



Fact Sheet:
**U.S. Department of Education Regulations and Policies Important For
Work with Foreign Born Student Victims¹**

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[Clery Act Regulations](#). 34 CFR 668 (Oct. 20, 2014),

These regulations implement Clery Act amendments that became law as part of the Violence Against Women Act of 2013, particularly addressing the Student Assistance Provisions. The regulations state that any student victim who brings forth a claim of dating violence, sexual assault, or stalking cannot be subject to any legal investigation of their immigration status because that would discourage undocumented students from reporting incidents. The final regulations require institutions to maintain statistics about the number of incidents of dating violence, domestic violence, sexual assault, and stalking occurring on campus, and include definitions of each of those terms, and requires that schools describe their ongoing efforts for preventions and promotion of awareness campaigns for students related to these crimes.

[- Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties](#). DEP'T OF EDUC. OFFICE FOR CIVIL RIGHTS (Jan. 2001)

This document revises and replaces the 1997 “Sexual Harassment Guidance” written by DOE’s Office of Civil Rights setting out and revisiting a number of guidelines that schools should use to recognize and effectively respond to sexual harassment of students in its program as a condition of receiving Federal financial assistance. As a matter of federal law, sexual assault falls within the definition of, and is one form of, sexual harassment. The revised guidance states that “preventing and remedying sexual harassment in schools is essential to ensuring a safe environment in which students can learn.” Additionally, the document calls on school officials to recognize that they are in the best position to prevent harassment and to lessen the harm to students. Importantly, in this Guidance the DOE affirms that incidents of racial or national origin harassment directed at a particular individual may also be aggregated with incidents of sexual or gender based harassment in determining the existence of a hostile environment.

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Archived Policies²

- [*Questions and Answers on Title IX and Sexual Violence*](#), DEP'T OF EDUC. OFFICE FOR CIVIL RIGHTS (Apr. 29, 2014) ³

This document offers guidance on a school's legal requirements, responsibilities, and obligations under Title IX to protect its students from sexual harassment and sexual violence. The U.S. Department of Education (DOE) stipulates the Title IX applies to all students, irrespective of their national origin. Schools are encouraged to ensure their international and immigrant students are aware of their Title IX rights, and have information on U or T visas. The Department also required schools to ensure that any trainings about sexual violence are provided in a manner accessible to students who may have limited English proficiency. A school should be mindful of the special issues that arise when a foreign born student on a student visa experiences sexual violence and should assist students in overcoming obstacles related to their immigration status following an incident of sexual violence. The same DOE requirements apply to dating violence, stalking, domestic violence and sexual harassment experienced by students, including immigrant and foreign born students.

- [*Colleague Letter from Assistant Secretary for Civil Rights, Russlynn Ali*](#), DEP'T OF EDUC. OFFICE FOR CIVIL RIGHTS (Apr. 4, 2011),

In this letter The U.S. Department of Education explains the requirements of Title IX pertaining to sexual harassment and sexual violence. Sexual violence, as used in this document, means physical sexual acts perpetrated without consent or where a person is incapable of giving consent. The letter identifies a school's duties and responsibilities under Title IX to address incidents of sexual harassment and violence occurring to students on or off campus, including: procedural requirements, preventative steps, and enforcement. This letter further acts as a supplement to the DOE Office of Civil Rights' Revised Sexual Harassment Guidance issued in 2001 by providing additional guidance and practical examples regarding the Title IX requirements related to sexual violence. The letter also discusses the proactive efforts schools can take to prevent sexual harassment and sexual violence through examples of Title IX compliant grievance procedures, preventative measures, and enforcement mechanisms.

² Content has been archived by the U.S. Department of Education as of March 31, 2018

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