
- The school's policies regarding sexual violence prevention and adjudication — plus the name and contact information for the campus Title IX coordinator — are readily available in the athletics department and are distributed to student-athletes."

Once these requirements are attested to, institutional names will be compiled, presented in a Board of Governors report in August 2018 and published on NCAA.org.

Source: NCAA.org, 8/10/17

Beyond the Story

Commentary from Executive Editors Andrea Stagg and Joseph Storch

We have long believed that student athletes and student leaders can be some of the best role models for positive, pro-social change. A policy that we co-coordinated with a working group at the State University of New York required for the first time that all athletes complete a training in domestic violence, dating violence, stalking or sexual assault prevention prior to competing in intercollegiate athletics. That provision later became law in New York State and all private and public colleges must educate their student athletes (a related provision requires education for club and organization officers). For better or worse, students look to student athletes for signals in how to behave. This NCAA policy is another step towards a realization that society is benefited when we educate student athletes how to model positive behavior for better.

There are a number of organizations that work well with student athletes both inside and outside the NCAA. Coaching Boys Into Men has seen success, as have several home-grown programs. The One Love Foundation, founded in the wake of the dating violence death of Yeardley Love, a student athlete, has connected well with student athletes, many of whom organize Yards for Yeardley events to raise awareness of dating

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Some Facts about the NCAA's New Policy on Campus Sexual Violence

- It goes into effect immediately.
- The first deadline for attesting that the requirements have been met is spring 2018. An electronic signoff form will be available March 1, 2018 that must be completed by May 15, 2018.
- Educational efforts should be completed during the 2017-2018 academic year.

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Compliance in Focus

Dream On: The Elimination of Deferred Action for Childhood Arrivals (DACA) and Looking Ahead for Former "Dreamers"

By Brendan Venter, Associate Attorney, Immigration Practice Group, Whiteman Osterman & Hanna LLP; Albany, NY

On September 5, 2017, the administration of President Donald Trump announced the end to the Deferred Action for Childhood Arrivals program – more commonly known as "DACA." The Acting Secretary of the Department of Homeland Security (DHS), Elaine Duke, issued a memorandum officially rescinding the program that had been in place since June 2012. DACA was and is just one component of a larger debate centered around protections given to so-called "Dreamers" – young, undocumented immigrants who came to the United States as children – a debate that has gained steam and garnered attention from the press and major media, advocacy groups and policymakers throughout the 2016 presidential election and continuing in the months since the inauguration of President Trump.

The "Dreamers" moniker comes from the Development, Relief, and Education for Alien Minors (DREAM) Act, a proposed law that has been introduced to Congress in several variations over the past two decades but has never passed. This article aims to provide a clear description of what protections and benefits DACA did and did not provide for certain undocumented immigrants, how and why the Trump administration sought to eliminate DACA in early September 2017, and what implications this decision could have on undocumented immigrants, including the undocumented student population.

Creation and Scope of DACA

In a June 15, 2012 memorandum, President Obama's Secretary of Homeland Security, Janet Napolitano, announced the Deferred Action for Childhood Arrivals (DACA) initiative. Contrary to popular belief, the DACA program did not grant any affirmative immigration status to undocumented individuals, nor did it provide a path to permanent residency (a "green card") or U.S. citizenship. Instead, the granting of DACA to an undocumented immigrant was a recognition that the U.S. immigration authorities, specifically U.S. Citizenship & Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE), had exercised their prosecutorial discretion, providing temporary relief from deportation to certain young, undocumented immigrants brought to the United States as children.

> The granting of "deferred action" from deportation allowed hundreds of thousands of young adults to legally work in the U.S., attend school and otherwise live their lives with some assurance that they would remain free from the constant threat or fear of deportation.

As the name implies, DACA at its core merely constituted "deferred action" against qualifying individuals, though it also provided the ability to apply for work authorization in the United States. DACA recipients were also eligible to receive a social security number and, in the overwhelming majority of states, a driver's license. DACA did *not* provide absolute immunity from deportation, or the ability to change to another nonimmigrant or immigrant visa status. Over the course of the approximately five years in which USCIS accepted DACA applications, almost 800,000 individuals were granted DACA benefits. The granting of "deferred action" from deportation allowed hundreds of thousands of young

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adults to legally work in the U.S., attend school and otherwise live their lives with some assurance that they would remain free from the constant threat or fear of deportation.

