

File No. 150230

Committee Item No. _____
Board Item No. 25

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date March 10, 2015

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
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| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER (Use back side if additional space is needed)

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|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Campus Safety and Accountability Act of 2015</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Joy Lamug
Completed by: _____

Date March 5, 2015
Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Supporting the Campus Safety and Accountability Act of 2015 - Prevent Sexual Assaults on
2 College and University Campuses, Protect Students, and Create Real Accountability]

3 **Resolution supporting the Campus Safety and Accountability Act of 2015, landmark**
4 **anti-sexual assault legislation that will better protect and empower students, increase**
5 **responsiveness when crimes occur; and establish more transparent and uniform**
6 **accountability standards for colleges and universities.**

7
8 WHEREAS, An American woman aged 18 to 24 is at the highest risk of sexual assault
9 victimization compared to women in all other age groups; and

10 WHEREAS, In 2013 alone, colleges and universities reported over 5,000 forcible sex
11 offenses to the U.S. Department of Education; and

12 WHEREAS, Forty-one percent of schools have not conducted a single investigation of
13 a sexual assault complaint in the last five years and only 10-25% of students found
14 "responsible" for sexual assault were permanently kicked off campus; and

15 WHEREAS, Approximately 80% of sexual assault crimes against undergraduate
16 women go unreported to the police; and

17 WHEREAS, Only 16% of student survivors of sexual assault received assistance from
18 a victims services agency that provides aid in recovery, guidance through the criminal justice
19 system, and/or assistance in obtaining restitution; and

20 WHEREAS, A chronic lack of training of on-campus personnel hampers sexual assault
21 investigations and disciplinary processes, often creating conditions that result in
22 retraumatization of survivors; and

23 WHEREAS, In the City and County of San Francisco, there are more than 105,000
24 students enrolled in the more than twenty local colleges and universities; and

1 WHEREAS, San Francisco has long been dedicated to a survivor-centered approach
2 in its anti-violence work, in which the survivor's wishes, safety, and well-being take priority in
3 all procedures; and

4 WHEREAS, The survivor-centered Campus Safety and Accountability Act (CASA) was
5 introduced on July 7, 2014, by a bipartisan coalition of Senators in the United States Senate,
6 led by Senators Claire McCaskill and Kirsten Gillenbrand, where it failed to pass before the
7 end of the 113th Congress; and

8 WHEREAS, CASA was reintroduced on February 26, 2015, providing the 114th
9 Congress the opportunity to finally pass this critical piece of public safety legislation; and

10 WHEREAS, CASA is intended to curtail the epidemic of sexual violence on college and
11 university campuses by protecting and empowering students, strengthening accountability
12 and transparency for schools, and establishing penalties for non-compliance; and

13 WHEREAS, Under CASA, colleges and universities will be required to designate
14 confidential advisors who will serve as a resource for survivors of assault, and who will also
15 be tasked with coordinating support services and accommodations for survivors, providing
16 information about reporting options, and guidance or assistance in reporting the crime to
17 campus authorities and/or local law enforcement; and

18 WHEREAS, CASA ensures that the confidential advisor, as well as all those
19 responsible for investigating these crimes, and all those participating in disciplinary
20 proceedings, will receive specialized training to ensure that they have a firm understanding of
21 the nature of these crimes and their effect on survivors; and

22 WHEREAS, CASA requires that students at every university in America be surveyed
23 about their experiences with sexual violence so that a more accurate picture of the scope of
24 this crisis can be established; and

1 WHEREAS, The new annual survey will be standardized and anonymous, and the
2 results will be published online so that parents, caregivers, and students can make informed
3 decisions when comparing universities; and

4 WHEREAS, CASA will require colleges and universities to enter into memoranda of
5 understanding with all applicable local law enforcement agencies to clearly delineate
6 responsibilities and share information so that when an assault occurs, both campus
7 authorities and local authorities can focus on solving the crime rather than debating
8 jurisdiction; and

9 WHEREAS, Schools that do not comply with certain requirements under CASA may
10 face a penalty of up to one percent of the institution's operating budget; and

11 WHEREAS, CASA is intended to reverse the cover-up culture that exists on campuses
12 by encouraging colleges and universities to prevent sexual assaults, get rid of sexual
13 predators, and educate students and university officials about the problem; and

14 WHEREAS, CASA would have a positive impact on the health and safety of the tens of
15 thousands of students that reside and study here in the City and County of San Francisco;
16 now, therefore, be it

17 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
18 urges the Congress of the United States to pass the Campus Accountability and Safety Act, or
19 similar legislation, aimed at preventing sexual assaults on campuses and protecting survivors
20 in the event of a crime, and which would require colleges and universities to designate
21 confidential advisors for sexual assault survivors, provide specialized training to ensure that
22 college and university staff properly respond to these kinds of crimes, and provide information
23 regarding sexual assaults on campuses so that individuals are able to make better-informed
24 decisions regarding school choices; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
2 Francisco hereby directs the Clerk of the Board to transmit copies to Senator Claire McCaskill
3 and the members of Congress from San Francisco and the United States Senators from
4 California with a request to take all action necessary to achieve the objectives of this
5 Resolution.

