

Postsecondary Campus Safety 2022

Campus Sexual Misconduct Policies

October 2022

This resource captures how states and the District of Columbia have used statute and/or regulations to provide institutions with additional guidance and requirements regarding campus sexual misconduct policy. Each data point presents information on a distinct component of that policy, such as reporting processes, victim support services, and prevention and bystander training.

As presented below, at least 24 states have a campus sexual misconduct policy in statute and/or regulation, and there is significant variation between what those policies contain (Maine statute creating this requirement will go into effect by July 2023). Among other data points captured, at least seven state policies in statute and/or regulation define affirmative consent and at least three states require institutions to develop their own definition; at least 15 allow amnesty for individuals reporting instances of campus sexual misconduct; and at least 22 address support systems for victims. Please note that this resource does not include federal policy, postsecondary board policies, or institutional policies except as indicated in state statute and/or regulation.

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STATE	Does the state have a campus sexual misconduct policy in statute and/or regulations?	Does the campus sexual misconduct policy define affirmative consent?	Does the campus sexual misconduct policy address transcript notations?	Does the campus sexual misconduct policy address the role of advisor or legal counsel in disciplinary proceedings?	Does the policy address support services for victims of sexual misconduct?	Does the campus sexual misconduct policy require institutions to provide regular training for students and/or staff?	Is local law enforcement required to be involved in the creation or enforcement of the campus sexual misconduct policy?	Does the policy allow amnesty for individuals reporting instances of campus sexual misconduct?	Does the policy address requirements for institutional staff reporting incidents of campus sexual misconduct?	Source
Alabama	No policy identified.									
Alaska	No policy identified.									
Arizona	No policy identified.									
Arkansas	Yes. Statute outlines that the Arkansas Higher Education Coordinating Board work, in collaboration with institutions, to develop an action plan that addresses sexual assault prevention strategies and funding, and creates increased awareness about support services available to students.	No.	No.	No.	Yes. Institutions must, among other things, collaborate with the department of health and/or federally qualified health centers to promote access to care.	Yes. Institutions must identify opportunities to raise awareness and provide resources for the prevention of sexual assault across the entire student population. Awareness and prevention plans should include information about prevention for students through advising, student orientation, and academic courses when appropriate. The plan should also include funding opportunities available to address the prevention of sexual assault and to promote student success.	No.	No.	No.	Ark. Code Ann. § 6-60-111
California	Yes. In order to receive state funds for student financial assistance, postsecondary institutions must adopt a policy concerning sexual assault, domestic violence, dating violence and stalking.	Yes. Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that the person has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.	No.	No.	Yes. An institution's policy must include the provision of written notification to the victim about the availability of, and contact information for, on- and off-campus resources and services, and coordination with law enforcement, as appropriate. The institution must also, to the extent feasible, enter into memoranda of understanding, agreements, or collaborative partnerships with existing on-campus and community-based organizations, including rape crisis centers and domestic violence centers, to refer students for assistance or make services available to students, including counseling, health, mental health, victim advocacy, and legal assistance, and including resources for the accused.	Yes. Institutions must implement comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence and stalking. Outreach programming must be included in every incoming student's orientation, and must include information including warning signs, on- and off-campus resources and policies, and prevention and bystander training.	No. However, an institution's policy must include the provision of written notification to the victim about coordination with law enforcement, as appropriate.	Yes. An institution's policy must provide that an individual participating as a complainant or witness will not be subject to disciplinary sanctions for violations of the student conduct policy, though exceptions exist for violations determined to be egregious.	No. However, an institution's policy and protocols must include information on initial responses by personnel to a report of an incident, including victim assistance, evidence preservation, and identifying/locating witnesses.	Cal. Educ. Code § 47386
Colorado	Yes. Each institution of higher education must adopt, periodically review, and update a sexual misconduct policy.	No. However, the policy requires each institution to provide a definition of consent in the context of sexual activity.	No.	Yes. An institution's policy must provide both parties with the same opportunities to have an advisor or other person present during any part of the proceeding. The advisor or other person is not allowed to speak on behalf of either party during proceedings.	Yes. Each institution must provide information to students on how to receive support regarding sexual misconduct. An institution may also designate an outside entity or service to serve this purpose.	Yes. Each institution must offer and promote awareness and prevention of sexual misconduct. Training must be offered to all incoming students and newly employed faculty and staff. The department of higher education must hold biennial summits on sexual misconduct for students, faculty and others, subject to available appropriations.	No. However, an institution's training must include information on the options for involving law enforcement in responding to sexual misconduct.	Yes. An institution's policy must provide protection from disciplinary action against a complainant, reporting party, or witness for policy violations related to the incident. This includes, at a minimum, the personal consumption of alcohol or drugs.	No.	Colo. Rev. Stat. Ann. § 23-5-146
