

SENATE BILL No. 260

DIGEST OF INTRODUCED BILL

Citations Affected: IC 21-7-13-6; IC 21-49.

Synopsis: Prevention of sexual violence, domestic violence, and stalking. Requires each approved postsecondary educational institution to do the following: (1) Establish a comprehensive policy concerning sexual violence, domestic violence, and stalking (comprehensive policy). (2) Develop a concise notice, written in plain language, regarding the rights and options of students who are victims of sexual violence, domestic violence, or stalking, and provide the notice to students from whom the approved postsecondary educational institution receives a report of a violation of the comprehensive policy. (3) Designate one or more individuals to serve as confidential advisors to provide emergency and ongoing support to students who are victims of sexual violence, domestic violence, or stalking. (4) Establish a complaint resolution procedure to resolve reports of student violations of an approved postsecondary educational institution's comprehensive policy. (5) Provide training and information concerning sexual
(Continued next page)

Effective: July 1, 2019.

Mrvan

January 3, 2019, read first time and referred to Committee on Education and Career Development.



Digest Continued

violence, domestic violence, and stalking to students and certain employees of the approved postsecondary educational institution. (6) Establish an approved postsecondary educational institution campus wide task force or participate in a regional task force to work toward improving coordination among community leaders and service providers in the prevention of sexual violence, domestic violence, and stalking, and ensure a coordinated response of law enforcement and victim services. (7) Submit a report to the commission for higher education (commission) concerning an approved postsecondary educational institution's comprehensive policy, notice of student rights and options, and information regarding reports of sexual violence, domestic violence, and stalking at the approved postsecondary educational institution. Requires the commission to maintain on the commission's Internet web site a list of all the approved postsecondary educational institutions that fail to comply with the reporting requirements.



Introduced

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 260

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 21-7-13-6, AS AMENDED BY P.L.217-2017,
2 SECTION 141, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) "Approved postsecondary
4 educational institution", for purposes of this title (except section 15 of
5 this chapter, IC 21-12-6, ~~and~~ IC 21-13-1-4, **and IC 21-49**) means the
6 following:
7 (1) A postsecondary educational institution that operates in
8 Indiana and:
9 (A) provides an organized two (2) year or longer program of
10 collegiate grade directly creditable toward a baccalaureate
11 degree;
12 (B) is either operated by the state or operated nonprofit; and
13 (C) is accredited by a recognized regional accrediting agency,
14 including:
15 (i) Ancilla College;



- 1 (ii) Anderson University;
 2 (iii) Bethel College;
 3 (iv) Butler University;
 4 (v) Calumet College of St. Joseph;
 5 (vi) DePauw University;
 6 (vii) Earlham College;
 7 (viii) Franklin College;
 8 (ix) Goshen College;
 9 (x) Grace College and Seminary;
 10 (xi) Hanover College;
 11 (xii) Holy Cross College;
 12 (xiii) Huntington University;
 13 (xiv) Indiana Institute of Technology;
 14 (xv) Indiana Wesleyan University;
 15 (xvi) Manchester College;
 16 (xvii) Marian University;
 17 (xviii) Martin University;
 18 (xix) Oakland City University;
 19 (xx) Rose-Hulman Institute of Technology;
 20 (xxi) Saint Joseph's College;
 21 (xxii) Saint Mary-of-the-Woods College;
 22 (xxiii) Saint Mary's College;
 23 (xxiv) Taylor University;
 24 (xxv) Trine University;
 25 (xxvi) University of Evansville;
 26 (xxvii) University of Indianapolis;
 27 (xxviii) University of Notre Dame;
 28 (xxix) University of Saint Francis;
 29 (xxx) Valparaiso University; and
 30 (xxxi) Wabash College;
 31 or is accredited by the board for proprietary education under
 32 IC 21-18.5-6 or an accrediting agency recognized by the
 33 United States Department of Education.
 34 (2) Ivy Tech Community College.
 35 (3) A hospital that operates a nursing diploma program that is
 36 accredited by the Indiana state board of nursing.
 37 (4) A postsecondary credit bearing proprietary educational
 38 institution that meets the following requirements:
 39 (A) Is incorporated in Indiana, or is registered as a foreign
 40 corporation doing business in Indiana.
 41 (B) Is fully accredited by and is in good standing with the
 42 board for proprietary education under IC 21-18.5-6.



