

SENATE FLOOR AMENDMENTS

2021 Regular Session

Amendments proposed by Senator Mizell to Reengrossed House Bill No. 409 by Representative Freeman

1 AMENDMENT NO. 1

2 Delete the set of committee amendments (#2068) proposed by the Senate Committee on  
3 Education and adopted by the Senate on May 18, 2021

4 AMENDMENT NO. 2

5 On page 1, delete lines 2-10, and insert the following:

6 "To amend and reenact Part XII of Chapter 26 of Title 17 of the Louisiana  
7 Revised Statutes of 1950, comprised of R.S. 17:3399.11 through 3399.17, and to  
8 enact R.S. 15:624(A)(3), relative to power-based violence on college and university  
9 campuses; to provide for reporting incidents of power-based violence at public  
10 postsecondary education institutions; to provide for coordination between institutions  
11 and law enforcement; to provide for confidential advisors, responsible employees,  
12 and Title IX coordinators; to require training; to provide for immunities for certain  
13 employees; to provide for confidentiality; to provide relative to failure to report or  
14 filing false reports; to prohibit retaliation; to require annual reports; to require  
15 student safety education; to provide for student power-based violence surveys; and  
16 to provide for related matters."

17  
18 AMENDMENT NO. 3

19 On page 1, delete lines 12-17, delete pages 2-8, and on page 9, delete lines 1-24, and insert  
20 the following:

21 "Section 1. R.S. 15:624(A)(3) is hereby enacted to read as follows:  
22 §624. Sexually-oriented criminal offense data; reporting  
23 A. \* \* \*  
24 (3) By February fifteenth of each year, each college or university campus  
25 police department shall submit the report to the president of the institution's system,  
26 the chancellor of the institution, and the institution's Title IX coordinator. The  
27 chancellor shall ensure that the report is posted on the institution's website.  
28 \* \* \*

29 Section 2. Part XII of Chapter 26 of Title 17 of the Louisiana Revised  
30 Statutes of 1950, comprised of R.S. 17:3399.11 through 3399.17, is hereby amended  
31 and reenacted to read as follows:

32 PART XII. CAMPUS ACCOUNTABILITY AND SAFETY  
33 §3399.11. Short Title title

34 This Part may be referred to as the "Campus Accountability and Safety Act".

35 ~~3399.13.~~ §3399.12. Definitions

36 For the purposes of this Part, the following terms and phrases shall have the  
37 following meanings unless the context clearly indicates otherwise:

38 (1) "Chancellor" means the chief executive officer of a public postsecondary  
39 education institution.

40 (2) "President" means the president of the system of the respective institution.

41 "Confidential advisor" means a person designated by an institution to provide  
42 emergency and ongoing support to students who are alleged victims of power-based  
43 violence.

44 (3) "Sexually-oriented criminal offense" includes any sexual assault offense  
45 as defined in R.S. 44:51 and any sexual abuse offense as defined in R.S. 14:403.

46 "Employee" means:

1 (a)(i) An administrative officer, official, or employee of a public  
 2 postsecondary education board or institution.

3 (ii) Anyone appointed to a public postsecondary education board or  
 4 institution.

5 (iii) Anyone employed by or through a public postsecondary education board  
 6 or institution.

7 (iv) Anyone employed by a foundation or association related to a public  
 8 postsecondary education management board or institution.

9 (b) "Employee" does not include a student enrolled at a public postsecondary  
 10 institution, unless the student works for the institution in a position such as a  
 11 teaching assistant or a residential advisor.

12 (4) "Institution" means a public postsecondary education institution.

13 (5) "Power-based violence" means any form of interpersonal violence  
 14 intended to control or intimidate another person through the assertion of power over  
 15 the person and shall include the following:

16 (a) Dating violence (R.S. 46:2151(C)).

