

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1279 Session of 2025

INTRODUCED BY A. BROWN, PIELLI, HILL-EVANS, MADDEN, GIRAL, SANCHEZ, D. WILLIAMS, BELLMON, GAYDOS, DEASY, RIVERA, CEPEDA-FREYTIZ, SCHLOSSBERG, K.HARRIS, PROBST, SHUSTERMAN, BURGOS, MAYES, FRIEL AND CONKLIN, APRIL 22, 2025

REFERRED TO COMMITTEE ON EDUCATION, APRIL 22, 2025

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in sexual violence, dating violence,
6 domestic violence and stalking education, prevention and
7 response at institutions of higher education and private
8 licensed schools, further providing for scope of article, for
9 definitions, for education program and for follow-up and
10 providing for staff training and for enforcement and
11 penalties; in postsecondary institution sexual harassment and
12 sexual violence policy and online reporting system, further
13 providing for definitions, for policy for postsecondary
14 institution sexual harassment and sexual violence and for
15 online reporting system, providing for sexual misconduct
16 climate surveys, establishing the Task Force on Postsecondary
17 Sexual Misconduct and providing for confidential resource
18 advisors, for waivers for student victims, for data reporting
19 requirements and for enforcement and penalties; and making
20 editorial changes.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Article XX-G heading of the act of March 10, 1949
24 (P.L.30, No.14), known as the Public School Code of 1949, is
25 amended to read:

26 ARTICLE XX-G

SEXUAL [VIOLENCE, DATING VIOLENCE,
DOMESTIC VIOLENCE AND STALKING EDUCATION,] MISCONDUCT
PREVENTION AND RESPONSE AT
INSTITUTIONS OF HIGHER EDUCATION
AND PRIVATE LICENSED SCHOOLS

Section 2. Section 2001-G of the act is amended to read:

Section 2001-G. Scope of article.

This article relates to college and university sexual
[violence, dating violence, domestic violence and stalking]
misconduct education, prevention and response.

Section 3. The definitions of "education program" and
"student" in section 2002-G are amended and the section is
amended by adding definitions to read:

Section 2002-G. Definitions.

The following words and phrases when used in this article
shall have the meanings given to them in this section unless the
context clearly indicates otherwise:

* * *

"Education program." An evidence-based, trauma-informed
sexual [violence, dating violence, domestic violence and
stalking] misconduct prevention and awareness education program
under this article.

* * *

"Reporting party." A student or employee who reports having
experienced an incident of sexual misconduct to an institution
of higher education or private licensed school.

"Sex-based discrimination." Discrimination based on sex
stereotypes, sex characteristics, pregnancy or related
conditions, sexual orientation or gender identity.

"Sexual exploitation." Actual or simulated sexual activity

1 or nudity arranged for the purpose of sexual stimulation or
2 gratification of an individual.

3 "Sexual harassment." Unwelcome sex-based verbal or physical
4 conduct that interferes with, denies or limits an individual's
5 ability to participate in or benefit from the institution's or
6 school's educational programs and activities.

7 "Sexual misconduct." An incident of sex-based
8 discrimination, sexual harassment, sexual violence, dating
9 violence, domestic violence, sexual exploitation or stalking.

10 * * *

11 "Student." A person who is enrolled on [a full-time] at
12 least a half-time basis at an institution of higher education or
13 private licensed school.

14 "Title IX coordinator." An individual designated by an
15 institution of higher education or private licensed school to
16 ensure compliance with Title IX requirements under 20 U.S.C. Ch.
17 38 (relating to discrimination based on sex or blindness).

18 Section 4. Sections 2003-G(a), (b) and (c) and 2004-G of the
19 act are amended to read:

20 Section 2003-G. Education program.

21 (a) General rule.--Institutions of higher education and
22 private licensed schools shall establish and implement an
23 education program for all students and employees in accordance
24 with the following:

25 (1) In developing or implementing an education program,
26 institutions of higher education and private licensed schools
27 shall consult with [a]:

28 (i) Local law enforcement.

29 (ii) An institution's or school's title IX
30 coordinator.

1 (iii) A local rape crisis center and domestic
2 violence program, as appropriate and if available.

3 (2) The educational program may not be on a platform
4 which allows for students or employees to click through
5 informational slides without demonstrating a comprehension of
6 the subject matter.

7 (3) The educational program shall be separate from
8 orientation for freshmen and transfer students.

9 (4) The department, in consultation with the
10 Pennsylvania Coalition Against Rape and the Pennsylvania
11 Coalition Against Domestic Violence, shall develop an online
12 clearinghouse of model education programs and other resources
13 to aid institutions of higher education and private licensed
14 schools in fulfilling this requirement.

15 (b) Requirements of educational program.--Each education
16 program shall provide the following:

17 (1) A discussion of sexual [violence, dating violence,
18 domestic violence and stalking] misconduct.

19 (2) A discussion of consent, including an explanation
20 that the victim is not at fault.

21 (3) A discussion of drug and alcohol-facilitated sexual
22 violence.

23 (4) Information relating to risk education, bystander
24 intervention and personal protection.

25 (5) Information on where and how to get assistance,
26 including the importance of medical treatment and evidence
27 collection, and [how] options to report sexual [violence]
28 misconduct to campus authorities and local law
29 enforcement[.], including the effect of each option and
30 methods of reporting incidents of sexual misconduct

1 confidentially and anonymously.

2 (6) The possibility of pregnancy and transmission of
3 sexual diseases.