- 1 (C) Is accredited by and is in good standing with a regional or
 2 national accrediting agency.
 3 (D) Offers a course of study that is at least eighteen (18)
 4 consecutive months in duration (or an equivalent to be
 5 determined by the board for proprietary education under
 6 IC 21-18.5-6) and that leads to an associate or a baccalaureate
 7 degree recognized by the board for proprietary education
 8 under IC 21-18.5-6.
 9 (E) Is certified by the board for proprietary education as
 10 meeting the requirements of this subdivision.

11 (5) A postsecondary SEI affiliated educational institution.
 12 (b) "Approved postsecondary educational institution" for purposes
 13 of section 15 of this chapter, IC 21-12-6, ~~and~~ IC 21-13-1-4, ~~and~~
 14 **IC 21-49**, means the following:

- 15 (1) A state educational institution.
 16 (2) A nonprofit college or university.
 17 (3) A postsecondary credit bearing proprietary educational
 18 institution that is accredited by an accrediting agency recognized
 19 by the United States Department of Education.
 20 (4) A postsecondary SEI affiliated educational institution.

21 SECTION 2. IC 21-49 IS ADDED TO THE INDIANA CODE AS
 22 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 23 2019]:

24 **ARTICLE 49. PREVENTION OF SEXUAL VIOLENCE,
 25 DOMESTIC VIOLENCE, AND STALKING IN HIGHER
 26 EDUCATION**

27 **Chapter 1. Definitions**

28 **Sec. 1. The definitions in this chapter apply throughout this
 29 article.**

30 **Sec. 2. "Awareness programming" means action designed to
 31 communicate the prevalence of sexual violence, domestic violence,
 32 and stalking, including:**

- 33 (1) training;
 34 (2) poster and flyer campaigns;
 35 (3) electronic communications;
 36 (4) films;
 37 (5) guest speakers;
 38 (6) symposia;
 39 (7) conferences;
 40 (8) seminars; or
 41 (9) panel discussions.

42 **Sec. 3. "Complainant" means a student who files a complaint**



1 alleging violation of an approved postsecondary educational
2 institution's comprehensive policy through the approved
3 postsecondary educational institution's complaint resolution
4 process.

5 Sec. 4. "Comprehensive policy" means a policy established
6 under IC 21-49-2 and implemented by an approved postsecondary
7 educational institution to address student allegations of sexual
8 violence, domestic violence, and stalking.

9 Sec. 5. "Confidential advisor" means a person who is employed
10 by or enters a contract with an approved postsecondary
11 educational institution to provide emergency and ongoing support
12 to students who are victims of sexual violence, domestic violence,
13 or stalking.

14 Sec. 6. "Domestic violence" refers to an act described in
15 IC 35-31.5-2-78 (crime of domestic violence).

16 Sec. 7. "Primary prevention programming" means action and
17 strategies intended to prevent sexual violence, domestic violence,
18 or stalking before sexual violence, domestic violence, or stalking
19 occurs by means of changing social norms and other approaches,
20 including:

- 21 (1) training;
- 22 (2) poster and flyer campaigns;
- 23 (3) electronic communications;
- 24 (4) films;
- 25 (5) guest speakers;
- 26 (6) symposia;
- 27 (7) conferences;
- 28 (8) seminars; or
- 29 (9) panel discussions.

30 Sec. 8. "Respondent" means a student who has been accused of
31 violating an approved postsecondary educational institution's
32 comprehensive policy.

33 Sec. 9. "Sexual violence" refers to an act described in:

- 34 (1) IC 35-42-4-1 (rape);
- 35 (2) IC 35-42-4-3 (child molesting);
- 36 (3) IC 35-42-4-7 (child seduction);
- 37 (4) IC 35-42-4-8 (sexual battery); or
- 38 (5) IC 35-42-4-9 (sexual misconduct with a minor).

39 Sec. 10. "Stalking" has the meaning set forth in IC 35-45-10-1.

40 Sec. 11. "Title IX coordinator" means an employee designated
41 in accordance with 34 CFR 106.8 by an approved postsecondary
42 educational institution to coordinate the approved postsecondary



1 educational institution's efforts to comply with and carry out its
 2 responsibilities under Title IX of the Education Amendments of
 3 1972 (20 U.S.C. 1681 et seq.).