Connecticut	Yes. Each institution of higher education must adopt one or more policies regarding sexual assault, stalking, and intimate partner violence as specified.	Yes. Affirmative consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person. Institutions may adopt their own definition of affirmative consent if it has the same meaning or is substantially similar to the provided definition.	No.	Yes. Both parties to a sexual assault investigation are entitled to be accompanied by an advisor or support person to any meeting or proceeding relating to the allegation, provided that does not result in delaying a meeting as scheduled.	Yes. Institutional policies must include providing students and employees who report or disclose being the victim of sexual assault with contact information and/or professional assistance in accessing and utilizing campus, local advocacy, counseling, health and mental health services. Condone, plainly written information must also be shared concerning the rights of such students and employees to (A) notify law enforcement of such assault, stalking or violence and receive assistance from campus authorities in making any such notification, and (B) obtain a protective order, apply for a temporary restraining order or seek enforcement of an existing protective or restraining order. Institutions must also notify such students and employees of any reasonable available options and assistance in changing academic, living, transportation or working situations in response to sexual assault, stalking or intimate partner violence.	Yes. Each institution must annually provide sexual assault, stalking and intimate partner violence primary prevention and awareness programming for all students and employees.	No. However, institutions must provide students and employees who report or disclose being the victim of sexual assault of their right to notify law enforcement of such assault, stalking or violence and receive assistance from campus authorities in making any such notification.	Yes. Students or employees who report or disclose alleged sexual assault may not be subject to disciplinary action for violation of an institutional policy regarding drugs or alcohol, so long as the report or disclosure was made in good faith, and the violation of policy did not place the health or safety of others at risk.	No.	Conn. Gen. Stat. Ann. § 10a-55m

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Delaware	No policy identified.	No.	No.	No.	Yes. Employees classified as "responsible" (including faculty, trustees, and those who regularly interact with students) have certain requirements if they are informed by a student about an alleged sexual assault. Responsible employees must provide information regarding confidential medical, counseling, and advocacy services available to victims on campus, as well as appropriate off-campus services available to victims.	Yes. Institutions must provide training to all new responsible employees regarding the prevalence and nature of sexual assaults on college campuses, and the relevant requirements of state and federal law. This training must ensure that employees are trained to respond to disclosures of sexual assaults using best practices with regard to a victim-centered, trauma-informed approach. Refresher training must be provided every two years thereafter. Institutions must provide training to all newly enrolled full-time students in sexual assault, prevention, awareness, and relevant state and federal law. Institutions must also require at-risk student populations, as designated by the academic institution's Title IX coordinator, to receive additional training in sexual assault prevention, awareness and state and federal law, oriented specifically to the unique situations of each student population.	Yes. Employees must inform local law enforcement within 24 hours of being informed of an alleged sexual assault. Among other requirements, law enforcement agencies must provide information regarding confidential medical, counseling, and advocacy services available to victims on campus, as well as appropriate off-campus services available to victims.	No.	Yes. Faculty and other employees have certain requirements if they are informed by a student about an alleged sexual assault. They must immediately make an offer to the victim to notify police who service the institution, and make that report within 24 hours. Responsible employees are required to make this referral to police.	14 Del.C. § 9001A et seq.
District of Columbia	No policy identified.									
Florida	No policy identified.									
Georgia	No policy identified.									
Hawaii	Yes. Statute requires the University of Hawaii to provide students and university employees with training regarding institutional policies on sexual harassment, sexual assault, domestic violence, dating violence and stalking.	No.	No.	No.	Yes. Each campus must designate and disseminate contact information for a confidential advocate, who will be available to confidentially discuss and provide information on sexual harassment, sexual assault, domestic violence, stalking and related issues. The university must also inform victims in writing of their right to file a police report with the appropriate county police department, and assist victims in submitting such a police report.	Yes. The University of Hawaii must provide training to all students annually. Employees must receive training within the first 30 days of their employment, and every two years thereafter. Training must include information on Title IX, the Violence Against Women Act, and University of Hawaii executive policies on sexual harassment, sexual assault, domestic violence, dating violence, and stalking.	No. However, the university must inform victims in writing of their right to file a police report with the appropriate county police department, and assist victims in submitting such a police report.	No.	Yes. All University of Hawaii faculty members are designated as "responsible employees", and must report any violations of policies regarding sexual harassment, sexual assault, domestic violence, dating violence, and stalking to the Title IX coordinator of the faculty member's campus. Personnel designated as confidential advocates do not have this requirement.	Haw. Rev. Stat. Ann. § 304A-120
Iaho	No policy identified.									
Illinois	Yes. Statute requires that all higher education institutions must adopt a comprehensive policy concerning sexual violence, domestic violence, dating violence, and stalking consistent with federal and state law, with specified minimum components.	Yes. Definitions of consent must, at a minimum, recognize that: consent is a freely given agreement to sexual activity; a person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent; a person's manner of dress does not constitute consent; a person's consent to past sexual activity does not constitute consent to future sexual activity; a person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another; a person can withdraw consent at any time; and a person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent.	No.	Yes. Both parties may have an advisor of their choice accompany them to any meeting or proceeding related to an alleged violation of the comprehensive policy on sexual assault, provided this does not cause undue delay.	Yes. Survivors must be informed of their right to request interim protective measures and accommodations such as changes to academic, living, and working situations; and must also be informed of the institution's ability to provide assistance, if requested, in accessing and navigating campus and local health and mental health services, counseling and advocacy services. If a student reports a violation of the comprehensive policy, the institution must provide them with, among other things, the information for the nearest medical facility where they may have a medical forensic examination, and contact information for community-based, state, and national sexual assault/crisis centers. Each institution must also provide students with access to a confidential advisor to provide emergency and ongoing support to survivors of sexual violence as specified.	Yes. Institutions must provide annual sexual violence primary prevention and awareness programming for all students who attend one or more classes. This must include, among other things, information on consent, reporting practices, available survivor services, and strategies for bystander intervention and risk reduction. Additionally, annual survivor-centered and trauma-informed response training must be given to employees as specified.	No. However, upon being notified of an alleged violation of the comprehensive policy, survivors must be provided with information about their right to report or not report to law enforcement, contact information for campus and local law enforcement, and information on their right to request and receive assistance from campus authorities in notifying law enforcement.	Yes. Institutional policy must include an amnesty provision that provides immunity to any student who reports, in good faith, an alleged violation of the institution's comprehensive policy to a responsible employee, so that the reporting student will not receive a disciplinary sanction by the institution for a student conduct violation revealed in the course of such a report, such as underage drinking or possession or use of a controlled substance, unless the institution determines that the violation was egregious or placed the health or safety of another person at risk.	No.	110 Ill. Comp. Stat. Ann. 155/5 et seq.
Indiana	No policy identified.									
Iowa	Yes. Statute requires the Board of Regents to develop and implement a written policy addressing four areas related to sexual abuse: counseling, campus security, education (including prevention, protection, and the rights and duties of students and employees), and facilitating the accurate and prompt reporting of sexual abuse to law enforcement.	No.	No.	No.	No.	Yes. Policy must be disseminated during registration and orientation. It must contain education, including prevention, protection, and the rights and duties of students and employees of the institution.	Yes. Policy must facilitate the accurate and prompt reporting of sexual abuse to the duly constituted law enforcement authorities.	No.	No.	Iowa Code Ann. § 262.9
Kansas	No policy identified.									
Kentucky	No policy identified.									
Louisiana	Yes. The Board of Regents must establish uniform policies and best practices to implement measures to address the reporting of power-based violence, prevent such violence, communicate between institutions regarding such violence, and providing medical and mental health care for alleged victims. Power-based violence is defined as any form of personal violence intended to control or intimidate another person through the assertion of power, including dating violence, sexual assault, sexual harassment, and stalking.	No.	Yes. Institutions must implement a uniform transcript notation and communication policy regarding the transfer of a student who has been found to be responsible for, or is the subject of a pending complaint regarding, power-based violence.	Yes. At the request of the alleged victim, the institution's confidential advisor may accompany them to interviews and other proceedings of a campus investigation and institutional disciplinary proceedings.	Yes. Institutions must designate and train confidential advisors for students. Advisors must inform alleged victims of their rights and the institution's responsibilities under state and federal law, information regarding possible court orders, their reporting options, information about investigation and disciplinary proceedings, potential reasonable accommodations that the institution may provide, and information regarding the nearest medical facility, services, and possible reimbursements. The advisor may arrange reasonable accommodations to allow the alleged victim to change living arrangements, class schedules, and obtain accessibility services or other accommodations. Institutions must adopt a victims' rights policy, which at a minimum must provide for a process for a victim to be granted the right to have a perpetrator barred from attending a class in which the victim is enrolled.	Yes. Institutions must require related annual training for employees, as specified. The Board of Regents must annually review - and revise if necessary - the training. New student orientations must contain information regarding power-based violence, including identification, prevention, and reporting information.	No. However, a confidential advisor must inform an alleged victim of their reporting options, including the option to notify the institution, local law enforcement, and any other reporting options.	Yes. A person acting in good faith who reports or assists in an investigation of power-based violence is immune from civil and criminal liability and may not be subjected to disciplinary action by the institution for violation of code of conduct reasonably related to the incident for which suspension or expulsion is not a possible punishment. Involved students may not be sanctioned for nonviolent student conduct violations, such as underage drinking.	Yes. A responsible employee who receives a direct statement regarding or witnesses an incident of power-based violence committed by or against a student must report the incident to the institution's Title IX coordinator, with some stated exceptions. These requirements do not apply to confidential advisors.	La. Stat. Ann. § 17:3399.12 et seq.

