

119TH CONGRESS
1ST SESSION

S. _____

To amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat campus sexual assault, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. GILLIBRAND (for herself and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat campus sexual assault, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Campus Accountability
5 and Safety Act”.

6 **SEC. 2. AMENDMENTS TO THE CLERY ACT.**

7 Section 485(f) of the Higher Education Act of 1965
8 (20 U.S.C. 1092(f)) (known as the “Jeanne Clery Dislo-

1 sure of Campus Security Policy and Campus Crime Statis-
2 ties Act”) is amended—

3 (1) in paragraph (1)—

4 (A) by inserting “which shall include, at a
5 minimum, publication in an easily accessible
6 manner and available in different languages, to
7 be prominently displayed on the website of the
8 institution,” after “through appropriate publi-
9 cations or mailings,”;

10 (B) in subparagraph (C)—

11 (i) by striking clause (ii) and inserting
12 the following:

13 “(ii) if applicable, any memorandum of un-
14 derstanding between the institution and law en-
15 forcement, or a description of the working rela-
16 tionship between the institution, campus secu-
17 rity personnel, or campus law enforcement and
18 State or local law enforcement agencies; and”;
19 and

20 (ii) by moving the margins of clauses

21 (i) and (iii) 2 ems to the left;

22 (C) in subparagraph (F)—

23 (i) in clause (i)—

3

1 (I) by redesignating subclauses
2 (III) through (IX) as subclauses (VI)
3 through (XII); and

4 (II) by striking subclause (II)
5 and inserting the following:

6 “(II) rape;

7 “(III) fondling;

8 “(IV) incest;

9 “(V) statutory rape;”; and

10 (ii) in clause (ii), by striking “sub-
11 clauses (I) through (VIII) of clause (i)”
12 and inserting “subclauses (I) through (XI)
13 of clause (i)”; and

14 (D) by adding at the end the following:

15 “(M)(i) With respect to the criminal activ-
16 ity described in subclauses (II) and (III) of sub-
17 paragraph (F)(i), the eligible institution shall
18 prepare for the annual security report that is
19 due on the date that is 1 year after the date
20 of enactment of the Campus Accountability and
21 Safety Act, and annually thereafter, the fol-
22 lowing additions:

23 “(I) The number of such incidents
24 where the respondent is a student at the
25 institution.

1 “(II) Of the incidents described in
2 subclause (I), the number of such incidents
3 that were reported to the title IX coordi-
4 nator or other higher education responsible
5 employee of the institution.

6 “(III) Of the incidents described in
7 subclause (II), the number of victims who
8 sought campus disciplinary action at the
9 institution.

10 “(IV) Of the victims described in sub-
11 clause (III), the number of cases processed
12 through the student and employee discipli-
13 nary process of the institution.

14 “(V) Of the cases described in sub-
15 clause (IV), the number of respondents
16 who were found responsible through the
17 student disciplinary process of the institu-
18 tion.

19 “(VI) Of the cases described in sub-
20 clause (IV), the number of respondents
21 who were found not responsible through
22 the student disciplinary process of the in-
23 stitution.

24 “(VII) A description of the final sanc-
25 tions imposed by the institution for each

1 incident for which a respondent was found
2 responsible through the student discipli-
3 nary process of the institution, if such de-
4 scription will not reveal personally identifi-
5 able information about an individual stu-
6 dent.

7 “(VIII) The number of student dis-
8 ciplinary proceedings at the institution
9 that have closed without resolution since
10 the previous annual security report due to
11 withdrawal from the institution of higher
12 education by the respondent pending reso-
13 lution of the student disciplinary pro-
14 ceeding.

15 “(ii) The Secretary shall provide technical
16 assistance to eligible institutions to assist such
17 institutions in meeting the requirements of this
18 subparagraph.”;

19 (2) in paragraph (6)(A), by adding at the end
20 the following:

21 “(viii) The term ‘complainant’ means an indi-
22 vidual who is alleged to be the victim of conduct that
23 could constitute domestic violence, dating violence,
24 sexual assault, sexual harassment, or stalking.

1 “(ix) The term ‘respondent’ means an indi-
2 vidual who is alleged to be the perpetrator of con-
3 duct that could constitute domestic violence, dating
4 violence, sexual assault, sexual harassment, or stalk-
5 ing.

6 “(x) The term ‘title IX coordinator’ has the
7 meaning given to the individual designated as a re-
8 sponsible employee in section 106.8(a) of title 34,
9 Code of Federal Regulations, as such section is in
10 effect on the date of enactment of the Campus Ac-
11 countability and Safety Act.

