HOUSE DOCKET, NO. 599 FILED ON: 1/11/2019

HOUSE . . . . . No. 1208

The Commonwealth of Massachusetts

PRESENTED BY:

Lori A. Ehrlich and William N. Brownsberger

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 requiring sexual misconduct climate surveys at institutions of higher education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Lori A. Ehrlich	*8th Essex*	*1/11/2019*
William N. Brownsberger	*Second Suffolk and Middlesex*	*1/11/2019*
Joan B. Lovely	*Second Essex*	*1/15/2019*
Tricia Farley-Bouvier	*3rd Berkshire*	*1/18/2019*
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	*1/22/2019*
Steven Ultrino	*33rd Middlesex*	*1/22/2019*
James Arciero	*2nd Middlesex*	*1/29/2019*
Brian M. Ashe	*2nd Hampden*	*1/25/2019*
Bruce J. Ayers	*1st Norfolk*	*2/1/2019*
Ruth B. Balser	*12th Middlesex*	*1/25/2019*
Christine P. Barber	*34th Middlesex*	*1/25/2019*
Michael J. Barrett	*Third Middlesex*	*2/1/2019*
David Biele	*4th Suffolk*	*2/1/2019*
Natalie M. Blais	*1st Franklin*	*1/31/2019*
Antonio F. D. Cabral	*13th Bristol*	*1/24/2019*
Daniel Cahill	*10th Essex*	*1/30/2019*
Gerard J. Cassidy	*9th Plymouth*	*1/30/2019*
Tackey Chan	*2nd Norfolk*	*1/31/2019*

Sonia Chang-Diaz	*Second Suffolk*	*2/1/2019*
Michelle L. Ciccolo	*15th Middlesex*	*1/31/2019*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*2/1/2019*
Mike Connolly	*26th Middlesex*	*1/30/2019*
Brendan P. Crighton	*Third Essex*	*1/30/2019*
William L. Crocker, Jr.	*2nd Barnstable*	*1/31/2019*
Daniel R. Cullinane	*12th Suffolk*	*1/31/2019*
Julian Cyr	*Cape and Islands*	*2/1/2019*
Marjorie C. Decker	*25th Middlesex*	*1/29/2019*
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/1/2019*
Mindy Domb	*3rd Hampshire*	*1/30/2019*
Daniel M. Donahue	*16th Worcester*	*1/30/2019*
William J. Driscoll, Jr.	*7th Norfolk*	*2/1/2019*
Carolyn C. Dykema	*8th Middlesex*	*1/23/2019*
James B. Eldridge	*Middlesex and Worcester*	*2/1/2019*
Nika C. Elugardo	*15th Suffolk*	*2/1/2019*
Dylan A. Fernandes	*Barnstable, Dukes and Nantucket*	*1/23/2019*
Carole A. Fiola	*6th Bristol*	*1/22/2019*
William C. Galvin	*6th Norfolk*	*1/31/2019*
Sean Garballey	*23rd Middlesex*	*1/23/2019*
Denise C. Garlick	*13th Norfolk*	*1/30/2019*
Colleen M. Garry	*36th Middlesex*	*1/30/2019*
Carmine Lawrence Gentile	*13th Middlesex*	*1/27/2019*
Susan Williams Gifford	*2nd Plymouth*	*1/30/2019*
Thomas A. Golden, Jr.	*16th Middlesex*	*1/28/2019*
Carlos González	*10th Hampden*	*1/30/2019*
Kenneth I. Gordon	*21st Middlesex*	*1/29/2019*
Tami L. Gouveia	*14th Middlesex*	*2/1/2019*
Patricia A. Haddad	*5th Bristol*	*1/28/2019*
James K. Hawkins	*2nd Bristol*	*1/31/2019*
Stephan Hay	*3rd Worcester*	*1/24/2019*
Jonathan Hecht	*29th Middlesex*	*1/31/2019*
Natalie M. Higgins	*4th Worcester*	*1/30/2019*
Bradford Hill	*4th Essex*	*1/30/2019*
Russell E. Holmes	*6th Suffolk*	*2/1/2019*
Steven S. Howitt	*4th Bristol*	*1/30/2019*
Randy Hunt	*5th Barnstable*	*1/22/2019*
Bradley H. Jones, Jr.	*20th Middlesex*	*1/29/2019*
Hannah Kane	*11th Worcester*	*1/30/2019*

