



**PARTNERSHIP TO ELEVATE POLICY AND PRACTICE:
CAMPUS SEXUAL VIOLENCE AND GUNS ON CAMPUS**

2016
OCT



FINAL REPORT

by Education Commission of the States



EDUCATION COMMISSION OF THE STATES/ NASPA PARTNERSHIP

In July 2015, Education Commission of the States and NASPA – Student Affairs Administrators in Higher Education formed a strategic partnership aimed to connect policy and practice. The two organizations partnered to address legislative developments and offer considerations for leaders in higher education and policymakers on two top-level issues: campus sexual violence and guns on campus. The partnership links policy and practice to engage stakeholders from the national, state and campus levels to have collaborative conversations and ensure that inclusive and safe learning environments exist for students.

As part of the partnership, two issue briefs were released on these campus safety issues. The first, **State Legislative Developments on Campus Sexual Violence: Issues in the Context of Safety**, addresses legislative developments and offers considerations for state policymakers and leaders in higher education concerning campus sexual violence. The brief offers in-depth analyses of state legislative activity during the 2013-2015 legislative sessions and frames key issues and considerations for leaders in higher education and policymakers across the states.

The second issue brief, **Guns on Campus: The Architecture and Momentum of State Policy Action**, offers a detailed summary of state legislative action and higher education system policy decisions that permit or are seeking to permit guns on campus, as well as actions that have prohibited or are seeking to prohibit guns on campus. The report provides a detailed overview of the issue; analysis of recent legislative activity; considerations for state and higher education leaders; and appendices with citations for state statutes and legislation, system policies and court cases.

Education Commission of the States' final project report summarizes 2015 and 2016 state legislative activity related to campus sexual violence and guns on campus. Education Commission of the States and NASPA hope the briefs and legislative summaries continue to inform discussions, policy actions and campus practices regarding these top-priority issues. The partnership is also intended to reinforce the importance of thoughtful dialogue between state policy and higher education leaders in an effort to identify effective solutions on topics of mutual interest.



CAMPUS SEXUAL VIOLENCE

Recent national surveys and media coverage of high-profile cases continue to fuel concerns about the prevalence of sexual violence on college campuses. In response, a growing number of state policymakers have introduced—and often enacted—legislation intended to reduce the number of sexual violence incidents and pressure higher education institutions to more effectively respond to and report assaults.

NASPA and Education Commission of the States identified four primary policy themes embedded in recent state legislative activity:

- **Defining affirmative consent:** State policy has attempted to build a common understanding of welcomed sexual behavior by defining consent in statute or directing institutions to do so.
- **Role of local law enforcement:** State policy has sought to define, clarify or expand the role of local law enforcement in campus reporting and investigative processes following survivors' disclosure or report of sexual assault to a campus employee. In some cases, the state legislation reinforces the federal Clery Act's requirement that survivors of sexual violence be allowed to decide whether to refer their case to local law enforcement. In others, state law requires a report of sexual violence to campus personnel to be handed over to local law enforcement.
- **Transcript notation:** State policy has addressed notation of serious violations of a campus' code of conduct, including sexual assault, on student transcripts. The duration of the transcript notation, procedures for its removal and the process of notation have been considered in statute.
- **Role of legal counsel:** State policy has addressed the role of legal counsel in the campus adjudication process, building upon, supplementing or extending provisions found in federal regulatory guidelines.