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113TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mrs. MCCASKILL (for herself, Mr. HELLER, Mr. BLUMENTHAL, Mr. GRASSLEY, Mrs. GILLIBRAND, Ms. AYOTTE, Mr. WARNER, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on _____

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 violence, 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 Dislo-
4 sure of Campus Security Policy and Campus Crime Statis-
5 tics Act) is amended—

6 (1) in paragraph (1)—

7 (A) by inserting “and on the website of the
8 institution” after “through appropriate publica-
9 tions or mailings”;

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

12 “(ii) the memorandum of understanding
13 between the institution and local law enforce-
14 ment that is required under section 124 (or, if
15 such requirement has been waived, a description
16 of the working relationship of campus security
17 personnel with State and local law enforcement
18 agencies); and”;

19 (C) by adding at the end the following:

20 “(K)(i) With respect to the criminal activ-
21 ity described in subparagraph (F)(i)(II), the eli-
22 gible institution shall prepare by not later than
23 1 year after the date of enactment of the Cam-
24 pus Accountability and Safety Act, and annu-
25 ally thereafter, the following additions:

1 “(I) The number of cases that were
2 investigated by the institution.

3 “(II) The number of cases that were
4 referred for a disciplinary proceeding at
5 the institution.

6 “(III) The number of cases that were
7 referred to local or State law enforcement.

8 “(IV) The number of alleged per-
9 petrators that were found responsible by
10 the disciplinary proceeding at the institu-
11 tion.

12 “(V) The number of alleged perpetra-
13 tors that were found not responsible by the
14 disciplinary proceeding at the institution.

15 “(VI) A description of the final sanc-
16 tions imposed by the institution for each
17 offense perpetrated.

18 “(VII) The number of disciplinary
19 proceedings at the institution that have
20 closed without resolution.

21 “(ii) The Secretary shall provide technical
22 assistance to eligible institutions to assist in
23 meeting such additional preparation obliga-
24 tions.”;

1 (2) by striking paragraph (7) and inserting the
2 following;

3 “(7)(A) The statistics described in clauses (i)
4 and (ii) of paragraph (1)(F)—

5 “(i) shall not identify victims of crimes or
6 persons accused of crimes; and

7 “(ii) shall be compiled in accordance with
8 the following definitions:

9 “(I) For the offenses of domestic vio-
10 lence, dating violence, and stalking, such
11 statistics shall be compiled in accordance
12 with the definitions used in section
13 40002(a) of the Violence Against Women
14 Act of 1994 (42 U.S.C. 13925(a)).

15 “(II) For offenses not described in
16 subclause (I), such statistics shall be com-
17 piled in accordance with—

18 “(aa) either the National Inci-
19 dent-Based Reporting System or the
20 Uniform Crime Reporting Program of
21 the Federal Bureau of Investigation,
22 if a definition is available; and

23 “(bb) if an offense is not defined
24 in either the National Incident-Based
25 Reporting System or the Uniform

1 Crime Reporting Program of the Fed-
2 eral Bureau of Investigation, a defini-
3 tion provided by the Secretary.

4 “(B) The Secretary shall establish and make
5 publicly available a definition for any offense that—

6 “(i) is required to be reported in accord-
7 ance with paragraph (1)(F);

8 “(ii) is not an offense described in sub-
9 paragraph (A)(ii)(I); and

10 “(iii) is not defined in either the National
11 Incident-Based Reporting System or the Uni-
12 form Crime Reporting Program of the Federal
13 Bureau of Investigation.”;

14 (3) in paragraph (8)(B)(i)—

15 (A) in the matter preceding subclause (I),
16 by inserting “, developed in consultation with
17 local, State, and national sexual assault, dating
18 violence, domestic violence, and stalking victim
19 advocacy, victim services, or prevention organi-
20 zations, and local law enforcement,” after
21 “Education programs”; and

22 (B) in subclause (I)(aa), by inserting “, in-
23 cluding the fact that these are crimes for the
24 purposes of this subsection and reporting under
25 this subsection and the institution of higher

1 education will, based on the victim's wishes, co-
2 operate with local law enforcement with respect
3 to any alleged criminal offenses involving stu-
4 dents or employees of the institution of higher
5 education" after "stalking";

6 (4) by redesignating paragraph (18) as para-
7 graph (22); and

8 (5) by inserting after paragraph (17) the fol-
9 lowing:

10 "(18) The individual at an institution of higher
11 education that is designated as a responsible em-
12 ployee, as defined in section 901(e) of the Education
13 Amendments of 1972, shall be considered a campus
14 security authority, as defined in section 668.46(a) of
15 title 34, Code of Federal Regulations.

