

# HOUSE RESEARCH

## Bill Summary

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### Overview

Minnesota Statutes, section 135A.15, requires postsecondary institutions in Minnesota to have policies on sexual harassment and sexual violence. H.F. 742 requires that postsecondary institutions take several additional measures to respond to sexual harassment, sexual violence, and sexual assault on campuses.

- Postsecondary institutions' policies on sexual harassment and sexual violence must apply to incidents occurring at activities, programs, organizations, or events sponsored by the system.
- Postsecondary institutions' policies on sexual harassment and sexual violence must include a number of additional provisions governing the institution's response to an allegation of sexual assault.
- Postsecondary institutions may not sanction students who make good faith reports of sexual harassment or violence for violating the institution's student conduct policy on drugs and alcohol.
- Postsecondary institutions must enter into a memorandum of understanding with local law enforcement that details procedures for responding to allegations of sexual assault
- Postsecondary institutions must create an online reporting system through which students may report incidents of sexual harassment and sexual violence, including accepting anonymous reports.
- Postsecondary institutions must collect and report a number of different pieces of data about sexual assault on campus.
- Postsecondary institutions must restrict access to the data collected through the online reporting system.

## Section

- Postsecondary institutions must offer comprehensive training on preventing and responding to sexual violence to campus security officers, campus administrators, and individuals responsible for receiving reports of sexual assault.
- Postsecondary institutions must require students to complete an online training on sexual assault prior to registering for class.
- Postsecondary institutions must develop and implement a policy that requires student health providers to screen students for incidents of sexual assault.
- Postsecondary institutions must designate an existing student health worker as a confidential advocate with whom victims of sexual assault can meet on a walk-in basis

The bill additionally classifies data collected by postsecondary institutions relating to allegations of sexual assault as private data on individuals under the Government Data Practices Act.

## Section

- 1 Campus sexual assault data.** Updates list of data classified outside of chapter 13 to include the newly classified data under section 135A.15.
- 2 Policy required.** Requires university policies on sexual harassment and sexual violence to apply to incidents at activities, programs, organizations, or events sponsored by the university, in addition to incidents occurring on campus.  
  
Clarifies that private postsecondary institutions that register with the Office of Higher Education must comply with the new requirements in this bill.
- 3 Victim's rights.** Requires postsecondary institutions to include in their policies on sexual harassment and sexual violence a number of provisions for the treatment of sexual assault victims. Minnesota Statutes, section 135A.15, subdivision 2, currently requires postsecondary institutions to include in their policies on sexual assault and sexual violence a number of provisions that regulate the investigation of sexual assault and treatment of sexual assault victims. This section adds 10 additional requirements to that list. These provisions include:
  - Several requirements for how campus authorities must treat and interact with victims of sexual assault.
  - Forbidding colleges and universities from disclosing data collected under this section to individuals other than the victim of sexual assault, campus officials investigating an assault or conducting a disciplinary procedure, or the police (at the victim's request).
  - Forbidding retaliation against victims of sexual assault by campus authorities or the accused.
  - Preventing campus authorities from interfering with a sexual assault victim's practice of his or her religion or ability to exercise his or her civil rights.

## Section

Defines sexual assault for the purpose of this section of statute as forcible sex offenses as defined in the FBI's uniform crime reporting handbook. This definition includes crimes such as forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling.

- 4 **Uniform amnesty.** Prevents postsecondary institutions from sanctioning students who make a good faith report of sexual harassment or sexual violence for violating the institution's student conduct policy on the use of drugs or alcohol.
- 5 **Coordination with local law enforcement.** Requires postsecondary institutions to enter into a memorandum of understanding with local law enforcement about how to respond to allegations of sexual assault. This section includes several items that must be included in the memo, including delineation of investigatory responsibilities, standards for communication and evidence sharing, and methods for sharing information about specific crimes. Finally, this section requires postsecondary institutions to share a copy of the memorandum of understanding with all employees of the campus.

Paragraph (c) allows schools to be exempted from this requirement if they establish a sexual assault protocol team to facilitate cooperation with law enforcement on response to sexual assaults.

- 6 **Online reporting system.** Requires postsecondary institutions to create an online reporting system to receive complaints of sexual harassment and sexual violence. The online reporting system must allow students to submit reports of sexual harassment or sexual violence anonymously. Postsecondary institutions are only obligated to investigate anonymous reports if a formal report is filed in accordance with the institution's sexual harassment and sexual violence policy, unless otherwise required by law.

Data collected through the online reporting system is classified as private data on individuals under the Minnesota Government Data Practices Act.

- 7 **Data collection and reporting.** Requires postsecondary institutions to report statistics on campus sexual assault to the Office of Higher Education, and to publish such statistics on their Web sites. Specifically, this provision requires postsecondary institutions to report the following statistics:

- The number of incidents that the institution investigated.
- The number of incidents referred to a campus disciplinary proceeding.
- The number of cases referred to state or local law enforcement.
- The number of alleged perpetrators found responsible in campus disciplinary proceedings.
- The number of disciplinary proceedings at the institution that resulted in any action by the institution greater than a warning issued to the accused.
- The number of disciplinary proceedings at the institution that closed without resolution.
- The number of disciplinary proceedings at the institution that closed without resolution because the accused withdrew from the institution.

## Section

- The number of disciplinary proceedings at the institution that closed without resolution because the victim chose not to participate in the procedure.
- The number of reports made through the online reporting system established earlier in the bill, excluding those submitted anonymously.

These statistics must be presented as summary data that does not identify alleged perpetrators or victims of crime. Postsecondary institutions must report these statistics to the Office of Higher Education and publish the statistics on their websites.

- 8 Access to data; audit trail.** Paragraph (a) classifies data on incidents of sexual assault shared with campus security officers and administrators as private data on individuals.

Paragraph (b) restricts access to data collected through the online reporting system to individuals with explicit authorization from the institution. Requires institutions to use a role-based access system to store the data and to log all changes in the system and times the data was accessed. Individuals who violate data access rules will have their access to the system permanently revoked, and the institution must forward the matter to a county attorney for prosecution.

- 9 Comprehensive training. Paragraph (a)** requires postsecondary institutions to provide campus security officers and campus administration with training on preventing and responding to sexual assault. Postsecondary institutions must offer this training in collaboration with the Bureau of Criminal Apprehension or another law enforcement agency with experience in criminal sexual conduct.

Paragraph (b) requires each incoming student receive training on sexual assault no later than ten business days after the start of a student's first semester of classes. Requires that a student's transcript show completion of the training.

Paragraph (c) requires postsecondary institutions to train individuals responsible for responding to reports of sexual assault.

Paragraph (d) requires private colleges and universities to comply with the requirements of this subdivision.

- 10 Student health screening.** Requires postsecondary institutions to develop and implement a policy requiring student health service providers to screen students for incidents of sexual assault.

Postsecondary institutions offering student health services must designate an existing staff member to be a confidential advocate for victims. Confidential advocates must be available to meet with students on a walk-in basis, and must offer resources to victims of sexual assault, including information about legal and mental health assistance available to victims of sexual assault, and information about reporting sexual assaults to the institution or law enforcement. Postsecondary institutions must train confidential advisors in responding to incidents of sexual assault. Data shared with confidential advocates is classified as sexual assault communication data under the Government Data Practices Act.

- 11 Cooperation with postsecondary institutions.** Requires local law enforcement agencies to enter into and honor the memoranda of understanding required under section 4.

**Section**

- 12** **Effective date.** Establishes effective dates for the bill. Most sections are effective August 1, 2015, but the memorandum of understanding with law enforcement and student health screening policy must be completed by January 1, 2016.