

# HOUSE BILL No. 5795

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

A bill to create the office of the higher education sexual assault ombudsman within the department of civil rights; to prescribe the powers and duties of the office, the ombudsman, and certain state governmental officers and entities; and to provide for an appropriation.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "higher education sexual assault ombudsman act".

3       Sec. 2. As used in this act:

4       (a) "Department" means the department of civil rights.

5       (b) "Institution of higher education" means a degree- or  
6 certificate-granting public or private college or university,

1 junior college, or community college in this state.

2 (c) "Office" means the office of the higher education sexual  
3 assault ombudsman created under this act.

4 (d) "Ombudsman" means the higher education sexual assault  
5 ombudsman.

6 (e) "Sexual assault" means a violation or attempted violation  
7 of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal  
8 code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and  
9 750.520g.

10 Sec. 3. (1) The office of the higher education sexual assault  
11 ombudsman is created within the department.

12 (2) The principal executive officer of the office of the  
13 higher education sexual assault ombudsman is the higher education  
14 sexual assault ombudsman who shall be appointed by and serve at the  
15 pleasure of the department.

16 Sec. 4. Under the supervision of the department, the ombudsman  
17 shall do all of the following:

18 (a) Advocate for students at institutions of higher education  
19 who may be victims of sexual assaults committed on the campuses of  
20 those institutions or at programs, activities, or events sponsored  
21 or otherwise provided or supported by those institutions.

22 (b) Encourage institutions of higher education to improve the  
23 quality and coordination of services they provide to assist  
24 students who may be victims of sexual assaults on their campuses or  
25 at programs, activities, or events that they sponsor or otherwise  
26 provide or support.

27 (c) Encourage institutions of higher education to improve the

1 quality and coordination of preventive and corrective measures  
2 taken by those institutions to mitigate the likelihood and effects  
3 of sexual assaults on their campuses or at programs, activities, or  
4 events that they sponsor or otherwise provide or support,  
5 including, but not limited to, all of the following:

6 (i) Institutional policies, procedures, and protocols for  
7 responding to and reporting incidents of sexual assaults of  
8 students.

9 (ii) Sexual assault prevention and response training for  
10 institutional personnel.

11 (iii) Sexual assault prevention and response presentations or  
12 courses for students.

13 (iv) Publication of information about campus and community  
14 resources available to student-victims of sexual assaults.

15 (d) Promote public awareness of the issue of sexual assault at  
16 institutions of higher education.

17 (e) Provide information and referral services to students who  
18 may be victims of sexual assaults at institutions of higher  
19 education to ensure that their rights are protected.

20 (f) Provide information to students who may be victims of  
21 sexual assaults at institutions of higher education regarding  
22 programs and services provided for them by each level of  
23 government.

24 (g) Promote new services, when necessary, for student-victims  
25 of sexual assaults at institutions of higher education.

26 (h) Maintain statistics, facts, and data pertaining to the  
27 incidence and nature of sexual assaults of students at institutions

1 of higher education.

2 (i) Provide technical assistance to institutions of higher  
3 education regarding preventive and corrective measures to mitigate  
4 the likelihood and effects of sexual assaults on their campuses or  
5 at programs, activities, or events that they sponsor or otherwise  
6 provide or support.

7 (j) Make recommendations to state agencies, the legislature,  
8 and the governor regarding proposed legislation, rules, hearings,  
9 and investigations considered necessary or proper to promote  
10 student safety at institutions of higher education.

11 Sec. 5. Under the supervision of the department, the ombudsman  
12 may do any of the following:

13 (a) Except as otherwise provided by law, upon request and  
14 without the requirement of any release, obtain access to all  
15 information, records, and documents in the possession of an  
16 institution of higher education that the ombudsman considers  
17 necessary in the performance of his or her duties.

18 (b) Request and receive from an institution of higher  
19 education a progress report concerning the processing of any report  
20 of sexual assault made to the institution by a student.

21 Sec. 6. The ombudsman shall submit an annual report on the  
22 conduct of the office to the department and the chairpersons of all  
23 committees in both houses of the legislature responsible for the  
24 oversight of institutions of higher education. A report under this  
25 section must be posted to the department's website and must address  
26 specific issues as prescribed by the department.

27 Sec. 7. Any record owned, used, possessed, or retained by the

1 office in the performance of an official function of the office,  
2 and all records kept by the ombudsman, are exempt from disclosure  
3 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
4 15.246.

5       Sec. 8. The department shall promulgate rules to implement  
6 this act pursuant to the administrative procedures act of 1969,  
7 1969 PA 306, MCL 24.201 to 24.328.

8       Sec. 9. The legislature shall annually appropriate a sum  
9 sufficient to implement this act.