



Enacted Legislation on Campus Sexual Assault Policies

These are enactments NCSL has tracked from 2014 through 2016 legislative sessions.

Overview of legislation: States have looked at many different ways to address campus sexual assault, such as requiring reporting requirements from schools, how campus and local law enforcement work together and how incidences are reported, creating Victims Bill of Rights for students, partnering with local victim organizations, etc.

2014 Legislation:

CA A 1433—Requires the governing board of each public, private and independent postsecondary educational institution, as specified, to adopt and implement written policies and procedures governing the reporting of specified crimes to law enforcement agencies.

CT H 5029—Concerns sexual assault, stalking, and intimate partner violence on campus; provides that each institution of higher education may provide the option for a student or employee who is the victim of such crimes to report or disclose the crime to the institution anonymously; requires notification to victims concerning their rights and options; requires institutions to report certain information to the joint standing committee of the General Assembly; makes changes concerning uniform campus crime reports.

2015 Legislation:

CA A 913-- Requires, for the Trustees of the California State University, the Regents of the University of California, and the governing boards of independent institutions, written agreements to designate the law enforcement agency that will have operational responsibility for the investigation of each sexual assault and hate crime. Requires these written agreements to be reviewed, updated if necessary, and made available to the public on a periodic basis.

CO H 1220— Requires each institution of higher education to enter into and have in effect a memorandum of understanding or other formal agreement with nearby medical facilities that has sexual assault staff, or a medical forensic exam program, provides specified requirements for state-funded institutions, requires each institution to provide related information for victims on its Internet website and to have a training and response policy in place to provide appropriation information.

CT H 6695— Provides for revisions to the higher education statutes, provides that the Department of Education, the Board of Regents for Higher Education and the Board of Trustees for The University of Connecticut, shall work with the Department of Banking to leverage any available federal, state or private funds to implement a school building project, provides for a community-based sexual assault crisis service center and a community-based domestic violence agency.

CT S 966— Relates to sexual assault forensic examiners at institutions of higher education, allows sexual assault forensic examiners to provide immediate care and treatment to victims of sexual assault at health care facilities operated by an institution of higher education, relates to an infirmary or an outpatient clinic.

LA SB 37— Requires the Council on Peace Officer Standards and Training to develop and continuously update homicide investigator and sexual assault training programs for peace officers and college or university police officers, requires the council to create and maintain a current list of those peace officers who have successfully completed the homicide investigator training program for purposes of coordinating homicide investigations occurring in the state.

LA SB 242— Requires criminal justice agencies to annually report certain information concerning sexual assault kits and sexually-oriented criminal offenses, changes specified deadlines and agencies, requires each crime laboratory to report the number of sexual assault collection kits in their backlog for the prior calendar year to the Commission on Law Enforcement and the Administration of Criminal Justice.

LA SB 255— Requires that when funding is available, each public postsecondary institution shall administer an annual, voluntary anonymous sexual assault climate survey to its students, requires the Board of Regents to establish procedures and use the survey developed by the Center on Violence Against Women and Children at the Rutgers University School of Social Work as a model, requires co-ordination with law enforcement, requires public reporting of school-specific results.

MD H 571— Requires a specified sexual assault policy adopted by the governing body of each institution of higher education to conform with the requirements of a specified federal law, requires a specified sexual assault policy to include a prohibition against the imposition of certain campus conduct actions, except for a certain type of mandatory intervention, for a certain violation of the institution of higher education's alcohol and drug use policies for certain students under certain circumstances.

MN H 742(in omnibus bill), **MN S 1300**—Requires coordination between postsecondary institutions and local law enforcement, create an online reporting system for student victims of sexual assault, includes health services

NY S 5965-- Relates to the implementation by colleges and universities of sexual assault, dating violence, domestic violence and stalking prevention and response policies and procedures, relates to privacy of name in certain legal challenges to college/university disciplinary findings, requires providing a copy of related rules and policies to all enrolled students, and the posting on institution websites, provides these provisions apply no matter if on campus, off campus, or while studying abroad.

ND HCR 3052—Directs the legislative management to study all policies, procedures, supports and services available at all institutions of higher education in the state regarding sexual assault and related incidents.

OR S 759-- Requires public universities, community colleges and private universities and colleges to adopt written protocol for victims of sexual assault, requires a written protocol to ensure that victims who report sexual assault receive written notification of rights, legal options, campus-based disciplinary processes, campus-based services for victims, information concerning victim's privacy rights and contact information for state and community-based services and resources for victims of sexual assault.

