

House Bill 677

By: Representatives Scott of the 76<sup>th</sup>, Schofield of the 63<sup>rd</sup>, and Davis of the 87<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 postsecondary education, so as to provide for policies and procedures regarding sexual  
3 violence, intimate partner violence, and stalking and requirements therefor; to provide for  
4 notice; to create the Higher Education Interpersonal Violence Advisory Commission; to  
5 provide for membership and duties thereof; to provide for a survey and requirements  
6 therefor; to provide for confidential resource advisors and requirements and duties thereof;  
7 to provide for reporting and confidentiality; to provide for prevention and awareness  
8 programming; to provide for training requirements; to provide for immunity; to provide for  
9 memoranda of understanding; to provide for definitions; to provide for construction; to  
10 provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary  
14 education, is amended by adding a new article to read as follows:

H. B. 677

15 "ARTICLE 14

16 20-3-700.

17 As used in this article, unless the context otherwise indicates, the term:

18 (1) 'Affirmative consent' means consent to sexual activity that can be revoked at any  
19 time. Such term does not include silence, lack of resistance, or consent given while  
20 intoxicated.

21 (2) 'Commission' means the Higher Education Interpersonal Violence Advisory  
22 Commission established pursuant to this article.

23 (3) 'Employee' means an individual who is employed by an institution of higher  
24 education, including a full-time, part-time, or contracted employee, or an individual who  
25 was employed by an institution of higher education, including a full-time, part-time, or  
26 contracted employee, but has taken a leave of absence or terminated the employment as  
27 a result of having been a victim of sexual violence, intimate partner violence, or stalking  
28 or for any other reason.

29 (4) 'Institution of higher education' or 'institution' means a public, private, nonprofit, or  
30 for-profit postsecondary school chartered, incorporated, or otherwise organized in this  
31 state with an established physical presence in this state.

32 (5) 'Interpersonal violence climate survey' means the survey developed pursuant to Code  
33 Section 20-3-703.

34 (6) 'Intimate partner violence' means any felony or the offense of battery, simple battery,  
35 simple assault, assault, stalking, criminal damage to property, unlawful restraint, or  
36 criminal trespass that is committed by an individual who is or has been in a social  
37 relationship with another individual of an intimate nature regardless of whether the  
38 individuals were or are sexual partners.

39 (7) 'Reporting party' means a student or employee who reports having experienced an  
40 alleged incident of sexual violence, intimate partner violence, or stalking at an institution  
41 of higher education.

42 (8) 'Responding party' means an individual who has been accused of an alleged incident  
43 of sexual violence, intimate partner violence, or stalking at an institution of higher  
44 education.

45 (9) 'Sexual violence' means conduct that constitutes:

46 (A) Rape, sodomy, aggravated sodomy, statutory rape, improper sexual contact, sexual  
47 battery, or aggravated sexual battery under Chapter 6 of Title 16; or

48 (B) Trafficking under Code Section 16-5-46.

49 (10) 'Stalking' means conduct that constitutes a crime of stalking under Article 7 of  
50 Chapter 5 of Title 16.

51 (11) 'Student' means an individual who is enrolled or is seeking to be enrolled in an  
52 institution of higher education in this state or has taken a leave of absence from an  
53 institution of higher education as a result of having been a victim of sexual violence,  
54 intimate partner violence, or stalking.

55 (12) 'Title IX coordinator' means the employee at an institution of higher education who  
56 is responsible for institutional compliance with the Title IX provisions of the federal  
57 Education Amendments of 1972, P.L. 92-318, as amended.

58 (13) 'Trauma informed response' means a response by an individual who has received  
59 specific training in the complexities of trauma caused by sexual violence, intimate partner  
60 violence, or stalking, including training on:

61 (A) The neurobiological impact of trauma;

62 (B) The influence of societal stereotypes or other misconceptions relating to the causes  
63 and impacts of trauma on an individual experiencing the trauma caused by sexual  
64 violence, intimate partner violence, or stalking;

- 65 (C) Methodologies for avoiding perpetuation of the trauma caused by sexual violence,  
66 intimate partner violence, or stalking; and  
67 (D) How to conduct an effective investigation of trauma.

68 20-3-701.

