

2023 Regular Session

SENATE BILL NO. 202

BY SENATOR BARROW

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COLLEGES/UNIVERSITIES. Provides relative to campus accountability and safety.
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AN ACT

To amend and reenact R.S. 17:3399.13.1(C), 3399.14(D) and (E), 3399.15(B)(5)(a), and 3399.17 and to enact R.S. 17:3399.14(F), relative to campus accountability and safety; to provide relative to prevention, reporting, and investigation of incidents of power-based violence at public postsecondary institutions; to provide relative to coordination between institutions and certain local agencies; to provide for surveys and reporting of survey results; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3399.13.1(C), 3399.14(D) and (E), 3399.15(B)(5)(a), and 3399.17 are hereby amended and reenacted and R.S. 17:3399.14(F) is hereby enacted to read as follows:

§3399.13.1. Administrative reporting requirements

* * *

C. The chancellor of each institution shall submit a report to the institution's management board within fourteen days of receiving the report pursuant to Subsection A of this Section from the Title IX coordinator. The report shall include the number of ~~responsible~~ employees and confidential advisors for the institution,

1 the number and percentage of these who have completed required annual training,
 2 the number of complaints of power-based violence received by the institution, the
 3 number of complaints which resulted in a finding that power-based violations
 4 occurred, the number of complaints in which the finding of power-based violations
 5 resulted in discipline or corrective action, the type of discipline or corrective action
 6 taken, the amount of time it took to resolve each complaint, the number of reports
 7 of retaliation, and the findings of any investigations of reports of retaliation. The
 8 report shall be posted on the institution's website.

9 * * *

10 §3399.14. Coordination with local law enforcement

11 * * *

12 **D. The head of any law enforcement or criminal justice agency located**
 13 **within the parish of the campus of the institution shall execute a memorandum**
 14 **of understanding proposed by an institution within the law enforcement**
 15 **agency's criminal jurisdiction within thirty days of receipt of the proposal.**

16 **E.** Each executed memorandum of understanding shall be reviewed annually
 17 by each institution's chancellor, Title IX coordinator, and the executive officer of the
 18 criminal justice agency, and shall be revised as considered necessary.

19 ~~E.~~ **F.** Nothing in this Part or any memorandum of understanding entered into
 20 pursuant to this Section shall be construed as prohibiting a victim or responsible
 21 employee from making a complaint to both the institution and a law enforcement
 22 agency.

23 §3399.15. Campus security policy

24 * * *

25 B. Each public postsecondary education management board shall institute
 26 policies incorporating the policies and best practices prescribed by the Board of
 27 Regents regarding the prevention and reporting of incidents of power-based violence
 28 committed by or against students of an institution. The policies, at a minimum, shall
 29 require each institution under the board's management to provide for the following:

* * *

(5) Training. (a) The institution shall require annual training for each ~~responsible~~ employee, individual who is involved in implementing an institution's student grievance procedures, including each individual who is responsible for resolving complaints of reported power-based violence, or sexual misconduct policy violations, each Title IX coordinator at all institutions, and each employee of an institution who has responsibility for conducting an interview with an alleged victim of power-based violence. ~~Each institution shall ensure that the individuals and employees receive the training described in this Subsection no later than the beginning of the 2022-2023 academic year.~~

* * *

§3399.17. Public institutions of postsecondary education; power-based violence climate surveys

A.(1) Each institution shall administer an anonymous power-based violence climate survey to its students ~~once every three years~~ **periodically, at intervals prescribed by the United States Department of Education regulations governing the administration of such surveys.** If an institution administers other surveys with regard to campus safety, the power-based violence climate survey may be included as a separate component of any such survey provided that the power-based violence component is clearly identified as such.

(2) Participation in the power-based violence climate survey shall be voluntary; no student shall be required or coerced to participate in the survey nor shall any student face retribution or negative consequence of any kind for declining to participate.

(3) Each institution shall make every effort to maximize student participation in the survey.

