
SUBSTITUTE SENATE BILL 5355

State of Washington

69th Legislature

2025 Regular Session

By Senate Higher Education & Workforce Development (originally sponsored by Senators Orwall, Slatter, Dhingra, Hasegawa, Nobles, Stanford, Trudeau, Valdez, and C. Wilson)

1 AN ACT Relating to improving safety at institutions of higher
2 education while supporting student survivors of sexual assault;
3 amending RCW 28B.10.735, 28B.112.040, and 28B.10.147; adding new
4 sections to chapter 28B.112 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature recognizes that policies
7 concerning sex-based violence and harassment have evolved into a
8 survivor-focused, victim-centered approach on a state level. While
9 college campuses have been working in this area, this approach has
10 not been fully realized yet, and sex-based violence and harassment
11 remain a major barrier for students working to achieve their
12 educational goals.

13 The legislature finds that, according to the rape, abuse, and
14 incest national network, postsecondary students are at high risk for
15 sex-based violence and harassment; among undergraduate and graduate
16 students, 13 percent experience sexual assault or rape during their
17 postsecondary schooling years. Undergraduate women in particular
18 experience even higher rates, with more than one in four experiencing
19 sexual assault or rape.

20 The legislature acknowledges that postsecondary students lack
21 adequate protections against sex-based violence and harassment as

1 well as avenues for justice, and that survivors need access to more
2 relevant, timely, and sensitive resources. Although the state has
3 invested in student safety on campus, the ongoing rates of sex-based
4 violence and harassment demand the legislature's action and attention
5 to protect students and ensure they are able to successfully achieve
6 their potential.

7 Therefore, the legislature intends to provide survivors at
8 postsecondary institutions with certain protections, resources, and
9 accommodations to help them navigate the aftermath of traumatic sex-
10 based and gender-based violence and harassment.

11 NEW SECTION. **Sec. 2.** (1) In addition to all other rights
12 provided in law, a student at an institution of higher education in
13 Washington who is a survivor of sex-based violence and harassment has
14 the right to:

15 (a) Engage with employees who have been trained in trauma-
16 informed care. Institutions of higher education must clearly list on
17 their website the campus-based employee roles trained in trauma-
18 informed care that are responsible for responding to survivor
19 disclosures as part of their job duties. Title IX employees at each
20 institution of higher education who may interact with a survivor of
21 sex-based violence and harassment must receive at least three hours
22 of training on relationship violence, abuse dynamics, impacts of
23 trauma on the body, and other forms of violence. The institution of
24 higher education must provide the training in accordance with section
25 4 of this act;

26 (b) A quick and timely institutional investigation process not to
27 exceed six months from the date an investigation is initiated, unless
28 extenuating circumstances exist. The student must be kept informed on
29 the status of the investigation throughout the entirety of the
30 process;

31 (c) Mental health or counseling services, on campus or off-site,
32 regardless of whether the student chooses to make a formal report
33 through the campus Title IX office or to law enforcement. The
34 institution of higher education must make a good faith effort to
35 ensure students have access to a mental health provider either in
36 person or electronically via telehealth;

37 (d) Request supportive measures. Supportive measures must be
38 nondisciplinary, nonpunitive individualized services and must be
39 offered as appropriate, as reasonably available, and without fee or

1 charge, regardless of whether a formal complaint has been filed.
2 Supportive measures must aim to restore or preserve a student's
3 access to the institution of higher education's programs and
4 activities without unreasonably burdening the other party, and to
5 provide support during the institution of higher education's informal
6 resolution or formal complaint processes, as determined through an
7 interactive process between the campus Title IX office, the student,
8 and relevant employees, such as faculty when an academic adjustment
9 is requested. No information about the survivor's experience may be
10 shared in the course of facilitating supportive measures with
11 relevant employees or other third parties, unless specifically
12 requested by the survivor. Supportive measures may include, but are
13 not limited to:

- 14 (i) Counseling and other medical assistance;
- 15 (ii) Extensions of deadlines or other academic adjustments;
- 16 (iii) Modifications of on-campus work or class schedules;
- 17 (iv) Leaves of absence;
- 18 (v) Increased security or monitoring of certain areas of campus;

19 and

- 20 (vi) Directives prohibiting the parties from contacting one
21 another in housing or work situations;

22 (e) Have court-issued no-contact and restraining orders honored
23 and reported to university police and security services by a trained
24 employee, such as a campus-affiliated advocate when requested to do
25 so by the survivor;

26 (f) Be made aware by a campus-based employee if the employee is a
27 Title IX required reporter and to which office the employee will
28 share the information provided by the survivor; and

29 (g) Access to a no-fee attorney through an organization that
30 serves the entire state and is focused on sexual assault.

31 (2) For purposes of this section, "institutions of higher
32 education" include (a) the state universities, the regional
33 universities, and the state college as defined in RCW 28B.10.016, and
34 (b) all community and technical colleges that serve 8,000 or more
35 students.

36 NEW SECTION. **Sec. 3.** (1) Each campus of an institution of
37 higher education as defined in RCW 28B.10.016 that serves 8,000 or
38 more students shall each establish or expand an existing committee to
39 include a student health and safety committee that includes

1 representatives from various groups, such as admissions, counseling,
2 health care, violence prevention, health promotion, students, campus-
3 affiliated advocates, and faculty and other academic personnel. The
4 committee shall evaluate barriers that impact survivors of sex-based
5 and gender-based violence and harassment and their ability to access
6 services and obtain supportive measures at institutions of higher
7 education, and will invite outside organizations and entities focused
8 on survivors of sex-based and gender-based violence and harassment to
9 participate in this process.

10 (2) The student health and safety committee shall:

11 (a) Evaluate existing supportive measures and make
12 recommendations on how to facilitate existing processes to better
13 serve survivors in requesting supportive measures;

14 (b) Form relationships with local victims' advocacy
15 organizations; and

16 (c) Assess various institutional staffing models of campus-
17 affiliated advocates and make recommendations.

18 (3) The student health and safety committee shall annually report
19 its recommendations developed under subsection (2) of this section to
20 the appropriate committees of the legislature in accordance with RCW
21 43.01.036.

22 (4) Beginning with the 2026-27 academic year, the state college,
23 the state universities, and the regional universities as defined in
24 RCW 28B.10.016 that serve 8,000 or more students shall work with
25 respective student health and safety committees to develop questions
26 for student feedback on relevant issues on sex-based and gender-based
27 violence and harassment and students' ability to access services for
28 the campus climate assessment required in RCW 28B.10.147.

29 NEW SECTION. **Sec. 4.** (1) Beginning in the 2026 fall academic
30 term, each campus of an institution of higher education as defined in
31 RCW 28B.10.016 that serves 8,000 or more students, shall collaborate
32 with a community-based organization focused on survivors of sexual
33 assault, sexual harassment, and sex-based violence to provide:

34 (a) Employee-specific training for the employees specified in
35 subsection (3) of this section, on sensitivity in interacting with
36 survivors of sexual assault, sexual harassment, and sex-based
37 violence; and

38 (b) Sex-based and gender-based violence and harassment education
39 to students specified in subsection (4) of this section, including:

1 (i) How to access support services regardless of whether a formal
2 complaint is filed;

3 (ii) The availability and role of confidential resources
4 including counseling and campus-affiliated advocates;

5 (iii) How to file a formal complaint with the campus' Title IX
6 office and the applicable law enforcement agency;

7 (iv) Affirmative consent;

8 (v) What conduct constitutes a violation of the institution of
9 higher education's sex-based discrimination policy;

10 (vi) Bystander intervention;

11 (vii) Employee-required reporting;

12 (viii) How to provide support to survivors of sexual violence as
13 a peer; and

14 (ix) Information on services available to survivors on and off
15 campus, including:

16 (A) Those offered by a regional community-based organization
17 providing 24/7 support for survivors of sexual assault, sexual
18 harassment, and sex-based and gender-based violence;

19 (B) Costs associated with submitting a sexual assault kit;

20 (C) Transportation for medical exams;

21 (D) Free counseling services; and

22 (E) How to obtain legal counsel at any administrative hearing for
23 the survivor at no cost to the student or institution.

