

117TH CONGRESS
1ST SESSION

H. R. 4898

To amend the Higher Education Act of 1965 to increase transparency and reporting on campus sexual violence, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2021

Ms. SPEIER (for herself, Mr. FITZPATRICK, Ms. KUSTER, Mr. TAKANO, Ms. LEE of California, Ms. VELÁZQUEZ, Mr. SWALWELL, Mr. SMITH of Washington, Ms. MATSUI, Ms. NORTON, Ms. SLOTKIN, Ms. BROWNLEY, Mrs. WATSON COLEMAN, Ms. MOORE of Wisconsin, Ms. MENG, Ms. CHU, Ms. WILSON of Florida, Mr. YARMUTH, Ms. ADAMS, Mr. DESAULNIER, Mr. CICILLINE, Mr. PAYNE, Ms. ROSS, Mr. LOWENTHAL, Ms. ROYBAL-ALLARD, Ms. LOIS FRANKEL of Florida, Mr. SHERMAN, Mr. LAWSON of Florida, Ms. DEAN, Ms. SCHAKOWSKY, Mrs. DINGELL, Mr. AUCHINCLOSS, Ms. ESCOBAR, Ms. CLARKE of New York, Ms. PRESSLEY, Ms. TITUS, Mr. WELCH, Mrs. LAWRENCE, and Mr. CASTEN) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Higher Education Act of 1965 to increase transparency and reporting on campus sexual violence, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hold Accountable and
3 Lend Transparency on Campus Sexual Violence Act of
4 2021” or the “HALT Campus Sexual Violence Act of
5 2021”.

6 **SEC. 2. DISCLOSURE OF ENFORCEMENT ACTIONS.**

7 (a) DISCLOSURE OF PROGRAM REVIEWS AND OPEN
8 INVESTIGATIONS.—The Department of Education Organi-
9 zation Act (20 U.S.C. 3401 et seq.) is amended—

10 (1) in section 203(b) (20 U.S.C. 3413(b)), by
11 adding at the end the following new paragraphs:

12 “(3) The Assistant Secretary for Civil Rights shall
13 make publicly available on the Department’s website a list
14 of each institution under investigation for a possible viola-
15 tion of title IX of the Education Amendments of 1972 (20
16 U.S.C. 1681 et seq.) or title IV of the Civil Rights Act
17 of 1964 (42 U.S.C. 2000c et seq.), the sanctions (if any)
18 or findings issued pursuant to such investigation, and a
19 copy of final program reviews and resolution agreements,
20 including voluntary resolution agreements, entered into by
21 such institution with the Secretary or Attorney General
22 under title IX of the Education Amendments of 1972 (20
23 U.S.C. 1681 et seq.) or title IV of the Civil Rights Act
24 of 1964 (42 U.S.C. 2000c et seq.).

25 “(4) Not later than 30 days after the termination of
26 any resolution agreement described in paragraph (3), the

1 Assistant Secretary for Civil Rights shall transmit to the
2 President and the Congress, and make publicly available
3 on the Department’s website, the letter terminating the
4 Department of Education’s monitoring of such agree-
5 ment.”; and

6 (2) in section 205 (20 U.S.C. 3415), by adding
7 at the end the following new subsection:

8 “(c) The Assistant Secretary for Postsecondary Edu-
9 cation shall make publicly available on the Department’s
10 website a list of each institution under investigation for
11 a possible violation of section 485(f) of the Higher Edu-
12 cation Act of 1965 (20 U.S.C. 1092(f)), the sanctions (if
13 any) or findings issued pursuant to such investigation, and
14 a copy of program reviews and resolution agreements en-
15 tered into by such institution with the Secretary or Attor-
16 ney General under such section 485(f) (20 U.S.C.
17 1092(f)).”.

18 (b) INSPECTOR GENERAL.—Not later than one year
19 after the date of enactment of this Act, the Inspector Gen-
20 eral of the Department of Education shall submit to Con-
21 gress and make publicly available a report reviewing com-
22 pliance with paragraphs (3) and (4) of section 203(b) of
23 the Department of Education Organization Act (20
24 U.S.C. 3413(b)) and section 205(c) of such Act (20
25 U.S.C. 3415), as added by subsection (a).

