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**SUBSTITUTE SENATE BILL 5518**

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**State of Washington 64th Legislature 2015 Regular Session**

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

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

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

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

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

At the same time, the federal government and several states have moved forward to address campus sexual violence policies regarding prevention, investigation, and disciplinary action. These actions include the statewide adoption of policies at the public four-year universities in New York and all schools receiving state financial aid in California. It also includes new requirements included in the federal violence against women act amendments to the Clery act, 20 U.S.C. Sec. 1092(f).

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

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

NEW SECTION. **Sec.**  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 in that disciplinary proceeding, including characteristics such as a student's membership on an athletic team, membership in a fraternity or sorority, academic year, or any other characteristics or status of a student.

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

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

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

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

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

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

(ii) Student and employee knowledge of:

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

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

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

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

(iii) Student and employee bystander attitudes and behavior;

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

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

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

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

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

(5) This section expires July 1, 2017.

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

(2) This section expires December 31, 2016.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Each institution shall develop and distribute policies and procedures for handling complaints of sexual harassment and sexual violence. Institutional sexual violence policies should include, but are not limited to, information about the institution's Title IX compliance officer or other individuals at the institution responsible for handling sexual violence violations and potential criminal conduct. Institutions shall annually distribute these policies and procedures in writing or electronically to all students and employees.

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

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