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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 2669

05/16/2017 Authored by Anderson, S.; Christensen; Anselmo; Haley; Peterson and others
The bill was read for the first time and referred to the Committee on Higher Education and Career Readiness Policy and Finance
03/15/2018 Adoption of Report: Re-referred to the Committee on Civil Law and Data Practices Policy
03/26/2018 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to higher education; imposing a sexual harassment reporting requirement
1.3 on the University of Minnesota; requesting that the Board of Regents amend
1.4 harassment policies at the University of Minnesota; amending Minnesota Statutes
1.5 2016, section 135A.15, subdivision 6.

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

1.7 Section 1. Minnesota Statutes 2016, section 135A.15, subdivision 6, is amended to read:

1.8 Subd. 6. Data collection and reporting. (a) Postsecondary institutions must annually
1.9 report statistics on sexual assault. This report must be prepared in addition to any federally
1.10 required reporting on campus security, including reports required by the Jeanne Clery
1.11 Disclosure of Campus Security Policy and Campus Crime Statistics Act, United States
1.12 Code, title 20, section 1092(f). The report must include, but not be limited to, the number
1.13 of incidents of sexual assault reported to the institution in the previous calendar year, as
1.14 follows:

- 1.15 (1) the number that were investigated by the institution;
1.16 (2) the number that were referred for a disciplinary proceeding at the institution;
1.17 (3) the number the victim chose to report to local or state law enforcement;
1.18 (4) the number for which a campus disciplinary proceeding is pending, but has not
1.19 reached a final resolution;
1.20 (5) the number in which the alleged perpetrator was found responsible by the disciplinary
1.21 proceeding at the institution;

2.1 (6) the number that resulted in any action by the institution greater than a warning issued
2.2 to the accused;

2.3 (7) the number that resulted in a disciplinary proceeding at the institution that closed
2.4 without resolution;

2.5 (8) the number that resulted in a disciplinary proceeding at the institution that closed
2.6 without resolution because the accused withdrew from the institution;

2.7 (9) the number that resulted in a disciplinary proceeding at the institution that closed
2.8 without resolution because the victim chose not to participate in the procedure; and

2.9 (10) the number of reports made through the online reporting system established in
2.10 subdivision 5, excluding reports submitted anonymously.

2.11 (b) If an institution previously submitted a report indicating that one or more disciplinary
2.12 proceedings was pending, but had not reached a final resolution, and one or more of those
2.13 disciplinary proceedings reached a final resolution within the previous calendar year, that
2.14 institution must submit updated totals from the previous year that reflect the outcome of
2.15 the pending case or cases.

2.16 (c) The reports required by this subdivision must be submitted to the Office of Higher
2.17 Education by October 1 of each year. Each report must contain the data required under
2.18 paragraphs (a) and (b) from the previous calendar year.

2.19 (d) The commissioner of the Office of Higher Education shall calculate statewide numbers
2.20 for each data item reported by an institution under this subdivision. The statewide numbers
2.21 must include data from postsecondary institutions that the commissioner could not publish
2.22 due to federal laws governing access to student records.

2.23 (e) The Office of Higher Education shall publish on its Web site:

2.24 (1) the statewide data calculated under paragraph (d); and

2.25 (2) the data items required under paragraphs (a) and (b) for each postsecondary institution
2.26 in the state.

2.27 Each postsecondary institution shall publish on the institution's Web site the data items
2.28 required under paragraphs (a) and (b) for that institution.

2.29 (f) Reports and data required under this subdivision must be prepared and published as
2.30 summary data, as defined in section 13.02, subdivision 19, and must be consistent with
2.31 applicable law governing access to educational data. If an institution or the Office of Higher

3.1 Education does not publish data because of applicable law, the publication must explain
3.2 why data are not included.

3.3 (g) By October 1 of each year, the Board of Regents of the University of Minnesota
3.4 must submit a report to the chairs and ranking minority members of the legislative committees
3.5 with jurisdiction over higher education policy and finance. In addition to the data on sexual
3.6 assault incidents described in paragraph (a), the report must include equivalent data on
3.7 incidents of sexual harassment, as defined in the board's policy on sexual harassment. The
3.8 report is subject to the requirements of paragraph (f).

3.9 **Sec. 2. UNIVERSITY OF MINNESOTA; APPEAL PROCESS FOR SEXUAL**
3.10 **MISCONDUCT FINDINGS INVOLVING EMPLOYEES.**

3.11 The Board of Regents of the University of Minnesota is requested to amend its sexual
3.12 misconduct policies to:

3.13 (1) provide a process for accused university employees and their victims to appeal
3.14 findings of the university's Office of Equal Opportunity and Affirmative Action before an
3.15 impartial decision-maker; and

3.16 (2) require the office, at the conclusion of a sexual misconduct investigation, to provide
3.17 notice to accused university employees and their victims of any appeal rights.