17 (b) Domestic abuse and family violence (R.S. 46:2121.1(2) and 2132(3)). For  
 18 the purposes of this Part, domestic abuse shall also include any act or threat to act  
 19 that is intended to coerce, control, punish, intimidate, or exact revenge on the other  
 20 party, for the purpose of preventing the victim from reporting to law enforcement or  
 21 requesting medical assistance or emergency victim services, or for the purpose of  
 22 depriving the victim of the means or ability to resist the abuse or escape the  
 23 relationship.

24 (c) Nonconsensual observation of another person's sexuality without the other  
 25 person's consent, including voyeurism (R.S. 14:283.1), video voyeurism (R.S.  
 26 14:283), nonconsensual disclosure of a private image (R.S. 14:283.2), and peeping  
 27 tom activities (R.S. 14:284).

28 (d) Sexual assault (R.S. 14:41, 42 through 43.5, 89, 89.1, and 106).

29 (e) "Sexual exploitation" which means an act attempted or committed by a  
 30 person for sexual gratification, financial gain, or other advancement through the  
 31 abuse of another person's sexuality including prostituting another person (R.S.  
 32 14:46.2 and 82 through 86).

33 (f) "Sexual harassment" which means unwelcome sexual advances, requests  
 34 for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual  
 35 nature when the conduct explicitly or implicitly affects an individual's employment  
 36 or education, unreasonably interferes with an individual's work or educational  
 37 performance, or creates an intimidating, hostile, or offensive work or educational  
 38 environment and has no legitimate relationship to the subject matter of a course or  
 39 academic research.

40 (g) Stalking (R.S. 14:40.2) and cyberstalking (R.S. 14:40.3).

41 (h) Unlawful communications (R.S. 14:285).

42 (i) Unwelcome sexual or sex- or gender-based conduct that is objectively  
 43 offensive, has a discriminatory intent, and lacks a bona fide academic purpose.

44 (6) "Responsible employee" means an employee as defined in Paragraph (3)  
 45 of this Section who receives a direct statement regarding or witnesses an incident of  
 46 power-based violence. "Responsible employee" does not include an employee  
 47 designated as a confidential advisor pursuant to R.S. 17:3399.15(B) or an employee  
 48 who has privileged communications with a student as provided by law.

49 (7) "System president" means the president of a public postsecondary  
 50 education system.

51 (8) "Title IX coordinator" means the individual designated by a public  
 52 postsecondary education institution as the institution's official for coordinating the  
 53 institution's efforts to comply with and carry out its responsibilities under Title IX  
 54 of the Education Amendments of 1972.

55 §3399.13. Mandatory reporting of power-based violence

56 A. Except as provided in Subsection C of this Section, a responsible  
 57 employee who receives a direct statement regarding or witnesses an incident of  
 58 power-based violence committed by or against a student shall promptly report the  
 59 incident to the institution's Title IX coordinator.

1           B. A responsible employee who receives information regarding retaliation  
2 against a person for reporting power-based violence shall promptly report the  
3 retaliation to the institution's Title IX coordinator.

4           C. A responsible employee is not required to make a report if information is  
5 received under any of the following circumstances:

6           (1) During a public forum or awareness event in which an individual  
7 discloses an incident of power-based violence as part of educating others.

8           (2) Disclosure is made in the course of academic work consistent with the  
9 assignment.

10          (3) Disclosure is made indirectly, such as in the course of overhearing a  
11 conversation.

12          D. A report under this Section shall include the following information if  
13 known:

14           (1) The identity of the alleged victim.

15           (2) The identity of the alleged perpetrator.

16           (3) The type of power-based violence or retaliation alleged to have been  
17 committed.

18           (4) Any other information about witnesses, location, date, and time that the  
19 incident occurred.

20 §3399.13.1. Administrative reporting requirements

21          A. Not later than October tenth and April tenth of each year, the Title IX  
22 coordinator of an institution shall submit to the chancellor of the institution a written  
23 report on the reports received under R.S. 17:3399.13, including information  
24 regarding:

25           (1) The investigation of those reports.

