

HOUSE No. 1766

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 neutral investigations at public higher education institutions.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------|----------------------|------------------|
| <i>Paul W. Mark</i> | <i>2nd Berkshire</i> | <i>2/19/2021</i> |

HOUSE No. 1766

By Mr. Mark of Peru, a petition (accompanied by bill, House, No. 1766) of Paul W. Mark relative to sexual harassment at public higher education institutions. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3383 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to neutral investigations at public higher education institutions.

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 151B of the General Laws is hereby amended in Section 1 by
2 inserting the following:

3 The term “student” includes any person enrolled in classes at a public or private higher
4 education institution.

5 The term “higher education institution” includes any public or private degree-granting
6 college or university which is accredited by a Regional Board or Association of Institutions of
7 higher education approved by the Council on Post Secondary Education of the United States
8 Department of Education, or which is chartered to grant degrees by the Commonwealth.

9 SECTION 2. Chapter 151B of the General Laws is hereby amended by inserting after
10 Section 3A the following section:

11 Section 3B. (a) All institutions of higher education shall promote an environment free of
12 sexual harassment for their students.

13 (b) Every higher education institution shall:

14 (1) adopt a policy against sexual harassment which shall include:

15 (i) a statement that sexual harassment of students by employees or other students is
16 unlawful;

17 (ii) a statement that it is unlawful to retaliate against a student for filing a complaint of
18 sexual harassment or for cooperating in an investigation of a complaint for sexual harassment;

19 (iii) a description and examples of sexual harassment;

20 (iv) a statement of the range of consequences for employees or students who are found to
21 have committed sexual harassment;

22 (v) a description of the process for filing internal and external complaints about sexual
23 harassment and the work addresses and telephone numbers of the person or persons to whom
24 complaints should be made;

25 (vi) the identity of the appropriate state and federal employment discrimination
26 enforcement agencies, and directions as to how to contact such agencies.

27 (2) provide annually to all employees and students an individual written copy of the
28 employer's policy against sexual harassment; provided, however, that a new employee or student
29 shall be provided such a copy at the time of their employment or matriculation.

30 (c) The commission shall prepare and provide to higher education institutions subject to
31 this section a model policy and poster consistent with federal and state statutes and regulations,
32 which may be used by higher education institutions for the purposes of this section.

33 (d) A higher education institution's failure to provide the information required to be
34 provided by this section shall not, in and of itself, result in the liability of said higher education
35 institution to any current or former student or applicant in any section alleging harassment. A
36 higher education institution's compliance with the notice requirements of this section shall not,
37 in and of itself, protect the institution from liability for sexual harassment of any current or
38 former student.

39 SECTION 3. Chapter 151B of the General Laws is hereby amended in Section 4 by
40 inserting the following:

41 20. For a higher education institution, personally or through its agents, to sexually harass
42 any student or prospective student.