

REFERENCE TITLE: sexual misconduct; universities; community colleges

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **HB 2847**

Introduced by  
Representatives Austin: Villegas

AN ACT

AMENDING TITLE 15, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 9.2; RELATING TO INSTITUTIONS OF HIGHER EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 14, Arizona Revised Statutes, is  
3 amended by adding article 9.2, to read:

4 ARTICLE 9.2. SEXUAL MISCONDUCT

5 15-1893. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS EMPLOYED FULL TIME OR PART  
8 TIME AT AN INSTITUTION.

9 2. "INSTITUTION" MEANS ANY UNIVERSITY UNDER THE JURISDICTION OF THE  
10 ARIZONA BOARD OF REGENTS OR A COMMUNITY COLLEGE AS DEFINED IN SECTION  
11 15-1401.

12 3. "REPORTING PARTY" MEANS A STUDENT OR EMPLOYEE WHO REPORTS TO THE  
13 INSTITUTION THAT THE STUDENT OR EMPLOYEE EXPERIENCED AN INCIDENT OF SEXUAL  
14 MISCONDUCT, WHETHER OR NOT AN OFFICIAL COMPLAINT IS FILED.

15 4. "RESPONDENT" MEANS AN INDIVIDUAL WHO IS REPORTED TO BE THE  
16 PERPETRATOR OF CONDUCT THAT COULD CONSTITUTE SEXUAL MISCONDUCT.

17 5. "SEXUAL MISCONDUCT":

18 (a) MEANS AN INCIDENT OF ANY SEXUAL VIOLENCE, SEXUAL HARASSMENT,  
19 STALKING, DOMESTIC VIOLENCE OR DATING VIOLENCE AS DEFINED BY AN  
20 INSTITUTION'S POLICY CONSISTENT WITH THE REQUIREMENTS OF TITLE IX, THE  
21 JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME  
22 STATISTICS ACT (P.L. 101-542; 104 STAT. 2385), AS AMENDED BY THE VIOLENCE  
23 AGAINST WOMEN REAUTHORIZATION ACT OF 2013 (P.L. 113-4; 127 STAT. 54), AND  
24 TITLE VII OF THE CIVIL RIGHTS ACT OF 1991 (P.L. 102-166; 105 STAT. 1071).

25 (b) DOES NOT INCLUDE EXPRESSIVE ACTIVITY THAT IS PROTECTED BY THE  
26 UNITED STATES OR ARIZONA CONSTITUTION.

27 6. "STUDENT" MEANS AN INDIVIDUAL WHO IS EITHER:

28 (a) PARTICIPATING IN A CREDIT-BEARING PROGRAM AT AN INSTITUTION AS  
29 A PART-TIME, FULL-TIME OR EXTENSION STUDENT.

30 (b) TAKING A LEAVE OF ABSENCE OR HAS WITHDRAWN FROM AN INSTITUTION  
31 BECAUSE THE INDIVIDUAL IS A VICTIM OF SEXUAL MISCONDUCT.

32 7. "TITLE IX" MEANS TITLE IX OF THE EDUCATION AMENDMENTS OF 1972  
33 (P.L. 92-318; 86 STAT. 235).

34 15-1893.01. Prevention of sexual misconduct on campus task  
35 force; membership; duties; base survey

36 A. THE PREVENTION OF SEXUAL MISCONDUCT ON CAMPUS TASK FORCE IS  
37 ESTABLISHED CONSISTING OF THE FOLLOWING MEMBERS:

38 1. A LICENSED CLINICAL SOCIAL WORKER WHO HAS EXPERIENCE ASSISTING  
39 VICTIMS OF SEXUAL MISCONDUCT AND WHO IS APPOINTED BY THE PRESIDENT OF THE  
40 SENATE.

41 2. A REPRESENTATIVE FROM AN ORGANIZATION THAT ADVOCATES FOR STUDENT  
42 VICTIMS OF SEXUAL MISCONDUCT WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE  
43 OF REPRESENTATIVES.

