

Senate Bill 538

By: Senators Smith of the 52nd, Hamrick of the 30th, Collins of the 6th, Unterman of the 45th and Hudgens of the 47th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to  
2 enact "The Campus Sexual Assault Information Act"; to provide for a short title; to provide  
3 for definitions; to provide for the establishment of a written campus sexual assault policy at  
4 institutions of higher education; to provide for the contents, distribution, and limitation of  
5 such policy; to provide for information regarding institutional disciplinary hearings; to  
6 provide for the development and distribution of a model sexual assault policy; to provide for  
7 information regarding an institution's sexual assault policy to be included in a federal report;  
8 to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
12 adding a new Chapter 16 to read as follows:

13 style="text-align:center">"CHAPTER 16

14 20-16-1.

15 This chapter shall be known and may be cited as 'The Campus Sexual Assault Information  
16 Act.'

17 20-16-2.

18 As used in this chapter, the term:

19 (1) 'Campus' means a building or property:

20 (A) Owned or controlled by an institution of higher education within the same  
21 reasonably contiguous geographic area and used by the institution in direct support of,  
22 or in a manner related to, the institution's educational purposes;

1 (B) Owned or controlled by a student organization recognized by the institution of  
 2 higher education including, but not limited to, fraternity, sorority, and cooperative  
 3 houses; or

4 (C) Controlled by the institution of higher education but owned by a third party.

5 (2) 'Campus sexual assault' means a sexual assault that occurs on campus.

6 (3) 'Institution of higher education' or 'institution' means a public two-year or four-year  
 7 college, community or junior college, technical school, or university located in this state  
 8 and also any private two-year or four-year college, community or junior college, technical  
 9 school, or university located in this state that elects to be governed by this chapter.

10 (4) 'Student' means an individual enrolled in an institution of higher education on a  
 11 full-time or part-time basis.

12 20-16-3.

13 (a) No later than November 1, 2004, each institution of higher education shall establish  
 14 and implement a written campus sexual assault policy regarding at least:

15 (1) The institution's campus sexual assault programs, aimed at prevention and awareness  
 16 of sexual assaults; and

17 (2) The procedures followed by the institution once a campus sexual assault occurs and  
 18 is reported.

19 (b) The policy described in subsection (a) of this Code section shall address at least all the  
 20 following areas:

21 (1) Education programs to promote the prevention and awareness of sexual assault;

22 (2) Possible sanctions following the final determination of an institutional disciplinary  
 23 procedure regarding a campus sexual assault;

24 (3) Procedures a student follows if a campus sexual assault occurs, including whom to  
 25 contact, the importance of preserving evidence of the campus sexual assault, and the  
 26 authorities to whom the alleged offense must be reported;

27 (4) Procedures for institutional disciplinary action in cases of alleged campus sexual  
 28 assault, including a clear statement that both the accuser and the accused:

29 (A) Have the same opportunities to have advocates or legal counsel, if the institution's  
 30 policy allows the presence of outside legal counsel, present during an institutional  
 31 disciplinary proceeding; and

32 (B) Shall be informed of the outcome of an institutional disciplinary proceeding  
 33 brought alleging a campus sexual assault;

34 (5) Notification to a student of the right to notify proper law enforcement authorities,  
 35 including institutional and local police, and of the option to be assisted by representatives  
 36 of the institution in notifying law enforcement authorities if the student chooses;

1 (6) Notification of a student of existing medical, advocacy, counseling, mental health,  
2 and student services for victims of sexual assault, both on campus and in the community;  
3 and

4 (7) Notification of a student of options for, and available assistance in, changing  
5 academic and living situations after an alleged campus sexual assault, if requested by the  
6 victim and if the changes are reasonably available.

7 (c) This Code section does not expand or reduce a private right of action of a person to  
8 enforce the provisions of this chapter.

9 (d) Each institution of higher education shall distribute to students, faculty, and staff the  
10 written campus sexual assault policy required by this chapter by printing the policy in one  
11 or more of the institution's publications made widely available to students, such as the  
12 institution's catalog, student handbook, or staff handbook. Each institution of higher  
13 education shall include on admissions and employment applications a notification that a  
14 copy of the institution's campus sexual assault policy is available upon request. In  
15 addition, the institution's law enforcement personnel, security personnel, and counseling  
16 center must make the written campus sexual assault policy available to a student who  
17 reports being a victim of a campus sexual assault.

18 20-16-4.

19 In addition to the publication required by Code Section 20-16-3, each institution of higher  
20 education shall make available to all students a description of the jurisdiction, procedures,  
21 and time deadlines of institutional disciplinary proceedings.

22 20-16-5.

23 The Board of Regents of the University System of Georgia and the State Board of  
24 Technical and Adult Education shall develop, print, and distribute a model sexual assault  
25 policy for institutions of higher education which complies with the requirements in this  
26 chapter. The model policy shall be distributed to all institutions of higher education in this  
27 state for use as a reference in formulating campus sexual assault policies.

28 20-16-6.

29 Beginning in 2005, each institution of higher education that receives funds under the  
30 federal Higher Education Act of 1965 shall include a statement in its annual security report  
31 which advises the campus community where law enforcement information concerning  
32 registered sex offenders may be obtained, such as the law enforcement office of the  
33 institution, a local law enforcement agency with jurisdiction for the campus, or a computer  
34 network address. For purposes of this Code section, the annual security report means the

1 report published pursuant to Section 485 of the Higher Education Act of 1965, as amended  
2 (20 U.S.C. Section 1092(f))."

3 **SECTION 2.**

4 All laws and parts of laws in conflict with this Act are repealed.