

SENATE No. 2645

Senate, July, 31, 2018 -- Text of the Senate amendment (Senators Moore and Creem) to the House Bill requiring sexual misconduct climate surveys at institutions of higher education (House, No. 4810)

The Commonwealth of Massachusetts

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

1 SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section
2 168C the following 2 sections:-

3 Section 168D. Each institution of higher education shall, on a regular basis determined
4 by the commissioner, conduct a sexual misconduct climate survey of all students at the
5 institution of higher education. For purposes of this section, the term “sexual misconduct” shall
6 include, but not be limited to, incidents of sexual violence, dating violence, domestic violence,
7 gender-based violence, violence based on sexual orientation or gender identity, sexual
8 harassment and stalking. The term “institution of higher education” shall mean a public, non-
9 profit or for-profit school chartered, incorporated or otherwise organized in the commonwealth,
10 legally authorized to award a degree at an associate level or above and with an established
11 physical presence in the commonwealth.

12 The board of higher education shall review and approve the model sexual misconduct
13 climate survey recommended by the task force on sexual misconduct climate surveys. The
14 commissioner of higher education shall provide a copy of the model sexual misconduct climate
15 survey to all institutions of higher education and shall review the model sexual misconduct

16 climate survey biennially. An institution of higher education may develop and submit to the
17 commissioner its own campus-specific sexual misconduct climate survey. Upon receipt of
18 approval by the commissioner, an institution of higher education may utilize its own campus-
19 specific sexual misconduct climate survey in lieu of the model sexual misconduct climate survey
20 provided by the commissioner. Upon completion of a sexual misconduct climate survey, each
21 institution of higher education shall post a summary of the results on its website not more than
22 120 days after completion.

23 Section 168E. As used in this section, the following words shall have the following
24 meanings unless the context clearly requires otherwise:

25 “Reporting party”, a student or employee who reports an incident of dating violence,
26 domestic violence, sexual assault or stalking to the institution.

27 “Responding party”, a student or employee who has been accused of an alleged incident
28 of dating violence, domestic violence, sexual assault or stalking.

29 Each public or private degree-granting post-secondary institution of higher education
30 shall adopt a policy on dating violence, domestic violence, sexual assault and stalking that shall
31 be made available, upon request, to an applicant, student or employee of the institution and shall
32 be publicly available on the website in an accessible format. The policy shall include, but not be
33 limited to:

34 (i) procedures by which students and employees at the institution may report or disclose
35 incidents of dating violence, domestic violence, sexual assault or stalking regardless of where the
36 offense occurred;

37 (ii) information on where to receive immediate emergency assistance following an
38 incident of dating violence, domestic violence, sexual assault or stalking that shall include, but
39 not be limited to, contact information for seeking medical treatment on campus, if available, and
40 off campus and information related to preserving evidence;

41 (iii) descriptions of the types of counseling and health, safety, academic and other
42 support services available from the institution within the local community or region or through a
43 local community-based rape crisis center or domestic violence program, including contact
44 information;

45 (iv) the rights of students and employees to: (A) notify or decline to notify law
46 enforcement, including campus, local and state police, of an alleged incident of dating violence,
47 domestic violence, sexual assault or stalking; (B) receive assistance from campus authorities in
48 making any such notification; and (C) obtain a court-issued or institution-issued protective order
49 against a respondent of the assault, stalking or violence;

50 (v) interim protective measures reasonably available from the institution that shall
51 include, but not be limited to, options for changing academic, living, campus transportation or
52 working arrangements in response to an alleged incident of dating violence, domestic violence,
53 sexual assault or stalking, how to request those changes and the process to have any such
54 measures reviewed;

55 (vi) procedures for students to notify the institution that a protective order has been issued
56 under state or federal law and the institution's responsibilities upon receipt of such notice.

57 For the purposes of this section, "dating violence", "domestic violence", "sexual assault"
58 and "stalking" shall be defined by each institution of higher education in its applicable policies,

59 including its policy on affirmative action or code of conduct and shall be consistent with
60 applicable federal definitions.

