

1 Introduced by Committee on Education
2 Referred to Committee on
3 Date:
4 Subject: Education; miscellaneous
5 Statement of purpose of bill as introduced: This bill proposes to make
6 miscellaneous changes to education law.

7 An act relating to miscellaneous changes to education law

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 * * * Postsecondary Educational Institutions; Closing * * *

10 Sec. 1. 16 V.S.A. § 175 is amended to read:

11 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

12 * * *

13 (d) When an institution of higher education is unable or unwilling to
14 comply substantially with the record preparation and delivery requirements of
15 subsection (a) of this section, the State Board shall bring an action in Superior
16 Court to compel compliance with this section, and may in a proper case obtain
17 temporary custody of the records.

18 (e) When an institution of higher education is unable or unwilling to comply
19 with the requirements of subsection (a) of this section, the State Board may
20 expend State funds necessary to ensure the proper storage and availability of

1 the institution's records. The Attorney General shall then seek recovery under
2 this subsection, in the name of the State, of all of the State's incurred costs and
3 expenses, including attorney's fees, arising from the failure to comply. Claims
4 under this subsection shall be a lien on all the property of a defaulting
5 institution, until all claims under this subsection are satisfied. The lien shall
6 take effect from the date of filing notice thereof in the records of the town or
7 towns where property of the defaulting institution is located.

8 * * *

9 ~~(g) The Association of Vermont Independent Colleges (AVIC) shall~~
10 ~~maintain a memorandum of understanding with each of its member colleges~~
11 ~~under which each member college agrees to:~~

12 ~~(1) upon the request of AVIC, properly administer the student records of~~
13 ~~a member college that fails to comply with the requirements of subsection (a)~~
14 ~~of this section; and If an institution of higher education is placed on probation~~
15 ~~for financial reasons by its accrediting agency, the institution shall, not later~~
16 ~~than five business days after learning that it has been placed on probation,~~
17 ~~inform the State Board of Education of its status, and not later than 90 days~~
18 ~~after being place on probation, shall submit an academic record plan for~~
19 ~~students to the State Board for approval.~~

20 ~~(2) contribute on an equitable basis and in a manner determined in the~~
21 ~~sole discretion of AVIC to the costs of another AVIC member or other entity~~

1 ~~selected by AVIC maintaining the records of a member college that fails to~~
2 ~~comply with the requirements of subsection (a) of this section.~~ The academic
3 record plan shall include an agreement with an institution of higher education
4 or other entity to act as a repository for the institution’s records with funds set
5 aside, if necessary, for the permanent maintenance of the academic records.

6 (3) If the State Board does not approve the plan, the State may take
7 action under subsections (d) and (e) of this section.

8 * * * Task Force on Campus Sexual Harm; Report * * *

9 Sec. 2. TASK FORCE ON CAMPUS SEXUAL HARM; REPORT

10 (a) Creation. There is created the Task Force on Campus Sexual Harm to
11 examine issues relating to responses to sexual harm, dating and intimate
12 partner violence, and stalking on campuses of postsecondary education
13 institutions in Vermont.

14 (b) Membership. The Task Force shall be composed of the following
15 14 members:

16 (1) one current member of the House of Representatives, appointed by
17 the Speaker of the House;

18 (2) one current member of the Senate, appointed by the Committee on
19 Committees;

20 (3) two survivors of campus sexual assault, domestic violence, or
21 stalking incidents, appointed by Vermont Center for Crime Victim Services;

1 (4) the Executive Director of the Vermont Network Against Domestic
2 and Sexual Violence or designee;

3 (5) one representative of a community-based sexual violence advocacy
4 organization, appointed by the Vermont Network Against Domestic and
5 Sexual Violence;

6 (6) one Title IX Coordinator working in a Vermont postsecondary
7 education institution, appointed by the Vermont Higher Education Council;

8 (7) one campus health and wellness or sexual violence prevention
9 educator working in a Vermont postsecondary education institution,
10 appointed by the Vermont Higher Education Council;

11 (8) one victim advocate working in a Vermont postsecondary
12 education institution, appointed by the Vermont Higher Education Council;

13 (9) two students who are members of campus groups representing
14 traditionally marginalized communities, appointed by the Vermont Higher
15 Education Council;

16 (10) one community-based restorative justice practitioner, appointed
17 by the Community Justice Network of Vermont;

18 (11) the Chancellor of the Vermont State Colleges or designee; and

19 (12) the President of the Association of Vermont Independent Colleges
20 or designee.

