

**SENATE . . . . . No. 706**

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**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 relative to sexual violence on higher education campuses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/25/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/30/2017</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>1/30/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/30/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/31/2017</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/1/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/1/2017</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/1/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/2/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/3/2017</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>	<i>2/3/2017</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>	<i>2/3/2017</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>	<i>2/3/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/3/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/3/2017</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>2/3/2017</i>

<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/3/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>2/3/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/3/2017</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/3/2017</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>2/3/2017</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>2/3/2017</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>	<i>2/6/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>3/2/2017</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>3/23/2017</i>

**SENATE . . . . . No. 706**

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By Mr. Moore, a petition (accompanied by bill, Senate, No. 706) of Michael O. Moore, Timothy R. Whelan, Jack Lewis, James B. Eldridge and other members of the General Court for legislation relative to sexual violence on higher education campuses. Higher Education.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2465 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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

An Act relative to 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. Chapter 6 of the General Laws, as appearing in the 2014 Official Edition,  
2 is hereby amended by adding the following section:-

3           Section 168D. Each public or private degree-granting post-secondary institution of  
4 higher education shall adopt a policy on dating violence, domestic violence, sexual assault and  
5 stalking that shall be made available, upon request, to an applicant, student or employee of the  
6 institution. The policy shall include, but not limited to:

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

10 (ii) information on where to receive immediate emergency assistance following an  
11 incident of dating violence, domestic violence, sexual assault or stalking, which shall include,  
12 but not be limited to, contact information for seeking medical treatment on-campus, if available,  
13 and off-campus and information related to preserving evidence based on the type of offense;

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

18 (iv) the rights of students and employees to: (A) notify law enforcement, including on-  
19 campus, local and state police, of an alleged incident of dating violence, domestic violence,  
20 sexual assault or stalking ; (B) receive assistance from campus authorities in making any  
21 notification or to decline to notify these authorities; and (C) obtain a protective order or seek  
22 enforcement of an existing protective order against a perpetrator of the assault, stalking or  
23 violence;

24 (v) interim protective measures reasonably available to the reporting party from the  
25 institution including, but not limited to, options for changing academic, living, campus  
26 transportation or working arrangements in response to an alleged incident of dating violence,  
27 domestic violence, sexual assault or stalking and how to request such changes;

28 (vi) the responsibilities of the institution upon receipt of notification that a protective  
29 order has been issued under state law;

30 (vii) a summary of the institution's procedures for resolving complaints against students  
31 alleged to have engaged in dating violence, domestic violence, sexual assault or stalking,

32 including clear statements advising students that: (A) an investigation, including any hearing and  
33 resulting disciplinary proceeding, shall be conducted by an official who receives not less than  
34 annual training on issues relating to dating violence, domestic violence, sexual assault or  
35 stalking, investigatory procedures and hearing procedures to protect the safety and rights of  
36 students and promote accountability; (B) the reporting party of an alleged incident of dating  
37 violence, domestic violence, sexual assault or stalking and the accused party may be  
38 accompanied by an advisor or support person of their choice to meet with the institution's  
39 investigator or other fact-finder and may consult with an advisor or support person during a  
40 meeting, including any disciplinary proceeding; provided, however, that the institution may  
41 establish rules regarding how the proceeding will be conducted which may include guidelines on  
42 the extent to which the advisor or support person for each party may participate in the meeting or  
43 disciplinary proceeding and any limitations on participation which shall apply equally to both  
44 parties; provided further, that the institution shall adopt reasonable measures to provide for the  
45 involvement of the advisor or support person for each party; and provided further, that the  
46 availability of the advisor or support person shall not significantly delay a meeting or  
47 disciplinary proceeding; (C) the use of preponderance of the evidence standard to resolve  
48 complaints; (D) the reporting party and the accused shall be provided the institution's policies  
49 regarding the submission and consideration of categories of evidence that may be used during a  
50 disciplinary proceeding and shall have equal opportunity to present evidence and witnesses on  
51 their behalf during a disciplinary proceedings and shall be provided with timely and equal access  
52 to information or relevant evidence that shall be used in the determination of a discipline; (E)  
53 there may be restrictions on evidence considered by the fact finder including, but not limited to,  
54 the use of evidence of prior sexual activity of character witnesses; (F) the reporting party and

