

116TH CONGRESS
1ST SESSION

H. R. 2747

To prevent harassment at institutions of higher education, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2019

Mr. POCAN (for himself, Mr. CARBAJAL, Mr. CICILLINE, Mr. CRIST, Mr. DEUTCH, Ms. NORTON, Mr. KILMER, Mr. LOWENTHAL, Ms. MCCOLLUM, Mr. MOULTON, Mr. PANETTA, Mr. PETERS, Miss RICE of New York, Mr. RYAN, Mr. SWALWELL of California, Ms. TITUS, Ms. WASSERMAN SCHULTZ, Mr. PAPPAS, Mr. SCHIFF, Ms. DELBENE, Mr. ENGEL, Mrs. CAROLYN B. MALONEY of New York, Mr. PALLONE, Ms. SCHAKOWSKY, Mr. LARSEN of Washington, Ms. MENG, Ms. MOORE, Ms. BROWNLEY of California, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. GARAMENDI, Mr. CÁRDENAS, Mr. THOMPSON of California, Ms. JAYAPAL, Ms. SCANLON, Mr. TED LIEU of California, Ms. ESHOO, Mrs. WATSON COLEMAN, Mr. SOTO, Ms. BONAMICI, Mr. SEAN PATRICK MALONEY of New York, Mr. COHEN, Mrs. CRAIG, Ms. JACKSON LEE, Mr. NADLER, Mrs. HAYES, Mr. MORELLE, and Ms. ROYBAL-ALLARD) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To prevent harassment at institutions of higher education,
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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Tyler Clementi Higher
3 Education Anti-Harassment Act of 2019”.

4 **SEC. 2. INSTITUTIONAL AND FINANCIAL ASSISTANCE IN-**
5 **FORMATION FOR STUDENTS.**

6 Section 485(f) of the Higher Education Act of 1965
7 (20 U.S.C. 1092(f)) is amended—

8 (1) by striking the subsection heading and in-
9 serting “DISCLOSURE OF CAMPUS SECURITY AND
10 HARASSMENT POLICY AND CAMPUS CRIME STATIS-
11 TICS.”;

12 (2) in paragraph (6)(A)—

13 (A) by redesignating clauses (iii), (iv), and
14 (v), as clauses (vi), (vii), and (viii), respectively;
15 and

16 (B) by inserting after clause (ii) the fol-
17 lowing:

18 “(iii) The term ‘commercial mobile service’ has
19 the meaning given the term in section 332(d) of the
20 Communications Act of 1934 (47 U.S.C. 332(d)).

21 “(iv) The term ‘electronic communication’
22 means any transfer of signs, signals, writing, im-
23 ages, sounds, or data of any nature transmitted in
24 whole or in part by a wire, radio, electromagnetic,
25 photoelectronic, or photooptical system.

1 “(v) The term ‘electronic messaging services’
2 has the meaning given the term in section 102 of the
3 Communications Assistance for Law Enforcement
4 Act (47 U.S.C. 1001).”;

5 (3) by redesignating paragraphs (9) through
6 (18) as paragraphs (10) through (19), respectively;
7 and

8 (4) by inserting after paragraph (8) the fol-
9 lowing:

10 “(9)(A) Each institution of higher education partici-
11 pating in any program under this title, other than a for-
12 eign institution of higher education, shall develop and dis-
13 tribute as part of the report described in paragraph (1)—

14 “(i) a statement of policy regarding harassment
15 on the basis of a student’s actual or perceived race,
16 color, national origin, sex (including sexual orienta-
17 tion, gender identity, pregnancy, childbirth, a med-
18 ical condition related to pregnancy or childbirth, and
19 a sex stereotype), disability, or religion, which shall
20 include—

21 “(I) a prohibition of such harassment of
22 enrolled students by other students, faculty,
23 and staff—

24 “(aa) on campus;

1 “(bb) in noncampus buildings or on
2 noncampus property;

3 “(cc) on public property;

4 “(dd) in dormitories or other residen-
5 tial facilities for students on campus;

6 “(ee) through the use of electronic
7 mail addresses issued by the institution of
8 higher education;

9 “(ff) through the use of computers
10 and communication networks, including
11 any telecommunications service, owned, op-
12 erated, or contracted for use by the institu-
13 tion of higher education or its agents; or

14 “(gg) during an activity sponsored by
15 the institution of higher education or car-
16 ried out with the use of resources provided
17 by the institution of higher education;

18 “(II) a prohibition of such harassment that
19 is carried out in whole or in part through the
20 use of electronic messaging services, commercial
21 mobile services, electronic communications, or
22 other technology;

23 “(III) a description of the institution’s pro-
24 grams to combat harassment, which shall be
25 aimed at the prevention of harassment;

1 “(IV) a description of the procedures that
2 a student should follow if an incident of harass-
3 ment occurs; and

4 “(V) a description of the procedures that
5 the institution will follow once an incident of
6 harassment has been reported; and

7 “(ii) a detailed description of each occasion in
8 which a pattern of harassment occurs based on one
9 or more of the characteristics described in clause (i)
10 and the actions taken by the institution of higher
11 education.

12 “(B) The statement of policy described in subpara-
13 graph (A)(i) shall address the following areas:

14 “(i) Procedures for timely institutional action in
15 cases of alleged harassment, which procedures shall
16 include a clear statement that the accuser and the
17 accused shall be informed of the outcome of any dis-
18 ciplinary proceedings in response to an allegation of
19 harassment.

20 “(ii) Possible sanctions to be imposed following
21 the final determination of an institutional discipli-
22 nary procedure regarding harassment.

