



**NEW PROFESSIONS
TECHNICAL INSTITUTE**

Policies and Procedures

VIOLENCE AGAINST WOMAN ACT (VAWA)

Definition: The **Violence Against Women Act** of 1994 (VAWA) is the United States federal law (Title IV, sec. 40001-40703 of the **Violent Crime Control and Law Enforcement Act**, H.R. 3355) signed as Pub.L. 103-322 by President Bill Clinton on September 13, 1994 (codified in part at 42 U.S.C. sections 13701 through 14040). The Violence Against Women Act (VAWA) has been of ongoing interest to Congress since its enactment in 1994 (P.L. 103-322). The original act was intended to change attitudes toward domestic violence, foster awareness of domestic violence, improve services and provisions for victims, and revise the way the criminal justice system responds to domestic violence and sex crimes. The legislation created new programs within the Departments of Justice (DOJ) and Health and Human Services (HHS) that aimed to reduce domestic violence and improve response to and recovery from domestic violence incidents. VAWA primarily addresses certain types of violent crime through grant programs to state, tribal, and local governments; nonprofit organizations; and universities. VAWA programs target the crimes of intimate partner violence, dating violence, sexual assault, and stalking.

New Professions Technical Institute (NPTI) School Director has designated the Student Services Director as the Title IX Coordinator (Clery Act Coordinator). The Title IX Coordinator has primary responsibility for receiving, evaluating, and investigating allegations of sexual violence, including alleged domestic violence, dating violence, sexual assault, and stalking. The Title IX Coordinator is responsible for informing the Director of Operations within 24 hours after receiving a sexual violence report, for the purpose of maintaining accurate Clery Act crime statistics.

The Title IX Coordinator has primary responsibility for ensuring that any disciplinary proceeding involving an allegation of sexual violence is conducted promptly, fairly, and impartially and in accordance with these and other related institutional procedures.

Once the Title IX Coordinator receives a report of sexual violence, the following steps will be followed:

1. The Title IX Coordinator will immediately assess whether the information in the report warrants a timely warning and, if so, will contact the Director of Operations immediately to

execute that procedure in accordance with the institution's alert procedures. The Title IX Coordinator will immediately inform the victim of his/her right to "interim measures" during the pendency of an investigation of the alleged sexual violence, including obtaining an order of protection, a no contact order, restraining order or similar lawful order from the police or the institution. NPTI's obligation is to protect the identity of the victim in any Clery Act report or in other publicly available recordkeeping. NPTI is also required to keep any interim measures provided to the victim confidential, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide accommodation or protective measure.

2. The Title IX Coordinator will, within 24 hours of receipt of the report, provide to the individual making the report of an alleged sex offense:

- a) A copy of these procedures.
- b) Information on counseling, health, mental health, victim advocacy, legal assistance services, immigration assistance, student financial aid, and any other services available to the victim at NPTI or in the community.
- c) Information on the victim's right to report the incident to local police and the fact that [the school's institutional investigation and disciplinary procedure and any criminal proceeding may occur simultaneously, and
- d) Options to facilitate changes to transportation, working, academic, and/or living situations, or additional protective measures, if requested, while the investigation is pending, even if the victim chooses not to report the crime to police.

3. The Title IX Coordinator will investigate the incident by interviewing: the individual filing the report, the accused, [School] employees, witnesses, and others as necessary to gather facts about the alleged incident. The Title IX Coordinator may be assisted by other employees after determining that such employees do not have a conflict of interest and have received training in Title IX and VAWA.

4. The Title IX Coordinator will ensure that all individuals involved in the disciplinary procedure apply a "preponderance of the evidence" standard when evaluating sexual violence reports. NPTI does not provide for a formal hearing process, but both parties may be assisted by a support person of choice, including an attorney.

5. In all cases, the Title IX Coordinator will maintain regular communications with both the accuser and accused and provide both parties with an equal opportunity to provide information, witness statements, evidence, and other information that may be necessary for NPTI to fully evaluate the alleged offense.

6. The Title IX Coordinator will, barring extenuating circumstance, complete the investigation and decide regarding any necessary discipline of accused and remedies to accuser within 60 days of the date that the report is first received by the Title IX Coordinator.

7. The Title IX Coordinator will inform both parties of its final determination. NPTI does not provide for an appeal of final determinations.

8. The sanctions that may be imposed by NPTI following a determination that dating violence, domestic violence, sexual assault, or stalking occurred include, but are not limited to, counseling,

education, no contact orders, suspension or expulsion of a student, or termination of employment.

9. Both the accuser and accused shall be simultaneously informed in writing of:

- a) The outcome of any disciplinary proceeding that arises from the allegation of domestic violence, dating violence, sexual assault, or stalking.
- b) The institution's procedures for the accused and victim to appeal the results of the institutional disciplinary proceeding (if any such appeal rights become available);
- c) Any change to the results that occur prior to the time that such results become final, and
- d) When such results become final.

10. The Title IX Coordinator will determine if the incident is indicative of a systemic issue and, if so, work with [School] employees, including [the Campus Security Authority and School Director], to recommend changes to [the School's] policies, procedures, or training to prevent re-occurrence.

New Professions Technical Institute requires the Title IX Coordinator and all employees involved in the investigation and disciplinary process to receive training at least annually on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to investigate and hearing process that protects the safety of victims and promotes accountability.