4 (7) Introduction of members of the educational community
5 from:

6 (i) Campus police or security and local law
7 enforcement.

8 (ii) Campus health center, women's center and rape
9 crisis center.

10 (iii) Campus counseling service or any service
11 responsible for psychological counseling and student
12 affairs.

13 (iv) The confidential resource advisor designated
14 under section 2006-J.

15 (8) A promise of discretion and dignity.

16 (9) A promise of confidentiality for victims of sexual
17 [assault] misconduct to the extent allowable by law.

18 (10) Information regarding confidential resources and
19 services available for victims of sexual [violence, dating
20 violence, domestic violence and stalking] misconduct.

21 (11) Information on the institution of higher
22 education's or private licensed school's procedures for
23 resolving complaints of alleged sexual misconduct and the
24 range of sanctions or penalties that may be imposed on
25 students and employees found responsible for a violation.

26 (12) Information regarding how to implement supportive
27 measures for reporting parties.

28 (13) Opportunities for ongoing sexual misconduct
29 prevention and awareness training and programming.

30 [(b) (Reserved).]

1 (c) Notification of rights, accommodations and protective
2 measures.--A concise notification of rights, accommodations and
3 protective measures shall be made available in writing and on
4 the institution of higher education's or private licensed
5 school's publicly accessible Internet website to students and
6 employees, including victims of [dating violence, domestic
7 violence, sexual violence and stalking] sexual misconduct,
8 regardless of where the incidences occurred, including
9 information regarding:

10 (1) Existing counseling, mental health, health care,
11 victim advocacy, legal assistance and other services
12 available for victims, both within the institution or school
13 and in the community.

14 (2) Available options and assistance regarding how to
15 report to the institution or school, report to law
16 enforcement, obtain protections from abuse and sexual
17 violence protection orders, file for crime victims'
18 compensation and assistance program and request protective
19 measures or changes to academic, living, transportation,
20 working situations or other educational activities.

21 * * *

22 Section 2004-G. Follow-up.

23 An institution of higher education and private licensed
24 school shall conduct at least one follow-up program for the
25 students in the education program. The follow-up program may
26 consist of the following:

27 (1) Lecturers and interactive learning programs relating
28 to sexual [violence, dating violence, domestic violence and
29 stalking] misconduct prevention and awareness.

30 (2) Institutional activities relating to sexual

1 [violence, dating violence, domestic violence and stalking]
2 misconduct prevention and awareness.

3 (3) Videos and other educational materials relating to
4 sexual [violence, dating violence, domestic violence and
5 stalking] misconduct prevention and awareness.

6 Section 5. The act is amended by adding sections to read:

7 Section 2008-G. Staff training.

8 (a) Implementation training.--An individual who participates
9 in the implementation of an institution of higher education's or
10 private licensed school's disciplinary process, including
11 individuals responsible for resolving complaints of reported
12 incidents of sexual misconduct and individuals responsible for
13 conducting a meeting, hearing or other disciplinary proceeding
14 or informal resolution process shall have training or experience
15 in handling sexual misconduct complaints and the operations of
16 the institution's or school's disciplinary process. The training
17 shall include:

18 (1) Information on working with and interviewing victims
19 of sexual misconduct.

20 (2) Information on particular types of conduct that
21 constitute sexual misconduct, including dating violence,
22 domestic violence, sexual assault and stalking.

23 (3) Information on consent and the role drugs and
24 alcohol may have in an individual's ability to consent.

25 (4) The effects of trauma, including any neurobiological
26 impact on an individual.

27 (5) Ways to communicate sensitively and compassionately
28 with a reporting party, including an awareness of responding
29 to a reporting party with consideration of that party's
30 cultural background and providing services to or assisting in

1 locating services for that party.

2 (6) Information regarding how sexual misconduct may
3 impact students with disabilities.

4 (b) Title IX coordinator and campus safety employees.--An
5 institution of higher education and private licensed school
6 shall ensure that the Title IX coordinator, each member of the
7 campus police force and all campus safety personnel employed by
8 the institution or school are educated in the awareness of
9 sexual misconduct and in trauma-informed responses.

10 Section 2009-G. Enforcement and penalties.

11 After reasonable notice, opportunity for a hearing and
12 determination that an institution of higher education or private
13 licensed school has violated or failed to carry out any
14 provision of this article or any rule adopted under this
15 article, the department may impose a penalty on the institution
16 or school for each violation not to exceed \$150,000, which shall
17 be adjusted for inflation annually, or 1% of an institution's or
18 school's annual operating budget, whichever is lower. The
19 department shall use civil penalties to provide oversight and
20 enforcement of this article.

21 Section 6. Article XX-J heading of the act is amended to
22 read:

23 ARTICLE XX-J

24 POSTSECONDARY INSTITUTION SEXUAL [HARASSMENT AND SEXUAL
25 VIOLENCE] MISCONDUCT POLICY AND ONLINE REPORTING SYSTEM

26 Section 7. The definition of "postsecondary institution" in
27 section 2001-J of the act is amended and the section is amended
28 by adding definitions to read:

29 Section 2001-J. Definitions.

30 The following words and phrases when used in this article

shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Base survey." A base set of common questions recommended by the task force and approved by the department.

"Confidential resource advisor." An individual employed by or contracted with a postsecondary institution to provide trauma-informed support and resources to individuals affected by sexual misconduct.

"Dating violence." As defined in section 1553(f).