12 “(xi) The term ‘higher education responsible
13 employee’ means an employee of an institution of
14 higher education who—

15 “(I) has the authority to take action to re-
16 dress domestic violence, dating violence, sexual
17 assault, sexual harassment, or stalking; or

18 “(II) has the duty to report domestic vio-
19 lence, dating violence, sexual assault, sexual
20 harassment, or stalking or any other mis-
21 conduct by students or employees to appro-
22 priate school officials.”;

23 (3) by striking paragraph (7) and inserting the
24 following:

1 “(7) The statistics described in clauses (i), (ii),
2 and (iii) of paragraph (1)(F)—

3 “(A) shall not identify complainants or re-
4 spondents or contain any other information
5 from which complainants or respondents could
6 be identified; and

7 “(B) shall be compiled in accordance with
8 the following definitions:

9 “(i) For the offenses of domestic vio-
10 lence, dating violence, and stalking, such
11 statistics shall be compiled in accordance
12 with the definitions used in section
13 40002(a) of the Violence Against Women
14 Act of 1994 (34 U.S.C. 12291(a)).

15 “(ii) For the offense of rape, such sta-
16 tistics shall be compiled in accordance with
17 the definition of rape as the penetration,
18 no matter how slight, of the vagina or anus
19 with any body part or object, or oral pene-
20 tration by a sex organ of another person,
21 without the consent of the victim.

22 “(iii) For the offenses of fondling, in-
23 cest, and statutory rape, such statistics
24 shall be compiled in accordance with the

1 definition used in the National Incident
2 Based Reporting System.

3 “(iv) For offenses not described in
4 clause (i), (ii), or (iii), such statistics shall
5 be compiled in accordance with the Uni-
6 form Crime Reporting Program of the De-
7 partment of Justice, Federal Bureau of In-
8 vestigation, and the modifications to such
9 definitions as implemented pursuant to the
10 Hate Crime Statistics Act (34 U.S.C.
11 41305).”; and

12 (4) in paragraph (8)(B)—

13 (A) in clause (i)—

14 (i) in the matter preceding subclause
15 (I), by inserting “, developed in consulta-
16 tion with local, State, or national sexual
17 assault, dating violence, domestic violence,
18 and stalking victim advocacy, victim serv-
19 ices, or prevention organizations, and local
20 law enforcement,” after “Education pro-
21 grams”; and

22 (ii) in subclause (I)(aa), by inserting
23 “, including the fact that these are crimes
24 for the purposes of this subsection and re-
25 porting under this subsection, and the in-

stitution of higher education will, based on the complainant's wishes, cooperate with local law enforcement with respect to any alleged criminal offenses involving students or employees of the institution of higher education, including by notifying and obtaining written consent from a complainant who has been fully and accurately informed about what procedures shall occur if information is shared, when the institution of higher education seeks to share information regarding an alleged criminal offenses with a law enforcement agency" after "stalking"; and

(B) in clause (iv)—

(i) by redesignating subclauses (II) and (III) as subclauses (III) and (IV), respectively;

(ii) by inserting after subclause (I) the following:

"(II) the institution will comply with the requirements of paragraph (21)(B), and shall include a description of such requirements;" and

1 (iii) in subclause (IV), as redesignated
2 by clause (i), in item (bb), by inserting “si-
3 multaneously with the notification of the
4 outcome described in item (aa),” before
5 “the institution’s”.

6 **SEC. 3. TRANSPARENCY.**

7 Section 485(f) of the Higher Education Act of 1965
8 (20 U.S.C. 1092(f)) (known as the “Jeanne Clery Dis-
9 closure of Campus Security Policy and Campus Crime Statis-
10 tics Act”), as amended by this Act, is further amended
11 by adding at the end the following:

12 “(20) The Secretary shall ensure there is a
13 publicly available, searchable, accessible, and user-
14 friendly campus safety website that includes the fol-
15 lowing:

16 “(A) A brief description of the role of the
17 title IX coordinator for each institution of high-
18 er education receiving funds under this Act and
19 the roles of other officials who may be con-
20 tacted to discuss or report sexual harassment.

21 “(B) A brief description of the role of the
22 sexual and interpersonal violence specialist and
23 the name and contact information of the spe-
24 cialist for each institution of higher education
25 receiving funds under this Act.

1 “(C) The Department’s pending investiga-
2 tions, enforcement actions, letters of finding,
3 final resolutions, and voluntary resolution
4 agreements for all media audits, complaints,
5 and compliance reviews under this subsection
6 and under title IX of the Education Amend-
7 ments of 1972 (20 U.S.C. 1681) related to sex-
8 ual harassment. The Secretary shall indicate
9 whether the investigation, action, letter, resolu-
10 tion, or agreement is based on a complaint or
11 compliance review. The Secretary shall make
12 the information under this subparagraph avail-
13 able regarding a complaint once the Depart-
14 ment receives a written complaint, and conducts
15 an initial evaluation, and has determined that
16 the complaint should be opened for investiga-
17 tion of an allegation that, if substantiated,
18 would constitute a violation of such title IX or
19 this subsection. In carrying out this subpara-
20 graph, the Secretary shall ensure that person-
21 ally identifiable information is not reported and
22 shall comply with section 444 of the General
23 Education Provisions Act (20 U.S.C. 1232g),
24 commonly known as the ‘Family Educational
25 Rights and Privacy Act of 1974’.

