

113TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

Mrs. McCASKILL (for herself, Mr. HELLER, Mr. BLUMENTHAL, Mr. GRASSLEY, Mrs. GILLIBRAND, Ms. AYOTTE, Mr. WARNER, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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 “and on the website of the  
8 institution” after “through appropriate publica-  
9 tions or mailings”;

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

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

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

20 “(K)(i) With respect to the criminal activ-  
21 ity described in subparagraph (F)(i)(II), the eli-  
22 gible institution shall prepare by not later than  
23 1 year after the date of enactment of the Cam-  
24 pus Accountability and Safety Act, and annu-  
25 ally thereafter, the following additions:

1                   “(I) The number of cases that were  
2 investigated by the institution.

3                   “(II) The number of cases that were  
4 referred for a disciplinary proceeding at  
5 the institution.

6                   “(III) The number of cases that were  
7 referred to local or State law enforcement.

8                   “(IV) The number of alleged per-  
9 petrators that were found responsible by  
10 the disciplinary proceeding at the institu-  
11 tion.

12                   “(V) The number of alleged perpetra-  
13 tors that were found not responsible by the  
14 disciplinary proceeding at the institution.

15                   “(VI) A description of the final sanc-  
16 tions imposed by the institution for each  
17 offense perpetrated.

18                   “(VII) The number of disciplinary  
19 proceedings at the institution that have  
20 closed without resolution.

21                   “(ii) The Secretary shall provide technical  
22 assistance to eligible institutions to assist in  
23 meeting such additional preparation obliga-  
24 tions.”;

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

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

5           “(i) shall not identify victims of crimes or  
6 persons accused of crimes; and

7           “(ii) shall be compiled in accordance with  
8 the following definitions:

9           “(I) For the offenses of domestic vio-  
10 lence, dating violence, and stalking, such  
11 statistics shall be compiled in accordance  
12 with the definitions used in section  
13 40002(a) of the Violence Against Women  
14 Act of 1994 (42 U.S.C. 13925(a)).

15           “(II) For offenses not described in  
16 subclause (I), such statistics shall be com-  
17 piled in accordance with—

18           “(aa) either the National Inci-  
19 dent-Based Reporting System or the  
20 Uniform Crime Reporting Program of  
21 the Federal Bureau of Investigation,  
22 if a definition is available; and

23           “(bb) if an offense is not defined  
24 in either the National Incident-Based  
25 Reporting System or the Uniform

1 Crime Reporting Program of the Fed-  
2 eral Bureau of Investigation, a defini-  
3 tion provided by the Secretary.

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

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

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

10 “(iii) is not defined in either the National  
11 Incident-Based Reporting System or the Uni-  
12 form Crime Reporting Program of the Federal  
13 Bureau of Investigation.”;

14 (3) in paragraph (8)(B)(i)—

15 (A) in the matter preceding subclause (I),  
16 by inserting “, developed in consultation with  
17 local, State, and national sexual assault, dating  
18 violence, domestic violence, and stalking victim  
19 advocacy, victim services, or prevention organi-  
20 zations, and local law enforcement,” after  
21 “Education programs”; and

22 (B) in subclause (I)(aa), by inserting “, in-  
23 cluding the fact that these are crimes for the  
24 purposes of this subsection and reporting under  
25 this subsection and the institution of higher

1 education will, based on the victim’s wishes, co-  
2 operate with local law enforcement with respect  
3 to any alleged criminal offenses involving stu-  
4 dents or employees of the institution of higher  
5 education” after “stalking”;

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

8 (5) by inserting after paragraph (17) the fol-  
9 lowing:

10 “(18) The individual at an institution of higher  
11 education that is designated as a responsible em-  
12 ployee, as defined in section 901(e) of the Education  
13 Amendments of 1972, shall be considered a campus  
14 security authority, as defined in section 668.46(a) of  
15 title 34, Code of Federal Regulations.

16 “(19)(A) The Secretary shall, in consultation  
17 with the Attorney General, develop, design, and ad-  
18 minister through an online portal, a standardized,  
19 online survey of students regarding their experiences  
20 with sexual violence and harassment. The survey  
21 shall be administered every year. The survey shall  
22 not include any personally identifiable information.  
23 The Secretary shall develop such survey tool using  
24 best practices from peer-reviewed research meas-  
25 uring sexual violence and harassment. In addition to

1 the standardized questions developed by the Sec-  
2 retary, institutions completing the survey may re-  
3 quest additional information from students that  
4 would increase the institutions' understanding of  
5 school climate factors unique to their campuses.