1 **SEC. 3. DISCLOSURES OF REQUESTS FOR EXEMPTIONS**
2 **UNDER TITLE IX.**

3 Section 203(b) of the Department of Education Or-
4 ganization Act (20 U.S.C. 3413(b)) is further amended
5 by adding at the end the following new paragraph:

6 “(5) The Assistant Secretary for Civil Rights shall
7 make publicly available and easily accessible on the De-
8 partment’s website a list of each institution that has re-
9 quested to be exempt from title IX of the Education
10 Amendments of 1972 (20 U.S.C. 1681 et seq.).”.

11 **SEC. 4. AUTHORITY TO LEVY FINES.**

12 Section 203(c) of the Department of Education Orga-
13 nization Act (20 U.S.C. 3413) is amended—

14 (1) by striking “and” at the end of paragraph
15 (3);

16 (2) by striking the period at the end of para-
17 graph (4) and inserting “; and”; and

18 (3) by adding at the end the following new
19 paragraph:

20 “(5) to impose a civil penalty to be paid by an
21 institution that has violated a law under the jurisdic-
22 tion of the Office for Civil Rights, the amount of
23 which shall be determined by the gravity of the vio-
24 lation, and the imposition of which shall not pre-
25 clude other remedies available under Federal law.”.

1 **SEC. 5. CLIMATE SURVEYS.**

2 Section 485(f) of the Higher Education Act of 1965
3 (20 U.S.C. 1092f) is amended—

4 (1) by redesignating paragraph (18) as para-
5 graph (19); and

6 (2) by inserting after paragraph (17) the fol-
7 lowing:

8 “(18) ONLINE SURVEY TOOL FOR CAMPUS SAFE-
9 TY.—

10 “(A) IN GENERAL.—The Secretary shall, in
11 consultation with the Attorney General, Director of
12 the Centers for Disease Control, and the Secretary
13 of the Department of Health and Human Services
14 and experts in domestic violence, dating violence,
15 sexual assault, sexual harassment, and stalking, de-
16 velop, design, and make available through a secure
17 and accessible online portal, a standardized online
18 survey tool regarding student experiences with do-
19 mestic violence, dating violence, sexual assault, sex-
20 ual harassment, and stalking.

21 “(B) DEVELOPMENT OF SURVEY TOOL.—In de-
22 veloping the survey tool required under subpara-
23 graph (A), the Secretary shall—

24 “(i) use best practices from peer-reviewed
25 research measuring domestic violence, dating vi-

1 olence, sexual assault, sexual harassment, and
2 stalking;

3 “(ii) consult with the higher education
4 community, experts in survey research related
5 to domestic violence, dating violence, sexual as-
6 sault, sexual harassment, and stalking, and or-
7 ganizations engaged in the prevention of and
8 response to, and advocacy on behalf of victims
9 of, domestic violence, dating violence, sexual as-
10 sault, sexual harassment, and stalking regard-
11 ing the development and design of such survey
12 tool and the methodology for administration of
13 such survey tool; and

14 “(iii) ensure that the survey tool is readily
15 accessible to and usable by individuals with dis-
16 abilities.

17 “(C) ELEMENTS.—

18 “(i) IN GENERAL.—The survey tool devel-
19 oped pursuant to this paragraph shall be fair
20 and unbiased, scientifically valid and reliable,
21 and meet the highest standards of survey re-
22 search.

