

Section 1: Short Title – the Campus Accountability and Safety Act

Section 2: Amendments to the Clery Act

- Requires colleges and universities to report the information required by the Clery Act on their websites;
- Requires colleges and universities to report the following additional statistics in their Annual Security Reports for sex offenses reported to campus security authorities or local police agencies that occurred on campus, in or on noncampus buildings or property, and on public property during the most recent calendar year, and during the 2 preceding calendar years for which data are available:
 - The number of cases that were investigated by the college or university;
 - The number of cases that were referred for a disciplinary proceeding at the college or university;
 - The number of cases that were referred to local or State law enforcement;
 - The number of alleged perpetrators found responsible by a disciplinary proceeding at the college or university;
 - The number of alleged perpetrators found not responsible by a disciplinary proceeding at the college or university;
 - A description of the final sanctions that were imposed on those found responsible by a disciplinary proceeding at the college or university; and
 - The number of disciplinary proceedings at the institution that have closed without resolution;
- Allows colleges and universities, for offenses other than domestic violence, dating violence and stalking, to compile their Clery Act statistics in accordance with the definitions under the National Incident-Based Reporting System (NIBRS) or the Uniform Crime Reporting (UCR) Program of the Federal Bureau of Investigation. If an offense is not defined by NIBRS or UCR, colleges and universities are required to compile statistics for that offense in accordance with a definition provided by the Secretary of Education. For offenses of domestic violence, dating violence and stalking, colleges and universities must compile statistics in accordance with the definitions used in the Violence Against Women Act of 1994;
- Requires the Secretary of Education to provide technical assistance to colleges and universities in meeting the new Clery Act reporting requirements established by this bill;
- Adds to the educational program requirements established by changes made to the Clery Act by the Violence Against Women Reauthorization Act of 2013. Specifically, requires that colleges and universities consult with local, State, or national sexual assault, dating violence, domestic violence and stalking victim advocacy, victim services, or prevention organizations and local law enforcement when developing education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. In addition, requires colleges and universities to emphasize that rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking are criminal offenses and that the institutions will, based on the

victim's wishes, cooperate with local law enforcement regarding such alleged criminal offenses involving students or employees of the institution;

- Designates all responsible employees of institutions of higher education (as defined in Section 5 of this bill) as campus security authorities as defined by the Clery Act regulations;
- Directs the Secretary of Education, in consultation with the Attorney General, to develop, design and administer a standardized, online survey of students at institutions of higher education that participate in federal student aid. The survey will be administered every year and will measure students' experiences with sexual violence and harassment while attending institutions of higher education. The Secretary of Education will develop the survey using best practices from peer-reviewed research measuring sexual violence and harassment. All survey submissions will be kept confidential to protect the identity and privacy of students. In addition, questions will be designed using trauma-informed language so as to avoid the re-traumatization of survivors of sexual violence;
- In addition to the standardized questions developed by the Secretary, institutions may add campus-specific questions to increase understanding of school climate factors unique to their campuses;
- Requires each institution to ensure an adequate, random and representative sample size of students enrolled at the institution to complete the survey within one year of the enactment of the bill;
- The survey shall include, but is not limited to, the following questions:
 - Those designed to determine the incidence and prevalence of sexual violence, dating violence, domestic violence, and stalking;
 - Those on whether students know about institutional policies and procedures;
 - Those on, if victims reported the violence, to whom and what response did they receive and if they were informed of or referred to local, State, on-campus, and/or national resources;
 - Those on contextual factors, such as whether force, incapacitation, or coercion was involved;
 - Those on whether the assailant was a student; and
 - Those on whether the victim was referred to local or State law enforcement;
- Directs the Secretary of Education to publish a report on the information gained from the survey on the website of the Department of Education and submit the report to Congress. The report shall include campus-level data for each school attributed by name for each campus;
- Directs the Assistant Secretary for Postsecondary Education of the Department of Education and the Assistant Secretary for Civil Rights of the Department of Education to jointly develop and issue guidance regarding the intersections and differences between institutions' Clery Act and Title IX obligations not later than 180 days after the enactment of the bill. The guidance will clarify or resolve any potential discrepancies or inconsistencies between the Clery Act and Title IX with respect to sexual violence;
- Increases the civil penalty the Secretary of Education may impose for each violation of the Clery Act to \$150,000, which will be adjusted to inflation each year after enactment. In addition, the

