

114TH CONGRESS  
1ST SESSION

# S. 590

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 SENATE OF THE UNITED STATES

FEBRUARY 26, 2015

Mrs. McCASKILL (for herself, Mr. HELLER, Mr. BLUMENTHAL, Mr. GRASSLEY, Mrs. GILLIBRAND, Ms. AYOTTE, Mr. WARNER, Mr. RUBIO, Mr. PETERS, Mrs. CAPITO, Mr. WHITEHOUSE, Mr. BLUNT, Mrs. BOXER, Mr. REED, Ms. STABENOW, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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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,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Campus Accountability  
5 and Safety Act”.

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

2 Section 485(f) of the Higher Education Act of 1965  
 3 (20 U.S.C. 1092(f)) (known as the Jeanne Clery Dis-  
 4 closure of Campus Security Policy and Campus Crime Statis-  
 5 tics Act) is amended—

6 (1) in paragraph (1)—

7 (A) by inserting “which shall include publi-  
 8 cation on the website of the institution and  
 9 publication or mailings” after “through appro-  
 10 priate publications or mailings,”;

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

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

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

21 “(K)(i) With respect to the criminal activ-  
 22 ity described in subparagraph (F)(i)(II), the eli-  
 23 gible institution shall prepare for the annual se-  
 24 curity report that is due following 1 year after  
 25 the date of enactment of the Campus Account-

ability and Safety Act, and annually thereafter,  
the following additions:

“(I) The number of such incidents  
that were reported to the title IX coordi-  
nator (as defined in section 125(a)) or  
other higher education responsible em-  
ployee (as defined in section 125(a)) of the  
institution.

“(II) Of those incidents in subclause  
(I), the number of victims who sought  
campus disciplinary action at the institu-  
tion.

“(III) Of those victims in subclause  
(II), the number of cases processed  
through the student disciplinary process of  
the institution.

“(IV) Of those cases in subclause  
(III), the number of accused individuals  
who were found responsible through the  
student disciplinary process of the institu-  
tion.

“(V) Of those cases in subclause (III),  
the number of accused individuals who  
were found not responsible through the

1 student disciplinary process of the institu-  
 2 tion.

3 “(VI) A description of the final sanc-  
 4 tions imposed by the institution for each  
 5 incident for which an accused individual  
 6 was found responsible through the student  
 7 disciplinary process of the institution.

8 “(VII) The number of student dis-  
 9 ciplinary proceedings at the institution  
 10 that have closed without resolution since  
 11 the previous annual security report.

12 “(ii) The Secretary shall provide technical  
 13 assistance to eligible institutions to assist such  
 14 institutions in meeting the requirements of this  
 15 subparagraph.”;

16 (2) by striking paragraph (7) and inserting the  
 17 following;

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

20 “(i) shall not identify victims of crimes or  
 21 persons accused of crimes; and

22 “(ii) shall be compiled in accordance with  
 23 the following definitions:

24 “(I) For the offenses of domestic vio-  
 25 lence, dating violence, and stalking, such

1 statistics shall be compiled in accordance  
2 with the definitions used in section  
3 40002(a) of the Violence Against Women  
4 Act of 1994 (42 U.S.C. 13925(a)).

5 “(II) For offenses not described in  
6 subclause (I), such statistics shall be com-  
7 piled in accordance with—

8 “(aa) either the National Inci-  
9 dent-Based Reporting System or the  
10 Uniform Crime Reporting Program of  
11 the Federal Bureau of Investigation,  
12 if a definition is available; and

13 “(bb) if an offense is not defined  
14 in either the National Incident-Based  
15 Reporting System or the Uniform  
16 Crime Reporting Program of the Fed-  
17 eral Bureau of Investigation, a defini-  
18 tion provided by the Secretary.

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

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

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

“(iii) is not defined in either the National Incident-Based Reporting System or the Uniform Crime Reporting Program of the Federal Bureau of Investigation.”;

(3) in paragraph (8)(B)—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by inserting “, developed in consultation with local, State, or national sexual assault, dating violence, domestic violence, and stalking victim advocacy, victim services, or prevention organizations, and local law enforcement,” after “Education programs”; and

(ii) in subclause (I)(aa), by inserting “, including the fact that these are crimes for the purposes of this subsection and reporting under this subsection, and the institution of higher education will, based on the victim’s wishes, cooperate with local law enforcement with respect to any alleged criminal offenses involving students or employees of the institution of higher education” after “stalking”; and

(B) in clause (iv)—

1 (i) by redesignating subclauses (II)  
 2 and (III) as subclauses (III) and (IV), re-  
 3 spectively;

4 (ii) by inserting after subclause (I)  
 5 the following:

6 “(II) the institution will comply  
 7 with the requirements of section  
 8 125(b), and shall include a description  
 9 of such requirements;” and

10 (iii) in subclause (IV), as redesignated  
 11 by clause (i)—

12 (I) in item (aa), by inserting “,  
 13 within 24 hours of such determina-  
 14 tion” after “sexual assault, or stalk-  
 15 ing”;

16 (II) in item (cc), by inserting  
 17 “within 24 hours of such change”  
 18 after “results become final”; and

19 (III) in item (dd), by inserting  
 20 “within 24 hours of such determina-  
 21 tion” after “results become final”;

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

24 (5) by inserting after paragraph (17) the fol-  
 25 lowing:

1           “(18) Each individual at an institution of high-  
2           er education who is designated as a higher education  
3           responsible employee, (as defined in section 125(a)),  
4           shall be considered a campus security authority, as  
5           defined in section 668.46(a) of title 34, Code of  
6           Federal Regulations.

7           “(19)(A) The Secretary shall, in consultation  
8           with the Attorney General, develop, design, and ad-  
9           minister through an online portal, a standardized  
10          online survey of students regarding their experiences  
11          with sexual violence and harassment. The survey  
12          shall not include any personally identifiable informa-  
13          tion. The Secretary shall develop such survey tool  
14          using best practices from peer-reviewed research  
15          measuring sexual violence and harassment. The sur-  
16          vey shall be fair and unbiased, scientifically valid  
17          and reliable, and meet the highest standards of sur-  
18          vey research. Survey questions shall be designed to  
19          gather information on survivor experiences, and shall  
20          therefore use trauma-informed language to prevent  
21          retraumatization

22          “(B) Each institution shall administer the sur-  
23          vey described in subparagraph (A) every 2 years. In  
24          addition to the standardized questions developed by  
25          the Secretary, institutions may request additional in-



1       formation from students that would increase the in-  
 2       stitutions’ understanding of school climate factors  
 3       unique to their campuses. If an institution is grant-  
 4       ed approval to do so by the Secretary, an institution  
 5       may administer such survey through a third party.

