

SENATE No. 679

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act concerning sexual violence on higher education campuses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>

SENATE No. 679

By Mr. Moore, a petition (accompanied by bill, Senate, No. 679) of Michael O. Moore, Linda Dorcena Forry, Tom Sannicandro, Daniel M. Donahue and other members of the General Court for legislation relative to sexual violence on higher education campuses. Higher Education.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act concerning sexual violence on higher education campuses.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 168C of Chapter 6, as appearing in the 2012 Official Edition, is
2 hereby amended by inserting after subsection (e) the following subsection:-

3 (f) Any such policy shall further provide information on sexual assault, stalking and
4 intimate partner violence, including: (1) the procedures that students and employees of the
5 institution who report or disclose being the victim of sexual assault, stalking or intimate partner
6 violence may follow after the commission of such assault, stalking or violence, whether the
7 offense occurred on or off campus, including persons or agencies to contact and information
8 regarding the importance of preserving physical evidence of such assault, stalking or violence;
9 (2) providing students and employees of the institution who report or disclose being the victim
10 of sexual assault, stalking or intimate partner violence both concise, written contact information
11 for and, if requested, professional assistance in accessing and utilizing campus, local advocacy,
12 counseling, health and mental health services, and written concise information, written in plain

13 language, concerning the rights of such students and employees to (i) notify law enforcement of
14 such assault, stalking or violence and receive assistance from campus authorities in making any
15 such notification, and (ii) obtain a protective order, apply for a temporary restraining order or
16 seek enforcement of an existing protective or restraining order, including, but not limited to,
17 orders issued pursuant to section 18, 34B or 34C of chapter 208, or under section 32 of chapter
18 209, or under section 3, 4 or 5 of 209A chapter, or under section 15 or 20 of chapter 209C, or
19 under section 3 to 7, inclusive, of chapter 258E or a temporary restraining order or preliminary or
20 permanent injunction relative to a domestic relations, child custody, domestic abuse or abuse
21 prevention proceeding against the perpetrator of such assault, stalking or violence; (3) notifying
22 such students and employees of any reasonably available options for and available assistance
23 from such institution in changing academic, living, campus transportation or working situations
24 in response to such assault, stalking or violence; (4) honoring any lawful protective or temporary
25 restraining orders, including, but not limited to, orders issued pursuant to section 18, 34B or 34C
26 of chapter 208, or under section 32 of chapter 209, or under section 3, 4 or 5 of 209A chapter, or
27 under section 15 or 20 of chapter 209C, or under section 3 to 7, inclusive, of chapter 258E or a
28 temporary restraining order or preliminary or permanent injunction relative to a domestic
29 relations, child custody, domestic abuse or abuse prevention proceeding;(5) disclosing a
30 summary of such institution's student disciplinary procedures, including clear statements
31 advising such students that (i) victims of such assault, stalking or violence shall have the
32 opportunity to request that disciplinary proceedings begin promptly, (ii) disciplinary proceedings
33 shall be conducted by an official trained annually in issues relating to evidence standard in
34 making a determination concerning the alleged assault, stalking or violence, (iii) both the victim
35 of such assault, stalking or violence and the accused (a) are entitled to be accompanied to any

36 meeting or proceeding relating to the allegation of such assault, stalking or violence by an
37 advisor or support person of their choice, provided the involvement of such advisor or support
38 person does not result in the postponement or delay of such meeting as scheduled, and (b) shall
39 have the opportunity to present evidence and witnesses on their behalf during any disciplinary
40 proceeding, (c) both such victim and accused are entitled to be informed in writing of the results
41 of any disciplinary proceeding not later than 2 business days after the conclusion of such
42 proceeding, and (d) the institution of higher education shall not disclose the identity of the victim
43 or the accused, except as necessary to carry out a disciplinary proceeding or as permitted under
44 state or federal law; (6) disclosing a summary of such institution's employee disciplinary
45 procedures; and (7) disclosing the range of sanctions that may be imposed following the
46 implementation of such institution's student and employee disciplinary procedures in response to
47 such assault, stalking or violence.

