HOUSE No. 4810

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 25, 2018.

The committee on Ways and Means, to whom was referred the Resolve creating a task force on sexual misconduct climate surveys for colleges and universities in Massachusetts (House, No. 4159), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4810).

For the committee,

JEFFREY SÁNCHEZ.

The Commonwealth of Massachusetts

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

An Act requiring sexual misconduct climate surveys at institutions of higher education.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to measure campus climates regarding sexual misconduct at institutions of higher education, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section 168C the following section:-

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Section 168D. Each institution of higher education shall biennially conduct a sexual misconduct climate survey of all students at said institution of higher education. For purposes of this section, the term "sexual misconduct" shall include, without limitation, incidents of sexual violence, dating violence, domestic violence, gender-based violence, violence based on sexual orientation or gender identity, sexual harassment and stalking; provided further, the term "institution of higher education" shall mean a public, non-profit or for-profit school chartered, incorporated or otherwise organized in the commonwealth legally authorized to award a degree at an associate level or above with an established physical presence in the commonwealth. The commissioner of higher education shall biennially design and provide a copy of a model sexual

misconduct climate survey to all institutions of higher education; provided, the commissioner shall take into account the recommendations of the task force on sexual misconduct climate surveys. An institution of higher education may develop and submit to the commissioner its own campus-specific sexual misconduct climate survey. Upon receipt of approval by the commissioner, an institution of higher education may utilize its own campus-specific sexual misconduct climate survey in lieu of the model sexual misconduct climate survey provided by the commissioner. Upon completion of a sexual misconduct climate survey, each institution of higher education shall post a summary of the results on its website within 120 days after completion.

SECTION 2. (a) There shall be a task force on sexual misconduct climate surveys for all institutions of higher education. For the purposes of this section, the term "sexual misconduct" shall include, without limitation, incidents of sexual violence, dating violence, domestic violence, gender-based violence, violence based on sexual orientation or gender identity, sexual harassment and stalking; provided further, the term "institution of higher education" shall mean a public, non-profit or for-profit school chartered, incorporated or otherwise organized in the commonwealth legally authorized to award a degree at an associate level or above with an established physical presence in the commonwealth. The task force shall consist of the following 21 members: the commissioner of higher education, or a designee, who shall serve as co-chair; the commissioner of public health or a designee, who shall serve as co-chair; the secretary of the executive office of public safety and security, or a designee; the attorney general, or a designee; and 17 of whom shall be appointed by the governor, 1 of whom shall be a representative recommended by Jane Doe, Inc., 1 of whom shall be a student attending a public institution of higher education in the commonwealth, 1 of whom shall be a student attending a private

institution of higher education in the commonwealth, 1 of whom shall be a representative recommended by the Victim Rights Law Center, Inc., 2 of whom shall be representatives of rape crisis and counseling centers located in an urban and rural region of the commonwealth, 2 of whom shall be representatives of community-based sexual assault crisis service centers funded by the department of public health, 1 of whom shall be a representative of the Massachusetts commission on lesbian, gay, bisexual, transgender, queer and questioning youth, 1 of whom shall be a researcher with experience in the development and design of sexual misconduct climate surveys, 1 of whom shall be a researcher of statistics, data analytics or econometrics with experience in higher education survey analysis, 1 of whom shall be a representative of the University of Massachusetts recommended by the president of the university, 1 of whom shall be a representative of the state universities recommended by the council of presidents of the state university system, 1 of whom shall be a representative of the community colleges recommended by Massachusetts Community Colleges executive office and 3 of whom shall be representatives of private colleges and universities recommended by the Association of Independent Colleges and Universities in Massachusetts, Inc.

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- (b) The task force shall develop a model sexual misconduct climate survey for distribution to institutions of higher education pursuant to section 6A of chapter 15A of the General Laws.
- (c) In developing the model sexual misconduct climate survey, the task force shall: (i) utilize best practices from peer-reviewed research and consult with individuals with expertise in the development and utilization of sexual misconduct climate surveys within institutions of higher education; (ii) review sexual misconduct climate surveys which have been developed and previously utilized by institutions of higher education; (iii) provide opportunities for input from

organizations that work directly with victims and survivors of sexual assault to ensure the adequacy and appropriateness of the proposed content items; (iv) consult with institutions of higher education on how to optimize the effectiveness of the survey; and (v) account for the diverse needs and differences of the commonwealth's institutions of higher education.

- (d) The model sexual misconduct climate survey shall be designed to optimize completion of the full survey and to help campuses gather information on topics including, but not limited to: (i) the number of reported incidents of sexual misconduct at the institution of higher education; (ii) student's awareness of institutional policies and procedures related to campus sexual assault; (iii) if a victim reported the sexual misconduct, and if so, to which campus resource; (iv) if a victim was informed or referred to local, state, on campus or other resources and victims' access to support services including appropriate medical care, legal support, protection from retaliation, school-based accommodations, and criminal justice remedies; (v) contextual factors, such as the involvement of force, incapacitation or coercion; (vi) demographic factors that could be used to identify at-risk groups; (vii) perceptions of campus safety among members of the campus community and confidence in the institution of higher education's ability to appropriately address sexual misconduct.
- (e) The model sexual misconduct climate survey shall ensure that the survey responses are anonymous and no identifying information shall be collected.
- (f) The task force shall report its findings and recommendations, including its recommendation for the model sexual misconduct climate survey, together with legislation, if any, to the joint committee on higher education and the commissioner of higher education not later than March 31, 2019.

SECTION 3. Section 1 of this act shall take effect on August 1, 2019.

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