

HOUSE No. 1223

The Commonwealth of Massachusetts

PRESENTED BY:

Randy Hunt

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act requiring sexual harassment training at institutions of higher education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>

HOUSE No. 1223

By Mr. Hunt of Sandwich, a petition (accompanied by bill, House, No. 1223) of Randy Hunt and others relative to requiring sexual harassment training at institutions of higher education. Higher Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act requiring sexual harassment training at institutions of higher education.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Chapter 15A of the General Laws, as appearing in the 2016 Official Edition is
2 hereby amended by adding the following section:-

3 Section 45. (a) As used in this section, the following words shall have the following
4 meaning unless the context clearly requires otherwise:

5 “Sexual harassment”, is unwanted or offensive sexual behavior that has the purpose or
6 effect of creating a hostile or stressful living, learning, or working environment, or whenever
7 toleration of such conduct or rejection of it is the basis for a personnel or academic decision
8 affecting an individual. Examples of behavior that may constitute sexual harassment include, but
9 are not limited to, sexual advances, any form of retaliation or threat of retaliation against an
10 individual who rejects such advances, sexual epithets, jokes, or comments, comment or inquiry
11 about an individual’s body or sexual experiences, unwelcome leering, whistling, brushing against
12 the body, sexual gestures, and displaying sexually suggestive images.

13 “Awareness programming”, institution wide or audience specific programs, initiatives,
14 and strategies that increase audience knowledge, share resources to prevent and reduce the
15 occurrence of sexual harassment and to promote safety and respect.

16 “Primary prevention programming”, initiatives and strategies informed research or
17 assessed for value, effectiveness or outcome that are intended to stop sexual harassment through
18 the promotion of positive healthy behavior.

19 “Bystander intervention”, bystander intervention as defined in 34 CFR 668.46.

20 “Responsible employee”, an employee who has the authority to take action to redress
21 sexual harassment, who has been given the duty of reporting incidents of sexual harassment or
22 any other sexual misconduct by students to the Title IX coordinator or other appropriate school
23 designee, and who a student could reasonably believe has this authority or duty.

24 (b) All trainings and policies adopted by the institution of higher education under this
25 section shall comply with Title IX of the federal Higher Education Amendment of 1972, Title IV
26 of the Civil Rights Act of 1964, the Family Educational Rights and Privacy Act of 1974, and the
27 Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and
28 related regulations and guidance, concerning sexual harassment involving a student of the
29 institution, both on and off campus.

30 (c) Each institution of higher education shall provide: (i) mandatory annual sexual
31 harassment primary prevention and awareness programming for all students, faculty, and staff
32 that includes: (a) information about particular types of conduct that constitute sexual harassment;
33 (b) strategies for bystander intervention; (c) cultural awareness training regarding how sexual
34 harassment may impact a student or employee differently depending on the person’s cultural

35 background; (d) ways to communicate sensitively and compassionately with a reporting party of
36 sexual harassment including, but not limited to, an awareness of responding to a reporting party
37 with consideration of that party's cultural background and providing services to or assisting with
38 locating services for the reporting party; (e) information on options relating to the reporting of an
39 instance of sexual harassment, the effects of each option and methods to report an incident of
40 sexual harassment, including confidential and anonymous disclosure; and (f) the name, contact
41 information, and role of the confidential resource advisor; and (ii) opportunities for ongoing
42 sexual harassment prevention and awareness campaigns and programming.

43 (d) Annually, by June 30, an institution of higher education shall prepare and submit to
44 the department of higher education, the department of public health, the clerks of the senate and
45 house of representatives, and the senate and house chairs of the joint committee on higher
46 education a report that includes the following information: (i) the numbers of students and
47 employees who successfully completed the mandatory sexual harassment training versus the
48 number of students and employees who were subject to this chapter; (ii) the total number of
49 allegations of sexual harassment reported to the institution's Title IX coordinator by a
50 responsible employee, student, faculty member, or other employee of the institution; (iii) the
51 number of reported cases referred for investigation by local or state law enforcement; (iv) the
52 number of students or employees found not responsible for violating an institution's policies
53 prohibiting sexual harassment; and (v) the number of the students or employees separated from
54 the institution as a result of a finding of responsibility for violating an institution's policies
55 prohibiting sexual harassment. The report shall provide information in a de-identified manner
56 that complies with state and federal privacy laws.

57 Section 3. This act shall take effect on July 1, 2020.