

113TH CONGRESS  
2D SESSION

# H. R. 5354

To amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat campus sexual violence, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2014

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. MEEHAN, Mr. POE of Texas, Mrs. BUSTOS, Ms. MOORE, Ms. BONAMICI, Mrs. BROOKS of Indiana, Mrs. ELLMERS, Ms. JENKINS, Mrs. CAPITO, Mrs. NOEM, Ms. ROYBAL-ALLARD, Mr. REED, Mr. SCOTT of Virginia, Ms. FRANKEL of Florida, Mr. JOYCE, Ms. KUSTER, and Mr. PETERS of Michigan) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat campus sexual violence, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Campus Accountability  
3 and Safety Act”.

4 **SEC. 2. AMENDMENTS TO THE CLERY ACT.**

5 Section 485(f) of the Higher Education Act of 1965  
6 (20 U.S.C. 1092(f)) (known as the Jeanne Clery Dislo-  
7 sure of Campus Security Policy and Campus Crime Statis-  
8 tics Act) is amended—

9 (1) in paragraph (1)—

10 (A) by inserting “and on the website of the  
11 institution” after “through appropriate publica-  
12 tions or mailings”;

13 (B) in subparagraph (C), by striking  
14 clause (ii) and inserting the following:

15 “(ii) the memorandum of understanding  
16 between the institution and local law enforce-  
17 ment that is required under section 124 (or, if  
18 such requirement has been waived, a description  
19 of the working relationship of campus security  
20 personnel with State and local law enforcement  
21 agencies); and”;

22 (C) by adding at the end the following:

23 “(K)(i) With respect to the criminal activ-  
24 ity described in subparagraph (F)(i)(II), the eli-  
25 gible institution shall prepare by not later than  
26 1 year after the date of enactment of the Cam-

1           pus Accountability and Safety Act, and annu-  
2           ally thereafter, the following additions:

3                   “(I) The number of cases that were  
4                   investigated by the institution.

5                   “(II) The number of cases that were  
6                   referred for a disciplinary proceeding at  
7                   the institution.

8                   “(III) The number of cases that were  
9                   referred to local or State law enforcement.

10                  “(IV) The number of alleged per-  
11                  petrators that were found responsible by  
12                  the disciplinary proceeding at the institu-  
13                  tion.

14                  “(V) The number of alleged perpetra-  
15                  tors that were found not responsible by the  
16                  disciplinary proceeding at the institution.

17                  “(VI) A description of the final sanc-  
18                  tions imposed by the institution for each  
19                  offense perpetrated.

20                  “(VII) The number of disciplinary  
21                  proceedings at the institution that have  
22                  closed without resolution.

23                  “(ii) The Secretary shall provide technical  
24                  assistance to eligible institutions to assist in

1 meeting such additional preparation obliga-  
2 tions.”;

3 (2) by striking paragraph (7) and inserting the  
4 following:

5 “(7)(A) The statistics described in clauses (i)  
6 and (ii) of paragraph (1)(F)—

7 “(i) shall not identify victims of crimes or  
8 persons accused of crimes; and

9 “(ii) shall be compiled in accordance with  
10 the following definitions:

11 “(I) For the offenses of domestic vio-  
12 lence, dating violence, and stalking, such  
13 statistics shall be compiled in accordance  
14 with the definitions used in section  
15 40002(a) of the Violence Against Women  
16 Act of 1994 (42 U.S.C. 13925(a)).

17 “(II) For offenses not described in  
18 subclause (I), such statistics shall be com-  
19 piled in accordance with—

20 “(aa) either the National Inci-  
21 dent-Based Reporting System or the  
22 Uniform Crime Reporting Program of  
23 the Federal Bureau of Investigation,  
24 if a definition is available; and

1                   “(bb) if an offense is not defined  
2                   in either the National Incident-Based  
3                   Reporting System or the Uniform  
4                   Crime Reporting Program of the Fed-  
5                   eral Bureau of Investigation, a defini-  
6                   tion provided by the Secretary.

