

1 Amend printed bill, page 2, line 2, after "23-5-146" insert "and 23-5-147".

2 Page 10, after line 22, insert:

23-5-147. Sexual misconduct advisory committee - membership - duties - legislative declaration - definitions -repeal.

5 (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT IN
6 NOVEMBER OF 2018, THE FEDERAL DEPARTMENT OF EDUCATION ISSUED
7 NEW, PROPOSED RULES ON TITLE IX DEALING WITH SEXUAL MISCONDUCT.

8 (b) THE DRAFT RULES INCLUDED CHANGES IN HOW EDUCATIONAL
9 INSTITUTIONS WERE TO HANDLE:

10 (I) ALLEGATIONS OF OFF-CAMPUS SEXUAL MISCONDUCT; AND

11 (II) CROSS-EXAMINATION OF PARTIES AND WITNESSES DURING
12 HEARINGS.

13 (c) IN RESPONSE TO THE PROPOSED RULES, THE FEDERAL
14 DEPARTMENT OF EDUCATION RECEIVED NUMEROUS COMMENTS AND HAS
15 NOT YET ADOPTED THE FINAL RULES.

16 (d) INSTITUTIONS OF HIGHER EDUCATION WILL NEED TO RESPOND
17 TO THE NEW FEDERAL RULES QUICKLY.

18 (e) THEREFORE, THE STATE SHOULD HAVE IN PLACE AN ADVISORY
19 COMMITTEE TO QUICKLY MAKE RECOMMENDATIONS TO THE GENERAL
20 ASSEMBLY AND INSTITUTIONS OF HIGHER EDUCATION ON THE PROPOSED
21 RULES.

22 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
23 REQUIRES:

24 (a) "ADVISORY COMMITTEE" MEANS THE SEXUAL MISCONDUCT
25 ADVISORY COMMITTEE CREATED PURSUANT TO SUBSECTION (3) OF THIS
26 SECTION.

27 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER
28 EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-114.

29 (c) "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION"
30 MEANS A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN
31 SECTION 23-18-102 (7), OR ANY ACCREDITED CAMPUS OF A STATE
32 INSTITUTION OF HIGHER EDUCATION; A PARTICIPATING PRIVATE
33 INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102
34 (8); A LOCAL DISTRICT COLLEGE, AS DEFINED IN SECTION 23-71-102 (1)(a);
35 AND AN AREA TECHNICAL COLLEGE, AS DEFINED IN SECTION 23-60-103 (1).

36 (3) THERE IS CREATED IN THE DEPARTMENT THE SEXUAL
37 MISCONDUCT ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS TO THE
38 GENERAL ASSEMBLY AND TO INSTITUTIONS OF HIGHER EDUCATION
39 CONCERNING SEXUAL MISCONDUCT POLICIES AND METHODS TO REDUCE
40 SEXUAL MISCONDUCT AT INSTITUTIONS OF HIGHER EDUCATION.

1 (4) (a) THE ADVISORY COMMITTEE CONSISTS OF THE FOLLOWING
2 ELEVEN PERSONS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
3 DEPARTMENT:

4 (I) THREE REPRESENTATIVES FROM INSTITUTIONS OF HIGHER
5 EDUCATION;

6 (II) TWO TITLE IX COORDINATORS FROM INSTITUTIONS OF HIGHER
7 EDUCATION;

8 (III) THREE PERSONS WHO ARE REPRESENTATIVES OF
9 ORGANIZATIONS THAT ADVOCATE ON BEHALF OF OR PROVIDE SERVICES TO
10 VICTIMS OF SEXUAL MISCONDUCT;

11 (IV) AN ATTORNEY WHO HAS EXPERIENCE REPRESENTING VICTIMS
12 OF SEXUAL MISCONDUCT AT INSTITUTIONS OF HIGHER EDUCATION;

13 (V) AN ATTORNEY WHO HAS EXPERIENCE REPRESENTING PERSONS
14 ACCUSED OF SEXUAL MISCONDUCT AT INSTITUTIONS OF HIGHER
15 EDUCATION; AND

16 (VI) A PERSON WITH EXPERIENCE PROVIDING TRAUMA-INFORMED
17 CARE.

18 (b) MEMBERS OF THE ADVISORY COMMITTEE SERVE FOUR-YEAR
19 TERMS AND MAY BE REAPPOINTED.

20 (c) MEMBERS OF THE ADVISORY COMMITTEE SERVE WITHOUT
21 COMPENSATION OR REIMBURSEMENT OF EXPENSES.

22 (5) AFTER THE FINAL FEDERAL RULES ON TITLE IX SEXUAL
23 MISCONDUCT ARE ADOPTED, THE ADVISORY COMMITTEE SHALL STUDY,
24 EXAMINE BEST PRACTICES, AND MAKE RECOMMENDATIONS TO THE
25 GENERAL ASSEMBLY AND TO INSTITUTIONS OF HIGHER EDUCATION ON
26 ISSUES RELATED TO SEXUAL MISCONDUCT AT INSTITUTIONS OF HIGHER
27 EDUCATION INCLUDING:

31 (b) HOW TO CONDUCT CROSS-EXAMINATION OF PARTIES AND
32 WITNESSES AT HEARINGS;

33 (c) WHETHER A STANDARD OF REASONABLENESS SHOULD BE
34 INCLUDED IN AN INSTITUTION'S SEXUAL MISCONDUCT POLICY; AND

35 (d) CAN AND SHOULD INSTITUTIONS OF HIGHER EDUCATION HAVE
36 HIGHER STANDARDS THAN ARE REQUIRED BY FEDERAL LAW AND
37 REGULATION.

38 (6) (a) WITHIN NINETY DAYS AFTER THE FINAL FEDERAL RULES ON
39 TITLE IX SEXUAL MISCONDUCT ARE ADOPTED, THE ADVISORY COMMITTEE
40 SHALL SUBMIT A REPORT TO THE EDUCATION COMMITTEES OF THE SENATE
41 AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, ON
42 SUGGESTED CHANGES TO INSTITUTIONS' POLICIES OF SEXUAL MISCONDUCT
43 DUE TO THE NEW FEDERAL RULES.

1 (b) ON OR BEFORE JANUARY 15, 2021, AND EACH JANUARY 15
2 THEREAFTER, THE ADVISORY COMMITTEE SHALL SUBMIT A REPORT TO THE
3 EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF
4 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, INCLUDING
5 RECOMMENDATIONS FOR CHANGES TO STATUTES AND POLICIES OF
6 INSTITUTIONS OF HIGHER EDUCATION.

7 (7) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.
8 BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN
9 ACCORDANCE WITH SECTION 2-3-1203.

10 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, add
11 (14)(a)(XI) as follows:

12 **2-3-1203. Sunset review of advisory committees - legislative**
13 **declaration - definition - repeal.** (14) (a) The following statutory
14 authorizations for the designated advisory committees are scheduled for
15 repeal on September 1, 2023:

16 (XI) THE SEXUAL MISCONDUCT ADVISORY COMMITTEE CREATED
17 IN SECTION 23-5-147.

18 Renumber succeeding section accordingly.

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