
SUBSTITUTE SENATE BILL 5518

State of Washington

64th Legislature

2015 Regular Session

By Senate Higher Education (originally sponsored by Senators Kohl-Welles, Litzow, Frockt, Darneille, McAuliffe, Lias, Dammeier, Fain, Keiser, Hasegawa, and Habib)

READ FIRST TIME 02/13/15.

1 AN ACT Relating to campus sexual violence; amending RCW
2 28B.110.030; adding a new chapter to Title 28B RCW; creating new
3 sections; and providing expiration dates.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the issue of
6 campus sexual violence is a serious issue for many students as well
7 as poses a challenge to all of our institutions of higher education.
8 Several high profile cases in recent years garnered national
9 attention, with more than ninety colleges and universities nationwide
10 currently under investigation by the United States department of
11 education's office for civil rights for violation of Title IX
12 relating to how they have handled sexual violence cases.

13 In 2014, the White House convened a task force designed to
14 protect students from sexual assault. The task force has recommended
15 that schools conduct campus climate assessments and provided a sample
16 memorandum of understanding for institutions to enter into with local
17 law enforcement.

18 At the same time, the federal government and several states have
19 moved forward to address campus sexual violence policies regarding
20 prevention, investigation, and disciplinary action. These actions
21 include the statewide adoption of policies at the public four-year

1 universities in New York and all schools receiving state financial
2 aid in California. It also includes new requirements included in the
3 federal violence against women act amendments to the Clery act, 20
4 U.S.C. Sec. 1092(f).

5 The legislature further finds the state's public two and four-
6 year institutions of higher education are taking steps to improve
7 their institutional policies around campus sexual violence, including
8 being represented at a statewide conference held in October 2014.

9 In order to complement federal policy and ensure the safety of
10 all our students, the legislature finds it necessary to establish
11 minimum standards for all institutions pertaining to campus sexual
12 violence policies and procedures and encourages institutions of
13 higher education to share with all students and current employees,
14 especially survivors of sexual violence, the protections, resources,
15 and services available to them if they are a victim of sexual
16 assault, domestic violence, dating violence, or stalking.
17 Institutions should endeavor to prevent retaliation and prevent the
18 student from having to undergo unnecessary or duplicative retellings
19 of the incident.

20 NEW SECTION. **Sec. 2.** All institutions of higher education shall
21 refrain from establishing a different disciplinary process on the
22 same campus for a matter of sexual violence, based on the status or
23 characteristics of the student involved in that disciplinary
24 proceeding, including characteristics such as a student's membership
25 on an athletic team, membership in a fraternity or sorority, academic
26 year, or any other characteristics or status of a student.

27 NEW SECTION. **Sec. 3.** (1) Institutions of higher education shall
28 make information available on an annual basis to all current and
29 prospective students and employees regarding the institution's policy
30 and procedures, the responsible employee to receive complaints, and
31 compliance with campus sexual violence confidentiality and reporting
32 requirements set forth in 34 C.F.R. Sec. 668.46(b)(11)(iii).

33 (2) Institutions of higher education shall make the resources in
34 subsection (1) of this section and other information and support
35 available on a confidential basis to all campus sexual assault
36 survivors, regardless of whether the survivor chooses to proceed with
37 a formal report of sexual assault.

1 NEW SECTION. **Sec. 4.** (1)(a) The four-year institutions of
2 higher education as defined in RCW 28B.10.016 shall conduct a campus
3 climate assessment to gauge the prevalence of sexual assault on their
4 campuses.

5 (b) The state board for community and technical colleges shall
6 conduct a uniform campus climate assessment of community and
7 technical colleges to gauge the prevalence of sexual assault on
8 community and technical college campuses.

9 (c) The assessment in this section should include, but is not
10 limited to:

11 (i) The prevalence of sexual assault, domestic violence, dating
12 violence, and stalking on and off campus;

13 (ii) Student and employee knowledge of:

14 (A) Their institution's Title IX coordinator's role;

15 (B) Campus policies and procedures addressing sexual assault and
16 violence;

17 (C) Options for reporting sexual violence as a survivor or
18 witness; and

19 (D) The availability of resources on and off campus, such as
20 counseling, health, and academic assistance;

21 (iii) Student and employee bystander attitudes and behavior;

22 (iv) Whether survivors reported to the institutions, law
23 enforcement, or both, whether campus police or a local law
24 enforcement agency, and reasons why they did or did not report; or

25 (v) An evaluation of student and employee attitudes and awareness
26 of the campus sexual violence issue and any recommendations for
27 better addressing and preventing sexual violence on and off campus.