7                   “(B) The Secretary shall establish and make  
8                   publicly available a definition for any offense that—

9                   “(i) is required to be reported in accord-  
10                  ance with paragraph (1)(F);

11                  “(ii) is not an offense described in sub-  
12                  paragraph (A)(ii)(I); and

13                  “(iii) is not defined in either the National  
14                  Incident-Based Reporting System or the Uni-  
15                  form Crime Reporting Program of the Federal  
16                  Bureau of Investigation.”;

17                  (3) in paragraph (8)(B)(i)—

18                  (A) in the matter preceding subclause (I),  
19                  by inserting “, developed in consultation with  
20                  local, State, and national sexual assault, dating  
21                  violence, domestic violence, and stalking victim  
22                  advocacy, victim services, or prevention organi-  
23                  zations, and local law enforcement,” after  
24                  “Education programs”; and

1 (B) in subclause (I)(aa), by inserting “, in-  
2 cluding the fact that these are crimes for the  
3 purposes of this subsection and reporting under  
4 this subsection and the institution of higher  
5 education will, based on the victim’s wishes, co-  
6 operate with local law enforcement with respect  
7 to any alleged criminal offenses involving stu-  
8 dents or employees of the institution of higher  
9 education” after “stalking”;

10 (4) by redesignating paragraph (18) as para-  
11 graph (22); and

12 (5) by inserting after paragraph (17) the fol-  
13 lowing:

14 “(18) The individual at an institution of higher  
15 education that is designated as a responsible em-  
16 ployee, as defined in section 901(e) of the Education  
17 Amendments of 1972, shall be considered a campus  
18 security authority, as defined in section 668.46(a) of  
19 title 34, Code of Federal Regulations.

20 “(19)(A) The Secretary shall, in consultation  
21 with the Attorney General, develop, design, and ad-  
22 minister through an online portal, a standardized,  
23 online survey of students regarding their experiences  
24 with sexual violence and harassment. The survey  
25 shall be administered every year. The survey shall

1 not include any personally identifiable information.  
2 The Secretary shall develop such survey tool using  
3 best practices from peer-reviewed research meas-  
4 uring sexual violence and harassment. In addition to  
5 the standardized questions developed by the Sec-  
6 retary, institutions completing the survey may re-  
7 quest additional information from students that  
8 would increase the institutions' understanding of  
9 school climate factors unique to their campuses.

10 “(B) In carrying out subparagraph (A), the  
11 Secretary shall require each institution participating  
12 in any program under this title, to ensure that an  
13 adequate, random, and representative sample size of  
14 students enrolled at the institution complete the sur-  
15 vey described in subparagraph (A) not later than 1  
16 year after the date of enactment of the Campus Ac-  
17 countability and Safety Act.

18 “(C) Responses to the survey shall be submitted  
19 confidentially and shall not be included in crime sta-  
20 tistics reported under this subsection. In addition,  
21 questions should be designed to gather information  
22 on survivor experiences, and shall therefore use trau-  
23 ma-informed language to prevent re-traumatization.

1           “(D) The survey described in subparagraph (A)  
2 shall include, but is not limited to, the following top-  
3 ics:

4           “(i) Those designed to determine the inci-  
5 dence and prevalence of sexual violence, dating  
6 violence, domestic violence, and stalking.

7           “(ii) Those on whether students know  
8 about institutional policies and procedures.

9           “(iii) Those on, if victims reported the vio-  
10 lence, to whom and what response did they re-  
11 ceive and if they were informed of, or referred  
12 to, local, State, on-campus, and or national re-  
13 sources.

14           “(iv) Those on contextual factors, such as  
15 whether force, incapacitation, or coercion was  
16 involved.

17           “(v) Those on whether the assailant was a  
18 student.

19           “(vi) Those on whether the victim was re-  
20ferred to local or State law enforcement.

21           “(E) The Secretary shall tabulate and publish  
22 an annual report on the information gained from the  
23 survey under this paragraph on the website of the  
24 Department and submit such report to Congress.



1 The report shall include campus-level data for each  
2 school and attributed by name of each campus.

3 “(20) Not later than 180 days after the date of  
4 enactment of the Campus Accountability and Safety  
5 Act, the Assistant Secretary for Postsecondary Edu-  
6 cation of the Department and the Assistant Sec-  
7 retary for Civil Rights of the Department shall joint-  
8 ly develop and make publicly available guidance re-  
9 garding the intersection between this subsection and  
10 title IX of the Education Amendments of 1972, in  
11 order to clarify how the provisions of this subsection  
12 and such title shall be carried out. The guidance  
13 shall include clarifying language on how this sub-  
14 section and such title IX interact pertaining to sex-  
15 ual violence, and shall clarify and resolve any poten-  
16 tial discrepancies or inconsistencies between the two.