16 "(19)(A) The Secretary shall, in consultation
17 with the Attorney General, develop, design, and ad-
18 minister through an online portal, a standardized,
19 online survey of students regarding their experiences
20 with sexual violence and harassment. The survey
21 shall be administered every year. The survey shall
22 not include any personally identifiable information.
23 The Secretary shall develop such survey tool using
24 best practices from peer-reviewed research meas-
25 uring sexual violence and harassment. In addition to

1 the standardized questions developed by the Sec-
2 retary, institutions completing the survey may re-
3 quest additional information from students that
4 would increase the institutions' understanding of
5 school climate factors unique to their campuses.

6 “(B) In carrying out subparagraph (A), the
7 Secretary shall require each institution participating
8 in any program under this title, to ensure that an
9 adequate, random, and representative sample size of
10 students enrolled at the institution complete the sur-
11 vey described in subparagraph (A) not later than 1
12 year after the date of enactment of the Campus Ac-
13 countability and Safety Act.

14 “(C) Responses to the survey shall be submitted
15 confidentially and shall not be included in crime sta-
16 tistics reported under this subsection. In addition,
17 questions should be designed to gather information
18 on survivor experiences, and shall therefore use trau-
19 ma-informed language to prevent re-traumatization.

20 “(D) The survey described in subparagraph (A)
21 shall include, but is not limited to, the following top-
22 ics:

23 “(i) Those designed to determine the inci-
24 dence and prevalence of sexual violence, dating
25 violence, domestic violence, and stalking.

1 “(ii) Those on whether students know
2 about institutional policies and procedures.

3 “(iii) Those on, if victims reported the vio-
4 lence, to whom and what response did they re-
5 ceive and if they were informed of, or referred
6 to, local, State, on-campus, and or national re-
7 sources.

8 “(iv) Those on contextual factors, such as
9 whether force, incapacitation, or coercion was
10 involved.

11 “(v) Those on whether the assailant was a
12 student.

13 “(vi) Those on whether the victim was re-
14 ferred to local or State law enforcement.

15 “(E) The Secretary shall tabulate and publish
16 an annual report on the information gained from the
17 survey under this paragraph on the website of the
18 Department and submit such report to Congress.
19 The report shall include campus-level data for each
20 school and attributed by name of each campus.

21 “(20) Not later than 180 days after the date of
22 enactment of the Campus Accountability and Safety
23 Act, the Assistant Secretary for Postsecondary Edu-
24 cation of the Department and the Assistant Sec-
25 retary for Civil Rights of the Department shall joint-

1 ly develop and make publicly available guidance re-
2 garding the intersection between this subsection and
3 title IX of the Education Amendments of 1972, in
4 order to clarify how the provisions of this subsection
5 and such title shall be carried out. The guidance
6 shall include clarifying language on how this sub-
7 section and such title IX interact pertaining to sex-
8 ual violence, and shall clarify and resolve any poten-
9 tial discrepancies or inconsistencies between the two.

10 “(21) Notwithstanding any other provision of
11 this Act, upon determination, after reasonable notice
12 and opportunity for a hearing, that an eligible insti-
13 tution has violated or failed to carry out any provi-
14 sion of this subsection, or agreement made to resolve
15 a compliance review under this subsection, or any
16 regulation prescribed under this subsection, the Sec-
17 retary may impose a civil penalty upon such institu-
18 tion not to exceed \$150,000, which shall be adjusted
19 for inflation annually, for each violation or misrepre-
20 sentation, or per month a survey is not completed at
21 the standard required. The Secretary may use any
22 such civil penalty funds to enforce and administer
23 the provisions of this subsection.”

