

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred Senate Bill No. 120
3 entitled “An act relating to postsecondary schools and sexual misconduct
4 protections” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

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

8 § 184. STUDENT ACCESS TO CONFIDENTIAL SEXUAL

9 MISCONDUCT SUPPORT SERVICES; COLLABORATION WITH

10 EXTERNAL PARTNERS

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

17 (b) If a postsecondary school is working with an external provider to
18 provide confidential support services on its behalf, pursuant to subsection (a)
19 of this section, and those support services are beyond those the external
20 provider may provide as a matter of course to the general public, the

1 postsecondary school shall enter into, and maintain, an agreement with the
2 external provider. Agreements may address:

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

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

9 (3) reciprocal education of school and external provider personnel to
10 ensure a mutual understanding of the other’s role, responsibilities, and
11 processes for receiving disclosures of sexual misconduct, the provision of
12 support services, and options for resolution;

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

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

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

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

2 § 185. AMNESTY PROTECTIONS

3 Postsecondary schools shall create and adopt an amnesty policy that
4 prohibits disciplinary action against a student reporting or otherwise
5 participating in a school sexual misconduct resolution process for alleged
6 ancillary policy violations related to the sexual misconduct incident at issue;
7 provided, however, the school may take disciplinary action if it determines that
8 the conduct giving rise to the alleged ancillary policy violation placed or
9 threatened to place the health and safety of another person at risk. This policy
10 shall not be construed to limit a counter-complaint made in good faith or to
11 prohibit action as to a report made in good faith.

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

13 § 186. ANNUAL AWARENESS PROGRAMMING AND TRAINING

14 (a) A postsecondary school shall offer annual trauma-informed, inclusive,
15 and culturally relevant sexual misconduct primary prevention and awareness
16 programming to all students, staff, and faculty of the school. Primary
17 prevention and awareness programming shall address, in a manner appropriate
18 for the audience:

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

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

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

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

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

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

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

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

15 (9) opportunities for ongoing sexual misconduct prevention and
16 awareness training and programming; and

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

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

1 (c) Schools shall endeavor to collaborate with community partners, such as
2 local and statewide law enforcement, local and statewide prosecution offices,
3 health care service providers, confidential service providers, and other relevant
4 stakeholders, regarding the inclusion of appropriate information about the
5 relevant stakeholders’ respective roles and offerings in primary prevention and
6 awareness programming.

7 Sec. 4. REPEAL

8 2021 Acts and Resolves No. 68, Sec. 7 (Intercollegiate Sexual Harm
9 Prevention Council 2025 repeal) is repealed.

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

11 § ~~2187~~ 183. INTERCOLLEGIATE SEXUAL HARM PREVENTION
12 COUNCIL

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

16 * * *

17 (c) Duties. The Council shall:

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

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Sec. 6. APPROPRIATION

The sum of \$22,000.00 is appropriated from the General Fund to the Center for Crime Victim Services in fiscal year 2025 to provide a grant for the purpose of staffing the Intercollegiate Sexual Harm Prevention Council and to provide per diem compensation and reimbursement of expenses for members who are not otherwise compensated by the member’s employer for attendance at meetings.

Sec. 7. EFFECTIVE DATE

This act shall take effect on July 1, 2024.

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE