111TH CONGRESS
2D Session

S._____

To amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, intimate partner violence, and stalking.

IN THE SENATE OF THE UNITED STATES

Mr. CASEY (for himself and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on __________________

A BILL

To amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, intimate partner violence, and stalking.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Campus Sexual Violence Elimination Act” or the “Campus SaVE Act”.

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SEC. 2. CAMPUS SEXUAL VIOLENCE, INTIMATE PARTNER VIOLENCE, AND STALKING EDUCATION AND PREVENTION.

Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is amended—

(1) by amending paragraph (8) to read as follows:

“(8)(A) Each institution of higher education participating in any program under this title, other than a foreign institution of higher education, shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding—

“(i) such institution’s sexual assault and other intimate partner violence programs, which shall be aimed at prevention of sex offenses and other intimate partner violence, including stalking, dating violence, sexual violence, and domestic violence offenses;

“(ii) the procedures followed once a sex offense or other intimate partner violence, including stalking, dating violence, sexual violence, or domestic violence offenses has occurred, which shall include—

“(I) providing, in writing, to each student or employee who reports to the institution that he or she has been a victim of a sex offense or other intimate partner violence—
“(aa) an explanation of the right of victims of such offenses to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student or employee so chooses;

“(bb) an explanation of the right of victims of such offenses, when relevant, to obtain an order of protection, no contact order, restraining order, or similar lawful order issued by a criminal or civil court or enforce an order already in existence; and

“(cc) contact information for advocacy, counseling, health, mental health, legal assistance and other services available to victims both on-campus and in the local community; and

“(II) the institution honoring any order of protection, no contact order, restraining order, or similar lawful order issued by any criminal or civil court.

“(B) The policy described in subparagraph (A) shall address the following areas:
“(i) Education programs to promote the awareness of sex offenses and other intimate partner violence, including stalking, dating violence, sexual violence, and domestic violence offenses, which shall include—

“(I) primary prevention and awareness programming for all incoming students and new employees, including information about—

“(aa) the definition of consent in sexual relationships;

“(bb) reporting such sex offenses, including those offenses occurring on and off campus;

“(cc) bystander intervention; and

“(dd) risk reduction; and

“(II) ongoing prevention and awareness campaigns to students and faculty, including information described in items (aa) through (dd) of subclause (I).

“(ii) Possible sanctions to be imposed following the final determination of an institutional disciplinary procedure regarding sex offenses or other intimate partner violence.

“(iii) Procedures victims should follow if a sex offense described in clause (ii) occurs, including who
should be contacted, the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offense should be reported.

“(iv) Procedures for on-campus disciplinary action in cases of an alleged sexual offense or other intimate partner violence, including stalking, dating violence, sexual violence, or domestic violence offenses, which shall include a clear statement that—

“(I) any accuser shall have the opportunity to request that prompt disciplinary proceedings be initiated against the accused;

“(II) such proceedings shall—

“(aa) be conducted by officials trained to understand the issues of sex offenses and other intimate partner violence; and

“(bb) use the preponderance of the evidence standard;

“(III) the accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice; and
“(IV) both the accuser and the accused shall be informed, in writing, of the final results of any institutional disciplinary proceeding brought alleging a sex offense or other intimate partner violence within one business day of such outcome being reached.

“(v) A student or employee who reports to the institution that he or she have been the victim of a sex offense or intimate partner violence shall receive notification of options for, and available assistance in, changing academic, living, transportation, and working situations, if such assistance is requested by the student or employee and if such accommodations are reasonably available.

“(C) Nothing in this paragraph shall be construed to confer a private right of action upon any person to enforce the provisions of this paragraph.”;

(2) in paragraph (6), by adding at the end of subparagraph (A) the following new clauses:

“(iv) The term ‘intimate partner violence’—

“(I) means any physical, sexual, or psychological harm against an individual by a current or former partner or spouse of the individual;
“(II) includes stalking, dating violence, sexual violence, or domestic violence offense;

“(III) includes such harm against individuals in heterosexual and same-sex relationships; and

“(IV) does not require sexual intimacy between the individual and such partner or spouse.

“(v) The term ‘stalking’ means an individual willfully and repeatedly engaging in a knowing course of harassing conduct directed at another individual that reasonably and seriously alarms, torments, or terrorizes such individual.

“(vi) The term ‘primary prevention’ means programming and strategies intended to stop sexual and intimate partner violence before it occurs through the changing of social norms and other approaches.

“(vii) The term ‘awareness programming’ means any program designed to alert students to the prevalence of intimate
partner violence, sexual violence, and stalking, including—

“(I) discussions of the nature and number of cases of intimate partner violence, sexual violence, forcible sex offenses, and stalking reported at an institution of higher education in the 3 preceding calendar years;

“(II) statistics on the outcomes of disciplinary proceedings for such cases at such institution; and

“(III) risk factors associated with such cases, including physically, sexually, and psychologically controlling behavior.

“(viii) The term ‘bystander intervention’ means safe and positive options that may be carried out by an individual to prevent or intervene when there is a risk of sexual violence against a person other than such individual.

“(ix) The term ‘risk reduction’ means options for recognizing warning signs of abusive personalities and how to fight back against potential attackers.
“(x) The term ‘final results’ means a decision or determination, made by an honor court or council, committee, commission, or other entity authorized to resolve disciplinary matters within the institution. The disclosure of final results shall include only the name of the accused, the violation alleged (including any institutional rules or code sections that were allegedly violated), essential findings supporting such final result, and any sanction imposed by the institution against the accused (including a description of any disciplinary action taken by the institution, the date of the imposition of such action, and the duration of such action).”; and

(3) by adding at the end of paragraph (16) the following new sentence: “The Secretary shall seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about preventing and responding to incidents of sex offenses, forcible and nonforcible, and other intimate partner violence including stalking, dating
violence, sexual violence, and domestic violence offenses.’’.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect with respect to any annual security report under section 485(f)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)) prepared by an institution of higher education in calendar year 2012 and any subsequent calendar year.