



# TRANSFORMING OHIO CAMPUSES

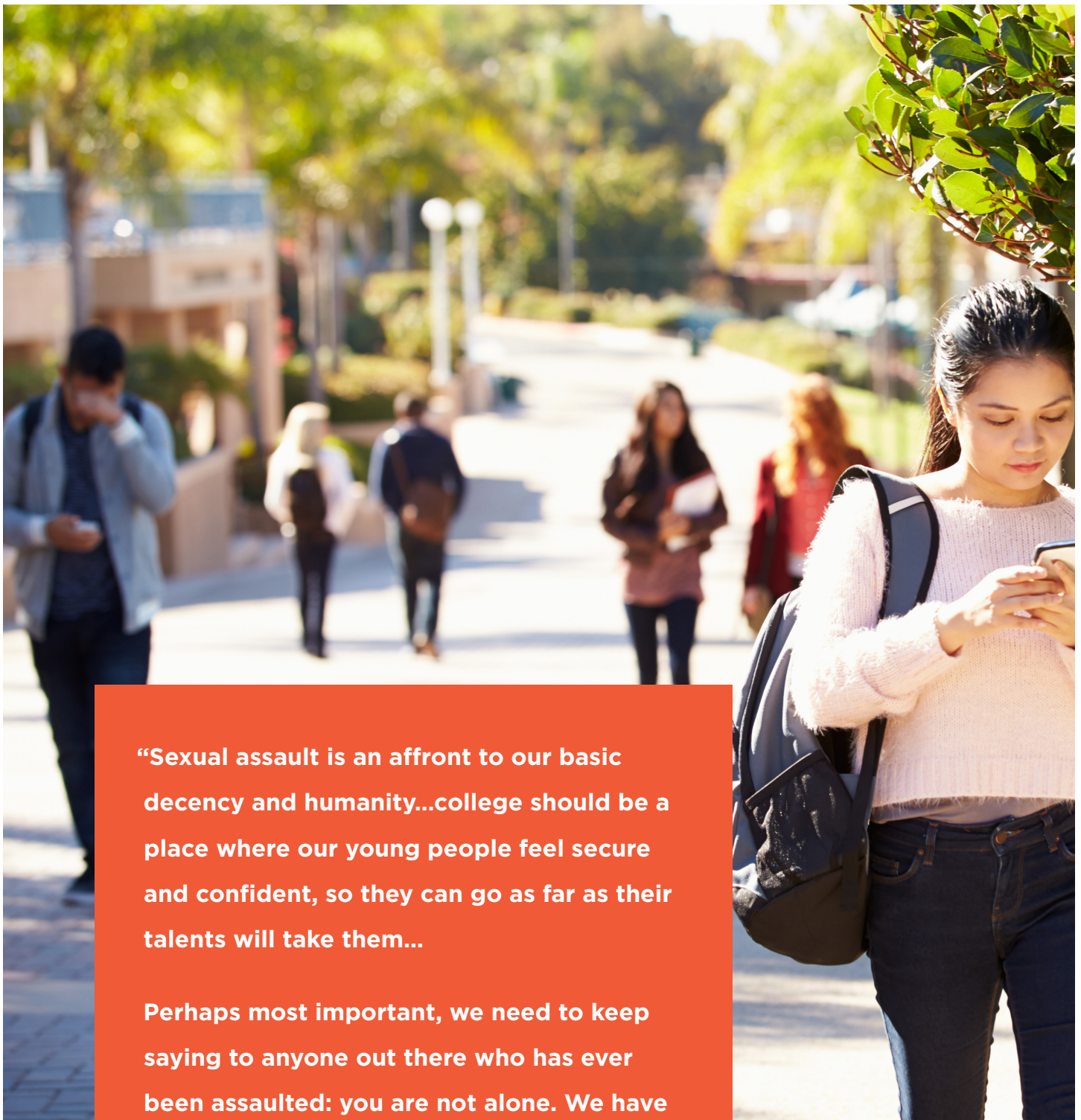
A Toolkit for Implementing the Changing Campus Culture Initiative

OHIO ALLIANCE TO  
END SEXUAL  
VIOLENCE

Ohio

Department of  
Higher Education





**“Sexual assault is an affront to our basic decency and humanity...college should be a place where our young people feel secure and confident, so they can go as far as their talents will take them...**

**Perhaps most important, we need to keep saying to anyone out there who has ever been assaulted: you are not alone. We have your back. I’ve got your back.”**

Remarks of President Barack Obama  
Weekly Address The White House  
January 25, 2014

## Foreword & Acknowledgments

A single act of sexual violence on an Ohio college campus is one too many. Through its Changing Campus Culture initiative, The Ohio Department of Higher Education's (ODHE) is working with partners across the state to strengthen the ability of all two- and four-year institutions to better respond to an ultimately prevent sexual assault on Ohio campuses.