26           (2) The disposition, if any, of any disciplinary processes arising from those  
27 reports.

28           (3) The reports for which the institution determined not to initiate a  
29 disciplinary process, if any.

30           (4) Any complaints of retaliation and the status of the investigation of the  
31 complaints.

32          B. The Title IX coordinator of an institution shall immediately report to the  
33 chancellor of the institution an incident reported to the coordinator under R.S.  
34 17:3399.13 if the coordinator has cause to believe as a result of the incident that the  
35 safety of any person is in imminent danger.

36          C. The chancellor of each institution shall submit a report to the institution's  
37 management board within fourteen days of receiving the report pursuant to  
38 Subsection A of this Section from the Title IX coordinator. The report shall include  
39 the number of responsible employees and confidential advisors for the institution,  
40 the number and percentage of these who have completed required annual training,  
41 the number of complaints of power-based violence received by the institution, the  
42 number of complaints which resulted in a finding that power-based violations  
43 occurred, the number of complaints in which the finding of power-based violations  
44 resulted in discipline or corrective action, the type of discipline or corrective action  
45 taken, the amount of time it took to resolve each complaint, the number of reports  
46 of retaliation, and the findings of any investigations of reports of retaliation. The  
47 report shall be posted on the institution's website.

48          D. The system president shall submit a system-wide summary report within  
49 fourteen days of receiving the reports from the chancellors to the management board.  
50 The report shall be published on the website of the system.

51          E. The management board shall send an annual system-wide summary report  
52 to the Board of Regents by December thirty-first. The Board of Regents shall post  
53 the report on its website.

54          F. The Board of Regents shall annually submit a report to the governor, the  
55 president of the Senate, the speaker of the House of Representatives, and the Senate  
56 and House committees on education by January fifteenth, which shall include  
57 systemwide and statewide information. The report shall also include any  
58 recommendations for legislation. The report shall be published on the website of the  
59 Board of Regents.

60 §3399.13.2. Immunities

1 A. A person acting in good faith who reports or assists in the investigation  
2 of a report of an incident of power-based violence, or who testifies or otherwise  
3 participates in a disciplinary process or judicial proceeding arising from a report of  
4 such an incident:

5 (1) Shall be immune from civil liability and from criminal liability that might  
6 otherwise be incurred or imposed as a result of those actions.

7 (2) May not be subjected to any disciplinary action by the institution in which  
8 the person is enrolled or employed for any violation by the person of the institution's  
9 code of conduct reasonably related to the incident for which suspension or expulsion  
10 from the institution is not a possible punishment.

11 B. Subsection A of this Section shall not apply to a person who perpetrates  
12 or assists in the perpetration of the incident reported under R.S. 17:3399.13.

13 §3399.13.3. Failure to report or false reporting

14 A responsible employee who is determined by the institution's disciplinary  
15 procedures to have knowingly failed to make a report or, with the intent to harm or  
16 deceive, made a report that is knowingly false shall be terminated.

17 §3399.13.4. Confidentiality

18 A. Unless waived in writing by the alleged victim, the identity of an alleged  
19 victim of an incident reported under R.S. 17:3399.13 is confidential and not subject  
20 to disclosure except to:

21 (1) A person employed by or under contract with the institution to which the  
22 report is made, if the disclosure is necessary to conduct the investigation of the report  
23 or any related hearings.

24 (2) A law enforcement officer as necessary to conduct a criminal  
25 investigation of the report.

26 (3) A person alleged to have perpetrated the incident, to the extent required  
27 by law.

28 (4) A potential witness to the incident as necessary to conduct an  
29 investigation of the report.

30 B. The alleged victim shall have the right to obtain a copy of any report made  
31 pursuant to this Part that pertains to the alleged victim.

32 §3399.13.5. Retaliation prohibited

33 A. An institution shall not discipline, discriminate, or otherwise retaliate  
34 against an employee or student who in good faith either:

35 (1) Makes a report as required by R.S. 17:3399.13.

