

113TH CONGRESS
2D SESSION

S. _____

To amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat campus sexual violence, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. McCASKILL (for herself, Mr. HELLER, Mr. BLUMENTHAL, Mr. GRASSLEY, Mrs. GILLIBRAND, Ms. AYOTTE, Mr. WARNER, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat campus sexual violence, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Campus Accountability
5 and Safety Act”.

1 **SEC. 2. AMENDMENTS TO THE CLERY ACT.**

2 Section 485(f) of the Higher Education Act of 1965
3 (20 U.S.C. 1092(f)) (known as the Jeanne Clery Dislo-
4 sure of Campus Security Policy and Campus Crime Statis-
5 tics Act) is amended—

6 (1) in paragraph (1)—

7 (A) by inserting “and on the website of the
8 institution” after “through appropriate publica-
9 tions or mailings”;

10 (B) in subparagraph (C), by striking
11 clause (ii) and inserting the following:

12 “(ii) the memorandum of understanding
13 between the institution and local law enforce-
14 ment that is required under section 124 (or, if
15 such requirement has been waived, a description
16 of the working relationship of campus security
17 personnel with State and local law enforcement
18 agencies); and”;

19 (C) by adding at the end the following:

20 “(K)(i) With respect to the criminal activ-
21 ity described in subparagraph (F)(i)(II), the eli-
22 gible institution shall prepare by not later than
23 1 year after the date of enactment of the Cam-
24 pus Accountability and Safety Act, and annu-
25 ally thereafter, the following additions:

1 “(I) The number of cases that were
2 investigated by the institution.

3 “(II) The number of cases that were
4 referred for a disciplinary proceeding at
5 the institution.

6 “(III) The number of cases that were
7 referred to local or State law enforcement.

8 “(IV) The number of alleged per-
9 petrators that were found responsible by
10 the disciplinary proceeding at the institu-
11 tion.

12 “(V) The number of alleged perpetra-
13 tors that were found not responsible by the
14 disciplinary proceeding at the institution.

15 “(VI) A description of the final sanc-
16 tions imposed by the institution for each
17 offense perpetrated.

18 “(VII) The number of disciplinary
19 proceedings at the institution that have
20 closed without resolution.

21 “(ii) The Secretary shall provide technical
22 assistance to eligible institutions to assist in
23 meeting such additional preparation obliga-
24 tions.”;

1 (2) by striking paragraph (7) and inserting the
2 following;

3 “(7)(A) The statistics described in clauses (i)
4 and (ii) of paragraph (1)(F)—

5 “(i) shall not identify victims of crimes or
6 persons accused of crimes; and

7 “(ii) shall be compiled in accordance with
8 the following definitions:

9 “(I) For the offenses of domestic vio-
10 lence, dating violence, and stalking, such
11 statistics shall be compiled in accordance
12 with the definitions used in section
13 40002(a) of the Violence Against Women
14 Act of 1994 (42 U.S.C. 13925(a)).

15 “(II) For offenses not described in
16 subclause (I), such statistics shall be com-
17 piled in accordance with—

18 “(aa) either the National Inci-
19 dent-Based Reporting System or the
20 Uniform Crime Reporting Program of
21 the Federal Bureau of Investigation,
22 if a definition is available; and

23 “(bb) if an offense is not defined
24 in either the National Incident-Based
25 Reporting System or the Uniform

1 Crime Reporting Program of the Fed-
2 eral Bureau of Investigation, a defini-
3 tion provided by the Secretary.

4 “(B) The Secretary shall establish and make
5 publicly available a definition for any offense that—

6 “(i) is required to be reported in accord-
7 ance with paragraph (1)(F);

8 “(ii) is not an offense described in sub-
9 paragraph (A)(ii)(I); and

10 “(iii) is not defined in either the National
11 Incident-Based Reporting System or the Uni-
12 form Crime Reporting Program of the Federal
13 Bureau of Investigation.”;

