

HOUSE No. 4418

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 20, 2020.

The committee on Higher Education to whom were referred the 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, the petition (accompanied by bill, House, No. 1209) of Tricia Farley-Bouvier and others relative to sexual violence on higher education campuses, the petition (accompanied by bill, House, No. 1223) of Randy Hunt and others relative to requiring sexual harassment training at institutions of higher education, and the petition (accompanied by bill, House, No. 3655) of Marjorie C. Decker and others relative to written notice of the processes available for addressing sexual assault at certain institutions of higher education, reports recommending that the accompanying bill (House, No. 4418) ought to pass.

For the committee,

JEFFREY N. ROY.

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

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, as appearing in the 2018 official edition, of the General Laws is
2 hereby amended by inserting after section 168C the following sections:-

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

5 “Institution”, a public or independent institution of higher education located in the
6 commonwealth and authorized to grant degrees pursuant to any general or special law.

7 “Sexual misconduct”, an incident of sexual violence, dating violence, domestic violence,
8 gender-based violence, violence based on sexual orientation or gender identity or expression,
9 sexual assault, sexual harassment and stalking.

10 (b) Each institution shall conduct a sexual misconduct climate survey of all students at
11 said institution at least once every four years.

12 (c) There shall be a task force on sexual misconduct surveys. The task force shall consist
13 of the following 23 members: the commissioner of higher education, or a designee, who shall
14 serve as co-chair; the commissioner of public health or a designee, who shall serve as co-chair;
15 the secretary of the executive office of public safety and security, or a designee; the attorney
16 general, or a designee; 1 person appointed by the speaker of the house; 1 person appointed by the
17 senate president; and 17 other members who shall be appointed by the governor, 1 of whom shall
18 be a student attending a public institution of higher education in the commonwealth, 1 of whom
19 shall be a student attending a private institution of higher education in the commonwealth, 1 of
20 whom shall be a representative of the University of Massachusetts recommended by the
21 president of the university, 1 of whom shall be a representative of the state universities
22 recommended by the council of presidents of the state university system, 1 of whom shall be a
23 representative of the community colleges recommended by Massachusetts Association of
24 Community Colleges executive office, 2 of whom shall be representatives of private colleges and
25 universities recommended by the Association of Independent Colleges and Universities in
26 Massachusetts, Inc., 1 of whom shall be a representative recommended by Jane Doe, Inc., 1 of
27 whom shall be a representative recommended by the Victim Rights Law Center, Inc., 2 of whom
28 shall be representatives recommended by rape crisis and counseling centers located in an urban
29 and rural region of the commonwealth, 2 of whom shall be representatives recommended by
30 community-based sexual assault crisis service centers funded by the department of public health,
31 1 of whom shall be a representative recommended by the Massachusetts commission on lesbian,
32 gay, bisexual, transgender, queer and questioning youth, 1 of whom shall be a representative
33 recommended by Every Voice Coalition or any successor organization of Every Voice Coalition,
34 1 of whom shall be a researcher with experience in the development and design of sexual

35 misconduct climate surveys, and 1 of whom shall be a researcher of statistics, data analytics or
36 econometrics with experience in higher education survey analysis.

37 (d) The task force shall develop for the commissioner of higher education model
38 questions for a sexual misconduct climate survey for distribution to institutions under this
39 section, and shall provide the commissioner with any related recommendations respecting the
40 content, timing and application of the surveys. The task force shall deliver its model survey
41 questions and related recommendations, including but not limited to recommendations on
42 achieving statistically valid response rates, to the commissioner of higher education.

