

115TH CONGRESS
1ST SESSION

H. R. 3734

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 HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2017

Mrs. DAVIS of California (for herself, Ms. LEE, Ms. WILSON of Florida, Mr. VARGAS, Mrs. NAPOLITANO, Mr. NADLER, Mr. NOLAN, Ms. KUSTER of New Hampshire, Mr. KRISHNAMOORTHY, Ms. JUDY CHU of California, Ms. DELAURO, Ms. BONAMICI, Mr. TAKANO, Ms. SHEA-PORTER, and Ms. MOORE) introduced the following bill; which was referred to the Committee on Education and the Workforce

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 (a) ESTABLISHMENT.—Part G of title IV of the
4 Higher Education Act of 1965 (20 U.S.C. 1088 et seq.)
5 is amended by inserting after section 485E the following
6 new section:

7 **“SEC. 485F. INDEPENDENT ADVOCATE FOR CAMPUS SEX-**
8 **UAL ASSAULT PREVENTION AND RESPONSE.**

9 “(a) DESIGNATION.—Each eligible institution partici-
10 pating in any program under this title shall designate an
11 independent advocate for campus sexual assault preven-
12 tion and response (in this section referred to as the ‘Advo-
13 cate’) who shall be appointed based on certifications, expe-
14 rience, and a demonstrated ability of the individual to ef-
15 fectively provide sexual assault victim services.

16 “(b) NOTIFICATION OF EXISTENCE OF AND INFOR-
17 MATION FOR THE ADVOCATE.—Each employee of an eligi-
18 ble institution who receives a report of sexual assault shall
19 notify the victim of the existence of, contact information
20 for, and services provided by the Advocate of the institu-
21 tion.

22 “(c) ADVOCATE OVERSIGHT.—Each Advocate shall—

23 “(1) report to an individual outside the body re-
24 sponsible for investigating and adjudicating sexual
25 assault complaints at the institution;

1 “(2) submit to such individual an annual report
2 summarizing how the resources supplied to the Ad-
3 vocate were used, including the number of male and
4 female sexual assault victims assisted; and

5 “(3) be appointed in such manner as the Sec-
6 retary determines is appropriate.

7 “(d) ROLE.—

8 “(1) IN GENERAL.—In carrying out the respon-
9 sibilities described in this section, the Advocate shall
10 represent the interests of the student victim without
11 regard to whether such interests are in conflict with
12 the interests of the institution designating such Ad-
13 vocate.

14 “(2) PROHIBITION ON RETALIATION.—No insti-
15 tution of higher education designating an Advocate
16 in accordance with this section may discipline, penal-
17 ize, or otherwise retaliate against such Advocate for
18 representing the interests of a student victim, with-
19 out regard to whether such interests are in conflict
20 with the interests of such institution.

21 “(e) RESPONSIBILITIES.—

22 “(1) SERVICES AVAILABLE AT ALL TIMES.—
23 Each Advocate shall ensure that victims of sexual
24 assault at the institution are able to receive, at the

1 election of the victim and at any time of day, each
2 day of the week—

3 “(A) information on how to report a cam-
4 pus sexual assault to law enforcement;

5 “(B) emergency medical care, including
6 follow up medical care as requested; and

7 “(C) medical forensic or evidentiary exami-
8 nations.

9 “(2) OTHER SERVICES.—Each Advocate shall
10 ensure that victims of sexual assault at the institu-
11 tion are able to receive, at the election of the vic-
12 tim—

13 “(A) crisis intervention counseling and on-
14 going counseling;

15 “(B) information on the victim’s rights
16 and referrals to additional support services; and

17 “(C) information on legal services.

18 “(3) GUIDANCE.—Each Advocate shall guide
19 victims of sexual assault who request assistance
20 through the reporting, counseling, administrative,
21 medical and health, academic accommodations, or
22 legal processes of the institution designating such
23 Advocate or local law enforcement.

24 “(4) ATTENDANCE AT ADJUDICATIONS.—At the
25 request of the victim of sexual assault, each Advo-

1 cate shall attend any administrative or institution-
2 based adjudication proceeding related to such as-
3 sault as an advocate for the victim.

4 “(5) PRIVACY AND CONFIDENTIALITY.—Each
5 Advocate shall maintain the privacy and confiden-
6 tiality of the victim of, and any witness to, such sex-
7 ual assault and shall not notify the institution desig-
8 nating such Advocate or any other person of the
9 identity of the victim or any such witness or the al-
10 leged circumstances surrounding the reported sexual
11 assault except—

12 “(A) as otherwise required by the applica-
13 ble laws in the State where such institution is
14 located;

15 “(B) with respect to the identity of the vic-
16 tim, with the consent of the victim; or

17 “(C) with respect to the identity of such
18 witness, with the consent of such witness.

19 “(6) PUBLIC INFORMATION CAMPAIGN.—Each
20 Advocate shall conduct a public information cam-
21 paign to inform the students enrolled at the institu-
22 tion designating such Advocate of the existence of,
23 contact information for, and services provided by the
24 Advocate, including—

25 “(A) posting information—

1 “(i) on the website of such institution;

2 “(ii) in student orientation materials;

3 and

4 “(iii) on posters displayed in dor-

5 mitories, cafeterias, sports arenas, locker

6 rooms, entertainment facilities, and class-

7 rooms; and

8 “(B) training coaches, faculty, school ad-

9 ministrators, resident advisors, and other staff

10 to provide information on the existence of, con-

11 tact information for, and services provided by

12 the Advocate.

13 “(f) AVAILABILITY OF SERVICES.—The services de-

14 scribed in paragraphs (1) and (2) of subsection (e) shall

15 be provided—

16 “(1) pursuant to a memorandum of under-

17 standing (that includes transportation services), at a

18 rape crisis center, legal organization, or other com-

19 munity-based organization located within a reason-

20 able distance from an institution; or

21 “(2) on the campus of an institution in con-

22 sultation with a rape crisis center, legal organiza-

23 tion, or other community-based organization.

24 “(g) PROHIBITION ON RETALIATION TOWARDS VIC-

25 TIMS.—A victim of sexual assault may not be disciplined,

1 penalized, or otherwise retaliated against for reporting
2 such assault to the Advocate.

3 “(h) NO EFFECT ON CLERY ACT AND TITLE IX.—
4 Nothing in this section shall alter or amend the rights,
5 duties, and responsibilities under section 485(f) or title IX
6 of the Education Amendments of 1972 (20 U.S.C. 1681
7 et seq.) (also known as the Patsy Takemoto Mink Equal
8 Opportunity in Education Act).

9 “(i) SEXUAL ASSAULT DEFINED.—In this section,
10 the term ‘sexual assault’ means penetration, no matter
11 how slight, of the vagina or anus with any body part or
12 object, or oral penetration by a sex organ of another per-
13 son, without the consent of the victim, including when the
14 victim is incapable of giving consent.”.

15 (b) REGULATIONS.—Not later than 180 days after
16 the date of the enactment of this Act, the Secretary of
17 Education shall issue regulations to carry out section
18 485F of the Higher Education Act of 1965, as added by
19 subsection (a) of this section.

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