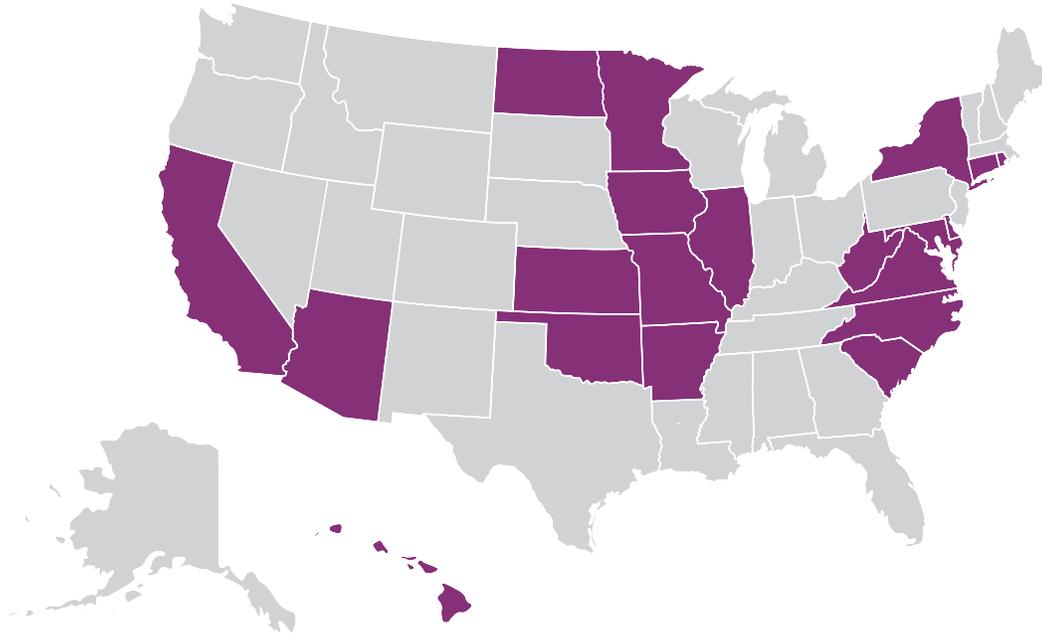
NASPA and Education Commission of the States' 2015 report, *State Legislative Developments on Campus Sexual Violence: Issues in the Context of Safety*, includes several considerations related to each primary theme for institutional and state leaders as they continue to propose, refine and implement policies to address campus sexual assault.

During the 2015 session, at least 29 states introduced or enacted legislation related to campus sexual violence. In 20 of these states, the measures addressed one or more of the four primary themes. State policy actions also focused on other issues, including prevention and training related to and reporting of campus sexual assault incidences.

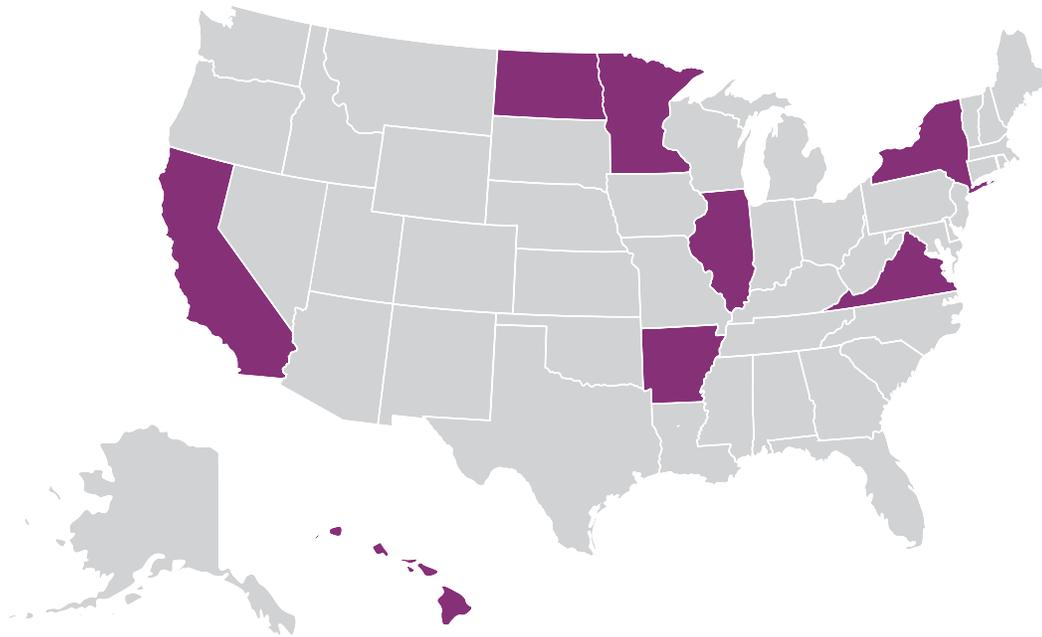
In 2016, at least 22 states introduced or enacted legislation related to campus sexual violence. In 16 of these states, the bills addressed one or more of the four primary themes mentioned above. As with 2015, state policy actions also focused on prevention and training related to and reporting of campus sexual assault incidences. In addition, states introduced bills that created campus sexual violence task forces or protected students from disciplinary actions if they reported sexual assault incidences.