43 (e) In developing the model sexual misconduct climate survey questions, the task force
44 shall: (i) utilize best practices from peer-reviewed research and consult with individuals with
45 expertise in the development and use of sexual misconduct climate surveys by institutions of
46 higher education; (ii) review sexual misconduct climate surveys which have been developed and
47 previously utilized by institutions of higher education; (iii) provide opportunities for written
48 comment from organizations that work directly with victims and survivors of sexual misconduct
49 to ensure the adequacy and appropriateness of the proposed content; (iv) consult with institutions
50 of higher education on strategies for optimizing the effectiveness of the survey; (v) provide
51 opportunities for written comment from advocates to ensure that the survey impartially
52 addresses campus sexual misconduct; and (vi) account for the diverse needs and differences of
53 the commonwealth's institutions of higher education.

54 (f) The sexual misconduct climate surveys shall gather information on topics including,
55 but not limited to:

56 (i) the number of reported and unreported incidents of sexual misconduct at the
57 institution of higher education;

58 (ii) when and where incidents of sexual misconduct occurred;

59 (iii) student awareness of institutional policies and procedures related to campus
60 sexual assault;

61 (iv) whether a victim reported the sexual misconduct, and if so, to which campus
62 resource such report was made;

63 (iv) whether a victim was informed or referred to local, state, campus or other
64 resources, or victim support services, including appropriate medical care and legal services;

65 (v) whether a victim was provided with information about resources for protection
66 from retaliation, access to school-based accommodations, civil justice and criminal justice
67 remedies;

68 (vi) contextual factors, such as the involvement of force, incapacitation or coercion;

69 (vii) demographic information that could be used to identify at-risk groups;

70 (viii) perceptions of campus safety among members of the campus community and
71 confidence in the institution of higher education's ability to protect against and respond to
72 incidents of sexual misconduct.

73 (g) The commissioner of higher education shall review and approve the model sexual
74 misconduct climate survey questions recommended by the task force on sexual misconduct
75 climate surveys, and thereafter the commissioner shall periodically review and make
76 recommendations for changes to the model sexual misconduct climate survey questions. The

77 commissioner of higher education shall provide a copy of the model sexual misconduct climate
78 survey questions to all institutions; provided further, however, that an institution may develop
79 and use its own campus-specific surveys as long as such survey is designed to provide the
80 institution with data to inform policies to prevent and respond to sexual misconduct and includes
81 the model survey questions.

82 (h) Within 120 days after completion and analysis of a sexual misconduct climate survey,
83 each institution shall post a summary of the results on the institution's website.

84 (i) The model sexual misconduct climate survey, and campus-specific surveys developed
85 and implemented by individual institutions of higher education, shall collect anonymous
86 responses and shall prohibit the disclosure of identifying information.

87 Section 168E.

88 (a) For the purposes of this section, the following terms shall have the following
89 meanings:-

90 "Institution", a public or independent institution of higher education located in the
91 commonwealth and authorized to grant degrees pursuant to any general or special law.

92 "Reporting party", a student or employee of the institution who reports being subject to
93 an incident of sexual misconduct to the institution.

94 "Responding party", a student or employee of the institution who has been accused of an
95 alleged incident of sexual misconduct.

96 "Responsible employee", any employee who has the authority to take action to redress
97 sexual misconduct; who has been given the duty of reporting incidents of sexual misconduct by

98 students to the Title IX coordinator or other appropriate school designee; or whom a student
99 could reasonably believe has this authority or duty.

100 “Sexual misconduct”, an incident of sexual violence, dating violence, domestic violence,
101 gender-based violence, violence based on sexual orientation or gender identity or expression,
102 sexual assault, sexual harassment and stalking.