14 (3) in paragraph (8)(B)(i)—

15 (A) in the matter preceding subclause (I),
16 by inserting “, developed in consultation with
17 local, State, or national sexual assault, dating
18 violence, domestic violence, and stalking victim
19 advocacy, victim services, or prevention organi-
20 zations, and local law enforcement,” after
21 “Education programs”; and

22 (B) in subclause (I)(aa), by inserting “, in-
23 cluding the fact that these are crimes for the
24 purposes of this subsection and reporting under
25 this subsection and the institution of higher

1 education will, based on the victim's wishes, co-
2 operate with local law enforcement with respect
3 to any alleged criminal offenses involving stu-
4 dents or employees of the institution of higher
5 education" after "stalking";

6 (4) by redesignating paragraph (18) as para-
7 graph (22); and

8 (5) by inserting after paragraph (17) the fol-
9 lowing:

10 "(18) The individual at an institution of higher
11 education that is designated as a responsible em-
12 ployee, as defined in section 901(e) of the Education
13 Amendments of 1972, shall be considered a campus
14 security authority, as defined in section 668.46(a) of
15 title 34, Code of Federal Regulations.

16 "(19)(A) The Secretary shall, in consultation
17 with the Attorney General, develop, design, and ad-
18 minister through an online portal, a standardized,
19 online survey of students regarding their experiences
20 with sexual violence and harassment. The survey
21 shall be administered every year. The survey shall
22 not include any personally identifiable information.
23 The Secretary shall develop such survey tool using
24 best practices from peer-reviewed research meas-
25 uring sexual violence and harassment. In addition to

1 the standardized questions developed by the Sec-
2 retary, institutions administering the survey may re-
3 quest additional information from students that
4 would increase the institutions' understanding of
5 school climate factors unique to their campuses.

6 “(B) In carrying out subparagraph (A), the
7 Secretary shall require each institution participating
8 in any program under this title, to ensure that an
9 adequate, random, and representative sample size of
10 students enrolled at the institution complete the sur-
11 vey described in subparagraph (A) not later than 1
12 year after the date of enactment of the Campus Ac-
13 countability and Safety Act.

14 “(C) Responses to the survey shall be submitted
15 anonymously, confidentially, and shall not be in-
16 cluded in crime statistics reported under this sub-
17 section. In addition, questions should be designed to
18 gather information on survivor experiences, and shall
19 therefore use trauma-informed language to prevent
20 re-traumatization.

21 “(D) The survey described in subparagraph (A)
22 shall include, but is not limited to, the following top-
23 ics:

1 “(i) Those designed to determine the inci-
2 dence and prevalence of sexual violence, dating
3 violence, domestic violence, and stalking.

4 “(ii) Those on whether students know
5 about institutional policies and procedures.

6 “(iii) Those on, if victims reported the vio-
7 lence, to whom and what response did they re-
8 ceive and if they were informed of, or referred
9 to, local, State, on-campus, and or national re-
10 sources.

11 “(iv) Those on contextual factors, such as
12 whether force, incapacitation, or coercion was
13 involved.

14 “(v) Those on whether the assailant was a
15 student.

16 “(vi) Those on whether the victim was re-
17 ferred to local or State law enforcement.

18 “(E) The Secretary shall tabulate and publish
19 an annual report on the information gained from the
20 survey under this paragraph on the website of the
21 Department and submit such report to Congress.
22 The report shall include campus-level data for each
23 school and attributed by name of each campus.

24 “(20) Not later than 180 days after the date of
25 enactment of the Campus Accountability and Safety

1 Act, the Assistant Secretary for Postsecondary Edu-
2 cation of the Department and the Assistant Sec-
3 retary for Civil Rights of the Department shall joint-
4 ly develop and make publicly available guidance re-
5 garding the intersection between this subsection and
6 title IX of the Education Amendments of 1972, in
7 order to clarify how the provisions of this subsection
8 and such title shall be carried out. The guidance
9 shall include clarifying language on how this sub-
10 section and such title IX interact pertaining to sex-
11 ual violence, and shall clarify and resolve any poten-
12 tial discrepancies or inconsistencies between the two.