6 “(B) In carrying out subparagraph (A), the  
7 Secretary shall require each institution participating  
8 in any program under this title, to ensure that an  
9 adequate, random, and representative sample size of  
10 students enrolled at the institution complete the sur-  
11 vey described in subparagraph (A) not later than 1  
12 year after the date of enactment of the Campus Ac-  
13 countability and Safety Act.

14 “(C) Responses to the survey shall be submitted  
15 confidentially and shall not be included in crime sta-  
16 tistics reported under this subsection. In addition,  
17 questions should be designed to gather information  
18 on survivor experiences, and shall therefore use trau-  
19 ma-informed language to prevent re-traumatization.

20 “(D) The survey described in subparagraph (A)  
21 shall include, but is not limited to, the following top-  
22 ics:

23 “(i) Those designed to determine the inci-  
24 dence and prevalence of sexual violence, dating  
25 violence, domestic violence, and stalking.

1           “(ii) Those on whether students know  
2           about institutional policies and procedures.

3           “(iii) Those on, if victims reported the vio-  
4           lence, to whom and what response did they re-  
5           ceive and if they were informed of, or referred  
6           to, local, State, on-campus, and or national re-  
7           sources.

8           “(iv) Those on contextual factors, such as  
9           whether force, incapacitation, or coercion was  
10          involved.

11          “(v) Those on whether the assailant was a  
12          student.

13          “(vi) Those on whether the victim was re-  
14          ferred to local or State law enforcement.

15          “(E) The Secretary shall tabulate and publish  
16          an annual report on the information gained from the  
17          survey under this paragraph on the website of the  
18          Department and submit such report to Congress.  
19          The report shall include campus-level data for each  
20          school and attributed by name of each campus.

21          “(20) Not later than 180 days after the date of  
22          enactment of the Campus Accountability and Safety  
23          Act, the Assistant Secretary for Postsecondary Edu-  
24          cation of the Department and the Assistant Sec-  
25          retary for Civil Rights of the Department shall joint-



1 ly develop and make publicly available guidance re-  
2 garding the intersection between this subsection and  
3 title IX of the Education Amendments of 1972, in  
4 order to clarify how the provisions of this subsection  
5 and such title shall be carried out. The guidance  
6 shall include clarifying language on how this sub-  
7 section and such title IX interact pertaining to sex-  
8 ual violence, and shall clarify and resolve any poten-  
9 tial discrepancies or inconsistencies between the two.

10 “(21) Notwithstanding any other provision of  
11 this Act, upon determination, after reasonable notice  
12 and opportunity for a hearing, that an eligible insti-  
13 tution has violated or failed to carry out any provi-  
14 sion of this subsection, or agreement made to resolve  
15 a compliance review under this subsection, or any  
16 regulation prescribed under this subsection, the Sec-  
17 retary may impose a civil penalty upon such institu-  
18 tion not to exceed \$150,000, which shall be adjusted  
19 for inflation annually, for each violation or misrepre-  
20 sentation, or per month a survey is not completed at  
21 the standard required. The Secretary may use any  
22 such civil penalty funds to enforce and administer  
23 the provisions of this subsection.”.

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

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

5 **“SEC. 124. COORDINATION WITH LOCAL LAW ENFORCE-**  
6 **MENT.**

7 “Each institution of higher education that receives  
8 funds or any other form of financial assistance under any  
9 Federal program, including participation in any federally  
10 funded or guaranteed student loan program, shall enter  
11 into, and update every 2 years, a memorandum of under-  
12 standing with all applicable local law enforcement agencies  
13 to clearly delineate responsibilities and share information,  
14 in accordance with applicable Federal confidentiality laws,  
15 about certain serious crimes that shall include, but not  
16 be limited to, sexual violence, occurring against students  
17 of the institution or against other individuals on the cam-  
18 pus of the institution. The memorandum of understanding  
19 shall include, but is not limited to—

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

22 “(2) protocols for investigations, including  
23 standards for notification and communication and  
24 measures to promote evidence preservation;

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

4           “(4) a method of sharing information about  
5           specific crimes, when directed by the victim, and a  
6           method of sharing crime details anonymously in  
7           order to better protect overall campus safety.”.

