

1 AN ACT Relating to campus sexual violence; adding a new chapter
2 to Title 28B RCW; creating new sections; and providing expiration
3 dates.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the issue of
6 campus sexual violence poses a challenge to all of our institutions
7 of higher education. In 2014, several high profile cases garnered
8 national attention and more than ninety colleges and universities
9 nationwide are currently under investigation by the United States
10 department of education's office for civil rights for violation of
11 Title IX relating to how they have handled sexual violence cases.

12 In 2014, the white house convened a task force designed to
13 protect students from sexual assault. The task force has recommended
14 that schools conduct campus climate assessments and provided a sample
15 memoranda of understanding for institutions to enter into with local
16 law enforcement.

17 At the same time, the federal government and several states have
18 moved forward to address gaps in campus sexual violence policies
19 regarding prevention, investigation, and disciplinary action. These
20 actions include the statewide adoption of affirmative consent at the
21 public four-year universities in New York and all schools receiving

1 state financial aid in California. It also includes new requirements
2 included in the federal violence against women act amendments to the
3 Clery act, 20 U.S.C. Sec. 1092(f).

4 The legislature further finds the state's public two and four-
5 year institutions of higher education are taking steps to improve
6 their institutional policies around campus sexual violence, including
7 a statewide conference in October 2014.

8 In order to address the gaps in federal policy and ensure the
9 safety of all our students, the legislature finds it necessary to
10 enact a limited number of statewide policies pertaining to campus
11 sexual violence.

12 NEW SECTION. **Sec. 2.** All survivors of sexual assault, domestic
13 violence, dating violence, and stalking crimes and violations,
14 regardless of race, color, national origin, religion, creed, age,
15 disability, sex, gender identity or expression, sexual orientation,
16 familial status, pregnancy, predisposing genetic characteristics,
17 military status, domestic violence victim status, or criminal
18 conviction, or whether the crime or violation occurs on campus, off
19 campus, or while participating in off-campus activities have the
20 following rights:

21 (1) To have disclosures of sexual violence treated seriously;

22 (2) To make a decision about whether or not to disclose a crime
23 or incident and participate in the conduct or criminal justice
24 process free from outside pressures from college officials;

25 (3) To be treated with dignity and to receive courteous and
26 respectful health care and counseling services;

27 (4) To describe the incident to as few individuals as practicable
28 and not be required to unnecessarily repeat a description of the
29 incident;

30 (5) To be free from retaliation by the college or university; and

31 (6) To exercise their civil rights and practice of religion
32 without interference by the investigative, criminal justice, or
33 conduct process of the college or university.

34 NEW SECTION. **Sec. 3.** All institutions of higher education shall
35 refrain from establishing a different disciplinary process on the
36 same campus for a matter of sexual violence, based on the status or
37 characteristics of the student involved in that disciplinary
38 proceeding, including characteristics such as a student's membership

1 on an athletic team, academic year, or any other characteristics or
2 status of a student.

3 NEW SECTION. **Sec. 4.** Institutions of higher education shall
4 coordinate with state agencies and other relevant stakeholders to
5 undertake a statewide public awareness campaign on campus sexual
6 violence as required by the federal violence against women act.

7 NEW SECTION. **Sec. 5.** (1) Institutions of higher education shall
8 make information available to all current and prospective students,
9 employees, and parents of students, regarding the institution's
10 compliance with campus sexual violence confidentiality and reporting
11 requirements set forth in 34 C.F.R. Sec. 668.46(b)(11)(iii).

12 (2) Institutions of higher education shall make the resources in
13 subsection (1) of this section as well as other information and
14 support available on a confidential basis to all campus sexual
15 assault survivors, regardless of whether the survivor chooses to
16 proceed with a formal report of sexual assault.

17 NEW SECTION. **Sec. 6.** (1)(a) The four-year institutions of
18 higher education as defined in RCW 28B.10.016 shall conduct a campus
19 climate assessment to gauge the prevalence of sexual assault on their
20 campuses.

21 (b) The state board for community and technical colleges shall
22 conduct a uniform campus climate assessment of community and
23 technical colleges to gauge the prevalence of sexual assault on
24 community and technical college campuses.

25 (c) The assessments in this section should assess the student and
26 employee knowledge of:

27 (i) Their institution's Title IX compliance officer's role and
28 contact information;

29 (ii) Campus policies and procedures addressing sexual assault;

30 (iii) How and where to report sexual violence as a survivor or
31 witness;

32 (iv) The availability of resources on and off campus, such as
33 counseling, health, and academic assistance;

34 (v) The prevalence of victimization and perpetration of sexual
35 assault, domestic violence, dating violence, and stalking on and off
36 campus;

37 (vi) Bystander attitudes and behavior; and

1 (vii) Whether survivors reported to the institution and police
2 and reasons why they did or did not report.

3 (2) Findings shall include an evaluation of student and employee
4 attitudes and awareness of campus sexual violence issues and, if
5 needed, should provide recommendations for making improvements in
6 addressing and preventing sexual violence on and off campus.

7 (3) The four-year institutions of higher education and the state
8 board for community and technical colleges shall report their
9 findings to the governor and the higher education committees of the
10 legislature by December 31, 2016.

11 (4) An assessment conducted to comply with new federal
12 requirements pertaining to campus climate assessments fulfills the
13 requirements in this section.

14 (5) This section expires July 1, 2017.

15 NEW SECTION. **Sec. 7.** (1) The state board for community and
16 technical colleges, the council of presidents, and independent
17 colleges of Washington shall submit reports to the governor and the
18 legislature's higher education committees by July 1, 2016, on steps
19 taken by their institutions to enter into memoranda of understanding
20 with local law enforcement that set forth each party's respective
21 roles and responsibilities related to the prevention and response to
22 sexual assault.

23 (2) This section expires December 31, 2016.

24 NEW SECTION. **Sec. 8.** Sections 1 through 5 of this act
25 constitute a new chapter in Title 28B RCW.

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