17 “(21) Notwithstanding any other provision of  
18 this Act, upon determination, after reasonable notice  
19 and opportunity for a hearing, that an eligible insti-  
20 tution has violated or failed to carry out any provi-  
21 sion of this subsection, or agreement made to resolve  
22 a compliance review under this subsection, or any  
23 regulation prescribed under this subsection, the Sec-  
24 retary may impose a civil penalty upon such institu-  
25 tion not to exceed \$150,000, which shall be adjusted

1 for inflation annually, for each violation or misrepre-  
2 sentation, or per month a survey is not completed at  
3 the standard required. The Secretary may use any  
4 such civil penalty funds to enforce and administer  
5 the provisions of this subsection.”.

6 **SEC. 3. COORDINATION WITH LOCAL LAW ENFORCEMENT.**

7 (a) IN GENERAL.—Part B of title I of the Higher  
8 Education Act of 1965 (20 U.S.C. 1011 et seq.) is amend-  
9 ed by adding at the end the following:

10 **“SEC. 124. COORDINATION WITH LOCAL LAW ENFORCE-**  
11 **MENT.**

12 “Each institution of higher education that receives  
13 funds or any other form of financial assistance under any  
14 Federal program, including participation in any federally  
15 funded or guaranteed student loan program, shall enter  
16 into, and update every 2 years, a memorandum of under-  
17 standing with all applicable local law enforcement agencies  
18 to clearly delineate responsibilities and share information,  
19 in accordance with applicable Federal confidentiality laws,  
20 about certain serious crimes that shall include, but not  
21 be limited to, sexual violence, occurring against students  
22 of the institution or against other individuals on the cam-  
23 pus of the institution. The memorandum of understanding  
24 shall include, but is not limited to—

1           “(1) delineation and sharing protocols of inves-  
2           tigative responsibilities;

3           “(2) protocols for investigations, including  
4           standards for notification and communication and  
5           measures to promote evidence preservation;

6           “(3) agreed upon training and requirements for  
7           the institution on issues related to sexual violence;  
8           and

9           “(4) a method of sharing information about  
10          specific crimes, when directed by the victim, and a  
11          method of sharing crime details anonymously in  
12          order to better protect overall campus safety.”.

13          (b) EFFECTIVE DATE AND PENALTY.—

14                 (1) EFFECTIVE DATE.—The amendment made  
15                 by subsection (a) shall take effect on the date that  
16                 is 1 year after the date of enactment of this Act.

17                 (2) PENALTY.—The Secretary of Education—

18                         (A) may impose a civil penalty of not more  
19                         than 1 percent of an institution’s operating  
20                         budget, as defined by the Secretary of Edu-  
21                         cation, each year that the institution of higher  
22                         education fails to carry out the requirements of  
23                         section 124 of the Higher Education Act of  
24                         1965, as added by subsection (a), by the date

1 that is 1 year after the date of enactment of  
2 this Act; and

3 (B) may waive the penalty pursuant to  
4 paragraph (3).

5 (3) WAIVER.—

6 (A) IN GENERAL.—If local law enforce-  
7 ment refuses to enter into a memorandum of  
8 understanding under section 124 of the Higher  
9 Education Act of 1965, as added by subsection  
10 (a), the Secretary of Education may waive the  
11 penalty under paragraph (2) if the institution  
12 certifies why the institution was unable to ob-  
13 tain an agreement and that the institution  
14 acted in good faith, and submits to the Sec-  
15 retary a copy of the institution's final offer that  
16 was ultimately rejected. The Secretary of Edu-  
17 cation will then have the discretion to grant the  
18 waiver.

19 (B) REFERRAL TO DEPARTMENT OF JUS-  
20 TICE.—The Secretary of Education shall refer  
21 to the Attorney General a copy of each waiver  
22 granted under paragraph (2)(B) and the rea-  
23 son, the Secretary has determined, why local  
24 law enforcement refuses to enter into a memo-  
25 randum of understanding.