13 “(21) Notwithstanding any other provision of
14 this Act, upon determination, after reasonable notice
15 and opportunity for a hearing, that an eligible insti-
16 tution has violated or failed to carry out any provi-
17 sion of this subsection, or agreement made to resolve
18 a compliance review under this subsection, or any
19 regulation prescribed under this subsection, the Sec-
20 retary may impose a civil penalty upon such institu-
21 tion not to exceed \$150,000, which shall be adjusted
22 for inflation annually, for each violation or misrepre-
23 sentation, or per month a survey is not completed at
24 the standard required. The Secretary may use any

1 such civil penalty funds to enforce and administer
2 the provisions of this subsection.”.

3 **SEC. 3. COORDINATION WITH LOCAL LAW ENFORCEMENT.**

4 (a) IN GENERAL.—Part B of title I of the Higher
5 Education Act of 1965 (20 U.S.C. 1011 et seq.) is amend-
6 ed by adding at the end the following:

7 **“SEC. 124. COORDINATION WITH LOCAL LAW ENFORCE-**
8 **MENT.**

9 “Each institution of higher education that receives
10 funds or any other form of financial assistance under any
11 Federal program, including participation in any federally
12 funded or guaranteed student loan program, shall enter
13 into, and update every 2 years, a memorandum of under-
14 standing with all applicable local law enforcement agencies
15 to clearly delineate responsibilities and share information,
16 in accordance with applicable Federal confidentiality laws,
17 about certain serious crimes that shall include, but not
18 be limited to, sexual violence, occurring against students
19 of the institution or against other individuals on the cam-
20 pus of the institution. The memorandum of understanding
21 shall include, but is not limited to—

22 “(1) delineation and sharing protocols of inves-
23 tigative responsibilities;

1 “(2) protocols for investigations, including
2 standards for notification and communication and
3 measures to promote evidence preservation;

4 “(3) agreed upon training and requirements for
5 the institution on issues related to sexual violence;
6 and

7 “(4) a method of sharing information about
8 specific crimes, when directed by the victim, and a
9 method of sharing crime details anonymously in
10 order to better protect overall campus safety.”.

11 (b) EFFECTIVE DATE AND PENALTY.—

12 (1) EFFECTIVE DATE.—The amendment made
13 by subsection (a) shall take effect on the date that
14 is 1 year after the date of enactment of this Act.

15 (2) PENALTY.—The Secretary of Education—

16 (A) may impose a civil penalty of not more
17 than 1 percent of an institution’s operating
18 budget, as defined by the Secretary of Edu-
19 cation, each year that the institution of higher
20 education fails to carry out the requirements of
21 section 124 of the Higher Education Act of
22 1965, as added by subsection (a), by the date
23 that is 1 year after the date of enactment of
24 this Act; and

1 (B) may waive the penalty pursuant to
2 paragraph (3).

3 (3) WAIVER.—

4 (A) IN GENERAL.—If local law enforce-
5 ment refuses to enter into a memorandum of
6 understanding under section 124 of the Higher
7 Education Act of 1965, as added by subsection
8 (a), the Secretary of Education may waive the
9 penalty under paragraph (2) if the institution
10 certifies why the institution was unable to ob-
11 tain an agreement and that the institution
12 acted in good faith, and submits to the Sec-
13 retary a copy of the institution's final offer that
14 was ultimately rejected. The Secretary of Edu-
15 cation will then have the discretion to grant the
16 waiver.

