Overview of the Violence Against Women Act

Presented to the UC Riverside Academic Senate
By Dr. Yolanda T. Moses February 24, 2015
Overview of Current Issues

- April 4, 2011 “Dear Colleague Letter”

- March 2013 Amendments to the Violence Against Women Act, signed by President Obama, effective March 2014

- April 29, 2014 Guidance regarding the April 4, 2011 “Dear Colleague Letter” and other guidance from the Office for Civil Rights (OCR)

- White House Task Force Report issued April 2014

- June 2014: UC Task Force on Sexual Assault and Sexual Violence

- October 20, 2014: Dept. of Ed. publishes final VAWA regulations, effective July 1, 2105
Title IX prohibits sex discrimination in educational programs and activities. Enforced by Department of Education’s Office of Civil Rights (OCR).

OCR has increased enforcement activities around sexual harassment and sexual violence (for example, recent resolution agreements such as with the University of Montana). OCR issued guidance in 2014 re: April 2011 “Dear Colleague Letter” DCL recommended recognizing sexual violence as a form of sexual harassment, and included recommendations regarding policies and procedures for responding to complaints of sexual violence.

VAWA codified some recommendations of DCL.
VAWA 2014: Title IX meets Clery


- Generally, requires reporting of certain campus crimes and policy statements in an Annual Security Report by each campus

- VAWA amended Clery re: Sexual Violence

- Title IX Intersection: Codifies some aspects of OCR’s April 2011 Dear Colleague Letter

- New Reporting Requirements Adds new categories of reportable crimes to include national origin, gender identity, domestic violence, dating violence, stalking
Additional training & education requirements
Incoming students and new employees should receive prevention and awareness training that includes:

- Definition of domestic violence, dating violence, sexual assault, & stalking
- Definition of consent in the applicable jurisdiction
- Safe and positive options for bystander intervention when there is a risk of these crimes
- Risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks

Annual training for investigators and disciplinary officers
Officials responsible for investigations and disciplinary proceedings must receive annual training on issues related to these crimes and how to conduct an investigation and hearing process that protects the safety of the complainants and promotes accountability.
New Policy and Procedures Requirements Include definitions of domestic violence, dating violence, sexual assault, stalking, and consent in the applicable jurisdiction

- Identify reporting options for victims
- Emphasize the importance of preserving evidence for proof purposes
- Identify the standard of evidence used in proceedings
- Describe possible sanctions and protective measures that may be imposed for policy violations
- Provide notifications in writing of available services, options for accommodations, complainant’s rights
Title IX Officers on each campus are responsible for investigating administrative complaints, then referring to appropriate disciplinary process

Campus Police conduct investigations where criminal conduct reported

UC has both a system wide policy and local implementing procedures

Existing system wide and local policies and procedures were initially revised to meet VAWA requirements by March 2014
Prior UC Policies & Procedures

- **System wide policies and procedures** *University of California Policy on Sexual Harassment, issued 2/10/06*, was the prior *Presidential Policy covering faculty, staff, and students*

- *University of California Procedures for Responding to Reports of Sexual Harassment, issued 12/14/04*
  - Disciplinary policies include: Student Code of Conduct
  - Academic Personnel Manual (APM)
  - Personnel Policies for Staff Members (PPSM) and applicable CBA’s

- **Local campus policies and implementing procedures** All campuses have local implementing procedures for sexual harassment and disciplinary policies

- Some campuses have policies/procedures specifically addressing sexual assault and violence, in addition to sexual harassment policies
President Napolitano’s Task Force

- Convened in June 20, 2014 by President Napolitano

- Members of the Task Force include Regents Reiss and Clancy, campus police, victim advocacy groups, campus Title IX officers, student conduct officers, system-wide and campus administrators, and an undergraduate and graduate student.

- Working groups from functional areas support and implement the recommendations of the Task Force.

- January 2015 Milestones—Included establishing an independent, confidential advocacy office on each campus; establishing a system-wide website on preventing and responding to sexual violence.

- MORE TO COME……..