

114TH CONGRESS
1ST SESSION

H. R. 2680

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

JUNE 4, 2015

Ms. SPEIER (for herself, Mr. BRENDAN F. BOYLE of Pennsylvania, Mrs. BUSTOS, Mr. CARTWRIGHT, Ms. CASTOR of Florida, Mr. COSTA, Ms. JUDY CHU of California, Mr. DELANEY, Mr. DESAULNIER, Mrs. DINGELL, Ms. FRANKEL of Florida, Mr. GRIJALVA, Mr. HONDA, Ms. JACKSON LEE, Ms. KAPTUR, Ms. KUSTER, Mrs. LAWRENCE, Ms. LEE, Mr. MEEHAN, Ms. MOORE, Mrs. NAPOLITANO, Ms. NORTON, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. SWALWELL of California, Mr. VAN HOLLEN, Ms. WILSON of Florida, and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hold Accountable and
3 Lend Transparency on Campus Sexual Violence Act” or
4 the “HALT Campus Sexual Violence Act”.

5 **SEC. 2. DISCLOSURE OF ENFORCEMENT ACTIONS.**

6 (a) DISCLOSURE OF PROGRAM REVIEWS AND OPEN
7 INVESTIGATIONS.—The Department of Education Organi-
8 zation Act is amended—

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

11 “(3) The Assistant Secretary for Civil Rights shall
12 make publicly available on the Department’s website a list
13 of institutions under investigation, the sanctions (if any)
14 or findings issued pursuant to such investigations, and a
15 copy of program reviews and resolution agreements en-
16 tered into with the Secretary or Attorney General under
17 title IX of the Education Amendments of 1972 (20 U.S.C.
18 1681 et seq.) or title IV of the Civil Rights Act of 1964
19 (42 U.S.C. 2000c et seq.).

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

1 (2) in section 205 (20 U.S.C. 3415), by adding
2 at the end the following new subsection:

3 “(c) The Assistant Secretary for Postsecondary Edu-
4 cation shall make publicly available on the Department’s
5 website a list of institutions under investigation, the sanc-
6 tions (if any) or findings issued pursuant to such inves-
7 tigations, and a copy of program reviews and resolution
8 agreements entered into with the Secretary or Attorney
9 General under subsection 485(f) of the Higher Education
10 Act of 1965 (20 U.S.C. 1092(f)).”.

11 (b) INSPECTOR GENERAL.—Not later than January
12 1, 2016, the Inspector General of the Department of Edu-
13 cation shall submit to Congress and make publicly avail-
14 able a report reviewing compliance with paragraphs (3)
15 and (4) of section 203(b) of the Department of Education
16 Organization Act (20 U.S.C. 3413(b)) and section 205(c)
17 of such Act (20 U.S.C. 3415), as added by subsection (a).

18 **SEC. 3. AUTHORITY TO LEVY FINES.**

19 Section 203(c) of the Department of Education Orga-
20 nization Act (20 U.S.C. 3413) is amended—

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

22 (3);

23 (2) by striking the period at the end of para-

24 graph (4) and inserting “; and”; and

1 (3) by adding at the end the following new
2 paragraph:

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

10 **SEC. 4. CLIMATE SURVEYS.**

11 Paragraph (1) of section 485(f) of the Higher Edu-
12 cation Act of 1965 (20 U.S.C. 1092(f)) is amended by
13 adding at the end the following new subparagraph:

14 “(K) Beginning October 1, 2017, statistics
15 based upon a sexual violence climate survey con-
16 ducted not later than April 1, 2016, and every 2
17 years thereafter—

18 “(i) which is developed and approved by
19 the Secretary, in consultation with the Director
20 of the Centers for Disease Control of the De-
21 partment of Health and Human Services and
22 the Attorney General, except that the National
23 Intimate Partner and Sexual Violence Survey
24 developed by the National Center for Injury
25 Prevention and Control of the Centers for Dis-

1 ease Control and Prevention may be used for
2 purposes of this subparagraph until the sexual
3 violence climate survey has been developed; and

4 “(ii) which assesses the occurrence on cam-
5 pus or in a noncampus building or property
6 during the preceding calendar year for which
7 data is available of—

8 “(I) instances of domestic violence,
9 dating violence, sexual assault, and stalk-
10 ing;

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

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

19 “(IV) the effectiveness of current
20 processes for complaints on and investiga-
21 tions into sex-based, race-based, national
22 origin-based, sexual-orientation based, gen-
23 der-identity based, and disability based
24 harassment, assault, discrimination, do-

1 mestic violence, dating violence, and stalk-
2 ing;

3 “(V) perpetration of domestic vio-
4 lence, dating violence, sexual assault, and
5 stalking; and

6 “(VI) any other issues relating to sex-
7 based, race-based, national origin-based,
8 sexual-orientation based, gender-identity
9 based, and disability-based discrimination,
10 harassment, assault, domestic violence,
11 dating violence, and assault, as appro-
12 priate.”.