OR H 3476— Provides that a victim has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made by the victim to a certified

advocate in the course of safety planning counseling, support, or advocacy services, records created or maintained in the course of services to the victim, exempts disclosure of aggregate, non-personally identifying data, applies to proceedings at two- and four-year postsecondary institutions with students receiving an opportunity grant.

TX H 699—Requires campuses to establish policy on campus sexual assault

VA H 1785— Relates to sexual assault reporting college campuses, requires that mutual aid agreements between a campus police force or campus security and a law-enforcement agency contain provisions requiring either the campus police force or the agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth of any investigation involving felony criminal sexual assault occurring on property owned or controlled by the institution of higher education.

WA S 5518— Creates procedures to address campus sexual violence, provides that all institutions of higher education shall refrain from establishing a different disciplinary process on the same campus for a matter of sexual violence based on the status or characteristics of the student involved, including membership on an athletic team, membership in a fraternity or sorority, academic year, or any other characteristics or status of a student, requires a campus climate assessment, includes technical colleges.

WA S 5719— Requires the Student Achievement Council, the State Board for Community and Technical Colleges, the Council of Presidents, the institutions of higher education, the private independent higher education institutions, state law enforcement, and the Attorney General's Office to collaborate to carry out certain goals with regard to campus sexual violence, creates a task force on preventing campus sexual violence to coordinate and implement these goals.

WV HCR 139—Requests the Joint Committee on Government and Finance to study the policies regarding sexual violence, domestic violence, dating violence and stalking at public colleges.

2016 Legislation:

CA 913-- Requires, for the Trustees of the California State University, the Regents of the University of California, and the governing boards of independent postsecondary institutions, written agreements to designate the law enforcement agency that will have operational responsibility for the investigation of each sexual assault and hate crime. Requires these written agreements to be reviewed, updated if necessary, and made available to the public on a periodic basis. Relates to community college campuses.

CT H 5376-- Concerns affirmative consent relative to college students who are the victims of sexual assault, defines and revises terms, requires the adoption and disclosure of policies regarding sexual assault, stalking, and intimate partner violence, provides for revisions to the provisions required to be included in an institutions annual uniform campus crime report.

DE H 1-- Relates to sexual assault reporting, defines necessary terms, provides for the duties of responsible employees, law enforcement and academic institutions relative to alleged sexual assault upon or by a student of an academic institution, exceptions to reporting requirements, training relative to the prevalence and nature of sexual assaults on college campuses, civil penalties for violations, additional reporting requirements and limitations.

HI S 387—Establishes the affirmative consent task force to review and make recommendations on the University of Hawaii's executive policy on sexual harassment, sexual assault, domestic violence, dating violence and stalking, specifies membership of the task force, requires the task force to consider best practices and current professional standards in reviewing and revising the current policy.

HI H 2772—Enacted-- Relates to University of Hawaii campus safety and accountability, requires the University of Hawaii to train employees, students, security personnel, Title IX coordinators and residential advisors on sexual harassment policies, appoint a confidential advocate at each campus to discuss sexual harassment, stalking and dating violence, report sexual assault cases to the police, and conduct a campus climate survey, prohibits romantic relationships between a University student and a University faculty member.

IL H 821 --Requires higher education institutions to adopt a policy to address student allegations of sexual violence, domestic violence, dating violence, and stalking, requires each higher education institution to provide students with access to confidential advisors, provides for campus training, education, and awareness, requires certain reports on racial, ethnic, or religious intimidation and sexual harassment cases, and sexual violence, domestic violence, dating violence, and stalking.

NY S 1316—Enacted- Board of Trustees at each state university must create policies that inform victims of sexual offense of their options to notify proper law enforcement, including on campus police as well as local police. Also, victims must be informed of their rights to report and be offered assistance in reporting to law enforcement.

PA H 272-- Amends the Sexual Assault Testing and Evidence Collection Act, provides for the rights of sexual assault victims, sets forth requirements of certain health facilities and local law enforcement agencies.

TN S 2447-- Relates to Higher Education, encourages each public institution of higher education to offer instruction aimed at increasing the awareness and prevention of hate crime offenses, sexual assault, sexual battery, sexual harassment, and date rape to all students, provides such institutions shall require all entering freshmen during orientation or introductory studies to receive instruction aimed at awareness and prevention of such crimes.

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