

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Higher Education Act of 1965 to require institutions of higher education to have an independent advocate for campus sexual assault prevention and response.

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IN THE SENATE OF THE UNITED STATES

Mr. KAINE (for himself, Ms. HIRONO, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To amend the Higher Education Act of 1965 to require institutions of higher education to have an independent advocate for campus sexual assault prevention and response.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Survivor Outreach and  
5 Support Campus Act” or the “SOS Campus Act”.

1 **SEC. 2. INDEPENDENT ADVOCATE FOR CAMPUS SEXUAL AS-**  
2 **SAULT PREVENTION AND RESPONSE.**

3 Part B of title I of the Higher Education Act of 1965  
4 (20 U.S.C. 1011 et seq.) is amended by adding at the end  
5 the following:

6 **“SEC. 124. INDEPENDENT ADVOCATE FOR CAMPUS SEXUAL**  
7 **ASSAULT PREVENTION AND RESPONSE.**

8 “(a) ADVOCATE.—

9 “(1) IN GENERAL.—

10 “(A) DESIGNATION.—Each institution of  
11 higher education that receives Federal financial  
12 assistance under title IV shall designate an  
13 independent advocate for campus sexual assault  
14 prevention and response (referred to in this sec-  
15 tion as the ‘Advocate’) who shall be appointed  
16 based on experience and a demonstrated ability  
17 of the individual to effectively provide sexual as-  
18 sault victim services.

19 “(B) NOTIFICATION OF EXISTENCE OF  
20 AND INFORMATION FOR THE ADVOCATE.—Each  
21 employee of an institution described in subpara-  
22 graph (A) who receives a report of sexual as-  
23 sault shall notify the victim of the existence of,  
24 contact information for, and services provided  
25 by the Advocate of the institution.

1                   “(C) APPOINTMENT.—Not later than 180  
2                   days after the date of enactment of the Sur-  
3                   vivor Outreach and Support Campus Act, the  
4                   Secretary shall prescribe regulations for institu-  
5                   tions to follow in appointing Advocates under  
6                   this section. At a minimum, each Advocate  
7                   shall—

8                   “(i) report to an individual outside the  
9                   body responsible for investigating and ad-  
10                  judicating sexual assault complaints at the  
11                  institution; and

12                  “(ii) submit to such individual an an-  
13                  nual report summarizing how the resources  
14                  supplied to the Advocate were used, includ-  
15                  ing the number of male and female sexual  
16                  assault victims assisted.

17                  “(2) ROLE OF THE ADVOCATE.—In carrying  
18                  out the responsibilities described in this section, the  
19                  Advocate shall represent the interests of the student  
20                  victim even when in conflict with the interests of the  
21                  institution. The Advocate may not be disciplined, pe-  
22                  nalized, or otherwise retaliated against by the insti-  
23                  tution for representing the interest of the victim, in  
24                  the event of a conflict of interest with the institu-  
25                  tion.

1       “(b) SEXUAL ASSAULT.—In this section, the term  
2 ‘sexual assault’ means an offense classified as a forcible  
3 or nonforcible sex offense under the uniform crime report-  
4 ing system of the Federal Bureau of Investigation.

5       “(c) RESPONSIBILITIES OF THE ADVOCATE.—Each  
6 Advocate shall carry out the following, regardless of  
7 whether the victim wishes the victim’s report to remain  
8 confidential:

9               “(1)(A) Ensure that victims of sexual assault at  
10 the institution receive, with the victim’s consent, the  
11 following sexual assault victim’s assistance services  
12 available 24 hours a day:

13                       “(i) Information on how to report a cam-  
14 pus sexual assault to law enforcement.

15                       “(ii) Emergency medical care, including  
16 follow up medical care as requested.

17                       “(iii) Medical forensic or evidentiary ex-  
18 aminations.

19               “(B) Ensure that victims of sexual assault at  
20 the institution receive, with the victim’s consent, the  
21 following sexual assault victim’s assistance services:

22                       “(i) Crisis intervention counseling and on-  
23 going counseling.

24                       “(ii) Information on the victim’s rights and  
25 referrals to additional support services.

1                   “(iii) Information on legal services.

2                   “(C) Provide the services described in subpara-  
3                   graphs (A) and (B) either—

4                   “(i) pursuant to a memorandum of under-  
5                   standing (that includes transportation services)  
6                   at a rape crisis center, legal organization, or  
7                   other community-based organization located  
8                   within a reasonable distance from the institu-  
9                   tion; or

10                  “(ii) on the campus of the institution in  
11                  consultation with a rape crisis center, legal or-  
12                  ganization, or other community-based organiza-  
13                  tion.

14                  “(D) Ensure that a victim of sexual assault  
15                  may not be disciplined, penalized, or otherwise re-  
16                  taliated against for reporting such assault to the Ad-  
17                  vocate.

18                  “(2) Guide victims of sexual assault who re-  
19                  quest assistance through the reporting, counseling,  
20                  administrative, medical and health, academic accom-  
21                  modations, or legal processes of the institution or  
22                  local law enforcement.

23                  “(3) Attend, at the request of the victim of sex-  
24                  ual assault, any administrative or institution-based

1 adjudication proceeding related to such assault as an  
2 advocate for the victim.

3 “(4) Maintain the privacy and confidentiality of  
4 the victim and any witness of such sexual assault,  
5 and shall not notify the institution or any other au-  
6 thority of the identity of the victim or any such wit-  
7 ness or the alleged circumstances surrounding the  
8 reported sexual assault, unless otherwise required by  
9 the applicable laws in the State where such institu-  
10 tion is located.

11 “(5) Conduct a public information campaign to  
12 inform the students enrolled at the institution of the  
13 existence of, contact information for, and services  
14 provided by the Advocate, including—

15 “(A) posting information—

16 “(i) on the website of the institution;

17 “(ii) in student orientation materials;

18 and

19 “(iii) on posters displayed in dor-  
20 mitories, cafeterias, sports arenas, locker  
21 rooms, entertainment facilities, and class-  
22 rooms; and

23 “(B) training coaches, faculty, school ad-  
24 ministrators, resident advisors, and other staff  
25 to provide information on the existence of, con-

1           tact information for, and services provided by  
2           the Advocate.

3           “(d) CLERY ACT AND TITLE IX.—Nothing in this  
4 section shall alter or amend the rights, duties, and respon-  
5 sibilities under section 485(f) or title IX of the Education  
6 Amendments of 1972 (20 U.S.C. 1681 et seq.) (also  
7 known as the ‘Patsy Takemoto Mink Equal Opportunity  
8 in Education Act’).”.