

# HOUSE . . . . . No. 4418

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## The Commonwealth of Massachusetts

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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.



**HOUSE . . . . . No. 4418**

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**The Commonwealth of Massachusetts**

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