28 (2) Findings shall include an evaluation of student and employee
29 attitudes and awareness of campus sexual violence issues and, if
30 needed, should provide recommendations for making improvements in
31 addressing and preventing sexual violence on and off campus.

32 (3) The four-year institutions of higher education and the state
33 board for community and technical colleges shall report their
34 findings to the governor and the higher education committees of the
35 legislature by December 31, 2016. The report must also include a plan
36 or proposal to undertake a statewide public awareness campaign on
37 campus sexual violence.

38 (4) An assessment conducted to comply with new federal
39 requirements pertaining to campus climate assessments fulfills the
40 requirements in this section.

1 (5) This section expires July 1, 2017.

2 NEW SECTION. **Sec. 5.** (1) The state board for community and
3 technical colleges, the council of presidents, and independent
4 colleges of Washington shall submit reports to the governor and the
5 legislature's higher education committees by July 1, 2016, on steps
6 taken by their institutions to enter into memoranda of understanding
7 with local law enforcement that set forth each party's respective
8 roles and responsibilities related to the prevention and response to
9 sexual assault.

10 (2) This section expires December 31, 2016.

11 **Sec. 6.** RCW 28B.110.030 and 2012 c 229 s 566 are each amended to
12 read as follows:

13 In consultation with institutions of higher education, the
14 student achievement council shall develop rules and guidelines to
15 eliminate possible gender discrimination to students, including
16 sexual harassment, at institutions of higher education as defined in
17 RCW 28B.10.016. The rules and guidelines shall include but not be
18 limited to access to academic programs, student employment,
19 counseling and guidance services, financial aid, recreational
20 activities including club sports, and intercollegiate athletics.

21 (1) With respect to higher education student employment, all
22 institutions shall be required to:

23 (a) Make no differentiation in pay scales on the basis of gender;

24 (b) Assign duties without regard to gender except where there is
25 a bona fide occupational qualification as approved by the Washington
26 human rights commission;

27 (c) Provide the same opportunities for advancement to males and
28 females; and

29 (d) Make no difference in the conditions of employment on the
30 basis of gender in areas including, but not limited to, hiring
31 practices, leaves of absence, and hours of employment.

32 (2) With respect to admission standards, admissions to academic
33 programs shall be made without regard to gender.

34 (3) Counseling and guidance services for students shall be made
35 available to all students without regard to gender. All academic and
36 counseling personnel shall be required to stress access to all career
37 and vocational opportunities to students without regard to gender.

1 (4) All academic programs shall be available to students without
2 regard to gender.

3 (5) With respect to recreational activities, recreational
4 activities shall be offered to meet the interests of students.
5 Institutions which provide the following shall do so with no
6 disparities based on gender: Equipment and supplies; medical care;
7 services and insurance; transportation and per diem allowances;
8 opportunities to receive coaching and instruction; laundry services;
9 assignment of game officials; opportunities for competition,
10 publicity, and awards; and scheduling of games and practice times,
11 including use of courts, gyms, and pools. Each institution which
12 provides showers, toilets, lockers, or training room facilities for
13 recreational purposes shall provide comparable facilities for both
14 males and females.

15 (6) With respect to financial aid, financial aid shall be
16 equitably awarded by type of aid, with no disparities based on
17 gender.

18 (7) With respect to intercollegiate athletics, institutions that
19 provide the following shall do so with no disparities based on
20 gender:

21 (a) Benefits and services including, but not limited to,
22 equipment and supplies; medical services; services and insurance;
23 transportation and per diem allowances; opportunities to receive
24 coaching and instruction; scholarships and other forms of financial
25 aid; conditioning programs; laundry services; assignment of game
26 officials; opportunities for competition, publicity, and awards; and
27 scheduling of games and practice times, including use of courts,
28 gyms, and pools. Each institution which provides showers, toilets,
29 lockers, or training room facilities for athletic purposes shall
30 provide comparable facilities for both males and females.

31 (b) Opportunities to participate in intercollegiate athletics.
32 Institutions shall provide equitable opportunities to male and female
33 students.

34 (c) Male and female coaches and administrators. Institutions
35 shall attempt to provide some coaches and administrators of each
36 gender to act as role models for male and female athletes.

37 (8) Each institution shall develop and distribute policies and
38 procedures for handling complaints of sexual harassment and sexual
39 violence. Institutional sexual violence policies should include, but
40 are not limited to, information about the institution's Title IX

1 compliance officer or other individuals at the institution
2 responsible for handling sexual violence violations and potential
3 criminal conduct. Institutions shall annually distribute these
4 policies and procedures in writing or electronically to all students
5 and employees.

6 NEW SECTION. **Sec. 7.** Sections 1 through 3 of this act
7 constitute a new chapter in Title 28B RCW.

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