

117TH CONGRESS
2D SESSION

S. 5047

To amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat campus sexual assault, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2022

Mrs. GILLIBRAND (for herself, Mr. GRASSLEY, Mrs. FEINSTEIN, Mrs. CAPITO, Ms. KLOBUCHAR, Mr. RUBIO, Mr. WARNER, Ms. ERNST, Mr. REED, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat campus sexual assault, 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 “Campus Accountability
5 and Safety Act”.

1 **SEC. 2. AMENDMENTS TO THE CLERY ACT.**

2 Section 485(f) of the Higher Education Act of 1965
 3 (20 U.S.C. 1092(f)) (known as the Jeanne Clery Dis-
 4 closure of Campus Security Policy and Campus Crime Statis-
 5 tics Act) is amended—

6 (1) in paragraph (1)—

7 (A) by inserting “which shall include, at a
 8 minimum, publication in an easily accessible
 9 manner on the website of the institution,” after
 10 “through appropriate publications or mail-
 11 ings,”;

12 (B) in subparagraph (C), by striking
 13 clause (ii) and inserting the following:

14 “(ii) if applicable, any memorandum
 15 of understanding between the institution
 16 and law enforcement, or a description of
 17 the working relationship between the insti-
 18 tution, campus security personnel, or cam-
 19 pus law enforcement and State or local law
 20 enforcement agencies; and”;

21 (C) in subparagraph (F)—

22 (i) in clause (i)—

23 (I) by redesignating subclauses
 24 (III) through (IX) as subclauses (VI)
 25 through (XII); and

1 (II) by striking subclause (II)
 2 and inserting the following:

3 “(II) rape;

4 “(III) fondling;

5 “(IV) incest;

6 “(V) statutory rape;”; and

7 (ii) in clause (ii), by striking “sub-
 8 clauses (I) through (VIII) of clause (i)”
 9 and inserting “subclauses (I) through (XI)
 10 of clause (i)”; and

11 (D) by adding at the end the following:

12 “(K)(i) With respect to the criminal activ-
 13 ity described in subclauses (II) and (III) of sub-
 14 paragraph (F)(i), the eligible institution shall
 15 prepare for the annual security report that is
 16 due on the date that is 1 year after the date
 17 of enactment of the Campus Accountability and
 18 Safety Act, and annually thereafter, the fol-
 19 lowing additions:

20 “(I) The number of such incidents
 21 where the respondent is a student at the
 22 institution.

23 “(II) Of the incidents described in
 24 subclause (I), the number of such incidents
 25 that were reported to the title IX coordi-

1 nator or other higher education responsible
2 employee of the institution.

3 “(III) Of the incidents described in
4 subclause (II), the number of victims who
5 sought campus disciplinary action at the
6 institution.

7 “(IV) Of the victims described in sub-
8 clause (III), the number of cases processed
9 through the student disciplinary process of
10 the institution.

11 “(V) Of the cases described in sub-
12 clause (IV), the number of respondents
13 who were found responsible through the
14 student disciplinary process of the institu-
15 tion.

16 “(VI) Of the cases described in sub-
17 clause (IV), the number of respondents
18 who were found not responsible through
19 the student disciplinary process of the in-
20 stitution.

21 “(VII) A description of the final sanc-
22 tions imposed by the institution for each
23 incident for which a respondent was found
24 responsible through the student discipli-
25 nary process of the institution, if such de-

1 scription will not reveal personally identifi-
2 able information about an individual stu-
3 dent.

4 “(VIII) The number of student dis-
5 ciplinary proceedings at the institution
6 that have closed without resolution since
7 the previous annual security report due to
8 withdrawal from the institution of higher
9 education by the respondent pending reso-
10 lution of the student disciplinary pro-
11 ceeding.

12 “(ii) The Secretary shall provide technical
13 assistance to eligible institutions to assist such
14 institutions in meeting the requirements of this
15 subparagraph.”;

16 (2) in paragraph (6)(A), by adding at the end
17 the following:

18 “(vi) The term ‘complainant’ means an indi-
19 vidual who is alleged to be the victim of conduct that
20 could constitute domestic violence, dating violence,
21 sexual assault, sexual harassment, or stalking.

22 “(vii) The term ‘respondent’ means an indi-
23 vidual who is alleged to be the perpetrator of con-
24 duct that could constitute domestic violence, dating

1 violence, sexual assault, sexual harassment, or stalk-
 2 ing.

3 “(viii) The term ‘title IX coordinator’ has the
 4 meaning given to the individual designated as a re-
 5 sponsible employee in section 106.8(a) of title 34,
 6 Code of Federal Regulations, as such section is in
 7 effect on the date of enactment of the Campus Ac-
 8 countability and Safety Act.

9 “(ix) The term ‘higher education responsible
 10 employee’ means an employee of an institution of
 11 higher education who—

12 “(I) has the authority to take action to re-
 13 dress domestic violence, dating violence, sexual
 14 assault, sexual harassment, or stalking; or

15 “(II) has the duty to report domestic vio-
 16 lence, dating violence, sexual assault, sexual
 17 harassment, or stalking or any other mis-
 18 conduct by students or employees to appro-
 19 priate school officials.”;

20 (3) by striking paragraph (7) and inserting the
 21 following:

22 “(7) The statistics described in clauses (i), (ii),
 23 and (iii) of paragraph (1)(F)—

24 “(A) shall not identify complainants or re-
 25 spondents or contain any other information

1 from which complainants or respondents could
2 be identified; and

3 “(B) shall be compiled in accordance with
4 the following definitions:

5 “(i) For the offenses of domestic vio-
6 lence, dating violence, and stalking, such
7 statistics shall be compiled in accordance
8 with the definitions used in section
9 40002(a) of the Violence Against Women
10 Act of 1994 (34 U.S.C. 12291(a)).

