To amend the Higher Education Act of 1965 to increase transparency and reporting on campus sexual violence, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SPEIER introduced the following bill; which was referred to the Committee on

A BILL

To amend the Higher Education Act of 1965 to increase transparency and reporting on 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 “Hold Accountable and
5 Lend Transparency on Campus Sexual Violence Act” or
6 the “HALT Campus Sexual Violence Act”.

VerDate Nov 24 2008 13:29 Jul 30, 2014 Jkt 000000 PO 00000 Frm 00001 Fmt 6652 Sfmt 6201 C:\USERS\ASHPAK\APPDATA\ROAMING\SOFTQUAD\XMET AL\7.0\GEN\C\SPEIER~1.XMIEJ073014073014.111.xml (570102122) July 30, 2014 (1:29 p.m.)
SEC. 2. DISCLOSURE OF ENFORCEMENT ACTIONS.

(a) DISCLOSURE OF PROGRAM REVIEWS AND OPEN INVESTIGATIONS.—The Department of Education Organization Act is amended—

(1) in section 203(b) (20 U.S.C. 3413(b)) by adding at the end the following:

“(3) The Assistant Secretary for Civil Rights shall make publicly available on the Department’s website, a list of institutions under investigation, and a copy of program reviews and resolution agreements entered into with the Secretary or Attorney General, under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) or title IV of the Civil Rights Act of 1964 (42 U.S.C. 2000c et seq.).

“(4) Not later than 30 days after the termination of the resolution agreements described in paragraph (3), the Assistant Secretary for Civil Rights shall transmit to the Secretary, the President, and the Congress, and make publicly available on the Department’s website, the letter terminating the Department of Education’s monitoring of such agreements.”; and

(2) in section 205 (20 U.S.C. 3415) by adding at the end the following:
“(c) The Assistant Secretary for Postsecondary Education shall make publicly available on the Department’s website, a list of institutions under investigation, and a copy of the program reviews, fines levied, and resolution agreements entered into with the Secretary or Attorney General, under subsection 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)).”.

(b) INSPECTOR GENERAL.—No later than January 1, 2016, the Inspector General of the Department of Education shall submit to Congress and make publicly available, a report reviewing compliance of sections (3) and (4) of section 203(b) and section 205(c) of the Department of Education Organization Act (20 U.S.C. 3413(b); 2415), as added by subsection (a) of this section.

SEC. 3. AUTHORITY TO LEVY FINES.

Section 203(c) of the Department of Education Organization Act is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”;

(3) by adding at the end the following:

“(5) to impose a civil penalty to be paid by institution of higher education that has violated a law under the jurisdiction of the Office for Civil Rights,
the amount of which shall be determined by the
gravity of the violation, and the imposition of which
shall not preclude other remedies available under
Federal law.”.

SEC. 4. CLIMATE SURVEYS.

Paragraph (1) of section 485(f) of the Higher Edu-
cation Act of 1965 (20 U.S.C. 1092(f)) is further amend-
ed by adding at the end the following:

“(K) Beginning October 1, 2016, statistics
based upon a sexual violence climate survey
classified not later than April 1, 2015, and
every year thereafter—

“(i) which is developed and approved
by the Secretary, in consultation with the
Director of the Centers for Disease Control
of the Department of Health and Human
Services and the Attorney General, except
that the National Intimate Partner and
Sexual Violence Survey developed by the
National Center for Injury Prevention and
Control of the Centers for Disease Control
and Prevention may be used for purposes
of this subparagraph until the sexual vio-

ence climate survey has been developed;

and
“(ii) which assesses the occurrence on campus or in a noncampus building or property during the preceding calendar year for which data is available of—

“(I) instances of domestic violence, dating violence, sexual assault, and stalking;

“(II) indicators of discrimination, and positive and negative trends for intimate relationships regardless of gender or sexual orientation;

“(III) the effectiveness of campus policies designed to improve relationships between students regardless of gender or sexual orientation;

“(IV) the effectiveness of current processes for complaints on and investigations into sex-based, race-based, national origin-based, sexual-orientation based, gender-identity based, and disability based harassment, assault, discrimination, domestic violence, dating violence, and stalking;
“(V) perpetration of domestic violence, dating violence, sexual assault, and stalking; and

“(VI) any other issues relating to sex-based, race-based, national origin-based, sexual-orientation based, gender-identity based, and disability-based discrimination, harassment, assault, domestic violence, dating violence, and assault, as appropriate.”.

SEC. 5. CREATION OF A PRIVATE RIGHT OF ACTION.