1           (C) ADMINISTRATIVE REVIEW.—If the Sec-  
2           retary of Education does not grant a waiver  
3           under paragraph (2)(B), the institution may  
4           submit additional information to receive such  
5           waiver. If, after submitting additional informa-  
6           tion, the Secretary still does not grant a waiver  
7           under paragraph (2)(B), the decision of the  
8           Secretary shall be subject to review pursuant to  
9           section 706(2)(A) of title 5, United States  
10          Code.

11          (4) VOLUNTARY RESOLUTION.—Nothing in this  
12          subsection shall prevent the Secretary of Education  
13          from entering into a voluntary resolution with an in-  
14          stitution of higher education that fails to carry out  
15          the requirements of section 124 of the Higher Edu-  
16          cation Act of 1965, as added by subsection (a), by  
17          the date that is 1 year after the date of enactment  
18          of this Act.

19          (c) NEGOTIATED RULEMAKING.—The Secretary of  
20          Education shall establish regulations to carry out the this  
21          section and the amendment made by this section in ac-  
22          cordance with the requirements described under section  
23          492 of the Higher Education Act of 1965 (20 U.S.C.  
24          1098a).

1 **SEC. 4. UNIVERSITY SUPPORT FOR SURVIVORS OF SEXUAL**  
2 **VIOLENCE.**

3 (a) IN GENERAL.—Part B of title I of the Higher  
4 Education Act of 1965 (20 U.S.C. 1011 et seq.) is further  
5 amended by adding after section 124 (as added by section  
6 3), the following:

7 **“SEC. 125. UNIVERSITY SUPPORT FOR SURVIVORS OF SEX-**  
8 **UAL VIOLENCE.**

9 “Each institution of higher education that receives  
10 funds or any other form of financial assistance under any  
11 Federal program, including participation in any federally  
12 funded or guaranteed student loan program, shall estab-  
13 lish a campus security policy that includes the following:

14 “(1) The designation of 1 or more confidential  
15 advisor roles at the institution to whom victims of  
16 crime can report anonymously or directly, that com-  
17 plies with the following:

18 “(A) The confidential advisor shall not be  
19 a student, an employee designated as a respon-  
20 sible employee under title IX of the Education  
21 Amendments of 1972, or the title IX coordi-  
22 nator, but may have other roles at the institu-  
23 tion.

24 “(B) The Secretary shall designate existing  
25 categories of employees that may serve as con-  
26 fidential advisors. Such designation shall not

1 preclude the institution from designating new  
2 or existing employees or partnering with local,  
3 State, or national victim services organizations  
4 to serve as confidential advisors or to serve in  
5 other confidential roles.

6 “(C) The confidential advisor shall be  
7 trained to perform a victim-centered, trauma-  
8 informed (forensic) interview, which shall focus  
9 on the experience of the victim. The confidential  
10 advisor may perform the interview for which the  
11 goal is to elicit information about the traumatic  
12 event in question so that the interview can be  
13 used in either a campus or criminal investiga-  
14 tion or disciplinary proceeding.

15 “(D) The confidential advisor shall inform  
16 the victim of the victim’s control over possible  
17 next steps regarding the victim’s reporting op-  
18 tions and the consequences of those options, in-  
19 cluding, but not limited to, the option to con-  
20 duct a forensic interview with the option to  
21 have the forensic interview be recorded, the op-  
22 tion to receive a copy of the recorded forensic  
23 interview with the option to notify a responsible  
24 employee and initiate a campus disciplinary  
25 proceeding, the option to notify local law en-

1           forcement and initiate a criminal investigation,  
2           the option to grant campus disciplinary officials  
3           access to the forensic interview, and the option  
4           to grant law enforcement officials access to the  
5           forensic interview. The confidential advisor shall  
6           assist in conducting a forensic interview, mak-  
7           ing notifications, and granting access to a fo-  
8           rensic interview as directed by the victim.

9           “(E) The confidential advisor shall liaise  
10          with campus or local law enforcement when di-  
11          rected by the victim, and, as appropriate, may  
12          assist the victim in contacting and reporting to  
13          campus or local law enforcement.

14          “(F) The confidential advisor shall be au-  
15          thorized by the institution to arrange reason-  
16          able accommodations through the institution to  
17          allow the victim to change living arrangements  
18          or class schedules, or obtain accessibility serv-  
19          ices, and make other changes.