Secretary may impose a civil penalty of up to \$150,000 for each month that a survey is not completed according to the required standards. The Secretary may use these civil penalty funds to enforce and administer the provisions of the Clery Act.

Section 3: Coordination with Local Law Enforcement

- Requires colleges and universities to enter into memoranda of understanding with local law enforcement agencies, and to update these memoranda every two years, to clearly delineate responsibilities and share information, in accordance with applicable Federal privacy laws, about certain serious crimes, including sexual violence, occurring on the campus of the institution or against a student of the institution; This provision takes effect one year after the date of enactment of the Act;
- The required memoranda of understanding must include, but are not limited to:
 - Delineation and sharing protocols of investigative responsibilities;
 - Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation;
 - Agreed upon training and requirements for the institution of higher education on issues related to sexual violence; and
 - A method of sharing information about specific crimes, when directed by the victim, and a method of sharing crime details anonymously in order to better protect overall campus safety;
- Enables the Secretary of Education to impose a civil penalty of up to 1% of a campus's operating budget, as defined by the Department of Education, against institutions of higher education for each year that an institution fails to carry out the requirements of this section. Enables the Secretary of Education to waive the penalty if local law enforcement refuses to enter into a memorandum of understanding;
- In order for the Secretary of Education to have the discretion to waive this penalty, a college or university must do the following: certify why the college or university was unable to enter into a memorandum of understanding with the local law enforcement agency; certify that the college or university acted in good faith; and submit to the Department of Education a copy of the final memorandum of understanding that was ultimately rejected by the local law enforcement agency;
- Directs the Secretary of Education to refer to the Department of Justice a copy of each waiver granted under this section and the reason, the Secretary has determined, why the local law enforcement agency refuses to enter into a memorandum of understanding;
- Nothing in this section interferes with the ability of the Secretary of Education to enter into a voluntary resolution agreement with an institution of higher education;
- Requires the Secretary of Education to establish regulations for this section through a Negotiated Rulemaking.

Section 4: University Support for Survivors of Sexual Violence

- Requires institutions of higher education to designate a confidential advisor role at the institution to whom victims of crime can report anonymously or directly. The confidential advisor cannot be a student, an employee designated as a responsible employee, or the Title IX coordinator, but may have other roles at the institution;
- Requires the Secretary of Education to designate categories of employees that may serve as confidential advisors. However, this designation will not preclude institutions of higher education from designating new or existing employees in the role of confidential advisor or partnering with local, State or national victim services organizations to serve as confidential advisors or serve in other confidential roles;
- Confidential advisors must be trained to perform a victim-centered, trauma-informed (forensic) interview to collect evidence;
- Defines “victim-centered, trauma-informed interview” as an interview focused on the experience of the victim. The confidential advisor may perform the interview, for which the goal is to elicit information about the traumatic event in question that can be used in either a campus or criminal investigation or disciplinary proceeding;
- Defines the responsibilities of the confidential advisor as follows:
 - Inform victims of their control over possible next steps regarding reporting options and the consequences of those options, including, but not limited to, the option to conduct a forensic interview with the confidential advisor, the option to have the forensic interview be recorded, the option to receive a copy of the recorded forensic interview, the option to notify a responsible employee (defined in Section 5) and initiate a campus disciplinary proceeding, the option to notify local law enforcement and initiate a criminal investigation, and the option to grant law enforcement officials access to the forensic interview;
 - Assist the victim in conducting a forensic interview, making notifications, and granting access to the forensic interview, as directed by the victim;
 - Liaise with the campus or local law enforcement when directed by the victim and assist the victim, as appropriate, in contacting and reporting to the campus or local law enforcement;
 - Arrange reasonable accommodations through the institution to allow the victim to change living arrangements, class schedules, obtain accessibility services, and other available changes;
 - Advise the victim of both the victim’s rights and the institution’s responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by the institution or a criminal, civil or tribal court;
- Enables institutions of higher education to provide an online reporting system to collect either anonymous or direct disclosures of crime;
- Enables victims to submit an anonymous report. Institutions would not be required to investigate the report unless a formal report is submitted to a responsible employee;
- A confidential advisor is not obligated to report crimes to the institution or law enforcement, unless otherwise required to do so by State law. A confidential advisor provides confidential

