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**SUBSTITUTE SENATE BILL 5355**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Higher Education & Workforce Development (originally sponsored by Senators Orwall, Slatter, Dhingra, Hasegawa, Nobles, Stanford, Trudeau, Valdez, and C. Wilson)

AN ACT Relating to improving safety at institutions of higher education while supporting student survivors of sexual assault; amending RCW 28B.10.735, 28B.112.040, and 28B.10.147; adding new sections to chapter 28B.112 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature recognizes that policies concerning sex-based violence and harassment have evolved into a survivor-focused, victim-centered approach on a state level. While college campuses have been working in this area, this approach has not been fully realized yet, and sex-based violence and harassment remain a major barrier for students working to achieve their educational goals.

The legislature finds that, according to the rape, abuse, and incest national network, postsecondary students are at high risk for sex-based violence and harassment; among undergraduate and graduate students, 13 percent experience sexual assault or rape during their postsecondary schooling years. Undergraduate women in particular experience even higher rates, with more than one in four experiencing sexual assault or rape.

The legislature acknowledges that postsecondary students lack adequate protections against sex-based violence and harassment as well as avenues for justice, and that survivors need access to more relevant, timely, and sensitive resources. Although the state has invested in student safety on campus, the ongoing rates of sex-based violence and harassment demand the legislature's action and attention to protect students and ensure they are able to successfully achieve their potential.

Therefore, the legislature intends to provide survivors at postsecondary institutions with certain protections, resources, and accommodations to help them navigate the aftermath of traumatic sex-based and gender-based violence and harassment.

NEW SECTION. **Sec.**  (1) In addition to all other rights provided in law, a student at an institution of higher education in Washington who is a survivor of sex-based violence and harassment has the right to:

(a) Engage with employees who have been trained in trauma-informed care. Institutions of higher education must clearly list on their website the campus-based employee roles trained in trauma-informed care that are responsible for responding to survivor disclosures as part of their job duties. Title IX employees at each institution of higher education who may interact with a survivor 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. The institution of higher education must provide the training in accordance with section 4 of this act;

(b) A quick and timely institutional investigation process not to exceed six months from the date an investigation is initiated, unless extenuating circumstances exist. The student must be kept informed on the status of the investigation throughout the entirety of the process;

(c) Mental health or counseling services, on campus or off-site, regardless of whether the student chooses to make a formal report through the campus Title IX office or to law enforcement. The institution of higher education must make a good faith effort to ensure students have access to a mental health provider either in person or electronically via telehealth;

(d) Request supportive measures. Supportive measures must be nondisciplinary, nonpunitive individualized services and must be offered as appropriate, as reasonably available, and without fee or charge, regardless of whether a formal complaint has been filed. Supportive measures must aim to restore or preserve a student's access to the institution of higher education's programs and activities without unreasonably burdening the other party, and to provide support during the institution of higher education's informal resolution or formal complaint processes, as determined through an interactive process between the campus Title IX office, the student, and relevant employees, such as faculty when an academic adjustment is requested. No information about the survivor's experience may be shared in the course of facilitating supportive measures with relevant employees or other third parties, unless specifically requested by the survivor. Supportive measures may include, but are not limited to:

(i) Counseling and other medical assistance;

(ii) Extensions of deadlines or other academic adjustments;

(iii) Modifications of on-campus work or class schedules;

(iv) Leaves of absence;

(v) Increased security or monitoring of certain areas of campus; and

(vi) Directives prohibiting the parties from contacting one another in housing or work situations;

(e) Have court-issued no-contact and restraining orders honored and reported to university police and security services by a trained employee, such as a campus-affiliated advocate when requested to do so by the survivor;

(f) Be made aware by a campus-based employee if the employee is a Title IX required reporter and to which office the employee will share the information provided by the survivor; and

(g) Access to a no-fee attorney through an organization that serves the entire state and is focused on sexual assault.

(2) For purposes of this section, "institutions of higher education" include (a) the state universities, the regional universities, and the state college as defined in RCW 28B.10.016, and (b) all community and technical colleges that serve 8,000 or more students.

