S T A T E O F N E W Y O R K

6632

2015-2016 Regular Sessions

I N A S S E M B L Y

March 30, 2015

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

AN ACT to amend the education law, in relation to the implementation by all colleges and universities in the state of New York of sexual assault, dating violence, domestic violence, and stalking prevention and response policies and procedures

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

ARTICLE 129-B

IMPLEMENTATION BY COLLEGES AND UNIVERSITIES OF SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING PREVENTION AND RESPONSE POLICIES AND PROCEDURES

SECTION 6439. GENERAL PROVISIONS.
6440. DEFINITION OF AFFIRMATIVE CONSENT TO SEXUAL ACTIVITY.
6441. POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL VIOLENCE CASES.
6442. VICTIM AND SURVIVOR BILL OF RIGHTS.
6443 RESPONSE TO REPORTS.
6444. CAMPUS CLIMATE ASSESSMENTS.
6445. OPTIONS FOR CONFIDENTIAL DISCLOSURE.
6446. STUDENT ONBOARDING AND ONGOING EDUCATION.
6447. PRIVACY IN LEGAL CHALLENGES TO CONDUCT FINDINGS.

S 6439. GENERAL PROVISIONS. 1. THE TRUSTEES OR OTHER GOVERNING BOARD OF EACH COLLEGE AND UNIVERSITY CHARTERED BY THE REGENTS OR INCORPORATED BY SPECIAL ACT OF THE LEGISLATURE AND WHICH MAINTAINS A CAMPUS, UNLESS OTHERWISE PROVIDED, SHALL ADOPT WRITTEN RULES FOR IMPLEMENTING ALL POLICIES REQUIRED PURSUANT TO THIS ARTICLE AND FOR THE MAINTENANCE OF PUBLIC ORDER ON COLLEGE CAMPUSES AND OTHER COLLEGE PROPERTY USED FOR EDUCA-

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

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TIONAL PURPOSES AND PROVIDE A PROGRAM FOR THE ENFORCEMENT THEREOF. SUCH POLICIES SHALL ALSO APPLY TO CONDUCT THAT HAS A NEXUS TO A COLLEGE OR UNIVERSITY PROGRAM AND/OR TAKES PLACE OUTSIDE OF A COLLEGE OR UNIVERSITY PROPERTY BUT IS IN VIOLATION OF FEDERAL, STATE OR LOCAL LAW.

2. SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING AFFECT THOUSANDS OF COLLEGE AND UNIVERSITY STUDENTS IN NEW YORK STATE AND ACROSS THE NATION. IN ADDITION TO THE TRAUMA CAUSED BY SUCH VIOLENCE, MANY VICTIMS AND SURVIVORS DROP OUT OF SCHOOL, EXPERIENCE DIFFICULTY WORKING, AND SEE PROMISING OPPORTUNITIES CUT SHORT. WHILE IT IS NOT JUST COLLEGE OR UNIVERSITY STUDENTS THAT EXPERIENCE THESE CRIMES, THESE INSTITUTIONS HAVE UNIQUE OPPORTUNITIES TO EDUCATE MEMBERS OF THE COLLEGE COMMUNITY ABOUT THESE CRIMES AND INCIDENTS SO THAT WE CAN BETTER SAFEGUARD STUDENTS. THEREFORE, EACH COLLEGE AND UNIVERSITY MUST DEVELOP AND IMPLEMENT THE POLICIES REQUIRED PURSUANT TO THIS ARTICLE.

3. EACH COLLEGE AND UNIVERSITY SHALL ANNUALLY FILE WITH THE DEPARTMENT ON OR BEFORE THE FIRST DAY OF JULY A CERTIFICATE OF COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE.

4. IF A COLLEGE OR UNIVERSITY FAILS TO FILE A CERTIFICATE OF COMPLIANCE PURSUANT TO SUBDIVISION THREE OF THIS SECTION WITHIN SIXTY DAYS OF THE TIME REQUIRED, SUCH COLLEGE OR UNIVERSITY SHALL NOT BE ELIGIBLE TO RECEIVE ANY STATE AID OR ASSISTANCE UNTIL SUCH CERTIFICATE OF COMPLIANCE IS DULY FILED.

5. EACH COLLEGE AND UNIVERSITY SHALL FILE A COPY OF ALL WRITTEN RULES AND POLICIES ADOPTED AS REQUIRED IN THIS ARTICLE WITH THE DEPARTMENT ON OR BEFORE THE FIRST DAY OF JULY, TWO THOUSAND SIXTEEN, AND ONCE EVERY TEN YEARS THEREAFTER, EXCEPT THAT THE SECOND FILING SHALL COINCIDE WITH THE REQUIRED FILING UNDER ARTICLE ONE HUNDRED TWENTY-NINE-A OF THIS CHAPTER, AND CONTINUE ON THE SAME CYCLE THEREAFTER.

6. A COPY OF SUCH RULES AND POLICIES SHALL BE GIVEN BY EACH COLLEGE AND UNIVERSITY TO ALL STUDENTS ENROLLED IN SAID COLLEGE OR UNIVERSITY. EACH COLLEGE AND UNIVERSITY SHALL ALSO POST SUCH RULES AND POLICIES ON ITS WEBSITE IN AN EASILY ACCESSIBLE MANNER TO THE PUBLIC.

7. COLLEGES AND UNIVERSITIES SHALL REFER TO APPLICABLE STATE AND FEDERAL LAW, REGULATIONS AND POLICY GUIDANCE IN DEVELOPING AND IMPLEMENTING THE POLICIES REQUIRED PURSUANT TO THIS ARTICLE, INCLUDING REFERENCE TO STATE AND FEDERAL DEFINITIONS OF TERMS NOT SPECIFICALLY DEFINED HEREIN.