September 2017 Rescission of DACA

Although throughout his campaign, and after his election, President Trump at times expressed sympathy for "Dreamers" and maintained that they would not be targets of enforcement, he simultaneously pledged to end DACA as part of his campaign platform, and after his inauguration, a draft Executive Order titled "Ending Unconstitutional Executive Amnesties" was leaked in news reports, foreshadowing what might come later. Yet, the administration continued processing both initial and renewal DACA applications.

On June 29, 2017, Texas and nine other states sent a letter to Attorney General Jeff Sessions stating that legal action would be taken to challenge DACA unless DHS agreed to "phase out" the program by rescinding the 2012 DACA memo and halting approval of any new or renewal DACA applications. On September 5, 2017, the Trump administration acquiesced to their demands and rescinded the DACA program.

In her September 5, 2017 memorandum, Acting DHS Secretary Duke officially rescinded the DACA program.[i] Her memo was issued in response to a letter sent the previous day, September 4, 2017, by Attorney General Sessions, who opined that DACA was an "unconstitutional exercise of authority by the Executive Branch" and that legal challenges to the program would "likely" result in DACA being deemed unlawful.

> **Renewals**
>
> Until October 5, 2017, USCIS will continue to accept renewal applications filed by DACA recipients whose benefits expire on or before March 5, 2018.

Essentially, the September 5, 2017 memo and accompanying FAQs rescind the June 15, 2012 memorandum creating DACA, allow current DACA recipients to keep their work authorization and deferred action grants until they expire, and take the following concrete steps to phase out and ultimately end the DACA program:

- **Initial DACA Applications:** USCIS will adjudicate properly filed initial DACA requests and associated applications for work authorization that were accepted by USCIS as of September 5, 2017. USCIS will reject any new initial DACA requests received after September 5, 2017.
- **Renewal DACA Applications:** USCIS will adjudicate renewal DACA applications and associated applications for work authorization that have been accepted by USCIS as of September 5, 2017. Until October 5, 2017, USCIS will also continue to accept renewal applications filed by DACA recipients whose benefits expire on or before March 5, 2018. USCIS will reject all DACA renewal requests that do not fit these parameters, including all applications received after October 5, 2017.
- **Applications for Advance Parole Based on DACA Grants:** Effective September 5, 2017, USCIS will not

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approve any DACA-based applications for Advance Parole, a form of travel authorization permitting those with a grant of DACA to return to the U.S. after brief travel abroad.

Once Work Authorization Expires

After March 5, 2018, when DACA recipients' work authorization expires, they will return to whatever unauthorized status they possessed at the time they acquired DACA, and they will become immediately deportable from the U.S.

Any pending applications for advance parole will be administratively closed, and USCIS will refund the filing fees. Although DHS also stated that it will generally honor the validity period for previously approved applications for advance parole, the FAQs note that U.S. Customs and Border Protection (CBP) retains the right to refuse admission to a person who presents him or herself at a port of entry, as a matter of discretion. Therefore, it may be advisable for current DACA recipients to avoid foreign travel where possible.

In sum, after March 5, 2018, when DACA recipients' work authorization expires, they will return to whatever unauthorized status they possessed at the time they acquired DACA, and they will become immediately deportable from the U.S. Although individuals who have currently valid DACA grants and work authorization still enjoy deferred action, meaning DHS should not be arresting or deporting them absent intervening conduct that would make them ineligible for DACA, there have been a number of reports of DACA recipients being targeted for enforcement, even before the rescission of the program was announced. It remains to be seen just how quickly immigration authorities will seek to deport former "Dreamers" after the phase out of DACA is complete in March of next year.[ii]

Alternative Forms of Relief for Former DACA Recipients, and Ways That Colleges and Universities Can Protect "Dreamers"