"Department." The Department of Education of the Commonwealth.

"Domestic violence." As defined in section 2333(e) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

"Domestic violence program." As defined in 23 Pa.C.S. § 6102 (relating to definitions).

* * *

"Postsecondary institution[.]" or "institution." An institution located within this Commonwealth that is authorized to grant an associate or higher academic degree.

"Rape crisis center." As defined in 42 Pa.C.S. § 5945.1 (relating to confidential communications with sexual assault counselors).

"Reporting party." A student or employee who reports having experienced an incident of sexual misconduct to a postsecondary institution.

"Residential student." A student who resides on the campus of a postsecondary institution during the academic year.

"Responding party." A student or employee who has been accused of an alleged incident of sexual misconduct.

1 "Sex-based discrimination." Discrimination based on sex
2 stereotypes, sex characteristics, pregnancy or related
3 conditions, sexual orientation and gender identity.

4 "Sexual exploitation." Actual or simulated sexual activity
5 or nudity arranged for the purpose of sexual stimulation or
6 gratification of an individual.

7 "Sexual harassment." Unwelcome sex-based verbal or physical
8 conduct that interferes with, denies or limits an individual's
9 ability to participate in or benefit from the postsecondary
10 institution's educational programs and activities.

11 "Sexual misconduct." An incident of sex-based
12 discrimination, sexual harassment, sexual violence, dating
13 violence, domestic violence, sexual exploitation or stalking.

14 "Sexual violence." An act of sexual violence as defined
15 under 42 Pa.C.S. § 6402 (relating to definitions).

16 "Stalking." An act of stalking as defined in 18 Pa.C.S.
17 § 2709.1 (relating to stalking).

18 "Student." An individual who attends a postsecondary
19 institution, whether enrolled on a full-time, part-time, credit
20 or noncredit basis, including an individual who has taken a
21 leave of absence or who has withdrawn due to being a victim of
22 sexual misconduct.

23 "Task force." The Task Force on Postsecondary Sexual
24 Misconduct established under section 2005-J.

25 "Title IX coordinator." An individual designated by a
26 postsecondary institution to ensure compliance with Title IX
27 requirements under 20 U.S.C. Ch. 38 (relating to discrimination
28 based on sex or blindness).

29 "Trauma-informed response." A response involving an
30 understanding of the complexities of sexual misconduct through

training centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding the causes and impacts of trauma, understanding perpetrator methodology and how to conduct an effective investigation.

Section 8. Sections 2002-J and 2003-J of the act are amended to read:

Section 2002-J. Policy for postsecondary institution sexual [harassment and sexual violence] misconduct.

(a) Adoption.--A postsecondary institution shall adopt a clear, understandable written policy on sexual [harassment and sexual violence] misconduct that informs victims of their rights under Federal and State law, including the crime victims bill of rights. The written policy shall be trauma-informed and developed in coordination with the postsecondary institution's Title IX coordinator and a local rape crisis center and domestic violence program, as appropriate and if available. An institution may consult with additional internal and external entities, including institutional administrators, personnel affiliated with on-campus and off-campus health care centers, local confidential resource advisors, residence life staff, students, law enforcement and the district attorney having jurisdiction in the city or town where the institution's primary campus is located. The written policy shall be developed in a culturally competent manner in order to reflect the diverse needs of all students. The written policy shall include:

(1) Procedures by which students and employees at the postsecondary institution may report or disclose alleged incidents of sexual misconduct regardless of where the incident occurred.

(2) Information on where to receive emergency assistance

1 following an alleged incident of sexual misconduct,
2 including:

3 (i) The name and location of the nearest medical
4 facility where an individual may request that a medical
5 forensic exam be administered by a trained sexual
6 violence forensic health care provider and information on
7 transportation options and reimbursement for travel
8 costs, if any.

9 (ii) The contact information for a rape crisis
10 center and a domestic violence center and a description
11 of the services provided by the centers.

12 (iii) The telephone number and website for a
13 national 24-hour hotline and any State or local resources
14 that provide information on sexual misconduct.

15 (iv) Information on programs that may provide
16 financial assistance to a student for the cost of
17 emergency medical assistance.

18 (v) An updated list of designated "responsible
19 employees" under Title IX and the obligations to ensure
20 transparency.

21 (3) Descriptions of and contact information for the
22 types of counseling, health, safety, academic and other
23 support services available within the local community or
24 region or through a rape crisis center or domestic violence
25 center.

26 (4) The name and contact information for organizations
27 that support students accused of sexual misconduct, which
28 shall include the name and contact information for a
29 confidential resource advisor.

30 (5) A description of the role of and services provided

1 by the confidential resource advisor.

2 (6) The name and contact information of the
3 postsecondary institution's Title IX coordinator.

4 (7) The rights and obligations of students and employees
5 to:

6 (i) Notify or decline to notify law enforcement,
7 including campus, local and State police, of an alleged
8 incident of sexual misconduct.

9 (ii) Receive assistance from campus authorities with
10 making a notification of an alleged incident of sexual
11 misconduct.

12 (iii) Obtain a court- or institution-issued
13 protective order against a responding party of an alleged
14 incident of sexual misconduct.

15 (8) The process for requesting supportive measures
16 reasonably available from the postsecondary institution,
17 which shall include:

18 (i) Options for changing academic, living, campus
19 transportation or working arrangements, or taking a leave
20 of absence in response to an alleged incident of sexual
21 misconduct.