1 **SEC. 3. COORDINATION WITH LOCAL LAW ENFORCEMENT.**

2 (a) **IN GENERAL.**—Part B of title I of the Higher
3 Education Act of 1965 (20 U.S.C. 1011 et seq.) is amend-
4 ed by adding at the end the following:

5 **“SEC. 124. COORDINATION WITH LOCAL LAW ENFORCE-**
6 **MENT.**

7 “Each institution of higher education that receives
8 funds or any other form of financial assistance under any
9 Federal program, including participation in any federally
10 funded or guaranteed student loan program, shall enter
11 into, and update every 2 years, a memorandum of under-
12 standing with all applicable local law enforcement agencies
13 to clearly delineate responsibilities and share information,
14 in accordance with applicable Federal confidentiality laws,
15 about certain serious crimes that shall include, but not
16 be limited to, sexual violence, occurring against students
17 of the institution or against other individuals on the cam-
18 pus of the institution. The memorandum of understanding
19 shall include, but is not limited to—

20 “(1) delineation and sharing protocols of inves-
21 tigative responsibilities;

22 “(2) protocols for investigations, including
23 standards for notification and communication and
24 measures to promote evidence preservation;

1 “(3) agreed upon training and requirements for
2 the institution on issues related to sexual violence;
3 and

4 “(4) a method of sharing information about
5 specific crimes, when directed by the victim, and a
6 method of sharing crime details anonymously in
7 order to better protect overall campus safety.”.

8 (b) EFFECTIVE DATE AND PENALTY.—

9 (1) EFFECTIVE DATE.—The amendment made
10 by subsection (a) shall take effect on the date that
11 is 1 year after the date of enactment of this Act.

12 (2) PENALTY.—The Secretary of Education—

13 (A) may impose a civil penalty of not more
14 than 1 percent of an institution’s operating
15 budget, as defined by the Secretary of Edu-
16 cation, each year that the institution of higher
17 education fails to carry out the requirements of
18 section 124 of the Higher Education Act of
19 1965, as added by subsection (a), by the date
20 that is 1 year after the date of enactment of
21 this Act; and

22 (B) may waive the penalty pursuant to
23 paragraph (3).

24 (3) WAIVER.—

1 (A) IN GENERAL.—If local law enforce-
2 ment refuses to enter into a memorandum of
3 understanding under section 124 of the Higher
4 Education Act of 1965, as added by subsection
5 (a), the Secretary of Education may waive the
6 penalty under paragraph (2) if the institution
7 certifies why the institution was unable to ob-
8 tain an agreement and that the institution
9 acted in good faith, and submits to the Sec-
10 retary a copy of the institution's final offer that
11 was ultimately rejected. The Secretary of Edu-
12 cation will then have the discretion to grant the
13 waiver.

14 (B) REFERRAL TO DEPARTMENT OF JUS-
15 TICE.—The Secretary of Education shall refer
16 to the Attorney General a copy of each waiver
17 granted under paragraph (2)(B) and the rea-
18 son, the Secretary has determined, why local
19 law enforcement refuses to enter into a memo-
20 randum of understanding.

21 (C) ADMINISTRATIVE REVIEW.—If the Sec-
22 retary of Education does not grant a waiver
23 under paragraph (2)(B), the institution may
24 submit additional information to receive such
25 waiver. If, after submitting additional informa-

1 tion, the Secretary still does not grant a waiver
2 under paragraph (2)(B), the decision of the
3 Secretary shall be subject to review pursuant to
4 section 706(2)(A) of title 5, United States
5 Code.

6 (4) VOLUNTARY RESOLUTION.—Nothing in this
7 subsection shall prevent the Secretary of Education
8 from entering into a voluntary resolution with an in-
9 stitution of higher education that fails to carry out
10 the requirements of section 124 of the Higher Edu-
11 cation Act of 1965, as added by subsection (a), by
12 the date that is 1 year after the date of enactment
13 of this Act.

14 (c) NEGOTIATED RULEMAKING.—The Secretary of
15 Education shall establish regulations to carry out the this
16 section and the amendment made by this section in ac-
17 cordance with the requirements described under section
18 492 of the Higher Education Act of 1965 (20 U.S.C.
19 1098a).

20 **SEC. 4. UNIVERSITY SUPPORT FOR SURVIVORS OF SEXUAL**
21 **VIOLENCE.**

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

1 **"SEC. 125. UNIVERSITY SUPPORT FOR SURVIVORS OF SEX-**
2 **UAL VIOLENCE.**

3 "Each institution of higher education that receives
4 funds or any other form of financial assistance under any
5 Federal program, including participation in any Federally
6 funded or guaranteed student loan program, shall estab-
7 lish a campus security policy that includes the following:

8 "(1) The designation of 1 or more confidential
9 advisor roles at the institution to whom victims of
10 crime can report anonymously or directly, that com-
11 plies with the following:

12 "(A) The confidential advisor shall not be
13 a student, an employee designated as a respon-
14 sible employee under title IX of the Education
15 Amendments of 1972, or the title IX coordi-
16 nator, but may have other roles at the institu-
17 tion.