23 “(ii) SURVEY QUESTIONS.—Survey ques-
24 tions included in the survey tool developed pur-
25 suant to this paragraph shall—

1 “(I) be designed to gather information
2 on student experiences with domestic vio-
3 lence, dating violence, sexual assault, sex-
4 ual harassment, and stalking, including the
5 experiences of victims of such incidents;

6 “(II) use trauma-informed language
7 to prevent retraumatization; and

8 “(III) include—

9 “(aa) questions that give stu-
10 dents the option to report their demo-
11 graphic information;

12 “(bb) questions designed to de-
13 termine the incidence and prevalence
14 of domestic violence, dating violence,
15 sexual assault, sexual harassment,
16 and stalking whether the incident oc-
17 curred on or off campus, and whether
18 carried out in whole or in part
19 through the use of electronic mes-
20 saging services, commercial mobile
21 services, electronic communications, or
22 other technology;

23 “(cc) questions regarding wheth-
24 er students know about institutional
25 policies and procedures related to do-

1 mestic violence, dating violence, sexual
2 assault, sexual harassment, and stalk-
3 ing;

4 “(dd) questions designed to de-
5 termine, if victims reported domestic
6 violence, dating violence, sexual as-
7 sult, sexual harassment, or stalk-
8 ing—

9 “(AA) to whom the incident
10 was reported and what response
11 the victim may have received;

12 “(BB) whether the victim
13 was informed of, or referred to,
14 national, State, local, or on-cam-
15 pus resources; and

16 “(CC) whether the entity to
17 whom the victim reported the in-
18 cident conducted an investigation
19 and the duration and final reso-
20 lution of such an investigation;

21 “(ee) questions regarding contex-
22 tual factors, such as whether force, in-
23 capacitation, or coercion was involved;

1 “(ff) questions to determine
2 whether an accused individual was a
3 student at the institution;

4 “(gg) questions to determine
5 whether a victim reported an incident
6 to State, local, or campus law enforce-
7 ment;

8 “(hh) questions to determine why
9 the victim chose to report or not re-
10 port an incident to the institution of
11 higher education or State, local, or
12 campus law enforcement;

13 “(ii) questions to determine the
14 impact of domestic violence, dating vi-
15 olence, sexual assault, sexual harass-
16 ment, and stalking on the victim’s
17 education, including diminished
18 grades, dropped classes, leaves of ab-
19 sence, and negative financial con-
20 sequences (such as costs associated
21 with loss in paid tuition due to leaves
22 of absence, loss in scholarship awards
23 due to diminished grades, and cost as-
24 sociated with counseling, medical serv-
25 ices, or housing changes);

1 “(jj) questions to determine the
2 impact and effectiveness of prevention
3 and awareness programs and com-
4 plaints processes for the overall stu-
5 dent body and different student popu-
6 lations that identify as—

7 “(AA) students of color;
8 “(BB) LGBTQ students;
9 “(CC) immigrant students;
10 “(DD) pregnant, expectant,
11 or parenting students; or

12 “(EE) students with disabil-
13 ities;

14 “(kk) questions to determine atti-
15 tudes toward sexual violence and har-
16 assment, including the willingness of
17 individuals to intervene as a bystander
18 of sex-based (including sexual orienta-
19 tion-based and gender identity-based),
20 race-based, national origin-based, and
21 disability-based discrimination, har-
22 assment, assault, domestic violence,
23 dating violence, sexual assault, sexual
24 harassment, and stalking; and

1 “(II) other questions, as deter-
2 mined by the Secretary.

3 “(iii) ADDITIONAL ELEMENTS.—In addi-
4 tion to the standardized questions developed by
5 the Secretary under clause (ii), an institution
6 may request additional information from stu-
7 dents that would increase the understanding of
8 the institution of school climate factors unique
9 to their campuses.

10 “(iv) RESPONSES.—The responses to the
11 survey questions described in clause (ii) shall—

12 “(I) be submitted confidentially;

13 “(II) not be included in crime statis-
14 tics; and

15 “(III) in the case of such responses
16 being included in a report, shall not in-
17 clude personally identifiable information.

18 “(D) ADMINISTRATION OF SURVEY.—

19 “(i) FEDERAL ADMINISTRATION.—The
20 Secretary, in consultation with the Attorney
21 General, Director of the Centers for Disease
22 Control, and Secretary of the Department of
23 Health and Human Services, shall develop a
24 mechanism by which institutions of higher edu-

1 cation may, with respect to the survey tool de-
2 veloped pursuant to this paragraph—

3 “(I) administer such survey tool; and

4 “(II) modify such survey tool to in-
5 clude additional elements or requirements,
6 as determined by the institution.

