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**SUBSTITUTE SENATE BILL 5355**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Higher Education & Workforce Development (originally sponsored by Senators Orwall, Slatter, Dhingra, Hasegawa, Nobles, Stanford, Trudeau, Valdez, and C. Wilson)

READ FIRST TIME 02/18/25.

1 AN ACT Relating to improving safety at institutions of higher  
2 education while supporting student survivors of sexual assault;  
3 amending RCW 28B.10.735, 28B.112.040, and 28B.10.147; adding new  
4 sections to chapter 28B.112 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that policies  
7 concerning sex-based violence and harassment have evolved into a  
8 survivor-focused, victim-centered approach on a state level. While  
9 college campuses have been working in this area, this approach has  
10 not been fully realized yet, and sex-based violence and harassment  
11 remain a major barrier for students working to achieve their  
12 educational goals.

13 The legislature finds that, according to the rape, abuse, and  
14 incest national network, postsecondary students are at high risk for  
15 sex-based violence and harassment; among undergraduate and graduate  
16 students, 13 percent experience sexual assault or rape during their  
17 postsecondary schooling years. Undergraduate women in particular  
18 experience even higher rates, with more than one in four experiencing  
19 sexual assault or rape.

20 The legislature acknowledges that postsecondary students lack  
21 adequate protections against sex-based violence and harassment as

1 well as avenues for justice, and that survivors need access to more  
2 relevant, timely, and sensitive resources. Although the state has  
3 invested in student safety on campus, the ongoing rates of sex-based  
4 violence and harassment demand the legislature's action and attention  
5 to protect students and ensure they are able to successfully achieve  
6 their potential.

7 Therefore, the legislature intends to provide survivors at  
8 postsecondary institutions with certain protections, resources, and  
9 accommodations to help them navigate the aftermath of traumatic sex-  
10 based and gender-based violence and harassment.

11 NEW SECTION. **Sec. 2.** (1) In addition to all other rights  
12 provided in law, a student at an institution of higher education in  
13 Washington who is a survivor of sex-based violence and harassment has  
14 the right to:

15 (a) Engage with employees who have been trained in trauma-  
16 informed care. Institutions of higher education must clearly list on  
17 their website the campus-based employee roles trained in trauma-  
18 informed care that are responsible for responding to survivor  
19 disclosures as part of their job duties. Title IX employees at each  
20 institution of higher education who may interact with a survivor of  
21 sex-based violence and harassment must receive at least three hours  
22 of training on relationship violence, abuse dynamics, impacts of  
23 trauma on the body, and other forms of violence. The institution of  
24 higher education must provide the training in accordance with section  
25 4 of this act;

26 (b) A quick and timely institutional investigation process not to  
27 exceed six months from the date an investigation is initiated, unless  
28 extenuating circumstances exist. The student must be kept informed on  
29 the status of the investigation throughout the entirety of the  
30 process;

31 (c) Mental health or counseling services, on campus or off-site,  
32 regardless of whether the student chooses to make a formal report  
33 through the campus Title IX office or to law enforcement. The  
34 institution of higher education must make a good faith effort to  
35 ensure students have access to a mental health provider either in  
36 person or electronically via telehealth;

37 (d) Request supportive measures. Supportive measures must be  
38 nondisciplinary, nonpunitive individualized services and must be  
39 offered as appropriate, as reasonably available, and without fee or

1 charge, regardless of whether a formal complaint has been filed.  
2 Supportive measures must aim to restore or preserve a student's  
3 access to the institution of higher education's programs and  
4 activities without unreasonably burdening the other party, and to  
5 provide support during the institution of higher education's informal  
6 resolution or formal complaint processes, as determined through an  
7 interactive process between the campus Title IX office, the student,  
8 and relevant employees, such as faculty when an academic adjustment  
9 is requested. No information about the survivor's experience may be  
10 shared in the course of facilitating supportive measures with  
11 relevant employees or other third parties, unless specifically  
12 requested by the survivor. Supportive measures may include, but are  
13 not limited to:

- 14 (i) Counseling and other medical assistance;
- 15 (ii) Extensions of deadlines or other academic adjustments;
- 16 (iii) Modifications of on-campus work or class schedules;
- 17 (iv) Leaves of absence;
- 18 (v) Increased security or monitoring of certain areas of campus;

19 and

- 20 (vi) Directives prohibiting the parties from contacting one  
21 another in housing or work situations;

22 (e) Have court-issued no-contact and restraining orders honored  
23 and reported to university police and security services by a trained  
24 employee, such as a campus-affiliated advocate when requested to do  
25 so by the survivor;

26 (f) Be made aware by a campus-based employee if the employee is a  
27 Title IX required reporter and to which office the employee will  
28 share the information provided by the survivor; and

29 (g) Access to a no-fee attorney through an organization that  
30 serves the entire state and is focused on sexual assault.

31 (2) For purposes of this section, "institutions of higher  
32 education" include (a) the state universities, the regional  
33 universities, and the state college as defined in RCW 28B.10.016, and  
34 (b) all community and technical colleges that serve 8,000 or more  
35 students.

36 NEW SECTION. **Sec. 3.** (1) Each campus of an institution of  
37 higher education as defined in RCW 28B.10.016 that serves 8,000 or  
38 more students shall each establish or expand an existing committee to  
39 include a student health and safety committee that includes

1 representatives from various groups, such as admissions, counseling,  
2 health care, violence prevention, health promotion, students, campus-  
3 affiliated advocates, and faculty and other academic personnel. The  
4 committee shall evaluate barriers that impact survivors of sex-based  
5 and gender-based violence and harassment and their ability to access  
6 services and obtain supportive measures at institutions of higher  
7 education, and will invite outside organizations and entities focused  
8 on survivors of sex-based and gender-based violence and harassment to  
9 participate in this process.

10 (2) The student health and safety committee shall:

11 (a) Evaluate existing supportive measures and make  
12 recommendations on how to facilitate existing processes to better  
13 serve survivors in requesting supportive measures;

14 (b) Form relationships with local victims' advocacy  
15 organizations; and

16 (c) Assess various institutional staffing models of campus-  
17 affiliated advocates and make recommendations.

18 (3) The student health and safety committee shall annually report  
19 its recommendations developed under subsection (2) of this section to  
20 the appropriate committees of the legislature in accordance with RCW  
21 43.01.036.

22 (4) Beginning with the 2026-27 academic year, the state college,  
23 the state universities, and the regional universities as defined in  
24 RCW 28B.10.016 that serve 8,000 or more students shall work with  
25 respective student health and safety committees to develop questions  
26 for student feedback on relevant issues on sex-based and gender-based  
27 violence and harassment and students' ability to access services for  
28 the campus climate assessment required in RCW 28B.10.147.

29 NEW SECTION. **Sec. 4.** (1) Beginning in the 2026 fall academic  
30 term, each campus of an institution of higher education as defined in  
31 RCW 28B.10.016 that serves 8,000 or more students, shall collaborate  
32 with a community-based organization focused on survivors of sexual  
33 assault, sexual harassment, and sex-based violence to provide:

34 (a) Employee-specific training for the employees specified in  
35 subsection (3) of this section, on sensitivity in interacting with  
36 survivors of sexual assault, sexual harassment, and sex-based  
37 violence; and

38 (b) Sex-based and gender-based violence and harassment education  
39 to students specified in subsection (4) of this section, including:

1 (i) How to access support services regardless of whether a formal  
2 complaint is filed;

3 (ii) The availability and role of confidential resources  
4 including counseling and campus-affiliated advocates;

5 (iii) How to file a formal complaint with the campus' Title IX  
6 office and the applicable law enforcement agency;

7 (iv) Affirmative consent;

8 (v) What conduct constitutes a violation of the institution of  
9 higher education's sex-based discrimination policy;

10 (vi) Bystander intervention;

11 (vii) Employee-required reporting;

12 (viii) How to provide support to survivors of sexual violence as  
13 a peer; and

14 (ix) Information on services available to survivors on and off  
15 campus, including:

16 (A) Those offered by a regional community-based organization  
17 providing 24/7 support for survivors of sexual assault, sexual  
18 harassment, and sex-based and gender-based violence;

19 (B) Costs associated with submitting a sexual assault kit;

20 (C) Transportation for medical exams;

21 (D) Free counseling services; and

22 (E) How to obtain legal counsel at any administrative hearing for  
23 the survivor at no cost to the student or institution.

