

# HOUSE BILL REPORT

## HB 2242

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**As Reported by House Committee On:**  
Postsecondary Education & Workforce

**Title:** An act relating to supporting sexual assault survivors at institutions of higher education.

**Brief Description:** Supporting sexual assault survivors at institutions of higher education.

**Sponsors:** Representatives Orwall, Pollet, Ramel, Callan, Fosse, Leavitt, Davis and Morgan.

**Brief History:**

**Committee Activity:**

Postsecondary Education & Workforce: 1/16/24, 1/26/24 [DPS].

**Brief Summary of Substitute Bill**

- Establishes a list of rights to which survivors of sex-based violence and harassment are entitled at institutions of higher education.
- Requires certain public institutions of higher education to establish a Student Health and Safety Committee.
- Requires public institutions of higher education to provide education on the Title IX reporting process and other resources available to survivors of sex-based violence and harassment.
- Provides that the Title IX process may not exceed 180 business days from the date a sex-based violence and harassment investigation begins.

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**HOUSE COMMITTEE ON POSTSECONDARY EDUCATION & WORKFORCE**

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Slatter, Chair; Reed, Vice Chair; Waters, Assistant Ranking Minority Member; Jacobsen, Leavitt, Nance, Paul, Pollet, Schmidt and Timmons.

**Minority Report:** Without recommendation. Signed by 4 members: Representatives

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

Ybarra, Ranking Minority Member; Chandler, Klicker and McEntire.

**Staff:** Elizabeth Allison (786-7129).

**Background:**

Title IX is a federal provision that protects people from discrimination based on sex in education programs or activities that receive federal funding assistance. Title IX applies to schools, local and state educational agencies, and other institutions that receive financial assistance from the United States Department of Education (Department), including over 5,000 institutions of higher education.

Institutions of higher education that receive federal funds from the Department must operate their programs and activities in a nondiscriminatory manner. This includes discrimination based on sex, including sexual orientation and gender identity. Title IX requires institutions to adopt and publish grievance procedures for students to file complaints of sex discrimination, including complaints of sexual harassment or sexual violence. Institutions may use general disciplinary procedures to address complaints of sex discrimination, but all procedures must provide for a prompt and equitable resolution of complaints.

The Office of Civil Rights within the Department evaluates, investigates, and resolves complaints alleging sex discrimination.

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**Summary of Substitute Bill:**

In addition to all other rights provided in the law, students at institutions of higher education in Washington who are survivors of sexual assault, sexual harassment, and gender-based violence have the right to:

- engage with staff who have been trained in trauma-informed care throughout the entirety of the disclosing process;
- a quick and timely institutional investigation process not to exceed six months from the date an investigation is initiated;
- in-person or live electronic education on reporting sex-based violence and harassment at institutions, including available resources for survivors;
- protection from legal retaliation for reporting sex-based violence or harassment;
- mental health or counseling services, on campus or offsite, regardless of whether the student chooses to make a formal report through Title IX or to law enforcement;
- access to support services, including peer advocates, confidential advocates, and gender-based violence support groups;
- academic accommodations to prevent academic harm;
- have court-issued no-contact and restraining orders honored and reported to university police and security services by a trained staff person such as a confidential

- advocate; and
- be told by an employee if the employee is a Title IX mandated reporter and to whom the employee reports.

Institutional staff who are trained in trauma-informed care must be listed on each institution's website in an easily accessible place. Title IX staff at each public institution who may interact with survivors of sex-based violence and harassment must receive at least three hours of training on relationship violence, abuse dynamics, impacts of trauma on the body, and other forms of violence. Beginning in the 2025 fall academic term, public four-year institutions and community and technical colleges (CTCs) that serve 8,000 students or more must provide this training either in person or electronically at the beginning of each academic term. Institutions must make a good-faith effort to include perspectives from sexual assault survivors in the training. The education must be provided to all students. Peer advocates must be trained in trauma-informed care and have 40 hours of basic advocacy training provided by the institution.

Public institutions of higher education must have a policy against legal retaliation for reporting sex-based violence and harassment.

Public institutions must make a good-faith effort to ensure that survivors have access to no less than six visits with the same mental health provider either in person or electronically via telehealth.

