Conflicting Information About
researchhub.com/paper/4345653/conflicting-information-about-jeanne-ann-clery-and-what-happened-to-her-case-after-june-11...
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Conflicting Information About Jeanne Ann Clery And What Happened To Her Case After June 11th 1992 - #August 29th 1986 At Westminster College (Fulton, Missouri) - #Michael Ayele (A.K.A) W

0

Computer Science | Art | Library Science

Authors Michael Ayele
Journal Zenodo (CERN European Organization for Nuclear Research)
Published Jun 10, 2023
DOI https://doi.org/10.5281/zenodo.8022592
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Save Tip ...

Paper | Conversation | Grants | Reviews

Type here to search 21°C 12:23 PM 3/30/2025

Gmail **Michael Ayele <waacl13@gmail.com>**

Redistributed Papers/Correspondence of Michael A. Ayele (a.k.a) W on ReseachHub

Michael Ayele <waacl13@gmail.com> Thu, Feb 15, 2024 at 4:10 PM
To: hello@researchhub.com
Cc: Michael Ayele <waacl1313@gmail.com>, "Michael Ayele (W)" <waacl13@gmail.com>, Michael Ayele <waacl42913@gmail.com>

W (AACL) Date.: February 15th 2024
Michael A. Ayele
P.O.Box 20438
Addis Ababa, Ethiopia
E-mail: waacl13@gmail.com ; waacl1313@gmail.com ; waacl42913@gmail.com

Redistributed Research Papers/Correspondence of Michael A. Ayele (a.k.a) W on ReseachHub

Hello,

This is Michael A. Ayele sending this message though I now go by W. You may call me W.

I am writing this letter to ResearchHub because it has recently come to my attention that you have redistributed many of my journal articles.

Part of the reason I am contacting you is because you have redistributed some of my journal articles, which are now defunct and you have assigned to those defunct journal articles erroneous authorship.

The other reason I am contacting you is because your platform requires an academic email address (ending with an edu) for the purpose of adding abstract/correcting errors to journal articles that were redistributed on your platforms.

As you may be aware, I no longer have an academic email address as I am no longer a student at a U.S college/university. Indeed, I graduated with a Bachelor of Arts (B.A) Degree many years ago and the journal articles I have published, which you have gone on to redistribute were published following my graduation.

Is it mandatory to have an academic email address to add abstracts/correct errors that were made on your platform to the journal articles I have published? If so, please consider this email as an official request that I would like you to remove my journal articles from ResearchHub.

Thanks. Be well. Take care. Keep yourselves at arms distance.

Michael A. Ayele (a.k.a) W
Anti-Racist Human Rights Activist
Audio-Visual Media Analyst
Anti-Propaganda Journalist

13 attachments

Screenshot (1174).png
175K

Screenshot (1175).png
167K

Screenshot (1177).png
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Screenshot (1178).png
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EXHIBIT 1.

Association for the Advancement of Civil Liberties (AACL)

Manage record

Published June 10, 2023 | Version v1

Journal article Open

Conflicting Information About Jeanne Ann Clery (November 23rd 1966 – April 05th 1986) - # Michael A. Ayele (a.k.a) W January 2010 - # Affirmative and Effective Consent in Healthy Sexual Relations

Michael A. Ayele (a.k.a) W[1]

Show affiliations

Via postal mail correspondence addressed to Michael A. Ayele (a.k.a) W, the Central Intelligence Agency (CIA) denied ever being contacted by the Federal Bureau of Investigation (FBI) on June 11th 1992 about the April 05th 1986 rape and murder of Jeanne Ann Clery. Michael A. Ayele (a.k.a) W was a little bit taken aback upon reading the content of the letter sent to him by the CIA, which had been dated May 21st 2021 because the FBI had informed him (via email) on (or around) November 12th 2020 that they had transferred the case of Jeanne Ann Clery rape and murder to the CIA on (or around) June 11th 1992. It is the opinion of Michael A. Ayele (a.k.a) W that the letters sent to him by the FBI (on or around November 12th 2020) and the CIA (on or around May 21st 2021) were inconsistent with one another.

Michael A. Ayele (a.k.a) W is an alumnus of Westminster College (located in Fulton, Missouri) who was in January 2010 informed about the April 05th 1986 rape and murder of Jeanne Ann Clery. In a very formal way, Michael A. Ayele (a.k.a) W was also informed about "*affirmative and effective consent in healthy sexual relations*" on the campus of Westminster College in the month of January 2010. Michael A. Ayele (a.k.a) W was informed what constitutes "*affirmative and effective consent in healthy sexual relations"* on the campus of Westminster College (in the month of January 2010) after having been told about the April 05th

1986 rape and murder of Jeanne Ann Clery.

It is the judgment of Michael A. Ayele (a.k.a) W that the rape and murder of Jeanne Ann Clery continues to leave several key questions about Title IX of the Education Amendments Act of 1972 unaddressed. The questions asked by Michael A. Ayele (a.k.a) W about Title IX of the Education Amendments Act of the 1972 include but are not limited to the following. 1) What are/were colleges/universities in the U.S.A obligations pursuant to Title IX of the Education Amendments Act of 1972? Were colleges/universities throughout the U.S.A required by law to condemn violence committed against women irrespective of their racial backgrounds, their sexual orientations, their religious affiliations and their national origins following the enactment of Title IX of the Education Amendments Act of 1972? If yes, were colleges/universities required to inform their students about what constitute appropriate sexual boundaries pursuant to Title IX of the Education Amendments Act of 1972? 2) Did colleges/universities throughout the U.S.A begin informing their students about what constitute "*affirmative and effective consent*" following the enactment of Title IX of the Education Amendments Act of 1972? If not, when did colleges/universities begin to inform their incoming freshmen/transfer students about the concepts of "*affirmative and effective consent*?" Did colleges/universities throughout the U.S.A begin teaching the concepts of "*affirmative and effective consent*" to their incoming freshmen/transfer students following the rape and murder of Jeanne Ann Clery (dated April 05th 1986)? If yes, why have colleges/universities throughout the U.S.A fixated on the rape and murder of this Caucasian woman by a Black/African American man to inform their incoming freshmen/transfer students about what constitutes "*affirmative and effective consent*?" 3) Are colleges/universities discussions pertaining to what constitutes "*affirmative and effective consent*" consistent with Title IX of the Education Amendments Act of 1972 if they are first informing their incoming/freshmen students about the rape and murder of Jeanne Ann Clery? Are colleges/universities discussions pertaining to what constitutes "*affirmative and effective consent*" consistent with their academic integrity policy if they are first informing their incoming freshmen/transfer students about the rape and murder of Jeanne Ann Clery? 4) Were there forces out there in the 1970s and the 1980s looking for a case where a Black/African American man rapes and murders a Caucasian woman for the purpose of enacting a law similar to the Jeanne Clery Act? Was the enactment of the Jeanne Clery Act the result of racist and sexist individuals coming together for the purpose of [a] preventing racial minorities from climbing the social ladder through academic education; [b] cracking down on interracial relationships particularly between a Caucasian woman and a Black/African American man; [c] not applying the same standards in circumstances where a Caucasian man sexually assaults a woman from a racial minority (as in the case of Brock Turner and Chanel Miller following her rape on January 18th 2015 at the campus of Stanford University)?

According to the National Council on Disability (NCD), [1] "*affirmative and effective consent*" is being taught to college/university students of the United States of America (U.S.A) during the course of their Freshmen year, [2] college/university students are informed about "*healthy sexual relationships*" during the course of their 1st (first) year of post-secondary academic education; [3] 20% (twenty percent) of women were sexually assaulted in a college/university setting by the time they reached their Senior year in Calendar Year 2005; [4] 32% (thirty two percent) of women with a disability were sexually assaulted during Calendar Years 2014 and 2015 in a college/university setting; [5] sexual assault "*is a public health and public safety concern with far reaching implications;*" [6] sexual assault is a "*deeply personal violation,*" which "*leaves physical and emotional impacts that change the lives of victims;*" [7] sexual assault causes "*long term physical, psychological, and emotional effects, including depression, post-traumatic stress, thoughts of suicide, flashbacks, and sleep disorders.*"

Michael A. Ayele (a.k.a) W takes full responsibility for the statements he has made with regards to how he was informed about "*affirmative and effective consent in healthy sexual relations"* on the campus of Westminster College (Fulton, Missouri) when he was a full-time undergraduate student between the months of January through May 2010. As a matter of principle, Michael A. Ayele (a.k.a) W unequivocally condemns violence committed against women irrespective of their racial backgrounds, their sexual orientations, their national origins, their religious affiliations and/or their disability status.

Be well. Take care. Keep yourselves at arms distance.

Michael A. Ayele (a.k.a) W
Anti-Racist Human Rights Activist
Audio-Visual Media Analyst
Anti-Propaganda Journalist

Files

Conflicting Info About Jeanne Clery and What Happened After June 11th 1992.pdf

Files (2.2 MB)

Conflicting Info About Jeanne Clery and What Happened After June 11th 1992.pdf

md5:d90a347842b22e0ef46c0274e5eec4e5

2.2 MB

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Version v1 Jun 10, 2023

10.5281/zenodo.8022592

Cite all versions? You can cite all versions by using the DOI 10.5281/zenodo.8022591. This DOI represents all versions, and will always resolve to the latest one. Read more.

External resources

Indexed in

OpenAIRE

Communities

Association for the Advancement of Civil Liberties (AACL)

Keywords and subjects

#Michael A. Ayele (a.k.a) W Was Informed About the April 05th 1986 Rape and Murder of Jeanne Ann Clery Sometime in the Month of January 2010

#Michael A. Ayele (a.k.a) W Was Informed About the Rape and Murder of Jeanne Ann Clery at Westminster College (located in Fulton, Missouri)

#Michael A. Ayele (a.k.a) W Has Filed Freedom of Information Act (FOIA) Requests With the Department of Justice (DOJ) Federal Bureau of Investigation (FBI) on the Subject of Jeanne Ann Clery

#The Federal Bureau of Investigation (FBI) Have Informed Michael A. Ayele (a.k.a) W that Westminster College (Fulton, Missouri) Had Extended An Invitation To Their Director William Webster on August 29th 1986: Approximately 5 (Five) Months After the April 05th 1986 Rape and Murder of Jeanne Ann Clery

#The Federal Bureau of Investigation (FBI) Have Informed Michael A. Ayele (a.k.a) W That They Have Initiated Contact With the Central Intelligence Agency (CIA) on June 11th 1992 To Transfer The Case of Jeanne Ann Clery to Them

#The Central Intelligence Agency (CIA) Have Informed Michael A. Ayele (a.k.a) W That They Were Never Transferred The Case of Jeanne Ann Clery by the Federal Bureau of Investigation (FBI) on June 11th 1992

#Michael A. Ayele (a.k.a) W is An Alumnus of Westminster College (Fulton, Missouri)

#The Father of William Webster is An Alumnus of Westminster College (Fulton, Missouri)

#Michael A. Ayele (a.k.a) W Was a Previous Intern of Callaway County Government Located in the State of Missouri

Michael A. Ayele (a.k.a) W Takes Full Responsibility for the Statements He Made About the Way He Was Informed About Affirmative and Effective Consent in Healthy Sexual Relations on Campus of Westminster College (Fulton, Missouri) in the Month of January 2010

Michael A. Ayele (a.k.a) W Unequivocally Condemns Violence Committed Against Women Irrespective of Their Racial Backgrounds, Their Sexual Orientations, Their National Origins, Their Religious Affiliations and/or their Disability Status

Key Questions to Consider Hereby Numbered 1: What are/were colleges/universities in the U.S.A obligations pursuant to Title IX of the Education Amendments Act of 1972? Were colleges/universities throughout the U.S.A required by law to denounce violence committed against women irrespective of their racial backgrounds, their sexual orientations, their religious affiliations and their national origins following the enactment of Title IX of the Education Amendments Act of 1972? If yes, were colleges/universities required to inform their students about what constitute appropriate sexual boundaries pursuant to Title IX of the Education Amendments Act of 1972?

Key Questions to Consider Hereby Numbered 2: Did colleges/universities throughout the U.S.A begin informing their students about what constitute "affirmative and effective consent" following the enactment of Title IX of the Education Amendments Act of 1972? If not, when did colleges/universities begin to inform their incoming freshmen/transfer students about the concepts of "affirmative and effective consent?" Did colleges/universities throughout the U.S.A begin teaching the concepts of "affirmative and effective consent" to their incoming freshmen/transfer students following the rape and murder of Jeanne Ann Clery (dated April 05th 1986)? If yes, why have colleges/universities throughout the U.S.A fixated on the rape and murder of this Caucasian woman by a Black/African American man to inform their incoming freshmen/transfer students about what constitutes "affirmative and effective consent?"

Key Questions to Consider Hereby Numbered 3: Are colleges/universities discussions pertaining to what constitutes "affirmative and effective consent" consistent with Title IX of the Education Amendments Act of 1972 if they are first informing their incoming/freshmen students about the rape and murder of Jeanne Ann Clery? Are colleges/universities discussions pertaining to what constitutes "affirmative and effective consent" consistent with their academic integrity policy if they are first informing their incoming freshmen/transfer students about the rape and murder of Jeanne Ann Clery?

Key Questions to Consider Hereby Numbered 4: Were there forces out there in the 1970s and the 1980s looking for a case where a Black man rapes and murders a Caucasian woman for the purpose of enacting a law similar to the Jeanne Clery Act? Was the enactment of the Jeanne Clery Act the result of racist and sexist individuals coming together for the purpose of [a] preventing racial minorities from climbing the social ladder through

academic education; [b] cracking down on interracial relationships particularly between a Caucasian woman and a Black/African American man; [c] not applying the same standards in circumstances where a Caucasian man sexually assaults a woman from a racial minority (as in the case of Brock Turner and Chanel Miller following her rape on January 18th 2015 at the campus of Stanford University)?

Jeanne Ann Clery (November 23rd 1966 – April 05th 1986) # Association for the Advancement of Civil Liberties (AACL)

Details

Title IX of the Education Amendments Act of 1972 # Central Intelligence Agency (CIA) Reference : F – 2021 – 01641

DOI

Department of Justice (DOJ) Federal Bureau of Investigation (FBI) FOIPA Request No.: 1480829 – 000

DOI 10.5281/zenodo.8022592

Michael A. Ayele (a.k.a) W's Opinion On the Letter He Received Via Postal Mail From the Central Intelligence Agency (CIA)

Resource type

Michael A. Ayele (a.k.a) W's Opinion on the Letter He Received Via Email From the Federal Bureau of Investigation (FBI)

Journal article

Publisher

Zenodo

Languages

English

Rights

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Citation

Michael A. Ayele (a.k.a) W. (2023). Conflicting Information About Jeanne Ann Clery (November 23rd 1966 – April 05th 1986) - # Michael A. Ayele (a.k.a) W January 2010 - # Affirmative and Effective Consent in Healthy Sexual Relations. https://doi.org/10.5281/zenodo.8022592

Style APA

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Technical metadata

Created June 10, 2023

Modified July 11, 2024

Jump up

EXHIBIT 2.

Michael A. Ayele (a.k.a) W Published R
A Community of Members - Data
datacite.org/members/
VPN

CERN – European Organization for Nuclear Research

http://doi.web.cern.ch/

Country

Switzerland

Focus Area

Engineering And Technology

Children's Hospital of Philadelphia

http://www.chop.edu

Country

United States

Focus Area

Medical And Health Sciences

Type here to search
78°F
2:00 PM
1/26/2024

Gmail

Michael Ayele <waacl13@gmail.com>

Relationship Between Zenodo and DataCite Commons

Zenodo <info@zenodo.org> Wed, Jan 31, 2024 at 12:25 PM
To: waacl13 <waacl13@gmail.com>
Cc: waacl1313@gmail.com, waacl42913@gmail.com

Dear W,

Thank you for your message.

Regarding question #1 - CERN is indeed a member of DataCite Commons, which allows Zenodo to use some services from DataCite (i.e. DOI registration). You can find more information here: https://sis.web.cern.ch/submit-and-publish/persistent-identifiers/doi

Regarding question #2 - We can't disclose any written agreement.

Best regards,
Manuel

Zenodo Support
https://zenodo.org

Support Zenodo — Could we suggest you support Zenodo's features' development by donating to the CERN & Society Foundation? For more information see https://zenodo.org/donate or reach out directly to our Partnerships & Fundraising colleagues (donorcare@csf.cern.ch) if you have any doubts about the donation process.

On Jan 27, 2024 at 10:55 PM waacl13 <waacl13@gmail.com> wrote:

> W (AACL)
> Date.: January 28th 2024
> Michael A. Ayele
> P.O.Box 20438
> Addis Ababa, Ethiopia
> E-mail: waacl13@gmail.com ; waacl1313@gmail.com ; waacl42913@gmail.com
>
> *Relationship Between Zenodo and DataCite Commons *
>
> Hello,
>
> This is Michael A. Ayele sending this message though I now go by W. You may call me W.
>
> I am writing this letter to Zenodo because it recently came to my attention that the European Organization for Nuclear Research (CERN) has been listed as a member of DataCite Commons.
>
> Please see the attached files of the screenshots I took visualizing how CERN - Zenodo has been listed as a member of DataCite Commons.
>
> The reason I am contacting you is because I was hoping you'd address a few questions I had about the relationship that exists between CERN - Zenodo and DataCite Commons.
>
> 1) Can you confirm that the CERN - Zenodo is indeed a member of DataCite Commons?
>
> 2) Can you disclose any written agreements concluded between CERN - Zenodo and DataCite Commons that enables DataCite Commons to register CERN - Zenodo Digital Object Identifiers (DOI)?
>
> I look forward to hearing from you on these important issues.
>
> Be well. Take care. Keep yourselves at arms distance.
>
> Michael A. Ayele (a.k.a) W
> Anti-Racist Human Rights Activist

> Audio-Visual Media Analyst
> Anti-Propaganda Journalist

Powered by UserVoice.

EXHIBIT 3.

From the SelectedWorks of Michael A. Ayele (a.k.a) W

Spring June 10, 2023

Conflicting Information About Jeanne Ann Clery and What Happened to Her Case After June 11th 1992 - #August 29th 1986 at Westminster College (Fulton, Missouri) - #Michael Ayele (a.k.a) W

Michael A. Ayele (a.k.a) W

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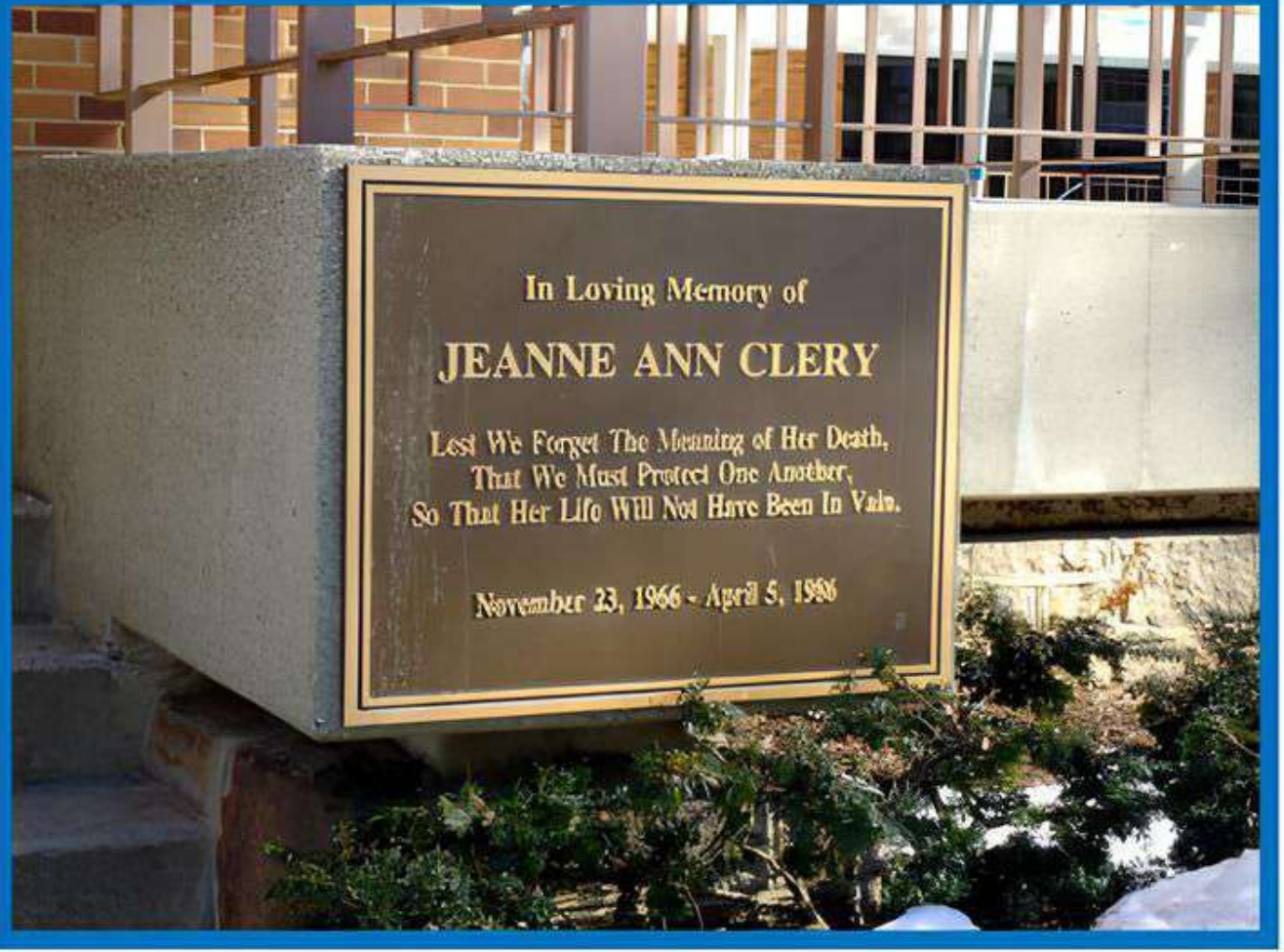
Available at: https://works.bepress.com/michael-ayele/39/


In Loving Memory of
JEANNE ANN CLERY
Lest We Forget The Meaning of Her Death,
That We Must Protect One Another,
So That Her Life Will Not Have Been In Vain.
November 23, 1966 - April 5, 1986

APPENDIX A.

