

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. MEMORANDUM OF UNDERSTANDING BETWEEN**
9 **POSTSECONDARY SCHOOLS AND LOCAL SEXUAL ASSAULT**
10 **PROGRAMS**

11 (a) A postsecondary school shall enter into and maintain a memorandum of
12 understanding with its local sexual assault member organization of the
13 Vermont Network Against Domestic and Sexual Violence. If a postsecondary
14 school is unable to obtain a memorandum from its local program, the school
15 shall notify the Intercollegiate Sexual Harm Prevention Council to discuss
16 alternatives. The memorandum of understanding shall:

17 (1) assist in developing the postsecondary school’s policies, programing,
18 and training regarding sexual misconduct involving students;

19 (2) provide an off-campus alternative for students of the postsecondary
20 school to receive free and confidential sexual assault crisis services, including

1 access to a forensic nursing examiner, if available, or free and confidential
2 domestic violence crisis services in response to sexual misconduct, if available;

3 (3) ensure that a student may access free and confidential counseling
4 and advocacy services either on campus or off campus; and

5 (4) ensure cooperation and training between the postsecondary school
6 and the local sexual assault member organization of the Vermont Network
7 Against Domestic and Sexual Violence to ensure an understanding of the roles
8 that the school and member program should play in responding to reports and
9 disclosures of sexual misconduct against students and the school's protocols
10 for providing support and services to students.

11 (b) A memorandum of understanding may include an agreement, including
12 a fee structure, between the sexual assault member organization of the
13 Vermont Network Against Domestic and Sexual Violence and the
14 postsecondary school to provide confidential victim services. Confidential
15 victim services may include case consultation and training fees for Advocates,
16 consultation fees for the development and implementation of student education
17 and prevention programs, the development of staff training and prevention
18 curriculum, and confidential on-site office space for an advocate from the
19 sexual assault member organization of the Vermont Network Against
20 Domestic and Sexual Violence to meet with students.

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

* * *

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 2024 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