



S. 120: An Act Relating to Postsecondary Schools and Sexual Misconduct Protections

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Thank you for taking up S. 120, an act relating to postsecondary schools and sexual misconduct protections. The Vermont Network serves as the leading statewide voice on issues related to domestic and sexual violence. We represent 15 independent, non-profit Member Organizations who provide direct services to victims and survivors of violence in communities across Vermont – including many victims of campus sexual violence or dating violence. In 2023, our Member Organizations answered 23,300 hotline/chatline calls from individuals seeking support and provided in-person advocacy to 8,494 Vermonters.

For too many students in Vermont, their time in college also includes experiences of sexual assault or sexual harm. Women ages 18-24 are four times more likely than women of other ages to experience sexual violence.¹ The impacts of sexual assault on college campuses are disproportionate to other types of victimizations – for example, college-aged women are twice as likely to be sexually assaulted than robbed.² For these student survivors, sexual violence that is experienced in college often has detrimental and material impacts on their educational attainment, future earnings and their overall health and wellbeing. Despite the prevalence of campus sexual violence, only a very small number (estimated at less than 10%) of these cases are reported at all, and a smaller number still wind their way through campus judicial processes or criminal prosecution.³

This Committee took up S. 120 last year. There was significant stakeholder input from various stakeholders and educational institutions regarding the bill as introduced. After the legislature adjourned last year, the Intercollegiate Sexual Harm Prevention Council worked to address many of the concerns raised in testimony and to work together on proposals to move this bill forward. This included several subcommittees that met and provided language proposals as well as many opportunities for input and feedback. At the December meeting of the Intercollegiate Sexual Harm Prevention Council, the Council walked through these revisions section by section. These proposed changes were supported by almost every stakeholder on the Council, with the express exception of the University of Vermont. These changes are intended to create a framework for a consistent response to campus sexual harm while offering generous operational flexibility to institutions to implement the law.

¹ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Rape and Sexual Victimization Among College-Aged Females, 1995-2013 (2014).

² National Crime Victimization Survey, 1995-2013 (2015); ii. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Rape and Sexual Victimization Among College-Aged Females, 1995-2013 (2014).

³ Cullen, F., Fisher, B., & Turner, M., The sexual victimization of college women (NCJ 182369). (2000). Retrieved from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice: <https://www.ncjrs.gov/pdffiles1/nij/182369.pdf>



As the basis of my testimony today, I would like to walk through the progress that was made by the Council over the summer and fall and the most substantive changes to the bill as introduced that resulted from this work. I have provided detailed proposals for amendments to the Committee, but will walk through these changes at a slightly higher level for the purposes of testimony.

Section 1: Sexual Misconduct Campus Climate Survey

While we continue to remain strongly supportive of a campus climate survey, there was not stakeholder consensus or agreement on a shared climate survey. Therefore, we suggest removing Section 1 of the bill at this time. We will continue to promote efforts to ensure that campuses are conducting climate surveys, and upcoming Title IX regulations may also be relevant to campus climate survey requirements.

Section 2: Resource Advisors

In this section of the bill, we propose to replace the terms “resource advisors” with “advocacy coordinator” throughout the section. We also propose to only require that an advocacy coordinator is available at institutions of higher education with 1,000 or more full-time residential students. This change was meant to address any burdens that may be experienced by smaller or non-residential institutions. In addition, we propose to remove some of the specified requirements for these positions and removed the confidentiality privilege for these positions as originally proposed.

Section 3: Memorandums of Understanding

We do not offer any proposed changes to Section 3 of the bill. There is one item of significant importance in requiring an MOU between institutions of higher education and community-based sexual assault programs. Community-based sexual assault advocates enjoy crisis worker privilege which allows them to offer confidential support and advocacy with protections from requests or subpoenas. It is essential that these partnerships exist.

Section 4: Amnesty Policy

There were no proposed changes to the amnesty policy. This was one of the earliest sections of the bill to receive the near unanimous support of the Council. Most neighboring New England states have the same or similar language protecting students who are victims or witness to sexual assaults in reporting such incidents.

Section 5: Annual Awareness Programming and Training



Proposed changes in this section include ensuring that an appropriate range of stakeholders are involved in planning and providing annual training and that all on and off campus reporting options are included in this training. We are also proposing that training or related information is available on an institution's website.

Section 6: Intercollegiate Sexual Harm Prevention Council

Proposed revisions to this section include replacing the annual conference with annual training opportunities to ensure greater operational flexibility and repealing the sunset of the Council in 2025.