

CLIENT NEWS BRIEF

Violence Against Women Act Calls for New Policies on Campus

On March 7, 2013, President Obama signed into law the Violence Against Women Reauthorization Act of 2013, which provides sweeping changes to key aspects of college and university disclosure and reporting mandates.

Section 304 of the law, titled "Campus Sexual Violence, Domestic Violence, Dating Violence, and Stalking Education and Prevention," made significant revisions to the Clery Act provisions of the Higher Education Act of 1965, requiring, among other things:

- Reporting of campus crime statistics to include incidents of domestic violence, dating violence, and stalking.
- Disclosure of preventative and on-going programs regarding domestic violence, dating violence, and stalking.
- Disclosure of policies regarding domestic violence, dating violence, and stalking.

These new reporting requirements include certain crimes motivated by national origin and gender identity, two categories that were absent from the previous law.

An institution's policies must now explain, with specific details as outlined in the law, the institution's "programs to prevent domestic violence, dating violence, sexual assault, and stalking" as well as procedures the institution will follow once such an incident has been reported. Specifically, the policies must identify procedures for: (1) victims to follow in reporting incidents; (2) procedures for institutions to follow in investigating an incident; (3) possible sanctions or protective measures that the institution may impose following a final determination of a campus disciplinary proceeding; (4) how the institution will protect the confidentiality of the victim; and (5) written notification to the victim of support resources and of options for accommodations in academic, living, transportation, or working situations.

The procedures followed by an institution must now include a prompt, fair, and impartial investigation and resolution by an official with annual training on how to handle such allegations in a manner that protects the safety of the victims and promotes accountability. The procedures must include a statement of the standard of evidence that will be used in such an investigation. While the Act does not specify a standard, prior guidance from Department of Education suggests that a preponderance of the evidence standard is appropriate.

Finally, the Act clarifies that the institution's officers or employees must not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under the Act.

Institutions must update their policies and procedures to include the new

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requirements by 2014.

It is unclear when the U.S. Department of Education will issue implementation guidance. Institutions still, however, need to begin planning to implement these new requirements, even in the absence of Department guidance. To do so, institutions should start evaluating their existing policies and procedures to determine where changes are needed, considering designation and training of appropriate staff to fulfill the data collection and investigation requirements, and reviewing modifications that may be needed for education and awareness programs.

If you have any questions regarding the Violence Against Women Act or need assistance implementing the Act's new requirements, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#), or download our [Client News Brief App](#).