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

November 12, 2020

MR. MICHAEL A. AYELE
ASSOCIATION FOR THE ADVANCEMENT OF CIVIL LIBERTIES
POST OFFICE BOX 20438
ADDIS ABABA
ETHIOPIA

FOIPA Request No.: 1480829-000
Subject: CLERY, JEANNE ANN

Dear Mr. Ayele:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- ☑ Your request has been received at FBI Headquarters for processing.
- ☑ You submitted your request via the FBI's eFOIPA system.
  - ☑ We have reviewed your request and determined it is consistent with the FBI eFOIPA terms of service. Future correspondence about your FOIPA request will be provided in an email link unless the record's file type is not supported by the eFOIPA system.
  - ☐ We have reviewed your request and determined it is not consistent with the FBI eFOIPA terms of service. Future correspondence about your FOIPA request will be sent through standard mail.
- ☐ The subject of your request is currently being processed and documents will be released to you upon completion.
- ☐ Release of responsive records will be posted to the FBI's electronic FOIA Library (The Vault), http:/vault.fbi.gov, and you will be contacted when the release is posted.
- ☑ Your request for a public interest fee waiver is under consideration and you will be advised of the decision if fees are applicable. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- ☑ For the purpose of assessing any fees, we have determined:
  - ☐ As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
  - ☐ As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
  - ☑ As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check the status of your FOIPA request at www.fbi.gov/foia by clicking on **FOIPA Status** and entering your FOIPA Request Number. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP’s website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

February 25, 2021

MICHAEL A. AYELE
ASSOCIATION FOR THE ADVANCEMENT OF CIVIL LIBERTIES
POST OFFICE BOX 20438
ADDIS ABABA
ETHIOPIA

FOIPA Request No.: 1480829-000
Subject: CLERY, JEANNE ANN

Dear Michael Ayele:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☐ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☐ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

5 page(s) were reviewed and 5 page(s) are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

☐ Document(s) were located which originated with, or contained information concerning, other Government Agency [OGA].

☐ This information has been referred to the OGA(s) for review and direct response to you.
☐ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **"Part 3"** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP’s website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

☑ See additional information which follows.

The enclosed documents represent the final release of information responsive to your Freedom of Information/Privacy Acts (FOIPA) request.

It is unnecessary to adjudicate your request for a public interest fee waiver because there are not assessable fees.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

(iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

2-224 (Rev. 6/26/89)

BEHAVIORAL SCIENCE SERVICES ACCOMPLISHMENT REPORT

To: [redacted] Date: 1-18-92 File #: 252B-D2-3322

b6
b7C

☐ Foreign ☒ Domestic ☐ Bureau ☐ Other

From: [redacted] Date of Activity: 1-16-92 Total Hours: 1

Subject: (SEE ATTACHMENT FOR CASE TITLE)

Case Assigned To: _____ Unit Member (s): _____

☐ BSIRU ☒ BSISU ☐ BSCES ☐ POLICE FELLOWS ☐ NCAVC COORDINATORS

Program: ☐ RESEARCH ☐ TRAINING ☐ VICAP ☒ CRIMINAL INVESTIGATIVE ANALYSIS ☐ OTHER

☒ TELEPHONIC ☐ WRITTEN ☐ ON-SITE ☐ QUANTICO

Instruction Provided
- ☐ Field School
- ☐ Faculty Development
- ☐ Student Counseling
- ☐ Conference/Seminar
- ☐ Consultation
- ☐ New Agents
- ☐ National Academy
- ☐ DEA
- ☐ In-Service
- ☐ Preparation
- ☐ Role Playing
- ☐ Symposium
- ☐ Speaking Engagement
- ☐ Other: _____
- ☐ Topic: _____
- ☐ # Departments _____

Instruction Received
- ☐ In-Service
- ☐ Non-FBI

Other: _____

Investigative
- ☒ Consultation
- ☐ Profile
- ☐ Personality Assessment
- ☐ Investigative Techniques
- ☐ Interview Strategy
- ☐ Trial Strategy
- ☐ Testimony
- ☐ Crime Analysis
- ☐ Equivocal Death
- ☐ Threat Analysis
- ☐ FCI
- ☒ # Victims _____
- ☐ # Subjects _____
- ☐ # Suspects _____

VICAP
- ☐ Crime Analysis
- ☐ Consultation
- ☐ Linkage

Project
- ☐ New
- ☐ Pending
- ☐ Closed

Research
- ☐ Unpublished Paper/Handout/Etc.
- ☐ Publication (Article/Book/Etc.)
- ☐ Original Research/Academic Citation
- ☐ Interview
- ☐ Consultation

Administrative
- ☐ Meeting
- ☐ Media/Publicity
- ☐ Liaison
- ☐ Field Support
- ☐ Consultation
- ☐ Psych. Services Consultation
- ☐ Organization Membership
- ☐ Awards/Honors/Letters
- ☐ Organizational Coop.
- ☐ Other: _____
- ☐ Psych. Services Counseling
- ☐ Critical Incident Consultation
- ☐ Critical Incident Counseling
- ☐ EAP

Computer Support
- ☐ Programming
- ☐ Data Analysis
- ☐ System Development
- ☐ Consultation
- ☐ Technical Assistance

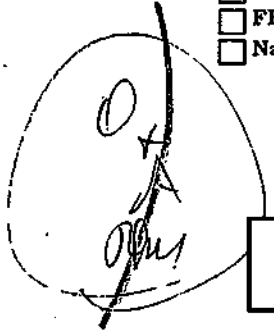
Travel Time: _____

Class Description

# of Students: _____ Instruction Hours: _____

Student Type:
- ☐ General LE
- ☐ FBI Agent
- ☐ FBI Support
- ☐ National Academy
- ☐ Non-LE
- ☐ Foreign
- ☐ DEA
- ☐ Military

Distribution:
1 - Program Manager (*Original*)
1 - Data Entry
1 -
1 -



252B-DO-3322-1
SEARCHED
SERIALIZED
INDEXED
FILED
FBI/DOJ

[redacted]

b6
b7C

SUMMARY: AS PART OF AN EVALUATION PROJECT INVOLVING THE CRIME CLASSIFICATION MANUAL (CCM), THE PENNSYLVANIA STATE POLICE HAS SUMMARIZED AND SUBMITTED CERTAIN CASE DETAILS AS REFLECTED ON THE ATTACHMENT. ADDITIONAL FEATURES REGARDING THIS CASE WILL BE OFFERED BY PENNSYLVANIA STATE POLICE OFFICIALS DURING A CONFERENCE 1/22-24/92.

FOLLOWING AN IN-DEPTH EXAMINATION, THE CASE WILL BE CLASSIFIED (BASED ON CCM CRITERIA) BY BOTH FBI AND PSP PERSONNEL. A SIX PAGE CCM TEST INSTRUMENT FOR HOMICIDE CLASSIFICATION WILL THEN BE EXECUTED ON THE CASE AND PROVIDED TO CERTAIN UNIVERSITY OF PENNSYLVANIA OFFICIALS FOR FURTHER EVALUATION OF THE CCM.

ANY FURTHER SERVICE THAT MIGHT BE ANTICIAPTED OF THE NCAVC'S INVESTIGATIVE SUPPORT UNIT (ISU) AS RESULT OF THE CASE REVIEW WILL BE HANDLED SEPARATELY FROM THIS CONFERENCE UPON SUBMISSION OF APPROPRIATE AND ADDITIONAL CASE MATERIALS.

COMMENTS/RECOMMENDATIONS: OPEN AND ASSIGN TO [redacted] ☒ See Attached

b6
b7C

Field Office Appraisal Criteria -

Executive Management:

Supervision, Evaluation, Development of Subordinates:

Liaison and Media Relations:

NATIONAL CENTER FOR THE ANALYSIS OF VIOLENT CRIMES
SYNOPSIS OF CRIME

UNSUB(S) PSP Incident # M1-276569

Jeanne Ann CLERY. Victim (Deceased)

PENNSYLVANIA STATE POLICE

City of Bethlehem, Northampton County Borough/City/Township, County, PA

CRIMINAL INVESTIGATIVE ANALYSIS

F.B.I. Office of Origin (Philadelphia or Pittsburgh) Philadelphia

Victimology

Victim's DOB 11/23/66 Age 19 Race W Sex F Ht. Wt.

Victim's Residence Demographics

Time/Date Victim last seen Day of Week

Seen with Whom Location

Time/Date Victim Discovered Location

Time/Date of Autopsy Time of Death

Cause of Death

Toxicology

Description of Injuries

Stomach Contents

Defensive Wounds

Other Comments

Forensic Evidence

Items Found with Body

Items Found on Body

Description of Weapon

Items Missing

2-224 (Rev. 6/26/89)

BEHAVIORAL SCIENCE SERVICES ACCOMPLISHMENT REPORT

To: [redacted] Date: 6/11/92 File #: 252B-D2-3322

b6
b7C

☐ Foreign ☒ Domestic ☐ Bureau ☐ Other

From: [redacted] Date of Activity: _____ Total Hours: _____

Subject: Unsub(s);
Jeanne Ann Clery – Victim (Deceased),
Pennsylvania State Police
Bethlehem, Penn.
C.I.A. - 00:PH

Case Assigned To: _____ [redacted] Unit Member (s): [redacted] _____

b6
b7C

☐ BSIRU ☒ BSISU ☐ BSCES ☐ POLICE FELLOWS ☐ NCAVC COORDINATORS

Program: ☐ RESEARCH ☐ TRAINING ☐ VICAP ☒ CRIMINAL INVESTIGATIVE ANALYSIS ☐ OTHER

☐ TELEPHONIC ☐ WRITTEN ☐ ON-SITE ☒ QUANTICO

Instruction Provided
- ☐ Field School
- ☐ Faculty Development
- ☐ Student Counseling
- ☐ Conference/Seminar
- ☐ Consultation
- ☐ New Agents
- ☐ National Academy
- ☐ DEA
- ☐ In-Service
- ☐ Preparation
- ☐ Role Playing
- ☐ Symposium
- ☐ Speaking Engagement
- ☐ Other: _____
- ☐ Topic: _____
- ☐ # Departments _____

Instruction Received
- ☐ In-Service
- ☐ Non-FBI

Other: _____

Investigative
- ☒ Consultation
- ☐ Profile
- ☐ Personality Assessment
- ☐ Investigative Techniques
- ☐ Interview Strategy
- ☐ Trial Strategy
- ☐ Testimony
- ☒ Crime Analysis
- ☐ Equivocal Death
- ☐ Threat Analysis
- ☐ FCI
- ☒ # Victims _____
- ☐ # Subjects _____
- ☐ # Suspects _____

VICAP
- ☐ Crime Analysis
- ☐ Consultation
- ☐ Linkage

Project
- ☐ New
- ☐ Pending
- ☐ Closed

Research
- ☐ Unpublished Paper/Handout/Etc.
- ☐ Publication (Article/Book/Etc.)
- ☐ Original Research/Academic Citation
- ☐ Interview
- ☐ Consultation

Administrative
- ☐ Meeting
- ☐ Media/Publicity
- ☐ Liaison
- ☐ Field Support
- ☐ Consultation
- ☐ Psych. Services Consultation
- ☐ Organization Membership
- ☐ Awards/Honors/Letters
- ☐ Organizational Coop.
- ☐ Other: _____
- ☐ Psych. Services Counseling
- ☐ Critical Incident Consultation
- ☐ Critical Incident Counseling
- ☐ EAP

Computer Support
- ☐ Programming
- ☐ Data Analysis
- ☐ System Development
- ☐ Consultation
- ☐ Technical Assistance

Travel Time: _____

Class Description

# of Students: _____ Instruction Hours: _____

Student Type:
- ☐ General LE
- ☐ FBI Agent
- ☐ FBI Support
- ☐ National Academy
- ☐ Non-LE
- ☐ Foreign
- ☐ DEA
- ☐ Military

Distribution:
1 - **Program Manager** (*Original*)
1 - **Data Entry**
1 - Case Agent
1 -

close 6-29-92
6-29-92

252B-D2-3322-2

SEARCHED FBI/DOJ
SERIALIZED
INDEXED
FILED

SUMMARY: DUE TO TIME CONSTRAINTS, CAPTIONED MATTER COULD NOT BE ADDRESSED IN DETAIL DURING THE 1/22-24/92 MEETING WITH PENNSYLVANIA STATE POLICE OFFICIALS. THEREFORE, A CRIME CLASSIFICATION BASED ON THE CRIME CLASSIFICATION MANUAL WAS NOT ASSIGNED THIS CASE. THIS MATTER WILL BE CLASSIFIED BY CERTAIN STATE POLICE OFFICIALS, WHO WILL SUBMIT A (CCM RESEARCH TEST INSTRUMENT) TO THE ISU FOR REVIEW.

☐ See Attached

COMMENTS/RECOMMENDATIONS: CLOSE

WILL RE-EXAMINE UPON RECEIPT OF CCM RESEARCH TEST INSTRUMENT

Field Office Appraisal Criteria -

Executive Management:

Supervision, Evaluation, Development of Subordinates:

Liaison and Media Relations:

APPENDIX B.

Central Intelligence Agency

Washington, D.C. 20505

21 May 2021

Mr. Michael Avele
Association for the Advancement of Civil Liberties
P.O. Box 20438
Addis Ababa 10013
ETHIOPIA

Reference: F-2021-01641

Dear Requester:

This letter constitutes both an acknowledgement of, and a final response to your 18 May 2021 Freedom of Information Act (FOIA) request for records on **Jeanne Ann Clery**.

The FOIA, as set forth at 5 U.S.C. § 552(f)(2)(A), provides for access to Agency records. Based on our knowledge of CIA's records systems, CIA does not maintain the type(s) of records you have requested; therefore, CIA has determined that it does not have any records responsive to your request.

As the CIA Information and Privacy Coordinator, I am the CIA official responsible for this determination. You may appeal this response to the Agency Release Panel, in my care, within 90 days from the date of this letter. Please include the basis for your appeal.

Please be advised that you may also seek dispute-resolution services from the CIA FOIA Public Liaison or from the Office of Government Information Services (OGIS) of the National Archives and Records Administration. OGIS offers mediation services to help resolve disputes between FOIA requesters and Federal agencies.

To contact **CIA** directly with questions or to appeal the CIA's response to the Agency Release Panel:	To contact the **Office of Government Information Services (OGIS)** for mediation or with questions:
Information and Privacy Coordinator Central Intelligence Agency Washington, DC 20505 TEL: +1 (703) 613-1287 FAX: +1 (703) 613-3007	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road – OGIS College Park, MD 20740-6001 TEL: +1 (202) 741-5770 FAX: +1 (202) 741-5769 EMAIL: ogis@nara.gov

Further, we believe that your request, as written, would fall under the auspices of the ***United States Department of Justice*** *and the* ***United States Department of Education****. Contact information for both offices may be found on the National FOIA Portal website, www.foia.gov.*

Sincerely,

Mark Lilly
Information and Privacy Coordinator

APPENDIX C.

Gmail Michael Ayele <waacl13@gmail.com>

FOIA Appeal Request Case No.: NCD - 2023 - 01

Michael Ayele <waacl13@gmail.com> Thu, Dec 15, 2022 at 10:40 AM
To: Amy Nicholas <anicholas@ncd.gov>, Joan Durocher <JDurocher@ncd.gov>
Cc: Michael Ayele <waacl1313@gmail.com>, "Michael Ayele (W)" <waacl13@gmail.com>, Michael Ayele <waacl42913@gmail.com>

W (AACL)
Michael A. Ayele
P.O.Box 20438
Addis Ababa, Ethiopia
E-mail : waacl13@gmail.com ; waacl1313@gmail.com ; waacl42913@gmail.com

Date. : December 15th 2022

Freedom of Information Act (FOIA) Appeal Request Case No.: NCD – 2023 – 01

Hello,

Thank you for your email. I am in receipt of it. I am writing this letter in response to your correspondence from December 09th 2022 for the purpose of filing an appeal to the Freedom of Information Act (FOIA) request I had submitted on the subject of the National Council on Disability (NCD) January 30th 2018 report titled: "*Not on the Radar: Sexual Assault of College Students with Disabilities.*"

According to the report mentioned above, "*students with disabilities (...) may (...) be accused of sexual violence, as well as being victims of such violence, and may require accommodations during Title IX hearings, judicial procedures, suspensions, and other procedures and actions on campus. While this is an important topic for further study, people with disabilities are far more likely to be victims of violence than instigators of it, and they are more likely to suffer physical and mental illnesses because of violence. In addition, students may experience mental health disabilities after an incident of sexual assault.*" (See Page 21 of the NCD report hereby attached).

As a Black man with a U.S college degree, (who was in January 2010 informed what constitutes "*affirmative and effective consent,*") I wholeheartedly agree with the statements made by the NCD about [1] students with disabilities being far more likely to be victims of violence than instigators of it; [2] students with disabilities being more likely to suffer physical and mental illness because of violence; [3] the experience of sexual assault leading people to experience (i) depression, (ii) sleep disorders, (iii) thoughts of suicide etc.

However, I have concerns with the adequacy of the search you have performed for my FOIA request, which you have assigned Case No.: 2023 – 01 because of the statements made by your federal agency about the real possibility of a future NCD report that will examine the issue of [1] students with disabilities being accused of sexual violence (on college/university campuses), [2] students with disabilities being victims of sexual violence (on college/university campuses), [3] students with disabilities requiring accommodations during Title IX hearings, judicial procedures, suspensions, and other procedures on campus.

Additionally, I have other concerns about a future NCD report that could be published dealing with the "*sexual assault of college students with disabilities.*" I (personally) cannot speak for the experiences of other U.S college/university students. However, I can tell you about my own. I was for the first time informed what constitutes "*affirmative and effective consent*" in the month of January 2010 when I was an undergraduate student of Westminster College (Fulton, MO). I was informed what constitutes "*affirmative and effective consent*" after having been told about the April 05th 1986 rape and murder of Jeanne Ann Clery.

I would again like to reiterate this point because I believe it's important. At the time I was informed about "*affirmative and effective consent,*" (at Westminster College, Fulton, Missouri) I don't remember being told that such education was necessary because [1] twenty percent (20%) of female students had experienced some type of nonconsensual sexual relations by the time they had graduated with a Bachelor of Arts (B.A)/Bachelor of Science (B.S) Degree in Calendar Year 2005; [2] the United States of America (U.S.A) had a history of slavery and that Black/African American women were "*the property*" of white men with wealth (who often times did with them what they wanted).

I (personally) do not believe it's academically honest and socially responsible to tell people what constitutes "*affirmative and effective consent*" after having informed them about the April 05th 1986 rape and murder of Jeanne Ann Clery. In other words, I don't think it's academically honest and socially responsible to tell teenagers, most of whom begin their post-secondary academic education when they're 17 (seventeen), 18 (eighteen) and 19 (nineteen) years old about "*affirmative and effective consent*" after laying on their conscience the rape and murder of a Caucasian woman (i.e: Jeanne Ann Clery) by a Black/African American man (i.e: Josoph Henry).

Given the statements made by the NCD on page 21 (twenty-one) of their January 30th 2018 report, I (personally) was led to believe that your federal agency had begun discussions/research to examine the issue of [1] students with disabilities being accused of sexual violence, [2] students with disabilities being victims of sexual violence, [3] students with disabilities requiring accommodations during Title IX hearings, judicial procedures, suspensions, and other procedures on campus (for the purpose of a future report). For this reason in particular, I continue to have concerns with the adequacy of the search you have performed for my FOIA request.