11 “(ii) For the offense of rape, such sta-
12 tistics shall be compiled in accordance with
13 the definition of rape as the penetration,
14 no matter how slight, of the vagina or anus
15 with any body part or object, or oral pene-
16 tration by a sex organ of another person,
17 without the consent of the victim.

18 “(iii) For the offenses of fondling, in-
19 cest, and statutory rape, such statistics
20 shall be compiled in accordance with the
21 definition used in the National Incident
22 Based Reporting System.

23 “(iv) For offenses not described in
24 clause (i), (ii), or (iii), such statistics shall
25 be compiled in accordance with the Uni-

1 form Crime Reporting Program of the De-
2 partment of Justice, Federal Bureau of In-
3 vestigation, and the modifications to such
4 definitions as implemented pursuant to the
5 Hate Crime Statistics Act (34 U.S.C.
6 41305).”;

7 (4) in paragraph (8)(B)—

8 (A) in clause (i)—

9 (i) in the matter preceding subclause
10 (I), by inserting “, developed in consulta-
11 tion with local, State, or national sexual
12 assault, dating violence, domestic violence,
13 and stalking victim advocacy, victim serv-
14 ices, or prevention organizations, and local
15 law enforcement,” after “Education pro-
16 grams”; and

17 (ii) in subclause (I)(aa), by inserting
18 “, including the fact that these are crimes
19 for the purposes of this subsection and re-
20 porting under this subsection, and the in-
21 stitution of higher education will, based on
22 the complainant’s wishes, cooperate with
23 local law enforcement with respect to any
24 alleged criminal offenses involving students
25 or employees of the institution of higher

education, including by notifying and obtaining written consent from a complainant who has been fully and accurately informed about what procedures shall occur if information is shared, when the institution of higher education seeks to share information regarding an alleged criminal offenses with a law enforcement agency” after “stalking”; and

(B) in clause (iv)—

(i) by redesignating subclauses (II) and (III) as subclauses (III) and (IV), respectively;

(ii) by inserting after subclause (I) the following:

“(II) the institution will comply with the requirements of section 125(b), and shall include a description of such requirements;” and

(iii) in subclause (IV), as redesignated by clause (i)—

(I) in item (aa), by inserting “, within 5 days of such determination” after “sexual assault, or stalking”;

1 (II) in item (bb), by inserting
 2 “simultaneously with the notification
 3 of the outcome described in item
 4 (aa),” before “the institution’s”;
 5 (III) in item (cc), by inserting
 6 “within 5 days of such change” after
 7 “results become final”; and
 8 (IV) in item (dd), by inserting
 9 “within 5 days of such determination”
 10 after “results become final”.

11 **SEC. 3. TRANSPARENCY.**

12 Part B of title I of the Higher Education Act of 1965
 13 (20 U.S.C. 1011 et seq.) is amended by adding at the end
 14 the following:

15 **“SEC. 124. TRANSPARENCY.**

16 “The Secretary shall establish a publicly available,
 17 searchable, accessible, and user-friendly campus safety
 18 website that includes the following:

19 “(1) The name and contact information for the
 20 title IX coordinator for each institution of higher
 21 education receiving funds under this Act, and a brief
 22 description of the title IX coordinator’s role and the
 23 roles of other officials who may be contacted to dis-
 24 cuss or report sexual harassment.

1 “(2) The Department’s pending investigations,
2 enforcement actions, letters of finding, final resolu-
3 tions, and voluntary resolution agreements for all
4 complaints and compliance reviews under section
5 485(f) and under title IX of the Education Amend-
6 ments of 1972 (20 U.S.C. 1681) related to sexual
7 harassment. The Secretary shall indicate whether
8 the investigation, action, letter, resolution, or agree-
9 ment is based on a complaint or compliance review.
10 The Secretary shall make the information under this
11 subsection available regarding a complaint once the
12 Department receives a written complaint, and con-
13 ducts an initial evaluation, and has determined that
14 the complaint should be opened for investigation of
15 an allegation that, if substantiated, would constitute
16 a violation of such title IX or section 485(f). In car-
17 rying out this subsection, the Secretary shall ensure
18 that personally identifiable information is not re-
19 ported and shall comply with section 444 of the Gen-
20 eral Education Provisions Act (20 U.S.C. 1232g),
21 commonly known as the ‘Family Educational Rights
22 and Privacy Act of 1974’.

23 “(3) A comprehensive campus safety and secu-
24 rity data analysis tool that allows for the review and
25 download of data that institutions of higher edu-

1 cation subject to section 485(f) are required to re-
2 port under this Act.

3 “(4) Information regarding how to file com-
4 plaints with the Department related to alleged viola-
5 tions of title IX of the Education Amendments of
6 1972 (20 U.S.C. 1681) and of section 485(f).

7 “(5) Information regarding the Department’s
8 policies for reviewing complaints, initiating compli-
9 ance reviews, and conducting and resolving inves-
10 tigations related to alleged violations of title IX of
11 the Education Amendments of 1972 (20 U.S.C.
12 1681) and of section 485(f). This information shall
13 include—

14 “(A) the contact information for at least
15 one individual at the Department who can an-
16 swer questions from institutions of higher edu-
17 cation, complainants (as defined in section
18 485(f)(6)), and other interested parties about
19 such policies;

20 “(B) potential outcomes of an investiga-
21 tion; and

22 “(C) the expected timeframe for resolution
23 of an investigation and any circumstance that
24 may change such timeframe.”.