A safer campus environment for all of Ohio's students is a priority of Governor John R. Kasich who charged ODHE with developing model best practices for preventing and responding to sexual violence on Ohio campuses. While Changing Campus Culture incorporates both prevention and response components, this toolkit is dedicated solely to development and implementation of response protocols. It was developed as a companion piece to two prior reports: ODHE's Changing Campus Culture: Preventing and Responding to Sexual Violence (October 2015) and A Safer Campus: A Guidebook on Prevention and Response to Sexual & Intimate Partner Violence & Stalking for Ohio Campuses (March 2016).

Committed individuals and well-designed campus protocols can make a difference in people's lives. This toolkit is a starting point for campuses to help foster positive outcomes for survivors of sexual violence. This is not an easy undertaking; it takes commitments, capital, competency and collaboration. It requires campuses to establish a wide range of comprehensive responses and services that satisfy federal and state regulations yet reflect individual campus communities.

The toolkit is designed for use by Title IX coordinators, campus leadership and other key responders to sexual violence. It can assist these stakeholders in reviewing their current protocols against the knowledge gained from emerging best practices.

Sincere gratitude goes to the campus stakeholders who work tirelessly to prevent and respond to sexual violence on their campuses and remain open to continually examining and improving their protocols. This toolkit also is dedicated to survivors of sexual violence who, on a daily basis, manage complex decisions to assist in their safety and continue to reach for their educational aspirations.

This important resource would not be possible without the Ohio Alliance to End Sexual Violence (OAESV) and the team of experts assembled for this project:

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I especially want to thank Kerry Soller from ODHE for her dedication and hard work in helping to implement this initiative.

Finally, ODHE is appreciative to Ohio's higher learning community for its willingness to join the agency on this difficult but rewarding journey toward developing and implementing protocols that balance compliance and humanity and, in the end, create safer communities on Ohio's campuses.

John Carey

Chancellor, Ohio Department of Higher Education

# UNDERSTANDING THE LANDSCAPE

## Background

Gender-based violence is a public health and human rights epidemic affecting campuses across the United States. The statistics are staggering with one in 5 women and one in 16 men reporting that they were sexually assaulted while pursuing a post-secondary education.<sup>1</sup> A significant proportion of these survivors indicate ongoing trauma that impacted their overall well-being and their ability to reach their educational goals.<sup>2</sup>

Increasing media coverage scrutinizing campus responses to gender-based violence demonstrates the struggle campuses face when (1) identifying federal and state mandates; (2) balancing legal obligations with culturally-relevant, confidential, and trauma-informed responses for complainants; (3) ensuring fair and equitable processes for respondents; and (4) achieving the above in a manner appropriate for the campus' unique demographics, location, and resources.

With a goal of ending this atrocity and assisting Ohio campuses, the Ohio Department of Higher Education (ODHE) created the Changing Campus Culture Initiative.<sup>3</sup> Through the Initiative's five key strategies, Ohio campuses can begin to reduce the incidence of gender-based violence, encourage survivors to report its occurrence, and ensure survivors receive the needed safety and supports when they do. The strategies, listed in the sidebar, are discussed more thoroughly in ODHE's 2015 report, *Changing Campus Culture: Preventing and Responding to Sexual Violence*.<sup>4</sup>

ODHE is committed to assisting Ohio campuses in implementing the Changing Campus Culture Initiative. This Toolkit is designed to serve as a comprehensive source of national and localized guidance for the development and implementation of campus protocols surrounding gender-based violence against students.<sup>5</sup> The goal is to balance compliance and humanity throughout one coordinated and cohesive institutional response.