- 1           3. A MEMBER OF THE SENATE WHO IS APPOINTED BY THE PRESIDENT OF THE  
2 SENATE.
- 3           4. A MEMBER OF THE HOUSE OF REPRESENTATIVES WHO IS APPOINTED BY THE  
4 SPEAKER OF THE HOUSE OF REPRESENTATIVES.
- 5           5. A REPRESENTATIVE FROM THE ARIZONA BOARD OF REGENTS WHO IS  
6 APPOINTED BY THE PRESIDENT OF THE SENATE.
- 7           6. AN EXECUTIVE REPRESENTATIVE FROM A UNIVERSITY UNDER THE  
8 JURISDICTION OF THE ARIZONA BOARD OF REGENTS WHO IS APPOINTED BY THE  
9 GOVERNOR.
- 10          7. AN EXECUTIVE REPRESENTATIVE FROM A COMMUNITY COLLEGE DISTRICT  
11 WHO IS APPOINTED BY THE GOVERNOR.
- 12          8. A RESIDENT OF THIS STATE WHO IS A MEDICAL PROFESSIONAL FROM AN  
13 INSTITUTION, WHO PROVIDES SERVICES TO VICTIMS OF SEXUAL MISCONDUCT AND WHO  
14 IS APPOINTED BY THE GOVERNOR.
- 15          9. A TITLE IX COORDINATOR FROM AN INSTITUTION WHO IS APPOINTED BY  
16 THE GOVERNOR.
- 17          10. A RESIDENT OF THIS STATE WHO IS EMPLOYED BY A PUBLIC OR PRIVATE  
18 NONPROFIT ORGANIZATION THAT SERVES VICTIMS OF SEXUAL VIOLENCE AND WHO IS  
19 APPOINTED BY THE GOVERNOR.
- 20          11. A RESIDENT OF THIS STATE WHO IS A RESEARCHER WITH EXPERIENCE  
21 DEVELOPING AND DESIGNING SEXUAL MISCONDUCT CLIMATE SURVEYS AND WHO IS  
22 APPOINTED BY THE GOVERNOR.
- 23          12. A RESIDENT OF THIS STATE WHO IS A RESEARCHER WITH EXPERIENCE IN  
24 STATISTICS, DATA ANALYTICS OR ECONOMETRICS AND WHO IS APPOINTED BY THE  
25 GOVERNOR.
- 26          13. A RESIDENT OF THIS STATE WHO IS A STUDENT ATTENDING A  
27 UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS AND WHO  
28 IS APPOINTED BY THE GOVERNOR.
- 29          14. A RESIDENT OF THIS STATE WHO IS A STUDENT OF A COMMUNITY  
30 COLLEGE AS DEFINED IN SECTION 15-1401 AND WHO IS APPOINTED BY THE  
31 GOVERNOR.
- 32          15. A RESIDENT OF THIS STATE WHO IS A SURVIVOR OF SEXUAL ASSAULT  
33 AND WHO IS APPOINTED BY THE GOVERNOR.
- 34          16. A REPRESENTATIVE OF A NONPROFIT LEGAL SERVICES ORGANIZATION  
35 THAT PROVIDES LEGAL REPRESENTATION TO VICTIMS OF CAMPUS SEXUAL ASSAULT WHO  
36 IS APPOINTED BY THE GOVERNOR.
- 37          17. A REPRESENTATIVE OF AN ORGANIZATION THAT ADVOCATES FOR CIVIL  
38 LIBERTIES AND DUE PROCESS WHO IS APPOINTED BY THE GOVERNOR.
- 39            B. THE TASK FORCE SHALL ELECT A CHAIRPERSON FROM AMONG THE MEMBERS  
40 APPOINTED PURSUANT TO SUBSECTION A OF THIS SECTION.
- 41            C. THE TASK FORCE SHALL DO ALL OF THE FOLLOWING:  
42              1. REVIEW ANNUAL REPORTS SUBMITTED PURSUANT TO SECTION 15-1893.02.

1           2. REVIEW EACH INSTITUTION'S POLICIES THAT PROHIBIT SEXUAL  
2 MISCONDUCT AND PROVIDE SUPPORTIVE MEASURES AND RESOURCES FOR VICTIMS OF  
3 SEXUAL MISCONDUCT.

4           3. RECOMMEND TO THE ARIZONA BOARD OF REGENTS AND INSTITUTIONS  
5 ACTIONS TO PREVENT SEXUAL MISCONDUCT TO BE CONSIDERED BY INSTITUTIONS.

6           4. DEVELOP AND ANNUALLY UPDATE A BASE SURVEY TO BE USED BY  
7 INSTITUTIONS AND PROVIDE THE INSTITUTIONS WITH RECOMMENDATIONS REGARDING  
8 THE CONTENT, TIMING AND DISTRIBUTION OF THE SURVEY. THE BASE SURVEY MUST  
9 BE ABLE TO BE DISTRIBUTED ONLINE. IN DEVELOPING THE BASE SURVEY, THE TASK  
10 FORCE SHALL USE BEST PRACTICES FROM PEER-REVIEWED RESEARCH AND CONSULT  
11 WITH INDIVIDUALS WITH EXPERTISE IN DEVELOPING SEXUAL MISCONDUCT CLIMATE  
12 SURVEYS.