1 **SEC. 4. UNIVERSITY SUPPORT FOR SURVIVORS OF DOMES-**
 2 **TIC VIOLENCE, DATING VIOLENCE, SEXUAL**
 3 **ASSAULT, SEXUAL HARASSMENT, AND STALK-**
 4 **ING.**

5 (a) IN GENERAL.—Part B of title I of the Higher
 6 Education Act of 1965 (20 U.S.C. 1011 et seq.) is further
 7 amended by adding after section 124 (as added by section
 8 3), the following:

9 **“SEC. 125. UNIVERSITY SUPPORT FOR SURVIVORS OF DO-**
 10 **MESTIC VIOLENCE, DATING VIOLENCE, SEX-**
 11 **UAL ASSAULT, SEXUAL HARASSMENT, AND**
 12 **STALKING.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) COMPLAINANT.—The term ‘complainant’
 15 means an individual who is alleged to be the victim
 16 of conduct that could constitute domestic violence,
 17 dating violence, sexual assault, sexual harassment,
 18 or stalking.

19 “(2) HIGHER EDUCATION RESPONSIBLE EM-
 20 PLOYEE.—The term ‘higher education responsible
 21 employee’ has the meaning given the term in section
 22 485(f)(6).

23 “(3) RESPONDENT.—The term ‘respondent’
 24 means an individual who is alleged to be the perpe-
 25 trator of conduct that could constitute domestic vio-

1 lence, dating violence, sexual assault, sexual harass-
2 ment, or stalking.

3 “(4) TITLE IX COORDINATOR.—The term ‘title
4 IX coordinator’ has the meaning given the term in
5 section 485(f)(6).

6 “(5) VICTIM-CENTERED, TRAUMA-INFORMED
7 INTERVIEW TECHNIQUES.—The term ‘victim-cen-
8 tered, trauma-informed interview techniques’ means
9 asking questions of an individual who reports that
10 the individual has been a victim of domestic violence,
11 dating violence, sexual assault, sexual harassment,
12 or stalking, in a manner that is focused on the expe-
13 rience of the victim, does not judge or blame the vic-
14 tim for the alleged act, is informed by evidence-
15 based research on the neurobiology of trauma, and
16 contains information on cultural competence based
17 on practices of rape crisis centers, victim advocacy
18 centers, sexual assault response teams, title IX of-
19 fices, and similar groups, including organizations
20 that work with underserved populations (as defined
21 in section 40002 of the Violence Against Women Act
22 of 1994 (34 U.S.C. 12291)).

23 “(b) CAMPUS SECURITY POLICY.—Each institution
24 of higher education that receives funds under this Act,

1 shall establish a campus security policy that includes the
2 following:

3 “(1) SEXUAL AND INTERPERSONAL VIOLENCE
4 COORDINATORS.—The designation of one or more
5 sexual and interpersonal violence coordinators at the
6 institution to whom student complainants of domes-
7 tic violence, dating violence, sexual assault, sexual
8 harassment, or stalking can report, including anony-
9 mously, which shall be part of a policy that complies
10 with the following:

11 “(A) The sexual and interpersonal violence
12 coordinator—

13 “(i) shall not be an undergraduate
14 student, a full-time graduate student, an
15 employee designated as a higher education
16 responsible employee, or the title IX coor-
17 dinator;

18 “(ii) may have other roles at the insti-
19 tution;

20 “(iii) shall be appointed based on ex-
21 perience and a demonstrated ability of the
22 individual to effectively provide trauma-in-
23 formed victim services related to domestic
24 violence, dating violence, sexual assault,
25 sexual harassment, and stalking, including

1 to underserved populations (as defined in
2 section 40002 of the Violence Against
3 Women Act of 1994 (34 U.S.C. 12291));

4 “(iv) shall be supervised by an indi-
5 vidual outside the body responsible for in-
6 vestigating and adjudicating complaints at
7 the institution related to domestic violence,
8 dating violence, sexual assault, sexual har-
9 assment, and stalking;

10 “(v) shall not serve as an advisor
11 under section 485(f)(8)(B)(iv)(III); and

12 “(vi) shall not be required to report
13 allegations as a campus security authority
14 under section 485(f).

15 “(B) The Secretary shall designate cat-
16 egories of employees that may serve as sexual
17 and interpersonal violence coordinators, such as
18 health care staff, clergy, staff of a women’s cen-
19 ter, or other such categories, and specify under
20 what conditions individuals may go through
21 training to obtain victim advocate privilege in
22 States with applicable laws. Such designation
23 shall not preclude the institution from desig-
24 nating other employees or partnering with na-
25 tional, State, or local victim services organiza-

1 tions to serve as sexual and interpersonal vio-
2 lence coordinators or to serve in other confiden-
3 tial roles.

4 “(C) The sexual and interpersonal violence
5 coordinator shall complete the training require-
6 ments described in paragraph (5) and subpara-
7 graph (D) within a reasonable time after being
8 designated as a sexual and interpersonal vio-
9 lence coordinator.

10 “(D) The Secretary shall develop online
11 training materials, in addition to the training
12 required under paragraph (5), not later than 1
13 year after the date of enactment of the Campus
14 Accountability and Safety Act, for the training
15 of sexual and interpersonal violence coordina-
16 tors.

17 “(E) The sexual and interpersonal violence
18 coordinator shall inform the complainant, in-
19 cluding in a written format—

20 “(i) of the complainant’s rights under
21 Federal and State law;

22 “(ii) of the complainant’s rights and
23 options pursuant to the policy that the in-
24 stitution of higher education has developed

1 pursuant to clauses (ii) through (vii) of
2 section 485(f)(8)(B);

3 “(iii) of the complainant’s reporting
4 options, including the option to notify a
5 higher education responsible employee, the
6 option to notify local law enforcement, and
7 any other reporting options;

8 “(iv) a description of the process of
9 investigation and any disciplinary pro-
10 ceeding of the institution that may follow
11 notification of a higher education respon-
12 sible employee;

13 “(v) a description of the process of
14 civil investigation and adjudication of the
15 criminal justice system that may follow no-
16 tification of law enforcement;