## Legal Backdrop<sup>6</sup>

Campuses must address gender-based violence because it is a civil rights, human rights, and human resources<sup>7</sup> issue. The federal government has taken affirmative actions to ensure campuses are taking measures to construct violence-free communities. These actions are in the form of passing federal legislation commonly known as Title IX,<sup>8</sup> the Clery Act,<sup>9</sup> and amendments to Clery Act through Campus SaVE Act provisions.<sup>10</sup> These individual laws regulate campus responses to varying forms of gender-based violence<sup>11</sup> and thus form an integrated system of mandates applicable to campuses that receive federal assistance.

### KEY STRATEGIES: Changing Campus Culture Initiative

- Use data to guide action.
- Empower staff, faculty, campus law enforcement and students to prevent and respond to sexual violence through evidence-based training.
- Communicate a culture of shared respect and responsibility.
- Develop a comprehensive response policy.
- Adopt a survivor-centered response.

1 See, Berzofsky, Marcus, et al., Campus Climate Survey Validation Study Final Technical Report, BJS (January 20, 2016) and National Sexual Violence Resource Center, Statistics About Sexual Violence, Info & Stats for Journalists (2015) (also important to note that it is estimated that incidents of gender-based violence are highly underreported).

2 Id.

3 Ohio Department of Higher Education, Changing Campus Culture Initiative: Background at <https://www.ohiohighered.org/ccci> (for information about the initiative, including the report, resources, and FAQs).

4 A link to this report and many others can be found in the Online Resource section of the Toolkit.

5 It is understood that anyone in the campus community can be a survivor of gender-based violence. This Toolkit is focused on a when a student is the survivor, regardless of the location of the incident or who perpetrated the violence, as campuses are being asked increasingly to guarantee responses and ensure due process in these situations.

6 For a more comprehensive understanding of the legal mandates, refer to Unpacking Essential C's Confidentiality: A Campus Guide and the sources included in the Online Resource Guide. The Online Resource Guide contains links to the actual legislation, guidance on interoperating the legislation, and overviews compiled in reports such as the second edition of *A Safer Campus: A Guidebook on Prevention and Response to Sexual & Intimate Partner Violence & Stalking for Ohio Campuses*.

7 Effective and comprehensive gender-based violence response systems are directly related to student persistence, success, and retention.

8 Title IX of the Education Amendments of 1972 20 U.S.C. § 1681 et seq.

9 The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) (1990).

10 The Campus Sexual Violence Elimination (SaVE) Act is codified through Section 304 of the reauthorized Violence Against Women Act (March 19, 2013).

11 Title IX addresses gender-based discrimination and harassment that create hostile environments. Title IX prohibits sex discrimination (including sexual harassment and sexual violence) in educational institutions and requires campuses to take immediate action to eliminate the harassment, prevent its recurrence, and remedy its effects. It requires many things of a campus including: a non-discrimination statement; appoint a Title IX Coordinator; adopt and publish grievance procedures that are prompt and equitable and allow for adequate, reliable, and impartial investigation of complaints; use and enforce appropriate remedies; provide education and prevention programs; provide general training for all campus community members about the campus' policies and procedures; and specific training for responders. The Clery Act covers incidents of sexual violence, domestic violence, dating violence, stalking, and hate crimes to protect every student from a range of gender-based violence. Clery's overall goal is to provide students, their families, and campus employees with accurate, complete, and timely information about campus safety to better inform future decisions. The Clery Act requires among other things that campuses: complete and publish annual security reports and maintain crime logs about certain crimes occurring on or near their campus; issue timely warnings, guarantee complainants enhance rights, set standards for disciplinary proceedings and develop prevention and response trainings.



Campuses must review and understand how these laws operate both in tandem and in isolation. Guidance for campuses has been provided by the U.S. Department of Education's Office for Civil Rights through *Dear Colleague Letters*, resource guides and voluntary resolutions. Additionally, resources developed by the White House Task Force to Protect Students from Sexual Assault, numerous national and local technical assistance providers, and membership organizations help campuses sort through the labyrinth.<sup>12</sup> However, to further complicate the legal landscape, there are federal and state statutes that pertain to privacy and confidentiality, state criminal statutes,<sup>13</sup> state reporting statutes, and a host of other legal authority pertaining to such things as state sex offender registries and use of criminal records.

