Summary of VAWA Provisions Affecting Institutional Disciplinary Proceedings

(See 20 U.S.C. § 1092(f))

On March 7, 2013, President Obama signed into law Senate Bill 47, the “Violence Against Women Reauthorization Act of 2013” (VAWA), which amends the Violence Against Women Act of 1994. Among the many changes implemented by VAWA are those which amend the Higher Education Act of 1965 and expands disclosure and educational obligations for institutions of higher education under the Clery Act. The new obligations require institutions to provide certain policy statements in the Annual Security Report (ASR) under the Clery Act, particularly with regard to rights afforded to victims of domestic violence, dating violence, sexual assault, and stalking. In order to provide these affirmative policy statements, certain procedures must be modified in our current administrative code.

VAWA provides that procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, shall include a clear statement that –

- Disciplinary proceedings shall:
  - Provide a prompt, fair, and impartial investigation and resolution; and
  - Be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
- The accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice; and
- Both the accuser and the accused shall be simultaneously informed in writing, of –
  - The outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;
  - The institution’s procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding;
  - Of any change to the results that occurs prior to the time that such results become final; and
  - When such results become final.