

SENATE BILL 607

F2

(8lr2835)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Appropriations* —

Introduced by **Senators Conway, Zucker, Benson, Guzzone, Jennings, King, Madaleno, Manno, Middleton, Muse, Peters, Pinsky, Ramirez, Robinson, Rosapepe, Smith, and Young**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Higher Education – Sexual Assault Policy – Disciplinary Proceedings ~~Policy~~**
3 **Provisions**

4 FOR the purpose of requiring the governing body of each institution of higher education,
5 on or before a certain date, to adopt and submit to the Maryland Higher Education
6 Commission a revised written policy on sexual assault that includes certain
7 disciplinary proceedings provisions; requiring the disciplinary proceedings ~~policy~~
8 provisions to include a description of the rights for certain students and to include
9 certain provisions; requiring the disciplinary proceedings ~~policy~~ provisions to require
10 an institution of higher education to provide certain students with a certain notice,
11 to use a certain standard of proof in certain disciplinary proceedings, to prohibit the
12 use of mediation to resolve certain allegations except under certain circumstances,
13 to prohibit a certain adjudicating official or body from considering certain types of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 evidence, except in certain circumstances, ~~to prohibit an adjudicating officer or body~~
 2 ~~from making certain findings except in certain circumstances,~~ to ~~require~~ *authorize*
 3 counsel to be provided to certain students under certain circumstances, ~~and~~ *to*
 4 *authorize certain institutions to use mediation under certain circumstances,* to
 5 require the Commission to pay certain costs and fees except under certain
 6 circumstances, and to provide for the construction of this Act; *specifying that an*
 7 *institution may not discourage a student from retaining an attorney; specifying that*
 8 *the Commission is not required to pay a student's attorney's fees for representation in*
 9 *a criminal or civil matter;* and generally relating to sexual assault and disciplinary
 10 proceedings ~~policies~~ provisions at institutions of higher education.

11 BY repealing and reenacting, with amendments,
 12 Article – Education
 13 Section 11–601
 14 Annotated Code of Maryland
 15 (2014 Replacement Volume and 2017 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 17 That the Laws of Maryland read as follows:

18 Article – Education

19 11–601.

20 (a) (1) By August 1, 1993, the governing body of each institution of higher
 21 education shall adopt and submit to the Commission a written policy on sexual assault.

22 (2) The policy adopted under paragraph (1) of this subsection shall apply
 23 to each student, faculty member, and employee of the institution and inform the students,
 24 faculty members, and employees of their rights and duties under the policy.

25 (b) (1) Each institution of higher education shall post at appropriate locations
 26 on each campus and distribute to its students, faculty members, and employees a copy of
 27 the policy adopted under subsection (a) of this section.

28 (2) Each institution of higher education shall implement the policy adopted
 29 under subsection (a) of this section.

30 (c) The sexual assault policy required under subsection (a) of this section shall
 31 conform with § 485(f) of the Higher Education Act of 1965 as amended [and], Title IX of
 32 the Education Amendments of 1972, and **ANY ADDITIONAL REQUIREMENTS UNDER**
 33 **THIS SECTION AND** shall include procedures for reporting an incident of sexual assault
 34 and for taking disciplinary actions against a violator of the policy, including provisions for:

35 (1) Informing a victim of a sexual assault of the right to file criminal
 36 charges with the appropriate law enforcement official;

1 (2) The prompt assistance of campus authorities, at the request of the
2 victim, in notifying the appropriate law enforcement officials and disciplinary authorities
3 of an incident of sexual assault;

4 (3) Designation of the nearest hospitals equipped with the Department of
5 State Police Sexual Assault Evidence Collection Kit;

6 (4) Full and prompt cooperation from campus personnel in obtaining
7 appropriate medical attention, including transporting the victim to the nearest designated
8 hospital;

9 (5) Offering counseling to a victim of sexual assault from mental health
10 services provided by the institution, other victim service entities, or the nearest State
11 designated rape crisis program;

12 (6) After a campus sexual assault has been reported, and upon the request
13 of the alleged victim, the transfer of the alleged victim to alternative classes or housing, if
14 such alternatives are available and feasible;

15 (7) Prohibiting the imposition of a campus conduct action, except for a
16 mandatory intervention for substance abuse, for a violation of the alcohol or drug use
17 policies of the institution of higher education for a student who reports to the institution or
18 a law enforcement officer an incidence of sexual assault or who participates in an
19 investigation of a sexual assault as a witness if:

20 (i) The institution of higher education determines the violation
21 occurred during or near the time of the alleged sexual assault;

22 (ii) The student is determined to have made the report of sexual
23 assault or is participating in an investigation as a witness in good faith; and

24 (iii) The institution of higher education determines that the violation
25 was not an act that was reasonably likely to place the health or safety of another individual
26 at risk;

27 (8) Prohibiting the institution of higher education from retaliating against
28 a student who files a complaint for sexual assault or who participates as a witness in an
29 investigation of a sexual assault; and

30 (9) Pursuing formalized agreements with:

31 (i) The local law enforcement agency that complies with the
32 relevant provisions of Title IX of the Education Amendments of 1972 and clearly states
33 when a school will refer a matter to local law enforcement; and

1 (ii) A State designated rape crisis program, federally recognized
2 sexual assault coalition, or both that formalizes a commitment to provide trauma-informed
3 services to victims of sexual assault and improve the overall response to sexual assault by
4 the institution of higher education.

5 (D) (1) THE GOVERNING BODY OF EACH INSTITUTION OF HIGHER
6 EDUCATION SHALL INCLUDE IN THE SEXUAL ASSAULT POLICY REQUIRED UNDER
7 SUBSECTION (A) OF THIS SECTION ~~A PROVISIONS FOR DISCIPLINARY PROCEEDINGS~~
8 ~~POLICY PROVISIONS~~ FOR ALLEGED VIOLATIONS OF THE SEXUAL ASSAULT POLICY.

9 (2) ON OR BEFORE AUGUST 1, 2019, THE GOVERNING BODY OF EACH
10 INSTITUTION OF HIGHER EDUCATION SHALL ADOPT AND SUBMIT A REVISED SEXUAL
11 ASSAULT POLICY THAT INCLUDES THE DISCIPLINARY PROCEEDINGS ~~POLICY~~
12 ~~PROVISIONS~~ REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

13 (3) THE DISCIPLINARY PROCEEDINGS ~~POLICY~~ ~~PROVISIONS~~
14 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A
15 DESCRIPTION OF THE RIGHTS OF A STUDENT WHO ALLEGES A VIOLATION OF OR A
16 STUDENT WHO RESPONDS TO AN ALLEGATION OF A VIOLATION OF THE
17 INSTITUTION'S SEXUAL ASSAULT POLICY, INCLUDING:

18 (I) TREATMENT WITH DIGNITY, RESPECT, AND SENSITIVITY BY
19 OFFICIALS OF THE INSTITUTION OF HIGHER EDUCATION DURING ALL PHASES OF
20 THE DISCIPLINARY PROCEEDINGS;

21 (II) A ~~TIMELY~~ FAIR AND IMPARTIAL INVESTIGATION;

22 (III) DISCIPLINARY PROCEEDINGS AND RESOLUTIONS THAT ARE
23 ~~FAIR AND IMPARTIAL~~ PROMPT AND EQUITABLE AND PROVIDE ~~A MEANINGFUL~~ AN
24 OPPORTUNITY FOR THE ALLEGED VICTIM AND THE ALLEGED VIOLATOR TO BE
25 HEARD;

26 (IV) TIMELY WRITTEN NOTICE OF:

27 1. THE REPORTED VIOLATION ~~OF THE INSTITUTION'S~~
28 ~~SEXUAL ASSAULT POLICY~~, INCLUDING THE DATE, TIME, AND LOCATION OF THE
29 ALLEGED VIOLATION, AND THE RANGE OF POTENTIAL SANCTIONS ASSOCIATED
30 WITH THE ALLEGED VIOLATION;

31 2. THE STUDENT'S RIGHTS AND RESPONSIBILITIES
32 UNDER THE SEXUAL ASSAULT POLICY AND ~~APPLICABLE LAW~~ INFORMATION
33 REGARDING OTHER CIVIL AND CRIMINAL OPTIONS;

1 3. THE DATE, TIME, AND LOCATION OF EACH HEARING,
2 MEETING, OR INTERVIEW THAT THE STUDENT IS REQUIRED OR PERMITTED TO
3 ATTEND;

4 4. ~~ANY~~ A FINAL DETERMINATION MADE BY THE
5 ADJUDICATING OFFICIAL OR BODY REGARDING WHETHER A SEXUAL ASSAULT
6 POLICY VIOLATION OCCURRED AND THE BASIS FOR THE DETERMINATION;

