
DIGEST

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HB 394 Original

2021 Regular Session

Riser

Abstract: Provides for mandatory reporting of sexual misconduct at postsecondary education institutions and requires such institutions to post reports relative to campus security policies and campus crime statistics on their websites.

Mandatory reporting

Proposed law provides that each employee of a postsecondary education institution shall be a mandatory reporter of sexual misconduct as defined in proposed law. Requires any employee who has cause to believe that an incident of sexual misconduct has been committed by or against any student of the institution to report it to the campus Title IX coordinator. Provides that if the campus does not have a Title IX coordinator, the employee shall report it to a law enforcement agency.

Proposed law provides that the following shall be fined not more than \$500 or imprisoned for not more than six months, or both:

- (1) Any person who is required to report sexual misconduct and knowingly and willfully fails to so report.
- (2) Any person who reports sexual misconduct, knowing that the information reported is false.

Proposed law requires each institution to provide training to each employee on the reporting procedure and the consequences of failing to report.

Disclosure of campus security policies and campus crime statistics

Proposed law requires each postsecondary education institution to publish on its website a quarterly security report that contains updated campus security policies and campus crime statistics. Requires reports to contain, at a minimum, all information relative to such policies and statistics specified in federal law commonly known as the "Clery Act".

Proposed law provides for compliance monitoring by the Bd. of Regents and notification of the legislative education committees and reductions in Taylor Opportunity Program for Students (TOPS) payments for failure to comply. Also authorizes any person to commence a suit in the district court for the parish in which an action in violation of proposed law occurred for the issuance of a writ of mandamus or injunctive or declaratory relief to require compliance with proposed law together with

reasonable attorney fees and costs.

Applicability

Proposed law is applicable to all institutions eligible for participation in the TOPS; this includes all public colleges and universities, nonpublic institutions that are members of the La. Assoc. of Independent Colleges and Universities, and certain proprietary and cosmetology schools. (Proposed law relative to the security reports applies to all of these institutions regardless of whether they are subject to the Clery Act.)

(Adds R.S. 17:3399.18)