

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Winter

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

2 Page 10, after line 22, insert:

3 **23-5-147. Sexual misconduct advisory committee -**  
4 **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:  
28           (a) HOW TO HANDLE INCIDENTS OF SEXUAL MISCONDUCT THAT  
29 OCCUR OUTSIDE OF AN INSTITUTION'S PROGRAMS, ACTIVITIES, OR  
30 PROPERTY;  
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.

(b) ON OR BEFORE JANUARY 15, 2021, AND EACH JANUARY 15 THEREAFTER, THE ADVISORY COMMITTEE SHALL SUBMIT A REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, INCLUDING RECOMMENDATIONS FOR CHANGES TO STATUTES AND POLICIES OF 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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