Date: July 14, 2014

DCL: GEN-14-13

Subject: Implementation of Changes to the Clery Act made by the Violence Against Women Reauthorization Act of 2013 (VAWA)

Summary: Guidance to Institutions Regarding their Responsibility to Comply with Section 485(f) of the Higher Education Act of 1965, as amended by VAWA, before Final Regulations are Effective

Dear Colleague:

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4), which, among other provisions, amended section 485(f) of the Higher Education Act of 1965, as amended (HEA), otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act requires institutions of higher education to comply with certain campus safety- and security-related requirements as a condition of participating in the Federal student financial aid programs authorized by Title IV of the HEA. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports (ASRs). The statute requires institutions to include this new information in the ASR beginning with the ASR that must be provided to students, employees, and prospective students and employees by October 1, 2014.

VAWA did not affect in any way Title IX of the Education Amendments of 1972 (Title IX), its implementing regulations, or associated guidance issued by the Department’s Office for Civil Rights (OCR). Nothing in the Clery Act, as amended by VAWA, alters or changes an institution’s obligations or duties under Title IX as interpreted by OCR.¹

¹ Please see OCR’s website for more information and resources related to Title IX. In particular, please review the Dear Colleague Letter published on April 4, 2011, and the Questions and Answers on Title IX and Sexual Violence released on April 29, 2014.

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