

§12984. Higher Education Interpersonal Violence Advisory Commission

1. Establishment. The Higher Education Interpersonal Violence Advisory Commission, established by Title 5, section 12004-I, subsection 12-C and referred to in this chapter as "the commission," is created for the purpose of developing a base interpersonal violence climate survey for dissemination to institutions of higher education and providing recommendations on the content, timing and application of the survey and reporting on the survey to the joint standing committee of the Legislature having jurisdiction over higher education matters.

[PL 2021, c. 733, §2 (NEW).]

2. Membership. The commission consists of the following 22 members:

A. The commissioner or the commissioner's designee; [PL 2021, c. 733, §2 (NEW).]

B. The Commissioner of Health and Human Services or the commissioner's designee; [PL 2021, c. 733, §2 (NEW).]

C. The following 9 members appointed by the commissioner:

(1) A member representing a statewide coalition of sexual assault support centers;

(2) A member representing an organization promoting racial equity and justice;

(3) A member representing a tribal coalition against sexual assault and domestic violence;

(4) A member representing a statewide organization for disability rights;

(5) A member representing a statewide organization for lesbian, gay, bisexual and transgender people;

(6) A member representing a national advocacy organization focused on passing state legislation written by students and survivors addressing campus sexual violence;

(7) A member representing a statewide coalition of domestic violence resource centers;

(8) A member representing an organization that advocates for immigrant communities in this State; and

(9) A representative from a civil legal services provider representing sexual assault survivors; and [PL 2021, c. 733, §2 (NEW).]

D. The following 11 members appointed by the Governor:

(1) A student attending a public institution of higher education in this State;

(2) A student attending a private institution of higher education in this State;

(3) A student attending an institution in the Maine Community College System;

(4) A representative of the University of Maine System recommended by the Chancellor of the University of Maine System;

(5) A representative of a private institution of higher education recommended by an association of independent colleges in this State;

(6) A representative of the Maine Community College System recommended by the President of the Maine Community College System;

(7) A Title IX coordinator at a public institution of higher education in this State;

(8) A Title IX coordinator at a private institution of higher education in this State;

(9) A researcher with experience in the development and design of interpersonal violence climate surveys;

(10) A researcher of statistics, data analytics or econometrics with experience in higher education survey analysis; and

(11) A representative of an on-campus health center at an institution of higher education who has experience dealing with campus sexual violence, intimate partner violence or stalking. [PL 2021, c. 733, §2 (NEW).]

[PL 2021, c. 733, §2 (NEW).]

3. Staffing. The department shall provide appropriate staffing assistance to the commission. [PL 2021, c. 733, §2 (NEW).]

4. Terms; vacancies; compensation. Each appointed member serves a 2-year term except that, of those members first appointed, 5 appointed by the Governor and 5 appointed by the commissioner must be appointed for a one-year term. The term of office of each member must be designated at the time of appointment. A member of the commission may serve after the expiration of that member's term until a successor has been appointed. Members are compensated in accordance with Title 5, chapter 379.

[PL 2021, c. 733, §2 (NEW).]

5. Quorum. A quorum of the commission consists of 2/3 of appointed members. [PL 2021, c. 733, §2 (NEW).]

6. Powers and duties. Beginning July 1, 2023 and biennially thereafter, the commission shall provide to the commissioner the interpersonal violence climate survey developed in accordance with subsections 8 and 9 and any related recommendations, including but not limited to recommendations on achieving statistically valid response rates. The commission may make recommendations on legislative and policy actions or on enforcing and carrying out the provisions of this chapter and may undertake research development and program initiatives consistent with this section. The commission shall meet at least 4 times a year. Subcommittees of the commission may meet as necessary. The commission may accept funds from the Federal Government, from a political subdivision of the State or from an individual, foundation or corporation and may expend these funds for purposes that are consistent with this subsection. The commission may develop bylaws to fulfill this section.

[PL 2021, c. 733, §2 (NEW).]