7 “(ii) COSTS.—The Secretary may not re-
8 quire an institution of higher education to pay
9 to modify the survey tool in accordance with
10 clause (i)(II).

11 “(iii) ACCESSIBILITY.—The Secretary shall
12 ensure that the survey tool is administered in
13 such a way as to be readily accessible to and
14 usable by individuals with disabilities.

15 “(iv) INSTITUTIONAL ADMINISTRATION.—
16 Beginning not later than one year after the
17 date on which the Secretary makes available to
18 institutions of higher education the mechanism
19 described in clause (i), and every two years
20 thereafter, each institution of higher education
21 shall administer the survey tool developed pur-
22 suant to this paragraph.

23 “(E) COMPLETED SURVEYS.—The Secretary
24 shall require each institution of higher education
25 participating in any program under this title to en-

1 sure, to the maximum extent practicable, that an
2 adequate, random, and representative sample size of
3 students (as determined by the Secretary) enrolled
4 at the institution of higher education complete the
5 survey tool developed pursuant to this paragraph.

6 “(F) REPORT.—Beginning not later than two
7 years after the date of enactment of the HALT
8 Campus Sexual Violence Act of 2021, and every 2
9 years thereafter, the Secretary shall—

10 “(i) prepare a biennial report on the infor-
11 mation gained from the standardized elements
12 of the survey under this paragraph, which shall
13 include campus-level data for each institution of
14 higher education and attributed by name of
15 each campus in a manner that permits compari-
16 sons across institutions of higher education and
17 campuses;

18 “(ii) publish such report in an accessible
19 format on the website of the Department; and

20 “(iii) submit to Congress such report.

21 “(G) PUBLICATION.—Each institution shall
22 publish, in a manner that is readily accessible and
23 usable by individuals, including individuals with dis-
24 abilities—

1 “(i) the campus-level results of the stand-
2 ardized elements of the survey under this para-
3 graph on the website of the institution and in
4 the annual security report required under para-
5 graph (1) for the campuses affiliated with the
6 institution; and

7 “(ii) the campus-level results of the addi-
8 tional elements modifying the survey by the in-
9 stitution of higher education, if any, on the
10 website of the institution.

11 “(H) VIOLATION.—Upon a determination pur-
12 suant to section 487(c)(3)(B) that an institution of
13 higher education has violated or failed to carry out
14 any provision under this subsection, the Secretary
15 shall impose a civil penalty upon the institution pur-
16 suant to the same procedures as a civil penalty is
17 imposed under section 487(c)(3)(B), except that
18 such section shall be applied by substituting
19 ‘\$100,000’ for ‘\$25,000’.”.

20 **SEC. 6. CREATION OF A PRIVATE RIGHT OF ACTION.**

21 Section 485(f)(14) of the Higher Education Act of
22 1965 (20 U.S.C. 1092(f)(14)) is amended to read as fol-
23 lows:

24 “(14)(A) An individual may bring an action against
25 an institution of higher education for a violation of this

1 subsection in an appropriate district court of the United
2 States. In a proceeding under this paragraph, a court may
3 award a plaintiff who has suffered or may suffer damages
4 as a result of noncompliance with this subsection all ap-
5 propriate relief, including equitable relief, compensatory
6 damages, cost of the action, and remedial action.

7 “(B) This paragraph shall not be construed to pre-
8 clude an individual from obtaining any other remedy that
9 is available under any other provision of law or to require
10 such individual to exhaust any administrative complaint
11 process or notice-of-claim requirement before seeking re-
12 dress under this paragraph.”

13 **SEC. 7. INCREASE OF CLERY ACT PENALTIES.**

14 Section 485(f)(13) of the Higher Education Act of
15 1965 (20 U.S.C. 1092(f)(13)) is amended—

16 (1) by striking “in the same amount and”; and

17 (2) by inserting before the period at the end the
18 following: “, except that such section shall be applied
19 by substituting ‘\$100,000’ for ‘\$25,000’”.