A confidential advocate at institutions must be available to a survivor within two business days of a report being made. Beginning with the 2027-28 academic year, public four-year institutions must provide 24/7 transportation access to sexual assault nurse examiners and forensic medical services on campus or at a medical facility. Survivors must have the option to be accompanied by a peer advocate or confidential advocate trained in trauma-informed care.

Survivors must be permitted to participate in academic activities through alternate means where feasible. Once such an adjustment is requested, the confidential advocate must collaborate with the survivor's instructors or supervisors to identify the means of adjustment that best preserves the benefits of the academic activity. Accommodations must be available regardless of whether the survivor has made a formal report through Title IX. Confidential advocates may not disclose any information regarding the survivor's experience to faculty in the course of negotiating academic adjustments.

A confidential advocate is a person trained in trauma-informed care to provide a safe and confidential space to help survivors identify what steps to take, what resources they need, what their rights and options are, and what options they have for reporting on campus and to law enforcement. Confidential advocates do not report incidents to the university.

Public institutions of higher education that serve 8,000 students or more must establish or

expand an existing committee to include a Student Health and Safety Committee (Committee) that includes representatives from various groups, such as admissions, counseling, health care, student advocates, and professors. The Committee must evaluate institutional barriers that impact survivors and their ability to access services and obtain accommodations. The Committee may collaborate with outside organizations and entities focused on survivors of sexual assault and must evaluate existing accommodations and make recommendations on how to better serve survivors. The Committee must report annually to the appropriate committees of the Legislature. Beginning with the 2025-26 academic year, the public four-year institutions that serve 8,000 students or more must conduct surveys and outreach to collect student feedback on relevant issues, including the availability of 24/7 transportation to a hospital or medical facility with sexual assault nurse examiners provided by the institutions.

All public and private institutions are prohibited from requesting, proposing, or pressuring a student reporting sexual misconduct in a complaint filed with the institution under Title IX or otherwise, law enforcement, or in a civil court action to enter a nondisclosure agreement relating to the alleged sexual misconduct by another student or employee.

The Title IX process at institutions of higher education may not exceed 180 business days from the date an investigation begins unless extenuating circumstances exist. The timeline for each step is as follows:

- a student must receive information on available resources, including information on the Title IX process, counseling services, and confidential advocates, within two business days of making a report;
- the initial assessment must be completed within 10 business days, whether the investigation will proceed under Title IX or the institution's internal process;
- the investigation must be completed within 120 business days of the initial report or disclosure. This process includes the final decision and subsequent hearings; and
- if a sanction is issued it must be determined and administered within 10 business days of the final decision.

If the process will take longer than 180 business days due to extenuating circumstances, the institution must provide a written explanation to the student including the reason for the delay and when the process is expected to be completed. Beginning with the 2027-28 academic year, all public four-year institutions that serve 8,000 students or more must provide an online tool for students to access to track the progress of their investigation. All other institutions are encouraged to provide this tool.

### **Substitute Bill Compared to Original Bill:**

The substitute bill uses "sex-based violence and harassment" instead of "sexual harassment, sexual assault, and gender-based violence." The timeline for Title IX and other investigations begins at the time an investigation begins rather than when a report is made. Confidential advocates may be institutional personnel or be personnel from local victims'

advocacy organization in partnership with the institution. Certain requirements are delayed. Most provisions apply only to public four-year institutions and, in some cases, to CTCs that serve 8,000 students or more. Employees who may come into contact with survivors of sex-based violence or assault must take the required training, rather than all employees. All public and private institutions are prohibited from requesting, proposing, or pressuring a student reporting sexual misconduct in a complaint filed with the institution under Title IX or otherwise, law enforcement, or in a civil court action to enter a nondisclosure agreement relating to the alleged sexual misconduct by another student or employee.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute 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) Sexual assault is about power and control, and there is a serial nature to sexual assault. Sexual assault can lead to physical and emotional trauma and scars that last a lifetime. Colleges are high-risk for sexual assault. National statistics show that college sexual assaults make up 43 percent of total on-campus crimes, and 90 percent of campus sexual assault goes unreported. This bill is meant to create a system that is trauma-informed and supports survivors on campuses. Every survivor should know what their options are and have rapid access to those results. Some survivors may only seek out therapy and some might also want to go to the hospital or pursue criminal charges. Some also want to pursue a Title IX report and investigation. The bill makes sure that the people survivors interact with, including confidential advocates, are trauma informed. A substitute bill is coming with feedback from the Title IX folks, institutions, and students. The purpose of the Student Health and Safety Committee is to look at systemic barriers that institutions face and to create partnerships with the community. Current procedures set forth by higher education institutions fail survivors. Survivors are unaware of the resources available and have little knowledge of the Title IX process. They also can't access accommodations. Survivors need an outlined bill of rights and deserve to be backed by the institutions and to know that they are not alone and the university stands behind them. Sexual assault is not temporary. It has a long-term effect.