4 **Sec. 12. "Trauma informed response" means a response**
 5 **involving an understanding of the complexities of sexual violence,**
 6 **domestic violence, and stalking through training with a focus on:**

- 7 (1) the neurobiological impact of trauma;
 8 (2) the influence of societal myths and stereotypes
 9 surrounding sexual violence, domestic violence, and stalking;
 10 (3) understanding the behavior of perpetrators; and
 11 (4) conducting an effective investigation.

12 **Sec. 13. "Victim" means a student of an approved**
 13 **postsecondary educational institution who is a victim or an alleged**
 14 **victim of sexual violence, domestic violence, or stalking.**

15 **Sec. 14. "Victim centered" means a systematic focus on the**
 16 **needs and concerns of a victim of sexual violence, domestic**
 17 **violence, or stalking that:**

- 18 (1) ensures the compassionate and sensitive delivery of
 19 services in a nonjudgmental manner;
 20 (2) ensures an understanding of how trauma affects victim
 21 behavior;
 22 (3) maintains victim safety, privacy, and, if possible,
 23 confidentiality; and
 24 (4) recognizes that a victim is not responsible for the sexual
 25 violence, domestic violence, or stalking.

26 **Chapter 2. Comprehensive Policy Concerning Sexual Violence,**
 27 **Domestic Violence, and Stalking**

28 **Sec. 1. Not later than July 1, 2020, each approved postsecondary**
 29 **educational institution shall adopt a comprehensive policy for the**
 30 **approved postsecondary educational institution concerning sexual**
 31 **violence, domestic violence, and stalking that is consistent with**
 32 **federal and state law.**

33 **Sec. 2. An approved postsecondary educational institution's**
 34 **comprehensive policy must include, at a minimum, the following:**

- 35 (1) A statement that sexual violence, domestic violence, and
 36 stalking of a student is a violation of the approved
 37 postsecondary educational institution's comprehensive policy.
 38 (2) A description or definition of consent by an individual that
 39 provides, at a minimum, the following:
 40 (A) Consent is a freely given agreement to sexual activity.
 41 (B) An individual's lack of verbal or physical resistance or
 42 submission resulting from the use or threat of force does



- 1 not constitute consent.
- 2 (C) An individual's manner of dress does not constitute
- 3 consent.
- 4 (D) An individual's consent to past sexual activity does not
- 5 constitute consent to current or future sexual activity.
- 6 (E) An individual's consent to engage in sexual activity
- 7 with another individual does not constitute consent to
- 8 engage in sexual activity with any other individual.
- 9 (F) An individual can withdraw consent at any time.
- 10 (G) An individual cannot consent to sexual activity if the
- 11 individual is unable to understand the nature of the
- 12 activity or give knowing consent due to circumstances that
- 13 include the following:
- 14 (i) The individual is incapacitated due to the use or
- 15 influence of alcohol or drugs.
- 16 (ii) The individual is asleep or unconscious.
- 17 (iii) The individual is under the age of consent.
- 18 (iv) The individual has a mental disability.
- 19 (3) Procedures that a student may follow for reporting a
- 20 violation of the comprehensive policy, including the following:
- 21 (A) Information regarding the name and contact
- 22 information for:
- 23 (i) the Title IX coordinator;
- 24 (ii) the law enforcement or security of the approved
- 25 postsecondary educational institution;
- 26 (iii) the local law enforcement; and
- 27 (iv) any local sexual assault or rape crisis service centers.
- 28 (B) Information regarding the name, title, and contact
- 29 information for confidential advisors and other
- 30 confidential resources and a description of confidential
- 31 reporting.
- 32 (C) A list of the various individuals or entities to which a
- 33 student may report a violation of the comprehensive
- 34 policy, providing for each individual and entity the extent
- 35 of the individual's or entity's:
- 36 (i) reporting obligation;
- 37 (ii) ability to protect the student's privacy; and
- 38 (iii) ability to have confidential communication with the
- 39 student.
- 40 (D) An option for students of the approved postsecondary
- 41 educational institution to electronically report a violation
- 42 of the comprehensive policy.