18 "(B) The Secretary shall designate existing
19 categories of employees that may serve as con-
20 fidential advisors. Such designation shall not
21 preclude the institution from designating new
22 or existing employees or partnering with local,
23 State, or national victim services organizations
24 to serve as confidential advisors or to serve in
25 other confidential roles.

1 “(C) The confidential advisor shall be
2 trained to perform a victim-centered, trauma-
3 informed (forensic) interview, which shall focus
4 on the experience of the victim. The confidential
5 advisor may perform the interview for which the
6 goal is to elicit information about the traumatic
7 event in question so that the interview can be
8 used in either a campus or criminal investiga-
9 tion or disciplinary proceeding.

10 “(D) The confidential advisor shall inform
11 the victim of the victim’s control over possible
12 next steps regarding the victim’s reporting op-
13 tions and the consequences of those options, in-
14 cluding, but not limited to, the option to con-
15 duct a forensic interview with the option to
16 have the forensic interview be recorded, the op-
17 tion to receive a copy of the recorded forensic
18 interview with the option to notify a responsible
19 employee and initiate a campus disciplinary
20 proceeding, the option to notify local law en-
21 forcement and initiate a criminal investigation,
22 the option to grant campus disciplinary officials
23 access to the forensic interview, and the option
24 to grant law enforcement officials access to the
25 forensic interview. The confidential advisor shall

1 assist in conducting a forensic interview, mak-
2 ing notifications, and granting access to a fo-
3 rensic interview as directed by the victim.

4 “(E) The confidential advisor shall liaise
5 with campus or local law enforcement when di-
6 rected by the victim, and, as appropriate, may
7 assist the victim in contacting and reporting to
8 campus or local law enforcement.

9 “(F) The confidential advisor shall be au-
10 thorized by the institution to arrange reason-
11 able accommodations through the institution to
12 allow the victim to change living arrangements
13 or class schedules, or obtain accessibility serv-
14 ices, and make other changes.

15 “(G) The confidential advisor shall also ad-
16 vise the victim of both the victim’s rights and
17 the institution’s responsibilities regarding or-
18 ders of protection, no contact orders, restrain-
19 ing orders, or similar lawful orders issued by
20 the institution or a criminal, civil, or tribal
21 court.

22 “(H) The confidential advisor shall not be
23 obligated to report crimes to the institution or
24 law enforcement, unless otherwise required to
25 do so by State law, and shall provide confiden-

1 tial services to students and employees. Re-
2 quests for arrangement made by a confidential
3 advisor do not constitute notice to a responsible
4 employee for title IX purposes, even when such
5 advisors work only in the area of sexual assault.

6 “(I) The name and contact information for
7 the confidential advisor, as well as a victims’ re-
8 porting options, the process of investigation and
9 adjudication both by the institution and by law
10 enforcement, and potential reasonable accom-
11 modations, which shall be listed on the website
12 of the institution.

13 “(J) The institution may partner with an
14 outside victim advocacy organization to provide
15 the service described in this subparagraph.

16 “(K) Each institution that enrolls fewer
17 than 1000 students may partner with another
18 institution in their region or State to provide
19 the services described in this subparagraph.

20 “(L) The institution shall appoint an ade-
21 quate number of confidential advisors not later
22 than the earlier of—

23 “(i) 1 year after the Secretary deter-
24 mines through a negotiated rulemaking
25 process what an adequate number of con-

1 confidential advisors is for an institution
2 based on its size; or

3 “(ii) 3 years after the date of enact-
4 ment of the Campus Accountability and
5 Safety Act.

6 “(2) The institution may provide an online re-
7 porting system to collect anonymous disclosures of
8 crimes. The victim may submit an anonymous report
9 but the institution would only be obligated to inves-
10 tigate when a formal report is submitted to a re-
11 sponsible employee.

12 “(3) The telephone number and URL for a
13 local, State, or national hotline providing informa-
14 tion to sexual violence victims shall be clearly com-
15 municated on the website of the institution and up-
16 dated on a timely basis.

17 “(4) The name and location of the nearest med-
18 ical facility where an individual may have a rape kit
19 administered by a trained sexual violence forensic
20 nurse shall be included on the website of the institu-
21 tion, including information on transportation options
22 and reimbursement for a visit to such facility.

23 “(5) The institution shall provide an amnesty
24 clause for any student who reports, in good faith,
25 sexual violence to a responsible employee so that

1 they will not be sanctioned by the institution for a
2 student conduct violation, such as underage drink-
3 ing, that is revealed in the course of such a report.”.