S 6440. DEFINITION OF AFFIRMATIVE CONSENT TO SEXUAL ACTIVITY. EACH COLLEGE AND UNIVERSITY SHALL ADOPT A UNIFORM DEFINITION OF AFFIRMATIVE CONSENT IN THEIR CODE OF STUDENT CONDUCT OR SIMILAR DOCUMENT GOVERNING STUDENT BEHAVIOR. THIS DEFINITION SHALL STATE THAT "AFFIRMATIVE CONSENT IS A CLEAR, UNAMBIGUOUS, KNOWING, INFORMED, AND VOLUNTARY AGREEMENT BETWEEN ALL PARTICIPANTS TO ENGAGE IN SEXUAL ACTIVITY. CONSENT IS ACTIVE, NOT PASSIVE. SILENCE OR LACK OF RESISTANCE CANNOT BE INTERPRETED AS CONSENT. SEEKING AND HAVING CONSENT ACCEPTED IS THE RESPONSIBILITY OF THE PERSON(S) INITIATING EACH SPECIFIC SEXUAL ACT REGARDLESS OF WHETHER THE PERSON INITIATING THE ACT IS UNDER THE INFLUENCE OF DRUGS AND/OR ALCOHOL. CONSENT TO ANY SEXUAL ACT OR PRIOR CONSENSUAL SEXUAL ACTIVITY BETWEEN OR WITH ANY PARTY DOES NOT CONSTITUTE CONSENT TO ANY OTHER SEXUAL ACT. THE DEFINITION OF CONSENT DOES NOT VARY BASED UPON A PARTICIPANT'S SEX, SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER EXPRESSION. CONSENT MAY BE INITIALLY GIVEN BUT WITHDRAWN AT ANY TIME. WHEN CONSENT IS WITHDRAWN OR CANNOT BE GIVEN, SEXUAL ACTIVITY MUST STOP. CONSENT CANNOT BE GIVEN WHEN A PERSON IS INCAPACITATED. INCAPACITATION OCCURS WHEN AN INDIVIDUAL LACKS THE ABILITY TO FULLY AND KNOWINGLY CHOOSE TO PARTICIPATE IN SEXUAL ACTIVITY. INCAPACITATION INCLUDES IMPAIRMENT DUE

TO DRUGS OR ALCOHOL (WHETHER SUCH USE IS VOLUNTARY OR INVOLUNTARY), THE LACK OF CONSCIOUSNESS OR BEING ASLEEP, BEING INVOLUNTARILY RESTRAINED, IF ANY OF THE PARTIES ARE UNDER THE AGE OF 17, OR IF AN INDIVIDUAL OTHERWISE CANNOT CONSENT. CONSENT CANNOT BE GIVEN WHEN IT IS THE RESULT OF ANY COERCION, INTIMIDATION, FORCE, OR THREAT OF HARM."

S 6441. POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL VIOLENCE CASES. 1. A BYSTANDER WHO REPORTS IN GOOD FAITH OR A VICTIM REPORTING SEXUAL VIOLENCE TO COLLEGE OR UNIVERSITY OFFICIALS OR LAW ENFORCEMENT SHALL NOT BE SUBJECT TO CAMPUS CONDUCT ACTION FOR VIOLATIONS OF ALCOHOL AND DRUG USE POLICIES OCCURRING AT OR NEAR THE TIME OF THE INCIDENT. EACH COLLEGE AND UNIVERSITY SHALL ADOPT AND IMPLEMENT THE FOLLOWING POLICY: "THE HEALTH AND SAFETY OF EVERY STUDENT AT THE (COLLEGE/UNIVERSITY) IS OF UTMOST IMPORTANCE. (COLLEGE/UNIVERSITY) RECOGNIZES THAT STUDENTS WHO HAVE BEEN DRINKING AND/OR USING DRUGS (WHETHER SUCH USE IS VOLUNTARY OR INVOLUNTARY) AT THE TIME A SEXUAL VIOLENCE INCIDENT OCCURS MAY BE HESITANT TO REPORT SUCH INCIDENTS DUE TO FEAR OF POTENTIAL CONSEQUENCES FOR THEIR OWN CONDUCT. (COLLEGE/UNIVERSITY) STRONGLY ENCOURAGES STUDENTS TO REPORT INCIDENTS OF SEXUAL VIOLENCE TO CAMPUS OFFICIALS. A BYSTANDER REPORTING IN GOOD FAITH OR A VICTIM/SURVIVOR REPORTING A SEXUAL VIOLENCE INCIDENT TO (COLLEGE/UNIVERSITY) OFFICIALS OR LAW ENFORCEMENT WILL NOT BE SUBJECT TO CAMPUS CONDUCT ACTION FOR VIOLATIONS OF ALCOHOL AND/OR DRUG USE POLICIES OCCURRING AT OR NEAR THE TIME OF THE SEXUAL VIOLENCE INCIDENT."

2. FOR PURPOSES OF THIS ARTICLE, THE TERM "SEXUAL VIOLENCE" SHALL MEAN PHYSICAL SEXUAL ACTS PERPETRATED AGAINST A PERSON'S WILL OR PERPETRATED WHERE A PERSON IS INCAPABLE OF GIVING CONSENT INCLUDING, BUT NOT LIMITED TO, RAPE, SEXUAL ASSAULT, SEXUAL BATTERY, SEXUAL ABUSE, AND SEXUAL COERCION. THE TERM "BYSTANDER" SHALL MEAN A PERSON WHO OBSERVES A CRIME, IMPENDING CRIME, CONFLICT, UNACCEPTABLE BEHAVIOR, OR CONDUCT THAT IS IN VIOLATION OF RULES OR POLICIES OF A COLLEGE OR UNIVERSITY.

S 6442. VICTIM AND SURVIVOR BILL OF RIGHTS. 1. EACH COLLEGE AND UNIVERSITY SHALL ADOPT A VICTIM AND SURVIVOR BILL OF RIGHTS. THIS BILL OF RIGHTS SHALL STATE THE FOLLOWING: "ALL VICTIMS AND SURVIVORS HAVE THE RIGHT TO: (A) MAKE A REPORT TO LOCAL LAW ENFORCEMENT AND/OR STATE POLICE; (B) HAVE DISCLOSURES OF SEXUAL VIOLENCE TREATED SERIOUSLY; (C) MAKE A DECISION ABOUT WHETHER OR NOT TO DISCLOSE A CRIME OR INCIDENT AND PARTICIPATE IN THE CONDUCT OR CRIMINAL JUSTICE PROCESS FREE FROM OUTSIDE PRESSURES FROM COLLEGE/UNIVERSITY OFFICIALS; (D) BE TREATED WITH DIGNITY AND TO RECEIVE FROM COLLEGE/UNIVERSITY OFFICIALS COURTEOUS, FAIR, AND RESPECTFUL HEALTH CARE AND COUNSELING SERVICES; (E) BE FREE FROM ANY SUGGESTION THAT THE VICTIM/SURVIVOR IS AT FAULT WHEN THESE CRIMES AND VIOLATIONS ARE COMMITTED, OR SHOULD HAVE ACTED IN A DIFFERENT MANNER TO AVOID SUCH A CRIME; (F) DESCRIBE THE INCIDENT TO AS FEW INDIVIDUALS AS PRACTICABLE AND NOT TO BE REQUIRED TO UNNECESSARILY REPEAT A DESCRIPTION OF THE INCIDENT; (G) BE FREE FROM RETALIATION BY THE COLLEGE/UNIVERSITY, THE ACCUSED, AND/OR THEIR FRIENDS, FAMILY AND ACQUAINTANCES; AND (H) EXERCISE CIVIL RIGHTS AND PRACTICE OF RELIGION WITHOUT INTERFERENCE BY THE INVESTIGATIVE, CRIMINAL JUSTICE, OR CONDUCT PROCESS OF THE COLLEGE/UNIVERSITY."