17 “(vi) a description of the jurisdiction,
18 scope, and possible sanctions of the stu-
19 dent disciplinary process of the institution
20 of higher education and of the criminal
21 justice process, including any possible
22 sanctions for complainants, such as laws
23 regarding false reporting, in a victim-cen-
24 tered and trauma-informed manner;

1 “(vii) that the student disciplinary
2 process of the institution of higher edu-
3 cation is not equivalent to, and should not
4 be considered a substitute for, the criminal
5 justice process;

6 “(viii) any limitations on the ability of
7 the sexual and interpersonal violence coor-
8 dinator to provide privacy or confiden-
9 tiality to the complainant under the poli-
10 cies of the institution of higher education,
11 Federal law, or State law; and

12 “(ix) of a list of local rape crisis cen-
13 ters, victim advocacy centers, sexual and
14 interpersonal violence teams, title IX of-
15 fices, or similar groups that are based on
16 or near campus and can reasonably be ex-
17 pected to act as a resource for the student.

18 “(F) The sexual and interpersonal violence
19 coordinator may, as appropriate—

20 “(i) serve as a liaison between a com-
21 plainant and a higher education respon-
22 sible employee or law enforcement, pro-
23 vided the sexual and interpersonal violence
24 coordinator has obtained written consent
25 from the complainant who has been fully

1 and accurately informed about what proce-
2 dures shall occur if information is shared;
3 and

4 “(ii) assist a complainant in con-
5 tacting and reporting to a higher education
6 responsible employee or law enforcement.

7 “(G) The sexual and interpersonal violence
8 coordinator shall be authorized by the institu-
9 tion to liaise with appropriate staff at the insti-
10 tution to arrange reasonable accommodations
11 through the institution to allow the complainant
12 to change living arrangements or class sched-
13 ules, obtain accessibility services (including lan-
14 guage services), or arrange other accommoda-
15 tions for the complainant. The institution may
16 not require that the complainant report to a law
17 enforcement agency as a condition to grant
18 such accommodations.

19 “(H) The sexual and interpersonal violence
20 coordinator shall not be obligated to report
21 crimes to the institution or law enforcement in
22 a way that identifies a complainant or respond-
23 ent, unless otherwise required to do so by State
24 law. The sexual and interpersonal violence coor-

1 dinator shall, to the extent authorized under
2 State law, provide confidential services.

3 “(I) The institution shall designate as a
4 sexual and interpersonal violence coordinator an
5 individual who has victim advocate privilege
6 under State law (including receipt of any appli-
7 cable State-required training for that purpose)
8 if there is such an individual employed by the
9 institution. The institution may partner
10 through a formal agreement with an outside or-
11 ganization with the experience described in sub-
12 paragraph (A)(iii), such as a community-based
13 rape crisis center or other community-based
14 sexual assault service provider, to provide the
15 services described in this paragraph.

16 “(J) The sexual and interpersonal violence
17 coordinator shall collect and report anonymized
18 statistics, on an annual basis, unless prohibited
19 by State law. The sexual and interpersonal vio-
20 lence coordinator shall ensure that such reports
21 do not include identifying information and that
22 the confidentiality of a complainant or respond-
23 ent is not jeopardized through the reporting of
24 such statistics. Any requests for accommoda-
25 tions, as described in subparagraph (G), made

1 by a sexual and interpersonal violence coordi-
 2 nator shall not trigger an investigation by the
 3 institution, even if the sexual and interpersonal
 4 violence coordinator deals only with matters re-
 5 lating to domestic violence, dating violence, sex-
 6 ual assault, sexual harassment, and stalking.

7 “(K) The institution shall appoint an ade-
 8 quate number of sexual and interpersonal vio-
 9 lence coordinators not later than the earlier
 10 of—

11 “(i) 1 year after the Secretary deter-
 12 mines through a negotiated rulemaking
 13 process what an adequate number of sex-
 14 ual and interpersonal violence coordinators
 15 is for an institution based on its size; or

16 “(ii) 3 years after the date of enact-
 17 ment of the Campus Accountability and
 18 Safety Act.

19 “(L) As part of the negotiated rulemaking
 20 process described in subparagraph (K)(i), the
 21 Secretary shall determine a process to allow in-
 22 stitutions that enroll fewer than 1,000 students
 23 to partner with another institution of higher
 24 education in their region or State to provide the
 25 services described in this paragraph while en-

1 suring that students continue to have adequate
2 access to a sexual and interpersonal violence co-
3 ordinator.

4 “(M) The institution shall not discipline,
5 penalize, or otherwise retaliate against an indi-
6 vidual who reports, in good faith, domestic vio-
7 lence, dating violence, sexual assault, sexual
8 harassment, or stalking to the sexual and inter-
9 personal violence coordinator.

10 “(N) Each employee of an institution who
11 receives a report of domestic violence, dating vi-
12 olence, sexual assault, sexual harassment, or
13 stalking shall notify the reporting individual of
14 the existence of, contact information for, and
15 services provided by sexual and interpersonal vi-
16 olence coordinator of the institution.

17 “(2) INFORMATION ON THE INSTITUTION’S
18 WEBSITE.—The institution shall list on its website—

19 “(A) the name and contact information for
20 the sexual and interpersonal violence coordi-
21 nator;

22 “(B) reporting options, including confiden-
23 tial options, for complainants of domestic vio-
24 lence, dating violence, sexual assault, sexual
25 harassment, or stalking;

1 “(C) the process of investigation and dis-
2 ciplinary proceedings of the institution;

3 “(D) the process of investigation and adju-
4 dication of the criminal justice system;

5 “(E) potential reasonable accommodations
6 that the institution may provide to a complain-
7 ant, as described in paragraph (1)(G);

8 “(F) the telephone number and website ad-
9 dress for a local, State, or national hotline pro-
10 viding information to complainants (which shall
11 be clearly communicated on the website and
12 shall be updated on a timely basis);

13 “(G) the name and location of the nearest
14 medical facility where an individual may have a
15 medical forensic examination administered by a
16 trained sexual assault forensic nurse, including
17 information on transportation options and
18 available reimbursement for a visit to such fa-
19 cility;

20 “(H) the institution’s amnesty and retalia-
21 tion policies; and

22 “(I) a list of local rape crisis centers, vic-
23 tim advocacy centers, sexual assault response
24 teams, title IX offices, or similar groups that
25 are based on or near campus and can reason-

1 ably be expected to act as a resource for the
2 student.