24 (2) Institutions must make a good-faith effort to include  
25 perspectives from sexual assault survivors in the training and  
26 education required under subsection (1) of this section.

27 (3) The training required in subsection (1)(a) of this section  
28 must be provided to:

29 (a) All campus-based employees identified by the institution of  
30 higher education as having job duties that include interacting with a  
31 survivor of sex-based violence and harassment as provided in section  
32 2(1)(a) of this act; and

33 (b) All other campus-based employees, not already identified in  
34 this section, whose education may be in-person or via electronic  
35 means annually.

36 (4) The education required in subsection (1)(b) of this section  
37 must be provided to:

38 (a) All newly matriculated students, including transfer students  
39 and graduate students;

1 (b) Student athletes as defined in RCW 19.225.010, who must  
2 receive and attend the education in person;

3 (c) Resident advisors, prior to the start of the academic year,  
4 who must receive and attend the education in person;

5 (d) Students who become members of a social fraternity or  
6 sorority organization, who must receive and attend in-person  
7 education within the quarter or semester they become members or the  
8 next full quarter or semester thereafter; and

9 (e) Other student groups as identified by the institution of  
10 higher education that historically have had unique adjustment issues  
11 to campus or have been shown to be important messengers for  
12 affirmative consent, who must receive and attend the education in  
13 person.

14 (5) Unless otherwise specified, the education established in this  
15 section may be provided online, or by other means.

16 NEW SECTION. **Sec. 5.** Postsecondary educational institutions may  
17 not propose, request, or pressure a student reporting sexual  
18 misconduct in a complaint filed with the institution under Title IX  
19 or otherwise, with law enforcement, or in a civil court action to  
20 enter into a nondisclosure agreement relating to the alleged sexual  
21 misconduct by another student or employee of the institution.

22 NEW SECTION. **Sec. 6.** (1) Unless there is good cause, the  
23 timeline for each step of the Title IX process is as follows:

24 (a) The institution of higher education must provide to the  
25 student information on available resources, including information on  
26 the Title IX process, counseling services, and campus-affiliated  
27 advocates, within two business days of the Title IX office receiving  
28 a report, unless extenuating safety factors exist for the survivor;

29 (b) The initial assessment must be completed within 10 business  
30 days of the student meeting with the Title IX employee and providing  
31 the necessary information to complete an assessment, including  
32 whether the investigation will proceed under Title IX or the  
33 institution of higher education's internal process or if the concern  
34 will be addressed in a different manner;

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

1 (d) Except for in circumstances where there is good cause, if a  
2 sanction is issued it must be initiated within 10 business days of  
3 the final decision.

4 (2) If the process will take longer than 180 business days due to  
5 extenuating circumstances or good cause, the institution of higher  
6 education must provide a written explanation to the student,  
7 including the reason for the delay and when the process is expected  
8 to be completed.

9 (3) Students must be kept informed on the status of the  
10 investigation and, if conducted, the hearing, throughout the entirety  
11 of the Title IX process.

12 (4) Beginning with the 2028-29 academic year, each campus of an  
13 institution of higher education as defined in RCW 28B.10.016 that  
14 serves 8,000 or more students shall provide an option online for  
15 students to report a Title IX violation. These institutions of higher  
16 education are also encouraged to provide the online tracking tool, so  
17 a student may track the Title IX process.

18 NEW SECTION. **Sec. 7.** Sections 2 through 6 of this act are each  
19 added to chapter 28B.112 RCW.

20 **Sec. 8.** RCW 28B.10.735 and 2020 c 39 s 3 are each amended to  
21 read as follows:

22 (1) Within existing resources, (~~every institution of higher~~  
23 ~~education as defined in RCW 28B.10.016 that issues~~) student  
24 identification cards, faculty or staff identification cards, or both,  
25 must have printed on either side of the identification cards:

26 (a) The contact information for a national suicide prevention  
27 organization; (~~and~~)

28 (b) The contact information for one or more campus, local, state,  
29 or national organizations specializing in suicide prevention, crisis  
30 intervention, or counseling, if available; and

31 (c) The phone number of a regional community-based organization  
32 focused on survivors of sexual assault, sexual harassment, and sex-  
33 -based and gender-based violence that provides 24/7 support.

