

113TH CONGRESS
2^D SESSION

H. R. 5277

To amend the Higher Education Act of 1965 to require institutions of higher education to have an independent advocate for campus sexual assault prevention and response.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2014

Mrs. DAVIS of California introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Higher Education Act of 1965 to require institutions of higher education to have an independent advocate for campus sexual assault prevention and response.

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 “Survivor Outreach and
5 Support Campus Act” or the “SOS Campus Act”.

1 **SEC. 2. INDEPENDENT ADVOCATE FOR CAMPUS SEXUAL AS-**
2 **SAULT PREVENTION AND RESPONSE.**

3 Part B of title I of the Higher Education Act of 1965
4 (20 U.S.C. 1011 et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 124. INDEPENDENT ADVOCATE FOR CAMPUS SEXUAL**
7 **ASSAULT PREVENTION AND RESPONSE.**

8 “(a) ADVOCATE.—

9 “(1) IN GENERAL.—

10 “(A) DESIGNATION.—Each institution of
11 higher education that receives Federal financial
12 assistance under title IV shall designate an
13 independent advocate for campus sexual assault
14 prevention and response (referred to in this sec-
15 tion as the ‘Advocate’) who shall be appointed
16 based on experience and a demonstrated ability
17 of the individual to effectively provide sexual as-
18 sault victim services.

19 “(B) NOTIFICATION OF EXISTENCE OF
20 AND INFORMATION FOR THE ADVOCATE.—Each
21 employee of an institution described in subpara-
22 graph (A) who receives a report of sexual as-
23 sault shall notify the victim of the existence of,
24 contact information for, and services provided
25 by the Advocate of the institution.

1 “(C) APPOINTMENT.—Not later than 180
2 days after the date of enactment of the Sur-
3 vivor Outreach and Support Campus Act, the
4 Secretary shall prescribe regulations for institu-
5 tions to follow in appointing Advocates under
6 this section. At a minimum, each Advocate shall
7 report to an individual outside the body respon-
8 sible for investigating and adjudicating sexual
9 assault complaints at the institution and shall
10 submit to such individual an annual report
11 summarizing how the resources supplied to the
12 Advocate were used, including the number of
13 male and female sexual assault victims assisted.

14 “(2) ROLE OF THE ADVOCATE.—In carrying
15 out the responsibilities described in this section, the
16 Advocate shall represent the interests of the student
17 victim even when in conflict with the interests of the
18 institution.

19 “(b) SEXUAL ASSAULT.—In this section, the term
20 ‘sexual assault’ means penetration, no matter how slight,
21 of the vagina or anus with any body part or object, or
22 oral penetration by a sex organ of another person, without
23 the consent of the victim, including when the victim is in-
24 capable of giving consent.

1 “(c) RESPONSIBILITIES OF THE ADVOCATE.—Each
2 Advocate shall carry out the following, regardless of
3 whether the victim wishes the victim’s report to remain
4 confidential:

5 “(1)(A) Ensure that victims of sexual assault at
6 the institution receive, with the victim’s consent, the
7 following sexual assault victim’s assistance services
8 available 24 hours a day:

9 “(i) Information on how to report a cam-
10 pus sexual assault to law enforcement.

11 “(ii) Emergency medical care, including
12 follow up medical care as requested.

13 “(iii) Medical forensic or evidentiary ex-
14 aminations.

15 “(B) Ensure that victims of sexual assault at
16 the institution receive, with the victim’s consent, the
17 following sexual assault victim’s assistance services:

18 “(i) Crisis intervention counseling and on-
19 going counseling.

20 “(ii) Information on the victim’s rights and
21 referrals to additional support services.

22 “(iii) Information on legal services.

23 “(C) The services described in subparagraphs
24 (A) and (B) may be provided either—

1 “(i) on the campus of the institution in
2 consultation with a rape crisis center, legal or-
3 ganization, or other community-based organiza-
4 tion; or

5 “(ii) pursuant to a memorandum of under-
6 standing (that includes transportation services),
7 at a rape crisis center, legal organization, or
8 other community-based organization located
9 within a reasonable distance from the institu-
10 tion.

11 “(D) A victim of sexual assault may not be dis-
12 ciplined, penalized, or otherwise retaliated against
13 for reporting such assault to the Advocate.

14 “(2) Guide victims of sexual assault who re-
15 quest assistance through the reporting, counseling,
16 administrative, medical and health, academic accom-
17 modations, or legal processes of the institution or
18 local law enforcement.

19 “(3) Attend, at the request of the victim of sex-
20 ual assault, any administrative or institution-based
21 adjudication proceeding related to such assault as an
22 advocate for the victim.

23 “(4) Maintain the privacy and confidentiality of
24 the victim and any witness of such sexual assault,
25 and shall not notify the institution or any other au-

1 thority of the identity of the victim or any such wit-
2 ness or the alleged circumstances surrounding the
3 reported sexual assault, unless otherwise required by
4 the applicable laws in the State where such institu-
5 tion is located.

6 “(5) Conduct a public information campaign to
7 inform the students enrolled at the institution of the
8 existence of, contact information for, and services
9 provided by the Advocate, including—

10 “(A) posting information—

11 “(i) on the website of the institution;

12 “(ii) in student orientation materials;

13 and

14 “(iii) on posters displayed in dor-
15 mitories, cafeterias, sports arenas, locker
16 rooms, entertainment facilities, and class-
17 rooms; and

18 “(B) training coaches, faculty, school ad-
19 ministrators, resident advisors, and other staff
20 to provide information on the existence of, con-
21 tact information for, and services provided by
22 the Advocate.

23 “(d) CLERY ACT AND TITLE IX.—Nothing in this
24 section shall alter or amend the rights, duties, and respon-
25 sibilities under section 485(f) or title IX of the Education

1 Amendments of 1972 (20 U.S.C. 1681 et seq.) (also
2 known as the Patsy Takemoto Mink Equal Opportunity
3 in Education Act).”.

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