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Maine	Yes. By July 1, 2023 each institution of higher education must adopt a policy and related procedures on sexual violence, intimate partner violence, and stalking.	Yes. Affirmative consent is defined as consent to sexual activity that can be revoked at any time, and does not include silence, lack of resistance or consent given while intoxicated.	No.	Yes. A confidential resource advisor may attend an administrative adjudication proceeding or the institution's disciplinary proceeding as an advisor or support person of a student's or employee's choice.	At least one confidential resource advisor must operate at each institution, and is tasked with providing a variety of services to students and employees, including coordination with resource centers, the provision of information and resources regarding reporting options, counseling services, medical and mental health services, and others. If requested, the advisor may coordinate with campus resources to provide changes in academic status, dining, housing, transportation or campus employment; access to counseling and other mental health services; excused absences, academic and student loan counseling and tutoring; and institutional financial resources such as tuition credit, opportunities to withdraw or reenroll in a course, and continued eligibility for scholarships and honors.	Yes. Institutions must provide mandatory prevention and awareness programming on sexual violence, intimate partner violence, and stalking for all incoming students and employees. This programming must also be made available to returning students. It must include information on affirmative consent, institutional procedures, options for reporting, and ongoing prevention and awareness, among other components. Training must adopt an approach that recognizes and is sensitive to the disproportionate impact and rates experienced by members of marginalized groups, including but not limited to people of color, people with disabilities, and LGBT people. Annual training in awareness of sexual violence, intimate partner violence, stalking, and trauma-informed responses must be taken by each institution's Title IX coordinator, members of campus police forces, and campus safety personnel. Additional training is required for those involved in the institution's disciplinary process, including the effects of trauma and training on cultural competencies.	No. However, policies must contain information on the rights of students and employees to notify or decline to notify a law enforcement agency about sexual violence, intimate partner violence or stalking. If a notification is made, they have a right to receive assistance from campus authorities in making it.	Yes. A reporting party or witness may not be subject to a disciplinary proceeding, sanction or penalty for violation of institutional student conduct policy related to: drug or alcohol abuse, trespassing or unauthorized entry of institution facilities, unless the violation is found to be egregious or that the report was not made in good faith.	No.	
Maryland	Yes. The governing body of each institution of higher education must adopt and implement a written policy on sexual assault and submit it to the Maryland Higher Education Commission.	No.	No.	Yes. Disciplinary proceedings must include an authorization for students to access counsel paid for by the Maryland Higher Education Commission, both for those making and responding to a complaint on which a formal Title IX investigation is initiated. Unless this right is waived, the Commission must pay reasonable costs and attorney's fees, and develop a list of attorneys and legal services willing to represent students on a pro bono basis or at specified fees. An institution may not discourage a student from retaining an attorney.	Yes. Students must be informed of both campus and community support services such as: hospital transportation and adequate medical attention including evidence collection, mental health counseling, and alternative housing options if relevant. Statute also offers protection from disciplinary action or retaliation for victims reporting a sexual assault.	No.	No. However, victims of sexual assault must be informed of their right to file criminal charges with the appropriate law enforcement official, and be assisted in notifying these authorities if requested.	Yes. Sexual assault policies must prohibit imposing a campus conduct action for violations of institution alcohol or drug use policies as specified. An exception exists for a mandatory intervention for substance abuse.	No.	Md. Code Ann., Educ. § 11-601
Massachusetts	Yes. Each institution must adopt regularly reviewed and updated policies on sexual misconduct involving students or employees that comply with best practices and current professional standards.	No. However, training required for all newly-enrolled students, newly-hired employees, and individuals participating in institution disciplinary processes must include information on the role of drugs and alcohol play in changing behavior and affecting an individual's ability to consent.	No.	Yes. Policies must allow both the reporting and responding parties of an alleged incident of sexual misconduct to be accompanied/represented by an advisor or support person of their choice, which may include an advocate or counsel when meeting with the institution's investigator or other fact finder, as well as during any meetings, hearings, or disciplinary proceedings. Institutions may establish rules on how those events are conducted, including guidelines on the extent to which an advisor, confidential resource provider, or support person for each party may participate.	Yes. Policies must include, among other things, information on where to receive emergency assistance; descriptions of the types of counseling and health, safety, academic and other support services available; and options for changing academic, living, campus transportation or working arrangements. An institution that does not provide its own sexual assault crisis service center must have a memorandum of understanding with a community-based sexual assault crisis service center funded by the department of public health to deliver free and confidential counseling and advocacy services, among other services. Institutions must also designate at least one confidential resource provider, who will provide a number of specified services.	