22 (ii) Information on how to request supportive
23 measures listed under subparagraph (i).

24 (iii) The process to have supportive measures
25 reviewed.

26 (9) The contact information for the closest law
27 enforcement agencies with jurisdiction over matters involving
28 sexual misconduct and the:

29 (i) Procedures for students to notify the
30 postsecondary institution that a protective order has

1 been issued under Federal or State law.

2 (ii) Postsecondary institution's responsibilities
3 upon receipt of notice under subparagraph (i).

4 (10) A summary of the postsecondary institution's
5 procedures for investigating, adjudicating and resolving
6 complaints of alleged sexual misconduct, including an
7 explanation of all procedures which shall be followed to
8 obtain investigatory reports and gather evidence, an
9 explanation of potential sanctions which may be imposed and
10 clear statements advising students that:

11 (i) The process shall be uniformly applied for all
12 disciplinary proceedings relating to any allegations of
13 sexual misconduct.

14 (ii) Timely and detailed notice shall be given if
15 the postsecondary institution decides to proceed with an
16 institutional disciplinary process to the reporting party
17 and the responding party which shall describe the date,
18 time and location, if known, and a summary of the factual
19 allegations concerning the violation.

20 (iii) A postsecondary institution shall provide both
21 the reporting party and the responding party with written
22 notice in advance of a disciplinary hearing to provide
23 both parties with the opportunity to meaningfully
24 exercise their rights to a proceeding that is prompt,
25 fair and impartial, which shall include the opportunity
26 for both parties to present witnesses and other evidence,
27 and any other due process rights afforded under
28 institutional policy. The written notice shall include
29 the information required to be posted on the
30 postsecondary institution's publicly accessible Internet

1 website under this article.

2 (iv) The reporting party and the responding party of
3 an alleged incident of sexual misconduct may be
4 accompanied by an advisor and support person of their
5 choice, which may include an advocate and counsel, to
6 meet with the investigator of the postsecondary
7 institution or other fact finder, and may consult with an
8 advisor and support person, which may include an advocate
9 and counsel, during any meetings and disciplinary
10 proceedings. The institution may establish rules
11 regarding how the proceedings will be conducted,
12 including guidelines on the extent to which an advisor or
13 support person for a reporting party or responding party
14 may participate in a meeting or disciplinary proceeding
15 and any limitations on participation which shall apply
16 equally to both parties. The postsecondary institution
17 shall adopt reasonable measures to provide for the
18 involvement of an advisor and support person for each
19 party, but the availability of an advisor or support
20 person shall not significantly delay a meeting or
21 disciplinary proceeding.

22 (v) The reporting party and the responding party
23 shall be provided with a copy of the institution's
24 policies regarding the submission and consideration of
25 evidence that may be used during a disciplinary
26 proceeding and shall have equal opportunity to present
27 evidence and witnesses on their behalf during a
28 disciplinary proceeding. Each party shall be provided
29 with an equal opportunity to inspect and review all
30 relevant evidence that shall be relied on in the

1 determination of discipline before a determination is
2 made.

3 (vi) There shall be restrictions on evidence
4 considered by a fact finder, including the use of
5 evidence of prior sexual activity or character witnesses.

6 (vii) The investigation and adjudication of alleged
7 sexual misconduct is not an adversarial process between
8 the reporting party, the responding party and the
9 witnesses, but rather a process for postsecondary
10 institutions to comply with their obligations under
11 existing law. The reporting party does not have the
12 burden to prove, nor does the responding party have the
13 burden to disprove, the underlying allegation or
14 allegations of sexual misconduct.

15 (viii) The reporting party and the responding party
16 shall be informed in writing of the results of a
17 disciplinary proceeding not later than seven business
18 days after a final determination of a complaint, not
19 including any time for appeal, unless good cause for
20 additional time is shown. The reporting party and the
21 responding party shall be informed of any process for
22 appealing the decision.

23 (ix) A postsecondary institution shall offer an
24 appeal as a result of procedural errors, previously
25 unavailable relevant evidence that could significantly
26 impact the outcome of a case, conflict of interest or
27 bias and where the sanction is disproportionate to the
28 findings, the reporting party and the responding party
29 shall be provided with an equal opportunity to appeal
30 decisions regarding responsibility or sanctions.

1 (x) A postsecondary institution shall not disclose
2 the identity of the reporting party or the responding
3 party, except as necessary to carry out a disciplinary
4 process or as permitted under Federal or State law and
5 shall not share information which identifies domicile,
6 the location of employment or phone, email or other
7 contact information or information that may disclose the
8 location of either party to the adverse party, unless the
9 information provided is intended to ensure the safety of
10 either party.

11 (xi) The postsecondary institution's disciplinary
12 proceedings may not serve as a substitute for the
13 criminal legal process.

14 (11) A summary of the postsecondary institution's
15 employee disciplinary process as it pertains to sexual
16 misconduct.

17 (12) The range of sanctions or penalties the
18 postsecondary institution may impose on students and
19 employees found responsible for a violation of the applicable
20 institutional policy prohibiting acts of sexual misconduct.

21 (a.1) Review.--A postsecondary institution shall provide
22 draft policies and substantive changes by electronic or regular
23 mail to internal and external entities, with instructions on how
24 to comment and a reasonable length of time in which comments
25 shall be accepted. Once an institution has adopted a written
26 policy as required under subsection (a), the opportunity for
27 review and comment by internal and external entities shall only
28 apply to substantive changes to that policy.

