
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 295 Session of
2019

INTRODUCED BY BAKER, FONTANA, HUGHES, COSTA, J. WARD, BROWNE,
YUDICHAK, TARTAGLIONE AND HAYWOOD, FEBRUARY 14, 2019

REFERRED TO EDUCATION, FEBRUARY 14, 2019

AN ACT

1 Providing for the establishment of sexual harassment and sexual
2 violence online reporting system by postsecondary
3 institutions.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the College
8 Sexual Harassment and Sexual Violence Online Reporting System
9 Act.

10 Section 2. Definitions.

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

14 "Online reporting system." A system established under
15 section 3.

16 "Postsecondary institution." Any of the following:

17 (1) A community college as defined under section 1901-A
18 of the act of March 10, 1949 (P.L.30, No.14), known as the

1 Public School Code of 1949.

2 (2) A university under the jurisdiction of the State
3 System of Higher Education.

4 (3) A university located in this Commonwealth that
5 receives a nonpreferred appropriation.

6 (4) A private postsecondary institution.

7 Section 3. Online reporting system.

8 (a) Establishment of online reporting system.--A
9 postsecondary institution shall establish and maintain an online
10 reporting system to receive complaints of sexual harassment and
11 sexual violence from students and employees. A report shall be
12 investigated through the process established in the
13 postsecondary institution's sexual harassment and sexual
14 violence policy. A postsecondary institution may not fail or
15 refuse to investigate an anonymous report because it is
16 anonymous.

17 (b) Anonymous reports.--The online reporting system shall
18 permit anonymous reports, which shall be investigated in
19 accordance with subsection (a).

20 (c) Required information.--A postsecondary institution shall
21 provide students and employees making reports under this section
22 with the following:

23 (1) Information regarding who will receive and have
24 access to the reports filed.

25 (2) How information gathered through the online
26 reporting system will be used.

27 (3) Contact information for on-campus and off-campus
28 organizations serving victims of sexual harassment and sexual
29 violence.

30 (d) Statement.--The online reporting system shall

1 prominently display the following statement:

2 It is important to note that while the institution will
3 evaluate all reports of sexual assault and sexual
4 harassment, the institution's ability to investigate and
5 respond to allegations may be limited depending on the
6 information provided in the report. Individuals are
7 encouraged to review the institution's policy for
8 investigating reports of sexual violence for more
9 information about procedures and resources.

10 (e) Access to data.--A postsecondary institution shall limit
11 access to the data collected, created or maintained under
12 subsection (a) to only the data subject and as follows:

13 (1) Only individuals with explicit authorization from a
14 postsecondary institution may enter, update, access, share or
15 disseminate electronic data related to an incident of sexual
16 harassment or sexual violence collected, created or
17 maintained under this section.

18 (2) The ability of an authorized individual to enter,
19 update, access, share or disseminate data must be limited
20 through the use of role-based access that corresponds to the
21 official duties or training level of the individual and the
22 institutional authorization that grants access for that
23 purpose.

24 (3) Actions in which the data related to an incident of
25 sexual harassment or sexual violence are entered, updated,
26 accessed, shared or disseminated outside the postsecondary
27 institution must be recorded in a data audit trail.

28 (4) An institution shall immediately and permanently
29 revoke the authorization of an individual determined to have
30 willfully entered, updated, accessed, shared or disseminated

1 data in violation of this section.

2 (f) Appropriations.--The Secretary of the Budget shall
3 withhold funds appropriated on behalf of a postsecondary
4 institution that fails to establish and maintain the online
5 reporting system required under this act. Funds withheld by the
6 secretary from a postsecondary institution shall lapse back to
7 the General Fund at the end of the fiscal year for which they
8 are appropriated.

9 Section 4. Effective date.

10 This act shall take effect in one year.