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**HOUSE BILL 2242**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Orwall, Pollet, Ramel, Callan, Fosse, Leavitt, Davis, and Morgan

AN ACT Relating to supporting sexual assault survivors at institutions of higher education; amending RCW 28B.110.020; adding new sections to chapter 28B.112 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature recognizes that policies concerning sexual assault, sexual harassment, and gender-based violence have evolved into a survivor-focused, victim-centered approach on a state level. This approach has not been reflected on college campuses, and sexual assault, sexual harassment, and gender-based violence remain a major barrier for students working to achieve their educational goals. Postsecondary students lack protections against sexual assault, sexual harassment, and gender-based violence as well as avenues for justice. Survivors at postsecondary institutions should be entitled to certain protections, resources, and accommodations to help them navigate the aftermath of traumatic sexual assault, sexual harassment, and gender-based violence.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.112 RCW to read as follows:

(1) In addition to all other rights provided in law, a student at an institution of higher education in Washington who is a survivor of sexual assault, sexual harassment, and gender-based violence has the right to:

(a) Engage with staff who have been trained in trauma-informed care throughout the entirety of the disclosing process. Institutional staff who are trained in trauma-informed care must be listed on each institution of higher education's website in an easily accessible place. Title IX staff at each institution of higher education who may interact with a survivor of sexual assault, sexual harassment, and gender-based violence must receive at least three hours of training on relationship violence, abuse dynamics, impacts of trauma on the body, and other forms of violence. The institution of higher education shall provide the training in accordance with section 4 of this act;

(b) A quick and timely institutional investigation process not to exceed six months from the date an investigation is initiated;

(c) In-person or live electronic education on reporting sexual assault, sexual harassment, and gender-based violence at institutions of higher education and available resources, including confidential advocates, for students who have experienced sexual assault, sexual harassment, and gender-based violence on campus. Education must be provided at the beginning of each academic term;

(d) Protection from legal retaliation for reporting sexual assault, sexual harassment, and gender-based violence on campus, including strategic lawsuit against public participation lawsuits advanced by a person being accused of sexual assault, sexual harassment, sexual misconduct, or sexual violence. Institutions of higher education must have a policy against legal retaliation for reporting sexual assault, sexual harassment, and gender-based violence;

(e) Mental health or counseling services, on campus or off-site, regardless of whether the student chooses to make a formal report through Title IX or to law enforcement. The institution of higher education shall make a good faith effort to ensure students have access to no less than six visits with the same mental health provider either in person or electronically via telehealth;

(f) Access to support services, including peer advocates, confidential advocates, and gender-based violence support groups. A confidential advocate trained in trauma-informed care must be available within two business days of a report being made. Public four-year institutions of higher education shall provide 24/7 transportation access to sexual assault nurse examiners and forensic medical services on campus or at a medical facility. Survivors must have the option to be accompanied by a confidential advocate or peer advocate trained in trauma-informed care. Peer advocates must be trained in trauma-informed care and have 40 hours of basic advocacy training provided by the institution;

(g) Academic accommodations to prevent academic harm. A confidential advocate must be available to a survivor to assist with the accommodation request. Survivors must be permitted to attend class through alternate means including through online access. Once an accommodation is requested under this subsection, the requesting survivor's instructors shall record classes and lectures when feasible for playback at a later date. Accommodations must be available to sexual assault survivors regardless of whether the student requesting accommodations has made a formal report through Title IX. Students shall not be required to disclose sexual assault to faculty in order to receive academic accommodations under this subsection;

(h) Have court-issued no-contact and restraining orders honored and reported to university police and security services by a trained staff person such as a confidential advocate;

(i) Be made aware by an employee if the employee is a Title IX mandatory reporter and to whom the employee reports.

(2) As used in this section, "confidential advocate" means a person trained in trauma-informed care to provide a safe and confidential space to help survivors of sexual assault, sexual harassment, and gender-based violence identify what steps to take, what resources they need, what their rights and options are, and what options they have for reporting on campus and to law enforcement. Confidential advocates do not report incidents to the university.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.112 RCW to read as follows:

(1) Public institutions of higher education that serve 8,000 students or more shall establish a student health and safety committee that includes representatives from various groups, such as admissions, counseling, health care, student advocates, and professors. The committee shall evaluate barriers that impact survivors of sexual assault, sexual harassment, and gender-based violence and their ability to access services and obtain accommodations at institutions of higher education, and may collaborate with outside organizations and entities focused on survivors of sexual assault, sexual harassment, and gender-based violence.

(2) The student health and safety committee shall evaluate existing accommodations and make recommendations on how to facilitate existing processes to better serve survivors in requesting accommodations.

(3) The student health and safety committee shall annually report its recommendations to the appropriate committees of the legislature in accordance with RCW 43.01.036.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.112 RCW to read as follows:

(1) Beginning in the 2025 fall academic term, each institution of higher education shall provide at least three hours of education on the Title IX reporting process for sexual assault, sexual harassment, and gender-based violence, accessing support services, consent, and the availability and role of confidential advocates as defined in section 2 of this act either in person or electronically at the beginning of each academic term. Additionally, institutions shall ensure that the education is made available throughout the academic year. Institutions shall make a good-faith effort to include perspectives from sexual assault survivors.

(2) The education required in subsection (1) of this section must be provided to all students and any staff of the institution of higher education who may interact with a survivor of sexual assault, sexual harassment, or gender-based violence.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.112 RCW to read as follows:

(1) The Title IX process may not exceed 180 business days from the date a report is made unless extenuating circumstances exist. The timeline for each step of the Title IX process is as follows:

(a) A student must receive information on available resources, including information on the Title IX process, counseling services, and confidential advocates, within two business days of making a report;

(b) The initial assessment must be completed within 10 business days, including whether the investigation will proceed under Title IX or the institution of higher education's internal process;

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

(d) If a sanction is issued it must be determined and administered within 10 business days of the final decision.

(2) If the process will take longer than 180 business days due to extenuating circumstances, the institution of higher education shall provide a written explanation to the student including the reason for the delay and when the process is expected to be completed.

(3) Students must be kept informed on the status of the process throughout the entirety of the Title IX process. Institutions of higher education shall provide an online tool for students to track the process of their investigation.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.112 RCW to read as follows:

The provisions of this act apply only to main campus locations.

**Sec.**  RCW 28B.110.020 and 1989 c 341 s 2 are each amended to read as follows:

For purposes of this chapter, "institutions of higher education" or "institutions" include the state universities, regional universities, The Evergreen State College, ((~~and~~)) the community colleges, and the technical colleges.

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