S-0884.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5518**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**By** Senators Kohl-Welles, Litzow, Frockt, Darneille, McAuliffe, Liias, Dammeier, Fain, Keiser, Hasegawa, and Habib

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

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

NEW SECTION. **Sec.**  All survivors of sexual assault, domestic violence, dating violence, and stalking crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, or whether the crime or violation occurs on campus, off campus, or while studying abroad, have the following rights. The right to:

(1) Have disclosures of sexual violence treated seriously;

(2) Make a decision about whether or not to disclose a crime or incident and participate in the conduct or criminal justice process free from outside pressures from college officials;

(3) Be treated with dignity and to receive from college or university officials courteous, fair, and respectful health care and counseling services;

(4) Be free from any suggestion that the survivor is at fault when these crimes and violations are committed or should have acted in a different manner to avoid such a crime;

(5) Describe the incident to as few individuals as practicable and not be required to unnecessarily repeat a description of the incident;

(6) Be free from retaliation by the college or university, the accused, or their friends, family, and acquaintances; and

(7) Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of the college or university.

NEW SECTION. **Sec.**  All institutions of higher education must:

(1) Establish and implement a uniform process for disciplinary proceedings relating to any claims of sexual violence on their respective campus; and

(2) Not implement a different disciplinary process on the same campus for a matter of sexual violence, or alter the uniform process described in subsection (1) of this section, 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, academic year, or any other characteristics or status of a student.

NEW SECTION. **Sec.**  Institutions of higher education must coordinate with the council of presidents and the state board for community and technical colleges to develop a statewide campus sexual violence awareness campaign to increase awareness among college students, high school students, and parents, of individual safety and prevention techniques as well as the importance of bystander intervention.

NEW SECTION. **Sec.**  (1) Institutions of higher education shall make information available to all current and prospective students, employees, and parents of students, regarding the institution's campus sexual violence confidentiality and reporting protocols.

(2) Institutions of higher education must make resources available to all campus sexual assault survivors who can be confidentially consulted to receive information and support, 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 uniform campus climate assessment survey 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 survey of community and technical colleges to gauge the prevalence of sexual assault on community and technical college campuses.

(c) The surveys in this section should assess the student and employee knowledge of:

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

(ii) Campus policies and procedures addressing sexual assault;

(iii) How and where to report sexual violence as a survivor or witness;

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

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

(vi) Bystander attitudes and behavior; and

(vii) Whether survivors reported to the institution and police and reasons why they did or did not report.

(2) Findings shall include an evaluation of student and employee attitudes and awareness of the campus sexual violence issue and should provide recommendations for better 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, the student achievement council, and the higher education committees of the legislature by December 31, 2015.

(4) This section expires July 1, 2016.

NEW SECTION. **Sec.**  (1)(a) A campus sexual violence work group is established. The work group shall consist of the following members:

(i) Two members of the house of representatives, with one member representing each of the major caucuses and appointed by the speaker of the house of representatives;

(ii) Two members of the senate, with one member representing each of the major caucuses and appointed by the president of the senate;

(iii) One representative from each of the four-year institutions of higher education as defined in RCW 28B.10.016;

(iv) One representative from the state attorney general's office;

(v) One representative from the council of presidents;

(vi) One representative from the state board for community and technical colleges;

(vii) One representative from the Washington association of sheriffs and police chiefs; and

(viii) One representative from the Washington association of prosecuting attorneys.

(b) All members must be appointed by June 30, 2015.

(c) The work group shall appoint its own chair and vice chair and shall meet at least once but no more than five times in 2015.

(d) Legislative members of the work group shall serve without additional compensation, but shall be reimbursed in accordance with RCW 44.04.120 while attending meetings of the work group. Nonlegislative members of the work group may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(2) The work group shall submit a report to the governor and the legislature by December 31, 2015, with recommendations for improving state oversight of campus sexual violence policies and procedures.

(3) Staff support for the work group shall be jointly provided by senate committee services and the house of representatives office of program research.

(4) This section expires July 1, 2016.

NEW SECTION. **Sec.**  Sections 1 through 4 of this act constitute a new chapter in Title 28B RCW.

NEW SECTION. **Sec.**  Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**