55 accused shall not directly question each other during disciplinary proceedings; (F) the reporting  
56 party and the accused shall be informed in writing of the results of a disciplinary proceeding not  
57 later than 7 business days after a final determination of a complaint, not including any time for  
58 appeal, unless good cause for additional time is shown, and any process for appealing the  
59 decision; and (G) the institution shall not disclose the identity of the reporting party or the  
60 accused, except as necessary to carry out a disciplinary process or as permitted under state or  
61 federal law;

62 (viii) a summary of the institution's employee disciplinary process; and

63 (ix) the range of sanctions or penalties the institution may impose on students and  
64 employees found responsible for a violation of the applicable institutional policy prohibiting acts  
65 of dating violence, domestic violence, sexual assault and stalking.

66 The terms “dating violence”, “domestic violence”, “sexual assault” and “stalking” shall  
67 be defined by each institution of higher education in its applicable policies, including its policy  
68 on affirmative action or code of conduct, consistent with applicable federal definitions.

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

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

73 "Awareness programming", institution wide or audience specific programs, initiatives,  
74 and strategies that increase audience knowledge, share resources to prevent and reduce the  
75 occurrence of dating violence, domestic violence, sexual assault and stalking and promote safety.

76 "Bystander intervention", bystander intervention as defined in 34 CFR 668.46.

77 "Primary prevention programming", initiatives and strategies informed by research or  
78 assessed for value, effectiveness or outcome that are intended to stop dating violence, domestic  
79 violence, sexual assault and stalking through the promotion of positive healthy behavior.

80 "Responsible employee", an employee who has the authority to take action to redress  
81 sexual violence, who has been given the duty of reporting incidents of sexual violence or any  
82 other misconduct by students to the Title IX coordinator or other appropriate school designee,  
83 and who a student could reasonably believe has this authority or duty.

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

89 (b) All policies adopted by an institution of higher education under this section shall  
90 comply with Title IX of the federal Higher Education Amendments of 1972, Title IV of the Civil  
91 Rights Act of 1964, the Family Educational Rights and Privacy Act of 1974 and the Jeanne Clery  
92 Disclosure of Campus Security Policy and Campus Crime Statistics Act, and related regulations  
93 and guidance, concerning dating violence, domestic violence, sexual assault, and stalking  
94 involving a student of the institution, both on-campus and off-campus.

95 The policies shall be developed in coordination with the institution's Title IX coordinator  
96 and reflect input from various internal and external entities including, but not limited to:  
97 institutional administrators; personnel affiliated with on-campus and off-campus health care

98 centers; personnel affiliated with on-campus, when available, and local, community-based rape  
99 crisis centers and domestic violence programs; confidential resources; residence life; students;  
100 the state and local police department where the institution's primary campus is located and the  
101 district attorney having jurisdiction. A reasonable period of time for review and comment on the  
102 policies shall be provided to the internal and external entities. Following an institution's adoption  
103 of the policies required by this section, the opportunity for review and comment by internal and  
104 external entities shall only apply to substantive changes in such policies.

105 (c) Each institution of higher education shall: (i) adopt detailed and trauma-informed  
106 policies and protocols regarding dating violence, domestic violence, sexual assault and stalking  
107 involving students and employees of the institution that comport with the best practices and  
108 current professional standards and establish procedures for regularly reviewing and updating the  
109 policies; and (ii) apply the same policies relating to claims of dating violence, domestic violence,  
110 sexual assault and stalking to all students.

111 (d) Each institution of higher education shall adopt policies clearly delineating the  
112 responsibilities and requirements for sharing information with law enforcement, in accordance  
113 with applicable federal and state confidentiality laws, related to serious crimes and incidents that  
114 shall include, but not be limited to, dating violence, domestic violence, sexual assault and  
115 stalking occurring against students and employees of the institution. The policies shall include,  
116 but not be limited to: the training for the campus police; methods for sharing information and the  
117 referral of a complaint for an investigation by law enforcement and public safety agencies, if  
118 directed by the reporting party; the method of sharing crime details anonymously in order to  
119 better protect overall campus safety; and methods for notifying the district attorney's office  
120 having jurisdiction where the alleged offense occurred.