17 (B) REFERRAL TO DEPARTMENT OF JUS-
18 TICE.—The Secretary of Education shall refer
19 to the Attorney General a copy of each waiver
20 granted under paragraph (2)(B) and the rea-
21 son, the Secretary has determined, why local
22 law enforcement refuses to enter into a memo-
23 randum of understanding.

24 (C) ADMINISTRATIVE REVIEW.—If the Sec-
25 retary of Education does not grant a waiver

1 under paragraph (2)(B), the institution may
2 submit additional information to receive such
3 waiver. If, after submitting additional informa-
4 tion, the Secretary still does not grant a waiver
5 under paragraph (2)(B), the decision of the
6 Secretary shall be subject to review pursuant to
7 section 706(2)(A) of title 5, United States
8 Code.

9 (4) VOLUNTARY RESOLUTION.—Nothing in this
10 subsection shall prevent the Secretary of Education
11 from entering into a voluntary resolution with an in-
12 stitution of higher education that fails to carry out
13 the requirements of section 124 of the Higher Edu-
14 cation Act of 1965, as added by subsection (a), by
15 the date that is 1 year after the date of enactment
16 of this Act.

17 (c) NEGOTIATED RULEMAKING.—The Secretary of
18 Education shall establish regulations to carry out the this
19 section and the amendment made by this section in ac-
20 cordance with the requirements described under section
21 492 of the Higher Education Act of 1965 (20 U.S.C.
22 1098a).

1 **SEC. 4. UNIVERSITY SUPPORT FOR SURVIVORS OF SEXUAL**
2 **VIOLENCE.**

3 (a) IN GENERAL.—Part B of title I of the Higher
4 Education Act of 1965 (20 U.S.C. 1011 et seq.) is further
5 amended by adding after section 124 (as added by section
6 3), the following:

7 **“SEC. 125. UNIVERSITY SUPPORT FOR SURVIVORS OF SEX-**
8 **UAL VIOLENCE.**

9 “Each institution of higher education that receives
10 funds or any other form of financial assistance under any
11 Federal program, including participation in any Federally
12 funded or guaranteed student loan program, shall estab-
13 lish a campus security policy that includes the following:

14 “(1) The designation of 1 or more confidential
15 advisor roles at the institution to whom victims of
16 crime can report anonymously or directly.

17 “(2) The confidential advisor shall not be a stu-
18 dent, an employee designated as a responsible em-
19 ployee under title IX of the Education Amendments
20 of 1972, or the title IX coordinator, but may have
21 other roles at the institution.

22 “(3) The Secretary shall designate existing cat-
23 egories of employees that may serve as confidential
24 advisors. Such designation shall not preclude the in-
25 stitution from designating new or existing employees
26 or partnering with local, State, or national victim

1 services organizations to serve as confidential advi-
2 sors or to serve in other confidential roles.

3 “(4) The confidential advisor shall be trained to
4 perform a victim-centered, trauma-informed (foren-
5 sic) interview, which shall focus on the experience of
6 the victim. The confidential advisor may perform the
7 interview for which the goal is to elicit information
8 about the traumatic event in question so that the
9 interview can be used in either a campus or criminal
10 investigation or disciplinary proceeding.

11 “(5) The confidential advisor shall inform the
12 victim of the victim’s control over possible next steps
13 regarding the victim’s reporting options and the con-
14 sequences of those options, including, but not limited
15 to, the option to conduct a forensic interview with
16 the option to have the forensic interview be recorded,
17 the option to receive a copy of the recorded forensic
18 interview with the option to notify a responsible em-
19 ployee and initiate a campus disciplinary proceeding,
20 the option to notify local law enforcement and ini-
21 tiate a criminal investigation, the option to grant
22 campus disciplinary officials access to the forensic
23 interview, and the option to grant law enforcement
24 officials access to the forensic interview. The con-
25 fidential advisor shall assist in conducting a forensic

1 interview, making notifications, and granting access
2 to a forensic interview as directed by the victim.

