

113TH CONGRESS  
1ST SESSION

# H. R. 812

To amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2013

Mrs. CAROLYN B. MALONEY of New York (for herself, Ms. MOORE, Mr. MEEHAN, Mr. LARSEN of Washington, Ms. DELAURO, Ms. MCCOLLUM, Ms. HAHN, Mr. CONNOLLY, Mr. CLAY, Mr. HOLT, Mr. MORAN, Mr. GRIJALVA, Mr. CONYERS, Ms. BONAMICI, Ms. WASSERMAN SCHULTZ, Mr. LEVIN, Mr. LOEBSACK, Mr. KEATING, Ms. SCHWARTZ, Mr. MICHAUD, Ms. SCHAKOWSKY, Ms. ESHOO, Mr. SHERMAN, Mr. VAN HOLLEN, Ms. NORTON, Mr. CICILLINE, Mr. COOPER, Ms. TITUS, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Education and the Workforce

---

## A BILL

To amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Campus Sexual Vio-  
5 lence Elimination Act”.

1 **SEC. 2. CAMPUS SEXUAL VIOLENCE, DOMESTIC VIOLENCE,**  
2 **DATING VIOLENCE, AND STALKING EDU-**  
3 **CATION AND PREVENTION.**

4 (a) IN GENERAL.—Section 485(f) of the Higher Edu-  
5 cation Act of 1965 (20 U.S.C. 1092(f)) is amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (C)(iii), by striking  
8 the period at the end and inserting “, when the  
9 victim of such crime elects or is unable to make  
10 such a report.”; and

11 (B) in subparagraph (F)—

12 (i) in clause (i)(VIII), by striking  
13 “and” after the semicolon;

14 (ii) in clause (ii)—

15 (I) by striking “sexual orienta-  
16 tion” and inserting “ national origin,  
17 sexual orientation, gender identity,”;  
18 and

19 (II) by striking the period and  
20 inserting “; and”; and

21 (iii) by adding at the end the fol-  
22 lowing:

23 “(iii) of domestic violence, dating vio-  
24 lence, and stalking incidents that were re-  
25 ported to campus security authorities or  
26 local police agencies.”;

1 (2) in paragraph (3), by inserting “, that with-  
2 holds the names of victims as confidential,” after  
3 “that is timely”;

4 (3) in paragraph (6)(A)—

5 (A) by redesignating clauses (i), (ii), and  
6 (iii) as clauses (ii), (iii), and (iv), respectively;

7 (B) by inserting before clause (ii), as re-  
8 designated by subparagraph (A), the following:

9 “(i) The terms ‘dating violence’, ‘domestic vio-  
10 lence’, and ‘stalking’ have the meaning given such  
11 terms in section 40002(a) of the Violence Against  
12 Women Act of 1994 (42 U.S.C. 13925(a)).”; and

13 (C) by inserting after clause (iv), as redesi-  
14 gnated by subparagraph (A), the following:

15 “(v) The term ‘sexual assault’ means an offense  
16 classified as a forcible or nonforcible sex offense  
17 under the uniform crime reporting system of the  
18 Federal Bureau of Investigation.”;

19 (4) in paragraph (7)—

20 (A) by striking “paragraph (1)(F)” and in-  
21 serting “clauses (i) and (ii) of paragraph  
22 (1)(F)”; and

23 (B) by inserting after “Hate Crime Statis-  
24 tics Act.” the following: “For the offenses of  
25 domestic violence, dating violence, and stalking,

1 such statistics shall be compiled in accordance  
2 with the definitions used in section 40002(a) of  
3 the Violence Against Women Act of 1994 (42  
4 U.S.C. 13925(a)).”;

5 (5) by striking paragraph (8) and inserting the  
6 following:

7 “(8)(A) Each institution of higher education partici-  
8 pating in any program under this title, other than a for-  
9 eign institution of higher education, shall develop and dis-  
10 tribute as part of the report described in paragraph (1)  
11 a statement of policy regarding—

12 “(i) such institution’s programs to prevent do-  
13 mestic violence, dating violence, sexual assault, and  
14 stalking; and

15 “(ii) the procedures that such institution will  
16 follow once an incident of domestic violence, dating  
17 violence, sexual assault, or stalking has been re-  
18 ported, including a statement of the standard of evi-  
19 dence that will be used during any institutional con-  
20 duct proceeding arising from such a report.

21 “(B) The policy described in subparagraph (A) shall  
22 address the following areas:

23 “(i) Education programs to promote the aware-  
24 ness of rape, acquaintance rape, domestic violence,

1 dating violence, sexual assault, and stalking, which  
2 shall include—

3 “(I) primary prevention and awareness  
4 programs for all incoming students and new  
5 employees, which shall include—

6 “(aa) a statement that the institution  
7 of higher education prohibits the offenses  
8 of domestic violence, dating violence, sex-  
9 ual assault, and stalking;

10 “(bb) the definition of domestic vio-  
11 lence, dating violence, sexual assault, and  
12 stalking in the applicable jurisdiction;

13 “(cc) the definition of consent, in ref-  
14 erence to sexual activity, in the applicable  
15 jurisdiction;

16 “(dd) safe and positive options for by-  
17 stander intervention that may be carried  
18 out by an individual to prevent harm or in-  
19 tervene when there is a risk of domestic vi-  
20 olence, dating violence, sexual assault, or  
21 stalking against a person other than such  
22 individual;

23 “(ee) information on risk reduction to  
24 recognize warning signs of abusive behav-  
25 ior and how to avoid potential attacks; and

1                   “(ff) the information described in  
2                   clauses (ii) through (vii); and

3                   “(II) ongoing prevention and awareness  
4                   campaigns for students and faculty, including  
5                   information described in items (aa) through (ff)  
6                   of subclause (I).