34 (2) (a) The requirements in subsection (1) (a) and (b) of this  
35 section apply to student identification cards and faculty or staff  
36 identification cards issued for the first time and issued to replace  
37 a damaged or lost identification card at an institution of higher  
38 education as defined in RCW 28B.10.016.

1       (b) The requirements in subsection (1)(c) of this section apply  
2 to student identification cards issued for the first time and issued  
3 to replace a damaged or lost identification card at a state  
4 university, regional university, and the state college, as defined in  
5 RCW 28B.10.016.

6       **Sec. 9.** RCW 28B.112.040 and 2023 c 79 s 2 are each amended to  
7 read as follows:

8       The definitions in this section apply throughout this (~~section~~  
9 ~~and RCW 28B.112.050 through 28B.112.080~~) chapter unless the context  
10 clearly requires otherwise.

11       (1) "Applicant" means a person applying for employment as  
12 faculty, instructor, staff, advisor, counselor, coach, athletic  
13 department staff, and any position in which the applicant will likely  
14 have direct ongoing contact with students in a supervisory role or  
15 position of authority. "Applicant" does not include enrolled students  
16 who are applying for temporary student employment with the  
17 postsecondary educational institutions, unless the student is a  
18 graduate student applying for a position in which the graduate  
19 student will have a supervisory role or position of authority over  
20 other students. "Applicant" does not include a person applying for  
21 employment as medical staff or for employment with an affiliated  
22 organization, entity, or extension of a postsecondary educational  
23 institution, unless the applicant will have a supervisory role or  
24 position of authority over students.

25       (2) "Association" means a scholarly or professional organization  
26 or learned society that sponsors activities or events for the benefit  
27 of individuals affiliated with postsecondary educational  
28 institutions, with a code of conduct forbidding sexual misconduct at  
29 such activities or events, and established investigative procedures  
30 for allegations that the code of conduct has been violated.

31       (3) "Campus-affiliated advocate" has the same meaning as defined  
32 in RCW 28B.112.030.

33       (4) "Employee" means a person who is receiving or has received  
34 wages as an employee from the postsecondary educational institutions  
35 and includes current and former workers, whether the person is  
36 classified as an employee, independent contractor, or consultant, and  
37 is in, or had, a position with direct ongoing contact with students  
38 in a supervisory role or position of authority. "Employee" does not  
39 include a person who was employed by the institution in temporary



1 student employment while the person was an enrolled student unless  
2 the student, at the time of employment, is or was a graduate student  
3 in a position in which the graduate student has or had a supervisory  
4 role or authority over other students. "Employee" does not include a  
5 person employed as medical staff or with an affiliated organization,  
6 entity, or extension of a postsecondary educational institution,  
7 unless the employee has or had a supervisory role or position of  
8 authority over students. A person who would be considered an  
9 "employee" under this subsection, remains an "employee" even if the  
10 person enrolls in classes under an institution's employee tuition  
11 waiver program or similar program that allows faculty, staff, or  
12 other employees to take classes.

13 ~~((4))~~ (5) "Employer" includes postsecondary educational  
14 institutions in this or any other state.

15 ~~((5))~~ (6) "Investigation" means a procedure initiated in  
16 response to a formal complaint, as defined in 34 C.F.R. Sec. 106.30,  
17 provided that the procedure fully complies with the provisions of 34  
18 C.F.R. Sec. 106.45.

19 ~~((6))~~ (7) "Postsecondary educational institution" means an  
20 institution of higher education as defined in RCW 28B.10.016, a  
21 degree-granting institution as defined in RCW 28B.85.010, a private  
22 vocational school as defined in RCW 28C.10.020, or school as defined  
23 in RCW 18.16.020, that participates in the state student financial  
24 aid program.