29 (b) Report.--The sexual [harassment and sexual violence]
30 misconduct policy under subsection (a) shall include a provision

1 that a witness or victim of an incident of sexual [harassment or
2 sexual violence] misconduct who reports the incident in good
3 faith will not be sanctioned by the institution for admitting in
4 the report to a violation of the institution's student conduct
5 policy on the personal use of drugs or alcohol.

6 (c) Model policy.--The [Department of Education] department
7 shall develop a model policy that, at a minimum, includes the
8 requirements under subsection (a) and make the model policy
9 available to postsecondary institutions. A postsecondary
10 institution may adopt the model policy as the policy of the
11 institution on sexual [harassment and sexual violence]
12 misconduct.

13 (d) Availability of policy.--A postsecondary institution
14 shall make the written policy adopted under subsection (a)
15 publicly available on campus in locations where students
16 regularly congregate, including dining and recreational
17 facilities, libraries, bookstores, student unions and student
18 centers, and the common areas of dormitories and other student
19 housing locations. Upon request, the institution shall make the
20 policy available to an applicant, student or employee of the
21 institution. The policy shall be made easily available on the
22 institution's publicly accessible Internet website in an
23 accessible format not later than the first week of classes in
24 each academic year. The institution shall update the website
25 containing the written policy on sexual misconduct on an annual
26 basis.

27 Section 2003-J. Online reporting system.

28 (a) Establishment of online reporting system.--A
29 postsecondary institution shall establish and maintain an online
30 reporting system to receive complaints of sexual [harassment and

1 sexual violence] misconduct from students and employees. A
2 report shall be investigated through the process established in
3 the postsecondary institution's sexual [harassment and sexual
4 violence] misconduct policy. A postsecondary institution may not
5 fail or refuse to investigate an anonymous report because it is
6 anonymous.

7 (b) Anonymous reports.--The online reporting system shall
8 permit anonymous reports, which shall be investigated in
9 accordance with subsection (a).

10 (c) Required information.--A postsecondary institution shall
11 provide students and employees making reports under this section
12 with the following:

13 (1) Information regarding who will receive and have
14 access to the reports filed.

15 (2) How information gathered through the online
16 reporting system will be used.

17 (3) Contact information for on-campus and off-campus
18 organizations serving victims of sexual [harassment and
19 sexual violence] misconduct.

20 (d) Statement.--The online reporting system shall
21 prominently post the online system's policy regarding reports
22 and investigations of sexual [harassment and sexual violence]
23 misconduct and shall encourage individuals to review the policy
24 for more information about procedures and resources.

25 (e) Access to data.--A postsecondary institution shall limit
26 access to the data collected, created or maintained under
27 subsection (a) to only the data subject and as follows:

28 (1) Only individuals with explicit authorization from a
29 postsecondary institution may enter, update, access, share or
30 disseminate electronic data related to an incident of sexual

1 [harassment or sexual violence] misconduct collected, created
2 or maintained under this section.

3 (2) The ability of an authorized individual to enter,
4 update, access, share or disseminate data must be limited
5 through the use of role-based access that corresponds to the
6 official duties or training level of the individual and the
7 institutional authorization that grants access for that
8 purpose.

9 (3) Actions in which the data related to an incident of
10 sexual [harassment or sexual violence] misconduct are
11 entered, updated, accessed, shared or disseminated outside
12 the postsecondary institution must be recorded in a data
13 audit trail.

14 (4) An institution shall immediately and permanently
15 revoke the authorization of an individual determined to have
16 willfully entered, updated, accessed, shared or disseminated
17 data in violation of this section.

18 (5) An institution or individual implementing, operating
19 or working for the program may not be compelled to produce a
20 record except pursuant to a court order.

21 Section 9. The act is amended by adding sections to read:

22 Section 2004-J. Sexual misconduct climate surveys.

23 (a) Biennial survey.--A postsecondary institution shall
24 biennially conduct a sexual misconduct climate survey of all
25 students attending the postsecondary institution, which shall
26 include, at minimum, all of the questions included in the base
27 survey developed by the task force and approved by the
28 department. The department shall provide a copy of the base
29 survey to each institution biennially. An institution may append
30 campus-specific questions to the base survey, provided that the

questions do not require the disclosure of any personally identifying information and are trauma-informed.

(b) Requirements.--A sexual misconduct climate survey conducted by a postsecondary institution shall:

(1) Collect anonymous responses.

(2) Include a "decline to state" and "not applicable" option for each question.

(3) Be offered to all students, including those who are on leave or who are studying abroad.

(4) Be administered in a manner to ensure that, to the greatest extent possible, an adequate, random and representative sample size of students complete the survey.

(5) Be administered online.

(6) Be provided with accommodations to individuals with disabilities.

(c) Public information.--Within 120 days after completion of a sexual misconduct climate survey, a postsecondary institution shall:

(1) Submit a summary of the results of the sexual misconduct climate survey to the department.

(2) Publish each of the following on the institution's publicly accessible Internet website in a manner that does not personally identify any student:

(i) The summary of the results of the sexual misconduct climate survey conducted under subsection (a).

(ii) The annual security report completed in compliance with 20 U.S.C. § 1092(f) (relating to institutional and financial assistance information for students).

(iii) A link to the department's Statewide sexual

1 misconduct climate survey data repository created under
2 subsection (d).