20          “(G) The confidential advisor shall also ad-  
21          vise the victim of both the victim’s rights and  
22          the institution’s responsibilities regarding or-  
23          ders of protection, no contact orders, restrain-  
24          ing orders, or similar lawful orders issued by



1 the institution or a criminal, civil, or tribal  
2 court.

3 “(H) The confidential advisor shall not be  
4 obligated to report crimes to the institution or  
5 law enforcement, unless otherwise required to  
6 do so by State law, and shall provide confiden-  
7 tial services to students and employees. Re-  
8 quests for arrangement made by a confidential  
9 advisor do not constitute notice to a responsible  
10 employee for title IX purposes, even when such  
11 advisors work only in the area of sexual assault.

12 “(I) The name and contact information for  
13 the confidential advisor, as well as a victims’ re-  
14 porting options, the process of investigation and  
15 adjudication both by the institution and by law  
16 enforcement, and potential reasonable accom-  
17 modations, which shall be listed on the website  
18 of the institution.

19 “(J) The institution may partner with an  
20 outside victim advocacy organization to provide  
21 the service described in this subparagraph.

22 “(K) Each institution that enrolls fewer  
23 than 1,000 students may partner with another  
24 institution in their region or State to provide  
25 the services described in this subparagraph.

1           “(L) The institution shall appoint an ade-  
2           quate number of confidential advisors not later  
3           than the earlier of—

4                   “(i) 1 year after the Secretary deter-  
5                   mines through a negotiated rulemaking  
6                   process what an adequate number of con-  
7                   fidential advisors is for an institution  
8                   based on its size; or

9                           “(ii) 3 years after the date of enact-  
10                          ment of the Campus Accountability and  
11                          Safety Act.

12           “(2) The institution may provide an online re-  
13           porting system to collect anonymous disclosures of  
14           crimes. The victim may submit an anonymous report  
15           but the institution would only be obligated to inves-  
16           tigate when a formal report is submitted to a re-  
17           sponsible employee.

18           “(3) The telephone number and URL for a  
19           local, State, or national hotline providing informa-  
20           tion to sexual violence victims shall be clearly com-  
21           municated on the website of the institution and up-  
22           dated on a timely basis.

23           “(4) The name and location of the nearest med-  
24           ical facility where an individual may have a rape kit  
25           administered by a trained sexual violence forensic

1 nurse shall be included on the website of the institu-  
2 tion, including information on transportation options  
3 and reimbursement for a visit to such facility.

4 “(5) The institution shall provide an amnesty  
5 clause for any student who reports, in good faith,  
6 sexual violence to a responsible employee so that  
7 they will not be sanctioned by the institution for a  
8 student conduct violation, such as underage drink-  
9 ing, that is revealed in the course of such a report.”.

10 (b) EFFECTIVE DATE.—Paragraphs (2) through (5)  
11 of section 125 of the Higher Education Act of 1965, as  
12 added by subsection (a), shall take effect on the date that  
13 is 1 year after the date of enactment of this Act.

14 (c) PENALTY.—

15 (1) IN GENERAL.—The Secretary of Education  
16 may impose a civil penalty of not more than 1 per-  
17 cent of an institution’s operating budget, as defined  
18 by the Secretary, each year that the institution fails  
19 to carry out the requirements of—

20 (A) section 125(1) of the Higher Edu-  
21 cation Act of 1965, as added by subsection (a),  
22 by not later than the earlier of—

23 (i) 1 year after the Secretary of Edu-  
24 cation determines through a negotiated  
25 rulemaking process what an adequate

1 number of confidential advisors is for the  
2 institution based on its size; or

3 (ii) 3 years after the date of enact-  
4 ment of this Act; and

5 (B) paragraphs (2) through (5) of section  
6 125 of the Higher Education Act of 1965, as  
7 added by subsection (a), by the date that is 1  
8 year after the date of enactment of this Act.

