

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1626

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 15, chapter 14, Arizona Revised Statutes, is
3 amended by adding article 9.2, to read:

4 ARTICLE 9.2. SEXUAL MISCONDUCT

5 15-1893. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS EMPLOYED FULL TIME OR PART
8 TIME AT AN INSTITUTION.

9 2. "INSTITUTION" MEANS ANY UNIVERSITY UNDER THE JURISDICTION OF THE
10 ARIZONA BOARD OF REGENTS OR COMMUNITY COLLEGE AS DEFINED IN SECTION
11 15-1401.

12 3. "REPORT OF SEXUAL MISCONDUCT" MEANS AN ALLEGATION OF SEXUAL
13 MISCONDUCT MADE TO AN EMPLOYEE OF AN INSTITUTION WHO HAS A DUTY TO
14 INVESTIGATE ALLEGATIONS OF SEXUAL MISCONDUCT, WHETHER OR NOT THROUGH A
15 FORMAL COMPLAINT OF SEXUAL HARASSMENT PURSUANT TO TITLE IX.

16 4. "SEXUAL MISCONDUCT":

17 (a) MEANS AN INCIDENT OF ANY SEXUAL VIOLENCE, SEXUAL HARASSMENT,
18 STALKING, DOMESTIC VIOLENCE OR DATING VIOLENCE AS DEFINED BY AN
19 INSTITUTION'S POLICY CONSISTENT WITH THE REQUIREMENTS OF TITLE IX, THE
20 JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME
21 STATISTICS ACT (P.L. 101-542; 104 STAT. 2385), AS AMENDED BY THE VIOLENCE
22 AGAINST WOMEN REAUTHORIZATION ACT OF 2013 (P.L. 113-4; 127 STAT. 54), AND
23 TITLE VII OF THE CIVIL RIGHTS ACT OF 1991 (P.L. 102-166; 105 STAT. 1071).

24 (b) DOES NOT ENCOMPASS EXPRESSIVE ACTIVITY PROTECTED BY THE UNITED
25 STATES OR ARIZONA CONSTITUTION.

1 5. "STUDENT":

2 (a) MEANS AN INDIVIDUAL WHO PARTICIPATES IN A CREDIT-BEARING PROGRAM
3 THROUGH AN INSTITUTION, WHETHER PART TIME OR FULL TIME OR AS AN EXTENSION
4 STUDENT, OR AN INDIVIDUAL WHO HAS WITHDRAWN FROM AN INSTITUTION FOR A
5 REASON RELATED TO A REPORT OF SEXUAL MISCONDUCT.

6 (b) DOES NOT INCLUDE A HIGH SCHOOL STUDENT WHO PARTICIPATES IN DUAL
7 ENROLLMENT COURSES AS PRESCRIBED IN SECTION 15-1821.01.

8 6. "TITLE IX" MEANS TITLE IX OF THE EDUCATION AMENDMENTS ACT OF
9 1972.

10 15-1893.01. Prevention of sexual misconduct on campus task
11 force; Arizona board of regents; membership;
12 duties; base survey; statewide report

13 A. THE ARIZONA BOARD OF REGENTS SHALL ESTABLISH A PREVENTION OF
14 SEXUAL MISCONDUCT ON CAMPUS TASK FORCE CONSISTING OF THE FOLLOWING MEMBERS
15 WHO ARE APPOINTED BY THE ARIZONA BOARD OF REGENTS:

16 1. A LICENSED CLINICAL SOCIAL WORKER WHO HAS EXPERIENCE IN ASSISTING
17 VICTIMS OF SEXUAL MISCONDUCT.

18 2. A REPRESENTATIVE FROM AN ORGANIZATION THAT ADVOCATES FOR STUDENT
19 VICTIMS OF SEXUAL MISCONDUCT.

20 3. A REPRESENTATIVE FROM THE ARIZONA BOARD OF REGENTS.

21 4. AN EXECUTIVE REPRESENTATIVE FROM EACH UNIVERSITY UNDER THE
22 JURISDICTION OF THE ARIZONA BOARD OF REGENTS.