As a representative of the media and a member of the general public, I hope you will perform a more thorough search for responsive records detailing [1] the discussions/research, which was performed by the NCD on the subject of students with disabilities being accused of sexual violence in college/university settings; [2] the discussions/research, which was performed by the NCD on the subject of students with disabilities being victims of sexual violence; [3] the discussions/research, which was performed by the NCD on the subject of students with disabilities requiring accommodations during Title IX hearings, judicial procedures, suspensions, and other procedures on campus; [4] the discussions/research, which was performed by the NCD on the subject of students with disabilities being told about "*affirmative and effective consent*" after being provided some very limited background information on the April 05th 1986 rape and murder of Jeanne Ann Clery; [5] the discussions/research, which was performed by the NCD on the subject of students with disabilities being told about "*affirmative and effective consent*" after being provided some very limited background information on the rape and murder of a Caucasian woman (i.e: Jeanne Ann Clery) by a Black/African American man (i.e: Josoph Henry); [6] the date and time (i) representatives of the media, (ii) members of the general public, (iii) current college students, (iv) current university students, (v) alumnae of U.S colleges/universities and (vi) alumni of U.S colleges/universities can expect from the NCD a follow up report on the subject of "*sexual assault of college students with disabilities.*"

I hope you reconsider your response. Be well. Take care. Keep yourselves at arms distance.

W (AACL)
Michael A. Ayele
Anti-Racist Human Rights Activist
Audio-Visual Media Analyst
Anti-Propaganda Journalist

From: **Amy Nicholas** <anicholas@ncd.gov>
Date: Fri, Dec 9, 2022 at 5:45 PM
Subject: NCD FOIA request response 2023-01
To: Michael Ayele <waacl13@gmail.com>
Cc: Joan Durocher <JDurocher@ncd.gov>

Dear W:

Please find attached NCD's response to your FOIA request dated November 5, 2022.

Best,

Amy Nicholas

FOIA Public Liaison

National Council on Disability

1331 F Street, NW, Suite 850

Washington, DC 20004

202-731-2313

NCD.gov | Facebook | Twitter | Instagram

About the National Council on Disability (NCD): First established as an advisory Council within the Department of Education in 1978, NCD became an independent federal agency in 1984. In 1986, NCD recommended enactment of an Americans with Disabilities Act (ADA), and drafted the first version of the bill which was introduced in the House and Senate in 1988. Since enactment of the ADA in 1990, NCD has continued to play a leading role in crafting disability policy, and advising the President, Congress and other federal agencies on disability policies, programs, and practices.

CONFIDENTIALITY NOTICE: The information contained in this electronic correspondence is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited without express permission. If you have received this electronic transmission in error, please reply immediately to the sender that you have received the message in error, and delete it. Thank you.

The information contained herein does not reflect any official position or statement of the Members or staff of the National Council on Disability (NCD).

4 attachments

FOIA response letter 2023-01 Ayele.pdf
246K

W (AACL) FOIA Appeal on Sexual Assault of College Students With Disabilities.pdf
371K

NCD_Not_on_the_Radar_Accessible.pdf
1909K

Affirmative and Effective Consent on College Campuses - Jeanne Clery - Catherine Coleman - Chanel Miller.pdf
604K

National Council on Disability

An independent federal agency making recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families.

December 9, 2022

Michael Ayele
P.O. Box 20438
Addis Ababa, Ethiopia

Re: FOIA Request NCD-2023-01

Dear W:

This letter is in response to your Freedom of Information Act (FOIA) request, dated November 5 2022, in which you requested:

"What I am requesting for prompt disclosure are records in your possession detailing [1] the formal/informal ties between your office, the National Council on Disability (NCD), the National Center on Safe and Supportive Learning Environments (NCSSLE) and the Center for Campus Public Safety (CCPS); [2] your discussions about the NCD as a federal agency, which recognizes that the concept of "*affirmative and effective consent*" is being taught to college/university students in the United States of America (U.S.A) during the course of their first (1st) year of post-secondary academic education; [3] your discussions about the NCD as a federal agency, which recognizes that the concept of "*healthy sexual relationships*" is being taught to college/university students in the U.S.A during the course of their Freshmen year; [i] [4] your discussions about the NCD as a federal agency, which recognizes that (approximately) 20% (twenty percent) of women in their 4th (fourth) year of college/university (after high-school) experienced some type of "*nonconsensual sexual contact involving force or incapacitation"* (on campus) in Calendar Year 2005; [5] your discussions about the NCD as a federal agency, which recognizes that 20% of women in their Senior year of college/university (after high-school) experienced some type of "*nonconsensual sexual contact involving force or incapacitation*" even though they had been told in their Freshmen year of college/university what constitutes "*affirmative and effective consent;*" [6] your discussions about the NCD as a federal agency, which recognizes that 20% of women in their Senior year of college/university (after high-school) experienced some type of "*nonconsensual sexual contact involving force or incapacitation*" even though they had been told in their Freshmen year of college/university what constitutes "*healthy sexual relationships;*"[ii] [7] your discussions about the NCD as a federal agency, which recognizes that (approximately) 32% (thirty two percent) of women with a disability experienced some type of "*nonconsensual sexual contact involving force or incapacitation*" (during Calendar Years 2014 and 2015) on a college/university campus; [8] your discussions about the NCD as a federal agency, which recognizes that one in three women with a disability experienced some type of "*nonconsensual sexual contact involving force or incapacitation*" (during Calendar Years 2014 and 2015) on a

college/university campus; [9] your discussions about the NCD as a federal agency, which recognizes that one in three women with a disability experienced some type of "*nonconsensual sexual contact involving force or incapacitation*" (during Calendar Years 2014 and 2015) even though they had been told what constitutes "*affirmative and effective consent*" in their Freshmen year of college/university; [10] your discussions about the NCD as a federal agency, which recognizes that one in three women with a disability experienced some type of "*nonconsensual sexual contact involving force or incapacitation*" (during Calendar Years 2014 and 2015) even though they had been told what constitutes "*healthy sexual relationships;*"[iii] [11] your discussions about the NCD as a federal agency, which recognizes that "*sexual assault is a public health and public safety concern with far-reaching implications;*" [12] your discussions about the NCD as a federal agency, which recognizes that sexual assault is a "*deeply personal violation,*" which "*leaves physical and emotional impacts that change the lives of victims;*" [13] your discussions about the NCD as a federal agency, which recognizes that sexual assault causes "*long term physical, psychological, and emotional effects, including depression, post-traumatic stress, thoughts of suicide, flashbacks, and sleep disorders;*"[iv] [14] your discussions about the NCD as a federal agency, which has recommended for Congress to amend the Jeanne Clery Act by "*requiring colleges to collect the number of all reported sexual assaults on students with disabilities (not just when the assaults are hate crimes) and include this information in their annual security report;*" [15] your discussions about the NCD as a federal agency, which has recommended for Congress to amend the Jeanne Clery Act by "*requiring colleges to include a statement regarding the disability-related accommodations that will be made available to students with disabilities during the reporting and disciplinary process, such as auxiliary communication aids or interpreters, and how to request these accommodations;*" [16] your discussions about the NCD as a federal agency, which has recommended for Congress to pass the Campus Accountability and Safety Act (S. 856) by requiring "*grant applications under proposed Section 8, part BB, to described how they will serve students with disabilities in their description of how underserved populations on campus will be served;*" [17] your discussions about the NCD as a federal agency, which has recommended for Congress to pass S. 856 by adding "*a survey question to proposed Section 19 on whether the victim had a disability at the time of the assault, and what type of disability;*" [18] your discussions about the NCD as a federal agency, which has recommended for Congress to "*require that research funded by the Office on Violence Against Women on campus sexual assault include students with disabilities to gather data on the problem as it pertains to students with disabilities, and to develop strategies for preventing and reducing the risk of sexual assault and effectively responding to victims with disabilities;*" [19] your discussions about the NCD as a federal agency, which has recommended for the Department of Education (DoED) to "*develop and publish a technical assistance document or training for colleges on the rights of students with disabilities to have necessary accommodations in the process of reporting assault, utilizing sexual assault support services, and in the institutional disciplinary process;*" [20] your discussions about the NCD as a federal agency, which has recommended for the Department of Education (DoED) Office of Civil Rights (OCR) to (i) inform colleges that they must provide required Title IX information in accessible formats to students with disabilities, (ii) encourage colleges to include information on how students can

request disability related accommodations on their Title IX web pages, (iii) encourage colleges to make outreach and educational materials regarding sexual assault services available in accessible formats, and through various outlets accessible to students; [21] your discussions about the NCD as a federal agency, which has recommended for the National Center on Safe and Supportive Learning Environments (NCSSLE) to "*include information on disability*" and to communicate "*with victims with disabilities who are Deaf or hard of hearing, in its trauma informed training programs;*" [22] your discussions about the NCD as a federal agency, which has recommended for the Center for Campus Public Safety (CCPS) to "*include information on disability*" and communicate "*with victims with disabilities who are Deaf or hard of hearing in their trauma-informed training programs for school officials and campus law enforcement;*" [23] your discussions about the NCD as a federal agency, which has recommended for the Department of Justice (DOJ) Bureau of Justice Services (BJS) to "*include students with disabilities as a demographic when conducting research on sexual assault on college campuses;*" [24] your discussions about the NCD as a federal agency, which has recommended for the Department of Justice (DOJ) Office on Violence Against Women (OVW) to (i) communicate with victims with disabilities who are Deaf or hard of hearing, in its trauma informed training programs for school officials and campus local law enforcement, (ii) require all colleges that submit proposals under the *Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus Program to "provide outreach and educational materials regarding sexual assault services to students,"* (iii) require researchers to include students disabilities as a demographic when they fund research on sexual assault on college campuses, [25] your discussions about the NCD as a federal agency, which has recommended for colleges/universities to (i) include students with disabilities as a demographic in campus climate surveys on sexual assault, (ii) create crisis policies and procedures on how to provide sexual assault services to students with sensory disabilities especially Deaf or hard of hearing students, so that students receive services within 24 hours, (iii) guarantee that sexual assault first responders and support providers have access to emergency interpreter services or other communication methods so that students can communicate with staff immediately, (iv) create formal agreements with community-based providers with the expertise to support survivors with disabilities, (v) develop and implement sexual assault prevention and support service training with messaging campaigns that are inclusive and welcoming to students with disabilities on college campuses, (vi) provide disability related and trauma informed practice training to prevention and first responder staff and campus security so that they understand how to effectively prevent and support students with disabilities after an incident of sexual assault, (vii) establish and maintain active collaborative relationships between Title IX, sexual assault services, counseling and health services and disability services, (viii) require their Disability Service Center staff to be actively involved in college sexual assault prevention and support efforts, (ix) require their Disability Service Center staff to be actively trained on Title IX procedures; [v] [26] the academic backgrounds, the professional responsibilities and the annual salaries of Clyde E. Terry, Benro T. Ogunyipe, Billy W. Altom, Rabia Belt, James T. Brett, Bob Brown, Daniel M. Gade, Wendy S. Harbour, Amged Soliman, Stacey S. Brown, Keith Woods, Nitya Venkateswaran, Talia Shalev, Jay Feldman and Deborah Tull."

For tracking purposes, your tracking number is **NCD-2023-01.**

All NCD public records are available on our website at NCD.gov. Any responsive documents to queries 1 through 25 can be found on our website. As to query 26, NCD previously provided you the professional responsibilities and the annual salary of NCD councilmembers and NCD staffer Stacey Brown. “Nitya Venkateswaran, Talia Shalev, Jay Feldman and Deborah Tull” are not NCD employees, therefore we have no responsive records to this portion of your request. The professional responsibilities of Keith Woods and Amged Soliman can be found on NCD’s website. Keith Woods annual salary is $138,856 and Amged Soliman is $143,064.

If you need further assistance, you may contact Amy Nicholas, NCD’s FOIA Public Liaison at 202-731-2313 or anicholas@ncd.gov. Please include your tracking number with any correspondence. If needed, it is your right to seek dispute resolution services from NCD’s Public Liaison or the Office of Government Information Services (OGIS). OGIS may be reached at:

Office of Government Information Services (OGIS)
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001
OGIS@Nara.gov
202-741-5770
fax 202-741-5769

NCD’s appeal process allows you to appeal withheld information or the adequacy of NCD’s search by writing within 90 days of your receipt of this letter to:

Anne Sommers McIntosh
Executive Director
National Council on Disability
1331 F St. NW.
Suite 850
Washington DC 20004

Your appeal must be in writing and should contain a brief statement of the reasons why you believe the requested information should be released. Enclose a copy of your initial request, request number and a copy of this letter. Both the appeal letter and envelope should be prominently marked “Freedom of Information Act Appeal.”

After processing, actual fees must be equal to or exceed $25 for the Council to require payment of fees. See 5 CFR §10000.10k. The fulfillment of your request did not exceed $25, therefore there is no billable fee for the processing of this request.

Respectfully,

Joan Durocher
Chief FOIA Officer

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[i] *Colleges are implementing a variety of education and prevention programs on their campuses and making information related to sexual assault readily available to students. Educational programs help develop students understanding of consent and healthy sexual relationships and supports the prevention of alcohol abuse. Colleges use a range of online education prevention programs to reach all first-year students and other targeted populations, while complying with federal mandates for sexual assault prevention training. Colleges also organize in person educational events facilitated by experts and peer educators throughout the year.* Not on the Radar: Sexual Assault of College Students with Disabilities. See Page 32 of the Report here.: https://ncd.gov/sites/default/files/NCD_Not_on_the_Radar_Accessible.pdf

[ii] *The issue of sexual assault on college campuses has received increased attention since the 2007 publication of the federally funded College Sexual Assault study, which found that 19 percent of female undergraduates were victims of sexual assault during their time in college. Another recent federally funded study surveyed 23,000 students across nine colleges and universities and found that the prevalence of sexual assault averaged 21 percent for females across the schools. The federally funded (National Institute of Justice) College Sexual Assault Study (CSA) was a survey conducted with 6,800 undergraduate students attending two large public universities during 2005 that examined the prevalence, nature, and reporting of sexual assault experienced by students to inform the development of targeted intervention strategies. The often-quoted figure from this study represents the experience of females since entering college: 19.8 percent of female college senior (1 in 5) responded that they had experienced nonconsensual sexual contact involving force or incapacitation during their time in college. This study, however, did not include disability as a demographic and, as such did not yield data on the prevalence of sexual assault on student with disabilities.* Not on the Radar: Sexual Assault of College Students with Disabilities. See Page 32 of the Report here.: https://ncd.gov/sites/default/files/NCD_Not_on_the_Radar_Accessible.pdf

[iii] *A recent large-scale study on campus sexual assault by the Association of American Universities revealed that college students with disabilities were victims of sexual violence at higher rates than students without disabilities —31.6 percent of undergraduate females with disabilities reported nonconsensual sexual contact involving physical force or incapacitation, compared to 18.4 percent of undergraduate females without a disability. This means one out of every three undergraduate students with a disability was a victim of sexual violence on campus. (…) The Association of American Universities (AAU) study is notable because it is one of the largest surveys on sexual assault and sexual misconduct in terms of both number of schools and number of students participating. Prior studies of campus sexual assault and misconduct have been implemented for a small number of colleges or for a national sample of students with relatively small samples for any particular college. Also, comparisons across surveys have been*

problematic because of different methodologies and different definitions. The AAU was one of the first to implement a uniform methodology across multiple colleges and to produce statistically reliable estimates for each college. Not on the Radar: Sexual Assault of College Students with Disabilities. See Page 32 of the Report here.: https://ncd.gov/sites/default/files/NCD_Not_on_the_Radar_Accessible.pdf

[iv] *Sexual assault is a public health and public safety concern with far-reaching implications, and it is well documented that this deeply personal violation leaves physical and emotional impacts that change the lives of victims. (…) Sexual assault can be devastating to victims and cause long term physical, psychological, and emotional effects, including depression, post-traumatic stress, thoughts of suicide, flashbacks, and sleep disorders.* Not on the Radar: Sexual Assault of College Students with Disabilities.

[v] January 30th 2018 Recommendations of the National Council on Disability (NCD)

1) *Congress should amend the Clery Act including to:*

a. *Require colleges to collect the number of all reported sexual assaults on students with disabilities (not just when the assaults are hate crimes) and include this information in their annual security report.*
b. *Require colleges to include a statement regarding the disability-related accommodations that will be made available to students with disabilities during the reporting and disciplinary process, such as auxiliary communication aids or interpreters, and how to request those accommodations.*

2) *Congress should pass the Campus Accountability and Safety Act (S. 856) with the following additions:*

a. *Require grant applications under proposed Section 8, part BB, to describe how they will serve students with disabilities in their description of how underserved populations on campus will be served.*
b. *Add a survey question to proposed Section 19 on whether the victim had a disability at the time of the assault, and what type of disability.*

3) *Congress should require that research funded by the Office on Violence Against Women on campus sexual assault include students with disabilities to gather data on the problem as it pertains to students with disabilities, and to develop strategies for preventing and reducing the risk of sexual assault and effectively responding to victims with disabilities.*

4) *The Department of Education (ED) should develop and publish a technical assistance document or training for colleges on the rights of students with disabilities to have necessary accommodations in the process of reporting assault, utilizing sexual assault support services, and in the institutional disciplinary process.*
5) *The Department of Education (ED) Office of Civil Rights should*

a. *Inform colleges that they must provide required Title IX information in accessible formats to students with disabilities.*
b. *Encourage colleges to include information on how students can request disability related accommodations on their Title IX web pages.*
c. *Encourage colleges to make outreach and educational materials regarding sexual assault services available in accessible formats, and through various outlets accessible to students.*

6) *The National Center on Safe and Supportive Learning Environments (NCSSLE) should include information on disability, including communicating with victims with disabilities who are Deaf or hard of hearing, in its trauma informed training programs.*
7) *The Bureau of Justice Statistics (BJS) should include students with disabilities as a demographic when conducting research on sexual assault on college campuses.*
8) *The Center for Campus Public Safety (CCPS) should include information on disability, including communicating with victims with disabilities who are Deaf or hard of hearing, in their trauma-informed training programs for school officials and campus local law enforcement.*
9) *The Office on Violence Against Women (OVW) should*

a. *Include information on disability, including communicating with victims with disabilities who are Deaf or hard of hearing, in its trauma-informed training programs for school officials and campus local law enforcement.*

10) *The Office on Violence Against Women (OVW) should require all colleges that submit proposals under the Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus Program to*

a. *Require grantees that provide outreach and educational materials regarding sexual assault services to students to provide them in accessible formats and inform the college community that these are available.*

11) *When OVW funds research on sexual assault on college campuses, require researchers to include students with disabilities as a demographic. For example, allow students to identify if they have a disability in surveys/questionnaires, etc.*

12) *Colleges should*

a. *Include students with disabilities as a demographic in campus climate surveys on sexual assault.*

b. *Create crisis policies and procedures on how to provide sexual assault services to students with sensory disabilities especially Deaf or hard of hearing students, so that students receive services within 24 hours.*
c. *Guarantee that sexual assault first responders and support providers have access to emergency interpreter services or other communications methods (i.e., Communication Access Real Time Translation) so that students can communicate with staff immediately.*
d. *Create formal agreements with community-based providers with the expertise to support survivors with disabilities.*
e. *Develop and implement sexual assault prevention and support service training with messaging campaigns that are inclusive and welcoming to students with disabilities on college campuses.*
f. *Provide disability related and trauma informed practice training to prevention and first responder staff and campus security so that they understand how to effectively prevent and support students with disabilities after an incident of sexual assault.*
g. *Establish and maintain active collaborative relationships between Title IX, sexual assault services, counseling and health services, and disability services.*
h. *Require their Disability Service Center staff to be actively involved in college sexual assault prevention and support efforts and trained on Title IX procedures.*

Not on the Radar: Sexual Assault of College Students with Disabilities. https://ncd.gov/sites/default/files/NCD_Not_on_the_Radar_Accessible.pdf

Not on the Radar: Sexual Assault of College Students with Disabilities

National Council on Disability

January 30, 2018

National Council on Disability (NCD)
1331 F Street NW, Suite 850
Washington, DC 20004

Not on the Radar: Sexual Assault of College Students with Disabilities

National Council on Disability, January 30, 2018
Celebrating 30 years as an independent federal agency

This report is also available in alternative formats. Please visit the National Council on Disability (NCD) website (www.ncd.gov) or contact NCD to request an alternative format using the following information:

ncd@ncd.gov Email

202-272-2004 Voice

202-272-2022 Fax

The views contained in this report do not necessarily represent those of the Administration, as this and all NCD documents are not subject to the A-19 Executive Branch review process.

National Council on Disability

An independent federal agency making recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families.

Letter of Transmittal

January 30, 2018

The President
The White House
Washington, DC 20500

Dear Mr. President:

On behalf of the National Council on Disability (NCD), I am pleased to submit this report titled *Not on the Radar: Sexual Assault of College Students with Disabilities*. Sexual assault is a public health and public safety concern with far-reaching implications, and it is well documented that this deeply personal violation leaves physical and emotional impacts that change the lives of victims. This report is the first to examine how the needs of sexual assault victims with disabilities are included in college policies and procedures and to make recommendations to Congress, federal agencies, and colleges for improvement.

