

1 S.120

2 An act relating to postsecondary schools and sexual misconduct protections

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

4 Sec. 1. 16 V.S.A. § 184 is added to read:

5 § 184. STUDENT ACCESS TO CONFIDENTIAL SEXUAL

6 MISCONDUCT SUPPORT SERVICES; COLLABORATION WITH

7 EXTERNAL PARTNERS

8 (a) Postsecondary schools shall ensure students have access to confidential
9 sexual misconduct support services covered by victim and crisis worker
10 privilege under applicable law, either on or off campus. Nothing in this
11 subsection shall be construed to prohibit a postsecondary school from also
12 facilitating student access to support services not covered by a victim and crisis
13 worker privilege.

14 (b) If a postsecondary school is working with an external provider to
15 provide confidential support services on its behalf, pursuant to subsection (a)
16 of this section, and those support services are beyond those the external
17 provider may provide as a matter of course to the general public, the
18 postsecondary school shall enter into, and maintain, an agreement with the
19 external provider. Agreements may address:

20 (1) assistance in development or delivery of programming and training
21 regarding sexual misconduct involving students;

1 (2) collaborative marketing to make the campus community aware of
2 the availability of confidential services from the external provider, either on or
3 off campus, such as sexual assault crisis services, domestic violence crisis
4 services, and sexual assault nurse examiner services;

5 (3) reciprocal education of school and external provider personnel to
6 ensure a mutual understanding of the other's role, responsibilities, and
7 processes for receiving disclosures of sexual misconduct, the provision of
8 support services, and options for resolution;

9 (4) reporting of data as required by federal law, if applicable, as well as
10 reporting of de-identified aggregate information that will aid the school in
11 identifying and addressing trends of concern; and

12 (5) use of school-provided space to meet confidentially with members of
13 the campus community.

14 (c) All agreements executed pursuant to subsection (b) of this section shall
15 be independently negotiated between the postsecondary school and external
16 providers.

17 Sec. 2. 16 V.S.A. § 185 is added to read:

18 § 185. AMNESTY PROTECTIONS

19 Postsecondary schools shall create and adopt an amnesty policy that
20 prohibits disciplinary action against a student reporting or otherwise
21 participating in a school sexual misconduct resolution process for alleged

1 ancillary policy violations related to the sexual misconduct incident at issue;
2 provided, however, the school may take disciplinary action if it determines that
3 the conduct giving rise to the alleged ancillary policy violation placed or
4 threatened to place the health and safety of another person at risk. This policy
5 shall not be construed to limit a counter-complaint made in good faith or to
6 prohibit action as to a report made in good faith.

7 Sec. 3. 16 V.S.A. § 186 is added to read:

8 § 186. ANNUAL AWARENESS PROGRAMMING AND TRAINING

9 (a) A postsecondary school shall offer annual trauma-informed, inclusive,
10 and culturally relevant sexual misconduct primary prevention and awareness
11 programming to all students, staff, and faculty of the school. Primary
12 prevention and awareness programming shall address, in a manner appropriate
13 for the audience:

14 (1) an explanation of consent as it applies to sexual activity and sexual
15 relationships;

16 (2) the role drugs and alcohol play in an individual's ability to consent;

17 (3) information about on and off-campus options for reporting of an
18 incident of sexual misconduct, including confidential and anonymous
19 disclosure mechanisms, and the effects of each option;

1 (4) information on the school’s procedures for resolving sexual
2 misconduct complaints and the range of sanctions the school may impose on
3 those found responsible for a violation;

4 (5) the name and contact information of school officials responsible for
5 coordination of supportive measures and an overview of the types of
6 supportive measures available;

7 (6) the name, contact information, and services of confidential
8 resources, on and off campus;

9 (7) strategies for bystander intervention and risk reduction;

10 (8) how to directly access health services, mental health services, and
11 confidential resources both on and off-campus;

12 (9) opportunities for ongoing sexual misconduct prevention and
13 awareness training and programming; and

14 (10) best practices for responding to disclosures of sexual misconduct.

15 (b) Information on the training topics contained in subsection (a) of this
16 section, including on and off campus supportive measures for reporting parties,
17 shall be available in a centrally located place on the schools’ website.

18 (c) Schools shall endeavor to collaborate with community partners, such as
19 local and statewide law enforcement, local and statewide prosecution offices,
20 health care service providers, confidential service providers, and other relevant
21 stakeholders, regarding the inclusion of appropriate information about the

1 relevant stakeholders' respective roles and offerings in primary prevention and
2 awareness programming.

3 Sec. 4. REPEAL

4 2021 Acts and Resolves No. 68, Sec. 7 (Intercollegiate Sexual Harm
5 Prevention Council 2025 repeal) is repealed.

6 Sec. 5. 16 V.S.A. § 2187 is redesignated and amended to read:

7 § ~~2187~~ 183. INTERCOLLEGIATE SEXUAL HARM PREVENTION

8 COUNCIL

9 (a) Creation. There is created the Intercollegiate Sexual Harm Prevention
10 Council to create a coordinated response to campus sexual harm across
11 institutions of higher learning in Vermont.

12 * * *

13 (c) Duties. The Council shall:

14 * * *

15 (7) create or promote annual training opportunities addressing
16 prevention and sexual assault response processes open to representatives from
17 all Vermont postsecondary schools.

18 * * *

19 Sec. 6. [Deleted.]

20 Sec. 7. EFFECTIVE DATE

21 This act shall take effect on July 1, 2024.