23 5. A RESIDENT OF THIS STATE WHO IS A MEDICAL PROFESSIONAL FROM A
24 UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS AND WHO
25 PROVIDES SERVICES TO VICTIMS OF SEXUAL MISCONDUCT.

26 6. AN EMPLOYEE OF A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA
27 BOARD OF REGENTS WHOSE RESPONSIBILITIES INCLUDE COMPLIANCE WITH
28 INSTITUTIONAL POLICIES PROHIBITING SEXUAL MISCONDUCT OR INVESTIGATING
29 REPORTS OF SEXUAL MISCONDUCT.

30 7. A RESIDENT OF THIS STATE WHO IS EMPLOYED BY A PUBLIC OR PRIVATE
31 NONPROFIT ORGANIZATION THAT SERVES VICTIMS OF SEXUAL VIOLENCE.

1 8. A RESIDENT OF THIS STATE WHO IS A RESEARCHER WITH EXPERIENCE IN
2 DEVELOPING AND DESIGNING SEXUAL MISCONDUCT CLIMATE SURVEYS.

3 9. A RESIDENT OF THIS STATE WHO IS A STUDENT ATTENDING A UNIVERSITY
4 UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS.

5 B. THE TASK FORCE SHALL ELECT A CHAIRPERSON FROM AMONG THE MEMBERS
6 APPOINTED PURSUANT TO SUBSECTION A OF THIS SECTION.

7 C. THE TASK FORCE SHALL DO ALL OF THE FOLLOWING:

8 1. CREATE A REPORTING OUTLINE TO BE USED BY UNIVERSITIES UNDER THE
9 JURISDICTION OF THE ARIZONA BOARD OF REGENTS FOR THE PURPOSES OF SECTION
10 15-1893.03.

11 2. REVIEW REPORTS SUBMITTED PURSUANT TO SECTION 15-1893.03.

12 3. REVIEW POLICIES PROHIBITING SEXUAL MISCONDUCT AND POLICIES
13 PROVIDING SUPPORTIVE MEASURES AND RESOURCES FOR VICTIMS OF SEXUAL
14 MISCONDUCT THAT ARE IN PLACE AT UNIVERSITIES UNDER THE JURISDICTION OF THE
15 ARIZONA BOARD OF REGENTS.

16 4. MAKE RECOMMENDATIONS TO THE ARIZONA BOARD OF REGENTS AND
17 UNIVERSITIES UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS ON
18 ACTIONS RELATING TO THE PREVENTION OF SEXUAL MISCONDUCT TO BE CONSIDERED BY
19 UNIVERSITIES UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS.

20 5. DEVELOP AND UPDATE A BASE SURVEY TO BE ADMINISTERED BY
21 UNIVERSITIES UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS TO
22 STUDENTS AND PROVIDE THE UNIVERSITIES WITH RECOMMENDATIONS REGARDING THE
23 CONTENT AND DISTRIBUTION OF THE SURVEY. THE BASE SURVEY MUST BE ABLE TO BE
24 DISTRIBUTED ONLINE. IN DEVELOPING THE BASE SURVEY, THE TASK FORCE SHALL
25 USE BEST PRACTICES FROM PEER-REVIEWED RESEARCH AND CONSULT WITH INDIVIDUALS
26 WITH EXPERTISE IN DEVELOPING SEXUAL MISCONDUCT CLIMATE SURVEYS. THE TASK
27 FORCE MAY ELECT TO USE AN EXISTING SURVEY TOOL THAT HAS BEEN PREVIOUSLY
28 DEVELOPED, SUCH AS THOSE PROVIDED BY RESEARCH GROUPS OR THE UNITED STATES
29 DEPARTMENT OF EDUCATION, INSTEAD OF DEVELOPING A BASE SURVEY UNDER THIS
30 PARAGRAPH.