More generic language for accommodations will help the administration of this bill. There is a pressing need for action to address the concerning spike in sexual assaults on campus. There needs to be a statewide solution beyond the university. This bill will serve as a framework to help survivors facing the stigma of navigating resources. Universities sweep things under the rug and turn a blind eye to protect the university, not students. There is

currently a long wait for rape kits, even in the Seattle area. Sexual assault can take months to be investigated only to result in a suspension of the offender. Survivors have the right to be seen in legal and other environments. Higher education institutions are in great need of options for reporting sexual assault. Many survivors do not report because they fear retaliation. This shows the need for confidential services. Right now questionnaires for reporting include questions such as "why do you think you were assaulted," which shows the need for trauma-informed and survivor-focused care. There is a troubling lack of transparency in the current reporting process. An online reporting option would be helpful, with a submission code assigned to the student to be able to check back in on the report. An online tool to track the process adds emphasis on survivors and prioritizes their well-being. A published survey showing reasons why survivors do not report include lack of procedures and fear of bias. Survivors often report to their peers rather than school officials. This bill will help remove barriers and ensure that all students are aware of procedures. A list of staff trained in trauma-informed care would be helpful for survivors to know. The dropout rate increases when students have been sexually assaulted before entering college. This bill sends a message that higher education institutions will not condone violence. Sexual assault is the single most common crime on campuses.

(Opposed) None.

(Other) All six public institutions support the goals of supporting survivors. The bill as written will require a large investment from the state. Confidential advocates are important and students need access to them. Confidential advocates can work with first responders and community advocates. Flexibility in the language is encouraged. The transportation element requires state funding. Peer advocates can face challenges such as burnout and trouble establishing boundaries. Often peer advocates haven't received sufficient training and may need help themselves. The bill should focus on staff, not students. There is lots of work to do in this area. A lot of work is already being done at campuses. Language should be consistent with language that is already in disability and pregnancy accommodations in federal requirements. Students and faculty are already familiar with those federal processes. Providing survivors with reasonable accommodation measures that wouldn't cause an undue burden on institutions is necessary, so institutions need some flexibility. Title IX is a legally complex area and institutions are looking for ways to improve the process. The aim is to have the process complete in 90 days. The institutions are supportive of the language, but extenuating circumstances, such as delays in rape kit results, scheduling with attorneys, or students struggling with mental health should be taken into consideration. The mandatory timeline should start with the date a survivor decides to initiate an investigation.

**Persons Testifying:** (In support) Representative Tina Orwall, prime sponsor; Charlotte Moskowitz, Pearl Dimpsey, and Charlotte Fithian, Lake Washington High School; Lillian Moskowitz; Alice Zborovskiy, University of Washington Seattle and Associated Students of the University of Washington; Jacob Feleke and Ellis Andrews, Associated Students of University of Washington; Zoie Mastin; Patrick Lovell; Sara Owen, Grays Harbor Beyond

Survival; Sophia Arnold; Bernadette Jungblut, Central Washington University; Kaitlynn Albenesius, Pierce College; and Jacob Vigdor and Amanda Kost, University of Washington.

(Other) Melissa Beard, Council of Presidents; Holly Ashkannejhad, Washington State University; Daniel Records-Galbraith, Western Washington University; and Annika Scharosch, Eastern Washington University.

**Persons Signed In To Testify But Not Testifying:** Naira Gonzales Aranda; Bellana Bogar, Young Democrats at Washington State University; Meredith Massey; and Sophia Bowton-Meade.