States that **Considered Bills** in **At Least One Policy Area** in **2015**



States that **Enacted Bills** in **At Least One Policy Area** in **2015**



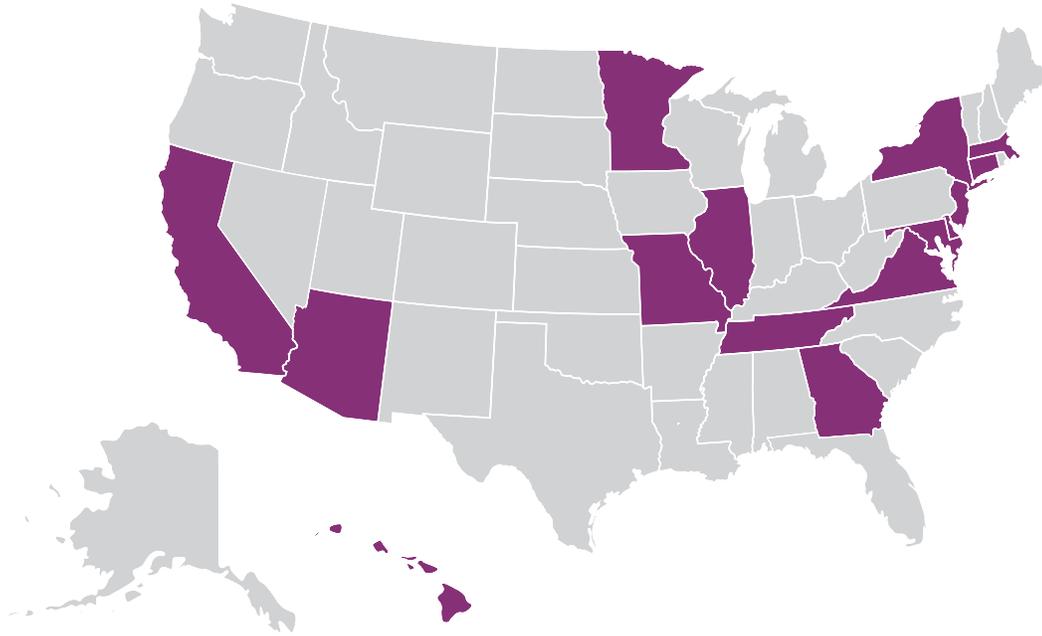


Campus Sexual Violence: 2015 legislation, status and policy area
(as of September, 2016)

State	Bill Number	Status	Affirmative Consent	Law Enforcement	Transcript Notation	Role of Counsel
Arizona	H.B. 2474	Died	X			
Arkansas	H.B. 1892	Enacted				X
California	A.B. 913	Enacted		X		
	A.B. 968	Vetoed			X	
Connecticut	S.B. 636	Died	X			
Delaware	H.B. 1	Died		X		
Hawaii	S.B. 387	Enacted	X			
Illinois	H.B. 821	Enacted	X			
Iowa	H.F. 390/S.F. 79	Died	X			
Kansas	H.B. 2266	Died	X			
Maryland	H.B. 138	Died	X			
	H.B. 667	Died	X			
	H.B. 839	Died	X			
	H.B. 749/S.B. 817	Died		X	X	
	S.B. 578	Died		X		
Minnesota	S.F. 5	Enacted		X		
	S.F. 2126/H.F. 1689	Died	X			
Missouri	H.B. 412	Died	X			
	H.B. 595	Died		X		
New York	A.B. 8244	Enacted	X	X	X	
North Carolina	H.B. 815	Died	X			
	S.B. 474	Died	X			
	S.B. 505	Died	X			
North Dakota	S.B. 2150	Enacted				X
Oklahoma	S.B. 553	Died		X		
Rhode Island	H.B. 5034	Died		X		
South Carolina	H.B. 3453	Died				X
Virginia	S.B. 712/H.B. 1930	Enacted		X		
	H.B. 1785	Enacted		X		
	S.B. 1193	Enacted			X	
West Virginia	H.B. 2690	Died	X			

