

# SENATE BILL REPORT

## SB 5355

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As of February 3, 2025

**Title:** An act relating to improving safety at institutions of higher education while supporting student survivors of sexual assault.

**Brief Description:** Improving safety at institutions of higher education while supporting student survivors of sexual assault.

**Sponsors:** Senators Orwall, Slatter, Dhingra, Hasegawa, Nobles, Stanford, Trudeau, Valdez and Wilson, C..

**Brief History:**

**Committee Activity:** Higher Education & Workforce Development: 2/03/25.

**Brief Summary of Bill**

- Establishes rights to which survivors of sex-based violence and harassment are entitled at certain institutions of higher education.
- Requires certain public institutions of higher education to establish a Student Health and Safety Committee.
- Requires employee and student training on sex-based and gender-based violence and harassment at certain public institutions of higher education
- Establishes that the Title IX process may not exceed 180 business days from the date a sex-based violence and harassment investigation begins.

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**SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT**

**Staff:** Kellee Gunn (786-7429)

**Background:** Title IX. Under Title IX, no person in the United States shall, on the basis of

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sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. Both public and private institutions that receive federal funds must comply with Title IX.

The United States Department of Education (USDOE) is responsible for ensuring compliance with Title IX. The USDOE released new Title IX regulations in 2020, and again in 2024. A recent court ruling in *State of Tennessee v. Cardona* applies nationwide and returns Title IX to its 2020 regulations.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** Rights of Survivors of Sexual Assault at Certain Institutions of Higher Education. Establishes that sexual assault survivors, at public baccalaureates, and community and technical colleges (CTCs) with over 8000 students, have the right to:

- engage with employees who have been trained in trauma-informed care;
- a quick and timely investigation process not to exceed six months, unless extenuating circumstances exist;
- mental health or counseling services, regardless of whether the student chooses to make a formal report;
- request supportive measures. Supportive measures may include, but are not limited to:
  1. counseling and other medical assistance;
  2. extensions of deadlines or other academic adjustments;
  3. modifications of on-campus work or class schedules;
  4. leaves of absence;
  5. increased security or monitoring of certain areas of campus; and
  6. directives prohibiting the parties from contacting one another in housing or work situations;
- have no-contact and restraining orders honored and reported to university police and security services by a trained employee, at request;
- be made aware by a campus-based employee if the employee is a Title IX required reporter and to which office the employee will share information provided; and
- access to a no-fee attorney through an organization that serves the entire state and is focused on sexual assault.

Student Health and Safety Committee. It is required that Washington State University's (WSU) Pullman campus, University of Washington's (UW) Seattle campus, Central Washington University (CWU), Western Washington University (WWU) , and CTCs with over 8000 students have a Student Health and Safety Committee (Committee) that includes representatives from various groups, such as admissions, counseling, health care, violence prevention, health promotion, students, campus-affiliated advocates, faculty and other academic personnel.

The Committee must:

- evaluate existing supportive measures and make recommendations on how to facilitate existing processes to better serve survivors in requesting supportive measures;
- form relationships with local victims' advocacy organizations; and
- assess various institutional staffing models of campus-affiliated advocates and make recommendations.

Beginning with the 2026-27 academic year, all institutions of higher education (IHEs) with over 8000 students must work with respective Committees to develop questions for student feedback on relevant issues on sex-based and gender-based violence and harassment and students' ability to access services for campus climate assessments required under state law, E2SSB 5227 (2021).

Employee and Student Training on Sex-Based and Gender-Based Violence and Harassment. Requires WSU's Pullman campus, UW's Seattle campus, CWU, WWU, and CTCs with over 8000 students to collaborate with a community-based organization focused on survivors of sexual assault, sexual harassment, and sex-based violence to employees and students.

*Employee Training.* Employee-specific training on sensitivity in interacting with survivors of sexual assault, sexual harassment, and sex-based violence and sex-based and gender-based violence and harassment education to students. The following employees must take the training:

- all campus-based employees identified by the institution of higher education as having job duties that include interacting with a survivor of sex-based violence and harassment; and
- all other campus-based employees, whose education may be in-person or via electronic means annually.

*Student Training.* The training for students must include certain information on how to access services, how to file a formal complaint, what constitutes a violation, affirmative consent, and other information on services available on campus. The following students must receive the training in person:

- student athletes;
- resident advisors, prior to the start of the academic year;
- students who become members of a fraternity or sorority organization, within the first academic term of becoming members; and
- other student groups identified to have had unique adjustment issues to campus or have been shown to be important messengers for affirmative consent.

All newly matriculated students, including transfer students and graduate students may receive the training online, or by other means.

Contact Information of 24/7 Support Organization. Beginning in the 2027 fall academic term, all public IHEs must include a phone number of a regional organization focused on survivors of sexual assault, sexual harassment, and sex-based and gender-based violence that provides 24/7 support on the back of each student's identification card.

Prohibition of Use of Non-Disclosure Agreements. All postsecondary institutions of education may not propose, request, or pressure a student reporting sexual misconduct in a complaint filed with the institution under Title IX, or otherwise, to enter into a non-disclosure agreement relating to the alleged sexual misconduct.

Title IX Process. The Title IX process may not exceed 180 days. A timeline is established, as follows:

- information on the process and available resources is provided to the student within two days of the Title IX office receiving the report;
- initial assessment must be completed within ten business days;
- the investigation must be completed within 120 business days of the initial report; and
- a sanction must be initiated within ten business days of the final decision, except for where there is good cause.

If the process takes longer than 180 days, a written explanation must be provided to the student.

Students must be kept informed on the status of the investigation and, if conducted, the hearing.

WSU's Pullman campus, UW's Seattle campus, CWU, WWU, and CTCs with over 8000 students must provide an option online for students to report a Title IX violation and are encouraged to provide an online tracking tool, so a student may track the Title IX process.

Campus Climate Assessments. All public IHEs must include questions evaluating the prevalence of discrimination, sexual assault, harassment, and retaliation on and off campus in their required campus climate assessments, and the students' ability to access required services.

**Appropriation:** None.

**Fiscal Note:** Requested on January 27, 2025.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.