

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 409****2021 Regular Session****Freeman**

HIGHER EDUCATION: Provides relative to campus safety and accountability

Synopsis of Senate Amendments

1. Revise terminology to refer to "power-based violence" instead of "power-based abuse" and revise terminology contained within the definition of "power-based violence".
2. Revise timelines and deadlines with respect to the chain of reporting.
3. Add provisions:
 - (a) Providing relative to criminal and civil immunity and retaliation.
 - (b) Requiring training for individuals prior to becoming a confidential advisor and annually thereafter.
 - (c) Requiring each management board to institute policies relative to the prevention and reporting of power-based violence.
 - (d) Requiring a uniform transcript notation and communication policy relative to students involved with incidents of power-based violence.
 - (e) Requiring a victims' rights policy at each institution.

Digest of Bill as Finally Passed by Senate**Mandatory Reporting**

Present law provides relative to the handling of sexually-oriented criminal offenses at public postsecondary education institutions. Proposed law instead uses the term "power-based violence" and proposed law provides the following:

- (1) Requires employees to report to the institution's Title IX coordinator upon witnessing or receiving a direct statement regarding an incident of power-based violence. Provides that reporting is not mandated if information is received during a public forum or awareness event, in the course of reviewing academic work, or indirectly, such as in the course of overhearing a conversation.
- (2) Requires the Title IX Coordinator to report to the chancellor.
- (3) Requires the chancellor to report to the management board.
- (4) Requires the system president to submit a system-wide summary report to the management board.
- (5) Requires the management board to submit a system-wide summary report to the Board of Regents.
- (6) Requires the Board of Regents to submit a report to the governor, House Speaker, Senate President, and House and Senate education committees.

- (7) Grants victims the right to obtain a copy of any report pertaining to any incident involving them.
- (8) Provides that an employee who is determined by the institution's disciplinary procedures to have knowingly failed to make a report or, with the intent to harm or deceive, made a report that is knowingly false shall be terminated.

Proposed law provides relative to immunity from criminal and civil liability and prohibited retaliation with respect to reporting.

Memoranda of Understanding

Present law requires each institution and local criminal justice agencies to enter into a memorandum of understanding (MOU) relative to responsibilities, information, investigation protocols, and other aspects of dealing with sexually-oriented criminal offenses. Requires that the MOU be updated every two years. Proposed law requires annual review and that each MOU relative to power-based violence be in writing and include the campus police department, if any, the local district attorney's office, and any law enforcement agency with criminal jurisdiction over the campus.

Policies

Proposed law requires each management board to institute policies relative to the prevention and reporting of power-based violence and specifies what such policies shall provide for, including the following:

- (1) Present law requires institutions to post certain information on their websites, including the phone number and website address for a victims' hotline. Requires this information to be updated timely. Proposed law instead requires it to be updated on at least an annual basis.
- (2) Present law authorizes institutions to provide an online reporting system to collect anonymous disclosures of crimes and track patterns of crime on campus. Proposed law requires rather than authorizes such online reporting systems.
- (3) Present law requires the Bd. of Regents to have developed a training program relative to handling sexually-oriented criminal offenses by Jan. 1, 2016, and for institutions to have provided such training not later than the beginning of the 2016-2017 school year. Proposed law extends such deadlines to Jan. 1, 2022, and the beginning of the 2022-2023 academic year, respectively, and provides for the training to address power-based violence.
- (4) Present law requires the withholding of transcripts for students with pending disciplinary action for sexually-oriented criminal offenses. Proposed law requires a uniform transcript notation and communication policy for student transfers with respect to incidents of power-based violence.
- (5) Proposed law requires each institution to adopt a victims' rights policy.

Student Surveys

Present law requires an institution to administer an anonymous sexual assault climate survey to its students once every three years. Proposed law changes the terminology to refer to a power-based violence climate survey and requires results to be posted prominently on each institution's website and for each institution to make every effort to maximize student participation in the survey.

Present law requires the Bd. of Regents to develop the survey in consultation with the management boards and work with such boards in researching and selecting the best method

for survey development and administration. Proposed law additionally requires the Bd. of Regents to consult with victims' advocacy groups and student leaders who represent a variety of student organizations and affiliations when performing these responsibilities.

Present law requires the Bd. of Regents to submit a written report on survey results to the House and Senate education committees and governor not later than Sept. 1st following administration of the survey. Proposed law changes this deadline to 45 days prior to the convening of the next Regular Session of the Legislature.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 17:3399.11-3399.17; Adds R.S. 15:624(A)(3))