69 (a) No later than January 1, 2024, each institution of higher education shall adopt a policy  
70 and related procedures on sexual violence, intimate partner violence, and stalking, in  
71 accordance with this article and consistent with applicable state and federal law. The  
72 policy shall be publicly available on each institution's campus website and in student  
73 handbooks. Notices of where the full policy is available and outreach for victims of sexual  
74 violence, intimate partner violence, and stalking shall be posted at campus locations where  
75 students regularly congregate. Each institution shall annually update the policy on the  
76 institution's website.

77 (b) The policy shall reflect the diverse needs of all students and employees and be  
78 culturally competent. An institution may consider input from various internal and external  
79 entities, including, but not limited to, the institution's Title IX coordinator, local sexual  
80 assault support centers, domestic violence resource centers, administrators, personnel  
81 affiliated with on-campus and off-campus healthcare centers, confidential resource  
82 advisors, residence life staff, students, employees, law enforcement agencies, and the  
83 district attorney having jurisdiction in the location where the institution of higher  
84 education's primary campus is located.

85 (c) The policy shall include, but shall not be limited to:

86 (1) Procedures by which students and employees at the institution may report or disclose  
87 alleged incidents of sexual violence, intimate partner violence, or stalking regardless of  
88 where the alleged incident occurred;

89 (2) Information on where a reporting party may receive immediate emergency assistance  
90 following an alleged incident of sexual violence, intimate partner violence, or stalking,  
91 including, but not limited to:

92 (A) The name and location of the nearest medical facility, including information on  
93 transportation options and information on reimbursement for travel costs, if any, where  
94 a reporting party may request that a forensic examination be administered by a licensed  
95 healthcare practitioner who has received sexual assault forensic examiner training and;

96 (B) The contact information for a local sexual assault support center and a domestic  
97 violence resource center with a description of the services provided by each center;

98 (C) The telephone number and website of a local sexual assault center and a national  
99 24 hour hotline that provide information on sexual assault; and

100 (D) Information on any programs that may provide financial assistance to a reporting  
101 party in covering the costs of emergency medical assistance, including, but not limited  
102 to, any available public victim compensation fund;

103 (3) Descriptions of the types of and contact information for counseling, health, safety,  
104 academic, and other support services available within the local community or region or  
105 through a local sexual assault support center or a domestic violence resource center,  
106 including, but not limited to, the names of and contact information for organizations that  
107 support responding parties accused of sexual violence, intimate partner violence, or  
108 stalking; the name of and contact information for a confidential resource advisor under  
109 Code Section 20-3-705 and a description of the role of and services provided by the  
110 confidential resource advisor; and the name of and contact information for the  
111 institution's Title IX coordinator;

112 (4) The rights of students and employees to:

113 (A) Notify or decline to notify a law enforcement agency, including campus, local, or  
114 state police, of an alleged incident of sexual violence, intimate partner violence, or  
115 stalking;

116 (B) Receive assistance from campus authorities in making any notification under  
117 subparagraph (A) of this paragraph; and

118 (C) Obtain a court issued or institution issued protection order against a responding  
119 party involved with the alleged incident of sexual violence, intimate partner violence,  
120 or stalking;

121 (5) The process for requesting supportive measures reasonably available from the  
122 institution, including, but not limited to, options for changing academic, living, campus  
123 transportation, or working arrangements or taking a leave of absence in response to an  
124 alleged incident of sexual violence, intimate partner violence, or stalking; how to request  
125 such changes; and the process by which such changes may be made;

126 (6) The contact information for the closest local, state, and federal law enforcement  
127 agencies with jurisdiction over matters involving sexual violence, intimate partner  
128 violence, or stalking; procedures for students or employees to notify the institution that  
129 a protection order has been issued under state or federal law; and the institution's  
130 responsibilities upon receipt of such notice;

131 (7) A summary of the institution's policy for informal resolution, investigating,  
132 adjudicating, and resolving sexual violence, intimate partner violence, or stalking  
133 complaints against students or employees, regardless of where the alleged offense  
134 occurred, including an explanation of all procedures that must be followed to obtain  
135 investigatory reports and gather evidence, and potential sanctions or penalties that may  
136 be imposed. Such policy shall provide that:

137 (A) The procedures be uniformly applied, to the extent practicable, for all proceedings  
138 relating to any claims of sexual violence, intimate partner violence, or stalking;

139 (B) An investigation, including any hearings and resulting disciplinary proceedings,  
140 be conducted by an individual who receives annual training on issues relating to sexual  
141 violence, intimate partner violence, or stalking, investigatory procedures, and hearing

142 procedures to protect the safety and rights of students or employees and promote  
143 accountability, objectivity, impartiality, and trauma informed responses;