2. IN ACCORDANCE WITH PROVISIONS OF THIS SECTION, EACH COLLEGE AND UNIVERSITY SHALL LIST THE FOLLOWING OPTIONS IN BRIEF: VICTIMS AND SURVIVORS HAVE MANY OPTIONS THAT CAN BE PURSUED SIMULTANEOUSLY, INCLUDING ONE OR MORE OF THE FOLLOWING: (A) RECEIVE RESOURCES, SUCH AS COUNSELING AND MEDICAL ATTENTION; (B) CONFIDENTIALLY OR ANONYMOUSLY DISCLOSE A CRIME OR VIOLATION; (C) MAKE A REPORT TO AN EMPLOYEE WITH THE AUTHORITY TO ADDRESS COMPLAINTS, INCLUDING THE TITLE IX COORDINATOR, A STUDENT

CONDUCT EMPLOYEE, A HUMAN RESOURCES EMPLOYEE, UNIVERSITY POLICE OR CAMPUS SECURITY, OR FAMILY COURT OR CIVIL COURT; AND (D) MAKE A REPORT TO LOCAL LAW ENFORCEMENT AND/OR STATE POLICE.

3. THIS BILL OF RIGHTS SHALL BE DISTRIBUTED ANNUALLY TO STUDENTS, MADE AVAILABLE ON EACH COLLEGE AND UNIVERSITY WEBSITE, AND POSTED IN EACH CAMPUS RESIDENCE HALL, DINING HALL, AND STUDENT UNION OR CAMPUS CENTER AND SHALL INCLUDE LINKS OR INFORMATION TO FILE A REPORT AND SEEK A RESPONSE, PURSUANT TO SECTION SIXTY-FOUR HUNDRED FORTY-THREE OF THIS ARTICLE, AND THE OPTIONS FOR CONFIDENTIAL DISCLOSURE PURSUANT TO SECTION SIXTY-FOUR HUNDRED FORTY-FOUR OF THIS ARTICLE.

S 6443. RESPONSE TO REPORTS. 1. IN ACCORDANCE WITH THE VICTIM/SURVIVOR BILL OF RIGHTS SET FORTH IN SECTION SIXTY-FOUR HUNDRED FORTY-TWO OF THIS ARTICLE AND THE RIGHT OF VICTIMS AND SURVIVORS TO MAKE A REPORT TO LOCAL LAW ENFORCEMENT AND/OR STATE POLICE, EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT VICTIMS AND SURVIVORS ARE PROVIDED WITH THE FOLLOWING INFORMATION:

A. THE RIGHT TO NOTIFY LOCAL LAW ENFORCEMENT AND/OR STATE POLICE;

B. THE RIGHT TO REPORT CONFIDENTIALLY THE INCIDENT TO COLLEGE OR UNIVERSITY OFFICIALS, WHO MAY MAINTAIN CONFIDENTIALITY PURSUANT TO APPLICABLE LAWS, AND CAN ASSIST IN OBTAINING SERVICES FOR THE VICTIMS AND SURVIVORS;

C. THE RIGHT TO DISCLOSE CONFIDENTIALLY THE INCIDENT AND OBTAIN SERVICES FROM NEW YORK STATE, NEW YORK CITY, OR COUNTY SERVICES;

D. THE RIGHT TO REPORT THE INCIDENT TO COLLEGE OR UNIVERSITY OFFICIALS WHO CAN OFFER PRIVACY AND CAN ASSIST IN OBTAINING RESOURCES;

E. THE RIGHT TO FILE A CRIMINAL COMPLAINT WITH UNIVERSITY POLICE AND/OR CAMPUS SECURITY;

F. THE RIGHT TO FILE A REPORT OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND/OR STALKING, AND THE RIGHT TO CONSULT THE TITLE IX COORDINATOR FOR INFORMATION AND ASSISTANCE. REPORTS SHALL BE INVESTIGATED IN ACCORDANCE WITH COLLEGE OR UNIVERSITY POLICY AND A VICTIM/SURVIVOR'S IDENTITY SHALL REMAIN PRIVATE AT ALL TIMES IF SAID VICTIM/SURVIVOR WISHES TO MAINTAIN CONFIDENTIALITY;

G. WHEN THE ACCUSED IS AN EMPLOYEE, THE RIGHT TO REPORT THE INCIDENT TO THE COLLEGE OR UNIVERSITY HUMAN RESOURCES AUTHORITY OR THE RIGHT TO REQUEST THAT A CONFIDENTIAL OR PRIVATE EMPLOYEE ASSIST IN REPORTING TO THE APPROPRIATE HUMAN RESOURCES AUTHORITY. DISCIPLINARY PROCEEDINGS WILL BE CONDUCTED IN ACCORDANCE WITH APPLICABLE COLLECTIVE BARGAINING AGREEMENTS. WHEN THE ACCUSED IS AN EMPLOYEE OF AN AFFILIATED ENTITY OR VENDOR OF THE COLLEGE, COLLEGE OR UNIVERSITY OFFICIALS WILL, AT THE REQUEST OF THE VICTIM/SURVIVOR, ASSIST IN REPORTING TO THE APPROPRIATE OFFICE OF THE VENDOR OR AFFILIATED ENTITY AND, IF THE RESPONSE OF THE VENDOR OR AFFILIATED ENTITY IS NOT DEEMED SUFFICIENT BY THE COLLEGE OR UNIVERSITY OFFICIALS, ASSIST IN OBTAINING A PERSONA NON GRATA LETTER, SUBJECT TO LEGAL REQUIREMENTS AND COLLEGE POLICY;

H. THE RIGHT TO WITHDRAW A COMPLAINT OR INVOLVEMENT FROM THE COLLEGE OR UNIVERSITY PROCESS AT ANY TIME.

2. EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT VICTIMS AND SURVIVORS HAVE INFORMATION ABOUT RESOURCES, INCLUDING INTERVENTION, MENTAL HEALTH COUNSELING, AND MEDICAL. THE POLICY SHALL ALSO PROVIDE INFORMATION ON SEXUALLY TRANSMITTED INFECTIONS, SEXUAL ASSAULT FORENSIC EXAMINATIONS, AND RESOURCES AVAILABLE THROUGH THE OFFICE OF VICTIM SERVICES, ESTABLISHED PURSUANT TO SECTION SIX HUNDRED TWENTY-TWO OF THE EXECUTIVE LAW.

3. EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT VICTIMS AND SURVIVORS HAVE THE FOLLOWING PROTECTIONS AND ACCOMMODATIONS:

A. WHEN THE ACCUSED IS A STUDENT, TO HAVE THE COLLEGE ISSUE A "NO CONTACT ORDER," WHEREBY CONTINUED CONTACT WITH THE PROTECTED INDIVIDUAL WOULD BE A VIOLATION OF COLLEGE OR UNIVERSITY POLICY SUBJECT TO ADDITIONAL CONDUCT CHARGES; IF THE ACCUSED AND A PROTECTED PERSON OBSERVE EACH OTHER IN A PUBLIC PLACE, IT IS THE RESPONSIBILITY OF THE ACCUSED TO LEAVE THE AREA IMMEDIATELY AND WITHOUT DIRECTLY CONTACTING THE PROTECTED PERSON;

B. TO HAVE ASSISTANCE FROM UNIVERSITY POLICE OR CAMPUS SECURITY OR OTHER COLLEGE OR UNIVERSITY OFFICIALS IN OBTAINING AN ORDER OF PROTECTION OR, IF OUTSIDE OF NEW YORK STATE, AN EQUIVALENT PROTECTIVE OR RESTRAINING ORDER;

C. TO RECEIVE A COPY OF THE ORDER OF PROTECTION OR EQUIVALENT AND HAVE AN OPPORTUNITY TO MEET OR SPEAK WITH A COLLEGE OR UNIVERSITY OFFICIAL WHO CAN EXPLAIN THE ORDER AND ANSWER QUESTIONS ABOUT IT, INCLUDING INFORMATION FROM THE ORDER ABOUT THE ACCUSED'S RESPONSIBILITY TO STAY AWAY FROM THE PROTECTED PERSON OR PERSONS; THAT BURDEN DOES NOT REST ON THE PROTECTED PERSON OR PERSONS;

D. A RIGHT TO AN EXPLANATION OF THE CONSEQUENCES FOR VIOLATING THESE ORDERS, INCLUDING BUT NOT LIMITED TO ARREST, ADDITIONAL CONDUCT CHARGES, AND INTERIM SUSPENSION;

E. TO RECEIVE ASSISTANCE FROM UNIVERSITY POLICE OR CAMPUS SECURITY IN EFFECTING AN ARREST WHEN AN INDIVIDUAL VIOLATES AN ORDER OF PROTECTION OR, IF UNIVERSITY POLICE OR CAMPUS SECURITY DOES NOT POSSESS ARRESTING POWERS, THEN TO CALL ON AND ASSIST LOCAL LAW ENFORCEMENT IN EFFECTING AN ARREST FOR VIOLATING SUCH AN ORDER;

F. WHEN THE ACCUSED IS A STUDENT AND PRESENTS A CONTINUING THREAT TO THE HEALTH AND SAFETY OF THE COMMUNITY, TO SUBJECT THE ACCUSED TO INTERIM SUSPENSION PENDING THE OUTCOME OF A CONDUCT PROCESS;

G. WHEN THE ACCUSED IS NOT A STUDENT BUT IS A MEMBER OF THE COLLEGE COMMUNITY AND PRESENTS A CONTINUING THREAT TO THE HEALTH AND SAFETY OF THE COMMUNITY, TO SUBJECT THE ACCUSED TO INTERIM MEASURES IN ACCORDANCE WITH APPLICABLE COLLECTIVE BARGAINING AGREEMENTS, EMPLOYEE HANDBOOKS, AND RULES AND POLICIES OF THE COLLEGE OR UNIVERSITY;

H. WHEN THE ACCUSED IS NOT A MEMBER OF THE COLLEGE COMMUNITY, TO HAVE ASSISTANCE FROM UNIVERSITY POLICE OR CAMPUS SECURITY OR OTHER COLLEGE OR UNIVERSITY OFFICIALS IN OBTAINING A PERSONA NON GRATA LETTER, SUBJECT TO APPLICABLE LEGAL REQUIREMENTS AND POLICIES; AND

I. TO OBTAIN REASONABLE AND AVAILABLE INTERIM MEASURES AND ACCOMMODATIONS THAT EFFECT A CHANGE IN ACADEMIC, HOUSING, EMPLOYMENT, TRANSPORTATION, OR OTHER APPLICABLE ARRANGEMENTS IN ORDER TO ENSURE SAFETY, PREVENT RETALIATION, AND AVOID AN ONGOING HOSTILE ENVIRONMENT.

4. EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT STUDENTS PARTICIPATING IN THE STUDENT CONDUCT OR JUDICIAL PROCESS BE AFFORDED THE FOLLOWING RIGHTS AND RESPONSIBILITIES:

A. THE RIGHT TO FILE STUDENT CONDUCT CHARGES AGAINST THE ACCUSED. CONDUCT PROCEEDINGS ARE GOVERNED BY THE PROCEDURES SET FORTH IN COLLEGE OR UNIVERSITY RULES AS WELL AS FEDERAL AND NEW YORK STATE LAW, INCLUDING, WHERE APPLICABLE, THE DUE PROCESS PROVISIONS OF THE UNITED STATES CONSTITUTION AND NEW YORK STATE CONSTITUTION.

B. THROUGHOUT CONDUCT PROCEEDINGS, THE ACCUSED AND THE VICTIM/SURVIVOR SHALL BE PROVIDED:

(1) THE SAME OPPORTUNITY TO HAVE ACCESS TO AN ADVISOR OF THEIR CHOICE, WHERE PARTICIPATION OF THE ADVISOR IN ANY PROCEEDING SHALL BE IN COMPLIANCE WITH APPLICABLE FEDERAL LAWS AND THE STUDENT CODE OF CONDUCT.