6           “(C) The Secretary shall require each institu-  
 7       tion participating in any program under this title to  
 8       ensure that an adequate, random, and representative  
 9       sample size of students (as determined by the Sec-  
 10      retary) enrolled at the institution complete the sur-  
 11      vey described in subparagraph (A) in accordance  
 12      with this paragraph and beginning not later than 1  
 13      year after the date of enactment of the Campus Ac-  
 14      countability and Safety Act.

15          “(D) Responses to the survey shall be sub-  
 16      mitted confidentially and shall not be included in  
 17      crime statistics reported under this subsection.

18          “(E) The survey described in subparagraph (A)  
 19      shall include the following:

20           “(i) Questions designed to determine the  
 21      incidence and prevalence of sexual violence, dat-  
 22      ing violence, domestic violence, and stalking.

23           “(ii) Questions regarding whether students  
 24      know about institutional policies and proce-  
 25      dures.

1           “(iii) Questions designed to determine, if  
2 victims reported violence—

3           “(I) to whom the violence was re-  
4 ported and what response the victim may  
5 have received; and

6           “(II) whether the victim was informed  
7 of, or referred to, national, State, local, or  
8 on-campus resources.

9           “(iv) Questions regarding contextual fac-  
10 tors, such as whether force, incapacitation, or  
11 coercion was involved.

12           “(v) Questions to determine whether an ac-  
13 cused individual was a student.

14           “(vi) Questions to determine whether a vic-  
15 tim reported an incident to State or local law  
16 enforcement.

17           “(vii) Questions to determine why the vic-  
18 tim chose to report or not report an incident to  
19 State or local law enforcement.

20           “(viii) Other questions as determined by  
21 the Secretary.

22           “(F) Beginning not later than 2 years after the  
23 date of enactment of the Campus Accountability and  
24 Safety Act, the Secretary shall prepare a biannual  
25 report on the information gained from the survey

1 under this paragraph and publish such report on the  
2 website of the Department and submit such report  
3 to Congress. The report shall include campus-level  
4 data for each school and attributed by name of each  
5 campus in a manner that permits comparisons  
6 across schools and campuses.

7 “(G) Each institution subject to this subsection  
8 shall publish the campus-level results of the survey  
9 under this paragraph on the website of the institu-  
10 tion and in the annual security report required  
11 under this subsection for the campuses affiliated  
12 with the institution.

13 “(20) Not later than 180 days after the date of  
14 enactment of the Campus Accountability and Safety  
15 Act, the Assistant Secretary for Postsecondary Edu-  
16 cation of the Department and the Assistant Sec-  
17 retary for Civil Rights of the Department shall joint-  
18 ly develop and make publicly available guidance re-  
19 garding the intersection between this subsection and  
20 title IX of the Education Amendments of 1972, in  
21 order to clarify how the provisions of this subsection  
22 and such title shall be carried out. The guidance  
23 shall include clarifying language on how this sub-  
24 section and such title IX interact pertaining to sex-  
25 ual violence, and shall clarify and resolve any poten-

1        tial discrepancies or inconsistencies between this  
2        subsection and such title.

3            “(21) Notwithstanding any other provision of  
4        this Act, upon determination, after reasonable notice  
5        and opportunity for a hearing, that an eligible insti-  
6        tution has violated or failed to carry out any provi-  
7        sion of this subsection, or agreement made to resolve  
8        a compliance review under this subsection, or any  
9        regulation prescribed under this subsection, the Sec-  
10       retary may impose a civil penalty upon such institu-  
11       tion not to exceed \$150,000, which shall be adjusted  
12       for inflation annually, for each violation or misrepre-  
13       sentation, or per month a survey is not completed at  
14       the standard required. The Secretary shall use any  
15       such civil penalty funds to carry out the grant pro-  
16       gram established under section 8 of the Campus Ac-  
17       countability and Safety Act.”.

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

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

22 **“SEC. 124. COORDINATION WITH LOCAL LAW ENFORCE-**  
23 **MENT.**

24        “(a) MEMORANDA OF UNDERSTANDING.—Each in-  
25        stitution of higher education that receives funds under this

1 Act, shall enter into a memorandum of understanding with  
2 each law enforcement agency that has jurisdiction to re-  
3 port as a first responder to a campus of the institution  
4 (excluding a campus located outside the United States)  
5 to clearly delineate responsibilities and share information,  
6 in accordance with applicable Federal confidentiality laws,  
7 about certain serious crimes, including sexual violence, oc-  
8 ccurring against students of the institution or against other  
9 individuals on the campus of the institution.

10 “(b) REVIEW.—Each institution of higher education  
11 shall review the memorandum of understanding under this  
12 section with each law enforcement agency every 2 years.  
13 As part of the review process, the institution shall contact  
14 each law enforcement agency to discuss how changes in  
15 policies or procedures at either the institution of higher  
16 education or the law enforcement agency may impact the  
17 provisions of the memorandum of understanding. If  
18 changes in policies or procedures are identified that im-  
19 pact the provisions of the memorandum of understanding,  
20 the institution of higher education and the law enforce-  
21 ment agency shall update the memorandum of under-  
22 standing as necessary.

23 “(c) CONTENTS.—Each memorandum of under-  
24 standing described under this section shall include—

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           “(4) a method of sharing information about  
9           specific crimes, when authorized or requested to do  
10          so by a victim who has been fully and accurately in-  
11          formed about what procedures shall occur if the in-  
12          formation is shared; and

13          “(5) a method of sharing information about  
14          specific crimes anonymously, when authorized or re-  
15          quested to do so by a victim who has been fully and  
16          accurately informed about what procedures shall  
17          occur if the information is shared, in order to better  
18          protect overall campus safety.

19          “(d) PENALTY.—

20                 “(1) IN GENERAL.—The Secretary—

21                         “(A) may impose a civil penalty of not  
22                         more than 1 percent of an institution’s oper-  
23                         ating budget, as defined by the Secretary, each  
24                         year that the institution of higher education  
25                         fails to carry out the requirements of this sec-

tion, by the date that is 1 year after the date of enactment of the Campus Accountability and Safety Act; and

“(B) if the conditions described in paragraph (3) have been met, shall waive the penalty pursuant to such paragraph.

