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Sexual harassment, stalking, sexual assault, and intimate partner violence can have devastating effects on the ability of students to continue their education. Students often know the perpetrators of the violence or harassment against them and see them on a regular basis. In the case of sexual assault, for example, a staggering 80-90% of on-campus victims know their attackers.<sup>1</sup> About six times as many sexual assaults occur in on-campus residence halls than do off-campus.

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dential life staff member), or because they were living together and the perpetrator needs to be removed from the home. Even if the perpetrator is not connected to the school, the victim may feel unsafe because the perpetrator knows where the student lives. Being forced to cross

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PART ONE \*

Not long after Sarah's order of protection against her stalker expired, he sent her an e-mail. "I couldn't tell whether or not the e-mail was meant as a veiled threat, but I was definitely scared. He'd broken into my home before, and I was worried he would start showing up at my new apartment at school. The police were not willing to arrest him based solely on the e-mail, but I couldn't sleep and I couldn't study. I was too scared to go outside, and I was too scared to stay inside. I didn't have enough money to move off-campus. I felt really stuck."

\* Names have been changed to protect confidentiality. Sarah's story is based on an interview with a graduate student in New York.

## Internal School Policies

Schools often have internal policies offering housing to incoming or continuing students and rules regarding housing transfers or evictions. Those policies must be fairly applied to all students and respond



<sup>1</sup> Bonnie S. Fisher, Francis T. Cullen & Michael G. Turner, U.S. Dep't of Justice, Nat'l Inst. of Justice, *The Sexual Victimization of College Women* 17 (2000), available at <http://www.ojp.usdoj.gov/nij/pubs-sum/182369.htm>.

<sup>2</sup> U.S. Dep't of Educ., *Summary Crime Statistics for 2006-2008*, Criminal Offenses 5, <http://www2.ed.gov/admins/lead/safety/campus.html#data>.

<sup>3</sup> Certain state or local housing laws may offer additional protections not discussed here. A lawyer can offer information and advice specific to a particular situation.

<sup>4</sup> 20 U.S.C. § 1681(a); *Davis v. Monroe County Bd. of Educ.*, 526 U.S. 633 (1999).

<sup>5</sup> 42 U.S.C. § 3604.

<sup>6</sup> 20 U.S.C. § 1092(f).

<sup>7</sup> 20 U.S.C. § 1092(f)(12).

<sup>8</sup> 20 U.S.C. § 1092(f)(13).

<sup>9</sup> 34 C.F.R. § 668.46(b)(11)(v).

<sup>10</sup> See San Francisco State University's Sexual Assault Policy, [http://www.sfsu.edu/~safe\\_plc/Assault\\_Policy.htm](http://www.sfsu.edu/~safe_plc/Assault_Policy.htm).

<sup>11</sup> *Id.*

<sup>12</sup> See Michigan State University's Statement on Sexual Assault, Reporting Procedures and Resources, <http://splife.studentlife.msu.edu/information-and-services/michigan-state-university-statement-on-sexual-assault/information-and-programs-on-sexual-assault/reporting-procedures-and-resources>.

<sup>13</sup> See Marilyn Best & Debbie Nelson, Nat'l Resource Ctr. on Domestic Violence, *Organizing College Campuses Against Dating Abuse*, 27-30 (1999) (describing the policy at the University of