(2) THE RIGHT TO A PROMPT RESPONSE TO ANY COMPLAINT AND TO HAVE THE COMPLAINT INVESTIGATED AND ADJUDICATED IN AN IMPARTIAL, TIMELY, AND

THOROUGH MANNER BY INDIVIDUALS WHO RECEIVE ANNUAL TRAINING IN CONDUCTING INVESTIGATIONS OF SEXUAL VIOLENCE, THE EFFECTS OF TRAUMA, AND OTHER ISSUES RELATED TO SEXUAL VIOLENCE INCLUDING BUT NOT LIMITED TO SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING.

(3) THE RIGHT TO AN INVESTIGATION AND PROCESS THAT IS FAIR, IMPARTIAL, AND PROVIDES A MEANINGFUL OPPORTUNITY TO BE HEARD.

(4) THE RIGHT TO RECEIVE WRITTEN OR ELECTRONIC NOTICE OF ANY MEETING OR HEARING THEY ARE REQUIRED TO OR ARE ELIGIBLE TO ATTEND.

(5) THE RIGHT TO HAVE A CONDUCT PROCESS RUN CONCURRENTLY WITH A CRIMINAL JUSTICE INVESTIGATION AND PROCEEDING, EXCEPT FOR TEMPORARY DELAYS AS REQUESTED BY EXTERNAL MUNICIPAL ENTITIES WHILE LAW ENFORCEMENT GATHERS EVIDENCE. TO COMPLY WITH FEDERAL LAW, TEMPORARY DELAYS SHOULD NOT LAST MORE THAN TEN DAYS EXCEPT WHEN LAW ENFORCEMENT SPECIFICALLY REQUESTS AND JUSTIFIES A LONGER DELAY.

(6) THE RIGHT TO REVIEW AVAILABLE EVIDENCE IN THE CASE FILE.

(7) THE RIGHT TO A RANGE OF OPTIONS FOR PROVIDING TESTIMONY VIA ALTERNATIVE ARRANGEMENTS, INCLUDING TELEPHONE/VIDEOCONFERENCING OR TESTIFYING WITH A ROOM PARTITION.

(8) THE RIGHT TO EXCLUDE PRIOR SEXUAL HISTORY OR PAST MENTAL HEALTH HISTORY FROM ADMITTANCE IN THE COLLEGE DISCIPLINARY STAGE THAT DETERMINES RESPONSIBILITY. PAST SEXUAL VIOLENCE FINDINGS MAY BE ADMISSIBLE IN THE DISCIPLINARY STAGE THAT DETERMINES SANCTION.

(9) THE RIGHT TO ASK QUESTIONS OF THE DECISION MAKER AND VIA THE DECISION MAKER INDIRECTLY REQUEST RESPONSES FROM OTHER PARTIES AND ANY OTHER WITNESSES PRESENT.

(10) THE RIGHT TO MAKE AN IMPACT STATEMENT DURING THE POINT OF THE PROCEEDING WHERE THE DECISION MAKER IS DELIBERATING ON APPROPRIATE SANCTIONS.

(11) THE RIGHT TO SIMULTANEOUS (AMONG THE PARTIES) WRITTEN OR ELECTRONIC NOTIFICATION OF THE OUTCOME OF A CONDUCT PROCEEDING, INCLUDING THE SANCTION OR SANCTIONS.

(12) THE RIGHT TO KNOW THE SANCTION OR SANCTIONS THAT MAY BE IMPOSED ON THE ACCUSED BASED UPON THE OUTCOME OF THE CONDUCT PROCEEDING AND THE REASON FOR THE ACTUAL SANCTION IMPOSED. FOR STUDENTS FOUND RESPONSIBLE FOR COMMITTING SEXUAL ASSAULT, THE AVAILABLE SANCTIONS SHALL BE EITHER IMMEDIATE SUSPENSION WITH ADDITIONAL REQUIREMENTS OR EXPULSION.

C. THE RIGHT TO CHOOSE WHETHER TO DISCLOSE OR DISCUSS THE OUTCOME OF A CONDUCT HEARING.

S 6444. CAMPUS CLIMATE ASSESSMENTS. 1. EACH COLLEGE AND UNIVERSITY SHALL CONDUCT A CAMPUS CLIMATE ASSESSMENT AIMED AT ASCERTAINING GENERAL AWARENESS AND KNOWLEDGE OF PROVISIONS OF THIS ARTICLE, DEVELOPED USING STANDARD AND COMMONLY RECOGNIZED RESEARCH METHODS, AND SHALL CONDUCT SUCH ASSESSMENT NO LESS THAN EVERY OTHER YEAR.

2. THE ASSESSMENT SHALL INCLUDE QUESTIONS COVERING AT LEAST THE FOLLOWING TOPICS REGARDING STUDENT AND EMPLOYEE KNOWLEDGE ABOUT (A) THE TITLE IX COORDINATOR'S ROLE; (B) CAMPUS POLICIES AND PROCEDURES ADDRESSING SEXUAL ASSAULT; (C) HOW AND WHERE TO REPORT SEXUAL VIOLENCE AS A VICTIM, SURVIVOR OR WITNESS; (D) THE AVAILABILITY OF RESOURCES ON AND OFF CAMPUS, SUCH AS COUNSELING, HEALTH, AND ACADEMIC ASSISTANCE; (E) THE PREVALENCE OF VICTIMIZATION AND PERPETRATION OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING ON AND OFF CAMPUS DURING A SET TIME PERIOD; (F) BYSTANDER ATTITUDES AND BEHAVIOR; AND (G) WHETHER VICTIMS AND SURVIVORS REPORTED TO THE COLLEGE OR UNIVERSITY AND/OR POLICE, AND REASONS WHY THEY DID OR DID NOT REPORT.

3. EACH COLLEGE AND UNIVERSITY SHALL TAKE STEPS TO ENSURE THAT ANSWERS TO SUCH ASSESSMENTS REMAIN ANONYMOUS AND NO INDIVIDUAL RESPONDENT IS IDENTIFIED.

4. EACH COLLEGE AND UNIVERSITY SHALL PUBLISH DETAILED RESULTS OF SUCH SURVEYS ON THEIR INTERNET WEBSITE PROVIDED THAT NO PERSONALLY IDENTIFIABLE INFORMATION OR INFORMATION WHICH CAN REASONABLY LEAD A READER TO IDENTIFY AN INDIVIDUAL RESPONDENT SHALL BE SHARED.