Section 485(f)(14) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(14)) is amended to read as follows:

“(14)(A) Subject to subparagraph (C), an aggrieved individual may allege a violation of this subsection in a judicial proceeding. A court may award an aggrieved individual all appropriate relief, including equitable relief, compensatory damages, cost of the action, and remedial action.

“(B) This paragraph shall not be construed to preclude an aggrieved individual from obtaining other remedies under any other provision of law or to require such individual to exhaust any adminis-
trative complaint process or notice-of-claim requirement before seeking redress under this paragraph.

“(C) For actions brought pursuant to this paragraph, the statute of limitations period shall be determined in accordance with section 1658(a) of title 28, United States Code. The tolling of any such limitations period shall be determined in accordance with section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) in the forum State.”.

SEC. 6. INCREASE OF CLERY ACT PENALTIES.


(1) by striking “in the same amount and”; and

(2) by inserting before the period at the end the following: “, expect that such section shall be applied by substituting ‘$100,000’ for ‘$25,000’ ”.

SEC. 7. NOTIFICATION OF POLICIES AIMED AT PREVENTION OF SEXUAL VIOLENCE.

(a) IN GENERAL.—Paragraph (8) of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is amended by adding at end the following:

“(D) The policy described in subparagraph (A) shall be—
“(i) using simple and understandable language and clear formatting; and

“(ii) made available and posted on the institution’s public website, and in conspicuous places in and around student housing, dormitories, and academic buildings where students are likely to see it.

“(E) The policy described in subparagraph (A) shall be provided, on an annual basis, to each student group, student team, or student organization which is part of such institution, is recognized by the institution, or permitted by the institution to use its name or facilities or is known by the institution to act as an unaffiliated student group, student team, or student organization, and each institution of higher education described in subparagraph (A) shall ensure that each such group, team, or organization distributes a copy of such policy to each of its members, plebes, pledges, or applicants for membership.

“(F) An institution’s compliance with subparagraph (E) with respect to an unaffiliated student group, student team, or student organization shall not constitute evidence of the insti-
tution’s recognition or endorsement of such un-
affiliated group, team, or organization.’’.

(b) COMPTROLLER REVIEW.—Not later than August 1, 2016, the Comptroller General of the United States shall report to the Committee on Education and the Work-
force of the House of Representatives and the Committee on Health, Education, and Labor of the Senate on—

(1) the implementation of section 485(f)(8) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(8)), as amended by subsection (a) of this section, including—

(A) the extent to which institutions of higher education have developed the statement of policy required under subparagraph (A) of such section 485(f)(8) (20 U.S.C. 1092(f)(8));

(B) how institutions of higher education are—

(i) distributing such statement of policy; and

(ii) determining whether the policy is received and understood by students; and

(C) the Secretary of Education’s oversight of the compliance of institutions of higher edu-
cation with respect to the statement of policy requirements under such section 485(f)(8) (20
U.S.C. 1092(f)(8)), including efforts, in consultation with the Attorney General, to provide technical assistance to institutions of higher education in complying with such requirements; and

(2) any changes in the numbers of sex offenses, sexual assaults, domestic violence, dating violence, sexual assault or stalking incidents reported to campus security authorities or local police agencies as indicated by the annual security reports distributed under paragraph (1) of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)).

SEC. 8. CAMPUS SEXUAL VIOLENCE TASK FORCE.

(a) CAMPUS SEXUAL VIOLENCE TASK FORCE.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education and the Attorney General shall create a joint interagency task force to be known as the “Campus Sexual Violence Task Force” that shall—

(1) provide pertinent information to the Secretary of Education, Attorney General, Congress, and the public with respect to campus sexual violence prevention, investigations, and responses, including the creation of a consistent, public complaint processes for violations of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and
section 485(f) of the Higher Education Act of 1965
(20 U.S.C. 1092(f) et. seq.);

(2) provide guidance to institutions of higher education for establishing sexual assault prevention and response teams;

(3) develop recommendations for institutions of higher education on providing survivor resources, including healthcare, rape kits, sexual assault nurse examiners, and confidential advocates on campus;

(4) develop recommendations for best practices for responses and prevention with respect to sexual violence for educational institutions, taking into consideration an institution’s size and resources;

(5) solicit input from survivors, advocates, institutions of higher education, and other public stakeholders;

(6) review the Department of Education’s authority under section 902 of the Education Amendments of 1972 (20 U.S.C. 1682) to levy intermediate fines for noncompliance with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the advisability of additional remedies for such noncompliance, in addition to the remedies already available under Federal law; and

(7) create a plan described in subsection (e).
(b) PERSONNEL DETAILS.—

(1) AUTHORITY TO DETAIL.—Notwithstanding any other provision of law, the head of an element of any Federal agency is that is funded under the Violence Against Women Act of 1994 (42 U.S.C. 13925 et seq.) may detail an officer or employee of such element to the Campus Sexual Violence Task Force or to the Secretary of Education to assist the Task Force with the duties described in subsection (a), as jointly agreed to by the head of such element and the Task Force.

(2) BASIS FOR DETAIL.—A personnel detail made under paragraph (1) may be made—

(A) for a period of not more than 3 years; and

(B) on a reimbursable or nonreimbursable basis.

(c) ADDITIONAL PLAN.—Not later than 270 days after the date of enactment of this Act, the Campus Sexual Violence Task Force shall submit to Congress a plan for recruiting, retaining, and training a highly-qualified workforce employed by the Department of Education to carry out investigation of complaints alleging a violation of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) or section 485(f) of the Higher Edu-
cation Act of 1965 (20 U.S.C. 1092(f)), and enforcement of such title IX (20 U.S.C. 1681 et seq.) or such section 485(f) (20 U.S.C. 1092(f)), with respect to campus sexual violence. Such plan shall include—

(1) an assessment of the capabilities of the current workforce carrying out such investigation and enforcement;

(2) an examination of issues of recruiting, retention, and the professional development of such workforce, including the possibility of providing retention bonuses or other forms of compensation for the purpose of ensuring the Department of Education has the capacity, in both personnel and skills, needed to properly perform its mission and provide adequate oversight of educational institutions;

(3) an assessment of the benefits of outreach and training with both law enforcement agencies and institutions of higher education with respect to such workforce;

(4) developing best practices for interviewing and investigating sexual violence, including guidance on evidentiary standards for administrative responses;

(5) an examination of best practices for making institutions of higher education aware of the most
effective campus sexual violence prevention, investigation, and response practices and identifying areas where more research should be conducted; and 

(6) strategies for addressing such other matters as the Secretary of Education considers necessary to campus sexual violence prevention, investigation, and responses.

(d) Annual Report.—The Campus Sexual Violence Task Force shall report to Congress on an annual basis, and make publicly available, a report of its activities and any update of the plan required under subsection (e), 20 U.S.C. 1092(f)), including the number of complaints received regarding sexual violence (including violence on the basis of sexual orientation and gender identity), the number of open investigations, the average time to complete an investigation, the number of investigations initiated based on complaints, and the number of investigations initiated by the Department of Education.

(e) Authorization of Appropriations.—

(1) Title IX of the Education Amendments of 1972.—There are authorized to be appropriated for training, hiring, and retaining a workforce exclusively dedicated to investigation and enforcement of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) provisions with re-
spect to sexual violence, for fiscal year 2015 and
each of the 4 succeeding fiscal years, an amount
that is equal to the sum of the amounts appro-
piated for such purpose for fiscal year 2014 plus
$5,000,000.

(2) SECTION 485(F) OF THE HIGHER EDU-
CATION ACT OF 1965.—There are authorized to be
appropriated for training, hiring, and retaining a
workforce exclusively dedicated to investigation and
enforcement of section 485(f) of the Higher Edu-
cation Act of 1965 (20 U.S.C. 1092(f)), for fiscal
year 2015 and each of the 4 succeeding fiscal years,
an amount that is equal to the sum of the amounts
appropriated for such purpose for fiscal year 2014
plus $5,000,000.

(f) DEFINITIONS.—In this section:

(1) The term “educational institution” includes
an institution of higher education, an elementary
school, or a secondary school.

(2) The terms “elementary school” and “sec-
ondary school” have the meanings given the

(3) The term “institution of higher education”
has the meaning given the term in section 102 of the
(4) The term “sexual assault” means offense that meets the definition of rape, fondling, incest, or statutory rape under—

(A) the Uniform Crime Report of the Federal Bureau of Investigation; and

(B) the proposed regulations published by the Department of Education in the Federal Register on June 20, 2014 for Appendix A of subpart D of part 668, Code of Federal regulations (79 Fed. Reg. 35461).

SEC. 9. CONFORMING AMENDMENTS.

Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is amended—

(1) in paragraph (1)(F)(i)(II), by striking “sex offenses, forcible or nonforcible” and inserting “sexual assault”; and

(2) by amending paragraph (6)(A)(v) to read as follows:

“(v) The term ‘sexual assault’ has the meaning of an offense that meets the definition of rape, fondling, incest, or statutory rape under—

“(I) the Uniform Crime Report of the Federal Bureau of Investigation; and

“(II) the proposed regulations published by the Department of Education in the Federal Register on June 20, 2014 for Appendix A of subpart D of part 668, Code of Federal regulations (79 Fed. Reg. 35461).”