Mary S. Keefe	*15th Worcester*	*1/30/2019*
Kay Khan	*11th Middlesex*	*1/29/2019*
Kathleen R. LaNatra	*12th Plymouth*	*2/1/2019*
John J. Lawn, Jr.	*10th Middlesex*	*1/30/2019*
David Henry Argosky LeBoeuf	*17th Worcester*	*1/28/2019*
Jack Patrick Lewis	*7th Middlesex*	*2/1/2019*
Jason M. Lewis	*Fifth Middlesex*	*1/23/2019*
David Paul Linsky	*5th Middlesex*	*1/28/2019*
Jay D. Livingstone	*8th Suffolk*	*1/29/2019*
Adrian C. Madaro	*1st Suffolk*	*1/28/2019*
John J. Mahoney	*13th Worcester*	*1/31/2019*
Elizabeth A. Malia	*11th Suffolk*	*1/31/2019*
Paul W. Mark	*2nd Berkshire*	*2/1/2019*
Joseph W. McGonagle, Jr.	*28th Middlesex*	*1/26/2019*
Paul McMurtry	*11th Norfolk*	*1/30/2019*
Christina A. Minicucci	*14th Essex*	*1/28/2019*
Liz Miranda	*5th Suffolk*	*1/31/2019*
Rady Mom	*18th Middlesex*	*1/29/2019*
Michael O. Moore	*Second Worcester*	*1/24/2019*
Mathew J. Muratore	*1st Plymouth*	*1/25/2019*
Brian W. Murray	*10th Worcester*	*1/29/2019*
David M. Nangle	*17th Middlesex*	*2/1/2019*
Harold P. Naughton, Jr.	*12th Worcester*	*1/31/2019*
Tram T. Nguyen	*18th Essex*	*1/25/2019*
James J. O'Day	*14th Worcester*	*1/30/2019*
Sarah K. Peake	*4th Barnstable*	*1/31/2019*
Smitty Pignatelli	*4th Berkshire*	*1/25/2019*
Elizabeth A. Poirier	*14th Bristol*	*1/30/2019*
Denise Provost	*27th Middlesex*	*1/28/2019*
Angelo J. Puppolo, Jr.	*12th Hampden*	*1/25/2019*
David Allen Robertson	*19th Middlesex*	*1/31/2019*
Maria Duaime Robinson	*6th Middlesex*	*1/24/2019*
David M. Rogers	*24th Middlesex*	*1/28/2019*
Daniel J. Ryan	*2nd Suffolk*	*1/30/2019*
Lindsay N. Sabadosa	*1st Hampshire*	*2/1/2019*
Todd M. Smola	*1st Hampden*	*1/29/2019*
Thomas M. Stanley	*9th Middlesex*	*1/30/2019*
Bruce E. Tarr	*First Essex and Middlesex*	*1/31/2019*
José F. Tosado	*9th Hampden*	*1/29/2019*

Andres X. Vargas	*3rd Essex*	*1/31/2019*
John C. Velis	*4th Hampden*	*1/31/2019*
RoseLee Vincent	*16th Suffolk*	*1/29/2019*
Tommy Vitolo	*15th Norfolk*	*1/29/2019*
Thomas P. Walsh	*12th Essex*	*1/30/2019*
Bud L. Williams	*11th Hampden*	*1/30/2019*

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HOUSE . . . . . No. 1208

By Representative Ehrlich of Marblehead and Senator Brownsberger, a joint petition (accompanied by bill, House, No. 1208) of Lori A. Ehrlich, William N. Brownsberger 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 Ninety-First General Court
(2019-2020)

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

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, as appearing in the 2016 Official Edition, of the General Laws is hereby amended by inserting after section 168C the following section:-

Section 168D. (a) For the purposes of this section, the following terms shall have the following meanings:-

"institution of higher education" is 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.

"sexual misconduct" is without limitation, an incident of sexual violence, dating violence, domestic violence, gender-based violence, violence based on sexual orientation or gender identity or expression, sexual harassment and stalking.