“(2) DISTRIBUTION.—Any civil monetary penalty or monetary settlement collected under this subsection shall be used to carry out the grant program established under section 304 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045b).

“(3) WAIVER.—

“(A) IN GENERAL.—If a local law enforcement agency refuses to enter into a memorandum of understanding under this section, the Secretary shall waive the penalty if the Secretary determines that the following conditions have been met—

“(i) the institution has explained why the institution was unable to obtain an agreement;

“(ii) the institution has demonstrated that the institution acted in good faith; and

1                   “(iii) the institution has submitted to  
2                   the Secretary a copy of the institution’s  
3                   final proposed memorandum of under-  
4                   standing that was submitted to a law en-  
5                   forcement agency that was ultimately re-  
6                   jected.

7                   “(B) REFERRAL TO DEPARTMENT OF JUS-  
8                   TICE.—The Secretary shall refer to the Attor-  
9                   ney General a copy of each waiver granted  
10                  under subparagraph (A) and the reason (as de-  
11                  termined by the Secretary) for why local law  
12                  enforcement refuses to enter into a memo-  
13                  randum of understanding.

14                  “(C) ADMINISTRATIVE REVIEW.—If the  
15                  Secretary does not grant a waiver under sub-  
16                  paragraph (A), the institution may submit addi-  
17                  tional information to receive such waiver. If,  
18                  after submitting additional information, the  
19                  Secretary still does not grant a waiver, the deci-  
20                  sion of the Secretary shall be subject to review  
21                  pursuant to section 706(2)(A) of title 5, United  
22                  States Code.

23                  “(4) VOLUNTARY RESOLUTION.—Nothing in  
24                  this subsection shall prevent the Secretary from en-  
25                  tering into a voluntary resolution with an institution



1 of higher education that fails to carry out the re-  
2 quirements of this section, by the date that is 1 year  
3 after the date of enactment of the Campus Account-  
4 ability and Safety Act.

5 “(5) ADJUSTMENT TO PENALTIES.—Any civil  
6 penalty under this subsection may be reduced by the  
7 Secretary. In determining the amount of such pen-  
8 alty, or the amount agreed upon in compromise, the  
9 Secretary shall consider the appropriateness of the  
10 penalty to the size of the operating budget of the  
11 educational institution subject to the determination,  
12 the gravity of the violation or failure, and whether  
13 the institution committed the violation or failure in-  
14 tentiously, negligently, or otherwise.”.

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

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

10 “(1) HIGHER EDUCATION RESPONSIBLE EM-  
 11 PLOYEE.—In this subsection, the term ‘higher edu-  
 12 cation responsible employee’ means an employee of  
 13 an institution of higher education who—

14 “(A)(i) has the authority to take action to  
 15 redress sexual harassment; or

16 “(ii) has the duty to report sexual harass-  
 17 ment or any other misconduct by students or  
 18 employees to appropriate school officials;

19 “(B) has completed the training require-  
 20 ments described in subsection (b)(5) or agrees  
 21 to complete such training within a reasonable  
 22 time after being designated as a higher edu-  
 23 cation responsible employee; and

24 “(C) shall be responsible for assisting the  
 25 title IX coordinator or designee with providing  
 26 a student or employee who reports that the stu-

dent or employee has been a victim of sexual harassment, including, sexual violence, whether the offense occurred on or off campus, with a written explanation of the student's or employee's rights and options, as described in clauses (ii) through (vii) of section 485(f)(8)(B).

“(2) TITLE IX COORDINATOR.—In this subsection, the term ‘Title IX Coordinator’ has the meaning given to the individual designated as a responsible employee in section 106.8(a) of title 34, Code of Federal Regulations, as such section is in effect on the date of enactment of the Campus Accountability and Safety Act.

“(3) VICTIM-CENTERED, TRAUMA-INFORMED INTERVIEW TECHNIQUES.—In this section, the term ‘victim-centered, trauma-informed interview techniques’ means asking questions of a student or employee who reports that the student or employee has been a victim of sexual harassment, sexual assault, domestic violence, dating violence, or stalking, in a manner that is focused on the experience of the victim, that does not judge or blame the reporting student or employee for the alleged assault, and that is informed by evidence-based research on the neurobiology of trauma. The victim shall be given

1 the option to have the interview recorded and to re-  
2 ceive a copy of the recorded interview.

3 “(b) CAMPUS SECURITY POLICY.—Each institution  
4 of higher education that receives funds under this Act,  
5 shall establish a campus security policy that includes the  
6 following:

7 “(1) CONFIDENTIAL ADVISORS.—The designa-  
8 tion of 1 or more confidential advisors at the institu-  
9 tion to whom non-employee victims of sexual harass-  
10 ment, domestic violence, dating violence, sexual as-  
11 sault, or stalking can report, including anonymously,  
12 which shall be part of a policy that complies with the  
13 following:

14 “(A) The advisor—

15 “(i) shall not be an undergraduate  
16 student, a full-time graduate student, an  
17 employee designated as a higher education  
18 responsible employee, or the title IX coor-  
19 dinator; and

20 “(ii) may have other roles at the insti-  
21 tution.

22 “(B) The Secretary shall designate cat-  
23 egories of employees that may serve as con-  
24 fidential advisors, such as health care staff,  
25 clergy, staff of a women’s center, or other such

1 categories. Such designation shall not preclude  
2 the institution from designating other employ-  
3 ees or partnering with national, State, or local  
4 victim services organizations to serve as con-  
5 fidential advisors or to serve in other confiden-  
6 tial roles.

7 “(C) The confidential advisor shall com-  
8 plete the training requirements described in  
9 paragraph (5).

10 “(D) The Secretary shall develop online  
11 training materials, in addition to the training  
12 required under subparagraph (C) not later than  
13 1 year after the date of enactment of the Cam-  
14 pus Accountability and Safety Act, for the  
15 training of confidential advisors.

16 “(E) The confidential advisor shall inform  
17 the victim—

18 “(i) of the victim’s rights;

19 “(ii) of the victim’s reporting options,  
20 including the option to notify a higher edu-  
21 cation responsible employee, the option to  
22 notify local law enforcement, and any other  
23 reporting options;

1 “(iii) if reasonably known, of the po-  
2 tential consequences of the reporting op-  
3 tions described in clause (ii); and

4 “(iv) that the institutional student  
5 disciplinary proceeding has limited jurisdic-  
6 tion, scope, and available sanctions, and  
7 should not be considered a substitute for  
8 the criminal justice process.

