

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5269

To amend the Higher Education Act of 1965 to increase transparency and reporting on campus sexual violence, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2014

Ms. SPEIER (for herself, Mr. MEEHAN, Ms. LEE of California, Ms. JACKSON LEE, Ms. NORTON, and Ms. CHU) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Higher Education Act of 1965 to increase transparency and reporting on campus sexual violence, 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 “Hold Accountable and  
5 Lend Transparency on Campus Sexual Violence Act” or  
6 the “HALT Campus Sexual Violence Act”.

1 **SEC. 2. DISCLOSURE OF ENFORCEMENT ACTIONS.**

2 (a) DISCLOSURE OF PROGRAM REVIEWS AND OPEN  
3 INVESTIGATIONS.—The Department of Education Organi-  
4 zation Act is amended—

5 (1) in section 203(b) (20 U.S.C. 3413(b)) by  
6 adding at the end the following:

7 “(3) The Assistant Secretary for Civil Rights  
8 shall make publicly available on the Department’s  
9 website, a list of institutions under investigation,  
10 and a copy of program reviews and resolution agree-  
11 ments entered into with the Secretary or Attorney  
12 General, under title IX of the Education Amend-  
13 ments of 1972 (20 U.S.C. 1681 et seq.) or title IV  
14 of the Civil Rights Act of 1964 (42 U.S.C. 2000c et  
15 seq.).

16 “(4) Not later than 30 days after the termi-  
17 nation of the resolution agreements described in  
18 paragraph (3), the Assistant Secretary for Civil  
19 Rights shall transmit to the Secretary, the Presi-  
20 dent, and the Congress, and make publicly available  
21 on the Department’s website, the letter terminating  
22 the Department of Education’s monitoring of such  
23 agreements.”; and

24 (2) in section 205 (20 U.S.C. 3415) by adding  
25 at the end the following:

1       “(c) The Assistant Secretary for Postsecondary Edu-  
2 cation shall make publicly available on the Department’s  
3 website, a list of institutions under investigation, and a  
4 copy of the program reviews, fines levied, and resolution  
5 agreements entered into with the Secretary or Attorney  
6 General, under subsection 485(f) of the Higher Education  
7 Act of 1965 (20 U.S.C. 1092(f)).”.

8       (b) INSPECTOR GENERAL.—No later than January 1,  
9 2016, the Inspector General of the Department of Edu-  
10 cation shall submit to Congress and make publicly avail-  
11 able, a report reviewing compliance of sections (3) and (4)  
12 of section 203(b) and section 205(c) of the Department  
13 of Education Organization Act (20 U.S.C. 3413(b);  
14 2415), as added by subsection (a) of this section.

15 **SEC. 3. AUTHORITY TO LEVY FINES.**

16       Section 203(c) of the Department of Education Orga-  
17 nization Act is amended—

18           (1) by striking “and” at the end of paragraph

19           (3);

20           (2) by striking the period at the end of para-  
21 graph (4) and inserting “; and”; and

22           (3) by adding at the end the following:

23           “(5) to impose a civil penalty to be paid by in-  
24 stitution of higher education that has violated a law  
25 under the jurisdiction of the Office for Civil Rights,

1 the amount of which shall be determined by the  
2 gravity of the violation, and the imposition of which  
3 shall not preclude other remedies available under  
4 Federal law.”.

5 **SEC. 4. CLIMATE SURVEYS.**

6 Paragraph (1) of section 485(f) of the Higher Edu-  
7 cation Act of 1965 (20 U.S.C. 1092(f)) is further amend-  
8 ed by adding at the end the following:

9 “(K) Beginning October 1, 2016, statistics  
10 based upon a sexual violence climate survey  
11 conducted not later than April 1, 2015, and  
12 every year thereafter—

13 “(i) which is developed and approved  
14 by the Secretary, in consultation with the  
15 Director of the Centers for Disease Control  
16 of the Department of Health and Human  
17 Services and the Attorney General, except  
18 that the National Intimate Partner and  
19 Sexual Violence Survey developed by the  
20 National Center for Injury Prevention and  
21 Control of the Centers for Disease Control  
22 and Prevention may be used for purposes  
23 of this subparagraph until the sexual vio-  
24 lence climate survey has been developed;  
25 and

1           “(ii) which assesses the occurrence on  
2 campus or in a noncampus building or  
3 property during the preceding calendar  
4 year for which data is available of—

5           “(I) instances of domestic vio-  
6 lence, dating violence, sexual assault,  
7 and stalking;

8           “(II) indicators of discrimination,  
9 and positive and negative trends for  
10 intimate relationships regardless of  
11 gender or sexual orientation;

12           “(III) the effectiveness of campus  
13 policies designed to improve relation-  
14 ships between students regardless of  
15 gender or sexual orientation;