- 1 **(E) An option for students of the approved postsecondary**
 2 **educational institution to anonymously report a violation**
 3 **of the comprehensive policy.**
- 4 **(F) An option for students of the approved postsecondary**
 5 **educational institution to confidentially report a violation**
 6 **of the comprehensive policy.**
- 7 **(G) An option for reporting of a violation of the**
 8 **comprehensive policy by third parties.**
- 9 **(4) The approved postsecondary educational institution's**
 10 **procedures for responding to a report of sexual violence,**
 11 **domestic violence, or stalking, including the procedures for**
 12 **the following:**
- 13 **(A) Assisting and interviewing the victim.**
 14 **(B) Identifying and locating witnesses.**
 15 **(C) Contacting and interviewing the respondent.**
 16 **(D) Contacting and cooperating with law enforcement, if**
 17 **applicable.**
- 18 **(E) Providing information regarding the:**
 19 **(i) importance of preserving physical evidence of the**
 20 **sexual violence, domestic violence, or stalking; and**
 21 **(ii) availability of a medical forensic examination at no**
 22 **charge to the victim.**
- 23 **(5) Information regarding the approved postsecondary**
 24 **educational institution's obligation, upon receiving a report of**
 25 **a violation of the comprehensive policy, to provide victims**
 26 **with concise information, written in plain language,**
 27 **concerning the victim's rights and options.**
- 28 **(6) The name, address, and telephone number of the nearest**
 29 **medical facilities at which a victim may have a medical**
 30 **forensic examination completed at no cost to the victim.**
- 31 **(7) If available, the name, telephone number, address, and**
 32 **Internet web site address of local, state, and national rape or**
 33 **sexual assault crisis centers.**
- 34 **(8) Information regarding immediate steps and interim**
 35 **remedies reasonably available for victims, including:**
- 36 **(A) obtaining and enforcing a no contact order or**
 37 **protective order; and**
- 38 **(B) changing academic schedules, living arrangements,**
 39 **campus transportation, or work placement or schedules in**
 40 **response to a violation of the comprehensive policy.**
- 41 **(9) Information regarding the approved postsecondary**
 42 **educational institution's complaint resolution procedures**



1 established under IC 21-49-5.

2 **(10) Information regarding the sanctions the approved**
 3 **postsecondary educational institution may impose following**
 4 **the implementation of its complaint resolution procedures in**
 5 **response to a violation of the comprehensive policy.**

6 **(11) A provision that provides that the student will not receive**
 7 **a disciplinary sanction by the approved postsecondary**
 8 **educational institution for a student conduct violation that is**
 9 **revealed in the course of a report of a violation of the**
 10 **comprehensive policy unless the approved postsecondary**
 11 **educational institution determines that the violation was**
 12 **egregious, including an action that places the health or safety**
 13 **of any other individual at risk.**

14 **(12) Information regarding:**

15 **(A) the approved postsecondary educational institution's**
 16 **prohibition on retaliation against a student who in good**
 17 **faith:**

18 **(i) reports or discloses a violation of the comprehensive**
 19 **policy;**

20 **(ii) files a complaint; or**

21 **(iii) otherwise participates in the complaint resolution**
 22 **process; and**

23 **(B) sanctions that may be imposed by the approved**
 24 **postsecondary educational institution against individuals**
 25 **who engage in retaliatory conduct.**

26 **Chapter 3. Student Notice of Rights and Options**

27 **Sec. 1. (a) Not later than July 1, 2020, each approved**
 28 **postsecondary educational institution shall develop a concise**
 29 **notice, written in plain language, regarding the rights and options**
 30 **for students of the approved postsecondary educational institution**
 31 **who are victims of sexual violence, domestic violence, or stalking.**

32 **(b) The notice under subsection (a) must include the following:**

33 **(1) The victim's:**

34 **(A) right to report or not report the incident to the**
 35 **approved postsecondary educational institution, law**
 36 **enforcement, or both; and**

37 **(B) right to privacy, including information regarding the**
 38 **reporting methods that are confidential or anonymous.**

39 **(2) The contact information for the following:**

40 **(A) The approved postsecondary educational institution's**
 41 **Title IX coordinator.**

42 **(B) Any confidential advisors of the approved**



- 1 postsecondary educational institution.
 2 (C) Local rape or sexual assault crisis centers.
 3 (D) Law enforcement or security of the approved
 4 postsecondary educational institution.
 5 (E) Local law enforcement.
 6 (3) The victim's right to request and receive assistance from
 7 employees of the approved postsecondary educational
 8 institution in notifying law enforcement.
 9 (4) The availability of interim remedies to victims of sexual
 10 violence, domestic violence, or stalking.
 11 (5) The approved postsecondary educational institution's
 12 ability to provide assistance, upon the victim's request, in
 13 accessing and navigating campus and local health and mental
 14 health services, counseling, and advocacy services.
 15 (6) A summary of the approved postsecondary educational
 16 institution's complaint resolution procedures established
 17 under IC 21-49-5.