4 (b) EFFECTIVE DATE.—Paragraphs (2) through (5)
5 of section 125 of the Higher Education Act of 1965, as
6 added by subsection (a), shall take effect on the date that
7 is 1 year after the date of enactment of this Act.

8 (c) PENALTY.—

9 (1) IN GENERAL.—The Secretary of Education
10 may impose a civil penalty of not more than 1 per-
11 cent of an institution’s operating budget, as defined
12 by the Secretary, each year that the institution fails
13 to carry out the requirements of —

14 (A) section 125(1) of the Higher Edu-
15 cation Act of 1965, as added by subsection (a),
16 by not later than the earlier of—

17 (i) 1 year after the Secretary of Edu-
18 cation determines through a negotiated
19 rulemaking process what an adequate
20 number of confidential advisors is for the
21 institution based on its size; or

22 (ii) 3 years after the date of enact-
23 ment of this Act; and

24 (B) paragraphs (2) through (5) of section
25 125 of the Higher Education Act of 1965, as

1 added by subsection (a), by the date that is 1
2 year after the date of enactment of this Act.

3 (2) VOLUNTARY RESOLUTION.—Nothing in this
4 subsection shall prevent the Secretary of Education
5 from entering into a voluntary resolution with an in-
6 stitution of higher education that fails to carry out
7 the requirements of—

8 (A) section 125(1) of the Higher Edu-
9 cation Act of 1965, as added by subsection (a),
10 by not later than the earlier of—

11 (i) 1 year after the Secretary of Edu-
12 cation determines through a negotiated
13 rulemaking process what an adequate
14 number of confidential advisors is for the
15 institution based on its size; or

16 (ii) 3 years after the date of enact-
17 ment of this Act; and

18 (B) paragraphs (2) through (5) of section
19 125 of the Higher Education Act of 1965, as
20 added by subsection (a), by the date that is 1
21 year after the date of enactment of this Act.

22 (d) NEGOTIATED RULEMAKING.—The Secretary of
23 Education shall establish regulations to carry out the this
24 section and the amendment made by this section in ac-
25 cordance with the requirements described under section

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

3 **SEC. 5. PROGRAM PARTICIPATION AGREEMENTS.**

4 Section 487(a) of the Higher Education Act of 1965
5 (20 U.S.C. 1094(a)) is amended by striking paragraph
6 (12) and inserting the following:

7 “(12) The institution certifies that—

8 “(A) the institution is in compliance with
9 the requirements of section 124 regarding co-
10 ordination with local law enforcement;

11 “(B) the institution has established sup-
12 port for survivors of sexual violence that meets
13 the requirements of section 125; and

14 “(C) the institution has complied with the
15 disclosure requirements of section 485(f).”.

16 **SEC. 6. ENFORCEMENT AND TRAINING; SUBPOENA AU-**
17 **THORITY.**

18 Section 901 of the Education Amendments of 1972
19 (20 U.S.C. 1681) is amended by adding at the end the
20 following:

21 “(d) WEBSITE.—The Secretary of Education shall
22 establish a title IX website that includes the following:

23 “(1) The name and contact information for the
24 title IX coordinator, including a brief description of
25 the coordinator’s role and the roles of other officials

1 who may be contacted to discuss or report sexual
2 harassment, for each educational institution. Each
3 educational institution shall provide the name and
4 contact information for the title IX coordinator to
5 the Secretary of Education not later than 30 days
6 after the date of enactment of the Campus Account-
7 ability and Safety Act.

8 “(2) The Department’s pending investigations,
9 enforcement actions, letters of finding, final resolu-
10 tions, and voluntary resolution agreements for all
11 complaints and compliance reviews under this title
12 related to sexual harassment. The Secretary shall in-
13 dicate whether the investigation, action, letter, reso-
14 lution, or agreement is based on a complaint or com-
15 pliance review. The Secretary shall make the infor-
16 mation under this subsection available regarding a
17 complaint once the Office for Civil Rights receives a
18 written complaint, and conducts an initial evalua-
19 tion, and has determined that the complaint should
20 be opened for investigation of an allegation that, if
21 substantiated, would constitute a violation of this
22 title. In carrying out this subsection, the Secretary
23 shall ensure that personally identifiable information
24 is not reported and shall comply with section 444 of
25 the General Education Provisions Act (20 U.S.C.

1 1232g), commonly known as the 'Family Edu-
2 cational Rights and Privacy Act of 1974'.

3 "(e) TRAINING OF RESPONSIBLE EMPLOYEES AND
4 OTHER EMPLOYEES.—

5 "(1) RESPONSIBLE EMPLOYEE.—In this sub-
6 section, the term 'responsible employee' means an
7 employee of an institution of higher education who
8 has the authority to redress sexual harassment or
9 who has the duty to report incidents of sexual har-
10 assment or other misconduct by students or employ-
11 ees to the title IX coordinator or other appropriate
12 school designee.