1 “(D) The download of data that institu-
2 tions of higher education subject to this sub-
3 section are required to report under this Act.

4 “(E) Information regarding how to file
5 complaints with the Department related to al-
6 leged violations of title IX of the Education
7 Amendments of 1972 (20 U.S.C. 1681) and of
8 this subsection.

9 “(F) Information regarding the Depart-
10 ment’s policies for reviewing complaints, initi-
11 ating compliance reviews, and conducting and
12 resolving investigations related to alleged viola-
13 tions of title IX of the Education Amendments
14 of 1972 (20 U.S.C. 1681) and of this sub-
15 section. This information shall include—

16 “(i) the contact information for at
17 least one individual at the Department who
18 can answer questions from institutions of
19 higher education, complainants, and other
20 interested parties about such policies;

21 “(ii) potential outcomes of an inves-
22 tigation; and

23 “(iii) the expected timeframe for reso-
24 lution of an investigation and any cir-

1 cumstance that may change such time-
2 frame.”.

3 **SEC. 4. UNIVERSITY SUPPORT FOR SURVIVORS OF DOMES-**
4 **TIC VIOLENCE, DATING VIOLENCE, SEXUAL**
5 **ASSAULT, SEXUAL HARASSMENT, AND STALK-**
6 **ING.**

7 (a) IN GENERAL.—Section 485(f) of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1092(f)) (known as the
9 “Jeanne Clery Disclosure of Campus Security Policy and
10 Campus Crime Statistics Act”), as amended by this Act,
11 is further amended by adding at the end the following:

12 “(21) UNIVERSITY SUPPORT FOR SURVIVORS
13 OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEX-
14 UAL ASSAULT, SEXUAL HARASSMENT, AND STALK-
15 ING.—

16 “(A) VICTIM-CENTERED, TRAUMA-IN-
17 FORMED INTERVIEW TECHNIQUES.—In this
18 paragraph, the term ‘victim-centered, trauma-
19 informed interview techniques’ means asking
20 questions of an individual who reports that the
21 individual has been a victim of domestic vio-
22 lence, dating violence, sexual assault, sexual
23 harassment, or stalking, in a manner that is fo-
24 cused on the experience of the victim, does not
25 judge or blame the victim for the alleged act, is

1 informed by evidence-based research on the
2 neurobiology of trauma, and contains informa-
3 tion on cultural competence based on practices
4 of rape crisis centers, victim advocacy centers,
5 sexual assault response teams, title IX offices,
6 and similar groups, including organizations that
7 work with underserved populations (as defined
8 in section 40002 of the Violence Against
9 Women Act of 1994 (34 U.S.C. 12291)).

10 “(B) CAMPUS SECURITY POLICY.—Each
11 institution of higher education that receives
12 funds under this Act, shall establish a campus
13 security policy that includes the following:

14 “(i) SEXUAL AND INTERPERSONAL VI-
15 OLENCE SPECIALISTS.—The designation of
16 one or more sexual and interpersonal vio-
17 lence specialists at the institution to whom
18 student complainants of domestic violence,
19 dating violence, sexual assault, sexual har-
20 assment, or stalking can report, including
21 anonymously, which shall be part of a pol-
22 icy that complies with the following:

23 “(I) The sexual and interpersonal
24 violence specialist—

1 “(aa) shall not be an under-
2 graduate student, a full-time
3 graduate student, an employee
4 designated as a higher education
5 responsible employee, any indi-
6 vidual designated with respon-
7 sibilities as a campus security au-
8 thority, or the title IX coordi-
9 nator;

10 “(bb) may have other roles
11 at the institution;

12 “(cc) shall be appointed
13 based on experience and a dem-
14 onstrated ability of the individual
15 to effectively provide trauma-in-
16 formed victim services related to
17 domestic violence, dating vio-
18 lence, sexual assault, sexual har-
19 assment, and stalking, including
20 to underserved populations (as
21 defined in section 40002 of the
22 Violence Against Women Act of
23 1994 (34 U.S.C. 12291));

24 “(dd) shall be supervised by
25 an individual outside the body re-

1 responsible for investigating and
2 adjudicating complaints at the
3 institution related to domestic vi-
4 olence, dating violence, sexual as-
5 sault, sexual harassment, and
6 stalking;

7 “(ee) shall not serve as an
8 advisor under paragraph
9 (8)(B)(iv)(III); and

10 “(ff) shall not be required to
11 report allegations as a campus
12 security authority under this sub-
13 section.