7 5. ANY SANCTION IMPOSED; AND

8 6. THE STUDENT'S RIGHTS TO APPEAL AND A
9 DESCRIPTION OF THE APPEAL PROCESS;

10 (v) PARTICIPATION IN THE DISCIPLINARY PROCEEDINGS,
11 INCLUDING:

12 1. ACCESS TO THE CASE FILE AND EVIDENCE
13 REGARDING THE INCIDENT OBTAINED BY THE INSTITUTION OF HIGHER EDUCATION
14 DURING THE INVESTIGATION OR CONSIDERED BY THE ADJUDICATING OFFICIAL OR
15 BODY, WITH PERSONALLY IDENTIFIABLE OR OTHER INFORMATION REDACTED ~~IF~~
16 ~~REQUIRED BY LAW~~ AS REQUIRED BY APPLICABLE LAW;

17 2. OFFERING TESTIMONY AT A HEARING OR, IF THE
18 INSTITUTION'S PROCESS DOES NOT INCLUDE A HEARING, TO THE ADJUDICATING
19 OFFICIAL;

20 3. SUBMITTING EVIDENCE, WITNESS LISTS, AND
21 SUGGESTED SPECIFIC QUESTIONS TO BE POSED TO THE OTHER STUDENT INVOLVED
22 IN THE DISCIPLINARY PROCEEDINGS BY INVESTIGATORS OR THE ADJUDICATING
23 OFFICIAL OR BODY;

24 4. PROVIDING AND REVIEWING TESTIMONY
25 ELECTRONICALLY OR IN A WAY IN WHICH THE STUDENTS ARE NOT REQUIRED TO BE
26 IN THE PHYSICAL PRESENCE OF THE OTHER;

27 5. REVIEWING AND PROVIDING WRITTEN RESPONSES TO
28 REPORTS AND PROPOSED FINDINGS; AND

29 6. APPEALING A DETERMINATION OR A SANCTION;

30 (vi) ASSISTANCE BY A LICENSED ATTORNEY, AN ADVOCATE
31 SUPERVISED BY AN ATTORNEY, OR ~~AN ADVOCATE CERTIFIED BY THE FEDERALLY~~
32 ~~RECOGNIZED STATE SEXUAL ASSAULT COALITION~~ A TRAINED ADVOCATE

1 THROUGHOUT THE DISCIPLINARY PROCEEDINGS, INCLUDING BY THE ATTORNEY OR
2 ADVOCATE'S:

3 1. ATTENDANCE AT HEARINGS, MEETINGS, AND
4 INTERVIEWS WITH THE STUDENT;

5 2. PRIVATE CONSULTATIONS WITH THE STUDENT
6 DURING HEARINGS, MEETINGS, AND INTERVIEWS, EXCEPT DURING QUESTIONING OF
7 THE STUDENT AT A HEARING; AND

8 3. ASSISTANCE WITH THE STUDENT'S EXERCISE OF ANY
9 RIGHT DURING THE DISCIPLINARY PROCEEDINGS; AND

10 (VII) ~~THE~~ NOTWITHSTANDING THE CHOICE THAT A STUDENT
11 MAKES UNDER PARAGRAPH (4)(V) OF THIS SUBSECTION, THE PRESENCE OF NO
12 MORE THAN TWO PEOPLE, INCLUDING A PERSONAL SUPPORTER OF THE STUDENT'S
13 CHOICE, ~~IN ADDITION TO~~ AN ATTORNEY, OR AN ADVOCATE, AT ANY HEARING,
14 MEETING, OR INTERVIEW DURING THE DISCIPLINARY PROCEEDINGS.

15 (4) THE DISCIPLINARY PROCEEDINGS ~~POLICY~~ PROVISIONS
16 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

17 (I) REQUIRE THE INSTITUTION OF HIGHER EDUCATION TO
18 PROVIDE EACH STUDENT INVOLVED IN DISCIPLINARY PROCEEDINGS WITH NOTICE,
19 ~~AT LEAST 10 DAYS PRESENTED IN A CULTURALLY AN~~ AN APPROPRIATE AND SENSITIVE
20 FORMAT, BEFORE THE START OF THE DISCIPLINARY PROCEEDINGS, OF:

21 1. THE STUDENT'S RIGHT TO THE ASSISTANCE OF AN
22 ATTORNEY OR AN ADVOCATE;

