

Preventing Sexual Violence in Higher Education Updates to Better Protect Student Survivors

SB 3467/HB 4990

Senator Guzman / Representative Canty

ADDRESSES SEXUAL HARASSMENT AND NEW TECHNOLOGY

- Survivors experience digital sexual harassment, including nonconsensual sharing of private images (“revenge porn”) and being filmed without their consent. This bill adds definitions for sexual harassment and digital sexual harassment and requires each higher education institution’s policy regarding responses to gender-based violence to address student-on-student sexual harassment, including digital sexual harassment.

ENSURES CONFIDENTIALITY, A SUPPORT PERSON AND A COMPLAINT ADVISOR

- The bill specifies that in addition to survivors of sexual violence, survivors of domestic violence, dating violence, stalking, and sexual harassment are all entitled to privacy protections including legal privilege when meeting with a campus confidential advisor.
- It allows survivors to have both a support person (*which can be their confidential advisor*) and a complaint advisor (*often an attorney or legal advisor*) during campus proceedings.
- This bill empowers student survivors to choose their support person and complaint advisor and have privacy protections for communications with confidential advisors.

ADDS ANTI-RETALIATION PROTECTIONS

- The current law does not include protections from retaliation for student survivors who make a complaint about gender-based violence. The bill requires higher education institutions to address retaliation in their policies, so survivors are better protected when they participate in the complaint resolution process.

SUPPORTIVE MEASURES AND ENFORCEMENT OF THE ACT

- The bill clarifies that supportive measures should be provided for as long as needed by a survivor, provides guidance about and examples of supportive measures, and affirms that a particular course of study or major cannot be a reason to deny such measures.
- The amendment creates a civil cause of action if an institution responds in a way that shows reckless disregard for a survivor’s safety or for the requirements of the Act. Currently, there is no enforcement mechanism in the Act to ensure survivors rights.

STUDENT SURVIVORS AND SUPPORTERS

39% of survivors who **reported** sexual violence to their schools experienced **substantial disruption** in their education.

70% of survivors who **reported** to their schools stated they experienced **adverse effects** on their **safety** and **privacy**

15% of survivors who **reported** to their schools were themselves **threatened** with **or faced punishment** for coming forward

“When I started having severe panic attacks because of his presence on campus, they forced me to drop all my classes. I tried to reenroll for the next semester but couldn’t do it and left for good over spring break. Because of my federal loan status, I can’t start over at another school. I’ll never get the degree I spent years working toward.” - Anonymous

Stats and survivor quotes were provided by: Know Your IX. (2021). The cost of reporting: Perpetrator retaliation, institutional betrayal, and student survivor pushout. Advocates for Youth.



FOR QUESTIONS CONTACT:

Sarah Beuning (sbeuning@icasa.org)

Or

Maralea Negrón (mnegrón@the-network.org)