

**HOUSE . . . . . No. 1209**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Tricia Farley-Bouvier***

*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:	DATE ADDED:
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>1/18/2019</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/18/2019</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>1/30/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/30/2019</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>1/29/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/18/2019</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>2/1/2019</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/25/2019</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/23/2019</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/1/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>2/1/2019</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>2/1/2019</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>2/1/2019</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>1/31/2019</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>2/1/2019</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/1/2019</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>1/30/2019</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/1/2019</i>

<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/1/2019</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>1/30/2019</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/31/2019</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/1/2019</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>2/1/2019</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/1/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/30/2019</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>	<i>1/31/2019</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>1/28/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/31/2019</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/30/2019</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/30/2019</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/29/2019</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/1/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/1/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/30/2019</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/24/2019</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/31/2019</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/24/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/31/2019</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/30/2019</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/18/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/1/2019</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/30/2019</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>1/24/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/22/2019</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/29/2019</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/1/2019</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>2/1/2019</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>1/31/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/30/2019</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>1/22/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/28/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/24/2019</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/30/2019</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>1/29/2019</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/1/2019</i>

<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>2/1/2019</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/30/2019</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>1/22/2019</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/28/2019</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/23/2019</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/30/2019</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/1/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/31/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/29/2019</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/30/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/28/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/30/2019</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/28/2019</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/29/2019</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>1/28/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/31/2019</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>1/30/2019</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>1/26/2019</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>2/1/2019</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/30/2019</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>2/1/2019</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>1/28/2019</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>1/31/2019</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>	<i>1/23/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/24/2019</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>2/1/2019</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>	<i>2/1/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/25/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/30/2019</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>	<i>2/1/2019</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/25/2019</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/1/2019</i>
<i>Jerald A. Parisella</i>	<i>6th Essex</i>	<i>2/1/2019</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/29/2019</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>2/1/2019</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>2/1/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/22/2019</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/25/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/30/2019</i>

<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/1/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/1/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/31/2019</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>2/1/2019</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/30/2019</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/1/2019</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>1/31/2019</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/1/2019</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>2/1/2019</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>1/29/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/30/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/28/2019</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>	<i>2/1/2019</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/22/2019</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/31/2019</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>1/22/2019</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>1/31/2019</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>	<i>2/1/2019</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/29/2019</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>1/31/2019</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/30/2019</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>1/28/2019</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>2/1/2019</i>

**HOUSE . . . . . No. 1209**

By Ms. Farley-Bouvier of Pittsfield, a petition (accompanied by bill, House, No. 1209) of Tricia Farley-Bouvier and others relative to sexual violence on higher education campuses. Higher Education.

**The Commonwealth of Massachusetts**

**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 of the General Laws is hereby amended by inserting after section  
2 168C the following section:-

3 Section 168D. As used in this section, the following words shall have the following  
4 meanings unless the context clearly requires otherwise:

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

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

9 Each public or private degree-granting post-secondary institution of higher education  
10 shall adopt a policy on dating violence, domestic violence, sexual assault and stalking that shall  
11 be made available, upon request, to an applicant, student or employee of the institution and shall

12 be publicly available on the website in an accessible format. The policy shall include, but not  
13 limited to:

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

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

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

25 (iv) the rights of students and employees to: (1) notify or decline to notify law  
26 enforcement, including campus, local and state police, of an alleged incident of dating violence,  
27 domestic violence, sexual assault or stalking; (2) receive assistance from campus authorities in  
28 making any such notification; and (3) obtain a court- or institution-issued protective order  
29 against a respondent of the assault, stalking or violence

30 (v) protective measures reasonably available from the institution which shall include, but  
31 not be limited to, options for changing academic, living, campus transportation or working  
32 arrangements in response to an alleged incident of dating violence, domestic violence, sexual  
33 assault or stalking, regardless of where the conduct occurred or whether such conduct occurred

34 outside of an institution's programs or activities, and regardless of whether a complaint is filed in  
35 accordance with the institution's policy for resolving complaints; how to request such protective  
36 measures; and the process to have any such measures reviewed;

