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## **Preventing Sexual Violence in Higher Education Act Frequently Asked Questions**

### **Confidential Advisors**

- **Does the law require that the confidential advisor be available 24/7?**

No, but the law does require the higher education institution (HEI) to publish on its website and include in its comprehensive policy the name, telephone number, address and website URL, if available, of local, State and national sexual assault crisis centers.

- **Can professional and/or pastoral counselors on campus serve as confidential advisors?**

Yes, if they meet the training requirements under the Act. All confidential advisors must receive 40 hours of training on sexual violence (if they haven't already done so) and attend a minimum of six hours of continuing education training annually on issues related to sexual violence. Confidential advisors must also obtain periodic training on the campus's policies and procedures related to campus sexual violence from the HEI.

- **Can the HEI partner with a local sexual assault crisis center to provide confidential advisors?**

Yes, but the HEI must ensure that the confidential advisor has completed the 40-hour sexual violence training, attends six hours of continuing training annually and has up-to-date information about the HEI's policies and procedures related to campus sexual violence. The HEI should also ensure that the confidential advisor has current contact information for the relevant individuals on campus who can secure interim protective measures and accommodations (e.g., the Title IX coordinator, dean of students, residence life director).

- **What is intended by the requirement for “periodic training on the campus administrative process, interim protective measures and accommodations and complaint resolution procedures”?**

Confidential advisors should have up-to-date information regarding the school's policies, procedures and resources related to campus sexual violence. When a school's policy and procedures or contact information for relevant campus authorities change, confidential advisors should receive training/updated information.

- **Does the law require that confidential advisors have authority to secure interim protective measures and accommodations?**

No, but the school, at its discretion, may give confidential advisors this authority. HEIs must provide confidential advisors with up-to-date information about which campus authorities to contact to assist a survivor with securing interim protective measures and accommodations and the policies and procedures for securing these measures and accommodations, so that the confidential advisor can adequately advise the survivor and liaise with the appropriate individuals when requested to do so by the survivor. The confidential advisor should advise the student of the right to request interim protective measures and accommodations as well as the HEI's policies and procedures related to these requests. The confidential advisor should advise the student in advance if requesting certain interim protective measures and accommodations requires additional disclosure or reporting by the student that is not confidential or protected by a privilege.

## Student Notification of Rights and Options

- **What method must the HEI use to respond within 12 hours to a person who reports electronically?**

Each HEI has the discretion to determine how it would like to follow up with a student who reports electronically. For example, the school can respond with a call, automatic email reply or link to a website with the relevant information after a student completes an online form. The law does not specify how an HEI must respond so as to provide schools with flexibility, but the law does require an initial response within 12 hours of the report to provide the reporter with specific information.

- **What information must the HEI include in its response to a person who reports electronically?**

The HEI must provide the information contained in the notification, written in plain language, of students' rights and options provided by the HEI to survivors after receiving a report. The response must include the following information:

- Explanation of the survivor's right to report (or not report) to the HEI, law enforcement or both;
  - Contact information for the HEI's Title IX coordinator, confidential advisor, local sexual assault crisis center, campus law enforcement and local law enforcement;
  - Explanation of the survivor's right to request and receive assistance from campus authorities in notifying law enforcement;
  - Explanation of the survivor's ability to request interim measures and accommodations;
  - Explanation of the HEI's ability to assist with, at the survivor's request, accessing campus and local health and mental health services and other advocacy services; and
  - Summary of the HEI's complaint resolution procedures.
- **If a student reports an incident of campus sexual violence via email to campus staff or faculty, does that staff/faculty member have an obligation to provide a response within 12 hours?**

The HEI may choose the official method (e.g., email to a specific address or group of addresses, web portal or online form) by which it will receive electronic reports. Students who report electronically and provide contact information through the HEI's official electronic reporting method must receive a response within 12 hours of making that report.

## Training

- **Do continuing education units count towards the confidential advisors' training requirement?**

To the extent that the course covers issues related to sexual violence, these credits can count towards the law's training requirements. Confidential advisors must also receive periodic (at the school's discretion) campus-specific training on the administrative processes, interim protective measures and accommodations and complaint resolution procedures to ensure confidential advisors stay up to date on campus policies and procedures.

- **How does the law define "student" for training purposes?**

The law does not define "student." However, the HEI must provide (i.e., offer) training to all students who attend one or more classes on campus. This includes non-traditional students, night students, non-credit students and younger students who take classes at the HEI. (Age-appropriate training on sexual violence exists for all ages. The local sexual assault crisis center may have more information and resources.)

## Task Forces

- **Are you aware of any regional task forces being created?**

The Cook County State's Attorney's Office's VOICES project is developing regional task forces that bring together university faculty, staff and students with campus and local law enforcement, advocates and prosecutors for schools in Chicago and suburban Cook County.

## Reporting

- **What time period should the report due on or before November 1, 2017, cover?**

To the extent that the school has the information, the report must include data from January 1, 2016 through December 31, 2016. For requirements that take effect on August 1, 2016, the school may report statistics from August 1, 2016 through December 31, 2016, if it does not have earlier data. For subsequent years, schools must include statistics from the previous calendar year. For example, the report due on November 1, 2018, must contain data from January 1, 2017 through December 31, 2017. (The Act's requirement differs from the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act's requirement that annual security reports, due October 1, include statistics covering the three previous calendar years.)

- **Is the confidential advisor required to provide data to include in the annual report?**

The Act requires schools to report in the aggregate the number of confidential and anonymous reports of sexual violence, domestic violence, dating violence and stalking it receives. These numbers should include reports made via the confidential advisor, professional and pastoral counselors and any other confidential or anonymous process implemented by the school.

- **Are HEIs only required to report on student-student complaints?**

Data included in the report should include all student complaints, whether filed against another student, an HEI employee or someone unaffiliated with the HEI.