9 “(F) The confidential advisor may, as ap-  
10 propriate—

11 “(i) serve as a liaison between a vic-  
12 tim and a higher education responsible em-  
13 ployee or local law enforcement, when di-  
14 rected to do so by a victim who has been  
15 fully and accurately informed about what  
16 procedures shall occur if information is  
17 shared; and

18 “(ii) assist a victim in contacting and  
19 reporting to a higher education responsible  
20 employee or local law enforcement.

21 “(G) The confidential advisor shall be au-  
22 thorized by the institution to liaise with appro-  
23 priate staff at the institution to arrange reason-  
24 able accommodations through the institution to  
25 allow the victim to change living arrangements

1 or class schedules, obtain accessibility services,  
2 or arrange other accommodations.

3 “(H) The confidential advisor shall be au-  
4 thorized to accompany the victim, when re-  
5 quested to do so by the victim, to interviews  
6 and other proceedings of a campus investigation  
7 and institutional disciplinary proceedings.

8 “(I) The confidential advisor shall also ad-  
9 vise the victim of, and provide written informa-  
10 tion regarding, both the victim’s rights and the  
11 institution’s responsibilities regarding orders of  
12 protection, no contact orders, restraining or-  
13 ders, or similar lawful orders issued by the in-  
14 stitution or a criminal, civil, or tribal court.

15 “(J) The confidential advisor shall not be  
16 obligated to report crimes to the institution or  
17 law enforcement in a way that identifies a vic-  
18 tim or an accused individual, unless otherwise  
19 required to do so by State law. The confidential  
20 advisor shall, to the extent authorized under  
21 State law, provide confidential services to stu-  
22 dents. Any requests for accommodations, as de-  
23 scribed in subparagraph (G), made by a con-  
24 fidential advisor shall not trigger an investiga-  
25 tion by the institution, even if the confidential

1       advisor deals only with matters relating to sex-  
2       ual assault.

3               “(K) The institution shall designate as a  
4       confidential advisor an individual who has pro-  
5       tection under State law to provide privileged  
6       communication. The institution may partner  
7       with an outside victim services organization,  
8       such as a community-based rape crisis center or  
9       other community-based sexual assault service  
10      provider, to provide the services described in  
11      this paragraph.

12              “(L) The confidential advisor shall collect  
13      and report statistics in accordance with the re-  
14      quirements of section 485(f). The confidential  
15      advisor shall not include personally identifying  
16      information or jeopardize the confidentiality of  
17      a victim or an accused individual when report-  
18      ing such statistics.

19              “(M) The institution shall appoint an ade-  
20      quate number of confidential advisors not later  
21      than the earlier of—

22                      “(i) 1 year after the Secretary deter-  
23                      mines through a negotiated rulemaking  
24                      process what an adequate number of con-



1 confidential advisors is for an institution  
 2 based on its size; or

3 “(ii) 3 years after the date of enact-  
 4 ment of the Campus Accountability and  
 5 Safety Act.

6 “(N) Each institution that enrolls fewer  
 7 than 1000 students may partner with another  
 8 institution in their region or State to provide  
 9 the services described in this paragraph.

10 “(2) INFORMATION ON THE INSTITUTION’S  
 11 WEBSITE.—The institution shall list on its website—

12 “(A) the name and contact information for  
 13 the confidential advisor;

14 “(B) reporting options for victims of a sex  
 15 offense, domestic violence, dating violence, sex-  
 16 ual assault, or stalking;

17 “(C) the process of investigation and dis-  
 18 ciplinary proceedings of the institution;

19 “(D) the process of investigation and adju-  
 20 dication of the criminal justice system;

21 “(E) potential reasonable accommodations  
 22 that the institution may provide to a victim, as  
 23 described in paragraph (1)(G);

24 “(F) the telephone number and website ad-  
 25 dress for a local, State, or national hotline pro-

1           viding information to sexual violence victims  
2           (which shall be clearly communicated on the  
3           website and shall be updated on a timely basis);  
4           and

5           “(G) the name and location of the nearest  
6           medical facility where an individual may have a  
7           rape kit administered by a trained sexual vio-  
8           lence forensic nurse, including information on  
9           transportation options and available reimburse-  
10          ment for a visit to such facility.

11          “(3) ONLINE REPORTING.—The institution may  
12          provide an online reporting system to collect anony-  
13          mous disclosures of crimes and track patterns of  
14          crime on campus. An individual may submit an  
15          anonymous report about a specific crime to the insti-  
16          tution using the online reporting system, but the in-  
17          stitution is only obligated to investigate a specific  
18          crime if an individual decides to report the crime to  
19          a higher education responsible employee or law en-  
20          forcement. If the institution uses an online reporting  
21          system, the online system shall also include informa-  
22          tion about how to report a crime to a higher edu-  
23          cation responsible employee and to law enforcement  
24          and how to contact a confidential advisor.

1           “(4) AMNESTY POLICY.—The institution shall  
 2           provide an amnesty policy for any student who re-  
 3           ports, in good faith, sexual violence to a higher edu-  
 4           cation responsible employee, such that the reporting  
 5           student will not be sanctioned by the institution for  
 6           a non-violent student conduct violation, such as un-  
 7           derage drinking, that is revealed in the course of  
 8           such a report.

9           “(5) TRAINING.—

10           “(A) IN GENERAL.—Not later than 1 year  
 11           after the date of enactment of the Campus Ac-  
 12           countability and Safety Act, the Secretary, in  
 13           coordination with the Attorney General and in  
 14           consultation with national, State, or local victim  
 15           services organizations, shall develop a program  
 16           for training—

17           “(i) each individual who is involved in  
 18           implementing an institution of higher edu-  
 19           cation’s student grievance procedures, in-  
 20           cluding each individual who is responsible  
 21           for resolving complaints of reported sex of-  
 22           fenses or sexual misconduct policy viola-  
 23           tions; and

24           “(ii) each employee of an institution  
 25           of higher education who has responsibility

1 for conducting an interview with an alleged  
2 victim of sexual assault.