20 **SEC. 8. NOTIFICATION OF POLICIES AIMED AT PREVEN-**
21 **TION OF SEX-BASED HARASSMENT AND VIO-**
22 **LENCE.**

23 (a) IN GENERAL.—Paragraph (8) of section 485(f)
24 of the Higher Education Act of 1965 (20 U.S.C. 1092(f))

1 is amended by adding at the end the following new sub-
2 paragraphs:

3 “(D) The statement of policy described in subpara-
4 graph (A) shall be—

5 “(i) written using simple and understandable
6 language and clear formatting; and

7 “(ii) made widely available and posted on the
8 institution’s public website in a manner that is read-
9 ily accessible to and usable by individuals, including
10 individuals with disabilities.

11 “(E) The statement of policy described in subpara-
12 graph (A) shall be provided, on an annual basis, to each
13 student group, student team, or student organization
14 which is part of such institution, is recognized by the insti-
15 tution, or permitted by the institution to use its name or
16 facilities or is known by the institution to act as an unaf-
17 filiated student group, student team, or student organiza-
18 tion, and each institution of higher education described in
19 subparagraph (A) shall require that each such group,
20 team, or organization distributes a copy of such policy to
21 each of its members as well as each of its applicants for
22 membership, including plebes, pledges, or similar appli-
23 cants.

24 “(F) An institution’s compliance with subparagraph
25 (E) with respect to an unaffiliated student group, student

1 team, or student organization shall not constitute evidence
2 of the institution’s recognition or endorsement of such un-
3 affiliated group, team, or organization.”.

4 (b) COMPTROLLER GENERAL REVIEW.—Not later
5 than August 1, 2022, the Comptroller General shall report
6 to the Committee on Education and Labor of the House
7 of Representatives and the Committee on Health, Edu-
8 cation, Labor, and Pensions of the Senate on—

9 (1) the implementation of section 485(f)(8) of
10 the Higher Education Act of 1965 (20 U.S.C.
11 1092(f)(8)), as amended by subsection (a), includ-
12 ing—

13 (A) the extent to which institutions of
14 higher education have developed the statement
15 of policy required under subparagraph (A) of
16 such section;

17 (B) how institutions of higher education
18 are—

19 (i) distributing such statement of pol-
20 icy; and

21 (ii) determining whether the policy is
22 received and understood by students; and

23 (C) the Secretary of Education’s oversight
24 of the compliance of institutions of higher edu-
25 cation with respect to the statement of policy

1 requirements under such section, including ef-
2 forts, in consultation with the Attorney General,
3 to provide technical assistance to institutions of
4 higher education in complying with such re-
5 quirements; and

6 (2) any changes in the numbers of dating vio-
7 lence, domestic violence, sexual assault, or stalking
8 incidents reported to campus security authorities or
9 local police agencies as indicated by the annual secu-
10 rity reports distributed under section 485(f)(1) of
11 the Higher Education Act of 1965 (20 U.S.C.
12 1092(f)(1)), as amended by this Act, or the climate
13 surveys under section 485(f)(18) of such Act, as
14 amended by section 5 of this Act.

15 **SEC. 9 TASK FORCE ON SEX-BASED HARASSMENT AND VIO-**
16 **LENCE IN EDUCATION.**

17 (a) **TASK FORCE ON SEX-BASED HARASSMENT AND**
18 **VIOLENCE IN EDUCATION.**—Not later than September 1,
19 2022, the Secretary of Education, the Secretary of Health
20 and Human Services, and the Attorney General shall es-
21 tablish a joint interagency task force to be known as the
22 “Task Force on Sex-Based Harassment and Violence in
23 Education” that shall—

24 (1) provide pertinent information to the Sec-
25 retary of Education, Attorney General, Congress,

1 and the public with respect to prevention of, inves-
2 tigation of, and responses to domestic violence, dat-
3 ing violence, sexual harassment, sexual assault, and
4 stalking at institutions of higher education;

5 (2) provide recommendations to educational in-
6 stitutions for establishing prevention and response
7 teams for domestic violence, dating violence, sexual
8 harassment, sexual assault, and stalking;