103 (b) Each institution shall adopt policies on sexual misconduct involving students or
104 employees of the institution that comport with the best practices and current professional
105 standards and shall establish procedures for regularly reviewing and updating the policies. The
106 policies shall be made available in writing, upon request, to an applicant, student or employee of
107 the institution and shall be publicly available on the website in an accessible format. The
108 policies shall be developed in coordination with the institution’s Title IX coordinator and may
109 consider input from various internal and external entities including, but not limited to
110 institutional administrators, personnel affiliated with on-campus and off-campus health care
111 centers, personnel affiliated with on-campus, when available, and local, community-based rape
112 crisis centers and domestic violence programs, confidential resources advisors, residence life
113 staff, students, the department of state police and the police department and the district attorney
114 having jurisdiction in the city or town wherein the institution’s primary campus is located. The
115 policies shall include, but not be limited to:

116 (i) procedures by which students and employees at the institution may report or
117 disclose incidents of sexual misconduct regardless of where the offense occurred;

118 (ii) information on where to receive immediate emergency assistance following an
119 incident of sexual misconduct which shall include, but not be limited to, contact information for

120 seeking medical treatment on campus, if available, and off campus and information related to
121 preserving evidence;

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

126 (iv) information on the rights of students and employees to: (1) notify or decline to
127 notify law enforcement, including campus, local and state police, of an alleged incident of sexual
128 misconduct; (2) receive assistance from campus authorities in making any such notification; (3)
129 obtain a court-issued protective order or institution issued no-contact orders against an alleged
130 perpetrator of the assault, stalking or violence; and (4) utilize concurrently the institution's
131 process for investigating sexual misconduct complaints and any external civil or criminal
132 processes available to them.

133 (v) Supportive or protective measures reasonably available from the institution which
134 shall include, but not be limited to, options for changing academic, living, campus transportation
135 or working arrangements in response to an alleged incident of sexual misconduct, regardless of
136 where the conduct occurred or whether such conduct occurred outside of an institution's
137 programs or activities, and regardless of whether a complaint is filed in accordance with the
138 institution's policy for resolving complaints; how to request such protective measures; and the
139 process to have any such measures reviewed;

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

142 (vii) a summary of the institution's procedures for resolving complaints of sexual
143 misconduct promptly and equitably, including clear statements advising students:

144 (1) that notice shall be given to the responding party which shall include, but not be
145 limited to, the date, time and location, if known, and a specific statement of which policies were
146 allegedly violated and by what actions; (2) that an impartial investigation, including any hearings
147 and resulting disciplinary proceedings, shall be conducted by an individual who receives not less
148 than annual training on issues relating to sexual misconduct, investigatory procedures and
149 hearing procedures to protect the safety and rights of students and promote accountability; (3)
150 that the responding party is presumed to be innocent of the allegations until each element of the
151 alleged offence or offenses have been proven by the institution; (4) that both parties shall be
152 provided equal opportunities to inspect and review evidence obtained as part of the investigation
153 that is directly related to the allegations; (5) that the reporting party of an alleged incident of
154 sexual misconduct and the responding party may be accompanied by and represented by an
155 advisor or support person of their choice, which may include an advocate or counsel, to meet
156 with the institution's investigator or other fact finder and may consult with an advisor or support
157 person, which may include an advocate or counsel, during any meetings and disciplinary
158 proceedings; provided, however, that the institution may establish rules regarding how the
159 proceedings will be conducted which may include guidelines on the extent to which the advisor
160 or support person for each party may participate in a meeting or disciplinary proceeding and any
161 limitations on participation which shall apply equally to both parties; and provided further, that
162 the institution shall adopt reasonable measures to provide for the involvement of the advisor or
163 support person for each party but the availability of the advisor or support person shall not
164 significantly delay a meeting or disciplinary proceeding; (6) of the standard of evidence used to