3 “(B) CONTENTS.—Such training shall in-  
4 clude—

5 “(i) information on working with and  
6 interviewing persons subjected to sexual vi-  
7 olence;

8 “(ii) information on particular types  
9 of conduct that would constitute sexual vi-  
10 olence, regardless of gender, including  
11 same-sex sexual violence;

12 “(iii) information on consent and the  
13 affect that drugs or alcohol may have on  
14 an individual’s ability to consent;

15 “(iv) the effects of trauma, including  
16 the neurobiology of trauma;

17 “(v) training regarding the use of vic-  
18 tim-centered, trauma-informed interview  
19 techniques;

20 “(vi) cultural awareness training re-  
21 garding how sexual violence may impact  
22 students differently depending on their cul-  
23 tural background; and

1                   “(vii) information on sexual assault  
2                   dynamics, sexual assault perpetrator be-  
3                   havior, and barriers to reporting.

4                   “(C) INSTITUTIONAL TRAINING.—Each in-  
5                   stitution shall ensure that the individuals and  
6                   employees described in subparagraph (A) re-  
7                   ceive the training described in this paragraph  
8                   not later than the July 15 that is one year after  
9                   the date that the training program has been de-  
10                  veloped by the Secretary in accordance with  
11                  subparagraph (A).

12               “(6) UNIFORM CAMPUS-WIDE PROCESS FOR  
13               STUDENT DISCIPLINARY PROCEEDING RELATING TO  
14               CLAIM OF SEXUAL VIOLENCE.—Each institution of  
15               higher education that receives funds under this  
16               Act—

17                   “(A) shall establish and carry out a uni-  
18                   form process (for each campus of the institu-  
19                   tion) for student disciplinary proceedings relat-  
20                   ing to any claims of sexual violence against a  
21                   student who attends the institution; and

22                   “(B) shall not carry out a different dis-  
23                   ciplinary process on the same campus for a  
24                   matter of sexual violence, or alter the uniform  
25                   process described in subparagraph (A), based

1 on the status or characteristics of a student  
2 who will be involved in that disciplinary pro-  
3 ceeding, including characteristics such as a stu-  
4 dent's membership on an athletic team, aca-  
5 demic major, or any other characteristic or sta-  
6 tus of a student.

7 “(7) INFORMATION ABOUT THE TITLE IX COOR-  
8 DINATOR.—The institution shall submit, annually, to  
9 the Office for Civil Rights of the Department of  
10 Education and the Civil Rights Division of the De-  
11 partment of Justice, the name and contact informa-  
12 tion for the title IX coordinator, including a brief  
13 description of the coordinator's role and the roles of  
14 other officials who may be contacted to discuss or  
15 report sexual harassment, and documentation of  
16 training received by the title IX coordinator. The  
17 educational institution shall provide updated infor-  
18 mation to the Office for Civil Rights of the Depart-  
19 ment of Education and the Civil Rights Division of  
20 the Department of Justice not later than 30 days  
21 after the date of any change.

22 “(8) WRITTEN NOTICE OF INSTITUTIONAL DIS-  
23 CIPLINARY PROCESS.—The institution shall provide  
24 both the accuser and the accused student with writ-  
25 ten notice of the institution's decision to proceed

1 with an institutional disciplinary process regarding  
2 an allegation of sexual misconduct within 24 hours  
3 of such decision, and sufficiently in advance of a dis-  
4 ciplinary hearing to provide both the victim and the  
5 accused student with the opportunity to meaning-  
6 fully exercise the due process rights afforded to  
7 them under institutional policy. The written notice  
8 shall include the following:

9 “(A) The existence of a complaint, the na-  
10 ture of the conduct upon which the complaint  
11 is based, and the date on which the alleged inci-  
12 dent occurred.

13 “(B) A summary of the process for the dis-  
14 ciplinary proceeding, including the estimated  
15 timeline from initiation to final disposition.

16 “(C) The rights and due process protec-  
17 tions available to the victim and the accused  
18 student, including those described in section  
19 485(f)(8)(B)(iv) and any other rights or due  
20 process protections that the victim or the ac-  
21 cused student may have under the institution’s  
22 policies.

23 “(D) A copy of the institution’s applicable  
24 policies, and, if available, related published in-  
25 formational materials.

1           “(E) Name and contact information for an  
 2           individual at the institution, who is independent  
 3           of the disciplinary process, to whom the victim  
 4           and the accused student can submit questions  
 5           about any of the information described in the  
 6           written notice.

7           “(9) WRITTEN NOTICE OF DISCIPLINARY DE-  
 8           TERMINATION.—The institution shall provide the ac-  
 9           cuser and the accused student with written notifica-  
 10          tion of the determination of responsibility that is  
 11          made by the disciplinary board, and any sanctions,  
 12          within 24 hours of such determination. Such notifi-  
 13          cation shall include information about the processes  
 14          for appealing the determination.

15          “(c) PENALTIES.—

16               “(1) PENALTY RELATING TO CONFIDENTIAL  
 17          ADVISORS.—The Secretary may impose a civil pen-  
 18          alty of not more than 1 percent of an institution’s  
 19          operating budget, as defined by the Secretary, for  
 20          each year that the institution fails to carry out the  
 21          requirements of such paragraph following the effec-  
 22          tive date described in section 4(b)(1) of the Campus  
 23          Accountability and Safety Act.

24               “(2) OTHER PROVISIONS.—The Secretary may  
 25          impose a civil penalty of not more than 1 percent of



1 an institution's operating budget, as defined by the  
 2 Secretary, for each year that the institution fails to  
 3 carry out the requirements of such paragraphs fol-  
 4 lowing the effective date described in section 4(b)(2)  
 5 of the Campus Accountability and Safety Act.

6 “(3) VOLUNTARY RESOLUTION.—Notwith-  
 7 standing any other provision of this section, the Sec-  
 8 retary may enter into a voluntary resolution with an  
 9 institution of higher education that is subject to a  
 10 penalty under this subsection.

11 “(4) ADJUSTMENT TO PENALTIES.—Any civil  
 12 penalty under this subsection may be reduced by the  
 13 Secretary. In determining the amount of such pen-  
 14 alty, or the amount agreed upon in compromise, the  
 15 Secretary of Education shall consider the appro-  
 16 priateness of the penalty to the size of the operating  
 17 budget of the educational institution subject to the  
 18 determination, the gravity of the violation or failure,  
 19 and whether the violation or failure was committed  
 20 intentionally, negligently, or otherwise.”.

21 (b) EFFECTIVE DATES.—

22 (1) CONFIDENTIAL ADVISOR.—Paragraph (1)  
 23 of section 125(b) of the Higher Education Act of  
 24 1965, as added by subsection (a), shall take effect  
 25 on the date that is the earlier of—

1 (A) 1 year after the Secretary of Edu-  
 2 cation determines through a negotiated rule-  
 3 making process what an adequate number of  
 4 confidential advisors is for an institution based  
 5 on an institution's size; or

6 (B) 3 years after the date of enactment of  
 7 this Act.