9 (2) VOLUNTARY RESOLUTION.—Nothing in this  
10 subsection shall prevent the Secretary of Education  
11 from entering into a voluntary resolution with an in-  
12 stitution of higher education that fails to carry out  
13 the requirements of—

14 (A) section 125(1) of the Higher Edu-  
15 cation Act of 1965, as added by subsection (a),  
16 by not later than the earlier of—

17 (i) 1 year after the Secretary of Edu-  
18 cation determines through a negotiated  
19 rulemaking process what an adequate  
20 number of confidential advisors is for the  
21 institution based on its size; or

22 (ii) 3 years after the date of enact-  
23 ment of this Act; and

24 (B) paragraphs (2) through (5) of section  
25 125 of the Higher Education Act of 1965, as

1           added by subsection (a), by the date that is 1  
2           year after the date of enactment of this Act.

3           (d) **NEGOTIATED RULEMAKING.**—The Secretary of  
4 Education shall establish regulations to carry out the this  
5 section and the amendment made by this section in ac-  
6 cordance with the requirements described under section  
7 492 of the Higher Education Act of 1965 (20 U.S.C.  
8 1098a).

9 **SEC. 5. PROGRAM PARTICIPATION AGREEMENTS.**

10          Section 487(a) of the Higher Education Act of 1965  
11 (20 U.S.C. 1094(a)) is amended by striking paragraph  
12 (12) and inserting the following:

13                 “(12) The institution certifies that—

14                         “(A) the institution is in compliance with  
15                         the requirements of section 124 regarding co-  
16                         ordination with local law enforcement;

17                         “(B) the institution has established sup-  
18                         port for survivors of sexual violence that meets  
19                         the requirements of section 125; and

20                         “(C) the institution has complied with the  
21                         disclosure requirements of section 485(f).”.

1 **SEC. 6. ENFORCEMENT AND TRAINING; SUBPOENA AU-**  
2 **THORITY.**

3 Section 901 of the Education Amendments of 1972  
4 (20 U.S.C. 1681) is amended by adding at the end the  
5 following:

6 “(d) WEBSITE.—The Secretary of Education shall  
7 establish a title IX website that includes the following:

8 “(1) The name and contact information for the  
9 title IX coordinator, including a brief description of  
10 the coordinator’s role and the roles of other officials  
11 who may be contacted to discuss or report sexual  
12 harassment, for each educational institution. Each  
13 educational institution shall provide the name and  
14 contact information for the title IX coordinator to  
15 the Secretary of Education not later than 30 days  
16 after the date of enactment of the Campus Account-  
17 ability and Safety Act.

18 “(2) The Department’s pending investigations,  
19 enforcement actions, letters of finding, final resolu-  
20 tions, and voluntary resolution agreements for all  
21 complaints and compliance reviews under this title  
22 related to sexual harassment. The Secretary shall in-  
23 dicate whether the investigation, action, letter, reso-  
24 lution, or agreement is based on a complaint or com-  
25 pliance review. The Secretary shall make the infor-  
26 mation under this subsection available regarding a

1 complaint once the Office for Civil Rights receives a  
2 written complaint, and conducts an initial evalua-  
3 tion, and has determined that the complaint should  
4 be opened for investigation of an allegation that, if  
5 substantiated, would constitute a violation of this  
6 title. In carrying out this subsection, the Secretary  
7 shall ensure that personally identifiable information  
8 is not reported and shall comply with section 444 of  
9 the General Education Provisions Act (20 U.S.C.  
10 1232g), commonly known as the ‘Family Edu-  
11 cational Rights and Privacy Act of 1974’.

12 “(e) TRAINING OF RESPONSIBLE EMPLOYEES AND  
13 OTHER EMPLOYEES.—

14 “(1) RESPONSIBLE EMPLOYEE.—In this sub-  
15 section, the term ‘responsible employee’ means an  
16 employee of an institution of higher education who  
17 has the authority to redress sexual harassment or  
18 who has the duty to report incidents of sexual har-  
19 assment or other misconduct by students or employ-  
20 ees to the title IX coordinator or other appropriate  
21 school designee.

22 “(2) TRAINING OF RESPONSIBLE EMPLOY-  
23 EES.—Each institution of higher education shall em-  
24 ploy a responsible employee who shall complete min-  
25 imum training requirements (as determined by the

1 Secretary of Education in coordination with the At-  
2 torney General and to include training by local,  
3 State, or national victim services organizations) and  
4 shall be responsible for—

5 “(A) reporting cases of sexual harassment  
6 to the title IX coordinator of the institution;  
7 and

8 “(B) providing a student or employee who  
9 reports that the student or employee has been  
10 a victim of sexual harassment, including, but  
11 not limited to, sexual violence, whether the of-  
12 fense occurred on or off campus, with a written  
13 explanation of the student or employee’s rights  
14 and options, as described in clauses (ii) through  
15 (vii) of section 485(f)(8)(B) of the Higher Edu-  
16 cation Act of 1965.