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

39 (vii) a summary of the institution's procedures for resolving dating violence, domestic  
40 violence, sexual assault or stalking complaints , including clear statements advising students that:  
41 (1) that notice shall be given to the respondent which shall include, but not be limited to, the  
42 date, time and location, if known, and a summary of the factual allegations concerning the  
43 violation; (2) that an investigation, including any hearings and resulting disciplinary proceedings,  
44 shall be conducted by an individual who receives not less than annual training on issues relating  
45 to dating violence, domestic violence, sexual assault or stalking, investigatory procedures and  
46 hearing procedures to protect the safety and rights of students and promote accountability and a  
47 trauma-informed response; (3) that the reporting party of an alleged incident of dating violence,  
48 domestic violence, sexual assault or stalking and the responding party may be accompanied by  
49 an advisor or support person of their choice, which may include an advocate or counsel, to meet  
50 with the institution's investigator or other fact finder and may consult with an advisor or support  
51 person, which may include an advocate or counsel, during any meetings and disciplinary  
52 proceedings; provided, however, that the institution may establish rules regarding how the  
53 proceedings will be conducted which may include guidelines on the extent to which the advisor  
54 or support person for each party may participate in a meeting or disciplinary proceeding and any  
55 limitations on participation which shall apply equally to both parties; and provided further, that  
56 the institution shall adopt reasonable measures to provide for the involvement of the advisor or

57 support person for each party but the availability of the advisor or support person shall not  
58 significantly delay a meeting or disciplinary proceeding; (4) of the standard of evidence used to  
59 resolve complaints; (5) that the reporting party and the responding party shall be provided with a  
60 copy of the institution's policies regarding the submission and consideration of evidence that  
61 may be used during a disciplinary proceeding and shall have equal opportunity to present  
62 evidence and witnesses on their behalf during a disciplinary proceeding; provided, however, that  
63 each party shall be provided with timely and equal access to relevant evidence that shall be used  
64 in the determination of a discipline; (6) that there may be restrictions on evidence considered by  
65 the fact finder including, but not limited to, the use of evidence of prior sexual activity or  
66 character witnesses; (7) that the reporting party and the responding party shall not be allowed to  
67 directly question each other during disciplinary proceedings; (8) that the reporting party and the  
68 responding party shall be informed in writing of the results of a disciplinary proceeding not later  
69 than 7 business days after a final determination of a complaint, not including any time for appeal,  
70 unless good cause for additional time is shown, and they shall be informed of any process for  
71 appealing the decision; (9) that if an institution offers an appeal as a result of procedural errors,  
72 previously unavailable relevant evidence that could significantly impact the outcome of a case or  
73 where the sanction is disproportionate to the findings, the reporting party and the respondent  
74 shall be provided with an equal opportunity to appeal decisions regarding responsibility or  
75 sanctions; and (10) that the institution shall not disclose the identity of the reporting party and the  
76 responding party, except as necessary to carry out a disciplinary process or as permitted under  
77 state or federal law.

78 (viii) a summary of the institution's employee disciplinary process as it pertains to dating  
79 violence, domestic violence, sexual assault and stalking;



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

83 (x) .a summary of the institution’s policy on retaliation, noting that the university  
84 prohibits retaliation against anyone who reports sexual violence, sexual harassment, gender-  
85 based harassment, domestic violence, dating violence, stalking and retaliation, who assists  
86 another in making a report, or who participates in an investigation of a report.

87 For the purposes of this section, “dating violence”, “domestic violence”, “sexual assault”  
88 and “stalking” shall be defined by each institution of higher education in its applicable policies,  
89 including its policy on affirmative action or code of conduct and shall be consistent with  
90 applicable federal definitions.

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

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

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

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

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

101 "Institution for higher education", a profit or nonprofit degree-granting educational  
102 institution, whether public or private, which is authorized by law to provide a program of  
103 education beyond the secondary school level.

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

107 "Reporting party" a student or employee who reports an incident of dating violence,  
108 domestic violence, sexual assault or stalking to the institution

109 "Responding party" a student or employee who has been accused of an alleged incident  
110 of dating violence, domestic violence, sexual assault or stalking.

111 "Responsible employee", an employee authorized to take action to redress sexual  
112 violence who has the responsibility of reporting incidents of sexual violence or any other  
113 misconduct by students to the Title IX coordinator or other appropriate school designee and who  
114 is a person to whom a student could reasonably believe has such authority or responsibility.

115 "Trauma-informed response", a response involving an understanding of the complexities  
116 of dating violence, domestic violence, sexual assault and stalking through training centered on  
117 the neurobiological impact of trauma, the influence of societal myths and stereotypes  
118 surrounding the causes and impacts of trauma, understanding the behavior of perpetrators and  
119 conducting an effective investigation.

