



CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

Violence Against Women Act Reauthorized: What It Means for Higher Ed

BY BOWDITCH & DEWEY • MAY 6, 2022

In March 2022, President Biden signed the reauthorization of the Violence Against Women Act (“VAWA”). Pursuant to this reauthorization, all current VAWA grant programs have been extended through 2027. The reauthorization expands funding and services for survivors of gender-based violence in underserved communities and, of significance to colleges and universities, expands prevention education for higher education students. Unless otherwise specified in VAWA, the reauthorization provisions are effective October 1, 2022.

DEFINITIONAL CHANGES

The reauthorization includes changes to certain VAWA definitional terms, including the terms “domestic violence,” “economic abuse,” and “technological abuse.” Additionally, the reauthorization includes, for the first time, a definition of the term “restorative practice.” Colleges and universities are advised to be prepared to update their Title IX, Clery Act, and all other policies and procedures that include VAWA definitions to reflect these revised and/or additional definitions.

ONLINE SURVEY TOOL FOR CAMPUS SAFETY

As set forth in the reauthorization, the Secretary of Education is directed to establish a standardized, online campus climate survey, which will be distributed to colleges and universities through an online portal. This survey will solicit information about student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking, as well as students’ awareness of institutional policies and procedures. Individual institutions may add additional questions to this survey at no cost. Post-secondary institutions that receive federal funding will be required to administer this survey beginning no later than one year after the survey tool is made available, and biannually thereafter. The Secretary of Education and individual institutions will be required to publish campus-level survey results.

Institutions in Massachusetts should bear in mind that the 2021 Campus Sexual Assault Law likewise requires that

institutions periodically survey their students regarding sexual misconduct on campus. On May 4, 2022, the [Commonwealth's Department of Higher Education released the report](#) of a task force that includes model survey questions for campuses to use. Although at this point it appears that there is significant overlap between the state and federal survey requirements, institutions will have to ensure that they comply with both.

TASK FORCE ON SEXUAL VIOLENCE IN EDUCATION

By September 1, 2022, the Secretary of Education, the Secretary of Health and Human Services, and the Attorney General are to establish a joint interagency task force to be known as the “Task Force on Sexual Violence in Education.” The task force will provide information regarding campus sexual violence prevention, investigations, and responses (including the creation of complaint processes for Title IX and the Clery Act violations), as well as recommendations regarding culturally responsive and inclusive approaches to supporting survivors of sexual violence. Significantly, the Task Force will assess the Department of Education’s ability to levy fines and additional remedies against institutions for failure to comply with Title IX.

SEXUAL ASSAULT PREVENTION GRANTS

The reauthorization renews and expands grant programs to address and combat domestic violence, dating violence, sexual assault, and stalking. Of specific relevance to colleges and universities, these grants will assist institutions in developing and strengthening policies, procedures and services to identify and address sex-based crimes; training personnel in recognizing and responding to gender-based violence; developing mandatory prevention and education programs on domestic violence, dating violence, sexual assault, and stalking for all students; and establishing or enhancing restorative practices programs.