9 (3) develop recommendations for educational in-
10 stitutions on providing victim resources, including
11 health care, sexual assault kits, sexual assault nurse
12 examiners, culturally responsive and inclusive stand-
13 ards of care, trauma-informed services, and access to
14 confidential advocacy and support services;

15 (4) provide recommendations for educational in-
16 stitutions for research-based education programs or
17 other training for students shown to be effective to
18 prevent domestic violence, dating violence, sexual
19 harassment, sexual assault, and stalking;

20 (5) develop recommendations in conjunction
21 with student groups at greater statistical risk of per-
22 petuating rape culture such as fraternities and ath-
23 letic departments for best practices for prevention of
24 and response to domestic violence, dating violence,
25 sexual harassment, sexual assault, and stalking at

1 educational institutions, taking into consideration an
2 institution's size and resources;

3 (6) develop recommendations for educational in-
4 stitutions on sex education, as appropriate, training
5 for school staff, and various equitable discipline
6 models;

7 (7) develop recommendations on culturally re-
8 sponsive and inclusive approaches to supporting vic-
9 tims, which include consideration of race, ethnicity,
10 national origin, immigrant status, gender identity,
11 sexual orientation, ability, disability, socioeconomic
12 status, exposure to trauma, and other compounding
13 factors;

14 (8) solicit periodic input from a diverse group
15 of victims, trauma specialists, advocates from na-
16 tional, State, and local organizations that combat
17 domestic violence, dating violence, sexual harass-
18 ment, sexual assault, and stalking, educational insti-
19 tutions, and other public stakeholders;

20 (9) assess the Department of Education's abil-
21 ity under section 902 of the Education Amendments
22 of 1972 (20 U.S.C. 1682) to levy intermediate fines
23 for noncompliance with title IX of the Education
24 Amendments of 1972 (20 U.S.C. 1681 et seq.) and
25 the advisability of additional remedies for such non-

1 compliance, in addition to the remedies already
2 available under Federal law; and

3 (10) create a plan described in subsection (c).

4 (b) PERSONNEL DETAILS.—

5 (1) AUTHORITY TO DETAIL.—Notwithstanding
6 any other provision of law, the head of a component
7 of any Federal agency that is funded under the Vio-
8 lence Against Women Act of 1994 (42 U.S.C. 13925
9 et seq.) may detail an officer or employee of such
10 component to the Task Force on Sex-Based Harass-
11 ment and Violence in Education or to the Secretary
12 of Education to assist the Task Force with the du-
13 ties described in subsection (a), as jointly agreed to
14 by the head of such component and the Task Force.

15 (2) BASIS FOR DETAIL.—A personnel detail
16 made under paragraph (1) may be made—

17 (A) for a period of not more than 3 years;

18 and

19 (B) on a reimbursable or nonreimbursable
20 basis.

21 (c) ADDITIONAL PLAN.—Not later than 90 days after
22 the date on which the Task Force on Sex-Based Harass-
23 ment and Violence in Education is established under sub-
24 section (a), the Task Force shall submit to Congress rec-
25 ommendations for recruiting, retaining, and training a

1 highly qualified workforce employed by the Department of
2 Education to carry out investigation of complaints alleging
3 a violation of title IX of the Education Amendments of
4 1972 (20 U.S.C. 1681 et seq.) or section 485(f) of the
5 Higher Education Act of 1965 (20 U.S.C. 1092(f)), and
6 enforcement of such title IX (20 U.S.C. 1681 et seq.) or
7 such section 485(f) (20 U.S.C. 1092(f)), with respect to
8 domestic violence, dating violence, sexual harassment, sex-
9 ual assault, and stalking in education. Such plan shall in-
10 clude—

11 (1) an assessment to identify current gaps or
12 challenges carrying out such investigation and en-
13 forcement, which may include surveying current in-
14 vestigative workforce to solicit feedback on areas in
15 need of improvement;

