



Clery Center's Clery Act Training Seminar: Title IX-related Content

NOTICE OF APPROVED USE

As a way to support institutions in their efforts to comply with section 106.45 of the final Title IX Rules, Clery Center has compiled all relevant Title IX training materials from CATS (Clery Act Training Seminar) into one comprehensive document.

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VIRTUAL CLERY ACT TRAINING SEMINAR

Day 4

All the requirements in this lesson are for
dating violence, domestic violence,
sexual assault, and stalking.

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Sexual assault is an offense that
meets the definition of rape, fondling,
incest, or statutory rape.

3

DVSAS/ “The Four Crimes”

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*Dating Violence, Domestic Violence, Sexual
Assault & Stalking*

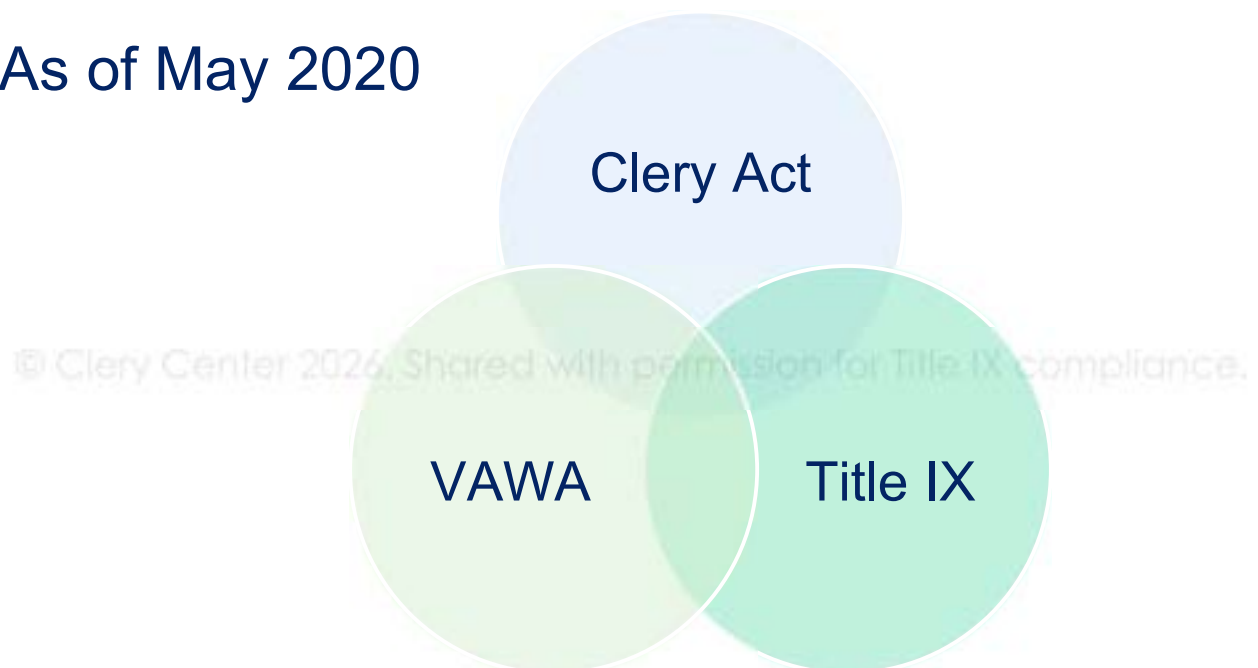
4

Learning Objectives

- © Clery Center 2026, Shared with permission for Title IX compliance.
- Recognize the intersections between Title IX, the Clery Act, and the VAWA Amendments to Clery.
 - Identify Clery Act requirements for response to and disciplinary procedures for incidents of dating violence, domestic violence, sexual assault, and stalking (DVSAS).
 - Evaluate policy statements for response to DVSAS to identify required content areas under the Clery Act.

