

§12982. Adoption of policies and related procedures

1. Adoption of policy required. No later than July 1, 2023, each institution of higher education shall adopt a policy and related procedures on sexual violence, intimate partner violence and stalking, referred to in this section as "the policy," in accordance with this section and consistent with applicable state and federal law. The policy must be publicly available on each institution's campus website and in student handbooks. Notices of where the full policy is available and outreach for victims of sexual violence, intimate partner violence and stalking must be posted at campus locations where students regularly congregate. The institution shall update the policy on the institution's website annually. [PL 2021, c. 733, §2 (NEW).]

2. Development of policy. The policy must reflect the diverse needs of all students and employees and be culturally competent. An institution may consider input from various internal and external entities, including, but not limited to, the institution's Title IX coordinator, a local sexual assault support center, a domestic violence resource center, administrators, personnel affiliated with on-campus and off-campus health care centers, confidential resource advisors, residence life staff, students, local law enforcement agencies and the district attorney having jurisdiction in the municipality where the institution of higher education's primary campus is located. [PL 2021, c. 733, §2 (NEW).]

3. Content of policy. The policy must include, but is not limited to:

A. Procedures by which students and employees at the institution may report or disclose alleged incidents of sexual violence, intimate partner violence or stalking regardless of where the alleged incident occurred; [PL 2021, c. 733, §2 (NEW).]

B. Information on where a reporting party may receive immediate emergency assistance following an alleged incident of sexual violence, intimate partner violence or stalking including, but not limited to:

(1) The name and location of the nearest medical facility where a reporting party may request that a forensic examination be administered by a licensed health care practitioner that has received sexual assault forensic examiner training and education provided by the sexual assault forensic examiner program, including information on transportation options and information on reimbursement for travel costs, if any;

(2) The contact information for a local sexual assault support center and a domestic violence resource center and a description of the services provided by the centers;

(3) The telephone number and website for a confidential statewide sexual assault helpline and a national 24-hour hotline that provides information on sexual assault; and

(4) Information on any programs that may financially assist a reporting party with the cost of emergency medical assistance, including the Victims' Compensation Fund pursuant to Title 5, chapter 316-A; [PL 2021, c. 733, §2 (NEW).]

C. Descriptions of the types of and contact information for counseling, health, safety, academic and other support services available within the local community or region or through a local sexual assault support center or a domestic violence resource center, including but not limited to the names of and contact information for organizations that support responding parties accused of sexual violence, intimate partner violence or stalking; the name of and contact information for a confidential resource advisor under section 12986 and a description of the role of and services provided by the confidential resource advisor; and the name of and contact information for the institution's Title IX coordinator; [PL 2021, c. 733, §2 (NEW).]

D. The rights of students and employees to:

- (1) Notify or decline to notify a law enforcement agency, including campus, local or state police, of an alleged incident of sexual violence, intimate partner violence or stalking;
 - (2) Receive assistance from campus authorities in making any notification under subparagraph (1); and
 - (3) Obtain a court-issued or institution-issued protection order against a responding party involved with the alleged incident of sexual violence, intimate partner violence or stalking; [PL 2021, c. 733, §2 (NEW).]
- E. The process for requesting supportive measures reasonably available from the institution, including, but not limited to, options for changing academic, living, campus transportation or working arrangements or taking a leave of absence in response to an alleged incident of sexual violence, intimate partner violence or stalking, how to request those changes and the process to have any such measures reviewed; [PL 2021, c. 733, §2 (NEW).]
- F. The contact information for the closest local, state and federal law enforcement agencies with jurisdiction over matters involving sexual violence, intimate partner violence or stalking, procedures for students to notify the institution that a protection order has been issued under state or federal law and the institution's responsibilities upon receipt of such notice; [PL 2021, c. 733, §2 (NEW).]
- G. A summary of the institution's procedures for informal resolution, investigating, adjudicating and resolving sexual violence, intimate partner violence or stalking complaints against students, regardless of where the alleged offense occurred, including an explanation of all procedures that must be followed to obtain investigatory reports and gather evidence, and potential sanctions or penalties that may be imposed. The policy must provide that:
- (1) The procedures be uniformly applied, to the extent practicable, for all proceedings relating to any claims of sexual violence, intimate partner violence or stalking;
 - (2) An investigation, including any hearings and resulting disciplinary proceedings, be conducted by an individual who receives not less than annual training on issues relating to sexual violence, intimate partner violence or stalking, investigatory procedures and hearing procedures to protect the safety and rights of students and promote accountability, objectivity, impartiality and a trauma-informed response;
 - (3) The reporting party and the responding party be provided with a copy of the policy regarding the submission and consideration of evidence that may be used during a disciplinary proceeding;
 - (4) The reporting party and the responding party be informed in writing of the results of a disciplinary proceeding not later than 7 business days after a final determination of a complaint, not including time for appeal, if any, unless good cause for additional time is shown. The reporting party and responding party must be informed of the process, if any, for appealing the decision;
 - (5) The institution may not publicly disclose the identity of the reporting party or the responding party, except as necessary to carry out a disciplinary proceeding or as otherwise permitted under state or federal law; and
 - (6) The reporting party and the responding party must be informed that the institution's disciplinary proceedings may not serve as a substitute for the criminal justice process; and [PL 2021, c. 733, §2 (NEW).]
- H. The range of sanctions or penalties the institution may impose on students and employees found responsible for a violation of the applicable institutional policy prohibiting sexual violence, intimate partner violence or stalking. [PL 2021, c. 733, §2 (NEW).]

[PL 2021, c. 733, §2 (NEW).]

4. Adoption of and amendments to the policy. When adopting or amending a policy, an institution shall provide an opportunity for comment and a reasonable length of time in which comments will be accepted. The institution shall provide the draft policy or proposed substantive amendments by electronic or regular mail to internal and external entities, with instructions on how to comment and the reasonable length of time in which comments will be accepted. Once an institution has adopted a policy, the opportunity for review and comment by internal and external entities applies only to substantive amendments in the policy.

[PL 2021, c. 733, §2 (NEW).]

5. Confidentiality. The identity of a reporting party and a responding party and all information relating to an incident of sexual violence, intimate partner violence or stalking are confidential and may not be disclosed by the institution except as necessary to carry out a disciplinary process or as otherwise permitted under state or federal law.

[PL 2021, c. 733, §2 (NEW).]

SECTION HISTORY

PL 2021, c. 733, §2 (NEW).

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