Research has shown that students with disabilities are more likely than their peers without disabilities to experience sexual assault. Most recently, a study examining the prevalence of sexual assault across 27 universities and 150,000 participants found that 31.6 percent of female undergraduates with a disability were victims of sexual assault compared to 18.4 percent of undergraduate females without a disability. This means that one of every three female undergraduates with a disability had been sexually assaulted during their time at college.

NCD found, however, that students with disabilities are not "on the radar" of colleges in their sexual assault prevention efforts, policies, or procedures for response and support after an assault. This includes the absence of procedures to communicate with victims who are Deaf or hard of hearing and inaccessible support services for students with mobility disabilities. Similarly, NCD found that students with disabilities are invisible at the federal level in campus sexual assault research programs. For example, Department of Justice (DOJ) research on campus sexual assault, undertaken or funded by the Office on Violence Against Women, Bureau of Justice Statistics, and the National Institute of Justice, have not included disability as a demographic.

NCD remains committed to advising the Administration on this issue of national significance, and in ensuring that federal policies, federally-funded research, and college sexual assault programs are inclusive of students with disabilities.

Clyde E. Terry
Chairperson

(The same letter of transmittal was sent to the President Pro Tempore of the U.S. Senate and the Speaker of the U.S. House of Representatives.)

National Council on Disability Members and Staff

Members

Clyde E. Terry, *Chairperson*
Benro T. Ogunyipe, *Vice Chairperson*
Billy W. Altom
Rabia Belt
James T. Brett
Bob Brown
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Lisa Grubb, Director of Operations and Administration
Stacey S. Brown, Staff Assistant
Keith Woods, Financial Management Analyst

Acknowledgments

The National Council on Disability wishes to thank Nitya Venkateswaran, Talia Shalev, and Jay Feldman of RTI International, and Deborah Tull, of VentionWorks, LLC for the research conducted in developing this report.

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Executive Summary

Sexual assault can be devastating to victims and cause long term physical, psychological, and emotional effects, including depression, post-traumatic stress, thoughts of suicide, flashbacks, and sleep disorders.[1] The issue of sexual assault on college campuses has received increased attention since the 2007 publication of the federally funded College Sexual Assault study, which found that 19 percent of female undergraduates were victims[2] of sexual assault during their time in college. Another recent federally funded study surveyed 23,000 students across nine colleges and universities[3] and found that the prevalence of sexual assault averaged 21 percent for females across the schools.[4] Neither of these studies included disability status as a demographic and, as such, no data was gathered on the prevalence of sexual assault on students with disabilities. However, a recent large-scale study on campus sexual assault by the Association of American Universities revealed that college students with disabilities were victims of sexual violence at higher rates than students without disabilities—31.6 percent of undergraduate females with disabilities reported nonconsensual sexual contact involving physical force or incapacitation, compared to 18.4 percent of undergraduate females without a disability.[5] This means one out of every three undergraduate students *with a disability* was a victim of sexual violence on campus.

As campuses across the United States work to prevent assaults, educate students on assault prevention, and provide supports for survivors, little is known about how colleges address the accessibility needs of students with disabilities who have suffered a sexual assault, or about the inclusivity of college programs, services, and policies to victims of assault with disabilities. This study set out to investigate the current state of campus sexual assault programs and policies and uncovered multiple barriers to students with disabilities, from reporting crime to receiving needed assistance afterward. The report includes recommendations for Congress, federal agencies, and colleges to improve reporting requirements, training, and policies and procedures to better serve students with disabilities who have experienced sexual assault on campus.

Methods

To understand how colleges respond to, prevent, and support survivors of sexual assault with disabilities and the challenges that can emerge when providing accessible services, 30- to 60-minute telephone interviews were conducted with 34 informants, including experts on the topic of sexual assault on college campuses or sexual abuse against people with disabilities; college

professionals and staff, such as disability services administrators; Title IX coordinators; and sexual assault services administrators. Fourteen states and the District of Columbia were represented across seven of the 10 federal regions.[6] The National Council on Disability (NCD) also fielded two national questionnaires, through listservs and social media, and received 100 responses from college professionals and 34 college students with disabilities.

NCD offers full-length and comprehensive report findings and policy recommendations in Chapter 8. However, highlights of the report's key findings and recommendations include the following:

Highlights of Findings and Recommendations

Key Findings

Federal

- Federal-level research studies on sexual assault on college campuses, funded by the Department of Justice's Office on Violence Against Women and the National Institute of Justice, have not included disability as a demographic as they have race/nationality and sexual orientation.
- The 2014 White House Task Force report, *Not Alone*, did not include disability as a demographic in its sample campus climate survey, setting the tone for colleges and researchers to omit disability in campus climate studies as well.

Colleges

- Campus assault prevention and education programs are not inclusive of students with disabilities, and college staff lack awareness that such programs should be accessible to students with disabilities, and staff are not trained in disability accommodations.
- College sexual assault prevention and education programs are not fully accessible to students with disabilities.
- College websites and printed information about sexual assault resources and information are not accessible to students with visual impairments and students with print-based disabilities (e.g., dyslexia).

Recommendations

Congress

1. Congress should amend the Clery Act including to:
    a. Require colleges to collect the number of all reported sexual assaults on students with disabilities (not just when the assaults are hate crimes) and include this information in their annual security report.
    b. Require colleges to include a statement regarding the disability-related accommodations that will be made available to students with disabilities during the reporting and disciplinary process, such as auxiliary communication aids or interpreters, and how to request those accommodations.
2. Congress should pass the Campus Accountability and Safety Act (S. 856) with the following additions:
    a. Require grant applicants under proposed Section 8, part BB, to describe how they will serve students with disabilities in their description of how underserved populations on campus will be served.

b. Add a survey question to proposed Section 19 on whether the victim had a disability at the time of the assault, and what type of disability.

3. Congress should require that research funded by the Office on Violence Against Women on campus sexual assault include students with disabilities to gather data on the problem as it pertains to students with disabilities, and to develop strategies for preventing and reducing the risk of sexual assault and effectively responding to victims with disabilities.

Department of Education (ED)

1. ED should develop and publish a technical assistance document or training for colleges on the rights of students with disabilities to have necessary accommodations in the process of reporting assault, utilizing sexual assault support services, and in the institutional disciplinary process.

ED Office for Civil Rights

OCR should

1. Inform colleges that they must provide required Title IX information in accessible formats to students with disabilities.
2. Encourage colleges to include information on how students can request disability-related accommodations on their Title IX web pages.
3. Encourage colleges to make outreach and educational materials regarding sexual assault services available in accessible formats, and through various outlets accessible to students.

National Center on Safe and Supportive Learning Environments

1. NCSSLE should include information on disability, including communicating with victims with disabilities who are Deaf or hard of hearing, in its trauma-informed training programs.

The Bureau of Justice Statistics (BJS)

1. BJS should include students with disabilities as a demographic when conducting research on sexual assault on college campuses.

The Center for Campus Public Safety (CCPS)

1. CCPS should include information on disability, including communicating with victims with disabilities who are Deaf or hard of hearing, in their trauma-informed training programs for school officials and campus and local law enforcement.

The Office on Violence Against Women (OVW)

1. OVW should include information on disability, including communicating with victims with disabilities who are Deaf or hard of hearing, in its trauma-informed training programs for school officials and campus and local law enforcement.
2. OVW should require all colleges that submit proposals under the *Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus Program* to

   a. Require grantees that provide outreach and educational materials regarding sexual assault services to students to provide them in accessible formats and

inform the college community that these are available.

3. When OVW funds research on sexual assault on college campuses, require researchers to include students with disabilities as a demographic. For example, allow students to identify if they have a disability in surveys/questionnaires, etc.

Colleges

Recommendations to ensure access to sexual assault supports and services include the following:

1. Include students with disabilities as a demographic in campus climate surveys on sexual assault.
2. Create crisis policies and procedures on how to provide sexual assault services to students with sensory disabilities, especially Deaf or hard of hearing students, so that students receive services within 24 hours.
3. Guarantee that sexual assault first responders and support providers have access to emergency interpreter services or other communication methods (i.e., Communication Access Real-Time Translation) so that students can communicate with staff immediately.
4. Create formal agreements with community-based providers with the expertise to support survivors with disabilities.

Recommendations to address the unique needs of survivors of sexual assault with disabilities include the following:

5. Develop and implement sexual assault prevention and support service training with messaging campaigns that are inclusive and welcoming to students with disabilities on college campuses.
6. Provide disability-related and trauma-informed practice training to prevention and first responder staff and campus security so that they understand how to effectively prevent and support students with disabilities after an incident of sexual assault.
7. Establish and maintain active collaborative relationships between Title IX, sexual assault services, counseling and health services, and disability services.
8. College Disability Service Center staff should be actively involved in college sexual assault prevention and support efforts and trained on Title IX procedures.

Acronym Glossary

ADA	Americans with Disabilities Act
ASL	American Sign Language
ASR	campus annual security reports
CARE	communication, action, response, evaluation
CART	Communication Access Real-Time Translation
DSS	Disability Student Services
ED	U.S. Department of Education
FERPA	Family Educational Rights and Privacy Act
MOU	memoranda of understanding
OVW	Office on Violence Against Women
SaVE Act	Campus Sexual Violence Act
SUNY	State University of New York
VAWA	Violence Against Women Reauthorization Act of 2013

> Students with disabilities remain on the periphery and are not addressed regarding sexual assault prevention, outreach, and services.

Chapter 1: Introduction and Background

Sexual assault is a public health and public safety concern with far-reaching implications, and it is well documented that this deeply personal violation leaves physical and emotional impacts that change the lives of victims across all areas of their lives.

The subject of sexual assault on college campuses has received increased attention over the past eleven years with the federal government funding research studies seeking to gauge the prevalence of sexual assault and reporting on campuses to inform intervention strategies. But, as described later in this section, these studies have not included disability as a demographic and provide no insight into the prevalence of sexual assault on campus for students with disabilities.

A recent Association of American Universities' (AAU) study that examined the prevalence of sexual assault against students across 27 universities and 150,0000 participants included disability as a demographic and found that students with disabilities were victims of sexual assault on campus more often than students without disabilities: 31.6 percent of female undergraduates with a disability reported nonconsensual sexual contact involving physical force or incapacitation compared to 18.4 percent of the undergraduate females without a disability.[7] This means that one of every three students with a disability has been sexually assaulted during their time at college.

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The *AAU Campus Climate Survey* is notable because it is one of the largest surveys on sexual assault and sexual misconduct in terms of both number of schools and number of students participating. Prior studies of campus sexual assault and misconduct have been implemented for a small number of colleges or for a national sample of students with relatively small samples for any particular college. Also, comparisons across surveys have been problematic because of different methodologies and different definitions. The AAU was one of the first to implement a uniform methodology across multiple colleges and to produce statistically reliable estimates for each college.[8]

The title of this report makes clear that students with disabilities are not "on the radar" of colleges in regard to policies and procedures regarding sexual assault. Similarly, students with disabilities are seemingly invisible to the Department of Justice offices that have undertaken, or funded, research studies on

campus sexual assault (Office on Violence Against Women, Bureau of Justice Statistics, and National Institute of Justice), just as they were to the White House Task Force in the 2014 sample campus climate survey.

The federally funded (National Institute of Justice) College Sexual Assault Study (CSA)[9] was a survey conducted with 6,800 undergraduate students attending two large public universities during 2005 that examined the prevalence, nature, and reporting of sexual assault experienced by students to inform the development of targeted intervention strategies. The oft quoted figure from this study represents the experience of females since entering college: 19.8 percent of female college seniors ("1 in 5") responded that they had experienced nonconsensual sexual contact involving force or incapacitation during their time in college. This study, however, did not include disability as a demographic and, as such, did not yield data on the prevalence of sexual assault on students with disabilities.

In 2014, White House Task Force to Protect Students from Sexual Assault published a report that offered action steps and recommendations to address sexual assault on college campuses.[10] One was that colleges conduct "campus climate surveys" to help schools understand the magnitude and nature of sexual victimization experienced by students. The report included a sample campus climate survey. Unfortunately, the sample climate survey did not include disability as a demographic but did include many other categories including gender identity, race, ethnicity, and sexual orientation.[11] Had the survey included disability as a demographic, colleges would likely have included it with the other categories to include in their own climate surveys.[12]

[S]tudents with disabilities are seemingly invisible to the Department of Justice offices that have undertaken, or funded, research studies on campus sexual assault . . . , just as they were to the White House Task Force in the 2014 sample campus climate survey.

Just two years later, the Justice Department's Bureau of Justice Statistics (BJS) released the *Campus Climate Survey Validation Study (CCSVS) Final Technical Report*, described as a key deliverable of the White House Task Force to Protect Students from Sexual Assault.[13] Funded by the Office of Violence Against Women (OVW), BJS revised the sample climate survey developed by the White House Task Force, and pilot tested it at nine diverse colleges.[14] BJS did not include disability as a demographic as it did race, ethnicity, sexual orientation, and gender identity.[15] This is noteworthy because BJS had broad input. In developing the revised survey, "a series of listening sessions were held with academic experts in campus sexual assault research, federal partners, and school administrators to obtain feedback on the survey's content and data collection methodology. In addition, a web-based instrument to be used in the CCSVS Pilot Test was drafted and reviewed by representatives from several federal agencies."[16]

Federal and state agencies have responded to the crisis of college sexual assault by enacting policies and encouraging colleges and universities to adopt recommendations and practices prescribed by research and advocacy

groups. In the last 20 years, federal laws were enacted to require colleges and universities to develop policies, provide prevention activities, and respond to sexual assault.[17] The U.S. Department of Justice defines sexual assault as "any type of sexual contact or behavior that occurs without the explicit consent of the recipient."[18] Contact or behavior without consent includes "forced touching of a sexual nature (i.e., forced kissing, touching of private parts, grabbing, fondling), oral sex, sexual intercourse, anal sex, and/or sexual penetration with a finger or object."[19]

Colleges are required to collect data on the prevalence of sexual misconduct and assault, develop specific policies to address sexual assault, and implement prevention programs and support services. In its last report in 2017, the White House Task Force to Protect Students from Sexual Assault outlined a series of recommended practices and guidelines to reduce the number of assaults and support survivors. Included in these guidelines are specific recommendations for campuses to consider the needs of diverse groups of students, including students with disabilities, and that materials and services be accessible and comply with the Americans with Disabilities Act (ADA).[20] The Department of Education, Office of Civil Rights also issued a Dear Colleague Letter that outlines colleges' responsibilities to address disability in cases of sexual violence, specifically outlining issues campuses should consider and that colleges should ensure accessibility of information and training related to sexual assault.[21]

However, little is known about colleges' current sexual assault practices and services to support survivors with disabilities that would give colleges a clear guide on how to translate the White House Task Force's recommendations into action steps. At the time of publication, NCD found only four research articles focused on the prevalence of sexual assault on college students with disabilities.[22] None of these studies focused on how colleges served students. If colleges are to equitably prevent and respond to sexual assault incidents, the lack of research on what types of accommodations and supports students with disabilities need and/or lack may perpetuate discrimination against these students.

BJS did not include disability as a demographic as it did race, ethnicity, sexual orientation, and gender identity.

The purpose of this study is to explore and raise awareness of how students with disabilities fare under existing college practices and services related to sexual assault. After examining the current landscape, potential policy solutions and action steps are proposed, which Congress, the Federal Government, and colleges can take to support survivors with disabilities and reduce their trauma.

Chapter 2: Purpose and Scope

The purpose of this report is to raise awareness of sexual assault against students with disabilities on college campuses by examining college policies and practices that should protect students with disabilities who have experienced sexual assault, college policies and practices aimed at educating students on sexual assault prevention, and the availability of survivor services on campus that are physically and programmatically accessible to students with disabilities who are victims of sexual assault. This report also provides recommendations for reform.

Based upon interviews and questionnaires with experts, college professional staff, and students, as well as a review of recent research, policy reports, and college policies, this report documents the gaps and weaknesses in college services and outreach to students with disabilities who have experienced sexual assault. Recommendations include strategies to strengthen compliance with federal disability laws and to build capacity to meet the needs of students with disabilities.

Students with disabilities may also be accused of sexual violence, as well as being victims of such violence, and may require accommodations during Title IX hearings, judicial procedures, suspensions, and other procedures and actions on campus.

Due to limited research on how colleges are serving students with disabilities across the nation, the study focuses on the provision of accommodations to students with physical and sensory disabilities. These students have the longest history of service provision in higher education, and a significant proportion of students with these types of disabilities are registered with campus disability services offices.[23] Furthermore, many of the accommodations these students require can be measured in pragmatic and objective terms (e.g., whether sign language interpreters are available, reading matter is accessible to screen readers, or training courses are in physically accessible buildings). This narrowed scope limits findings because students with invisible disabilities, especially mental health disabilities, are a growing population at college campuses,[24] and these students are often underserved.[25] However, given the dearth of data on the topic, a starting point was chosen for this report to begin illuminating the difficulties colleges face in complying with federal laws and meeting the needs of sexual assault survivors with disabilities. Further research on this issue can use the findings

in this report as a jumping off point to investigate the specific needs of students with cognitive or mental health disabilities when accessing services for sexual assault prevention or support.

Students with disabilities may also be accused of sexual violence, as well as being victims of such violence, and may require accommodations during Title IX hearings, judicial procedures, suspensions, and other procedures and actions on campus. While this is an important topic for further study, people with disabilities are far more likely to be victims of violence than instigators of it, and they are more likely to suffer physical and mental illnesses because of violence. In addition, students may experience mental health disabilities after an incident of sexual assault. The National Council on Disability (NCD) has addressed the difficulties colleges face when effectively supporting students with mental health disabilities in a recent report.[26] This report maintains a narrower focus, prioritizing work with survivors and prevention efforts.

Research Questions

This study was guided by the following questions:

1. What is the current landscape of college policies and programs regarding sexual assault prevention and response?
2. Do colleges comply with the ADA and Section 504 of the Rehabilitation Act by ensuring that assault services are physically and programmatically accessible to students with physical and sensory disabilities?
3. Do colleges comply with the ADA and Section 504 of the Rehabilitation Act by providing reasonable accommodations so students with disabilities can access and utilize support services if they have experienced sexual assault?
4. Are interpreters or other disability-related supports readily available to students who are Deaf or hard of hearing when making reports to campus law enforcement?
5. Do colleges maintain relationships with trauma and mental health providers in the community that provide similarly accessible services?
6. What gaps, weaknesses, and discriminatory policies exist in campus sexual assault services?
7. What are the current most promising and best practices and emerging trends (e.g., healthy sexual relationship training for incoming freshmen, bystander awareness training to teach students to step in to stop sexual assault, climate surveys, and changes in college disciplinary board rules)?
8. Are disability student organizations connected to sexual assault survivor groups on campus? Are campus disability services and resource offices connected to mental health services to ensure students with disabilities are getting the ongoing services they need after an assault (e.g., therapy)?

9. Have college staff and faculty received training to provide support for students with disabilities who have experienced sexual assault?
10. Has campus law enforcement received disability awareness training in taking reports from victims/witnesses with disabilities?
11. Are the policies of colleges compliant with the Family Educational Rights and Privacy Act, the Clery Act, and Title IX?
12. What are the federal and state legislative responses to campus sexual violence?
13. What policy and system reforms are needed in postsecondary educational settings?

Chapter 3: Methods

College Staff and Expert Interviews

To understand how colleges prevent sexual violence, support student sexual assault survivors with disabilities, and address the challenges that can emerge when providing accessible services, 30- to 60-minute telephone interviews were conducted with 9 experts and 27 higher education professionals from December 2016 through July 2017. Experts included researchers or advocates examining sexual assault or violence against people with disabilities and college sexual assault prevention and compliance consultants. College professionals were chosen because they worked with sexual assault or disability services and could speak to college policies and procedures. Roles of professionals targeted for interviews included student program administrators who provide disability services and accommodations, ADA/504 coordinators, administrators or staff in sexual assault service centers, and Title IX coordinators or investigators. Four disabled student program administrators also participated in Title IX investigations or conducted processes, and one Title IX coordinator also served as an ADA/504 coordinator. Professionals represented 6 two-year community colleges, 6 four-year private universities, 11 four-year public colleges, and one regional center for a public state institution. Fourteen states and the District of Columbia were represented across seven of the 10 federal regions (Table 1).[27] Interviews were transcribed and audio recordings were immediately deleted after the study was completed. To protect the confidentiality of the participants, names of interviewees, organizations, and colleges are not mentioned in this report.