3 “(6) The confidential advisor shall liaise with
4 campus or local law enforcement when directed by
5 the victim, and, as appropriate, may assist the vic-
6 tim in contacting and reporting to campus or local
7 law enforcement.

8 “(7) The confidential advisor shall be author-
9 ized by the institution to arrange reasonable accom-
10 modations through the institution to allow the victim
11 to change living arrangements or class schedules, or
12 obtain accessibility services, and make other
13 changes.

14 “(8) The confidential advisor shall also advise
15 the victim of both the victim’s rights and the institu-
16 tion’s responsibilities regarding orders of protection,
17 no contact orders, restraining orders, or similar law-
18 ful orders issued by the institution or a criminal,
19 civil, or tribal court.

20 “(9) The institution may provide an online re-
21 porting system to collect anonymous reports of, and
22 disclose, crimes.

23 “(10) The victim may submit an anonymous re-
24 port but the institution would only be obligated to

1 investigate when a formal report is submitted to a
2 responsible employee.

3 “(11) The confidential advisor shall not be obli-
4 gated to report crimes to the institution or law en-
5 forcement, unless otherwise required to do so by
6 State law, and shall provide confidential services to
7 students and employees. Requests for arrangement
8 made by a confidential advisor do not constitute no-
9 tice to a responsible employee for title IX purposes,
10 even when such advisors work only in the area of
11 sexual assault.

12 “(12) The name and contact information for
13 the confidential advisor, as well as a victims’ report-
14 ing options, process of adjudication both by the in-
15 stitution and by law enforcement, and potential rea-
16 sonable accommodations, which shall be listed on the
17 website of the institution.

18 “(13) The institution may partner with an out-
19 side victim advocacy organization to provide the
20 service described in this subparagraph.

21 “(14) The telephone number and URL for a
22 local, State, or national hotline providing informa-
23 tion to sexual violence victims shall be clearly com-
24 municated on the website of the institution and up-
25 dated on a timely basis.

1 “(15) The name and location of the nearest
2 medical facility where an individual can get a rape
3 kit administered by a trained sexual violence forensic
4 nurse shall be included on the website of the institu-
5 tion, including information on transportation options
6 and reimbursement for a visit to such facility.

7 “(16) Each institution that enrolls fewer than
8 1000 students may partner with another institution
9 in their region or State to provide the services de-
10 scribed in this subparagraph.

11 “(17) The institution shall appoint an adequate
12 number of confidential advisors not later than the
13 earlier of—

14 “(A) 1 year after the Secretary determines
15 through a negotiated rulemaking process what
16 an adequate number of confidential advisors is
17 for an institution based on its size; or

18 “(B) 3 years after the date of enactment
19 of the Campus Accountability and Safety Act.

20 “(18) The institution shall provide an amnesty
21 clause for any student who reports, in good faith,
22 sexual violence to a responsible employee so that
23 they will not be sanctioned by the institution for a
24 student conduct violation, such as underage drink-
25 ing, that is revealed in the course of such a report.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the date that is 1 year
3 after the date of enactment of this Act.

4 (c) PENALTY.—The Secretary of Education may im-
5 pose a civil penalty of not more than 1 percent of an insti-
6 tution's operating budget, as defined by the Secretary,
7 each year that the institution fails to carry out the require-
8 ments of section 125 of the Higher Education Act of
9 1965, as added by subsection (a), by the date that is 1
10 year after the date of enactment of this Act. Nothing in
11 this subsection shall prevent the Secretary of Education
12 from entering into a voluntary resolution with an institu-
13 tion of higher education that fails to carry out the require-
14 ments of section 125 of the Higher Education Act of
15 1965, as added by subsection (a), by the date that is 1
16 year after the date of enactment of this Act.

17 (d) NEGOTIATED RULEMAKING.—The Secretary of
18 Education shall establish regulations to carry out the this
19 section and the amendment made by this section in ac-
20 cordance with the requirements described under section
21 492 of the Higher Education Act of 1965 (20 U.S.C.
22 1098a).