18 **Sec. 2.** If an approved postsecondary educational institution
 19 receives a report that a student is a victim of sexual violence,
 20 domestic violence, or stalking, the approved postsecondary
 21 educational institution shall provide the student with the notice
 22 described in section 1 of this chapter.

23 **Sec. 3.** If an approved postsecondary educational institution
 24 receives a report electronically that a student has been a victim of
 25 sexual violence, domestic violence, or stalking, the approved
 26 postsecondary education institution shall, not later than twelve (12)
 27 hours after the approved postsecondary educational institution
 28 receives the report, contact and provide the notice described in
 29 section 1 of this chapter to the:

- 30 (1) victim; and
 31 (2) individual who submitted the report, if the victim did not
 32 submit the report.

33 **Chapter 4. Confidential Advisor**

34 **Sec. 1. (a)** Subject to section 2 of this chapter, each approved
 35 postsecondary educational institution shall designate one (1) or
 36 more individuals to serve as confidential advisors to provide
 37 emergency and ongoing support to students of the approved
 38 postsecondary educational institution who are victims of sexual
 39 violence, domestic violence, or stalking.

40 (b) An approved postsecondary educational institution may
 41 partner with a sexual assault or rape crisis center to provide a
 42 confidential advisor under subsection (a).



1 **Sec. 2. A confidential advisor may not be an individual who is**
2 **designated as a Title IX coordinator.**

3 **Sec. 3. (a) An individual shall:**

4 **(1) complete at least forty (40) hours of training on sexual**
5 **violence, domestic violence, and stalking before the individual**
6 **may serve as a confidential advisor;**

7 **(2) attend at least six (6) hours of ongoing education training**
8 **annually on issues related to sexual violence, domestic**
9 **violence, and stalking to remain a confidential advisor; and**

10 **(3) receive periodic training on the:**

11 **(A) administrative processes;**

12 **(B) interim measures;**

13 **(C) academic and other accommodations; and**

14 **(D) complaint resolution procedures;**

15 **of the approved postsecondary educational institution.**

16 **(b) In the course of working with a victim, each confidential**
17 **advisor shall do the following:**

18 **(1) Inform the victim of the victim's options and possible**
19 **outcomes in pursuing each option.**

20 **(2) Notify the victim regarding resources and services for**
21 **victims of sexual violence, domestic violence, and stalking,**
22 **including student services available on the approved**
23 **postsecondary educational institution's campus and through**
24 **community based resources.**

25 **(3) Advise the victim of the victim's rights and the approved**
26 **postsecondary educational institution's responsibilities**
27 **regarding protective orders and restraining orders.**

28 **(4) Provide confidential services to and have privileged,**
29 **confidential communications with victims.**

30 **(5) Upon the victim's request and as appropriate, assist the**
31 **victim with contacting and acting as a liaison with other**
32 **approved postsecondary educational institution employees,**
33 **sexual assault or rape crisis centers, or local law enforcement.**

34 **(6) Upon the victim's request and as appropriate, act as a**
35 **liaison with appropriate employees of the approved**
36 **postsecondary educational institution to secure interim**
37 **remedies and accommodations for the victim.**

38 **Sec. 4. (a) Except as provided under subsection (b), matters**
39 **communicated to a confidential advisor in the confidential**
40 **advisor's capacity as a confidential advisor concerning an incident**
41 **of sexual violence, domestic violence, or stalking are privileged**
42 **information and may not be disclosed by the confidential advisor**



1 to any person, except under the following circumstances:

2 (1) In a criminal proceeding involving a homicide if the
3 disclosure relates directly to the fact or immediate
4 circumstances of the homicide.

5 (2) If the communication reveals the contemplation or
6 commission of a crime or a serious harmful act.

7 (3) If:

8 (A) the student consents in writing to the disclosure of the
9 communication; or

10 (B) in the case of a student's death or disability, the
11 student's legal representative expressly consents to the
12 disclosure of the communication.

