

SENATE No. 2242

The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court
(2015-2016)
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SENATE, Monday, April 25, 2016

The committee on Higher Education, to whom was referred the petition (accompanied by bill, Senate, No. 650) of William N. Brownsberger and Lori A. Ehrlich for legislation to create a sexual assault climate survey for Massachusetts colleges and universities, reports the accompanying bill (Senate, No. 2242).

For the committee,
Michael O. Moore

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act creating a sexual assault climate survey for Massachusetts colleges and universities.

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

1 There shall be a task force on sexual assault climate surveys on college and university
2 campuses, herein referred to as the task force. The task force shall consist of the following: the
3 commissioner of higher education and the commissioner of public health, or their designees, who
4 shall serve as co-chairs of the task force; the attorney general or her designee; and 12 persons
5 chosen by the governor as follows: 1 representative recommended by Jane Doe Inc, 1 student
6 attending a college or university in the state, 1 representative recommended by the Victim Rights
7 Law Center, 3 representatives from rape crisis and counseling centers located in different regions
8 across the state, 2 of which shall be community-based department of public health funded sexual
9 assault crisis service centers, 1 representative from the University of Massachusetts
10 recommended by the president of the university, 1 representative from the state universities
11 recommended by the presidents of the state universities, 1 representative from the community
12 colleges recommended by the presidents of the community colleges, and 3 representatives
13 recommended by the Association of Independent Colleges and Universities in Massachusetts.

14 The task force shall develop a model sexual assault climate survey to be issued to college
15 and university students attending higher education institutions in the state, with the goal of
16 determining the prevalence and perceptions of sexual assault on college and university
17 campuses. Any higher education institution that has developed and issued its own campus-
18 specific climate survey to an adequate, random, and representative sample of students enrolled at
19 their institution may utilize that survey. The role of the task force in developing the model
20 climate survey shall include, but not be limited to, the following: (i) designing the model survey
21 questions and recommended modes of implementation, in consultation with experts in the
22 development and utilization of sexual assault climate surveys, as well as colleges and universities
23 in the state and nation that have developed and utilized these types of surveys; (ii) determining
24 which colleges and universities in the state shall receive notice that they shall complete the
25 model survey; (iii) consulting college and university officials in order to optimize the survey; and
26 (iv) any other necessary role determined by the task force.

27 The model survey shall not require the student participant to provide their name or any
28 personally identifiable information. The higher education institution shall take reasonable steps
29 to ensure the confidentiality of any responses, and the institution shall not be required to report
30 the results that are broken down by demographics unless there is a reasonable sample size of
31 students surveyed.

32 The task force shall develop the model survey using best practices from peer-reviewed
33 research measuring sexual violence and harassment. In designing the model survey, the task
34 force may, if it deems appropriate, utilize sexual assault climate surveys that have been
35 developed and utilized by higher education institutions, and shall elicit input from current
36 college or university students in Massachusetts. The model survey shall be designed to optimize

37 completion of the full survey instrument and to gather, to the extent possible, information about,
38 but not be limited to, the following topics: (i) the number of reported incidences of sexual
39 violence, dating violence, domestic violence, and stalking on campuses; (ii) students' knowledge
40 of institutional policies and procedures; (iii) if victims reported the violence, to whom did they
41 report, what response did they receive, and whether they were informed of, or referred to, local,
42 state, on-campus, or other national resources; (iv) contextual factors, such as whether force,
43 incapacitation, or coercion was involved; (v) demographic factors that could be used to identify
44 at-risk groups; and (vi) whether the assailants were students. The task force shall complete the
45 work of developing the model survey within 1 year of the date of first convening.

46 The commissioner of higher education shall require colleges and universities to ensure
47 that the model climate survey is issued to an adequate, random, and representative sample of
48 students not later than 1 year after the task force has issued the final model survey. In addition to
49 the standardized questions developed by the task force, institutions completing the survey may
50 request additional information from students that would increase the institutions' understanding
51 of school climate factors unique to their campuses.

52 Each college or university identified by the task force to receive the model survey shall
53 provide the individual responses to the model campus climate survey within 120 days of
54 completing the administration of the model survey. Any higher education that has issued its own
55 campus-specific survey under the provisions of this act shall provide individual responses as
56 requested to do so by the task force. The task force shall analyze the sexual assault incident data
57 and shall publish a report based on the data and their deliberations. The report shall be made
58 available for comment to participating colleges and universities, to the Council of Presidents of
59 the State Universities, to the Massachusetts Community Colleges Executive Office, as well as

60 the Association for Independent Colleges and Universities in Massachusetts at least 30 days prior
61 to publication, and the task force shall consider revisions to the report in response to suggestions
62 and concerns raised by these entities. After revisions have been finalized, the task force shall file
63 the report with the commissioner of higher education.