144 (C) The reporting party and the responding party be provided with a copy of the policy  
145 regarding the submission and consideration of evidence that may be used during a  
146 disciplinary proceeding;

147 (D) The reporting party and the responding party be informed in writing of the results  
148 of a disciplinary proceeding no later than seven business days after a final  
149 determination of a complaint, not including time for appeal, if any, unless good cause  
150 for additional time is shown. The reporting party and responding party shall be  
151 informed of the process, if any, for appealing the decision;

152 (E) The institution shall not publicly disclose the identity of the reporting party or the  
153 responding party, except as necessary to carry out a disciplinary proceeding or as  
154 otherwise permitted under state or federal law; and

155 (F) The reporting party and the responding party shall be informed that the institution's  
156 disciplinary proceedings shall not serve as a substitute for the criminal justice process;  
157 and

158 (8) The range of sanctions or penalties the institution may impose on students or  
159 employees found responsible for a violation of the applicable institutional policy  
160 prohibiting sexual violence, intimate partner violence, or stalking.

161 (d) When adopting or amending a policy, an institution shall provide an opportunity for  
162 comment and a reasonable length of time in which comments will be accepted.

163 (e) The identity of a reporting party and a responding party and all information relating to  
164 an incident of sexual violence, intimate partner violence, or stalking are confidential and  
165 shall not be disclosed by the institution except as necessary to carry out a disciplinary  
166 process or as otherwise permitted under state or federal law.

167 20-3-702.

168 Each institution shall provide a reporting party and a responding party with written notice  
169 of the institution's decision to hold a disciplinary proceeding regarding an allegation of  
170 sexual violence, intimate partner violence, or stalking sufficiently in advance of a  
171 disciplinary proceeding. The disciplinary proceeding shall provide due process, be prompt,  
172 fair, and impartial, and shall include the opportunity for both parties to present witnesses  
173 and other evidence.

174 20-3-703.

175 (a) The Higher Education Interpersonal Violence Advisory Commission is created for the  
176 purpose of developing a base interpersonal violence climate survey for dissemination to  
177 institutions of higher education and for providing recommendations on the content, timing,  
178 and application of the survey and reporting on the survey to the General Assembly.

179 (b) The commission shall comprise 22 members as follows:

180 (1) The chair of the board of regents or his or her designee;

181 (2) The commissioner of Department of Public Health or his or her designee;

182 (3) The following nine members appointed by the chair of the board of regents:

183 (A) One member representing a state-wide coalition of sexual assault support centers;

184 (B) One member representing an organization promoting racial equity and justice;

185 (C) One member representing a coalition against sexual assault and domestic violence;

186 (D) One member representing a state-wide organization for disability rights;

187 (E) One member representing a state-wide organization for lesbian, gay, bisexual, and  
188 transgender people;

189 (F) One member representing a national advocacy organization focused on passing  
190 state legislation written by students and survivors addressing campus sexual violence;

191 (G) One member representing a state-wide coalition of domestic violence resource  
192 centers;

- 193 (H) One member representing an organization that advocates for immigrant  
194 communities in this state; and
- 195 (I) One representative from a civil legal services provider representing sexual assault  
196 survivors; and
- 197 (4) Eleven members appointed by the Governor:
- 198 (A) One student attending a public institution of higher education in this state;  
199 (B) One student attending a private institution of higher education in this state;  
200 (C) One student attending an institution in the Technical College System of Georgia;  
201 (D) One representative of the University System of Georgia recommended by the  
202 chancellor of the University System of Georgia;  
203 (E) One representative of a private institution of higher education recommended by an  
204 association of independent colleges in this state;  
205 (F) One representative of the Technical College System of Georgia recommended by  
206 the commissioner of the Technical College System of Georgia;  
207 (G) One Title IX coordinator at a public institution of higher education in this state;  
208 (H) One Title IX coordinator at a private institution of higher education in this state;  
209 (I) One researcher with experience in the development and design of interpersonal  
210 violence climate surveys;  
211 (J) One researcher of statistics, data analytics, or econometrics with experience in  
212 higher education survey analysis; and  
213 (K) One representative of an on-campus health center at an institution of higher  
214 education who has experience dealing with campus sexual violence, intimate partner  
215 violence, or stalking.
- 216 (c) The university system shall provide appropriate staffing assistance to the commission.  
217 (d) Each appointed member shall serve a two-year term except that, of those members first  
218 appointed, five appointed by the Governor and five appointed by the chair of the board of  
219 regents shall each be appointed for a one-year term. The term of office of each member

220 shall be designated at the time of appointment. A member of the commission may serve  
221 after the expiration of that member's term until a successor has been appointed. Members  
222 shall not be compensated.

