

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL****No. 1025** Session of  
2023

INTRODUCED BY N. NELSON, FRANKEL, McNEILL, HANBIDGE, KAZEEM, PISCIOTTANO, PIELLI, BRIGGS, MADDEN, SANCHEZ, SCHLOSSBERG, GUENST, HOHENSTEIN, DELLOSO, HILL-EVANS, HARKINS, FLEMING, STURLA, WARREN, KINKEAD, FREEMAN, O'MARA, OTTEN, CEPEDA-FREYTIZ, BOROWSKI, CERRATO, KHAN, SIEGEL, MAYES, PROBST, ISAACSON, SCOTT, GIRAL, GALLAGHER, BENHAM, TAKAC, T. DAVIS, SMITH-WADE-EL, SALISBURY, SAMUELSON, BRENNAN AND VITALI, APRIL 25, 2023

REFERRED TO COMMITTEE ON EDUCATION, APRIL 25, 2023

## AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in Safe2Say Program, further  
6 providing for definitions and for Safe2Say Program; in  
7 postsecondary institution sexual harassment and sexual  
8 violence policy and online reporting system, further  
9 providing for definitions, for policy for postsecondary  
10 institution sexual harassment and sexual violence and for  
11 online reporting system; and making an editorial change.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Section 1302-D of the act of March 10, 1949  
15 (P.L.30, No.14), known as the Public School Code of 1949, is  
16 amended by adding a definition to read:

17 Section 1302-D. Definitions.

18 The following words and phrases when used in this article  
19 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 \* \* \*

3 "Hate-based intimidation." A criminal act of inflicting  
4 physical injury on another individual, harm to property or other  
5 type of injury, which is motivated by hatred toward the actual  
6 or perceived race, color, religion, national origin, ancestry,  
7 sex, gender, gender identity, gender expression, sexual  
8 orientation or disability of another individual or group of  
9 individuals with which the other individual is associated.

10 \* \* \*

11 Section 2. Section 1303-D(c) (1) and (2) and (d) of the act  
12 are amended and subsection (c) is amended by adding a paragraph  
13 to read:

14 Section 1303-D. Safe2Say Program.

15 \* \* \*

16 (c) Program requirements.--Beginning January 14, 2019, the  
17 program shall be responsible for the following:

18 (1) To ensure anonymous reporting concerning unsafe,  
19 potentially harmful, dangerous, violent [or] and criminal  
20 activities, including, but not limited to, the reporting of  
21 hate-based intimidation, in a school entity or the threat of  
22 the activities in a school entity.

23 (2) To establish protocols and procedures to promptly  
24 notify the appropriate law enforcement agency via 911 centers  
25 and the Pennsylvania State Police when the program receives  
26 an anonymous report of violent [or] and criminal activities,  
27 including an anonymous report of hate-based intimidation, in  
28 a school entity that poses an immediate threat of violence or  
29 criminal activity and creates a substantial risk of serious  
30 bodily injury.

1 \* \* \*

2 (11) To train and provide instruction to employees of  
3 school entities on how to recognize and report hate-based  
4 intimidation.

5 (d) School entity.--Each school entity shall:

6 (1) develop procedures for assessing and responding to  
7 reports received from the program[.]; and

8 (2) require each school in the school entity to  
9 incorporate into periodic in-service training sessions  
10 appropriate instruction in recognizing and reporting conduct,  
11 including hate-based intimidation, that poses an immediate  
12 threat of violence and creates a substantial risk of serious  
13 bodily injury to any person.

14 Section 3. Article XX-J heading of the act is amended to  
15 read:

16 ARTICLE XX-J  
17 POSTSECONDARY INSTITUTION SEXUAL HARASSMENT [AND], SEXUAL  
18 VIOLENCE AND HATE-BASED INTIMIDATION POLICY AND  
19 ONLINE REPORTING SYSTEM

20 Section 4. Section 2001-J of the act is amended by adding a  
21 definition to read:

22 Section 2001-J. Definitions.

23 The following words and phrases when used in this article  
24 shall have the meanings given to them in this section unless the  
25 context clearly indicates otherwise:

26 "Hate-based intimidation." A criminal act of inflicting  
27 physical injury on another individual, harm to property or other  
28 type of injury, which is motivated by hatred toward the actual  
29 or perceived race, color, religion, national origin, ancestry,  
30 sex, gender, gender identity, gender expression, sexual

1 orientation or disability of another individual or group of  
2 individuals with which the other individual is associated.

3 \* \* \*

4 Section 5. Sections 2002-J and 2003-J of the act are amended  
5 to read:

6 Section 2002-J. Policy for postsecondary institution sexual  
7 harassment [and], sexual violence and hate-based  
8 intimidation.

9 (a) Adoption.--A postsecondary institution shall adopt a  
10 clear, understandable written policy on sexual harassment [and],  
11 sexual violence and hate-based intimidation that informs victims  
12 and students of their rights under Federal and State law,  
13 including the crime victims bill of rights. No later than June  
14 30, 2023, a postsecondary institution shall amend its current  
15 policy on sexual harassment and sexual violence to include  
16 provisions to govern hate-based intimidation.

17 (b) Report.--

18 (1) The sexual harassment [and], sexual violence and  
19 hate-based intimidation policy under subsection (a) shall  
20 include a provision that a witness or victim of an incident  
21 of sexual harassment [or], sexual violence or hate-based  
22 intimidation who reports the incident in good faith will not  
23 be sanctioned by the institution for admitting in the report  
24 to a violation of the institution's student conduct policy on  
25 the personal use of drugs or alcohol.

26 (2) Nothing in this article may be construed to prohibit  
27 a postsecondary institution from including a provision in its  
28 sexual harassment, sexual violence and hate-based  
29 intimidation policy to govern the receipt of reports from the  
30 general public, provided that the public reports involve a

1 student of the postsecondary institution.

2 (c) Model policy.--The Department of Education shall develop  
3 a model policy and make the model policy available to  
4 postsecondary institutions. A postsecondary institution may  
5 adopt the model policy as the policy of the institution on  
6 sexual harassment [and], sexual violence and hate-based  
7 intimidation.

8 Section 2003-J. Online reporting system.

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

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

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

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

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

28 (3) Contact information for on-campus and off-campus  
29 organizations serving victims of sexual harassment [and],  
30 sexual violence and hate-based intimidation.

1 (d) Statement.--The online reporting system shall  
2 prominently post the online system's policy regarding reports  
3 and investigations of sexual harassment [and], sexual violence  
4 and hate-based intimidation and shall encourage individuals to  
5 review the policy for more information about procedures and  
6 resources.

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

10 (1) Only individuals with explicit authorization from a  
11 postsecondary institution may enter, update, access, share or  
12 disseminate electronic data related to an incident of sexual  
13 harassment [or], sexual violence and hate-based intimidation  
14 collected, created or maintained under this section.

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

21 (3) Actions in which the data related to an incident of  
22 sexual harassment [or], sexual violence or hate-based  
23 intimidation are entered, updated, accessed, shared or  
24 disseminated outside the postsecondary institution must be  
25 recorded in a data audit trail.

26 (4) An institution shall immediately and permanently  
27 revoke the authorization of an individual determined to have  
28 willfully entered, updated, accessed, shared or disseminated  
29 data in violation of this section.

30 (5) An institution or individual implementing, operating

1 or working for the program may not be compelled to produce a  
2 record except pursuant to a court order.  
3 Section 6. This act shall take effect immediately.