As DACA's expiration date approaches, it becomes paramount to remember that there may be other potential forms of relief available to undocumented immigrants. For example, some DACA recipients or other undocumented individuals may be eligible for lawful permanent residence through a qualifying U.S. citizen or Lawful Permanent Resident (LPR, or "green card" holder) family member or possibly through employer sponsorship. Additionally, there may be options for lawful status or permanent residence for individuals who have been subjected to battery or extreme cruelty by a U.S. citizen or LPR family member – through the Violence Against Women Act – or for neglected or abused children – via Special Immigrant Juvenile Status. Depending on conditions in the individual's home country, he or she may have a basis to apply for asylum in the United States.[iii]

There are, of course, limitations on the ability to protect the

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undocumented from the immigration consequences of their lack of status. Absent an available legal remedy, if a student is detained by immigration authorities, a school has few options to shield the student from such detention. Similarly, if ICE presents a warrant for a student's information, including their immigration status, an institution is legally obligated to comply with the request.

Short of filing for another form of immigration status or benefit for an undocumented individual, there are numerous additional ways in which schools, colleges and universities can protect or assist DACA students. Many of the available methods of assistance fall under the umbrella of "Sanctuary" policies, another immigration buzzword that has received tremendous media attention in recent months. "Sanctuary" in this context does not, as many may believe, refer to the harboring of undocumented immigrants and physically hiding them from immigration authorities. Rather, it consists of a host of policies that a college, municipality or other entity may adopt to protect members who are undocumented.

While such entities cannot actively interfere with government agencies in the carrying out of their duties and the enforcement of federal immigration laws, they can, for example, implement policies to withhold the immigration status of a particular individual unless required by a warrant to turn over such information. Similarly, college and university campuses may bar immigration officers from entering campus without a warrant – though there may be limitations on this ability in the context of public universities.

Short of filing for another form of immigration status or benefit for an undocumented individual, there are numerous additional ways in which schools, colleges and universities can protect or assist DACA students. Many of the available methods of assistance fall under the umbrella of "Sanctuary" policies...

Colleges and universities may also choose to support their undocumented populations by providing free or subsidized legal consultations or services to their students on immigration matters, or by extending resident tuition rates to undocumented applicants/students. While state government cannot act to legalize the status of any undocumented immigrants, as immigration falls solely within the jurisdiction of the federal government, states can deal with other issues of importance to undocumented individuals, such as tuition policies for state universities. Such financial assistance will likely become increasingly important for former DACA recipients who are ineligible for any federally funded student financial aid, including loans, grants, scholarships or work-study, and who, over the course of DACA's phasing out, will be losing their lawful ability to work and earn an income in the U.S.

What's Next: Legislative Proposals and Future Developments

Over the past few decades, there have been several versions of the DREAM Act introduced in Congress, but none have passed into law. All versions of the DREAM Act provide some sort of pathway to legal status for "Dreamers," with some even creating a pathway to U.S.

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citizenship. The most recent version of the DREAM Act was introduced in the House and Senate in July 2017, and would provide a path to permanent residency and ultimately U.S. citizenship for some undocumented individuals within approximately seven to eight years. While studies differ on the exact figures, most estimate that between two and four million individuals would be directly impacted by the DREAM Act and eligible to cure their unlawful immigration status.

Most recently, on September 13, 2017, President Trump and the Democratic leadership from both the House and the Senate met to discuss the parameters of legislation that would make the DACA program permanent, with the President announcing afterwards that the meeting had been productive and that the parties were close to reaching an agreement. This issue is one that has taken center stage on the agenda of both Congress and the Executive, particularly with the March 5, 2018 deadline now in place to address DACA legislation, and is one that will be worth watching in the months to come.

i *See* DHS Memorandum on Rescission of Deferred Action For Childhood Arrivals (DACA) (September 5, 2017), available at https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca.

ii In the few weeks between the announcement that DACA would be terminated and the writing of this article, several lawsuits challenging the Trump administration's rescission of the DACA program had already been filed. For example, New York and 14 other states plus the District of Columbia filed suit in the United States District Court for the Eastern District of New York; separately, the University of California – led by the President of the University Janet Napolitano – filed a lawsuit in the United States District Court for the Northern District of California. Both lawsuits ask federal courts to prohibit the government from rescinding the DACA program and from using information obtained in DACA applications or renewal requests for immigration enforcement against DACA applicants or their families. These cases remain pending.

iii The American Immigration Council has published an excellent summary of potential alternative forms of relief for individuals impacted by DACA. See "Screening Potential DACA Requestors for Other Forms of Relief," available at https://www.americanimmigrationcouncil.org/practice_advisory/screening-potential-daca-requestors-other-forms-relief.

