

HOUSE No. 3576

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer E. Benson

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 relative to campus safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>

HOUSE No. 3576

By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 3576) of Jennifer E. Benson and others for legislation to establish a task force (including members of the General Court) to review the feasibility and effectiveness of the creation of an on-campus assault review board. Higher Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to campus safety.

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. Section 10 of chapter 15A of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting before the definition of “community college”
3 the following definition:-

4 “Affirmative Consent”, is a knowing, voluntary, and mutual decision among all
5 participants to engage in sexual activity. Consent can be given by words, or actions, as long as
6 those words or actions create clear permission regarding willingness to engage in the sexual
7 activity, silence or lack of resistance, in and of itself, does not demonstrate consent. Consent
8 must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a
9 dating relationship between the persons involved, or the fact of past sexual relations between
10 them, should never by itself be assumed to be an indicator of consent. The definition of consent
11 does not vary based upon participant’s sex, sexual orientation, gender identity, or gender
12 expression.

13 SECTION 2. (a) As used in this section, the following words shall, unless the context
14 clearly requires otherwise, have the following meanings:-

15 “College”, any institution within the public system of higher education as set forth in
16 section 5 of chapter 15A of the General Laws or any independent institution of higher education.

17 “Task Force”, the task force established pursuant to this section to review the feasibility
18 of establishing a State Assault Review Board

19 “Board”, Massachusetts Assault Review Board

20 (b) There is hereby established, pursuant to section 2A of chapter 4 of the General Laws,
21 a task force to review the feasibility and effectiveness of the creation of a Massachusetts assault
22 review board. The task force shall consist of 12 members as follows: the house and senate chairs
23 of the joint committee on higher education, or their designees, who shall serve as co-chairs of the
24 task force; a member of the senate appointed by the senate minority leader; a member of the
25 house of representatives appointed by the house minority leader; the commissioner of the
26 department of higher education, or a designee; the chair of the board of higher education, or a
27 designee; the attorney general, or a designee; and 5 members to be appointed by the governor, 1
28 of whom shall be a representative of the University of Massachusetts recommended by the
29 president of the university, 1 of whom shall be representatives of the Massachusetts state
30 universities recommended by the council of presidents of the Massachusetts state university
31 system, 1 of whom shall be a representative of the community colleges recommended by the
32 Massachusetts Community Colleges executive office, and 2 of whom shall be a representative of
33 private colleges and universities recommended by the Association of Independent Colleges and

34 Universities in Massachusetts, Inc. The task force shall meet at a time appointed by the chairs of
35 the joint committee on higher education.

36 (c) The task force shall:

37 (1) Investigate and study, in consultation with groups deemed necessary and proper by
38 the chairs of the task force, the feasibility of the creation of a board to serve as an impartial point
39 of view and resource for colleges and universities through judicial proceedings involving on-
40 campus assaults both externally and internally. Such investigation and shall include a review of :

41 (i) ways in which said board could help schools increase efficiency and robustness of their
42 response; (ii) ways in which said board could create a fair and prompt system by which to
43 adjudicate complaints; (iii) any additional criteria as established by the task force.

44 (2) Make legislative recommendations for best implementation procedures to establish a
45 state assault review board including: (i) board membership; (ii) responsibilities; (iii) best
46 practices and protocols for the board to collaboratively work with any college; (iv) an assessment
47 of the support staff that would be necessary for the board to achieve its responsibilities;

48 (3) Recommend the most effective way for the commonwealth to establish and maintain
49 a database consisting of best practice protocols and policy recommendations relative to campus
50 safety, including recommendations relative to prevention, reporting and, response proceedings.

51 The task force shall meet within 90 days of the effective date of this act and file a report
52 containing its findings and recommendations, including legislative recommendations, if any,
53 with the clerks of the house and senate on or before February 1, 2019. Prior to issuing its
54 recommendations, the task force shall conduct at least 1 public hearing to receive testimony from
55 members of the public.