NEW SECTION. **Sec.**  (1) Each campus of an institution of higher education as defined in RCW 28B.10.016 that serves 8,000 or more students shall each establish or expand an existing committee to include a student health and safety committee that includes representatives from various groups, such as admissions, counseling, health care, violence prevention, health promotion, students, campus-affiliated advocates, and faculty and other academic personnel. The committee shall evaluate barriers that impact survivors of sex-based and gender-based violence and harassment and their ability to access services and obtain supportive measures at institutions of higher education, and will invite outside organizations and entities focused on survivors of sex-based and gender-based violence and harassment to participate in this process.

(2) The student health and safety committee shall:

(a) Evaluate existing supportive measures and make recommendations on how to facilitate existing processes to better serve survivors in requesting supportive measures;

(b) Form relationships with local victims' advocacy organizations; and

(c) Assess various institutional staffing models of campus-affiliated advocates and make recommendations.

(3) The student health and safety committee shall annually report its recommendations developed under subsection (2) of this section to the appropriate committees of the legislature in accordance with RCW 43.01.036.

(4) Beginning with the 2026-27 academic year, the state college, the state universities, and the regional universities as defined in RCW 28B.10.016 that serve 8,000 or more students shall work with respective student health and safety committees to develop questions for student feedback on relevant issues on sex-based and gender-based violence and harassment and students' ability to access services for the campus climate assessment required in RCW 28B.10.147.

NEW SECTION. **Sec.**  (1) Beginning in the 2026 fall academic term, each campus of an institution of higher education as defined in RCW 28B.10.016 that serves 8,000 or more students, shall collaborate with a community-based organization focused on survivors of sexual assault, sexual harassment, and sex-based violence to provide:

(a) Employee-specific training for the employees specified in subsection (3) of this section, on sensitivity in interacting with survivors of sexual assault, sexual harassment, and sex-based violence; and

(b) Sex-based and gender-based violence and harassment education to students specified in subsection (4) of this section, including:

(i) How to access support services regardless of whether a formal complaint is filed;

(ii) The availability and role of confidential resources including counseling and campus‑affiliated advocates;

(iii) How to file a formal complaint with the campus' Title IX office and the applicable law enforcement agency;

(iv) Affirmative consent;

(v) What conduct constitutes a violation of the institution of higher education's sex-based discrimination policy;

(vi) Bystander intervention;

(vii) Employee-required reporting;

(viii) How to provide support to survivors of sexual violence as a peer; and

(ix) Information on services available to survivors on and off campus, including:

(A) Those offered by a regional community-based organization providing 24/7 support for survivors of sexual assault, sexual harassment, and sex-based and gender-based violence;

(B) Costs associated with submitting a sexual assault kit;

(C) Transportation for medical exams;

(D) Free counseling services; and

(E) How to obtain legal counsel at any administrative hearing for the survivor at no cost to the student or institution.

(2) Institutions must make a good-faith effort to include perspectives from sexual assault survivors in the training and education required under subsection (1) of this section.

(3) The training required in subsection (1)(a) of this section must be provided to:

(a) All campus-based employees identified by the institution of higher education as having job duties that include interacting with a survivor of sex-based violence and harassment as provided in section 2(1)(a) of this act; and

(b) All other campus-based employees, not already identified in this section, whose education may be in-person or via electronic means annually.

(4) The education required in subsection (1)(b) of this section must be provided to:

(a) All newly matriculated students, including transfer students and graduate students;

(b) Student athletes as defined in RCW 19.225.010, who must receive and attend the education in person;

(c) Resident advisors, prior to the start of the academic year, who must receive and attend the education in person;

(d) Students who become members of a social fraternity or sorority organization, who must receive and attend in-person education within the quarter or semester they become members or the next full quarter or semester thereafter; and

(e) Other student groups as identified by the institution of higher education that historically have had unique adjustment issues to campus or have been shown to be important messengers for affirmative consent, who must receive and attend the education in person.

(5) Unless otherwise specified, the education established in this section may be provided online, or by other means.

NEW SECTION. **Sec.**  Postsecondary educational institutions may not propose, request, or pressure a student reporting sexual misconduct in a complaint filed with the institution under Title IX or otherwise, with law enforcement, or in a civil court action to enter into a nondisclosure agreement relating to the alleged sexual misconduct by another student or employee of the institution.

