



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1626

~~universities; community colleges; sexual misconduct~~
(NOW: sexual misconduct; universities; community colleges)

Purpose

Establishes the Prevention of Sexual Misconduct on Campus Task Force (Task Force) and an annual base survey regarding sexual misconduct at a state university or community college (institution). Prescribes Task Force and institution responsibilities, information the base survey must collect and annual reporting requirements.

Background

Federal Title IX regulations prohibit a person from, on the basis of sex, being excluded from participation in, denied the benefits of, or subjected to discrimination under an education program or activity operated by an institution. An institution must designate a Title IX coordinator to receive reports of sex discrimination, including sexual harassment, and comply with requirements to respond to, investigate and resolve formal or informal allegations as prescribed, including the provision of supportive measures ([34 C.F.R. § 106](#)).

The Arizona Board of Regents (ABOR) and Arizona's public universities have policies prohibiting sexual harassment that apply to: 1) ABOR and university employees; 2) university students; 3) ABOR or university applicants; 4) persons participating in or accessing programs and activities sponsored by ABOR or a university; and 5) vendors, contractors or volunteers. Each university president and ABOR's executive director must maintain policies and procedures to address, investigate, and promptly remedy complaints of sexual harassment ([ABOR](#)).

A community college is an educational institution, operated by a community college district governing board, that provides a program of up to four years' training in the arts, sciences and humanities after 12th grade of the public or private high school course of study or vocational education, including terminal courses of a technical and vocational nature and basic adult education courses ([A.R.S. § 15-1401](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Establishes the Task Force consisting of the following:
 - a) a licensed clinical social worker with experience in assisting victims of sexual misconduct, appointed by the Senate President;
 - b) a representative from an organization advocating for student victims of sexual misconduct, appointed by the Speaker of the House of Representatives (House);

- c) a Member of the Senate, appointed by the Senate President;
 - d) a Member of the House, appointed by the Speaker of the House;
 - e) a representative from ABOR, appointed by the Senate President;
 - f) an executive representative from an Arizona public university, appointed by the Governor;
 - g) an executive representative from a community college district, appointed by the Governor;
 - h) an Arizona resident medical professional from an institution, who provides services to victims of sexual misconduct, appointed by the Governor;
 - i) a Title IX coordinator from an institution, appointed by the Governor;
 - j) an Arizona resident employed by a public or private nonprofit organization that serves victims of sexual violence, appointed by the Governor;
 - k) an Arizona resident researcher with experience in developing and designing sexual misconduct climate surveys, appointed by the Governor;
 - l) an Arizona resident who is a researcher with experience in statistics, data analytics or econometrics, appointed by the Governor;
 - m) an Arizona resident student attending an Arizona public university, appointed by the Governor;
 - n) an Arizona resident community college student, appointed by the Governor;
 - o) an Arizona resident who is a survivor of sexual assault, appointed by the Governor; and
 - p) a representative of a nonprofit legal services organization that provides legal representation to victims of campus sexual assault, appointed by the Governor.
2. Requires the Task Force to elect a Chairperson from among the members appointed.
3. Requires the Task Force to:
- a) review prescribed annual reports submitted by institutions;
 - b) review institution policies prohibiting sexual misconduct and providing supportive measures and resources for victims of sexual misconduct;
 - c) make recommendations, to be considered by institutions, to ABOR and institutions on actions to prevent sexual misconduct; and
 - d) develop and annually update a base survey to be used by institutions and provide the institutions with recommendations regarding the content, timing and distribution of the survey.
4. Requires the Task Force, in developing the base survey, to use best practices from peer-reviewed research and consult with individuals with expertise in developing sexual misconduct climate surveys.
5. Requires the base survey to be able to be distributed online and include at least:
- a) the number and type of incidents, whether officially reported or unreported, of sexual misconduct at the institution;
 - b) when, in general terms, incidents of sexual misconduct occurred;
 - c) where, in general terms, incidents of sexual misconduct occurred, such as on-campus, off-campus or online;
 - d) who, in general terms, perpetrated the sexual misconduct, such as a student of the institution, a student of another institution, an employee, a third-party vendor or someone else;
 - e) student awareness of the institution's policies and procedures related to sexual misconduct;
 - f) if an incident of sexual misconduct was reported to the institution, to whom it was reported;

