

FINAL BILL REPORT

SSB 5764

C 72 L 17
Synopsis as Enacted

Brief Description: Concerning higher education records.

Sponsors: Senate Committee on Higher Education (originally sponsored by Senators Wellman, Hasegawa and Rolfes).

Senate Committee on Higher Education
House Committee on Higher Education

Background: Campus Sexual Violence Task Force. In 2015, the Legislature established a two-year Campus Sexual Violence Task Force (Task Force). The 14-member task force was tasked with:

- developing best practices to promote campus sexual violence awareness;
- reducing the occurrence of campus sexual violence;
- developing recommendations for improving institutional policies and procedures;
- developing recommendations for improving collaboration between institutions and law enforcement; and
- reporting to the Legislature on its goals and recommendations.

The Task Force found that under current law, it was unclear whether records created by campus-affiliated advocates are exempt from disclosure under Washington's Public Records Act. The Task Force recommended that records and communications that may contain personally identifiable information of a survivor be kept confidential, and be clearly exempted from disclosure under the Public Records Act.

Public Records Act. All agencies, including institutions of higher education, must make all records available for public inspection or copying, unless the records fall within a specific exemption. Communications with, and records maintained by victim advocates and crime victim advocates are provided exemptions from the Public Records Act. These provisions do not reference campus-affiliated advocates employed by, or volunteering for an institution of higher education, that are not affiliated with a community based advocacy organization.

Summary: A survivor is any student faculty, staff, or administrator at a public institution of higher education that believes they were a victim of a sexual assault, dating or domestic violence, or stalking. A campus-affiliated advocate is a sexual assault, domestic violence, or victim advocate working for an institution of 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.

Survivor Communications with, and records maintained by, campus-affiliated advocates are confidential. Records maintained by a campus-affiliated advocate are not subject to public inspection or copying, unless:

- the survivor consents;
- there is a clear, imminent risk of serious injury or death to someone involved;
- federal law requires inspection or copying; or
- a court mandates availability of the records.

Votes on Final Passage:

Senate	49	0
House	96	0

Effective: July 23, 2017