61 SECTION 2. Chapter 15A of the General Laws is hereby amended by adding the
62 following section:-

63 Section 45. (a) As used in this section, the following words shall have the following
64 meanings unless the context clearly requires otherwise:

65 “Awareness programming”, institution-wide or audience-specific programs, initiatives
66 and strategies that increase audience knowledge, promote safety and share resources to prevent
67 and reduce the occurrence of dating violence, domestic violence, sexual assault and stalking.

68 “Bystander intervention”, bystander intervention as defined in 34 CFR 668.46.

69 “Clery Act”, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime
70 Statistics Act or Clery Act, 20 U.S.C. 1092(f).

71 “Institution for higher education”, a for-profit or nonprofit degree-granting educational
72 institution, whether public or private, that is authorized by law to provide a program of education
73 beyond the secondary school level.

74 “Primary prevention programming”, initiatives and strategies informed by research or
75 assessed for value, effectiveness or outcome that are intended to stop dating violence, domestic
76 violence, sexual assault and stalking through the promotion of positive and healthy behaviors.

77 “Reporting party”, a student or employee who reports an incident of dating violence,
78 domestic violence, sexual assault or stalking to the institution

79 “Responding party”, a student or employee who has been accused of an alleged incident
80 of dating violence, domestic violence, sexual assault or stalking.

81 “Responsible employee”, an employee authorized to take action to redress sexual
82 violence who has the responsibility of reporting incidents of sexual violence or any other
83 misconduct by students to the Title IX coordinator or other appropriate school designee and who
84 is a person to whom a student could reasonably believe has such authority or responsibility.

85 “Trauma-informed response”, a response involving an understanding of the complexities
86 of dating violence, domestic violence, sexual assault and stalking through training centered on
87 the neurobiological impact of trauma, the influence of societal myths and stereotypes
88 surrounding the causes and impacts of trauma, understanding the behavior of perpetrators and
89 conducting an effective investigation.

90 (b) Each institution of higher education shall: (i) adopt detailed and trauma-informed
91 policies regarding dating violence, domestic violence, sexual assault and stalking involving
92 students or employees of the institution that comport with the best practices and current
93 professional standards as determined by the campus safety advisor and shall establish procedures
94 for regularly reviewing and updating the policies; and (ii) apply the same policies, as applicable,
95 relating to claims of dating violence, domestic violence, sexual assault and stalking to all
96 students and employees in a culturally competent way.

97 The policies shall be developed in coordination with the institution’s Title IX coordinator
98 and may consider input from various internal and external entities including, but not limited to,
99 institutional administrators, personnel affiliated with on-campus and off-campus health care
100 centers, personnel affiliated with on-campus, when available, and local, community-based rape

101 crisis centers and domestic violence programs, confidential resources advisors, residence life
102 staff, students, the department of state police and the police department and the district attorney
103 having jurisdiction in the city or town in which the institution's primary campus is located. Once
104 an institution has adopted the policies required by this section, the opportunity for review and
105 comment by internal and external entities shall only apply to substantive changes in those
106 policies. Institutions shall provide draft policies and substantive changes by electronic or regular
107 mail to internal and external entities, with instructions on how to comment and a reasonable
108 length of time in which comments will be accepted.

109 (c) Each institution of higher education shall adopt policies and procedures with local law
110 enforcement agencies to establish the respective roles and responsibilities of each party related to
111 the prevention of and response to on-campus and off-campus sexual assault. Institutions of
112 higher education and local law enforcement agencies shall develop policies and procedures that
113 comply with all applicable confidentiality and privacy laws and: (i) set out the jurisdiction of the
114 local law enforcement agencies based on criteria such as location and type of incident and
115 provide for cross-jurisdictional or multi-jurisdictional response and investigation, as appropriate;
116 (ii) establish the methods for sharing the Clery Act reporting requirements and for facilitating the
117 issuance of timely warnings and emergency notifications required by the Clery Act relative to
118 crimes that may pose a serious threat to the campus or near campus communities; (iii) establish
119 protocols, as permitted by federal and state law, for cases where a student consents to the release
120 of relevant documentation and information generated or acquired during local law enforcement
121 or campus police investigations; and (iv) methods for notifying the appropriate district attorney's
122 office.

