

Campus Bill- Proposed Edits

Sec. 1. Sexual Misconduct Climate Survey

(a) Each institution of higher education shall biennially conduct an anonymous Sexual Misconduct Campus Climate Survey (“Survey”) of all students at each institution of higher learning in Vermont.

(b) The Intercollegiate Sexual Harm Prevention Council (“Council”) shall convene the Sexual Misconduct Climate Campus Survey Subcommittee (“Subcommittee”) at the regularly scheduled Council meeting following the passage of this bill.

(c) In developing the Survey, the Subcommittee shall review Sexual Misconduct Climate Surveys which have been developed and previously utilized by other institutions of higher education, provide opportunities for comment from organizations that work directly with survivors of sexual assault, and account for the diverse needs and differences of the state's institutions of higher education.

(d) The Survey shall gather information on sexual misconduct of students of higher education, including:

- (1) The number and type of incidents that occurred;
- (2) Reporting and disclosure of the incidents by the student;
- (3) Logistical details of the incidents;
- (5) Student awareness of institutional policies and procedures related to campus sexual misconduct;
- (6) Campus responses to the incidents if reported;
- (7) Demographic information of the student survivor and alleged perpetrator;
- (8) Perceptions of campus safety among members of the campus community;
- (9) Subsequent actions of, and impact on, the student survivors; and
- (10) Any other items the Subcommittee deems essential to developing the Survey

(e) The Subcommittee shall provide the final Survey to the Council on or before April 1, 2025 and the Council shall deliver the Survey to each institution of higher education on or before August 1, 2026.

(f) The Subcommittee shall provide guidance to the institutions as to how to administer the Survey to students, providing reasonable accommodations for people with disabilities.

(g) Within 120 days after completion of the Survey, each institution of higher education shall submit a summary of the results to Intercollegiate Sexual Harm Prevention Council and shall also post a summary of the institution’s results on the institution's website in an easily accessible manner

(h) The Survey results, along with the annual security report required under 20 U.S.C. section 1092, otherwise known as the Clery Act, shall be posted on each higher education institution’s website, as well as on the Intercollegiate Sexual Harm Prevention Council’s website.

Sec. 2. Advocacy Coordinator

(a) Each institution of higher education with greater than 1,000 full-time residential students shall employ at least one Advocacy Coordinator . The Advocacy Coordinator:

- (1) Shall not be a student or a Title IX coordinator, an official who is an authorized administrator of disciplinary processes on behalf of the institution, or a member of campus police or law enforcement;
- (2) Shall not have any other job responsibilities that may create a conflict of interest, including a general counsel, director of athletics, dean of students, and any employee who serves on the judicial/hearing board or to whom an appeal might be made; and
- (3) Shall be appointed based on the individual's experience and demonstrated ability to effectively provide victim services related to sexual misconduct.

(c) The Advocacy Coordinator shall receive training in the awareness and prevention of sexual misconduct, Title IX policies, institution of higher education policies, and trauma-informed response. The Advocacy Coordinator shall coordinate with on-campus and off-campus sexual assault service providers within a reasonable time after being designated as an Advocacy Coordinator.

(d) The Advocacy Coordinator's role will be to inform students about the services, accommodations, and supports available to victims of sexual assault. If requested by the student, with written permission, the Advocacy Coordinator shall assist the student with coordinating supports available through on-campus supports or through the memorandums of understanding with the sexual assault member organizations of the Vermont Network Against Domestic and Sexual Violence.

(e) The Advocacy Coordinator shall:

- (1) shall notify all school staff involved in providing or enforcing supportive measures or accommodations of their duties in writing.
- (2) may, if appropriate and if directed by the student assist the student in contacting campus or local law enforcement agencies to make a report.
- (3) shall notify the student of their rights and the institution's responsibilities regarding protection orders, no contact orders, and any other lawful orders issued by the institution or by a criminal, civil, or tribal court.
- (4) shall not be required to report an incident to the institution or a law enforcement agency unless otherwise required to do so by state or federal law.
- (5) may attend an administrative or institution-based adjudication proceeding as the support person if requested by the student.
- (6) shall not disclose confidential information, including name, contact information, any personally identifying information and information on the sexual misconduct, without the prior written consent of the student who shared the information.
- (7) Shall not request any personal information other than that required for the fulfillment of their duties.
- (8) shall not provide services to the reporting party and responding party of the same incident.

(f) Nothing in this section shall be construed to limit either party's right of cross examination of the Advocacy Coordinator in a civil or criminal proceeding if the Advocacy Coordinator testifies after written consent has been given. An Advocacy Coordinator shall not act as a counselor or therapist.