13 "(2) TRAINING OF RESPONSIBLE EMPLOY-
14 EES.—Each institution of higher education shall em-
15 ploy a responsible employee who shall complete min-
16 imum training requirements (as determined by the
17 Secretary of Education in coordination with the At-
18 torney General and to include training by local,
19 State, or national victim services organizations) and
20 shall be responsible for—

21 "(A) reporting cases of sexual harassment
22 to the title IX coordinator of the institution;
23 and

24 "(B) providing a student or employee who
25 reports that the student or employee has been

1 a victim of sexual harassment, including, but
2 not limited to, sexual violence, whether the of-
3 fense occurred on or off campus, with a written
4 explanation of the student or employee's rights
5 and options, as described in clauses (ii) through
6 (vii) of section 485(f)(8)(B) of the Higher Edu-
7 cation Act of 1965.

8 “(3) OTHER/ADDITIONAL TRAINING.—Each in-
9 dividual who is involved in implementing an institu-
10 tion of higher education's grievance procedures, in-
11 cluding each individual who is responsible for resolv-
12 ing complaints of reported crimes, shall have train-
13 ing or experience in handling sexual violence com-
14 plaints, and the operations of the institution's griev-
15 ance procedures, not later than 1 year after the date
16 of enactment of the Campus Accountability and
17 Safety Act. The training shall include, but is not
18 limited to—

19 “(A) information on working with and
20 interviewing persons subjected to sexual vio-
21 lence;

22 “(B) information on particular types of
23 conduct that would constitute sexual violence,
24 including same-sex sexual violence;

1 “(C) information on consent and the role
2 drugs or alcohol can play in the ability to con-
3 sent;

4 “(D) the effects of trauma, including
5 neurobiological change; and

6 “(E) cultural awareness training regarding
7 how sexual violence may impact students dif-
8 ferently depending on their cultural back-
9 ground.

10 “(4) UNIFORM CAMPUS-WIDE PROCESS FOR
11 DISCIPLINARY PROCEEDING RELATING TO CLAIM OF
12 SEXUAL VIOLENCE.—Each institution of higher edu-
13 cation that receives Federal funding—

14 “(A) shall establish and carry out a uni-
15 form process (for each campus of the institu-
16 tion) for disciplinary proceedings relating to
17 any claims of sexual violence; and

18 “(B) shall not carry out a different dis-
19 ciplinary process on the same campus for a
20 matter of sexual violence, or alter the uniform
21 process described in subparagraph (A), based
22 on the status or characteristics of a student
23 who will be involved in that disciplinary pro-
24 ceeding, including characteristics such as a stu-
25 dent’s membership on an athletic team, aca-

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

3 “(f) DEPARTMENT OF EDUCATION AND DEPART-
4 MENT OF JUSTICE CIVIL PENALTIES FOR INSTITUTIONS
5 OF HIGHER EDUCATION.—

6 “(1) IN GENERAL.—Upon determination, after
7 reasonable notice and opportunity for a hearing, that
8 an educational institution that is an institution of
9 higher education has violated or failed to carry out
10 any provision of this section in a factual cir-
11 cumstance related to sexual violence or any regula-
12 tion prescribed under this section related to sexual
13 violence, the Secretary of Education or Attorney
14 General, may impose a civil penalty upon such insti-
15 tution of not more than 1 percent of the institution’s
16 1-year operating budget, as defined by the Secretary
17 of Education, for each violation or failure. A civil
18 penalty shall not interfere with the Secretary’s or
19 Attorney General’s ability to enter into a voluntary
20 resolution agreement with an institution of higher
21 education.

22 “(2) ADJUSTMENT TO PENALTIES.—Any civil
23 penalty under paragraph (1) may be modified by the
24 Secretary of Education or Attorney General. In de-
25 termining the amount of such penalty, or the

1 amount agreed upon in compromise, the appro-
2 priateness of the penalty to the size of the operating
3 budget of the educational institution subject to the
4 determination, and the gravity of the violation or
5 failure, and whether the violation or failure was done
6 intentionally, negligently, or otherwise, shall be con-
7 sidered.

8 “(3) DISTRIBUTION.—Any civil monetary pen-
9 alty or monetary settlement collected under this sub-
10 section shall be transferred to the Office for Civil
11 Rights of the Department of Education or the De-
12 partment of Justice to be used for purposes of en-
13 forcing the provisions of this title related to sexual
14 harassment.

