

HOUSE No. 4159

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 31, 2018.

The committee on Higher Education to whom was referred the 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, reports recommending that the accompanying Resolve (House, No. 4159) ought to pass.

For the committee,

JOHN W. SCIBAK

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

Resolve creating a task force on sexual misconduct climate surveys for colleges and universities in Massachusetts.

1 **Resolved**, There shall be a task force on sexual misconduct climate surveys for all
2 members of public and private institutions of higher education in the commonwealth. For the
3 purposes of this resolve, the term “sexual misconduct” shall include incidents of sexual violence,
4 dating violence, domestic violence, gender-based violence, sexual harassment, and stalking. The
5 task force shall consist of the following members: the commissioner of higher education or a
6 designee, who shall serve as co-chair; the commissioner of public health or a designee, who shall
7 serve as co-chair; the attorney general or a designee; and 16 members to be appointed by the
8 governor, 1 of whom shall be a representative recommended by Jane Doe, Inc., 1 of whom shall
9 be a student attending a public institution of higher education in the commonwealth, 1 of whom
10 shall be a student attending a private institution of higher education in the commonwealth, 1 of
11 whom shall be a representative recommended by the Victim Rights Law Center, Inc., 3 of whom
12 shall be representatives of rape crisis and counseling centers located in different geographic
13 regions of the commonwealth, 2 of whom shall be representatives of community-based sexual
14 assault crisis service centers funded by the department of public health, 1 of whom shall be a
15 researcher of sexual misconduct and sexual misconduct climate survey design, 1 of whom shall

16 be a representative of the University of Massachusetts recommended by the president of the
17 university, 1 of whom shall be a representative of the state universities recommended by the
18 council of presidents of the state university system, 1 of whom shall be a representative of the
19 community colleges recommended by Massachusetts Community Colleges executive office and
20 3 of whom shall be representatives of private colleges and universities recommended by the
21 Association of Independent Colleges and Universities in Massachusetts, Inc.

22 The task force shall develop a model sexual misconduct climate survey to be
23 administered to students attending public and private institutions of higher education in the
24 commonwealth in order to determine the prevalence and perception of sexual misconduct among
25 community members of colleges and universities in the commonwealth.

26 In designing the model sexual misconduct climate survey, the task force shall: (i) utilize
27 best practices from peer-reviewed research and consult with individuals with expertise in the
28 development and utilization of sexual misconduct climate surveys within institutions of higher
29 education; (ii) review sexual misconduct climate surveys which have been developed and
30 previously utilized by institutions of higher education; (iii) consult with victims of sexual
31 misconduct and current students enrolled in institutions of higher education regarding the
32 adequacy and appropriateness of the proposed content items; (iv) consult with institutions of
33 higher education officials on how to optimize the effectiveness of the survey; and (v) perform
34 other roles that the task force deems necessary.

35 The model sexual misconduct climate survey shall be designed to optimize completion of
36 the full survey instrument and to gather, to the extent possible, information on topics including,
37 but not limited to: (A) the number of reported incidents of sexual misconduct among community

38 members of the college or university; (B) student knowledge of institutional policies and
39 procedures; (C) whether a victim reported the sexual misconduct, and if so: when and to whom
40 the victim reported the misconduct, the response that the victim received and whether the victim
41 was informed of or referred to local, state, on-campus or other resources; (D) victims' access to
42 support services including appropriate medical care, legal support, protection from retaliation,
43 school-based accommodations, and criminal justice remedies; (E) contextual factors, such as the
44 involvement of force, incapacitation or coercion; (F) demographic factors that could be used to
45 identify at-risk groups; (G) relevant information about the alleged assailant; (H) perceptions of
46 campus safety among members of the campus community and confidence in the college or
47 university's ability to appropriately address sexual misconduct.

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

53 The task force shall develop a report that includes a copy of the model sexual
54 misconduct climate survey, summarizes the task force's deliberations, and includes any material
55 comments received by the task force. The task force shall file the report with the commissioner
56 of higher education not later than December 31, 2018.

57 Following the filing of the report, the commissioner of higher education shall provide a
58 copy of the model sexual misconduct climate survey to all public and private institutions of
59 higher education in the commonwealth who shall, except as provided herein, issue the model

60 sexual misconduct climate survey to all students attending the public or private higher education
61 institution. Any public or private institution of higher education in the commonwealth that
62 develops and issues its own campus-specific sexual misconduct climate survey shall not be
63 required to issue or otherwise use the model sexual misconduct climate survey if the institution
64 issues the campus-specific survey to all students attending the institution and the campus-specific
65 survey is approved by the commissioner of higher education. Each public or private institution
66 of higher education completing the model sexual misconduct climate survey shall post a
67 summary of the results on its website not later than 120 days after completing the administration
68 of the model survey. A public or private institution of higher education that develops and uses
69 its own campus-specific sexual misconduct climate survey shall post a summary of the results of
70 the survey on its website not later than 120 days after completing the administration of the
71 campus-specific survey.