

FIRST REGULAR SESSION

HOUSE BILL NO. 367

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEWMAN.

0218H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 173, RSMo, by adding thereto one new section relating to sexual assault policies of institutions of higher education.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 173, RSMo, is amended by adding thereto one new section, to be known as section 173.2100, to read as follows:

173.2100. 1. The provisions of this section shall be known and may be cited as the "Enough is Enough Act".

2. As used in this section, the following terms mean:

(1) "Institution of higher education", a public or private educational institution located in Missouri that provides a postsecondary course of instruction;

(2) "Sexual assault", sexual assault as defined by each institution of higher education in its sexual assault policies in a manner consistent with applicable federal definitions.

3. Each institution of higher education shall comply with every provision in Sections 1681 to 1688 of Title IX of the Education Amendments of 1972, if applicable.

4. Each institution of higher education shall:

(1) Adopt sexual assault policies derived from evidence-based and peer-reviewed research and prominently display such policies on its website; and

(2) Distribute written copies of its sexual assault policies established under subdivision (1) of this subsection to all students enrolled at its institution at least one time each academic year.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **5. The sexual assault policies of each institution of higher education shall include**
18 **an affirmative consent standard in determining whether the parties consented to sexual**
19 **activity. The sexual assault policies of each institution of higher education shall define**
20 **"affirmative consent" as knowing, voluntary, and mutual agreement among all**
21 **participants to engage in a sexual activity.**

22 **6. The sexual assault policies of each institution of higher education shall provide**
23 **that a student acting in good faith who reports an incident of sexual assault to law**
24 **enforcement or to the institution of higher education shall not be subject to discipline or**
25 **any other consequences for violations of any drug policy or alcohol policy, ancillary to the**
26 **incident, of the institution of higher education.**

27 **7. The opening of an investigation by a law enforcement agency into a student's**
28 **report of sexual assault shall not relieve the institution of higher education from its**
29 **obligation to provide accommodations for all students involved in the reported incident**
30 **and to follow its procedures regarding reports of sexual assault that apply in the absence**
31 **of a law enforcement investigation.**

32 **8. Each institution of higher education shall provide a student accused of sexual**
33 **assault with:**

34 **(1) One hearing, unless declined by such accused student; and**

35 **(2) One level of appeal of a determination, unless declined by such accused student.**

36 **9. Each municipal law enforcement agency that has law enforcement jurisdiction**
37 **over the premises of a higher education institution or within two miles of an institution of**
38 **higher education shall execute a memorandum of understanding regarding complaints of**
39 **sexual assault with the department or agency of the institution of higher education**
40 **primarily responsible for the public safety of students.**

41 **10. Each institution of higher education shall employ at least one full-time**
42 **individual who investigates Title IX complaints for every twenty thousand students**
43 **enrolled at the institution of higher education.**

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