Questionnaires

Open-ended online questionnaires were administered through SurveyGizmo to college staff and students to supplement findings from college professionals and staff interviewees. These questionnaires were administered from April 2017 through June 2017. College staff members were also able to indicate interest in participating in an interview or focus group to further elaborate on their survey responses. The college professional staff questionnaires were distributed through three listservs for the Association on Higher Education and Disability, Title IX coordinators, and the Disabled Student Programs and Services of the California Community College Chancellor's Office. NCD received 100 responses from college professional staff. The student questionnaire was distributed through social media and listservs for students with disabilities, such as the Disability, Rights, Education, Activism, and Mentoring group through the National Center for College Students

Table 1: College Representation Among Interviewee Participants

Federal Region	Number of Colleges in Each Region
Region 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	4
Region 2: New Jersey, New York	0
Region 3: Delaware; Maryland; Pennsylvania; Virginia; Washington, DC; West Virginia	4
Region 4: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, U.S. Virgin Islands	0
Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin	8
Region 6: Arkansas, Louisiana, New Mexico, Oklahoma, Texas	2
Region 7: Iowa, Kansas, Missouri, Nebraska	1
Region 8: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming	0
Region 9: Arizona, California, Hawaii, Nevada	6
Region 10: Alaska, Idaho, Oregon, Washington	1

with Disabilities. NCD received 34 responses from students.

Literature and Policy Review

Research findings and current trends from scientific research, policy reports, white papers, and articles supplemented the interview and questionnaire findings.

Limitations

Claims regarding existing college services for students with disabilities and compliance with federal disability laws are self-reports from college professionals and staff. Self-reports may not reflect the actual policies and practices at college campuses. However, researchers interviewed staff members who were most knowledgeable about the policies and practices and indicated the level of certainty of staff responses. Researchers gave college staff the interview questions prior to the scheduled interview. If unfamiliar with certain college policies or procedures, staff researched the information or recommended additional staff to include in the interview to accurately answer the questions. In addition, only barriers or challenges mentioned by three or more college professionals and/or students were reported, to indicate a trend across colleges. The validity of self-reported data was also strengthened by using existing research, policy, and media reports when possible, to elaborate on the prevalence of the finding.

Chapter 4: Overview of Federal Disability and Sexual Assault Laws

Disability-Related Laws

Section 504 of the Rehabilitation Act of 1973[28] and the ADA[29] of 1990 are civil rights laws that protect people with disabilities from discrimination.

Section 504 prohibits any program receiving federal financial assistance from discriminating against a person because of his or her disability. Section 504 applies to institutions of higher education that receive direct or indirect federal financial assistance,[30] including institutions that receive no other federal financial assistance other than federal student financial aid.

Section 504 states that, "No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other postsecondary education aid, benefits, or services to which this subpart applies."[31] Section 504 covers qualified students with disabilities[32] who have a physical or mental disability that substantially limits one or more major life activities; or have a record of such a disability; or are regarded as having such a disability.[33]

Institutions of higher education covered by Section 504 must provide effective auxiliary aids to students with disabilities (e.g., sign-language interpreters, captioning services, assistive listening devices, assistive listening systems, telecommunications devices).[34] If an aid is necessary for an appropriate (nonpersonal) use, the institution must make it available, unless provision of the aid would cause undue burden. A student with a disability may not be required to pay any of the costs of the aid or service, and an institution may not limit what it spends for such aids or services or refuse to provide them because other providers of these services exist. Institutions cannot condition the provision of such aids on the availability of funds.[35]

Title II of the ADA prohibits state and local governments from discriminating on the basis of disability and, like Section 504, applies to public colleges, universities, and graduate and professional schools. Title II applies to such institutions whether or not they receive federal financial assistance, and the requirements regarding the provision of auxiliary aids and services under Section 504 are generally included under Title II.

Title III of the ADA prohibits discrimination on the basis of disability in "places of public accommodation," which includes colleges and

universities.[36] Titles II and III require that new facilities are fully accessible to people with disabilities. Title II emphasizes that colleges are not required to make structural changes to existing facilities that were built prior to enactment of federal accessibility requirements, where other methods are effective in achieving compliance; for example, colleges may make modifications to programs or relocate them to make them accessible.[37] Similarly, if buildings have been constructed before 1977, Section 504 allows campuses to relocate programs or services to achieve accessibility.

Another foundational law is Section 508 of the Rehabilitation Act[38] as amended by the Workforce Investment Act of 1998[39] (P.L. 105-220), which requires federal agencies and other entities receiving federal funds to make their electronic and information technology accessible to people with disabilities. The standard applies to desktop and laptop computers, websites, and other Internet resources, videotapes and multimedia products, software, telecommunication products, and other electronic and information technology. While Section 508 does not apply to colleges, many campuses use Section 508 and Web Accessibility Initiative guidelines to determine definitions of accessibility for electronic and information technology.

The requirements to provide needed auxiliary aids and have accessible facilities under Section 504 and Titles II and III of the ADA are important protections for students with disabilities who experience sexual assault. For example, after surviving a sexual assault, students who are wheelchair users or have limited mobility need physical access to victims' services and other campus offices, and students who are Deaf or hard of hearing need interpreters or other auxiliary aids to communicate after such a trauma.

The Clery Act, Violence Against Women Act, and Campus Sexual Violence Elimination Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), a consumer protection law passed in 1990, requires all colleges and universities that receive federal funding to share information about crime on or around campus and their efforts to improve campus safety.[40] This information is published in campus annual security reports (ASRs). Throughout the past 25 years, the Clery Act has been amended various times to increase reporting and college responses specific to sexual violence. Most recently, it was amended by the Violence Against Women Reauthorization Act of 2013 (VAWA),[41] which imposed new obligations on colleges and universities under its Campus Sexual Violence Act ("SaVE Act") provision, Section 304.

The VAWA amendments added gender identity and national origin to the categories of bias that institutions must reflect within their statistics.

The Clery Act outlines how information about crime must be reported. Colleges are required to make information publicly accessible through ASRs that provide data regarding incidents of sexual assault, dating violence, domestic violence, stalking, and hate crimes occurring on campus, any building off campus that is owned or controlled by a student organization or by the

college that is used in support of educational purposes, and public property within the campus area that is adjacent to the institution (such as sidewalks, streets, or parking facilities). The VAWA amendments added gender identity and national origin to the categories of bias that institutions must reflect within their statistics. Under the Clery Act, colleges must disseminate timely warnings and notification of crimes. College compliance with the Family Educational Rights and Privacy Act (FERPA) does not prevent the institution from providing timely warnings about crimes. Under FERPA, in an emergency, crime information can be released without consent and the information is not protected. However, victims' individual information must be kept confidential.

The Clery Act also requires colleges to describe their policies regarding procedures to follow after an incident of sexual assault, dating violence, domestic violence, or stalking. It requires colleges to identify their policies on how students report crimes and provides rights to both parties (the accused and the accuser) in the campus disciplinary process. It also identifies the rights and options available to survivors, including changes to academic transportation and living or work situations as well as assistance in notifying local law enforcement. The Campus SaVE Act amended the Clery Act and further elaborated procedures for victims and standards of investigation, such as requiring colleges to create policies addressing victims' confidentiality and training of officials to ensure hearings are conducted in a way that protects victims. Regarding law enforcement, the Campus SaVE Act requires institutions to have a policy statement that describes the jurisdiction of security personnel and identifies any agreements that are in place for the investigation of alleged criminal offenses (such as written memoranda of understanding [MOU] with local law enforcement).

Lastly, the Clery Act requires education and prevention. The Campus SaVE Act mandates that colleges provide prevention and awareness programs regarding sexual misconduct that educate students on consent definitions, promote positive and healthy behaviors, and encourage safe bystander intervention. Campuses are to provide education programs to students and employees when first enrolled or hired and on an ongoing basis.

As of September 22, 2017, colleges can adopt various standards of proof in sexual assault cases, from the lowest standard of proof (preponderance of evidence) to a higher standard of proof (clear and convincing evidence).

Title IX

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in any education program or activity that receives federal funding.[42] Under Title IX, discrimination on the basis of sex can include sexual harassment, rape, and sexual assault.[43] A college or university that receives federal funds may be held legally responsible when it knows about and ignores sexual harassment or assault in its programs or activities. As of September 22, 2017, colleges can adopt various standards of proof in sexual

assault cases, from the lowest standard of proof (preponderance of evidence) to a higher standard of proof (clear and convincing evidence).[44] Colleges are also required to appoint a Title IX coordinator who ensures that schools are in compliance with the law and oversees investigations and the disciplinary process.

Like the Clery Act, Title IX requires colleges to adopt and publish grievance procedures that outline the complaint, investigation, and disciplinary process. These processes must be prompt (but no specific time frame is indicated), equitable, and allow for impartial investigation.[45] Title IX, like the Clery Act, also requires college employers that address sexual assault to have proper training and to train the campus community in its policies and procedures regarding sexual assault.

Chapter 5: Accessibility of College Sexual Assault Programs and Services

Colleges are responding in multiple ways to prevent and respond to sexual assault incidents in adherence to federal laws. Colleges provide educational and training programs to prevent sexual assault, post and disseminate information on sexual assault to encourage reporting, provide multiple sexual assault reporting options, and offer trauma or victim advocate services, mental health counseling, and/or support groups. Colleges also conduct investigations for instances of sexual assault to comply with Title IX.

Whether all these programs and services are accessible to students with disabilities is questionable. NCD found that many colleges are not fully complying with the ADA or Section 504 and not making web materials accessible, and this noncompliance can prevent students with disabilities from accessing sexual assault programs, services, and information. Even if students with disabilities can access these services, they may experience a delay while they wait to receive disability accommodations that will ensure full participation.

This chapter addresses research questions examining college policies and practices related to sexual assault and whether colleges are in compliance with federal disability laws. Questions are addressed as a cohesive set because responses to questions by college professional staff overlapped.

1. What is the current landscape of college policies and programs regarding sexual assault prevention and response?
2. Do colleges comply with the ADA and Section 504 of the Rehabilitation Act by ensuring that assault services are physically and programmatically accessible to students with physical and sensory disabilities?
3. Do colleges comply with the ADA and Section 504 of the Rehabilitation Act by providing reasonable accommodations so students with disabilities can access and utilize support services if they have experienced sexual assault?
4. Are interpreters or other disability-related supports readily available to students who are Deaf or hard of hearing when making reports to campus law enforcement?
5. Do colleges maintain relationships with trauma and mental health providers in the community that provide similarly accessible services?
6. What gaps, weaknesses, and discriminatory policies exist in campus sexual assault services?

Accessibility of Education Programs and Information Related to Sexual Assault

Colleges are implementing a variety of education and prevention programs on their campuses and making information related to sexual assault readily available to students. Educational programs help develop students understanding of consent and healthy sexual relationships and support the prevention of alcohol abuse.[46] Colleges use a range of online education prevention programs to reach all first-year students and other targeted populations, while complying with federal mandates for sexual assault prevention training. Colleges also organize in-person educational events facilitated by experts and peer educators throughout the year.[47] Research suggests that education is the most effective method for preventing sexual assaults[48] and increases students' awareness of reporting options and supports. Students are more likely to report and access supports for sexual assault if they know the college policies, how to report the assault and access services, and that they have confidential reporting options.[49] Improving awareness of college policies and procedures among students with disabilities can be a promising strategy to support them, because students with disabilities (similar to current trends for the undergraduate population at large) report not knowing about available resources and that they are more likely not to report abuse.[50] The next section discusses whether colleges make online and in-person educational programs and educational information related to sexual assault services accessible to students with disabilities.

Students are more likely to report and access supports for sexual assault if they know the college policies, how to report the assault and access services, and that they have confidential reporting options.

Accessibility of Online Prevention Training Programs

College campuses often use predeveloped online prevention programs that address various aspects of effective prevention, such as alcohol abuse, consent and rape myths, and bystander education.[51] Twenty-seven percent of interviewees and 24 percent of questionnaire responses indicated that some or all online prevention training programs were accessible to students with disabilities. For example, professionals reported that online videos were captioned or students were provided transcripts. One professional explained that staff members from the office of services for students with disabilities were included in the selection of online programs, and therefore, they should be accessible to students.

However, 5 (19 percent) college professional staff said in interviews, and 12 college professional staff (12 percent) indicated in their questionnaire responses that all or some of their online education programs were not accessible. Two interviewees and two questionnaire responses indicated that they were unsure that these training courses were accessible. Staff lamented that videos *should* be captioned and two staff members explained that they were in the process of making the programs

accessible. Two college staff members explained that programs purchased by their college were inaccessible, but they worked extensively with the online program provider to make these programs accessible. One ADA/504 coordinator explained, "[The online program] was not fully accessible, and we have worked very hard with the company to provide them feedback regarding what is accessible and what is not. We let them know what the accessibility challenges are. They've complied with most of it." An administrator for disability services explained that staff members evaluated their college's online program to ensure it was "accessible to many needs" because students are penalized for not watching the video.

Accessibility of In-Person Education or Prevention Programs

When asked about the accessibility of in-person education programs or events for students who are Deaf or hard of hearing or have visual impairments, 7 interviewees (26 percent) and 14 questionnaire respondents (14 percent) explained that students could request accommodations for these events in advance and information about this process is given to students. A review of college disability services websites yielded similar results. Of the 27 colleges with staff participating in interviews, 11 of these colleges posted policies on their websites informing students about the advance time needed to arrange accommodations for activities for nonclassroom requests. Request periods for the 10 colleges ranged from 24 hours to 14 days. The one college with a 24-hour request period noted that accommodations could be arranged for tutoring, review sessions, or meetings with instructors. Other colleges did not list a time period.

Interviewees also mentioned that information about how to request accommodations are reportedly posted on event fliers or notices, and students contacted whomever oversees the event to request accommodations. For example, one questionnaire respondent wrote that all event and program flyers stated, "For accommodations or information, please contact [email address]." Most but not all college staff and students reported minimal issues for students with physical disabilities to access sexual assault training and resources.

Of the 27 colleges with staff participating in interviews, 11 of these colleges posted policies on their websites informing students about the advance time needed to arrange accommodations for activities for nonclassroom requests. Request periods for the 10 colleges ranged from 24 hours to 14 days.

While most college staff members indicated that they are complying with federal law regarding reasonable accommodations, seven staff members acknowledged challenges at their campuses with providing accommodations during in-person training. One college staff respondent to the questionnaire stated, "There is no formal process for accommodations in place for the in-person training." Another staff member mentioned not being able to provide interpreters during in-person training, while a third staff member commented about the challenge of securing interpreters in a "timely" manner.

Responses from four students concurred with responses from college professionals' reports on inaccessibility. When asked if educational programs at their schools were accessible to students with disabilities, one student explained, "I would like to say yes for the most part, but the events that I have been to have often been in areas that are too hard to get to with a wheelchair, or no interpreters for [students]." Another student reported, "There were no interpreters in the freshman seminar, and the classroom wasn't wheelchair accessible."

Two college staff members reported that students often do not know the process for requesting accommodations, and two students agreed with this assessment. One of these students stated in the questionnaire that asking for accommodations was a "complicated" process. A disability services administrator acknowledged that this process places the "onus" on the student to request the accommodation in advance, which is standard procedure on most campuses. One student commented that asking for accommodations in advance makes students feel like an "inconvenience." Another student commented that schedules for events were not provided early enough to request accommodations. Because the policy requires students to ask for accommodations in advance, students must be knowledgeable about events, understand the procedures for requesting services, and know that services will not be provided unless requested. This speaks to the importance of colleges ensuring that they provide information on the accommodations process to incoming students and all students in a widespread and repetitive manner, posting the information on college websites and administrative offices as well as disseminating the information through instructors and staff.

Accessibility of Sexual Assault Information, Policies, and Reporting Options

When asked whether sexual assault information was accessible to students with visual impairments using a computerized screen reader to access text and images, staff from five colleges replied in the negative. Staff at one college reported that campus professionals have limited awareness of accessibility standards for websites and online information at the campus. For example, two disability services administrators reported that online forms to report sexual assault or conduct intake for counseling are not screen reader accessible. One Title IX coordinator explained how most materials at the coordinator's college, including websites, were not accessible to students with visual impairments. Another staff member mentioned that his or her college is beginning to review the Title IX website for readability and challenges with accessibility. This college's Title IX website includes all information related to accessing sexual assault services, such as policy language, reporting options, and resources for students to access as well as how to contact various staff, including the Title IX coordinator.

[T]wo disability services administrators reported that online forms to report sexual assault or conduct intake for counseling are not screen reader accessible.

One disability services administrator was certain the Title IX website was accessible because staff from technology services regularly "spot check" the college websites for screen reader accessibility.

Website accessibility, not solely those websites related to sexual assault information, continues to be a challenge on college campuses across the nation. Complaints to the Office of Civil Rights regarding web accessibility for student with disabilities are growing every year.[52] In 2017, disability rights advocates have filed lawsuits against approximately 30 colleges whose websites fail to meet accessibility standards for students with disabilities, including students who are Deaf or hard of hearing or who have visual impairments.[53] In a 2015 audit, 27 out of 58 web pages selected for review in the California community colleges' online enrollment system were found to have distinct violations of the California accessibility standards.[54] Three common violations were found across multiple websites. Critical violations were those that made content completely inaccessible to users, and significant violations resulted in serious barriers, making some but not all the content accessible. This audit found that the 27 web pages had 26 critical violations and 64 serious violations.

In 2017, disability rights advocates have filed lawsuits against approximately 30 colleges whose websites fail to meet accessibility standards for students with disabilities, including students who are Deaf or hard of hearing or who have visual impairments.

Accessibility of Printed Sexual Assault Materials

Many of our interviewees commented on the lack of printed sexual assault information, such as reporting procedures or counseling resource options, for students with visual impairments. College staff from six colleges reported that materials were not available in braille or large print, and college staff members from seven colleges indicated that their colleges do not provide this accommodation in relation to sexual assault services. Specifically, one Title IX coordinator explained that accessible materials about sexual assault reporting procedures were not available. Another Title IX coordinator explained that neither the Title IX brochure nor materials about off-campus and on-campus resources for sexual assault were available in various formats. Two staff members explained that their college would only provide such materials when it was requested. One Title IX coordinator explained, "We don't have things proactively in place for that . . . We would be reactive versus proactive." One 504/ADA coordinator elaborated that access to information remained the biggest access challenge at their college: "There is no ease of accessing information. The places where we fall into things where we're not compliant and potentially discriminatory are

Another Title IX coordinator explained that neither the Title IX brochure nor materials about off-campus and on-campus resources for sexual assault were available in various formats.

mostly around the accessibility of information being provided."

When asked about accessibility of print information for students with visual disabilities, three college staff members reported that their college is attempting to adhere to the concept of universal design to make sure that all materials are accessible to all students. The Center for Universal Design defines *universal design* as "the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design."[55] For example, one college staff member reported that their counseling center provides both paper and online intake forms (although neither of these formats guarantees accessibility for people with visual or print-related disabilities).

Access to Sexual Assault Trauma or Support Services

In response to students who have experienced sexual assault, colleges are providing support and trauma services, such as making confidential sources available to students who may not want to report an assault immediately, victim advocates (including peer advocates) who guide students through accessing immediate resources after an incident, mental health counseling, and support groups. Students are also given various options to report sexual assault if they choose. But again, access to these services for students with disabilities at all colleges is questionable. College professionals and students report that buildings housing these services can be inaccessible. Furthermore, disability-related supports, such as interpreters, may not be available immediately for students who need them. This section reports issues with physical access and explains challenges with providing disability-related supports in a timely manner. It also explains how colleges lack policies and procedures for personnel responding to crisis situations.

Physical Access to Sexual Assault Services

As reported previously in the section explaining physical access to in-person training, most college staff and students note that buildings at their colleges are physically accessible. But four staff members and three students reported challenges with physically accessing sexual assault services. A Title IX coordinator remarked on the culture on campus to make buildings accessible. This person explained that because the college does not have a lot of students with physical disabilities, the "argument" made by others is that a lot of students "don't need those

services." These barriers can prevent students from receiving services if they have experienced sexual assault. For example, a sexual assault counselor at a college mentioned that the student counseling center does not have an automatic door opener for a student with physical disabilities. Further, this counselor explained that some counseling center rooms "are too small" for someone in a wheelchair or someone using an assisted-walking device. A college staff member responded in the questionnaire that while the Women's Center was "as accessible as it can be," access issues remain because students with mobility issues can only enter through the back door. Another sexual assault services administrator acknowledged similar access difficulties to the victim services building, and that wheelchair users would not be able to access the wheelchair lift located on the bottom floor because the floor was only accessible via stairs. This coordinator also acknowledged that the location of the building on the edge of campus acted as an access barrier for all students, including students with physical disabilities or mobility issues. One student reported similar access challenges. This student explained that not only is the sexual assault resource center located on the third floor in the student health office, that office is far from "other parts of campus," making the office "so difficult to get to, and far from counselling, so difficult for those with mobility disabilities."

One sexual assault services administrator described an additional challenge posed by the college's lack of focus on accessibility issues for students with disabilities when accessing trauma services—the process of transporting a student with a physical disability for immediate medical attention after a sexual assault. Although the campus has a shuttle used to transport students who use wheelchairs, the shuttle is not accessible in crisis situations. The only option to transport a student using a wheelchair would be an ambulance. The staff member bemoaned how transporting a student in an ambulance would add another layer of trauma to the survivor. Because the college would need to use an ambulance and not regular transport, the coordinator hypothesized that the student may receive substandard trauma care, because in that community, emergency medical services would be required to bring the student to the local hospital instead of a hospital specializing in treating survivors of assault, as preferred by the victim services center.