48 SECTION 2. Section 10 of chapter 15A, as appearing in the 2012 Official Edition, is
49 hereby amended by inserting the following 2 definitions:-

50 "Awareness programming", an institutional action designed to communicate the
51 prevalence of sexual assaults, stalking and intimate partner violence, including the nature and
52 number of cases of sexual assault, stalking and intimate partner violence reported at each
53 institution of higher education in the preceding three calendar years, including, but not limited to,
54 poster and flyer campaigns, electronic communications, films, guest speakers, symposia,
55 conferences, seminars or panel discussions;

56 "Bystander intervention", the act of challenging the social norms that support, condone or
57 permit sexual assault, stalking and intimate partner violence;

58 SECTION 3. Said section 10 of said chapter 15A, as so appearing, is hereby further
59 amended by inserting after the definition of "HEFA" the following 3 definitions:-

60 "Intimate partner violence", any physical or sexual harm against an individual who (i) are
61 or were married to one another, (ii) have a child in common regardless of whether they have ever
62 married or lived together or (iii) are or have been in a substantive dating or engagement
63 relationship; provided, that the trier of fact shall determine whether a relationship is substantive
64 by considering the following factors: the length of time of the relationship; the type of
65 relationship; the frequency of interaction between the parties; whether the relationship was
66 terminated by either person; and the length of time elapsed since the termination of the
67 relationship that results from any action by such spouse or such person that may be classified as
68 a sexual assault under section sections 13B, 13B1/2, 13B3/4, 13F, 13H or 13K of chapter 265 or
69 section 35A of chapter 272, stalking under sections section 43 of chapter 265 or criminal
70 harassment as set forth in sections 43 or 43A of chapter 265 or domestic violence as designated
71 under section 1 of chapter 209A.

72 "Responsible employee", an employee of an institution of higher education who has the
73 authority to take action to redress sexual violence; who has been given the duty of reporting
74 incidents of sexual violence or any other misconduct by students to the Title IX coordinator or
75 other appropriate school designee; or whom a student could reasonably believe has this authority
76 or duty.

77 "Primary prevention programming", an institutional action and strategy intended to
78 prevent sexual assault, stalking and intimate partner violence before it occurs by means of
79 changing social norms and other approaches, including, but not limited to, poster and flyer

80 campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars
81 or panel discussions;

82 SECTION 4. Said section 10 of said chapter 15A, as so appearing, is hereby further
83 amended by inserting after the definition of "Project" the following 3 definitions:-

84 "Sexual assault", a sexual assault as set forth in sections 13B, 13B1/2, 13B3/4, 13F, 13H
85 or 13K of chapter 265 or section 35A of chapter 272.

86 "Stalking", stalking as set forth in section 43 of chapter 265 or criminal harassment as set
87 forth in sections 43 or 43A of chapter 265.

88 "Trauma-informed response", a response involving an understanding of the complexities
89 of sexual assault, stalking and intimate partner violence through training centered on the
90 neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding
91 the causes and impact of trauma, understanding the behavior of perpetrators and conducting an
92 effective investigation on behalf of victims who have suffered trauma.

93 SECTION 5. Chapter 15A of the General Laws is hereby amended by inserting after
94 section 42 the following 9 sections:-

95 Section 43. Sexual Violence Policies and Reporting

96 (a) In order to receive state funds for student financial assistance, the president of each
97 community college, state college and university, and the president of each individual University
98 of Massachusetts institution, and the governing boards of the independent post-secondary
99 institutions shall adopt policies concerning sexual assault, domestic violence, dating violence,
100 and stalking, as defined in the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1092 (f))

101 involving a student, both on and off campus. Said policies shall be developed in coordination
102 with the Title IX coordinator and at least one member from the following: the administration, the
103 counseling services office or health services office, a confidential advisor, the campus police
104 force or campus safety personnel, the faculty, the student body, the residential life office, a
105 community-based sexual assault crisis service center, the state police or local police department
106 and a prosecutor from the district attorney's office.

107 (b) Institutions shall also adopt detailed and trauma-informed policies and protocols
108 regarding sexual assault, domestic violence, dating violence, and stalking involving a student and
109 employee that comport with the best practices and current professional standards.