123 (d) The commissioner shall appoint within the department of higher education a campus
124 safety advisor to facilitate and advance statewide campus safety at public and private institutions
125 of higher education. The advisor shall have relevant public safety policy experience that may
126 include campus public safety policy experience. The advisor shall coordinate, aggregate and
127 disseminate best practices, training opportunities and other resources to enhance campus safety
128 at institutions of higher education. The board of higher education shall promulgate regulations to
129 establish and implement the role and responsibilities of the advisor including, but not limited to,
130 establishing minimum standards for campus security and safety issues and due process
131 protections for reporting and responding parties.

132 (e) An institution of higher education shall make publicly available on its website: (i) all
133 annual Clery Act disclosures relating to dating violence, domestic violence, sexual assault and
134 stalking and all information contained in an institution's annual report as required in subsection
135 (r); (ii) the telephone number and website for a local, state or national 24-hour hotline that
136 provides information on dating violence, domestic violence, sexual assault and stalking; (iii) the
137 name and contact information for the institution's Title IX coordinator; (iv) the name and contact
138 information for a confidential resources advisor and a description of the role of and services
139 provided by the confidential resources advisor, which shall be updated on a timely basis; (v) the
140 name and location of the nearest medical facility where an individual may request that a sexual
141 assault evidence collection kit be administered by a trained sexual violence forensic health care
142 provider, including information on transportation options and reimbursement for travel costs, if
143 any; and (vi) in an accessible format, the policy on dating violence, domestic violence, sexual
144 assault and stalking.

145 (f) Annually, not later than October 1, institutions of higher education shall transmit to
146 students by electronic mail its policies and procedures concerning the reporting and investigation
147 of an allegation of dating violence, domestic violence, sexual assault or stalking made by a
148 student or employee of the institution against another student or employee of the institution in
149 accordance with section 168E of chapter 6.

150 (g) Upon receiving a report of dating violence, domestic violence, sexual assault or
151 stalking, an institution of higher education shall provide an objectively clear and easily
152 understood notification of the student's or employee's rights and options under the institution's
153 dating violence, domestic violence, sexual assault or stalking policies to the reporting party and
154 the responding party, when feasible.

155 (h) An institution of higher education shall enter into and maintain a memorandum of
156 understanding with a community-based sexual assault crisis service center funded by the
157 department of public health and a community-based domestic violence agency funded by the
158 department of public health to: (i) provide an off-campus alternative for students to receive
159 sexual assault crisis services, including access to a sexual assault nurse examiner if available, or
160 domestic violence crisis services in response to dating violence, domestic violence, sexual
161 assault or stalking; (ii) ensure that a student or employee of the institution may access free and
162 confidential counseling and advocacy services either on campus or off campus; and (iii)
163 encourage cooperation and trainings between the institution and the service center or agency to
164 ensure an understanding the roles that the institution, service center and agency should play in
165 responding to reports and disclosures of dating violence, domestic violence, sexual assault or
166 stalking against students and employees of the institution and the institution's protocols for
167 providing support and services to such students and employees.

168 The memorandum of understanding may include an agreement, including a fee structure,
169 for the sexual assault crisis service center or domestic violence agency to provide confidential
170 victim services. Confidential victim services may include: (i) case consultation and training fees
171 for confidential resource advisors; (ii) consultation fees for the development and implementation
172 of student education and prevention programs; (iii) the development of staff training and
173 prevention curriculum; and (iv) confidential on-site office space for an advocate from a sexual
174 assault crisis service center or domestic violence agency to meet with students.