3 “(3) ONLINE REPORTING.—The institution may
4 provide an online reporting system to collect anony-
5 mous disclosures of crimes and track patterns of
6 crime on campus. An individual may submit an
7 anonymous report, if they choose to do so, about a
8 specific crime to the institution using the online re-
9 porting system, but the institution is only obligated
10 to investigate a specific crime if an individual de-
11 cides to report the crime to a higher education re-
12 sponsible employee or law enforcement. If the insti-
13 tution uses an online reporting system, the online
14 system shall also include information about how to
15 report a crime to a higher education responsible em-
16 ployee and to law enforcement and how to contact
17 a sexual and interpersonal violence coordinator and
18 any other appropriate on- or off-campus resource.

19 “(4) AMNESTY POLICY.—

20 “(A) IN GENERAL.—The institution shall
21 provide an amnesty policy for any student who
22 reports, in good faith, domestic violence, dating
23 violence, sexual assault, sexual harassment, or
24 stalking to an institution official, such that the
25 reporting student will not be sanctioned by the

1 institution for a student conduct violation re-
2 lated to alcohol use or drug use that is revealed
3 in the course of such a report and that occurred
4 at or near the time of the commission of the do-
5 mestic violence, dating violence, sexual assault,
6 sexual harassment, or stalking.

7 “(B) GOOD FAITH.—A determination of
8 whether a report is made in good faith—

9 “(i) shall be made in accordance with
10 regulations established by the Secretary
11 through a negotiated rulemaking process;
12 and

13 “(ii) shall not include a presumptive
14 finding that a student did not act in good
15 faith based solely on the institution not ini-
16 tiating a disciplinary proceeding based on
17 the student’s report.

18 “(C) NO PREEMPTION.—The requirement
19 under subparagraph (A) shall not preempt the
20 ability of an institution of higher education to
21 establish an amnesty policy for student conduct
22 violations not mentioned in this provision.

23 “(D) PROVISION OF INFORMATION.—The
24 institution shall provide information about the

1 amnesty policy of the institution on the website
2 of the institution.

3 “(5) TRAINING.—

4 “(A) IN GENERAL.—Not later than 1 year
5 after the date of enactment of the Campus Ac-
6 countability and Safety Act, the Secretary, in
7 coordination with the Attorney General and in
8 consultation with national, State, or local victim
9 services organizations and institutions of higher
10 education, shall develop a training program,
11 which may include online training modules, for
12 training—

13 “(i) each individual who is involved in
14 implementing an institution of higher edu-
15 cation’s student grievance procedures, in-
16 cluding each individual who is responsible
17 for resolving complaints of reported domes-
18 tic violence, dating violence, sexual assault,
19 sexual harassment, or stalking; and

20 “(ii) each employee of an institution
21 of higher education who has responsibility
22 for conducting an interview with a com-
23 plainant of domestic violence, dating vio-
24 lence, sexual assault, sexual harassment, or
25 stalking.

1 “(B) CONTENTS.—Such training shall in-
2 clude—

3 “(i) information on working with and
4 interviewing persons subjected to domestic
5 violence, dating violence, sexual assault,
6 sexual harassment, or stalking;

7 “(ii) information on particular types
8 of conduct that would constitute domestic
9 violence, dating violence, sexual assault,
10 sexual harassment, or stalking, regardless
11 of gender, including same-sex incidents of
12 domestic violence, dating violence, sexual
13 assault, sexual harassment, or stalking;

14 “(iii) information on consent and
15 what factors, including power dynamics,
16 may impact whether consent is voluntarily
17 given, including the ways drugs or alcohol
18 may affect an individual’s ability to con-
19 sent and information on consent for vic-
20 tims with disabilities or victims who may
21 be neurodivergent;

22 “(iv) the effects of trauma, including
23 the neurobiology of trauma;

1 “(v) training regarding the use of vic-
2 tim-centered, trauma-informed interview
3 techniques;

4 “(vi) cultural awareness training re-
5 garding how domestic violence, dating vio-
6 lence, sexual assault, sexual harassment,
7 and stalking may impact students dif-
8 ferently depending on their cultural back-
9 ground;

10 “(vii) information on cultural com-
11 petence that addresses the needs of under-
12 served populations (as defined in section
13 40002 of the Violence Against Women Act
14 of 1994 (34 U.S.C. 12291)) in the campus
15 community; and

16 “(viii) information on sexual assault
17 dynamics, sexual assault perpetrator be-
18 havior, and barriers to reporting.

19 “(C) INSTITUTIONAL TRAINING.—Each in-
20 stitution of higher education shall ensure that
21 the individuals and employees described in sub-
22 paragraph (A) receive the training described in
23 this paragraph not later than the July 15 that
24 is 1 year after the date that the training pro-

1 gram has been developed by the Secretary in
2 accordance with subparagraph (A).

