

COLLEGE AND UNIVERSITY BOARDS ADVISED TO BECOME AND REMAIN INFORMED OF SEXUAL MISCONDUCT ON CAMPUS

By *Rebecca Lacher*

The Association of Governing Boards of Universities and Colleges (AGB) released an [Advisory Statement on Sexual Misconduct](#) on October 24. The AGB recognized many colleges and universities are now defending against lawsuits, federal investigations, and negative publicity stemming from sexual violence on campus. Indeed, the AGB characterized the Department of Education's position under Title IX over the past two years as an "aggressive stance."

Responding to this increase in attention on sexual assaults, the AGB stated that "governing boards have a duty to become and remain informed about sexual misconduct on campus." To that end, the AGB listed suggested practices for governing boards and provided points for discussion with the administration, including:

- request regular, formal reports on the nature and likelihood of the risk and the existence and effectiveness of internal controls;
- discuss legal developments and national trends regarding Title IX and sexual misconduct;
- discuss sexual misconduct with the administrative leadership and the manner for engaging in ongoing discussions;
- identify the administrators who are primarily responsible for Title IX compliance;
- review the institution's sexual misconduct policies and their implementation; and
- discuss the impact of sexual misconduct on the institutional climate and whether the Board has sufficient information to permit informed inquiries and discussions regarding the campus culture.

In addition, the AGB advises boards to ask whether a Title IX coordinator has been named, the sufficiency of training on reporting and responding to sexual misconduct, the implementation and review of relevant policies, and what

the institution is doing to monitor the campus climate regarding sexual misconduct.

The AGB's Advisory Statement is a reminder that colleges and universities should review their Title IX policies and procedures, as well as the related provisions of the Clery Act, Campus SaVE Act, and FERPA as they apply to sexual misconduct.

We can assist you and your institution with taking the necessary steps for compliance and implementing the AGB's proposed best practices. ♦

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