165 resolve complaints; (7) that the reporting party and the responding party shall be provided with a
166 copy of the institution's policies regarding the submission and consideration of evidence that
167 may be used during a disciplinary proceeding and shall have equal opportunity to present
168 evidence and witnesses on their behalf during a disciplinary proceeding; provided, however, that
169 each party shall be provided with timely and equal access to relevant evidence that shall be used
170 in the determination of a discipline; (8) that there may be restrictions on evidence considered by
171 the fact finder including, but not limited to, the use of evidence of prior sexual activity or
172 character witnesses, provided, however, that evidence of prior sexual activity may be allowed
173 when it is evidence of the reporting party's recent conduct alleged to be the cause of any physical
174 feature, characteristic, or condition of the reporting party or when the exclusion of which would
175 violate the constitutional rights of the responding party; (9) that the reporting party and the
176 responding party shall not be allowed to directly question each other during disciplinary
177 proceedings; (10) that the reporting party and the responding party shall be informed in writing
178 of the results of a disciplinary proceeding not later than 7 business days after a final
179 determination of a complaint, not including any time for appeal, unless good cause for additional
180 time is shown, and they shall be informed of any process for appealing the decision; (11) that if
181 an institution offers an appeal as a result of procedural errors, previously unavailable relevant
182 evidence that could significantly impact the outcome of a case or where the sanction is
183 disproportionate to the findings, the reporting party and the responding party shall be provided
184 with an equal opportunity to appeal decisions regarding responsibility or sanctions; and (12) that
185 the institution shall not disclose the identity of the reporting party and the responding party,
186 except as necessary to carry out a disciplinary process or as permitted under state or federal law.

187 (viii) a summary of the institution's employee disciplinary process as it pertains to
188 sexual misconduct;

189 (ix) the range of sanctions or penalties the institution may impose on students and
190 employees found responsible for a violation of the applicable institutional policy prohibiting acts
191 of sexual misconduct; and

192 (x) a summary of the institution's policy on retaliation, noting that the university
193 prohibits retaliation against anyone who reports sexual misconduct, who assists another in
194 making a report, or who participates in an investigation of a report.

195 (c) Each institution shall adopt a memorandum of understanding with local law
196 enforcement agencies to establish the respective roles and responsibilities of each party related to
197 the prevention of and response to on-campus and off-campus sexual misconduct. Institutions
198 and local law enforcement agencies shall develop policies and procedures that comply with all
199 applicable confidentiality and privacy laws and: (i) set out the jurisdiction of the local law
200 enforcement agencies based on criteria such as location and type of incident and provide for
201 cross-jurisdictional or multi-jurisdictional response and investigation, as appropriate; (ii)
202 establish protocols, as permitted by federal and state law, for cases where a student consents to
203 the release of relevant documentation and information generated or acquired during local law
204 enforcement or campus police investigations; and (iii) methods for notifying the appropriate
205 district attorney's office. In those instances where an institution is subject to the jurisdiction of
206 more than one local law enforcement agency, one memorandum of understanding among the
207 institution and the local law enforcement agencies will comply with this subsection.

208 (d) The commissioner shall appoint within the department of higher education a campus
209 safety advisor to facilitate and advance statewide campus safety at public and private institutions
210 of higher education. Such person shall have relevant public safety policy experience that may
211 include campus public safety policy experience. The advisor shall coordinate, aggregate and
212 disseminate best practices, training opportunities and other resources to enhance campus safety
213 at institutions of higher education.

214 (e) An institution shall make publicly available on its website: (i) the Annual Security
215 Report required under the federal Clery Act relating to sexual misconduct and all information
216 contained in an institution's annual report as required in subsection (r); (ii) the telephone number
217 and website for a local, state or national 24-hour hotline that provides information on sexual
218 misconduct; (iii) the name and contact information for the institution's Title IX coordinator; (iv)
219 the name and contact information for a confidential resources advisor and a description of the
220 role of and services provided by the confidential resources advisor, which shall be updated on a
221 timely basis; and (v) the name and location of the nearest medical facility where an individual
222 may request that a sexual assault evidence collection kit be administered by a trained sexual
223 violence forensic health care provider, including information on transportation options and
224 reimbursement for travel costs, if any; and (vi) in an accessible format, the policy on sexual
225 misconduct. The institution shall also establish the methods for sharing the federal Clery Act
226 reporting requirements with local law enforcement authorities, and for facilitating the issuance of
227 timely warnings and emergency notifications required by the federal Clery Act relative to crimes
228 that may pose a serious threat to the campus or near campus communities.