3 (d) Data repository.--The department shall establish a data
4 repository for all summaries of sexual misconduct climate
5 surveys submitted by postsecondary institutions to the
6 department. The department shall ensure that the sexual
7 misconduct survey data is anonymized, aggregated and made
8 available to the public in an easily accessible manner on the
9 department's publicly accessible Internet website.

10 (e) Rules and procedures.--In consultation with the task
11 force, the department shall adopt rules and procedures,
12 including deadlines for dissemination and collection of sexual
13 misconduct climate survey information consistent across
14 postsecondary institutions and consistent with the purposes of
15 this article, and shall promote the effective solicitation to
16 achieve the highest practical response rate, collection and
17 publication of statistical information gathered from
18 postsecondary institutions.

19 Section 2005-J. Task Force on Postsecondary Sexual Misconduct.

20 (a) Establishment.--The Task Force on Postsecondary Sexual
21 Misconduct is established and shall consist of the following
22 members:

23 (1) The Secretary of Education or a designee.

24 (2) The Chancellor of the State System of Higher
25 Education or a designee.

26 (3) The Attorney General or a designee.

27 (4) The following appointed by the Secretary of
28 Education:

29 (i) An individual who represents this Commonwealth's
30 postsecondary institutions.

1 (ii) An individual who represents community
2 colleges.

3 (iii) A Title IX coordinator from a four-year
4 postsecondary institution.

5 (iv) A representative from the Pennsylvania
6 Coalition Against Rape or a designee.

7 (v) A representative from the Pennsylvania Coalition
8 Against Domestic Violence or a designee.

9 (vi) A representative from the Every Voice Coalition
10 or a designee.

11 (vii) A researcher with experience in the
12 development and design of sexual misconduct climate
13 surveys.

14 (viii) A researcher of statistics, data analytics or
15 econometrics with experience in higher education survey
16 analysis.

17 (ix) A medical professional from a postsecondary
18 institution health services program.

19 (x) Two students representing an advocacy related
20 group or organization from a public postsecondary
21 institution in this Commonwealth.

22 (xi) Two students representing an advocacy related
23 group or organization from a community college in this
24 Commonwealth.

25 (b) Terms of membership.--

26 (1) Membership on the task force shall be reflective of
27 the fields of public health, survey design, Title IX, sexual
28 misconduct response and prevention and the vast geographic
29 makeup of this Commonwealth. Preference shall be given to
30 individuals with a background, education and experience in

1 the fields of public health, survey design or Title IX
2 requirements under 20 U.S.C. Ch. 38 (relating to
3 discrimination based on sex or blindness).

4 (2) Appointed members of the task force shall serve for
5 two-year terms which shall commence on the date of
6 appointment.

7 (3) Members shall continue to serve until member's
8 successors are appointed.

9 (4) Any vacancy of the task force shall be filled by the
10 Secretary of Education.

11 (5) Any vacancy occurring other than by expiration of
12 term shall be filled for the balance of the unexpired term.

13 (c) Quorum.--A majority of the task force shall constitute a
14 quorum for the transaction of any business.

15 (d) Compensation.--The members of the task force shall serve
16 without compensation, but shall, within the limits of available
17 money, be reimbursed for expenses necessarily incurred in the
18 performance of their duties.

19 (e) Development of base survey.--The task force shall
20 develop the base survey for distribution to postsecondary
21 institutions and provide institutions with any related
22 recommendations regarding the content, timing and application of
23 the sexual misconduct climate survey. The task force may make
24 recommendations on legislative and policy actions or on
25 enforcing and carrying out the provisions of this article and
26 may undertake research, development and program initiatives
27 consistent with this article. Subcommittees of the task force
28 may meet as necessary. The task force shall deliver its base
29 survey and related recommendations, including recommendations on
30 achieving statistically valid response rates to each

1 postsecondary institution no less than every two years and for
2 the first time within a year of the effective date of this
3 section.

4 (f) Duties.--In developing the base survey, the task force
5 shall:

6 (1) Utilize best practices from peer-reviewed research
7 and consult with individuals with expertise in the
8 development and use of sexual misconduct climate surveys by
9 postsecondary institutions.

10 (2) Review sexual misconduct climate surveys which have
11 been developed and previously utilized by postsecondary
12 institutions in this Commonwealth and by other states that
13 mandate campus climate surveys.

14 (3) Provide opportunities for written comment from
15 organizations that work directly with victims and survivors
16 of sexual misconduct to ensure the adequacy and
17 appropriateness of the proposed content.

18 (4) Consult with postsecondary institutions on
19 strategies for optimizing the effectiveness of the survey.

20 (5) Account for the diverse needs and differences of
21 this Commonwealth's postsecondary institutions.

22 (g) Topics.--The base survey shall gather information on
23 topics, including:

24 (1) The number and type of incidents, both reported and
25 unreported, of sexual misconduct at the postsecondary
26 institution.

27 (2) When and where incidents of sexual misconduct
28 occurred, such as on campus, off campus, abroad or online.

29 (3) Whether the sexual misconduct was perpetrated by a
30 student, faculty or staff member, third-party vendor or other

1 individual.

2 (4) Student awareness of institutional policies and
3 procedures related to campus sexual misconduct and awareness
4 of on-campus and off-campus sexual misconduct support
5 resources.

6 (5) Whether a student reported sexual misconduct, and if
7 so, to which campus resource or law enforcement agency, and,
8 if not, the reason for the student's decision not to report.

9 (6) Whether a student disclosed sexual misconduct to a
10 friend or peer, family member, school faculty or staff
11 member, a campus resource or a law enforcement official.