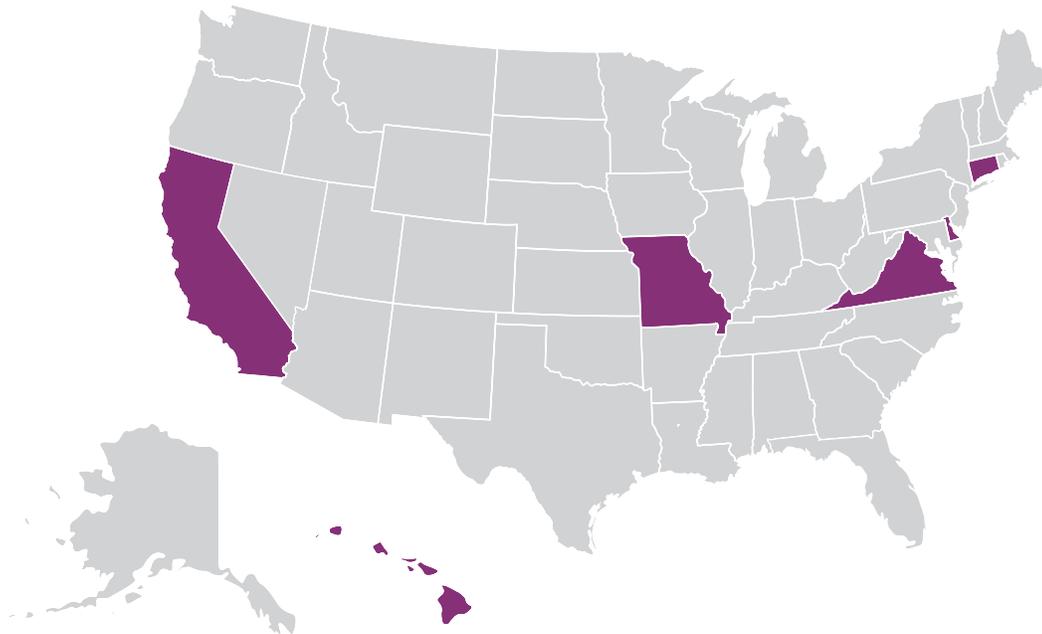


States that **Considered Bills** in **At Least One Policy Area** in **2016**



States that **Enacted Bills** in **At Least One Policy Area** in **2016**

(as of September, 2016)



Campus Sexual Violence: **2016 legislation, status and policy area**

(as of September, 2016)

State	Bill Number	Status	Affirmative Consent	Law Enforcement	Transcript Notation	Role of Counsel
Arizona	H.B. 2278	Died	X			
California	A.B. 2908	Enacted		X		
Connecticut	H.B. 5376	Enacted	X			
Delaware	H.B. 1 (H.S. 1)	Enacted		X		
Florida	S.B. 1702/H.B. 1309	Died		X		
Georgia	S.B. 322	Died		X		
Hawaii	H.B. 451	Died	X			
	S.B. 3119/H.B. 2703	Died	X	X		
	S.B. 923/H.B. 1249	Died	X			
	H.B. 2772	Enacted	X	X		
	H.B. 597	Died	X			
Illinois	H.B. 5624	Died		X		
Maryland	H.B. 1142	Died	X			
Massachusetts	S.B. 2465	Pending	X			
Minnesota	H.F. 3100	Died	X			
	S.F. 3088	Died	X			
Missouri	S.B. 626	Died	X			
	H.B. 1678/S.B. 1085	Died		X		
	H.B. 2204	Died				
	H.B. 921	Enacted	X	X		
New Jersey	S.B. 398/A.B. 557	Pending		X		
	S.B. 396	Pending		X		
	A.B. 2271	Pending	X			
New York	A.B. 6632	Died	X	X		
	A.B. 5400	Died	X			
Tennessee	S.B. 2019/H.B. 2157	Died		X		X
Virginia	H.B. 1321	Enacted		X		
	H.B. 926	Died			X	
	S.B. 83	Enacted		X		
	H.B. 1015	Enacted		X		