229 The website of an institution shall also list: (i) reporting options for students; (ii) the
230 process of investigation and adjudication by the institution; and (iii) 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 sexual misconduct.

233 (f) Annually, not later than October 15, institutions of higher education shall transmit to
234 students by electronic mail their policies and procedures concerning the reporting and
235 investigation of an allegation of sexual misconduct made by a student or employee of the
236 institution against another student or employee of the institution.

237 (g) Upon receiving a report of sexual misconduct, an institution shall provide a notice of
238 the student's or the employee's rights and options under the institution's sexual misconduct
239 policies to the reporting party and the responding party.

240 (h) An institution that does not provide its own sexual assault crisis service center shall
241 enter into and maintain a memorandum of understanding with a community-based sexual assault
242 crisis service center funded by the department of public health and a community-based domestic
243 violence agency funded by the department of public health to: (i) provide an off-campus
244 alternative for students to receive sexual assault crisis services, including access to a sexual
245 assault nurse examiner if available, or domestic violence crisis services in response to sexual
246 misconduct; (ii) ensure that a student or employee of the institution may access free and
247 confidential counseling and advocacy services either on campus or off campus; and (iii)
248 encourage cooperation and trainings between the institution and the service center or agency to
249 ensure an understanding of the roles that the institution, service center and agency should play in
250 responding to reports and disclosures of sexual misconduct against students and employees of
251 the institution and the institution's protocols for providing support and services to such students
252 and employees.

253 The memorandum of understanding may include an agreement, including a fee structure,
254 for the sexual assault crisis service center or domestic violence agency to provide confidential
255 victim services. Confidential victim services may include: case consultation and training fees for
256 confidential resource advisors; consultation fees for the development and implementation of
257 student education and prevention programs; the development of staff training and prevention
258 curriculum; and confidential on-site office space for an advocate from a sexual assault crisis
259 service center or domestic violence agency to meet with students.

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

263 (i) An institution shall provide a method for anonymously reporting an incident of sexual
264 misconduct that involves a student or employee of the institution. An institution shall notify its
265 students and employees of the institution's obligations under state and federal law to: (i)
266 investigate or address the alleged sexual misconduct, including when the alleged act was
267 reported anonymously; (ii) assess whether the report triggers the need for a timely warning or
268 emergency notification under state or federal regulations, the obligations of which may, in
269 limited circumstances, result in the release of the reporting party's identity; and (iii) disclose the
270 identity of a reporting party to another student, an employee or a third party.

271 (j) A reporting party or a witness who causes an investigation of sexual misconduct shall
272 not be subject to a disciplinary sanction for a violation of the institution's student conduct policy
273 related to the incident unless the institution determines that the report was not made in good faith

274 or that the violation was egregious. An egregious violation shall include, but not be limited to,
275 taking an action that places the health and safety of another person at risk.

276 (k) Each institution shall establish a campus security policy that includes the designation
277 of at least 1 confidential resource advisor. The confidential resource advisor may have another
278 role at the institution; provided, however, that the confidential resource advisor shall not be an
279 employee designated as a responsible employee or a student or a Title IX coordinator. The
280 institution shall designate new or existing categories of employees that may serve as confidential
281 resource advisors. The designation of an existing category of employees shall not preclude the
282 institution from designating a new or existing employee or partnering with a local, state or
283 national victim services organization to serve as a confidential resource advisor or to serve in
284 another confidential role. An institution may partner with an outside victim advocacy
285 organization to provide a confidential resource advisor under this section. An institution that
286 enrolls less than 1,000 students may partner with another institution in the region or within the
287 commonwealth to provide the services under this subsection.