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

14 Section 485(f)(14) of the Higher Education Act of
15 1965 (20 U.S.C. 1092(f)(14)) is amended to read as fol-
16 lows:

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

23 “(B) This paragraph shall not be construed to pre-
24 clude an aggrieved individual from obtaining other rem-
25 edies under any other provision of law or to require such

1 individual to exhaust any administrative complaint process
2 or notice-of-claim requirement before seeking redress
3 under this paragraph.

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

11 **SEC. 6. INCREASE OF CLERY ACT PENALTIES.**

12 Section 485(f)(13) of the Higher Education Act of
13 1965 (20 U.S.C. 1092(f)(13)) is amended—

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

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

18 **SEC. 7. NOTIFICATION OF POLICIES AIMED AT PREVEN-**
19 **TION OF SEXUAL VIOLENCE.**

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

24 “(D) The statement of policy described in subpara-
25 graph (A) shall be—

1 “(i) written using simple and understandable
2 language and clear formatting; and

3 “(ii) made available and posted on the institu-
4 tion’s public website, and in conspicuous places, in-
5 cluding places in and around student housing, resi-
6 dence halls, student health centers, student recre-
7 ation centers, the main student center on campus,
8 and academic buildings where students congregate
9 and are likely to see it.

10 “(E) The statement of policy described in subpara-
11 graph (A) shall be provided, on an annual basis, to each
12 student group, student team, or student organization
13 which is part of such institution, is recognized by the insti-
14 tution, or permitted by the institution to use its name or
15 facilities or is known by the institution to act as an unaf-
16 filiated student group, student team, or student organiza-
17 tion, and each institution of higher education described in
18 subparagraph (A) shall ensure that each such group,
19 team, or organization distributes a copy of such policy to
20 each of its members as well as each of its applicants for
21 membership, including plebes, pledges, or similar appli-
22 cants.

23 “(F) An institution’s compliance with subparagraph
24 (E) with respect to an unaffiliated student group, student
25 team, or student organization shall not constitute evidence

1 of the institution’s recognition or endorsement of such un-
2 affiliated group, team, or organization.”.

3 (b) COMPTROLLER GENERAL REVIEW.—Not later
4 than August 1, 2017, the Comptroller General shall report
5 to the Committee on Education and the Workforce of the
6 House of Representatives and the Committee on Health,
7 Education, and Labor of the Senate on—

8 (1) the implementation of section 485(f)(8) of
9 the Higher Education Act of 1965 (20 U.S.C.
10 1092(f)(8)), as amended by subsection (a), includ-
11 ing—

12 (A) the extent to which institutions of
13 higher education have developed the statement
14 of policy required under subparagraph (A) of
15 such section;

16 (B) how institutions of higher education
17 are—

18 (i) distributing such statement of pol-
19 icy; and

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

22 (C) the Secretary of Education’s oversight
23 of the compliance of institutions of higher edu-
24 cation with respect to the statement of policy
25 requirements under such section, including ef-

1 forts, in consultation with the Attorney General,
2 to provide technical assistance to institutions of
3 higher education in complying with such re-
4 quirements; and

5 (2) any changes in the numbers of dating vio-
6 lence, domestic violence, sexual assault, or stalking
7 incidents reported to campus security authorities or
8 local police agencies as indicated by the annual secu-
9 rity reports distributed under of section 485(f)(1) of
10 the Higher Education Act of 1965 (20 U.S.C.
11 1092(f)(1)).

12 **SEC. 8. CAMPUS SEXUAL VIOLENCE TASK FORCE.**

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

18 (1) provide pertinent information to the Sec-
19 retary of Education, Attorney General, Congress,
20 and the public with respect to campus sexual vio-
21 lence prevention, investigations, and responses, in-
22 cluding the creation of a consistent, public complaint
23 processes for violations of title IX of the Education
24 Amendments of 1972 (20 U.S.C. 1681 et seq.) and

1 section 485(f) of the Higher Education Act of 1965
2 (20 U.S.C. 1092(f));

3 (2) provide recommendations to institutions of
4 higher education for establishing sexual assault pre-
5 vention and response teams;

6 (3) develop recommendations for institutions of
7 higher education on providing survivor resources, in-
8 cluding healthcare, rape kits, sexual assault nurse
9 examiners, and access to confidential advocacy and
10 support services;

11 (4) develop recommendations for best practices
12 for responses and prevention with respect to sexual
13 violence for educational institutions, taking into con-
14 sideration an institution's size and resources;

15 (5) solicit input from survivors, advocates from
16 national, State, and local anti-sexual violence advo-
17 cacy organizations, institutions of higher education,
18 and other public stakeholders;

19 (6) assess the Department of Education's abil-
20 ity under section 902 of the Education Amendments
21 of 1972 (20 U.S.C. 1682) to levy intermediate fines
22 for noncompliance with title IX of the Education
23 Amendments of 1972 (20 U.S.C. 1681 et seq.) and
24 the advisability of additional remedies for such non-

1 compliance, in addition to the remedies already
2 available under Federal law; and

3 (7) create a plan described in subsection (c).

4 (b) PERSONNEL DETAILS.—

5 (1) AUTHORITY TO DETAIL.—Notwithstanding
6 any other provision of law, the head of an element
7 of any Federal agency is that is funded under the
8 Violence Against Women Act of 1994 (42 U.S.C.
9 13925 et seq.) may detail an officer or employee of
10 such element to the Campus Sexual Violence Task
11 Force or to the Secretary of Education to assist the
12 Task Force with the duties described in subsection
13 (a), as jointly agreed to by the head of such element
14 and the Task Force.

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

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

18 and

19 (B) on a reimbursable or nonreimbursable
20 basis.

21 (c) ADDITIONAL PLAN.—Not later than 270 days
22 after the date of enactment of this Act, the Campus Sex-
23 ual Violence Task Force shall submit to Congress a plan
24 for recruiting, retaining, and training a highly-qualified
25 workforce employed by the Department of Education to

1 carry out investigation of complaints alleging a violation
2 of title IX of the Education Amendments of 1972 (20
3 U.S.C. 1681 et seq.) or section 485(f) of the Higher Edu-
4 cation Act of 1965 (20 U.S.C. 1092(f)), and enforcement
5 of such title IX (20 U.S.C. 1681 et seq.) or such section
6 485(f) (20 U.S.C. 1092(f)), with respect to campus sexual
7 violence. Such plan shall include—

8 (1) an assessment of the capabilities of the cur-
9 rent workforce carrying out such investigation and
10 enforcement;

11 (2) an examination of issues of recruiting, re-
12 tention, and the professional development of such
13 workforce, including the possibility of providing re-
14 tention bonuses or other forms of compensation for
15 the purpose of ensuring the Department of Edu-
16 cation has the capacity, in both personnel and skills,
17 needed to properly perform its mission and provide
18 adequate oversight of educational institutions;

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

23 (4) developing best practices for interviewing
24 and investigating sexual violence, including guidance

1 on evidentiary standards for administrative re-
2 sponses;

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

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

12 (d) ANNUAL REPORT.—The Campus Sexual Violence
13 Task Force shall report to Congress on an annual basis,
14 and make publicly available, a report of its activities and
15 any update of the plan required under subsection (c), in-
16 cluding the number of complaints received regarding sex-
17 ual violence (including violence on the basis of sexual ori-
18 entation and gender identity), the number of open inves-
19 tigations, the average time to complete an investigation,
20 the number of investigations initiated based on com-
21 plaints, and the number of investigations initiated by the
22 Department of Education.

23 (e) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) TITLE IX OF THE EDUCATION AMEND-
25 MENTS OF 1972.—There are authorized to be appro-

1 appropriated for training, hiring, and retaining a work-
2 force exclusively dedicated to investigation and en-
3 forcement of title IX of the Education Amendments
4 of 1972 (20 U.S.C. 1681 et seq.) provisions with re-
5 spect to sexual violence, for fiscal year 2016 and
6 each of the 4 succeeding fiscal years, an amount
7 that is equal to the sum of the amounts appro-
8 priated for such purpose for fiscal year 2015 plus
9 \$5,000,000.

10 (2) SECTION 485(F) OF THE HIGHER EDU-
11 CATION ACT OF 1965.—There are authorized to be
12 appropriated for training, hiring, and retaining a
13 workforce exclusively dedicated to investigation and
14 enforcement of section 485(f) of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1092(f)), for fiscal
16 year 2016 and each of the 4 succeeding fiscal years,
17 an amount that is equal to the sum of the amounts
18 appropriated for such purpose for fiscal year 2015
19 plus \$5,000,000.

20 (f) DEFINITIONS.—In this section:

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

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

1 in section 9101 of the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C. 7801).

3 (3) The term “institution of higher education”
4 has the meaning given the term in section 102 of the
5 Higher Education Act of 1965 (20 U.S.C. 1002).

6 (4) The term “sexual assault” has the meaning
7 of an offense that meets the definition of rape, fond-
8 ling, incest, or statutory rape under—

9 (A) the Uniform Crime Report of the Fed-
10 eral Bureau of Investigation; and

11 (B) the final regulations published by the
12 Department of Education in the Federal Reg-
13 ister on October 20, 2014 for Appendix A of
14 subpart D of part 668, Code of Federal Regula-
15 tions (79 Fed. Reg. 62752).

16 **SEC. 9. CONFORMING AMENDMENTS.**

17 Section 485(f) of the Higher Education Act of 1965
18 (20 U.S.C. 1092(f)) is amended—

19 (1) in paragraph (1)(F)(i)(II), by striking “sex
20 offenses, forcible or nonforcible” and inserting “sex-
21 ual assault”; and

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

1 “(v) The term ‘sexual assault’ has the meaning
2 of an offense that meets the definition of rape, fond-
3 ling, incest, or statutory rape under—

4 “(I) the Uniform Crime Report of the Fed-
5 eral Bureau of Investigation; and

6 “(II) the final regulations published by the
7 Department of Education in the Federal Reg-
8 ister on October 20, 2014, for Appendix A of
9 subpart D of part 668, Code of Federal Regula-
10 tions (79 Fed. Reg. 62752).”.

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