

## RÉSUMÉ DIGEST

ACT 172 (SB 255)

2015 Regular Session

Morrell

New law requires that when funding is made available, each public postsecondary education institution is to administer an annual, anonymous sexual assault climate survey to its students who choose to participate.

Requires the Board of Regents, in consultation with the public postsecondary education management boards, to develop the survey and establish procedures for the administration of the survey and use the survey developed by the Center on Violence Against Women and Children at the Rutgers University School of Social Work as a model.

Requires that each public postsecondary education institution do the following actions:

- (1) Administer the survey to students who choose to participate.
- (2) Report school-specific results of the survey to the Board of Regents.

Requires the Board of Regents to:

- (1) Submit a written report not later than September 1st of each year regarding the survey results of each public postsecondary education institution and the state as a whole to the governor and the Senate and House of Representatives committees on education for the previous academic year.
- (2) Publish the survey results on the board's website and in any other location or venue the board deems necessary or appropriate.

Requires implementation expeditiously and to the maximum extent possible utilizing any and all available funding sources.

Creates the Campus Accountability and Safety Act and requires compliance by each public postsecondary education institution that receives any Title IV funding from the U.S. Dept. of Education.

Requires each institution and area law enforcement and criminal justice agency located within the parish to enter into a memorandum of understanding (MOU) to clearly delineate responsibilities and share information in accordance with applicable federal and state confidentiality laws, including but not limited to trends about sexually-oriented criminal offenses occurring against students of the institution. Requires each institution to update the MOU with each law enforcement agency every two years.

Requires that the MOU include the following:

- (1) Delineation and sharing protocols of investigative responsibilities.
- (2) Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation.
- (3) Agreed-upon training and requirements for the parties to the MOU on issues related to sexually-oriented criminal offenses for the purpose of sharing information and coordinating training to the extent possible.
- (4) A method of sharing general information about sexually-oriented criminal offenses occurring within the jurisdiction of the parties to the MOU in order to improve campus safety.

Requires the local law enforcement agency to include information on its police report regarding the status of the alleged victim as a student at an institution and provides that the institution is not liable if the local law enforcement agency refuses to enter into the required MOU.

Requires the Board of Regents to establish uniform policies and best practices to implement measures to address the reporting of sexually-oriented criminal offenses on institution campuses, the prevention of these crimes, and the medical and mental health care needed for these alleged victims that includes the following:

- (1) Confidential advisors. Requires the institution to designate individuals who shall serve as confidential advisors, such as health care staff, clergy, staff of a women's center, or other such categories. Provides that these designations shall not preclude the institution from partnering with national, state, or local victim services organizations to serve as confidential advisors or to serve in other confidential roles.
  - (a) Requires that the confidential advisor complete certain training requirements.
  - (b) Not later than Jan. 1, 2016, requires that the attorney general, in collaboration with the Board of Regents, develop online training materials.
  - (c) Requires that the confidential advisor inform the alleged victim of the following items:
    - (i) The rights of the alleged victim under federal and state law and the policies of the institution.
    - (ii) The alleged victim's reporting options, including the option to notify the institution, the option to notify local law enforcement, and any other reporting options.
    - (iii) If reasonably known, the potential consequences of the reporting options.
    - (iv) The process of investigation and disciplinary proceedings of the institution.
    - (v) The process of investigation and adjudication of the criminal justice system.
    - (vi) The limited jurisdiction, scope, and available sanctions, of the institutional student disciplinary proceeding and should not be considered a substitute for the criminal justice process.
    - (vii) Potential reasonable accommodations that the institution may provide to an alleged victim.
    - (viii) The name and location of the nearest medical facility where an alleged victim may have a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection, and information on transportation options and available reimbursement for a visit to such facility.
  - (d) Authorizes the confidential advisor to serve as a liaison between an alleged victim and the institution or local law enforcement, when directed to do so in writing, and to assist an alleged victim in contacting and reporting to a postsecondary education responsible employee or local law enforcement.
  - (e) Requires that the confidential advisor be authorized by the institution to liaise with appropriate staff to arrange reasonable accommodations to allow the alleged victim to change living arrangements or class schedules, obtain accessibility services, or arrange other accommodations.
  - (f) Requires that the confidential advisor be authorized to accompany the alleged victim to interviews and other proceedings of a campus investigation and institutional disciplinary proceedings.
  - (g) Requires that the confidential advisor advise the alleged victim of, and provide written information regarding, both the alleged victim's rights and the

institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a court of competent jurisdiction or by the institution.

- (h) Provides that the confidential advisor is not obligated to report crimes to the institution or law enforcement in a way that identifies an alleged victim or an accused individual, unless otherwise required to do so by law. Requires that the confidential advisor, to the extent authorized under law, provide confidential services to students. Provides that any request for accommodations, made by a confidential advisor shall not trigger an investigation by the institution.
  - (i) Provides that no later than the beginning of the 2016-2017 academic year, the institution is to appoint an adequate number of confidential advisors. Requires that the Board of Regents determine the adequate number of confidential advisors for an institution based upon its size no later than Jan. 1, 2016.
  - (j) Authorizes each institution that enrolls fewer than 5,000 students to partner with another institution in their system or region to provide services.
  - (k) Authorizes each institution to offer the same accommodations to the accused that are required to be offered to the alleged victim.
- (2) Requires that the institution list on its website the following information:
- (a) Contact information for obtaining a confidential advisor.
  - (b) Reporting options for alleged victims of a sexually-oriented criminal offense.
  - (c) The process of investigation and disciplinary proceedings of the institution.
  - (d) The process of investigation and adjudication of the criminal justice system.
  - (e) The potential reasonable accommodations that the institution may provide to an alleged victim.
  - (f) The telephone number and website address for a local, state, or national hotline providing information to sexual violence victims.
  - (g) The name and location of the nearest medical facility where an individual may have a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection, and information on transportation options and available reimbursement for a visit to such facility.
- (3) Authorizes the institution to provide an online reporting system to collect anonymous disclosures of crimes and track patterns of crime on campus. Provide that an individual may submit a confidential report about a specific crime to the institution using the online reporting system. Provides that if the institution uses an online reporting system, then requires that the system also include information regarding how to report a crime to a responsible employee and law enforcement and how to contact a confidential advisor.
- (4) Requires that the institution provide an amnesty policy for any student who reports, in good faith, sexual violence to the institution. Requires that the student not be sanctioned by the institution for a nonviolent student conduct violation, such as underage drinking, that is revealed in the course of such a report.
- (5) Requires the Board of Regents, not later than Jan. 1, 2016, in coordination with the attorney general and in consultation with state or local victim services organizations, to develop a program for training for each individual who is involved in implementing an institution's student grievance procedures, including each individual who is responsible for resolving complaints of reported sex offenses or sexual misconduct policy violations, and each employee of an institution who has

responsibility for conducting an interview with an alleged victim of a sexually-oriented criminal offense. Requires that each institution ensure that the individuals and employees receive the training no later than the beginning of the 2016-2017 academic year.

Provides that the Board of Regents' Uniform Policy on Sexual Assault require that institutions communicate with each other regarding transfer of students against whom disciplinary action has been taken as a result of a code of conduct violation relating to sexually-oriented criminal offenses. Further provides that this policy require that institutions withhold transcripts of students seeking a transfer with pending disciplinary action relative to sexually-oriented criminal offenses, until the investigation and adjudication is complete.

Requires that implementation of new law be achieved with existing staff and resources unless a specific appropriation for the implementation.

Effective upon signature of the governor (June 23, 2015).

(Adds R.S. 17:3351(H) and R.S. 17:3399.11-3399.15 )