8 (2) OTHER PROVISIONS.—Paragraphs (2)  
 9 through (9) of section 125(b) of the Higher Edu-  
 10 cation Act of 1965, as added by subsection (a), shall  
 11 take effect on the date that is 1 year after the date  
 12 of enactment of this Act.

13 (c) NEGOTIATED RULEMAKING.—The Secretary of  
 14 Education shall establish regulations to carry out the pro-  
 15 visions of this section, and the amendment made by this  
 16 section, in accordance with the requirements described  
 17 under section 492 of the Higher Education Act of 1965  
 18 (20 U.S.C. 1098a).

19 **SEC. 5. TRANSPARENCY AND TRAINING MATERIALS.**

20 Part B of title I of the Higher Education Act of 1965  
 21 (20 U.S.C. 1011 et seq.) is further amended by adding  
 22 after section 125 (as added by section 4), the following:

23 **“SEC. 126. TRANSPARENCY AND TRAINING MATERIALS.**

24 “(a) WEBSITE.—The Secretary shall establish a title  
 25 IX higher education website that includes the following:

1           “(1) The name and contact information for the  
2 title IX coordinator for each institution of higher  
3 education receiving funds under this Act, and a brief  
4 description of the title IX coordinator’s role and the  
5 roles of other officials who may be contacted to dis-  
6 cuss or report sexual harassment.

7           “(2) The Department’s pending investigations,  
8 enforcement actions, letters of finding, final resolu-  
9 tions, and voluntary resolution agreements for all  
10 complaints and compliance reviews under title IX of  
11 the Education Amendments of 1972 (20 U.S.C.  
12 1681) related to sexual harassment. The Secretary  
13 shall indicate whether the investigation, action, let-  
14 ter, resolution, or agreement is based on a complaint  
15 or compliance review. The Secretary shall make the  
16 information under this subsection available regard-  
17 ing a complaint once the Office for Civil Rights of  
18 the Department receives a written complaint, and  
19 conducts an initial evaluation, and has determined  
20 that the complaint should be opened for investiga-  
21 tion of an allegation that, if substantiated, would  
22 constitute a violation of such title IX. In carrying  
23 out this subsection, the Secretary shall ensure that  
24 personally identifiable information is not reported  
25 and shall comply with section 444 of the General

1 Education Provisions Act (20 U.S.C. 1232g), com-  
 2 monly known as the ‘Family Educational Rights and  
 3 Privacy Act of 1974’.

4 “(b) TRAINING MATERIALS FOR UNIVERSITY PER-  
 5 SONNEL.—Not later than 1 year after the date of enact-  
 6 ment of the Campus Accountability and Safety Act, the  
 7 Secretary shall develop online training materials for the  
 8 training of higher education responsible employees, title  
 9 IX coordinators, and individuals involved in implementing  
 10 an institution of higher education’s student conduct griev-  
 11 ance procedures.”.

12 **SEC. 6. PROGRAM PARTICIPATION AGREEMENTS.**

13 Section 487(a) of the Higher Education Act of 1965  
 14 (20 U.S.C. 1094(a)) is amended by striking paragraph  
 15 (12) and inserting the following:

16 “(12) The institution certifies that—

17 “(A) the institution is in compliance with  
 18 the requirements of section 124 regarding co-  
 19 ordination with local law enforcement;

20 “(B) the institution has established sup-  
 21 port for survivors of sexual violence that meets  
 22 the requirements of section 125;

23 “(C) the institution has established a cam-  
 24 pus security policy; and

1 “(D) the institution has complied with the  
2 disclosure requirements of section 485(f).”.

3 **SEC. 7. TRAINING FOR CAMPUS PERSONNEL ON VICTIM-**  
4 **CENTERED TRAUMA-INFORMED INTERVIEW**  
5 **TECHNIQUES.**

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

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

11 (2) in subsection (b), by adding at the end the  
12 following;

13 “(11) To train campus personnel in how to use  
14 victim-centered, trauma-informed interview tech-  
15 niques.”; and

16 (3) in subsection (g)—

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

20 (B) by adding at the end the following;

21 “(2) **VICTIM-CENTERED, TRAUMA-INFORMED**  
22 **INTERVIEW TECHNIQUES.**—In this section, the term  
23 ‘victim-centered, trauma-informed interview tech-  
24 niques’ means asking questions of a student or em-  
25 ployee who reports that the student or employee has

1       been a victim of sexual harassment, sexual assault,  
 2       domestic violence, dating violence, or stalking, in a  
 3       manner that is focused on the experience of the vic-  
 4       tim, that does not judge or blame the reporting stu-  
 5       dent or employee for the alleged assault, and that is  
 6       informed by evidence-based research on the  
 7       neurobiology of trauma. The victim shall be given  
 8       the option to have the interview recorded and to re-  
 9       ceive a copy of the recorded interview.”.

10 **SEC. 8. GRANTS TO IMPROVE PREVENTION AND RESPONSE**  
 11 **TO SEXUAL HARASSMENT, SEXUAL ASSAULT,**  
 12 **DOMESTIC VIOLENCE, DATING VIOLENCE**  
 13 **AND STALKING ON CAMPUS.**

14       Title VIII of the Higher Education Act of 1965 (20  
 15 U.S.C. 1161a) is amended by adding at the end the fol-  
 16 lowing:

17 **“PART BB—GRANTS FOR INSTITUTIONS TO AD-**  
 18 **DRESS SEXUAL HARASSMENT, SEXUAL AS-**  
 19 **SAULT, AND OTHER VIOLENCE AND HARASS-**  
 20 **MENT ON CAMPUS**

21 **“SEC. 899. GRANTS FOR INSTITUTIONS TO ADDRESS SEX-**  
 22 **UAL HARASSMENT, SEXUAL ASSAULT, AND**  
 23 **OTHER VIOLENCE AND HARASSMENT ON**  
 24 **CAMPUS.**

25       “(a) GRANTS AUTHORIZED.—

1           “(1) IN GENERAL.—The Secretary is authorized  
 2           to award grants to institutions of higher education,  
 3           on a competitive basis as described in paragraph (2),  
 4           to enhance the ability of such institutions to address  
 5           sexual harassment, sexual assault, domestic violence,  
 6           dating violence, and stalking, on campus.