Legal & Legislative Update

NCAA Adopts New Campus Sexual Violence Policy

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violence and educate victims and bystanders on available options for help.

Student athletes can sometimes feel that they are on the defensive in such programming, especially after a story of a prominent athlete committing sexual assault or related violence. We have seen first-hand the benefit of approaching them not from the standpoint of asking them not to offend, but to ask them to lead. As an example, the SUNY Athletic Conference (SUNYAC) saw the death of three student athletes in dating violence homicides. They chose to work with the One Love Foundation who initially challenged them to raise awareness by running 1 million yards. They declined that goal, setting their sights instead on 10 million. When the dust had settled, the student athletes (and the thousands of non-athletes they reached out to join them) had run over 25 million yards, the equivalent of halfway around the world. This was all student-led with minimal financial expense.

Student athletes, if inspired and properly advised, can accomplish great things in prevention education, and this NCAA policy will be a good step in helping them, their coaches and athletics staff understand their important role within and outside of athletics.

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Legal & Legislative Update

Policy Barring Protests Inside Campus Buildings Faces Backlash at Ohio

Ohio University completely barred protests inside campus buildings, after quickly rewriting a policy and enacting it on an interim basis before the school year began. And now they're facing the consequences of these actions.

Senior leaders did not consult with faculty or students when developing the new policy, nor follow the standard procedure of releasing written rationale to justify the policy, reported Inside Higher Ed. As a result, many in the campus community are upset. David Descutner, the institution's interim executive vice president and provost, said the university is working to "get through the next couple of weeks and hopefully put something better in place."

Faculty representatives and students have been given until at least November to provide their thoughts on the policy. "Clearly faculty are dissatisfied, and they had a number of very thoughtful objections as it was written, and one of the things we're trying to do is engage in shared governance around these important decisions," Descutner said.

Student senate President Landen Lama said he is "not a huge fan" of the policy, while he also understands why it was implemented. "We all understand why it's happening," he told Inside Higher Ed. "The world has come to this point where we have such polarizing opinions that we are restricting speech, and we understand why, but we're still going to voice our opinions."

The move to bar inside protests was partially in response to a sit-in earlier in 2017 where over 70 protestors were arrested at the Baker University Center as they rallied against President Trump's immigration policies. When a judge later found one of the sit-in students not guilty, he questioned how consistently Ohio University applied its free expression policies. As a result, senior administrators considered policy revisions, Descutner said.

Source: Inside Higher Ed, 9/13/17

Beyond the Story

Commentary from Executive Editors Andrea Stagg and Joseph Storch

This story is less about free speech and more about following established procedures for creating and implementing new policies. Consider the protocol at your institution. Some schools have a policy review committee that considers each new policy. Such schools may also have a "policy on policies" to determine what is a policy (versus mere information). What is the review cycle for policies? Who should weigh in? Getting feedback on a potential policy certainly helps socialize the proposed rules, but it can also strengthen it. Stakeholders (and even non-stakeholders) may make suggestions to improve the policy, or ask critical questions that haven't been raised yet.

On the free speech side, certainly protesting within any campus building at any time in any manner could lead to problems. Consider classes in session nearby, key walkways blocked, staff kept from doing their jobs and more. Perhaps a public forum considering the policy in light of these concerns could invite students and faculty to brainstorm solutions.

Share Your Thoughts

What campus compliance concerns are you currently dealing with? What information and resources would be helpful as you contend with these issues? Please let us know by emailing julie@paper-clip.com and we'll take a look at covering your concerns in an upcoming issue. We want *The Student Affairs Compliance Report & Analysis* to be the most useful tool as you do your important campus work.