12 (7) If a student reported sexual misconduct, whether the
13 student was informed of or referred to State, local, campus
14 or other resources or victim support services, including
15 appropriate medical care and legal services.

16 (8) If a student reported sexual misconduct, whether the
17 student was provided protection from retaliation, access to
18 school-based supportive measures or institution-based
19 accommodations and criminal justice remedies.

20 (9) If a student experienced sexual misconduct,
21 contextual factors, such as the involvement of force,
22 incapacitation or coercion.

23 (10) Perceptions of campus safety among members of the
24 campus community and confidence in the postsecondary
25 institution's ability to protect against and respond to
26 incidents of sexual misconduct.

27 (11) Whether the student has decided to withdraw or take
28 a leave of absence from the institution or considered
29 transferring to another institution or withdrawing from the
30 institution due to either being the reporting party or

1 responding party in an allegation of sexual misconduct.

2 (12) Whether the student has withdrawn from any classes
3 or been placed on academic probation as a result of sexual
4 misconduct.

5 (13) Whether the student experienced any financial
6 impacts from sexual misconduct or the institution's response
7 to the sexual misconduct.

8 (14) Whether the student experienced any negative health
9 impacts from sexual misconduct or the institution's response
10 to a report, including post-traumatic stress disorder,
11 anxiety, depression, chronic pain or an eating disorder.

12 (15) Community attitudes toward sexual misconduct,
13 including individuals' willingness to intervene as a
14 bystander.

15 (16) Other questions or topics determined by the task
16 force.

17 Section 2006-J. Confidential resource advisors.

18 (a) Requirement.--A postsecondary institution shall
19 designate at least one confidential resource advisor who shall:

20 (1) Not be a student, Title IX coordinator, official who
21 is an authorized administrator of disciplinary processes on
22 behalf of the institution or a member of campus police or law
23 enforcement.

24 (2) Not have any other job responsibilities that may
25 create a conflict of interest, including a general counsel,
26 director of athletics, dean of students or any employee who
27 serves on the judicial or hearing board or to whom an appeal
28 may be made.

29 (3) Be appointed based on the individual's experience
30 and demonstrated ability to effectively provide victim

1 services related to sexual misconduct.

2 (4) Notify all institution staff who are involved in
3 providing or enforcing supportive measures or accommodations
4 of their duties in writing.

5 (b) Services.--A postsecondary institution may partner with
6 a Statewide or local rape crisis center to provide a
7 confidential resource advisor under this section. An institution
8 that enrolls fewer than 1,000 residential students may partner
9 with another postsecondary institution or rape crisis center or
10 domestic violence center within this Commonwealth to provide the
11 services required under this section. An institution shall
12 ensure that any partnership entered into under this subsection
13 results in a confidential resource advisor being available to
14 students or employees within a reasonable distance from the
15 institution and any services being administered for free. The
16 confidential resource advisor shall maintain a physical presence
17 on campus that provides the confidential resource advisor a
18 place to meet discreetly and privately with students and
19 employees in-person or remotely.

20 (c) Training.--The confidential resource advisor shall
21 receive training in the awareness and prevention of sexual
22 misconduct, Title IX policies, postsecondary institution
23 policies and in trauma-informed response, and shall coordinate
24 with on-campus and off-campus rape crisis centers and domestic
25 violence centers within a reasonable time after being designated
26 as a confidential resource advisor. The department shall
27 establish guidelines regarding the requirements of the training
28 required under this subsection.

29 (d) Information and resources.--The confidential resource
30 advisor shall inform students or employees, or provide materials

1 about how to obtain, including in written format:

2 (1) Options to report sexual misconduct and the
3 processes of each option.

4 (2) Counseling services available on campus and through
5 local rape crisis centers or domestic violence centers.

6 (3) Medical and health services available on campus and
7 off campus.

8 (4) Campus escort services for student or employee
9 security.

10 (5) Available academic and residence life
11 accommodations.

12 (6) Student loan counseling regarding loan deferment,
13 forbearance or other student loan programs for students
14 considering temporary or permanent withdrawal or part-time
15 enrollment.

16 (7) Opportunities to obtain waivers for school-sponsored
17 programs and activities as provided under section 2007-J.

18 (8) The investigative, disciplinary and nondisciplinary
19 processes of the postsecondary institution to address sexual
20 misconduct.

21 (9) The legal process carried out through Federal, State
22 and local law enforcement agencies.

23 (10) That the postsecondary institution's disciplinary
24 process is not to be considered a substitute for the criminal
25 legal process.

26 (11) Any limits on the ability of the confidential
27 resource advisor to provide privacy or confidentiality to the
28 student.

29 (e) Coordination of services.--If requested by a student or
30 employee, the confidential resource advisor, using only the

1 requesting student or employee's identifying information, shall
2 coordinate with the appropriate institutional personnel to
3 arrange the following possible school-provided supportive
4 measures, including those available through the memorandums of
5 understanding with rape crisis centers:

6 (1) Changes in academic, dining, housing or
7 transportation services or on-campus employment.

8 (2) Access to counseling and other mental health
9 services.

10 (3) Excused absences, academic counseling and tutoring.

11 (4) Academic coursework accommodations.

12 (5) Financial resources, including accommodations
13 available under section 2007-J.

14 (f) Alternative measures.--The supportive measures under
15 subsection (e) may also be obtained, when appropriate, through
16 disability services and the Title IX coordinator.

