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Act No. 114 (S.120). An act relating to postsecondary schools and sexual misconduct protections

Subjects: Education; postsecondary schools; Intercollegiate Sexual Harm Prevention Council

This act adds several sections to the postsecondary schools subchapter in Title 16, chapter 3 regarding postsecondary school sexual misconduct protections, including the following:

- Sec. 1 of this act requires postsecondary schools to ensure students have access either on or off campus to confidential sexual misconduct support services that would be covered by applicable victim crisis worker privileges. It also requires postsecondary schools to maintain independently negotiated agreements with external providers if the external provider provides confidential support services for the postsecondary school beyond the services it would provide as a matter of course to the general public.
- Sec. 2 of this act requires postsecondary schools to create and adopt an amnesty policy that prohibits disciplinary action against a student reporting or otherwise participating in a school sexual misconduct resolution process for alleged ancillary policy violations related to the sexual misconduct incident at issue. This section does allow a postsecondary school to take disciplinary action if it determines that the conduct at issue placed or threatened to place the health and safety of another person at risk.
- Sec. 3 of this act requires postsecondary schools to offer annual trauma-informed, inclusive, and culturally relevant sexual misconduct primary prevention and awareness programming to all students, staff, and faculty. The training information is required to be made available on the school's website.
- Sec. 4 of this act repeals the July 1, 2025 sunset of the Intercollegiate Sexual Harm Prevention Council.
- Sec. 5 of this act redesignates section 2187, the Intercollegiate Sexual Harm Prevention Council, to section 183 in Title 16, chapter 3, with the rest of the postsecondary school sexual misconduct protection sections added in this act. This section also requires the Council to create or promote annual training opportunities addressing prevention and sexual assault response processes that are open to representatives from all Vermont postsecondary schools.

Effective Date: July 1, 2024