

FROM H.R.2471 – CONSOLIDATED APPROPRIATIONS ACT, 2022
DIVISION W – VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION ACT

Signed Into Law on March 15, 2022

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SEC. 1507. ONLINE SURVEY TOOL FOR CAMPUS SAFETY.

(a) In General.--The Secretary of Education, in consultation with the Attorney General, the Director of the Centers for Disease Control and Prevention, the Secretary of Health and Human Services, and experts in domestic violence, dating violence, sexual assault, sexual harassment, and stalking, shall develop, design, and make available through a secure and accessible online portal, a standardized online survey tool regarding postsecondary student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking.

(b) Development of Survey Tool.--In developing the survey tool required under subsection (a), the Secretary of Education shall--

(1) use best practices from peer-reviewed research measuring domestic violence, dating violence, sexual assault, sexual harassment, and stalking;

(2) consult with the higher education community, experts in survey research related to domestic violence, dating violence, sexual assault, sexual harassment, and stalking, and organizations engaged in the prevention of and response to, and advocacy on behalf of victims of, domestic violence, dating violence, sexual assault, sexual harassment, and stalking, including victims from culturally specific populations and victims with disabilities, regarding the development and design of such survey tool and the methodology for administration of such survey tool; and

(3) ensure that the survey tool is readily accessible to and usable by individuals with disabilities.

(c) Elements.--

(1) In general.--The survey tool developed pursuant to this section shall be fair and unbiased, be scientifically valid and reliable, meet the highest standards of survey research, and notify the participant that anonymized results of the survey may be published.

(2) Survey questions.--Survey questions included in the survey tool developed pursuant to this section shall--

(A) be designed to gather information on student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking, including the experiences of victims of such incidents;

(B) use trauma-informed language to prevent re-traumatization; and

(C) include--

(i) questions that give students the option to report their demographic information;

(ii) questions designed to determine the incidence and prevalence of domestic violence, dating violence, sexual assault, sexual harassment, and stalking;

(iii) questions regarding whether students know about institutional policies and procedures related to domestic violence, dating violence, sexual assault, sexual harassment, and stalking;

(iv) questions designed to determine, if victims reported domestic violence, dating violence, sexual assault, sexual harassment, or stalking--

(I) to whom the incident was reported and what response the victim may have received;
(II) whether the victim was informed of, or referred to, national, State, local, Tribal, or on-campus resources; and
(III) whether the entity to whom the victim reported the incident conducted an investigation and the duration and final resolution of such an investigation;

(v) questions regarding contextual factors, such as whether force, incapacitation, or coercion was involved;

(vi) questions to determine whether an accused individual was a student at the institution;

(vii) questions to determine whether a victim reported an incident to Federal, State, local, Tribal, or campus law enforcement;

(viii) questions to determine why the victim chose to report or not report an incident to the institution or State, local, or campus law enforcement;

(ix) questions to determine the impact of domestic violence, dating violence, sexual assault, sexual harassment, and stalking on the victim's education, including diminished grades, dropped classes, leaves of absence, and negative financial consequences (such as costs associated with loss in paid tuition due to leaves of absence, loss in scholarship awards due to diminished grades, loss of foreign-student visas, and costs associated with counseling, medical services, or housing changes);

(x) questions to determine the impact and effectiveness of prevention and awareness programs and complaints processes;

(xi) questions to determine attitudes toward sexual violence and harassment, including the willingness of individuals to intervene as a bystander to sex-based (including against lesbian, gay, bisexual, or transgender (commonly referred to as "LGBT") individuals), race-based, national origin-based, and disability-based discrimination, harassment, assault, domestic violence, dating violence, sexual assault, sexual harassment, and stalking; and

(xii) other questions, as determined by the Secretary of Education.

(3) Additional elements.--In addition to the standardized questions developed by the Secretary of Education under paragraph (2), subject to the review and approval of the Secretary of Education, an institution of higher education may request additional information from students that would increase the understanding of the institution of school climate factors unique to the campuses affiliated with the institution.

(4) Responses.--The responses to the survey questions described in paragraph (2) shall--

(A) be submitted confidentially;

(B) not be included in crime statistics; and

(C) in the case of such responses being included in a report, not include personally identifiable information.

(d) Administration of Survey.--

(1) Federal administration.--The Secretary of Education, in consultation with the Attorney General, the Director of the Centers for Disease Control and Prevention, and the Secretary of Health and Human Services, shall develop a mechanism by which institutions of higher education may, with respect to the survey tool developed pursuant to this section--

(A) administer such survey tool; and

(B) modify such survey tool to include additional elements or requirements, as determined by the institution, subject to the review and approval of the Secretary of Education.

(2) Costs.--The Secretary of Education may not require an institution of higher education to pay to modify the survey tool in accordance with paragraph (1)(B).

(3) Accessibility.--The Secretary of Education shall ensure that the survey tool is administered in such a way as to be readily accessible to and usable by individuals with disabilities.

(4) Institutional administration.--Beginning not later than 1 year after the date on which the Secretary of Education makes available to institutions the mechanism described in paragraph (1), and every 2 years thereafter, each institution of higher education that receives Federal educational assistance shall administer the survey tool developed pursuant to this section.

(e) Completed Surveys.--The Secretary of Education shall require each institution of higher education that administers the survey tool developed pursuant to this section to ensure, to the maximum extent practicable, that an adequate, random, and representative sample size of students (as determined by the Secretary) enrolled at the institution complete the survey tool developed pursuant to this section.

(f) Report.--

(1) In general.--Beginning not later than 2 years after the date of enactment of this Act, the Secretary of Education shall--

(A) prepare a biennial report on the information gained from the standardized elements of the survey under this section and publish such report in an accessible format on the website of the Department of Education, including as part of any online consumer tool offered or supported by the Department of Education that provides information to students regarding specific postsecondary educational institutions, such as the College Scorecard or any successor or similar tool; and

(B) submit such report to Congress.

(2) Inclusions and exclusions.--The report required to be prepared under paragraph (1)--

(A) shall include campus-level data for each institution and attributed by name of each campus in a manner that permits comparisons across institutions and campuses; and

(B) shall not publish any individual survey responses.

(g) Publication.--Each institution of higher education shall publish, in a manner that is readily accessible and usable by individuals, including individuals with disabilities--

(1) the campus-level results of the standardized elements of the survey under this section on the website of the institution and in the biennial report required under subsection (f) for the campuses affiliated with the institution; and

(2) the campus-level results of the additional elements modifying the survey by the institution, if any, on the website of the institution.