1 **SEC. 5. PROGRAM PARTICIPATION AGREEMENTS.**

2 Section 487(a) of the Higher Education Act of 1965
3 (20 U.S.C. 1094(a)) is amended by striking paragraph
4 (12) and inserting the following:

5 “(12) The institution certifies that—

6 “(A) the institution is in compliance with
7 the requirements of section 124 regarding co-
8 ordination with local law enforcement;

9 “(B) the institution has established sup-
10 port for survivors of sexual violence that meets
11 the requirements of section 125; and

12 “(C) the institution has complied with the
13 disclosure requirements of section 485(f).”.

14 **SEC. 6. ENFORCEMENT AND TRAINING; SUBPOENA AU-**
15 **THORITY.**

16 Section 901 of the Education Amendments of 1972
17 (20 U.S.C. 1681) is amended by adding at the end the
18 following:

19 “(d) WEBSITE.—The Secretary of Education shall
20 establish a title IX website that includes the following:

21 “(1) The name and contact information for the
22 title IX coordinator, including a brief description of
23 the coordinator’s role and the roles of other officials
24 who may be contacted to discuss or report sexual
25 harassment, for each educational institution. Each
26 educational institution shall provide the name and

1 contact information for the title IX coordinator to
2 the Secretary of Education not later than 30 days
3 after the date of enactment of the Campus Account-
4 ability and Safety Act.

5 “(2) The Department’s pending investigations,
6 enforcement actions, letters of finding, final resolu-
7 tions, and voluntary resolution agreements for all
8 complaints and compliance reviews under this title
9 related to sexual harassment. The Secretary shall in-
10 dicate whether the investigation, action, letter, reso-
11 lution, or agreement is based on a complaint or com-
12 pliance review. The Secretary shall make the infor-
13 mation under this subsection available regarding a
14 complaint once the Office for Civil Rights receives a
15 written complaint, and conducts an initial evalua-
16 tion, and has determined that the complaint should
17 be opened for investigation of an allegation that, if
18 substantiated, would constitute a violation of this
19 title. In carrying out this subsection, the Secretary
20 shall ensure that personally identifiable information
21 is not reported and shall comply with section 444 of
22 the General Education Provisions Act (20 U.S.C.
23 1232g), commonly known as the ‘Family Edu-
24 cational Rights and Privacy Act of 1974’.

1 “(e) TRAINING OF RESPONSIBLE EMPLOYEES AND
2 OTHER EMPLOYEES.—

3 “(1) RESPONSIBLE EMPLOYEE.—In this sub-
4 section, the term ‘responsible employee’ means an
5 employee of an institution of higher education who
6 has the authority to redress sexual harassment or
7 who has the duty to report incidents of sexual har-
8 assment or other misconduct by students or employ-
9 ees to the title IX coordinator or other appropriate
10 school designee.

11 “(2) TRAINING OF RESPONSIBLE EMPLOY-
12 EES.—Each institution of higher education shall em-
13 ploy a responsible employee who shall complete min-
14 imum training requirements (as determined by the
15 Secretary of Education in coordination with the At-
16 torney General and to include training by local,
17 State, or national victim services organizations) and
18 shall be responsible for—

19 “(A) reporting cases of sexual violence to
20 the title IX coordinator of the institution; and

21 “(B) providing a student or employee who
22 reports that the student or employee has been
23 a victim of sexual harassment, including, but
24 not limited to, sexual violence, whether the of-
25 fense occurred on or off campus, with a written

1 explanation of the student or employee’s rights
2 and options, as described in clauses (ii) through
3 (vii) of section 485(f)(8)(B) of the Higher Edu-
4 cation Act of 1965.

