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:

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

ARTICLE 129-C
REPORTING OF CERTAIN EMPLOYEES

Section 6450. Definitions.
6450-a. Reporting to the department by institutions.
6450-b. Publishing of certain information on the department's website.

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

1. "Domestic violence", "dating violence", "stalking" ,"sexual assault" and "sexual harassment" shall be defined by each institution in its code of conduct in a manner consistent with applicable federal definitions.

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

3. "Investigation" shall refer to the process the institution uses to resolve complaints about sexual violence and harassment in the forms of domestic violence, dating violence, stalking, sexual assault, and sexual harassment. This includes the fact-finding investigation and any hearing and decision-making process the institution uses to determine: (a) whether or not the conduct occurred; and (b) if the conduct occurred, 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.

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

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

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

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

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

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

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

2. Such a database shall include:

a. the name of the respondent;

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

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

§ 2. This act shall take effect immediately.