175 The department of higher education may grant a waiver of the memorandum of
176 understanding requirement to an institution that demonstrates that the institution acted in good
177 faith but was unable to obtain a signed memorandum.

178 (i) An institution of higher education shall provide a method for anonymously reporting
179 an incident of dating violence, domestic violence, sexual assault or stalking that involves a
180 student or employee of the institution. An institution shall notify its students and employees of
181 the institution's obligations under state and federal law to: (i) investigate or address the alleged
182 dating violence, domestic violence, sexual assault or stalking, including when the alleged act was
183 reported anonymously; (ii) assess whether the report triggers the need for a timely warning or
184 emergency notification under 34 CFR 668.46(e), the obligations of which may, in limited
185 circumstances, result in the release of the reporting party's identity; and (iii) disclose the identity
186 of a reporting party to another student, an employee or a third party.

187 (j) A reporting party or a witness that causes an investigation of dating violence, domestic
188 violence, sexual assault or stalking shall not be subject to a disciplinary sanction for a violation
189 of the institution's student conduct policy related to the incident unless the institution determines

190 that the report was not made in good faith or that the violation was egregious. An egregious
191 violation shall include, but not be limited to, taking an action that places the health and safety of
192 another person at risk.

193 (k) Each institution of higher education shall establish a campus security policy that
194 includes the designation of at least 1 confidential resource advisor. The confidential resource
195 advisor may have another role at the institution; provided, however, that the confidential
196 resource advisor shall not be an employee designated as a responsible employee or a student or a
197 Title IX coordinator.

198 The institution shall designate existing categories of employees that may serve as
199 confidential resource advisors. The designation of an existing category of employees shall not
200 preclude the institution from designating a new or existing employee or partnering with a local,
201 state or national victim services organization to serve as a confidential resource advisor or to
202 serve in another confidential role. An institution may partner with an outside victim advocacy
203 organization to provide a confidential resource advisor under this section. An institution that
204 enrolls less than 1,000 students may partner with another institution in the region or within the
205 commonwealth to provide the services under this subsection.

206 If requested by the reporting party, the confidential resource advisor shall provide
207 information on: (i) reporting options and the effects of each option; (ii) counseling services
208 available on campus and through a local, community-based rape crisis center or domestic
209 violence program; (iii) medical and health services available on campus and off campus; (iv)
210 available academic and residence life accommodations; (v) the disciplinary process of the
211 institution; and (vi) the legal process carried out through local law enforcement agencies. The

212 confidential resource advisor shall receive training in the awareness and prevention of dating
213 violence, domestic violence, sexual assault and stalking and in trauma-informed response and
214 coordinate with on-campus and off-campus sexual assault crisis service centers and, if directed
215 by the reporting party, campus or local law enforcement agencies may, as appropriate, assist the
216 student in contacting or reporting to campus or local law enforcement agencies. If requested by
217 the reporting party, the confidential resource advisor, using only the reporting party's identifying
218 information, shall coordinate with the institutional designee to arrange possible interim
219 protective measures to allow the reporting party to change academic, living, campus
220 transportation or working arrangements in response to the alleged assault, stalking or violence.
221 Confidential resource advisors shall not provide services to more than 1 student in an incident
222 and shall ensure confidentiality is maintained.

223 The confidential resource advisor shall also notify the reporting party of the reporting
224 party's rights and the institution's responsibilities regarding a protection order, no contact order
225 and any other lawful orders issued by the institution or by a criminal, civil or tribal court. The
226 confidential resource advisor shall not be required to report an incident to the institution or a law
227 enforcement agency unless otherwise required to do so by state or federal law and shall provide
228 confidential services to students and employees. A request for a possible interim protective
229 measure made by a confidential resource advisor on behalf of a reporting party to change an
230 academic, living, campus transportation or working situation in response to alleged dating
231 violence, domestic violence, sexual assault or stalking shall not constitute notice to a responsible
232 employee for Title IX purposes.