NEW SECTION. **Sec.**  (1) Unless there is good cause, the timeline for each step of the Title IX process is as follows:

(a) The institution of higher education must provide to the student information on available resources, including information on the Title IX process, counseling services, and campus-affiliated advocates, within two business days of the Title IX office receiving a report, unless extenuating safety factors exist for the survivor;

(b) The initial assessment must be completed within 10 business days of the student meeting with the Title IX employee and providing the necessary information to complete an assessment, including whether the investigation will proceed under Title IX or the institution of higher education's internal process or if the concern will be addressed in a different manner;

(c) 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

(d) Except for in circumstances where there is good cause, if a sanction is issued it must be initiated within 10 business days of the final decision.

(2) If the process will take longer than 180 business days due to extenuating circumstances or good cause, the institution of higher education must provide a written explanation to the student, including the reason for the delay and when the process is expected to be completed.

(3) Students must be kept informed on the status of the investigation and, if conducted, the hearing, throughout the entirety of the Title IX process.

(4) Beginning with the 2028-29 academic year, each campus of an institution of higher education as defined in RCW 28B.10.016 that serves 8,000 or more students shall provide an option online for students to report a Title IX violation. These institutions of higher education are also encouraged to provide the online tracking tool, so a student may track the Title IX process.

NEW SECTION. **Sec.**  Sections 2 through 6 of this act are each added to chapter 28B.112 RCW.

**Sec.**  RCW 28B.10.735 and 2020 c 39 s 3 are each amended to read as follows:

(1) Within existing resources, ((~~every institution of higher education as defined in RCW 28B.10.016 that issues~~)) student identification cards, faculty or staff identification cards, or both, must have printed on either side of the identification cards:

(a) The contact information for a national suicide prevention organization; ((~~and~~))

(b) The contact information for one or more campus, local, state, or national organizations specializing in suicide prevention, crisis intervention, or counseling, if available; and

(c) The phone number of a regional community-based organization focused on survivors of sexual assault, sexual harassment, and sex-based and gender-based violence that provides 24/7 support.

(2)(a) The requirements in subsection (1)(a) and (b) of this section apply to student identification cards and faculty or staff identification cards issued for the first time and issued to replace a damaged or lost identification card at an institution of higher education as defined in RCW 28B.10.016.

(b) The requirements in subsection (1)(c) of this section apply to student identification cards issued for the first time and issued to replace a damaged or lost identification card at a state university, regional university, and the state college, as defined in RCW 28B.10.016.

**Sec.**  RCW 28B.112.040 and 2023 c 79 s 2 are each amended to read as follows:

The definitions in this section apply throughout this ((~~section and RCW 28B.112.050 through 28B.112.080~~)) chapter unless the context clearly requires otherwise.

(1) "Applicant" means a person applying for employment as faculty, instructor, staff, advisor, counselor, coach, athletic department staff, and any position in which the applicant will likely have direct ongoing contact with students in a supervisory role or position of authority. "Applicant" does not include enrolled students who are applying for temporary student employment with the postsecondary educational institutions, unless the student is a graduate student applying for a position in which the graduate student will have a supervisory role or position of authority over other students. "Applicant" does not include a person applying for employment as medical staff or for employment with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the applicant will have a supervisory role or position of authority over students.

(2) "Association" means a scholarly or professional organization or learned society that sponsors activities or events for the benefit of individuals affiliated with postsecondary educational institutions, with a code of conduct forbidding sexual misconduct at such activities or events, and established investigative procedures for allegations that the code of conduct has been violated.

(3) "Campus-affiliated advocate" has the same meaning as defined in RCW 28B.112.030.

(4) "Employee" means a person who is receiving or has received wages as an employee from the postsecondary educational institutions and includes current and former workers, whether the person is classified as an employee, independent contractor, or consultant, and is in, or had, a position with direct ongoing contact with students in a supervisory role or position of authority. "Employee" does not include a person who was employed by the institution in temporary student employment while the person was an enrolled student unless the student, at the time of employment, is or was a graduate student in a position in which the graduate student has or had a supervisory role or authority over other students. "Employee" does not include a person employed as medical staff or with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the employee has or had a supervisory role or position of authority over students. A person who would be considered an "employee" under this subsection, remains an "employee" even if the person enrolls in classes under an institution's employee tuition waiver program or similar program that allows faculty, staff, or other employees to take classes.