Yes. Institutions must provide newly-enrolled students and newly-hired staff with mandatory sexual misconduct primary prevention and awareness programming, as specified. Training must also be given to individuals involved in the implementation of an institution's disciplinary process for addressing complaints of sexual misconduct, including the effects of trauma on an individual and cultural competence training regarding how sexual misconduct may impact individuals differently based on factors such as national origin, sex, ethnicity, religion, gender identity, gender expression, and sexual orientation.	No. However, policies must include information on the rights of students and employees to notify or decline to notify law enforcement of alleged incidents of sexual misconduct. If they choose to make such a notification, they may receive assistance from campus authorities.	Yes. A reporting party or witness who causes an investigation may not receive a disciplinary sanction for violating the institution's student conduct policy, except for instances when the report was not made in good faith or the violation is found to be egregious.	No.	Mass. Gen. Laws Ann. ch. 6, § 168E
Michigan	No policy identified.									
Minnesota	Yes. Postsecondary institutions must adopt a clear, understandable written policy on sexual harassment and sexual violence.	Yes. Consent is defined as words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.	No.	No.	Yes. Student health providers must screen students for incidents of sexual assault or harassment, and offer students information on resources including counseling, mental health services, and procedures for reporting incidents. Each institution offering student health or counseling services must designate at least one existing staff member as confidential resource, who will provide a range of services, for victims of sexual violence or harassment.	Yes. Institutions must provide campus safety officers and campus administrators responsible for investigating or adjudicating complaints of sexual assault with comprehensive training on preventing and responding to sexual assault in collaboration with law enforcement. Students must also be given training regarding sexual violence within ten business days of their first semester of classes. Student training must include information about prevention and reduction of sexual assault, reporting procedures, and relevant campus resources.	No. However, law enforcement are mentioned several times in the policy, including coordination efforts and allowing sexual assault victims to decide whether to report a case to law enforcement.	Yes. Policy must include a provision that a witness or victim of an incident of sexual assault who reports the incident in good faith may not be sanctioned by the institution for admitting in the report to a violation of student conduct policy on the personal use of drugs or alcohol.	No.	Minn. Stat. Ann. § 125A.15 Minn. Stat. Ann. § 609.341
Mississippi	No policy identified.									
Missouri	Yes. The governing board of each public postsecondary institution must develop and enter into a memorandum of understanding with local law enforcement agencies.	No.	No.	No.	No.	No.	Yes. Local law enforcement must be involved in creating a memorandum of understanding. The MOU must contain detailed policies and protocols regarding sexual assault, domestic violence, dating violence and stalking involving a student that comport with best practices and current professional practices. At minimum, the MOU must set out procedural requirements for the reporting of an offense, protocol for establishing who has jurisdiction over an offense, and criteria for determining when an offense is to be reported to law enforcement.	No.	No.	Mo. Ann. Stat. § 173.2050
Montana	No policy identified.									
Nebraska	No policy identified.									

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Nevada	Yes. The Board of Regents may require an institution to adopt a sexual misconduct policy. Provisions of such policy is outlined in statute. A Task Force on sexual misconduct must be established and, so funds are available, a climate survey on sexual misconduct should be created and electronically administered biennially.	No.	No.	No.	Yes. The Board of Regents may require an institution to enter into a memorandum of understanding (MOU) with organizations that assist persons involved in sexual misconduct with supportive resources. These MOUs may include requirements of these organizations to provide free counseling, advocacy or crisis services or access to a healthcare provider. A student who has experienced sexual misconduct may request a waiver from any requirements to maintain any academic or disciplinary requirements. Any student or employee can request a leave of absence as well.	Yes. The Board of Regents may require the Title IX coordinator, members of campus police and other staff personnel to be trained in sexual misconduct, a trauma-informed response and on the grievance process of the institution. It may also be required of an institution to provide programming on sexual misconduct awareness and prevention to all students and employees of the institution.	No. However, if an institution is required to provide programming on sexual misconduct awareness and prevention, then an institution may coordinate with a law enforcement agency.	Yes. The Board of Regents may prohibit an institution to pursue disciplinary action or sanction against a complainant, reporting party or witness for violating a policy on student conduct related to drug or alcohol use, trespassing or unauthorized entry of school facilities or other violation of a policy of an institution that occurred during or related to an alleged incident of sexual misconduct.	No.	Nev. Rev. Stat. Ann. § 396.125 et seq.