5. NOTHING IN THIS SECTION SHALL BE SUBJECT TO DISCOVERY OR ADMITTED INTO EVIDENCE IN A FEDERAL OR STATE COURT PROCEEDING OR CONSIDERED FOR OTHER PURPOSES IN ANY ACTION FOR DAMAGES BROUGHT BY A PRIVATE PARTY AGAINST A COLLEGE OR UNIVERSITY.

S 6445. OPTIONS FOR CONFIDENTIAL DISCLOSURE. IN ACCORDANCE WITH THE VICTIM/SURVIVOR BILL OF RIGHTS SET FORTH IN SECTION SIXTY-FOUR HUNDRED FORTY-TWO OF THIS ARTICLE, EACH COLLEGE AND UNIVERSITY SHALL ENSURE THAT VICTIMS AND SURVIVORS HAVE THE FOLLOWING INFORMATION: (A) INFORMATION REGARDING PRIVILEGED AND CONFIDENTIAL RESOURCES THEY MAY CONTACT REGARDING VIOLENCE; (B) INFORMATION ABOUT NON-PROFESSIONAL COUNSELORS AND ADVOCATES THEY MAY CONTACT REGARDING VIOLENCE; (C) A PLAIN LANGUAGE EXPLANATION OF THE DIFFERENCES BETWEEN PRIVACY AND CONFIDENTIALITY; (D) INFORMATION ABOUT HOW THE COLLEGE OR UNIVERSITY WILL WEIGH A REQUEST FOR CONFIDENTIALITY AND RESPOND TO SUCH A REQUEST. SUCH INFORMATION SHALL AT MINIMUM INCLUDE THAT IF A VICTIM/SURVIVOR DISCLOSES AN INCIDENT TO A COLLEGE OR UNIVERSITY EMPLOYEE WHO IS RESPONSIBLE FOR RESPONDING TO OR REPORTING SEXUAL VIOLENCE OR SEXUAL HARASSMENT, BUT WISHES TO MAINTAIN CONFIDENTIALITY OR DOES NOT CONSENT TO THE INSTITUTION'S REQUEST TO INITIATE AN INVESTIGATION, THE TITLE IX COORDINATOR MUST WEIGH THE REQUEST AGAINST THE COLLEGE OR UNIVERSITY'S OBLIGATION TO PROVIDE A SAFE, NON-DISCRIMINATORY ENVIRONMENT FOR ALL MEMBERS OF ITS COMMUNITY. THE COLLEGE OR UNIVERSITY WILL ASSIST WITH ACADEMIC, HOUSING, TRANSPORTATION, EMPLOYMENT, AND OTHER REASONABLE AND AVAILABLE ACCOMMODATIONS REGARDLESS OF REPORTING CHOICES. THE COLLEGE OR UNIVERSITY MAY TAKE PROACTIVE STEPS, SUCH AS TRAINING OR AWARENESS EFFORTS, TO COMBAT SEXUAL VIOLENCE IN A GENERAL WAY THAT DOES NOT IDENTIFY THOSE WHO DISCLOSE OR THE INFORMATION DISCLOSED. THE COLLEGE OR UNIVERSITY MAY SEEK CONSENT FROM THOSE WHO DISCLOSE PRIOR TO CONDUCTING AN INVESTIGATION. DECLINING TO CONSENT TO AN INVESTIGATION WILL BE HONORED UNLESS THE COLLEGE OR UNIVERSITY DETERMINES IN GOOD FAITH THAT FAILURE TO INVESTIGATE DOES NOT ADEQUATELY MITIGATE A POTENTIAL RISK OF HARM TO THE DISCLOSING PERSON OR OTHER MEMBERS OF THE COMMUNITY. HONORING SUCH A REQUEST MAY LIMIT THE COLLEGE OR UNIVERSITY'S ABILITY TO MEANINGFULLY INVESTIGATE AND PURSUE CONDUCT ACTION AGAINST AN ACCUSED INDIVIDUAL. IF THE COLLEGE OR UNIVERSITY DETERMINES THAT AN INVESTIGATION IS REQUIRED, IT WILL NOTIFY THE DISCLOSING PERSON AND TAKE IMMEDIATE ACTION AS NECESSARY TO PROTECT AND ASSIST THEM. FACTORS USED TO DETERMINE WHETHER TO HONOR A CONFIDENTIALITY REQUEST INCLUDE, BUT ARE NOT LIMITED TO: (1) WHETHER THE ACCUSED HAS A HISTORY OF VIOLENT BEHAVIOR OR IS A REPEAT OFFENDER; (2) WHETHER THE INCIDENT REPRESENTS ESCALATION IN UNLAWFUL CONDUCT ON BEHALF OF THE ACCUSED FROM PREVIOUSLY NOTED BEHAVIOR; (3) THE INCREASED RISK THAT THE ACCUSED WILL COMMIT ADDITIONAL ACTS OF VIOLENCE; (4) WHETHER THE ACCUSED USED A WEAPON OR FORCE; (5) WHETHER THE VICTIM/SURVIVOR IS A MINOR; AND (6) WHETHER THE COLLEGE OR UNIVERSITY POSSESSES OTHER MEANS TO OBTAIN EVIDENCE SUCH AS SECURITY FOOTAGE, AND WHETHER AVAILABLE INFORMATION REVEALS A PATTERN OF PERPETRATION AT A GIVEN LOCATION OR BY A PARTICULAR GROUP; (E) INFORMATION ABOUT PUBLIC AWARENESS AND ADVOCACY EVENTS, INCLUDING GUARANTEES THAT IF AN INDIVIDUAL DISCLOSES INFORMATION THROUGH A PUBLIC AWARENESS EVENT SUCH AS CANDLELIGHT VIGILS, PROTESTS, OR OTHER