24 (2) Institutions must make a good-faith effort to include
25 perspectives from sexual assault survivors in the training and
26 education required under subsection (1) of this section.

27 (3) The training required in subsection (1)(a) of this section
28 must be provided to:

29 (a) All campus-based employees identified by the institution of
30 higher education as having job duties that include interacting with a
31 survivor of sex-based violence and harassment as provided in section
32 2(1)(a) of this act; and

33 (b) All other campus-based employees, not already identified in
34 this section, whose education may be in-person or via electronic
35 means annually.

36 (4) The education required in subsection (1)(b) of this section
37 must be provided to:

38 (a) All newly matriculated students, including transfer students
39 and graduate students;

1 (b) Student athletes as defined in RCW 19.225.010, who must
2 receive and attend the education in person;

3 (c) Resident advisors, prior to the start of the academic year,
4 who must receive and attend the education in person;

5 (d) Students who become members of a social fraternity or
6 sorority organization, who must receive and attend in-person
7 education within the quarter or semester they become members or the
8 next full quarter or semester thereafter; and

9 (e) Other student groups as identified by the institution of
10 higher education that historically have had unique adjustment issues
11 to campus or have been shown to be important messengers for
12 affirmative consent, who must receive and attend the education in
13 person.

14 (5) Unless otherwise specified, the education established in this
15 section may be provided online, or by other means.

16 NEW SECTION. **Sec. 5.** Postsecondary educational institutions may
17 not propose, request, or pressure a student reporting sexual
18 misconduct in a complaint filed with the institution under Title IX
19 or otherwise, with law enforcement, or in a civil court action to
20 enter into a nondisclosure agreement relating to the alleged sexual
21 misconduct by another student or employee of the institution.

22 NEW SECTION. **Sec. 6.** (1) Unless there is good cause, the
23 timeline for each step of the Title IX process is as follows:

24 (a) The institution of higher education must provide to the
25 student information on available resources, including information on
26 the Title IX process, counseling services, and campus-affiliated
27 advocates, within two business days of the Title IX office receiving
28 a report, unless extenuating safety factors exist for the survivor;

29 (b) The initial assessment must be completed within 10 business
30 days of the student meeting with the Title IX employee and providing
31 the necessary information to complete an assessment, including
32 whether the investigation will proceed under Title IX or the
33 institution of higher education's internal process or if the concern
34 will be addressed in a different manner;

35 (c) The investigation must be completed within 120 business days
36 of the initial report or disclosure. This process includes the final
37 decision and subsequent hearings; and

1 (d) Except for in circumstances where there is good cause, if a
2 sanction is issued it must be initiated within 10 business days of
3 the final decision.

4 (2) If the process will take longer than 180 business days due to
5 extenuating circumstances or good cause, the institution of higher
6 education must provide a written explanation to the student,
7 including the reason for the delay and when the process is expected
8 to be completed.

9 (3) Students must be kept informed on the status of the
10 investigation and, if conducted, the hearing, throughout the entirety
11 of the Title IX process.

12 (4) Beginning with the 2028-29 academic year, each campus of an
13 institution of higher education as defined in RCW 28B.10.016 that
14 serves 8,000 or more students shall provide an option online for
15 students to report a Title IX violation. These institutions of higher
16 education are also encouraged to provide the online tracking tool, so
17 a student may track the Title IX process.

18 NEW SECTION. **Sec. 7.** Sections 2 through 6 of this act are each
19 added to chapter 28B.112 RCW.

20 **Sec. 8.** RCW 28B.10.735 and 2020 c 39 s 3 are each amended to
21 read as follows:

22 (1) Within existing resources, (~~every institution of higher~~
23 ~~education as defined in RCW 28B.10.016 that issues~~) student
24 identification cards, faculty or staff identification cards, or both,
25 must have printed on either side of the identification cards:

26 (a) The contact information for a national suicide prevention
27 organization; (~~and~~)

28 (b) The contact information for one or more campus, local, state,
29 or national organizations specializing in suicide prevention, crisis
30 intervention, or counseling, if available; and

31 (c) The phone number of a regional community-based organization
32 focused on survivors of sexual assault, sexual harassment, and sex-
33 -based and gender-based violence that provides 24/7 support.