3 “(6) UNIFORM CAMPUS-WIDE PROCESS FOR
4 STUDENT DISCIPLINARY PROCEEDING RELATING TO
5 CLAIM OF DOMESTIC VIOLENCE, DATING VIOLENCE,
6 SEXUAL ASSAULT, SEXUAL HARASSMENT, OR STALK-
7 ING.—Each institution of higher education that re-
8 ceives funds under this Act—

9 “(A) shall establish and carry out a uni-
10 form process (for each campus of the institu-
11 tion) for student disciplinary proceedings relat-
12 ing to any claims of domestic violence, dating
13 violence, sexual assault, sexual harassment, or
14 stalking against a student who attends the in-
15 stitution;

16 “(B) shall not carry out a different dis-
17 ciplinary process on the same campus for do-
18 mestic violence, dating violence, sexual assault,
19 sexual harassment, or stalking, or alter the uni-
20 form process described in subparagraph (A),
21 based on the status or characteristics of a stu-
22 dent who will be involved in that disciplinary
23 proceeding, including characteristics such as a
24 student’s membership on an athletic team, aca-

1 demic major, or any other characteristic or sta-
 2 tus of a student; and

3 “(C) may not, as a condition of student
 4 participation in a disciplinary proceeding—

5 “(i) automatically notify a law en-
 6 forcement agency of—

7 “(I) a receipt of a report of do-
 8 mestic violence, dating violence, sexual
 9 assault, sexual harassment, or stalk-
 10 ing; or

11 “(II) the initiation of a campus
 12 disciplinary proceeding; or

13 “(ii) require cooperation with a law
 14 enforcement agency.

15 “(7) INFORMATION ABOUT THE TITLE IX COOR-
 16 DINATOR.—The institution shall submit, annually, to
 17 the Office for Civil Rights of the Department of
 18 Education and the Civil Rights Division of the De-
 19 partment of Justice, the name and contact informa-
 20 tion for the title IX coordinator, including a brief
 21 description of the coordinator’s role and the roles of
 22 other officials who may be contacted to discuss or
 23 report domestic violence, dating violence, sexual as-
 24 sault, sexual harassment, or stalking, and docu-
 25 mentation of training received by the title IX coordi-

1 nator. The educational institution shall provide up-
2 dated information to the Office for Civil Rights of
3 the Department of Education and the Civil Rights
4 Division of the Department of Justice not later than
5 30 days after the date of any change.

6 “(8) WRITTEN NOTICE OF INSTITUTIONAL DIS-
7 CIPLINARY PROCESS.—The institution shall provide
8 both the complainant and respondent with written
9 notice of the institution’s decision to proceed with an
10 institutional disciplinary process regarding an allega-
11 tion of domestic violence, dating violence, sexual as-
12 sault, sexual harassment, or stalking within 24
13 hours of such decision, and sufficiently in advance of
14 a disciplinary hearing to provide both the complain-
15 ant and respondent with the opportunity to mean-
16 ingfully exercise their rights to a proceeding that is
17 prompt, fair, and impartial, which shall include the
18 opportunity for both parties to present witnesses and
19 other evidence, and any other due process rights af-
20 forded to them under institutional policy. The writ-
21 ten notice shall include the following:

22 “(A) The existence of a complaint, the na-
23 ture of the conduct upon which the complaint
24 is based, and the date on which the alleged inci-
25 dent occurred.

1 “(B) A description of the process for the
2 disciplinary proceeding, including the estimated
3 timeline from initiation to final disposition.

4 “(C) A description of the rights and pro-
5 tections available to the complainant and re-
6 spondent, including those described in section
7 485(f)(8)(B)(iv) and any other rights or protec-
8 tions that the complainant and respondent may
9 have under the institution’s policies.

10 “(D) A copy of the institution’s applicable
11 policies, and, if available, related published in-
12 formational materials.

13 “(E) Name and contact information for an
14 individual at the institution, who is independent
15 of the disciplinary process, to whom the com-
16 plainant and respondent can submit questions
17 about any of the information described in the
18 written notice of the institutional disciplinary
19 process.

20 “(c) PENALTIES.—

21 “(1) PENALTY RELATING TO SEXUAL AND
22 INTERPERSONAL VIOLENCE COORDINATORS.—The
23 Secretary may impose a civil penalty of not more
24 than 1 percent of an institution’s operating budget,
25 as defined by the Secretary, for each year that the

1 institution fails to carry out the requirements of
2 such paragraph following the effective date described
3 in section 4(b)(1) of the Campus Accountability and
4 Safety Act.

5 “(2) OTHER PROVISIONS.—The Secretary may
6 impose a civil penalty of not more than 1 percent of
7 an institution’s operating budget, as defined by the
8 Secretary, for each year that the institution fails to
9 carry out the requirements of such paragraphs fol-
10 lowing the effective date described in section 4(b)(2)
11 of the Campus Accountability and Safety Act.

12 “(3) VOLUNTARY RESOLUTION.—Notwith-
13 standing any other provision of this section, the Sec-
14 retary may enter into a voluntary resolution with an
15 institution of higher education that is subject to a
16 penalty under this subsection.

17 “(4) ADJUSTMENT TO PENALTIES.—Any civil
18 penalty under this subsection may be reduced by the
19 Secretary. In determining the amount of such pen-
20 alty, or the amount agreed upon in compromise, the
21 Secretary of Education shall consider the appro-
22 priateness of the penalty to the size of the operating
23 budget of the educational institution subject to the
24 determination, the gravity of the violation or failure,

1 and whether the violation or failure was committed
 2 intentionally, negligently, or otherwise.”.

3 (b) EFFECTIVE DATES.—

4 (1) SEXUAL AND INTERPERSONAL VIOLENCE
 5 COORDINATOR.—Paragraph (1) of section 125(b) of
 6 the Higher Education Act of 1965, as added by sub-
 7 section (a), shall take effect on the date that is the
 8 earlier of—

9 (A) 1 year after the Secretary of Edu-
 10 cation determines through a negotiated rule-
 11 making process what an adequate number of
 12 sexual and interpersonal violence coordinators is
 13 for an institution based on an institution’s size;
 14 or

15 (B) 3 years after the date of enactment of
 16 this Act.