5

As of May 2020



6

Intersections Overview

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- Addressed Behaviors and Crimes
- Reporting Requirements
- Accommodations and Supportive Measures
- Disciplinary/ Grievance Procedures
- Training for Employees
- Anti-retaliation Responsibilities

7

Addressed Behaviors and Crimes

The Clery Act

- Criminal Offenses
 - **Sexual Assault**
- Hate Crimes
- Arrests & Referrals
- Hazing
- VAWA Crimes
 - **Dating Violence**
 - **Domestic Violence**
 - **Stalking**

Title IX

- Discrimination on the basis of Sex
- Sex-based Harassment
 - Quid Pro Quo
 - Hostile Environment
 - **Sexual Assault, Dating Violence, Domestic Violence & Stalking**

8

Clery Geography vs. Title IX Application

The Clery Act

- **Geography**, broken down into 4 categories:
 - On-campus
 - On-campus student housing
 - Noncampus
 - Public property
- Expands to “on and off campus” for response to DVSA

Title IX

- **Educational programs and activities**
- Substantial control of respondent and context
 - May be on or off campus
- Includes properties owned or controlled by recognized student organizations
- Must be in the United States

9

Identity of Involved Parties

The Clery Act

- Any individual within an institution’s Clery Act Geography
 - Regardless of their relationship to the institution

Title IX

- Requires a relationship to the institution.
 - Both parties must be participating or attempting to participate in an educational program or activity
 - *Ex: students, faculty, staff, other employees, or third-party contractors.*

10

Reporting

The Clery Act

- Brought to the attention of:
 - Campus Law Enforcement/ Security
 - Local Law Enforcement
 - Campus Security Authority
- May come from:
 - Victim, Witness, Offender, or Third Party

Title IX

- Requires **Actual Knowledge**
- Individuals who create Actual Knowledge include:
 - The Title IX Coordinator
 - **Officials with Authority** to institute corrective measures.

11

An Institution Receives a Report

The Clery Act

- Determine whether there is a serious or ongoing threat that would require **a timely warning**, and
- if it must be added to the daily crime log or in next year's annual security report

Title IX

- Respond promptly in a manner that is not deliberately indifferent:
- The Title IX Coordinator must promptly contact the complainant to discuss:
 - The availability of supportive measures
 - The individual's wishes with respect to supportive measures

12

When a Report is Received *(cont'd)*

The Clery Act

- Provide a written explanation of their rights and options, regardless of whether the incident took place on or off campus
- Keep the victim's information confidential on public records and for accommodations

Title IX

- The availability of supportive measures with or without the filing of a formal complaint
- The process for filing a formal complaint

13

Accommodations & Measures

The Clery Act

- Accommodations
- Must be provided in writing
- Options for, available assistance in, and how to request changes to:
 - Academic, Living, Transportation, Working, & Protective Measures
- If requested by the victim and reasonably available
- Regardless of report to campus police or local law enforcement

Title IX

- Supportive Measures
- Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge
- Complainant and respondent
- Before, after, or no filing of a formal complaint

14

Disciplinary Process

The Clery Act

- Prompt, fair, and impartial
- Describe the standard of evidence
- Be conducted by officials who receive annual training
- Advisor of choice
- Simultaneous notification of results

Title IX

- Prompt and equitable
- Regulations inform standard of evidence
- Annual training requirements
- Advisor of choice with role in cross-examination
- Simultaneous notification of results

15

Standard of Evidence

The Clery Act

- Must describe the standard of evidence that will be used

Title IX

- Use **preponderance of the evidence** or **clear and convincing** standard
- Must be same standard for students and employees
- Must apply same standard of evidence to all formal complaints of sexual harassment

16

Sanctions & Remedies

The Clery Act

- Must list all possible sanctions
- Must describe range of protective measures

Title IX

- Must describe range of sanctions, but...
- Must describe range of remedies

17

Who Must Be Trained?