13           D. THE BASE SURVEY DEVELOPED PURSUANT TO SUBSECTION C, PARAGRAPH 4  
14 OF THIS SECTION MUST GATHER AT LEAST THE FOLLOWING INFORMATION:

15           1. THE NUMBER AND TYPE OF INCIDENTS, WHETHER OFFICIALLY REPORTED OR  
16 UNREPORTED, OF SEXUAL MISCONDUCT AT THE INSTITUTION.

17           2. WHEN, IN GENERAL TERMS, INCIDENTS OF SEXUAL MISCONDUCT OCCURRED.  
18 THE SURVEY MAY NOT REQUIRE THE DISCLOSURE OF A SPECIFIC DATE OR TIME OF AN  
19 INCIDENT.

20           3. WHERE, IN GENERAL TERMS, INCIDENTS OF SEXUAL MISCONDUCT  
21 OCCURRED, SUCH AS ON CAMPUS, OFF CAMPUS OR ONLINE. THE SURVEY MAY NOT  
22 REQUIRE THE DISCLOSURE OF THE SPECIFIC LOCATION OF AN INCIDENT.

23           4. WHO, IN GENERAL TERMS, PERPETRATED THE SEXUAL MISCONDUCT, SUCH  
24 AS A STUDENT OF THE INSTITUTION, A STUDENT OF ANOTHER INSTITUTION, AN  
25 EMPLOYEE, A THIRD-PARTY VENDOR OR SOMEONE ELSE.

26           5. STUDENT AWARENESS OF THE INSTITUTION'S POLICIES AND PROCEDURES  
27 RELATED TO SEXUAL MISCONDUCT.

28           6. IF AN INCIDENT OF SEXUAL MISCONDUCT WAS REPORTED TO THE  
29 INSTITUTION, TO WHOM IT WAS REPORTED.

30           7. IF AN INCIDENT OF SEXUAL MISCONDUCT WAS NOT REPORTED TO THE  
31 INSTITUTION, WHY THE INDIVIDUAL CHOSE TO NOT REPORT THE INCIDENT.

32           8. WHETHER AN INCIDENT OF SEXUAL MISCONDUCT WAS REPORTED TO A  
33 TEACHER, FRIEND, PEER OR FAMILY MEMBER.

34           9. IF A STUDENT REPORTED AN INCIDENT OF SEXUAL MISCONDUCT, WHETHER  
35 THE STUDENT WAS INFORMED OF OR REFERRED TO LOCAL, STATE, CAMPUS OR OTHER  
36 RESOURCES OR VICTIM SUPPORT SERVICES, SUCH AS COUNSELING OR MEDICAL CARE.

37           10. DEMOGRAPHIC INFORMATION THAT COULD BE USED TO IDENTIFY GROUPS  
38 THAT ARE AT RISK FOR BECOMING VICTIMS OF SEXUAL MISCONDUCT, INCLUDING  
39 RACE, NATIONALITY, SEX, SEXUAL ORIENTATION, DISABILITY STATUS OR  
40 IMMIGRATION STATUS.

41           11. WHETHER A STUDENT DECIDED TO WITHDRAW, TRANSFER OR TAKE A LEAVE  
42 OF ABSENCE FROM THE INSTITUTION, OR CONSIDERED DOING SO, AS A RESULT OF  
43 BEING A REPORTING PARTY.

1           12. WHETHER A STUDENT DECIDED TO WITHDRAW, TRANSFER OR TAKE A LEAVE  
2 OF ABSENCE FROM THE INSTITUTION, OR CONSIDERED DOING SO, AS A RESULT OF  
3 BEING A RESPONDENT.

4           13. WHETHER A STUDENT FACED ANY LONG-TERM FINANCIAL, PHYSICAL OR  
5 EMOTIONAL IMPACTS AS A RESULT OF BEING A REPORTING PARTY.

6           14. COMMUNITY ATTITUDES TOWARD SEXUAL MISCONDUCT, INCLUDING THE  
7 WILLINGNESS OF BYSTANDERS TO INTERVENE.

8           E. THE TASK FORCE SHALL DISTRIBUTE THE BASE SURVEY DEVELOPED  
9 PURSUANT TO SUBSECTION C, PARAGRAPH 4 OF THIS SECTION TO THE INSTITUTIONS  
10 FOR USE BY EACH INSTITUTIONS. EACH INSTITUTION:

11           1. SHALL ANNUALLY ADMINISTER THE BASE SURVEY OPENLY TO ALL  
12 STUDENTS.