120 (b) Each institution of higher education shall: (i) adopt detailed and trauma-informed  
121 policies regarding dating violence, domestic violence, sexual assault and stalking involving

122 students or employees of the institution that comport with the best practices and current  
123 professional standards as determined by the campus safety advisor and shall establish procedures  
124 for regularly reviewing and updating the policies; and (ii) apply the same policies, as applicable,  
125 relating to claims of dating violence, domestic violence, sexual assault and stalking to all  
126 students and employees in a culturally competent way.

127         The policies shall be developed in coordination with the institution’s Title IX coordinator  
128 and may consider input from various internal and external entities including, but not limited to  
129 institutional administrators, personnel affiliated with on-campus and off-campus health care  
130 centers, personnel affiliated with on-campus, when available, and local, community-based rape  
131 crisis centers and domestic violence programs, confidential resources advisors, residence life  
132 staff, students, the department of state police and the police department and the district attorney  
133 having jurisdiction in the city or town wherein the institution’s primary campus is located. Once  
134 an institution has adopted the policies required by this section, the opportunity for review and  
135 comment by internal and external entities shall only apply to substantive changes in those  
136 policies. Institutions shall provide draft policies and substantive changes by electronic or regular  
137 mail to internal and external entities, with instructions on how to comment and a reasonable  
138 length of time in which comments will be accepted.

139         (c) Each institution of higher education shall adopt policies and procedures with local law  
140 enforcement agencies to establish the respective roles and responsibilities of each party related to  
141 the prevention of and response to on-campus and off-campus sexual assault. Institutions of  
142 higher education and local law enforcement agencies shall develop policies and procedures that  
143 comply with all applicable confidentiality and privacy laws and: (i) set out the jurisdiction of the  
144 local law enforcement agencies based on criteria such as location and type of incident and

145 provide for cross-jurisdictional or multi-jurisdictional response and investigation, as appropriate;  
146 (ii) establish the methods for sharing the Clery Act reporting requirements and for facilitating the  
147 issuance of timely warnings and emergency notifications required by the Clery Act relative to  
148 crimes that may pose a serious threat to the campus or near campus communities; and (iii)  
149 establish protocols, as permitted by federal and state law, for cases where a student consents to  
150 the release of relevant documentation and information generated or acquired during local law  
151 enforcement or campus police investigations; and (iv) methods for notifying the appropriate  
152 district attorney's office.

153 (d) The commissioner shall appoint within the department of higher education a campus  
154 safety advisor to facilitate and advance statewide campus safety at public and private institutions  
155 of higher education. Such person shall have relevant public safety policy experience that may  
156 include campus public safety policy experience. The advisor shall coordinate, aggregate and  
157 disseminate best practices, training opportunities and other resources to enhance campus safety  
158 at institutions of higher education. The board of higher education shall promulgate regulations to  
159 establish and implement the role and responsibilities of the advisor including, but not limited to,  
160 establishing minimum standards for campus security and safety issues.

161 (e) An institution of higher education shall make publicly available on its website: (i) all  
162 annual Clery Act disclosures relating to dating violence, domestic violence, sexual assault and  
163 stalking and all information contained in an institution's annual report as required in subsection  
164 (r); (ii) the telephone number and website for a local, state or national 24-hour hotline that  
165 provides information on dating violence, domestic violence, sexual assault and stalking; (iii) the  
166 name and contact information for the institution's Title IX coordinator; (iv) the name and contact  
167 information for a confidential resources advisor and a description of the role of and services

168 provided by the confidential resources advisor, which shall be updated on a timely basis; and (v)  
169 the name and location of the nearest medical facility where an individual may request that a  
170 sexual assault evidence collection kit be administered by a trained sexual violence forensic  
171 health care provider, including information on transportation options and reimbursement for  
172 travel costs, if any; and (vi) in an accessible format, the policy on dating violence, domestic  
173 violence, sexual assault and stalking.

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

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

184 (h) An institution of higher education shall enter into and maintain a memorandum of  
185 understanding with a community-based sexual assault crisis service center funded by the  
186 department of public health and a community-based domestic violence agency funded by the  
187 department of public health to: (i) provide an off-campus alternative for students to receive  
188 sexual assault crisis services, including access to a sexual assault nurse examiner if available, or  
189 domestic violence crisis services in response to dating violence, domestic violence, sexual

190 assault or stalking; (ii) ensure that a student or employee of the institution may access free and  
191 confidential counseling and advocacy services either on campus or off campus; and (iii)  
192 encourage cooperation and trainings between the institution and the service center or agency to  
193 ensure an understanding the roles that the institution, service center and agency should play in  
194 responding to reports and disclosures of dating violence, domestic violence, sexual assault or  
195 stalking against students and employees of the institution and the institution's protocols for  
196 providing support and services to such students and employees.