Another sexual assault services administrator acknowledged similar access difficulties to the victim services building, and that wheelchair users would not be able to access the wheelchair lift located on the bottom floor because the floor was only accessible via stairs.

Lack of Immediate Auxiliary Aids or Disability-Related Supports When Accessing Sexual Assault Supports

In interviews, college professionals gave varied responses about the availability of American Sign Language (ASL) interpreters or other auxiliary aides for Deaf or hard of hearing students seeking crisis support, such as reporting sexual assault to a Title IX coordinator, confidential source, or campus security and accessing trauma or counseling services.

Staff members from eight colleges explained that their colleges had some type of communication support immediately available for students, especially for those students who do not know ASL, or that they could access an ASL interpreter within a day. Five colleges reported having assistive technology available to communicate with students if ASL interpreters were not available. Two colleges reported having Communication Access Real-Time Translation (CART) systems that would provide real-time captioning for communication, two colleges had UbiDuo keyboarding systems where people could type to each other, and one college had both an UbiDuo and an FM system that provides portable amplification of sounds. One Title IX coordinator explained the varied resources at hand if a Deaf or hard of hearing student was assaulted and needed immediate assistance: "We do have staff that can sign and in emergencies could access them. We do have a gatekeeper at student services who would use UbiDuo to get them situated immediately. We subscribe to other services . . . immediate video relay. If I needed something right away, we could dial into the relay. It's imperfect and I prefer to have trained interpreters but would have alternatives if that occurred." One disability services director explained that a sexual assault helpline was accessible if a student had access to a TTY (a typewriter that can be used to make phone calls via a relay service) if the counseling services office was closed. This assumes, however, that a student has access to telecommunication equipment.

On the other hand, professionals from nine college campuses indicated that ASL interpreters were not "readily available" and a request would involve unknown wait times. The White House Task Force to Protect Students from Sexual Assault's key components of sexual assault crisis intervention and victim services suggests that advocacy services should be available 24 hours a day for immediate response, but whether colleges could adhere to this guideline was doubtful. When asked how colleges would respond if a student with disabilities or a Deaf or hard of hearing student wanted to make a report or access services, one disability services director said that, in general, "accommodations are not immediately available—it depends on what's needed. There are no interpreters on campus. They must be arranged. It really depends." One counselor mentioned that if a Deaf or hard of hearing student came to the center requesting services, the staff would be

"scrambling" to figure out how to serve the student. No specific procedures were written about access for a Deaf or hard of hearing survivor of sexual assault. Instead, the counselor mentioned having to consult a supervisor and calling the disability services office on campus. This staff member concluded that a Deaf or hard of hearing student would have to wait much longer to be served than a student who was not Deaf or hard of hearing. At another college, one sexual assault services administrator believed no interpreters were available for therapy and students would need to see community providers. This staff member provided no response about how the sexual assault services center would accommodate a Deaf or hard of hearing student.

One counselor mentioned that if a Deaf or hard of hearing student came to the center requesting services, the staff would be "scrambling" to figure out how to serve the student. No specific procedures were written about access for a Deaf or hard of hearing survivor of sexual assault.

In contrast, three disability services administrators reported having interpreters on staff that could be used immediately in a crisis, such as accessing counseling services or reporting sexual assault. Two administrators suggested they would "pull" the staff interpreter from a current assignment in the case of a situation that needed immediate support, such as responding to a sexual assault incident. One administrator reported having done this before in crisis situations. A third administrator reported, however, that if no staff interpreters nor CART services were available, then the wait time for an interpreter would be unclear: "There would be no guarantee we would do it as fast as we could." Instead, staff would resort to writing notes back and forth on a "pad of paper" with the student, if the student could write.[56] This staff member acknowledged the unsuitability of this approach but had used it before in emergencies and considered it valid in the case of supporting a survivor of sexual assault. However, such ad hoc communication support strategies are not recommended by Deaf or hard of hearing advocates. This is especially true if the student's first language is ASL, because interactions would occur in the student's non-native language, which can lead to confusion and frustration.[57]

Instead, staff would resort to writing notes back and forth on a "pad of paper" with the student . . . This staff member acknowledged the unsuitability of this approach but had used it before in emergencies and considered it valid in the case of . . . sexual assault.

Staff at four colleges also acknowledged the problematic nature of not having immediate disability-related supports in place for students, especially when relying on on-campus staff, because many incidents happen on nights or on weekends. One staff member explained, "If

[students] need accommodations immediately, or after hours, or [they are] reporting to police directly, that would be challenging." One sexual assault services administrator elaborated on this challenge: "I think especially when it comes to ASL interpreters . . . How are we going to access them? I think traditionally, in theory, that if health services is open, we will contact them and they have a [interpreting] service we can use. They have a provider with interpreters for the [Deaf or hard of hearing population]. But the reality is that they are not open 24/7 and we get things during the time when they are not open." A student elaborated on an experience with securing supports after business hours, saying, "It is not my job to figure out how to schedule an interpreter outside of the normal hours; it is yours."

Even if interpreters are available, they may not have the language skills or preparation to interpret for survivors of sexual assault, especially in disciplinary proceedings, in a way that minimizes trauma and considers survivors' safety. Interpreters who interpret for academic classes or remote interpreters may not be familiar with supporting survivors' needs. In addition, using interpreters personally known to the student can compromise the confidentiality and objectivity of the interpreter.[58] The Vera Center on Victimization and Safety names a lack of qualified interpreters as an additional communication access barrier faced by Deaf or hard of hearing survivors, in addition to the barriers named previously, and recommends that interpreters are trained in "vocabulary specific to domestic and sexual violence, trauma and communication, ethics, safety planning, and self-care" to support Deaf or hard of hearing survivors.[59] Without this training, Vera Center on Victimization and Safety suggests supports may not be tailored to survivors' needs and that "imprecise" communication can harm the accuracy of reports used in legal proceedings.[60] The New York Office of the Prevention of Domestic Violence recommends survivor groups recruit and train Trauma-Informed Qualified Interpreters who could be shared across communities to provide effective communication for Deaf or hard of hearing survivors.[61] One expert researching the prevalence of sexual assault among Deaf or hard of hearing students commented in interviews that interpreters who support Deaf or hard of hearing survivors should be familiar with the necessary language or procedures related to sexual assault services processes. This expert recommended that certified interpreters familiar with the legal process and language be available to interpret for sexual assault cases, similar to how federal courts and some state courts require these interpreters to have specialized training.[62]

The Vera Center on Victimization and Safety names a lack of qualified interpreters as an additional communication access barrier faced by Deaf or hard of hearing survivors . . .

Lack of Policies and Procedures Detailing Responses in Crisis Situations

Professionals recognized that much of their inability to immediately provide disability-related supports was due to the lack of explicit procedures. Interviewees from 14 colleges (52 percent) reported that their colleges had no policies or procedures in place to support

survivors of sexual assault who may need immediate disability-related accommodations. Instead, their responses would be determined "on the fly." While the questionnaires did not ask specifically about crisis procedures, four questionnaire responses noted the lack of policies and procedures. One disability services administrator commented, "We haven't discussed accommodations for those who have experienced assault." Seventeen other questionnaire respondents indicated that the procedure for providing accommodations for sexual assault services was for students to disclose their disabilities or accommodation need to the Title IX office (which would then contact the disability services office) or the student would contact the disability services office directly. No responses indicated flexible accommodation processes with a variety of options during the sexual assault reporting and follow-up process.

Professionals recognized that much of their inability to immediately provide disability-related supports was due to the lack of explicit procedures.

Only three interviewees (11 percent) responded with specificity about their procedures on providing disability supports during a crisis. One Title IX investigator said, "We have a contact person at interpreting services. I haven't needed them that fast yet. I haven't had to test it, but we have an agreement for that to happen. [There is an] awareness of who to call and how to access." Another disability services administrator mentioned that the disability manual had a policy specific for crisis situations but that this was not a college-wide policy.

The rest of the interviewee responses about procedures were hypothetical or adapted from other crisis situations when supports were needed immediately. These interviewees used uncertain language such as "what we would probably do" or "I assume that" when asked how the college would respond if a Deaf or hard of hearing student or student with visual impairments was assaulted and required immediate support. One Title IX coordinator explained that because the "situation has never come up," his or her college lacks appropriate accommodations or policies that outline how to respond.

Another disability services administrator explained the potential challenge if a student with a visual impairment was participating in this process, because there is an unchallenged assumption that claimants and witnesses must be able to see . . .

Interviewees transparently stated that their college lacked policies and procedures and acknowledged that these policies should be created. One sexual assault services director explained, "How do we ensure that students can get these accommodations, which are critical but are also engaged in supports for themselves as well? Some of these things we don't have in place but it would be ideal." A Title IX coordinator mentioned that although the college website states that students can request accommodations, it was insufficient to meaningfully support survivors with disabilities.

This coordinator explained that the college's current policy is "way below standard here. We have tag lines that say that if you are a person who needs accommodations it says who to contact. It's not very proactive." One sexual assault services administrator mentioned that upon receiving the interview questions for this research project, it was clear that the college needed to "put some things in motion to realistically address the needs of students [with disabilities]" despite recognizing publicly on the college website that students with disabilities are a population requiring more attention. This staff member had only recognized the importance of students with disabilities in writing but had not thought about how to translate the language of the website into action steps.

During phone interviews, two disability services administrators said they recognized current gaps in their colleges' policy language on the website. While explaining a specific procedure for requesting interpreters in crisis situations, one administrator recognized that crisis procedures were not mentioned on the college website, even though the college is able to secure interpreters within 24 hours (in contrast to the normal one-week notice needed for other requests). Another administrator reviewed the sexual assault policy page and noticed a lack of language pertaining to students requesting accommodations. The administrator acknowledged this misstep, saying, "I just looked at our new sexual assault policy again, and there are tons of resources, but nothing that says, 'if you wish to have accommodations' (which is my bad), for students or staff. Nothing here about the need for accommodations, which is **not** okay."

Five students also commented on the lack of transparency and awareness about the accommodation process, as well as the inclusivity of college support services. Four of these students made the challenges known in their recommendations. One student mentioned, "Put info on what can be done for survivors. Share information on exactly what [disability services] can/would do for survivors [with disabilities] (on the website for example)." Another student suggested, "Advertise, clarify that access needs will be met, offer material in alternate formats/interpreters/buddies/etc." One student elaborated on a sentiment explained earlier in this chapter about the burden students may feel when requesting accommodations and wrote, "Provide examples of accommodations instead of making it seem like a weird edge case."

[O]nly 1 of the 27 colleges in which staff were interviewed mentioned on their websites that information about sexual assault reporting or resources was provided in alternate formats. No policies for accommodations in crisis situations were posted.

A search for accommodation policies in crisis situations and contact information for disability services on Title IX or sexual assault resources websites of 27 of the colleges that participated in phone interviews yielded similar findings. First, only 1 of the 27 colleges in which staff were interviewed mentioned on their websites that information about sexual assault reporting or resources was provided in alternate formats. No policies for accommodations in crisis situations were posted. As mentioned in the

section on "Accessibility of In-Person Education or Prevention Programs," only 10 of the colleges posted the request period for students to request accommodations in advance for nonclassroom accommodations. The average wait time was 5.5 days. Furthermore, only two colleges mentioned disability resources as a support on their sexual assault services or Title IX websites. One of these colleges mentioned this in in a downloadable PDF brochure, which may or may not be accessible by screen readers.

Recognition of the Lack of Policies and Procedures

Many respondents mentioned that participation in the NCD data collection process raised awareness of their colleges' lack of policies and procedures related to sexual assault services and thus inattention to serving students with disabilities. With their new awareness, they could begin identifying policies or procedures to put in place. For example, one sexual assault counselor explained during an interview, "We need to revise the policy and procedures manual. It would depend on the type of accommodation needed and the need to involve the access center and the challenges with confidentiality. There is nothing that is written. There is nothing that is written in the procedure." Another sexual assault services coordinator reported that participating in the interview made the coordinator more "conscientious" about the lack of procedures at the college for students with disabilities.

In interview and questionnaire responses, college staff members mentioned potential changes or modifications to their campus practices, based upon their increased awareness during participation in this study. One counseling center staff member explained that they would revise the policy and procedures manual to include provision of disability accommodations, based on existing barriers that were unearthed during the interview. One Title IX coordinator mentioned various steps that would follow:

> I think first, look within sexual assault policy, [to include] a piece about disability services being offered. It needs to be brought up before. Put [an explanation] in email about those services. [We need to] talk with disability services and let them know about the email, and put together a protocol or memorandum of understanding with disability services, and working with disability services to help draft an accommodations letter for any student receiving accommodations through Title IX, and doing some training with all of campus or first those people who have direct interactions with those working directly with those students.

Accommodations Provided During the Conduct Process and Communication with Law Enforcement

Compliance with Title IX laws require colleges to investigate sexual assault or misconduct incidents. Eight interviewees reported that if students with disabilities go through these processes as claimants, the campus disability services office would work with the coordinator of the conduct process to provide the necessary accommodations to students. Five of these interviewees explained that if law enforcement or campus security were involved during the investigation phase, they would be able to provide needed accommodations if students disclosed their disability status to the Title IX coordinator at the start of this process. The Title IX coordinator

would then request appropriate accommodations. However, no Title IX coordinator or disability services administrator mentioned that students would know how to request disability accommodations while also disclosing a disability during this process. Typically, students should not need to disclose their disabilities to anyone outside of disability services when requesting accommodations, because a diagnosis is protected health information under the Health Insurance Portability and Accountability Act. All interviewees indicated that disability services or an ADA coordinator would be called once a student disclosed a disability or need for accommodations. For example, one disability services administrator explained, "While we don't have anything formal in place, our staff who are deans who coordinate the process would be contacting us and asking if they have accommodation needs." However, this director had only participated in one process where both the victim and perpetrator had physical disabilities and could not speak to what would occur with a student who was Deaf or hard of hearing, but the director assumed that accommodations would be made. Another disability services administrator explained, "Every time a student with a disability identifies, Title IX thinks [the person has a disability], I get called to consult."

Five disability services administrators reported in interviews that students were being given the appropriate accommodations at their colleges because staff participated in conduct management teams (Communication, Action, Response, Evaluation [CARE] teams) or students' needs were addressed through collaboration between a diverse group of campus staff, including campus law enforcement. According to the National Behavioral Intervention Team Association, a CARE team is "a multidisciplinary group whose purpose is meeting regularly . . . track[ing] 'red flags' over time, detecting patterns, trends, and disturbances in individual or group behavior." The teams are a "proactive way to address the growing need in the college and university community for a centralized, coordinated, caring, developmental intervention for those in need, prior to crisis."[63] One disability services administrator explained the process of collaboration between the disability services department and the student conduct office by saying, "The conduct manager serves on the CARE team. Any time one of my students goes through the [disciplinary] process, we consult on what that student might need. There is a letter that goes out to students—[it] indicates getting in touch with student conduct [department] or [disability services] if they need accommodations, and [students] can reach out during any time during the process for accommodations."

Another staff member explained how the CARE team collaborates to support students who are going through this process to ensure the team accommodates their needs and does not traumatize them:

> The director of disability services sits on our case management team for Title IX issues, so when names [of students] arrive, he could know . . . the student's name, any additional challenges that the student might have presented. Our behavioral intervention manger sits in, as well. We would have a holistic view of a student's needs before they get interviewed.

This staff member explained how these collaborative relationships came into play when supporting a student who had witnessed an

incident of sexual assault and another traumatic incident after experiencing registering for disability services due to a prior incident of sexual assault. Because the team knew the student's prior experiences, it was able to tailor its support. The staff member explained that the CARE team "knew [the student] was going to need more supports above what just happened. We did some real triage to make sure [the student] didn't have to interact with new individuals."

One interviewee reported how the conduct process can be problematic if the student has an invisible disability and has not made this known to the disability services office. If a student does not identify a medical or mental health condition as a disability or is not aware of the process for requesting accommodations during the conduct process, then the student may not receive equitable treatment. Only one staff member described a standard practice of proactively informing students about their right to request accommodations during the conduct process. At this college, the student conduct letter specifically mentions how to request accommodations, although the letter presumes students understand the campus definition of "disability" and have documented their disabilities with the disability services office. An adapted version of that statement follows:

> You may choose to have a non-attorney support person attend any of the meetings. Please notify the college if you plan to have a support person attend; if you are a limited-English-speaking or hearing-impaired individual you may request an interpreter and it will be provided. You may also request

other disability-related accommodations. We will work with the Disability Resource Center to guarantee equal access in this process. Please contact the college immediately if an interpreter or other accommodation is needed.

Three interviewees commented on the challenges that students with disabilities would face in the conduct process, specifically students with autism or students with visual impairments. One interviewee explained that in one situation, a conduct process went "better than they could have expected" because the dean of students knew the student with autism. The disability services administrator explained the potential challenges that can arise if a student cannot understand subtle or complex questions asked of them during this process, or how behaviors could be misinterpreted by others and affect the outcome of the investigation, noting, "As the investigators, [they] are looking for that pattern and was this person preyed upon? It's because [the decision] is based on a preponderance of evidence."[64]

Another disability services administrator explained the potential challenge if a student with a visual impairment was participating in this process, because there is an unchallenged assumption that claimants and witnesses must be able to see: "Our trainers and investigators are trying to figure out what happened. But if you can't see what happened, how do they know to ask questions that aren't visual to get the info you need? And I think that is the critical piece, and looking at these different populations to get to the information you need. And then relying on witnesses. If no witnesses, then you can get in a tricky position." However, none of the staff interviewed had provided accommodations for a person with visual impairments and could not speak to how this process would unfold during a conduct process. As with other scenarios, staff could only guess what might occur in hypothetical situations when no procedures or policies were in place to provide guidance.

Access to Accessible Services Outside of Campus

Staff members from seven colleges reported that their colleges maintain relationships with off-campus sexual assault providers. Of those seven, only two staff members were certain that the providers could offer accessible services to Deaf or hard of hearing students, with one staff member explaining that the community provider would experience a "lag" in securing an interpreter. Other college professional staff members were unsure about the accessibility of these services to students with disabilities. Maintaining relationships with community-based providers is critical because students may be wary of stigma and may not want to access services on campus.[65] In addition, campus mental health services can be at capacity and students may not be able to receive services in a timely manner, if at all.[66] One staff member did not know if local services were accessible, while acknowledging that many students received sexual assault services from a local community provider because of the lack of assault services on campus. One Title IX coordinator believed that the community providers are not "equipped" to deal with a student with visual impairments, but that the provider can provide supports to Deaf or hard of hearing students.[67] These responses by college professional staff suggest that creating relationships with community providers, especially providers with accessible services, is an afterthought.

Chapter 6: "You've given me a lot to think about:" Existing Gaps in Services and Promising Practices

Responses by college professional staff in interviews and questionnaires indicate that colleges do not have policies and procedures in place for situations in which victims of assault have a disability—in particular students who are Deaf or hard of hearing. Students with disabilities remain on the periphery and are not addressed regarding sexual assault prevention, outreach, and services. In many cases, staff members are confident they could address any situation that may arise, but their confidence is based on numerous assumptions about on-campus and off-campus providers as well as assumptions about students' shared definitions of disability and ability to articulate disability-related needs, prior knowledge of campus procedures and legalities, and ability to calmly and rationally self-advocate while participating in a traumatic crisis and its aftermath. Chapter 5 addressed two major gaps: the lack of college compliance with federal disability laws and the lack of policies or procedures that outline how staff are to respond when serving students with disabilities. With a heightened awareness from participation in the NCD study, many staff members identified new procedures or language to include in their sexual assault policies and additional ways to make programs or information accessible to students with disabilities.

This chapter explains additional gaps in colleges' programming and policies, focusing on educational programs and college staff members' understanding of disability. This chapter addresses collaboration between campus programs to ensure access for students with disabilities, how data collection and reporting marginalizes students with disabilities, and these students' experiences with campus violence and sexual assault. This chapter also identifies some promising practices that may be replicated or scaled up nationally and also addresses the following research questions:

Students with disabilities remain on the periphery and are not addressed regarding sexual assault prevention, outreach, and services.

- What gaps, weaknesses, and discriminatory policies exist in campus sexual assault services?
- What are the current most promising and best practices and emerging trends (e.g., healthy sexual relationship training for incoming freshmen, bystander awareness training to teach students to step in to stop

sexual assault, climate surveys, and changes in college disciplinary board rules)?

- Are disability student organizations connected to sexual assault survivor groups on campus? Are campus disability services and resource offices connected to mental health services to ensure students with disabilities are getting the ongoing services they need after an assault (e.g., therapy)?
- Have college staff and faculty received training to provide support for students with disabilities who have experienced sexual assault?
- Has campus law enforcement received disability awareness training in taking reports from victims/witnesses with disabilities?