5 “(3) OTHER/ADDITIONAL TRAINING.—Each in-
6 dividual who is involved in implementing an institu-
7 tion of higher education’s grievance procedures, in-
8 cluding each individual who is responsible for resolv-
9 ing complaints of reported crimes, shall have train-
10 ing or experience in handling sexual violence com-
11 plaints, and the operations of the institution’s griev-
12 ance procedures, not later than 1 year after the date
13 of enactment of the Campus Accountability and
14 Safety Act. The training shall include, but is not
15 limited to—

16 “(A) information on working with and
17 interviewing persons subjected to sexual vio-
18 lence;

19 “(B) information on particular types of
20 conduct that would constitute sexual violence,
21 including same-sex sexual violence;

22 “(C) information on consent and the role
23 drugs or alcohol can play in the ability to con-
24 sent;

1 “(D) the effects of trauma, including
2 neurobiological change; and

3 “(E) cultural awareness training regarding
4 how sexual violence may impact students dif-
5 ferently depending on their cultural back-
6 ground.

7 “(4) UNIFORM CAMPUS-WIDE PROCESS FOR
8 DISCIPLINARY PROCEEDING RELATING TO CLAIM OF
9 SEXUAL VIOLENCE.—Each institution of higher edu-
10 cation that receives Federal funding—

11 “(A) shall establish and carry out a uni-
12 form process (for each campus of the institu-
13 tion) for disciplinary proceedings relating to
14 any claims of sexual violence; and

15 “(B) shall not carry out a different dis-
16 ciplinary process on the same campus for a
17 matter of sexual violence, or alter the uniform
18 process described in subparagraph (A), based
19 on the status or characteristics of a student
20 who will be involved in that disciplinary pro-
21 ceeding, including characteristics such as a stu-
22 dent’s membership on an athletic team, aca-
23 demic major, or any other characteristic or sta-
24 tus of a student.

1 “(f) DEPARTMENT OF EDUCATION AND DEPART-
2 MENT OF JUSTICE CIVIL PENALTIES FOR INSTITUTIONS
3 OF HIGHER EDUCATION.—

4 “(1) IN GENERAL.—Upon determination, after
5 reasonable notice and opportunity for a hearing, that
6 an educational institution that is an institution of
7 higher education has violated or failed to carry out
8 any provision of this section in a factual cir-
9 cumstance related to sexual violence or any regula-
10 tion prescribed under this section related to sexual
11 violence, the Secretary of Education or Attorney
12 General, may impose a civil penalty upon such insti-
13 tution of not more than 1 percent of the institution’s
14 1-year operating budget, as defined by the Secretary
15 of Education, for each violation or failure. A civil
16 penalty shall not interfere with the Secretary’s or
17 Attorney General’s ability to enter into a voluntary
18 resolution agreement with an institution of higher
19 education.

20 “(2) ADJUSTMENT TO PENALTIES.—Any civil
21 penalty under paragraph (1) may be modified by the
22 Secretary of Education or Attorney General. In de-
23 termining the amount of such penalty, or the
24 amount agreed upon in compromise, the appro-
25 priateness of the penalty to the size of the operating

1 budget of the educational institution subject to the
2 determination, and the gravity of the violation or
3 failure, and whether the violation or failure was done
4 intentionally, negligently, or otherwise, shall be con-
5 sidered.

6 “(3) DISTRIBUTION.—Any civil monetary pen-
7 alty or monetary settlement collected under this sub-
8 section shall be transferred to the Office for Civil
9 Rights of the Department of Education or the De-
10 partment of Justice to be used for purposes of en-
11 forcing the provisions of this title related to sexual
12 harassment.

13 “(4) CLARIFICATION.—Nothing in the Campus
14 Accountability and Safety Act, or any amendment
15 made by such Act, shall alter, amend, or interfere
16 with the rights and remedies provided for and avail-
17 able under this title.