121 (e) The commissioner shall appoint within the department of higher education a campus  
122 safety advisor with experience in public safety policy, who shall facilitate and advance statewide  
123 campus safety at public and private institutions of higher education. The officer shall coordinate,  
124 aggregate and disseminate best practices, training opportunities and other resources to further the  
125 goal of enhanced campus safety at an institution of higher education. The board of higher  
126 education shall promulgate regulations to establish and implement the role and responsibilities of  
127 the campus safety advisor including, but not limited to, establishing minimum standards for  
128 campus security and safety issues.

129 (f) An institution of higher education shall make publicly available on its website the  
130 following information: (i) the total number of allegations of dating violence, domestic violence,  
131 sexual assault and stalking made by a student or employee of the institution against another  
132 student or employee of the institution in an aggregate format and the institution shall update the  
133 information not less than every 6 months; (ii) the telephone number and website for a local, state  
134 or national 24-hour hotline providing information to a reporting party of dating violence,  
135 domestic violence, sexual assault or stalking; (iii) the name and contact information for the  
136 institution's Title IX coordinator; (iv) the name and contact information for a confidential  
137 resource advisor and a description of the role of and services provided by the confidential  
138 resource advisor, which shall be updated on a timely basis; and (v) the name and location of the  
139 nearest medical facility where an individual may request a sexual assault evidence collection kit  
140 be administered by a trained sexual violence forensic health care provider, including information  
141 on transportation options and reimbursement for travel costs, if any.

142 (g) Each institution of higher education shall annually, by October 1, transmit to students  
143 via electronic mail its policies and procedures concerning the reporting and investigation of an

144 allegation of dating violence, domestic violence, sexual assault and stalking made by a student or  
145 employee of the institution against another student or employee of the institution in accordance  
146 with section 168D of chapter 6.

147 (h) Upon receiving a report of dating violence, domestic violence, sexual assault or  
148 stalking, each institution of higher education shall provide an objectively clear and easily  
149 understood notification of the reporting and accused party's rights and options under the  
150 institution's dating violence, domestic violence, sexual assault or stalking policies to the  
151 reporting party and the accused party, when feasible.

152 (i) An institution of higher education shall enter into and maintain a memorandum of  
153 understanding with at least 1 community-based department of public health funded sexual assault  
154 crisis service center and at least 1 community-based department of public health funded domestic  
155 violence agency to: (i) provide an off-campus alternative for a reporting party to receive sexual  
156 assault crisis services in response to dating violence, domestic violence, sexual assault or  
157 stalking; (ii) ensure that a student or employee of the institution may access free and confidential  
158 counseling and advocacy services, either on-campus or off-campus; and (iii) encourage  
159 cooperation and trainings between the institution and the service center or agency to ensure an  
160 understanding the roles that the institution, service center and agency should play in responding  
161 to reports and disclosures of dating violence, domestic violence, sexual assault or stalking  
162 against students and employees of the institution and the institution's protocols for providing  
163 support and services to such students and employees.

164 The memorandum of understanding may include an agreement, including a fee structure,  
165 for the sexual assault crisis service center or domestic violence agency to provide confidential

166 victim services. Confidential victim services may include: case consultation and training fees for  
167 confidential resource advisors; consultation fees for the development and implementation of  
168 student education and prevention programs; the development of staff training and prevention  
169 curriculum; and confidential on-site office space for an advocate from a sexual assault crisis  
170 service center or domestic violence agency to meet with a reporting party.

171 The department of higher education may grant a waiver of this requirement to an  
172 institution that demonstrates that the institution acted in good faith but was unable to obtain a  
173 signed memorandum.

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

183 (k) A reporting party or witness to an investigation of dating violence, domestic violence,  
184 sexual assault or stalking shall not be subject to a disciplinary sanction for a violation of the  
185 institution's student conduct policy related to the incident unless the institution determines that  
186 the report was not made in good faith or that the violation was egregious. An egregious violation

187 shall include, but shall not be limited to, an action that places the health and safety of another  
188 person at risk.

189 (l) Each institution of higher education shall establish a campus security policy that  
190 includes the designation of at least 1 confidential resource advisor at the institution to whom a  
191 party reporting dating violence, domestic violence, sexual assault or stalking can report  
192 anonymously or directly. The confidential resource advisor may have another role at the  
193 institution; provided, however, that the confidential resource advisor shall not be an employee  
194 designated as a responsible employee, as defined in subsection (a), a student or a Title IX  
195 coordinator.