PUBLIC EVENT, THE COLLEGE OR UNIVERSITY IS NOT OBLIGATED TO BEGIN AN INVESTIGATION BASED ON SUCH INFORMATION. THE COLLEGE OR UNIVERSITY MAY USE THE INFORMATION PROVIDED AT SUCH AN EVENT TO INFORM ITS EFFORTS FOR ADDITIONAL EDUCATION AND PREVENTION EFFORTS; (F) INFORMATION ABOUT METHODS TO ANONYMOUSLY DISCLOSE INCLUDING BUT NOT LIMITED TO INFORMATION ON RELEVANT CONFIDENTIAL HOTLINES PROVIDED BY NEW YORK STATE AGENCIES AND NOT-FOR-PROFIT ENTITIES; (G) INFORMATION REGARDING INSTITUTIONAL CRIME REPORTING INCLUDING BUT NOT LIMITED TO: REPORTS OF CERTAIN CRIMES OCCURRING IN SPECIFIC GEOGRAPHIC LOCATIONS THAT SHALL BE INCLUDED IN THE COLLEGE OR UNIVERSITY ANNUAL SECURITY REPORT PURSUANT TO THE CLERY ACT, 20 U.S.C. 1092(F), IN AN ANONYMIZED MANNER THAT NEITHER IDENTIFIES THE SPECIFICS OF THE CRIME OR THE IDENTITY OF THE VICTIM/SURVIVOR; THAT THE COLLEGE OR UNIVERSITY IS OBLIGATED TO ISSUE TIMELY WARNINGS OF CRIMES ENUMERATED IN THE CLERY ACT OCCURRING WITHIN RELEVANT GEOGRAPHY THAT REPRESENT A SERIOUS OR CONTINUING THREAT TO STUDENTS AND EMPLOYEES, EXCEPT IN THOSE CIRCUMSTANCES WHERE ISSUING SUCH A WARNING MAY COMPROMISE CURRENT LAW ENFORCEMENT EFFORTS OR WHEN THE WARNING ITSELF COULD POTENTIALLY IDENTIFY THE VICTIM/SURVIVOR; THAT A VICTIM OR SURVIVOR SHALL NOT BE IDENTIFIED IN A TIMELY WARNING; THAT THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT, 20 U.S.C. 1232(G), ALLOWS INSTITUTIONS TO SHARE INFORMATION WITH PARENTS WHEN (1) THERE IS A HEALTH OR SAFETY EMERGENCY, OR (2) WHEN THE STUDENT IS A DEPENDENT ON EITHER PARENT'S PRIOR YEAR FEDERAL INCOME TAX RETURN, AND THAT GENERALLY, THE COLLEGE OR UNIVERSITY SHALL NOT SHARE INFORMATION ABOUT A REPORT OF SEXUAL VIOLENCE WITH PARENTS WITHOUT THE PERMISSION OF THE VICTIM/SURVIVOR.

S 6446. STUDENT ONBOARDING AND ONGOING EDUCATION. 1. EACH COLLEGE AND UNIVERSITY SHALL ADOPT A COMPREHENSIVE STUDENT ONBOARDING AND ONGOING EDUCATION CAMPAIGN TO EDUCATE MEMBERS OF THE COLLEGE OR UNIVERSITY COMMUNITY ABOUT SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING, IN COMPLIANCE WITH APPLICABLE FEDERAL LAWS, INCLUDING THE CLERY ACT AS AMENDED BY THE VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION OF 2013, 20 U.S.C. 1092(F).

2. INCLUDED IN THIS CAMPAIGN IT SHALL BE A REQUIREMENT THAT ALL NEW FIRST-YEAR AND TRANSFER STUDENTS SHALL, DURING THE COURSE OF THEIR ONBOARDING TO THEIR COLLEGE OR UNIVERSITY, RECEIVE TRAINING ON THE FOLLOWING TOPICS, USING A METHOD AND MANNER APPROPRIATE TO THE INSTITUTIONAL CULTURE OF EACH COLLEGE OR UNIVERSITY: (A) THE COLLEGE OR UNIVERSITY PROHIBITS SEXUAL HARASSMENT, INCLUDING SEXUAL VIOLENCE, OTHER VIOLENCE OR THREATS OF VIOLENCE, AND WILL OFFER RESOURCES TO ANY VICTIMS AND SURVIVORS OF SUCH VIOLENCE WHILE TAKING ADMINISTRATIVE AND CONDUCT ACTION REGARDING ANY ACCUSED INDIVIDUAL WITHIN THE JURISDICTION OF THE COLLEGE OR UNIVERSITY; (B) RELEVANT DEFINITIONS INCLUDING, BUT NOT LIMITED TO, THE DEFINITIONS OF SEXUAL VIOLENCE AND CONSENT; (C) POLICIES APPLY EQUALLY TO ALL STUDENTS REGARDLESS OF SEXUAL ORIENTATION, GENDER IDENTITY, OR GENDER EXPRESSION; (D) THE ROLE OF THE TITLE IX COORDINATOR, UNIVERSITY POLICE OR CAMPUS SECURITY, AND OTHER RELEVANT OFFICES THAT ADDRESS SEXUAL VIOLENCE PREVENTION AND RESPONSE; (E) AWARENESS OF VIOLENCE, ITS IMPACT ON VICTIMS AND SURVIVORS AND THEIR FRIENDS AND FAMILY, AND ITS LONG-TERM IMPACT; (F) THE POLICIES REQUIRED BY SECTIONS SIXTY-FOUR HUNDRED FORTY-THREE AND SIXTY-FOUR HUNDRED FORTY-FOUR OF THIS ARTICLE, INCLUDING: (1) HOW TO REPORT SEXUAL VIOLENCE AND OTHER CRIMES CONFIDENTIALLY TO COLLEGE OR UNIVERSITY OFFICIALS, CAMPUS LAW ENFORCEMENT AND SECURITY, AND LOCAL LAW ENFORCEMENT; AND (2) HOW TO OBTAIN SERVICES AND SUPPORT; (G) BYSTANDER INTERVENTION AND THE IMPORTANCE OF TAKING ACTION, WHEN ONE CAN SAFELY DO SO, TO PREVENT VIOLENCE; (H) THE PROTECTIONS OF THE POLICY FOR ALCOHOL AND/OR DRUG USE AMNESTY IN SEXUAL

VIOLENCE CASES AS OUTLINED IN SECTION SIXTY-FOUR HUNDRED FORTY-ONE OF THIS ARTICLE; (I) RISK ASSESSMENT AND REDUCTION INCLUDING, BUT NOT LIMITED TO, STEPS THAT POTENTIAL VICTIMS AND SURVIVORS AND BYSTANDERS CAN TAKE TO LOWER THE INCIDENCE OF SEXUAL VIOLENCE; AND (J) CONSEQUENCES AND SANCTIONS FOR INDIVIDUALS WHO COMMIT THESE CRIMES.

3. EACH COLLEGE AND UNIVERSITY SHALL CONDUCT THESE TRAININGS FOR ALL NEW STUDENTS, WHETHER FIRST-YEAR OR TRANSFER, UNDERGRADUATE, GRADUATE, OR PROFESSIONAL.

