

115TH CONGRESS
1ST SESSION

S. 1801

To amend the Higher Education Act of 1965 to require institutions of higher education to have an independent advocate for campus sexual assault prevention and response.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2017

Mr. KAINE (for himself, Mrs. FEINSTEIN, Ms. BALDWIN, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Higher Education Act of 1965 to require institutions of higher education to have an independent advocate for campus sexual assault prevention and response.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Survivor Outreach and
5 Support Campus Act” or the “SOS Campus Act”.

1 **SEC. 2. INDEPENDENT ADVOCATE FOR CAMPUS SEXUAL AS-**
 2 **SAULT PREVENTION AND RESPONSE.**

3 Part B of title I of the Higher Education Act of 1965
 4 (20 U.S.C. 1011 et seq.) is amended by adding at the end
 5 the following:

6 **“SEC. 124. INDEPENDENT ADVOCATE FOR CAMPUS SEXUAL**
 7 **ASSAULT PREVENTION AND RESPONSE.**

8 “(a) ADVOCATE.—

9 “(1) IN GENERAL.—

10 “(A) DESIGNATION.—Each institution of
 11 higher education that receives Federal financial
 12 assistance under title IV shall designate an
 13 independent advocate for campus sexual assault
 14 prevention and response (referred to in this sec-
 15 tion as the ‘Advocate’) who shall be appointed
 16 based on experience and a demonstrated ability
 17 of the individual to effectively provide sexual as-
 18 sault victim services.

19 “(B) NOTIFICATION OF EXISTENCE OF
 20 AND INFORMATION FOR THE ADVOCATE.—Each
 21 employee of an institution described in subpara-
 22 graph (A) who receives a report of sexual as-
 23 sault shall notify the victim of the existence of,
 24 contact information for, and services provided
 25 by the Advocate of the institution.

1 “(C) APPOINTMENT.—Not later than 180
2 days after the date of enactment of the Sur-
3 vivor Outreach and Support Campus Act, the
4 Secretary shall prescribe regulations for institu-
5 tions to follow in appointing Advocates under
6 this section. At a minimum, each Advocate
7 shall—

8 “(i) report to an individual outside the
9 body responsible for investigating and ad-
10 judicating sexual assault complaints at the
11 institution; and

12 “(ii) submit to such individual an an-
13 nual report summarizing how the resources
14 supplied to the Advocate were used, includ-
15 ing the number of male and female sexual
16 assault victims assisted.

17 “(2) ROLE OF THE ADVOCATE.—In carrying
18 out the responsibilities described in this section, the
19 Advocate shall represent the interests of the student
20 victim even when in conflict with the interests of the
21 institution. The Advocate may not be disciplined, pe-
22 nalized, or otherwise retaliated against by the insti-
23 tution for representing the interest of the victim, in
24 the event of a conflict of interest with the institu-
25 tion.

1 “(b) SEXUAL ASSAULT.—In this section, the term
2 ‘sexual assault’ means penetration, no matter how slight,
3 of the vagina or anus with any body part or object, or
4 oral penetration by a sex organ of another person, without
5 the consent of the victim, including when the victim is in-
6 capable of giving consent.

7 “(c) RESPONSIBILITIES OF THE ADVOCATE.—Each
8 Advocate shall carry out the following, regardless of
9 whether the victim wishes the victim’s report to remain
10 confidential:

11 “(1)(A) Ensure that victims of sexual assault at
12 the institution receive, with the victim’s consent, the
13 following sexual assault victim’s assistance services
14 available 24 hours a day:

15 “(i) Information on how to report a cam-
16 pus sexual assault to law enforcement.

17 “(ii) Emergency medical care, including
18 follow up medical care as requested.

19 “(iii) Medical forensic or evidentiary ex-
20 aminations.

21 “(B) Ensure that victims of sexual assault at
22 the institution receive, with the victim’s consent, the
23 following sexual assault victim’s assistance services:

24 “(i) Crisis intervention counseling and on-
25 going counseling.

1 “(ii) Information on the victim’s rights and
2 referrals to additional support services.

3 “(iii) Information on legal services.

4 “(C) Provide the services described in subpara-
5 graphs (A) and (B) either—

6 “(i) pursuant to a memorandum of under-
7 standing (that includes transportation services)
8 at a rape crisis center, legal organization, or
9 other community-based organization located
10 within a reasonable distance from the institu-
11 tion; or

12 “(ii) on the campus of the institution in
13 consultation with a rape crisis center, legal or-
14 ganization, or other community-based organiza-
15 tion.

16 “(D) Ensure that a victim of sexual assault
17 may not be disciplined, penalized, or otherwise re-
18 taliated against for reporting such assault to the Ad-
19 vocate.

20 “(2) Guide victims of sexual assault who re-
21 quest assistance through the reporting, counseling,
22 administrative, medical and health, academic accom-
23 modations, or legal processes of the institution or
24 local law enforcement.

1 “(3) Attend, at the request of the victim of sexual
2 ual assault, any administrative or institution-based
3 adjudication proceeding related to such assault as an
4 advocate for the victim.

5 “(4) Maintain the privacy and confidentiality of
6 the victim and any witness of such sexual assault,
7 and shall not notify the institution or any other au-
8 thority of the identity of the victim or any such wit-
9 ness or the alleged circumstances surrounding the
10 reported sexual assault, unless otherwise required by
11 the applicable laws in the State where such institu-
12 tion is located.

13 “(5) Conduct a public information campaign to
14 inform the students enrolled at the institution of the
15 existence of, contact information for, and services
16 provided by the Advocate, including—

17 “(A) posting information—

18 “(i) on the website of the institution;

19 “(ii) in student orientation materials;

20 and

21 “(iii) on posters displayed in dor-
22 mitories, cafeterias, sports arenas, locker
23 rooms, entertainment facilities, and class-
24 rooms; and

1 “(B) training coaches, faculty, school ad-
2 ministrators, resident advisors, and other staff
3 to provide information on the existence of, con-
4 tact information for, and services provided by
5 the Advocate.

6 “(d) CLERY ACT AND TITLE IX.—Nothing in this
7 section shall alter or amend the rights, duties, and respon-
8 sibilities under section 485(f) or title IX of the Education
9 Amendments of 1972 (20 U.S.C. 1681 et seq.) (also
10 known as the ‘Patsy Takemoto Mink Equal Opportunity
11 in Education Act’).”.

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