

LEGAL UPDATES

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Top Five Compliance Questions in McCaskill Campus Rape and Sexual Assault Survey to Colleges and Universities

Recently, Sen. Claire McCaskill (D-Mo.) announced a survey of 350 colleges and universities nationwide to examine how these institutions handle rapes and sexual assaults on campus. This effort reflects a swell of government, media, and student attention to this important issue and to the challenges confronting institutions of higher education in addressing it.

Several laws and corresponding regulations dictate what schools should be doing in response sexual misconduct, including Title IX of the Education Amendments of 1972, the Clery Act, and the Violence Against Women Reauthorization Act of 2013. Compliance with these requirements is tied to participation in Title IV Federal Student Aid programs.

Several of the survey questions directly inquire whether schools are in compliance. For example, the survey asks:

"When was the last time your institution's sexual violence policies and procedures were updated?"

"For students who report sexual violence, how does your institution provide information to them about how to file a Title IX complaint regarding sexual violence?"

"Since 2003, how many times has your institution been under investigation for noncompliance with Clery Act requirements regarding sexual violence?"

"Does your institution have a Title IX coordinator?"

"Does your institution provide training for faculty and staff about how to respond to disclosures of sexual violence?"

The survey also asks schools to confirm the existence of required institutional policies and procedures.

The surveys are not anonymous; those responding to the survey must identify their schools and themselves. Available information on the survey does not discuss whether responses will be treated as confidential.

Recently, many schools have fallen short of meeting regulatory and legal requirements for responding to rape and sexual assault. Many have experienced investigation by the U.S. Department of Education and the U.S. Department of Justice. Many have incurred significant fines and other expenses — including litigation — as a result.

What This Means to You

Colleges and universities must support efforts to address and end sexual misconduct. To ensure you have considered all issues potentially relevant to your school and community, we urge you to consult your higher education attorney before responding to the survey.

Contact Information

If you have questions about this issue or other education issues, contact your Husch Blackwell attorney or any attorney in our Higher Education group.