

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 240 Session of 2009

INTRODUCED BY CONKLIN, SIPTROTH, KIRKLAND, K. SMITH, DePASQUALE, KORTZ, BRENNAN, McGEEHAN, CASORIO, BELFANTI, SWANGER, CREIGHTON, VULAKOVICH, MANN, REICHLEY, MELIO, KULA, BOYLE, MURT, O'NEILL, DONATUCCI, M. O'BRIEN, YOUNGBLOOD, CRUZ, WALKO, READSHAW, SONNEY, STURLA, McILVAINE SMITH, McCALL, GIBBONS, MAHONEY, GEIST, FREEMAN AND THOMAS, FEBRUARY 4, 2009

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 4, 2009

AN ACT

1 Providing for sexual violence awareness education programs for
2 new students matriculating to institutions of higher
3 education or private licensed schools that receive public
4 funding and for duties of the Department of Education.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the College and
9 University Sexual Violence Education Act.

10 Section 2. Legislative findings.

11 The General Assembly finds and declares as follows:

12 (1) It is in the interest of the Commonwealth to
13 facilitate the education of its young people.

14 (2) Awareness and education are the beginning steps to
15 prevention.

16 (3) Education is imperative to promoting safety and
17 raising awareness of sexual violence among young people.

1 (4) The first few months of the freshman year are the
2 most dangerous for new female and male college students
3 because of the availability of drugs and alcohol, the absence
4 of parental supervision and a lack of awareness of sexual
5 violence.

6 Section 3. Definitions.

7 The following words and phrases when used in this act shall
8 have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Department." The Department of Education of the
11 Commonwealth.

12 "Education program." A sexual violence education program
13 under this act.

14 "Institution of higher education." An independent
15 institution of higher education, a community college, a State-
16 related institution or a member institution of the State System
17 of Higher Education.

18 "Matriculating." Enrolling in an institution of higher
19 education or private licensed school.

20 "Private licensed school." As defined in the act of December
21 15, 1986 (P.L.1585, No.174), known as the Private Licensed
22 Schools Act.

23 "Sexual Violence." As defined in 42 Pa.C.S. § 6402 (relating
24 to definitions).

25 "Student." A person who is enrolled on a full-time basis at
26 an institution of higher education or private licensed school.

27 Section 4. Purpose.

28 The purpose of the education program is to increase awareness
29 of and improve every student's understanding of sexual violence
30 and to reduce the likelihood of sexual violence.

1 Section 5. Education program.

2 (a) General rule.--Institutions of higher education and
3 private licensed schools shall establish a sexual violence
4 awareness educational program. Institutions of higher education
5 and private licensed schools may collaborate with a Statewide
6 nonprofit organization, local rape crisis center or local sexual
7 assault program that arranges for the provision of services to
8 sexual violence and rape victims in the development of a sexual
9 violence awareness education program. Each education program
10 shall provide the following:

11 (1) A discussion of sexual violence.

12 (2) A discussion of consent, including an explanation
13 that the victim is not at fault.

14 (3) A discussion of drug and alcohol-facilitated sexual
15 violence.

16 (4) Information relating to risk education and personal
17 protection.

18 (5) Information on where and how to get assistance,
19 including the importance of medical treatment and evidence
20 collection, and how to report sexual violence to campus
21 authorities and local law enforcement.

22 (6) The possibility of pregnancy and transmission of
23 sexual diseases.

24 (7) Introduction of members of the educational community
25 from:

26 (i) Campus police or security and local law
27 enforcement.

28 (ii) Campus health center, women's center and rape
29 crisis center.

30 (iii) Campus counseling service or any service

1 responsible for psychological counseling and student
2 affairs.

3 (8) A promise of discretion and dignity.

4 (9) A promise of confidentiality for victims of sexual
5 assault.

6 (b) Student bill of rights.--Consistent with the campus
7 sexual assault victims' bill of rights under section 485(f)(8)
8 of the Higher Education Act of 1965 (Public Law 89-329, 20
9 U.S.C. § 1092(f)(8)), a student bill of rights shall be made
10 available to students.

11 Section 6. Follow-up.

12 An institution of higher education and private licensed
13 school shall conduct a follow-up program for the duration of the
14 school year for new students. The program may consist of the
15 following:

16 (1) Lecturers relating to sexual violence prevention and
17 awareness.

18 (2) Institutional activities relating to sexual violence
19 prevention and awareness.

20 (3) Videos and other educational materials relating to
21 sexual violence prevention and awareness.

22 Section 7. Duties of department.

23 The department shall:

24 (1) Ensure compliance with this act.

25 (2) Solicit the cooperation of other agencies,
26 institutions and organizations, both public and private, in
27 carrying out the provisions of this act.

28 (3) Otherwise administer the provisions of this act.

29 Section 8. Report.

30 An institution of higher education and a private licensed

1 school shall report to the department on the implementation of
2 the education program by the institution or school.
3 Section 9. Effective date.
4 This act shall take effect in 120 days.