((~~(4)~~)) (5) "Employer" includes postsecondary educational institutions in this or any other state.

((~~(5)~~)) (6) "Investigation" means a procedure initiated in response to a formal complaint, as defined in 34 C.F.R. Sec. 106.30, provided that the procedure fully complies with the provisions of 34 C.F.R. Sec. 106.45.

((~~(6)~~)) (7) "Postsecondary educational institution" means an institution of higher education as defined in RCW 28B.10.016, a degree-granting institution as defined in RCW 28B.85.010, a private vocational school as defined in RCW 28C.10.020, or school as defined in RCW 18.16.020, that participates in the state student financial aid program.

((~~(7)~~)) (8) "Sex-based and gender-based violence and harassment" includes all forms of sex-based harassment including, but not limited to:

(a) Hostile environment;

(b) Quid pro quo;

(c) Sexual assault;

(d) Domestic violence;

(e) Dating violence;

(f) Stalking;

(g) Voyeurism;

(h) Indecent exposure; and

(i) Sexual exploitation.

(9) "Sexual misconduct" includes, but is not limited to, unwelcome sexual contact, unwelcome sexual advances, requests for sexual favors, other unwelcome verbal, nonverbal, electronic, or physical conduct of a sexual nature, sexual harassment, and any misconduct of a sexual nature that is in violation of the postsecondary educational institution's policies or has been determined to constitute sex discrimination pursuant to state or federal law.

((~~(8)~~)) (10) "Student" means a person enrolled at ((~~a postsecondary educational~~)) an institution and for whom educational records are maintained.

((~~(9)~~)) (11) "Substantiated findings" means a written determination regarding responsibility as described in 34 C.F.R. Sec. 106.45(b)(7) prepared at the conclusion of an investigation, as amended by any appeals process.

**Sec.**  RCW 28B.10.147 and 2021 c 275 s 3 are each amended to read as follows:

(1)(a) The institutions of higher education as defined in RCW 28B.10.016 shall each conduct a campus climate assessment to understand the current state of diversity, equity, and inclusion in the learning, working, and living environment on campus for students, faculty, and staff. The assessment shall occur, at minimum, every five years. Institutions of higher education shall use the results of the campus climate assessment to inform the professional development, established in RCW 28B.10.145, and program, established in RCW 28B.10.149. Institutions may use an existing campus climate assessment to meet this requirement.

(b) The state board for community and technical colleges shall develop a model campus climate assessment for the community and technical colleges that the colleges may use or modify to meet the requirements of this section.

(2) The design of an existing or new campus climate assessment must involve, at minimum, students, college and university diversity officers, faculty, and staff. The campus climate assessment must include, at minimum, an evaluation of student and employee attitudes and awareness of campus diversity, equity, and inclusion issues. The campus climate assessment ((~~may also~~)) must include questions evaluating the prevalence of discrimination, sexual assault, harassment, and retaliation on and off campus, in addition to student, faculty, and staff knowledge of campus policies and procedures addressing discrimination, sexual assault, harassment, and retaliation. Questions related to sexual assault must include those developed by the student health and safety committee on sex-based and gender-based violence and harassment and students' ability to access services required in section 3(3) of this act. College and university diversity officers and students must be consulted in the development of recommendations.

(3) Institutions of higher education must, at minimum, conduct annual listening and feedback sessions for diversity, equity, and inclusion for the entire campus community during periods between campus climate assessments. Institutions of higher education must, to the maximum extent practicable, compensate students for their participation in the annual listening and feedback sessions.

(4) Beginning July 1, 2022, the institutions of higher education shall report findings or progress in completing their campus climate assessment and, when applicable, information on their listening and feedback sessions annually to either the state board for community and technical colleges or an organization representing the presidents of the public four-year institutions of higher education. The institutions of higher education must also publish annually on the institution's public website the results of either the campus climate assessment or listening and feedback sessions.

(5) The state board for community and technical colleges may require colleges to repeat their campus climate assessment. An organization representing the presidents of the public four-year institutions of higher education may also request state universities, regional universities, and The Evergreen State College to repeat their campus climate assessment.

**--- END ---**