

## CAMPUS SAFETY, TITLE IX AND SEXUAL ASSAULT

Protecting students is a natural and important concern of educational institutions and governments. Consequently, we can expect continuing scrutiny and increasing regulation in matters of student safety. When assessing how to keep students safe, colleges and universities are challenged with pressing, and sometimes conflicting, demands raised by various constituencies, including students, parents, alumni and community members, government enforcement agencies, and outside interest groups and coalitions. Holland & Knight's Education Team has the experience, dedication and sensitivity to assist colleges and universities in responding to each of these constituencies and in achieving each institution's particular safety and legal compliance goals.

### CAMPUS SAFETY

Holland & Knight not only knows campus safety, we literally wrote the book on "Campus Safety and Security" for the *College and University Law Manual*, published by Massachusetts Continuing Legal Education (2012 ed.), and the *Corporate Compliance Answer Book* (2014 ed.), published by the Practising Law Institute.

We advise clients on the legal issues involved in campus security, assess its campus security compliance efforts, update its policies and procedures, train its officials and representatives on legal compliance topics, and defend claims at agency and court levels.

### TITLE IX AND SEXUAL ASSAULT

In the wake of the U.S. Department of Education's focus on sexual assault and misconduct, the passage of the Violence Against Women Act and the recent presidential campaign against sexual assault, colleges and universities face many challenges and conflicting interests as they develop, enforce and evaluate policies and procedures to prevent and address sexual assault and misconduct.

We have worked with educational institutions in multiple capacities when they are faced with claims of sexual misconduct or assault. We conduct investigations and compliance audits. We advise clients "behind the scenes," as investigations are conducted internally or by expert consultants. We defend against Title IX claims filed with the Office of Civil Rights as well as those claims pursued in court. When appropriate, we work with clients to negotiate voluntary resolution agreements.

The types of sexual misconduct claims vary. In addition to the situation where one student brings an internal complaint against another student for non-consensual sexual activity, we have advised our clients when they have faced:

- allegations by a student of sexual harassment and assault when criminal charges are pending
- a student suicide allegedly resulting from sexual harassment on campus
- multiple first-year students making complaints, during the start of a new semester, against the same upper-class student for non-consensual sexual activity
- allegations of rape of a student by guests of other students
- allegations of rape by a female student against another female student
- allegations of rape by a male student against another male student
- students involved in a dating relationship making complaints against the other for physical assault, stalking and/or violations of a restraining order
- students making complaints against staff and faculty members for sexual harassment and/or non-consensual sexual activity
- lawsuits where a male student claims the school violated Title IX in connection with disciplinary action against him as a result of a Title IX investigation



Recognizing the critical importance of policy development and training, we assist clients in developing and drafting policies and training programs for Title IX compliance. This policy work includes student-on-student sexual misconduct policies, resource materials and dedicated student conduct procedures for addressing sexual misconduct, as well as comprehensive policies for faculty and staff. We also provide trainings on sexual harassment and other unlawful discrimination, harassment and retaliation. Our training programs and workshops are tailored for the needs of particular institutions and their audiences, including faculty, high-level administrators, residential life staff and investigators.

## CONTACTS



**Miriam J. McKendall**  
**Partner | Boston**  
617.573.5846  
miriam.mckendall@hklaw.com



**Paul G. Lannon**  
**Partner | Boston**  
617.573.5842  
paul.lannon@hklaw.com