14 “(II) The Secretary shall des-
15 ignate categories of employees that
16 may serve as sexual and interpersonal
17 violence specialists, such as health
18 care staff, clergy, staff of a women’s
19 center, or other such categories, and
20 specify under what conditions individ-
21 uals may go through training to ob-
22 tain victim advocate privilege in
23 States with applicable laws. Such des-
24 ignation shall not preclude the institu-
25 tion from designating other employees

1 or partnering with national, State, or
2 local victim services organizations to
3 serve as sexual and interpersonal vio-
4 lence specialists or to serve in other
5 confidential roles.

6 “(III) The sexual and inter-
7 personal violence specialist shall com-
8 plete the training requirements de-
9 scribed in clause (v) and subclause
10 (IV) within a reasonable time after
11 being designated as a sexual and
12 interpersonal violence specialist.

13 “(IV) The Secretary shall develop
14 online training materials, in addition
15 to the training required under clause
16 (v), not later than 1 year after the
17 date of enactment of the Campus Ac-
18 countability and Safety Act, for the
19 training of sexual and interpersonal
20 violence specialists.

21 “(V) The sexual and inter-
22 personal violence specialist shall in-
23 form the complainant in a victim-cen-
24 tered, trauma-informed manner, in-
25 cluding in a written format—

1 “(aa) of the complainant’s
2 rights under Federal and State
3 law;

4 “(bb) of the complainant’s
5 rights and options pursuant to
6 the policy that the institution of
7 higher education has developed
8 pursuant to clauses (ii) through
9 (vii) of paragraph (8)(B);

10 “(cc) of the complainant’s
11 reporting options, including the
12 option to notify a higher edu-
13 cation responsible employee, the
14 option to notify local law enforce-
15 ment, and any other reporting
16 options;

17 “(dd) a description of the
18 process of investigation and any
19 disciplinary proceeding of the in-
20 stitution that may follow notifica-
21 tion of a higher education re-
22 sponsible employee;

23 “(ee) a description of the
24 process of civil investigation and
25 adjudication of the criminal jus-

1 tice system that may follow noti-
2 fication of law enforcement;

3 “(ff) a description of the ju-
4 risdiction, scope, and possible
5 sanctions of the student and em-
6 ployee disciplinary process of the
7 institution of higher education
8 and of the criminal justice proc-
9 ess, including any possible sanc-
10 tions for complainants, such as
11 laws regarding false reporting, in
12 a victim-centered and trauma-in-
13 formed manner;

14 “(gg) that the student dis-
15 ciplinary process of the institu-
16 tion of higher education in not
17 equivalent to, and should not be
18 considered a substitute for, the
19 criminal justice process;

20 “(hh) any limitations on the
21 ability of the sexual and inter-
22 personal violence specialist to
23 provide privacy or confidentiality
24 to the complainant under the
25 policies of the institution of high-

er education, Federal law, or
State law;

“(ii) of a list of local rape
crisis centers, victim advocacy
centers, sexual and interpersonal
violence teams, title IX offices, or
similar groups that are based on
or near campus and can reason-
ably be expected to act as a re-
source for the student; and

“(jj) the potential risk of re-
traumatization in repeating the
events of a reported crime and
available campus resources for
related support services.

“(VI) The sexual and inter-
personal violence specialist may, as
appropriate—

“(aa) serve as a liaison be-
tween a complainant and a high-
er education responsible employee
or law enforcement, provided the
sexual and interpersonal violence
specialist has obtained written
consent from the complainant

1 who has been fully and accurately
2 informed about what procedures
3 shall occur if information is
4 shared; and

5 “(bb) assist a complainant
6 in contacting and reporting to a
7 higher education responsible em-
8 ployee or law enforcement.

9 “(VII) The sexual and inter-
10 personal violence specialist shall be
11 authorized by the institution to liaise
12 with appropriate staff at the institu-
13 tion to arrange reasonable accom-
14 modations through the institution to
15 allow the complainant to change living
16 or academic arrangements or class
17 schedules, obtain accessibility services
18 (including transportation and lan-
19 guage services), or arrange other ac-
20 commodated for the complainant.
21 The institution may not require that
22 the complainant report to a law en-
23 forcement agency as a condition to
24 grant such accommodations.

1 “(VIII) The sexual and inter-
2 personal violence specialist shall not
3 be obligated to identify a complainant
4 or respondent, unless otherwise re-
5 quired to do so by State or local law.
6 The sexual and interpersonal violence
7 specialist shall, to the extent author-
8 ized under State law, provide con-
9 fidential services.