16           “(IV) the effectiveness of current  
17 processes for complaints on and inves-  
18 tigation into sex-based, race-based,  
19 national origin-based, sexual-orienta-  
20 tion based, gender-identity based, and  
21 disability-based harassment, assault,  
22 discrimination, domestic violence, dat-  
23 ing violence, and stalking;

1                   “(V) perpetration of domestic vi-  
2                   olence, dating violence, sexual assault,  
3                   and stalking; and

4                   “(VI) any other issues relating to  
5                   sex-based, race-based, national origin-  
6                   based, sexual-orientation based, gen-  
7                   der-identity based, and disability-  
8                   based discrimination, harassment, as-  
9                   sault, domestic violence, dating vio-  
10                  lence, and assault, as appropriate.”.

11 **SEC. 5. CREATION OF A PRIVATE RIGHT OF ACTION.**

12           Section 485(f)(14) of the Higher Education Act of  
13 1965 (20 U.S.C. 1092(f)(14)) is amended to read as fol-  
14 lows:

15                   “(14)(A) Subject to subparagraph (C), an ag-  
16                   grieved individual may allege a violation of this sub-  
17                   section in a judicial proceeding. A court may award  
18                   an aggrieved individual all appropriate relief, includ-  
19                   ing equitable relief, compensatory damages, cost of  
20                   the action, and remedial action.

21                   “(B) This paragraph shall not be construed to  
22                   preclude an aggrieved individual from obtaining  
23                   other remedies under any other provision of law or  
24                   to require such individual to exhaust any adminis-

1 trative complaint process or notice-of-claim require-  
2 ment before seeking redress under this paragraph.

3 “(C) For actions brought pursuant to this para-  
4 graph, the statute of limitations period shall be de-  
5 termined in accordance with section 1658(a) of title  
6 28, United States Code. The tolling of any such lim-  
7 itations period shall be determined in accordance  
8 with section 1979 of the Revised Statutes of the  
9 United States (42 U.S.C. 1983) in the forum  
10 State.”.

11 **SEC. 6. INCREASE OF CLERY ACT PENALTIES.**

12 Section 485(f)(13) of the Higher Education Act of  
13 1965 (20 U.S.C. 1092(f)(13)) is amended—

14 (1) by striking “in the same amount and”; and

15 (2) by inserting before the period at the end the  
16 following: “, except that such section shall be applied  
17 by substituting ‘\$100,000’ for ‘\$25,000’”.

18 **SEC. 7. NOTIFICATION OF POLICIES AIMED AT PREVEN-**  
19 **TION OF SEXUAL VIOLENCE.**

20 (a) IN GENERAL.—Paragraph (8) of section 485(f)  
21 of the Higher Education Act of 1965 (20 U.S.C. 1092(f))  
22 is amended by adding at end the following:

23 “(D) The policy described in subparagraph

24 (A) shall be—

1                   “(i) using simple and understandable  
2                   language and clear formatting; and

3                   “(ii) made available and posted on the  
4                   institution’s public website, and in con-  
5                   spicuous places in and around student  
6                   housing, dormitories, and academic build-  
7                   ings where students are likely to see it.

8                   “(E) The policy described in subparagraph  
9                   (A) shall be provided, on an annual basis, to  
10                  each student group, student team, or student  
11                  organization which is part of such institution, is  
12                  recognized by the institution, or permitted by  
13                  the institution to use its name or facilities or is  
14                  known by the institution to act as an unaffili-  
15                  ated student group, student team, or student  
16                  organization, and each institution of higher  
17                  education described in subparagraph (A) shall  
18                  ensure that each such group, team, or organiza-  
19                  tion distributes a copy of such policy to each of  
20                  its members, plebes, pledges, or applicants for  
21                  membership.

22                  “(F) An institution’s compliance with sub-  
23                  paragraph (E) with respect to an unaffiliated  
24                  student group, student team, or student organi-  
25                  zation shall not constitute evidence of the insti-



1           tution’s recognition or endorsement of such un-  
2           affiliated group, team, or organization.”.