1 6. DETERMINE THE TIMING AND DISTRIBUTION OF THE BASE SURVEY
2 DEVELOPED OR SELECTED UNDER PARAGRAPH 5 OF THIS SUBSECTION AND THE DUE DATE
3 FOR THE REPORT REQUIRED UNDER SECTION 15-1893.03, SUBJECT TO THE FOLLOWING:

4 (a) THE BASE SURVEY IS ADMINISTERED AND THE REPORT IS DUE ONCE EVERY
5 TWO YEARS.

6 (b) THE DUE DATE FOR THE REPORT IS LESS THAN ONE YEAR AFTER THE
7 COMPLETION OF THE BASE SURVEY OR NOVEMBER 1, WHICHEVER IS EARLIER.

8 7. COLLABORATE WITH TASK FORCES ESTABLISHED PURSUANT TO SECTION
9 15-1893.02 TO ENSURE COMPARABLE DATA AND REPORTING OUTLINES AND TO
10 DETERMINE THE FIRST REPORTING YEAR UNDER SECTION 15-1893.03. THE FIRST
11 REPORTING YEAR SHALL BE NOT LATER THAN 2025, AND SUBSEQUENT REPORTING YEARS
12 SHALL OCCUR EVERY OTHER YEAR THEREAFTER.

13 D. THE TASK FORCE ESTABLISHED PURSUANT TO THIS SECTION SHALL
14 DISTRIBUTE THE BASE SURVEY DEVELOPED OR SELECTED UNDER SUBSECTION C,
15 PARAGRAPH 5 OF THIS SECTION TO THE UNIVERSITIES UNDER THE JURISDICTION OF
16 THE ARIZONA BOARD OF REGENTS FOR USE BY THE UNIVERSITIES. EACH UNIVERSITY
17 UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS:

18 1. SHALL ADMINISTER THE BASE SURVEY OPENLY TO ALL STUDENTS IN
19 ACCORDANCE WITH SUBSECTION C, PARAGRAPH 6 OF THIS SECTION.

20 2. SHALL ATTEMPT TO NOTIFY STUDENTS WHO ARE CURRENTLY ENROLLED AT
21 THE UNIVERSITY AND STUDENTS WHO HAVE BEEN ENROLLED AT THE UNIVERSITY WITHIN
22 THE PAST TWO YEARS OF WHEN THE SURVEY IS DISTRIBUTED AND INVITE THESE
23 STUDENTS TO PARTICIPATE IN THE BASE SURVEY.

24 3. SHALL DISTRIBUTE THE BASE SURVEY ONLINE AND IN AN ACCESSIBLE
25 FORMAT TO INDIVIDUALS WITH DISABILITIES TO TAKE THE SURVEY.

26 4. MAY ADD ADDITIONAL QUESTIONS TO THE BASE SURVEY AND ADJUST THE
27 SURVEY TO MEET THE UNIVERSITY'S NEEDS AND TO MEET OTHER REQUIREMENTS, SUCH
28 AS THOSE PRESCRIBED IN TITLE IX. ADJUSTMENTS TO THE BASE SURVEY MAY NOT
29 REQUIRE ANY PERSONALLY IDENTIFYING INFORMATION.

30 E. ON OR BEFORE DECEMBER 31 OF EACH REPORTING YEAR:

31 1. THE TASK FORCE ESTABLISHED PURSUANT TO THIS SECTION SHALL COMPILE
32 ALL REPORTS RECEIVED FROM UNIVERSITIES UNDER THE JURISDICTION OF THE

1 ARIZONA BOARD OF REGENTS UNDER SECTION 15-1893.03 AND ALL REPORTS RECEIVED
2 FROM THE TASK FORCES ESTABLISHED PURSUANT TO SECTION 15-1893.02 INTO A
3 STATEWIDE REPORT.

4 2. THE TASK FORCE SHALL SUBMIT THE STATEWIDE REPORT TO THE GOVERNOR,
5 THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
6 AND SHALL SUBMIT A COPY OF THE REPORT TO THE SECRETARY OF STATE.