7. Fund established. The Higher Education Interpersonal Violence Advisory Commission Fund is established as a nonlapsing fund for the purpose of receiving funds accepted by the commission under subsection 6.

[PL 2021, c. 733, §2 (NEW).]

8. Development of interpersonal violence climate survey. The commission shall develop the interpersonal violence climate survey by:

A. Using best practices from peer-reviewed research and in consultation with individuals with expertise in the development and use of interpersonal violence climate surveys by institutions of higher education; [PL 2021, c. 733, §2 (NEW).]

B. Reviewing interpersonal violence climate surveys that have been developed and previously used by institutions of higher education in other states; [PL 2021, c. 733, §2 (NEW).]

C. To ensure the adequacy and appropriateness of the proposed content, providing opportunities for written comment from organizations that work directly with victims and survivors of sexual violence, intimate partner violence and stalking; [PL 2021, c. 733, §2 (NEW).]

D. Consulting with institutions on strategies for optimizing the effectiveness of the interpersonal violence climate survey; and [PL 2021, c. 733, §2 (NEW).]

E. Accounting for the diverse needs and differences among the institutions of higher education. [PL 2021, c. 733, §2 (NEW).]

[PL 2021, c. 733, §2 (NEW).]

9. Information to be gathered. The interpersonal violence climate survey must collect anonymous responses and may not require the disclosure of personally identifiable information. The survey must include the survey requirements of the federal Violence Against Women Act Reauthorization Act of 2022, Public Law 117-103 and the survey must be designed, without being duplicative of the federal requirements, to gather the following information:

A. The number of incidents, both reported and unreported, of sexual violence, intimate partner violence and stalking at each institution of higher education; [PL 2021, c. 733, §2 (NEW).]

B. Generally, when or where incidents of sexual violence, intimate partner violence or stalking occurred, including but not limited to on-campus, off-campus, abroad, online or elsewhere, but without requiring students to disclose specific information about any incident; [PL 2021, c. 733, §2 (NEW).]

C. Student awareness of the institution's policies and procedures related to sexual violence, intimate partner violence and stalking; [PL 2021, c. 733, §2 (NEW).]

D. Whether a student reported sexual violence, intimate partner violence or stalking and, if so, to which campus resource or law enforcement agency the report was made, and, if not, the reason for the student's decision not to report; [PL 2021, c. 733, §2 (NEW).]

E. Whether a student was informed of or referred to local, state, campus or other resources or victim support services, including appropriate medical care and legal services; [PL 2021, c. 733, §2 (NEW).]

F. Whether a student was provided the option of protection from retaliation, access to school-based accommodations and criminal justice remedies; [PL 2021, c. 733, §2 (NEW).]

G. Contextual factors of each incident of sexual violence, intimate partner violence or stalking, such as the involvement of force, incapacitation, coercion or drug or alcohol facilitation; [PL 2021, c. 733, §2 (NEW).]

H. Demographic information that could be used to identify at-risk groups including but not limited to gender, race and sexual orientation; [PL 2021, c. 733, §2 (NEW).]

I. Perceptions of campus safety among members of the campus community and confidence in the institution's ability to protect against and respond in a timely and trauma-informed manner to incidents of sexual violence, intimate partner violence or stalking; [PL 2021, c. 733, §2 (NEW).]

J. Whether a reporting party was satisfied with the institution of higher education's response to the reporting party's report; [PL 2021, c. 733, §2 (NEW).]

K. Whether the student has chosen to withdraw or take a leave of absence from the institution or transferred to another institution due to being either the reporting party or the responding party in an allegation of sexual violence, intimate partner violence or stalking; [PL 2021, c. 733, §2 (NEW).]

L. Whether a student has withdrawn from any classes or been placed on academic probation as a result of an incident of sexual violence, intimate partner violence or stalking; and [PL 2021, c. 733, §2 (NEW).]

M. Answers to any other questions developed by the commission. [PL 2021, c. 733, §2 (NEW).]
[PL 2021, c. 733, §2 (NEW).]

SECTION HISTORY

PL 2021, c. 733, §2 (NEW).

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