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

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

207         (i) An institution of higher education shall provide a method for anonymously reporting  
208 an incident of dating violence, domestic violence, sexual assault or stalking that involves a  
209 student or employee of the institution. An institution shall notify its students and employees of  
210 the institution's obligations under state and federal law to: (i) investigate or address the alleged  
211 dating violence, domestic violence, sexual assault or stalking, including when the alleged act was

212 reported anonymously; (ii) assess whether the report triggers the need for a timely warning or  
213 emergency notification under 34 CFR 668.46(e), the obligations of which may, in limited  
214 circumstances, result in the release of the reporting party's identity; and (iii) disclose the identity  
215 of a reporting party to another student, an employee or a third party.

216 (j) A reporting party or a witness that causes an investigation of dating violence, domestic  
217 violence, sexual assault or stalking shall not be subject to a disciplinary sanction for a violation  
218 of the institution's student conduct policy related to the incident unless the institution determines  
219 that the report was not made in good faith or that the violation was egregious. An egregious  
220 violation shall include, but not be limited to, taking an action that places the health and safety of  
221 another person at risk.

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

227 The institution shall designate existing categories of employees that may serve as  
228 confidential resource advisors. The designation of an existing category of employees shall not  
229 preclude the institution from designating a new or existing employee or partnering with a local,  
230 state or national victim services organization to serve as a confidential resource advisor or to  
231 serve in another confidential role. An institution may partner with an outside victim advocacy  
232 organization to provide a confidential resource advisor under this section. An institution that

233 enrolls less than 1,000 students may partner with another institution in the region or within the  
234 commonwealth to provide the services under this subsection.

235           If requested by the reporting party, the confidential resource advisor shall provide  
236 information on: (i) reporting options and the effects of each option; (ii) counseling services  
237 available on campus and through a local, community-based rape crisis center or domestic  
238 violence program; (iii) medical and health services available on campus and off campus; (iv)  
239 available academic and residence life accommodations; (v) the disciplinary process of the  
240 institution; and (vi) the legal process carried out through local law enforcement agencies. The  
241 confidential resource advisor shall receive training in the awareness and prevention of dating  
242 violence, domestic violence, sexual assault and stalking and in trauma-informed response and  
243 coordinate with on-campus and off-campus sexual assault crisis service centers and, if directed  
244 by the reporting party, campus or local law enforcement agencies may, as appropriate, assist the  
245 student in contacting or reporting to campus or local law enforcement agencies. If requested by  
246 the reporting party, the confidential resource advisor, using only the reporting party's identifying  
247 information, shall coordinate with the institutional designee to arrange possible interim  
248 protective measures to allow the reporting party to change academic, living, campus  
249 transportation or working arrangements in response to the alleged assault, stalking or violence.  
250 Confidential resource advisors shall not provide services to more than 1 student in an incident  
251 and shall ensure confidentiality is maintained.

252           The confidential resource advisor shall also notify the reporting party of their rights and  
253 the institution's responsibilities regarding a protection order, no contact order and any other  
254 lawful orders issued by the institution or by a criminal, civil or tribal court. The confidential  
255 resource advisor shall not be required to report an incident to the institution or a law enforcement



256 agency unless otherwise required to do so by state or federal law and shall provide confidential  
257 services to students and employees. A request for a possible interim protective measure made by  
258 a confidential resource advisor on behalf of a reporting party to change an academic, living,  
259 campus transportation or working situation in response to alleged dating violence, domestic  
260 violence, sexual assault or stalking shall not constitute notice to a responsible employee for Title  
261 IX purposes.

262 The website of an institution of higher education shall list: (i) reporting options for  
263 students; (ii) the process of investigation and adjudication by the institution; and (iii) the process  
264 for requesting a possible interim protective measure, when reasonable and available, to change  
265 an academic, living, campus transportation or working situation in response to alleged dating  
266 violence, domestic violence, sexual assault or stalking.

