

HOUSE No. 2998

The Commonwealth of Massachusetts

PRESENTED BY:

Lori A. Ehrlich

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 creating a sexual assault climate survey for Massachusetts colleges and universities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/20/2017</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/28/2017</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/24/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/23/2017</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/1/2017</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>	<i>2/2/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/26/2017</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/25/2017</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>1/27/2017</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/30/2017</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/23/2017</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/2/2017</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>2/1/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/2/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/3/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/3/2017</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/24/2017</i>

<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/3/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/30/2017</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>	<i>1/25/2017</i>

HOUSE No. 2998

By Ms. Ehrlich of Marblehead, a petition (accompanied by bill, House, No. 2998) of Lori A. Ehrlich and others for legislation to establish a task force on sexual assault climate surveys on the campuses of public and private institutions of higher education. Higher Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act creating a sexual assault climate survey for Massachusetts colleges and universities.

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

1 There shall be established a task force on sexual assault climate surveys on the campuses
2 of public and private institutions of higher education in the Commonwealth. The task force shall
3 consist of the following members: the commissioner of higher education or a designee, who shall
4 serve as co-chair; the commissioner of public health or a designee, who shall serve as co-chair;
5 the attorney general or a designee; and 14 members to be appointed by the governor, 1 of whom
6 shall be a representative recommended by Jane Doe, Inc.: The Massachusetts Coalition Against
7 Sexual Assault and Domestic Violence, 1 of whom shall be a student attending a public or
8 private institution of higher education in the commonwealth, 1 of whom shall be a representative
9 recommended by Victim Rights Law Center, Inc., 3 of whom shall be representatives of rape
10 crisis and counseling centers located in different geographic regions of the commonwealth, 2 of
11 whom shall be representatives of community-based sexual assault crisis service centers funded
12 by the department of public health, 1 of whom shall be a representative of the University of
13 Massachusetts recommended by the president of the university, 1 of whom shall be a

14 representative of the state universities recommended by the council of presidents of the state
15 university system, 1 of whom shall be a representative of the community colleges recommended
16 by Massachusetts Community Colleges executive office and 3 of whom shall be representatives
17 of private colleges and universities recommended by Association of Independent Colleges and
18 Universities in Massachusetts, Inc.

19 The task force shall develop a model sexual assault climate survey to be issued to
20 students attending public and private institutions of higher education in the Commonwealth in
21 order to determine the prevalence and perception of sexual assault on college and university
22 campuses.

23

24 In developing the model survey, the task force shall: (i) in consultation with experts in the
25 development and utilization of sexual assault climate surveys and institutions of higher education
26 that have developed and utilized sexual assault climate surveys, design the questions and
27 recommended modes of implementation for the model survey; (ii) identify institutions of higher
28 education to receive the model survey; (iii) consult with institutions of higher education officials
29 on how to optimize the effectiveness of the survey; and (iv) perform other roles that the task
30 force deems necessary.

31

32 The task force shall develop the model survey using best practices from peer-reviewed
33 research measuring sexual violence and harassment. In designing the model survey, the task
34 force may, if appropriate, utilize sexual assault climate surveys that have been developed and
35 utilized by institutions of higher education and shall seek input from current students enrolled in

36 institutions of higher education. The model survey shall be designed to optimize completion of
37 the full survey instrument and to gather, to the extent possible, information on topics including,
38 but not limited to: (A) the number of reported incidences of sexual violence, dating violence,
39 domestic violence and stalking on campuses; (B) student knowledge of institutional policies and
40 procedures; (C) when a victim reported violence, to whom the victim reported such violence, the
41 response that the victim received and whether the victim was informed of or referred to local,
42 state, on-campus or other resources; (D) contextual factors, such as the involvement of force,
43 incapacitation or coercion; (E) demographic factors that could be used to identify at-risk groups;
44 and (F) whether an alleged assailant was a student. The task force shall issue the model survey
45 not later than July 1, 2019.

46

47 The Commissioner of Higher Education shall ensure that the model survey is issued to an
48 adequate, random and representative sample of students not later than 6 months after the task
49 force has issued the model survey by selecting institutions of higher education throughout the
50 Commonwealth to complete the model survey. The institutions completing the survey may, in
51 addition to the standardized questions developed by the task force, request additional information
52 from students to increase the institution's understanding of school climate factors unique to the
53 institution's campus.

54 The model survey shall not require a student participant to provide a name or any
55 personally identifiable information. An institution of higher education shall take reasonable steps
56 to ensure the confidentiality of responses and shall not be required to report the results that are
57 broken down by demographic unless there is a reasonable sample size of students surveyed.

58 Each institution of higher education shall provide student responses to the model campus
59 climate survey to the task force not later than 120 days after completing the administration of the
60 model survey. An institution of higher education that has also issued its own campus-specific
61 survey shall provide student responses as requested by the task force.

62 The task force shall analyze the sexual assault incident data that it receives and publish a
63 report based on the data and the task force’s deliberations. The report shall be made available for
64 comment to participating institutions of higher education, the council of presidents of the state
65 university system, the Massachusetts Community Colleges executive office and Association of
66 Independent Colleges and Universities in Massachusetts, Inc. not less than 30 days prior to
67 publication. The task force shall consider revision of the report in response to received comment
68 and, after the report has been finalized, the task force shall file the report with the Commissioner
69 of Higher Education.

70 Following the filing of the report, all public or private institutions of higher education in
71 the Commonwealth shall be required to annually issue the model survey to all students attending
72 the public or private institution, and shall submit model survey responses to the Commissioner of
73 Higher Education no later than 120 days after completing the administration of the model survey.

74 An institution of higher education that has developed and issued its own campus-specific
75 climate survey to a random and representative sample of students enrolled at the institution prior
76 to this act, or develops and issues its own campus-specific climate survey after the effective date
77 of this act, shall not be required to use the model survey if the institution of higher education can
78 demonstrate that the institution’s campus-specific survey uses best practices from peer-reviewed
79 research measuring sexual violence and harassment, and can demonstrate that the institution’s

80 campus-specific survey optimizes completion of the full survey instrument to gather, to the
81 extent possible, information on topics including, but not limited to: (A) the number of reported
82 incidences of sexual violence, dating violence, domestic violence and stalking on campuses; (B)
83 student knowledge of institutional policies and procedures; (C) when a victim reported violence,
84 to whom the victim reported such violence, the response that the victim received and whether
85 the victim was informed of or referred to local, state, on-campus or other resources; (D)
86 contextual factors, such as the involvement of force, incapacitation or coercion; (E) demographic
87 factors that could be used to identify at-risk groups; and (F) whether an alleged assailant was a
88 student. Provided that the conditions in this paragraph are met, the institution of higher education
89 shall be required to annually issue the institution's campus-specific survey to all students
90 attending the public or private institution in lieu of the model survey, and shall submit the
91 institution's campus-specific survey responses to the Commissioner of Higher Education no later
92 than 120 days after completing the administration of the model survey.