17 “(3) OTHER/ADDITIONAL TRAINING.—Each in-  
18 dividual who is involved in implementing an institu-  
19 tion of higher education’s grievance procedures, in-  
20 cluding each individual who is responsible for resolv-  
21 ing complaints of reported crimes, shall have train-  
22 ing or experience in handling sexual violence com-  
23 plaints, and the operations of the institution’s griev-  
24 ance procedures, not later than 1 year after the date  
25 of enactment of the Campus Accountability and



1 Safety Act. The training shall include, but is not  
2 limited to—

3 “(A) information on working with and  
4 interviewing persons subjected to sexual vio-  
5 lence;

6 “(B) information on particular types of  
7 conduct that would constitute sexual violence,  
8 including same-sex sexual violence;

9 “(C) information on consent and the role  
10 drugs or alcohol can play in the ability to con-  
11 sent;

12 “(D) the effects of trauma, including  
13 neurobiological change; and

14 “(E) cultural awareness training regarding  
15 how sexual violence may impact students dif-  
16 ferently depending on their cultural back-  
17 ground.

18 “(4) UNIFORM CAMPUS-WIDE PROCESS FOR  
19 DISCIPLINARY PROCEEDING RELATING TO CLAIM OF  
20 SEXUAL VIOLENCE.—Each institution of higher edu-  
21 cation that receives Federal funding—

22 “(A) shall establish and carry out a uni-  
23 form process (for each campus of the institu-  
24 tion) for disciplinary proceedings relating to  
25 any claims of sexual violence; and

1           “(B) shall not carry out a different dis-  
2           ciplinary process on the same campus for a  
3           matter of sexual violence, or alter the uniform  
4           process described in subparagraph (A), based  
5           on the status or characteristics of a student  
6           who will be involved in that disciplinary pro-  
7           ceeding, including characteristics such as a stu-  
8           dent’s membership on an athletic team, aca-  
9           demic major, or any other characteristic or sta-  
10          tus of a student.

11          “(f) DEPARTMENT OF EDUCATION AND DEPART-  
12          MENT OF JUSTICE CIVIL PENALTIES FOR INSTITUTIONS  
13          OF HIGHER EDUCATION.—

14               “(1) IN GENERAL.—Upon determination, after  
15               reasonable notice and opportunity for a hearing, that  
16               an educational institution that is an institution of  
17               higher education has violated or failed to carry out  
18               any provision of this section in a factual cir-  
19               cumstance related to sexual violence or any regula-  
20               tion prescribed under this section related to sexual  
21               violence, the Secretary of Education or Attorney  
22               General, may impose a civil penalty upon such insti-  
23               tution of not more than 1 percent of the institution’s  
24               1-year operating budget, as defined by the Secretary  
25               of Education, for each violation or failure. A civil

1 penalty shall not interfere with the Secretary's or  
2 Attorney General's ability to enter into a voluntary  
3 resolution agreement with an institution of higher  
4 education.

5 “(2) ADJUSTMENT TO PENALTIES.—Any civil  
6 penalty under paragraph (1) may be modified by the  
7 Secretary of Education or Attorney General. In de-  
8 termining the amount of such penalty, or the  
9 amount agreed upon in compromise, the appro-  
10 priateness of the penalty to the size of the operating  
11 budget of the educational institution subject to the  
12 determination, and the gravity of the violation or  
13 failure, and whether the violation or failure was done  
14 intentionally, negligently, or otherwise, shall be con-  
15 sidered.

16 “(3) DISTRIBUTION.—Any civil monetary pen-  
17 alty or monetary settlement collected under this sub-  
18 section shall be transferred to the Office for Civil  
19 Rights of the Department of Education or the De-  
20 partment of Justice to be used for purposes of en-  
21 forcing the provisions of this title related to sexual  
22 harassment.