23 “(iii) Notification of existing counseling, mental
24 health, or student services for victims or perpetra-

1 tors of harassment, both on campus and in the com-
2 munity.

3 “(iv) Identification of a designated employee or
4 office at the institution that will be responsible for
5 receiving and tracking each report of harassment by
6 a student, faculty, or staff member.”.

7 **SEC. 3. ANTI-HARASSMENT COMPETITIVE GRANT PRO-**
8 **GRAM.**

9 (a) **DEFINITIONS.**—In this section:

10 (1) **ELIGIBLE ENTITY.**—The term “eligible enti-
11 ty” means—

12 (A) an institution of higher education, in-
13 cluding an institution of higher education in a
14 collaborative partnership with a nonprofit orga-
15 nization; or

16 (B) a consortium of institutions of higher
17 education located in the same State.

18 (2) **SECRETARY.**—The term “Secretary” means
19 the Secretary of Education.

20 (b) **PROGRAM AUTHORIZED.**—The Secretary is au-
21 thorized to award grants, on a competitive basis, to eligible
22 entities to enable eligible entities to carry out the author-
23 ized activities described in subsection (d).

24 (c) **AMOUNT OF GRANT AWARDS.**—The Secretary
25 shall ensure that each grant awarded under this section

1 is of sufficient amount to enable the grantee to meet the
2 purpose of this section.

3 (d) AUTHORIZED ACTIVITIES.—An eligible entity
4 that receives a grant under this section shall use the funds
5 made available through the grant to address harassment
6 on the basis of one or more of the characteristics described
7 in section 485(f)(9)(A)(i) of the Higher Education Act of
8 1965 (20 U.S.C. 1092(f)(9)(A)(i)), as amended by section
9 2 of this Act, by initiating, expanding, or improving pro-
10 grams—

11 (1) to prevent the harassment of students at in-
12 stitutions of higher education;

13 (2) at institutions of higher education that pro-
14 vide counseling or redress services to students who
15 have suffered such harassment or students who have
16 been accused of subjecting other students to such
17 harassment; or

18 (3) that educate or train students, faculty, or
19 staff of institutions of higher education about ways
20 to prevent harassment or ways to address such har-
21 assment if it occurs.

22 (e) APPLICATION.—To be eligible to receive a grant
23 under this section, an eligible entity shall submit an appli-
24 cation to the Secretary at such time, in such manner, and

1 containing such information, as the Secretary may re-
2 quire.

3 (f) DURATION; RENEWAL.—A grant under this sec-
4 tion shall be awarded for a period of not more than 3
5 years. The Secretary may renew a grant under this section
6 for one additional period of not more than 2 years.

7 (g) AWARD CONSIDERATIONS.—In awarding a grant
8 under this section, the Secretary shall select eligible enti-
9 ties that demonstrate the greatest need for a grant and
10 the greatest potential benefit from receipt of a grant.

11 (h) REPORT AND EVALUATION.—

12 (1) EVALUATION AND REPORT TO THE SEC-
13 RETARY.—Not later than 6 months after the end of
14 the eligible entity's grant period, the eligible entity
15 shall—

16 (A) evaluate the effectiveness of the activi-
17 ties carried out with the use of funds awarded
18 pursuant to this section; and

19 (B) prepare and submit to the Secretary a
20 report on the results of the evaluation con-
21 ducted by the entity.

22 (2) EVALUATION AND REPORT TO CONGRESS.—
23 Not later than 12 months after the date of receipt
24 of the first report submitted pursuant to paragraph
25 (1) and annually thereafter, the Secretary shall pro-

1 vide to the Committee on Health, Education, Labor,
2 and Pensions of the Senate and the Committee on
3 Education and Labor of the House of Representa-
4 tives a report that includes the following:

5 (A) The number and types of eligible enti-
6 ties receiving assistance under this section.

7 (B) The anti-harassment programs being
8 implemented with assistance under this section
9 and the costs of such programs.

10 (C) Any other information determined by
11 the Secretary to be useful in evaluating the
12 overall effectiveness of the program established
13 under this section in decreasing incidents of
14 harassment at institutions of higher education.

15 (3) BEST PRACTICES REPORT.—The Secretary
16 shall use the information provided under paragraph
17 (1) to publish a report of evidence-based best prac-
18 tices for combating harassment at institutions of
19 higher education, which shall be based on scientific
20 research that meets nationally recognized standards.
21 The report shall be made available to all institutions
22 of higher education and other interested parties.

23 (i) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section
25 \$50,000,000 for each of fiscal years 2020 through 2025.

1 SEC. 4. EFFECT ON OTHER LAWS.

2 Nothing in this Act shall be construed to invalidate
3 or limit rights, remedies, procedures, or legal standards
4 available under any other Federal law or law of a State
5 or political subdivision of a State, including title VI of the
6 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title
7 IX of the Education Amendments of 1972 (20 U.S.C.
8 1681 et seq.), section 504 or 505 of the Rehabilitation
9 Act of 1973 (29 U.S.C. 794, 794a), or the Americans with
10 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). The
11 obligations imposed by this Act are in addition to those
12 imposed by title VI of the Civil Rights Act of 1964 (42
13 U.S.C. 2000d et seq.), title IX of the Education Amend-
14 ments of 1972 (20 U.S.C. 1681 et seq.), section 504 of
15 the Rehabilitation Act of 1973 (29 U.S.C. 794), and the
16 Americans with Disabilities Act of 1990 (42 U.S.C. 12101
17 et seq.).

○