110 (c) Each institution of higher education shall establish and carry out a standard process
111 for disciplinary proceedings relating to any claims of sexual violence; and shall not carry out a
112 different disciplinary process on the same campus for a matter of sexual violence, or alter the
113 standard process based on the status or characteristics of a student who will be involved in that
114 disciplinary proceeding, including characteristics such as a student's membership on an athletic
115 team, academic major, or any other characteristic or status of a student.

116 Section 44. Higher Education Campus Safety Advisor

117 (a) The Commissioner shall appoint within the Department of Higher Education a
118 campus safety advisor with experience in public safety policy, who shall facilitate and advance
119 state-wide campus safety at public and private degree granting institutions. Said officer shall
120 provide guidance on all such rules, policies and regulations and coordinate, aggregate and
121 disseminate best practices, training opportunities, and other resources to further the goal of
122 enhanced campus safety. The Board of Higher Education shall promulgate regulations which

123 establish and implement the role and responsibilities of the campus safety advisor, including but
124 not limited to establishing minimum standards for campus security and safety issues.

125 (b) The Department of Higher Education shall establish an assessment to each higher
126 education institution, as defined in section 3 of chapter 15C, and for-profit institutions of higher
127 education licensed to operate in this state; to fund said position.

128 Section 45. Information on Institution Websites

129 (a) The telephone number and URL for a local, State, or national hotline providing
130 information to sexual violence victims shall be clearly communicated on the website of the
131 institution and updated on a timely basis.

132 (b) The name and location of the nearest medical facility where an individual may have a
133 rape kit shall be included on the website of the institution, including information on
134 transportation options and reimbursement for a visit to such facility.

135 (c) An institution of higher education shall prepare by not later than 1 year after the date
136 of enactment of this Act, and annually thereafter, the following information on the cases that
137 were investigated by the institution including: (1) the number of cases that were referred for a
138 disciplinary proceeding at the institution; (2) the number of cases that were referred to local or
139 State law enforcement and the final disposition of these cases; (3) the number of alleged
140 perpetrators that were found responsible by the disciplinary proceeding at the institution; (4) the
141 number of alleged perpetrators that were found not responsible by the disciplinary proceeding at
142 the institution; (5) description of the final sanctions imposed by the institution for each offense
143 perpetrated and (6) the number of disciplinary proceedings at the institution that have closed
144 without resolution. The statistics described in clauses (1) and (6) shall not identify victims of

145 crimes or persons accused of crimes. This information shall be available on the website of the
146 institution and submitted to the Department of Higher Education and the Joint Committee on
147 Higher Education each year.

148 Section 46. Notification of Sexual Assault Policies

149 (a) Each institution of higher education shall within 15 days into each semester transmit
150 to each student via electronic mail its policies and procedures concerning the reporting and
151 investigation of an allegation of sexual assault made by a student enrolled in the institution or
152 made by an employee of the institution against another such student or employee.

153 (b) Each institution of higher education shall provide concise notification, written in plain
154 language, to each student and employee of such institution who has been the victim of sexual
155 assault, stalking or intimate partner violence, immediately upon receiving a report of such
156 assault, stalking or violence, of such victim's rights and options under such institution's policy or
157 policies regarding sexual assault, stalking and intimate partner violence.

158 Section 47. Memorandum of Understanding with Sexual Assault Crisis Services

159 (a) Not later than January 1, 2016, subject to appropriation, each institution of higher
160 education shall enter into and maintain a memorandum of understanding with at least one
161 community-based sexual assault crisis service center and at least one community-based domestic
162 violence agency for purposes of:

163 (1) ensuring that any student or employee of such institution who reports or discloses
164 being the victim of sexual assault, stalking or intimate partner violence can access free and
165 confidential counseling and advocacy services, either on or off campus, and

166 (2) establishing a partnership with such service center and agency, including, but not
167 limited to, (i) involvement in the campus resource team, and (ii) trainings between the institution
168 and such service center and agency to ensure the understanding of each other's role in responding
169 to reports and disclosures of sexual assault, stalking and intimate partner violence against
170 students and employees of the institution and the institution's protocols for providing support and
171 services to such students and employees.