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

204 The role of the confidential resource advisor shall be to serve as a liaison for a reporting  
205 party. If requested by the reporting party, the confidential resource advisor shall provide  
206 information on: (i) reporting options and the effects of each option; (ii) counseling services  
207 available through a local, community-based rape crisis center or domestic violence program;  
208 (iii) administrative, medical and health services available on-campus and off-campus; (iv)

209 available academic accommodations; (v) the disciplinary process of the institution; and (vi) the  
210 legal process carried out through local law enforcement. The confidential resource advisor shall  
211 receive training in the awareness and prevention of dating violence, domestic violence, sexual  
212 assault and stalking and in trauma-informed response and coordinate with on-campus and off-  
213 campus sexual assault crisis services and, if directed by the reporting party, campus or local law  
214 enforcement and may, as appropriate, assist the reporting party in contacting or reporting to  
215 campus or local law enforcement. The confidential resource advisor shall coordinate with the  
216 institution to arrange interim protective measures to allow the reporting party to change  
217 academic, living, campus transportation or working arrangements in response to the alleged  
218 assault, stalking or violence.

219           The confidential resource advisor shall also advise the reporting party of the parties’  
220 rights and the institution's responsibilities regarding a protection order, no contact order, and  
221 other lawful orders issued by the institution or a criminal, civil or tribal court.

222           The confidential resource advisor shall not be required to report an incident to the  
223 institution or law enforcement unless otherwise required to do so by state and federal law and  
224 shall provide confidential services to students and employees. A request for a possible interim  
225 protective measure to change an academic, living, campus transportation or working situation in  
226 response to alleged dating violence, domestic violence, sexual assault or stalking made by a  
227 confidential resource advisor shall not constitute notice to a responsible employee for Title IX  
228 purposes.

229           The website of the institution shall list: reporting options for a reporting party; the  
230 process of investigation and adjudication by the institution; and the process for requesting a

231 possible interim protective measure, when reasonable and available, to change an academic,  
232 living, campus transportation or working situation in response to alleged dating violence,  
233 domestic violence, sexual assault or stalking.

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

238           A confidential resource advisor may attend an administrative or institution-based  
239 adjudication proceeding related to such elderly and disabled consumers as the advisor or support  
240 person of the reporting party's choice.

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

253 (m) Each institution of higher education shall provide: (i) mandatory annual dating  
254 violence, domestic violence, sexual assault and stalking primary prevention and awareness  
255 programming for newly enrolled students and newly hired employees of the institution that  
256 includes: (A) an explanation of consent in a sexual relationship; (B) the role drugs and alcohol  
257 play in an individual's ability to consent; (C) information on options relating to the reporting of  
258 an instance of dating violence, domestic violence, sexual assault or stalking, the effects of each  
259 option and methods to report an incident of dating violence, domestic violence, sexual assaults or  
260 stalking, including confidential and anonymous disclosure; (D) the name, contact information  
261 and role of the confidential resource advisor; and (E) strategies for bystander intervention and  
262 risk reduction; and (ii) opportunities for ongoing dating violence, domestic violence, sexual  
263 assault and stalking prevention and awareness campaigns and programming.

264 (n) Notice to a confidential resource advisor of an alleged act of sexual assault, domestic  
265 violence, dating violence or stalking or a confidential resource advisor's performance of a  
266 service under this section shall not be considered actual or constructive notice of such an alleged  
267 act to the institution of higher education at which the confidential resource advisory is employed  
268 or provides contracted services.

269 (o) Each institution of higher education in the state shall employ responsible employees,  
270 as defined in subsection (a), who shall be responsible for reporting cases of dating violence,  
271 domestic violence, sexual assault and stalking to the Title IX coordinator of the institution.  
272 Responsible employees shall complete minimum training requirements as determined by the  
273 department of higher education in coordination with the attorney general and that include  
274 training by a local, state or national victim services organization and shall be responsible for  
275 providing a student or employee of the institution who reports that the student or employee has

276 been a reporting party of dating violence, domestic violence, sexual assault, or stalking whether  
277 the offense occurred on or off campus, with a written explanation of the student or employee's  
278 rights and options, as described in section 168D of chapter 6.

