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## Higher Education Committee

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### SSB 5719

**Brief Description:** Creating a task force on campus sexual violence prevention.

**Sponsors:** Senate Committee on Higher Education (originally sponsored by Senators Bailey, Baumgartner, Becker, Kohl-Welles, Parlette, Dammeier, Honeyford, Fain, Fraser, Darneille, McAuliffe, Pearson, Angel, Keiser, Chase, Sheldon, Hill, Jayapal and Frockt).

#### Brief Summary of Substitute Bill

- Creates the Task Force on Preventing Campus Sexual Violence to coordinate and implement the following goals:
  - develop a set of best practices that public and private institutions of higher education may employ to promote the awareness of campus sexual violence, reduce the occurrence of campus sexual violence, and enhance student safety;
  - develop recommendations for public and private institutions for improving institutional campus sexual violence policies and procedures; and
  - develop recommendations for improving collaboration on campus sexual violence issues among public and private institutions and law enforcement.
- Requires the task force to report to the Legislature and the institutions of higher education on its goals and recommendations by the end of 2015 and 2016.

**Hearing Date:** 3/24/15

**Staff:** Megan Wargacki (786-7194).

#### **Background:**

##### Sexual Violence.

Sexual violence, generally, refers to physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent. These acts include rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are considered forms

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of sex discrimination that are prohibited under Title IX of the Education Amendments of 1972 (Title IX).

### Sexual Violence Statistics.

According to the National Institution of Justice, between 18 and 20 percent of female students experience rape or some other form of sexual assault during their college year. About 85 to 90 percent of sexual assaults reported by college women are perpetrated by someone known to the victim; about half occur on a date. Half of all student victims do not define the incident as “rape,” especially when no weapon was used, there is no obvious physical injury, and alcohol was involved. According to another study, fewer than 5 percent of completed and attempted rapes of college students are reported to campus administrators or law enforcement.

### Federal Laws Related to Sexual Violence and Campus Safety.

Title IX is a federal civil rights law that prohibits discrimination based on sex in federally funded education programs and activities. Under Title IX, a public or private institution of higher education receiving federal financial assistance must respond promptly and effectively to reports of sexual violence. Title IV of the 1964 Civil Rights Act also requires public schools to respond to sexual assaults committed against their students.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires federally funded institutions of higher education to provide current and prospective students and employees, the public, and the Department of Education with crime statistics and information about campus crime prevention programs and policies. Among other crimes, the Clery Act requires that institutions report forcible sex offenses including sexual assault and rape.

The Violence Against Women Reauthorization Act of 2013 amended the Violence Against Women Act and the Clery Act to provide new requirements for schools to prevent and respond to sexual violence, domestic violence, dating violence, and stalking. These requirements include: providing primary prevention education and awareness programs for all incoming students and employees; collecting statistics on domestic violence, dating violence, and stalking, in addition to current requirements to collect sexual assault statistics; issuing complainants a written notice of their rights; and adopting grievance policies that are prompt, fair, and impartial, as well as administered by trained officials. These updates are sometimes referred to as the Campus Sexual Violence Elimination Act or Campus SaVE Act.

### State Laws Related to Campus Safety.

Prior to 2012, public institutions of higher education in Washington were required to:

- report crime statistics each month;
- publish an annual report on crime statistics and submit it to the Legislature;
- develop a campus safety plan and update it annually (included in the annual report to the Legislature);
- enter into a memorandum of understanding that outlines the responsibilities of affected local governments in the event of a campus emergency; and
- establish a task force to examine campus security and safety issues at least annually.

In 2012 Substitute House Bill 2259 repealed these requirements. The stated intent was to remove requirements that were duplicative of federal reporting requirements.

### Organizations.

The Washington Student Achievement Council (WSAC) was established as a cabinet-level state agency in 2012. The WSAC leads statewide strategic planning to improve educational coordination and transitions; supports Washingtonians through the administration of financial aid, a college savings plan, and support services; and advocates for the economic, social, and civic benefits of postsecondary education.

The State Board for Community and Technical Colleges (SBCTC) is governed by a nine-member Governor-appointed board responsible for administering the Community and Technical College Act and providing leadership and coordination for Washington's system of 34 public community and technical colleges.

The Council of Presidents (COP) is a voluntary association of Washington's six public baccalaureate degree granting college and universities. The COP serves as the coordinating role for a number of initiatives and activities common to the public baccalaureate institutions, fostering coordination and collaboration among the public baccalaureates as well as with other educational partners, both in Washington and nationally.

The Independent Colleges of Washington (ICW) is an organization of 10 member colleges. The ICW secures financial resources for students, advocates for public policy that supports students, works to develop strategic collaborations that result in high-quality, academically rigorous, independent higher education.

The Office of the Attorney General (AGO) is the chief legal office for the state of Washington.

The Washington Association of Prosecuting Attorneys (WAPA) was founded in 1975 as a non-partisan, non-profit service organization dedicated to the training and support of county prosecutors. The WAPA serves as a spokesman for county prosecutors at the state and national levels and acts as a liaison between counties and other levels of government through research, training and lobbying.

The Washington Association of Sheriffs and Police Chiefs (WASPC) was founded in 1963 to lead collaboration among law enforcement executives to enhance public safety. The WASPC membership includes sheriffs, police chiefs, the Washington State Patrol, the Washington Department of Corrections, and representatives of a number of federal agencies.

### **Summary of Bill:**

#### Goals Related to Campus Sexual Violence.

The WSAC, the SBCTC, the COP, the institutions of higher education, the private independent higher education institutions, state law enforcement, and the AGO must collaborate to carry out the following goals:

- develop a set of best practices that public and private institutions of higher education may employ to promote the awareness of campus sexual violence, reduce the occurrence of campus sexual violence, and enhance student safety;
- develop recommendations for public and private institutions for improving institutional campus sexual violence policies and procedures; and
- develop recommendations for improving collaboration on campus sexual violence issues among public and private institutions and law enforcement.

Task Force on Preventing Campus Sexual Violence.

The Task Force on Preventing Campus Sexual Violence is established to coordinate and implement these goals. The task force must include:

- a representative from the WSAC;
- a representative from the SBCTC;
- a representative from the COP;
- a representative from each of the state universities, the regional universities, and the state college, who is the Title IX coordinator or who has expertise with Title IX and sexual violence prevention efforts;
- a representative from the WASPC;
- a representative from the ICW;
- a representative from the AGO; and
- a representative from the WAPA.

The task force must select a coordinator to facilitate its progress. The task force must report to the Legislature and the institutions of higher education on its goals and recommendations annually by December 31st.

This act expires July 1, 2017.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.