172 Section 48. Memorandum of Understanding with Law Enforcement

173 (a) Each institution of higher education shall enter into, and update every 2 years, a
174 memorandum of understanding with all applicable local law enforcement agencies to clearly
175 delineate responsibilities and share information, in accordance with applicable Federal and state
176 confidentiality laws, about certain serious crimes that shall include, but not be limited to, sexual
177 violence, occurring against students of the institution or against other individuals on the campus
178 of the institution. The memorandum of understanding shall include, but is not limited to the:

179 (1) delineation and sharing protocols of investigative responsibilities;

180 (2) protocols for investigations, including standards for notification and communication
181 and measures to promote evidence preservation;

182 (3) agreed upon training and requirements for the institution on issues related to sexual
183 violence; and

184 (4) a method of sharing information about specific crimes, when directed by the victim,
185 and a method of sharing crime details anonymously in order to better protect overall campus
186 safety; and

187 (5) a method of notifying the district attorney for the jurisdiction in situation when a
188 victim files charges with local enforcement.

189 Section 49. Sexual Violence Anonymous Reporting and Confidential Advisor

190 (a) Each institution of higher education shall provide the option for any student or
191 employee of such institution who is the victim of a sexual assault, stalking or intimate partner
192 violence to report or disclose such assault, stalking or violence to such institution anonymously.
193 Each such institution shall notify any such student or employee of the institution's obligations
194 under state or federal law, if any, to (1) investigate or address such assault, stalking or violence
195 and (2) assess whether the report triggers the need for a timely warning or emergency
196 notification, as described in 34 CFR 668.46(e), which obligations, in limited circumstances, may
197 result in the learning of such victim's identity.

198 (b) An individual who participates as a complainant or witness in an investigation of
199 sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary
200 sanctions for a violation of the institution's student conduct policy at or near the time of the
201 incident, unless the institution determines that the violation was egregious, including but not
202 limited to, an action that places the health and safety of any other person at risk.

203 (c) Each institution of higher education shall establish a campus security policy that
204 includes the following:

205 (1) The designation of 1 or more confidential advisor roles at the institution to whom
206 victims of crime can report anonymously or directly, that complies with the following:

207 (i) The confidential advisor shall not be a student, an employee designated as a
208 responsible employee under title IX of the Education Amendments of 1972, or the title IX
209 coordinator, but may have other roles at the institution.

210 (ii) The Department shall designate existing categories of employees that may serve as
211 confidential advisors. Such designation shall not preclude the institution from designating new or
212 existing employees or partnering with local, state, or national victim services organizations to
213 serve as confidential advisors or to serve in other confidential roles.

214 (iii) The confidential advisor shall inform the victim of the victim's control over possible
215 next steps regarding the victim's reporting options and the consequences of those options,
216 including, but not limited to, the option to conduct a forensic interview with the option to have
217 the forensic interview be recorded, the option to receive a copy of the recorded forensic
218 interview with the option to notify a responsible employee and initiate a campus disciplinary
219 proceeding, the option to notify local law enforcement and initiate a criminal investigation, the
220 option to grant campus disciplinary officials access to the forensic interview, and the option to
221 grant law enforcement officials access to the forensic interview. The confidential advisor shall
222 assist in conducting a forensic interview, making notifications, and granting access to a forensic
223 interview as directed by the victim.

224 (iv) The confidential advisor shall be trained to perform a trauma-informed interview,
225 which shall focus on the experience of the victim. The confidential advisor may perform the
226 interview for which the goal is to elicit information about the traumatic event in question so that
227 the interview can be used in either a campus or criminal investigation or disciplinary proceeding.

228 (v) The confidential advisor shall liaise with campus or local law enforcement when
229 directed by the victim, and, as appropriate, may assist the victim in contacting and reporting to
230 campus or local law enforcement.

231 (vi) The confidential advisor shall be authorized by the institution to arrange reasonable
232 accommodations through the institution to allow the victim to change living arrangements or
233 class schedules, or obtain accessibility services, and make other changes.

234 (vii) The confidential advisor shall also advise the victim of both the victim's rights and
235 the institution's responsibilities regarding orders of protection, no contact orders, restraining
236 orders, or similar lawful orders issued by the institution or a criminal, civil, or tribal court.

