

Campus Bill- Proposed Edits

Sec. 1. Campus Climate Survey

[Removed]

Sec. 2. Advocacy Coordinator

[Removed]

Sec. 3 Student access to confidential sexual misconduct support services; Collaboration with external providers

(a) Institutions of higher education shall ~~ensure~~ facilitate students' ~~have~~ access to confidential sexual misconduct support services covered by 12 V.S.A. § 1614 or other legally recognized privilege of comparable effect either on campus or off campus.

(b) To the extent an institution of higher education is working with an external provider to provide confidential support services described in (a) on its behalf and beyond those the external provider may provide as a matter of course to the general public, they shall enter into, and maintain, an agreement with the external provider. Agreements may address:

(1) Assistance in development or delivery of programming and training regarding sexual misconduct involving students.

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

(3) Reciprocal education of institution and external provider personnel to ensure a mutual understanding of the other's role, responsibilities, and processes for receiving disclosures of sexual misconduct, the provision of support services, and options for resolution.

(4) Reporting of data as required by federal law, if applicable, as well as reporting of de-identified aggregate information that will aid the institution in identifying and addressing trends of concern.

(4) Use of institution provided space to meet confidentially with members of the campus community.

(c) All agreements described in (b) shall be independently negotiated between the institution of higher education and external provider(s).

Sec. 4 Amnesty protections

Institutions shall craft and adopt an amnesty provision that prohibits disciplinary action against a student reporting or otherwise participating in an institutional sexual misconduct resolution process for ancillary alleged policy violations related to the sexual misconduct incident at issue unless the institution determines that the conduct giving rise to the ancillary alleged policy violation placed or threatened to place the health and safety of another person at risk. This provision shall not be construed to limit a counter-complaint made in good faith, or to prohibit action as to a report made in bad faith.

Sec. 5 Annual awareness programming and training

Commented [JP1]: Wendy – Here are some bullet points supporting our suggested edits.

•“Ensure access to” -- VSC and UVM both raised the question as to intent of this language. UVM previously suggested “are made aware of and referred to.” Institutions cannot require students to engage with any provider, even if we have an agreement with them.

•VSA Reference -- Many institutions have campuses or programs occurring out of state or on the border (as well as students who complete certain programmatic elements out of state). There are also national programs that could be tapped into (e.g. RAINN). Relying solely on VT statute is insufficient.

•VSA Reference -- If creating an on campus program, there are some questions as to whether the institution can qualify for 1614 or if the individual(s) performing the work would need to have additional legal confidentiality protection through licensure. Campuses need the latitude to decide whether or not this function is accomplished through the creation of its own program versus through contract with an external provider. VSC noted that they have this position as an employee at VTSU and UVM used to have such a position.

(a) An institution of higher education shall offer annual trauma-informed, inclusive, and culturally relevant sexual misconduct primary prevention and awareness programming to all students and all staff and faculty of the institution. Primary prevention and awareness programming shall address, in a manner appropriate to the audience:

(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 about on and off-campus options for reporting of an incident of sexual misconduct, including confidential and anonymous disclosure mechanisms, and the effects of each option.

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

(5) the name and contact information of institutional officials responsible for coordination of supportive measures and an overview of the types of supportive measures available.

(6) the name, contact information, and services of confidential resources, on and/or off campus.

(7) strategies for bystander intervention and risk reduction.

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

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

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

(b) 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.

(c) Institutions shall endeavor to collaborate with community partners, such as local and statewide law enforcement, local and statewide prosecution, health care service providers, confidential service providers, and other relevant stakeholders regarding the inclusion of appropriate information about their respective roles and offerings in primary prevention and awareness programming.

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

(x) The Council shall create and/or promote 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.