

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1300

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DATE	D-PG	OFFICIAL STATUS
03/02/2015	505	Introduction and first reading
		Referred to Higher Education and Workforce Development
03/19/2015		Comm report: To pass as amended and re-refer to Judiciary

A bill for an act

1.1 relating to higher education; data practices; requiring changes to campus policies
1.2 on sexual harassment and sexual violence; encouraging good faith reporting
1.3 of sexual harassment and sexual violence; requiring coordination between
1.4 postsecondary institutions and law enforcement; requiring postsecondary
1.5 institutions to create an online reporting system; restricting access to data;
1.6 requiring training of campus security officers and administrators; requiring
1.7 institutions provide student health services for victims of sexual assault;
1.8 amending Minnesota Statutes 2014, section 135A.15, subdivisions 1, 2, by adding
1.9 subdivisions; proposing coding for new law in Minnesota Statutes, chapter 626.
1.10

1.11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.12 Section 1. Minnesota Statutes 2014, section 135A.15, subdivision 1, is amended to read:

1.13 Subdivision 1. **Policy required.** The Board of Trustees of the Minnesota State
1.14 Colleges and Universities shall, and the University of Minnesota is requested to, adopt
1.15 a clear, understandable written policy on sexual harassment and sexual violence that
1.16 informs victims of their rights under the crime victims bill of rights, including the right to
1.17 assistance from the Crime Victims Reparations Board and the commissioner of public
1.18 safety. The policy must apply to students and employees and must provide information
1.19 about their rights and duties. The policy must apply to criminal incidents against a
1.20 student or employee of a postsecondary institution occurring on property owned by the
1.21 postsecondary system or institution in which the victim is a student or employee of that
1.22 system or institution or at any activity, program, or event sponsored by the system or
1.23 institution. It must include procedures for reporting incidents of sexual harassment or
1.24 sexual violence and for disciplinary actions against violators. During student registration,
1.25 each technical college, community college, or state university shall, and the University of
1.26 Minnesota is requested to, provide each student with information regarding its policy. A
1.27 copy of the policy also shall be posted at appropriate locations on campus at all times.

2.1 Each private postsecondary institution that is ~~an eligible institution as defined in section~~
 2.2 ~~136A.155~~ registered as a postsecondary institution under section 136A.65, must ~~adopt a~~
 2.3 ~~policy that meets the~~ comply with the requirements of this section.

2.4 Sec. 2. Minnesota Statutes 2014, section 135A.15, subdivision 2, is amended to read:

2.5 Subd. 2. **Victims' rights.** (a) The policy required under subdivision 1 shall, at
 2.6 a minimum, require that students and employees be informed of the policy, and shall
 2.7 include provisions for:

2.8 (1) filing criminal charges with local law enforcement officials in sexual assault cases;

2.9 (2) treating disclosures of sexual assault seriously;

2.10 (3) the prompt assistance of campus authorities, at the request of the victim, in
 2.11 notifying the appropriate law enforcement officials and disciplinary authorities of a
 2.12 sexual assault incident;

2.13 (4) allowing sexual assault victims to decide whether to refer a case to law
 2.14 enforcement;

2.15 (5) requiring campus authorities to treat sexual assault victims with dignity;

2.16 (6) requiring campus authorities to offer sexual assault victims fair and respectful
 2.17 health care and counseling services;

2.18 (7) preventing campus authorities from suggesting a victim of sexual assault is at
 2.19 fault for the crimes or violations that occurred;

2.20 (8) preventing campus authorities from suggesting that a victim of sexual assault
 2.21 should have acted in a different manner to avoid such a crime;

2.22 (9) protecting the privacy of sexual assault victims by only disclosing data collected
 2.23 under this section to the victim, campus officials investigating a report or conducting a
 2.24 disciplinary procedure related to the incident, and, at a sexual assault victim's request,
 2.25 police conducting a criminal investigation;

2.26 (3) (10) an investigation and resolution of a sexual assault complaint by campus
 2.27 disciplinary authorities;

2.28 (4) (11) a sexual assault victim's participation in and the presence of the victim's
 2.29 attorney or other support person at any meeting with campus officials concerning a sexual
 2.30 assault complaint or campus disciplinary proceeding concerning a sexual assault complaint;

2.31 (12) ensuring that a sexual assault victim is not required to repeat unnecessarily a
 2.32 description of the incident of sexual assault;

2.33 (5) (13) notice to a sexual assault victim of the outcome of any campus disciplinary
 2.34 proceeding concerning a sexual assault complaint, consistent with laws relating to data
 2.35 practices;

3.1 ~~(6)~~ (14) the complete and prompt assistance of campus authorities, at the direction
 3.2 of law enforcement authorities, in obtaining, securing, and maintaining evidence in
 3.3 connection with a sexual assault incident;

3.4 ~~(7)~~ (15) the assistance of campus authorities in preserving for a sexual assault
 3.5 complainant or victim materials relevant to a campus disciplinary proceeding; ~~and~~

3.6 ~~(8)~~ (16) the assistance of campus personnel, in cooperation with the appropriate law
 3.7 enforcement authorities, at a sexual assault victim's request, in shielding the victim from
 3.8 unwanted contact with the alleged assailant, including transfer of the victim to alternative
 3.9 classes or to alternative college-owned housing, if alternative classes or housing are
 3.10 available and feasible;

3.11 (17) forbidding retaliation against sexual assault victims, including retaliation by
 3.12 campus authorities or the accused; and

3.13 (18) allowing sexual assault victims to practice their religion and exercise their
 3.14 civil rights without interference by the investigative, criminal justice, or student conduct
 3.15 process of the institution.

3.16 (b) For the purposes of this section, "sexual assault" means sexual assault as defined
 3.17 in section 611A.211, subdivision 4.

3.18 Sec. 3. Minnesota Statutes 2014, section 135A.15, is amended by adding a subdivision
 3.19 to read:

3.20 Subd. 3. **Uniform amnesty.** The Board of Trustees of the Minnesota State Colleges
 3.21 and Universities shall, and the University of Minnesota is requested to, include in the
 3.22 system's sexual harassment and violence policy a provision that no student who reports,
 3.23 in good faith, an act of sexual harassment or sexual violence shall be sanctioned by the
 3.24 institution for admitting to a violation of the institution's student conduct policy on the
 3.25 use of drugs or alcohol as part of the report. Each private postsecondary institution that is
 3.26 registered under section 136A.65 must comply with the requirements of this subdivision.

3.27 Sec. 4. Minnesota Statutes 2014, section 135A.15, is amended by adding a subdivision
 3.28 to read:

3.29 Subd. 4. **Coordination with local law enforcement.** (a) The Board of Trustees of
 3.30 the Minnesota State Colleges and Universities shall, and the University of Minnesota is
 3.31 requested to, direct each campus in the system to enter into and update every two years
 3.32 a memorandum of understanding with all local law enforcement agencies that serve the
 3.33 campus. Each private postsecondary institution that is registered under section 136A.65
 3.34 must comply with the requirements of this subdivision. This memorandum shall clearly

4.1 delineate responsibilities and require information sharing, in accordance with applicable
4.2 state and federal privacy laws, about certain crimes including, but not limited to, sexual
4.3 assault. This memorandum of understanding shall provide:

4.4 (1) delineation and sharing protocols of investigative responsibilities;

4.5 (2) protocols for investigations, including standards for notification and
4.6 communication and measures to promote evidence preservation;

4.7 (3) a method of sharing information about specific crimes, when directed by the
4.8 victim, and a method of sharing crime details anonymously in order to better protect
4.9 overall campus safety.

4.10 (b) Prior to the start of each academic year, the Board of Trustees of the Minnesota
4.11 State Colleges and Universities shall, and the University of Minnesota is requested to,
4.12 distribute an electronic copy of the memorandum of understanding to all students and
4.13 employees on the campus that are subject to the memorandum.

4.14 Sec. 5. Minnesota Statutes 2014, section 135A.15, is amended by adding a subdivision
4.15 to read:

4.16 Subd. 5. **Online reporting system.** (a) The Board of Trustees of the Minnesota
4.17 State Colleges and Universities shall, and the University of Minnesota is requested to,
4.18 provide an online reporting system to receive complaints of sexual harassment and sexual
4.19 violence from students and employees. The system must permit anonymous reports,
4.20 provided that the institution is not obligated to investigate an anonymous report, unless
4.21 a formal report is submitted through the process established in the institution's sexual
4.22 harassment and sexual violence policy.

4.23 (b) The Board of Trustees of the Minnesota State Colleges and Universities shall,
4.24 and the University of Minnesota is requested to, provide students making reports under
4.25 this section with information about who will receive and have access to the reports filed,
4.26 how the information gathered through the system will be used, and contact information for
4.27 on-campus and off-campus organizations serving victims of sexual violence.

4.28 (c) Each private postsecondary institution that is registered under section 136A.65
4.29 must comply with the requirements of this subdivision.

4.30 Sec. 6. Minnesota Statutes 2014, section 135A.15, is amended by adding a subdivision
4.31 to read:

4.32 Subd. 6. **Data collection and reporting.** (a) The Board of Trustees of the
4.33 Minnesota State Colleges and Universities and the University of Minnesota shall annually
4.34 report statistics on sexual assault. Each private postsecondary institution that is registered

5.1 under section 136A.65 must comply with the requirements of this subdivision. This report
5.2 must be prepared in addition to any federally required reporting on campus security,
5.3 including reports required by the Jeanne Clery Disclosure of Campus Security Policy and
5.4 Campus Crime Statistics Act, United States Code, title 20, section 1092(f). The report
5.5 must include, but not be limited to:

5.6 (1) the number of incidents that were investigated by the institution;

5.7 (2) the number of incidents that were referred for a disciplinary proceeding at the
5.8 institution;

5.9 (3) the number of incidents that were referred to local or state law enforcement;

5.10 (4) the number of alleged perpetrators that were found responsible by the disciplinary
5.11 proceeding at the institution;

5.12 (5) the number of disciplinary proceedings at the institution that resulted in any
5.13 action by the institution greater than a warning issued to the accused;

5.14 (6) the number of disciplinary proceedings at the institution that have closed without
5.15 resolution; and

5.16 (7) the number of reports made through the online reporting system established in
5.17 subdivision 5.

5.18 (b) The data reported as part of this subdivision shall be provided as summary data
5.19 and shall not identify alleged victims or perpetrators of crimes. The report required by
5.20 this section must be submitted to the Office of Higher Education. The Office of Higher
5.21 Education shall publish the data reported under this subdivision on its Web site. Each
5.22 technical college, community college, or state university shall, and the University of
5.23 Minnesota is requested to, publish the data reported as part of this subdivision on its
5.24 Web site.

5.25 Sec. 7. Minnesota Statutes 2014, section 135A.15, is amended by adding a subdivision
5.26 to read:

5.27 Subd. 7. **Access to data; audit trail.** Only individuals with explicit authorization
5.28 from an institution may enter, update, or access data collected, created, or maintained
5.29 under subdivision 5. The ability of authorized individuals to enter, update, or access
5.30 data must be limited through the use of role-based access that corresponds to the official
5.31 duties or training level of the individual and the institutional authorization that grants
5.32 access for that purpose. All queries and responses, and all actions in which data are
5.33 entered, updated, accessed, or shared or disseminated outside of the institution, must be
5.34 recorded in a data audit trail. An institution shall immediately and permanently revoke the
5.35 authorization of any individual determined to have willfully entered, updated, accessed,

6.1 shared, or disseminated data in violation of this subdivision or any provision of chapter
6.2 13. If an individual is determined to have willfully gained access to data without explicit
6.3 authorization, the matter shall be forwarded to a county attorney for prosecution.

6.4 Sec. 8. Minnesota Statutes 2014, section 135A.15, is amended by adding a subdivision
6.5 to read:

6.6 Subd. 8. **Comprehensive training.** (a) The Board of Trustees of the Minnesota State
6.7 Colleges and Universities shall, and the University of Minnesota is requested to, provide
6.8 campus security officers and campus administrators with comprehensive training on
6.9 preventing and responding to sexual assault in collaboration with the Bureau of Criminal
6.10 Apprehension or another law enforcement agency with expertise in criminal sexual
6.11 conduct. The training for campus security officers shall include a presentation on best
6.12 practices for preventing, responding to, and investigating sexual assault. The training for
6.13 campus administrators shall include presentations on preventing sexual assault, responding
6.14 to incidents of sexual assault, and compliance with state and federal laws on sexual assault.

6.15 (b) The Board of Trustees of the Minnesota State Colleges and Universities shall,
6.16 and the University of Minnesota is requested to, require that each incoming student
6.17 complete online training on sexual assault prior to registering for courses on campus. This
6.18 training shall include information about topics including, but not limited to, sexual assault
6.19 as defined in section 611A.211, subdivision 4; consent as defined in section 609.341,
6.20 subdivision 4; preventing and reducing the prevalence of sexual assault; procedures for
6.21 reporting campus sexual assault; and campus resources on sexual assault, including
6.22 organizations that support victims of sexual assault.

6.23 (c) The Board of Trustees of the Minnesota State Colleges and Universities shall,
6.24 and the University of Minnesota is requested to, annually train individuals responsible
6.25 for responding to reports of sexual assault. This training shall include information about
6.26 best practices for interacting with victims of sexual assault, including how to reduce the
6.27 emotional distress resulting from the reporting, investigatory, and disciplinary process.

6.28 (d) Each private postsecondary institution that is registered under section 136A.65
6.29 must comply with the requirements of this subdivision.

6.30 Sec. 9. Minnesota Statutes 2014, section 135A.15, is amended by adding a subdivision
6.31 to read:

6.32 Subd. 9. **Student health services.** (a) The Board of Trustees of the Minnesota State
6.33 Colleges and Universities shall, and the University of Minnesota is requested to, develop
6.34 and implement a policy that requires student health service providers to screen students for

7.1 incidents of sexual assault. Student health service providers shall offer students information
7.2 on resources available to victims of sexual assault including counseling, mental health
7.3 services, and procedures for reporting incidents of sexual assault to the institution.

7.4 (b) The Board of Trustees of the Minnesota State Colleges and Universities shall,
7.5 and the University of Minnesota is requested to, require that each institution offering
7.6 student health services designate an existing staff member or existing staff members as
7.7 confidential advocates for victims of sexual assault. The confidential advocate must be
7.8 available to meet with victims of sexual assault on a walk-in basis. The confidential
7.9 advocate must provide victims of sexual assault with information about locally available
7.10 resources for victims of sexual assault, including, but not limited to, mental health services
7.11 and legal assistance. The confidential advocate must provide victims of sexual assault
7.12 with information about the process for reporting an incident of sexual assault to campus
7.13 authorities or local law enforcement. The victim of sexual assault shall decide whether to
7.14 report an incident of sexual assault to campus authorities or local law enforcement. Each
7.15 institution must train confidential advisors in all aspects of responding to incidents of
7.16 sexual assault including, but not limited to, best practices for interacting with victims of
7.17 trauma, preserving evidence, campus disciplinary and local legal processes, and locally
7.18 available resources for victims of sexual assault.

7.19 (c) Each private postsecondary institution that is registered under section 136A.65
7.20 must comply with the requirements of this subdivision.

7.21 **Sec. 10. [626.891] COOPERATION WITH POSTSECONDARY INSTITUTIONS.**

7.22 Local law enforcement agencies, including law enforcement agencies operated by
7.23 statutory cities, home rule charter cities, and counties, must enter into and honor the
7.24 memoranda of understanding required under section 135A.15.

7.25 **Sec. 11. EFFECTIVE DATE.**

7.26 Sections 1 to 10 are effective August 1, 2015, provided that the memoranda of
7.27 understanding required under sections 4 and 10 must be entered no later than January 1,
7.28 2016, and the policy required under section 9 must be in place no later than January 1, 2016.