

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3100

03/14/2016 Authored by Murphy, E.; Flanagan; Bly; Pinto; Ecklund and others

The bill was read for the first time and referred to the Committee on Higher Education Policy and Finance

1.1 A bill for an act
1.2 relating to education; requiring affirmative consent standards in campus sexual
1.3 assault policies; establishing a sexual violence grant program; appropriating
1.4 money to develop a consent curriculum; appropriating money for sexual violence
1.5 prevention grants; amending Minnesota Statutes 2015 Supplement, section
1.6 135A.15, by adding a subdivision; proposing coding for new law in Minnesota
1.7 Statutes, chapter 136A.

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

1.9 Section 1. Minnesota Statutes 2015 Supplement, section 135A.15, is amended by
1.10 adding a subdivision to read:

1.11 Subd. 3a. **Affirmative consent.** The policy required under subdivision 1 shall
1.12 include a provision that establishes an affirmative consent standard. An institution's
1.13 affirmative consent standard, at a minimum, must incorporate the following elements:

1.14 (1) all parties to sexual activity must affirmatively express their consent to the
1.15 activity. Consent must be knowing and voluntary and not the result of force, coercion, or
1.16 intimidation. Consent must be active. Consent must be given by words or actions that
1.17 create mutually understandable, unambiguous permission regarding willingness to engage
1.18 in, and the conditions of, sexual activity;

1.19 (2) silence, without active indications of consent, is not consent;

1.20 (3) consent to any one form of sexual activity does not imply consent to any other
1.21 forms of sexual activity;

1.22 (4) consent may be withdrawn at any time;

1.23 (5) previous relationships or prior consent do not imply consent to future sexual
1.24 acts; and

1.25 (6) a person is deemed incapable of consenting when that person is:

2.1 (i) unable to communicate or understand the nature or extent of a sexual situation
2.2 due to mental or physical incapacitation or impairment; or
2.3 (ii) physically helpless, either due to the effects of drugs or alcohol, or because
2.4 the person is asleep.

2.5 Sec. 2. **[136A.903] SEXUAL VIOLENCE PREVENTION GRANTS.**

2.6 Subdivision 1. **Program established.** The commissioner, in consultation with the
2.7 advisory council established in subdivision 2, must award sexual violence prevention
2.8 grants to postsecondary institutions located in Minnesota.

2.9 Subd. 2. **Advisory council.** (a) The commissioner must appoint a ten-member
2.10 advisory council to evaluate applications for grants under this subdivision. The advisory
2.11 council shall consist of:

2.12 (1) one representative of the Minnesota State Colleges and Universities system;

2.13 (2) one representative of the University of Minnesota;

2.14 (3) one representative of a private postsecondary institution;

2.15 (4) one student representative from a University of Minnesota campus;

2.16 (5) one student representative from a Minnesota State Colleges and Universities
2.17 campus;

2.18 (6) one student representative from a private postsecondary institution;

2.19 (7) one representative from a nonprofit organization working to prevent sexual
2.20 violence and support survivors of sexual violence;

2.21 (8) one representative from a law enforcement agency that responds to incidents of
2.22 campus sexual violence;

2.23 (9) one representative of the Office of Higher Education; and

2.24 (10) one representative of the Department of Health with expertise in sexual
2.25 violence prevention.

2.26 (b) The advisory council shall be organized and administered under section 15.059,
2.27 except that subdivision 2 shall not apply. The commissioner must appoint council
2.28 members to two-year terms and appoint one member as chair.

2.29 (c) The council must develop criteria for evaluating grant proposals and awarding
2.30 grants under this section. The council must make public the criteria at least two months
2.31 prior to the deadline for applications established by the commissioner.

2.32 Subd. 3. **Applications.** To receive a grant under this section, an institution must
2.33 apply in the form and manner specified by the commissioner.

2.34 Subd. 4. **Grant amounts.** The commissioner, in consultation with the advisory
2.35 council in subdivision 2, may decide the amount of a grant under this section based on

the merits of a grant proposal, provided that no institution may receive a grant of more than \$100,000.

Subd. 5. Reporting. (a) The commissioner, in consultation with the advisory council in subdivision 2, must develop reporting requirements for grant recipients.

(b) By February 1 of each year beginning in 2018, the commissioner must report to the committees of the house of representatives and senate with jurisdiction over higher education and public safety on the results achieved by the grant program under this section. At a minimum, the report must include:

(1) a list of postsecondary institutions receiving grants under this section;

(2) the amount of grant funds received by each institution; and

(3) a description of each project funded.

Sec. 3. APPROPRIATION; CONSENT CURRICULUM.

\$..... in fiscal year 2017 is appropriated from the general fund to the commissioner of education for a grant to the Sexual Violence Center for the creation of an age-appropriate affirmative consent curriculum to be available for voluntary use in middle and high schools.

Sec. 4. APPROPRIATION; SEXUAL VIOLENCE PREVENTION GRANTS.

\$..... in fiscal year 2017 is appropriated from the general fund to the commissioner of higher education for sexual violence prevention grants under Minnesota Statutes, section 136A.903.