23 2. THE LEGAL SERVICE ORGANIZATIONS AND REFERRAL
24 SERVICES AVAILABLE TO THE STUDENT; AND

25 3. THE STUDENT'S RIGHT TO HAVE A PERSONAL
26 SUPPORTER OF THE STUDENT'S CHOICE AT ANY HEARING, MEETING, OR INTERVIEW
27 DURING THE DISCIPLINARY PROCEEDINGS;

28 (II) REQUIRE THE USE OF THE SAME STANDARD OF PROOF USED
29 IN OTHER DISCIPLINARY PROCEEDINGS AT THE INSTITUTION OF HIGHER
30 EDUCATION FOR ALLEGATIONS OF CODE OF CONDUCT VIOLATIONS INVOLVING
31 DISCRIMINATION OR HARM TO ANOTHER INDIVIDUAL;

32 (III) ~~PROHIBIT~~ EXCEPT AS PROVIDED IN PARAGRAPH (5) OF
33 THIS SUBSECTION, PROHIBIT THE INSTITUTION OF HIGHER EDUCATION FROM

1 USING MEDIATION TO RESOLVE AN ALLEGATION OF A VIOLATION OF THE
2 INSTITUTION'S SEXUAL ASSAULT POLICY;

3 (IV) PROHIBIT THE ADJUDICATING OFFICIAL OR BODY FROM
4 CONSIDERING CERTAIN EVIDENCE, INCLUDING:

5 1. ~~AN ALLEGED VICTIM'S~~ A STUDENT'S PRIOR SEXUAL
6 HISTORY WITH AN INDIVIDUAL OTHER THAN ~~THE STUDENT ALLEGED TO HAVE~~
7 ~~COMMITTED THE VIOLATION~~ A PARTY TO THE PROCEEDINGS, EXCEPT TO:

8 A. ~~PROVE~~ PROVE THE SOURCE OF INJURY ~~OR~~;

9 B. PROVE PRIOR SEXUAL MISCONDUCT;

10 C. SUPPORT A CLAIM THAT A STUDENT HAS AN
11 ULTERIOR MOTIVE; OR

12 D. IMPEACH A STUDENT'S CREDIBILITY AFTER THAT
13 STUDENT HAS PUT HIS OR HER OWN PRIOR SEXUAL CONDUCT AT ISSUE; AND

14 2. A STUDENT'S HISTORY OF MENTAL HEALTH
15 COUNSELING, TREATMENT, OR DIAGNOSIS, UNLESS THE STUDENT CONSENTS; AND

16 ~~(V) PROHIBIT THE ADJUDICATING OFFICIAL OR BODY FROM~~
17 ~~FINDING THAT ALL STUDENTS INVOLVED IN THE DISCIPLINARY PROCEEDINGS~~
18 ~~VIOLATED THE SEXUAL ASSAULT POLICY, UNLESS THE ADJUDICATING OFFICER OR~~
19 ~~BODY FINDS THAT:~~

20 1. ~~NO STUDENT ACTED TO DOMINATE ANY OTHER~~
21 ~~INDIVIDUAL; AND~~

22 2. ~~EVERY STUDENT INTENTIONALLY DISREGARDED THE~~
23 ~~OTHER STUDENTS' LACK OF CONSENT; AND~~

24 ~~(VI) UNLESS AN ADJUDICATING OFFICIAL OR BODY MAKES~~
25 ~~WRITTEN FINDINGS AND A DETERMINATION THAT THE DISCIPLINARY PROCEEDINGS~~
26 ~~UNDER THIS SECTION WILL NOT RESULT IN THE EXPULSION OF A STUDENT, REQUIRE~~
27 ~~THAT:~~

28 1. ~~COUNSEL SHALL BE PROVIDED FOR EACH STUDENT~~
29 ~~ALLEGING A VIOLATION AND EACH STUDENT RESPONDING TO AN ALLEGATION OF~~
30 ~~THE SEXUAL ASSAULT POLICY; AND~~

1 (V) ~~REQUIRE THAT COUNSEL BE PROVIDED AND~~ AUTHORIZE
 2 STUDENTS TO ACCESS COUNSEL PAID FOR BY THE COMMISSION, AS DESCRIBED
 3 UNDER PARAGRAPH (6) OF THIS SUBSECTION, FOR:

4 ~~1. A STUDENT WHO MAKES A COMPLAINT ON WHICH A~~
 5 ~~FORMAL A TITLE IX INVESTIGATION IS INITIATED, UNLESS THE STUDENT~~
 6 ~~KNOWINGLY AND VOLUNTARILY CHOOSES NOT TO HAVE COUNSEL; AND~~