233 The website of an institution of higher education shall list: (i) reporting options for
234 students; (ii) the process of investigation and adjudication by the institution; and (iii) the process

235 for requesting a possible interim protective measure, when reasonable and available, to change
236 an academic, living, campus transportation or working situation in response to alleged dating
237 violence, domestic violence, sexual assault or stalking.

238 If a conflict of interest arises for an institution in which a confidential resource advisor is
239 advocating for the reporting party's need for sexual assault crisis services or campus or law
240 enforcement services, the institution shall not discipline, penalize or otherwise retaliate against
241 the confidential resource advisor for representing the interest of the student.

242 A confidential resource advisor may attend an administrative or institution-based
243 adjudication proceeding as the advisor or support person of the student's choice.

244 Unless otherwise required by state or federal law, a confidential resource advisor shall
245 not disclose confidential information without the prior written consent of the reporting party who
246 shared the information; provided, however, that nothing in this section shall be construed to limit
247 a defendant's right of cross examination of the advisor in a civil or criminal proceeding if the
248 advisor testifies after written consent has been given. A confidential communication shall not be
249 subject to discovery and shall be inadmissible in a criminal or civil proceeding without the prior
250 written consent of the reporting party who shared the information. Information provided to the
251 confidential resource advisor shall not be released to a campus official or law enforcement
252 officer or agency unless written consent has been given by the reporting party. A confidential
253 resource advisor shall not act as a counselor or therapist unless the confidential resource advisor
254 holds a valid license under chapter 112 and the reporting party engages the confidential resource
255 advisor in that capacity. The privileges available under chapter 233 shall apply to all information
256 received by a confidential resource advisor.

257 (l) An institution of higher education shall provide: (i) mandatory annual dating violence,
258 domestic violence, sexual assault and stalking primary prevention and awareness programming
259 for newly-enrolled students and newly-hired employees of the institution that shall include: (A)
260 an explanation of consent as it applies to sexual activity and sexual relationships; (B) the role
261 drugs and alcohol play in an individual's ability to consent; (C) information on options relating
262 to the reporting of an incident of dating violence, domestic violence, sexual assault or stalking,
263 the effects of each option and the methods to report an incident of dating violence, domestic
264 violence, sexual assault or stalking, including confidential and anonymous disclosure; (D)
265 information on the institution's procedures for resolving dating violence, domestic violence,
266 sexual assault or stalking complaints and the range of sanctions or penalties the institution may
267 impose on students and employees found responsible for a violation; (E) the name, contact
268 information and role of the confidential resource advisor; and (F) strategies for bystander
269 intervention and risk reduction; and (ii) opportunities for ongoing dating violence, domestic
270 violence, sexual assault and stalking prevention and awareness campaigns and programming.

271 (m) Notice to a confidential resource advisor of an alleged act of sexual assault, domestic
272 violence, dating violence or stalking or a confidential resource advisor's performance of a
273 service under this section shall not be considered actual or constructive notice of such an alleged
274 act to the institution of higher education at which the confidential resource advisor is employed
275 or provides contracted services.

276 (n) Each institution of higher education shall employ responsible employees who shall be
277 responsible for reporting cases of dating violence, domestic violence, sexual assault and stalking
278 to the Title IX coordinator of the institution. Responsible employees shall report the name of the
279 respondent, the name of reporting party and the date, time and location of the offense, if known,

280 to the Title IX coordinator. Responsible employees shall complete minimum training
281 requirements as determined by the department of higher education in coordination with the
282 attorney general and shall include training by a local, state or national victim services
283 organization. Responsible employees shall provide a student or employee who reports an
284 incident of dating violence, domestic violence, sexual assault or stalking, whether the offense
285 occurred on campus or off campus, with a written explanation of the student's or employee's
286 rights and options pursuant to section 168E of chapter 6.