21 (c) Powers and duties. The Task Force shall study the following:

1 (1) The pathways for survivors of sexual harm in postsecondary
2 education institutional settings to seek healing and justice and
3 recommendations to increase or enhance those pathways.

4 (2) Issues with Vermont’s campus adjudication processes as identified
5 by survivors of sexual harm, dating and intimate partner violence, or stalking
6 in postsecondary education institutional settings.

7 (3) Issues relating to transparency, safety, and accountability of
8 outcomes in campus conduct adjudication processes for sexual harm, dating
9 and intimate partner violence, or stalking, including:

10 (A) current and best practices relating to outcomes conveyed
11 through a student’s transcript record;

12 (B) the effectiveness of acts passed in New York in 2015 to address
13 campus sexual assault and in Virginia in 2015 to include a notation “on the
14 transcript of each student who has been suspended for, has been permanently
15 dismissed for, or withdraws from the institution while under investigation for
16 an offense involving sexual violence under the institution’s code, rules, or set
17 of standards governing student conduct”; and

18 (C) consideration of concerns raised by the Association of Title II
19 Administrators with regard to transcript notation, in support of proposed
20 federal legislation known as the Safe Transfer Act (H.R.6523, 114th
21 Congress).

1 (4) How to improve survivor safety in campus adjudication processes.

2 (5) Any state policy changes that should be made in response to
3 Title IX changes at the federal level.

4 (d) Assistance. For purposes of scheduling meetings and preparing
5 recommended legislation, the Task Force shall have the assistance of the
6 Office of Legislative Council.

7 (e) Report. On or before November 15, 2019, the Task Force shall submit
8 a written report to the House and Senate Committees on Education and
9 Judiciary with its findings and any recommendations for legislative action.

10 (f) Meetings.

11 (1) The Executive Director of the Vermont Network Against Domestic
12 and Sexual Violence or designee shall call the first meeting of the Task Force
13 to occur on or before July 15, 2019.

14 (2) The Committee shall select a chair from among its members at the
15 first meeting.

16 (3) A majority of the membership shall constitute a quorum.

17 (4) The Task Force shall cease to exist on November 16, 2019.

18 (g) Compensation and reimbursement.

19 (1) For attendance at meetings during adjournment of the General
20 Assembly, a legislative member of the Task Force serving in his or her
21 capacity as a legislator shall be entitled to per diem compensation and

1 reimbursement of expenses pursuant to 2 V.S.A. § 406 for not more than
2 six meetings. These payments shall be made from monies appropriated to the
3 General Assembly.

4 (2) Other members of the Task Force who are not otherwise
5 compensated for their service on the Task Force shall be entitled to per diem
6 compensation and reimbursement of expenses as permitted under 32 V.S.A.
7 § 1010 for not more than six meetings. These payments shall be made from
8 monies appropriated to the Agency of Education.

9 (h) Appropriation. The sum of \$6,588.00 is appropriated to the Agency of
10 Education from the General Fund in fiscal year 2020 for per diem
11 compensation and reimbursement of expenses for nonlegislative members of
12 the Task Force. The sum of \$2,628.00 is appropriated to the General
13 Assembly from the General Fund in fiscal year 2020 for per diem
14 compensation and reimbursement of expenses for legislative members of the
15 Task Force.

16 * * * Effective Date * * *

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on passage.