7 15-1893.02. Prevention of sexual misconduct on campus task
8 force; community colleges; membership; duties;
9 base survey; annual report

10 A. EACH COMMUNITY COLLEGE DISTRICT SHALL ESTABLISH A PREVENTION OF
11 SEXUAL MISCONDUCT ON CAMPUS TASK FORCE CONSISTING OF THE FOLLOWING MEMBERS,
12 TO BE APPOINTED BY THE COMMUNITY COLLEGE DISTRICT GOVERNING BOARD:

13 1. A LICENSED CLINICAL SOCIAL WORKER WHO HAS EXPERIENCE IN ASSISTING
14 VICTIMS OF SEXUAL MISCONDUCT.

15 2. A REPRESENTATIVE FROM AN ORGANIZATION THAT ADVOCATES FOR STUDENT
16 VICTIMS OF SEXUAL MISCONDUCT.

17 3. AN EXECUTIVE REPRESENTATIVE FROM THE COMMUNITY COLLEGE DISTRICT.

18 4. A RESIDENT OF THIS STATE WHO IS A MEDICAL PROFESSIONAL WHO
19 PROVIDES SERVICES TO VICTIMS OF SEXUAL MISCONDUCT.

20 5. AN EMPLOYEE OF A COMMUNITY COLLEGE WITHIN THE COMMUNITY COLLEGE
21 DISTRICT WHOSE RESPONSIBILITIES INCLUDE COMPLIANCE WITH INSTITUTIONAL
22 POLICIES PROHIBITING SEXUAL MISCONDUCT OR INVESTIGATING REPORTS OF SEXUAL
23 MISCONDUCT.

24 6. A RESIDENT OF THIS STATE WHO IS EMPLOYED BY A PUBLIC OR PRIVATE
25 NONPROFIT ORGANIZATION THAT SERVES VICTIMS OF SEXUAL VIOLENCE.

26 7. A RESIDENT OF THIS STATE WHO IS A RESEARCHER WITH EXPERIENCE IN
27 DEVELOPING AND DESIGNING SEXUAL MISCONDUCT CLIMATE SURVEYS.

28 8. A RESIDENT OF THIS STATE WHO IS A STUDENT ATTENDING THE COMMUNITY
29 COLLEGE IN THIS STATE.

30 B. EACH TASK FORCE ESTABLISHED PURSUANT TO THIS SECTION SHALL ELECT
31 A CHAIRPERSON FROM AMONG THE MEMBERS PURSUANT TO SUBSECTION A OF THIS
32 SECTION.

1 C. EACH TASK FORCE ESTABLISHED PURSUANT TO THIS SECTION SHALL DO ALL
2 OF THE FOLLOWING:

3 1. CREATE A REPORTING OUTLINE TO BE USED BY COMMUNITY COLLEGES FOR
4 THE PURPOSES OF SECTION 15-1893.03.

5 2. REVIEW REPORTS SUBMITTED PURSUANT TO SECTION 15-1893.03.

6 3. REVIEW POLICIES PROHIBITING SEXUAL MISCONDUCT AND POLICIES
7 PROVIDING SUPPORTIVE MEASURES AND RESOURCES FOR VICTIMS OF SEXUAL
8 MISCONDUCT THAT ARE IN PLACE AT INSTITUTIONS WITHIN THE COMMUNITY COLLEGE
9 DISTRICT.

10 4. MAKE RECOMMENDATIONS TO THE COMMUNITY COLLEGE DISTRICT GOVERNING
11 BOARD ON ACTIONS RELATING TO THE PREVENTION OF SEXUAL MISCONDUCT TO BE
12 CONSIDERED BY INSTITUTIONS WITHIN THE COMMUNITY COLLEGE DISTRICT.