13 (4) If the failure to disclose the communication would violate
14 state or federal law.

15 (5) If the failure to disclose the communication would result
16 in a clear, imminent risk of serious physical injury to or death
17 of the victim or another person.

18 (b) A confidential advisor shall provide the information
19 necessary to comply with the reporting requirements to the
20 commission for higher education under IC 21-49-8.

21 Chapter 5. Complaint Resolution Procedures

22 Sec. 1. Not later than July 1, 2020, each approved postsecondary
23 educational institution shall adopt one (1) procedure to resolve
24 complaints regarding violations of the approved postsecondary
25 educational institution's comprehensive policy.

26 Sec. 2. A complaint resolution procedure under section 1 of this
27 chapter must provide the following:

28 (1) Complainants have the opportunity to request that the
29 complaint resolution process begin promptly and proceed in
30 a timely manner.

31 (2) The approved postsecondary educational institution must
32 designate individuals to resolve complaints of student
33 violations.

34 (3) All individuals described in subdivision (2) must receive at
35 least eight (8) hours of annual training on:

36 (A) issues related to sexual violence, domestic violence, and
37 stalking; and

38 (B) the approved postsecondary educational institution's
39 complaint resolution process.

40 (4) The approved postsecondary educational institution must
41 have a sufficient number of individuals trained to resolve
42 complaints so that a substitution can occur in the case of a



- 1 conflict of interest or recusal.
- 2 (5) An individual described in subdivision (2) must use a
- 3 preponderance of the evidence standard to determine whether
- 4 the alleged violation of the comprehensive policy occurred.
- 5 (6) The complainant and respondent must:
- 6 (A) receive notice with the name, title, and contact
- 7 information of the individual designated to resolve the
- 8 complaint before the individual has any contact with the
- 9 complainant or respondent about the report; and
- 10 (B) have the opportunity to request a substitution if the
- 11 participation of the individual described in clause (A) poses
- 12 a conflict of interest.
- 13 (7) The postsecondary educational institution must establish
- 14 a process to determine interim actions and remedies available
- 15 pending the resolution of the complaint.
- 16 (8) Any proceeding, meeting, or hearing held to resolve
- 17 complaints of student violations of the comprehensive policy
- 18 must protect the privacy of the participating parties and
- 19 witnesses.
- 20 (9) The complainant, regardless of the level of involvement of
- 21 the complainant in the process, and the respondent must have
- 22 the opportunity to provide or present evidence and witnesses
- 23 on the complainant's or respondent's own behalf during the
- 24 complaint resolution process.
- 25 (10) The complainant and the respondent may not directly
- 26 cross examine each other. However, at the discretion and
- 27 direction of the individual resolving the complaint, the
- 28 complainant and the respondent may suggest questions that
- 29 the individual resolving the complaint may pose.
- 30 (11) The complainant and the respondent may request to have
- 31 an advisor of the complainant's or respondent's choice
- 32 accompany the complainant or respondent to any meeting or
- 33 proceeding related to a violation of the comprehensive policy
- 34 as long as the involvement of the advisor does not result in
- 35 undue delay of the meeting or proceeding and that the advisor
- 36 participates in a respectful manner. If the advisor engages in
- 37 behavior or advocacy that harasses, abuses, or intimidates
- 38 either party, the advisor may be prohibited from further
- 39 participation.
- 40 (12) The complainant and the respondent may not be
- 41 compelled to testify if the complaint resolution procedure
- 42 involves a hearing in the presence of the other party. If a



1 party invokes this right, the approved postsecondary
 2 educational institution shall provide a process by which a
 3 party can see and hear the other party's testimony.

4 (13) The complainant and the respondent must, not later than
 5 seven (7) days after the individual described in subdivision (2)
 6 makes a determination, be provided written notification of the
 7 results of any complaint resolution proceeding.

8 (14) The complainant and the respondent have the right to
 9 timely appeal the complaint resolution proceeding's findings
 10 or imposed sanctions. The individual reviewing the findings
 11 or imposed sanctions may not have:

12 (A) participated previously in the complaint resolution
 13 process; or

14 (B) a conflict of interest with either party.

15 (15) The approved postsecondary educational institution may
 16 not disclose the identity of the complainant or the respondent
 17 to the public, except as allowed by state or federal law.

