

114TH CONGRESS
1ST SESSION

S. 590

To amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat campus sexual violence, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2015

Mrs. McCASKILL (for herself, Mr. HELLER, Mr. BLUMENTHAL, Mr. GRASSLEY, Mrs. GILLIBRAND, Ms. AYOTTE, Mr. WARNER, Mr. RUBIO, Mr. PETERS, Mrs. CAPITO, Mr. WHITEHOUSE, Mr. BLUNT, Mrs. BOXER, Mr. REED, Ms. STABENOW, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Campus Accountability
5 and Safety Act”.

1 **SEC. 2. AMENDMENTS TO THE CLERY ACT.**

2 Section 485(f) of the Higher Education Act of 1965
3 (20 U.S.C. 1092(f)) (known as the Jeanne Clery Dislo-
4 sure of Campus Security Policy and Campus Crime Statis-
5 tics Act) is amended—

6 (1) in paragraph (1)—

7 (A) by inserting “which shall include publi-
8 cation on the website of the institution and
9 publication or mailings” after “through appro-
10 priate publications or mailings,”;

11 (B) in subparagraph (C), by striking
12 clause (ii) and inserting the following:

13 “(ii) the memorandum of understanding
14 between the institution and local law enforce-
15 ment that is required under section 124 (or, if
16 such requirement has been waived, a description
17 of the working relationship of campus security
18 personnel with State and local law enforcement
19 agencies); and”;

20 (C) by adding at the end the following:

21 “(K)(i) With respect to the criminal activ-
22 ity described in subparagraph (F)(i)(II), the eli-
23 gible institution shall prepare for the annual se-
24 curity report that is due following 1 year after
25 the date of enactment of the Campus Account-

1 ability and Safety Act, and annually thereafter,
2 the following additions:

3 “(I) The number of such incidents
4 that were reported to the title IX coordi-
5 nator (as defined in section 125(a)) or
6 other higher education responsible em-
7 ployee (as defined in section 125(a)) of the
8 institution.

9 “(II) Of those incidents in subclause
10 (I), the number of victims who sought
11 campus disciplinary action at the institu-
12 tion.

13 “(III) Of those victims in subclause
14 (II), the number of cases processed
15 through the student disciplinary process of
16 the institution.

17 “(IV) Of those cases in subclause
18 (III), the number of accused individuals
19 who were found responsible through the
20 student disciplinary process of the institu-
21 tion.

22 “(V) Of those cases in subclause (III),
23 the number of accused individuals who
24 were found not responsible through the

1 student disciplinary process of the institu-
2 tion.

3 “(VI) A description of the final sanc-
4 tions imposed by the institution for each
5 incident for which an accused individual
6 was found responsible through the student
7 disciplinary process of the institution.

8 “(VII) The number of student dis-
9 ciplinary proceedings at the institution
10 that have closed without resolution since
11 the previous annual security report.

12 “(ii) The Secretary shall provide technical
13 assistance to eligible institutions to assist such
14 institutions in meeting the requirements of this
15 subparagraph.”;

16 (2) by striking paragraph (7) and inserting the
17 following;

18 “(7)(A) The statistics described in clauses (i)
19 and (ii) of paragraph (1)(F)—

20 “(i) shall not identify victims of crimes or
21 persons accused of crimes; and

22 “(ii) shall be compiled in accordance with
23 the following definitions:

24 “(I) For the offenses of domestic vio-
25 lence, dating violence, and stalking, such

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

5 “(II) For offenses not described in
6 subclause (I), such statistics shall be com-
7 piled in accordance with—

8 “(aa) either the National Inci-
9 dent-Based Reporting System or the
10 Uniform Crime Reporting Program of
11 the Federal Bureau of Investigation,
12 if a definition is available; and

13 “(bb) if an offense is not defined
14 in either the National Incident-Based
15 Reporting System or the Uniform
16 Crime Reporting Program of the Fed-
17 eral Bureau of Investigation, a defini-
18 tion provided by the Secretary.

19 “(B) The Secretary shall establish and make
20 publicly available a definition for any offense that—

21 “(i) is required to be reported in accord-
22 ance with paragraph (1)(F);

23 “(ii) is not an offense described in sub-
24 paragraph (A)(ii)(I); and

1 “(iii) is not defined in either the National
2 Incident-Based Reporting System or the Uni-
3 form Crime Reporting Program of the Federal
4 Bureau of Investigation.”;

5 (3) in paragraph (8)(B)—

6 (A) in clause (i)—

7 (i) in the matter preceding subclause
8 (I), by inserting “, developed in consulta-
9 tion with local, State, or national sexual
10 assault, dating violence, domestic violence,
11 and stalking victim advocacy, victim serv-
12 ices, or prevention organizations, and local
13 law enforcement,” after “Education pro-
14 grams”; and

15 (ii) in subclause (I)(aa), by inserting
16 “, including the fact that these are crimes
17 for the purposes of this subsection and re-
18 porting under this subsection, and the in-
19 stitution of higher education will, based on
20 the victim’s wishes, cooperate with local
21 law enforcement with respect to any al-
22 leged criminal offenses involving students
23 or employees of the institution of higher
24 education” after “stalking”; and

25 (B) in clause (iv)—

1 (i) by redesignating subclauses (II)
 2 and (III) as subclauses (III) and (IV), re-
 3 spectively;

4 (ii) by inserting after subclause (I)
 5 the following:

6 “(II) the institution will comply
 7 with the requirements of section
 8 125(b), and shall include a description
 9 of such requirements;” and

10 (iii) in subclause (IV), as redesignated
 11 by clause (i)—

12 (I) in item (aa), by inserting “,
 13 within 24 hours of such determina-
 14 tion” after “sexual assault, or stalk-
 15 ing”;

16 (II) in item (cc), by inserting
 17 “within 24 hours of such change”
 18 after “results become final”; and

19 (III) in item (dd), by inserting
 20 “within 24 hours of such determina-
 21 tion” after “results become final”;

22 (4) by redesignating paragraph (18) as para-
 23 graph (22); and

24 (5) by inserting after paragraph (17) the fol-
 25 lowing:

1 “(18) Each individual at an institution of high-
2 er education who is designated as a higher education
3 responsible employee, (as defined in section 125(a)),
4 shall be considered a campus security authority, as
5 defined in section 668.46(a) of title 34, Code of
6 Federal Regulations.