10 “(IX) The institution shall des-
11 ignate as a sexual and interpersonal
12 violence specialist an individual who
13 has victim advocate privilege under
14 State law (including receipt of any ap-
15 plicable State-required training for
16 that purpose) if there is such an indi-
17 vidual employed by the institution.
18 The institution may partner through a
19 formal agreement with an outside or-
20 ganization with the experience de-
21 scribed in subclause (I)(cc), such as a
22 community-based rape crisis center or
23 other community-based sexual assault
24 service provider, to provide the serv-
25 ices described in this clause.

1 “(X) The sexual and inter-
2 personal violence specialist shall col-
3 lect and report anonymized statistics,
4 on an annual basis, unless prohibited
5 by State law. The sexual and inter-
6 personal violence specialist shall en-
7 sure that such reports do not include
8 identifying information and that the
9 confidentiality of a complainant or re-
10 spondent is not jeopardized through
11 the reporting of such statistics. Any
12 requests for accommodations, as de-
13 scribed in subclause (VII), made by a
14 sexual and interpersonal violence spe-
15 cialist shall not trigger an investiga-
16 tion by the institution, even if the sex-
17 ual and interpersonal violence spe-
18 cialist deals only with matters relating
19 to domestic violence, dating violence,
20 sexual assault, sexual harassment,
21 and stalking.

22 “(XI) The institution shall ap-
23 point an adequate number of sexual
24 and interpersonal violence specialists
25 not later than the earlier of—

1 “(aa) 1 year after the Sec-
2 retary determines through a ne-
3 gotiated rulemaking process what
4 an adequate number of sexual
5 and interpersonal violence spe-
6 cialists is for an institution based
7 on its size; or

8 “(bb) 3 years after the date
9 of enactment of the Campus Ac-
10 countability and Safety Act.

11 “(XII) As part of the negotiated
12 rulemaking process described in sub-
13 clause (XI)(aa), the Secretary shall
14 determine a process to allow institu-
15 tions that enroll fewer than 1,000 stu-
16 dents to partner with another institu-
17 tion of higher education in their re-
18 gion or State to provide the services
19 described in this clause while ensuring
20 that students continue to have ade-
21 quate access to the services and sup-
22 port provided by a sexual and inter-
23 personal violence specialist.

24 “(XIII) The institution shall not
25 discipline, penalize, or otherwise re-

1 taliate against an individual who re-
2 ports, in good faith, domestic violence,
3 dating violence, sexual assault, sexual
4 harassment, or stalking to the sexual
5 and interpersonal violence specialist.

6 “(XIV) Each employee of an in-
7 stitution who receives a report of do-
8 mestic violence, dating violence, sexual
9 assault, sexual harassment, or stalk-
10 ing shall notify the reporting indi-
11 vidual of the existence of, contact in-
12 formation for, and services provided
13 by sexual and interpersonal violence
14 specialist of the institution.

15 “(ii) INFORMATION ON THE INSTITU-
16 TION’S WEBSITE.—The institution shall list
17 on its website—

18 “(I) the name and contact infor-
19 mation for the sexual and inter-
20 personal violence specialist;

21 “(II) reporting options, including
22 confidential options, for complainants
23 of domestic violence, dating violence,
24 sexual assault, sexual harassment, or
25 stalking;

1 “(III) the process of investigation
2 and disciplinary proceedings of the in-
3 stitution;

4 “(IV) the process of investigation
5 and adjudication of the criminal jus-
6 tice system;

7 “(V) potential reasonable accom-
8 modations that the institution may
9 provide to a complainant, as described
10 in clause (i)(VII);

11 “(VI) the telephone number and
12 website address for a local, State, or
13 national hotline providing information
14 to complainants (which shall be clear-
15 ly communicated on the website and
16 shall be updated on a timely basis);

17 “(VII) the name and location of
18 the nearest medical facility where an
19 individual may have a medical forensic
20 examination administered by a trained
21 sexual assault medical professional,
22 including information on transpor-
23 tation options and available reim-
24 bursement for a visit to such facility;

1 “(VIII) the institution’s amnesty
2 and retaliation policies; and

3 “(IX) a list of local rape crisis
4 centers, victim advocacy centers, sex-
5 ual assault response teams, title IX
6 offices, or similar groups that are
7 based on or near campus and can rea-
8 sonably be expected to act as a re-
9 source for the student.

10 “(iii) ONLINE REPORTING.—The insti-
11 tution may provide an online reporting sys-
12 tem to collect anonymous disclosures of
13 crimes and track patterns of crime on cam-
14 pus. An individual may submit an anony-
15 mous report, if they choose to do so, about
16 a specific crime to the institution using the
17 online reporting system, but the institution
18 is only obligated to investigate a specific
19 crime if an individual decides to report the
20 crime to a higher education responsible
21 employee or law enforcement. If the insti-
22 tution uses an online reporting system, the
23 online system shall also include informa-
24 tion about how to report a crime to a high-
25 er education responsible employee and to

1 law enforcement and how to contact a sexual
2 ual and interpersonal violence specialist
3 and any other appropriate on- or off-campus
4 resource.

