

1.1 Senator moves to amend S.F. No. 4003 as follows:

1.2 Page 5, lines 20, 21, 22, and 23, delete "institution" and insert "school"

1.3 Page 6, line 10, reinstate "~~vietims~~" and delete "victim-survivors"

1.4 Pages 6 to 7, delete sections 5 and 6 and insert:

1.5 "Sec. 5. Minnesota Statutes 2022, section 135A.15, subdivision 1a, is amended to read:

1.6 Subd. 1a. ~~Sexual assault definition~~ Definitions. (a) For the purposes of this section,
1.7 the following terms have the meanings given.

1.8 (b) "Advisor" means a person who is selected by a responding or reporting party to serve
1.9 as a support during a campus investigation and disciplinary process. This person may be
1.10 an attorney. An advisor serves as a support to a party by offering comfort or attending
1.11 meetings.

1.12 (c) "Domestic violence" has the meaning giving in section 518B.01, subdivision 2.

1.13 ~~(b)~~ (d) "Incident" means one report of sexual assault misconduct to a postsecondary
1.14 institution, regardless of the number of complainants included in the report, the number of
1.15 respondents included in the report, and whether or not the identity of any party is known
1.16 by the reporting postsecondary institution. Incident encompasses all nonconsensual events
1.17 included within one report if multiple events have been identified.

1.18 (e) "Intimate partner violence" means any physical or sexual harm or a pattern of any
1.19 other coercive behavior committed, enabled, or solicited to gain or maintain power and
1.20 control over a victim, including verbal, psychological, economic, or technological abuse
1.21 that may or may not constitute criminal behavior against an individual, that may be classified
1.22 as a sexual assault or domestic violence caused by:

1.23 (1) a current or former spouse of the individual; or

1.24 (2) a person in a sexual or romantic relationship with the individual.

1.25 (f) "Nonconsensual distribution of sexual images" has the meaning given in section

1.26 617 261

(h) "Responding party" means the party in a disciplinary proceeding who has been reported to be the perpetrator of conduct or communication that could constitute sexual harassment or sexual misconduct.

(e)(i) "Sexual assault" means rape, sex offenses - fondling, sex offenses - incest, or sex offenses - statutory rape as defined in Code of Federal Regulations, title 34, part 668, subpart D, appendix A, as amended.

(j) "Sexual extortion" has the meaning given in section 609.3458.

(k) "Sex trafficking" has the meaning given in section 609.321, subdivision 7a.

(l) "Sexual harassment" has the meaning given in section 363A.03, subdivision 43.

(m) "Sexual misconduct" means an incident of sexual violence, intimate partner violence, domestic violence, sexual assault, sexual harassment, nonconsensual distribution of sexual images, sexual extortion, nonconsensual dissemination of a deepfake depicting intimate parts or sexual acts, sex trafficking, or stalking.

(n) "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for that person's safety or the safety of others, or (2) suffer substantial emotional distress.

Sec. 6. Minnesota Statutes 2022, section 135A.15, subdivision 2, is amended to read:

Subd. 2. **Victims' rights.** (a) The policy required under subdivision 1 shall, at a minimum, require that students and employees be informed of the policy, and shall include provisions for:

(1) filing criminal charges with local law enforcement officials in ~~sexual assault~~ cases defined as sexual misconduct;

(2) the prompt assistance of campus authorities, at the request of the victim, in notifying the appropriate law enforcement officials and disciplinary authorities of a ~~sexual assault~~ misconduct incident;

(3) allowing ~~sexual assault~~ misconduct victims to decide whether to report a case to law

3.1 (6) preventing campus authorities from suggesting to a victim of sexual ~~assault~~
3.2 misconduct that the victim is at fault for the crimes or violations that occurred;

3.3 (7) preventing campus authorities from suggesting to a victim of sexual ~~assault~~
3.4 misconduct that the victim should have acted in a different manner to avoid such a crime;

3.5 (8) subject to ~~subdivision~~ subdivisions 2a and 10, protecting the privacy of sexual ~~assault~~
3.6 misconduct victims by only disclosing data collected under this section to the victim, persons
3.7 whose work assignments reasonably require access, and, at a sexual ~~assault~~ misconduct
3.8 victim's request, police conducting a criminal investigation;

3.9 (9) an investigation and resolution of a sexual ~~assault~~ misconduct complaint by campus
3.10 disciplinary authorities;

3.11 (10) a sexual ~~assault~~ misconduct victim's participation in and the presence of the victim's
3.12 attorney or other support person who is not a fact witness to the sexual ~~assault~~ misconduct
3.13 at any meeting with campus officials concerning the victim's sexual ~~assault~~ misconduct
3.14 complaint or campus disciplinary proceeding concerning a sexual ~~assault~~ misconduct
3.15 complaint;

3.16 (11) ensuring that a sexual ~~assault~~ misconduct victim may decide when to repeat a
3.17 description of the incident of sexual ~~assault~~ misconduct;

3.18 (12) notice to a sexual ~~assault~~ misconduct victim of the availability of a campus or local
3.19 program providing ~~sexual assault~~ victim advocacy services and information on free legal
3.20 resources and services;

3.21 (13) notice to a sexual ~~assault~~ misconduct victim of the outcome of any campus
3.22 disciplinary proceeding concerning a sexual ~~assault~~ misconduct complaint, consistent with
3.23 laws relating to data practices;