7 “(19)(A) The Secretary shall, in consultation
8 with the Attorney General, develop, design, and ad-
9 minister through an online portal, a standardized
10 online survey of students regarding their experiences
11 with sexual violence and harassment. The survey
12 shall not include any personally identifiable informa-
13 tion. The Secretary shall develop such survey tool
14 using best practices from peer-reviewed research
15 measuring sexual violence and harassment. The sur-
16 vey shall be fair and unbiased, scientifically valid
17 and reliable, and meet the highest standards of sur-
18 vey research. Survey questions shall be designed to
19 gather information on survivor experiences, and shall
20 therefore use trauma-informed language to prevent
21 retraumatization

22 “(B) Each institution shall administer the sur-
23 vey described in subparagraph (A) every 2 years. In
24 addition to the standardized questions developed by
25 the Secretary, institutions may request additional in-

1 formation from students that would increase the in-
2 stitutions' understanding of school climate factors
3 unique to their campuses. If an institution is grant-
4 ed approval to do so by the Secretary, an institution
5 may administer such survey through a third party.

6 “(C) The Secretary shall require each institu-
7 tion participating in any program under this title to
8 ensure that an adequate, random, and representative
9 sample size of students (as determined by the Sec-
10 retary) enrolled at the institution complete the sur-
11 vey described in subparagraph (A) in accordance
12 with this paragraph and beginning not later than 1
13 year after the date of enactment of the Campus Ac-
14 countability and Safety Act.

15 “(D) Responses to the survey shall be sub-
16 mitted confidentially and shall not be included in
17 crime statistics reported under this subsection.

18 “(E) The survey described in subparagraph (A)
19 shall include the following:

20 “(i) Questions designed to determine the
21 incidence and prevalence of sexual violence, dat-
22 ing violence, domestic violence, and stalking.

23 “(ii) Questions regarding whether students
24 know about institutional policies and proce-
25 dures.

1 “(iii) Questions designed to determine, if
2 victims reported violence—

3 “(I) to whom the violence was re-
4 ported and what response the victim may
5 have received; and

6 “(II) whether the victim was informed
7 of, or referred to, national, State, local, or
8 on-campus resources.

9 “(iv) Questions regarding contextual fac-
10 tors, such as whether force, incapacitation, or
11 coercion was involved.

12 “(v) Questions to determine whether an ac-
13 cused individual was a student.

14 “(vi) Questions to determine whether a vic-
15 tim reported an incident to State or local law
16 enforcement.

17 “(vii) Questions to determine why the vic-
18 tim chose to report or not report an incident to
19 State or local law enforcement.

20 “(viii) Other questions as determined by
21 the Secretary.

22 “(F) Beginning not later than 2 years after the
23 date of enactment of the Campus Accountability and
24 Safety Act, the Secretary shall prepare a biannual
25 report on the information gained from the survey

1 under this paragraph and publish such report on the
2 website of the Department and submit such report
3 to Congress. The report shall include campus-level
4 data for each school and attributed by name of each
5 campus in a manner that permits comparisons
6 across schools and campuses.

7 “(G) Each institution subject to this subsection
8 shall publish the campus-level results of the survey
9 under this paragraph on the website of the institu-
10 tion and in the annual security report required
11 under this subsection for the campuses affiliated
12 with the institution.

13 “(20) Not later than 180 days after the date of
14 enactment of the Campus Accountability and Safety
15 Act, the Assistant Secretary for Postsecondary Edu-
16 cation of the Department and the Assistant Sec-
17 retary for Civil Rights of the Department shall joint-
18 ly develop and make publicly available guidance re-
19 garding the intersection between this subsection and
20 title IX of the Education Amendments of 1972, in
21 order to clarify how the provisions of this subsection
22 and such title shall be carried out. The guidance
23 shall include clarifying language on how this sub-
24 section and such title IX interact pertaining to sex-
25 ual violence, and shall clarify and resolve any poten-

1 tial discrepancies or inconsistencies between this
 2 subsection and such title.

3 “(21) Notwithstanding any other provision of
 4 this Act, upon determination, after reasonable notice
 5 and opportunity for a hearing, that an eligible insti-
 6 tution has violated or failed to carry out any provi-
 7 sion of this subsection, or agreement made to resolve
 8 a compliance review under this subsection, or any
 9 regulation prescribed under this subsection, the Sec-
 10 retary may impose a civil penalty upon such institu-
 11 tion not to exceed \$150,000, which shall be adjusted
 12 for inflation annually, for each violation or misrepre-
 13 sentation, or per month a survey is not completed at
 14 the standard required. The Secretary shall use any
 15 such civil penalty funds to carry out the grant pro-
 16 gram established under section 8 of the Campus Ac-
 17 countability and Safety Act.”.

18 **SEC. 3. COORDINATION WITH LOCAL LAW ENFORCEMENT.**

19 (a) IN GENERAL.—Part B of title I of the Higher
 20 Education Act of 1965 (20 U.S.C. 1011 et seq.) is amend-
 21 ed by adding at the end the following:

22 **“SEC. 124. COORDINATION WITH LOCAL LAW ENFORCE-**
 23 **MENT.**

24 “(a) MEMORANDA OF UNDERSTANDING.—Each in-
 25 stitution of higher education that receives funds under this

1 Act, shall enter into a memorandum of understanding with
2 each law enforcement agency that has jurisdiction to re-
3 port as a first responder to a campus of the institution
4 (excluding a campus located outside the United States)
5 to clearly delineate responsibilities and share information,
6 in accordance with applicable Federal confidentiality laws,
7 about certain serious crimes, including sexual violence, oc-
8 ccurring against students of the institution or against other
9 individuals on the campus of the institution.

10 “(b) REVIEW.—Each institution of higher education
11 shall review the memorandum of understanding under this
12 section with each law enforcement agency every 2 years.
13 As part of the review process, the institution shall contact
14 each law enforcement agency to discuss how changes in
15 policies or procedures at either the institution of higher
16 education or the law enforcement agency may impact the
17 provisions of the memorandum of understanding. If
18 changes in policies or procedures are identified that im-
19 pact the provisions of the memorandum of understanding,
20 the institution of higher education and the law enforce-
21 ment agency shall update the memorandum of under-
22 standing as necessary.

23 “(c) CONTENTS.—Each memorandum of under-
24 standing described under this section shall include—

1 “(1) delineation and sharing protocols of inves-
2 tigative responsibilities;

3 “(2) protocols for investigations, including
4 standards for notification and communication and
5 measures to promote evidence preservation;

6 “(3) agreed upon training and requirements for
7 the institution on issues related to sexual violence;

8 “(4) a method of sharing information about
9 specific crimes, when authorized or requested to do
10 so by a victim who has been fully and accurately in-
11 formed about what procedures shall occur if the in-
12 formation is shared; and

13 “(5) a method of sharing information about
14 specific crimes anonymously, when authorized or re-
15 quested to do so by a victim who has been fully and
16 accurately informed about what procedures shall
17 occur if the information is shared, in order to better
18 protect overall campus safety.

