

119TH CONGRESS
2D SESSION

S. _____

To amend the Higher Education Act of 1965 to require institutions of higher education to have an independent advocate for campus sexual assault prevention and response.

IN THE SENATE OF THE UNITED STATES

Mr. KAINE introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Higher Education Act of 1965 to require institutions of higher education to have an independent advocate for campus sexual assault prevention and response.

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 “Survivor Outreach and
5 Support Campus Act” or the “SOS Campus Act”.

1 **SEC. 2. INDEPENDENT ADVOCATE FOR CAMPUS SEXUAL AS-**
2 **SAULT PREVENTION AND RESPONSE.**

3 (a) IN GENERAL.—Part G of title IV of the Higher
4 Education Act of 1965 (20 U.S.C. 1088 et seq.) is amend-
5 ed by adding at the end the following:

6 **“SEC. 494A. INDEPENDENT ADVOCATE FOR CAMPUS SEX-**
7 **UAL ASSAULT PREVENTION AND RESPONSE.**

8 “(a) ADVOCATE.—

9 “(1) IN GENERAL.—

10 “(A) DESIGNATION.—Each institution of
11 higher education that receives Federal financial
12 assistance under this title shall designate an
13 independent advocate for campus sexual assault
14 prevention and response (referred to in this sec-
15 tion as the ‘Advocate’) who shall be appointed
16 based on experience and a demonstrated ability
17 of the individual to effectively provide sexual as-
18 sault survivor services.

19 “(B) NOTIFICATION OF EXISTENCE OF
20 AND INFORMATION FOR THE ADVOCATE.—Each
21 employee of an institution described in subpara-
22 graph (A) who receives a report of sexual as-
23 sault shall notify the survivor of the existence
24 of, contact information for, and services pro-
25 vided by the Advocate of the institution.

1 “(C) APPOINTMENT.—Not later than 180
2 days after the date of enactment of the Sur-
3 vivor Outreach and Support Campus Act, the
4 Secretary shall prescribe regulations for institu-
5 tions to follow in appointing Advocates under
6 this section. At a minimum, each Advocate
7 shall—

8 “(i) report to an individual outside the
9 body responsible for investigating and ad-
10 judicating sexual assault complaints at the
11 institution; and

12 “(ii) submit to such individual an an-
13 nual report summarizing how the resources
14 supplied to the Advocate were used, includ-
15 ing the number of male and female sexual
16 assault survivors assisted.

17 “(2) ROLE OF THE ADVOCATE.—In carrying
18 out the responsibilities described in this section, the
19 Advocate shall represent the interests of the student
20 survivor even when in conflict with the interests of
21 the institution. The Advocate may not be disciplined,
22 penalized, or otherwise retaliated against by the in-
23 stitution for representing the interest of the sur-
24 vivor, in the event of a conflict of interest with the
25 institution.

1 “(b) SEXUAL ASSAULT.—In this section, the term
2 ‘sexual assault’ means an offense classified as a forcible
3 or nonforcible sex offense under the uniform crime report-
4 ing system of the Federal Bureau of Investigation.

5 “(c) RESPONSIBILITIES OF THE ADVOCATE.—Each
6 Advocate shall carry out the following, regardless of
7 whether the survivor wishes the survivor’s report to re-
8 main confidential:

9 “(1)(A) Ensure that survivors of sexual assault
10 at the institution receive, with the survivor’s con-
11 sent, the following sexual assault survivor’s assist-
12 ance services available 24 hours a day:

13 “(i) Information on how to report a cam-
14 pus sexual assault to law enforcement.

15 “(ii) Emergency medical care, including
16 follow up medical care as requested.

17 “(iii) Medical forensic or evidentiary ex-
18 aminations.

19 “(B) Ensure that survivors of sexual assault at
20 the institution receive, with the survivor’s consent,
21 the following sexual assault survivor’s assistance
22 services:

23 “(i) Crisis intervention counseling and on-
24 going counseling.

1 “(ii) Information on the survivor’s rights
2 and referrals to additional support services.

3 “(iii) Information on legal services.

4 “(C) Provide the services described in subpara-
5 graphs (A) and (B) either—

6 “(i) pursuant to a memorandum of under-
7 standing (that includes transportation services)
8 at a rape crisis center, legal organization, or
9 other community-based organization located
10 within a reasonable distance from the institu-
11 tion; or

12 “(ii) on the campus of the institution in
13 consultation with a rape crisis center, legal or-
14 ganization, or other community-based organiza-
15 tion.

16 “(D) Ensure that a survivor of sexual assault
17 may not be disciplined, penalized, or otherwise re-
18 taliated against for reporting such assault to the Ad-
19 vocate.

20 “(2) Guide survivors of sexual assault who re-
21 quest assistance through the reporting, counseling,
22 administrative, medical and health, academic accom-
23 modations, or legal processes of the institution or
24 local law enforcement.

1 “(3) Attend, at the request of the survivor of
2 sexual assault, any administrative or institution-
3 based adjudication proceeding related to such as-
4 sault as an advocate for the survivor.

5 “(4) Maintain the privacy and confidentiality of
6 the survivor and any witness of such sexual assault,
7 and the Advocate shall not notify the institution or
8 any other authority of the identity of the survivor or
9 any such witness or the alleged circumstances sur-
10 rounding the reported sexual assault, unless other-
11 wise required by the applicable laws in the State
12 where such institution is located.

13 “(5) Conduct a public information campaign to
14 inform the students enrolled at the institution of the
15 existence of, contact information for, and services
16 provided by the Advocate, including—

17 “(A) posting information—

18 “(i) on the website of the institution;

19 “(ii) in student orientation materials;

20 and

21 “(iii) on posters displayed in dor-
22 mitories, cafeterias, sports arenas, locker
23 rooms, entertainment facilities, and class-
24 rooms; and

1 “(B) training coaches, faculty, school ad-
2 ministrators, resident advisors, and other staff
3 to provide information on the existence of, con-
4 tact information for, and services provided by
5 the Advocate.

6 “(d) CLERY ACT AND TITLE IX.—Nothing in this
7 section shall alter or amend the rights, duties, and respon-
8 sibilities under section 485(f) or under title IX of the Edu-
9 cation Amendments of 1972 (20 U.S.C. 1681 et seq.) (also
10 known as the ‘Patsy Takemoto Mink Equal Opportunity
11 in Education Act’).”.

12 (b) PROGRAM PARTICIPATION AGREEMENT.—Section
13 487(a) of the Higher Education Act of 1965 (20 U.S.C.
14 1094(a)) is amended by adding at the end the following:

15 “(30) The institution agrees to comply with the
16 requirements of section 494A regarding an inde-
17 pendent advocate for campus sexual assault preven-
18 tion and response.”.