237 (viii) The confidential advisor shall not be obligated to report crimes to the institution or
238 law enforcement, unless otherwise required to do so by state law, and shall provide confidential
239 services to students and employees. Requests for arrangement made by a confidential advisor do
240 not constitute notice to a responsible employee for title IX purposes, even when such advisors
241 work only in the area of sexual assault.

242 (ix) The name and contact information for the confidential advisor, as well as a victims'
243 reporting options, the process of investigation and adjudication both by the institution and by law
244 enforcement, and potential reasonable accommodations, which shall be listed on the website of
245 the institution.

246 (x) The institution may partner with an outside victim advocacy organization to provide
247 the service described in this subparagraph.

248 (xi) Each institution that enrolls fewer than 1,000 students may partner with another
249 institution in their region or State to provide the services described in this subparagraph.

250 (xii) Each employee of an institution who receives a report of sexual assault shall notify
251 the victim of the existence of, contact information for, and services provided by the confidential
252 advisor.

253 (xiii) In carrying out the responsibilities described in this section, the confidential advisor
254 shall represent the interests of the student victim even when in conflict with the interests of the
255 institution.

256 (xiv) The confidential advisory shall attend, at the request of the victim of sexual assault,
257 any administrative or institution-based adjudication proceeding related to such assault as an
258 advocate for the victim.

259 (xv) The confidential advisor shall not disclose such confidential communication, without
260 the prior written consent of the victim; provided, however, that nothing in this chapter shall be
261 construed to limit the defendant's right of cross-examination of such advisor in a civil or
262 criminal proceeding if such advisor testifies with such written consent. Such confidential
263 communications shall not be subject to discovery and shall be inadmissible in any criminal or
264 civil proceeding without the prior written consent of the victim to whom the report, record,
265 working paper or memorandum relates.

266 Section 50. Sexual Violence Programming and Training

267 (a) Each institution of higher education shall provide (1) mandatory annual sexual
268 assault, stalking and intimate partner violence primary prevention and awareness programming

269 for all students and employees that includes an explanation of the definition of consent in sexual
270 relationships, and information concerning the reporting of incidences of such assaults, stalking
271 and violence and strategies for bystander intervention and risk reduction; and (2) ongoing sexual
272 assault, stalking and intimate partner violence prevention and awareness campaigns.

273 (b) Each institution of higher education shall employ responsible employees who shall
274 complete minimum training requirements, as determined by the Department of Higher Education
275 in coordination with the Attorney General, and to include training by local, State, or national
276 victim services organizations and shall be responsible for reporting cases of sexual harassment to
277 the title IX coordinator of the institution; and providing a student or employee who reports that
278 the student or employee has been a victim of sexual harassment, including, but not limited to,
279 sexual violence, whether the offense occurred on or off campus, with a written explanation of the
280 student or employee's rights and options, as described in clauses through (vii) of section
281 485(f)(8)(B) of the Higher Education Act of 1965.

282 (c) Each individual who is involved in implementing an institution of higher education's
283 grievance procedures, including each individual who is responsible for resolving complaints of
284 reported crimes, shall have training or experience in handling sexual violence complaints, and
285 the operations of the institution's grievance procedures, not later than 1 year after the date of
286 enactment this Act. The training shall include, but is not limited to (a) information on working
287 with and interviewing persons subjected to sexual violence;(b) information on particular types of
288 conduct that would constitute sexual violence, including same-sex sexual violence; (c)
289 information on consent and the role drugs, facilitate sexual assault, drugs, or alcohol can play in
290 the ability to consent; (d) the effects of trauma, including neurobiological change; and (e)
291 cultural awareness training regarding how sexual violence may impact students differently

292 depending on their cultural background and (f) communicating sensitively and compassionately
293 with the victims of such assault, stalking or violence, including, but not limited to, an awareness
294 of responding to victims with diverse cultural backgrounds, and providing services to or assisting
295 in locating services for such victims.

296 (d) Each institution of higher education shall ensure that its Title IX coordinator and
297 members of its special police force, campus police force or campus safety personnel employed
298 by such institution of higher education are educated in the awareness and prevention of sexual
299 assault, stalking and intimate partner violence, and in trauma-informed response.