13           2. SHALL NOTIFY AND INVITE ALL STUDENTS TO PARTICIPATE IN THE BASE  
14 SURVEY.

15           3. SHALL DISTRIBUTE THE BASE SURVEY ONLINE AND PROVIDE REASONABLE  
16 ACCOMMODATIONS TO INDIVIDUALS WITH DISABILITIES TO TAKE THE SURVEY.

17           4. MAY ADD ADDITIONAL QUESTIONS TO THE BASE SURVEY.

18           5. MAY ADJUST THE BASE SURVEY TO MEET THE INSTITUTION'S NEEDS AND  
19 MEET OTHER REQUIREMENTS, INCLUDING REQUIREMENTS PRESCRIBED IN TITLE IX.

20           6. MAY NOT FORCE ANY STUDENT TO PARTICIPATE IN THE SURVEY.

21           15-1893.02. Annual report; posting

22           A. ON OR BEFORE NOVEMBER 1 OF EACH YEAR, EACH INSTITUTION SHALL  
23 SUBMIT A REPORT TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE  
24 OF REPRESENTATIVES AND THE CHAIRPERSON OF THE PREVENTION OF SEXUAL  
25 MISCONDUCT ON CAMPUS TASK FORCE ESTABLISHED BY SECTION 15-1893.01, AND  
26 SHALL SUBMIT A COPY OF THE REPORT TO THE SECRETARY OF STATE, THAT INCLUDES  
27 ALL OF THE FOLLOWING INFORMATION FOR THAT INSTITUTION FOR THE PRECEDING  
28 SCHOOL YEAR:

29           1. THE TOTAL NUMBER OF ALLEGATIONS OF SEXUAL MISCONDUCT REPORTED TO  
30 THE INSTITUTION'S TITLE IX COORDINATOR BY A STUDENT OR EMPLOYEE OF THE  
31 INSTITUTION AGAINST ANOTHER STUDENT OR EMPLOYEE OF THE INSTITUTION.

32           2. THE NUMBER OF STUDENTS AND EMPLOYEES FOUND TO BE RESPONSIBLE FOR  
33 VIOLATING THE INSTITUTION'S POLICIES THAT PROHIBIT SEXUAL MISCONDUCT AND  
34 THE NUMBER OF STUDENTS AND EMPLOYEES WHO FACED DISCIPLINARY ACTION.

35           3. THE NUMBER OF STUDENTS AND EMPLOYEES FOUND TO BE NOT RESPONSIBLE  
36 FOR REPORTED SEXUAL MISCONDUCT.

37           4. THE NUMBER OF DISCIPLINARY ACTIONS IMPOSED BY THE INSTITUTION AS  
38 A RESULT OF A FINDING OF RESPONSIBILITY FOR REPORTED SEXUAL  
39 MISCONDUCT. THE REPORT SHALL PROVIDE INFORMATION IN AN ANONYMOUS MANNER  
40 THAT COMPLIES WITH STATE AND FEDERAL PRIVACY LAWS.

41           5. THE NUMBER OF LAW ENFORCEMENT INVESTIGATIONS INITIATED IN  
42 RESPONSE TO REPORTS OF SEXUAL MISCONDUCT BROUGHT FORWARD BY STUDENTS AND  
43 EMPLOYEES OF THE INSTITUTION AGAINST ANOTHER STUDENT OR EMPLOYEE OF THE  
44 INSTITUTION, IF KNOWN.

1           6. THE NUMBER OF STUDENTS WHO REPORTED SEXUAL MISCONDUCT AND WHO  
2 TOOK A LEAVE OF ABSENCE, TRANSFERRED, WITHDREW OR WERE EXPELLED FROM THE  
3 INSTITUTION.  
4           7. STEPS THE INSTITUTION HAS TAKEN TO MITIGATE RISKS OF SEXUAL  
5 MISCONDUCT, PROVIDE RESOURCES TO AFFECTED STUDENTS AND COMMUNICATE WITH  
6 STUDENTS.  
7           8. INFORMATION RELATED TO HOW CASE HANDLERS ARE TRAINED TO ANSWER  
8 QUESTIONS.  
9           B. EACH INSTITUTION SHALL POST THE REPORT REQUIRED BY SUBSECTION A  
10 OF THIS SECTION ON THE INSTITUTION'S WEBSITE SO THAT IT IS PUBLICLY  
11 AVAILABLE AND EASILY ACCESSIBLE TO STUDENTS AND EMPLOYEES.