7                   “(ii) Possible sanctions or protective measures  
8                   that such institution may impose following a final  
9                   determination of an institutional disciplinary proce-  
10                  dure regarding rape, acquaintance rape, domestic vi-  
11                  olence, dating violence, sexual assault, or stalking.

12                  “(iii) Procedures victims should follow if a sex  
13                  offense, domestic violence, dating violence, sexual as-  
14                  sault, or stalking has occurred, including informa-  
15                  tion in writing about—

16                         “(I) the importance of preserving evidence  
17                         as may be necessary to the proof of criminal do-  
18                         mestic violence, dating violence, sexual assault,  
19                         or stalking, or in obtaining a protection order;

20                         “(II) to whom the alleged offense should  
21                         be reported;

22                         “(III) options regarding law enforcement  
23                         and campus authorities, including notification  
24                         of the victim’s option to—

1 “(aa) notify proper law enforcement  
2 authorities, including on-campus and local  
3 police;

4 “(bb) be assisted by campus authori-  
5 ties in notifying law enforcement authori-  
6 ties if the victim so chooses; and

7 “(cc) decline to notify such authori-  
8 ties; and

9 “(IV) where applicable, the rights of vic-  
10 tims and the institution’s responsibilities re-  
11 garding orders of protection, no contact orders,  
12 restraining orders, or similar lawful orders  
13 issued by a criminal, civil, or tribal court.

14 “(iv) Procedures for institutional disciplinary  
15 action in cases of alleged domestic violence, dating  
16 violence, sexual assault, or stalking, which shall in-  
17 clude a clear statement that—

18 “(I) such proceedings shall—

19 “(aa) provide a prompt, fair, and im-  
20 partial investigation and resolution;

21 “(bb) be conducted by officials who  
22 receive annual training on the issues re-  
23 lated to domestic violence, dating violence,  
24 sexual assault, and stalking and how to  
25 conduct an investigation and hearing proc-

1           ess that protects the safety of victims and  
2           promotes accountability; and

3           “(cc) use the preponderance of the  
4           evidence standard;

5           “(II) the accuser and the accused are enti-  
6           tled to the same opportunities to have others  
7           present during an institutional disciplinary pro-  
8           ceeding, including the opportunity to be accom-  
9           panied to any related meeting or proceeding by  
10          an advisor of their choice; and

11          “(III) both the accuser and the accused  
12          shall be simultaneously informed, in writing,  
13          of—

14                 “(aa) the outcome of any institutional  
15                 disciplinary proceeding that arises from an  
16                 allegation of domestic violence, dating vio-  
17                 lence, sexual assault, or stalking;

18                 “(bb) the institution’s procedures for  
19                 the accused and the victim to appeal the  
20                 results of the institutional disciplinary pro-  
21                 ceeding;

22                 “(cc) any change to the results that  
23                 occurs prior to the time that such results  
24                 become final; and

25                 “(dd) when such results become final.



1           “(v) Information about how the institution will  
2           protect the confidentiality of victims, including how  
3           publicly-available recordkeeping will be accomplished  
4           without the inclusion of identifying information  
5           about the victim, to the extent permissible by law.

6           “(vi) Written notification of students and em-  
7           ployees about existing counseling, health, mental  
8           health, victim advocacy, legal assistance, and other  
9           services available for victims both on-campus and in  
10          the community.

11          “(vii) Written notification of victims about op-  
12          tions for, and available assistance in, changing aca-  
13          demic, living, transportation, and working situations,  
14          if so requested by the victim and if such accom-  
15          modations are reasonably available, regardless of  
16          whether the victim chooses to report the crime to  
17          campus police or local law enforcement.

18          “(C) A student or employee who reports to an institu-  
19          tion of higher education that the student or employee has  
20          been a victim of domestic violence, dating violence, sexual  
21          assault, or stalking, whether the offense occurred on or  
22          off campus, shall be provided with a written explanation  
23          of the student or employee’s rights and options, as de-  
24          scribed in clauses (ii) through (vii) of subparagraph (B).”;

1           (6) in paragraph (9), by striking “The Sec-  
2           retary” and inserting “The Secretary, in consulta-  
3           tion with the Attorney General of the United  
4           States,”;

5           (7) by striking paragraph (16) and inserting  
6           the following:

7           “(16)(A) The Secretary shall seek the advice and  
8           counsel of the Attorney General of the United States con-  
9           cerning the development, and dissemination to institutions  
10          of higher education, of best practices information about  
11          campus safety and emergencies.

12          “(B) The Secretary shall seek the advice and counsel  
13          of the Attorney General of the United States and the Sec-  
14          retary of Health and Human Services concerning the de-  
15          velopment, and dissemination to institutions of higher  
16          education, of best practices information about preventing  
17          and responding to incidents of domestic violence, dating  
18          violence, sexual assault, and stalking, including elements  
19          of institutional policies that have proven successful based  
20          on evidence-based outcome measurements.”; and

21          (8) by striking paragraph (17) and inserting  
22          the following:

23          “(17) No officer, employee, or agent of an institution  
24          participating in any program under this title shall retali-  
25          ate, intimidate, threaten, coerce, or otherwise discriminate

1 against any individual for exercising their rights or re-  
2 sponsibilities under any provision of this subsection.”.

3 (b) EFFECTIVE DATE.—The amendments made by  
4 this section shall take effect with respect to the annual  
5 security report under section 485(f)(1) of the Higher Edu-  
6 cation Act of 1965 (20 U.S.C. 1092(f)(1)) prepared by  
7 an institution of higher education 1 calendar year after  
8 the date of enactment of this Act, and each subsequent  
9 calendar year.

○