

HOUSE BILL REPORT

SSB 5719

As Reported by House Committee On:
Higher Education

Title: An act relating to creating a task force on campus sexual violence prevention.

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 History:

Committee Activity:

Higher Education: 3/24/15, 3/31/15 [DPA].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Creates the Task Force on Preventing Campus Sexual Violence (Task Force) 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.

HOUSE COMMITTEE ON HIGHER EDUCATION

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass as amended. Signed by 13 members: Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist, Gregory, Hargrove, Holy, Reykdal, Sells, Stambaugh, Tarleton and Van Werven.

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 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 years. 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, the 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 nonpartisan, nonprofit 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 Amended Bill:

Goals Related to Campus Sexual Violence.

The WSAC, the SBCTC, the COP, the public 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 (Task Force) 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 non-profit community who is an advocate for sexual assault victims;
- a representative from the WASPC;
- a representative from the ICW;
- a representative from the AGO; and
- a representative from the WAPA.

To select the representative from the nonprofit community, the WSAC must issue a request for interest to nonprofit communities that are sexual assault victim advocates, asking who wishes to participate on the task force as a volunteer. The names and resumes, including experience participating in similar efforts, of proposed Task Force members must be submitted to the WSAC. The WSAC must give this information to the Task Force, and the Task Force chairs must select the representative from this pool of candidates.

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 31.

This act expires July 1, 2017.

Amended Bill Compared to Substitute Bill:

The Task Force must also include a representative from the nonprofit community who is an advocate for sexual assault victims. This representative must be selected by the Task Force chairs from a pool of candidates generated by a request for interest issued by the WSAC to the nonprofit communities that are sexual assault victim advocates.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 31, 2015.

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

Staff Summary of Public Testimony:

(In support) This bill will work in concert with Substitute Senate Bill 5518 by Senator Kohl-Welles. Over the summer, several meetings took place to discuss what the colleges are currently doing around sexual violence prevention. What is missing is that they have not collaborated on what are best practices on each campus. This bill would allow that collaboration. Sexual violence is constantly in the news. Under Title IX, the institutions must do what they can to stop sexual violence or the money from the federal government is in jeopardy. The Task Force should identify best practices in nonresidential campuses and best practices involving adjunct faculty as supporters. Students are often unaware of the resources available to them on campus. Staff and students are not aware of the Title IX procedures. With the Task Force, students and staff can be made more aware of these procedures and resources. The Task Force will ensure that the institutions are using best practices and informing students and staff. A task force on this topic was formed by students over the summer to evaluate best practices to prevent campus sexual violence and the effectiveness of these practices. This student task force will be submitting a report for student leaders and administrators. The Task Force created in this bill should include survivors and other students as members.

(In support with amendment(s)) The Task Force should include survivors and victim advocacy voices. This expertise is critical to add in order for the conversation on sexual violence prevention to move forward.

(Opposed) None.

Persons Testifying: (In support) Senator Bailey, prime sponsor; Joe Holliday, State Board for Community and Technical Colleges; Paul Francis, Council of Presidents; Dhvani Vekavia, University of Washington Bothell; and Garrett Havens, Washington Student Association.

(In support with amendment(s)) Rebecca Johnson, Washington Coalition of Sexual Assault Programs; and Nancy Sapiro, Legal Voice.

Persons Signed In To Testify But Not Testifying: None.