

1.1 ..... moves to amend H.F. No. 4024 as follows:

1.2 Page 5, lines 20 and 23, delete "An institution" and insert "A school"

1.3 Page 5, lines 21 and 22, delete "institution" and insert "school"

1.4 Page 6, line 10, reinstate "victims" and delete "victim-survivors"

1.5 Pages 6 to 7, delete sections 5 and 6 and insert:

1.6 "Sec. 5. Minnesota Statutes 2022, section 135A.15, subdivision 1a, is amended to read:

1.7 Subd. 1a. ~~Sexual assault definition~~ Definitions. (a) For the purposes of this section,  
1.8 the following terms have the meanings given.

1.9 (b) "Advisor" means a person who is selected by a responding or reporting party to serve  
1.10 as a support during a campus investigation and disciplinary process. This person may be  
1.11 an attorney. An advisor serves as a support to a party by offering comfort or attending  
1.12 meetings.

1.13 (c) "Domestic violence" has the meaning giving in section 518B.01, subdivision 2.

1.14 ~~(b)~~ (d) "Incident" means one report of sexual assault misconduct to a postsecondary  
1.15 institution, regardless of the number of complainants included in the report, the number of  
1.16 respondents included in the report, and whether or not the identity of any party is known  
1.17 by the reporting postsecondary institution. Incident encompasses all nonconsensual events  
1.18 included within one report if multiple events have been identified.

1.19 (e) "Intimate partner violence" means any physical or sexual harm or a pattern of any  
1.20 other coercive behavior committed, enabled, or solicited to gain or maintain power and  
1.21 control over a victim, including verbal, psychological, economic, or technological abuse  
1.22 that may or may not constitute criminal behavior against an individual, that may be classified  
1.23 as a sexual assault or domestic violence caused by:

2.1 (1) a current or former spouse of the individual; or

2.2 (2) a person in a sexual or romantic relationship with the individual.

2.3 (f) "Nonconsensual distribution of sexual images" has the meaning given in section  
2.4 617.261.

2.5 (g) "Reporting party" means the party in a disciplinary proceeding who has reported  
2.6 being subject to conduct or communication that could constitute sexual harassment or sexual  
2.7 misconduct.

2.8 (h) "Responding party" means the party in a disciplinary proceeding who has been  
2.9 reported to be the perpetrator of conduct or communication that could constitute sexual  
2.10 harassment or sexual misconduct.

2.11 ~~(e)~~ (i) "Sexual assault" means rape, sex offenses - fondling, sex offenses - incest, or sex  
2.12 offenses - statutory rape as defined in Code of Federal Regulations, title 34, part 668, subpart  
2.13 D, appendix A, as amended.

2.14 (j) "Sexual extortion" has the meaning given in section 609.3458.

2.15 (k) "Sex trafficking" has the meaning given in section 609.321, subdivision 7a.

2.16 (l) "Sexual harassment" has the meaning given in section 363A.03, subdivision 43.

2.17 (m) "Sexual misconduct" means an incident of sexual violence, intimate partner violence,  
2.18 domestic violence, sexual assault, sexual harassment, nonconsensual distribution of sexual  
2.19 images, sexual extortion, nonconsensual dissemination of a deepfake depicting intimate  
2.20 parts or sexual acts, sex trafficking, or stalking.

2.21 (n) "Stalking" means engaging in a course of conduct directed at a specific person that  
2.22 would cause a reasonable person to (1) fear for that person's safety or the safety of others,  
2.23 or (2) suffer substantial emotional distress.

2.24 Sec. 6. Minnesota Statutes 2022, section 135A.15, subdivision 2, is amended to read:

2.25 Subd. 2. **Victims' rights.** (a) The policy required under subdivision 1 shall, at a minimum,  
2.26 require that students and employees be informed of the policy, and shall include provisions  
2.27 for:

2.28 (1) filing criminal charges with local law enforcement officials in ~~sexual assault~~ cases  
2.29 defined as sexual misconduct;

3.1 (2) the prompt assistance of campus authorities, at the request of the victim, in notifying  
3.2 the appropriate law enforcement officials and disciplinary authorities of a sexual ~~assault~~  
3.3 misconduct incident;

3.4 (3) allowing sexual ~~assault~~ misconduct victims to decide whether to report a case to law  
3.5 enforcement; participate in a campus investigation, disciplinary proceeding, or  
3.6 nondisciplinary restorative justice service; or not report altogether;

3.7 (4) requiring campus authorities to treat sexual ~~assault~~ misconduct victims with dignity;

3.8 (5) requiring campus authorities to offer sexual ~~assault~~ misconduct victims fair and  
3.9 respectful health care, counseling services, or referrals to such services;

3.10 (6) preventing campus authorities from suggesting to a victim of sexual ~~assault~~  
3.11 misconduct that the victim is at fault for the crimes or violations that occurred;