13 5. DEVELOP AND UPDATE A BASE SURVEY TO BE ADMINISTERED BY
14 INSTITUTIONS WITHIN THE COMMUNITY COLLEGE DISTRICT TO STUDENTS AND PROVIDE
15 THE INSTITUTIONS WITHIN THE COMMUNITY COLLEGE DISTRICT WITH RECOMMENDATIONS
16 REGARDING THE CONTENT AND DISTRIBUTION OF THE SURVEY. THE BASE SURVEY MUST
17 BE ABLE TO BE DISTRIBUTED ONLINE. IN DEVELOPING THE BASE SURVEY, THE TASK
18 FORCE SHALL USE BEST PRACTICES FROM PEER-REVIEWED RESEARCH AND CONSULT WITH
19 INDIVIDUALS WITH EXPERTISE IN DEVELOPING SEXUAL MISCONDUCT CLIMATE SURVEYS.
20 THE TASK FORCE MAY ELECT TO USE AN EXISTING SURVEY TOOL THAT HAS BEEN
21 PREVIOUSLY DEVELOPED, SUCH AS THOSE PROVIDED BY RESEARCH GROUPS OR THE
22 UNITED STATES DEPARTMENT OF EDUCATION, INSTEAD OF DEVELOPING A BASE SURVEY
23 UNDER THIS PARAGRAPH.

24 6. DETERMINE THE TIMING AND DISTRIBUTION OF THE BASE SURVEY
25 DEVELOPED OR SELECTED UNDER PARAGRAPH 5 OF THIS SUBSECTION AND THE DUE DATE
26 FOR THE REPORT REQUIRED UNDER SECTION 15-1893.03, SUBJECT TO THE FOLLOWING:

27 (a) THE BASE SURVEY IS ADMINISTERED AND THE REPORT IS DUE ONCE EVERY
28 TWO YEARS.

29 (b) THE DUE DATE FOR THE REPORT IS LESS THAN ONE YEAR AFTER THE
30 COMPLETION OF THE BASE SURVEY OR NOVEMBER 1, WHICHEVER IS EARLIER.

31 7. COLLABORATE WITH THE TASK FORCE ESTABLISHED PURSUANT TO SECTION
32 15-1893.01 TO ENSURE COMPARABLE DATA AND REPORTING OUTLINES AND TO

1 DETERMINE THE FIRST REPORTING YEAR UNDER SECTION 15-1893.03. THE FIRST
2 REPORTING YEAR SHALL BE NOT LATER THAN 2025, AND SUBSEQUENT REPORTING YEARS
3 SHALL OCCUR EVERY OTHER YEAR THEREAFTER.

4 D. THE TASK FORCES ESTABLISHED PURSUANT TO THIS SECTION SHALL
5 DISTRIBUTE THE BASE SURVEY DEVELOPED OR SELECTED UNDER SUBSECTION C,
6 PARAGRAPH 5 OF THIS SECTION TO THE INSTITUTIONS WITHIN THE COMMUNITY
7 COLLEGE DISTRICT FOR USE BY THE INSTITUTIONS. EACH INSTITUTION WITHIN THE
8 COMMUNITY COLLEGE DISTRICT:

9 1. SHALL ADMINISTER THE BASE SURVEY OPENLY TO ALL STUDENTS IN
10 ACCORDANCE WITH SUBSECTION C, PARAGRAPH 6 OF THIS SECTION.

11 2. SHALL ATTEMPT TO NOTIFY STUDENTS WHO ARE CURRENTLY ENROLLED AT
12 THE INSTITUTION WITHIN THE COMMUNITY COLLEGE DISTRICT AND STUDENTS WHO HAVE
13 BEEN ENROLLED AT THE INSTITUTION WITHIN THE COMMUNITY COLLEGE DISTRICT
14 WITHIN THE PAST TWO YEARS OF WHEN THE SURVEY IS DISTRIBUTED AND INVITE
15 THESE STUDENTS TO PARTICIPATE IN THE BASE SURVEY.

16 3. SHALL DISTRIBUTE THE BASE SURVEY ONLINE AND IN AN ACCESSIBLE
17 FORMAT TO INDIVIDUALS WITH DISABILITIES TO TAKE THE SURVEY.

