

Senator Jani Iwamoto proposes the following substitute bill:

CAMPUS SAFETY AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

This bill amends provisions related to campus safety and creates the Safety and Equity Commission.

Highlighted Provisions:

This bill:

▸ requires campus law enforcement to share a report of a crime that occurs outside campus law enforcement's jurisdiction with the law enforcement agency that has jurisdiction;

▸ requires an institution of higher education to:

- create a report of crime statistics aggregated by type of housing facility;
- include the report in the institution's annual campus safety report to the

Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee;

- distribute the report to students, incoming students, and prospective students;

and

- make the report publicly available and easily accessible on the institution's

website;

- creates the Safety and Equity Commission to review institution's policies,



26 procedures, and practices related to campus safety and equity;

27 ▶ defines terms; and

28 ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **53B-3-104**, as enacted by Laws of Utah 1987, Chapter 167

36 **53B-3-105**, as enacted by Laws of Utah 1987, Chapter 167

37 **53B-28-401**, as last amended by Laws of Utah 2020, Chapter 365

38 ENACTS:

39 **53B-28-403**, Utah Code Annotated 1953

40 **53B-28-501**, Utah Code Annotated 1953

41 **53B-28-502**, Utah Code Annotated 1953

42 **53B-28-503**, Utah Code Annotated 1953



44 *Be it enacted by the Legislature of the state of Utah:*

45 Section 1. Section **53B-3-104** is amended to read:

46 **53B-3-104. Establishment of police or security departments.**

47 ~~[The board]~~ A state institution of higher education may establish and maintain police or
48 security departments for the purpose of enforcing the regulations ~~[of each]~~ of the state
49 institution of higher education and the laws of the state.

50 Section 2. Section **53B-3-105** is amended to read:

51 **53B-3-105. Appointment of police or security personnel -- Powers -- Regulations.**

52 ~~[(1) Members of the police or security department of any college or university are~~
53 appointed by the board.]

54 (1) As used in this section, "campus law enforcement" means a police or security
55 department that an institution establishes as described in Section **53B-3-104**.

56 (2) A state institution of higher education may appoint members of campus law

57 enforcement.

58 ~~[(2)]~~ (3) Upon appointment, ~~[they]~~ members of campus law enforcement are peace
59 officers and have;

60 (a) all the powers possessed by ~~[policemen]~~ police officers in cities and by sheriffs,
61 including the power to make arrests on view or on warrant of violation of state statutes and city
62 or county ordinances[-]; and

63 ~~[(3)]~~ (b) ~~[Members of the police or security department of any college or university~~
64 ~~also have]~~ the power to enforce all rules and regulations promulgated by the board as related to
65 the institution.

66 (4) Except as provided in Section 53B-28-303, when campus law enforcement receives
67 a complaint or a report of a crime that campus law enforcement reasonably determines
68 occurred outside of campus law enforcement's jurisdiction, campus law enforcement shall
69 share any record of the complaint or the report with the law enforcement agency with
70 jurisdiction.

71 Section 3. Section **53B-28-401** is amended to read:

72 **53B-28-401. Campus safety plans and training -- Institution duties -- Governing**
73 **board duties.**

74 (1) As used in this section:

75 (a) "Covered offense" means:

- 76 (i) sexual assault;
- 77 (ii) domestic violence;
- 78 (iii) dating violence; or
- 79 (iv) stalking.

80 (b) "Institution" means an institution of higher education described in Section
81 [53B-1-102](#).

82 (c) "Student organization" means a club, group, sports team, fraternity or sorority, or
83 other organization:

- 84 (i) of which the majority of members is composed of students enrolled in an institution;
- 85 and
- 86 (ii) (A) that is officially recognized by the institution; or
- 87 (B) seeks to be officially recognized by the institution.

- 88 (2) An institution shall develop a campus safety plan that addresses:
- 89 (a) where an individual can locate the institution's policies and publications related to a
90 covered offense;
- 91 (b) institution and community resources for a victim of a covered offense;
- 92 (c) the rights of a victim of a covered offense, including the measures the institution
93 takes to ensure, unless otherwise provided by law, victim confidentiality throughout all steps in
94 the reporting and response to a covered offense;
- 95 (d) how the institution informs the campus community of a crime that presents a threat
96 to the campus community;
- 97 (e) availability, locations, and methods for requesting assistance of security personnel
98 on the institution's campus;
- 99 (f) guidance on how a student may contact law enforcement for incidents that occur off
100 campus;
- 101 (g) institution efforts related to increasing campus safety, including efforts related to
102 the institution's increased response in providing services to victims of a covered offense, that:
- 103 (i) the institution made in the preceding 18 months; and
- 104 (ii) the institution expects to make in the upcoming 24 months;
- 105 (h) coordination and communication between institution resources and organizations,
106 including campus law enforcement;
- 107 (i) institution coordination with local law enforcement or community resources,
108 including coordination related to a student's safety at an off-campus location; and
- 109 (j) how the institution requires a student organization to provide the campus safety
110 training as described in Subsection (5).
- 111 (3) An institution shall:
- 112 (a) prominently post the institution's campus safety plan on the institution's website and
113 each of the institution's campuses; and
- 114 (b) annually update the institution's campus safety plan.
- 115 (4) An institution shall develop a campus safety training curriculum that addresses:
- 116 (a) awareness and prevention of covered offenses, including information on institution
117 and community resources for a victim of a covered offense;
- 118 (b) bystander intervention; and

119 (c) sexual consent.

