

PROPOSED
SENATE AMENDMENTS TO S.B. 1626
(Reference to printed 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 A COMMUNITY COLLEGE AS DEFINED IN SECTION
11 15-1401.

12 3. "REPORTING PARTY" MEANS A STUDENT OR EMPLOYEE WHO REPORTS HAVING
13 EXPERIENCED AN INCIDENT OF SEXUAL MISCONDUCT TO THE INSTITUTION, WHETHER OR
14 NOT AN OFFICIAL COMPLAINT HAS BEEN FILED.

15 4. "RESPONDENT" MEANS AN INDIVIDUAL WHO HAS BEEN REPORTED TO BE THE
16 PERPETRATOR OF CONDUCT THAT COULD CONSTITUTE SEXUAL MISCONDUCT.

17 5. "SEXUAL MISCONDUCT" MEANS AN INCIDENT OF ANY OF THE FOLLOWING:

18 (a) SEXUAL HARASSMENT. FOR THE PURPOSES OF THIS SUBDIVISION,
19 "SEXUAL HARASSMENT" MEANS UNWELCOME CONDUCT OF A SEXUAL NATURE, INCLUDING
20 SEXUAL ADVANCES, SEXUAL SOLICITATION, REQUESTS FOR SEXUAL FAVORS, UNWELCOME
21 COMMENTS OR GESTURES, OR ANY OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL
22 NATURE.

1 (b) SEXUAL VIOLENCE. FOR THE PURPOSES OF THIS SUBDIVISION, "SEXUAL
2 VIOLENCE" MEANS A PHYSICAL SEXUAL ACT PERPETRATED AGAINST A PERSON'S WILL
3 OR FOR WHICH A PERSON IS INCAPABLE OF GIVING CONSENT.

4 (c) DOMESTIC VIOLENCE AS DEFINED IN SECTION 13-3601.

5 (d) STALKING AS PRESCRIBED IN SECTION 13-2923.

6 (e) HARASSMENT OR VIOLENCE BASED ON SEXUAL ORIENTATION OR GENDER
7 IDENTITY.

8 (f) ANY OTHER SEX-BASED HARASSMENT OR VIOLENCE.

9 6. "STUDENT" MEANS AN INDIVIDUAL WHO IS PARTICIPATING IN A
10 CREDIT-BEARING PROGRAM THROUGH AN INSTITUTION, WHETHER PART TIME OR FULL
11 TIME OR AS AN EXTENSION STUDENT, OR WHO HAS TAKEN A LEAVE OF ABSENCE OR
12 WITHDRAWN FROM THE INSTITUTION DUE TO BEING A VICTIM OF SEXUAL MISCONDUCT.

13 7. "TITLE IX" MEANS TITLE IX OF THE EDUCATION AMENDMENTS ACT OF
14 1972.

15 15-1893.01. Prevention of sexual misconduct on campus task
16 force; membership; duties; base survey

17 A. THE PREVENTION OF SEXUAL MISCONDUCT ON CAMPUS TASK FORCE IS
18 ESTABLISHED CONSISTING OF THE FOLLOWING MEMBERS:

19 1. A LICENSED CLINICAL SOCIAL WORKER WHO HAS EXPERIENCE IN ASSISTING
20 VICTIMS OF SEXUAL MISCONDUCT AND WHO IS APPOINTED BY THE PRESIDENT OF THE
21 SENATE.

22 2. A REPRESENTATIVE FROM AN ORGANIZATION THAT ADVOCATES FOR STUDENT
23 VICTIMS OF SEXUAL MISCONDUCT WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE
24 OF REPRESENTATIVES.

25 3. A MEMBER OF THE SENATE WHO IS APPOINTED BY THE PRESIDENT OF THE
26 SENATE.

27 4. A MEMBER OF THE HOUSE OF REPRESENTATIVES WHO IS APPOINTED BY THE
28 SPEAKER OF THE HOUSE OF REPRESENTATIVES.

1 5. A REPRESENTATIVE FROM THE ARIZONA BOARD OF REGENTS WHO IS
2 APPOINTED BY THE PRESIDENT OF THE SENATE.

3 6. AN EXECUTIVE REPRESENTATIVE FROM A UNIVERSITY UNDER THE
4 JURISDICTION OF THE ARIZONA BOARD OF REGENTS WHO IS APPOINTED BY THE
5 GOVERNOR.

