



# **Conduct Resolution Training Requirements: Intersections of the OVW Campus Grant Program, Title IX, and the Clery Act**

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# INTRODUCTION

This document outlines training topics that grantees of the Office on Violence Against Women Campus Program can use to meet their Student Conduct minimum requirement.<sup>1</sup> It highlights the intersections of the OVW statutory minimum requirements, the 2020 Title IX regulations, and the Clery Act. The OVW minimum requirements identified in this document come from the Campus Grant statute, 34 U.S.C. § 20125(d)(3), and the OVW Fiscal Year 2025 Campus Grant Program Notice of Funding Opportunity (2025 NOFO). Note that required training topics can vary slightly across funding years, so grantees should consult the NOFO from their funding year for the exact training topics required.

## WHO MUST BE TRAINED?

**OVW Campus Grant Program:** The OVW Campus Grant Program requires grantees to provide ongoing training to all participants involved in the resolution process on how to respond effectively to domestic violence, dating violence, sexual assault and stalking (DDVSAS). This broadly covers those responsible for investigating, fact-finding, and decision-making throughout the conduct resolution process, including appeals and sanctioning.

**The Clery Act:** Clery requires that the “proceedings be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.”<sup>2</sup> The Clery Act does not specify which individual roles must be trained to meet the requirement; instead it covers all officials involved in the process. Therefore, the group of officials that must be trained under the Clery Act may be larger than the group required by the 2020 Title IX regulations.

**Title IX:** The 2020 Title IX regulations are more prescriptive about which roles must be trained and there are various requirements to meet the compliance threshold. Title IX includes training requirements for Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. When facilitating an informal resolution process, most institutions use an individual who would otherwise be trained because they may also serve in one of the other roles. For that reason, we did not include a separate category for individuals who facilitate informal resolution processes, but it is important to note that anyone who facilitates informal resolution processes must receive all of the same training that Title IX requires of Title IX Coordinators.

# TRAINING CHART

In the chart below, the top row lists the different roles that may exist within a conduct resolution process from the time an institution receives a report to sanctioning. The first column lists the training topics. We have marked the required training topics for each role.<sup>3</sup>

## KEY

OVW ●	2020 TIX Regs ■	Clery Act ▲
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TRAINING TOPICS	TITLE IX COORDINATOR	INVESTIGATOR/FACTFINDER	DECISION-MAKERS	APPEALS DECISION-MAKERS
<i>The causes and effects of DDVSAS</i>	●	●	●	●
<i>The scope of the institution's education program or activity as defined by Title IX<sup>4</sup></i>	■	■	■	■
<i>Definition<sup>5</sup> of and issues related to sexual assault<sup>6</sup></i>	● ■ ▲	● ■ ▲	● ■ ▲	● ■ ▲
<i>Definition of and issues related to domestic violence</i>	● ■ ▲	● ■ ▲	● ■ ▲	● ■ ▲

# KEY

OVW ●	2020 TIX Regs ■	Clery Act ▲
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TRAINING TOPICS	TITLE IX COORDINATOR	INVESTIGATOR/FACTFINDER	DECISION-MAKERS	APPEALS DECISION-MAKERS
<i>Definition of and issues related to dating violence</i>	● ■ ▲	● ■ ▲	● ■ ▲	● ■ ▲
<i>Definition of and issues related to stalking</i>	● ■ ▲	● ■ ▲	● ■ ▲	● ■ ▲
<i>Issues of consent in sexual assault cases</i>	●	●	●	●
<i>Alcohol and drug-facilitated sexual assault</i>	●	●	●	●
<i>How to conduct an investigation and grievance process, including:</i>	■ ▲	■ ▲	■ ▲	■ ▲
<i>Hearing process<sup>7</sup></i>	■ ▲	■ ▲	■ ▲	■ ▲

# KEY

OVW ●	2020 TIX Regs ■	Clery Act ▲
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TRAINING TOPICS		TITLE IX COORDINATOR	INVESTIGATOR/FACTFINDER	DECISION-MAKERS	APPEALS DECISION-MAKERS
	<i>Appeals</i> <sup>8</sup>	■ ▲	■ ▲	■ ▲	■ ▲
	<i>Informal resolution processes as applicable</i> <sup>9</sup>	■	■	■	■
	<i>Protecting the safety of victims and promoting accountability in the investigation and hearing process</i> <sup>10</sup>	▲	▲	▲	▲
	<i>How to judge credibility</i>	●	●	●	●
	<i>Relevance of questions &amp; evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant</i> <sup>11</sup>		■	■	■

