

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 Higher Education Student Safety 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 local 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; and
 - 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;
- ▶ creates the Higher Education Student Safety Commission to advise and make recommendations to the Utah Board of Higher Education on issues related to student safety;
- ▶ defines terms; and
- ▶ makes technical changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **53B-28-401**, as last amended by Laws of Utah 2020, Chapter 365

33 ENACTS:

34 **53B-28-403**, Utah Code Annotated 1953

35 **53B-28-501**, Utah Code Annotated 1953

36 **53B-28-502**, Utah Code Annotated 1953



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

39 Section 1. Section **53B-28-401** is amended to read:

40 **53B-28-401. Campus safety plans and training -- Institution duties -- Governing**
41 **board duties.**

42 (1) As used in this section:

43 (a) "Covered offense" means:

44 (i) sexual assault;

45 (ii) domestic violence;

46 (iii) dating violence; or

47 (iv) stalking.

48 (b) "Institution" means an institution of higher education described in Section

49 **53B-1-102.**

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

52 (i) of which the majority of members is composed of students enrolled in an institution;

53 and

54 (ii) (A) that is officially recognized by the institution; or

55 (B) seeks to be officially recognized by the institution.

56 (2) An institution shall develop a campus safety plan that addresses:

57 (a) where an individual can locate the institution's policies and publications related to a
58 covered offense;

59 (b) institution and community resources for a victim of a covered offense;

60 (c) the rights of a victim of a covered offense, including the measures the institution
61 takes to ensure, unless otherwise provided by law, victim confidentiality throughout all steps in
62 the reporting and response to a covered offense;

63 (d) how the institution informs the campus community of a crime that presents a threat
64 to the campus community;

65 (e) availability, locations, and methods for requesting assistance of security personnel
66 on the institution's campus;

67 (f) guidance on how a student may contact law enforcement for incidents that occur off
68 campus;

69 (g) institution efforts related to increasing campus safety, including efforts related to
70 the institution's increased response in providing services to victims of a covered offense, that:

71 (i) the institution made in the preceding 18 months; and

72 (ii) the institution expects to make in the upcoming 24 months;

73 (h) coordination and communication between institution resources and organizations,
74 including campus law enforcement;

75 (i) institution coordination with local law enforcement or community resources,
76 including coordination related to a student's safety at an off-campus location; and

77 (j) how the institution requires a student organization to provide the campus safety
78 training as described in Subsection (5).

79 (3) An institution shall:

80 (a) prominently post the institution's campus safety plan on the institution's website and
81 each of the institution's campuses; and

82 (b) annually update the institution's campus safety plan.

83 (4) An institution shall develop a campus safety training curriculum that addresses:

84 (a) awareness and prevention of covered offenses, including information on institution
85 and community resources for a victim of a covered offense;

86 (b) bystander intervention; and

87 (c) sexual consent.

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

92 (6) The board shall:

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

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

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

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

100 (ii) crime statistics aggregated by housing facility as described in Subsection
101 [53B-28-403\(2\)](#).

102 Section 2. Section **53B-28-403** is enacted to read:

103 **53B-28-403. Student housing crime reporting.**

104 (1) As used in this section:

105 (a) "Campus law enforcement" means an institution's police department.

106 (b) "Crime statistics" means the number of each of the crimes in 34 C.F.R. Sec.
107 668.46(c)(1) that are reported to a local police agency or campus law enforcement, listed by
108 type of crime.

109 (c) "Institution" means an institution of higher education described in Section
110 [53B-2-101](#).

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

112 (A) is used for housing students;

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

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

115 (ii) "Institution noncampus housing facility" includes real property that is adjacent to,
116 and is used in direct support of, the building or property described in Subsection (1)(d)(i).

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

- 119 (f) (i) "On-campus housing facility" means a building or property that is:
- 120 (A) used for housing students; and
- 121 (B) part of the institution's campus.
- 122 (ii) "On-campus housing facility" includes real property that is:
- 123 (A) adjacent to the on-campus housing facility; and
- 124 (B) used in direct support of the on-campus housing facility.
- 125 (g) "Student housing" means:
- 126 (i) an institution noncampus housing facility;
- 127 (ii) an on-campus housing facility; or
- 128 (iii) a student organization noncampus housing facility.
- 129 (h) "Student organization" means the same as that term is defined in Section
- 130 [53B-28-401.](#)
- 131 (i) "Student organization noncampus housing facility" means a building or property
- 132 that:
- 133 (i) is used for housing students;
- 134 (ii) is not part of the institution's campus; and
- 135 (iii) (A) a student organization owns, manages, controls, or leases; or
- 136 (B) is real property that is adjacent to the student organization noncampus housing
- 137 facility and is used in direct support of the noncampus housing facility.
- 138 (2) An institution shall:
- 139 (a) create a report of crime statistics aggregated by:
- 140 (i) on-campus housing facility, identified and listed individually using the institution's
- 141 system for inventorying institution facilities;
- 142 (ii) institution noncampus housing facility, identified and listed individually using the
- 143 institution's system for inventorying institution facilities; and
- 144 (iii) student organization noncampus housing facilities, identified and listed
- 145 individually using the institution's system for identifying student organization noncampus
- 146 housing facilities;
- 147 (b) include the report described in Subsection (2)(a) in the report described in
- 148 Subsection [53B-28-401\(6\)](#);
- 149 (3) Upon request from an institution, a local law enforcement agency shall provide to