4. EACH COLLEGE AND UNIVERSITY SHALL USE MULTIPLE METHODS TO EDUCATE STUDENTS ABOUT VIOLENCE PREVENTION AND WILL ALSO SHARE INFORMATION ON SEXUAL VIOLENCE PREVENTION WITH PARENTS OF ENROLLING STUDENTS.

5. EACH COLLEGE AND UNIVERSITY SHALL OFFER TO ALL STUDENTS GENERAL AND SPECIALIZED TRAINING IN SEXUAL VIOLENCE PREVENTION. EACH COLLEGE AND UNIVERSITY SHALL CONDUCT A CAMPAIGN, COMPLIANT WITH THE REQUIREMENTS OF THE VIOLENCE AGAINST WOMEN ACT, 20 U.S.C. 1092(F), TO EDUCATE THE STUDENT POPULATION. FURTHER, EACH COLLEGE AND UNIVERSITY SHALL, AS APPROPRIATE, PROVIDE OR EXPAND SPECIFIC TRAINING TO INCLUDE GROUPS SUCH AS INTERNATIONAL STUDENTS, STUDENTS THAT ARE ALSO EMPLOYEES, LEADERS AND OFFICERS OF REGISTERED OR RECOGNIZED STUDENT ORGANIZATIONS, AND ONLINE AND DISTANCE EDUCATION STUDENTS. EACH COLLEGE AND UNIVERSITY SHALL ALSO PROVIDE SPECIFIC TRAINING TO MEMBERS OF GROUPS IDENTIFIED AS LIKELY TO ENGAGE IN HIGH-RISK BEHAVIOR.

6. EACH COLLEGE AND UNIVERSITY SHALL REQUIRE THAT STUDENT LEADERS AND OFFICERS OF STUDENT ORGANIZATIONS RECOGNIZED BY OR REGISTERED WITH THE COLLEGE OR UNIVERSITY, AS WELL AS THOSE SEEKING RECOGNITION BY THE COLLEGE OR UNIVERSITY, COMPLETE TRAINING ON SEXUAL VIOLENCE PREVENTION AS PART OF THE APPROVAL PROCESS, AND EACH COLLEGE AND UNIVERSITY SHALL REQUIRE THAT STUDENT-ATHLETES COMPLETE TRAINING ON SEXUAL VIOLENCE PREVENTION PRIOR TO PARTICIPATING IN INTERCOLLEGIATE ATHLETIC COMPETITION.

7. METHODS OF TRAINING AND EDUCATING STUDENTS MAY INCLUDE, BUT ARE NOT LIMITED TO: (A) PRESIDENT'S WELCOME MESSAGING; (B) PEER THEATER AND PEER EDUCATIONAL PROGRAMS; (C) ONLINE TRAINING; (D) SOCIAL MEDIA OUTREACH; (E) FIRST-YEAR SEMINARS AND TRANSITIONAL COURSES; (F) COURSE SYLLABI; (G) FACULTY TEACH-INS; (H) INSTITUTION-WIDE READING PROGRAMS; (I) POSTERS, BULLETIN BOARDS, AND OTHER TARGETED PRINT AND EMAIL MATERIALS; (J) PROGRAMMING SURROUNDING LARGE RECURRING CAMPUS EVENTS; (K) PARTNERING WITH NEIGHBORING COLLEGES AND UNIVERSITIES TO OFFER TRAINING AND EDUCATION; (L) PARTNERING WITH STATE AND LOCAL COMMUNITY ORGANIZATIONS THAT PROVIDE OUTREACH, SUPPORT, CRISIS INTERVENTION, COUNSELING AND OTHER RESOURCES TO VICTIMS AND SURVIVORS OF CRIMES TO OFFER TRAINING AND EDUCATION; AND (M) OUTREACH AND PARTNERING WITH LOCAL BUSINESSES THAT ATTRACT STUDENTS TO ADVERTISE AND EDUCATE ABOUT THESE POLICIES.

8. EACH COLLEGE AND UNIVERSITY MUST ENGAGE IN AN OCCASIONAL ASSESSMENT OF ITS PROGRAM AND POLICIES ESTABLISHED PURSUANT TO PROVISIONS OF THIS ARTICLE, IN ORDER TO DETERMINE EFFECTIVENESS AND RELEVANCE FOR STUDENTS, BY EITHER ASSESSING ITS OWN PROGRAMMING OR BY CONDUCTING A REVIEW OF POLICIES OF OTHER COLLEGES AND UNIVERSITIES AND PUBLISHED STUDIES.

S 6447. PRIVACY IN LEGAL CHALLENGES TO CONDUCT FINDINGS. IN ANY PROCEEDING BROUGHT AGAINST A COLLEGE OR UNIVERSITY CHARTERED BY THE REGENTS OR INCORPORATED BY SPECIAL ACT OF THE LEGISLATURE AND WHICH MAINTAINS A CAMPUS, CHALLENGING A FINDING THAT A STUDENT WAS RESPONSIBLE FOR A VIOLATION OF THE COLLEGE OR UNIVERSITY RULES, THE PLEADINGS AND OTHER PAPERS OF SUCH A PROCEEDING SHALL NOT NAME OR PROVIDE IDENTIFYING INFORMATION ABOUT TESTIFYING WITNESSES (INCLUDING A VICTIM OR SURVIVOR OF A CRIME) WITH THE EXCEPTION OF THE PETITIONER, INDIVIDUALS TESTIFYING

IN THEIR PROFESSIONAL OR EXPERT CAPACITY, AND WITNESSES WHO WAIVE THIS RIGHT TO PRIVACY IN A NOTARIZED INSTRUMENT PRESENTED TO THE COURT. WITNESSES SHALL BE IDENTIFIED ONLY AS NUMBERED WITNESSES.

S 2. This act shall take effect immediately; provided, however, that sections sixty-four hundred thirty-nine, sixty-four hundred forty, sixty-four hundred forty-one, sixty-four hundred forty-three, sixty-four hundred forty-five, and sixty-four hundred forty-six of article 29-B of the education law, as added by section one of this act, shall take effect on the one hundred eightieth day after it shall have become a law; sections sixty-four hundred forty-two and sixty-four hundred forty-seven of article 29-B of the education law, as added by section one of this act, shall take effect on the sixtieth day after it shall have become a law, and section sixty-four hundred forty-four of article 29-B of the education law, as added by section one of this act, shall take effect on the four hundred twenty-fifth day after it shall have become a law.