6 7. AN EXECUTIVE REPRESENTATIVE FROM A COMMUNITY COLLEGE DISTRICT WHO
7 IS APPOINTED BY THE GOVERNOR.

8 8. A RESIDENT OF THIS STATE WHO IS A MEDICAL PROFESSIONAL FROM AN
9 INSTITUTION, WHO PROVIDES SERVICES TO VICTIMS OF SEXUAL MISCONDUCT AND WHO
10 IS APPOINTED BY THE GOVERNOR.

11 9. A TITLE IX COORDINATOR FROM AN INSTITUTION WHO IS APPOINTED BY
12 THE GOVERNOR.

13 10. A RESIDENT OF THIS STATE WHO IS EMPLOYED BY A PUBLIC OR PRIVATE
14 NONPROFIT ORGANIZATION THAT SERVES VICTIMS OF SEXUAL VIOLENCE AND WHO IS
15 APPOINTED BY THE GOVERNOR.

16 11. A RESIDENT OF THIS STATE WHO IS A RESEARCHER WITH EXPERIENCE IN
17 DEVELOPING AND DESIGNING SEXUAL MISCONDUCT CLIMATE SURVEYS AND WHO IS
18 APPOINTED BY THE GOVERNOR.

19 12. A RESIDENT OF THIS STATE WHO IS A RESEARCHER WITH EXPERIENCE IN
20 STATISTICS, DATA ANALYTICS OR ECONOMETRICS AND WHO IS APPOINTED BY THE
21 GOVERNOR.

22 13. A RESIDENT OF THIS STATE WHO IS A STUDENT ATTENDING A UNIVERSITY
23 UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS AND WHO IS APPOINTED
24 BY THE GOVERNOR.

25 14. A RESIDENT OF THIS STATE WHO IS A STUDENT OF A COMMUNITY COLLEGE
26 AS DEFINED IN SECTION 15-1401 AND WHO IS APPOINTED BY THE GOVERNOR.

27 15. A RESIDENT OF THIS STATE WHO IS A SURVIVOR OF SEXUAL ASSAULT AND
28 WHO IS APPOINTED BY THE GOVERNOR.

1 16. A REPRESENTATIVE OF A NONPROFIT LEGAL SERVICES ORGANIZATION THAT
2 PROVIDES LEGAL REPRESENTATION TO VICTIMS OF CAMPUS SEXUAL ASSAULT WHO IS
3 APPOINTED BY THE GOVERNOR.

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

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

7 1. REVIEW ANNUAL REPORTS SUBMITTED PURSUANT TO SECTION 15-1893.02.

8 2. REVIEW POLICIES THAT ARE IN PLACE AT INSTITUTIONS AND THAT
9 PROHIBIT SEXUAL MISCONDUCT AND PROVIDE SUPPORTIVE MEASURES AND RESOURCES
10 FOR VICTIMS OF SEXUAL MISCONDUCT.

11 3. RECOMMEND TO THE ARIZONA BOARD OF REGENTS AND INSTITUTIONS
12 ACTIONS TO PREVENT SEXUAL MISCONDUCT TO BE CONSIDERED BY INSTITUTIONS.

13 4. DEVELOP AND ANNUALLY UPDATE A BASE SURVEY TO BE USED BY
14 INSTITUTIONS AND PROVIDE THE INSTITUTIONS WITH RECOMMENDATIONS REGARDING
15 THE CONTENT, TIMING AND DISTRIBUTION OF THE SURVEY. THE BASE SURVEY MUST
16 BE ABLE TO BE DISTRIBUTED ONLINE. IN DEVELOPING THE BASE SURVEY, THE TASK
17 FORCE SHALL USE BEST PRACTICES FROM PEER-REVIEWED RESEARCH AND CONSULT WITH
18 INDIVIDUALS WITH EXPERTISE IN DEVELOPING SEXUAL MISCONDUCT CLIMATE SURVEYS.

19 D. THE BASE SURVEY DEVELOPED PURSUANT TO SUBSECTION C, PARAGRAPH 4
20 OF THIS SECTION MUST GATHER AT LEAST THE FOLLOWING INFORMATION:

21 1. THE NUMBER AND TYPE OF INCIDENTS, WHETHER OFFICIALLY REPORTED OR
22 UNREPORTED, OF SEXUAL MISCONDUCT AT THE INSTITUTION.