GUNS ON CAMPUS

In recent years, campus violence involving guns and weapons has amplified, resulting in states taking action regarding concealed weapons on college and university campuses. Violence prevention and crisis response strategies at colleges and universities are also impacted by these policy deliberations.

Education Commission of the States' analysis reviewed state legislative activity in three primary areas: allowing individuals to carry concealed weapons on campuses; prohibiting gun owners from possessing a firearm on a public college or university campus; and allowing guns to be stored in a locked vehicle parked on an institution's premises. The analysis, however, did not include policies that permit individual institutions or postsecondary systems to decide whether to allow or ban firearms on campuses.

The report, [Guns on Campus: The Architecture and Momentum of State Policy Action](#), discusses a number of issues and serves as a reference for policymakers and campus leadership as they move toward consideration or implementation of permitting the carrying of firearms within postsecondary settings.

In 2015, California was the only state to consider and ultimately adopt legislation banning guns on campus. In contrast, at least 15 states considered measures allowing guns on campus, with Texas being the only one to enact legislation. Three states – Arkansas, Tennessee and Texas – proposed bills related to firearms in a vehicle on campus, in addition to legislation that more broadly allows guns on campuses.

During the 2016 legislative session, at least 19 states considered legislation related to guns on campus. Two states – Hawaii and Maryland – introduced bills to prohibit guns on campus, while 17 states proposed legislation to allow firearms on college campuses. Similar to 2015, three states – Arizona, Oklahoma and Tennessee – proposed bills specifically related to guns in a vehicle on campus, as well as legislation that allows firearms on campuses.