In developing this Toolkit, a scan of mandates, model protocols, checklists, other guidance was conducted. The following statements are the consistent and overarching beliefs and purposes that emanated from that scan. The statements helped shape this Toolkit and can be used by Ohio campuses to support their efforts as they persevere in their development and implementation of response protocols pursuant to the Changing Campus Culture Initiative.

- 1 Gender-based violence is a threat to the health and safety of all communities, including Ohio campuses.
- 2 It is no longer acceptable for any institution, including institutions of higher education, to minimize gender-based violence and not prioritize its elimination.
- 3 It is time to end the silence around gender-based violence and foster a campus culture where reporting and trauma-informed responses are encouraged, survivors supported, and future acts are prevented.
- 4 To change campus culture, a commitment to end gender-based violence must emanate from the highest level of administration and be supported through ongoing communication, resource allocation, and collaboration.
- 5 Campuses must have written protocols addressing gender-based violence.
- 6 Protocols help maintain an educational setting that is free of gender-based violence and uphold a safe and respectful environment for all who attend and work there.
- 7 Thus, protocols must be accessible and understandable to the larger campus community, and accurately reflect the campus' response
- 8 The goal is to provide notice of expectations of conduct by the entire campus community and to be transparent about processes that will occur if the campus is on notice that these expectations are not upheld.
- 9 Campuses must be guided by the expertise and lessons learned from those most familiar with responding to gender-based violence in order to develop survivor-centric responses that do not further compromise safety and well-being.
- 10 Campuses must allocate sufficient capital to ensure that those tasked with upholding the protocols have the capacity - in expertise, time, authority and resources - to do so.

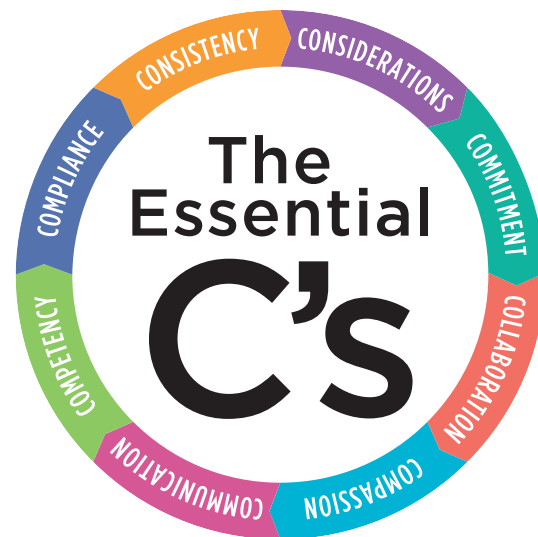
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12 Supra note 4. There are links in the Online Resource Guide to all of these documents.

13 The set of crimes that campuses are required to respond to are clearly identified in legal mandates. State laws differ as to the specific definitions of these crimes in a criminal justice arena. Campuses should not be beholden to the criminal definitions and instead develop definitions based on best practices and common understanding in the sexual and intimate partner fields.

## THE ESSENTIAL C'S OF THE CHANGING CAMPUS CULTURE INITIATIVE

The Essential C's are tangible elements that contribute to building effective responses to gender-based violence and should be central to all Changing Campus Culture Initiative efforts. Many of the Essential C's are intertwined and do not work in isolation. Ohio campuses are encouraged to use these concepts as they review their current protocols and enhance their responses to gender-based violence.



### COMMITMENT

A real, sustainable change in campus culture requires commitment by the entire campus, beginning and ending with its leadership. Campus leadership drives cultural change. Campus leadership includes not only individuals holding higher upper administrative posts, but also those with social influence and community leaders.

Leadership can demonstrate its commitment through consistent and constant messaging, the allocation of adequate resources, personal involvement in the development and implementation of response protocols, and actively seeking solutions to barriers that prevent culture change. All of the campus departments and members of the diverse campus population should be actively engaged in changing the culture on campus and share responsibility and accountability for doing so.

Commitment is also the understanding that changing the campus culture cannot be done in isolation of prevention and addressing conditions on Ohio campuses, and in the general community, that permits gender-based violence to exist.

### COLLABORATION

Collaboration<sup>14</sup> has become a mantra for addressing social woes. Collaboration helps campuses create a shared vision for responding to and preventing gender-based violence. It fosters cooperation and coordination among campus stakeholders and between campus and off-campus stakeholders. Collaboration provides an opportunity to hear from diverse perspectives about what is working and what needs improvement and helps leverage and coordinate resources. Collaboration takes time and dedication but ultimately furthers the interest and health of the entire campus.