223 (e) A quorum of the commission consists of two-thirds of appointed members.

224 (f) Beginning January 1, 2024, and biennially thereafter, the commission shall provide to  
225 the chair of the board of regents the interpersonal violence climate survey developed in  
226 accordance with subsections (g) and (h) of this Code section and shall include related  
227 recommendations, including, but not limited to, recommendations on achieving statistically  
228 valid response rates. The commission may make recommendations on legislative and  
229 policy actions or on enforcing and carrying out the provisions of this article and may  
230 undertake research development and program initiatives consistent with this article. The  
231 commission shall meet at least four times per year. Subcommittees of the commission may  
232 meet as necessary. The commission may accept funds from the federal government, local  
233 governments, or individuals, foundations, or corporations and may expend these funds for  
234 purposes that are consistent with this Code section. The commission may develop bylaws.

235 (g) The commission shall develop the interpersonal violence climate survey by:

236 (1) Using best practices from peer reviewed research and in consultation with individuals  
237 with expertise in the development and use of interpersonal violence climate surveys by  
238 institutions of higher education;

239 (2) Reviewing interpersonal violence climate surveys that have been developed and  
240 previously used by institutions of higher education in other states;

241 (3) To ensure the adequacy and appropriateness of the proposed content, providing  
242 opportunities for written comment from organizations that work directly with victims and  
243 survivors of sexual violence, intimate partner violence, and stalking;

244 (4) Consulting with institutions on strategies for optimizing the effectiveness of the  
245 interpersonal violence climate survey; and

246 (5) Accounting for the diverse needs and differences among the institutions of higher  
247 education.

248 (h) The interpersonal violence climate survey shall collect anonymous responses and shall  
249 not require the disclosure of personally identifiable information. The survey shall include  
250 the survey requirements of the federal Violence Against Women Act Reauthorization Act  
251 of 2022, P.L. 117-103, and shall be designed, without being duplicative of the federal  
252 requirements, to gather the following information:

253 (1) The number of incidents, both reported and unreported, of sexual violence, intimate  
254 partner violence, and stalking at each institution of higher education;

255 (2) Generally, when or where incidents of sexual violence, intimate partner violence, or  
256 stalking occurred, including, but not limited to, on-campus, off-campus, abroad, online,  
257 or elsewhere, but without requiring students or employees to disclose specific information  
258 about any incident;

259 (3) Student and employee awareness of the institution's policies and procedures related  
260 to sexual violence, intimate partner violence, and stalking;

261 (4) Whether a student or employee reported sexual violence, intimate partner violence,  
262 or stalking and, if so, to which campus resource or law enforcement agency the report  
263 was made, and, if not, the reason for such student's or employee's decision not to report;

264 (5) Whether a student or employee was informed of or referred to local, state, campus,  
265 or other resources or victim support services, including appropriate medical care and  
266 legal services;

267 (6) Whether a student or employee was provided the option of protection from  
268 retaliation, access to school based accommodations, and criminal justice remedies;

269 (7) Contextual factors of each incident of sexual violence, intimate partner violence, or  
270 stalking, such as the involvement of force, incapacitation, coercion, or drug or alcohol  
271 facilitation;

- 272 (8) Demographic information that could be used to identify at-risk groups including but  
273 not limited to gender, race, and sexual orientation;
- 274 (9) Perceptions of campus safety among members of the campus community and  
275 confidence in the institution's ability to protect against and respond in a timely and trauma  
276 informed manner to incidents of sexual violence, intimate partner violence, or stalking;
- 277 (10) Whether a reporting party was satisfied with the institution of higher education's  
278 response to the reporting party's report;
- 279 (11) Whether the student has chosen to withdraw or take a leave of absence from the  
280 institution or transferred to another institution due to being either the reporting party or  
281 the responding party in an allegation of sexual violence, intimate partner violence, or  
282 stalking;
- 283 (12) Whether a student has withdrawn from any classes or been placed on academic  
284 probation as a result of an incident or allegation of sexual violence, intimate partner  
285 violence, or stalking; and
- 286 (13) Answers to any other questions developed by the commission.

287 20-3-704.