287 (o) An individual who participates in the implementation of an institution of higher
288 education's disciplinary process, including an individual responsible for resolving complaints of
289 reported incidents, shall have training or experience in handling dating violence, domestic
290 violence, sexual assault and stalking complaints and the operations of the institution's
291 disciplinary process. The training shall include, but not be limited to: (i) information on working
292 with and interviewing persons subjected to dating violence, domestic violence, sexual assault or
293 stalking; (ii) information on particular types of conduct that constitute dating violence, domestic
294 violence, sexual assault and stalking, including same-sex dating violence, domestic violence,
295 sexual assault and stalking; (iii) information on consent and the role drugs and alcohol may play
296 in an individual's ability to consent; (iv) the effects of trauma, including any neurobiological
297 impact on a person; (v) cultural competence training regarding how dating violence, sexual
298 assault and stalking may impact students differently depending on factors that contribute to a
299 student's cultural background including, but not limited to, national origin, sex, ethnicity,
300 religion, gender identity, gender expression and sexual orientation; (vi) ways to communicate
301 sensitively and compassionately with a reporting party of dating violence, domestic violence,
302 sexual assault or stalking including, but not limited to, an awareness of responding to a reporting

303 party with consideration of that party's cultural background and providing services to or assisting
304 in locating services for the reporting party; and (vii) training and information regarding how
305 dating violence, domestic violence, sexual assault and stalking may impact students with
306 developmental or intellectual disabilities.

307 (p) Each institution of higher education shall ensure that its Title IX coordinator and
308 members of its special or campus police force or the campus safety personnel employed by the
309 institution are educated in the awareness and prevention of dating violence, domestic violence,
310 sexual assault and stalking and in trauma-informed response.

311 (q) Notwithstanding any general or special law to the contrary, a member of the
312 department of state police or a local police department who acts as a first responder to a report of
313 dating violence, domestic violence, sexual assault or stalking at an institution of higher education
314 shall receive training in the awareness and prevention of dating violence, domestic violence,
315 sexual assault and stalking and in trauma-informed response, subject to appropriation.

316 (r) Annually, not later than October 1, an institution of higher education shall prepare and
317 submit to the department of higher education, the department of public health, the clerks of the
318 senate and house of representatives and the joint committee on higher education a report that
319 includes: (i) the total number of allegations of dating violence, domestic violence, sexual assault
320 and stalking reported to the institution's Title IX coordinator by a responsible employee, student
321 or employee of the institution against another student or employee of the institution; (ii) the
322 number of cases made by a student or employee of the institution against another student or
323 employee of the institution investigated by local or state law enforcement agency, if known; (iii)
324 the number of students found responsible for violating an institution's policies prohibiting dating

325 violence, domestic violence, sexual assault and stalking; (iv) the number of students found not
326 responsible for violating an institution’s policies prohibiting sexual assault; and (v) the number
327 of disciplinary actions imposed by the institution as a result of a finding of responsibility for
328 violating an institution’s policies prohibiting sexual assault. The report shall provide information
329 in a de-identified manner that complies with state and federal privacy laws.

330 SECTION 3. (a) There shall be a task force on sexual misconduct climate surveys for all
331 institutions of higher education. For the purposes of this section, the term “sexual misconduct”
332 shall include, but not be limited to, incidents of sexual violence, dating violence, domestic
333 violence, gender-based violence, violence based on sexual orientation or gender identity, sexual
334 harassment and stalking. The term “institution of higher education” shall mean a public, non-
335 profit or for-profit school chartered, incorporated or otherwise organized in the commonwealth,
336 legally authorized to award a degree at an associate level or above and with an established
337 physical presence in the commonwealth.