34 (2) (a) The requirements in subsection (1) (a) and (b) of this
35 section apply to student identification cards and faculty or staff
36 identification cards issued for the first time and issued to replace
37 a damaged or lost identification card at an institution of higher
38 education as defined in RCW 28B.10.016.

1 (b) The requirements in subsection (1)(c) of this section apply
2 to student identification cards issued for the first time and issued
3 to replace a damaged or lost identification card at a state
4 university, regional university, and the state college, as defined in
5 RCW 28B.10.016.

6 **Sec. 9.** RCW 28B.112.040 and 2023 c 79 s 2 are each amended to
7 read as follows:

8 The definitions in this section apply throughout this (~~section~~
9 ~~and RCW 28B.112.050 through 28B.112.080~~) chapter unless the context
10 clearly requires otherwise.

11 (1) "Applicant" means a person applying for employment as
12 faculty, instructor, staff, advisor, counselor, coach, athletic
13 department staff, and any position in which the applicant will likely
14 have direct ongoing contact with students in a supervisory role or
15 position of authority. "Applicant" does not include enrolled students
16 who are applying for temporary student employment with the
17 postsecondary educational institutions, unless the student is a
18 graduate student applying for a position in which the graduate
19 student will have a supervisory role or position of authority over
20 other students. "Applicant" does not include a person applying for
21 employment as medical staff or for employment with an affiliated
22 organization, entity, or extension of a postsecondary educational
23 institution, unless the applicant will have a supervisory role or
24 position of authority over students.

25 (2) "Association" means a scholarly or professional organization
26 or learned society that sponsors activities or events for the benefit
27 of individuals affiliated with postsecondary educational
28 institutions, with a code of conduct forbidding sexual misconduct at
29 such activities or events, and established investigative procedures
30 for allegations that the code of conduct has been violated.

31 (3) "Campus-affiliated advocate" has the same meaning as defined
32 in RCW 28B.112.030.

33 (4) "Employee" means a person who is receiving or has received
34 wages as an employee from the postsecondary educational institutions
35 and includes current and former workers, whether the person is
36 classified as an employee, independent contractor, or consultant, and
37 is in, or had, a position with direct ongoing contact with students
38 in a supervisory role or position of authority. "Employee" does not
39 include a person who was employed by the institution in temporary

1 student employment while the person was an enrolled student unless
2 the student, at the time of employment, is or was a graduate student
3 in a position in which the graduate student has or had a supervisory
4 role or authority over other students. "Employee" does not include a
5 person employed as medical staff or with an affiliated organization,
6 entity, or extension of a postsecondary educational institution,
7 unless the employee has or had a supervisory role or position of
8 authority over students. A person who would be considered an
9 "employee" under this subsection, remains an "employee" even if the
10 person enrolls in classes under an institution's employee tuition
11 waiver program or similar program that allows faculty, staff, or
12 other employees to take classes.

13 ~~((4))~~ (5) "Employer" includes postsecondary educational
14 institutions in this or any other state.

15 ~~((5))~~ (6) "Investigation" means a procedure initiated in
16 response to a formal complaint, as defined in 34 C.F.R. Sec. 106.30,
17 provided that the procedure fully complies with the provisions of 34
18 C.F.R. Sec. 106.45.

19 ~~((6))~~ (7) "Postsecondary educational institution" means an
20 institution of higher education as defined in RCW 28B.10.016, a
21 degree-granting institution as defined in RCW 28B.85.010, a private
22 vocational school as defined in RCW 28C.10.020, or school as defined
23 in RCW 18.16.020, that participates in the state student financial
24 aid program.