New Hampshire	Yes. Each institution of higher education must appoint an advisory committee to develop a trauma-informed and developed in a culturally-competent manner. Institutions must also establish a task force on sexual misconduct and create a sexual misconduct climate survey that is conducted every two years.	No. However, a definition of consent as it applies to sexual activity and relationships must be included in annual programming for students and staff.	No.	Yes. The reporting party of an alleged incident of sexual misconduct and the responding party may be accompanied by an advisor or support person of their choice, which may include an advocate or counsel, to meet with the institution's investigator or other fact finder and may consult with an advisor or support person, which may include an advocate or counsel, during any meetings and disciplinary proceedings.	Yes. Institutions must include in their sexual misconduct policy information on immediate emergency assistance, such as the contact information to the rape crisis center, and contact information for local and regional counseling, health, safety, academic and other support services available to the victim.	Yes. Institutions must provide annual sexual misconduct prevention and awareness programming for all students and staff. Title IX coordinator and members of its special or campus police force or the campus safety personnel employed by the institution are educated in the awareness of sexual misconduct and in trauma-informed response.	Yes. Local law enforcement, with the Title IX coordinator and the rape crisis center or the domestic violence center, must assist in the creation of the annual programming for students and staff.	Yes. A reporting party or witness will not be subject to disciplinary proceeding or sanction for violating student conduct policy related to the incident unless the institution finds the report was not made in good faith or the violation was egregious.	No. However, an institution's policy must include procedures by which employees of the institution may report incidents of sexual misconduct whether on or off campus.	N.H. Rev. Stat. § 188-H et seq.
New Jersey	Yes. The Commission on Higher Education must appoint an advisory committee to develop a Campus Sexual Assault Victim's Bill of Rights.	No.	Yes. Victims of sexual assault must be informed of their right to legal assistance and the right to have others present during disciplinary proceedings.	Yes. The Campus Sexual Assault Victim's Bill of Rights must affirm that both a reporting student and the accused have the same right to legal assistance and to have others present.	Yes. The Campus Sexual Assault Victim's Bill of Rights must affirm that both a reporting student and the accused have the same right to legal assistance and to have others present.	No. However, every public and independent institution is required to make reasonable efforts to provide a copy of the Campus Sexual Assault Victim's Bill of Rights to every student.	No.	No.	No.	N.J. Stat. Ann. § 18A:61E-2
New Mexico	No policy identified.									
New York	Yes. Statute requires every postsecondary institution to adopt a statewide definition of affirmative consent, adopt a Students' Bill of Rights as part of its code of conduct and implement, at least biennially, a campus climate assessment. Statute also outlines a required institutional response to reports.	Yes. Affirmative consent is defined as a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.	Yes. If, after a conduct process, a student is found responsible for crimes of violence, including but not limited to sexual violence, a transcription notation of "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation" will be made. If the accused student withdraws and declines to complete the conduct process, a notation of "withdrew with conduct charges pending" will be made.	Yes. Institutions will ensure the right of the respondent, accused, and reporting individuals to be accompanied by an advisor of choice who may assist and advise.	Yes. Reporting individuals have the right to be protected from retaliation for reporting an incident. Reporting individuals must be provided with information about resources including intervention, mental health counseling and medical services, including any associated costs or fees. When the accused or respondent is a student, the institution must accommodate reporting individuals by issuing a no contact order.	Yes. Every institution must adopt a student onboarding and ongoing education campaign about domestic violence, dating violence, stalking and sexual assault.	No. However, it must be included in the Student's Bill of Rights that all students have the right to make a report of sexual misconduct to local or state law enforcement.	Yes. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to an institution's officials or law enforcement will not be subject to code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.	No. Every institution shall ensure that when a reporting individual discloses information of a sexual assault, domestic violence, dating violence, and/or stalking to an institution representative, they must be informed of their option to make a report to university police, campus security, local law enforcement, and/or state police.	N.Y. Educ. Law § 6439 et seq.