288 (a) The chair of the board of regents shall provide the interpersonal violence climate  
289 survey biennially to each institution, and each institution shall biennially conduct the  
290 interpersonal violence climate survey on each campus. Each institution may append  
291 campus-specific questions to the survey; provided, however, that any additional questions  
292 shall not require the disclosure of any personally identifiable information and shall not be  
293 unnecessarily traumatizing for victims of sexual violence, intimate partner violence, or  
294 stalking. All students and employees shall be offered an opportunity to complete part or  
295 all of the interpersonal violence climate survey.

296 (b) Within 120 days after completion of the interpersonal violence climate survey, each  
297 institution shall submit a summary of the results and the aggregate data supporting the

298 results, with any personally identifiable information removed or redacted, to the chair of  
299 the board of regents and shall post the following on the institution's publicly accessible  
300 website in a way that does not personally identify any student or employee:

301 (1) The summary of the results of the survey;

302 (2) The annual security report completed pursuant to 20 U.S.C. Section 1092(f); and

303 (3) A link to the department's state-wide interpersonal violence climate survey data  
304 pursuant to subsection (c) of this Code section.

305 (c) The department shall establish a data repository for all summaries and anonymized and  
306 aggregated data of interpersonal violence climate surveys submitted by institutions. The  
307 department shall ensure that the interpersonal violence climate survey data submitted by  
308 all institutions in accordance with subsection (b) of this Code section are available to the  
309 public in an easily accessible manner on the department's publicly accessible website.

310 (d) The interpersonal violence climate survey shall be designed to collect anonymous  
311 responses and shall not publicly disclose any personally identifying information. An  
312 institution of higher education may not use or attempt to use information collected through  
313 the interpersonal violence climate survey to identify or contact any individual student or  
314 employee on campus, nor may the responses to the survey be used as the basis for any type  
315 of investigation or disciplinary or legal proceeding.

316 20-3-705.

317 (a) Each institution shall designate at least one confidential resource advisor to provide  
318 emergency and ongoing support to survivors of sexual violence, intimate partner violence,  
319 or stalking. The confidential resource advisor shall be designated based on the confidential  
320 resource advisor's experience in advocating on behalf of victims of sexual assault or  
321 domestic violence and a demonstrated ability to effectively provide victim services related  
322 to sexual violence, intimate partner violence, or stalking. The confidential resource advisor  
323 may have another role at the institution of higher education but shall not be a student or a

324 Title IX coordinator and shall not have any other job responsibilities that may create a  
325 conflict of interest, including, but not limited to, being general counsel, director of  
326 athletics, dean of students, or an employee who serves on a judicial or hearing board  
327 overseeing reports of sexual violence, intimate partner violence, or stalking or to whom an  
328 appeal of such a proceeding might be made. The confidential resource advisor shall  
329 maintain a physical presence on campus that provides the confidential resource advisor a  
330 place to meet discreetly and privately with students or employees in person or remotely.  
331 An institution may contract or partner with a local, state, or national victim advocacy  
332 organization to provide a confidential resource advisor under this subsection.

333 (b) Each institution of higher education shall designate existing categories of employees  
334 who may also serve as confidential resource advisors. This subsection may not be  
335 construed to limit an institution of higher education from designating a new or existing  
336 employee as a confidential resource advisor. An institution of higher education that enrolls  
337 fewer than 1,000 residential students may partner with another institution of higher  
338 education or local sexual assault support center to provide the services under this Code  
339 section. Any partnership entered into under this subsection shall ensure that the  
340 confidential resource advisor is available to a student or employee within a reasonable  
341 distance from the student's institution of higher education.

342 (c) A confidential resource advisor shall receive the following training:

343 (1) Prior to designation as a confidential resource advisor, 40 hours of training on sexual  
344 violence, intimate partner violence, and stalking;

345 (2) Training regarding unconscious biases related to race, gender, and sexuality;

346 (3) Training regarding awareness and prevention of sexual violence, intimate partner  
347 violence, or stalking, relevant federal policies, the institution's policy under Code Section  
348 20-3-701, and trauma informed responses; and

349 (4) Twenty hours of educational training annually on issues related to sexual violence,  
350 intimate partner violence, and stalking, including, but not limited to, awareness and

351 prevention of sexual violence, intimate partner violence, and stalking and trauma  
352 informed responses.