19 “(d) PENALTY.—

20 “(1) IN GENERAL.—The Secretary—

21 “(A) may impose a civil penalty of not
22 more than 1 percent of an institution’s oper-
23 ating budget, as defined by the Secretary, each
24 year that the institution of higher education
25 fails to carry out the requirements of this sec-

1 tion, by the date that is 1 year after the date
2 of enactment of the Campus Accountability and
3 Safety Act; and

4 “(B) if the conditions described in para-
5 graph (3) have been met, shall waive the pen-
6 alty pursuant to such paragraph.

7 “(2) DISTRIBUTION.—Any civil monetary pen-
8 alty or monetary settlement collected under this sub-
9 section shall be used to carry out the grant program
10 established under section 304 of the Violence
11 Against Women and Department of Justice Reau-
12 thorization Act of 2005 (42 U.S.C. 14045b).

13 “(3) WAIVER.—

14 “(A) IN GENERAL.—If a local law enforce-
15 ment agency refuses to enter into a memo-
16 randum of understanding under this section,
17 the Secretary shall waive the penalty if the Sec-
18 retary determines that the following conditions
19 have been met—

20 “(i) the institution has explained why
21 the institution was unable to obtain an
22 agreement;

23 “(ii) the institution has demonstrated
24 that the institution acted in good faith;
25 and

1 “(iii) the institution has submitted to
2 the Secretary a copy of the institution’s
3 final proposed memorandum of under-
4 standing that was submitted to a law en-
5 forcement agency that was ultimately re-
6 jected.

7 “(B) REFERRAL TO DEPARTMENT OF JUS-
8 TICE.—The Secretary shall refer to the Attor-
9 ney General a copy of each waiver granted
10 under subparagraph (A) and the reason (as de-
11 termined by the Secretary) for why local law
12 enforcement refuses to enter into a memo-
13 randum of understanding.

14 “(C) ADMINISTRATIVE REVIEW.—If the
15 Secretary does not grant a waiver under sub-
16 paragraph (A), the institution may submit addi-
17 tional information to receive such waiver. If,
18 after submitting additional information, the
19 Secretary still does not grant a waiver, the deci-
20 sion of the Secretary shall be subject to review
21 pursuant to section 706(2)(A) of title 5, United
22 States Code.

23 “(4) VOLUNTARY RESOLUTION.—Nothing in
24 this subsection shall prevent the Secretary from en-
25 tering into a voluntary resolution with an institution

1 of higher education that fails to carry out the re-
2 quirements of this section, by the date that is 1 year
3 after the date of enactment of the Campus Account-
4 ability and Safety Act.

5 “(5) ADJUSTMENT TO PENALTIES.—Any civil
6 penalty under this subsection may be reduced by the
7 Secretary. In determining the amount of such pen-
8 alty, or the amount agreed upon in compromise, the
9 Secretary shall consider the appropriateness of the
10 penalty to the size of the operating budget of the
11 educational institution subject to the determination,
12 the gravity of the violation or failure, and whether
13 the institution committed the violation or failure in-
14 tentiously, negligently, or otherwise.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall take effect on the date that is 1 year
17 after the date of enactment of this Act.

18 (c) NEGOTIATED RULEMAKING.—The Secretary of
19 Education shall establish regulations to carry out the pro-
20 visions of this section and the amendment made by this
21 section in accordance with the requirements described
22 under section 492 of the Higher Education Act of 1965
23 (20 U.S.C. 1098a).

1 **SEC. 4. UNIVERSITY SUPPORT FOR SURVIVORS OF SEXUAL**
 2 **VIOLENCE.**

3 (a) IN GENERAL.—Part B of title I of the Higher
 4 Education Act of 1965 (20 U.S.C. 1011 et seq.) is further
 5 amended by adding after section 124 (as added by section
 6 3), the following:

7 **“SEC. 125. UNIVERSITY SUPPORT FOR SURVIVORS OF SEX-**
 8 **UAL VIOLENCE.**

9 “(a) DEFINITIONS.—

10 “(1) HIGHER EDUCATION RESPONSIBLE EM-
 11 PLOYEE.—In this subsection, the term ‘higher edu-
 12 cation responsible employee’ means an employee of
 13 an institution of higher education who—

14 “(A)(i) has the authority to take action to
 15 redress sexual harassment; or

16 “(ii) has the duty to report sexual harass-
 17 ment or any other misconduct by students or
 18 employees to appropriate school officials;

19 “(B) has completed the training require-
 20 ments described in subsection (b)(5) or agrees
 21 to complete such training within a reasonable
 22 time after being designated as a higher edu-
 23 cation responsible employee; and

24 “(C) shall be responsible for assisting the
 25 title IX coordinator or designee with providing
 26 a student or employee who reports that the stu-

1 dent or employee has been a victim of sexual
2 harassment, including, sexual violence, whether
3 the offense occurred on or off campus, with a
4 written explanation of the student’s or employ-
5 ee’s rights and options, as described in clauses
6 (ii) through (vii) of section 485(f)(8)(B).

7 “(2) TITLE IX COORDINATOR.—In this sub-
8 section, the term ‘Title IX Coordinator’ has the
9 meaning given to the individual designated as a re-
10 sponsible employee in section 106.8(a) of title 34,
11 Code of Federal Regulations, as such section is in
12 effect on the date of enactment of the Campus Ac-
13 countability and Safety Act.

14 “(3) VICTIM-CENTERED, TRAUMA-INFORMED
15 INTERVIEW TECHNIQUES.—In this section, the term
16 ‘victim-centered, trauma-informed interview tech-
17 niques’ means asking questions of a student or em-
18 ployee who reports that the student or employee has
19 been a victim of sexual harassment, sexual assault,
20 domestic violence, dating violence, or stalking, in a
21 manner that is focused on the experience of the vic-
22 tim, that does not judge or blame the reporting stu-
23 dent or employee for the alleged assault, and that is
24 informed by evidence-based research on the
25 neurobiology of trauma. The victim shall be given

1 the option to have the interview recorded and to re-
2 ceive a copy of the recorded interview.