Implementing the Changing Campus Culture Initiative takes the commitment and cooperation of the entire campus community. No one entity can successfully change campus culture alone, as no individual stakeholder is an expert on all components of a comprehensive response. Through collaboration, campus responders can build relationships, garner trust, and further their own understanding of gender-based violence. Collaborations can range in formality, assigning a fit that best serves the needs of campus responders in fulfilling their role and resulting in survivor-centric responses and fair and equitable processes.

Campuses must collaborate with the larger community. These partnerships help address off-campus incidents of gender-based violence that involve a member of the campus community and they bolster responses to on-campus incidents. The larger community may have expertise and resources that can contribute to the development and implementation of response protocols, including the establishment of personalized interim measures.

Ultimately, collaboration is a vehicle for developing and implementing comprehensive responses, as comprehensive efforts promote campus safety and compliance.

14 Collaboration is defined as a mutually beneficial and well-defined relationship entered into by two or more organizations to achieve common goals. The relationship includes a commitment to mutual relationships and goals; a jointly developed structure and shared responsibility; mutual authority and accountability for success; and sharing of resources and rewards. Such relationships require comprehensive planning and well-defined communication. See National Network for Collaboration, Collaboration Framework: Addressing Community Capacity (1996).

## COMPASSION

Before campus culture can truly change, compassion must permeate the entire campus community. Compassion encompasses both believing that gender-based violence exists AND understanding that all members of the campus community have a role and responsibility in ameliorating and responding to that violence.

Compassion does not mean that a campus or an individual is bias. No one should be neutral about gender-based violence. With compassion a campus can be open to viewpoints and understanding and still be intolerant of gender-based violence. When interacting directly with complainants, compassion is one way in which to be trauma-informed. Compassion is similar to empathy but adds the element of having the desire to help and to reduce or remove the suffering of another. Thus, having compassion is an active state of being.

Compassion also recognizes that working on gender-based violence related issues can be traumatizing for responding individuals. The dedication of these responders is what fulfills the intent and mission of the protocols. It is important that time be taken to ensure the well-being of those involved in responses.

## COMMUNICATION

Communication is an essential factor in achieving both compliance and humanity. The entire campus community must understand how, when, and why the campus will respond to gender-based violence. This transparency provides the basis for due process, and helps support a culture that encourages reporting and creates a safe learning environment.

A campus has the power to set a positive respectful tone and foster an environment where it is safe to have conversations about gender-based violence. The way a campus communicates its duties, responses, and available resources is as important as the language used to do so. Communication should be proactive and consistent. Campuses should consider what type and mode of communication will be most effective for its intended audience. Campuses must also decide what terminology to use to educate the campus community and their community stakeholders.

Campuses should strive to avoid fragmented communications among administrative officials and responders. Fragmentation can hinder prompt and equitable investigations and adjudications, and can leave complainants without necessary safety and educational supports and respondents feeling as if there is not due process. For example, it can cause a campus to miss its mandated opportunity to respond, including notification of an emergency or timely warning, leaving it open to scrutiny.

## COMPETENCY

A protocol cannot be effective if its designers and implementers lack the requisite skills and expertise. Similarly, individual gender-based violence responders must possess the necessary skills and knowledge to fulfill their obligations under the protocol. This competency pertains to the assurance of fair and equitable responses and the provision of supportive services for both complainants and respondents.

A competent approach requires that responders know their role in changing the campus culture and receive the necessary resources and ongoing training to fulfill that role. Individual responders and stakeholders should assess their own strengths, challenges, and biases in identifying issues that may compromise competency or call for increased training and oversight. Campuses should check-in with the larger campus community to learn of varying perspectives about the effectiveness and trust in the campus' response protocol and choice of responders.

## COMPLIANCE

Compliance is likely the area in which campuses invest the most time. However, compliance is not just about following legal mandates. Compliance requires taking the philosophy and vision behind those mandates and best practices, and integrating them into the campus' cultural fabric.