18 4. MAY ADD ADDITIONAL QUESTIONS TO THE BASE SURVEY AND ADJUST THE
19 SURVEY TO MEET THE INSTITUTION'S NEEDS AND TO MEET OTHER REQUIREMENTS, SUCH
20 AS THOSE PRESCRIBED IN TITLE IX. ADJUSTMENTS TO THE BASE SURVEY MAY NOT
21 REQUIRE ANY PERSONALLY IDENTIFYING INFORMATION.

22 E. ON OR BEFORE DECEMBER 1 OF EACH REPORTING YEAR, EACH TASK FORCE
23 ESTABLISHED PURSUANT TO THIS SECTION SHALL COMPILE THE INFORMATION FROM
24 EACH REPORT RECEIVED UNDER SECTION 15-1893.03 INTO A SINGLE REPORT AND
25 SHALL TRANSMIT THIS REPORT TO THE TASK FORCE ESTABLISHED UNDER SECTION
26 15-1893.01 FOR THE PURPOSES OF SECTION 15-1893.01, SUBSECTION E.

27 15-1893.03. Institutions; reports; posting

28 A. ON OR BEFORE THE DATE OF EACH REPORTING YEAR PRESCRIBED BY THE
29 RELEVANT TASK FORCE UNDER SECTION 15-1893.01, SUBSECTION C, PARAGRAPH 6 OR
30 15-1893.02, SUBSECTION C, PARAGRAPH 6, EACH INSTITUTION SHALL SUBMIT A
31 REPORT TO THE CHAIRPERSON OF ITS RESPECTIVE TASK FORCE ESTABLISHED PURSUANT
32 TO SECTION 15-1893.01 OR 15-1893.02 THAT INCLUDES ALL OF THE FOLLOWING

1 INFORMATION FOR THE ACADEMIC YEAR IN WHICH THE BASE SURVEY DEVELOPED OR
2 SELECTED UNDER SECTION 15-1893.01 OR 15-1893.02 IS ADMINISTERED:

3 1. RELEVANT DATA REGARDING INCIDENTS OF SEXUAL MISCONDUCT.

4 2. POLICIES IN EFFECT AT THE INSTITUTION PROHIBITING SEXUAL
5 MISCONDUCT AND POLICIES IN EFFECT AT THE INSTITUTION PROVIDING SUPPORTIVE
6 MEASURES.

7 3. RESOURCES BOTH AT THE INSTITUTION AND IN THE COMMUNITY FOR
8 STUDENTS WHO HAVE EXPERIENCED SEXUAL MISCONDUCT.

9 4. STEPS THE INSTITUTION HAS TAKEN TO MITIGATE RISKS OF SEXUAL
10 MISCONDUCT.

11 5. THE RESULTS AND FINDINGS OF THE BASE SURVEY ADMINISTERED UNDER
12 SECTION 15-1893.01 OR 15-1893.02.

13 6. ANY OTHER RELEVANT INFORMATION THE INSTITUTION WISHES TO PROVIDE.

14 B. A REPORT SUBMITTED UNDER SUBSECTION A OF THIS SECTION SHALL
15 PROVIDE INFORMATION IN AN ANONYMOUS MANNER THAT COMPLIES WITH STATE AND
16 FEDERAL PRIVACY LAWS.

17 C. THE INSTITUTION MUST POST THE REPORT REQUIRED UNDER SUBSECTION A
18 OF THIS SECTION ON THE INSTITUTION'S WEBSITE SO THAT IT IS PUBLICLY
19 AVAILABLE AND EASILY ACCESSIBLE TO STUDENTS AND EMPLOYEES.

20 D. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, AN INSTITUTION IS
21 NOT REQUIRED TO SUBMIT A REPORT UNDER THIS SECTION UNTIL THE FIRST
22 REPORTING YEAR DETERMINED PURSUANT TO SECTION 15-1893.01, SUBSECTION C,
23 PARAGRAPH 7 AND 15-1893.02, SUBSECTION C, PARAGRAPH 7."

24 Amend title to conform

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C: HN