Interactions Between Sexual Assault Support Services Offices and Disability Services

Lack of policies or procedures to address the needs of students with disabilities may be due to what some college staff consider the "siloing" of disability services and sexual assault services offices, such as the Title IX office. Seven college staff members and one student mentioned the separation of these campus services when explaining why their colleges may not be considering students with disabilities in sexual assault services. For example, one staff member of a disability services office explained the effects of this separation on college practice: "There is no training to the staff at the women's center, no discernment of disability as one of the [students'] identities. There is not much contact between our office and the sexual assault people and protocols." One student explained that their college could "improve" the sexual assault supports for students with disabilities and recommended that the college "significantly improve communication between the Title IX Coordinator/staff and Disability Services."

". . . [T]here's a complete disconnect between sexual assault and disability services. Within disability services, they have an understanding that they are only there to provide accommodations for classroom learning. They don't talk to each other . . ."

A college professional explained, in questionnaire responses, how interactions between these groups may not occur because it is not part of the college culture: "As the disability service provider, we have worked with student services and other units (e.g., counseling and the health center) to provide suggestions, etc. However, this is done when we reach out. It is not something they automatically consider." Another college professional mirrored these sentiments: "The problem that I'm seeing is that there's a complete disconnect between sexual assault and disability services. Within disability services, they have an understanding that they are only there to provide accommodations for classroom learning. They don't talk to each other and also understand themselves in limited ways and capacities. To my knowledge, [they] don't have procedures or policies for it."

In contrast, some colleges report that intentional interactions happen between Title IX

and ADA/disability services and mental health services, and because of this, they are better able to serve students with disabilities when and if a sexual assault incident occurs. For some college professionals, these intentional interactions occur in CARE teams that were explained in detail in Chapter 5 under the section titled "Accommodations Provided During the Conduct Process and Communication with Law Enforcement." A greater awareness of students' needs may come about because these teams bring together staff from these offices, campus law enforcement, and mental health service providers to support students. These teams provide connections where college professionals could ensure that students receive needed counseling or supports. One Title IX coordinator mentioned that whether or not disability services is involved, the Title IX process ensures that students who are on "either side of the complaint" are receiving mental health services either on campus or from off-campus providers. CARE teams with disability services professionals may have a heightened awareness, however, that students receiving mental health services off campus are aware of their rights to disability accommodations on campus, including services for academic courses.

These teams can also create relationships between the disability services office and Title IX, which can be utilized in future incidents. One Title IX coordinator elaborated, "We have a partnership with the office of disability services, and we are both housed within the office of the dean of students. Coming out of that, we have a level of trust. And having led the behavioral intervention team, I know that many students with disabilities tend to be a higher percentage of complainants/victims/survivors (however they identify). [Student disability] ranges from psych, medical, physical, and other impairments. Seeing other disability services connected in that way, I had access." Another disability director sits on a CARE team with the conduct officer and reported that they "collaborate closely." Although they have not had a Title IX "incident" yet with a student with a disability, the two collaborate on other conduct issues and providing the appropriate accommodations to students. For example, a disability services director explained, "The conduct manager serves on [the] CARE team. Anytime [a student with a disability] goes through the process, we consult on what that student might need . . . I sent [the conduct officer] something for how to keep in mind disability services when thinking through sanctions and timing for those."

Other staff members who report closer connections between sexual assault and disability services serve on conduct boards or collaborate as Title IX investigators and therefore are part of the Title IX process. Five of those who served in disability services roles at their colleges also participated in Title IX or student conduct process. When explaining promising college practices, college staff mentioned these tighter collaborations. Two colleges also mentioned that their disability staff is trained as sexual assault advocates. Sexual assault advocates provide confidential guidance and support to students who have experienced sexual assault and assist with filing reports and obtaining medical or trauma care.

Unfortunately, college staff did not report collaboration between organizations for students with disabilities (i.e., ASL clubs, disability cultural centers) and survivor groups. Professionals from 11 colleges reported that they did not have

on-campus support groups for students due to a lack of enough students to form the groups. Only staff from nine colleges reported having campus sexual assault support groups. One respondent reporting on support groups explained that the connection with disability services was more of an awareness as opposed to actual collaboration around support group programming.

Lack of Disability Training Among Staff and Faculty

Lack of policies and procedures for students with disabilities may be due to the lack of staff understanding of disability. College staff from 12 colleges reported in interviews that the counselors, sexual assault advocates, faculty, or other staff that may interact with students after an incident of sexual assault are not trained in disability issues, or they have only a limited understanding given what would be necessary when supporting students with disabilities in a crisis. Seven questionnaire respondents reported that disability training was not provided to staff that support survivors (i.e., wellness center staff, counselors) on their campus. Only four staff indicated in the questionnaires that peer advocates were trained in understanding disability, and five college staff reported being unsure about the level of training. Considering the prevalence of colleges using peer educators to support prevention efforts, a recent report highlighted the dearth of training peer educators receive in general.[68] If most peer educators surveyed only receive up to 10 hours of training, then whether disability is included in that training is up for question.[69] Only staff from two colleges reported that the disability services department partnered with sexual assault service providers to offer disability-related training. One disability services administrator reported being "very comfortable" sending students with disabilities to receive counseling services due to this partnership. The other college's disability services office provided training to sexual assault advocates but not to staff at the counseling center who may provide more long-term counseling to survivors.

[T]he counselors, sexual assault advocates, faculty, or other staff that may interact with students after an incident of sexual assault are not trained in disability issues, or they have only a limited understanding . . . when supporting students with disabilities in a crisis.

Disability training was not provided on most campuses, or disability training was focused on compliance with the ADA and Section 504 and the process for requesting disability accommodations and services. One Title IX coordinator said disability gets "swept under the rug." A sexual assault services coordinator concurred, reporting that the only disability training that crisis center advocates received was probably during their credentialing programs. This staff member recommended that the college provide a disability training similar to the two-hour training that staff received about supporting lesbian, gay, bisexual, transgender, and queer (LGBTQ) students. Another disability services administrator reported that their college needed to shift the campus culture to be more aware of disability, which will come with more education and training across the board, to faculty, staff, and students.[70] In commenting on the lack of

disability training provided to staff, the disability services administrator said, "I'd like a copy of this [questionnaire from the research study] so that I can bring up the training issue for the campus."

When interviewees reported that college sexual assault services staff received training about disability, the training primarily focused on how to refer students to the disability services office and accommodations, instead of information about disability itself. The unique needs of students with disabilities, an understanding of different types of disabilities and how individuals may experience them, how students may define *disability*, or framing disability as an identity beyond a diagnosis were not necessarily part of training courses. A disability services administrator explained how their college needed to do more because training focused on "disability compliance." Another interviewee concurred and explained that counselors or staff members think about disability as centered on the "diagnosis" and accommodations as opposed to "ongoing adjustments" to support a student. This interviewee elaborated, "Their [counselors'] awareness about these [disability] issues would just be writing up documentation. There's a need for awareness in terms of the ongoing impact on our students and how that might interact with other issues regarding why students have come to counseling in the first place." Such training courses are recommended by college staff.[71] Similarly, an expert that works with survivors with disabilities explained that such training courses should include topics beyond providing accommodations that discuss disability in broader ways, especially how trauma may affect students with disabilities:

> [The training should develop] an understanding and having a good grounding in trauma-informed practices, interactions informed by what has happened not only physically but also neurobiologically. Using more basic speech to interact [with a student] if the student has a cognitive disability. . . . Our focus is working with someone not only to explore rights to due process but also looking at their healing process—understanding the impacts of them coming forward or having a sexual assault, and that if they live in a mandatory reporting state, [the process] will influence a lot of other people. It can be very disruptive. [Within the process] of investigation and deciding to report, survivors' need for support and healing gets lost in the whirlwind of all the other activities. We need to not lose sight that [students with disabilities] have the same needs of healing and connection and support around the healing as any other students.

Another expert who conducts research on abuse among people with disabilities elaborated on the need for support providers to understand trauma and trauma-informed practices, since many students with disabilities have experienced trauma before arriving at college. This expert explained, "In terms of how students are impacted by violence, the research seems to be that we are talking about people that [sexual assault] is not their first traumatic event. What does this mean, a layer of trauma that is on top of previous experiences?"

Colleges and sexual assault services providers seem to have a nascent recognition of the need for training courses on disability related to sexual

assault prevention and support practices. In interviews, college professional staff mentioned two training courses that were provided to college staff focused on understanding disability and sexual assault. One interviewee described a community college system seeking specialized training to understand the needs of students with disabilities and how to support them if they were survivors of sexual assault. This two-day training was provided by a sexual assault services director and a sexual assault support provider specializing in disability. The 2017 Campus Sexual Violence Prevention Summit hosted by the Minnesota Department of Health also included a presentation titled "People with Disabilities on Your Campus Are Victims/Survivors of Sexual Violence Too: Engaging in Inclusive Prevention and Response, Awareness, and Understanding." Reportedly, this summit focused on supporting diverse populations and included presentations reflecting the racial and gender diversity on college campuses. However, both these presenters adapted research on adults with disabilities and sexual abuse and were not reporting research or data on college students. As stated previously in this report, no research exists to inform specific prevention and support practices on a college campus.

Disability Training for Law Enforcement

College professionals report that law enforcement receives more specific training regarding working with students with disabilities than other staff. Seven college staff interviewees and five questionnaire respondents reported that campus law enforcement are trained in disability. Two disability services directors reported their personal involvement in training law enforcement about this topic. The interviewees elaborated, however, that training may not be inclusive of all types of disabilities. Two interviewees said the training focused on either mental health disabilities or autism. One disability services director elaborated on the nature of the presentation: "Our on-campus and county police departments have all gone through a sensitivity training for students with disabilities, specifically intellectual disabilities. Like how body language looks, that sort of thing. All that would interact with students on our campus have had that training." One interviewee suggested that due to training, law enforcement could be more competent interacting with a Deaf or hard of hearing student, but not someone who was deaf-blind or someone who had a physical disability because the training did not focus on those disabilities or disability in a broader sense.

Six disability service directors reported close relationships with campus law enforcement and suggested that, despite the lack of specific disability training for law enforcement, law enforcement would be open to receiving advice and support on how to interact with a student with a disability. One disability services administrator referred to a specific instance in which a student with autism was charged with stalking, and campus police "worked closely" with the disability office "to understand [the student's] communication style and behavior to understand if [the student] was really a threat."

Awareness of the Prevalence of Sexual Assault and Students with Disabilities

Another reason colleges may not have prioritized students with disabilities in their sexual assault policies is the lack of awareness of the higher

risk of assault that students with disabilities face. One college staff member regretted the lack of focus on students with disabilities prior to participating in the study: "Sorry to admit that this subset of students had not really been a focus on sexual assault awareness, but it is now on my radar." Another staff member suggested that concern about students with disabilities has not been "raised as an issue." This is problematic because students with disabilities are likely to underreport incidents of sexual assault,[72] and lack of reporting does not mean that students with disabilities are not experiencing assault at their campuses. Yet this lack of awareness is not surprising when even national advocacy organizations such as Center for Changing Campus Culture,[73] the Campus Prevention Network, and It's on Us[74] do not include college students with disabilities as groups at higher risk for sexual assault.

"Sorry to admit that this subset of students had not really been a focus on sexual assault awareness, but it is now on my radar."

While many college staff members indicated that focusing on sexual assault services and students with disabilities is not on their radar, college staff members from 13 colleges reported that they are conducting climate surveys on sexual assault, which can be a first step to gain greater awareness about the prevalence of sexual assault among different demographics. Climate surveys are becoming a more common practice after the White House Task Force, in their 2014 report, recommended that colleges institute these surveys to assess the magnitude of sexual assault at their college and campus attitudes on sexual assault. Colleges can tailor existing climate surveys that have been developed over the past few years or develop their own,[75] and college administrators can use the guidance of the U.S. Department of Justice Office of Violence Against Women to develop and use climate surveys.[76] The National Center for College Students with Disabilities also recommends that colleges use campus climate surveys to understand the needs of college students with disabilities in general.[77] The Association of American Universities found that when campuses administered surveys, they used the results to inform programming and student support services.[78] If colleges are aware of the statistics around students with disabilities, they may be more likely to increase support and services for students.

. . . [E]ven national advocacy organizations such as Center for Changing Campus Culture, the Campus Prevention Network, and It's on Us do not include college students with disabilities as groups at higher risk for sexual assault.

However, not all climate surveys automatically include students with disabilities or aggregate findings using disability as a demographic. A disability services administrator at a college reported that the college's first campus climate survey did not ask students to identify by disability. The college plans to administer a new survey that will include this demographic for further examination, including specific questions

about level of support, such as "whether [students with disabilities] are registered or not and level of support [students with disabilities] are receiving." The administrator hopes that conducting this revised survey will give the college a sense of the gaps regarding sexual assault services.

One ADA/504 coordinator explained that the campus institutional research office worked with the Title IX office to tailor a survey and that it was not "off the shelf." Including questions about disability may help campuses understand the scope of under-reporting, because after including these questions on a survey, that campus found that 21 percent of students with disabilities on campus reported experiencing nonconsensual touching or nonconsensual intercourse. The coordinator explained the implications of the survey on the college's sexual assault programming as "being able to go in and look at what education we're going to do generically, but we have to look at subpopulations: Greek life, men, disability, etc. We have these breakdowns in our climate survey. Educational practices at some level need to be tailored to hit people where they live."

Students with Disabilities Are Not Addressed in Sexual Assault Educational Programs

A failure to develop clear sexual assault policies and procedures to serve students with disabilities is a distinct weakness in higher education, and it is discriminatory under the ADA and Section 504 of the Rehabilitation Act. The lack of access to educational and outreach programming for students with disabilities reflects another problem in services. Thirty-one college staff members and four students reported that programs at their colleges did not specifically address students with disabilities. Only three staff members reported educational programs specific to students with disabilities.

A failure to develop clear sexual assault policies and procedures to serve students with disabilities is a distinct weakness in higher education, and it is discriminatory under the ADA and Section 504 of the Rehabilitation Act.

The National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention set forth guidelines in their report titled *Sexual Violence on Campus: Strategies for Prevention*. This report suggests that college orientation and training should be tailored to different populations, including students with disabilities.[79] Two prevention research experts who provide technical assistance to colleges suggested that prevention programs are only effective when they are developed specifically to a target audience, including groups representing specific types of geographic and demographic diversity. For example, the experts explained that programs developed at a college in one region of the United States may not translate well to a college at a different region with a more diverse student population, where students dress differently or perhaps use different terminology or language. These experts elaborated that to make training courses accessible to students with disabilities, campuses need to move beyond a focus on accommodations, such as captioning or interpretation, and include

situations or scenarios specific to students with disabilities. For example, they are developing an educational messaging campaign that includes a scenario with a woman with a physical disability who is in an abusive relationship with a male partner. They also recommend such scenarios be included in bystander programs to increase awareness among students without disabilities. The researchers elaborated on the importance of including students with disabilities:

> We did a series of focus groups five years ago for social marketing bystander intervention images to identify a student with a disability who is a victim of intimate partner violence. One of the challenges for developing prevention to develop awareness and skills around victimization of students with disabilities [is that] we have a very narrow view of what a disability is. There are multiple layers that need to be unpacked when you say disability—you are not just referring to someone in a wheelchair or someone who is visually impaired, and then you've got to unpack the uneasiness that many people in general have in approaching people with disabilities and offering assistance. They think, "Is this my role? Do they feel singled out?"

One disability services administrator explained that the effectiveness of generic educational programs may not resonate with students with disabilities because scenarios or examples do not include situations that students with disabilities may face more often, such as intimate partner violence. This director worked with a survivor with a disability who expressed confusion about how a situation reflected nonconsensual interaction.

The three colleges that reported providing tailored programming described the training as reflecting some of the principles noted earlier. One disability services director provided students with disabilities a disability-only space to discuss and ask questions about consent and assault so that students would feel comfortable asking questions that they may not feel comfortable asking in broader spaces with peers without disabilities. Another disability services director focused specifically on talking with students with autism to explain "appropriate behavior" and to help them understand how others might perceive specific behaviors. One questionnaire respondent elaborated that educational programs were tailored specifically to address the diversity of the college, which included students with disabilities, and that the college is "intentional about providing education and outreach that is intersectional," assuming students may have multiple emerging and established identities that interact in complex ways.

Questionnaire responses from five students elevate the importance of developing prevention programs that are inclusive of students with disabilities. One student reported, "They don't talk about students with disabilities in the context of sexual assault." Another student commented that the assumption at their college is that "[students with disabilities] don't get raped." A different student elaborated on this theme and included a suggestion for campuses to "improve sex education for [students with disabilities] that is relevant to us. Use examples of real-life [people with disabilities]. Talk about the specific ways that a [person with a disability] might be targeted for sexual assault and abuse. Sometimes not just one assault, but people can be hurt again and again by the same person." A fourth student

highlighted the intersectionality of identities, such as students with disabilities who are LGBTQ or people of color, and how their college's support and services providers lack this perspective.

One expert in sexual assault prevention who works with colleges explained that the disability community is not considered part of cultural competency training and does not fall under the definition of "diversity" groups. This expert suggested that colleges are successful with including the transgendered community and racial and ethnic groups, but not students with disabilities. One Title IX coordinator echoed similar sentiments when describing the focus of the student task force on sexual assault. When asked whether the task force considered students with disabilities, the director explained, "not directly," but the group talked about "inclusivity." The coordinator further elaborated that the group has discussed "racial inclusivity" and "transgendered or other LGBT" groups as well as "parents, nontraditional, young, [and those] trying to find partner companions." Another interviewee who is also on a campus sexual assault working group reported that students with disabilities have not been a focus of the working group's efforts.

One expert in sexual assault prevention who works with colleges explained that the disability community is not considered part of cultural competency training and does not fall under the definition of "diversity" groups.

These findings mirror nationwide trends. Rider-Milkovich found that only 10 percent (n = 68) of colleges implementing prevention programs are tailoring these to students with disabilities. In contrast, 33 percent of colleges are tailoring programs to international students, and 26.5 percent tailor educational programs to LGBTQ students.[80]

One reason for the lack of targeted educational programming at colleges may be due to the lack of research and best practices on effective prevention programs for students with disabilities. Experts in sexual assault prevention research interviewed for this study (who also provide technical assistance to colleges) report that the development of targeted programs for students with disabilities is "totally uncharted territory." Consistent with the findings in this report, they noted that most colleges where they have worked are not identifying students with disabilities as a population at risk and therefore are not developing programs to address these students' needs. The researchers caution that programs should not assume uniformity of experiences within the broad category of "disability" either.

Experts in sexual assault prevention research interviewed for this study . . . report that the development of targeted programs for students with disabilities is "totally uncharted territory."

While three colleges reported tailoring training courses to students with disabilities, 24 college professionals reported that they had not even considered creating programs and services to address students with disabilities. One sexual assault coordinator commented, "You've given

me a lot to think about." Another explained, "As far as students with disabilities are concerned, it's a critical point, and I am so glad we are having this conversation." These staff members commented on an individual or campus-wide lack of awareness about the importance of addressing students with disabilities when developing sexual assault programming and services. For example, one staff member explained, "I'm not sure it's on our radar to have programming specific to students with disabilities, so awareness would be one factor." One sexual assault advocate who works closely with colleges noted,

> So I think that we as a movement and in general are not even really asking this question and it's really horrible. I think we need to. I think that [people with disabilities have] not been at the forefront of the campus movement to end sexual violence and those folks are more vulnerable to sexual assault and less likely to be able to access the systems and resources that we have made available.

Promising Practices for Colleges Adapted from Community Providers

Because of the lack of research on how college campuses can effectively support students with disabilities, practices from community providers can be used to guide college campus practices. The California Coalition of Sexual Assault explains numerous considerations when supporting survivors who have various disabilities, such as learning disabilities or physical disabilities.[81] The Vera Institute of Justice provides programmatic guidelines explaining how community sexual assault providers can make their services accessible both physically and programmatically for survivors with disabilities, such as ensuring sexual assault services have a budget for accessibility, making buildings and materials physically accessible, making policies and programs inclusive of people with disabilities, representing people with disabilities in their materials and information, collaborating with disability organizations and providers in the community, and providing training on violence against people with disabilities.[82] These guidelines can be used by sexual assault providers at college campuses as they develop inclusive and accessible programs and services.

In addition to providing guidelines to sexual assault providers to make sexual assault services inclusive of students with disabilities, the Vera Institute of Justice includes guidelines for disability organizations to make their staff and group more aware of people with disabilities who have experienced sexual assault. Disability services offices can adapt these programmatic guidelines to better equip their staff to service survivors with disabilities.[83] Adapted practices include sponsoring training for staff about sexual assault policies and procedures, training other college professionals about disability and responding to sexual assault, providing clear and accessible materials at the office that outline students' rights and reporting procedures, encouraging participation of office staff and students with disabilities in campus-wide conversations about sexual assault, and supporting the development of partnerships with community providers.