3.12 (7) preventing campus authorities from suggesting to a victim of sexual ~~assault~~  
3.13 misconduct that the victim should have acted in a different manner to avoid such a crime;

3.14 (8) subject to ~~subdivision~~ subdivisions 2a and 10, protecting the privacy of sexual ~~assault~~  
3.15 misconduct victims by only disclosing data collected under this section to the victim, persons  
3.16 whose work assignments reasonably require access, and, at a sexual ~~assault~~ misconduct  
3.17 victim's request, police conducting a criminal investigation;

3.18 (9) an investigation and resolution of a sexual ~~assault~~ misconduct complaint by campus  
3.19 disciplinary authorities;

3.20 (10) a sexual ~~assault~~ misconduct victim's participation in and the presence of the victim's  
3.21 attorney or other support person who is not a fact witness to the sexual ~~assault~~ misconduct  
3.22 at any meeting with campus officials concerning the victim's sexual ~~assault~~ misconduct  
3.23 complaint or campus disciplinary proceeding concerning a sexual ~~assault~~ misconduct  
3.24 complaint;

3.25 (11) ensuring that a sexual ~~assault~~ misconduct victim may decide when to repeat a  
3.26 description of the incident of sexual ~~assault~~ misconduct;

3.27 (12) notice to a sexual ~~assault~~ misconduct victim of the availability of a campus or local  
3.28 program providing ~~sexual-assault~~ victim advocacy services and information on free legal  
3.29 resources and services;

3.30 (13) notice to a sexual ~~assault~~ misconduct victim of the outcome of any campus  
3.31 disciplinary proceeding concerning a sexual ~~assault~~ misconduct complaint, consistent with  
3.32 laws relating to data practices;

4.1 (14) the complete and prompt assistance of campus authorities, at the direction of law  
4.2 enforcement authorities, in obtaining, securing, and maintaining evidence in connection  
4.3 with a sexual ~~assault~~ misconduct incident;

4.4 (15) the assistance of campus authorities, at the request of the sexual misconduct victim,  
4.5 ~~in preserving for a sexual assault complainant or victim~~ materials relevant to a campus  
4.6 disciplinary proceeding;

4.7 (16) during and after the process of investigating a complaint and conducting a campus  
4.8 disciplinary procedure, the assistance of campus personnel, in cooperation with the  
4.9 appropriate law enforcement authorities, at a sexual ~~assault~~ misconduct victim's request, in  
4.10 shielding the victim from unwanted contact with the alleged assailant, including transfer of  
4.11 the victim to alternative classes or to alternative college-owned housing, if alternative classes  
4.12 or housing are available and feasible;

4.13 (17) forbidding retaliation, and establishing a process for investigating complaints of  
4.14 retaliation, against sexual ~~assault~~ misconduct victims by campus authorities, the accused,  
4.15 organizations affiliated with the accused, other students, and other employees;

4.16 (18) at the request of the victim, providing students who reported sexual ~~assaults~~  
4.17 misconduct to the institution and subsequently choose to transfer to another postsecondary  
4.18 institution with information about resources for victims of sexual ~~assault~~ misconduct at the  
4.19 institution to which the victim is transferring; and

4.20 (19) consistent with laws governing access to student records, providing a student who  
4.21 reported an incident of sexual ~~assault~~ misconduct with access to the student's description  
4.22 of the incident as it was reported to the institution, including if that student transfers to  
4.23 another postsecondary institution.

4.24 (b) None of the rights given to a student by the policy required by subdivision 1 may be  
4.25 made contingent upon the victim entering into a nondisclosure agreement or other contract  
4.26 restricting the victim's ability to disclose information in connection with a sexual misconduct  
4.27 complaint, investigation, or hearing.

4.28 (c) A nondisclosure agreement or other contract restricting the victim's ability to disclose  
4.29 information in connection with a sexual misconduct complaint, investigation, or hearing  
4.30 may not be used as condition of financial aid or remedial action."

4.31 Page 10, after line 19, insert:

5.1 "Sec. 8. Minnesota Statutes 2022, section 135A.15, subdivision 6, is amended to read:

5.2 Subd. 6. **Data collection and reporting.** (a) Postsecondary institutions must annually  
5.3 report statistics on sexual ~~assault~~ misconduct. This report must be prepared in addition to  
5.4 any federally required reporting on campus security, including reports required by the Jeanne  
5.5 Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, United States  
5.6 Code, title 20, section 1092(f). The report must include, but not be limited to, the number  
5.7 of incidents of sexual ~~assault~~ misconduct of each offense listed under the definition  
5.8 subdivision 1a, reported to the institution in the previous calendar year, as follows:

5.9 (1) the number that were investigated by the institution;

5.10 (2) the number that were referred for a disciplinary proceeding at the institution;

5.11 (3) the number the victim chose to report to local or state law enforcement;

