

SENATE BILL REPORT

SB 5355

As of February 20, 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, 2/17/25
[DPS-WM, w/oRec].
Ways & Means: 2/24/25.

Brief Summary of First Substitute 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 a timeline for a Title IX process.

SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5355 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Nobles, Chair; Hansen, Vice Chair; Slatter.

Minority Report: That it be referred without recommendation.

Signed by Senators Warnick, Ranking Member; Boehnke.

Staff: Kellee Gunn (786-7429)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Michele Alishahi (786-7433)

Background: Title IX. Under Title IX, no person in the United States shall, on the basis of 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 (First 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 public institutions of higher education campuses 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 public institutions of higher education campuses 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. Unless there is good cause, a 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.

Public insitutions of higher education campuses 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.

EFFECT OF CHANGES MADE BY HIGHER EDUCATION & WORKFORCE DEVELOPMENT COMMITTEE (First Substitute):

- Removes requirement that there be at least eight sessions with a mental health provider.
- Amends language that had called out specific four-year institutions' campuses and CTCs in sections 3 (health and safety committee), 4 (training), and 6 (title IX process) and replaced it with language that makes the requirements applicable to public institutions of higher education campuses that serve over 8000 students.
- Allows for the Title IX process to exceed 180 days for good cause.

Appropriation: None.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony on Proposed Substitute (Higher Education & Workforce Development): *The committee recommended a different version of the bill than what was heard.* PRO: Sexual assault happens frequently on college campuses. During the listening sessions, students who have experienced sexual assault said they didn't know where to get resources. This bill gives students access to resources. This bill requires certain students to get this training in person, and there is trauma-informed training for staff. We need stronger institutional protections and procedures at colleges, and speedier Title IX processes. The changes in Title IX regulations at the federal level have made the process very confusing. Students don't know what their rights are. This bill will ensure survivors get access to certain services.

Guidance established on the process of Title IX will help the students navigate this and bring uniformity as the way it is done varies by campus.

This legislation will affect half of all the CTC students. Further investment must be made into the CTC mental health programs. We support this policy but must prioritize a sustainable operating budget. At the Title IX Office at UW, we serve over 100,000 students, faculty, and staff. We provide education and resources to our campus community. Many of the requirements in this bill are things we would like to be doing but have not been able to afford. The Legislature will need to provide funding.

There are moral failures in the way Title IX has been administered. I know a survivor who was not offered a sexual assault exam, and only given minimal information on how they were to get the resources they needed. Access to information is an important part of this bill. When I tried to access help after a sexual assault, it was difficult to get the right information. I was also threatened with expulsion by the institution. Eventually the investigation was closed, as the institution said there was not enough evidence. The professor who assaulted me now works at another institution. When I was assaulted, each

Title IX officer I met with had a different definition of protocols. I was told the Title IX process would take one month, but it took five months. While I was going through the Title IX process, I was threatened with expulsion and even had someone threaten to sue me. This all happened when I was 20 years old.

Persons Testifying (Higher Education & Workforce Development): PRO: Senator Tina Orwall, Prime Sponsor; Collin Bannister, The Washington Student Association; Alice Zborovskiy, University of Washington Seattle ASUW Sexual Assault and Relationship Violence Activists; Nora Selander, Western Washington University / Council of Presidents; Kiana Swearingen, University of Washington Office of the Title IX Coordinator; Emma Pedro, WWU Generation Action; Zoie Mastin; Naira Gonzales Aranda; Christopher Rosenquist, Associated Students of Western Washington University; Meredith Massey; Riddhi Mukhopadhyay, Sexual Violence Law Center; Christine McMullin, State Board for Community and Technical Colleges; Sophie Kirov.

Persons Signed In To Testify But Not Testifying (Higher Education & Workforce Development): No one.