Campuses often seek model protocols and practices they can adopt to guarantee "compliance." Though the desire for guidance is understandable, a copy and paste approach is not an effective method for comprehensively eradicating sexual violence within individual campus communities. Each campus is unique in size and available resources, institutional values and culture, administrative structure, and campus geographic and student-body composition. Campuses must consider each of these factors when developing and implementing compliant response protocols, and determine what will be most effective given their own resources and culture.

## CONSISTENCY

Consistency builds trust. The entire campus community should know (1) the campus' culture as it pertains to gender-based violence, and (2) how the campus intends to foster and preserve that culture. This response guarantee includes written protocols that reflect current practices, assurances that response protocols do not conflict with other campus policies, use of harmonious definitions and language across campus policies, and evidence that the campus consistently follows its written policies.

Consistency does not require identical response to all gender-based violence. A survivor-centric and compliant response takes the circumstances of individual complainants into consideration. This flexible approach ensures that the campus response is culturally-relevant, trauma-informed, and facilitates safety and well-being. Therefore, the underlying process involved (stages of the response protocol) may be consistent but actions taken within the stages and the outcomes (consequence and remedies) may vary from incident to incident based upon the relationship of the respondent to the institution, the gravity of the offense, and other factors impacting the safety of the complainant and the larger campus community.

It is also important to note that campuses and community stakeholders regularly experience turnover. Thus to maintain consistency, there should be regular training and updates on the protocols for all responders.

## CONSIDERATIONS

A one-size all approach is never best practice. Ohio campuses must analyze the following considerations (minor C's) as they pertain to their overall response protocol and for each reported incident of gender-based violence.

Culture	Confidentiality	Capital	Crimes
<p>This term has many applications in the campus arena. There is the culture of the particular campus that has historically shaped the campus' attitudes and responses to all issues, including gender-based violence. There is also the culture of the individuals that are part of the campus community. Campuses must be attentive and responsive to the diversity and culture of their community. These diversities can pertain to race, ethnicity, language, ability, socioeconomic status, nationality, sexual orientation, religion, age, and gender identity.</p> <p>It is imperative for campuses to assess both applications of culture to determine: (1) how the overarching campus culture is aiding or impeding responses to gender-based violence; and (2) if information, supports and services are being delivered in a culturally-relevant manner to meet the needs of the diverse population.</p>	<p>In addition to the stigma associated with gender-based violence victimization, exposure to such violence can place a complainant at risk for further harm from the respondent and predisposition to academic, employment, and other types of problems. For some of these reasons, confidentiality is the cornerstone of the domestic violence and sexual violence movements. Ohio campuses should have a precise understanding about what information is classified as confidential when an incident of gender-based violence is disclosed and clearly communicate the campus confidentiality standards and obligations to complainants and respondents. Campuses should develop relationships with individuals who can serve as confidential sources to complainants and facilitate access to those resources.</p>	<p>Capital refers to the resources that a campus dedicates to changing its culture. The term "resource" includes time, staffing levels and expertise (human capital), money, and goods (i.e. supplies, space, technology). Every Ohio campus has varying levels and sources of capital. This can directly impact response protocol implementation. Those that are resource-rich should ensure that campus leadership and alumni are aware of the amount of capital required and create mechanisms to access that capital. Other Ohio campuses are encouraged to conduct a scan of existing campus and community resources. Through collaboration and commitment, campuses can discover and often leverage additional capital.</p>	<p>Dynamics between a complainant and respondent vary depending on the type of gender-based violence committed. It is imperative to understand the ways in which varying dynamics and potential traumas shape an entire response, including the types of protections that can impact lethality, the types of tactics a respondent may use to exert ongoing control or perpetrate violence (even post-campus involvement), and actions the campus responders should and should not take in facilitating safety as prescribed by mandates and best practices.</p>



## IMPORTANT INFORMATION ABOUT THE TOOLKIT

### Terminology

There are a variety of terms that are applied to this work. Some of these terms come directly from legislation; others from the rape crisis and intimate partner violence fields; and others are terms of art used by institutions of higher learning. For the purposes of this Toolkit, several words were selected as umbrella terms based on philosophy and ways to simplify writing.

The selection of terms for this Toolkit does not signal a recommendation or requirement for Ohio campuses to use these same terms.<sup>15</sup> Readers will also find a full glossary contained in the Toolkit.