36 (2) Cooperates with an investigation, a disciplinary process, or a judicial  
37 proceeding relating to a report made by the employee or student as required by R.S.  
38 17:3399.13.

39 B. Subsection A of this Section does not apply to an employee or student who  
40 either:

41 (1) Reports an incident of power-based violence perpetrated by the employee  
42 or student.

43 (2) Cooperates with an investigation, a disciplinary process, or a judicial  
44 proceeding relating to an allegation that the employee or student perpetrated an  
45 incident of power-based violence.

46 §3399.14. Coordination with local law enforcement

47 A. ~~Each~~ On or before January first, 2022, each institution and law  
48 enforcement and criminal justice agency located within the parish of the campus of  
49 the institution, including the campus police department, if any, the local district  
50 attorney's office, and any law enforcement agency with criminal jurisdiction over the  
51 campus, shall enter into and maintain a written memorandum of understanding to  
52 clearly delineate responsibilities and share information in accordance with applicable  
53 federal and state confidentiality laws, including but not limited to trends about  
54 sexually-oriented criminal offenses occurring power-based violence committed by  
55 or against students of the institution.

56 B. ~~The Board of Regents' Uniform Policy on Sexual Assault shall require that~~  
57 ~~the memorandum of understanding, as described in Subsection A of this Section, be~~  
58 ~~updated every two years.~~

59 C. Each memorandum of understanding entered into pursuant to this Part  
60 shall include:

61 (1) Delineation and sharing protocols of investigative responsibilities.

1 (2) Protocols for investigations, including standards for notification and  
2 communication and measures to promote evidence preservation.

3 (3) Agreed-upon training and requirements for the parties to the  
4 memorandum of understanding on issues related to ~~sexually-oriented criminal~~  
5 ~~offenses~~ power-based violence for the purpose of sharing information and  
6 coordinating training to the extent possible.

7 (4) A method of sharing general information about ~~sexually-oriented criminal~~  
8 ~~offenses~~ power-based violence occurring within the jurisdiction of the parties to the  
9 memorandum of understanding in order to improve campus safety.

10 ~~D. The~~ (5) A requirement that the local law enforcement agency shall include  
11 information on its police report regarding the status of the alleged victim as a student  
12 at an institution as defined in this Part.

13 ~~E. The Institutions shall not be held liable if the local law enforcement~~  
14 ~~agency refuses to enter into a memorandum of understanding as required by this~~  
15 ~~Section.~~

16 C. Each memorandum of understanding shall be signed by all parties to the  
17 memorandum.

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

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

25 §3399.15. Campus security policy

26 A. The Board of Regents shall establish uniform policies and best practices  
27 to implement measures to address the reporting of ~~sexually-oriented criminal~~  
28 ~~offenses~~ power-based violence on institution campuses, the prevention of such  
29 ~~crimes~~ violence, communication between institutions regarding incidents of power-  
30 based violence, and the provision of medical and mental health care needed for these  
31 alleged victims ~~that includes the following.~~

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

37 (1) Confidential advisors. (a) The institution shall designate individuals who  
38 shall serve as confidential advisors, such as health care staff, clergy, staff of a  
39 women's center, or other such categories. Such designation shall not preclude the  
40 institution from partnering with national, state, or local victim services organizations  
41 to serve as confidential advisors or to serve in other confidential roles.

42 (b) Prior to designating a person as a confidential advisor, the person shall  
43 complete a training program that includes information on power-based violence,  
44 trauma-informed interactions, Title IX requirements, state law on power-based  
45 violence, and resources for victims.