8           (b) EFFECTIVE DATE AND PENALTY.—

9           (1) EFFECTIVE DATE.—The amendment made  
10          by subsection (a) shall take effect on the date that  
11          is 1 year after the date of enactment of this Act.

12          (2) PENALTY.—The Secretary of Education—

13                (A) may impose a civil penalty of not more  
14                than 1 percent of an institution’s operating  
15                budget, as defined by the Secretary of Edu-  
16                cation, each year that the institution of higher  
17                education fails to carry out the requirements of  
18                section 124 of the Higher Education Act of  
19                1965, as added by subsection (a), by the date  
20                that is 1 year after the date of enactment of  
21                this Act; and

22                (B) may waive the penalty pursuant to  
23                paragraph (3).

24          (3) WAIVER.—

1           (A) IN GENERAL.—If local law enforce-  
2           ment refuses to enter into a memorandum of  
3           understanding under section 124 of the Higher  
4           Education Act of 1965, as added by subsection  
5           (a), the Secretary of Education may waive the  
6           penalty under paragraph (2) if the institution  
7           certifies why the institution was unable to ob-  
8           tain an agreement and that the institution  
9           acted in good faith, and submits to the Sec-  
10          retary a copy of the institution’s final offer that  
11          was ultimately rejected. The Secretary of Edu-  
12          cation will then have the discretion to grant the  
13          waiver.

14          (B) REFERRAL TO DEPARTMENT OF JUS-  
15          TICE.—The Secretary of Education shall refer  
16          to the Attorney General a copy of each waiver  
17          granted under paragraph (2)(B) and the rea-  
18          son, the Secretary has determined, why local  
19          law enforcement refuses to enter into a memo-  
20          randum of understanding.

21          (C) ADMINISTRATIVE REVIEW.—If the Sec-  
22          retary of Education does not grant a waiver  
23          under paragraph (2)(B), the institution may  
24          submit additional information to receive such  
25          waiver. If, after submitting additional informa-

1           tion, the Secretary still does not grant a waiver  
2           under paragraph (2)(B), the decision of the  
3           Secretary shall be subject to review pursuant to  
4           section 706(2)(A) of title 5, United States  
5           Code.

6           (4) VOLUNTARY RESOLUTION.—Nothing in this  
7           subsection shall prevent the Secretary of Education  
8           from entering into a voluntary resolution with an in-  
9           stitution of higher education that fails to carry out  
10          the requirements of section 124 of the Higher Edu-  
11          cation Act of 1965, as added by subsection (a), by  
12          the date that is 1 year after the date of enactment  
13          of this Act.

14          (c) NEGOTIATED RULEMAKING.—The Secretary of  
15          Education shall establish regulations to carry out the this  
16          section and the amendment made by this section in ac-  
17          cordance with the requirements described under section  
18          492 of the Higher Education Act of 1965 (20 U.S.C.  
19          1098a).

20 **SEC. 4. UNIVERSITY SUPPORT FOR SURVIVORS OF SEXUAL**  
21 **VIOLENCE.**

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

1 **“SEC. 125. UNIVERSITY SUPPORT FOR SURVIVORS OF SEX-**  
2 **UAL VIOLENCE.**

3 “Each institution of higher education that receives  
4 funds or any other form of financial assistance under any  
5 Federal program, including participation in any Federally  
6 funded or guaranteed student loan program, shall estab-  
7 lish a campus security policy that includes the following:

8 “(1) The designation of 1 or more confidential  
9 advisor roles at the institution to whom victims of  
10 crime can report anonymously or directly, that com-  
11 plies with the following:

12 “(A) The confidential advisor shall not be  
13 a student, an employee designated as a respon-  
14 sible employee under title IX of the Education  
15 Amendments of 1972, or the title IX coordi-  
16 nator, but may have other roles at the institu-  
17 tion.

18 “(B) The Secretary shall designate existing  
19 categories of employees that may serve as con-  
20 fidential advisors. Such designation shall not  
21 preclude the institution from designating new  
22 or existing employees or partnering with local,  
23 State, or national victim services organizations  
24 to serve as confidential advisors or to serve in  
25 other confidential roles.