Term	Definition
<b>Campus</b>	Umbrella term for any post-secondary school, including “college”, “institution of higher education”, or “university”, that interchangeably refers to public and private two-year and four-year institutions of higher education.
<b>Gender-Based Violence</b>	Umbrella term that encompasses all forms of violence and harassment committed against an individual because of and/or based on their biological sex, gender identity and/or sexual orientation. This term includes sexual assault, rape, sexual harassment, all forms of intimate partner abuse, and stalking.
<b>Complainant</b>	Umbrella term applied to a student survivor or victim of gender-based violence, especially when the campus is notified about an alleged incident and takes steps to ameliorate and address the harm that the complainant experienced.
<b>Respondent</b>	Umbrella term that describes an individual (whether a student or other member of the campus community) that is the subject of a complaint, investigation or adjudicatory hearing alleging that they committed an act of gender-based violence.
<b>Protocol</b>	Umbrella term that describes a written document outlining the expected conduct and behaviors of the larger campus community, and the steps and measures the campus will take when those expectations are not met.

The information included in this Toolkit is not intended to serve as or replace training on Title IX, the Clery Act, the Campus SaVE Act, or Ohio law. Instead, it is a reference tool for understanding how each of these pieces impact campuses. This Toolkit is designed to assist Ohio campuses in their efforts to build and strengthen their responses to gender-based violence. While comprehensive, it does not cover every scenario, and following its guidance does not guarantee compliance with federal and state regulations. The information in this Toolkit is intended for educational purposes only. Do not rely on it as legal advice and always consult with your General Counsel for campus-specific decisions.

Finally, the landscape is ever-changing as new federal guidance is released, laws are amended or enacted, and best practices come to light. Campuses should proactively seek new information that can inform protocols and responses to gender-based violence.

<sup>15</sup> When a campus does select terminology, it is important to ensure that all stakeholders have the same interpretation and definition of those terms, and that there are no unintentional or culturally-offensive connotations with the words selected.

## Components

This Toolkit includes several pieces that can be used jointly or discretely. There is no recommended order through which to work through the Toolkit, however the Self-Assessment Tool is a good place for teams to start examining their current protocol. While it is anticipated that the Toolkit will be used most frequently by Title IX Coordinators, it was developed with a multi-disciplinary audience in mind that has a range of understandings about this work. The hope is that the Toolkit serves as a resource for campuses as they work both internally and externally with community partners, in protocol development and implementation. The components of the Toolkit are:

<b>2:1 - 2:16</b>	<b>WHERE ARE WE NOW? A Self-Assessment Tool</b>
	A tool to help campus response teams assess their current response and create a guide for future improvement.
<b>3:1 - 3:44</b>	<b>GUIDE TO CAMPUS PROTOCOL DEVELOPMENT: Components, Considerations and Checklists</b>
	A tool that provides an overview of necessary elements of a campus response protocol and breaks down some of the elements into guidance and considerations.
<b>4:1 - 4:22</b>	<b>CASE SCENARIOS</b>
	A multitude of case scenarios with corresponding questions are available to be used with small or large groups to help analyze current protocols, unpack differing philosophical viewpoints, and broach issues that could otherwise be difficult to raise.
<b>5:1 - 5:34</b>	<b>UNPACKING ESSENTIAL C'S CONFIDENTIALITY: A Campus Guide</b>
	Delves into the varying legal mandates of federal and state law and what campuses responsibilities are in sharing information and helping preserve complainant confidentiality.
<b>6:1 - 6:6</b>	<b>UNPACKING ESSENTIAL C'S COMPETENCY: A Guide to Trauma-Informed Approaches</b>
	Outlines the importance of being trauma-informed and the ways in which various responders can do so.
<b>7:1 - 7:4</b>	<b>UNPACKING ESSENTIAL C'S COLLABORATION: A Guide to Stakeholder Engagement</b>
	Discusses the importance of collaborating and highlights strategies to engage various stakeholders that are part of the response to gender-based violence.
<b>8:1 - 8:15</b>	<b>GLOSSARY</b>
	This is a comprehensive document of terms. Many definitions also include learning points.
<b>9:1 - 9:9</b>	<b>ONLINE RESOURCE GUIDE</b>
	Only available electronically, the list contains numerous national and state resources, model protocols and checklists, and federal guidance – all of which are available online by clicking <a href="https://www.ohiohighered.org/ccs/resources">https://www.ohiohighered.org/ccs/resources</a> .