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

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

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

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

286 (l) An institution of higher education shall provide: (i) mandatory annual dating violence,  
287 domestic violence, sexual assault and stalking primary prevention and awareness programming  
288 for newly-enrolled students and newly-hired employees of the institution that shall include: (1)  
289 an explanation of consent as it applies to sexual activity and sexual relationships; (2) the role  
290 drugs and alcohol play in an individual's ability to consent; (3) information on options relating to  
291 the reporting of an incident of dating violence, domestic violence, sexual assault or stalking, the  
292 effects of each option and the methods to report an incident of dating violence, domestic  
293 violence, sexual assault or stalking, including confidential and anonymous disclosure; (4)  
294 information on the institution's procedures for resolving dating violence, domestic violence,  
295 sexual assault or stalking complaints and the range of sanctions or penalties the institution may  
296 impose on students and employees found responsible for a violation; (5) the name, contact  
297 information and role of the confidential resource advisor; and (6) strategies for bystander  
298 intervention and risk reduction; and (ii) opportunities for ongoing dating violence, domestic  
299 violence, sexual assault and stalking prevention and awareness campaigns and programming.

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

305 (n) Each institution of higher education shall employ responsible employees as defined in  
306 subsection (a) who shall be responsible for reporting cases of dating violence, domestic violence,  
307 sexual assault and stalking to the Title IX coordinator of the institution. Responsible employees  
308 shall report the name of the respondent, the name of reporting party, and the date, time and  
309 location of the offense, if known, to the Title IX coordinator. Responsible employees shall  
310 complete minimum training requirements as determined by the department of higher education in  
311 coordination with the attorney general and shall include training by a local, state or national  
312 victim services organization. Responsible employees shall provide a student or employee who  
313 reports an incident of dating violence, domestic violence, sexual assault or stalking, whether the  
314 offense occurred on campus or off campus, with a written explanation of the student's or  
315 employee's rights and options pursuant to section 168D of chapter 6.

316 (o) An individual who participates in the implementation of an institution of higher  
317 education's disciplinary process, including an individual responsible for resolving complaints of  
318 reported incidents, shall have training or experience in handling dating violence, domestic  
319 violence, sexual assault and stalking complaints and the operations of the institution's  
320 disciplinary process. The training shall include, but not be limited to: (i) information on working  
321 with and interviewing persons subjected to dating violence, domestic violence, sexual assault or  
322 stalking; (ii) information on particular types of conduct that constitute dating violence, domestic

323 violence, sexual assault and stalking, including same-sex dating violence, domestic violence,  
324 sexual assault and stalking; (iii) information on consent and the role drugs and alcohol may play  
325 in an individual's ability to consent; (iv) the effects of trauma, including any neurobiological  
326 impact on a person; (v) cultural competence training regarding how dating violence, sexual  
327 assault and stalking may impact students differently depending on factors that contribute to a  
328 student's cultural background, including but not limited to: national origin, sex, ethnicity,  
329 religion, gender identity, gender expression, and sexual orientation; (vi) ways to communicate  
330 sensitively and compassionately with a reporting party of dating violence, domestic violence,  
331 sexual assault or stalking including, but not limited to, an awareness of responding to a reporting  
332 party with consideration of that party's cultural background and providing services to or assisting  
333 in locating services for the reporting party; and (vii) training and information regarding how  
334 dating violence, domestic violence, sexual assault and stalking may impact students with  
335 developmental or intellectual disabilities.

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

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

345 (r) Annually, not later than October 1, an institution of higher education shall prepare and  
346 submit to the department of higher education, the department of public health, the clerks of the  
347 senate and house of representatives and the senate and house chairs of the joint committee on  
348 higher education a report that includes: (i) the total number of allegations of dating violence,  
349 domestic violence, sexual assault and stalking reported to the institution's Title IX coordinator  
350 by a responsible employee, student or employee of the institution against another student or  
351 employee of the institution; (ii) the number of cases made by a student or employee of the  
352 institution against another student or employee of the institution investigated by local or state law  
353 enforcement agency, if known; (iii) the number of students found responsible for violating an  
354 institution's policies prohibiting dating violence, domestic violence, sexual assault and stalking;  
355 (iv) the number of students found not responsible for violating an institution's policies  
356 prohibiting sexual assault; and (v) the number of disciplinary actions imposed by the institution  
357 as a result of a finding of responsibility for violating an institution's policies prohibiting sexual  
358 assault. The report shall provide information in a de-identified manner that complies with state  
359 and federal privacy laws.