3 “(b) CAMPUS SECURITY POLICY.—Each institution
4 of higher education that receives funds under this Act,
5 shall establish a campus security policy that includes the
6 following:

7 “(1) CONFIDENTIAL ADVISORS.—The designa-
8 tion of 1 or more confidential advisors at the institu-
9 tion to whom non-employee victims of sexual harass-
10 ment, domestic violence, dating violence, sexual as-
11 sault, or stalking can report, including anonymously,
12 which shall be part of a policy that complies with the
13 following:

14 “(A) The advisor—

15 “(i) shall not be an undergraduate
16 student, a full-time graduate student, an
17 employee designated as a higher education
18 responsible employee, or the title IX coor-
19 dinator; and

20 “(ii) may have other roles at the insti-
21 tution.

22 “(B) The Secretary shall designate cat-
23 egories of employees that may serve as con-
24 fidential advisors, such as health care staff,
25 clergy, staff of a women’s center, or other such

1 categories. Such designation shall not preclude
2 the institution from designating other employ-
3 ees or partnering with national, State, or local
4 victim services organizations to serve as con-
5 fidential advisors or to serve in other confiden-
6 tial roles.

7 “(C) The confidential advisor shall com-
8 plete the training requirements described in
9 paragraph (5).

10 “(D) The Secretary shall develop online
11 training materials, in addition to the training
12 required under subparagraph (C) not later than
13 1 year after the date of enactment of the Cam-
14 pus Accountability and Safety Act, for the
15 training of confidential advisors.

16 “(E) The confidential advisor shall inform
17 the victim—

18 “(i) of the victim’s rights;

19 “(ii) of the victim’s reporting options,
20 including the option to notify a higher edu-
21 cation responsible employee, the option to
22 notify local law enforcement, and any other
23 reporting options;

1 “(iii) if reasonably known, of the po-
2 tential consequences of the reporting op-
3 tions described in clause (ii); and

4 “(iv) that the institutional student
5 disciplinary proceeding has limited jurisdic-
6 tion, scope, and available sanctions, and
7 should not be considered a substitute for
8 the criminal justice process.

9 “(F) The confidential advisor may, as ap-
10 propriate—

11 “(i) serve as a liaison between a vic-
12 tim and a higher education responsible em-
13 ployee or local law enforcement, when di-
14 rected to do so by a victim who has been
15 fully and accurately informed about what
16 procedures shall occur if information is
17 shared; and

18 “(ii) assist a victim in contacting and
19 reporting to a higher education responsible
20 employee or local law enforcement.

21 “(G) The confidential advisor shall be au-
22 thorized by the institution to liaise with appro-
23 priate staff at the institution to arrange reason-
24 able accommodations through the institution to
25 allow the victim to change living arrangements

1 or class schedules, obtain accessibility services,
2 or arrange other accommodations.

3 “(H) The confidential advisor shall be au-
4 thorized to accompany the victim, when re-
5 quested to do so by the victim, to interviews
6 and other proceedings of a campus investigation
7 and institutional disciplinary proceedings.

8 “(I) The confidential advisor shall also ad-
9 vise the victim of, and provide written informa-
10 tion regarding, both the victim’s rights and the
11 institution’s responsibilities regarding orders of
12 protection, no contact orders, restraining or-
13 ders, or similar lawful orders issued by the in-
14 stitution or a criminal, civil, or tribal court.

15 “(J) The confidential advisor shall not be
16 obligated to report crimes to the institution or
17 law enforcement in a way that identifies a vic-
18 tim or an accused individual, unless otherwise
19 required to do so by State law. The confidential
20 advisor shall, to the extent authorized under
21 State law, provide confidential services to stu-
22 dents. Any requests for accommodations, as de-
23 scribed in subparagraph (G), made by a con-
24 fidential advisor shall not trigger an investiga-
25 tion by the institution, even if the confidential

1 advisor deals only with matters relating to sex-
2 ual assault.

3 “(K) The institution shall designate as a
4 confidential advisor an individual who has pro-
5 tection under State law to provide privileged
6 communication. The institution may partner
7 with an outside victim services organization,
8 such as a community-based rape crisis center or
9 other community-based sexual assault service
10 provider, to provide the services described in
11 this paragraph.

12 “(L) The confidential advisor shall collect
13 and report statistics in accordance with the re-
14 quirements of section 485(f). The confidential
15 advisor shall not include personally identifying
16 information or jeopardize the confidentiality of
17 a victim or an accused individual when report-
18 ing such statistics.

19 “(M) The institution shall appoint an ade-
20 quate number of confidential advisors not later
21 than the earlier of—

22 “(i) 1 year after the Secretary deter-
23 mines through a negotiated rulemaking
24 process what an adequate number of con-

1 confidential advisors is for an institution
2 based on its size; or

3 “(ii) 3 years after the date of enact-
4 ment of the Campus Accountability and
5 Safety Act.

6 “(N) Each institution that enrolls fewer
7 than 1000 students may partner with another
8 institution in their region or State to provide
9 the services described in this paragraph.

10 “(2) INFORMATION ON THE INSTITUTION’S
11 WEBSITE.—The institution shall list on its website—

12 “(A) the name and contact information for
13 the confidential advisor;

14 “(B) reporting options for victims of a sex
15 offense, domestic violence, dating violence, sex-
16 ual assault, or stalking;

17 “(C) the process of investigation and dis-
18 ciplinary proceedings of the institution;

19 “(D) the process of investigation and adju-
20 dication of the criminal justice system;

21 “(E) potential reasonable accommodations
22 that the institution may provide to a victim, as
23 described in paragraph (1)(G);

24 “(F) the telephone number and website ad-
25 dress for a local, State, or national hotline pro-

1 viding information to sexual violence victims
2 (which shall be clearly communicated on the
3 website and shall be updated on a timely basis);
4 and

5 “(G) the name and location of the nearest
6 medical facility where an individual may have a
7 rape kit administered by a trained sexual vio-
8 lence forensic nurse, including information on
9 transportation options and available reimburse-
10 ment for a visit to such facility.

11 “(3) ONLINE REPORTING.—The institution may
12 provide an online reporting system to collect anony-
13 mous disclosures of crimes and track patterns of
14 crime on campus. An individual may submit an
15 anonymous report about a specific crime to the insti-
16 tution using the online reporting system, but the in-
17 stitution is only obligated to investigate a specific
18 crime if an individual decides to report the crime to
19 a higher education responsible employee or law en-
20 forcement. If the institution uses an online reporting
21 system, the online system shall also include informa-
22 tion about how to report a crime to a higher edu-
23 cation responsible employee and to law enforcement
24 and how to contact a confidential advisor.

1 “(4) AMNESTY POLICY.—The institution shall
2 provide an amnesty policy for any student who re-
3 ports, in good faith, sexual violence to a higher edu-
4 cation responsible employee, such that the reporting
5 student will not be sanctioned by the institution for
6 a non-violent student conduct violation, such as un-
7 derage drinking, that is revealed in the course of
8 such a report.