17 (2) OTHER PROVISIONS.—Paragraphs (2)
 18 through (8) of section 125(b) of the Higher Edu-
 19 cation Act of 1965, as added by subsection (a), shall
 20 take effect on the date that is 1 year after the date
 21 of enactment of this Act.

22 (c) NEGOTIATED RULEMAKING.—The Secretary of
 23 Education shall establish regulations to carry out the pro-
 24 visions of this section, and the amendment made by this
 25 section, in accordance with the requirements described

1 under section 492 of the Higher Education Act of 1965
 2 (20 U.S.C. 1098a).

3 **SEC. 5. GRANTS TO IMPROVE PREVENTION AND RESPONSE**
 4 **TO DOMESTIC VIOLENCE, DATING VIOLENCE,**
 5 **SEXUAL ASSAULT, SEXUAL HARASSMENT,**
 6 **AND STALKING ON CAMPUS.**

7 Title VIII of the Higher Education Act of 1965 (20
 8 U.S.C. 1161a) is amended by adding at the end the fol-
 9 lowing:

10 **“PART BB—GRANTS FOR INSTITUTIONS TO AD-**
 11 **DRESS AND PREVENT DOMESTIC VIOLENCE,**
 12 **DATING VIOLENCE, SEXUAL ASSAULT, SEX-**
 13 **UAL HARASSMENT, AND STALKING ON CAM-**
 14 **PUS**

15 **“SEC. 899. GRANTS FOR INSTITUTIONS TO ADDRESS AND**
 16 **PREVENT DOMESTIC VIOLENCE, DATING VIO-**
 17 **LENCE, SEXUAL ASSAULT, SEXUAL HARASS-**
 18 **MENT, AND STALKING ON CAMPUS.**

19 “(a) GRANTS AUTHORIZED.—

20 “(1) IN GENERAL.—The Secretary is authorized
 21 to award grants to institutions of higher education,
 22 on a competitive basis as described in paragraph (2),
 23 to enhance the ability of such institutions to address
 24 and prevent domestic violence, dating violence, sex-

1 ual assault, sexual harassment, and stalking on cam-
 2 pus.

3 “(2) AWARD BASIS.—The Secretary shall award
 4 grants under this section, on a competitive basis, as
 5 funds become available through the payment of pen-
 6 alties by institutions of higher education under sec-
 7 tion 125.

8 “(3) PROHIBITION; INELIGIBLE INSTITU-
 9 TIONS.—

10 “(A) NO RESERVATION FOR ADMINISTRA-
 11 TIVE EXPENSES.—Funds awarded under this
 12 section shall not be reserved for administrative
 13 expenses.

14 “(B) INELIGIBLE INSTITUTIONS.—

15 “(i) VIOLATIONS.—An institution of
 16 higher education shall not be eligible to re-
 17 ceive a grant under this section if the insti-
 18 tution is found by the Department of Edu-
 19 cation, at the time of application for a
 20 grant under this section, to be in violation
 21 of—

22 “(I) title IX of the Education
 23 Amendments of 1972 (20 U.S.C.
 24 1681); and

25 “(II) section 485(f).

1 “(ii) MULTIPLE GRANTS.—An institu-
 2 tion of higher education that has received
 3 a grant award under section 304 of the Vi-
 4 olence Against Women and Department of
 5 Justice Reauthorization Act of 2005 (34
 6 U.S.C. 20125) in any of the previous 3
 7 grant funding cycles shall not be eligible
 8 for a grant award under this section.

9 “(4) PREFERENCE.—In awarding grants under
 10 this section, the Secretary shall give preference to
 11 those institutions of higher education—

12 “(A) with the smallest endowments or the
 13 lowest tuition rates, as compared to all institu-
 14 tions receiving funds under this Act; or

15 “(B) that have demonstrated a strong
 16 commitment to prioritizing the prevention of
 17 domestic violence, dating violence, sexual as-
 18 sault, sexual harassment, and stalking on their
 19 campuses, which may be demonstrated by pro-
 20 viding documentation of actions by the adminis-
 21 tration of such institution such as—

22 “(i) establishing a working group on
 23 campus that includes the participation of
 24 administration officials and students to
 25 analyze and strategize improvements to the

1 way the institution prevents and responds
2 to domestic violence, dating violence, sex-
3 ual assault, sexual harassment, and stalk-
4 ing on campus;

5 “(ii) organizing a series of listening
6 sessions on campus to gather feedback and
7 ideas from the campus community on how
8 to improve the way the institution prevents
9 and responds to domestic violence, dating
10 violence, sexual assault, sexual harassment,
11 and stalking on campus;

12 “(iii) hosting a conference that brings
13 together academic researchers to present
14 and share ideas and research regarding do-
15 mestic violence, dating violence, sexual as-
16 sault, sexual harassment, and stalking on
17 campus; or

18 “(iv) other documented efforts beyond
19 the requirements of Federal or State law
20 that the administration of the institution
21 of higher education has initiated in order
22 to better understand the prevalence of do-
23 mestic violence, dating violence, sexual as-
24 sault, sexual harassment, and stalking on
25 campus and analyze and improve how the

1 institution of higher education responds to
2 such incidents.

3 “(5) AMOUNT OF GRANTS.—The Secretary,
4 through the Assistant Secretary of the Office for
5 Civil Rights, shall award the grants under this sec-
6 tion in an amount of not more than \$500,000 for
7 each institution of higher education.

8 “(6) EQUITABLE PARTICIPATION.—The Sec-
9 retary shall make every effort to ensure—

10 “(A) the equitable participation of private
11 and public institutions of higher education in
12 the activities assisted under this section;

13 “(B) the equitable geographic distribution
14 of grants under this section among the various
15 regions of the United States; and

16 “(C) the equitable distribution of grants
17 under this section to Tribal Colleges or Univer-
18 sities (as defined under section 316(b)) and his-
19 torically Black colleges or universities.

