

Campus coverage:

Sexual assault and other crimes on campus

Walt Bogdanich, David Donald, Jill Riepenhoff, Samantha Sunne
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Sex assault and other sex crimes are, unfortunately, a topic that will provide a story on any campus. Even though campus authorities tend to be closed-mouthed when it comes to sexual assault, there are a ton of avenues open to reporters willing to fight for data and records.

People:

- Campus police
- Local police, meaning the city police or sheriff
- The student disciplinary office
- Campus sexual violence prevention or counseling centers
- Residence hall authorities and associations
- Authorities outside of your school - prosecutors, women's shelters, victims' advocates, the court system

Records:

- Clery reports
 - Every public school has an annual report about crime on campus. They can call this report whatever they want, but reporters usually refer to them as Clery Reports because they're mandated by a federal law called the Clery Act. The Student Press Law Center has a guide to what is in this report, who reports it, and why: <http://www.splc.org/cleryact>
- Police reports
 - Every law enforcement agency keeps records of its reported crimes, investigations and arrests. Get these records from your campus and local police. Before you make the request, consult with the agency to make sure you're using the correct term (sexual assault, sexual misconduct, etc.)
- Title IX complaints and investigations
 - A school can be sued under Title IX for failing to protect students or staff from sexual harassment, which can include sex crimes. Because Title IX is a federal law, the lawsuit will be in federal court, and you'll be able to find it on <http://www.pacer.gov>. You need to register for an account, but it will be free because PACER only charges you if you download more than 15 pages.
- Outcomes of student disciplinary cases
 - There's a federal law called FERPA that works against reporters: it makes most student records private. But a narrow exception to FERPA gives reporters an

opening for finding out what punishments universities deal out for sexual or violent crimes. Skip to the end of this tipsheet for more details on this FERPA exception.

Data:

- FBI UCR statistics
 - The FBI collects crime data from just about every law enforcement agency in the country: <http://www.fbi.gov/about-us/cjis/ucr/ucr> It's a good idea to compare Clery and UCR numbers because it could signal under-reporting from a law enforcement agency. Keep in mind, though, the FBI's requirements are different from the Clery ones, so make sure you understand the differences, such as each law's definition of "sexual assault."
- Department of Education Clery data
 - Each university has an annual Clery report, but all these numbers are fed into a national database maintained by the DOE, which you can explore here: <http://ope.ed.gov/security>
- Department of Justice VAWA data
 - The Office on Violence Against Women inside the DOJ has data on the kinds of punishments handed out for sex crimes. This data is limited to about 130 schools who signed up to receive federal funds to combat sexual violence, but is the only national database on sanctions for sexual offenses. You will need to FOIA this data set.
- The courts
 - Your local court system and prosecutor's office will have data on cases, charges and convictions
- National organizations like RAINN and the NSVRC publish statistics that provide context

Help!

The members of this panel, just like any other IRE member, would be happy to help other journalists working on similar stories. Besides IRE, the following are great sources of assistance to keep in mind:

- The Student Press Law Center (<http://www.splc.org/>) are the biggest experts in the country on stuff like FERPA, Clery and higher education reporting. Their mission is to help journalists with their reporting, so don't hesitate to get in touch or use their guides online.
- The Center for Public Integrity, in conjunction with NPR, did what is probably the biggest investigation on sex offenses on campus. CPI published a guide to covering it on your own campus, which includes many of the tips and resources found in this tipsheet as well as many others: <http://www.publicintegrity.org/2009/12/01/9048/reporters-toolkit-investigating-sexual-assault-your-campus>
- The Reporters Committee for Freedom of the Press has a thorough guide to requesting public records in every state, including a handy fill-in form that writes a letter for you: <http://www.rcfp.org/open-government-guide>

About that FERPA exception...

If you ask a school what punishments it gave out to students accused of sex assault, you'll probably get an immediate, "No, that's protected by FERPA." That's mostly true, but not totally.

If a case meets the following criteria:

- Reached an final disposition
- Student found responsible (guilty)
- Violent or sexual crime

Then you can get the following information:

- Student's name
- The violation committed
- The sanction (punishment)

Make sure to cite the law in your request, since many people are unfamiliar with this exception.

This excerpt comes from the the Government Printing Office,

<http://www.gpo.gov/fdsys/pkg/USCODE-2010-title20/pdf/USCODE-2010-title20-chap31-subchapIII-part4-sec1232g.pdf>. The federal Family Educational Rights and Privacy Act, 20

U.S.C. § 1232g, also known as FERPA, states,

(B) Nothing in this section shall be construed to prohibit an institution of postsecondary education from disclosing the final results of any disciplinary proceeding conducted by such institution against a student who is an alleged perpetrator of any crime of violence (as that term is defined in section 16 of title 18), or a nonforcible sex offense, if the institution determines as a result of that disciplinary proceeding that the student committed a violation of the institution's rules or policies with respect to such crime or offense.

(C) For the purpose of this paragraph, the final results of any disciplinary proceeding—
(i) shall include only the name of the student, the violation committed, and any sanction imposed by the institution on that student;

Keep in mind you still need to make a request under your state public records law, and the university needs to be public for the records to be open to review by the public. This exception merely stops the university from using FERPA as a reason not to give you the records.