9 “(5) TRAINING.—

10 “(A) IN GENERAL.—Not later than 1 year
11 after the date of enactment of the Campus Ac-
12 countability and Safety Act, the Secretary, in
13 coordination with the Attorney General and in
14 consultation with national, State, or local victim
15 services organizations, shall develop a program
16 for training—

17 “(i) each individual who is involved in
18 implementing an institution of higher edu-
19 cation’s student grievance procedures, in-
20 cluding each individual who is responsible
21 for resolving complaints of reported sex of-
22 fenses or sexual misconduct policy viola-
23 tions; and

24 “(ii) each employee of an institution
25 of higher education who has responsibility

1 for conducting an interview with an alleged
2 victim of sexual assault.

3 “(B) CONTENTS.—Such training shall in-
4 clude—

5 “(i) information on working with and
6 interviewing persons subjected to sexual vi-
7 olence;

8 “(ii) information on particular types
9 of conduct that would constitute sexual vi-
10 olence, regardless of gender, including
11 same-sex sexual violence;

12 “(iii) information on consent and the
13 affect that drugs or alcohol may have on
14 an individual’s ability to consent;

15 “(iv) the effects of trauma, including
16 the neurobiology of trauma;

17 “(v) training regarding the use of vic-
18 tim-centered, trauma-informed interview
19 techniques;

20 “(vi) cultural awareness training re-
21 garding how sexual violence may impact
22 students differently depending on their cul-
23 tural background; and

1 “(vii) information on sexual assault
2 dynamics, sexual assault perpetrator be-
3 havior, and barriers to reporting.

4 “(C) INSTITUTIONAL TRAINING.—Each in-
5 stitution shall ensure that the individuals and
6 employees described in subparagraph (A) re-
7 ceive the training described in this paragraph
8 not later than the July 15 that is one year after
9 the date that the training program has been de-
10 veloped by the Secretary in accordance with
11 subparagraph (A).

12 “(6) UNIFORM CAMPUS-WIDE PROCESS FOR
13 STUDENT DISCIPLINARY PROCEEDING RELATING TO
14 CLAIM OF SEXUAL VIOLENCE.—Each institution of
15 higher education that receives funds under this
16 Act—

17 “(A) shall establish and carry out a uni-
18 form process (for each campus of the institu-
19 tion) for student disciplinary proceedings relat-
20 ing to any claims of sexual violence against a
21 student who attends the institution; and

22 “(B) shall not carry out a different dis-
23 ciplinary process on the same campus for a
24 matter of sexual violence, or alter the uniform
25 process described in subparagraph (A), based

1 on the status or characteristics of a student
2 who will be involved in that disciplinary pro-
3 ceeding, including characteristics such as a stu-
4 dent’s membership on an athletic team, aca-
5 demic major, or any other characteristic or sta-
6 tus of a student.

7 “(7) INFORMATION ABOUT THE TITLE IX COOR-
8 DINATOR.—The institution shall submit, annually, to
9 the Office for Civil Rights of the Department of
10 Education and the Civil Rights Division of the De-
11 partment of Justice, the name and contact informa-
12 tion for the title IX coordinator, including a brief
13 description of the coordinator’s role and the roles of
14 other officials who may be contacted to discuss or
15 report sexual harassment, and documentation of
16 training received by the title IX coordinator. The
17 educational institution shall provide updated infor-
18 mation to the Office for Civil Rights of the Depart-
19 ment of Education and the Civil Rights Division of
20 the Department of Justice not later than 30 days
21 after the date of any change.

22 “(8) WRITTEN NOTICE OF INSTITUTIONAL DIS-
23 CIPLINARY PROCESS.—The institution shall provide
24 both the accuser and the accused student with writ-
25 ten notice of the institution’s decision to proceed

1 with an institutional disciplinary process regarding
2 an allegation of sexual misconduct within 24 hours
3 of such decision, and sufficiently in advance of a dis-
4 ciplinary hearing to provide both the victim and the
5 accused student with the opportunity to meaning-
6 fully exercise the due process rights afforded to
7 them under institutional policy. The written notice
8 shall include the following:

9 “(A) The existence of a complaint, the na-
10 ture of the conduct upon which the complaint
11 is based, and the date on which the alleged inci-
12 dent occurred.

13 “(B) A summary of the process for the dis-
14 ciplinary proceeding, including the estimated
15 timeline from initiation to final disposition.

16 “(C) The rights and due process protec-
17 tions available to the victim and the accused
18 student, including those described in section
19 485(f)(8)(B)(iv) and any other rights or due
20 process protections that the victim or the ac-
21 cused student may have under the institution’s
22 policies.

23 “(D) A copy of the institution’s applicable
24 policies, and, if available, related published in-
25 formational materials.

1 “(E) Name and contact information for an
2 individual at the institution, who is independent
3 of the disciplinary process, to whom the victim
4 and the accused student can submit questions
5 about any of the information described in the
6 written notice.

7 “(9) WRITTEN NOTICE OF DISCIPLINARY DE-
8 TERMINATION.—The institution shall provide the ac-
9 cuser and the accused student with written notifica-
10 tion of the determination of responsibility that is
11 made by the disciplinary board, and any sanctions,
12 within 24 hours of such determination. Such notifi-
13 cation shall include information about the processes
14 for appealing the determination.

15 “(c) PENALTIES.—

16 “(1) PENALTY RELATING TO CONFIDENTIAL
17 ADVISORS.—The Secretary may impose a civil pen-
18 alty of not more than 1 percent of an institution’s
19 operating budget, as defined by the Secretary, for
20 each year that the institution fails to carry out the
21 requirements of such paragraph following the effec-
22 tive date described in section 4(b)(1) of the Campus
23 Accountability and Safety Act.

24 “(2) OTHER PROVISIONS.—The Secretary may
25 impose a civil penalty of not more than 1 percent of

1 an institution's operating budget, as defined by the
2 Secretary, for each year that the institution fails to
3 carry out the requirements of such paragraphs fol-
4 lowing the effective date described in section 4(b)(2)
5 of the Campus Accountability and Safety Act.

6 “(3) VOLUNTARY RESOLUTION.—Notwith-
7 standing any other provision of this section, the Sec-
8 retary may enter into a voluntary resolution with an
9 institution of higher education that is subject to a
10 penalty under this subsection.

11 “(4) ADJUSTMENT TO PENALTIES.—Any civil
12 penalty under this subsection may be reduced by the
13 Secretary. In determining the amount of such pen-
14 alty, or the amount agreed upon in compromise, the
15 Secretary of Education shall consider the appro-
16 priateness of the penalty to the size of the operating
17 budget of the educational institution subject to the
18 determination, the gravity of the violation or failure,
19 and whether the violation or failure was committed
20 intentionally, negligently, or otherwise.”.