279 (p) An individual who participates in the implementation of an institution of higher  
280 education's disciplinary process, including an individual responsible for resolving complaints of  
281 reported incidents, shall have training or experience in handling dating violence, domestic  
282 violence, sexual assault and stalking complaints and the operations of the institution's  
283 disciplinary process. The training shall include, but not be limited to: (i) information on working  
284 with and interviewing persons subjected to dating violence, domestic violence, sexual assault and  
285 stalking; (ii) information on particular types of conduct that constitute dating violence, domestic  
286 violence, sexual assault and stalking including same-sex dating violence, domestic violence,  
287 sexual assault and stalking; (iii) information on consent and the role drugs and alcohol can play  
288 in the ability to consent; (iv) the effects of trauma including neurobiological impact on a person;  
289 (v) cultural awareness training regarding how dating violence, domestic violence, sexual assault  
290 and stalking may impact students differently depending on a student's cultural background; and  
291 (vi) ways to communicate sensitively and compassionately with a reporting party of dating  
292 violence, domestic violence, sexual assault or stalking including, but not limited to, an awareness  
293 of responding to a reporting party with consideration of that party's cultural background and  
294 providing services to or assisting in locating services for the reporting party.

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



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

304 (s) Each public institution of higher education shall integrate a threat response program to  
305 be used for emergency communications both on-campus and off-campus. The program shall: (i)  
306 collect a variety of formatted data that is relevant to campus public safety and state and local  
307 emergency and first responder agencies including photographs of individuals, physical  
308 descriptions, medical conditions, allergies, household data, primary language indicator and  
309 emergency contacts; (ii) allow for information to be entered by an individual via a secure website  
310 and mobile handset application in which the individual may provide information; (iii) be  
311 compliant with the accessibility requirements under section 508 of the federal Rehabilitation Act  
312 of 1973, 29 U.S.C. 794d; (iv) manage the accuracy and timeliness of the data through a reminder  
313 process, at least twice per year, requesting application users to keep their data up-to-date; (v)  
314 automatically display data provided by an individual to campus safety and 911 call takers when  
315 an emergency call is placed from a registered and confirmed phone number; (vi) support the  
316 delivery of application user information via a secure internet connection to a campus public  
317 safety office and the public safety answering points within the commonwealth; (vii) work across  
318 every campus and be compatible with emergency call taking equipment in the commonwealth;  
319 (viii) make data available to first responders; (ix) allow for the submission of anonymous or  
320 confidential crime tips via a handset application or by texting into a designated short code; and  
321 (x) support a user's ability to initiate a timer via the handset application that allows for at least 1

322 individual to view the user's location information for a specified period of time in order to assist  
323 in the event of an emergency.

324 (t) Annually, by October 1, an institution of higher education shall prepare and submit to  
325 the department of higher education, the department of public health, the clerks of the senate and  
326 house of representatives, and the senate and house chairs of the joint committee on higher  
327 education a report that includes the following information on dating violence, domestic violence,  
328 sexual assault and stalking: (i) the total number of allegations of dating violence, domestic  
329 violence, sexual assault and stalking reported to the institution's Title IX coordinator by a  
330 responsible employee, student or employee of the institution against another student or employee  
331 of the institution; (ii) the number of cases made by a student or employee of the institution  
332 against another student or employee of the institution investigated by local or state law  
333 enforcement, if known; (iii) the number of students found responsible for violating an  
334 institution's policies prohibiting sexual assault; (iv) the number of students found not responsible  
335 for violating an institution's policies prohibiting sexual assault; and (v) the number of students  
336 separated from the institution as a result of a finding of responsibility for violating an  
337 institution's policies prohibiting sexual assault. The report shall provide information in a de-  
338 identified manner that complies with state and federal privacy laws.

339 SECTION 3. Not later than July 1, 2018, institutions of higher education shall enter into  
340 and maintain a memorandum of understanding as required under subsection (i) of section 45 of  
341 chapter 15A of the General Laws.

342 SECTION 4. Not later than July 1, 2018, the department of higher education shall  
343 provide a feasibility report on funding the campus safety advisor position established under

344 proposed section 45 of chapter 15A through an assessment on public and private institutions of  
345 higher education. The department shall submit the report to the clerks of the senate and house of  
346 representatives, the senate and house chairs of the joint committee on higher education and the  
347 chairs of the senate and house committees on ways and means.

348 SECTION 5. The first annual report shall be submitted pursuant to subsection (t) of  
349 section 45 of chapter 15A of the General Laws not later than October 1, 2018.

350 SECTION 6. This act shall take effect on July 1, 2018.