

115TH CONGRESS
1ST SESSION

S. 954

To prevent harassment at institutions of higher education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2017

Mrs. MURRAY (for herself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. CASEY, Ms. DUCKWORTH, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HASSAN, Ms. HIRONO, Mr. MARKEY, Mr. MERKLEY, Mr. SANDERS, Mr. SCHATZ, Mrs. SHAHEEN, Mr. VAN HOLLEN, Ms. WARREN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To prevent harassment at institutions of higher education,
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 “Tyler Clementi Higher
5 Education Anti-Harassment Act of 2017”.

1 **SEC. 2. INSTITUTIONAL AND FINANCIAL ASSISTANCE IN-**
 2 **FORMATION FOR STUDENTS.**

3 Section 485(f) of the Higher Education Act of 1965
 4 (20 U.S.C. 1092(f)) is amended—

5 (1) by striking the subsection heading and in-
 6 serting “DISCLOSURE OF CAMPUS SECURITY AND
 7 HARASSMENT POLICY AND CAMPUS CRIME STATIS-
 8 TICS.”;

9 (2) in paragraph (6)(A)—

10 (A) by redesignating clauses (iii), (iv), and
 11 (v), as clauses (vii), (viii), and (ix), respectively;
 12 and

13 (B) by inserting after clause (ii) the fol-
 14 lowing:

15 “(iii) The term ‘commercial mobile service’ has
 16 the meaning given the term in section 332(d) of the
 17 Communications Act of 1934 (47 U.S.C. 332(d)).

18 “(iv) The term ‘electronic communication’
 19 means any transfer of signs, signals, writing, im-
 20 ages, sounds, or data of any nature transmitted in
 21 whole or in part by a wire, radio, electromagnetic,
 22 photoelectronic, or photooptical system.

23 “(v) The term ‘electronic messaging services’
 24 has the meaning given the term in section 102 of the
 25 Communications Assistance for Law Enforcement
 26 Act (47 U.S.C. 1001).

1 “(vi) The term ‘harassment’ means conduct, in-
 2 cluding acts of verbal, nonverbal, or physical aggres-
 3 sion, intimidation, or hostility (including conduct
 4 that is undertaken in whole or in part, through the
 5 use of electronic messaging services, commercial mo-
 6 bile services, electronic communications, or other
 7 technology) that—

8 “(I) is sufficiently severe, persistent, or
 9 pervasive so as to limit a student’s ability to
 10 participate in or benefit from a program or ac-
 11 tivity at an institution of higher education, or
 12 to create a hostile or abusive educational envi-
 13 ronment at an institution of higher education;
 14 and

15 “(II) is based on a student’s actual or per-
 16 ceived—

17 “(aa) race;

18 “(bb) color;

19 “(cc) national origin;

20 “(dd) sex;

21 “(ee) disability;

22 “(ff) sexual orientation;

23 “(gg) gender identity; or

24 “(hh) religion.”;

1 (3) by redesignating paragraphs (9) through
2 (18) as paragraphs (10) through (19), respectively;
3 and

4 (4) by inserting after paragraph (8) the fol-
5 lowing:

6 “(9)(A) Each institution of higher education partici-
7 pating in any program under this title, other than a for-
8 eign institution of higher education, shall develop and dis-
9 tribute as part of the report described in paragraph (1)—

10 “(i) a statement of policy regarding harass-
11 ment, which shall include—

12 “(I) a prohibition of harassment of en-
13 rolled students by other students, faculty, and
14 staff—

15 “(aa) on campus;

16 “(bb) in noncampus buildings or on
17 noncampus property;

18 “(cc) on public property;

19 “(dd) in dormitories or other residen-
20 tial facilities for students on campus;

21 “(ee) through the use of electronic
22 mail addresses issued by the institution of
23 higher education;

24 “(ff) through the use of computers
25 and communication networks, including

1 any telecommunications service, owned, op-
 2 erated, or contracted for use by the institu-
 3 tion of higher education or its agents; or

4 “(gg) during an activity sponsored by
 5 the institution of higher education or car-
 6 ried out with the use of resources provided
 7 by the institution of higher education;

8 “(II) a description of the institution’s pro-
 9 grams to combat harassment, which shall be
 10 aimed at the prevention of harassment;

11 “(III) a description of the procedures that
 12 a student should follow if an incident of harass-
 13 ment occurs; and

14 “(IV) a description of the procedures that
 15 the institution will follow once an incident of
 16 harassment has been reported; and

17 “(ii) a detailed description of each occasion in
 18 which a pattern of harassment occurs based on one
 19 or more of the characteristics described in paragraph
 20 (6)(A)(vi)(II) and the actions taken by the institu-
 21 tion of higher education.

22 “(B) The statement of policy described in subpara-
 23 graph (A)(i) shall address the following areas:

24 “(i) Procedures for timely institutional action in
 25 cases of alleged harassment, which procedures shall

1 include a clear statement that the accuser and the
 2 accused shall be informed of the outcome of any dis-
 3 ciplinary proceedings in response to an allegation of
 4 harassment.

5 “(ii) Possible sanctions to be imposed following
 6 the final determination of an institutional discipli-
 7 nary procedure regarding harassment.

8 “(iii) Notification of existing counseling, mental
 9 health, or student services for victims or perpetra-
 10 tors of harassment, both on campus and in the com-
 11 munity.

