

1 AN ACT relating to sexual harassment prevention at public colleges and  
2 universities.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO  
5 READ AS FOLLOWS:

6 *(1) As used in this section:*

7 *(a) "Awareness programming" means institutional action designed to*  
8 *communicate the prevalence of sexual violence;*

9 *(b) "Comprehensive policy" means a policy created and implemented by a*  
10 *postsecondary education institution to address student allegations of sexual*  
11 *violence, domestic violence, dating violence, and stalking;*

12 *(c) "Postsecondary education institution" has the same meaning as in KRS*  
13 *164.948;*

14 *(d) "Primary prevention programming" means institutional action and*  
15 *strategies intended to prevent sexual violence before it occurs;*

16 *(e) "Sexual violence" means physical sexual acts attempted or perpetrated*  
17 *against a person's will or when a person is incapable of giving consent,*  
18 *including rape, sexual assault, sexual battery, sexual abuse, and sexual*  
19 *coercion;*

20 *(f) "Survivor" means a student who has experienced sexual violence, domestic*  
21 *violence, dating violence, or stalking while enrolled at a postsecondary*  
22 *education institution;*

23 *(g) "Survivor-centered" means a systemic focus on the needs and concerns of a*  
24 *survivor of sexual violence, domestic violence, dating violence, or stalking;*  
25 *and*

26 *(h) "Trauma-informed response" means a response involving an*  
27 *understanding of the complexities of sexual violence, domestic violence,*

1 dating violence, or stalking through training centered on the  
2 neurobiological impact of trauma; the influence of societal myths and  
3 stereotypes surrounding sexual violence, domestic violence, dating violence,  
4 or stalking; and understanding the behavior of perpetrators.

5 (2) On or before July 1, 2020, all postsecondary education institutions shall adopt a  
6 comprehensive policy concerning sexual violence, domestic violence, dating  
7 violence, and stalking consistent with federal and state law. The postsecondary  
8 education institution's comprehensive policy shall include but not be limited to  
9 the following components:

10 (a) A definition of consent that includes but is not limited to:

11 1. Consent is a freely given agreement to sexual activity;

12 2. A person's lack of verbal or physical resistance or submission  
13 resulting from the use or threat of force does not constitute consent;

14 3. A person's manner of dress does not constitute consent;

15 4. A person's consent to past sexual activity does not constitute consent  
16 to future sexual activity;

17 5. A person's consent to engage in sexual activity with one (1) person  
18 does not constitute consent to engage in sexual activity with another;

19 6. A person can withdraw consent at any time; and

20 7. A person cannot consent to sexual activity if he or she is unable to  
21 understand the nature of the activity or give knowing consent due to  
22 circumstances including but not limited to the person being:

23 a. Incapacitated due to the use or influence of alcohol or drugs;

24 b. Asleep or unconscious;

25 c. Under age; or

26 d. Incapacitated due to a mental disability;

27 (b) Procedures that students of the postsecondary education institution may

- 1 follow if they choose to report an alleged violation of the comprehensive  
2 policy, regardless of where the incident of sexual violence, domestic  
3 violence, dating violence, or stalking occurred;
- 4 (c) The postsecondary education institution's procedure for responding to a  
5 report of an alleged incident of sexual violence, domestic violence, dating  
6 violence, or stalking;
- 7 (d) The postsecondary education institution's complaint resolution procedures  
8 if a student alleges violation of the comprehensive policy;
- 9 (e) The sanctions that the postsecondary education institution may impose  
10 following the implementation of its complaint resolution procedures in  
11 response to an alleged violation of the comprehensive policy;
- 12 (f) An amnesty provision that provides immunity to a student who reports, in  
13 good faith, an alleged violation by another individual of the postsecondary  
14 institution's comprehensive policy;
- 15 (g) A prohibition against retaliation against those who, in good faith, report or  
16 disclose an alleged violation of the comprehensive policy, file a complaint,  
17 or otherwise participate in the complaint resolution procedure and  
18 sanctions for individuals who engage in retaliatory conduct;
- 19 (h) The name, address, and telephone number of the nearest medical facility to  
20 each campus of the postsecondary education institution where a survivor  
21 may have a medical forensic examination completed; and
- 22 (i) The name, telephone number, address, and Web site, if available, of  
23 community-based, state, and national sexual assault crisis centers.
- 24 (3) On or before July 1, 2020, a postsecondary education institution shall  
25 prominently publish, timely update, and have easily available on its Web site all  
26 of the following information:
- 27 (a) The postsecondary education institution's comprehensive policy;

1       **(b) The name and contact information for all of the postsecondary education**  
2       **institution's Title IX coordinators;**

3       **(c) The name, title, and contact information for all counseling services and**  
4       **confidential resources that can provide a confidential response to a report**  
5       **and a description of what confidential reporting means; and**

6       **(d) The telephone number and Web site, if available, of community-based,**  
7       **state, and national hotlines providing information to sexual violence**  
8       **survivors.**

9       **(4) Beginning with the 2020-2021 academic year, each postsecondary education**  
10       **institution shall provide sexual violence primary prevention and awareness**  
11       **programming annually for all students who attend one (1) or more classes on**  
12       **campus. Each postsecondary education institution shall provide each student an**  
13       **electronic copy or paper copy of its comprehensive policy, procedures, and related**  
14       **protocols.**

15       **(5) Beginning with the 2020-2021 academic year, a postsecondary education**  
16       **institution shall provide annual survivor-centered and trauma-informed response**  
17       **training to any employee of the institution who is involved in:**

18       **(a) The receipt of a student report of an alleged incident of sexual violence,**  
19       **domestic violence, dating violence, or stalking;**

20       **(b) The referral or provision of services to a survivor; or**

21       **(c) Any campus complaint resolution procedure that results from an alleged**  
22       **incident of sexual violence, domestic violence, dating violence, or stalking.**