

**Memorandum Pursuant to Act 68-An Act Relating to Sexual Violence
Report of Activities by the Intercollegiate Sexual Harm Prevention Council
Prepared by the Vermont Network Against Domestic and Sexual Violence-
November 30, 2022**

Background and Purpose:

In 2021, the General Assembly passed Act 68 which reformed several areas of law pertaining to sexual violence. Included in this Act was the creation of an Intercollegiate Sexual Harm Prevention Council. The Council has met three times since it last updated the General Assembly on October 20, 2021 and is permitted by statute to meet four times annually. In enumerating the duties and powers of the Council, the General Assembly asked the Council to “On or before December 1, 2022 and annually thereafter, the Council shall submit a written report to the General Assembly with a summary of activities and any recommendations for legislative action.” This memorandum outlines the summary of Council activities.

Meetings:

The Intercollegiate Sexual Harm Prevention Council, with staffing support from the Vermont Network Against Domestic and Sexual Violence, met on the following dates:

- January 28, 2022
- June 7, 2022
- November 18, 2022

Immunity Policy

In the above-mentioned meetings, the Council discussed ACT 68 legislature charges including institutional immunity policies in Vermont. A subcommittee was established to develop the language to include in a proposed immunity policy for all institutions in Vermont. The subcommittee continues to review language for an institutional policy. However, the Council reviewed and approved the following legislative language around immunity for survivors who experience sexual harm on campus:

“Ch 337 Section 168D. (k) A reporting party or a witness who causes an investigation of sexual misconduct shall not be subject to a disciplinary sanction for a violation of the institution’s student conduct policy related to the incident unless the institution determines that the report was not made in good faith or that the violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at risk.”

Aggregate Data Collection

The Council discussed aggregate campus data collection and consensus acknowledged that current data collection pursuant to Cleary Act do not paint a full picture of the sexual harm that is happening on campuses. In addition, there is no uniform or consistent way of collecting the needed information. The subcommittee will seek expertise from a UVM employee with experience in a national data collection workgroup. The Council is cognizant of racial and socioeconomic disparities in reporting and will take that into account in its recommendations.

Proposed Legislation

The Council is continuing all legislative conversations started by the previous Task Force. In summer 2022, the Network connected with Every Voice Council¹ (EVC), which is a student-led non-profit that trains and prepares students to be grassroots leaders, conduct research, and draft laws. The EVC has assisted seven states in passing campus sexual harm laws. Representatives from EVC attended the November 18, 2022 meeting and shared the results of their Vermont efforts with the Council. The Council has been considering a range of possible legislative recommendations and is meeting again on December 16, 2022 with a plan to vote on whether or not to include them as legislative priorities at this time.

Upcoming Topics

The Council will continue to discuss the issues mentioned above in the legislative charge and will also gauge interest in a statewide conference on campus sexual harm, explore examples of restorative justice practices happening on campuses in Vermont, and plan for anticipated changes in federal Title IX Regulations.

Thank you for your continued interest in this issue.

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¹ <https://www.everyvoicecoalition.org/>