



OFFICE OF THE PRESIDENT
1111 Franklin Street
Oakland, California 94607-5200

November 1, 2013

MEMBERS OF THE UNIVERSITY OF CALIFORNIA COMMUNITY

Dear Colleagues:

The Violence Against Women Reauthorization Act (VAWA 2013), which President Obama signed into law on March 7, 2013, includes several provisions to improve and expand how institutions address domestic and sexual violence. VAWA was first enacted in 1994, as part of the Violent Crime Control and Law Enforcement Act of 1994, and it was reauthorized in 2000 and 2005. VAWA 2013 reauthorized and improved upon services for all victims of domestic violence, sexual assault, dating violence, and stalking, including university and college students, Native women, LGBT victims, and immigrants.

VAWA 2013 incorporates provisions of an earlier bill, titled “Campus Sexual Violence, Domestic Violence, Dating Violence, and Stalking Education and Prevention” or the Campus SaVE Act, and codifies parts of an April 2011 Dear Colleague letter issued by the Office of Civil Rights (OCR) at the U.S. Department of Education (DOE). The SaVE Act, found in Section 304 of VAWA 2013, made significant revisions to the Clery Act provisions of the Higher Education Act of 1965 regarding how institutions report campus crime. Some of the changes applicable to the University of California include:

- Reporting campus crime statistics beyond the crime categories the Clery Act already mandates, to include incidents of domestic violence, dating violence, and stalking, as well as crimes motivated by national origin and gender identity, two categories that were absent from previous versions of VAWA,
- Providing training to new students and to new employees, in addition to ongoing education programs to promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking,
- Conducting annual training for personnel investigating and reviewing asserted offenses, and
- Adopting policy to address and prevent campus sexual violence.

Specifically, the policy must identify procedures for (1) reporting an incident, (2) investigating an incident, (3) possible sanctions or protective measures that the University may impose following a final determination of a disciplinary proceeding, (4) how the University will protect the confidentiality of the victim, (5) written notification to the victim of support resources and of

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options for accommodations in academic or working situations, and (6) notice that the institution's officers or employees must not retaliate against any individual for exercising rights or responsibilities under VAWA 2013.

The University must update policies and procedures to include these new requirements by March 7, 2014. It is unclear when the DOE will issue implementation guidelines. However, UC and all institutions need to plan to implement the new VAWA 2013 requirements even in the absence of DOE guidance. The OCR characterizes sexual violence as a type of sexual harassment. Thus, UC has elected to revise its systemwide Policy on Sexual Harassment (Policy) to address VAWA 2013 requirements. A working group at the UC Office of the President, comprised of representatives from Human Resources, Student Affairs, Academic Personnel, and the Office of General Counsel, in consultation with campus Title IX Officer volunteers, have drafted the required revisions to the Policy, which are enclosed for review and comment. Proposed revisions are intended to satisfy the VAWA 2013 requirements and to maintain current Policy and Procedure language where possible.

Each of us has enclosed a second letter addressed to colleagues in our specific community in Human Resources, Student Affairs, or Academic Personnel. Please send comments on the proposed revisions to Policy as directed in that letter. However, this letter and enclosures anticipate that the revised Policy will be issued effective March 7, 2014.

Sincerely,



Dwaine B. Duckett
Vice President
Human Resources



Judy Sakaki
Vice President
Student Affairs



Susan Carlson
Vice Provost
Academic Personnel

Enclosures: Proposed Revised Draft UC Policy on Sexual Harassment
Specific community-directed letter

cc: President Napolitano
Provost and Executive Vice President Dorr
Executive Vice President Brostrom
Senior Vice President Vacca
General Counsel Robinson
Senior Counsel Hamill
Labor and Employment Counsel Chin
Executive Director Griffin-Desta
Executive Director Tanaka
Executive Director Winnacker
Director Crowder
Director Skarakis
Manager Lockwood
Policy Specialist Whalen
Policy and Program Analyst Heng