23 “(4) CLARIFICATION.—Nothing in the Campus  
24 Accountability and Safety Act, or any amendment  
25 made by such Act, shall alter, amend, or interfere

1 with the rights and remedies provided for and avail-  
2 able under this title.

3 “(g) STATUTE OF LIMITATIONS.—An individual may  
4 file a complaint for a violation of this title, with regards  
5 to sexual violence, with the Office for Civil Rights of the  
6 Department of Education not later than 180 days after  
7 the date of graduation or disaffiliation with the institution.

8 “(h) SUBPOENA AND CIVIL INVESTIGATIVE DEMAND  
9 AUTHORITY.—

10 “(1) AUTHORITY TO COMPEL.—In order to ob-  
11 tain information and documents that are relevant to  
12 determining compliance with this title, including any  
13 regulations promulgated to carry out this title, the  
14 Assistant Secretary of the Office for Civil Rights of  
15 the Department of Education and the Assistant At-  
16 torney General of the Civil Rights Division of the  
17 Department of Justice are authorized to require by  
18 subpoena the attendance and testimony of any per-  
19 son that one can reasonably believe to have first-  
20 hand knowledge, including current and former stu-  
21 dents and employees of institutions of higher edu-  
22 cation, and the production of documents, including  
23 reports, answers, records, accounts, papers, and  
24 other data in any medium (including electronically  
25 stored information), and any tangible thing.

1           “(2) REFUSAL TO OBEY.—A subpoena issued  
2           under this subsection, in the case of contumacy or  
3           refusal to obey, shall be enforceable by order of any  
4           appropriate United States district court.

5           “(3) CIVIL INVESTIGATIVE DEMAND AUTHOR-  
6           ITY.—The Assistant Secretary of the Office for Civil  
7           Rights of the Department of Education and the As-  
8           sistant Attorney General of the Civil Rights Division  
9           of the Department of Justice shall have civil inves-  
10          tigative demand authority, which authorizes the re-  
11          quest for documents of the institutions and written  
12          answers to interrogatories in order to determine  
13          compliance with title IX.

14          “(i) COORDINATOR.—Each educational institution  
15          that receives Federal financial assistance from the Depart-  
16          ment of Education shall submit, annually, to the Office  
17          for Civil Rights of the Department of Education and the  
18          Civil Rights Division of the Department of Justice, the  
19          name of the title IX coordinator of the institution, includ-  
20          ing a brief description of the coordinator’s role and the  
21          roles of other officials of the institution who may be con-  
22          tacted to discuss or report sexual violence, and documenta-  
23          tion of training received by the title IX coordinator. The  
24          educational institution shall provide updated information  
25          to the Office for Civil Rights of the Department of Edu-

1 cation and the Civil Rights Division of the Department  
2 of Justice not later than 30 days after the date of any  
3 change.”.

4 **SEC. 7. TRAINING FOR CAMPUS PERSONNEL ON VICTIM-**  
5 **CENTERED TRAUMA-INFORMED (FORENSIC)**  
6 **INTERVIEWS.**

7 Section 304 of the Violence Against Women and De-  
8 partment of Justice Reauthorization Act of 2005 (42  
9 U.S.C. 14045b) is amended—

10 (1) in subsection (a)(2), by striking “\$300,000”  
11 and inserting “\$500,000”;

12 (2) in subsection (b), by adding at the end the  
13 following:

14 “(11) To train campus personnel in conducting  
15 victim-centered, trauma-informed (forensic) inter-  
16 views.”; and

17 (3) in subsection (g)—

18 (A) by striking “In this section” and in-  
19 serting “(1) IN GENERAL.—In this section”;  
20 and

21 (B) by adding at the end the following:

22 “(2) VICTIM-CENTERED, TRAUMA-INFORMED  
23 (FORENSIC) INTERVIEW.—In this section, the term  
24 ‘victim-centered, trauma-informed (forensic) inter-  
25 view’ means an evidence-based interview focused on

1 the experience of the victim, conducted by a trained  
2 forensic interviewer, in which the goal of the inter-  
3 view is to elicit information about the traumatic  
4 event in question for use in a future investigation.  
5 The victim shall be given the option to have the  
6 interview recorded and to receive a copy of the re-  
7 corded interview. The victim shall be informed of the  
8 reasons why the victim may or may not choose to  
9 have the interview recorded.”.

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