# KEY

OVW ●	2020 TIX Regs ■	Clery Act ▲
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TRAINING TOPICS	TITLE IX COORDINATOR	INVESTIGATOR/FACTFINDER	DECISION-MAKERS	APPEALS DECISION-MAKERS
<i>How to serve impartially, including avoiding prejudgment of facts, conflicts of interest, and bias</i> <sup>12</sup>	■	■	■	■
<i>Relevant technology to be used at a live hearing</i> <sup>13</sup>			■	■
<i>The appropriate range of sanctions</i>	●	●	●	●
<i>Review of student conduct code</i>	●	●	●	●
<i>Ways victims respond to trauma</i>	●	●	●	●
<i>Neurobiology of trauma</i>	●	●	●	●
<i>Offenders' tactics</i>	●	●	●	●

Please note that the chart above reflects the minimum trainings required by the Campus Grant Program, 2020 Title IX regulations, and the Clery Act. Additional trainings are encouraged and would help in understanding and responding to domestic violence, dating violence, sexual assault, and stalking. For instance, you may consider developing or hosting trainings on the following topics:

- Impact of polyvictimization;
- Escalation of violence in domestic violence, dating violence, and stalking cases;
- Risk and danger assessments;
- Assessing for and determining primary aggressor;
- How technology is used in domestic violence, dating violence, sexual assault, and stalking cases;
- Specific considerations for how the crimes of domestic violence, dating violence, sexual assault, and stalking impact survivors in historically underserved communities;
- Understanding of the prevalence of these crimes with college students or student populations on campus;
- Considerations for issuing No Contact Orders in sexual assault and domestic violence cases;
- Safety planning

As a reminder, the Student Conduct Technical Assistance Providers are available to discuss this information and any questions you may have stemming from it.

## ENDNOTES

<sup>1</sup> Please see pages 6 of this document for training topics you may consider in addition to the minimum requirements.

<sup>2</sup> 20 U.S.C. 1092(f)(8)(B)(iv)(I)(bb)

<sup>3</sup> In addition to identifying roles that must be trained and required training topics, both the OVW Campus Grant Program and the 2020 Title IX regulations have requirements around the quality of training. Specifically, the 2025 Campus Grant NOFO states that training “must reflect current best practices in the field” and must be provided by “organizations with a demonstrated expertise in domestic violence, dating violence, sexual assault, and stalking.” The 2020 Title IX regulations state that training materials “must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment” 34 C.F.R. §106.45(b)(1)(iii).

<sup>4</sup> 34 C.F.R. § 106.45(b)(1)(iii).

<sup>5</sup> Title IX requires training on the Title IX definition of sexual harassment, which includes but extends beyond domestic violence, dating violence, sexual assault, and stalking. Sexual harassment that is not also domestic violence, dating violence, sexual assault or stalking - (i.e. quid pro quo sexual harassment and unwelcome conduct) is outside the scope of the grant and therefore not addressed in this chart. *Ibid.*

<sup>6</sup> Clery uses the term “issues” but among those would certainly include definitions. This applies to the subsequent training topics on the other three crimes (domestic violence, dating violence, and stalking). 20 U.S.C. 1092(f)(8)(B)(iv)(I)(bb).

<sup>7</sup> The exact language in the Clery Act is: “How to conduct an investigation and hearing process that protects the safety of victims and promotes accountability” 20 U.S.C. 1092(f)(8)(B)(iv)(I)(bb).

<sup>8</sup> 34 C.F.R. § 106.45(b)(1)(iii)

<sup>9</sup> “As applicable” means this training topic requirement only applies if your institution offers a Title IX informal resolution process. The 2020 Title IX regulations permit, but do not require, institutions to offer an informal resolution process. So, if your institution does not offer an informal resolution process, this training topic is not required.

<sup>10</sup> 20 U.S.C. 1092(f)(8)(B)(iv)(I)(bb).

<sup>11</sup> 34 C.F.R. § 106.45(b)(1)(iii)

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*