46 (c) The confidential advisor shall complete the training requirements as  
47 provided in this Part. ~~annual training relative to power-based violence and Title IX.~~  
48 The initial and annual training shall be developed by

49 (e) ~~Not later than January 1, 2016, the attorney general in collaboration with~~  
50 ~~the Board of Regents; and shall develop~~ be provided through online training  
51 ~~materials; in addition to the training required under this Part, for the training of~~  
52 ~~confidential advisors.~~

53 (d) The confidential advisor shall inform the alleged victim of the following:

54 (i) The rights of the alleged victim under federal and state law and the  
55 policies of the institution.

56 (ii) The alleged victim's reporting options, including the option to notify the  
57 institution, the option to notify local law enforcement, and any other reporting  
58 options.

59 (iii) If reasonably known, the potential consequences of the reporting options  
60 provided in this Part.

1 (iv) The process of investigation and disciplinary proceedings of the  
2 institution.

3 (v) The process of investigation and adjudication of the criminal justice  
4 system.

5 (vi) The limited jurisdiction, scope, and available sanctions of the  
6 institutional student disciplinary proceeding, and that it should not be considered a  
7 substitute for the criminal justice process.

8 (vii) Potential reasonable accommodations that the institution may provide  
9 to an alleged victim.

10 (viii) The name and location of the nearest medical facility where an alleged  
11 victim may have a rape kit administered by an individual trained in sexual assault  
12 forensic medical examination and evidence collection, and information on  
13 transportation options and available reimbursement for a visit to such facility.

14 (e) The confidential advisor may, as appropriate, serve as a liaison between  
15 an alleged victim and the institution or local law enforcement, when directed to do  
16 so in writing by an alleged victim who has been fully and accurately informed about  
17 what procedures shall occur if information is shared, and assist an alleged victim in  
18 contacting and reporting to a responsible employee or local law enforcement.

19 (f) The confidential advisor shall be authorized by the institution to liaise  
20 with appropriate staff at the institution to arrange reasonable accommodations  
21 through the institution to allow the alleged victim to change living arrangements or  
22 class schedules, obtain accessibility services, or arrange other accommodations.

23 (g) The confidential advisor shall be authorized to accompany the alleged  
24 victim, when requested to do so by the alleged victim, to interviews and other  
25 proceedings of a campus investigation and institutional disciplinary proceedings.

26 (h) The confidential advisor shall advise the alleged victim of, and provide  
27 written information regarding, both the alleged victim's rights and the institution's  
28 responsibilities regarding orders of protection, no-contact orders, restraining orders,  
29 or similar lawful orders issued by a court of competent jurisdiction or by the  
30 institution.

31 (i) The confidential advisor shall not be obligated to report crimes to the  
32 institution or law enforcement in a way that identifies an alleged victim or an  
33 accused individual, unless otherwise required to do so by law. The confidential  
34 advisor shall, to the extent authorized under law, provide confidential services to  
35 students. Any requests for accommodations, as provided in Subparagraph (f) of this  
36 Paragraph, made by a confidential advisor shall not trigger an investigation by the  
37 institution.

38 (j) ~~No later than the beginning of the 2016-2017 academic year, the~~ The  
39 institution shall appoint an adequate number of confidential advisors. The Board of  
40 Regents shall determine the adequate number of confidential advisors for an  
41 institution, based upon its size, no later than January 1, 2016 first, 2022, and on  
42 January first annually thereafter.

43 (k) Each institution that enrolls fewer than five thousand students may partner  
44 with another institution in their system or region to provide the services described  
45 in this Subsection. However, this Paragraph shall not absolve the institution of its  
46 obligations under this Part.

47 (l) Each institution may offer the same accommodations to the accused that  
48 are hereby required to be offered to the alleged victim.

49 (2) Website. The institution shall list on its website:

50 (a) The contact information for obtaining a confidential advisor.

51 (b) Reporting options for alleged victims of ~~a sexually-oriented criminal~~  
52 ~~offense~~ power-based violence.

53 (c) The process of investigation and disciplinary proceedings of the  
54 institution.

55 (d) The process of investigation and adjudication of the criminal justice  
56 system.

57 (e) Potential reasonable accommodations that the institution may provide to  
58 an alleged victim.