3           (b) **COMPROLLER REVIEW.**—Not later than August  
4 1, 2016, the Comptroller General of the United States  
5 shall report to the Committee on Education and the Work-  
6 force of the House of Representatives and the Committee  
7 on Health, Education, Labor, and Pensions of the Senate  
8 on—

9           (1) the implementation of section 485(f)(8) of  
10 the Higher Education Act of 1965 (20 U.S.C.  
11 1092(f)(8)), as amended by subsection (a) of this  
12 section, including—

13           (A) the extent to which institutions of  
14 higher education have developed the statement  
15 of policy required under subparagraph (A) of  
16 such section 485(f)(8) (20 U.S.C. 1092(f)(8));

17           (B) how institutions of higher education  
18 are—

19           (i) distributing such statement of pol-  
20 icy; and

21           (ii) determining whether the policy is  
22 received and understood by students; and

23           (C) the Secretary of Education’s oversight  
24 of the compliance of institutions of higher edu-  
25 cation with respect to the statement of policy

1 requirements under such section 485(f)(8) (20  
2 U.S.C. 1092(f)(8)), including efforts, in con-  
3 sultation with the Attorney General, to provide  
4 technical assistance to institutions of higher  
5 education in complying with such requirements;  
6 and

7 (2) any changes in the numbers of sex offenses,  
8 sexual assaults, domestic violence, dating violence,  
9 sexual assault or stalking incidents reported to cam-  
10 pus security authorities or local police agencies as  
11 indicated by the annual security reports distributed  
12 under paragraph (1) of section 485(f) of the Higher  
13 Education Act of 1965 (20 U.S.C. 1092(f)).

14 **SEC. 8. CAMPUS SEXUAL VIOLENCE TASK FORCE.**

15 (a) **CAMPUS SEXUAL VIOLENCE TASK FORCE.**—Not  
16 later than 180 days after the date of enactment of this  
17 Act, the Secretary of Education and the Attorney General  
18 shall create a joint interagency task force to be known as  
19 the “Campus Sexual Violence Task Force” that shall—

20 (1) provide pertinent information to the Sec-  
21 retary of Education, Attorney General, Congress,  
22 and the public with respect to campus sexual vio-  
23 lence prevention, investigations, and responses, in-  
24 cluding the creation of a consistent, public complaint  
25 processes for violations of title IX of the Education

1 Amendments of 1972 (20 U.S.C. 1681 et seq.) and  
2 section 485(f) of the Higher Education Act of 1965  
3 (20 U.S.C. 1092(f) et seq.);

4 (2) provide guidance to institutions of higher  
5 education for establishing sexual assault prevention  
6 and response teams;

7 (3) develop recommendations for institutions of  
8 higher education on providing survivor resources, in-  
9 cluding healthcare, rape kits, sexual assault nurse  
10 examiners, and confidential advocates on campus;

11 (4) develop recommendations for best practices  
12 for responses and prevention with respect to sexual  
13 violence for educational institutions, taking into con-  
14 sideration an institution's size and resources;

15 (5) solicit input from survivors, advocates, insti-  
16 tutions of higher education, and other public stake-  
17 holders;

18 (6) review the Department of Education's au-  
19 thority under section 902 of the Education Amend-  
20 ments of 1972 (20 U.S.C. 1682) to levy inter-  
21 mediate fines for noncompliance with title IX of the  
22 Education Amendments of 1972 (20 U.S.C. 1681 et  
23 seq.) and the advisability of additional remedies for  
24 such noncompliance, in addition to the remedies al-  
25 ready available under Federal law; and

1 (7) create a plan described in subsection (c).

2 (b) PERSONNEL DETAILS.—

3 (1) AUTHORITY TO DETAIL.—Notwithstanding  
4 any other provision of law, the head of an element  
5 of any Federal agency that is funded under the Vio-  
6 lence Against Women Act of 1994 (42 U.S.C. 13925  
7 et seq.) may detail an officer or employee of such  
8 element to the Campus Sexual Violence Task Force  
9 or to the Secretary of Education to assist the Task  
10 Force with the duties described in subsection (a), as  
11 jointly agreed to by the head of such element and  
12 the Task Force.

13 (2) BASIS FOR DETAIL.—A personnel detail  
14 made under paragraph (1) may be made—

15 (A) for a period of not more than 3 years;

16 and

17 (B) on a reimbursable or nonreimbursable  
18 basis.

19 (c) ADDITIONAL PLAN.—Not later than 270 days  
20 after the date of enactment of this Act, the Campus Sex-  
21 ual Violence Task Force shall submit to Congress a plan  
22 for recruiting, retaining, and training a highly qualified  
23 workforce employed by the Department of Education to  
24 carry out investigation of complaints alleging a violation  
25 of title IX of the Education Amendments of 1972 (20

1 U.S.C. 1681 et seq.) or section 485(f) of the Higher Edu-  
2 cation Act of 1965 (20 U.S.C. 1092(f)), and enforcement  
3 of such title IX (20 U.S.C. 1681 et seq.) or such section  
4 485(f) (20 U.S.C. 1092(f)), with respect to campus sexual  
5 violence. Such plan shall include—

6 (1) an assessment of the capabilities of the cur-  
7 rent workforce carrying out such investigation and  
8 enforcement;