The Clery Act

- Officials who conduct disciplinary proceedings to address crimes of:
 - Dating Violence
 - Domestic Violence
 - Sexual Assault
 - Stalking

Title IX

1. Title IX Coordinators
2. Investigators
3. Decision-makers (hearings & appeals)
4. Any person who facilitates an informal resolution process

“Officials who conduct disciplinary proceedings” includes all individuals who also must be trained under Title IX requirements.

18

Annual Training Components

The Clery Act & Title IX

- Relevant evidence and how it should be used during a proceeding
- Proper techniques for interviewing witnesses
- How to serve impartially
- Avoiding actual and perceived conflicts of interest

Just Title IX

- Definitions in policy and scope of programs
- Procedures for investigations, informal resolutions, and hearings
- Technology used in hearings
- Training materials may not rely on sex stereotypes
- Must publish all training materials for public online

19

Advisor Of Choice

The Clery Act

- Both parties must have same opportunities to be accompanied by an advisor of choice
- May not limit choice of advisor
- Allows institutions to establish restrictions on how the advisor may participate as long as applied equally to both parties

Title IX

- ... "who may, but is not required to be, an attorney"...
- Responsible for conducting direct, real-time cross-examination
- Must be included in communication to party
- May also serve as witness
- If none, institution must provide one to conduct cross-examination

20

Notice of Outcome

The Clery Act

- Written simultaneous notice of:
 - Result of any institutional disciplinary proceeding
 - Procedures to appeal the result, if they are available
 - Any change to the result
 - When such results become final
- Must include rationale for the results and sanctions

Title IX

- Simultaneous written determination, including:
 - Allegations
 - Procedural steps
 - Findings of fact supporting determination
 - Conclusions of how to apply the code of conduct to those facts
 - Statement of the results and rationale for reach finding

21

Anti-Retaliation Responsibilities

The Clery Act

- Must protect from retaliation for:
 - exercising one's rights, or
 - carrying out any portion of Clery Act responsibilities
- Does not create a mechanism for how to address this retaliation

Title IX

- May not retaliate for anyone for participating or refusing to participate
 - Includes complainants, respondents, witnesses, advisors, etc.
- Retaliation filed under the same grievance procedures for sex discrimination.

22

Programs to prevent dating violence, domestic violence, sexual assault, and stalking	(i) Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that— (A) are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and (B) consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels. (ii) Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.
Referred for campus disciplinary action	The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.
Risk reduction	Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
Security awareness programs	Programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others
Title IX	A federal civil rights law that prohibits discrimination on the basis of sex in any federally funded education program or activity in the United States. The U.S. Department of Education Office for Civil Rights (OCR) enforces Title IX. Many Title IX requirements intersect with requirements under the Clery Act; these intersections will be addressed in the training.
Uniform Crime Reporting (UCR)	Federal Bureau of Investigation's (FBI) Uniform Crime Reporting Program.
U.S. Department of Education (ED)	Responsible for implementing and enforcing the federal Jeanne Clery Act.

INTERSECTIONS

CLERY/TITLE IX INTERSECTIONS

Answer the questions below. You can use the questions/answers to create your own reference sheet on intersections between Title IX and Clery.

Support for Victims

1. What are steps that victims may choose to take after an incident of dating violence, domestic violence, sexual assault, or stalking that might immediately impact their health or safety?

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2. What are examples of Clery accommodations or Title IX measures available to victims of dating violence, domestic violence, sexual assault, and stalking?

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Campus Disciplinary Processes

3. What are examples of the types of disciplinary procedures that could take place in response to an incident of dating violence, domestic violence, sexual assault, or stalking?

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REMINDERS: INTERSECTIONS

Message To Your Campus

When you return to your daily work, what key points will you share with students and employees related to campus response to dating violence, domestic violence, sexual assault, and stalking? What about a broader prevention and response effort?

Networking Reminders?

(Who/for what/what follow-up)

Remaining Questions?

For each question, indicate who you will seek out/what you will do to get answers.

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