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## Postsecondary Education & Workforce Committee

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### HB 2242

**Brief Description:** Supporting sexual assault survivors at institutions of higher education.

**Sponsors:** Representatives Orwall, Pollet, Ramel, Callan, Fosse, Leavitt, Davis and Morgan.

#### Brief Summary of Bill

- Establishes a list of rights to which survivors of sexual harassment, sexual assault, and gender-based violence are entitled at institutions of higher education.
- Requires certain public institutions of higher education to establish a Student Health and Safety Committee.
- Requires public institutions of higher education to provide education on the Title IX reporting process and other resources available to survivors of sexual assault, sexual harassment, and gender-based violence.
- Provides that the Title IX process may not exceed 180 business days from the date a report of sexual assault, sexual harassment, or gender-based violence is reported.

**Hearing Date:** 1/16/24

**Staff:** Elizabeth Allison (786-7129).

#### Background:

Title IX is a federal provision that protects people from discrimination based on sex in education programs or activities that receive federal funding assistance. Title IX applies to schools, local

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and state educational agencies, and other institutions that receive financial assistance from the United States Department of Education, including over 5,000 institutions of higher education.

Institutions of higher education that receive federal funds from the Department of Education must operate their programs and activities in a nondiscriminatory manner. This includes discrimination based on sex, including sexual orientation and gender identity. Title IX requires institutions to adopt and publish grievance procedures for students to file complaints of sex discrimination, including complaints of sexual harassment or sexual violence. Institutions may use general disciplinary procedures to address complaints of sex discrimination, but all procedures must provide for a prompt and equitable resolution of complaints.

The Office of Civil Rights within the Department of Education evaluates, investigates, and resolves complaints alleging sex discrimination.

### **Summary of Bill:**

In addition to all other rights provided in law, students at institutions of higher education in Washington who are survivors of sexual assault, sexual harassment, and gender-based violence have the right to:

- engage with staff who have been trained in trauma-informed care throughout the entirety of the disclosing process;
- a quick and timely institutional investigation process not to exceed six months from the date an investigation is initiated;
- in-person or live electronic education on reporting sexual assault, sexual harassment, and gender-based violence at institutions, including available resources for survivors;
- protection from legal retaliation for reporting sexual assault, sexual harassment, or gender-based violence;
- mental health or counseling services, on campus or offsite, regardless of whether the student chooses to make a formal report through Title IX or to law enforcement;
- access to support services, including peer advocates, confidential advocates, and gender-based violence support groups;
- academic accommodations to prevent academic harm;
- 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; and
- be made aware by an employee if the employee is a Title IX mandated reporter and to whom the employee reports.

Institutional staff who are trained in trauma-informed care must be listed on each institution's website in an easily accessible place. Title IX staff at each institution who may interact with survivors of sexual assault, sexual harassment, or 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. Beginning in the 2025 fall academic term, institutions must provide this training either in person or electronically at the beginning of each academic term.

Institutions must make a good-faith effort to include perspectives from sexual assault survivors in the training. The education must be provided to all students. Peer advocates must be trained

in trauma-informed care and have 40 hours of basic advocacy training provided by the institution.

Institutions of higher education must have a policy against legal retaliation for reporting sexual assault, sexual harassment, and gender-based violence.

Institutions must make a good-faith effort to ensure that survivors have access to no less than six visits with the same mental health provider either in person or electronically via telehealth.

A confidential advocate at institutions must be available to a survivor within two business days of a report being made. Public four-year institutions must 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 peer advocate or confidential advocate trained in trauma-informed care.

Survivors must be permitted to attend classes through alternate means including through online access. Once such an accommodation is requested, the survivor's instructors must record classes and lectures when feasible for playback at a later date. Accommodations must be available regardless of whether the survivor has made a formal report through Title IX. Survivors may not be required to disclose sexual assault to faculty in order to receive accommodations.

A confidential advocate is a person trained in trauma-informed care to provide a safe and confidential space to help survivors 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.

Public institutions of higher education that serve 8,000 students or more must establish a Student Health and Safety Committee (Committee) that includes representatives from various groups, such as admissions, counseling, health care, student advocates, and professors. The Committee must evaluate institutional barriers that impact survivors and their ability to access services and obtain accommodations. The Committee may collaborate with outside organizations and entities focused on survivors of sexual assault and must evaluate existing accommodations and make recommendations on how to better serve survivors. The Committee must report annually to the appropriate committees of the Legislature.

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

- 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;
- the initial assessment must be completed within 10 business days, whether the investigation will proceed under Title IX or the institution's internal process;
- 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
- if a sanction is issued it must be determined and administered within 10 business days of the final decision.

If the process will take longer than 180 business days due to extenuating circumstances, the institution must provide a written explanation to the student including the reason for the delay and when the process is expected to be completed. Institutions must provide an online tool for students to access to track the progress of their investigation.

**Appropriation:** None.

**Fiscal Note:** Requested on January 11, 2024.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.