7 ~~2. A STUDENT WHO RESPONDS TO A COMPLAINT,~~
 8 ~~UNLESS THE STUDENT KNOWINGLY AND VOLUNTARILY CHOOSES NOT TO HAVE~~
 9 ~~COUNSEL.~~

10 1. A CURRENT OR FORMER STUDENT WHO MAKES A
 11 COMPLAINT ON WHICH A FORMAL TITLE IX INVESTIGATION IS INITIATED AND WHO
 12 WAS ENROLLED AS A STUDENT AT THE INSTITUTION AT THE TIME OF THE INCIDENT
 13 THAT IS THE BASIS OF THE COMPLAINT, UNLESS THE STUDENT KNOWINGLY AND
 14 VOLUNTARILY CHOOSES NOT TO HAVE COUNSEL; AND

15 2. A CURRENT OR FORMER STUDENT WHO RESPONDS TO
 16 A COMPLAINT ON WHICH A FORMAL TITLE IX INVESTIGATION IS INITIATED AND WHO
 17 WAS ENROLLED AS A STUDENT AT THE INSTITUTION AT THE TIME OF THE INCIDENT
 18 THAT IS THE BASIS OF THE COMPLAINT, UNLESS THE STUDENT KNOWINGLY AND
 19 VOLUNTARILY CHOOSES NOT TO HAVE COUNSEL.

20 ~~2. THE COMMISSION SHALL PAY REASONABLE COSTS~~
 21 ~~AND ATTORNEY'S FEES FOR A STUDENT THAT:~~

22 A. ~~IS ENTITLED TO COUNSEL UNDER THIS SUBSECTION;~~
 23 ~~AND~~

24 B. ~~IS INDIGENT AND UNABLE TO RETAIN COUNSEL.~~

25 (5) THE DISCIPLINARY PROCEEDINGS PROVISIONS REQUIRED UNDER
 26 PARAGRAPH (1) OF THIS SUBSECTION SHALL AUTHORIZE AN INSTITUTION TO USE
 27 MEDIATION OR OTHER INFORMAL MECHANISMS FOR RESOLVING A COMPLAINT
 28 RELATING TO THE INSTITUTION'S SEXUAL ASSAULT POLICY IF:

29 (I) THE COMPLAINING STUDENT REQUESTS AN INFORMAL
 30 MECHANISM;

31 (II) ALL PARTIES TO THE COMPLAINT, AND THE INSTITUTION,
 32 AGREE TO THE USE OF THE INFORMAL MECHANISM;

1 (III) THE INSTITUTION PARTICIPATES IN THE INFORMAL
2 MECHANISM BY PROVIDING TRAINED STAFF;

3 (IV) ANY PARTY MAY END THE INFORMAL MECHANISM AT ANY
4 TIME IN FAVOR OF A FORMAL RESOLUTION PROCEEDING; AND

5 (V) THE ALLEGED MISCONDUCT DOES NOT INVOLVE SEXUAL
6 ASSAULT OR SEXUAL COERCION.

7 (6) (I) THE DISCIPLINARY PROCEEDINGS PROVISIONS REQUIRED
8 UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL, UNLESS A STUDENT WAIVES
9 COUNSEL UNDER PARAGRAPH (4)(V) OF THIS SUBSECTION, REQUIRE THE
10 COMMISSION TO PAY REASONABLE COSTS AND ATTORNEY'S FEES FOR STUDENTS
11 PROVIDED COUNSEL UNDER PARAGRAPH (4)(V) OF THIS SUBSECTION, AS PROVIDED
12 UNDER THIS PARAGRAPH.

13 (II) IN CONSULTATION WITH STATE AND LOCAL BAR
14 ASSOCIATIONS AND LEGAL SERVICES PROVIDERS WITH EXPERTISE ABOUT SEXUAL
15 MISCONDUCT, THE COMMISSION SHALL DEVELOP A LIST OF ATTORNEYS AND LEGAL
16 SERVICES PROGRAMS WILLING TO REPRESENT STUDENTS ON A PRO BONO BASIS OR
17 AT FEES EQUIVALENT TO THOSE PAID TO ATTORNEYS UNDER CIVIL LEGAL SERVICES
18 PROGRAMS ADMINISTERED BY THE MARYLAND LEGAL SERVICES CORPORATION,
19 ESTABLISHED UNDER TITLE 11 OF THE HUMAN SERVICES ARTICLE.

20 (III) A STUDENT MAY SELECT AN ATTORNEY FROM THE LIST
21 DEVELOPED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.