23 2. WHEN, IN GENERAL TERMS, INCIDENTS OF SEXUAL MISCONDUCT OCCURRED.
24 THE SURVEY MAY NOT REQUIRE THE DISCLOSURE OF A SPECIFIC DATE OR TIME OF AN
25 INCIDENT.

26 3. WHERE, IN GENERAL TERMS, INCIDENTS OF SEXUAL MISCONDUCT OCCURRED,
27 SUCH AS ON CAMPUS, OFF CAMPUS OR ONLINE. THE SURVEY MAY NOT REQUIRE THE
28 DISCLOSURE OF THE SPECIFIC LOCATION OF AN INCIDENT.

29 4. WHO, IN GENERAL TERMS, PERPETRATED THE SEXUAL MISCONDUCT, SUCH AS
30 A STUDENT OF THE INSTITUTION, A STUDENT OF ANOTHER INSTITUTION, AN
31 EMPLOYEE, A THIRD-PARTY VENDOR OR SOMEONE ELSE.

1 5. STUDENT AWARENESS OF THE INSTITUTION'S POLICIES AND PROCEDURES
2 RELATED TO SEXUAL MISCONDUCT.

3 6. IF AN INCIDENT OF SEXUAL MISCONDUCT WAS REPORTED TO THE
4 INSTITUTION, TO WHOM IT WAS REPORTED.

5 7. IF AN INCIDENT OF SEXUAL MISCONDUCT WAS NOT REPORTED TO THE
6 INSTITUTION, WHY THE INDIVIDUAL CHOSE NOT TO REPORT.

7 8. WHETHER AN INCIDENT OF SEXUAL MISCONDUCT WAS REPORTED TO A
8 TEACHER, FRIEND, PEER OR FAMILY MEMBER.

9 9. IF A STUDENT REPORTED AN INCIDENT OF SEXUAL MISCONDUCT, WHETHER
10 THE STUDENT WAS INFORMED OF OR REFERRED TO LOCAL, STATE, CAMPUS OR OTHER
11 RESOURCES OR VICTIM SUPPORT SERVICES, SUCH AS COUNSELING OR MEDICAL CARE.

12 10. DEMOGRAPHIC INFORMATION THAT COULD BE USED TO IDENTIFY GROUPS
13 THAT ARE AT RISK OF SEXUAL MISCONDUCT, INCLUDING RACE, NATIONALITY, SEX,
14 SEXUAL ORIENTATION, DISABILITY STATUS OR IMMIGRATION STATUS.

15 11. WHETHER A STUDENT DECIDED TO WITHDRAW, TRANSFER OR TAKE A LEAVE
16 OF ABSENCE FROM THE INSTITUTION, OR CONSIDERED DOING SO, AS A RESULT OF
17 BEING A REPORTING PARTY.

18 12. WHETHER A STUDENT DECIDED TO WITHDRAW, TRANSFER OR TAKE A LEAVE
19 OF ABSENCE FROM THE INSTITUTION, OR CONSIDERED DOING SO, AS A RESULT OF
20 BEING A RESPONDENT.

21 13. WHETHER A STUDENT FACED ANY FINANCIAL, PHYSICAL OR EMOTIONAL
22 IMPACTS IN THE LONG TERM AS A RESULT OF BEING A REPORTING PARTY.

23 14. COMMUNITY ATTITUDES TOWARD SEXUAL MISCONDUCT, INCLUDING THE
24 WILLINGNESS OF BYSTANDERS TO INTERVENE.

25 E. THE TASK FORCE SHALL DISTRIBUTE THE BASE SURVEY DEVELOPED
26 PURSUANT TO SUBSECTION C, PARAGRAPH 4 OF THIS SECTION TO THE INSTITUTIONS
27 FOR USE BY THE INSTITUTIONS. EACH INSTITUTION:

28 1. SHALL ADMINISTER THE BASE SURVEY OPENLY TO ALL STUDENTS ON AN
29 ANNUAL BASIS.

1 2. SHALL NOTIFY ALL STUDENTS OF AND INVITE THEM TO PARTICIPATE IN
2 THE BASE SURVEY.