- g) if an incident of sexual misconduct was not reported to the institution, why the individual chose not to report;
 - h) whether an incident of sexual misconduct was reported to a teacher, friend, peer or family member;
 - i) if a student reported an incident of sexual misconduct, whether the student was informed of or referred to local, state, campus or other resources or victim support services, such as counseling or medical care;
 - j) demographic information that could be used to identify groups that are at risk of sexual misconduct, including race, nationality, sex, sexual orientation, disability status or immigration status;
 - k) whether a student decided to withdraw, transfer or take a leave of absence from the institution, or considered doing so, as a result of being a reporting party or a respondent;
 - l) whether a student faced any financial, physical or emotional impacts in the long term as a result of being a reporting party; and
 - m) community attitudes toward sexual misconduct, including the willingness of bystanders to intervene.
6. Prohibits the base survey from requiring the disclosure of a specific date, time or location of an incident of sexual misconduct.
7. Directs the Task Force to distribute the base survey to the institutions for use.
8. Allows an institution to add additional questions to the base survey and adjust the survey to meet their needs and other requirements, such as Title IX requirements.
9. Requires each institution to:
- a) annually administer the base survey openly to all students;
 - b) notify all students of and invite them to participate in the base survey; and
 - c) distribute the base survey online and provide reasonable accommodations to individuals with disabilities to take the survey.
10. Prohibits an institution from forcing a student to participate in the survey.
11. Requires, by November 1, each institution to annually submit to the President of the Senate, the Speaker of the House and the Task Force Chairperson, and submit a copy to the Secretary of State, a report that includes:
- a) the total number of sexual misconduct allegations reported to the institution's Title IX coordinator by a student or employee of the institution against another student or employee;
 - b) the number of students and employees found responsible for violating the institution's policies prohibiting sexual misconduct and the number of students and employees who faced disciplinary action;
 - c) the number of students and employees found not responsible for reported sexual misconduct;
 - d) the number of disciplinary actions imposed by the institution as a result of a finding of responsibility for reported sexual misconduct;
 - e) if known, the number of law enforcement investigations initiated in response to reports of sexual misconduct brought forward by students and employees of the institution against another student or employee;

- f) the number of students who reported sexual misconduct and who took a leave of absence, transferred, withdrew or were expelled from the institution;
 - g) steps the institution has taken to mitigate risks of sexual misconduct, provide resources to affected students and communicate with students;
 - h) the results and findings of the base survey; and
 - i) any other relevant information the institution wishes to provide.
12. Requires the report to provide information in an anonymous manner that complies with state and federal privacy laws.
13. Directs the institution to post the report on its website so that it is publicly available and easily accessible to students and employees.
14. Defines *sexual misconduct* as an incident of:
- a) *sexual harassment*, which is unwelcome conduct of a sexual nature, including sexual advances, sexual solicitation, requests for sexual favors, unwelcome comments or gestures, or any other verbal or physical conduct of a sexual nature;
 - b) *sexual violence*, which is a physical sexual act perpetrated against a person's will or for which a person is incapable of giving consent;
 - c) *domestic violence* as defined in the Arizona Criminal Code;
 - d) *stalking* as defined in the Arizona Criminal Code;
 - e) harassment or violence based on sexual orientation or gender identity; and
 - f) any other sex-based harassment or violence.
15. Defines *employee, institution, reporting party, respondent, student* and *Title IX*.
16. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Adopted the strike-everything amendment.

Senate Action

ED 2/15/22 DPA/SE 8-0-0

Prepared by Senate Research

March 9, 2022

LB/MS/slp