STATE OF NEW YORK

5173

2021-2022 Regular Sessions

IN ASSEMBLY

February 11, 2021

Introduced by M. of A. PAULIN, COOK, WILLIAMS, HYNDMAN, M. MILLER, WEPRIN, SIMON, GOTTFRIED, DICKENS, GALEF, BARRON, LAVINE, J. RIVERA, BICHOTTE HERMELYN, SEAWRIGHT, COLTON, FAHY -- 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 used to resolve complaints about sexual violence and harassment in the forms of domestic violence, dating violence, stalking, sexual assault, and sexual harass-

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

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ment. This includes the fact-finding investigation and any hearing and decision-making process used to determine: (a) whether the conduct occurred; and (b) if the conduct occurred, what actions will be taken to end the sexual violence, eliminate 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 investigation process.

§ 6450-a. Reporting to the department by institutions. Upon completion of an 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 for the sexual violence or sexual harassment conduct through the investigation process;

2. the year the investigation was completed; and

3. the name of the institution that was the place of work for the respondent when the investigation or settlement occurred.

§ 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 investigation process.

2. Such a database shall include:

a. the name of the respondent;

b. the year the investigation was completed; and

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

3. If a respondent was not found responsible due to a settlement or similar agreement with the institution, the database referenced in subdivision two of this section shall include the information required by paragraphs a, b and c of such subdivision.

4. In the case of a settlement or similar agreement, the database shall also include a statement that the investigation was not complete due to a settlement or similar agreement.

§ 2. This act shall take effect immediately.