5 “(iv) AMNESTY POLICY.—

6 “(I) IN GENERAL.—The institution may, to the extent practicable,
7 provide an amnesty policy for any student
8 who reports, in good faith, domestic violence,
9 dating violence, sexual assault, sexual harassment,
10 or stalking to an institution official, such that
11 the reporting student will not be sanctioned
12 by the institution for a student
13 conduct violation related to—

16 “(aa) physical violence or
17 assault as a defense against domestic violence,
18 dating violence, sexual assault, sexual harassment,
19 or stalking; or

21 “(bb) alcohol use or drug
22 use that is revealed in the course
23 of such a report and that occurred at or near the time of the
24 commission of the domestic vio-

1 lence, dating violence, sexual as-
2 sault, sexual harassment, or
3 stalking.

4 “(II) GOOD FAITH.—A deter-
5 mination of whether a report is made
6 in good faith—

7 “(aa) shall be made in ac-
8 cordance with regulations estab-
9 lished by the Secretary through a
10 negotiated rulemaking process;
11 and

12 “(bb) shall not include a
13 presumptive finding that a stu-
14 dent did not act in good faith
15 based solely on the institution
16 not initiating a disciplinary pro-
17 ceeding based on the student’s
18 report.

19 “(III) NO PREEMPTION.—The
20 requirement under subclause (I) shall
21 not preempt the ability of an institu-
22 tion of higher education to establish
23 an amnesty policy for student conduct
24 violations not mentioned in this provi-
25 sion.

1 “(IV) PROVISION OF INFORMA-
2 TION.—The institution shall provide
3 information about the amnesty policy
4 of the institution on the website of the
5 institution.

6 “(v) TRAINING.—

7 “(I) IN GENERAL.—Not later
8 than 1 year after the date of enact-
9 ment of the Campus Accountability
10 and Safety Act, the Secretary, in co-
11 ordination with the Attorney General
12 and in consultation with national,
13 State, or local victim services organi-
14 zations and institutions of higher edu-
15 cation, shall develop an evidence-in-
16 formed training program, which may
17 include online training modules, for
18 training—

19 “(aa) each individual who is
20 involved in implementing an in-
21 stitution of higher education’s
22 student grievance procedures, in-
23 cluding each individual who is re-
24 sponsible for resolving complaints
25 of reported domestic violence,

1 dating violence, sexual assault,
2 sexual harassment, or stalking;
3 and

4 “(bb) each employee of an
5 institution of higher education
6 who has responsibility for con-
7 ducting an interview with a com-
8 plainant of domestic violence,
9 dating violence, sexual assault,
10 sexual harassment, or stalking.

11 “(II) CONTENTS.—Such training
12 shall include—

13 “(aa) information on work-
14 ing with and interviewing persons
15 subjected to domestic violence,
16 dating violence, sexual assault,
17 sexual harassment, or stalking
18 that utilizes victim-centered,
19 trauma-informed interview tech-
20 niques;

21 “(bb) information on par-
22 ticular types of conduct that
23 would constitute domestic vio-
24 lence, dating violence, sexual as-
25 sault, sexual harassment, or

1 stalking, regardless of gender, in-
2 cluding same-sex incidents of do-
3 mestic violence, dating violence,
4 sexual assault, sexual harass-
5 ment, or stalking;

6 “(cc) information on consent
7 and what factors, including
8 power dynamics, may impact
9 whether consent is voluntarily
10 given, including the ways drugs
11 or alcohol may affect an individ-
12 ual’s ability to consent and infor-
13 mation on consent for victims
14 with disabilities or victims who
15 may be neurodivergent;

16 “(dd) the effects of trauma,
17 including the neurobiology of
18 trauma;

19 “(ee) cultural specific and
20 responsiveness training regarding
21 how domestic violence, dating vi-
22 olence, sexual assault, sexual har-
23 assment, and stalking may im-
24 pact students of underserved
25 communities differently depend-

1 ing on their cultural background;
2 and

3 “(ff) information on sexual
4 assault dynamics, sexual assault
5 perpetrator behavior, and bar-
6 riers to reporting.

7 “(III) INSTITUTIONAL TRAIN-
8 ING.—Each institution of higher edu-
9 cation shall ensure that the individ-
10 uals and employees described in sub-
11 clause (I) receive the training de-
12 scribed in this clause not later than
13 the July 15 that is 1 year after the
14 date that the training program has
15 been developed by the Secretary in ac-
16 cordance with subclause (I).