120 (5) An institution shall require a student organization, in order for the student
121 organization to receive or maintain official recognition by the institution, to annually provide
122 campus safety training, using the curriculum described in Subsection (4), to the student
123 organization's members.

124 (6) The board shall:

125 (a) on or before July 1, 2019, establish minimum requirements for an institution's
126 campus safety plan described in Subsection (2);

127 (b) identify resources an institution may use to develop a campus safety training
128 curriculum as described in Subsection (4); and

129 (c) report annually to the Education Interim Committee and the Law Enforcement and
130 Criminal Justice Interim Committee, at or before the committees' November meetings, on:

131 (i) the implementation of the requirements described in this section[-]; and

132 (ii) crime statistics aggregated by housing facility as described in Subsection

133 [53B-28-403\(2\)](#).

134 Section 4. Section **53B-28-403** is enacted to read:

135 **53B-28-403. Student housing crime reporting.**

136 (1) As used in this section:

137 (a) "Campus law enforcement" means the same as that term is defined in Section
138 [53B-3-105](#).

139 (b) "Crime statistics" means the number of each of the crimes in 34 C.F.R. Sec.
140 668.46(c)(1) that are reported to a local police agency or campus law enforcement, listed by
141 type of crime.

142 (c) "Institution" means an institution of higher education described in Section
143 [53B-2-101](#).

144 (d) (i) "Institution noncampus housing facility" means a building or property that:

145 (A) is used for housing students;

146 (B) is not part of the institution's campus; and

147 (C) the institution owns, manages, controls, or leases;

148 (ii) "Institution noncampus housing facility" includes real property that is adjacent to,

149 and is used in direct support of, the building or property described in Subsection (1)(d)(i).

150 (e) "Local law enforcement agency" means a state or local law enforcement agency
151 other than campus law enforcement.

152 (f) (i) "On-campus housing facility" means a building or property that is:

153 (A) used for housing students; and

154 (B) part of the institution's campus.

155 (ii) "On-campus housing facility" includes real property that is:

156 (A) adjacent to the on-campus housing facility; and

157 (B) used in direct support of the on-campus housing facility.

158 (g) "Student housing" means:

159 (i) an institution noncampus housing facility;

160 (ii) an on-campus housing facility; or

161 (iii) a student organization noncampus housing facility.

162 (h) "Student organization" means the same as that term is defined in Section
163 [53B-28-401](#).

164 (i) "Student organization noncampus housing facility" means a building or property
165 that:

166 (i) is used for housing students;

167 (ii) is not part of the institution's campus; and

168 (iii) (A) a student organization owns, manages, controls, or leases; or

169 (B) is real property that is adjacent to the student organization noncampus housing
170 facility and is used in direct support of the noncampus housing facility.

171 (2) An institution shall:

172 (a) create a report of crime statistics aggregated by:

173 (i) on-campus housing facility, identified and listed individually using the institution's
174 system for inventorying institution facilities;

175 (ii) institution noncampus housing facility, identified and listed individually using the
176 institution's system for inventorying institution facilities; and

177 (iii) student organization noncampus housing facilities, identified and listed
178 individually using the institution's system for identifying student organization noncampus
179 housing facilities;

180 (b) include the report described in Subsection (2)(a) in the report described in

181 Subsection 53B-28-401(6); and
182 (c) annually:
183 (i) distribute the report described in Subsection (2)(a) to each student;
184 (ii) include the report described in Subsection (2)(a):
185 (A) with materials related to housing that an institution provides to prospective
186 students, incoming students, or students living in student housing; and
187 (B) with enrollment application materials that an institution provides to prospective
188 students; and
189 (iii) post the report described in Subsection (2)(a):
190 (A) on the institution's website homepage; and
191 (B) in at least three places on the institution's website, including, if applicable, the
192 institution's housing website, campus safety website, and admissions website.
193 (3) An institution shall report crime statistics as described in Subsection (2):
194 (a) in 2021, for the previous calendar year;
195 (b) in 2022, for the previous two calendar years; and
196 (c) beginning in 2023, for the three most recent calendar years.
197 (4) Upon request from an institution, a local law enforcement agency shall provide to
198 the institution crime statistics for each student housing facility over which the local law
199 enforcement agency has jurisdiction.
200 Section 5. Section **53B-28-501** is enacted to read:
201 **Part 5. Safety and Equity Commission**
202 **53B-28-501. Definitions.**
203 As used in this part:
204 (1) "Commission" means the Safety and Equity Commission established in Section
205 53B-28-502.
206 (2) "Institution" means an institution of higher education listed in Subsection
207 53B-2-101(1).
208 (3) "Member of the campus community" means:
209 (a) a student admitted or enrolled at an institution;
210 (b) an individual participating in a program that an institution offers;
211 (c) a volunteer who volunteers at an institution or program that an institution offers;

- 212 (d) faculty that an institution employs;
- 213 (e) staff that an institution employs;
- 214 (f) an administrator of an institution; or
- 215 (g) a member of the board.
- 216 (4) "Private institution of higher education" means a private, nonprofit college or
- 217 university in the state that is accredited by the Northwest Commission on Colleges and
- 218 Universities.