~~B. The Board of Regents shall:~~

~~(1) Develop the survey in consultation with the public postsecondary education management boards and in accordance with national best practices.~~

1 ~~(2) Work with the management boards in researching and selecting the best~~
2 ~~method of developing and administering the survey.~~

3 ~~(3) Consult with victims' advocacy groups and student leaders who represent~~
4 ~~a variety of student organizations and affiliations, including student government~~
5 ~~associations, academic associations, faith-based groups, cultural groups, and~~
6 ~~fraternities and sororities, when meeting the requirements of Paragraph (1) of this~~
7 ~~Subsection.~~

8 ~~(4) Submit a written report on survey results to the House Committee on~~
9 ~~Education, the Senate Committee on Education, and the governor not later than~~
10 ~~forty-five days prior to the convening of the next Regular Session of the Legislature~~
11 ~~following the administration of the survey. The report shall summarize results from~~
12 ~~each public postsecondary education institution and the state as a whole.~~

13 ~~(5) Publish the survey results on the board's website and in any other location~~
14 ~~or venue the board considers necessary or appropriate.~~

15 ~~€.~~ Each public postsecondary institution shall:

16 ~~(1) Administer a survey during the 2022-2023 academic year and every third~~
17 ~~year thereafter~~ **Administer the survey instrument prescribed by or approved by**
18 **the United States Department of Education pursuant to regulations**
19 **promulgated by the office of civil rights, at the intervals required by the**
20 **regulations.**

21 ~~(2) Report survey results to the institution's board of supervisors and the~~
22 ~~Board of Regents.~~

23 ~~(3) Publish the survey results in a prominent, easy-to-access location on the~~
24 ~~institution's website.~~

25 **C. The Board of Regents shall:**

26 **(1) Submit a written report on survey results to the Senate Committee**
27 **on Education, the House Committee on Education, and the governor by**
28 **January twenty-first immediately following the administration of the survey.**

29 **The report shall summarize results from each public postsecondary education**

1 institution and the state as a whole. The report shall be submitted to the David
 2 R. Poynter Legislative Research Library as required by R.S. 24:771 and 772.

3 (2) Publish the survey results on the board's website and in any other
 4 location or venue the board considers necessary or appropriate.

5 Section 2. This Act shall become effective upon signature by the governor or, if not
 6 signed by the governor, upon expiration of the time for bills to become law without signature
 7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 9 effective on the day following such approval.

The original instrument was prepared by LG Sullivan. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Thomas L. Tyler.

DIGEST

SB 202 Reengrossed

2023 Regular Session

Barrow

Present law provides for the Campus Accountability and Safety Act, relative to power-based violence at public postsecondary institutions, including preventing the behavior from occurring and addressing any incidents that occur. Provides for reporting of incidents, campus security policies, coordination with local law enforcement, safety education, surveys, and disclosure of campus crime statistics. Provides for the La. Power-Based Violence Review Panel.

Proposed law makes technical changes in present law.

Present law requires each institution to have a memorandum of understanding (MOU) with each local law enforcement and criminal justice agency located within the parish of the campus of the institution. Requires the MOU to include specified provisions, to be signed by all parties, and to be reviewed annually by each institution's chancellor and Title IX coordinator and the executive officer of the criminal justice agency.

Proposed law retains present law and requires the head of a law enforcement or criminal justice agency to execute any proposed MOU within 30 days of receipt.

Present law requires the Board of Regents to develop an instrument to survey students at each institution relative to power-based violence. Requires each institution to conduct the survey anonymously at three-year intervals, beginning with the 2022-2023 academic year.

Proposed law retains present law requirement for periodic surveys beginning with the 2022-2023 academic year. Rather than a survey developed by the Board of Regents, requires the use of the survey instrument prescribed by or approved by the U.S. Dept. of Education pursuant to regulations promulgated by the office of civil rights, at the intervals required by the regulations.

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

(Amends R.S. 17:3399.13.1(C), 3399.14(D) and (E), 3399.15(B)(5)(a), and 3399.17; adds R.S. 17:3399.14(F))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Makes technical amendments