17 “(vi) UNIFORM CAMPUS-WIDE PROC-
18 ESS FOR STUDENT DISCIPLINARY PRO-
19 CEEDING RELATING TO CLAIM OF DOMES-
20 TIC VIOLENCE, DATING VIOLENCE, SEXUAL
21 ASSAULT, SEXUAL HARASSMENT, OR
22 STALKING.—Each institution of higher
23 education that receives funds under this
24 Act—

1 “(I) shall establish and carry out
2 a uniform process (for each campus of
3 the institution) for student discipli-
4 nary proceedings relating to any
5 claims of domestic violence, dating vi-
6 olence, sexual assault, sexual harass-
7 ment, or stalking against a student
8 who attends the institution;

9 “(II) shall not carry out a dif-
10 ferent disciplinary process on the
11 same campus for domestic violence,
12 dating violence, sexual assault, sexual
13 harassment, or stalking, or alter the
14 uniform process described in sub-
15 clause (I), based on the status or
16 characteristics of a student who will
17 be involved in that disciplinary pro-
18 ceeding, including characteristics such
19 as a student’s membership on an ath-
20 letic team, academic major, or any
21 other characteristic or status of a stu-
22 dent; and

23 “(III) may not, as a condition of
24 student participation in a disciplinary
25 proceeding—

1 “(aa) automatically notify a
2 law enforcement agency of—

3 “(AA) a receipt of a re-
4 port of domestic violence,
5 dating violence, sexual as-
6 sault, sexual harassment, or
7 stalking; or

8 “(BB) the initiation of
9 a campus disciplinary pro-
10 ceeding; or

11 “(bb) require cooperation
12 with a law enforcement agency.

13 “(vii) INFORMATION ABOUT THE
14 TITLE IX COORDINATOR AND SEXUAL AND
15 INTERPERSONAL VIOLENCE SPECIALIST.—

16 The institution shall submit, annually, to
17 the Office for Civil Rights of the Depart-
18 ment of Education and the Civil Rights
19 Division of the Department of Justice, the
20 name and contact information for the title
21 IX coordinator and the sexual and inter-
22 personal violence specialist, including a
23 brief description of the role of the coordi-
24 nator and specialist and the roles of other
25 officials who may be contacted to discuss

1 or report domestic violence, dating vio-
2 lence, sexual assault, sexual harassment, or
3 stalking, and documentation of training re-
4 ceived by the title IX coordinator and the
5 sexual and interpersonal violence specialist.
6 The educational institution shall provide
7 updated information to the Office for Civil
8 Rights of the Department of Education
9 and the Civil Rights Division of the De-
10 partment of Justice not later than 30 days
11 after the date of any change. The Sec-
12 retary shall make the information de-
13 scribed in this clause publicly available.

14 “(viii) WRITTEN NOTICE OF INSTITU-
15 TIONAL DISCIPLINARY PROCESS.—The in-
16 stitution shall provide both the complain-
17 ant and respondent with written notice of
18 the institution’s decision to proceed with
19 an institutional disciplinary process regard-
20 ing an allegation of domestic violence, dat-
21 ing violence, sexual assault, sexual harass-
22 ment, or stalking within 24 hours of such
23 decision, and sufficiently in advance of a
24 disciplinary hearing to provide both the
25 complainant and respondent with the op-

1 portunity to meaningfully exercise their
2 rights to a proceeding that is prompt, fair,
3 and impartial, which shall include the op-
4 portunity for both parties to present wit-
5 nesses and other evidence, and any other
6 due process rights afforded to them under
7 institutional policy. The written notice
8 shall include the following:

9 “(I) The existence of a com-
10 plaint, the nature of the conduct upon
11 which the complaint is based, and the
12 date on which the alleged incident oc-
13 curred.

14 “(II) A description of the process
15 for the disciplinary proceeding, includ-
16 ing the estimated timeline from initi-
17 ation to final disposition.

18 “(III) A description of the rights
19 and protections available to the com-
20 plainant and respondent, including
21 those described in paragraph
22 (8)(B)(iv) and any other rights or
23 protections that the complainant and
24 respondent may have under the insti-
25 tution’s policies.

1 “(IV) A copy of the institution’s
2 applicable policies, and, if available,
3 related published informational mate-
4 rials.

5 “(C) PENALTIES.—

6 “(i) PENALTY RELATING TO SEXUAL
7 AND INTERPERSONAL VIOLENCE SPECIAL-
8 ISTS.—The Secretary may impose a civil
9 penalty of not more than 1 percent of an
10 institution’s operating budget, as defined
11 by the Secretary, for each year that the in-
12 stitution fails to carry out the require-
13 ments of this paragraph following the ef-
14 fective date described in section 4(b)(1) of
15 the Campus Accountability and Safety Act.

16 “(ii) OTHER PROVISIONS.—The Sec-
17 retary may impose a civil penalty of not
18 more than 1 percent of an institution’s op-
19 erating budget, as defined by the Sec-
20 retary, for each year that the institution
21 fails to carry out the requirements of this
22 paragraph following the effective date de-
23 scribed in section 4(b)(2) of the Campus
24 Accountability and Safety Act.

