

# SENATE BILL NO. 74

February 16, 2023, Introduced by Senators SINGH, GEISS, CHANG, LAUWERS, BELLINO, BAYER, SHINK, WOJNO, MCCANN, CAVANAGH and POLEHANKI and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to create the office of the higher education sexual assault prevention, advocacy, and resource officer within the department of civil rights; to prescribe the powers and duties of the office, the advocacy officer, and certain state governmental officers and entities; and to provide for an appropriation.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act may be cited as the "higher education sexual  
2 assault prevention, advocacy, and resource officer act".

3           Sec. 2. As used in this act:

1 (a) "Advocacy officer" means the higher education sexual  
2 assault prevention, advocacy, and resource officer.

3 (b) "Department" means the department of civil rights.

4 (c) "Institution of higher education" means a degree- or  
5 certificate-granting public or private college or university,  
6 junior college, or community college in this state.

7 (d) "Office" means the office of the higher education sexual  
8 assault prevention, advocacy, and resource officer created under  
9 this act.

10 (e) "Sexual assault" means a violation or attempted violation  
11 of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal  
12 code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and  
13 750.520g.

14 Sec. 3. (1) The office of the higher education sexual assault  
15 prevention, advocacy, and resource officer is created within the  
16 department.

17 (2) The principal executive officer of the office of the  
18 higher education sexual assault prevention, advocacy, and resource  
19 officer is the higher education sexual assault prevention,  
20 advocacy, and resource officer who is to be appointed by and serve  
21 at the pleasure of the department. An individual appointed to serve  
22 as the higher education sexual assault prevention, advocacy, and  
23 resource officer must be qualified by training and experience to  
24 perform the duties and exercise the powers of the higher education  
25 sexual assault prevention, advocacy, and resource officer and the  
26 office of the higher education sexual assault prevention, advocacy,  
27 and resource officer as provided in this act.

28 Sec. 4. Under the supervision of the department, exercised in  
29 consultation with experts on sexual assault and sexual harassment,

1 including, but not limited to, the Michigan domestic and sexual  
2 violence prevention and treatment board created under Executive  
3 Order No. 2012-17, the advocacy officer shall do all of the  
4 following:

5 (a) Advocate for students at institutions of higher education  
6 who may be victims of sexual assaults committed on the campuses of  
7 those institutions or at programs, activities, or events that they  
8 sponsor or otherwise provide or support.

9 (b) Encourage institutions of higher education to improve the  
10 quality and coordination of services they provide to assist  
11 students who may be victims of sexual assaults on their campuses or  
12 at programs, activities, or events that they sponsor or otherwise  
13 provide or support.

14 (c) Encourage institutions of higher education to improve the  
15 quality and coordination of preventive and corrective measures  
16 taken by those institutions to mitigate the likelihood and effects  
17 of sexual assaults on their campuses or at programs, activities, or  
18 events that they sponsor or otherwise provide or support,  
19 including, but not limited to, all of the following:

20 (i) Institutional policies, procedures, and protocols for  
21 responding to and reporting incidents of sexual assaults of  
22 students.

23 (ii) Sexual assault prevention and response training for  
24 institutional personnel.

25 (iii) Sexual assault prevention and response presentations or  
26 courses for students.

27 (iv) Publication of information about campus and community  
28 resources available to student-victims of sexual assaults.

29 (d) Promote public awareness of the issue of sexual assault at

1 institutions of higher education.

2 (e) Provide information and referral services to students who  
3 may be victims of sexual assaults at institutions of higher  
4 education to ensure that their rights are protected.

5 (f) Provide information to students who may be victims of  
6 sexual assaults at institutions of higher education regarding  
7 programs and services provided for them by each level of  
8 government.

9 (g) Promote new services, when necessary, for student-victims  
10 of sexual assaults at institutions of higher education.

11 (h) Maintain statistics, facts, and data pertaining to the  
12 incidence and nature of sexual assaults of students at institutions  
13 of higher education.

14 (i) Provide technical assistance to institutions of higher  
15 education regarding preventive and corrective measures to mitigate  
16 the likelihood and effects of sexual assaults on their campuses or  
17 at programs, activities, or events that they sponsor or otherwise  
18 provide or support.

19 (j) Coordinate efforts to identify campus sexual assault  
20 systems' response practices in order to remove barriers to victims  
21 receiving helping services and reporting, and, as needed, convene  
22 working group and campus response experts to identify gaps and  
23 solutions.

24 (k) Coordinate and collaborate with the department of state  
25 police, the department of health and human services, and any other  
26 state agency with responsibilities that include preventing sexual  
27 assault on college campuses to review and evaluate the use of state  
28 funds dedicated to sexual assault prevention, including, but not  
29 limited to, grants awarded under the campus sexual assault grant

1 program administered by the Michigan state police, and make  
2 recommendations to state agencies, the legislature, and the  
3 governor regarding proposed legislation, rules, hearings, future  
4 funding allocations, and investigations considered necessary or  
5 proper to promote student safety at institutions of higher  
6 education.

7 Sec. 5. Under the supervision of the department, the advocacy  
8 officer may do any of the following:

9 (a) Except as otherwise provided by law and with the written  
10 consent of a student who may be a victim of sexual assault, obtain  
11 access to all information, records, and documents in the possession  
12 of an institution of higher education pertaining to the possible  
13 sexual assault and that the advocacy officer considers necessary in  
14 the performance of the advocacy officer's duties set forth in  
15 section 4.

16 (b) Request and receive from an institution of higher  
17 education a progress report concerning the processing of any report  
18 of sexual assault made to the institution by a student.

19 Sec. 6. (1) The advocacy officer shall submit an annual report  
20 on the conduct of the office to the department and the chairpersons  
21 of all committees in both houses of the legislature responsible for  
22 the oversight of institutions of higher education. A report under  
23 this section must be posted to the department's website, must  
24 address specific issues as prescribed by the department, and must  
25 not disclose the identity of any individual who may have been  
26 involved in any way, as a complainant, respondent, witness, or  
27 otherwise, in any alleged sexual assault.

28 (2) In addition to the annual report described in subsection  
29 (1), the office may, as needed, provide intermediate reports

1 relating to specific matters of concern.

2       Sec. 7. Except as provided in section 11 of the child  
3 protection law, 1975 PA 238, MCL 722.631, any communication between  
4 the advocacy officer and any person regarding a possible sexual  
5 assault must be treated as confidential.

6       Sec. 8. Any record owned, used, possessed, or retained by the  
7 office in the performance of an official function of the office,  
8 and all records kept by the advocacy officer, are exempt from  
9 disclosure under the freedom of information act, 1976 PA 442, MCL  
10 15.231 to 15.246.

11       Sec. 9. The department shall promulgate rules to implement  
12 this act pursuant to the administrative procedures act of 1969,  
13 1969 PA 306, MCL 24.201 to 24.328.

14       Sec. 10. The legislature shall annually appropriate a sum  
15 sufficient to implement this act.

16       Enacting section 1. This act takes effect 90 days after the  
17 date it is enacted into law.