7           “(2) AWARD BASIS.—The Secretary shall award  
 8           grants under this section, on a competitive basis, as  
 9           funds become available through the payment of pen-  
 10          alties by institutions of higher education under sec-  
 11          tions 485(f)(21) of this Act and sections 3 and 4 of  
 12          the Campus Accountability and Safety Act.

13          “(3) PROHIBITION; INELIGIBLE INSTITU-  
 14          TIONS.—

15                 “(A) NO RESERVATION FOR ADMINISTRA-  
 16                 TIVE EXPENSES.—Funds awarded under this  
 17                 section shall not be reserved for administrative  
 18                 expenses.

19                 “(B) INELIGIBLE INSTITUTIONS.—

20                         “(i) VIOLATIONS.—An institution of  
 21                         higher education shall not be eligible to re-  
 22                         ceive a grant under this section if the insti-  
 23                         tution is found by the Department of Edu-  
 24                         cation, at the time of application for a

grant under this section, to be in violation  
of—

“(I) title IX of the Education  
Amendments of 1972 (20 U.S.C.  
1681); or

“(II) section 485(f).

“(ii) MULTIPLE GRANTS.—An institu-  
tion of higher education that has received  
a grant award under section 304 of the Vi-  
olence Against Women and Department of  
Justice Reauthorization Act of 2005 (42  
U.S.C. 14045b) in any of the previous 3  
grant funding cycles shall not be eligible  
for a grant award under this section.

“(4) PREFERENCE.—In awarding grants under  
this section, the Secretary shall give preference to  
those institutions of higher education—

“(A) with the smallest endowments or the  
lowest tuition rates, as compared to all institu-  
tions receiving funds under this Act; and

“(B) that have demonstrated a strong  
commitment to prioritizing tackling the problem  
of campus sexual assault on their campuses,  
which may be demonstrated by providing docu-



1           mentation of actions by the administration of  
2           such institution such as—

3                   “(i) establishing a working group on  
4                   campus that includes the participation of  
5                   administration officials and students to  
6                   analyze and strategize improvements to the  
7                   way the institution prevents and responds  
8                   to sexual harassment, sexual assault, do-  
9                   mestic violence, dating violence, and stalk-  
10                  ing, on campus;

11                  “(ii) organizing a series of listening  
12                  sessions on campus to gather feedback and  
13                  ideas from the campus community on how  
14                  to improve the way the institution prevents  
15                  and responds to sexual harassment, sexual  
16                  assault, domestic violence, dating violence,  
17                  and stalking, on campus;

18                  “(iii) hosting a conference that brings  
19                  together academic researchers to present  
20                  and share ideas and research regarding  
21                  sexual harassment, sexual assault, domes-  
22                  tic violence, dating violence, and stalking,  
23                  on campus; or

24                  “(iv) other documented efforts beyond  
25                  the requirements of Federal or State law

1           that the administration of the institution  
2           of higher education has initiated in order  
3           to better understand the prevalence of sex-  
4           ual harassment, sexual assault, domestic  
5           violence, dating violence and stalking on  
6           campus and analyze and improve how the  
7           institution of higher education responds to  
8           such incidents.

9           “(5) AMOUNT OF GRANTS.—The Secretary,  
10          through the Assistant Secretary of the Office for  
11          Civil Rights, shall award the grants under this sec-  
12          tion in an amount of not more than \$500,000 for  
13          each institution of higher education.

14          “(6) EQUITABLE PARTICIPATION.—The Sec-  
15          retary shall make every effort to ensure—

16               “(A) the equitable participation of private  
17               and public institutions of higher education in  
18               the activities assisted under this section;

19               “(B) the equitable geographic distribution  
20               of grants under this section among the various  
21               regions of the United States; and

22               “(C) the equitable distribution of grants  
23               under this section to Tribal Colleges or Univer-  
24               sities (as defined under section 316(b)) and his-  
25               torically Black colleges or universities.

1           “(7) DURATION.—The Secretary shall award  
2           each grant under this Act for a period of not more  
3           than 5 years.

4           “(b) USE OF GRANT FUNDS.—

5           “(1) Grant funds awarded under this section  
6           shall be used to research best practices for pre-  
7           venting and responding to sexual harassment, sexual  
8           assault, domestic violence, dating violence, and stalk-  
9           ing, on campus and to disseminate such research to  
10          peer institutions and the Department. Such research  
11          may include a focus on one or more of the following  
12          purposes:

13               “(A) Strengthening strategies to combat  
14               sexual harassment, sexual assault, domestic vio-  
15               lence, dating violence, and stalking, on campus.

16               “(B) Strengthening victim services for inci-  
17               dents involving sexual harassment, sexual as-  
18               sault, domestic violence, dating violence, or  
19               stalking, on campus, which may involve part-  
20               nerships with community-based victim services  
21               agencies.

22               “(C) Strengthening prevention education  
23               and awareness programs on campus regarding  
24               sexual harassment, sexual assault, domestic vio-  
25               lence, dating violence, and stalking.

1           “(2) Grant funds awarded under this section  
2       may be used for one or more of the following pur-  
3       poses:

4                   “(A) Evaluating and determining the effec-  
5       tiveness of victim services and education pro-  
6       grams in reaching all populations that may be  
7       subject to sexual harassment, sexual assault,  
8       domestic violence, dating violence, and stalking,  
9       on campus.

10                   “(B) Training campus administrators,  
11       campus security personnel, and personnel serv-  
12       ing on campus disciplinary boards on campus  
13       policies, protocols, and services to respond to  
14       sexual harassment, sexual assault, domestic vio-  
15       lence, dating violence, and stalking, on campus,  
16       which shall include instruction on victim-cen-  
17       tered, trauma-informed interview techniques  
18       and information on the neurobiological effects  
19       of trauma and stress on memory.

20                   “(C) Developing, expanding, or strength-  
21       ening victim services programs and population  
22       specific services on the campus of the institu-  
23       tion, including programs providing legal, med-  
24       ical, or psychological counseling for victims of  
25       sexual harassment, sexual assault, domestic vio-

1           lence, dating violence, and stalking, and to im-  
 2           prove delivery of victim assistance on campus,  
 3           including through the services of the confiden-  
 4           tial advisor (as defined in section 125(a)).

5           “(D) Developing or adapting and providing  
 6           developmentally and culturally appropriate and  
 7           linguistically accessible print or electronic mate-  
 8           rials regarding campus policies, protocols, and  
 9           services related to the prevention of and re-  
 10          sponse to sexual harassment, sexual assault, do-  
 11          mestic violence, dating violence, and stalking,  
 12          on campus.

