

# HOUSE BILL 19

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4lr0429

(PRE-FILED)

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By: **Delegate Cardin**

Requested: August 21, 2013

Introduced and read first time: January 8, 2014

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Sexual Assault Surveys and Sexual Assault Victim**  
3 **Advocates**

4 FOR the purpose of requiring the Maryland Higher Education Commission, in  
5 consultation with the Department of Health and Mental Hygiene and the  
6 Governor's Office of Crime Control and Prevention, to establish procedures for  
7 the administration of sexual assault surveys every certain number of years by  
8 institutions of higher education; authorizing the use of a certain survey as a  
9 model; requiring each institution of higher education to administer a sexual  
10 assault survey every 3 years to students, faculty members, and employees in  
11 accordance with certain procedures; requiring each institution of higher  
12 education to report school specific results of the sexual assault survey to the  
13 Commission; requiring each institution of higher education to include school  
14 specific results of the survey in a certain annual security report; requiring the  
15 Commission to report sexual assault survey results to the Governor and certain  
16 committees of the General Assembly on or before certain dates, beginning in a  
17 certain year; requiring the Commission to publish sexual assault survey results  
18 in a certain manner; requiring each institution of higher education to appoint a  
19 sexual assault victim advocate to provide certain information and support to  
20 victims of sexual assault; and generally relating to the administration of sexual  
21 assault surveys and the appointment of sexual assault victim advocates by  
22 institutions of higher education.

23 BY repealing and reenacting, with amendments,  
24 Article – Education  
25 Section 11–601  
26 Annotated Code of Maryland  
27 (2008 Replacement Volume and 2013 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Education**

4 11–601.

5 (a) (1) By August 1, 1993, the governing board of each institution of  
6 higher education shall adopt and submit to the Commission a written policy on sexual  
7 assault.

8 (2) The policy adopted under paragraph (1) of this subsection shall  
9 apply to each student, faculty member, and employee of the institution and inform the  
10 students, faculty members, and employees of their rights and duties under the policy.

11 (b) (1) Each institution of higher education shall post at appropriate  
12 locations on each campus and distribute to its students, faculty members, and  
13 employees a copy of the policy adopted under subsection (a) of this section.

14 (2) Each institution of higher education shall implement the policy  
15 adopted under subsection (a) of this section.

16 (c) The sexual assault policy required under subsection (a) of this section  
17 shall conform with § 485(f) of the Higher Education Act of 1965 as amended by §  
18 486(c)(2) of the Higher Education Amendments of 1992 and shall include procedures  
19 for reporting an incident of sexual assault and for taking disciplinary actions against a  
20 violator of the policy, including provisions for:

21 (1) Informing a victim of a sexual assault of the right to file criminal  
22 charges with the appropriate law enforcement official;

23 (2) The prompt assistance of campus authorities, at the request of the  
24 victim, in notifying the appropriate law enforcement officials and disciplinary  
25 authorities of an incident of sexual assault;

26 (3) Designation of the nearest hospitals equipped with the  
27 Department of State Police Sexual Assault Evidence Collection Kit;

28 (4) Full and prompt cooperation from campus personnel in obtaining  
29 appropriate medical attention, including transporting the victim to the nearest  
30 designated hospital;

31 (5) Offering counseling to a victim of sexual assault from mental  
32 health services provided by the institution, other victim service entities, or the nearest  
33 State designated rape crisis program; and

1           (6) After a campus sexual assault has been reported, and upon the  
2 request of the alleged victim, the transfer of the alleged victim to alternative classes or  
3 housing, if such alternatives are available and feasible.

4           (d) The Commission shall:

5                 (1) Coordinate the development of the sexual assault policies; and

6                 (2) Periodically review and make recommendations for changes in  
7 these policies.

8           **(E) (1) THE COMMISSION, IN CONSULTATION WITH THE**  
9 **DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE GOVERNOR'S**  
10 **OFFICE OF CRIME CONTROL AND PREVENTION, SHALL ESTABLISH**  
11 **PROCEDURES FOR THE ADMINISTRATION OF A SEXUAL ASSAULT SURVEY EVERY**  
12 **3 YEARS BY EACH INSTITUTION OF HIGHER EDUCATION IN THE STATE.**

13                 **(2) THE PROCEDURES SHALL REQUIRE EACH INSTITUTION OF**  
14 **HIGHER EDUCATION IN THE STATE TO PROVIDE FOR THE COMPLETION OF THE**  
15 **SURVEY ONLINE.**

16           **(F) THE COMMISSION MAY USE THE NATIONAL INTIMATE PARTNER**  
17 **AND SEXUAL VIOLENCE SURVEY DEVELOPED BY THE NATIONAL CENTER FOR**  
18 **INJURY PREVENTION AND CONTROL OF THE CENTERS FOR DISEASE CONTROL**  
19 **AND PREVENTION AS A MODEL.**

20           **(G) ON OR BEFORE JUNE 1, 2015, AND EVERY 3 YEARS THEREAFTER,**  
21 **EACH INSTITUTION OF HIGHER EDUCATION SHALL:**

22                 **(1) ADMINISTER THE SEXUAL ASSAULT SURVEY TO STUDENTS,**  
23 **FACULTY MEMBERS, AND EMPLOYEES IN ACCORDANCE WITH THE PROCEDURES**  
24 **ESTABLISHED UNDER SUBSECTION (E) OF THIS SECTION;**

25                 **(2) REPORT SCHOOL SPECIFIC RESULTS OF THE SEXUAL ASSAULT**  
26 **SURVEY TO THE COMMISSION; AND**

27                 **(3) INCLUDE SCHOOL SPECIFIC RESULTS OF THE SEXUAL**  
28 **ASSAULT SURVEY IN ITS ANNUAL SECURITY REPORT PUBLISHED IN**  
29 **ACCORDANCE WITH THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY**  
30 **POLICY AND CAMPUS CRIME STATISTICS ACT.**

31           **(H) ON OR BEFORE SEPTEMBER 1, 2015, AND EVERY 3 YEARS**  
32 **THEREAFTER, THE COMMISSION SHALL:**

1           **(1) REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §**  
2 **2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE EDUCATION,**  
3 **HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE**  
4 **APPROPRIATIONS COMMITTEE THE RESULTS OF THE SEXUAL ASSAULT**  
5 **SURVEYS ADMINISTERED BY EACH INSTITUTION OF HIGHER EDUCATION; AND**

6           **(2) PUBLISH THE RESULTS OF THE SURVEY ON THE**  
7 **COMMISSION'S WEB SITE AND IN ANY OTHER LOCATION OR VENUE THE**  
8 **COMMISSION DETERMINES IS NECESSARY OR APPROPRIATE.**

9           **(I) EACH INSTITUTION OF HIGHER EDUCATION SHALL APPOINT A**  
10 **SEXUAL ASSAULT VICTIM ADVOCATE TO PROVIDE INFORMATION AND SUPPORT**  
11 **REGARDING THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION TO A VICTIM**  
12 **OF SEXUAL ASSAULT ON A FREE AND CONFIDENTIAL BASIS.**

13           **[(e)] (J)**       Nothing in this subtitle shall be construed to confer a private cause  
14 of action upon any person to enforce the provisions of this subtitle.

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 July 1, 2014.