288 If requested by the reporting party, the confidential resource advisor shall provide
289 information on: (i) reporting options and the effects of each option; (ii) counseling services
290 available on campus and through a local, community-based rape crisis center or domestic
291 violence program; (iii) medical and health services available on campus and off campus; (iv)
292 available academic and residence life accommodations; (v) the disciplinary process of the
293 institution; and (vi) the legal process carried out through local law enforcement agencies. The
294 confidential resource advisor shall receive training in the awareness and prevention of sexual
295 misconduct and in trauma-informed response and coordinate with on-campus and off-campus
296 sexual assault crisis service centers and, if directed by the reporting party, campus or local law

297 enforcement agencies may, as appropriate, assist the student in contacting or reporting to campus
298 or local law enforcement agencies. If requested by the reporting party, the confidential resource
299 advisor, using only the reporting party's identifying information, shall coordinate with the
300 institutional designee to arrange possible interim protective measures to allow the reporting party
301 to change academic, living, campus transportation or working arrangements in response to the
302 alleged assault, stalking or violence. Confidential resource advisors shall not provide services to
303 more than one student in an incident and shall ensure confidentiality is maintained.

304 The confidential resource advisor shall also notify the reporting party of their rights and
305 the institution's responsibilities regarding a protection order, no contact order and any other
306 lawful orders issued by the institution or by a criminal, civil or tribal court. The confidential
307 resource advisor shall not be required to report an incident to the institution or a law enforcement
308 agency unless otherwise required to do so by state or federal law and shall provide confidential
309 services to students and employees. A request for a possible interim protective measure made by
310 a confidential resource advisor on behalf of a reporting party to change an academic, living,
311 campus transportation or working situation in response to alleged sexual misconduct shall not
312 constitute notice to a responsible employee for Title IX purposes. A confidential resource advisor
313 may attend an administrative or institution-based adjudication proceeding as the advisor or
314 support person of the student's choice.

315 Unless otherwise required by state or federal law, a confidential resource advisor shall
316 not disclose confidential information without the prior written consent of the reporting party who
317 shared the information; provided, however, that nothing in this section shall be construed to limit
318 a responding party's right of cross examination of the advisor in a civil or criminal proceeding, if
319 the advisor testifies after written consent has been given. A confidential communication shall not

320 be subject to discovery and shall be inadmissible in a criminal or civil proceeding without the
321 prior written consent of the reporting party who shared the information. Information provided to
322 the confidential resource advisor shall not be released to a campus official or law enforcement
323 officer or agency unless written consent has been given by the reporting party. A confidential
324 resource advisor shall not act as a counselor or therapist unless the confidential resource advisor
325 holds a valid license under chapter 112 and the reporting party engages the confidential resource
326 advisor in that capacity. The privileges available under chapter 233 shall apply to all information
327 received by a confidential resource advisor.

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

332 Notice to a confidential resource advisor of an alleged act of sexual misconduct or a
333 confidential resource advisor's performance of a service under this section shall not be
334 considered actual or constructive notice of such an alleged act to the institution at which the
335 confidential resource advisor is employed or provides contracted services.

336 (l) Each institution shall employ responsible employees as defined in subsection (a) who
337 shall be responsible for reporting cases of sexual misconduct to the Title IX coordinator of the
338 institution. Responsible employees shall report the name of the responding party, the name of
339 reporting party, and the date, time and location of the offense, if known, to the Title IX
340 coordinator. Responsible employees shall complete training requirements consistent with best
341 practices and current professional standards..

342 (m) Within 45 days of their matriculation or employment, an institution of higher
343 education shall provide: (i) mandatory sexual misconduct primary prevention and awareness
344 programming for newly-enrolled students and newly-hired employees of the institution that shall
345 include: (1) an explanation of civil rights laws, their meaning, purpose, definition and
346 applicability to all forms of sex/gender based harm; (2) the role drugs and alcohol play in
347 changing behavior and affecting an individual's ability to consent; (3) information on options
348 relating to the reporting of an incident of sexual misconduct, the effects of each option and the
349 methods to report an incident of sexual misconduct, including confidential and anonymous
350 disclosure; (4) information on the institution's procedures for resolving sexual misconduct
351 complaints and the range of sanctions or penalties the institution may impose on students and
352 employees found responsible for a violation; (5) the name, contact information and role of the
353 confidential resource advisor; and (6) strategies for bystander intervention and risk reduction;
354 and (ii) opportunities for ongoing sexual misconduct prevention and awareness campaigns and
355 programming.