(b) Each institution of higher education shall biennially conduct a sexual misconduct climate survey of all students at said institution of higher education. The commissioner of higher education shall review and approve the model sexual misconduct climate survey recommended by the task force on sexual misconduct climate surveys, as hereinafter described. The commissioner of higher education shall provide a copy of the model sexual misconduct climate survey to all institutions of higher education biennially. Upon receipt of written approval by the commissioner, an institution of higher education may use its own campus-specific sexual misconduct climate survey in lieu of the model sexual misconduct climate survey issued by the commissioner, provided that the institution's campus-specific survey meets the standards for the substance of the survey, as hereinafter described. Within 120 days after completion of a sexual misconduct climate survey, each institution of higher education shall submit a summary of the results to the department of higher education and shall also post a summary of the results on the institution's website.

(c) There shall be a task force on sexual misconduct surveys serving the commissioner of higher education. 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 other members who shall be appointed by the governor, 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 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, 2 of whom shall be representatives of private colleges and universities recommended by the Association of Independent Colleges and Universities in Massachusetts, Inc., 1 of whom shall be a representative recommended by Jane Doe, Inc., 1 of whom shall be a representative recommended by the Victim Rights Law Center, Inc., 2 of whom shall be representatives recommended by rape crisis and counseling centers located in an urban and rural region of the commonwealth, 2 of whom shall be representatives recommended by community-based sexual assault crisis service centers funded by the department of public health, 1 of whom shall be a representative recommended by the Massachusetts commission on lesbian, gay, bisexual, transgender, queer and questioning youth, 1 of whom shall be a representative recommended by Every Voice Coalition or any successor organization of Every Voice Coalition, 1 of whom shall be a researcher with experience in the development and design of sexual misconduct climate surveys, and 1 of whom shall be a researcher of statistics, data analytics or econometrics with experience in higher education survey analysis.

(d) The task force shall develop for the commissioner of higher education a model sexual misconduct climate survey for distribution to institutions of higher education established under section 168D of chapter 6 and provide the commissioner with any related recommendations respecting the content, timing and application of the survey. The task force shall deliver its model survey and related recommendations, including but not limited to recommendations on achieving statistically valid response rates, to the commissioner of higher education no less often than biennially and for the first time by March 31, 2020.

(e) 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 use of sexual misconduct climate surveys by 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 written comment from organizations that work directly with victims and survivors of sexual assault to ensure the adequacy and appropriateness of the proposed content; (iv) consult with institutions of higher education on strategies for optimizing the effectiveness of the survey; and (v) account for the diverse needs and differences of the commonwealth's institutions of higher education.

(f) The sexual misconduct climate surveys shall 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) when and where incidents of sexual misconduct occurred; (iii) student awareness of institutional policies and procedures related to campus sexual assault; (iv) whether a victim reported the sexual misconduct, and if so, to which campus resource such report was made; (iv) whether a victim was informed or referred to local, state, campus or other resources, or victim support services, including appropriate medical care and legal services,(v) whether a victim was provided the option of protection from retaliation, access to school-based accommodations, and criminal justice remedies; (vi) contextual factors, such as the involvement of force, incapacitation or coercion; (vii) demographic information that could be used to identify at-risk groups; (viii) perceptions of campus safety among members of the campus community and confidence in the institution of higher education's ability to protect against and respond to incidents of sexual misconduct.

(g) The model sexual misconduct climate survey shall collect anonymous responses and shall not require the disclosure of identifying information.

(h) There shall be established within the department of higher education a data repository for all summaries of sexual misconduct climate surveys submitted by institutions to the department of higher education in accordance with section 1. The commissioner of higher education shall ensure access by the public to the sexual misconduct climate survey data submitted by institutions on the department's website.

(i) The commissioner of higher education shall establish rules and procedures, including deadlines for dissemination and collection of survey information, consistent with the purposes of this statute, and shall promote the effective solicitation to achieve the highest practical response rate, collection, and publication of statistical information gathered from the commonwealth's institutions of higher education.

SECTION 2. This act shall take effect on August 1, 2020.