20 “(7) DURATION.—The Secretary shall award
21 each grant under this section for a period of not
22 more than 5 years.

23 “(b) USE OF GRANT FUNDS.—

24 “(1) MANDATORY USES.—Grant funds awarded
25 under this section shall be used to research best

1 practices for preventing and responding to domestic
2 violence, dating violence, sexual assault, sexual har-
3 assment, and stalking on campus and to disseminate
4 such research to peer institutions and the Depart-
5 ment. Such research may include a focus on one or
6 more of the following purposes:

7 “(A) Strengthening strategies to combat
8 domestic violence, dating violence, sexual as-
9 sault, sexual harassment, and stalking on cam-
10 pus.

11 “(B) Strengthening victim services for inci-
12 dents involving domestic violence, dating vio-
13 lence, sexual assault, sexual harassment, and
14 stalking on campus, which may involve partner-
15 ships with community-based victim services
16 agencies.

17 “(C) Strengthening prevention education
18 and awareness programs on campus regarding
19 domestic violence, dating violence, sexual as-
20 sault, sexual harassment, and stalking.

21 “(2) PERMISSIVE USES.—Grant funds awarded
22 under this section may be used for one or more of
23 the following purposes:

24 “(A) Evaluating and determining the effec-
25 tiveness of victim services and education pro-

grams in reaching all populations that may be subject to domestic violence, dating violence, sexual assault, sexual harassment, and stalking on campus.

“(B) Training campus administrators, campus security personnel, and personnel serving on campus disciplinary boards on campus policies, protocols, and services to respond to domestic violence, dating violence, sexual assault, sexual harassment, and stalking on campus, which shall include instruction on victim-centered, trauma-informed interview techniques and information on the neurobiological effects of trauma and stress on memory.

“(C) Developing, expanding, or strengthening victim services programs and population specific services on the campus of the institution, including programs providing legal, medical, or psychological counseling for victims of domestic violence, dating violence, sexual assault, sexual harassment, and stalking, and to improve delivery of victim assistance on campus, including through the services of the sexual and interpersonal violence coordinator (as described in section 125(b)).

1 “(D) Developing or adapting and providing
 2 developmentally and culturally appropriate and
 3 linguistically accessible print or electronic mate-
 4 rials regarding campus policies, protocols, and
 5 services related to the prevention of and re-
 6 sponse to domestic violence, dating violence,
 7 sexual assault, sexual harassment, and stalking
 8 on campus.

9 “(E) Developing and implementing preven-
 10 tion education and awareness programs on cam-
 11 pus regarding domestic violence, dating vio-
 12 lence, sexual assault, sexual harassment, and
 13 stalking.

14 “(c) APPLICATIONS.—

15 “(1) IN GENERAL.—In order to be eligible for
 16 a grant under this section for any fiscal year, an in-
 17 stitution of higher education shall submit an applica-
 18 tion to the Secretary at such time and in such man-
 19 ner as the Secretary shall prescribe.

20 “(2) CONTENTS.—Each application submitted
 21 under paragraph (1) shall—

22 “(A) describe the need for grant funds and
 23 the plan for implementation for any of the ac-
 24 tivities described in subsection (b);

1 “(B) describe the characteristics of the
2 population being served, including type of cam-
3 pus, demographics of the population, and num-
4 ber of students;

5 “(C) describe how underserved populations
6 (as defined in section 40002 of the Violence
7 Against Women Act of 1994 (34 U.S.C.
8 12291)) in the campus community will be ade-
9 quately served, including the provision of rel-
10 evant population specific services;

11 “(D) provide measurable goals and ex-
12 pected results from the use of the grant funds;

13 “(E) provide assurances that the Federal
14 funds made available under this section shall be
15 used to supplement and, to the extent practical,
16 increase the level of funds that would, in the
17 absence of Federal funds, be made available by
18 the institution or organization for the activities
19 described in subsection (b); and

20 “(F) include such other information and
21 assurances as the Secretary reasonably deter-
22 mines to be necessary.

23 “(d) REPORTS.—

24 “(1) GRANTEE REPORTING.—

1 “(A) ANNUAL REPORT.—Each institution
2 of higher education receiving a grant under this
3 section shall submit a performance report to the
4 Secretary beginning 1 year after receiving the
5 grant and annually thereafter. The Secretary
6 shall suspend funding under this section for an
7 institution of higher education if the institution
8 fails to submit such a report.

9 “(B) FINAL REPORT.—Upon completion of
10 the grant period under this section, the grantee
11 institution shall file a final performance report
12 with the Secretary explaining the activities car-
13 ried out under this section together with an as-
14 sessment of the effectiveness of the activities
15 described in subsection (b).

16 “(2) REPORT TO CONGRESS.—Not later than
17 180 days after the end of the grant period under
18 this section, the Secretary shall submit to Congress
19 a report that includes—

20 “(A) the number of grants, and the
21 amount of funds, distributed under this section;

22 “(B) a summary of the activities carried
23 out using grant funds and an evaluation of the
24 progress made under the grant; and

1 “(C) an evaluation of the effectiveness of
2 programs funded under this section.”.

3 **SEC. 6. GAO REPORT.**

4 The Comptroller General of the United States shall—

5 (1) conduct a study on the effectiveness and ef-
6 ficiency of the grants to improve prevention and re-
7 sponse to domestic violence, dating violence, sexual
8 assault, sexual harassment, and stalking on campus
9 under section 899 of the Higher Education Act of
10 1965, as added by section 5 of this Act; and

11 (2) submit a report, not later than 2 years after
12 the date of enactment of this Act, on the study de-
13 scribed in paragraph (1), to the Committee on
14 Health, Education, Labor, and Pensions of the Sen-
15 ate and the Committee on Education and Labor of
16 the House of Representatives.

○