353 (d) A confidential resource advisor shall coordinate with on-campus, if any, and  
354 off-campus sexual assault support centers and domestic violence resource centers within  
355 a reasonable time after being designated as a confidential resource advisor.

356 (e) A confidential resource advisor shall be responsible for providing the following  
357 information and resources regarding incidents of sexual violence, intimate partner violence,  
358 or stalking to students and employees:

359 (1) Reporting options and the probable effects of each option;

360 (2) Counseling services available on campus and through a local sexual assault support  
361 center or domestic violence resource center;

362 (3) Medical and mental health services available on campus and off campus;

363 (4) When requested, campus escort services for security;

364 (5) Available supportive measures, including academic and residential life  
365 accommodations;

366 (6) For students considering temporary or permanent withdrawal or reduced enrollment,  
367 student loan counseling, including, but not limited to, information regarding loan  
368 deferment, forbearance, or other applicable student loan programs;

369 (7) The institution's investigative, disciplinary, and nondisciplinary processes;

370 (8) The legal process of local, state, and federal law enforcement agencies;

371 (9) That the institution of higher education's disciplinary process is not to be considered  
372 a substitute for the criminal justice process; and

373 (10) Any limits on the ability of the confidential resource advisor to keep private or  
374 confidential the information of the student or employee.

375 (f) If requested by the reporting party, the confidential resource advisor, using only the  
376 student or employee's identifying information, shall coordinate with the campus resources  
377 to arrange possible school provided supportive measures, including those available through

378 any memoranda of understanding with sexual assault support centers and domestic violence  
379 resource centers, and including, but not limited to:

380 (1) Changes in academic status, dining, housing, transportation, or campus employment;

381 (2) Access to counseling and other mental health services;

382 (3) Excused absences, academic counseling, and tutoring;

383 (4) Academic course work accommodations;

384 (5) Financial resources that are under the control of the institution, including if a student

385 has to withdraw from a class or the institution entirely, such as tuition credit,

386 opportunities to withdraw or reenroll in a course without academic or financial penalty,

387 and continued eligibility for scholarships and honors; and

388 (6) Supportive measures that may be obtained, when appropriate, through disability

389 services and the Title IX coordinator at the institution of higher education.

390 (g) A confidential resource advisor, regarding an alleged incident of sexual violence,

391 intimate partner violence, or stalking reported to the advisor:

392 (1) Shall notify all campus resources involved in providing or enforcing supportive  
393 measures or accommodations of their duties;

394 (2) May, if appropriate and directed by a student or employee, assist the student or  
395 employee in contacting or reporting to campus or local law enforcement agencies;

396 (3) Shall notify a student or employee of the student's or employee's rights and the  
397 institution's responsibility regarding a protection order, no-contact order, or any other

398 lawful order issued by the institution or a court;

399 (4) May not be required to report the incident to the institution or a law enforcement  
400 agency unless otherwise required to do so by state or federal law and shall provide

401 confidential services to students or employees;

402 (5) May attend an administrative adjudication proceeding or the institution's disciplinary  
403 proceeding as an advisor or support person of a student's or employee's choice;

404 (6) May disclose confidential information with the prior written consent of the reporting  
405 party or if required by state or federal law;

406 (7) May not provide services to both the reporting party and the responding party to the  
407 incident of sexual violence, intimate partner violence, or stalking; and

408 (8) May not act as a counselor or therapist unless the confidential resource advisor is a  
409 licensed counselor in this state and the student or employee engages the confidential  
410 resource advisor in that capacity.

411 (h) A report to a confidential resource advisor of an alleged incident of sexual violence,  
412 intimate partner violence, or stalking or a confidential resource advisor's performance of  
413 a service under this Code section may not be considered actual or constructive notice of  
414 such an alleged incident to the institution of higher education at which the confidential  
415 resource advisor is employed or provides contracted services.

416 (i) If a conflict of interest arises for an institution in which a confidential resource advisor  
417 is advocating for a reporting party's need for sexual assault support services or campus or  
418 local law enforcement agency services, the institution may not discipline, penalize, or  
419 otherwise retaliate against the confidential resource advisor for representing the interest of  
420 the reporting party.