25 ~~((7))~~ (8) "Sex-based and gender-based violence and harassment"  
26 includes all forms of sex-based harassment including, but not limited  
27 to:

28 (a) Hostile environment;

29 (b) Quid pro quo;

30 (c) Sexual assault;

31 (d) Domestic violence;

32 (e) Dating violence;

33 (f) Stalking;

34 (g) Voyeurism;

35 (h) Indecent exposure; and

36 (i) Sexual exploitation.

37 (9) "Sexual misconduct" includes, but is not limited to,  
38 unwelcome sexual contact, unwelcome sexual advances, requests for  
39 sexual favors, other unwelcome verbal, nonverbal, electronic, or  
40 physical conduct of a sexual nature, sexual harassment, and any

1 misconduct of a sexual nature that is in violation of the  
2 postsecondary educational institution's policies or has been  
3 determined to constitute sex discrimination pursuant to state or  
4 federal law.

5 ~~((+8))~~ (10) "Student" means a person enrolled at ~~((a~~  
6 ~~postsecondary educational))~~ an institution and for whom educational  
7 records are maintained.

8 ~~((+9))~~ (11) "Substantiated findings" means a written  
9 determination regarding responsibility as described in 34 C.F.R. Sec.  
10 106.45(b)(7) prepared at the conclusion of an investigation, as  
11 amended by any appeals process.

12 **Sec. 10.** RCW 28B.10.147 and 2021 c 275 s 3 are each amended to  
13 read as follows:

14 (1)(a) The institutions of higher education as defined in RCW  
15 28B.10.016 shall each conduct a campus climate assessment to  
16 understand the current state of diversity, equity, and inclusion in  
17 the learning, working, and living environment on campus for students,  
18 faculty, and staff. The assessment shall occur, at minimum, every  
19 five years. Institutions of higher education shall use the results of  
20 the campus climate assessment to inform the professional development,  
21 established in RCW 28B.10.145, and program, established in RCW  
22 28B.10.149. Institutions may use an existing campus climate  
23 assessment to meet this requirement.

24 (b) The state board for community and technical colleges shall  
25 develop a model campus climate assessment for the community and  
26 technical colleges that the colleges may use or modify to meet the  
27 requirements of this section.

28 (2) The design of an existing or new campus climate assessment  
29 must involve, at minimum, students, college and university diversity  
30 officers, faculty, and staff. The campus climate assessment must  
31 include, at minimum, an evaluation of student and employee attitudes  
32 and awareness of campus diversity, equity, and inclusion issues. The  
33 campus climate assessment ~~((may—also))~~ must include questions  
34 evaluating the prevalence of discrimination, sexual assault,  
35 harassment, and retaliation on and off campus, in addition to  
36 student, faculty, and staff knowledge of campus policies and  
37 procedures addressing discrimination, sexual assault, harassment, and  
38 retaliation. Questions related to sexual assault must include those  
39 developed by the student health and safety committee on sex-based and

1 gender-based violence and harassment and students' ability to access  
2 services required in section 3(3) of this act. College and university  
3 diversity officers and students must be consulted in the development  
4 of recommendations.

5 (3) Institutions of higher education must, at minimum, conduct  
6 annual listening and feedback sessions for diversity, equity, and  
7 inclusion for the entire campus community during periods between  
8 campus climate assessments. Institutions of higher education must, to  
9 the maximum extent practicable, compensate students for their  
10 participation in the annual listening and feedback sessions.

11 (4) Beginning July 1, 2022, the institutions of higher education  
12 shall report findings or progress in completing their campus climate  
13 assessment and, when applicable, information on their listening and  
14 feedback sessions annually to either the state board for community  
15 and technical colleges or an organization representing the presidents  
16 of the public four-year institutions of higher education. The  
17 institutions of higher education must also publish annually on the  
18 institution's public website the results of either the campus climate  
19 assessment or listening and feedback sessions.

20 (5) The state board for community and technical colleges may  
21 require colleges to repeat their campus climate assessment. An  
22 organization representing the presidents of the public four-year  
23 institutions of higher education may also request state universities,  
24 regional universities, and The Evergreen State College to repeat  
25 their campus climate assessment.

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