18 “(g) STATUTE OF LIMITATIONS.—An individual may
19 file a complaint for a violation of this title, with regards
20 to sexual violence, with the Office for Civil Rights of the
21 Department of Education not later than 180 days after
22 the date of graduation or disaffiliation with the institution.

23 “(h) SUBPOENA AND CIVIL INVESTIGATIVE DEMAND
24 AUTHORITY.—

1 “(1) AUTHORITY TO COMPEL.—In order to ob-
2 tain information and documents that are relevant to
3 determining compliance with this title, including any
4 regulations promulgated to carry out this title, the
5 Assistant Secretary of the Office for Civil Rights of
6 the Department of Education and the Assistant At-
7 torney General of the Civil Rights Division of the
8 Department of Justice are authorized to require by
9 subpoena the attendance and testimony of any per-
10 son that one can reasonably believe to have first-
11 hand knowledge, including current and former stu-
12 dents and employees of institutions of higher edu-
13 cation, and the production of documents, including
14 reports, answers, records, accounts, papers, and
15 other data in any medium (including electronically
16 stored information), and any tangible thing.

17 “(2) REFUSAL TO OBEY.—A subpoena issued
18 under this subsection, in the case of contumacy or
19 refusal to obey, shall be enforceable by order of any
20 appropriate United States district court.

21 “(3) CIVIL INVESTIGATIVE DEMAND AUTHOR-
22 ITY.—The Assistant Secretary of the Office for Civil
23 Rights of the Department of Education and the As-
24 sistant Attorney General of the Civil Rights Division
25 of the Department of Justice shall have civil inves-

1 tigtative demand authority, which authorizes the re-
2 quest for documents of the institutions and written
3 answers to interrogatories in order to determine
4 compliance with title IX.

5 “(i) COORDINATOR.—Each educational institution
6 that receives Federal financial assistance from the Depart-
7 ment of Education shall submit, annually, to the Office
8 for Civil Rights of the Department of Education and the
9 Civil Rights Division of the Department of Justice, the
10 name of the title IX coordinator of the institution, includ-
11 ing a brief description of the coordinator’s role and the
12 roles of other officials of the institution who may be con-
13 tacted to discuss or report sexual violence, and documenta-
14 tion of training received by the title IX coordinator. The
15 educational institution shall provide updated information
16 to the Office for Civil Rights of the Department of Edu-
17 cation and the Civil Rights Division of the Department
18 of Justice not later than 30 days after the date of any
19 change.”.

20 **SEC. 7. TRAINING FOR CAMPUS PERSONNEL ON VICTIM-**
21 **CENTERED TRAUMA-INFORMED (FORENSIC)**
22 **INTERVIEWS.**

23 Section 304 of the Violence Against Women and De-
24 partment of Justice Reauthorization Act of 2005 (42
25 U.S.C. 14045b) is amended—

1 (1) in subsection (a)(2), by striking “\$300,000”
2 and inserting “\$500,000”;

3 (2) in subsection (b), by adding at the end the
4 following;

5 “(11) To train campus personnel in conducting
6 victim-centered, trauma-informed (forensic) inter-
7 views.”; and

8 (3) in subsection (g)—

9 (A) by striking “In this section” and in-
10 serting “(1) **IN GENERAL.**—In this section”;
11 and

12 (B) by adding at the end the following;

13 “(2) **VICTIM-CENTERED, TRAUMA-INFORMED**
14 **(FORENSIC) INTERVIEW.**—In this section, the term
15 ‘victim-centered, trauma-informed (forensic) inter-
16 view’ means an evidence-based interview focused on
17 the experience of the victim, conducted by a trained
18 forensic interviewer, in which the goal of the inter-
19 view is to elicit information about the traumatic
20 event in question for use in a future investigation.
21 The victim shall be given the option to have the
22 interview recorded and to receive a copy of the re-
23 corded interview. The victim shall be informed of the
24 reasons why the victim may or may not choose to
25 have the interview recorded.”.