18 **Chapter 6. Training, Education, and Awareness**

19 **Sec. 1. Not later than July 1, 2020, an approved postsecondary**
 20 **educational institution shall prominently publish, timely update,**
 21 **and have easily available on the approved postsecondary**
 22 **educational institution's Internet web site all of the following**
 23 **information:**

24 (1) The approved postsecondary educational institution's
 25 comprehensive policy, as well as options and resources
 26 available to victims.

27 (2) The approved postsecondary educational institution's
 28 notice of student rights and options under IC 21-49-3.

29 (3) The name and contact information for all of the approved
 30 postsecondary educational institution's Title IX coordinators.

31 (4) An explanation of the role of Title IX coordinators.

32 (5) The name, title, and contact information for all
 33 confidential advisors, counseling services, and any other
 34 confidential resources that can provide a confidential
 35 response to a report of sexual violence, domestic violence, or
 36 stalking and a description of confidential reporting.

37 (6) The telephone number and Internet web site addresses for
 38 local, state, and national hotlines providing information to
 39 victims of sexual violence, domestic violence, or stalking.

40 **Sec. 2. Beginning with the 2020-2021 academic year and each**
 41 **academic year thereafter, each approved postsecondary**
 42 **educational institution shall provide:**



- 1 (1) sexual violence, domestic violence, and stalking primary
- 2 prevention and awareness programming for all students who
- 3 attend the approved postsecondary educational institution;
- 4 and
- 5 (2) each student with an electronic copy or hard copy of the
- 6 approved postsecondary educational institution's
- 7 comprehensive policy.

8 **Sec. 3. The annual programming under section 2(1) of this**
 9 **chapter must include information regarding:**

- 10 (1) the approved postsecondary educational institution's
- 11 comprehensive policy; and
- 12 (2) strategies for reducing the risk of sexual violence, domestic
- 13 violence, and stalking.

14 **Sec. 4. Beginning in the 2020-2021 academic year and each**
 15 **academic year thereafter, each approved postsecondary**
 16 **educational institution shall provide annual victim centered and**
 17 **trauma informed response training to any employee of the**
 18 **approved postsecondary educational institution who is likely to be**
 19 **involved in:**

- 20 (1) the receipt of a report of a violation of the approved
- 21 postsecondary educational institution's comprehensive policy;
- 22 (2) the referral or provision of services for a victim; or
- 23 (3) any complaint resolution proceedings that result from a
- 24 report of a violation of the approved postsecondary
- 25 educational institution's comprehensive policy.

26 **Sec. 5. (a) Each approved postsecondary educational institution**
 27 **shall design the training described in section 4 of this chapter to**
 28 **improve the employee's ability to understand the following:**

- 29 (1) The approved postsecondary educational institution's
- 30 comprehensive policy.
- 31 (2) The relevant federal and state law concerning victims of
- 32 sexual violence, domestic violence, and stalking.
- 33 (3) The role of the approved postsecondary educational
- 34 institution, medical providers, law enforcement, and
- 35 community agencies in ensuring a coordinated response to
- 36 reported incidents of sexual violence, domestic violence, and
- 37 stalking.
- 38 (4) The effects of trauma on a victim.
- 39 (5) The types of conduct that constitute sexual violence,
- 40 domestic violence, and stalking.
- 41 (6) Consent and the role drugs and alcohol use can have on
- 42 the ability to consent.



1 **(b) The training described in section 4 of this chapter must seek**
 2 **to improve the employee's ability to:**

- 3 **(1) respond with cultural sensitivity;**
 4 **(2) provide services to or assist in locating services for a**
 5 **victim, as appropriate; and**
 6 **(3) communicate sensitively and compassionately with a**
 7 **victim of sexual violence, domestic violence, or stalking.**

8 **Chapter 7. Task Force**

9 **Sec. 1. Not later than July 1, 2020, each approved postsecondary**
 10 **educational institution shall:**

- 11 **(1) establish the approved postsecondary educational**
 12 **institution's own campus wide task force; or**
 13 **(2) participate in a regional task force.**

14 **Sec. 2. (a) A task force must be composed of representatives of:**

- 15 **(1) the approved postsecondary educational institution's**
 16 **employees and students;**
 17 **(2) community based organizations; and**
 18 **(3) law enforcement.**