13          “(E) Developing and implementing preven-  
 14          tion education and awareness programs on cam-  
 15          pus regarding sexual harassment, sexual as-  
 16          sault, domestic violence, dating violence, and  
 17          stalking.

18          “(c) APPLICATIONS.—

19           “(1) IN GENERAL.—In order to be eligible for  
 20          a grant under this section for any fiscal year, an in-  
 21          stitution of higher education shall submit an applica-  
 22          tion to the Secretary at such time and in such man-  
 23          ner as the Secretary shall prescribe.

24           “(2) CONTENTS.—Each application submitted  
 25          under paragraph (1) shall—

1           “(A) describe the need for grant funds and  
2           the plan for implementation for any of the ac-  
3           tivities described in subsection (b);

4           “(B) describe the characteristics of the  
5           population being served, including type of cam-  
6           pus, demographics of the population, and num-  
7           ber of students;

8           “(C) describe how underserved populations  
9           in the campus community will be adequately  
10          served, including the provision of relevant popu-  
11          lation specific services;

12          “(D) provide measurable goals and ex-  
13          pected results from the use of the grant funds;

14          “(E) provide assurances that the Federal  
15          funds made available under this section shall be  
16          used to supplement and, to the extent practical,  
17          increase the level of funds that would, in the  
18          absence of Federal funds, be made available by  
19          the institution or organization for the activities  
20          described in subsection (b); and

21          “(F) include such other information and  
22          assurances as the Secretary reasonably deter-  
23          mines to be necessary.

24          “(d) REPORTS.—

25          “(1) GRANTEE REPORTING.—

1           “(A) ANNUAL REPORT.—Each institution  
 2           of higher education receiving a grant under this  
 3           section shall submit a performance report to the  
 4           Secretary beginning 1 year after receiving the  
 5           grant and annually thereafter. The Secretary  
 6           shall suspend funding under this section for an  
 7           institution of higher education if the institution  
 8           fails to submit such a report.

9           “(B) FINAL REPORT.—Upon completion of  
 10          the grant period under this section, the grantee  
 11          institution shall file a final performance report  
 12          with the Secretary explaining the activities car-  
 13          ried out under this section together with an as-  
 14          sessment of the effectiveness the activities de-  
 15          scribed in subsection (b).

16          “(2) REPORT TO CONGRESS.—Not later than  
 17          180 days after the end of the grant period under  
 18          this section, the Secretary shall submit to Congress  
 19          a report that includes—

20                 “(A) the number of grants, and the  
 21                 amount of funds, distributed under this section;

22                 “(B) a summary of the activities carried  
 23                 out using grant funds and an evaluation of the  
 24                 progress made under the grant; and

1                   “(C) an evaluation of the effectiveness of  
2                   programs funded under this section.”.

3 **SEC. 9. ADMINISTRATIVE ACTION.**

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

7           “(d) CLARIFICATION.—Nothing in the Campus Ac-  
8 countability and Safety Act, or any amendment made by  
9 such Act, shall reduce or interfere with the rights and  
10 remedies provided for and available under this title.

11          “(e) TIME FOR FILING ADMINISTRATIVE COM-  
12 PLAINTS.—Complaints filed with the Office for Civil  
13 Rights of the Department of Education with regards to  
14 sexual violence shall be considered timely when they are  
15 filed not later than 180 days after the date of graduation  
16 or disaffiliation with the institution.

17          “(f) DEPARTMENT OF EDUCATION AND DEPART-  
18 MENT OF JUSTICE CIVIL PENALTIES FOR INSTITUTIONS  
19 OF HIGHER EDUCATION.—

20               “(1) IN GENERAL.—Upon determination, after  
21               reasonable notice and opportunity for a hearing, that  
22               an educational institution that is an institution of  
23               higher education has violated or failed to carry out  
24               any provision of this section in a factual cir-  
25               cumstance related to sexual violence or any regula-



tion prescribed under this section related to sexual violence, the Secretary of Education or Attorney General, may impose a civil penalty upon such institution of not more than 1 percent of the institution's 1-year operating budget, as defined by the Secretary of Education, for each violation or failure. A civil penalty shall not interfere with—

“(A) the Secretary's or Attorney General's ability to seek or enter into a voluntary resolution agreement with an institution of higher education;

“(B) the Attorney General's litigation authority; and

“(C) an individual's right to seek other remedies, including through a private right of action.

“(2) ADJUSTMENT TO PENALTIES.—Any civil penalty under paragraph (1) may be reduced by the Secretary of Education or Attorney General. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the operating budget of the educational institution subject to the determination, and the gravity of the violation or failure, and whether the violation or failure was done

1 intentionally, negligently, or otherwise, shall be con-  
 2 sidered.

3 “(3) DISTRIBUTION.—Any civil monetary pen-  
 4 alty or monetary settlement collected under this sub-  
 5 section shall be transferred to the Grants to Improve  
 6 Prevention and Response to Sexual Harassment,  
 7 Sexual Assault, Domestic Violence, Dating Violence,  
 8 and Stalking on Campus program.”.

9 **SEC. 10. GAO REPORTS.**

10 (a) GAO REPORT.—The Comptroller General of the  
 11 United States shall—

12 (1) conduct a study on the effectiveness and ef-  
 13 ficiency of the grant program under section 304 of  
 14 the Violence Against Women and Department of  
 15 Justice Reauthorization Act of 2005 (42 U.S.C.  
 16 14045b); and

17 (2) submit a report, not later than 2 years after  
 18 the date of enactment of this Act, on the study de-  
 19 scribed in paragraph (1), to the Committee on  
 20 Health, Education, Labor, and Pensions of the Sen-  
 21 ate and the Committee on Education and the Work-  
 22 force of the House of Representatives.

23 (b) GAO REPORT.—The Comptroller General of the  
 24 United States shall—

1           (1) conduct a study on the effectiveness and ef-  
2           ficiency of the grants to improve prevention and re-  
3           sponse to sexual harassment, sexual assault, domes-  
4           tic violence, dating violence, and stalking, on campus  
5           under section 899 of the Higher Education Act of  
6           1965, as added by section 8 of this Act; and

7           (2) submit a report, not later than 2 years after  
8           the date of enactment of this Act, on the study de-  
9           scribed in paragraph (1), to the Committee on  
10          Health, Education, Labor, and Pensions of the Sen-  
11          ate and the Committee on Education and the Work-  
12          force of the House of Representatives.

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