services to students and employees. Requests for arrangements made by confidential advisors do not constitute notice to a responsible employee for Title IX purposes, even when such advisors work only in the area of sexual assault;

- Requires institutions of higher education to provide the following information on the website of the institution:
 - The name and contact information for the confidential advisor(s);
 - A victim's options for reporting;
 - The process of adjudication both by the institution and by law enforcement;
 - Potential reasonable accommodations available to victims;
 - The telephone number and URL for a local or national hotline providing information to sexual violence victims;
 - The name(s) and location(s) of the nearest medical facility(ies) where someone may have a rape kit administered by a trained sexual violence forensic nurse, as well as information on transportation options and reimbursement for a visit to said facility;
- Requires institutions of higher education to appoint an adequate number of confidential advisors not later than 1 year after the Secretary of Education determines through a negotiated rulemaking process what an adequate number of confidential advisors is for an institution based on its size or not later than 3 years after the date of enactment of this bill;
- Allows institutions of higher education to partner with an outside victim advocacy organization to provide the services of a confidential advisor. Allows institutions of higher education that enroll fewer than 1,000 students to partner with other institutions in their region or State to provide the services of a confidential advisor;
- Requires institutions of higher education to provide an amnesty clause for any student who reports, in good faith, sexual violence to a responsible employee. The purpose of the amnesty clause is to prevent students who report sexual violence in good faith from being sanctioned by the institution for student conduct violations, such as underage drinking, that are revealed in the course of such a report;
- Enables the Secretary of Education to impose a civil penalty of up to 1% of an institution's operating budget, as defined by the Department of Education, against an institution of higher education that fails to carry out the requirements of this section within 1 year after the date of enactment of this bill. This will not interfere with the Secretary's ability to enter into voluntary resolution agreements with institutions;
- Requires the Secretary of Education to establish regulations for this section through a Negotiated Rulemaking.

Section 5: Program Participation Agreements

- Requires colleges and universities to certify in their Program Participation Agreements with the Department of Education that they are in compliance with sections 3 and 4 of this bill.

Section 6: Enforcement and Training; Subpoena Authority

- Requires the Secretary of Education to establish a Title IX website that includes the following information:
 - The current name(s) and contact information of the Title IX coordinator(s) at each institution subject to Title IX, including a brief description of the role of the Title IX coordinator as well as the roles of other university officials who may be contacted to discuss or report sexual harassment for each educational institution;
 - The Department of Education’s pending investigations, enforcement actions, letters of finding, and voluntary resolution agreements for all complaints and compliance reviews under Title IX related to sexual harassment. The Secretary of Education will indicate whether the investigation, action, letter, or agreement is based on a complaint or compliance review. The Secretary will make this information about a complaint available once the Office for Civil Rights receives a written complaint, conducts an initial evaluation, and determines that the complaint should be opened for investigation of an allegation and, if substantiated, would constitute a violation of Title IX. The Secretary must ensure that personally identifiable information is not reported and must comply with the Family Education Rights and Privacy Act of 1974.
- Requires institutions subject to Title IX to provide the name and contact information of the Title IX coordinator(s) to the Secretary of Education not later than 30 days after the enactment of this bill;
- Defines the term “responsible employee” as an employee of an institution of higher education who has the authority to take action to redress sexual harassment or who has the duty to report incidents of sexual harassment or other misconduct by students or employees to the Title IX coordinator or other appropriate school designee;
- Requires responsible employees to do the following: complete minimum training requirements (as determined by the Secretary of Education in coordination with the Attorney General and to include training by local, State, or national victim services organizations); report cases of sexual violence to the Title IX coordinator of the institution; and provide students or employees who report that they have been victims of sexual harassment, including, but not limited to, sexual violence, whether the offense occurred on or off campus, with a written explanation of their rights and options, as described in clauses (ii) through (vii) of section 485(f)(8)(B) of the Higher Education Act of 1965;
- Requires all persons involved in implementing an institution of higher education’s grievance procedures, including each individual who is responsible for resolving complaints of reported crimes, must have training or experience in handling sexual violence complaints, and the operations of the institution’s grievance procedures. The training shall include, but is not limited to the following:

- Information on working with and interviewing persons subjected to sexual violence;
 - Information on particular types of conduct that would constitute sexual violence, including same-sex sexual violence;
 - Information on consent and the role drugs or alcohol use can play in the ability to consent;
 - The effects of trauma, including neurobiological change; and
 - Cultural awareness training regarding how sexual violence may impact students differently depending on their cultural background;
- Requires institutions of higher education that receive Federal funding to establish a uniform process for each campus for conducting disciplinary proceedings relating to claims of sexual violence. Disciplinary proceedings relating to claims of sexual violence cannot be altered based on the status or characteristics of the students involved in the proceeding, for example, a student's membership on an athletic team;
 - Enables the Secretary of Education or the Attorney General to impose a civil penalty of up to 1% of an institution's annual operating budget, as defined by the Secretary of Education, against an institution of higher education for each violation of Title IX related to sexual violence or failure to carry out the requirements of this section related to sexual violence. Allows the Secretary of Education or the Attorney General to modify any civil penalty under this section. A civil penalty does not interfere with the Secretary's or the Attorney General's ability to enter into a voluntary resolution agreement with an institution of higher education;
 - Allows for the transfer of any civil monetary penalties or monetary settlements collected under this section to the Office for Civil Rights of the Department of Education or the Department of Justice to be used for the purposes of enforcing Title IX with respect to sexual harassment;
 - Amends the statute of limitations for filing a complaint with the Office for Civil Rights of the Department of Education for violations of Title IX with regards to sexual violence to 180 days after the complainant's date of graduation or other disaffiliation with the institution;
 - Authorizes the Assistant Secretary of the Office for Civil Rights of the Department of Education and the Assistant Attorney General of the Department of Justice to subpoena the attendance and testimony of any person that one can reasonably believe to have first-hand knowledge and the production of documents or any tangible thing relevant to determining compliance with Title IX;
 - Creates Civil Investigative Demand Authority for the Assistant Secretary of the Office for Civil Rights of the Department of Education and the Assistant Attorney General of the Department of Justice in order to determine compliance with Title IX;
 - Requires each educational institution subject to Title IX to submit annually to the Office for Civil Rights of the Department of Education and the Civil Rights Division of the Department of Justice the name(s) of the Title IX Coordinator(s) of the institution, including a brief description of their role and the roles of other officials of the institution who may be contacted to discuss or report sexual violence. In addition, institutions will be required to submit documentation of training received by the Title IX Coordinator(s). The institution must provide updated information to the Office for Civil Rights and Civil Rights Division within 30 days of any change.

Section 7: Training for Campus Personnel on Victim-Centered, Trauma-Informed (Forensic) Interviews

- Allows funds from the Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus Program administered by the Office of Violence Against Women to be used to train campus personnel in conducting victim-centered, trauma-informed (forensic) interviews;
- Increases the cap on the amount of grant funds that may be awarded to individual institutions by \$200,000, from \$300,000 to \$500,000.