19 **(b) A task force shall work toward improving coordination**
 20 **among community leaders and service providers to:**

- 21 **(1) prevent sexual violence, domestic violence, and stalking;**
 22 **and**
 23 **(2) ensure a coordinated response both in terms of law**
 24 **enforcement and victim services.**

25 **Sec. 3. The president of each approved postsecondary**
 26 **educational institution shall invite each of the following entities to**
 27 **recommend to the president of the approved postsecondary**
 28 **educational institution an individual to serve on a campus wide**
 29 **task force:**

- 30 **(1) A community based sexual assault or rape crisis center.**
 31 **(2) A community based domestic violence agency.**
 32 **(3) Local law enforcement.**

33 **Sec. 4. A campus wide task force shall meet at least two (2) times**
 34 **per calendar year for the purpose of discussing and improving**
 35 **upon the following areas:**

- 36 **(1) Best practices as they relate to prevention of, awareness of,**
 37 **education regarding, and response to sexual violence,**
 38 **domestic violence, and stalking.**
 39 **(2) The approved postsecondary educational institution's**
 40 **comprehensive policy and complaint resolution procedures.**
 41 **(3) Collaboration and information sharing among the**
 42 **approved postsecondary educational institutions, community**



1 based organizations, and law enforcement, including
 2 discussing memoranda of understanding, protocols, or other
 3 practices for cooperation.

4 **Sec. 5. (a) Any regional task force in which an approved**
 5 **postsecondary educational institution participates must have**
 6 **representatives from:**

- 7 (1) the approved postsecondary educational institution;
 8 (2) community based sexual assault or rape crisis centers and
 9 domestic violence organizations; and
 10 (3) law enforcement agencies in the region.

11 (b) A regional task force described in subsection (a) shall meet
 12 at least two (2) times each calendar year.

13 (c) An approved postsecondary educational institution shall
 14 send appropriate designees, including faculty, staff, and students,
 15 to participate in the regional task force.

16 **Chapter 8. Reporting**

17 **Sec. 1. Not later than November 1, 2021, and not later than**
 18 **November 1 each year thereafter, each approved postsecondary**
 19 **educational institution shall provide a report to the commission for**
 20 **higher education that includes the following for the previous**
 21 **academic year:**

- 22 (1) A copy of the approved postsecondary educational
 23 institution's most recent comprehensive policy.
 24 (2) A copy of the approved postsecondary educational
 25 institution's most recent notice of student rights and options
 26 under IC 21-49-3.
 27 (3) The number and description of attendees, if applicable, of
 28 primary prevention programming and awareness
 29 programming at the approved postsecondary educational
 30 institution.
 31 (4) The number of incidents of sexual violence, domestic
 32 violence, or stalking reported to the approved postsecondary
 33 educational institution.
 34 (5) The number of incidents of sexual violence, domestic
 35 violence, or stalking reported anonymously to the approved
 36 postsecondary educational institution.
 37 (6) The number of incidents of sexual violence, domestic
 38 violence, or stalking reported to the approved postsecondary
 39 educational institution in which a victim requested not to
 40 proceed with the approved postsecondary educational
 41 institution's complaint resolution procedure.
 42 (7) The number of incidents of sexual violence, domestic



- 1 violence, or stalking reported to the approved postsecondary
 2 educational institution that the approved postsecondary
 3 educational institution investigated.
- 4 (8) The number of incidents of sexual violence, domestic
 5 violence, or stalking reported to the approved postsecondary
 6 educational institution that were referred to local or state law
 7 enforcement.
- 8 (9) The number of incidents of sexual violence, domestic
 9 violence, or stalking reported to the approved postsecondary
 10 educational institution that the approved postsecondary
 11 educational institution reviewed through its complaint
 12 resolution procedure.
- 13 (10) With respect to all the incidents reported as described in
 14 subdivision (9), a disaggregate list of the number of students
 15 who were:
- 16 (A) dismissed or expelled;
 - 17 (B) suspended;
 - 18 (C) otherwise disciplined; or
 - 19 (D) determined not to be responsible for violation of the
 20 comprehensive policy through the complaint resolution
 21 procedure.
- 22 **Sec. 2.** The commission for higher education shall maintain on
 23 its Internet web site a list of all of the approved postsecondary
 24 educational institutions that fail to comply with the annual
 25 reporting requirements under this chapter.