9 (2) an examination of issues of recruiting, re-  
10 tention, and the professional development of such  
11 workforce, including the possibility of providing re-  
12 tention bonuses or other forms of compensation for  
13 the purpose of ensuring the Department of Edu-  
14 cation has the capacity, in both personnel and skills,  
15 needed to properly perform its mission and provide  
16 adequate oversight of educational institutions;

17 (3) an assessment of the benefits of outreach  
18 and training with both law enforcement agencies and  
19 institutions of higher education with respect to such  
20 workforce;

21 (4) developing best practices for interviewing  
22 and investigating sexual violence, including guidance  
23 on evidentiary standards for administrative re-  
24 sponses;

1           (5) an examination of best practices for making  
2           institutions of higher education aware of the most  
3           effective campus sexual violence prevention, inves-  
4           tigation, and response practices and identifying  
5           areas where more research should be conducted; and

6           (6) strategies for addressing such other matters  
7           as the Secretary of Education considers necessary to  
8           campus sexual violence prevention, investigation, and  
9           responses.

10          (d) ANNUAL REPORT.—The Campus Sexual Violence  
11          Task Force shall report to Congress on an annual basis,  
12          and make publicly available, a report of its activities and  
13          any update of the plan required under subsection (c) (20  
14          U.S.C. 1092(f)), including the number of complaints re-  
15          ceived regarding sexual violence (including violence on the  
16          basis of sexual orientation and gender identity), the num-  
17          ber of open investigations, the average time to complete  
18          an investigation, the number of investigations initiated  
19          based on complaints, and the number of investigations ini-  
20          tiated by the Department of Education.

21          (e) AUTHORIZATION OF APPROPRIATIONS.—

22                 (1) TITLE IX OF THE EDUCATION AMEND-  
23                 MENTS OF 1972.—There are authorized to be appro-  
24                 priated for training, hiring, and retaining a work-  
25                 force exclusively dedicated to investigation and en-

1 enforcement of title IX of the Education Amendments  
2 of 1972 (20 U.S.C. 1681 et seq.) provisions with re-  
3 spect to sexual violence, for fiscal year 2015 and  
4 each of the 4 succeeding fiscal years, an amount  
5 that is equal to the sum of the amounts appro-  
6 priated for such purpose for fiscal year 2014 plus  
7 \$5,000,000.

8 (2) SECTION 485(f) OF THE HIGHER EDU-  
9 CATION ACT OF 1965.—There are authorized to be  
10 appropriated for training, hiring, and retaining a  
11 workforce exclusively dedicated to investigation and  
12 enforcement of section 485(f) of the Higher Edu-  
13 cation Act of 1965 (20 U.S.C. 1092(f)), for fiscal  
14 year 2015 and each of the 4 succeeding fiscal years,  
15 an amount that is equal to the sum of the amounts  
16 appropriated for such purpose for fiscal year 2014  
17 plus \$5,000,000.

18 (f) DEFINITIONS.—In this section:

19 (1) The term “educational institution” includes  
20 an institution of higher education, an elementary  
21 school, or a secondary school.

22 (2) The terms “elementary school” and “sec-  
23 ondary school” have the meanings given the terms  
24 in section 9101 of the Elementary and Secondary  
25 Education Act of 1965 (20 U.S.C. 7801).

1           (3) The term “institution of higher education”  
2           has the meaning given the term in section 102 of the  
3           Higher Education Act of 1965 (20 U.S.C. 1002).

4           (4) The term “sexual assault” means offense  
5           that meets the definition of rape, fondling, incest, or  
6           statutory rape under—

7                   (A) the Uniform Crime Report of the Fed-  
8                   eral Bureau of Investigation; and

9                   (B) the proposed regulations published by  
10                  the Department of Education in the Federal  
11                  Register on June 20, 2014, for appendix A of  
12                  subpart D of part 668, Code of Federal Regula-  
13                  tions (79 Fed. Reg. 35461).

14 **SEC. 9. CONFORMING AMENDMENTS.**

15           Section 485(f) of the Higher Education Act of 1965  
16           (20 U.S.C. 1092(f)) is amended—

17                   (1) in paragraph (1)(F)(i)(II), by striking “sex  
18                   offenses, forcible or nonforcible” and inserting “sex-  
19                   ual assault”; and

20                   (2) by amending paragraph (6)(A)(v) to read as  
21                   follows:

22                                   “(v) The term ‘sexual assault’ has the  
23                                   meaning of an offense that meets the defi-  
24                                   nition of rape, fondling, incest, or statutory  
25                                   rape under—



1           “(I) the Uniform Crime Report  
2 of the Federal Bureau of Investiga-  
3 tion; and

4           “(II) the proposed regulations  
5 published by the Department of Edu-  
6 cation in the Federal Register on  
7 June 20, 2014, for appendix A of sub-  
8 part D of part 668, Code of Federal  
9 Regulations (79 Fed. Reg. 35461).”.

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