1 “(iii) VOLUNTARY RESOLUTION.—

2 Notwithstanding any other provision of
3 this paragraph, the Secretary may enter
4 into a voluntary resolution with an institu-
5 tion of higher education that is subject to
6 a penalty under this subparagraph.

7 “(iv) ADJUSTMENT TO PENALTIES.—

8 Any civil penalty under this subparagraph
9 may be reduced by the Secretary. In deter-
10 mining the amount of such penalty, or the
11 amount agreed upon in compromise, the
12 Secretary of Education shall consider the
13 appropriateness of the penalty to the size
14 of the operating budget of the educational
15 institution subject to the determination,
16 the gravity of the violation or failure, and
17 whether the violation or failure was com-
18 mitted intentionally, negligently, or other-
19 wise.”.

20 (b) EFFECTIVE DATES.—

21 (1) SEXUAL AND INTERPERSONAL VIOLENCE
22 SPECIALIST.—Clause (i) of section 487(f)(21)(B) of
23 the Higher Education Act of 1965, as added by sub-
24 section (a), shall take effect on the date that is the
25 earlier of—

1 (A) 1 year after the Secretary of Edu-
2 cation determines through a negotiated rule-
3 making process what an adequate number of
4 sexual and interpersonal violence specialists is
5 for an institution based on an institution's size;
6 or

7 (B) 3 years after the date of enactment of
8 this Act.

9 (2) OTHER PROVISIONS.—Clauses (ii) through
10 (viii) of section 487(f)(21)(B) of the Higher Edu-
11 cation Act of 1965, as added by subsection (a), shall
12 take effect on the date that is 1 year after the date
13 of enactment of this Act.

14 (c) NEGOTIATED RULEMAKING.—The Secretary of
15 Education shall establish regulations to carry out the pro-
16 visions of this section, and the amendment made by this
17 section, in accordance with the requirements described
18 under section 492 of the Higher Education Act of 1965
19 (20 U.S.C. 1098a).

20 **SEC. 5. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUS.**

21 Section 304 of the Violence Against Women and De-
22 partment of Justice Reauthorization Act of 2005 (34
23 U.S.C. 20125) is amended—

24 (1) in subsection (a)(1), by inserting “sexual
25 harassment,” after “sexual assault,”;

1 (2) in subsection (b)—

2 (A) in paragraph (1), by inserting “sexual
3 harassment,” after “sexual assault,”;

4 (B) in paragraph (2), by inserting “sexual
5 harassment,” after “sexual assault,”;

6 (C) in paragraph (3), in the first sentence,
7 by inserting “sexual harassment,” after “sexual
8 assault,”;

9 (D) in paragraph (4), in the first sentence,
10 by inserting “sexual harassment,” after “sexual
11 assault,”;

12 (E) in paragraph (6), by inserting “sexual
13 harassment,” after “sexual assault,”;

14 (F) in paragraph (7), by inserting “sexual
15 harassment,” after “sexual assault,”;

16 (G) in paragraph (8), by inserting “sexual
17 harassment,” after “sexual assault,”;

18 (H) in paragraph (9), by inserting “sexual
19 harassment, sexual assault,” after “sexual vio-
20 lence,”;

21 (I) in paragraph (10), by inserting “sexual
22 harassment,” after “sexual assault,”;

23 (J) in paragraph (11), by inserting “sexual
24 harassment,” after “sexual assault,”; and

1 (K) in paragraph (12), in the first sen-
2 tence, by inserting “sexual harassment,” after
3 “sexual assault,”;

4 (3) in subsection (c)(2)(B), by inserting “sexual
5 harassment” after “sexual assault,”; and

6 (4) in subsection (d)(3)—

7 (A) in subparagraph (B), by inserting
8 “sexual harassment,” after “sexual assault,”;

9 (B) in subparagraph (C), by inserting
10 “sexual harassment,” after “sexual assault,”;
11 and

12 (C) in subparagraph (D), by inserting
13 “sexual harassment,” after “sexual assault,”.

14 **SEC. 6. GAO REPORT.**

15 The Comptroller General of the United States shall—

16 (1) conduct a study on the effectiveness and ef-
17 ficiency of the grants to combat domestic violence,
18 dating violence, sexual assault, sexual harassment,
19 and stalking on campuses under section 304 of the
20 Violence Against Women and Department of Justice
21 Reauthorization Act of 2005 (34 U.S.C. 20125); and

22 (2) submit a report, not later than 2 years after
23 the date of enactment of this Act, on the study de-
24 scribed in paragraph (1), to the Committee on
25 Health, Education, Labor, and Pensions of the Sen-

- 1 ate and the Committee on Education and Workforce
- 2 of the House of Representatives.