356 (n) An individual who participates in the implementation of an institution of higher
357 education's disciplinary process for addressing complaints of sexual misconduct, including an
358 individual responsible for resolving complaints of reported incidents, shall have training or
359 experience in handling sexual misconduct complaints and the operations of the institution's
360 applicable disciplinary process. The training shall include, but not be limited to: (i) information
361 on working with and interviewing persons subjected sexual misconduct; (ii) information on
362 particular types of conduct that constitute sexual misconduct;; (iii) information on consent and
363 the role drugs and alcohol may play in an individual's ability to consent; (iv) the effects of
364 trauma, including any neurobiological impact on a person; (v) cultural competence training

365 regarding how sexual misconduct may impact students differently depending on factors that
366 contribute to a student’s cultural background, including but not limited to: national origin, sex,
367 ethnicity, religion, gender identity, gender expression, and sexual orientation; (vi) ways to
368 communicate sensitively and compassionately with a reporting party of sexual misconduct
369 including, but not limited to, an awareness of responding to a reporting party with consideration
370 of that party’s cultural background and providing services to or assisting in locating services for
371 the reporting party; (vii) training and information regarding how sexual misconduct may impact
372 students with developmental or intellectual disabilities; and (viii) training on the principles of
373 due process necessary to ensure that proceedings are conducted impartially in a manner that is
374 fundamentally fair to all parties.

375 (o) Each institution of higher education shall ensure that its Title IX coordinator and
376 members of its special or campus police force or the campus safety personnel employed by the
377 institution are educated in the awareness and prevention of sexual misconduct.

378 (p) Notwithstanding any general or special law to the contrary, a member of the
379 department of state police or a local police department who acts as a first responder to a report of
380 sexual misconduct at an institution of higher education shall, subject to appropriation, receive
381 training in the awareness and prevention of sexual misconduct.

382 (q) Nothing within this section shall be construed to prevent any other civil rights
383 remedies available through any other provisions of federal or state law.

384 (r) Annually, not later than October 1, each institution of higher education shall prepare
385 and submit to the department of higher education a report that includes: (i) the total number of
386 allegations of sexual misconduct reported to the institution’s Title IX coordinator by a

387 responsible employee, student or employee of the institution against another student or employee
388 of the institution; (ii) the number of cases made by a student or employee of the institution
389 against another student or employee of the institution investigated by local or state law
390 enforcement agency, if known; (iii) the number of students found responsible for violating an
391 institution's policies prohibiting sexual misconduct; (iv) the number of students found not
392 responsible for violating an institution's policies prohibiting sexual misconduct; and (v) the
393 number of disciplinary actions imposed by the institution as a result of a finding of responsibility
394 for violating an institution's policies prohibiting sexual misconduct. Said incident data shall be
395 reported in the form and manner established by the department, in consultation with the attorney
396 general, and in a manner that complies with state and federal privacy laws. The department shall
397 analyze the reports and incident data and shall publish an annual report containing aggregate
398 statewide information on the frequency and nature of sexual misconduct on campuses. The
399 department shall file the annual report with the attorney general and with the clerks of the senate
400 and the house of representatives who shall forward the same to the chairs of the joint committee
401 on higher education.

402 SECTION 2: The task force on sexual misconduct conduct surveys established in
403 Section 1 of this act, shall deliver its model survey questions and related material required
404 pursuant to Section 1, to the commissioner of higher education, no later than May 31, 2021.