338 The task force shall consist of: the commissioner of higher education or a designee, who
339 shall serve as co-chair; the commissioner of public health or a designee, who shall serve as co-
340 chair; the secretary of public safety and security or a designee; the attorney general or a
341 designee; and 17 members to be appointed by the governor, 1 of whom shall be a representative
342 recommended by Jane Doe, Inc.: The Massachusetts Coalition Against Sexual Assault and
343 Domestic Violence, 1 of whom shall be a student attending a public institution of higher
344 education in the commonwealth, 1 of whom shall be a student attending a private institution of
345 higher education in the commonwealth, 1 of whom shall be a representative recommended by the
346 Victim Rights Law Center, Inc., 2 of whom shall be representatives of rape crisis and counseling
347 centers located in an urban and rural region of the commonwealth, 2 of whom shall be

348 representatives of community-based sexual assault crisis service centers funded by the
349 department of public health, 1 of whom shall be a representative of the Massachusetts
350 commission on lesbian, gay, bisexual, transgender, queer and questioning youth, 1 of whom shall
351 be a researcher with experience in the development and design of sexual misconduct climate
352 surveys, 1 of whom shall be a researcher of statistics, data analytics or econometrics with
353 experience in higher education survey analysis, 1 of whom shall be a representative of the
354 University of Massachusetts recommended by the president of the university, 1 of whom shall be
355 a representative of the state universities recommended by the council of presidents of the state
356 university system, 1 of whom shall be a representative of the community colleges recommended
357 by Massachusetts Community Colleges executive office and 3 of whom shall be representatives
358 of private colleges and universities recommended by the Association of Independent Colleges
359 and Universities in Massachusetts, Inc.

360 (b) The task force shall develop a model sexual misconduct climate survey for
361 distribution to institutions of higher education pursuant to section 168D of chapter 6 of the
362 General Laws.

363 (c) In developing the model sexual misconduct climate survey, the task force shall: (i)
364 utilize best practices from peer-reviewed research and consult with individuals with expertise in
365 the development and utilization of sexual misconduct climate surveys within institutions of
366 higher education; (ii) review sexual misconduct climate surveys that have been developed and
367 previously utilized by institutions of higher education; (iii) provide opportunities for input from
368 organizations that work directly with victims and survivors of sexual assault to ensure the
369 adequacy and appropriateness of the proposed content items; (iv) consult with institutions of

370 higher education on how to optimize the effectiveness of the survey; and (v) account for the
371 diverse needs and differences of the commonwealth's institutions of higher education.

372 (d) The model sexual misconduct climate survey shall be designed to optimize
373 completion of the full survey and to help campuses gather information on topics including, but
374 not limited to: (i) the number of reported incidents of sexual misconduct at the institution of
375 higher education; (ii) student's awareness of institutional policies and procedures related to
376 campus sexual assault; (iii) if a victim reported the sexual misconduct and, if so, to which
377 campus resource; (iv) if a victim was informed or referred to local, state, on campus or other
378 resources and victims' access to support services including appropriate medical care, legal
379 support, protection from retaliation, school-based accommodations and criminal justice
380 remedies; (v) contextual factors, such as the involvement of force, incapacitation or coercion;
381 (vi) demographic factors that could be used to identify at-risk groups; (vii) perceptions of
382 campus safety among members of the campus community and confidence in the institution of
383 higher education's ability to appropriately address sexual misconduct.

384 (e) The model sexual misconduct climate survey shall ensure that the survey responses
385 are anonymous and no identifying information shall be collected.

386 (f) The task force shall report its findings and recommendations, including its
387 recommendation for the model sexual misconduct climate survey, together with legislation, if
388 any, to the joint committee on higher education and the commissioner of higher education not
389 later than March 31, 2019.

390 SECTION 4. The department of higher education shall conduct a cost study of the
391 implementation and integration of a threat response program to be used for emergency

392 communications both on-campus and off-campus at each public institution of higher education.
393 The department shall submit a report on the costs and any legislative or regulatory
394 recommendations, together with drafts of legislation necessary to carry those recommendations
395 into effect, by filing the same with the clerk of the senate and house of representatives and the
396 joint committee on higher education not later than March 11, 2018.

397 SECTION 5. Section 168D of chapter 6 of the General Laws shall take effect on August
398 1, 2019.