5.12 (4) the number for which a campus disciplinary proceeding is pending, but has not  
5.13 reached a final resolution;

5.14 (5) the number in which the alleged perpetrator was found responsible by the disciplinary  
5.15 proceeding at the institution;

5.16 (6) the number that resulted in any action by the institution greater than a warning issued  
5.17 to the accused;

5.18 (7) the number that resulted in a disciplinary proceeding at the institution that closed  
5.19 without resolution;

5.20 (8) the number that resulted in a disciplinary proceeding at the institution that closed  
5.21 without resolution because the accused withdrew from the institution;

5.22 (9) the number that resulted in a disciplinary proceeding at the institution that closed  
5.23 without resolution because the victim chose not to participate in the procedure; and

5.24 (10) the number of reports made through the online reporting system established in  
5.25 subdivision 5, excluding reports submitted anonymously.

5.26 (b) If an institution previously submitted a report indicating that one or more disciplinary  
5.27 proceedings was pending, but had not reached a final resolution, and one or more of those  
5.28 disciplinary proceedings reached a final resolution within the previous calendar year, that  
5.29 institution must submit updated totals from the previous year that reflect the outcome of  
5.30 the pending case or cases.

6.1 (c) The reports required by this subdivision must be submitted to the Office of Higher  
6.2 Education by October 1 of each year. Each report must contain the data required under  
6.3 paragraphs (a) and (b) from the previous calendar year.

6.4 (d) The commissioner of the Office of Higher Education shall calculate statewide numbers  
6.5 for each data item reported by an institution under this subdivision. The statewide numbers  
6.6 must include data from postsecondary institutions that the commissioner could not publish  
6.7 due to federal laws governing access to student records.

6.8 (e) The Office of Higher Education shall publish on its website:

6.9 (1) the statewide data calculated under paragraph (d); and

6.10 (2) the data items required under paragraphs (a) and (b) for each postsecondary institution  
6.11 in the state.

6.12 Each postsecondary institution shall publish on the institution's website the data items  
6.13 required under paragraphs (a) and (b) for that institution.

6.14 (f) Reports and data required under this subdivision must be prepared and published as  
6.15 summary data, as defined in section 13.02, subdivision 19, and must be consistent with  
6.16 applicable law governing access to educational data. If an institution or the Office of Higher  
6.17 Education does not publish data because of applicable law, the publication must explain  
6.18 why data are not included."

6.19 Page 11, lines 17 and 20, reinstate the stricken language and delete the new language

6.20 Page 12, line 6, delete "paragraph (a)"

6.21 Page 15, delete subdivision 4 and insert:

6.22 "Subd. 4. **Administration.** The commissioner of the Office of Higher Education must,  
6.23 in consultation with the Board of Trustees of the Minnesota State Colleges and Universities  
6.24 and the Board of Regents of the University of Minnesota, establish guidelines, as necessary,  
6.25 to administer this section. The guidelines must establish minimum periods for which a  
6.26 pregnant or parenting student must be given a leave of absence under subdivision 2, paragraph  
6.27 (d). In establishing the minimum periods, the Office of Higher Education shall consider the  
6.28 maximum amount of time a student may be absent without significantly interfering with  
6.29 the student's ability to complete the student's degree or certificate program."

6.30 Page 16, line 15, delete the new language and insert "under the national school lunch  
6.31 program"

6.32 Page 16, line 16, delete the new language

- 7.1 Page 16, line 22, before "The" insert "The commissioner must calculate aid for programs
- 7.2 in the order of their original enactment from oldest to most recent."
- 7.3 Page 16, line 26, delete "then" and delete "must" and insert "may"
- 7.4 Page 16, line 27, delete everything after the period
- 7.5 Page 16, delete line 28
- 7.6 Page 19, line 15, after "(g)" insert "Students who received the foster grant in the previous
- 7.7 year will be given priority."
- 7.8 Page 20, line 12, before "the" insert "or" and strike ", or a Tribal college"
- 7.9 Page 25, line 21, strike "either the Zone Alternative," and insert "an alternative standard
- 7.10 set forth in"
- 7.11 Page 25, line 22, strike everything after the third comma
- 7.12 Page 25, line 23, delete the new language and strike everything before "shall"
- 7.13 Page 29, line 9, strike "either the Zone Alternative," and insert "an alternative standard
- 7.14 set forth in"
- 7.15 Page 29, line 10, strike everything after "668.175"
- 7.16 Page 29, line 11, delete the new language and strike everything before the period
- 7.17 Page 39, delete section 43 and insert:
- 7.18 "Sec. 44. **REPEALER.**
- 7.19 Minnesota Statutes 2023 Supplement, section 135A.162, subdivision 7, is repealed."
- 7.20 Renumber the sections in sequence and correct the internal references
- 7.21 Amend the title accordingly