North Carolina	No policy identified.									
North Dakota	No policy identified.									
Ohio	No policy identified.									
Oklahoma	No policy identified.									
Oregon	Yes. Each public and private university or college must adopt written policies concerning sexual harassment, sexual assault, domestic violence, dating violence and stalking that occur both on and off campus and protocols to ensure victims of sexual assault receive necessary services and assistance.	No.	No.	No.	Yes. Any victim who reports a sexual assault must be provided with a written document that includes their rights, campus-based resources, and civil and criminal legal options available to them.	Yes. All Title IX coordinators, hearing officers, process advisors, institution investigators, third-party contracted investigators, campus security officers and any other individual who works at the institution must participate in annual training.	No.	No. However, institutions may not use the threat of student discipline or other sanction to influence whether or not the victim will report an incident.	No.	Or. Rev. Stat. Ann. § 350.253 Or. Rev. Stat. Ann. § 350.255 Or. Rev. Stat. Ann. § 350.257
Pennsylvania	Yes. Institutions of higher education and must establish a sexual violence awareness educational program, and make available a student bill of rights.	No. However, the policy requires each institution to provide a definition of consent in the context of sexual activity.	No.	No.	Yes. The educational program must include information on where and how to get assistance, including the importance of medical treatment and evidence collection, and how to report sexual violence to campus authorities and local law enforcement. The program also must include information about the following members of the community: campus police and local law enforcement, campus health center, women's center and rape crisis center, and campus counseling services.	Yes. Institutions must establish a sexual violence awareness educational program and provide follow-up programming for the duration of the school year for new students.	No. However, students must be provided information on how to report sexual violence to campus authorities and local law enforcement as part of the sexual violence awareness educational program.	No.	No.	24 Pa. Stat. Ann. § 20-2001-Get seq.
Rhode Island	Yes. Every higher education institution is required to develop a policy to respond to sexual harassment.	No.	No.	No.	No.	No.	No.	Yes. Any bystander acting in good faith or reporting individual who discloses any instance of violence to the institution or law enforcement while under the influence of drugs or alcohol will not be subject to the institution's code of conduct.	No.	R.I. Gen. Laws § 16-76-2 R.I. Gen. Laws § 16-76-2-2
South Carolina	Yes. Public universities and colleges - and those private universities and colleges that choose to be governed by these laws - must establish a campus sexual assault policy. The Commission on Higher Education is directed to develop and distribute a model sexual assault policy.	No.	No.	Yes. The policy must include a statement clarifying that the accused and accuser have the same opportunities for support or legal counsel, if the institution's policy allows for outside legal counsel.	Yes. A policy must address the importance of preserving evidence of assault, and notification of existing medical, advocacy, counseling and mental health services. The policy must also address a student's options for changes to academic and residential situations after an alleged assault.	Yes. Each policy must address the institution's sexual assault awareness and prevention programs.	No.	No.	No.	S.C. Code Ann. § 59-105-20 et seq.
South Dakota	No policy identified.									

STATE	Does the state have a campus sexual misconduct policy in statute and/or regulations?	Does the campus sexual misconduct policy define affirmative consent?	Does the campus sexual misconduct policy address transcript notations?	Does the campus sexual misconduct policy address the role of advisor or legal counsel in disciplinary proceedings?	Does the policy address support services for victims of sexual misconduct?	Does the campus sexual misconduct policy require institutions to provide regular training for students and/or staff?	Is local law enforcement required to be involved in the creation or enforcement of the campus sexual misconduct policy?	Does the policy allow amnesty for individuals reporting instances of campus sexual misconduct?	Does the policy address requirements for institutional staff reporting incidents of campus sexual misconduct?	Source
Tennessee	Yes. Statute outlines disciplinary procedures for alleged sexual misconduct, training for investigators of sexual misconduct, and student orientation sexual misconduct and violence training.	No.	No.	No. However, institutions must inform students of the extent to which the institution allows attorneys or advisors to represent or advise the accused.	No.	Yes. Institutions are strongly encouraged to provide instruction on hate crime offenses, sexual assault, sexual battery, sexual harassment, and date rape awareness and prevention. Institutions are required to offer this instruction to students during orientation. Employees who investigate sexual misconduct are required to annually complete training that meets federal requirements, or training developed or conducted by the Tennessee Law Enforcement Innovation Center.	Yes. Employees who investigate sexual misconduct must complete training developed or conducted by the Tennessee Law Enforcement Innovation Center.	No.	No.	Tenn. Code Ann. § 49-7-122 Tenn. Code Ann. § 49-7-1701 Tenn. Code Ann. § 49-7-1702 Tenn. Code Ann. § 49-7-1704