25 ~~((7))~~ (8) "Sex-based and gender-based violence and harassment"
26 includes all forms of sex-based harassment including, but not limited
27 to:

28 (a) Hostile environment;

29 (b) Quid pro quo;

30 (c) Sexual assault;

31 (d) Domestic violence;

32 (e) Dating violence;

33 (f) Stalking;

34 (g) Voyeurism;

35 (h) Indecent exposure; and

36 (i) Sexual exploitation.

37 (9) "Sexual misconduct" includes, but is not limited to,
38 unwelcome sexual contact, unwelcome sexual advances, requests for
39 sexual favors, other unwelcome verbal, nonverbal, electronic, or
40 physical conduct of a sexual nature, sexual harassment, and any

1 misconduct of a sexual nature that is in violation of the
2 postsecondary educational institution's policies or has been
3 determined to constitute sex discrimination pursuant to state or
4 federal law.

5 ~~((+8))~~ (10) "Student" means a person enrolled at ~~((a~~
6 ~~postsecondary educational))~~ an institution and for whom educational
7 records are maintained.

8 ~~((+9))~~ (11) "Substantiated findings" means a written
9 determination regarding responsibility as described in 34 C.F.R. Sec.
10 106.45(b)(7) prepared at the conclusion of an investigation, as
11 amended by any appeals process.

12 **Sec. 10.** RCW 28B.10.147 and 2021 c 275 s 3 are each amended to
13 read as follows:

14 (1)(a) The institutions of higher education as defined in RCW
15 28B.10.016 shall each conduct a campus climate assessment to
16 understand the current state of diversity, equity, and inclusion in
17 the learning, working, and living environment on campus for students,
18 faculty, and staff. The assessment shall occur, at minimum, every
19 five years. Institutions of higher education shall use the results of
20 the campus climate assessment to inform the professional development,
21 established in RCW 28B.10.145, and program, established in RCW
22 28B.10.149. Institutions may use an existing campus climate
23 assessment to meet this requirement.

24 (b) The state board for community and technical colleges shall
25 develop a model campus climate assessment for the community and
26 technical colleges that the colleges may use or modify to meet the
27 requirements of this section.

28 (2) The design of an existing or new campus climate assessment
29 must involve, at minimum, students, college and university diversity
30 officers, faculty, and staff. The campus climate assessment must
31 include, at minimum, an evaluation of student and employee attitudes
32 and awareness of campus diversity, equity, and inclusion issues. The
33 campus climate assessment ~~((may—also))~~ must include questions
34 evaluating the prevalence of discrimination, sexual assault,
35 harassment, and retaliation on and off campus, in addition to
36 student, faculty, and staff knowledge of campus policies and
37 procedures addressing discrimination, sexual assault, harassment, and
38 retaliation. Questions related to sexual assault must include those
39 developed by the student health and safety committee on sex-based and

1 gender-based violence and harassment and students' ability to access
2 services required in section 3(3) of this act. College and university
3 diversity officers and students must be consulted in the development
4 of recommendations.

5 (3) Institutions of higher education must, at minimum, conduct
6 annual listening and feedback sessions for diversity, equity, and
7 inclusion for the entire campus community during periods between
8 campus climate assessments. Institutions of higher education must, to
9 the maximum extent practicable, compensate students for their
10 participation in the annual listening and feedback sessions.

11 (4) Beginning July 1, 2022, the institutions of higher education
12 shall report findings or progress in completing their campus climate
13 assessment and, when applicable, information on their listening and
14 feedback sessions annually to either the state board for community
15 and technical colleges or an organization representing the presidents
16 of the public four-year institutions of higher education. The
17 institutions of higher education must also publish annually on the
18 institution's public website the results of either the campus climate
19 assessment or listening and feedback sessions.

20 (5) The state board for community and technical colleges may
21 require colleges to repeat their campus climate assessment. An
22 organization representing the presidents of the public four-year
23 institutions of higher education may also request state universities,
24 regional universities, and The Evergreen State College to repeat
25 their campus climate assessment.

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