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Resource Review

Free White Paper Provides Campus Governing Boards and Leaders with Freedom of Speech Guidelines

"Freedom of Speech on Campus: Guidelines for Governing Boards and Institutional Leaders" is a new white paper from the Association of Governing Boards of Universities and Colleges (AGB). The organization brought together 25 experts to create this resource that can help institutions protect free speech rights and academic freedom while balancing individual freedoms and expectations of civility and safety.

As part of the paper, AGB developed the following guidelines for governing boards and institutional leaders:

1. Board members should be well informed about the rights established by the First Amendment, and its principles, and how they apply to the campus's commitment to freedom of speech.
2. Governing boards should understand and recognize the alignment between freedom of speech and academic freedom.
3. Governing boards should ensure that policies that clarify campus freedom of speech rights are reflective of institutional mission and values.
4. Board discussion and debate should model civil and open dialogue.
5. Board members should encourage presidents to initiate communication with, and be available to, those students who want to be heard by institutional leaders about campus culture and issues related to freedom of speech.
6. Governing boards should make clear their support of presidents in the implementation of campus freedom of speech policies.

A free PDF of the white paper to share with members of institutional governing boards is available at: http://bit.ly/2wh9HmI.

"College and university leaders should not take lightly the expressed fears of students for their personal safety. At a growing number of colleges and universities, institutional leaders have established reporting pathways and emotional support for students who experience bias, threats, or physical harm based on their racial, ethnic, or religious backgrounds; their political beliefs; or their gender identities.

However, college and university leaders have a competing obligation to communicate to students that exposure to ideas and opinions that differ from their own or that may even make them uncomfortable is part of the educational experience—whether in a classroom or a campus social setting, during an address by an outside speaker, or online. All members of a campus community have the right to speak—and the right to listen. Institutional leaders and individual faculty members have a responsibility to ensure students understand that demonstrating openness and tolerance when engaging in civil dialogue and debate is an educational ideal. This is central to preparing students to be engaged citizens."

— An excerpt from "Freedom of Speech on Campus: Guidelines for Governing Boards and Institutional Leaders"

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Prevention & Awareness Initiatives

"What Were You Wearing?" Exhibit Raises Awareness

At the University of Kansas (KU), a recent "What Were You Wearing?" exhibit helped campus community members recognize that people who are sexually assaulted are never inviting it by choosing to wear certain clothes.

> **"We wanted students, or anyone, to walk into the show and to see themselves reflected in the outfits and put the blame where it belongs, which is on the person who's caused the harm."**
>
> *— Jen Brockman, Sexual Assault Prevention and Education Center Director at the University of Kansas*

It sought to "confront and disrupt" social norms around rape culture and what causes it, Jen Brockman, director of KU's Sexual Assault Prevention and Education Center, told LJWorld.com.

The exhibit was held in the beginning of the semester – during what is often called "the red zone" for sexual assault – when rates of gender-based violence against students are typically the highest. Brockman said the center tries to increase programming during this important time of year, when students may have a false sense of security.

The Exhibit

The exhibit included 18 outfits hanging on the wall of the Kansas Union Gallery, with each one accompanied by stories that sexual assault survivors voluntarily shared about what they were wearing when they were assaulted.

A content warning was issued at the door of the exhibit, while a number to call for support and tissues were also provided.

Stories of What They Were Wearing

Next to a man's outfit, this story was shared: *A university T-shirt and cargos. It's funny; no one has ever asked me that before. They ask me if being raped means I'm gay or if I fought back or how I could let this happen to me; but never about my clothes.*

And next to a red dress, the story read: *A cute mini-dress. I loved it the moment I saw it. I had some killer heels, too. I just wanted to have a good time that night, look cute, and hang with my sisters. He kept getting me shots, over and over again. The next thing I remember is crawling around on the floor looking for that stupid dress.*

The "What Were You Wearing?" installation originated at the University of Arkansas in 2013, Brockman told LJWorld.com, and has also been displayed at campuses in Iowa.

Source: LJWorld.com, 9/12/17

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