Further, while no college reported specific guidelines to be used in creating effective Title IX services or programs for students with disabilities, other groups are beginning to fill this gap. Janet Elie Faulkner, an attorney, outlined

several recommendations for Title IX proceedings in a blog entry from March 2017.[84] These mirror several recommendations or ideas from students and professionals in the NCD research:

- List the disability services office as an available resource
- Link to disability services in Title IX FAQs
- Offer assistance in complaint filing instructions to qualified disabled students
- Adopt language from the school's general student conduct procedure stating that accommodations may be available in a Title IX grievance setting

As noted previously, however, a more universally designed approach may be appropriate. While inclusive of people with disabilities, these recommendations still rely on students' understanding of what a "disability" is, identifying as a student with a disability, being registered at disability services, being able to disclose a disability using that terminology, and knowing how to request accommodations. Putting these additional burdens on sexual assault survivors may be unreasonable. Furthermore, some "accommodations" (e.g., help filling out forms, copies of printed materials in digital format so they can be downloaded again later) may be helpful for students without disabilities, as well. Consideration of what students with disabilities may need could potentially lead to more compassionate and accessible services for all students.

Chapter 7: Sexual Assault Policy Compliance and Responses

Colleges must also comply with federal sexual assault laws when developing inclusive sexual assault policies and programming. Further, the Federal Government and individual states continue to devise new legislation to combat sexual assault on college campuses that can further colleges' supports for students with disabilities. This chapter addresses the research questions related to policy compliance and response. Because many groups and advocates are currently working on addressing compliance to federal policies on sexual assault and making recommendations to improve services and compliance at the state and federal level, the broad themes will be reviewed and how students with disabilities are considered will be explored. This chapter addresses the following research questions:

- Are college policies compliant with the Family Educational Rights and Privacy Act, the Clery Act, and Title IX?
- What are the federal and state legislative responses to campus sexual violence?

Compliance with the Clery Act

Several existing reports or audits suggest that campuses are struggling with Clery Act compliance. Missing policy statements or procedures are the main violation reported across the audits. For example, a review of 105 college websites in Ohio found that only 66 percent of colleges posted their sexual assault policies online.[85] None of the six California colleges under review (two community colleges and four 4-year colleges) disclosed all campus policies in the 2014 ASR. In those reports, VAWA policy statements were the most frequently incomplete or missing documents. Similarly, a 2013 audit of State University of New York (SUNY) colleges found that 19 of the 29 colleges published ASRs with missing and/or incomplete policy and procedure statements. A review of six California colleges found that all six colleges were out of compliance with the Clery Act. As noted in Chapter 5, policy statements need to be available to all students, clearly outlining the campus response to sexual assault and encouraging awareness of the procedures for reporting sexual assaults. And as noted

Several existing reports or audits suggest that campuses are struggling with Clery Act compliance. Missing policy statements or procedures are the main violation reported across the audits.

by interviewees, policy statements should be accessible to students with disabilities, including any online statements.

Colleges violate the Clery Act when they do not report accurate crime statistics. However, the Clery Act does not require that the crimes be identified as crimes against students with disabilities. Five of the six California colleges reported inaccurate crime statistics in 2013. Thirteen of the 29 SUNY colleges also improperly reported crime statistics.[86] A 2014 audit of 10 Minnesota colleges found that they violated many aspects of the Clery Act. Six institutions did not properly identify "Clery Geography," all colleges failed to obtain complete crime data from law enforcement agencies, half did not maintain and allow access to crime or fire logs, four did not address new requirements related to VAWA legislation, nine ASRs were missing policy statements, and seven did not provide sufficient information about the availability of the report to students and employees.[87] The U.S. Department of Education levies fines on campuses that violate any aspect of the Clery Act.[88]

Compliance with Title IX

Numerous colleges were found in violation of Title IX between 2011 and September 2017, according to the previous guidance on how sexual violence and harassment are covered under Title IX.[89] In January 2017, the U.S. Department of Justice released a list of 304 colleges and universities that were under investigation for violating Title IX by incorrectly handling sexual misconduct or assault issues.[90]

In January 2017, the U.S. Department of Justice released a list of 304 colleges and universities that were under investigation for violating Title IX by incorrectly handling sexual misconduct or assault issues.

For example, the Office of Civil Rights found Harvard Law School in violation of Title IX because of the college's failure to appropriately respond to two students who made complaints about sexual assault.[91] Princeton University was also found in violation of Title IX because of failure to provide prompt responses to sexual assault.[92]

An audit conducted in 2014 of four California colleges and universities did not examine violations due to the investigation process but did investigate other violations of Title IX law. This audit found that all four colleges were not complying with Title IX.[93] Specifically, these colleges did not ensure that faculty and staff (including coaches and resident advisors) were trained to respond and report on incidents of sexual harassment or sexual assault. While these four campuses seemed to comply with the prevention and education component of Title IX, the audit found inconsistencies. Students were supposed to receive information about reporting procedures and services as incoming students, but the audit found that content of the education did not align with updated policies. Similarly, reporting policies and resources were made available to students in brochures and listed online. However, a student survey conducted through the auditing process found that students were still unaware of the policies and resources available. Of the 208 students surveyed, 22 percent indicated that they were not aware of resources on campus if they experienced sexual assault.[94] Of these students, 35 percent (n = 208) reported experiencing 85 incidents of sexual assault or harassment by a person of the campus

community, but only filed Title IX complaints for 13 percent of these incidents.

This examination did not disaggregate the data on different demographics of students to examine whether different groups, such as students with disabilities, and the degree of understanding of policies and procedures differed. However, these audit findings suggest that even when colleges provide education programs, those programs may not be effectively educating students about the resources and process available at their colleges. The findings indicate that colleges should tailor informational campaigns and education programs using research about effective prevention and supports, and make sure they are accessible to all, including students with disabilities.

State Legislative Responses to Sexual Assault

Various states have responded to campus sexual violence by adding specific policies in tandem with federal laws. None of these laws specifically address students with disabilities, but some may have implications for how students with disabilities fare on college campuses. More specifically, states' responses to campus sexual assaults center on four policy areas: defining affirmative consent (i.e., "yes means yes"), describing the role of law enforcement, noting violations of student conduct on student transcripts, and addressing the role of counsel in the legal process.[95] During legislative sessions from 2013 to 2015, 23 states introduced or enacted legislation concerning campus sexual violence.[96] Of the 16 states that introduced policies around affirmative consent, policies were enacted in 4 states: California, Hawaii, Illinois, and New York. California and New York have the highest state standards for consent, in which consent not only has to be given voluntarily and freely but also consciously. These consent laws outline four specific circumstances under which consent cannot be given, and people incapacitated by mental health disabilities are included as such a circumstance. This was the only place where disability was mentioned, and the effects of this wording on the sexual behavior of college students with mental health disabilities are unknown at this time.

During legislative sessions from 2013 to 2015, 23 states introduced or enacted legislation concerning campus sexual violence.

Other laws may impact the experiences of students with disabilities in the sexual assault process. For example, four state policies focus on the role of law enforcement in sexual assault proceedings, such as informing survivors of their right to report to local law enforcement, entering in MOUs with law enforcement or requiring that law enforcement is informed, and/or giving rights to survivors to decide whether to refer to law enforcement. Whether local law enforcement is trained in disability may matter in how students experience these interactions and the extent to which students trust law enforcement.

Whether local law enforcement is trained in disability may matter in how students experience these interactions and the extent to which students trust law enforcement.

California laws enact additional policies that require colleges to take specific actions to prevent sexual assault, not solely directing how colleges respond. California state universities are required to provide orientation programs that educate students and prevent sexual assault.[97] California state laws also require colleges to adopt "victim-centered" protocols when addressing sexual violence that go beyond federal laws.[98] Victim-centered protocols are those that elevate safety and concern for the victim and ensure compassionate delivery of services.[99] This approach differs from most state responses, which one researcher believes do not "reflect the needs of survivors of sexual violence or the best interests of survivors of sexual violence."[100] Two interviewees mentioned that California is one of the exemplars of state policy in regard to sexual assault consent and related policies, and other colleges are attempting to model their policies after California. However, none of these campuses have specifically addressed the needs of people with disabilities in regard to services or due process.

In 2016, two other states also introduced and passed specific policies on college supports. Illinois passed a bill that mandates not only that colleges develop clear sexual assault policies but also that colleges provide confidential advisors that can guide survivors through the process of reporting and seeking assistance. Another promising law that may prevent sexual assault was passed in Maryland. This law requires colleges to conduct climate surveys on sexual assault. As mentioned in Chapter 6, conducting climate surveys seems to be a promising practice. However, disability should be included as a demographic characteristic in these climate surveys for college campuses to understand the increased risk for students with disabilities.

In January 2017, the White House Task Force to Protect Students from Sexual Assault recommended six areas for college administrators to consider when preventing and addressing sexual misconduct on their campuses.

Federal Legislative Response to Sexual Assault

Since amending the Clery Act with the Campus SaVE Act in 2013, the Federal Government has not passed any additional legislation or amendments to direct campus sexual assault responses, but has made recommendations to colleges about prevention and supports. In January 2017, the White House Task Force to Protect Students from Sexual Assault recommended six areas for college administrators to consider when preventing and addressing sexual misconduct on their campuses: 1. Coordinated Campus and Community Response; 2. Prevention and Education; 3. Policy Development and Implementation; 4. Reporting Options, Advocacy, and Support Services; 5. Climate Surveys, Performance Measurement, and Evaluation; 6. Transparency. Only a few of these areas mention students with disabilities.

Congress is currently considering one bill that addresses campus sexual assault. Senators reintroduced the bipartisan Campus Accountability and Safety Act[101] Senate Bill 856 in April 2017,[102] which mirrors policies already passed at the state level, such as mandating

confidential advisors for students and campus climate surveys. As of August 2017, the bill has been in the Committee on Health, Education, Labor and Pensions from April 5, 2017.[103] This Bill has the potential to increase supports to survivors with disabilities if passed. This report makes several recommendations to that end and encourages passage of the Bill with the suggested language.

State laws, as well as federal laws and recommendations, are addressing various prevention and support strategies highlighted as best practices in current research and advocacy organizations, such as increasing confidential reporting options and encouraging educational programs. However, states' responses to sexual assault are still limited in their approach to actively prevent sexual assault. In addition, students with disabilities are not addressed in state laws and are tangentially addressed in federal recommendations. Taking a victim- or survivor-centered approach is a first step to address the needs of students with disabilities because this elevates the needs of the students first. However, first responders and other college staff have limited awareness of the disability and the specific needs of students with disabilities who have encountered sexual assault. Therefore, policies or recommendations that outline resources for students, such as availability of legal counsel or creating MOUs with local rape crisis centers, should also consider the support and training needed to ensure students with disabilities are equitably served. People with disabilities and/or disability advocacy organizations should be included in the application of these policies at colleges to ensure that programs are accessible and the language addresses the needs of people with disabilities.

Taking a victim- or survivor-centered approach is a first step to address the needs of students with disabilities because this elevates the needs of the students first.

Recommendations from the White House Task Force to Protect Students from Sexual Assault (January 2017)

1. The task force recommends that campuses use a framework that outlines coordinated campus and community responses to sexual assault, designate a fully accessible Title IX coordinator, include relevant stakeholders in these efforts, establish a task force to monitor the campus approach, support student groups that engage in education prevention programs, and establish MOUs with community providers, such as rape crisis centers. This section does not mention students with disabilities.
2. The task force recommends that campuses provide education programs to students that consider the needs of diverse populations, including students with disabilities; reinforce positive behaviors and messages throughout the campus; make information

about resources widely available to all students (including web accessibility); provide annual training courses to all staff at the college on sexual misconduct policies; offer training courses on how to respond when friends or family members disclose an incident of sexual assault; implement awareness campaigns and development; and implement a campus-wide communication plan addressed to all stakeholders about the college's sexual assault programs.

3. The task force recommends that colleges develop a comprehensive grievance policy that defines the process for investigation and resolutions, defines remedies and sanctions, and keeps complainants and respondents abreast of the process in a timely manner. No mention of ensuring accommodations for students with disabilities is made in this section.
4. The task force recommends that colleges encourage reporting, including making options clear and accessible; consider implementing an online reporting system; designate full-time victim advocates; provide or refer students to a range of support services; institute or have relationships with hospitals that have a sexual assault nurse examiner; and ensure that services and accommodations are responsive to diverse populations, including students with disabilities.
5. The task force recommends that colleges administer sexual misconduct climate surveys and maintain accurate statistics on sexual misconduct incidents, communicate findings from the climate survey, evaluate the college's practices using a third-party evaluator, revise and adapt campus policy and procedures, and understand survivors' experiences participating in the grievance process. No mention is made of demographics or including students with disabilities.
6. The task force calls for colleges to maintain accessible websites with college and community sexual assault supports, publish evaluations on the college's policies and practices, comply with ADA by ensuring policies and procedures are available in multiple formats with easy accessibility, and provide information on the policies and practices and publish data relevant to sexual misconduct on the college's website, including the ASR that is required by Clery.

Chapter 8: Policy and Practice Recommendations

This report highlights that federally funded research on sexual assault on college campuses has ignored students with disabilities while examining other demographics such as race/ethnicity, sexual orientation, and gender identity. It also finds that colleges are struggling to provide accessible and inclusive sexual assault programming and services to students with disabilities. Students with disabilities are not on the radar of many colleges' sexual assault services and programs, and inclusion of training on sexual assault services is not on the radar of many disability services offices. Many college staff members seem unaware of the gaps or disconnects in services and reported that this study illuminated those problems simply by asking questions they had never asked. Staff seem to be making assumptions about how their college would respond when a student with a disability attempts to access sexual assault services, instead of operating from a place of certainty. Cobbling together attempts at the last minute to provide accessible services may delay students from receiving critical services in a timely manner. Further, by not considering students with disabilities more centrally in sexual assault prevention programming, colleges are ignoring a key student population that may be more at risk. The policy and practice recommendations that follow capitalize on existing laws and recommendations by including disability, considering universal design, and incorporating recommendations to ensure federal compliance as a minimum for all programming.

This chapter addresses the final research question for this report through its listings of research findings and policy recommendations:

- What policy and system reforms are needed in postsecondary educational settings?

Findings

Federal

- Federal-level research studies on sexual assault on college campuses, funded by the Department of Justice's Office on Violence Against Women and the National Institute of Justice, have not included disability as a demographic as they have race/nationality, and sexual orientation. This includes the Justice Department's 2016 Campus Climate Survey Validation Study—funded by the Office of Violence Against Women and conducted by the Bureau of Justice Statistics, which did not include disability as a demographic, missing the opportunity to gather data on the prevalence of sexual assault on students with disabilities.
- The 2014 White House Task Force report, *Not Alone*, did not include disability as a demographic in its sample campus climate

survey, setting the tone for colleges and researchers to omit disability in campus climate studies as well.

Colleges

- Colleges lack policies and procedures to ensure disability-related supports are readily available to students to communicate with sexual assault first responders. This includes informing students that disability-related accommodations are available and providing appropriate contact information for students or staff to request accommodations.
- College sexual assault prevention and education programs are not fully accessible to students with disabilities. Online training courses may not be captioned, and in-person training courses may be held in college buildings that are not physically accessible to students.
- College websites and printed information about sexual assault resources and information are not accessible to students with visual impairments and students with print-based disabilities (e.g., dyslexia). Some websites and online forms are not screen reader accessible, and do not adhere to guidelines of web accessibility (i.e., not accessible to people with limited vision or blindness).
- Campus assault prevention and education programs are not inclusive of students with disabilities, and college staff lack awareness that such programs should be accessible to students with disabilities, and staff are not trained in disability accommodations.

Recommendations

Congress

1. Congress should amend the Clery Act as follows:
   a. Require colleges to collect the number of all reported sexual assaults on students with disabilities (not just when the assaults are hate crimes) and include this information in their annual security report.
   b. Require colleges to include a description of the disability-related accommodations available to students with disabilities who have experienced sexual assault in their description of the procedures that they will follow once an incident of domestic violence, dating violence, sexual assault, or stalking occurs.
   c. Require colleges to include a statement regarding the disability-related accommodations that will be made available to students with disabilities during the reporting and disciplinary process, such as auxiliary communication aids or interpreters, and how to request those accommodations.
   d. Require memoranda of understanding (MOUs) between colleges and local law enforcement to include protocols for communicating with students who are Deaf.
   e. Require college websites to include information on services and accommodations for victims of sexual assault with disabilities, including who to contact to request accommodations.

2. Congress should pass the Campus Accountability and Safety Act (S. 856) with the following additions:
    a. Require grant applicants under proposed Section 8, part BB, to describe how they will serve students with disabilities in their description of how underserved populations on campus will be served.
    b. Add a survey question to proposed Section 19 on whether the victim had a disability at the time of the assault, and what type of disability.
    c. Require colleges to provide information on how to request disability-related reasonable accommodations in their Written Notice of Institutional Disciplinary Process.
3. Congress should require that research funded by the Office on Violence Against Women on campus sexual assault include students with disabilities to gather data on the problem as it pertains to students with disabilities, and to develop strategies for preventing and reducing the risk of sexual assault and effectively responding to victims with disabilities.

Department of Education

1. The ED should develop and publish a technical assistance document or training for colleges on the rights of students with disabilities to have necessary accommodations in the process of reporting assault, utilizing sexual assault support services, and in the institutional disciplinary process. This training should include information on various types of disability-related accommodations, including captioning services and sign-language interpreter services.

ED Office for Civil Rights (OCR)

1. OCR should
    a. Inform colleges that they must provide required Title IX information in accessible formats to students with disabilities, specifically information on their rights under Title IX, the contact information for the Title IX coordinator, how to file a complaint alleging a violation of Title IX, and how to request disability-related accommodations.
    b. Encourage colleges to reach out to students with disabilities about sexual assault educational programs, available support services, and available disability-related accommodations available to access them.
    c. Encourage colleges to provide disability-awareness training for campus security first responders.
    d. Encourage colleges to include information on how to request disability-related accommodations on their Title IX web pages.
    e. Encourage colleges to make outreach and educational materials regarding sexual assault services available in accessible formats, and through various outlets accessible to students.

The National Center on Safe and Supportive Learning Environments (NCSSLE)

1. NCSSLE should include information on disability, including communicating with victims with disabilities who are Deaf or hard of hearing, in its trauma-informed training programs.

The Bureau of Justice Statistics (BJS)

1. BJS should include students with disabilities as a demographic when conducting research on sexual assault on college campuses.

The Center for Campus Public Safety (CCPS)

1. CCPS should include information on disability, including communicating with victims with disabilities who are Deaf or hard of hearing, in their trauma-informed training programs for school officials and campus and local law enforcement.

The Office on Violence Against Women (OVW)

1. OVW should include information on disability, including communicating with victims with disabilities who are Deaf or hard of hearing, in its trauma-informed training programs for school officials and campus and local law enforcement.
2. OVW should require all colleges that submit proposals under the *Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus Program* to
    a. Require grantees that provide outreach and educational materials regarding sexual assault services to students, to provide them in accessible formats and inform the college community that these are available.
    b. When OVW funds research on sexual assault on college campuses, require researchers to include students with disabilities as a demographic. For example, allow students to identify if they have a disability in surveys/questionnaires, etc.

Colleges

To ensure access to sexual assault supports and services, colleges should:

1. Include students with disabilities as a demographic in campus climate surveys on sexual assault.
2. Create crisis policies and procedures on how to provide sexual assault services to students with sensory disabilities, especially Deaf or hard of hearing students, so that students receive services within 24 hours.
3. Guarantee that sexual assault first responders and support providers have access to emergency interpreter services or other communication methods (i.e., Communication Access Real-Time Translation) so that students can communicate with staff immediately.
4. Ensure that sexual assault information (i.e., fliers, posters, websites) are accessible to students with visual disabilities, learning disabilities, and cognitive deficits.
5. Ensure that students can access sexual assault reporting or connect with crisis counseling or other supports through various modes of communication (i.e., online, text messages, or phone).

6. Create formal agreements with community-based providers with the expertise to support survivors with disabilities.
7. Include information about disability and accommodations on the Title IX web page and related information.
8. Include contact information in Title IX policies and related materials for anyone to request disability services and accommodations.

To address the unique needs of survivors of sexual assault with disabilities, colleges should:

1. Develop and implement sexual assault prevention and support service training with messaging campaigns that are inclusive and welcoming to students with disabilities on college campuses.
2. Provide disability-related and trauma-informed practice training to prevention and first responder staff (i.e., advocates, crisis counselors, peer advocates, sexual assault nurse examiners) and campus security so that they understand how to effectively prevent and support students with disabilities after an incident of sexual assault.
3. Establish and maintain active collaborative relationships between Title IX, sexual assault services, counseling and health services, and disability services.
4. College Disability Service Center staff should be actively involved in college sexual assault prevention and support efforts and trained on Title IX procedures.
5. If colleges are using White House Task Force guidelines to enhance services and programs, ensure that disability services, organizations for student with disabilities, and academic fields related to disability (e.g., disability studies, Deaf studies, and American Sign Language programs) are included in discussions and the development of recommendations.

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