1           “(C) The confidential advisor shall be  
2 trained to perform a victim-centered, trauma-  
3 informed (forensic) interview, which shall focus  
4 on the experience of the victim. The confidential  
5 advisor may perform the interview for which the  
6 goal is to elicit information about the traumatic  
7 event in question so that the interview can be  
8 used in either a campus or criminal investiga-  
9 tion or disciplinary proceeding.

10           “(D) The confidential advisor shall inform  
11 the victim of the victim’s control over possible  
12 next steps regarding the victim’s reporting op-  
13 tions and the consequences of those options, in-  
14 cluding, but not limited to, the option to con-  
15 duct a forensic interview with the option to  
16 have the forensic interview be recorded, the op-  
17 tion to receive a copy of the recorded forensic  
18 interview with the option to notify a responsible  
19 employee and initiate a campus disciplinary  
20 proceeding, the option to notify local law en-  
21 forcement and initiate a criminal investigation,  
22 the option to grant campus disciplinary officials  
23 access to the forensic interview, and the option  
24 to grant law enforcement officials access to the  
25 forensic interview. The confidential advisor shall

1 assist in conducting a forensic interview, mak-  
2 ing notifications, and granting access to a fo-  
3 rensic interview as directed by the victim.

4 “(E) The confidential advisor shall liaise  
5 with campus or local law enforcement when di-  
6 rected by the victim, and, as appropriate, may  
7 assist the victim in contacting and reporting to  
8 campus or local law enforcement.

9 “(F) The confidential advisor shall be au-  
10 thorized by the institution to arrange reason-  
11 able accommodations through the institution to  
12 allow the victim to change living arrangements  
13 or class schedules, or obtain accessibility serv-  
14 ices, and make other changes.

15 “(G) The confidential advisor shall also ad-  
16 vise the victim of both the victim’s rights and  
17 the institution’s responsibilities regarding or-  
18 ders of protection, no contact orders, restrain-  
19 ing orders, or similar lawful orders issued by  
20 the institution or a criminal, civil, or tribal  
21 court.

22 “(H) The confidential advisor shall not be  
23 obligated to report crimes to the institution or  
24 law enforcement, unless otherwise required to  
25 do so by State law, and shall provide confiden-



1            tial services to students and employees. Re-  
2            quests for arrangement made by a confidential  
3            advisor do not constitute notice to a responsible  
4            employee for title IX purposes, even when such  
5            advisors work only in the area of sexual assault.

6            “(I) The name and contact information for  
7            the confidential advisor, as well as a victims’ re-  
8            porting options, the process of investigation and  
9            adjudication both by the institution and by law  
10          enforcement, and potential reasonable accom-  
11          modations, which shall be listed on the website  
12          of the institution.

13          “(J) The institution may partner with an  
14          outside victim advocacy organization to provide  
15          the service described in this subparagraph.

16          “(K) Each institution that enrolls fewer  
17          than 1000 students may partner with another  
18          institution in their region or State to provide  
19          the services described in this subparagraph.

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

23                  “(i) 1 year after the Secretary deter-  
24                  mines through a negotiated rulemaking  
25                  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 “(2) The institution may provide an online re-  
7 porting system to collect anonymous disclosures of  
8 crimes. The victim may submit an anonymous report  
9 but the institution would only be obligated to inves-  
10 tigate when a formal report is submitted to a re-  
11 sponsible employee.

12 “(3) The telephone number and URL for a  
13 local, State, or national hotline providing informa-  
14 tion to sexual violence victims shall be clearly com-  
15 municated on the website of the institution and up-  
16 dated on a timely basis.

17 “(4) The name and location of the nearest med-  
18 ical facility where an individual may have a rape kit  
19 administered by a trained sexual violence forensic  
20 nurse shall be included on the website of the institu-  
21 tion, including information on transportation options  
22 and reimbursement for a visit to such facility.

23 “(5) The institution shall provide an amnesty  
24 clause for any student who reports, in good faith,  
25 sexual violence to a responsible employee so that

1       they will not be sanctioned by the institution for a  
2       student conduct violation, such as underage drink-  
3       ing, that is revealed in the course of such a report.”.

4       (b) EFFECTIVE DATE.—Paragraphs (2) through (5)  
5 of section 125 of the Higher Education Act of 1965, as  
6 added by subsection (a), shall take effect on the date that  
7 is 1 year after the date of enactment of this Act.

8       (c) PENALTY.—

9           (1) IN GENERAL.—The Secretary of Education  
10       may impose a civil penalty of not more than 1 per-  
11       cent of an institution’s operating budget, as defined  
12       by the Secretary, each year that the institution fails  
13       to carry out the requirements of —

14           (A) section 125(1) of the Higher Edu-  
15       cation Act of 1965, as added by subsection (a),  
16       by not later than the earlier of—

17           (i) 1 year after the Secretary of Edu-  
18       cation determines through a negotiated  
19       rulemaking process what an adequate  
20       number of confidential advisors is for the  
21       institution based on its size; or

22           (ii) 3 years after the date of enact-  
23       ment of this Act; and

24           (B) paragraphs (2) through (5) of section  
25       125 of the Higher Education Act of 1965, as

1           added by subsection (a), by the date that is 1  
2           year after the date of enactment of this Act.

3           (2) VOLUNTARY RESOLUTION.—Nothing in this  
4           subsection shall prevent the Secretary of Education  
5           from entering into a voluntary resolution with an in-  
6           stitution of higher education that fails to carry out  
7           the requirements of—

8                   (A) section 125(1) of the Higher Edu-  
9                   cation Act of 1965, as added by subsection (a),  
10                  by not later than the earlier of—

11                          (i) 1 year after the Secretary of Edu-  
12                          cation determines through a negotiated  
13                          rulemaking process what an adequate  
14                          number of confidential advisors is for the  
15                          institution based on its size; or

16                          (ii) 3 years after the date of enact-  
17                          ment of this Act; and

18                   (B) paragraphs (2) through (5) of section  
19                   125 of the Higher Education Act of 1965, as  
20                   added by subsection (a), by the date that is 1  
21                   year after the date of enactment of this Act.

22           (d) NEGOTIATED RULEMAKING.—The Secretary of  
23           Education shall establish regulations to carry out the this  
24           section and the amendment made by this section in ac-  
25           cordance with the requirements described under section

1 492 of the Higher Education Act of 1965 (20 U.S.C.  
2 1098a).

3 **SEC. 5. PROGRAM PARTICIPATION AGREEMENTS.**

4 Section 487(a) of the Higher Education Act of 1965  
5 (20 U.S.C. 1094(a)) is amended by striking paragraph  
6 (12) and inserting the following:

7 “(12) The institution certifies that—

8 “(A) the institution is in compliance with  
9 the requirements of section 124 regarding co-  
10 ordination with local law enforcement;

11 “(B) the institution has established sup-  
12 port for survivors of sexual violence that meets  
13 the requirements of section 125; and

14 “(C) the institution has complied with the  
15 disclosure requirements of section 485(f).”.

16 **SEC. 6. ENFORCEMENT AND TRAINING; SUBPOENA AU-**  
17 **THORITY.**

18 Section 901 of the Education Amendments of 1972  
19 (20 U.S.C. 1681) is amended by adding at the end the  
20 following:

21 “(d) WEBSITE.—The Secretary of Education shall  
22 establish a title IX website that includes the following:

23 “(1) The name and contact information for the  
24 title IX coordinator, including a brief description of  
25 the coordinator’s role and the roles of other officials

1 who may be contacted to discuss or report sexual  
2 harassment, for each educational institution. Each  
3 educational institution shall provide the name and  
4 contact information for the title IX coordinator to  
5 the Secretary of Education not later than 30 days  
6 after the date of enactment of the Campus Account-  
7 ability and Safety Act.

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

1 1232g), commonly known as the ‘Family Edu-  
2 cational Rights and Privacy Act of 1974’.

3 “(e) TRAINING OF RESPONSIBLE EMPLOYEES AND  
4 OTHER EMPLOYEES.—

5 “(1) RESPONSIBLE EMPLOYEE.—In this sub-  
6 section, the term ‘responsible employee’ means an  
7 employee of an institution of higher education who  
8 has the authority to redress sexual harassment or  
9 who has the duty to report incidents of sexual har-  
10 assment or other misconduct by students or employ-  
11 ees to the title IX coordinator or other appropriate  
12 school designee.

13 “(2) TRAINING OF RESPONSIBLE EMPLOY-  
14 EES.—Each institution of higher education shall em-  
15 ploy a responsible employee who shall complete min-  
16 imum training requirements (as determined by the  
17 Secretary of Education in coordination with the At-  
18 torney General and to include training by local,  
19 State, or national victim services organizations) and  
20 shall be responsible for—

21 “(A) reporting cases of sexual harassment  
22 to the title IX coordinator of the institution;  
23 and

24 “(B) providing a student or employee who  
25 reports that the student or employee has been

1 a victim of sexual harassment, including, but  
2 not limited to, sexual violence, whether the of-  
3 fense occurred on or off campus, with a written  
4 explanation of the student or employee's rights  
5 and options, as described in clauses (ii) through  
6 (vii) of section 485(f)(8)(B) of the Higher Edu-  
7 cation Act of 1965.

8 “(3) OTHER/ADDITIONAL TRAINING.—Each in-  
9 dividual who is involved in implementing an institu-  
10 tion of higher education's grievance procedures, in-  
11 cluding each individual who is responsible for resolv-  
12 ing complaints of reported crimes, shall have train-  
13 ing or experience in handling sexual violence com-  
14 plaints, and the operations of the institution's griev-  
15 ance procedures, not later than 1 year after the date  
16 of enactment of the Campus Accountability and  
17 Safety Act. The training shall include, but is not  
18 limited to—

19 “(A) information on working with and  
20 interviewing persons subjected to sexual vio-  
21 lence;

22 “(B) information on particular types of  
23 conduct that would constitute sexual violence,  
24 including same-sex sexual violence;



1           “(C) information on consent and the role  
2           drugs or alcohol can play in the ability to con-  
3           sent;

4           “(D) the effects of trauma, including  
5           neurobiological change; and

6           “(E) cultural awareness training regarding  
7           how sexual violence may impact students dif-  
8           ferently depending on their cultural back-  
9           ground.

10          “(4) UNIFORM CAMPUS-WIDE PROCESS FOR  
11          DISCIPLINARY PROCEEDING RELATING TO CLAIM OF  
12          SEXUAL VIOLENCE.—Each institution of higher edu-  
13          cation that receives Federal funding—

14                 “(A) shall establish and carry out a uni-  
15                 form process (for each campus of the institu-  
16                 tion) for disciplinary proceedings relating to  
17                 any claims of sexual violence; and

18                 “(B) shall not carry out a different dis-  
19                 ciplinary process on the same campus for a  
20                 matter of sexual violence, or alter the uniform  
21                 process described in subparagraph (A), based  
22                 on the status or characteristics of a student  
23                 who will be involved in that disciplinary pro-  
24                 ceeding, including characteristics such as a stu-  
25                 dent’s membership on an athletic team, aca-

1           demic major, or any other characteristic or sta-  
2           tus of a student.

3           “(f) DEPARTMENT OF EDUCATION AND DEPART-  
4   MENT OF JUSTICE CIVIL PENALTIES FOR INSTITUTIONS  
5   OF HIGHER EDUCATION.—

6           “(1) IN GENERAL.—Upon determination, after  
7   reasonable notice and opportunity for a hearing, that  
8   an educational institution that is an institution of  
9   higher education has violated or failed to carry out  
10   any provision of this section in a factual cir-  
11   cumstance related to sexual violence or any regula-  
12   tion prescribed under this section related to sexual  
13   violence, the Secretary of Education or Attorney  
14   General, may impose a civil penalty upon such insti-  
15   tution of not more than 1 percent of the institution’s  
16   1-year operating budget, as defined by the Secretary  
17   of Education, for each violation or failure. A civil  
18   penalty shall not interfere with the Secretary’s or  
19   Attorney General’s ability to enter into a voluntary  
20   resolution agreement with an institution of higher  
21   education.

22           “(2) ADJUSTMENT TO PENALTIES.—Any civil  
23   penalty under paragraph (1) may be modified by the  
24   Secretary of Education or Attorney General. In de-  
25   termining the amount of such penalty, or the

1 amount agreed upon in compromise, the appro-  
2 priateness of the penalty to the size of the operating  
3 budget of the educational institution subject to the  
4 determination, and the gravity of the violation or  
5 failure, and whether the violation or failure was done  
6 intentionally, negligently, or otherwise, shall be con-  
7 sidered.

8 “(3) DISTRIBUTION.—Any civil monetary pen-  
9 alty or monetary settlement collected under this sub-  
10 section shall be transferred to the Office for Civil  
11 Rights of the Department of Education or the De-  
12 partment of Justice to be used for purposes of en-  
13 forcing the provisions of this title related to sexual  
14 harassment.

15 “(4) CLARIFICATION.—Nothing in the Campus  
16 Accountability and Safety Act, or any amendment  
17 made by such Act, shall alter, amend, or interfere  
18 with the rights and remedies provided for and avail-  
19 able under this title.

20 “(g) STATUTE OF LIMITATIONS.—An individual may  
21 file a complaint for a violation of this title, with regards  
22 to sexual violence, with the Office for Civil Rights of the  
23 Department of Education not later than 180 days after  
24 the date of graduation or disaffiliation with the institution.

1           “(h) SUBPOENA AND CIVIL INVESTIGATIVE DEMAND  
2 AUTHORITY.—

3           “(1) AUTHORITY TO COMPEL.—In order to ob-  
4 tain information and documents that are relevant to  
5 determining compliance with this title, including any  
6 regulations promulgated to carry out this title, the  
7 Assistant Secretary of the Office for Civil Rights of  
8 the Department of Education and the Assistant At-  
9 torney General of the Civil Rights Division of the  
10 Department of Justice are authorized to require by  
11 subpoena the attendance and testimony of any per-  
12 son that one can reasonably believe to have first-  
13 hand knowledge, including current and former stu-  
14 dents and employees of institutions of higher edu-  
15 cation, and the production of documents, including  
16 reports, answers, records, accounts, papers, and  
17 other data in any medium (including electronically  
18 stored information), and any tangible thing.

19           “(2) REFUSAL TO OBEY.—A subpoena issued  
20 under this subsection, in the case of contumacy or  
21 refusal to obey, shall be enforceable by order of any  
22 appropriate United States district court.

23           “(3) CIVIL INVESTIGATIVE DEMAND AUTHOR-  
24 ITY.—The Assistant Secretary of the Office for Civil  
25 Rights of the Department of Education and the As-

1       sistant Attorney General of the Civil Rights Division  
2       of the Department of Justice shall have civil inves-  
3       tigative demand authority, which authorizes the re-  
4       quest for documents of the institutions and written  
5       answers to interrogatories in order to determine  
6       compliance with title IX.

7       “(i) COORDINATOR.—Each educational institution  
8       that receives Federal financial assistance from the Depart-  
9       ment of Education shall submit, annually, to the Office  
10      for Civil Rights of the Department of Education and the  
11      Civil Rights Division of the Department of Justice, the  
12      name of the title IX coordinator of the institution, includ-  
13      ing a brief description of the coordinator’s role and the  
14      roles of other officials of the institution who may be con-  
15      tacted to discuss or report sexual violence, and documenta-  
16      tion of training received by the title IX coordinator. The  
17      educational institution shall provide updated information  
18      to the Office for Civil Rights of the Department of Edu-  
19      cation and the Civil Rights Division of the Department  
20      of Justice not later than 30 days after the date of any  
21      change.”.

1 **SEC. 7. TRAINING FOR CAMPUS PERSONNEL ON VICTIM-**  
2 **CENTERED TRAUMA-INFORMED (FORENSIC)**  
3 **INTERVIEWS.**

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

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

9 (2) in subsection (b), by adding at the end the  
10 following;

11 “(11) To train campus personnel in conducting  
12 victim-centered, trauma-informed (forensic) inter-  
13 views.”; and

14 (3) in subsection (g)—

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

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

19 “(2) **VICTIM-CENTERED, TRAUMA-INFORMED**  
20 **(FORENSIC) INTERVIEW.**—In this section, the term  
21 ‘victim-centered, trauma-informed (forensic) inter-  
22 view’ means an evidence-based interview focused on  
23 the experience of the victim, conducted by a trained  
24 forensic interviewer, in which the goal of the inter-  
25 view is to elicit information about the traumatic  
26 event in question for use in a future investigation.

1       The victim shall be given the option to have the  
2       interview recorded and to receive a copy of the re-  
3       corded interview. The victim shall be informed of the  
4       reasons why the victim may or may not choose to  
5       have the interview recorded.”.