

SENATE No. 736

The Commonwealth of Massachusetts

PRESENTED BY:

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:	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/16/2019</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>1/16/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/25/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/25/2019</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>1/29/2019</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/29/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/31/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/31/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/31/2019</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>1/31/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/31/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/1/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/1/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>2/1/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/1/2019</i>

<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/1/2019</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/1/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/1/2019</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/1/2019</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>2/1/2019</i>
<i>Dean A. Tran</i>	<i>Worcester and Middlesex</i>	<i>2/7/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/19/2019</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>3/14/2019</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>3/18/2019</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>3/22/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>3/27/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>4/23/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>7/9/2019</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>11/21/2019</i>

SENATE No. 736

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 736) of William N. Brownsberger, Lori A. Ehrlich, Michael O. Moore, Joan B. Lovely and other members of the General Court for legislation to create a sexual assault climate survey for Massachusetts colleges and universities. Higher Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 650 OF 2015-2016.]

The Commonwealth of Massachusetts

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

1 SECTION 1. Chapter 6, as appearing in the 2016 Official Edition, of the General Laws is
2 hereby amended by inserting after section 168C the following section:-

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

5 “institution of higher education” is a public, non-profit or for-profit school chartered,
6 incorporated or otherwise organized in the commonwealth legally authorized to award a degree
7 at an associate level or above with an established physical presence in the commonwealth.

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

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

24 (c) There shall be a task force on sexual misconduct surveys serving the commissioner of
25 higher education. The task force shall consist of the following 21 members: the commissioner of
26 higher education, or a designee, who shall serve as co-chair; the commissioner of public health
27 or a designee, who shall serve as co-chair; the secretary of the executive office of public safety
28 and security, or a designee; the attorney general, or a designee; and 17 other members who shall
29 be appointed by the governor, 1 of whom shall be a student attending a public institution of
30 higher education in the commonwealth, 1 of whom shall be a student attending a private

31 institution of higher education in the commonwealth, 1 of whom shall be a representative of the
32 University of Massachusetts recommended by the president of the university, 1 of whom shall be
33 a representative of the state universities recommended by the council of presidents of the state
34 university system, 1 of whom shall be a representative of the community colleges recommended
35 by Massachusetts Community Colleges executive office, 2 of whom shall be representatives of
36 private colleges and universities recommended by the Association of Independent Colleges and
37 Universities in Massachusetts, Inc., 1 of whom shall be a representative recommended by Jane
38 Doe, Inc., 1 of whom shall be a representative recommended by the Victim Rights Law Center,
39 Inc., 2 of whom shall be representatives recommended by rape crisis and counseling centers
40 located in an urban and rural region of the commonwealth, 2 of whom shall be representatives
41 recommended by community-based sexual assault crisis service centers funded by the
42 department of public health, 1 of whom shall be a representative recommended by the
43 Massachusetts commission on lesbian, gay, bisexual, transgender, queer and questioning youth, 1
44 of whom shall be a representative recommended by Every Voice Coalition or any successor
45 organization of Every Voice Coalition, 1 of whom shall be a researcher with experience in the
46 development and design of sexual misconduct climate surveys, and 1 of whom shall be a
47 researcher of statistics, data analytics or econometrics with experience in higher education
48 survey analysis.

49 (d) The task force shall develop for the commissioner of higher education a model sexual
50 misconduct climate survey for distribution to institutions of higher education established under
51 section 168D of chapter 6 and provide the commissioner with any related recommendations
52 respecting the content, timing and application of the survey. The task force shall deliver its
53 model survey and related recommendations, including but not limited to recommendations on

54 achieving statistically valid response rates, to the commissioner of higher education no less often
55 than biennially and for the first time by March 31, 2020.

56 (e) In developing the model sexual misconduct climate survey, the task force shall: (i)
57 utilize best practices from peer-reviewed research and consult with individuals with expertise in
58 the development and use of sexual misconduct climate surveys by institutions of higher
59 education; (ii) review sexual misconduct climate surveys which have been developed and
60 previously utilized by institutions of higher education; (iii) provide opportunities for written
61 comment from organizations that work directly with victims and survivors of sexual assault to
62 ensure the adequacy and appropriateness of the proposed content; (iv) consult with institutions of
63 higher education on strategies for optimizing the effectiveness of the survey; and (v) account for
64 the diverse needs and differences of the commonwealth's institutions of higher education.

65 (f) The sexual misconduct climate surveys shall gather information on topics including,
66 but not limited to: (i) the number of reported incidents of sexual misconduct at the institution of
67 higher education; (ii) when and where incidents of sexual misconduct occurred; (iii) student
68 awareness of institutional policies and procedures related to campus sexual assault; (iv) whether
69 a victim reported the sexual misconduct, and if so, to which campus resource such report was
70 made; (v) whether a victim was informed or referred to local, state, campus or other resources,
71 or victim support services, including appropriate medical care and legal services; (vi) whether a
72 victim was provided the option of protection from retaliation, access to school-based
73 accommodations, and criminal justice remedies; (vii) contextual factors, such as the involvement
74 of force, incapacitation or coercion; (viii) demographic information that could be used to identify
75 at-risk groups; (ix) perceptions of campus safety among members of the campus community

76 and confidence in the institution of higher education's ability to protect against and respond to
77 incidents of sexual misconduct.

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

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

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

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