

STATE OF NEW YORK

10021

IN ASSEMBLY

March 7, 2018

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the reporting of employees of colleges and universities who were found responsible through the institution's decision-making process of sexual assault, dating violence, domestic violence, stalking, or sexual harassment; and requires publication of certain information

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new article 129-C
2 to read as follows:

ARTICLE 129-C

REPORTING OF CERTAIN EMPLOYEES

Section 6450. Definitions.

6 6450-a. Reporting to the department by institutions.

7 6450-b. Publishing of certain information on the department's
8 website.

9 § 6450. Definitions. As used in this article, the following terms
10 shall have the following meanings:

11 1. "Domestic violence", "dating violence", "stalking", "sexual
12 assault" and "sexual harassment" shall be defined by each institution in
13 its code of conduct in a manner consistent with applicable federal defi-
14 nitions.

15 2. "Institution" shall mean any college or university chartered by the
16 regents or incorporated by special act of the legislature that maintains
17 a campus in New York.

18 3. "Investigation" shall refer to the process the institution uses to
19 resolve complaints about sexual violence and harassment in the forms of
20 domestic violence, dating violence, stalking, sexual assault, and sexual
21 harassment. This includes the fact-finding investigation and any hearing
22 and decision-making process the institution uses to determine: (a)
23 whether or not the conduct occurred; and (b) if the conduct occurred,
24 what actions the school will take to end the sexual violence, eliminate

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD15007-01-8

1 the hostile environment, and prevent its recurrence, which may include
2 imposing sanctions on the perpetrator and providing remedies for the
3 complainant and broader student population. The investigation must be
4 adequate, reliable, impartial, and prompt (Title IX of the Education
5 Amendments of 1972 ("Title IX"), 20 U.S.C. § 1681 et seq.). It may
6 include the judicial or conduct process, as described in article one
7 hundred twenty-nine-B of this chapter.

8 4. "Respondent" shall mean a person accused of a violation of sexual
9 violence or harassment that has entered an institution's investigation
10 process.

11 § 6450-a. Reporting to the department by institutions. Upon completion
12 of an institution's investigation, of the cases where the respondent is
13 an employee of an institution, institutions shall provide the department
14 with the following information:

15 1. the names of the respondents who were found responsible of the
16 sexual violence or sexual harassment conduct through the institution's
17 investigation process;

18 2. the year the institution's investigation was completed; and

19 3. the name of the institution that completed the investigation.

20 § 6450-b. Publishing of certain information on the department's
21 website. 1. Following receipt of reporting required pursuant to section
22 sixty-four hundred fifty-a of this article, the department shall publish
23 on its website a database of respondents who were found responsible
24 through an institution's investigation process.

25 2. Such a database shall include:

26 a. the name of the respondent;

27 b. the year the institution's investigation was completed; and

28 c. the name of the institution that completed the investigation.

29 § 2. This act shall take effect immediately.