(h) Notice to an Advocacy Coordinator of an alleged act of sexual misconduct or an Advocacy Coordinator's performance of a service under this section shall not be considered actual or constructive notice of such an alleged act to the institution of higher education at which the Advocacy Coordinator is employed or provides contracted services.

(i) If a conflict of interest arises for an institution in which an Advocacy Coordinator is supporting a student's need for sexual assault crisis services or campus or law enforcement services, the institution shall not discipline, penalize, or otherwise retaliate against the Advocacy Coordinator for representing the interest of the reporting party.

Sec. 3 Memorandum of understanding between institutions of higher education and local sexual assault programs

(a) An institution of higher education shall enter into, and maintain, a memorandum of understanding with their local sexual violence member organization of the Network Against Domestic and Sexual Violence after passage of this bill and before the beginning of the subsequent school year. If an institution is unable to obtain a memorandum from their local program, the institution shall notify the Council to discuss alternatives. The memorandum of understanding shall:

(1) Assist in developing the institution's policies, programming, and training regarding sexual misconduct involving students.

(2) Provide an off-campus alternative for students of the institution to receive free and confidential sexual assault crisis services, including access to a forensic nursing examiner if available, or free and confidential domestic violence crisis services in response to sexual misconduct if available.

(3) Ensure that a student may access free and confidential counseling and advocacy services either on campus or off campus.

(4) Ensure cooperation and training between the institution and the local sexual assault member program of the Network Against Domestic and Sexual Violence to ensure an understanding of the roles that the institution and member program should play in responding to reports and disclosures of sexual misconduct against students and the institution's protocols for providing support and services to students.

(b) A memorandum of understanding may include an agreement, including a fee structure, between the sexual assault member program of the Network Against Domestic and Sexual Violence and the institution of higher education to provide confidential victim services. Confidential victim services may include case consultation and training fees for Advocates, consultation fees for the development and implementation of student education and prevention programs, the development of staff training and prevention curriculum, and confidential on-site office space for an advocate from the sexual assault member program of the Network Against Domestic and Sexual Violence to meet with students.

Sec. 4 Amnesty protections for reporting parties

A reporting party or a witness who causes an investigation of sexual misconduct shall not be subject to a disciplinary sanction for a violation of the institution's student conduct policy related to the incident unless the institution determines that the report was not made in good faith or that the violation was egregious. An egregious violation shall include taking an action that places the health and safety of another person at risk.

Sec. 5 Annual awareness programming and training

(a) An institution of higher education, with guidance from its Title IX coordinator, local and statewide law enforcement, local and statewide prosecution, health care service providers, the sexual assault member organizations of the Vermont Network Against Domestic and Sexual Violence and other relevant stakeholders shall provide mandatory annual trauma-informed, gender inclusive, LGBTQ+ inclusive sexual misconduct primary prevention and awareness programming for all students and all staff and faculty of the institution that shall include:

(1) an explanation of consent as it applies to sexual activity and sexual relationships
(2) the role drugs and alcohol play in an individual's ability to consent.
(3) information on all on and off-campus options relating to the reporting of an incident of sexual misconduct, the effects of each option, and the methods to report an incident of sexual misconduct, including confidential and anonymous disclosure. Options shall include law enforcement, SIU (special investigative units), and Network programs as reporting options.

(4) information on the institution's procedures for resolving sexual misconduct complaints and the range of sanctions or penalties the institution may impose on those found responsible for a violation.

(5) the name, contact information, and role of the Advocacy Coordinator and local sexual assault member organization of the Vermont Network Against Domestic and Sexual Violence.

(6) strategies for bystander intervention and risk reduction.

(7) how to implement supportive measures for reporting parties, including how to access health services, mental health services, and a confidential advocate at a Network program.

(8) opportunities for ongoing sexual misconduct prevention and awareness training and programming.

(9) best practices for responding to disclosures of sexual misconduct

(b) Trainings must be culturally responsive and address the unique experiences and challenges faced by students based on race, color, ethnicity, national origin, religion, economic status, disability, and sex, including sexual orientation, gender identity, and pregnancy/parenting status.

(c) Information on topics in section (a) above including on/off campus supportive measures for reporting parties shall be provided in a centrally located place on the institutions' website.

Sec. 6 V.S.A. § 2187. Intercollegiate Sexual Harm Prevention Council - amend

(x) The Council shall create annual training opportunities addressing prevention and sexual assault response processes open to representatives from all Vermont higher education institutions.

(xx) The amount of \$22,000 annually shall be appropriated for staffing of the Council, administering annual prevention trainings, and student stipends.

(xxx) [~~Section 2187 repealed effective July 1, 2025.~~]