
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1756 Session of
2018

INTRODUCED BY FRANKEL, DEAN, DONATUCCI, DRISCOLL, RABB, KINSEY,
THOMAS, D. MILLER, HILL-EVANS, O'BRIEN, READSHAW, ROZZI,
SCHLOSSBERG, McNEILL, DAVIS, SCHWEYER, CALTAGIRONE, DERMODY,
DEASY, ROEBUCK, SIMS AND BRIGGS, MAY 9, 2018

REFERRED TO COMMITTEE ON EDUCATION, MAY 9, 2018

AN ACT

1 Requiring postsecondary institutions to establish and maintain
2 sexual harassment and sexual violence online reporting
3 systems; and prescribing a penalty.

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 Postsecondary
8 Institution Online Reporting System Act.

9 Section 2. Definitions.

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

13 "Online reporting system." A system established under this
14 act.

15 "Postsecondary institution." Any of the following:

16 (1) A community college as defined under section 1901-A
17 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 "Secretary." The Secretary of the Budget of the
8 Commonwealth.

9 Section 3. Online reporting system.

10 (a) Establishment.--

11 (1) A postsecondary institution shall establish and
12 maintain an online reporting system to receive complaints of
13 sexual harassment and sexual violence from students and
14 employees.

15 (2) A postsecondary institution shall investigate a
16 complaint received by the online reporting system. The
17 investigation shall be conducted in accordance with the
18 process established in the postsecondary institution's sexual
19 harassment and sexual violence policy.

20 (3) A postsecondary institution may not fail or refuse
21 to investigate a complaint solely for the reason that the
22 complaint was submitted anonymously.

23 (b) Anonymous reports.--An online reporting system shall
24 permit anonymous complaints to be reported and the complaints
25 shall be investigated in accordance with subsection (a).

26 (c) Required information.--A postsecondary institution shall
27 provide a student and employee who reports a complaint under
28 this section with the following:

29 (1) Information regarding who will receive and have
30 access to the complaint.

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

3 (3) Contact information for on-campus and off-campus
4 organizations serving victims of sexual harassment and sexual
5 violence.

6 (d) Statement.--The online reporting system shall
7 prominently display the following statement:

8 It is important to note that while the (name of the
9 postsecondary institution) will evaluate all reports of
10 sexual assault and sexual harassment, the (name of the
11 postsecondary institution's) ability to investigate and
12 respond to allegations and provide feedback to an
13 individual reporting a complaint may be limited depending
14 on the information provided in the complaint. Individuals
15 are encouraged to review the (name of the postsecondary
16 institution's) policy for investigating reports of sexual
17 violence for more information about procedures and
18 resources.

19 (e) Access to data.--A postsecondary institution shall limit
20 access to the data collected, created or maintained under
21 subsection (a) to only the data as follows:

22 (1) Only individuals with explicit authorization from
23 the postsecondary institution may enter, update, access,
24 share or disseminate electronic data related to an incident
25 of sexual harassment or sexual violence collected, created or
26 maintained under this section.

27 (2) The ability of an authorized individual to enter,
28 update, access, share or disseminate data shall be limited
29 through the use of role-based access that corresponds to the
30 official duties or training level of the individual and the

1 institutional authorization that grants access for that
2 purpose.

3 (3) Actions in which the data relates to an incident of
4 sexual harassment or sexual violence are entered, updated,
5 accessed, shared or disseminated outside of the postsecondary
6 institution shall be recorded in a data audit trail.

7 (4) The postsecondary institution shall immediately and
8 permanently revoke the authorization of an individual
9 determined to have willfully entered, updated, accessed,
10 shared or disseminated data in violation of this section.

11 Section 4. Penalty.

12 (a) Withholding of appropriations.--The Secretary of the
13 Budget shall withhold money appropriated to or on behalf of a
14 postsecondary institution that fails to establish and maintain
15 an online reporting system as required under this act.

16 (b) Lapsing.--Money withheld by the secretary under this
17 section shall lapse to the General Fund at the end of the fiscal
18 year for which they are appropriated, unless the postsecondary
19 institution demonstrates to the satisfaction of the secondary
20 that the postsecondary institution has complied with the
21 requirements of this act.

22 Section 5. Effective date.

23 This act shall take effect in one year.