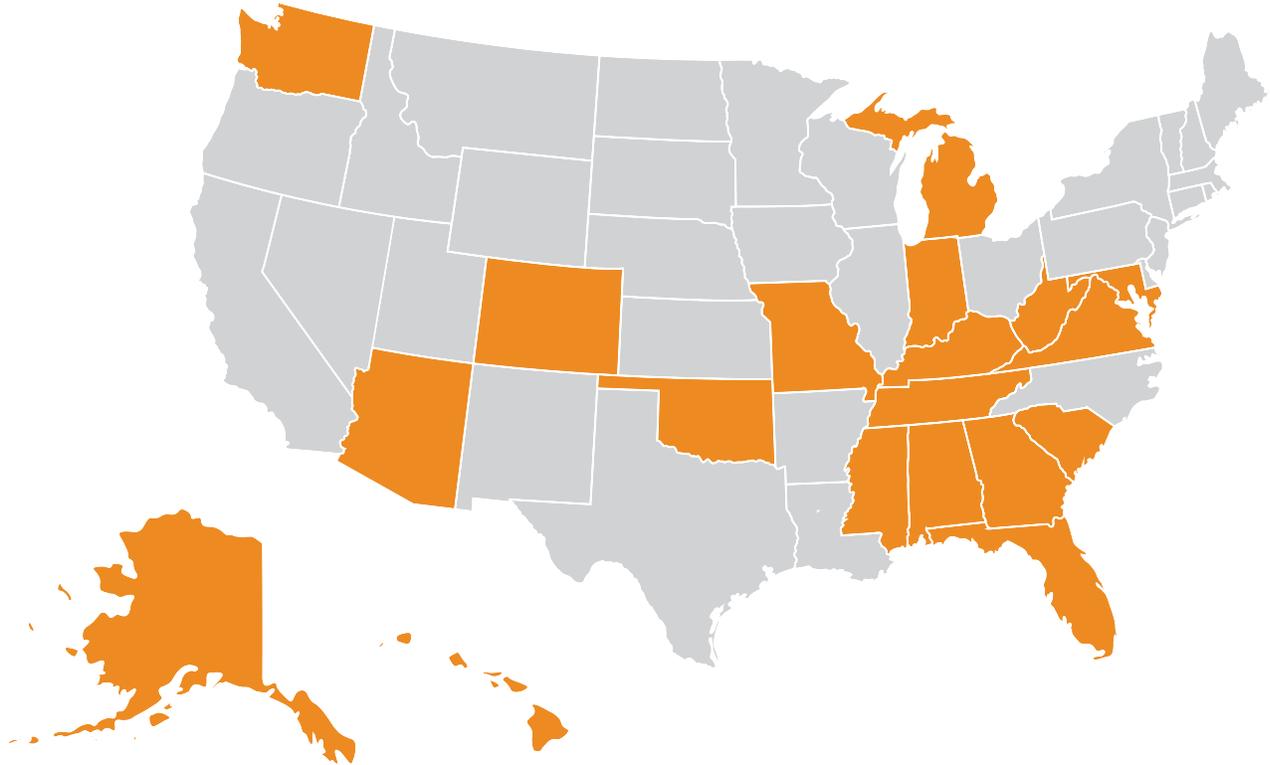


Guns on Campus: 2015 legislation, status and policy area

State	Bill Number	Status	Allows	Prohibits	Vehicles
Arkansas	H.B. 1077	Died	X		
	H.B. 1505	Enacted			X
California	S.B. 707	Enacted		X	
Florida	S.B. 68	Died	X		
Georgia	H.B. 544	Died	X		
Indiana	H.B. 1143	Died	X		
Montana	S.B. 143	Died	X		
Nevada	A.B. 148	Died	X		
Ohio	H.B. 48	Pending	X		
Oklahoma	S.B. 718	Died	X		
South Carolina	S.B. 88	Died	X		
South Dakota	H.B. 1206	Died	X		
Tennessee	H.B. 320	Died	X		
	H.B. 481	Died			X
Texas	S.B. 11	Enacted	X		
	H.B. 1649	Died			X
	S.B. 1907	Enacted			X
Virginia	H.B. 1389	Died	X		
West Virginia	H.B. 2446	Died	X		
Wyoming	H.B. 114	Died	X		

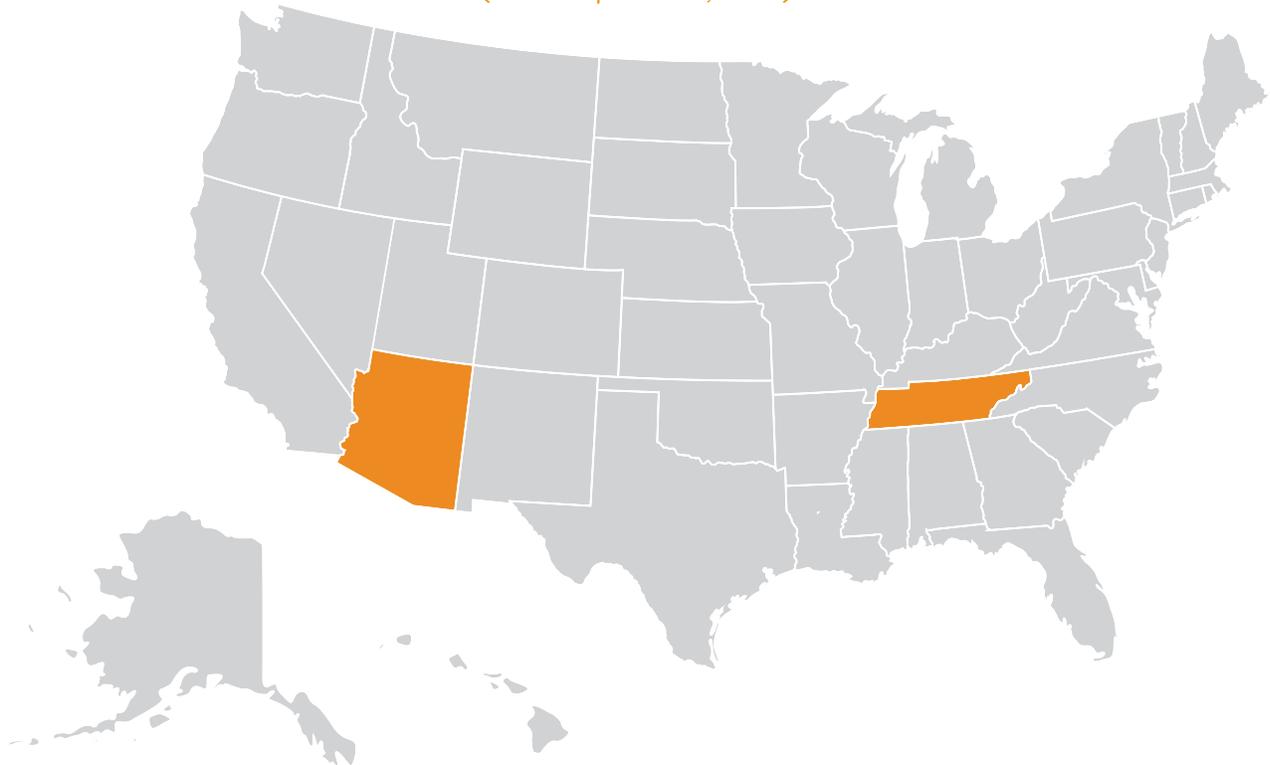


States that **Considered Bills** in **At Least One Policy Area** in **2016**



States that **Enacted Bills** in **At Least One Policy Area** in **2016**

(as of September, 2016)



Guns on Campus: 2016 legislation, status and policy area

(as of September, 2016)

State	Bill Number	Status	Allows	Prohibits	Vehicles
Alabama	H.B. 12	Died	X		
Alaska	S.B. 174	Died	X		
Arizona	H.B. 2072	Died	X		
	H.B. 2338	Enacted			X
Colorado	S.B. 17	Died	X		
Florida	H.B. 4001	Died	X		
	S.B. 68	Died	X		
Georgia	H.B. 544	Died	X		
	H.B. 859	Vetoed	X		
Hawaii	S.B. 95	Died		X	
Indiana	H.B. 1055	Died	X		
Kentucky	H.B. 221	Died	X		
Maryland	S.B. 906	Died		X	
	H.B. 1002	Died		X	
Michigan	S.B. 442	Pending	X		
Mississippi	H.B. 1346	Died	X		
Missouri	S.B. 589	Died	X		
	H.B. 1899	Died	X		
Oklahoma	S.B. 1348	Died	X		
	S.B. 1143	Died	X		
	H.B. 2266	Died			X
	H.B. 1143	Died	X		
	S.B. 557	Died	X		
	H.B. 2660	Died			X
South Carolina	S.B. 88	Died	X		
Tennessee	H.B. 2131	Died			X
	S.B. 1991	Enacted			X
	S.B. 2376	Enacted	X		
	H.B. 1736	Died	X		
Virginia	H.B. 79	Died	X		
	H.B. 761	Died	X		
Washington	H.B. 2867	Died	X		
West Virginia	H.B. 2446	Died	X		



ACKNOWLEDGMENTS

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The information contained herein reflects an aggregation of policy activity in two key areas across the 50 U.S. states as of September 15, 2016. While reasonable efforts have been made to assure the comprehensiveness and accuracy of information in this document, tracking pending and emergent legislation has its expected limitations. For updated information please contact the project leads on this partnership:

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