21 (b) EFFECTIVE DATES.—

22 (1) CONFIDENTIAL ADVISOR.—Paragraph (1)
23 of section 125(b) of the Higher Education Act of
24 1965, as added by subsection (a), shall take effect
25 on the date that is the earlier of—

1 (A) 1 year after the Secretary of Edu-
2 cation determines through a negotiated rule-
3 making process what an adequate number of
4 confidential advisors is for an institution based
5 on an institution’s size; or

6 (B) 3 years after the date of enactment of
7 this Act.

8 (2) OTHER PROVISIONS.—Paragraphs (2)
9 through (9) of section 125(b) of the Higher Edu-
10 cation Act of 1965, as added by subsection (a), shall
11 take effect on the date that is 1 year after the date
12 of enactment of this Act.

13 (c) NEGOTIATED RULEMAKING.—The Secretary of
14 Education shall establish regulations to carry out the pro-
15 visions of this section, and the amendment made by this
16 section, in accordance with the requirements described
17 under section 492 of the Higher Education Act of 1965
18 (20 U.S.C. 1098a).

19 **SEC. 5. TRANSPARENCY AND TRAINING MATERIALS.**

20 Part B of title I of the Higher Education Act of 1965
21 (20 U.S.C. 1011 et seq.) is further amended by adding
22 after section 125 (as added by section 4), the following:

23 **“SEC. 126. TRANSPARENCY AND TRAINING MATERIALS.**

24 “(a) WEBSITE.—The Secretary shall establish a title
25 IX higher education website that includes the following:

1 “(1) The name and contact information for the
2 title IX coordinator for each institution of higher
3 education receiving funds under this Act, and a brief
4 description of the title IX coordinator’s role and the
5 roles of other officials who may be contacted to dis-
6 cuss or report sexual harassment.

7 “(2) The Department’s pending investigations,
8 enforcement actions, letters of finding, final resolu-
9 tions, and voluntary resolution agreements for all
10 complaints and compliance reviews under title IX of
11 the Education Amendments of 1972 (20 U.S.C.
12 1681) related to sexual harassment. The Secretary
13 shall indicate whether the investigation, action, let-
14 ter, resolution, or agreement is based on a complaint
15 or compliance review. The Secretary shall make the
16 information under this subsection available regard-
17 ing a complaint once the Office for Civil Rights of
18 the Department receives a written complaint, and
19 conducts an initial evaluation, and has determined
20 that the complaint should be opened for investiga-
21 tion of an allegation that, if substantiated, would
22 constitute a violation of such title IX. In carrying
23 out this subsection, the Secretary shall ensure that
24 personally identifiable information is not reported
25 and shall comply with section 444 of the General

1 Education Provisions Act (20 U.S.C. 1232g), com-
2 monly known as the ‘Family Educational Rights and
3 Privacy Act of 1974’.

4 “(b) TRAINING MATERIALS FOR UNIVERSITY PER-
5 SONNEL.—Not later than 1 year after the date of enact-
6 ment of the Campus Accountability and Safety Act, the
7 Secretary shall develop online training materials for the
8 training of higher education responsible employees, title
9 IX coordinators, and individuals involved in implementing
10 an institution of higher education’s student conduct griev-
11 ance procedures.”.

12 **SEC. 6. PROGRAM PARTICIPATION AGREEMENTS.**

13 Section 487(a) of the Higher Education Act of 1965
14 (20 U.S.C. 1094(a)) is amended by striking paragraph
15 (12) and inserting the following:

16 “(12) The institution certifies that—

17 “(A) the institution is in compliance with
18 the requirements of section 124 regarding co-
19 ordination with local law enforcement;

20 “(B) the institution has established sup-
21 port for survivors of sexual violence that meets
22 the requirements of section 125;

23 “(C) the institution has established a cam-
24 pus security policy; and

1 “(D) the institution has complied with the
2 disclosure requirements of section 485(f).”.

3 **SEC. 7. TRAINING FOR CAMPUS PERSONNEL ON VICTIM-**
4 **CENTERED TRAUMA-INFORMED INTERVIEW**
5 **TECHNIQUES.**

6 Section 304 of the Violence Against Women and De-
7 partment of Justice Reauthorization Act of 2005 (42
8 U.S.C. 14045b) is amended—

9 (1) in subsection (a)(2), by striking “\$300,000”
10 and inserting “\$500,000”;

11 (2) in subsection (b), by adding at the end the
12 following;

13 “(11) To train campus personnel in how to use
14 victim-centered, trauma-informed interview tech-
15 niques.”; and

16 (3) in subsection (g)—

17 (A) by striking “In this section” and in-
18 serting “(1) **IN GENERAL.**—In this section”;

19 and

20 (B) by adding at the end the following;

21 “(2) **VICTIM-CENTERED, TRAUMA-INFORMED**
22 **INTERVIEW TECHNIQUES.**—In this section, the term
23 ‘victim-centered, trauma-informed interview tech-
24 niques’ means asking questions of a student or em-
25 ployee who reports that the student or employee has

1 been a victim of sexual harassment, sexual assault,
 2 domestic violence, dating violence, or stalking, in a
 3 manner that is focused on the experience of the vic-
 4 tim, that does not judge or blame the reporting stu-
 5 dent or employee for the alleged assault, and that is
 6 informed by evidence-based research on the
 7 neurobiology of trauma. The victim shall be given
 8 the option to have the interview recorded and to re-
 9 ceive a copy of the recorded interview.”.

10 **SEC. 8. GRANTS TO IMPROVE PREVENTION AND RESPONSE**
 11 **TO SEXUAL HARASSMENT, SEXUAL ASSAULT,**
 12 **DOMESTIC VIOLENCE, DATING VIOLENCE**
 13 **AND STALKING ON CAMPUS.**

14 Title VIII of the Higher Education Act of 1965 (20
 15 U.S.C. 1161a) is amended by adding at the end the fol-
 16 lowing:

17 **“PART BB—GRANTS FOR INSTITUTIONS TO AD-**
 18 **DRESS SEXUAL HARASSMENT, SEXUAL AS-**
 19 **SAULT, AND OTHER VIOLENCE AND HARASS-**
 20 **MENT ON CAMPUS**

21 **“SEC. 899. GRANTS FOR INSTITUTIONS TO ADDRESS SEX-**
 22 **UAL HARASSMENT, SEXUAL ASSAULT, AND**
 23 **OTHER VIOLENCE AND HARASSMENT ON**
 24 **CAMPUS.**

25 “(a) GRANTS AUTHORIZED.—

1 “(1) IN GENERAL.—The Secretary is authorized
2 to award grants to institutions of higher education,
3 on a competitive basis as described in paragraph (2),
4 to enhance the ability of such institutions to address
5 sexual harassment, sexual assault, domestic violence,
6 dating violence, and stalking, on campus.