16 (2) an examination of issues of recruiting, re-
17 tention, and the professional development of such
18 workforce, including the possibility of providing re-
19 tention bonuses or other forms of compensation for
20 the purpose of ensuring the Department of Edu-
21 cation has the capacity, in both personnel and skills,
22 needed to properly perform its mission and provide
23 adequate oversight of educational institutions;

24 (3) an assessment of the benefits of outreach
25 and training with both law enforcement agencies and

1 educational institutions with respect to such work-
2 force;

3 (4) an examination of best practices for making
4 educational institutions aware of the most effective
5 prevention, investigation, and response practices re-
6 lating to domestic violence, dating violence, sexual
7 harassment, sexual assault, and stalking and identi-
8 fying areas where more research should be con-
9 ducted; and

10 (5) strategies for addressing such other matters
11 as the Secretary of Education considers necessary to
12 prevention of, investigation of, and responses to do-
13 mestic violence, dating violence, sexual harassment,
14 sexual assault, and stalking.

15 (d) ANNUAL REPORT.—The Task Force on Sex-
16 Based Harassment and Violence in Education shall report
17 to Congress on an annual basis, and make publicly avail-
18 able, a report of its activities and any update of the plan
19 required under subsection (c), including the number of
20 complaints received regarding domestic violence, dating vi-
21 olence, sexual harassment, sexual assault, and stalking
22 (including such incidents on the basis of sexual orientation
23 and gender identity), the number of open investigations,
24 the number of complaints that continued to resolution, the
25 number of complaints resolved using informal resolution,

1 the average time to complete an investigation, the number
2 of investigations initiated based on complaints, and the
3 number of investigations initiated by the Department of
4 Education.

5 (e) DEFINITIONS.—In this section:

6 (1) The term “educational institution” includes
7 an institution of higher education, an elementary
8 school, or a secondary school.

9 (2) The terms “elementary school” and “sec-
10 ondary school” have the meanings given the terms
11 in section 8101 of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 7801).

13 (3) The term “institution of higher education”
14 has the meaning given the term in section 102 of the
15 Higher Education Act of 1965 (20 U.S.C. 1002).

16 (4) The terms “domestic violence”, “dating vio-
17 lence”, “sexual assault”, and “stalking” have the
18 meanings given the terms in section 487(f) of the
19 Higher Education of 1965 (20 U.S.C. 1092(f)), as
20 amended by this Act.

21 (5) The term “sexual harassment” means any
22 unwelcome conduct of a sexual nature, regardless of
23 whether it is direct or indirect, or verbal or non-
24 verbal (including conduct that is undertaken in
25 whole or in part, through the use of electronic mes-

1 saging services, commercial mobile services, elec-
2 tronic communications, or other technology), that
3 unreasonably alters an individual's terms, conditions,
4 benefits, or privileges of an educational program or
5 activity, including by creating an intimidating, hos-
6 tile, or offensive environment, which takes the form
7 of—

8 (A) a sexual advance;

9 (B) a request for sexual favors;

10 (C) a sexual act, where such submission is
11 made either explicitly or implicitly a term or
12 condition of a program or activity at a school
13 or school activity, regardless of a student's sub-
14 mission to or rejection of such sexual act;

15 (D) a sexual act, where such submission or
16 rejection is used as the basis for a decision af-
17 fecting a term or condition of a program or ac-
18 tivity at a school or school activity, regardless
19 of a student's submission to or rejection of such
20 sexual act;

21 (E) other conduct of a sexual nature; or

22 (F) domestic violence, intimate partner vio-
23 lence (dating violence), and sex-based stalking.

1 **SEC. 10. CONFORMING AMENDMENTS.**

2 Section 485(f) of the Higher Education Act of 1965
3 (20 U.S.C. 1092(f)) is amended—

4 (1) in paragraph (1)(F)(i)(II), by striking “sex
5 offenses, forcible or nonforcible” and inserting “sex-
6 ual assault”; and

7 (2) by amending paragraph (6)(A)(v) to read as
8 follows:

9 “(v) The term ‘sexual assault’ has the meaning
10 of an offense classified as a sex offense under the
11 Uniform Crime Report of the Federal Bureau of In-
12 vestigation.”.

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