150 the institution crime statistics for each student housing facility over which the local law
151 enforcement agency has jurisdiction.

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

156 Section 3. Section 53B-28-501 is enacted to read:

157 **Part 5. Higher Education Student Safety Commission**

158 **53B-28-501. Definitions.**

159 As used in this part:

160 (1) "Commission" means the Higher Education Student Safety Commission established
161 in Section 53B-28-502.

162 (2) "Institution" means an institution of higher education listed in Subsection
163 53B-2-101(1).

164 (3) "Member of the campus community" means:

165 (a) a student admitted or enrolled at an institution;

166 (b) an individual participating in a program that an institution offers;

167 (c) a volunteer who volunteers at an institution or program that an institution offers;

168 (d) faculty that an institution employs;

169 (e) staff that an institution employs;

170 (f) an administrator of an institution; or

171 (g) a member of the board.

172 (4) "Private institution of higher education" means a private, nonprofit college or
173 university in the state that is accredited by the Northwest Commission on Colleges and
174 Universities.

175 Section 4. Section 53B-28-502 is enacted to read:

176 **53B-28-502. Higher Education Student Safety Commission established --**
177 **Members.**

178 (1) There is created the Higher Education Student Safety Commission to advise and
179 make recommendations to the board on issues related to student safety that is composed of:

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

181 (i) a student at the institution at the time of appointment; and
182 (ii) appointed by the president of the associated students of the institution;
183 (b) one member from each technical college who is:
184 (i) a student at the time of appointment; and
185 (ii) appointed by the technical college;
186 (c) a member with experience and expertise in addressing sexual assault, appointed by
187 the commissioner; and
188 (d) a member with experience and expertise in addressing discrimination, appointed by
189 the commissioner.
190 (2) The commissioner shall make the appointments described in Subsections (1)(c) and
191 (1)(d) from nominations submitted by the commission.
192 (3) (a) The co-chairs may appoint up to one member from each private institution of
193 higher education in the state who is a student at the private institution of higher education at the
194 time of appointment.
195 (b) The members described in Subsection (3)(a) shall serve as nonvoting, ex officio
196 members.
197 (4) The co-chairs may appoint up to three at large members who serve at the discretion
198 of the co-chairs.
199 (5) (a) Except as provided in Subsections (4) and (5)(b), the term of members of the
200 commission is two-years.
201 (b) For initial appointments in 2021:
202 (i) the commissioner shall appoint:
203 (A) one of the individuals described in Subsections (1)(c) and (1)(d) for a term of two
204 years; and
205 (B) one of the individuals described in Subsections (1)(c) and (1)(d) for a term of one
206 year;
207 (ii) the president of the associated students at a degree-granting institution described in
208 Subsections 53B-2-101(1)(a) through (1)(d) shall make the appointment described in
209 Subsection (1)(a) for a term of two years;
210 (iii) a technical college described in Subsections 53B-2-101(1)(i) through (1)(l) shall
211 make an appointment described in Subsection (1)(b) for a term of two years;

212 (iv) the president of the associated students at a degree-granting institution described in
213 Subsections 53B-2-101(1)(e) through (1)(h) shall make the appointment described in
214 Subsection (1)(a) for a term of one year; and

215 (v) a technical college described in Subsections 53B-2-101(1)(m) through (1)(p) shall
216 make the appointment described in Subsection (1)(b) for a term of one year.

217 (c) When a vacancy occurs in the membership of the commission, the individual
218 responsible for the appointment shall appoint a replacement for the unexpired term.

219 (6) (a) The members of the commission shall elect two co-chairs of the commission
220 from the members appointed under Subsections (1)(a) and (1)(b).

221 (b) The co-chairs shall set the agenda for commission meetings.

222 (7) The commission shall convene the first meeting on or before July 31, 2021.

223 (8) Attendance of a simple majority of the members constitutes a quorum for the
224 transaction of official commission business.

225 (9) Formal action by the commission requires a majority vote of a quorum.

226 (10) A member of the commission may not receive compensation, benefits, per diem,
227 or travel expenses for the member's service.

228 (11) The board shall provide staff support to the commission.