7 “(2) AWARD BASIS.—The Secretary shall award
8 grants under this section, on a competitive basis, as
9 funds become available through the payment of pen-
10 alties by institutions of higher education under sec-
11 tions 485(f)(21) of this Act and sections 3 and 4 of
12 the Campus Accountability and Safety Act.

13 “(3) PROHIBITION; INELIGIBLE INSTITU-
14 TIONS.—

15 “(A) NO RESERVATION FOR ADMINISTRA-
16 TIVE EXPENSES.—Funds awarded under this
17 section shall not be reserved for administrative
18 expenses.

19 “(B) INELIGIBLE INSTITUTIONS.—

20 “(i) VIOLATIONS.—An institution of
21 higher education shall not be eligible to re-
22 ceive a grant under this section if the insti-
23 tution is found by the Department of Edu-
24 cation, at the time of application for a

1 grant under this section, to be in violation
2 of—

3 “(I) title IX of the Education
4 Amendments of 1972 (20 U.S.C.
5 1681); or

6 “(II) section 485(f).

7 “(ii) MULTIPLE GRANTS.—An institu-
8 tion of higher education that has received
9 a grant award under section 304 of the Vi-
10 olence Against Women and Department of
11 Justice Reauthorization Act of 2005 (42
12 U.S.C. 14045b) in any of the previous 3
13 grant funding cycles shall not be eligible
14 for a grant award under this section.

15 “(4) PREFERENCE.—In awarding grants under
16 this section, the Secretary shall give preference to
17 those institutions of higher education—

18 “(A) with the smallest endowments or the
19 lowest tuition rates, as compared to all institu-
20 tions receiving funds under this Act; and

21 “(B) that have demonstrated a strong
22 commitment to prioritizing tackling the problem
23 of campus sexual assault on their campuses,
24 which may be demonstrated by providing docu-

1 mentation of actions by the administration of
2 such institution such as—

3 “(i) establishing a working group on
4 campus that includes the participation of
5 administration officials and students to
6 analyze and strategize improvements to the
7 way the institution prevents and responds
8 to sexual harassment, sexual assault, do-
9 mestic violence, dating violence, and stalk-
10 ing, on campus;

11 “(ii) organizing a series of listening
12 sessions on campus to gather feedback and
13 ideas from the campus community on how
14 to improve the way the institution prevents
15 and responds to sexual harassment, sexual
16 assault, domestic violence, dating violence,
17 and stalking, on campus;

18 “(iii) hosting a conference that brings
19 together academic researchers to present
20 and share ideas and research regarding
21 sexual harassment, sexual assault, domes-
22 tic violence, dating violence, and stalking,
23 on campus; or

24 “(iv) other documented efforts beyond
25 the requirements of Federal or State law

1 that the administration of the institution
2 of higher education has initiated in order
3 to better understand the prevalence of sex-
4 ual harassment, sexual assault, domestic
5 violence, dating violence and stalking on
6 campus and analyze and improve how the
7 institution of higher education responds to
8 such incidents.

9 “(5) AMOUNT OF GRANTS.—The Secretary,
10 through the Assistant Secretary of the Office for
11 Civil Rights, shall award the grants under this sec-
12 tion in an amount of not more than \$500,000 for
13 each institution of higher education.

14 “(6) EQUITABLE PARTICIPATION.—The Sec-
15 retary shall make every effort to ensure—

16 “(A) the equitable participation of private
17 and public institutions of higher education in
18 the activities assisted under this section;

19 “(B) the equitable geographic distribution
20 of grants under this section among the various
21 regions of the United States; and

22 “(C) the equitable distribution of grants
23 under this section to Tribal Colleges or Univer-
24 sities (as defined under section 316(b)) and his-
25 torically Black colleges or universities.

1 “(7) DURATION.—The Secretary shall award
2 each grant under this Act for a period of not more
3 than 5 years.

4 “(b) USE OF GRANT FUNDS.—

5 “(1) Grant funds awarded under this section
6 shall be used to research best practices for pre-
7 venting and responding to sexual harassment, sexual
8 assault, domestic violence, dating violence, and stalk-
9 ing, on campus and to disseminate such research to
10 peer institutions and the Department. Such research
11 may include a focus on one or more of the following
12 purposes:

13 “(A) Strengthening strategies to combat
14 sexual harassment, sexual assault, domestic vio-
15 lence, dating violence, and stalking, on campus.

16 “(B) Strengthening victim services for inci-
17 dents involving sexual harassment, sexual as-
18 sault, domestic violence, dating violence, or
19 stalking, on campus, which may involve part-
20 nerships with community-based victim services
21 agencies.

22 “(C) Strengthening prevention education
23 and awareness programs on campus regarding
24 sexual harassment, sexual assault, domestic vio-
25 lence, dating violence, and stalking.

1 “(2) Grant funds awarded under this section
2 may be used for one or more of the following pur-
3 poses:

4 “(A) Evaluating and determining the effec-
5 tiveness of victim services and education pro-
6 grams in reaching all populations that may be
7 subject to sexual harassment, sexual assault,
8 domestic violence, dating violence, and stalking,
9 on campus.

10 “(B) Training campus administrators,
11 campus security personnel, and personnel serv-
12 ing on campus disciplinary boards on campus
13 policies, protocols, and services to respond to
14 sexual harassment, sexual assault, domestic vio-
15 lence, dating violence, and stalking, on campus,
16 which shall include instruction on victim-cen-
17 tered, trauma-informed interview techniques
18 and information on the neurobiological effects
19 of trauma and stress on memory.

20 “(C) Developing, expanding, or strength-
21 ening victim services programs and population
22 specific services on the campus of the institu-
23 tion, including programs providing legal, med-
24 ical, or psychological counseling for victims of
25 sexual harassment, sexual assault, domestic vio-

1 lence, dating violence, and stalking, and to im-
2 prove delivery of victim assistance on campus,
3 including through the services of the confiden-
4 tial advisor (as defined in section 125(a)).

5 “(D) Developing or adapting and providing
6 developmentally and culturally appropriate and
7 linguistically accessible print or electronic mate-
8 rials regarding campus policies, protocols, and
9 services related to the prevention of and re-
10 sponse to sexual harassment, sexual assault, do-
11 mestic violence, dating violence, and stalking,
12 on campus.