12 “(iv) Identification of a designated employee or
 13 office at the institution that will be responsible for
 14 receiving and tracking each report of harassment by
 15 a student, faculty, or staff member.”.

16 **SEC. 3. ANTI-HARASSMENT COMPETITIVE GRANT PRO-**
 17 **GRAM.**

18 (a) DEFINITIONS.—In this section:

19 (1) ELIGIBLE ENTITY.—The term “eligible enti-
 20 ty” means—

21 (A) an institution of higher education, in-
 22 cluding an institution of higher education in a
 23 collaborative partnership with a nonprofit orga-
 24 nization; or

1 (B) a consortium of institutions of higher
2 education located in the same State.

3 (2) HARASSMENT.—The term “harassment”
4 has the meaning given the term in section
5 485(f)(6)(A) of the Higher Education Act of 1965
6 (20 U.S.C. 1092(f)(6)(A)), as amended by section 2
7 of this Act.

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of Education.

10 (b) PROGRAM AUTHORIZED.—The Secretary is au-
11 thorized to award grants, on a competitive basis, to eligible
12 entities to enable eligible entities to carry out the author-
13 ized activities described in subsection (d).

14 (c) AMOUNT OF GRANT AWARDS.—The Secretary
15 shall ensure that each grant awarded under this section
16 is of sufficient amount to enable the grantee to meet the
17 purpose of this section.

18 (d) AUTHORIZED ACTIVITIES.—An eligible entity
19 that receives a grant under this section shall use the funds
20 made available through the grant to address one or more
21 of the types of harassment listed in section
22 485(f)(6)(A)(vi)(II) of the Higher Education Act of 1965
23 (20 U.S.C. 1092(f)(6)(A)(vi)(II)), as amended by section
24 2 of this Act, by initiating, expanding, or improving pro-
25 grams—

1 (1) to prevent the harassment of students at in-
2 stitutions of higher education;

3 (2) at institutions of higher education that pro-
4 vide counseling or redress services to students who
5 have suffered such harassment or students who have
6 been accused of subjecting other students to such
7 harassment; or

8 (3) that educate or train students, faculty, or
9 staff of institutions of higher education about ways
10 to prevent harassment or ways to address such har-
11 assment if it occurs.

12 (e) APPLICATION.—To be eligible to receive a grant
13 under this section, an eligible entity shall submit an appli-
14 cation to the Secretary at such time, in such manner, and
15 containing such information, as the Secretary may re-
16 quire.

17 (f) DURATION; RENEWAL.—A grant under this sec-
18 tion shall be awarded for a period of not more than 3
19 years. The Secretary may renew a grant under this section
20 for one additional period of not more than 2 years.

21 (g) AWARD CONSIDERATIONS.—In awarding a grant
22 under this section, the Secretary shall select eligible enti-
23 ties that demonstrate the greatest need for a grant and
24 the greatest potential benefit from receipt of a grant.

25 (h) REPORT AND EVALUATION.—

1 (1) EVALUATION AND REPORT TO THE SEC-
2 RETARY.—Not later than 6 months after the end of
3 the eligible entity’s grant period, the eligible entity
4 shall—

5 (A) evaluate the effectiveness of the activi-
6 ties carried out with the use of funds awarded
7 pursuant to this section in decreasing harass-
8 ment and improving tolerance; and

9 (B) prepare and submit to the Secretary a
10 report on the results of the evaluation con-
11 ducted by the entity.

12 (2) EVALUATION AND REPORT TO CONGRESS.—
13 Not later than 12 months after the date of receipt
14 of the first report submitted pursuant to paragraph
15 (1) and annually thereafter, the Secretary shall pro-
16 vide to Congress a report that includes the following:

17 (A) The number and types of eligible enti-
18 ties receiving assistance under this section.

19 (B) The anti-harassment programs being
20 implemented with assistance under this section
21 and the costs of such programs.

22 (C) Any other information determined by
23 the Secretary to be useful in evaluating the
24 overall effectiveness of the program established

1 under this section in decreasing incidents of
2 harassment at institutions of higher education.

3 (3) BEST PRACTICES REPORT.—The Secretary
4 shall use the information provided under paragraph
5 (1) to publish a report of evidence-based best prac-
6 tices for combating harassment at institutions of
7 higher education, which shall be based on scientific
8 research that meets nationally recognized standards.
9 The report shall be made available to all institutions
10 of higher education and other interested parties.

11 (i) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section
13 \$50,000,000 for each of fiscal years 2017 through 2022.

14 **SEC. 4. EFFECT ON OTHER LAWS.**

15 Nothing in this Act shall be construed to invalidate
16 or limit rights, remedies, procedures, or legal standards
17 available to victims of discrimination under any other Fed-
18 eral law or law of a State or political subdivision of a
19 State, including title VI of the Civil Rights Act of 1964
20 (42 U.S.C. 2000d et seq.), title IX of the Education
21 Amendments of 1972 (20 U.S.C. 1681 et seq.), section
22 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C.
23 794, 794a), or the Americans with Disabilities Act of 1990
24 (42 U.S.C. 12101 et seq.). The obligations imposed by this
25 Act are in addition to those imposed by title VI of the

1 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title
2 IX of the Education Amendments of 1972 (20 U.S.C.
3 1681 et seq.), section 504 of the Rehabilitation Act of
4 1973 (29 U.S.C. 794), and the Americans with Disabil-
5 ities Act of 1990 (42 U.S.C. 12101 et seq.).