219 Section 6. Section **53B-28-502** is enacted to read:

220 **53B-28-502. Safety and Equity Commission established -- Members.**

221 (1) There is created the Safety and Equity Commission composed of:

222 (a) one member from each degree-granting institution who is:

223 (i) a student at the institution at the time of appointment; and

224 (ii) appointed by the president of the associated students of the institution;

225 (b) one member from each technical college who is:

226 (i) a student at the time of appointment; and

227 (ii) appointed by the technical college;

228 (c) a member with experience and expertise in addressing sexual assault, appointed by
229 the commissioner; and

230 (d) a member with experience and expertise in addressing discrimination, appointed by
231 the commissioner.

232 (2) The commissioner shall make the appointments described in Subsections (1)(c) and
233 (1)(d) from nominations submitted by the commission.

234 (3) (a) The co-chairs may appoint up to one member from each private institution of
235 higher education in the state who is a student at the private institution of higher education at the
236 time of appointment.

237 (b) The members described in Subsection (3)(a) shall serve as nonvoting, ex officio
238 members.

239 (4) The co-chairs may appoint up to three at large members who serve at the discretion
240 of the co-chairs.

241 (5) (a) Except as provided in Subsections (4) and (5)(b), the term of members of the
242 commission is two-years.

- 243 (b) For initial appointments in 2021:
244 (i) the commissioner shall appoint:
245 (A) one of the individuals described in Subsections (1)(c) and (1)(d) for a term of two
246 years; and
247 (B) one of the individuals described in Subsections (1)(c) and (1)(d) for a term of one
248 year;
249 (ii) the president of the associated students at a degree-granting institution described in
250 Subsections 53B-2-101(1)(a) through (1)(d) shall make the appointment described in
251 Subsection (1)(a) for a term of two years;
252 (iii) a technical college described in Subsections 53B-2-101(1)(i) through (1)(l) shall
253 make an appointment described in Subsection (1)(b) for a term of two years;
254 (iv) the president of the associated students at a degree-granting institution described in
255 Subsections 53B-2-101(1)(e) through (1)(h) shall make the appointment described in
256 Subsection (1)(a) for a term of one year; and
257 (v) a technical college described in Subsections 53B-2-101(1)(m) through (1)(p) shall
258 make the appointment described in Subsection (1)(b) for a term of one year.
259 (c) When a vacancy occurs in the membership of the commission, the individual
260 responsible for the appointment shall appoint a replacement for the unexpired term.
261 (6) (a) The members of the commission shall elect two co-chairs of the commission
262 from the members appointed under Subsections (1)(a) and (1)(b).
263 (b) The co-chairs shall set the agenda for commission meetings.
264 (7) The commission shall convene the first meeting on or before July 31, 2021.
265 (8) Attendance of a simple majority of the members constitutes a quorum for the
266 transaction of official commission business.
267 (9) Formal action by the commission requires a majority vote of a quorum.
268 (10) A member of the commission may not receive compensation, benefits, per diem,
269 or travel expenses for the member's service.
270 (11) The board shall provide staff support to the commission.
271 Section 7. Section **53B-28-503** is enacted to read:
272 **53B-28-503. Safety and Equity Commission duties.**
273 The commission may:

274 (1) review:
275 (a) an institution's policies, procedures, and practices for addressing:
276 (i) crime;
277 (ii) sexual harassment;
278 (iii) sexual assault;
279 (iv) campus safety;
280 (v) discrimination; or
281 (vi) any other issue related to the issues described in Subsections (1)(a)(i) through (v);
282 (b) how an institution's policies, procedures, and practices address allegations of crime,
283 sexual harassment, sexual assault, or discrimination at the institution, including:
284 (i) a Title IX complaint;
285 (ii) a report of a crime filed with campus law enforcement;
286 (iii) a complaint of discrimination reported to or filed with any office of an institution;
287 and
288 (iv) a complaint of sexual assault or sexual harassment reported to or filed with any
289 office of an institution; and
290 (c) any other issue related to campus safety and equity policies, procedures, and
291 practices that the commission considers necessary;
292 (2) create a process for a member of the campus community to submit an issue
293 described in Subsection (1)(a) for the commission's review;
294 (3) (a) study an issue described in Subsection (1)(a) on the commission's own
295 initiative, regardless of whether a member of the campus community submits the issue;
296 (b) produce a report or make recommendations based on a study described in
297 Subsection (3)(a); and
298 (c) distribute or publish a report or recommendations described in Subsection (3)(b) at
299 the commission's discretion; and
300 (4) request from an institution any documents or information that:
301 (a) are publicly available under state and federal privacy laws; and
302 (b) the commission deems necessary to carry out the commission's duties under this
303 section.