13 “(E) Developing and implementing preven-
14 tion education and awareness programs on cam-
15 pus regarding sexual harassment, sexual as-
16 sault, domestic violence, dating violence, and
17 stalking.

18 “(c) APPLICATIONS.—

19 “(1) IN GENERAL.—In order to be eligible for
20 a grant under this section for any fiscal year, an in-
21 stitution of higher education shall submit an applica-
22 tion to the Secretary at such time and in such man-
23 ner as the Secretary shall prescribe.

24 “(2) CONTENTS.—Each application submitted
25 under paragraph (1) shall—

1 “(A) describe the need for grant funds and
2 the plan for implementation for any of the ac-
3 tivities described in subsection (b);

4 “(B) describe the characteristics of the
5 population being served, including type of cam-
6 pus, demographics of the population, and num-
7 ber of students;

8 “(C) describe how underserved populations
9 in the campus community will be adequately
10 served, including the provision of relevant popu-
11 lation specific services;

12 “(D) provide measurable goals and ex-
13 pected results from the use of the grant funds;

14 “(E) provide assurances that the Federal
15 funds made available under this section shall be
16 used to supplement and, to the extent practical,
17 increase the level of funds that would, in the
18 absence of Federal funds, be made available by
19 the institution or organization for the activities
20 described in subsection (b); and

21 “(F) include such other information and
22 assurances as the Secretary reasonably deter-
23 mines to be necessary.

24 “(d) REPORTS.—

25 “(1) GRANTEE REPORTING.—

1 “(A) ANNUAL REPORT.—Each institution
2 of higher education receiving a grant under this
3 section shall submit a performance report to the
4 Secretary beginning 1 year after receiving the
5 grant and annually thereafter. The Secretary
6 shall suspend funding under this section for an
7 institution of higher education if the institution
8 fails to submit such a report.

9 “(B) FINAL REPORT.—Upon completion of
10 the grant period under this section, the grantee
11 institution shall file a final performance report
12 with the Secretary explaining the activities car-
13 ried out under this section together with an as-
14 sessment of the effectiveness the activities de-
15 scribed in subsection (b).

16 “(2) REPORT TO CONGRESS.—Not later than
17 180 days after the end of the grant period under
18 this section, the Secretary shall submit to Congress
19 a report that includes—

20 “(A) the number of grants, and the
21 amount of funds, distributed under this section;

22 “(B) a summary of the activities carried
23 out using grant funds and an evaluation of the
24 progress made under the grant; and

1 “(C) an evaluation of the effectiveness of
2 programs funded under this section.”.

3 **SEC. 9. ADMINISTRATIVE ACTION.**

4 Section 901 of the Education Amendments of 1972
5 (20 U.S.C. 1681) is amended by adding at the end the
6 following:

7 “(d) CLARIFICATION.—Nothing in the Campus Ac-
8 countability and Safety Act, or any amendment made by
9 such Act, shall reduce or interfere with the rights and
10 remedies provided for and available under this title.

11 “(e) TIME FOR FILING ADMINISTRATIVE COM-
12 PLAINTS.—Complaints filed with the Office for Civil
13 Rights of the Department of Education with regards to
14 sexual violence shall be considered timely when they are
15 filed not later than 180 days after the date of graduation
16 or disaffiliation with the institution.

17 “(f) DEPARTMENT OF EDUCATION AND DEPART-
18 MENT OF JUSTICE CIVIL PENALTIES FOR INSTITUTIONS
19 OF HIGHER EDUCATION.—

20 “(1) IN GENERAL.—Upon determination, after
21 reasonable notice and opportunity for a hearing, that
22 an educational institution that is an institution of
23 higher education has violated or failed to carry out
24 any provision of this section in a factual cir-
25 cumstance related to sexual violence or any regula-

1 tion prescribed under this section related to sexual
2 violence, the Secretary of Education or Attorney
3 General, may impose a civil penalty upon such insti-
4 tution of not more than 1 percent of the institution's
5 1-year operating budget, as defined by the Secretary
6 of Education, for each violation or failure. A civil
7 penalty shall not interfere with—

8 “(A) the Secretary's or Attorney General's
9 ability to seek or enter into a voluntary resolu-
10 tion agreement with an institution of higher
11 education;

12 “(B) the Attorney General's litigation au-
13 thority; and

14 “(C) an individual's right to seek other
15 remedies, including through a private right of
16 action.

17 “(2) ADJUSTMENT TO PENALTIES.—Any civil
18 penalty under paragraph (1) may be reduced by the
19 Secretary of Education or Attorney General. In de-
20 termining the amount of such penalty, or the
21 amount agreed upon in compromise, the appro-
22 priateness of the penalty to the size of the operating
23 budget of the educational institution subject to the
24 determination, and the gravity of the violation or
25 failure, and whether the violation or failure was done

1 intentionally, negligently, or otherwise, shall be con-
2 sidered.

3 “(3) DISTRIBUTION.—Any civil monetary pen-
4 alty or monetary settlement collected under this sub-
5 section shall be transferred to the Grants to Improve
6 Prevention and Response to Sexual Harassment,
7 Sexual Assault, Domestic Violence, Dating Violence,
8 and Stalking on Campus program.”.

9 **SEC. 10. GAO REPORTS.**

10 (a) GAO REPORT.—The Comptroller General of the
11 United States shall—

12 (1) conduct a study on the effectiveness and ef-
13 ficiency of the grant program under section 304 of
14 the Violence Against Women and Department of
15 Justice Reauthorization Act of 2005 (42 U.S.C.
16 14045b); and

17 (2) submit a report, not later than 2 years after
18 the date of enactment of this Act, on the study de-
19 scribed in paragraph (1), to the Committee on
20 Health, Education, Labor, and Pensions of the Sen-
21 ate and the Committee on Education and the Work-
22 force of the House of Representatives.

23 (b) GAO REPORT.—The Comptroller General of the
24 United States shall—

1 (1) conduct a study on the effectiveness and ef-
2 ficiency of the grants to improve prevention and re-
3 sponse to sexual harassment, sexual assault, domes-
4 tic violence, dating violence, and stalking, on campus
5 under section 899 of the Higher Education Act of
6 1965, as added by section 8 of this Act; and

7 (2) submit a report, not later than 2 years after
8 the date of enactment of this Act, on the study de-
9 scribed in paragraph (1), to the Committee on
10 Health, Education, Labor, and Pensions of the Sen-
11 ate and the Committee on Education and the Work-
12 force of the House of Representatives.

○