Texas	Yes. Public and private universities or colleges must adopt a sexual assault policy that defines prohibited behavior, sanctions for violations, protocols for reporting and responding to reports. Institutions must also provide an opportunity for students and staff to submit an electronic report of an allegation of sexual harassment, sexual assault, dating violence, or stalking.	No.	Yes. If a student is ineligible to reenroll in a postsecondary educational institution for a reason other than an academic or financial reason, the institution shall include on the student's transcript a notation stating that the student is ineligible to reenroll in the institution for a reason other than an academic or financial reason.	No.	Yes. To the extent possible, institutions will ensure that all individuals involved have access to a counselor who is not counseling the other individuals involved. The alleged victim and accused may drop a course in which both are enrolled without penalty.	Yes. First-year and transfer students must attend an orientation that covers the institution's sexual assault policy. Institutions must develop and offer a public awareness campaign on the sexual assault policy.	No.	Yes. A postsecondary institution may not take disciplinary action against an enrolled student who in good faith reports being a victim or witness of a sexual assault, dating violence or stalking while in violation of the institution's code of conduct.	No.	Tex. Educ. Code Ann. § 51.9363 Tex. Educ. Code Ann. § 51.9364 Tex. Educ. Code Ann. § 51.9365 Tex. Educ. Code Ann. § 51.9366
Utah	No policy identified.									
Vermont	No policy identified. However statute creates the Intercollegiate Sexual Harm Prevention Council to create a coordinated response to sexual harm across institutions. Members of this council are appointed by different government, higher education and community officials. Statute states this policy will end July 1, 2025.	No.	No.	No.	No.	No.	No.	No. However, statute required that the Intercollegiate Sexual Harm Prevention Council recommend statutory protections to the General Assembly to ensure survivors of sexual violence are not punished for reporting an incident of sexual violence due to alcohol, drug use, or other minor conduct violations.	No.	Vt. Stat. Ann. tit. 16, § 2187
Virginia	Yes. Reporting requirements for institutional employees are outlined. Statute requires each community college, public, and nonprofit private higher education institution to enter into a memorandum of understanding with a crisis center or other victim support service.	No.	No.	No.	Yes. Institutions must ensure that victims of sexual violence are informed of their legal options for investigation and prosecution, options available for a protective order, importance of seeking medical attention and of on-campus and community resources available to them.	No.	Yes. Reports of sexual violence must be reviewed by a committee, of which one member must be a representative of law enforcement. Additionally, institutions may request or establish an MOU with a law enforcement agency.	Yes. Every private and public institution of higher education must include in their governance a provision for immunity from disciplinary action based on personal consumption of drugs or alcohol where such disclosure is made in conjunction with a good faith report of an act of sexual violence.	Yes. Any employee of a private or public institution must report any information that an act of sexual violence has been committed to the campus Title IX coordinator. The Title IX coordinator or his designee must report the information to the review committee.	Va. Code Ann. § 23.1-806 Va. Code Ann. § 23.1-807 Va. Code Ann. § 23.1-808
Washington	No policy identified, however statute requires that institutions use the same disciplinary procedure for all student groups regarding sexual violence, and annually notify students and employees regarding the institution's policies and procedures.	No.	No.	No.	Yes. Institutions must provide survivors of sexual assault with relevant resources, protections and support.	No. However, institutions must make information available on an annual basis to current and prospective students and staff regarding policies and procedures.	No.	No.	No.	Wash. Rev. Code Ann. § 28B.112.005 et seq.
West Virginia	No policy identified.									
Wisconsin	Yes. The board of regents must direct institutions and college campuses to include information on sexual assault and harassment in orientation programs.	Yes. consent is defined as words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact.	No.	No.	No.	Yes. The orientation program must include information regarding the rights of victims as described in statute, and the services available at the institution or college campus and in the community to assist a student who is the victim of sexual assault or sexual harassment.	No.	No.	Yes. Any person employed by the institution who witnesses a sexual assault or is informed of one must report the incident to the dean of the institution.	Wis. Stat. Ann. § 36.11 Wis. Stat. Ann. § 940.225
Wyoming	No policy identified.									
Total answers	No policy identified: 26 Yes: 25	No: 24 Yes: 7	No: 21 Yes: 7	No: 24 Yes: 4	No: 17 Yes: 11	Yes: 22 No: 6	Yes: 21 No: 7	Yes: 22 No: 6	Yes: 15 No: 13	No: 23 Yes: 5