421 (j) Communications between a reporting party and a confidential resource advisor are  
422 privileged from disclosure as follows:

423 (1) A reporting party may refuse to disclose and may deny permission to a confidential  
424 resource advisor to disclose confidential written or oral communications between the  
425 reporting party and the confidential resource advisor, including any written records,  
426 notes, memoranda, or reports concerning the reporting party;

427 (2) Except as provided in paragraph (3) of this subsection, a confidential resource  
428 advisor may not be required, through oral or written testimony or through production of  
429 documents, to disclose to a court in criminal or civil proceedings or to any agency or

430 person any privileged communications between the reporting party and the confidential  
431 resource advisor and;

432 (3) Privileged communications may be disclosed in the following circumstances:

433 (A) When disclosure is required pursuant to state law and that disclosure is in  
434 accordance with such law;

435 (B) When a court in the exercise of its discretion determines the disclosure of the  
436 information necessary to proper administration of justice, an inspection of records may  
437 be held in camera by the judge to determine whether such records contain relevant  
438 information. Such proceeding shall not entitle an opposing party to examine the  
439 records unless such records are made available by the court; and

440 (C) When a reporting party dies or is incapable of giving consent and disclosure is  
441 required for an official law enforcement agency investigation or criminal proceeding  
442 regarding the cause of the victim's death or incapacitation.

443 (k) Notwithstanding any provision of law to the contrary, a criminal justice agency,  
444 whether directly or through any intermediary, may disseminate confidential criminal  
445 history record information to a confidential resource advisor for the purpose of planning  
446 for the safety of the party the confidential resource advisor is advising. A confidential  
447 resource advisor who receives confidential criminal history record information pursuant  
448 to this subsection shall use it solely for the purpose authorized by this subsection and may  
449 not further disseminate the information.

450 (l) Nothing in this Code section may be construed to limit the reporting party's or  
451 responding party's right of cross-examination of the confidential resource advisor in a civil  
452 or criminal proceeding if the confidential resource advisor testifies after written consent has  
453 been given or in accordance with this Code section.

454 20-3-706.

455 An institution of higher education, with guidance from its Title IX coordinator, a local law  
456 enforcement agency, and the sexual assault support center or the domestic violence  
457 resource center identified in the institution's policy under Code Section 20-3-701, shall  
458 provide mandatory prevention and awareness programming on sexual violence, intimate  
459 partner violence, and stalking for all incoming students and all employees of the institution.  
460 The institution shall make available prevention and awareness programming to all returning  
461 students of the institution. The prevention and awareness programming shall include:

462 (1) An explanation of affirmative consent as it applies to sexual activity and sexual  
463 relationships;

464 (2) The role drugs and alcohol play in an individual's ability to provide affirmative  
465 consent;

466 (3) Information on options relating to the reporting of an incident of sexual violence,  
467 intimate partner violence, or stalking, the probable effects and potential outcomes of each  
468 option, and the methods to report an incident of sexual violence, intimate partner  
469 violence, or stalking, including confidential and anonymous disclosure;

470 (4) Information on the institution's procedures for resolving reports of sexual violence,  
471 intimate partner violence, and stalking and the range of sanctions or penalties the  
472 institution may impose on students and employees found responsible for a violation of  
473 a policy and related procedures adopted under Code Section 20-3-701;

474 (5) The name, contact information, and role of the confidential resource advisor;  
475 information about the local sexual assault support center, its confidential services, and  
476 how to access those services; information about the domestic violence resource center,  
477 its confidential services, and how to access those services; and the name and contact  
478 information of all other personnel governed by confidentiality policies at the institution;

479 (6) Strategies for bystander intervention and risk reduction;

480 (7) Opportunities for ongoing sexual violence, intimate partner violence, and stalking  
481 prevention and awareness programming, including through ongoing campaigns; and  
482 (8) An approach to training that recognizes and is sensitive to the disproportionate  
483 impacts and rates of occurrence of sexual violence, intimate partner violence, and stalking  
484 on members of marginalized groups, including, but not limited to, people of color, people  
485 with disabilities, and lesbian, gay, bisexual, and transgender people.

486 20-3-707.

487 (a) Each institution of higher education shall ensure that its Title IX coordinator and  
488 members of its campus police force or campus safety personnel employed by the institution  
489 undergo annual training in awareness of sexual violence, intimate partner violence, and  
490 stalking and trauma informed responses.