3 3. SHALL DISTRIBUTE THE BASE SURVEY ONLINE AND PROVIDE REASONABLE
4 ACCOMMODATIONS TO INDIVIDUALS WITH DISABILITIES TO TAKE THE SURVEY.

5 4. MAY ADD ADDITIONAL QUESTIONS TO THE BASE SURVEY.

6 5. MAY ADJUST THE BASE SURVEY TO MEET THE INSTITUTION'S NEEDS AND
7 MEET OTHER REQUIREMENTS, SUCH AS THOSE PRESCRIBED IN TITLE IX.

8 6. MAY NOT FORCE ANY STUDENT TO PARTICIPATE IN THE SURVEY.

9 15-1893.02. Annual report; posting

10 A. ON OR BEFORE NOVEMBER 1 OF EACH YEAR, EACH INSTITUTION SHALL
11 SUBMIT A REPORT TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF
12 REPRESENTATIVES AND THE CHAIRPERSON OF THE PREVENTION OF SEXUAL MISCONDUCT
13 ON CAMPUS TASK FORCE ESTABLISHED BY SECTION 15-1893.01, AND SHALL SUBMIT A
14 COPY OF THE REPORT TO THE SECRETARY OF STATE, THAT INCLUDES ALL OF THE
15 FOLLOWING INFORMATION FOR THAT INSTITUTION FOR THE PRECEDING SCHOOL YEAR:

16 1. THE TOTAL NUMBER OF ALLEGATIONS OF SEXUAL MISCONDUCT REPORTED TO
17 THE INSTITUTION'S TITLE IX COORDINATOR BY A STUDENT OR EMPLOYEE OF THE
18 INSTITUTION AGAINST ANOTHER STUDENT OR EMPLOYEE OF THE INSTITUTION.

19 2. THE NUMBER OF STUDENTS AND EMPLOYEES FOUND TO BE RESPONSIBLE FOR
20 VIOLATING THE INSTITUTION'S POLICIES PROHIBITING SEXUAL MISCONDUCT AND THE
21 NUMBER OF STUDENTS AND EMPLOYEES WHO FACED DISCIPLINARY ACTION.

22 3. THE NUMBER OF STUDENTS AND EMPLOYEES FOUND TO BE NOT RESPONSIBLE
23 FOR REPORTED SEXUAL MISCONDUCT.

24 4. THE NUMBER OF DISCIPLINARY ACTIONS IMPOSED BY THE INSTITUTION AS
25 A RESULT OF A FINDING OF RESPONSIBILITY FOR REPORTED SEXUAL
26 MISCONDUCT. THE REPORT SHALL PROVIDE INFORMATION IN AN ANONYMOUS MANNER
27 THAT COMPLIES WITH STATE AND FEDERAL PRIVACY LAWS.

28 5. THE NUMBER OF LAW ENFORCEMENT INVESTIGATIONS INITIATED IN
29 RESPONSE TO REPORTS OF SEXUAL MISCONDUCT BROUGHT FORWARD BY STUDENTS AND
30 EMPLOYEES OF THE INSTITUTION AGAINST ANOTHER STUDENT OR EMPLOYEE OF THE
31 INSTITUTION, IF KNOWN.

1 6. THE NUMBER OF STUDENTS WHO REPORTED SEXUAL MISCONDUCT AND WHO
2 TOOK A LEAVE OF ABSENCE, TRANSFERRED, WITHDREW OR WERE EXPELLED FROM THE
3 INSTITUTION.

4 7. STEPS THE INSTITUTION HAS TAKEN TO MITIGATE RISKS OF SEXUAL
5 MISCONDUCT, PROVIDE RESOURCES TO AFFECTED STUDENTS AND COMMUNICATE WITH
6 STUDENTS.

7 8. THE RESULTS AND FINDINGS OF THE BASE SURVEY ADMINISTERED PURSUANT
8 TO SECTION 15-1893.01, SUBSECTION E.

9 9. ANY OTHER RELEVANT INFORMATION THE INSTITUTION WISHES TO PROVIDE.

10 B. THE INSTITUTION SHALL POST THE REPORT REQUIRED BY SUBSECTION A OF
11 THIS SECTION ON THE INSTITUTION'S WEBSITE SO THAT IT IS PUBLICLY AVAILABLE
12 AND EASILY ACCESSIBLE TO STUDENTS AND EMPLOYEES."

13 Amend title to conform

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C: HN