59 (f) The telephone number and website address for a local, state, or national  
60 hotline providing information to ~~sexual violence~~ victims of power-based violence,  
61 which shall be updated on a ~~timely~~ at least an annual basis.

1 (g) The name and location of the nearest medical facility where an individual  
 2 may have a rape kit administered by an individual trained in sexual assault forensic  
 3 medical examination and evidence collection, and information on transportation  
 4 options and available reimbursement for a visit to such facility.

5 (h) Each current memorandum of understanding between the institution and  
 6 a local law enforcement and criminal justice agency located within the parish of the  
 7 campus.

8 (3) Online reporting. The institution ~~may~~ shall provide an online reporting  
 9 system to collect anonymous disclosures of incidents of power-based violence and  
 10 crimes and track patterns of power-based violence and crimes on campus. An  
 11 individual may submit a confidential report about a specific incident of power-based  
 12 violence or crime to the institution using the online reporting system. ~~If the~~  
 13 ~~institution uses an online reporting system, the~~ The online system shall also include  
 14 information regarding how to report a an incident of power-based violence or crime  
 15 to a responsible employee and law enforcement and how to contact a confidential  
 16 advisor.

17 (4) Amnesty policy. The institution shall provide an amnesty policy for any  
 18 student who reports, in good faith, ~~sexual~~ power-based violence to the institution.  
 19 Such student shall not be sanctioned by the institution for a nonviolent student  
 20 conduct violation, such as underage drinking, that is revealed in the course of such  
 21 a report.

22 (5) Training. ~~(a) Not later than January 1, 2016, the Board of Regents, in~~  
 23 ~~coordination with the attorney general and in consultation with state or local victim~~  
 24 ~~services organizations, shall develop a program for~~ The institution shall require  
 25 annual training for each responsible employee, individual who is involved in  
 26 implementing an institution's student grievance procedures, including each individual  
 27 who is responsible for resolving complaints of reported sex offenses power-based  
 28 violence, or sexual misconduct policy violations, each Title IX coordinator at all  
 29 institutions, and each employee of an institution who has responsibility for  
 30 conducting an interview with an alleged victim of a sexually-oriented criminal  
 31 offense power-based violence. Each institution shall ensure that the individuals and  
 32 employees receive the training described in this Subsection no later than the  
 33 beginning of the ~~2016-2017~~ 2022-2023 academic year.

34 (b) Not later than January first, 2022, the Board of Regents, in coordination  
 35 with the attorney general and in consultation with state or local victim services  
 36 organizations, shall develop the annual training program required by Subparagraph  
 37 (a) of this Paragraph. The Board of Regents shall annually review and revise as  
 38 needed the annual training program.

39 (6) Inter-campus transfer policy. ~~(a) The Board of Regents' Uniform Policy~~  
 40 ~~on Sexual Assault shall require that institutions communicate with each other~~  
 41 ~~regarding transfer of students against whom disciplinary action has been taken as a~~  
 42 ~~result of a code of conduct violation relating to sexually-oriented criminal offenses.~~

43 B. The Board of Regents' Uniform Policy on Sexual Assault shall require that  
 44 institutions withhold transcripts of students seeking a transfer with pending  
 45 disciplinary action relative to sexually-oriented criminal offenses, until such  
 46 investigation and adjudication is complete. Institutions shall implement a uniform  
 47 transcript notation and communication policy to effectuate communication regarding  
 48 the transfer of a student who is the subject of a pending power-based violence  
 49 complaint or who has been found responsible for an incident of power-based  
 50 violence pursuant to the institution's investigative and adjudication process. The  
 51 notation and communication policy shall be developed by the Board of Regents, in  
 52 consultation with the postsecondary education management boards. The policy shall  
 53 include procedures relative to the withholding of transcripts during the investigative  
 54 and adjudication process.