15 “(4) CLARIFICATION.—Nothing in the Campus
16 Accountability and Safety Act, or any amendment
17 made by such Act, shall alter, amend, or interfere
18 with the rights and remedies provided for and avail-
19 able under this title.

20 “(g) STATUTE OF LIMITATIONS.—An individual may
21 file a complaint for a violation of this title, with regards
22 to sexual violence, with the Office for Civil Rights of the
23 Department of Education not later than 180 days after
24 the date of graduation or disaffiliation with the institution.

1 “(h) SUBPOENA AND CIVIL INVESTIGATIVE DEMAND
2 AUTHORITY.—

3 “(1) AUTHORITY TO COMPEL.—In order to ob-
4 tain information and documents that are relevant to
5 determining compliance with this title, including any
6 regulations promulgated to carry out this title, the
7 Assistant Secretary of the Office for Civil Rights of
8 the Department of Education and the Assistant At-
9 torney General of the Civil Rights Division of the
10 Department of Justice are authorized to require by
11 subpoena the attendance and testimony of any per-
12 son that one can reasonably believe to have first-
13 hand knowledge, including current and former stu-
14 dents and employees of institutions of higher edu-
15 cation, and the production of documents, including
16 reports, answers, records, accounts, papers, and
17 other data in any medium (including electronically
18 stored information), and any tangible thing.

19 “(2) REFUSAL TO OBEY.—A subpoena issued
20 under this subsection, in the case of contumacy or
21 refusal to obey, shall be enforceable by order of any
22 appropriate United States district court.

23 “(3) CIVIL INVESTIGATIVE DEMAND AUTHOR-
24 ITY.—The Assistant Secretary of the Office for Civil
25 Rights of the Department of Education and the As-

1 sistant Attorney General of the Civil Rights Division
2 of the Department of Justice shall have civil inves-
3 tigative demand authority, which authorizes the re-
4 quest for documents of the institutions and written
5 answers to interrogatories in order to determine
6 compliance with title IX.

7 “(i) COORDINATOR.—Each educational institution
8 that receives Federal financial assistance from the Depart-
9 ment of Education shall submit, annually, to the Office
10 for Civil Rights of the Department of Education and the
11 Civil Rights Division of the Department of Justice, the
12 name of the title IX coordinator of the institution, includ-
13 ing a brief description of the coordinator’s role and the
14 roles of other officials of the institution who may be con-
15 tacted to discuss or report sexual violence, and documenta-
16 tion of training received by the title IX coordinator. The
17 educational institution shall provide updated information
18 to the Office for Civil Rights of the Department of Edu-
19 cation and the Civil Rights Division of the Department
20 of Justice not later than 30 days after the date of any
21 change.”.

1 **SEC. 7. TRAINING FOR CAMPUS PERSONNEL ON VICTIM-**
2 **CENTERED TRAUMA-INFORMED (FORENSIC)**
3 **INTERVIEWS.**

4 Section 304 of the Violence Against Women and De-
5 partment of Justice Reauthorization Act of 2005 (42
6 U.S.C. 14045b) is amended—

7 (1) in subsection (a)(2), by striking “\$300,000”
8 and inserting “\$500,000”;

9 (2) in subsection (b), by adding at the end the
10 following;

11 “(11) To train campus personnel in conducting
12 victim-centered, trauma-informed (forensic) inter-
13 views.”; and

14 (3) in subsection (g)—

15 (A) by striking “In this section” and in-
16 serting “(1) **IN GENERAL.**—In this section”;
17 and

18 (B) by adding at the end the following;

19 “(2) **VICTIM-CENTERED, TRAUMA-INFORMED**
20 **(FORENSIC) INTERVIEW.**—In this section, the term
21 ‘victim-centered, trauma-informed (forensic) inter-
22 view’ means an evidence-based interview focused on
23 the experience of the victim, conducted by a trained
24 forensic interviewer, in which the goal of the inter-
25 view is to elicit information about the traumatic
26 event in question for use in a future investigation.

1 The victim shall be given the option to have the
2 interview recorded and to receive a copy of the re-
3 corded interview. The victim shall be informed of the
4 reasons why the victim may or may not choose to
5 have the interview recorded.”.

Introduction Form

By a Member of the Board of Supervisors or the Mayor

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I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

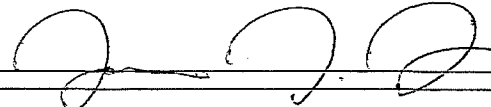
Supervisor Jane Kim; Katy Tang

Subject:

Supporting the Passage of the Campus Safety and Accountability Act of 2015

The text is listed below or attached:

Please see attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: