

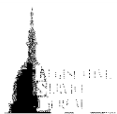
# HOUSE BILL NO. 4380

March 14, 2019, Introduced by Reps. Anthony, Pagan, Hornberger, Glenn, Alexander, Witwer, Pohutsky, Brixie, Clemente, Ellison, Guerra, Hammoud, Hoadley, Garza, Whiteford, LaGrand, Rendon, Kuppa, Sabo, Bolden, Cynthia Johnson, Elder, Camilleri, Sowerby, Whitsett, Hertel, Koleszar, Sneller, Kennedy, Tyrone Carter, Shannon, Tate, Lasinski, Greig, Byrd, Warren, Jones, Rabhi, Wittenberg and Gay-Dagnogo and referred to the Committee on Judiciary.

A bill to create the office of the higher education sexual assault prevention, advocacy, and resource officer within the department of civil rights; to prescribe the powers and duties of the office, the advocacy officer, and certain state governmental officers and entities; and to provide for an appropriation.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 1. This act shall be known and may be cited as the
- 2 "higher education sexual assault prevention, advocacy, and resource
- 3 officer act".



1       Sec. 2. As used in this act:

2       (a) "Advocacy officer" means the higher education sexual  
3 assault prevention, advocacy, and resource officer.

4       (b) "Department" means the department of civil rights.

5       (c) "Institution of higher education" means a degree- or  
6 certificate-granting public or private college or university,  
7 junior college, or community college in this state.

8       (d) "Office" means the office of the higher education sexual  
9 assault prevention, advocacy, and resource officer created under  
10 this act.

11       (e) "Sexual assault" means a violation or attempted violation  
12 of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal  
13 code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and  
14 750.520g.

15       Sec. 3. (1) The office of the higher education sexual assault  
16 prevention, advocacy, and resource officer is created within the  
17 department.

18       (2) The principal executive officer of the office of the  
19 higher education sexual assault prevention, advocacy, and resource  
20 officer is the higher education sexual assault prevention,  
21 advocacy, and resource officer who shall be appointed by and serve  
22 at the pleasure of the department. An individual appointed to serve  
23 as the higher education sexual assault prevention, advocacy, and  
24 resource officer must be qualified by training and experience to  
25 perform the duties and exercise the powers of the higher education  
26 sexual assault prevention, advocacy, and resource officer and the  
27 office of the higher education sexual assault prevention, advocacy,  
28 and resource officer as provided in this act.

29       Sec. 4. Under the supervision of the department, exercised in



1 consultation with experts on sexual assault and sexual harassment,  
2 including, but not limited to, the Michigan domestic and sexual  
3 violence prevention and treatment board created under Executive  
4 Order No. 2012-17, the advocacy officer shall do all of the  
5 following:

6 (a) Advocate for students at institutions of higher education  
7 who may be victims of sexual assaults committed on the campuses of  
8 those institutions or at programs, activities, or events sponsored  
9 or otherwise provided or supported by those institutions.

10 (b) Encourage institutions of higher education to improve the  
11 quality and coordination of services they provide to assist  
12 students who may be victims of sexual assaults on their campuses or  
13 at programs, activities, or events that they sponsor or otherwise  
14 provide or support.

15 (c) Encourage institutions of higher education to improve the  
16 quality and coordination of preventive and corrective measures  
17 taken by those institutions to mitigate the likelihood and effects  
18 of sexual assaults on their campuses or at programs, activities, or  
19 events that they sponsor or otherwise provide or support,  
20 including, but not limited to, all of the following:

21 (i) Institutional policies, procedures, and protocols for  
22 responding to and reporting incidents of sexual assaults of  
23 students.

24 (ii) Sexual assault prevention and response training for  
25 institutional personnel.

26 (iii) Sexual assault prevention and response presentations or  
27 courses for students.

28 (iv) Publication of information about campus and community  
29 resources available to student-victims of sexual assaults.



1 (d) Promote public awareness of the issue of sexual assault at  
2 institutions of higher education.

3 (e) Provide information and referral services to students who  
4 may be victims of sexual assaults at institutions of higher  
5 education to ensure that their rights are protected.

6 (f) Provide information to students who may be victims of  
7 sexual assaults at institutions of higher education regarding  
8 programs and services provided for them by each level of  
9 government.

10 (g) Promote new services, when necessary, for student-victims  
11 of sexual assaults at institutions of higher education.

12 (h) Maintain statistics, facts, and data pertaining to the  
13 incidence and nature of sexual assaults of students at institutions  
14 of higher education.

15 (i) Provide technical assistance to institutions of higher  
16 education regarding preventive and corrective measures to mitigate  
17 the likelihood and effects of sexual assaults on their campuses or  
18 at programs, activities, or events that they sponsor or otherwise  
19 provide or support.

20 (j) Coordinate efforts to identify campus sexual assault  
21 systems' response practices in order to remove barriers to victims  
22 receiving helping services and reporting, and, as needed, convene  
23 working group and campus response experts to identify gaps and  
24 solutions.

25 (k) Coordinate and collaborate with the department of state  
26 police, the department of health and human services, and any other  
27 state agency with responsibilities that include preventing sexual  
28 assault on college campuses to review and evaluate the use of state  
29 funds dedicated to sexual assault prevention, including, but not



1 limited to, grants awarded under the campus sexual assault grant  
2 program administered by the Michigan state police, and make  
3 recommendations to state agencies, the legislature, and the  
4 governor regarding proposed legislation, rules, hearings, future  
5 funding allocations, and investigations considered necessary or  
6 proper to promote student safety at institutions of higher  
7 education.

8 Sec. 5. Under the supervision of the department, the advocacy  
9 officer may do any of the following:

10 (a) Except as otherwise provided by law and with the written  
11 consent of a student who may be a victim of sexual assault, obtain  
12 access to all information, records, and documents in the possession  
13 of an institution of higher education pertaining to the possible  
14 sexual assault and that the advocacy officer considers necessary in  
15 the performance of his or her duties set forth in section 4.

16 (b) Request and receive from an institution of higher  
17 education a progress report concerning the processing of any report  
18 of sexual assault made to the institution by a student.

19 Sec. 6. (1) The advocacy officer shall submit an annual report  
20 on the conduct of the office to the department and the chairpersons  
21 of all committees in both houses of the legislature responsible for  
22 the oversight of institutions of higher education. A report under  
23 this section must be posted to the department's website, must  
24 address specific issues as prescribed by the department, and must  
25 not disclose the identity of any individual who may have been  
26 involved in any way, as a complainant, respondent, witness, or  
27 otherwise, in any alleged sexual assault.

28 (2) In addition to the annual report described in subsection  
29 (1), the office may, as needed, provide intermediate reports



1 relating to specific matters of concern.

2 Sec. 7. Except as provided in section 11 of the child  
3 protection law, 1975 PA 238, MCL 722.631, any communication between  
4 the advocacy officer and any person regarding a possible sexual  
5 assault shall be treated as confidential.

6 Sec. 8. Any record owned, used, possessed, or retained by the  
7 office in the performance of an official function of the office,  
8 and all records kept by the advocacy officer, are exempt from  
9 disclosure under the freedom of information act, 1976 PA 442, MCL  
10 15.231 to 15.246.

11 Sec. 9. The department shall promulgate rules to implement  
12 this act pursuant to the administrative procedures act of 1969,  
13 1969 PA 306, MCL 24.201 to 24.328.

14 Sec. 10. The legislature shall annually appropriate a sum  
15 sufficient to implement this act.

16 Enacting section 1. This act takes effect 90 days after the  
17 date it is enacted into law.