3.24 (14) the complete and prompt assistance of campus authorities, at the direction of law
3.25 enforcement authorities, in obtaining, securing, and maintaining evidence in connection
3.26 with a sexual ~~assault~~ misconduct incident;

3.27 (15) the assistance of campus authorities, at the request of the sexual misconduct victim,

the victim to alternative classes or to alternative college-owned housing, if alternative classes or housing are available and feasible;

(17) forbidding retaliation, and establishing a process for investigating complaints of retaliation, against sexual ~~assault~~ misconduct victims by campus authorities, the accused, organizations affiliated with the accused, other students, and other employees;

(18) at the request of the victim, providing students who reported sexual ~~assaults~~ misconduct to the institution and subsequently choose to transfer to another postsecondary institution with information about resources for victims of sexual ~~assault~~ misconduct at the institution to which the victim is transferring; and

(19) consistent with laws governing access to student records, providing a student who reported an incident of sexual ~~assault~~ misconduct with access to the student's description of the incident as it was reported to the institution, including if that student transfers to another postsecondary institution.

(b) None of the rights given to a student by the policy required by subdivision 1 may be made contingent upon the victim entering into a nondisclosure agreement or other contract restricting the victim's ability to disclose information in connection with a sexual misconduct complaint, investigation, or hearing.

(c) A nondisclosure agreement or other contract restricting the victim's ability to disclose information in connection with a sexual misconduct complaint, investigation, or hearing may not be used as condition of financial aid or remedial action."

Page 10, after line 19, insert:

"Sec. 8. Minnesota Statutes 2022, section 135A.15, subdivision 6, is amended to read:

Subd. 6. **Data collection and reporting.** (a) Postsecondary institutions must annually report statistics on sexual ~~assault~~ misconduct. This report must be prepared in addition to any federally required reporting on campus security, including reports required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, United States Code, title 20, section 1092(f). The report must include, but not be limited to, the number

(4) the number for which a campus disciplinary proceeding is pending, but has not reached a final resolution;

(5) the number in which the alleged perpetrator was found responsible by the disciplinary proceeding at the institution;

(6) the number that resulted in any action by the institution greater than a warning issued to the accused;

(7) the number that resulted in a disciplinary proceeding at the institution that closed without resolution;

(8) the number that resulted in a disciplinary proceeding at the institution that closed without resolution because the accused withdrew from the institution;

(9) the number that resulted in a disciplinary proceeding at the institution that closed without resolution because the victim chose not to participate in the procedure; and

(10) the number of reports made through the online reporting system established in subdivision 5, excluding reports submitted anonymously.

(b) If an institution previously submitted a report indicating that one or more disciplinary proceedings was pending, but had not reached a final resolution, and one or more of those disciplinary proceedings reached a final resolution within the previous calendar year, that institution must submit updated totals from the previous year that reflect the outcome of the pending case or cases.

(c) The reports required by this subdivision must be submitted to the Office of Higher Education by October 1 of each year. Each report must contain the data required under paragraphs (a) and (b) from the previous calendar year.

(d) The commissioner of the Office of Higher Education shall calculate statewide numbers for each data item reported by an institution under this subdivision. The statewide numbers must include data from postsecondary institutions that the commissioner could not publish due to federal laws governing access to student records.

(e) The Office of Higher Education shall publish on its website:

(f) Reports and data required under this subdivision must be prepared and published as summary data, as defined in section 13.02, subdivision 19, and must be consistent with applicable law governing access to educational data. If an institution or the Office of Higher Education does not publish data because of applicable law, the publication must explain why data are not included."

Page 11, lines 17 and 20, reinstate the stricken language and delete the new language

Page 12, line 6, delete "paragraph (a)"

Page 15, delete subdivision 4 and insert:

"Subd. 4. **Administration.** The commissioner of the Office of Higher Education must, in consultation with the Board of Trustees of the Minnesota State Colleges and Universities and the Board of Regents of the University of Minnesota, establish guidelines, as necessary, to administer this section. The guidelines must establish minimum periods for which a pregnant or parenting student must be given a leave of absence under subdivision 2, paragraph (d). In establishing the minimum periods, the Office of Higher Education shall consider the maximum amount of time a student may be absent without significantly interfering with the student's ability to complete the student's degree or certificate program."

Page 16, line 15, delete the new language and insert "under the national school lunch program"

Page 16, line 16, delete the new language

Page 16, line 22, before "The" insert "The commissioner must calculate aid for programs in the order of their original enactment from oldest to most recent."

Page 16, line 26, delete "then" and delete "must" and insert "may"

Page 16, line 27, delete everything after the period

Page 16, delete line 28

Page 19, line 15, after "(g)" insert "Students who received the foster grant in the previous year will be given priority."

- 7.1 Page 29, line 9, strike "either the Zone Alternative," and insert "an alternative standard
7.2 set forth in"
- 7.3 Page 29, line 10, strike everything after "668.175"
- 7.4 Page 29, line 11, delete the new language and strike everything before the period
- 7.5 Page 39, delete section 43 and insert:
- 7.6 "Sec. 44. **REPEALER.**
- 7.7 Minnesota Statutes 2023 Supplement, section 135A.162, subdivision 7, is repealed."
- 7.8 Renumber the sections in sequence and correct the internal references
- 7.9 Amend the title accordingly