55 (7) A victims' rights policy. The institution shall adopt a victims' rights  
 56 policy, which, at a minimum, shall provide for a process by which a victim may  
 57 petition and be granted the right to have a perpetrator of an incident of power-based  
 58 violence against the victim barred from attending a class in which the student is  
 59 enrolled.

60 §3399.16. Safety education; recognition and reporting of potential threats to safety

1 A. The administration of each ~~public postsecondary~~ institution, in  
2 consultation with campus or local law enforcement agencies, shall develop and  
3 distribute information to students regarding power-based violence, campus safety,  
4 and internet and cell phone safety and online content that is a potential threat to  
5 school safety. Such information shall include how to recognize and report potential  
6 threats to school safety that are posted on the internet, including but not limited to  
7 posts on social media.

8 B. The information shall include the following:

9 (1) Instruction on how to identify and prevent power-based violence and how  
10 to detect potential threats to school safety exhibited online, including on any social  
11 media platform.

12 (2) ~~Visual examples of possible threats.~~ How to report incidents of power-  
13 based violence, crimes on campus, violations of the student code of conduct, and  
14 possible threats to campus safety.

15 (3) ~~The reporting processes, as provided in Subsection D of this Section.~~  
16 Where to find reports regarding campus safety.

17 C. The information shall be distributed as part of new student orientation and  
18 shall be posted on an easily accessible page of each institution's website.

19 D. The reporting process for possible threats to the campus shall, at a  
20 minimum, include:

21 (1) A standardized form to be used by students, faculty, and other personnel  
22 to report potential threats. The form shall request, at a minimum, the following  
23 information:

24 (a) Name of institution, person, or group being threatened.

25 (b) Name of student, individual, or group threatening violence.

26 (c) Date and time the threat was made.

27 (d) Method by which the threat was made, including the social media outlet  
28 or website where the threat was posted, a screenshot or recording of the threat, if  
29 available, and any printed evidence of the threat.

30 (2) A process for allowing anonymous reporting and for safeguarding the  
31 identity of a person who reports ~~a threat.~~ an incident of power-based violence or a  
32 safety threat.

33 E. Each institution shall adopt a policy to implement the provisions of this  
34 Part. The policy shall require that for every ~~threat report~~ report of an incident of  
35 power-based violence or a safety threat received, the actions taken by the institution  
36 and the campus law enforcement agency or security officers be documented. The  
37 policies shall also provide for guidelines on referring the ~~threats~~ reports to the  
38 appropriate law enforcement agencies.

39 §3399.17. ~~Public institutions of postsecondary education institutions; sexual assault~~  
40 power-based violence climate surveys

41 A.(1) Each ~~public postsecondary education~~ institution shall administer an  
42 anonymous ~~sexual assault~~ power-based violence climate survey to its students once  
43 every three years. If an institution administers other surveys with regard to campus  
44 safety, the ~~sexual assault~~ power-based violence climate survey may be included as  
45 a separate component of any such survey provided that the ~~sexual assault~~ power-  
46 based violence component is clearly identified as such.

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

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

53 B. The Board of Regents shall:

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

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

58 (3) Consult with victims' advocacy groups and student leaders who represent  
59 a variety of student organizations and affiliations, including student government  
60 associations, academic associations, faith-based groups, cultural groups, and



1 fraternities and sororities, when meeting the requirements of Paragraph (1) of this  
2 Subsection.

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

9 ~~(4)~~(5) Publish the survey results on the board's website and in any other  
10 location or venue the board ~~deems~~ considers necessary or appropriate.

11 C. Each public postsecondary institution shall:

12 (1) Administer a survey during the 2022-2023 academic year and every third  
13 year thereafter.

14 (2) Report survey results to the institution's board of supervisors and the  
15 Board of Regents.

16 (3) Publish the survey results in a prominent easy to access location on the  
17 institution's website."

18 AMENDMENT NO. 4

19 On page 9, at the beginning of line 25, change "Section 2." to "Section 3."