22 ~~(IV) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS~~
23 ~~SUBPARAGRAPH, A STUDENT SHALL SELECT AND RETAIN AN ATTORNEY WITHIN 30~~
24 ~~DAYS OF THE NOTICE PROVIDED TO THE STUDENT OF THE STUDENT'S RIGHT TO~~
25 ~~COUNSEL.~~

26 ~~2. IF A STUDENT DOES NOT SELECT AND RETAIN AN~~
27 ~~ATTORNEY WITHIN 30 DAYS, THE COMMISSION SHALL SELECT AND RETAIN AN~~
28 ~~ATTORNEY FOR THE STUDENT.~~

29 (IV) 1. A STUDENT MAY SELECT AND RETAIN AN ATTORNEY
30 BEFORE THE CONCLUSION OF THE FORMAL TITLE IX PROCEEDINGS.

31 2. AN INSTITUTION MAY NOT DISCOURAGE A STUDENT
32 FROM RETAINING AN ATTORNEY.

33 (V) IF A STUDENT SELECTS AND RETAINS AN ATTORNEY WHO IS
34 NOT ON THE LIST DEVELOPED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH,

1 THE COMMISSION SHALL PAY FEES TO THE ATTORNEY SELECTED BY THE STUDENT
2 THAT ARE EQUIVALENT TO THOSE PAID TO ATTORNEYS UNDER CIVIL LEGAL
3 SERVICES PROGRAMS ADMINISTERED BY THE MARYLAND LEGAL SERVICES
4 CORPORATION.

5 (7) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT AN
6 INSTITUTION OF HIGHER EDUCATION FROM IMPOSING INTERIM SAFETY MEASURES.

7 (8) THE COMMISSION IS NOT REQUIRED TO PAY A STUDENT'S
8 ATTORNEY'S FEES FOR REPRESENTATION IN A CRIMINAL OR CIVIL MATTER.

9 [(d)] (E) The Commission shall:

10 (1) Coordinate the development of the sexual assault policies; and

11 (2) Periodically review and make recommendations for changes in these
12 policies.

13 [(e)] (F) (1) The Commission, in consultation with institutions of higher
14 education, shall establish procedures for the administration of a sexual assault campus
15 climate survey by each institution of higher education.

16 (2) The procedures shall require each institution of higher education to
17 provide for the completion of the survey by various methods, including online.

18 [(f)] (G) On or before March 1, 2016, and at least every 2 years thereafter, each
19 institution of higher education shall:

20 (1) Develop an appropriate sexual assault campus climate survey using
21 nationally recognized best practices for research and climate surveys; and

22 (2) Administer the sexual assault campus climate survey to students in
23 accordance with the procedures established under subsection [(e)] (F) of this section.

24 [(g)] (H) (1) On or before June 1, 2016, and every 2 years thereafter, each
25 institution of higher education shall submit to the Commission:

26 (i) A report on school specific results of the sexual assault survey;
27 and

28 (ii) A report aggregating the data collected by the institution
29 regarding sexual assault complaints made to the institution, including the:

30 1. Types of misconduct;

31 2. Outcome of each complaint;

- 1 3. Disciplinary actions taken by the institution;
- 2 4. Accommodations made to students in accordance with the
3 sexual assault policy established under subsection (c) of this section; and
- 4 5. Number of reports involving alleged nonstudent
5 perpetrators.

6 (2) In reporting the data under paragraph (1) of this subsection, the
7 institution of higher education shall make reasonable efforts to protect student privacy.

8 (3) An institution of higher education shall submit the data required under
9 paragraph (1) of this subsection together with the reporting requirements of the federal
10 Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended
11 by the Violence Against Women Reauthorization Act of 2013.

12 **[(h)] (I)** On or before October 1, 2016, and every 2 years thereafter, the
13 Commission shall:

14 (1) Report to the Governor and, in accordance with § 2–1246 of the State
15 Government Article, the Senate Education, Health, and Environmental Affairs Committee,
16 the Senate Budget and Taxation Committee, the House Health and Government
17 Operations Committee, and the House Appropriations Committee on the reports required
18 under subsection **[(g)] (H)** of this section; and

19 (2) Publish the reports required under subsection **[(g)] (H)** of this section
20 on the Commission’s Web site and in any other location or venue the Commission
21 determines is necessary or appropriate.

22 **[(i)] (J)** Nothing in this subtitle shall be construed to confer a private cause of
23 action upon any person to enforce the provisions of this subtitle.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2018.