491 (b) Any individual who participates in the implementation of an institution's disciplinary  
492 process under this article, including, but not limited to, any individuals responsible for  
493 resolving reports of incidents of sexual violence, intimate partner violence, and stalking,  
494 shall be trained or have experience in handling such reports and the operations of the  
495 institution's disciplinary practice. Such training shall include, but shall not be limited to:

496 (1) Information about providing trauma informed responses when working with and  
497 interviewing victims of an alleged incident of sexual violence, intimate partner violence,  
498 or stalking;

499 (2) Information on particular types of conduct that constitute sexual violence, intimate  
500 partner violence, and stalking;

501 (3) Information on affirmative consent and the role drugs and alcohol may play in an  
502 individual's ability to consent;

503 (4) The effects of trauma, including any neurobiological impact, on an individual;

504 (5) Cultural competency training regarding how sexual violence, intimate partner  
505 violence, and stalking may affect students or employees differently depending on factors

506 that contribute to a student's or employee's cultural background, including, but not limited  
507 to, national origin, sex, ethnicity, religion, gender identity, gender expression, and sexual  
508 orientation;

509 (6) Methods of communicating sensitively and compassionately with a reporting party  
510 including, but not limited to, an awareness of responding to a reporting party with  
511 consideration of such party's cultural background and providing services to or assisting  
512 in locating services for the reporting party;

513 (7) Information regarding how sexual violence, intimate partner violence and, stalking  
514 may affect students or employees with developmental or intellectual disabilities; and

515 (8) Methods of communicating sensitively with a responding party, including an  
516 awareness of the emotional impact of an allegation of sexual violence, intimate partner  
517 violence, and stalking.

518 20-3-708.

519 By March 1, 2024, and annually thereafter, each institution of higher education shall  
520 prepare and submit to the board of regents, the commissioner of Department of Public  
521 Health, and the committees of the General Assembly having jurisdiction over higher  
522 education matters the annual security report required under the federal Jeanne Clery  
523 Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. Section  
524 1092(f).

525 20-3-709.

526 A reporting party or a witness who requests an investigation of sexual violence, intimate  
527 partner violence, or stalking may not be subject to a disciplinary proceeding or sanction or  
528 penalty for a violation of the institution's student conduct policy related to drug or alcohol  
529 use, trespassing, or unauthorized entry of the institution's facilities that comes to the  
530 attention of the institution as part of that report or investigation of sexual violence, intimate

531 partner violence, or stalking unless the institution determines that the report was not made  
532 in good faith or that the violation was egregious. An egregious violation shall include, but  
533 not be limited to, taking an action that places the health and safety of another person at risk.  
534 This Code section may not be construed to limit the ability of an institution to establish an  
535 immunity policy for student conduct violations not mentioned in this Code section.

536 20-3-710.

537 (a) No later than January 1, 2024, an institution of higher education shall enter into and  
538 maintain a memorandum of understanding with a sexual assault support center and  
539 domestic violence resource center to:

540 (1) Provide an off-campus option for students and employees of the institution to receive  
541 free and confidential sexual assault crisis services, including access to a sexual assault  
542 nurse examiner, if available, or free and confidential domestic violence crisis services;

543 (2) Ensure that a student or employee of the institution may access free and confidential  
544 advocacy services either on campus or off campus related to sexual violence, intimate  
545 partner violence, or stalking;

546 (3) Ensure cooperation and training between the institution and the sexual assault support  
547 center or domestic violence resource center regarding the roles that the institution, sexual  
548 assault support center, and domestic violence resource center should play in responding  
549 to reports and disclosures of sexual violence, intimate partner violence, and stalking  
550 against students and employees of the institution and the institution's protocols for  
551 providing support and services to such students and employees;

552 (4) Ensure that a student or employee of the institution has access to mental health  
553 services, either on campus or off campus, relating to sexual violence, intimate partner  
554 violence, or stalking; and

555 (5) Make referrals for civil legal representation to assist with civil protections, including,  
556 but not limited to, those related to protections under Title IX of the federal Education  
557 Amendments of 1972, P.L. 92-318, as amended, or protection from abuse orders.  
558 (b) A memorandum of understanding as provided for in subsection (a) of this Code section  
559 may include an agreement, including a fee structure, between the sexual assault support  
560 center or domestic violence resource center and the institution of higher education to  
561 provide confidential victim services. Confidential victim services may include case  
562 consultation and training fees for confidential resource advisors, consultation fees for the  
563 development and implementation of sexual violence, intimate partner violence, and  
564 stalking education and prevention programs for students and employees, the development  
565 of trauma informed response staff training and prevention curricula, and private on-site  
566 office space for an advocate from the sexual assault support center and domestic violence  
567 resource center to meet with students or employees."

568

**SECTION 2.**

569 All laws and parts of laws in conflict with this Act are repealed.