

HOUSE BILL No. 5792

April 12, 2018, Introduced by Reps. Hoadley, Chang, Pagan, Iden, Greimel, Hauck, Geiss, Kesto and Clemente and referred to the Committee on Law and Justice.

A bill to create the campus sexual assault response improvement plan and grant act; to require certain reporting; to create the campus sexual assault response improvement grant fund; to provide for the use of the fund; and to provide for the powers and duties of certain state officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "campus sexual assault response improvement plan and grant act".

3 Sec. 3. As used in this act:

4 (a) "Department" means the department of health and human
5 services.

6 (b) "Fund" means the campus sexual assault response
7 improvement fund created in section 7.

8 (c) "Institution of higher education" means an institution of

1 higher education, a public community college, or a public junior
2 college created under or established by law under sections 4 to 7
3 of article VIII of the state constitution of 1963.

4 (d) "Interim measures specialist" means an employee who
5 oversees the implementation of interim measures to ensure continued
6 participation in education by and the safety of a student that has
7 filed an initial complaint of sexual assault until the final
8 resolution of the complaint.

9 (e) "Title IX" means title IX of Public Law 92-318.

10 (f) "Title IX report" means the report described in section
11 274d of the state school aid act of 1979, 1979 PA 94, MCL
12 388.1874d.

13 Sec. 5. Each institution of higher education is strongly
14 encouraged to do the following:

15 (a) Develop a 5-year campus sexual assault improvement plan
16 after conducting the meetings described in subdivision (b) that
17 identifies the specific steps necessary for that institution to
18 improve responses to campus sexual assault. A plan developed under
19 this subdivision may include the following:

20 (i) Specific data points in the annual title IX report issued
21 by the institution of higher education.

22 (ii) Methods to improve counseling services, including, but
23 not limited to, hiring additional counseling staff or providing
24 additional resources to counseling staff.

25 (iii) Training for title IX investigators and hiring
26 additional title IX investigators.

27 (iv) Education for students and employees regarding sexual

1 assault, bystander intervention, and reporting.

2 (v) Hiring interim measures specialists.

3 (b) Conduct not less than 2 public meetings regarding the
4 development of the 5-year campus sexual assault improvement plan
5 described in subdivision (a).

6 (c) Not later than January 1, 2019, submit the 5-year campus
7 sexual assault improvement plan developed under subdivision (a) to
8 the department and the Michigan domestic and sexual violence
9 prevention and treatment board and make the report available to the
10 public on that institution's website.

11 (d) Not later than January 1, 2024, submit a final report to
12 the department and the Michigan domestic and sexual violence
13 prevention and treatment board that details the specific steps
14 identified in the report developed under subdivision (a) that the
15 institution of higher education implemented and any improvements to
16 responses to campus sexual assault.

17 Sec. 7. (1) The campus sexual assault response improvement
18 grant fund is created within the department of treasury.

19 (2) The state treasurer may receive money or other assets from
20 any source for deposit into the fund, including general fund
21 appropriations, gifts, state and federal grants, and bequests. The
22 state treasurer shall direct the investment of the fund. The state
23 treasurer shall credit to the fund interest and earnings from fund
24 investments.

25 (3) Money in the fund at the close of the fiscal year shall
26 remain in the fund and not lapse to the general fund.

27 (4) The department is the administrator of the fund for

1 auditing purposes.

2 (5) The department shall expend money from the fund, upon
3 appropriation, only to provide grants to eligible institutions of
4 higher education as provided in section 9.

5 Sec. 9. (1) The campus sexual assault response improvement
6 grant program is established in the department. Beginning October
7 1, 2019, the department, in consultation with the department of
8 state police and the Michigan domestic and sexual violence
9 prevention and treatment board, shall assist institutions of higher
10 education in implementing improvement measures for campus sexual
11 assault response by providing funding to do so to eligible
12 institutions of higher education from the fund created in section 7
13 and shall create evaluation measures for the use of the fund and
14 make those measures available to institutions of higher education
15 that participate in the program.

16 (2) An institution of higher education may apply to the
17 department as provided in this section to participate in the
18 program and is not prohibited from applying to the program if that
19 institution has been or is awarded a different grant to improve the
20 safety and security of students, faculty, and staff by addressing
21 campus sexual assault issues.

22 (3) An institution of higher education that has developed a 5-
23 year campus sexual assault improvement plan described in section 5
24 is eligible to participate in the program.

25 (4) An eligible institution of higher education may apply to
26 participate in the program by providing the department with the 5-
27 year sexual assault improvement plan described in section 5 and by

1 providing the following:

2 (a) If the institution of higher education is seeking a grant
3 of \$100,000.00 or more, not less than 100% matching funds for the
4 program. The institution of higher education must demonstrate the
5 matching funds required under this subdivision have been or will be
6 donated to the institution of higher education for the purpose of
7 implementing the program and may not include in-kind contributions,
8 or the use of facilities or other services as part of the matching
9 fund commitment.

10 (b) Except as provided in subdivision (a), if the institution
11 of higher education is seeking a grant of \$50,000.00 or more, not
12 less than 50% matching funds for the program. The institution of
13 higher education must demonstrate the matching funds required under
14 this subdivision have been or will be donated to the institution of
15 higher education for the purpose of implementing the program and
16 may not include in-kind contributions, or the use of facilities or
17 other services as part of the matching fund commitment.

18 (c) If the institution of higher education is seeking a grant
19 of less than \$50,000.00, not less than 33% matching funds for the
20 program. The institution of higher education must demonstrate the
21 matching funds required under this subdivision have been or will be
22 donated to the institution of higher education for the purpose of
23 implementing the program and may not include in-kind contributions,
24 or the use of facilities or other services as part of the matching
25 fund commitment.

26 (5) A grant awarded to an institution of higher education
27 under this section is for a period of 5 years.

1 (6) An institution of higher education awarded a grant under
2 this section must provide an annual report on the progress of the
3 5-year campus sexual assault improvement plan provided under
4 subsection (4) to the department and to the Michigan domestic and
5 sexual violence prevention and treatment board, and may use the
6 grant funds for any of the following:

7 (a) To improve counseling services by hiring additional
8 counseling staff or providing additional resources to counseling
9 staff.

10 (b) To train title IX investigators and hire additional title
11 IX investigators.

12 (c) To educate students and employees regarding sexual
13 assault, bystander intervention, and reporting.

14 (d) To hire interim measures specialists.

15 (e) To implement any other measure that the institution of
16 higher education identified as a necessary step to improve
17 responses to campus sexual assault.

18 (7) The Michigan domestic and sexual violence prevention and
19 treatment board shall monitor, review, and evaluate the program by
20 doing the following each year:

21 (a) Provide technical assistance to each institution of higher
22 education participating in the program.

23 (b) Rate each 5-year campus sexual assault improvement plan by
24 identifying the steps implemented as a result of participation in
25 the program to improve responses to campus sexual assault.

26 (c) Provide other assistance in implementing the program, as
27 appropriate.

1 Sec. 11. After receiving a final report under section 5(d) or
2 an annual report under section 9(6) and every 5 years after that,
3 the department, in consultation with the domestic and sexual
4 violence prevention and treatment board, shall compile a report of
5 best practices for responses to campus sexual assault. A report
6 compiled under this section must be submitted to the legislature
7 and made available to the public on the internet on the
8 department's website.

9 Enacting section 1. This act takes effect 90 days after the
10 date it is enacted into law.