300 (e) Members of state and local police departments who act as first responders to any
301 reports of sexual assault, stalking or intimate partner violence at an institution of higher
302 education shall receive training in the awareness and prevention of sexual assault, stalking and
303 intimate partner violence and in trauma-informed response.

304 Section 51. Campus Safety Application

305 (a) Each institution of higher education, as defined by section 3 of chapter 15C, shall
306 integrate a Threat Response Program to be used for emergency communications both on campus
307 and off.

308 (b) The program shall:

309 (1) collect a variety of formatted data relevant to Campus Public Safety, and state and
310 local 9-1-1 and first responder agencies, such as photographs of individuals, physical
311 descriptions, medical conditions, allergies, household data, primary language indicator, and
312 emergency contacts;

313 (2) allow for information to be entered by individuals via a secure website and mobile
314 handset application where they can elect to provide as little or as much information as they
315 choose;

316 (3) be compliant with all accessibility elements of Section 508 of the Rehabilitation Act
317 of 1973;

318 (4) manage the currency of the data through an aging and reminder process, at least twice
319 per year, requesting application users to keep their data up-to-date;

320 (5) automatically display data provided by individuals to Campus Safety and/or 911 call
321 takers when an emergency call is placed from a registered and confirmed phone number;

322 (6) support the delivery of application user information via a secure internet connection
323 to any campus public safety office and all Public Safety Answering Points within the
324 Commonwealth;

325 (7) work across all campus public safety campus and be compatible with 9-1-1 call taking
326 equipment in the Commonwealth;

327 (8) make data available to first responders;

328 (9) allow for the submission of anonymous or confidential crime tips via a handset
329 application or by texting into a designated shortcode; and

330 (10) support the ability for a user to initiate a timer via the handset application that allows
331 for one or more individuals to view their location information for a specified period of time in
332 order to assist in the event of an emergency.

333 SECTION 6. The first sentence of section 97D of chapter 41 of the General laws, as
334 most recently amended by section 7 of chapter 260 of the acts of 2014, is hereby amended by
335 inserting after the words “chapter 233” the following words:- Title IX coordinators designated
336 by schools and institutions of higher education as required by Title IX of the Education
337 Amendments of 1972, 20 U.S.C. 1681 et seq. and 34 CFR106.8.

338 SECTION 7. Chapter 41 is hereby amended by striking out section 98F, as , and
339 inserting in place thereof the following section:-

340 Section 98F. Each police department and each college or university to which officers
341 have been appointed pursuant to section 63 of chapter 22C shall make, keep and maintain a daily
342 log, written in a form that can be easily understood, recording, in chronological order, all
343 responses to valid complaints received, crimes reported, the names, addresses of persons arrested
344 and the charges against such persons arrested. All entries in said daily logs shall, unless
345 otherwise provided in law, be public records available without charge to the public during
346 regular business hours and at all other reasonable times; provided, however, that the following
347 entries shall not include the names and addresses of persons arrested and the charges against
348 such persons arrested: (i) any entry in a log which pertains to a handicapped individual who is
349 physically or mentally incapacitated to the degree that said person is confined to a wheelchair or
350 is bedridden or requires the use of a device designed to provide said person with mobility, (ii)
351 any entry concerning responses to reports of domestic violence, rape or sexual assault or (iii) any
352 entry concerning the arrest of a person for assault, assault and battery or violation of a protective
353 order where the victim is a family or household member, as defined in section 1 of chapter 209A.

354 The first sentence of section 97D of chapter 41 of the General laws, as most recently
355 amended by section 7 of chapter 260 of the acts of 2014, is hereby amended by inserting after the
356 words “chapter 233” the following words:- Title IX coordinators designated by schools and
357 institutions of higher education as required by Title IX of the Education Amendments of 1972,
358 20 U.S.C. 1681 et seq. and 34 CFR106.8.

359 SECTION 8. The third paragraph of section 24C of chapter 265 of the General Laws, as
360 appearing in the 2012 Official Edition, is hereby amended by inserting after the word “section”,
361 in line 14, the following words:- and chapter 41 of section 97D.