17 (g) Report of sexual misconduct.--The confidential resource
18 advisor may, if appropriate and if directed by the reporting
19 party, assist the reporting party in contacting campus or local
20 law enforcement agencies to make a report of sexual misconduct.
21 The confidential resource advisor may attend an administrative
22 or institution-based adjudication proceeding as the advisor or
23 support person of the student or employee's choice. The
24 confidential resource advisor shall:

25 (1) Notify the student or employee of their rights and
26 the postsecondary institution's responsibilities regarding
27 protection orders, no contact orders and any other lawful
28 orders issued by the postsecondary institution or by a
29 criminal, civil or tribal court.

30 (2) Provide confidential services to students and

1 employees.

2 (3) Be considered a sexual assault counselor as defined
3 in 42 Pa.C.S. § 5945.1(a) (relating to confidential
4 communications with sexual assault counselors).

5 (h) Prohibition.--The confidential resource advisor may not:

6 (1) Be required to report an incident to the
7 postsecondary institution or a law enforcement agency unless
8 otherwise required to do so by Federal or State law.

9 (2) Disclose confidential information, including name,
10 contact information, information on the alleged sexual
11 misconduct or any personally identifying information without
12 the prior written consent of the student or employee who
13 shared the information.

14 (3) Provide simultaneous services to the reporting party
15 and the responding party of an alleged incident of sexual
16 misconduct.

17 (i) Cross examination.--Nothing in this section shall be
18 construed to limit the reporting party's and responding party's
19 right of cross examination of the confidential resource advisor
20 in a civil or criminal proceeding if the confidential resource
21 advisor testifies after written consent has been given.

22 (j) Actual or constructive notice.--Notice to a confidential
23 resource advisor of an alleged act of sexual misconduct or a
24 confidential resource advisor's performance of service under
25 this article shall not be considered actual or constructive
26 notice of an alleged act of sexual misconduct to the
27 postsecondary institution at which the confidential resource
28 advisor is employed or provides contracted services.

29 (k) Conflict of interest.--If a conflict of interest arises
30 for a postsecondary institution in which a confidential resource

advisor is advocating for a reporting party's need for sexual misconduct crisis services on campus or law enforcement services, the institution shall not discipline, penalize or otherwise retaliate against the confidential resource advisor for representing the interest of the reporting party.

Section 2007-J. Waivers for student victims.

(a) Waiver of minimum requirements.--A postsecondary institution shall waive any minimum grade point average, credit or other academic or disciplinary record requirement to be eligible for any school-sponsored program or activity, including scholarships and grants, for any student applicant or participant who has experienced sexual misconduct.

(b) Who may issue waiver.--A waiver under subsection (a) may be obtained from a certified third party, including a confidential resource advisor, Title IX coordinator, law enforcement, academic advisors or disability resource center personnel.

(c) Confidentiality.--Confidentiality related to a waiver under subsection (a) and related personally identifying information shall be maintained unless disclosure is specifically required for the purposes of executing an accommodation.

(d) Withdrawal.--If a student withdraws from a class or a postsecondary institution as a result of being a victim of sexual misconduct, the postsecondary institution shall provide tuition credit, opportunities to withdraw or reenroll in a course without academic or financial penalty and continued eligibility for scholarships and honors.

Section 2008-J. Data reporting requirements.

(a) Report.--By October 1, 2026, and each year thereafter, a

1 postsecondary institution shall report the following information
2 to the department, the Department of Health, the Department of
3 Human Services, the chair and minority chair of the Education
4 Committee of the Senate and the chair and minority chair of the
5 Education Committee of the House of Representatives:

6 (1) The total number of allegations of dating violence,
7 domestic violence, sexual assault and stalking reported to
8 the postsecondary institution's Title IX coordinator by a
9 student or employee of the institution against another
10 student or employee of the institution.

11 (2) The number of law enforcement investigations
12 initiated in response to complaints of sexual misconduct
13 brought forward by students and employees of a postsecondary
14 institution against another student or employee of the
15 institution, if known.

16 (3) The number of students and employees found
17 responsible for violating the institution's policies
18 prohibiting sexual misconduct and, of that number, how many
19 individuals faced academic or employment disciplinary action.

20 (4) The number of students and employees found not
21 responsible for violating the institution's policies
22 prohibiting sexual misconduct.

23 (5) The number of disciplinary actions imposed by the
24 institution as a result of a finding of responsibility for
25 violating the institution's policies prohibiting sexual
26 misconduct.

27 (6) The number of students who requested accommodations
28 and the number of accommodations that were granted under this
29 article.

30 (7) The number of students who reported an incident of

1 sexual misconduct and then took a leave of absence,
2 transferred or withdrew from the institution.

3 (b) Confidentiality.--The report prepared by a postsecondary
4 institution under subsection (a) shall provide information in an
5 anonymous manner that complies with Federal and State privacy
6 laws.

7 Section 2009-J. Enforcement and penalties.

8 After reasonable notice, opportunity for a hearing and
9 determination that an institution of higher education or private
10 licensed school has violated or failed to carry out any
11 provision of this article or any rule adopted under this
12 article, the department may impose a penalty on the institution
13 for each violation not to exceed \$150,000, which shall be
14 adjusted for inflation annually, or 1% of an institution's
15 annual operating budget, whichever is lower. The department
16 shall use civil penalties to provide oversight and enforcement
17 of this article.

18 Section 10. This act shall take effect in 60 days.