

Summary of Major Changes to the Campus Accountability and Safety Act

The bipartisan *Campus Accountability and Safety Act* was originally introduced in the last session of Congress on July 30, 2014. In the course of our ongoing conversations with a wide range of stakeholders – including survivors, students, colleges and universities, law enforcement officials and advocates – the bipartisan coalition incorporated several ideas that would strengthen the bill for the 114th Congress. Please see highlights of the non-technical changes below.

Strengthens Due Process and Rights of Accused:

- Refers to individuals accused of sexual misconduct as “accused students,” rather than “assailants.”
- Adds a new provision that would require institutions to provide both a victim and an accused student with written notice of an institution’s decision to proceed with an institutional disciplinary process regarding an allegation of sexual misconduct, within 24 hours of the decision to proceed and sufficiently in advance of a disciplinary hearing. This would provide both the victim and the accused student with the opportunity to meaningfully exercise the due process rights afforded to them under institutional policy.

Stronger Standards for Climate Survey:

- The climate survey would now be required every two years rather than every year. It would require the survey instrument developed by the Department of Education to be fair and unbiased, scientifically valid and reliable, and to meet the highest standards of survey research.

Clarifies MOUs with Local Law Enforcement:

- To guard against the potential unintended consequence of agencies non-relevant to prosecuting and/or investigating sexual assault cases having to enter into a MOU, the bill would limit the number of local law enforcement agencies with which a college or university must agree to an MOU to those local law enforcement agencies that have jurisdiction to report to the campus as first responders. Institutions and law enforcement agencies would have to review (rather than update) their MOUs every two years, and update as necessary. The Secretary of Education would be required to waive the penalty for failing to enter into an MOU if a college or university has met the conditions for a waiver. Also narrows the requirements for the MOU, to exclude campuses abroad.

Strengthened Role for Confidential Advisor:

- An institution of higher education would have to designate as a Confidential Advisor a person who has protection under state law to provide privileged communication. The new bill explicitly puts into statute protections for Confidential Advisors' communications with students to remain confidential.
- Broadens the number of university employees who would be required to complete minimum training requirements, to include each employee of an institution of higher education who has responsibility for conducting an interview with an alleged victim of sexual violence. This training would have to include victim-centered, trauma-informed interview techniques. To ensure there are no conflicts of interest, any formal interview with a survivor would be conducted by a trained university employee other than the Confidential Advisor.
- Requires a Confidential Advisor to collect and report statistics about crimes, as required by the Clery Act, in a manner that does not jeopardize the confidentiality of the victim or accused individual.
- Clarifies that the Confidential Advisor may be a part-time graduate student.
- Clarifies that a Confidential Advisor may liaise with the appropriate officials at a college or university to arrange reasonable accommodations through the institution (rather than arranging accommodations him/herself).

New Grant Program

- Creates a new competitive grant program at the Department of Education through which colleges and universities would be able to receive funds to research best practices for improving prevention of and response to sexual assault on their campuses, and then share with peer institutions. The program would be funded by modifying the fining mechanism in the bill to transfer proceeds to the grant program instead of back to the Department of Education. One exception: Fines collected for violations of the MOU provision of the bill would be transferred to the existing Department of Justice Campus Grant Program.
- Adds a new provision requiring the Comptroller General to study the effectiveness and efficiency of the Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus Program administered by the Office of Violence Against Women, and the grant program created by the bill.