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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 614

01/31/2019 Authored by Huot, Wazlawik, Christensen and Moran The bill was read for the first time and referred to the Higher Education Finance and Policy Division

1.1 A bill for an act
1.2 relating to higher education; requiring notice to a sexual assault victim to include
1.3 information about the availability of legal advocacy services; amending Minnesota
1.4 Statutes 2018, section 135A.15, subdivision 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 135A.15, subdivision 2, is amended to read:

1.7 Subd. 2. **Victims' rights.** The policy required under subdivision 1 shall, at a minimum,
1.8 require that students and employees be informed of the policy, and shall include provisions
1.9 for:

1.10 (1) filing criminal charges with local law enforcement officials in sexual assault cases;

1.11 (2) the prompt assistance of campus authorities, at the request of the victim, in notifying
1.12 the appropriate law enforcement officials and disciplinary authorities of a sexual assault
1.13 incident;

1.14 (3) allowing sexual assault victims to decide whether to report a case to law enforcement;

1.15 (4) requiring campus authorities to treat sexual assault victims with dignity;

1.16 (5) requiring campus authorities to offer sexual assault victims fair and respectful health
1.17 care, counseling services, or referrals to such services;

1.18 (6) preventing campus authorities from suggesting to a victim of sexual assault that the
1.19 victim is at fault for the crimes or violations that occurred;

1.20 (7) preventing campus authorities from suggesting to a victim of sexual assault that the
1.21 victim should have acted in a different manner to avoid such a crime;

2.1 (8) subject to subdivision 10, protecting the privacy of sexual assault victims by only  
2.2 disclosing data collected under this section to the victim, persons whose work assignments  
2.3 reasonably require access, and, at a sexual assault victim's request, police conducting a  
2.4 criminal investigation;

2.5 (9) an investigation and resolution of a sexual assault complaint by campus disciplinary  
2.6 authorities;

2.7 (10) a sexual assault victim's participation in and the presence of the victim's attorney  
2.8 or other support person who is not a fact witness to the sexual assault at any meeting with  
2.9 campus officials concerning the victim's sexual assault complaint or campus disciplinary  
2.10 proceeding concerning a sexual assault complaint;

2.11 (11) ensuring that a sexual assault victim may decide when to repeat a description of  
2.12 the incident of sexual assault;

2.13 (12) notice to a sexual assault victim of the availability of a campus or local program  
2.14 providing sexual assault advocacy services and legal advocacy services;

2.15 (13) notice to a sexual assault victim of the outcome of any campus disciplinary  
2.16 proceeding concerning a sexual assault complaint, consistent with laws relating to data  
2.17 practices;

2.18 (14) the complete and prompt assistance of campus authorities, at the direction of law  
2.19 enforcement authorities, in obtaining, securing, and maintaining evidence in connection  
2.20 with a sexual assault incident;

2.21 (15) the assistance of campus authorities in preserving for a sexual assault complainant  
2.22 or victim materials relevant to a campus disciplinary proceeding;

2.23 (16) during and after the process of investigating a complaint and conducting a campus  
2.24 disciplinary procedure, the assistance of campus personnel, in cooperation with the  
2.25 appropriate law enforcement authorities, at a sexual assault victim's request, in shielding  
2.26 the victim from unwanted contact with the alleged assailant, including transfer of the victim  
2.27 to alternative classes or to alternative college-owned housing, if alternative classes or housing  
2.28 are available and feasible;

2.29 (17) forbidding retaliation, and establishing a process for investigating complaints of  
2.30 retaliation, against sexual assault victims by campus authorities, the accused, organizations  
2.31 affiliated with the accused, other students, and other employees;

2.32 (18) at the request of the victim, providing students who reported sexual assaults to the  
2.33 institution and subsequently choose to transfer to another postsecondary institution with

3.1 information about resources for victims of sexual assault at the institution to which the  
3.2 victim is transferring; and

3.3 (19) consistent with laws governing access to student records, providing a student who  
3.4 reported an incident of sexual assault with access to the student's description of the incident  
3.5 as it was reported to the institution, including if that student transfers to another postsecondary  
3.6 institution.