

## Sexual Violence Prevention Policy Scan

Beginning in 2016, ASTHO conducted an environmental scan of sexual violence prevention laws and legislation with the goal of better understanding whether and how primary prevention strategies for sexual violence prevention are incorporated into state laws and legislation. A second goal was to identify opportunities to elevate primary prevention of sexual violence as a public health issue. This document summarizes some of the key findings from the initial policy scan.

ASTHO staff used two software platforms, WestLaw and CQState Track to search for relevant policies. WestLaw was used to identify existing state law, while CQState Track was used to identify and track proposed legislation. Staff developed both a broad and a narrow search criteria to hone in on the laws and legislation focused on primary prevention of sexual violence. Laws focused on victim services (i.e. crisis hotlines and employment protections) and law enforcement procedures (i.e. rape kit testing timelines) were excluded. While these kinds of laws are vital, their impact is after violence occurs, rather than preventing it from happening at all.

### Sexual Violence Policy Scan Results

For primary prevention, the results from the scan showed that primary prevention laws and new legislation are primarily focused at both higher and K-12 education and K-12, rather than public health. The higher education laws may stem from high profile media reports and government investigations of sexual violence on campuses and systemic issues in university and college processes to respond to allegations of sexual assault and violence. For K-12, many states are enacting "Erin's Law" or similar provisions to encourage or require K-12 curriculums to include age-appropriate instruction in child abuse and sexual abuse and train educators to identify signs of abuse in children. Outside of education, the scan identified several approaches states are taking to address sexual violence prevention, including adopting affirmative consent standards in criminal codes, convening advisory bodies to make recommendations to improve state programs and policies, and providing funding and resources to support primary prevention efforts for sexual violence.

The laws were further grouped according to similar categories, which are outlined below.

- Higher Education
  - Affirmative Consent Standards: states that require institutes of higher education to use affirmative consent as the standard to determine if sexual assault or violence occurred,
  - Education requirements: requires institutions of higher education to provide sexual violence prevention and awareness education and training to students and/or staff,
  - Advisory bodies: either requires institutions of higher education to develop internal advisory bodies or establishes state-wide advisory bodies to review policies and make recommendations
  - Other interventions: may include specific reporting and disclosure requirements and coordination with state or local government entities
- K-12 Education
  - Affirmative consent standards: requires affirmative consent to be included in health education classes
  - K-12 curriculum: requires K-12 curriculums to include child abuse and sexual abuse awareness and prevention
- Other Interventions:

- Affirmative consent: includes affirmative consent in the criminal code
- Advisory bodies: creates state-wide advisory body to review state laws and programs to make recommendations
- Grant programs or financing: dedicates funding for sexual violence prevention
- Staffing: creates state-level role to improve coordination across state entities to improve sexual violence prevention

To make it easier for policymakers and advocates learn more about the laws across the states and territories, the following chart breaks down the laws that were found by topic area. It also includes a brief description of the law and provides a link to the text of the policy.

<b>Higher Education</b>	<b>Affirmative Consent</b>	<a href="#">CA</a>	Conditions receipt of state funds for student financial assistance on having sexual assault, domestic violence, dating violence, and stalking policies. The law further requires that affirmative consent standard be used. The law defines affirmative consent as "affirmative, conscious, and voluntary agreement to engage in sexual activity."
		<a href="#">CT</a>	Requires institutions of higher education to use an affirmative consent definition
		<a href="#">IL</a>	Does not specifically use the term "affirmative consent" but requires all schools of higher education to have a policy that include, at a minimum, defines consent as a "freely given agreement to sexual activity."
		<a href="#">MN</a>	No explicit requirement that the policy include an affirmative consent standard, but the state criminal law includes it and students in postsecondary institutions must receive training on consent as defined in MN state law. This is effective in 2016.
		<a href="#">NY</a>	Defines affirmative consent as. "Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or by 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 up participant's sex, sexual orientation, gender identity, or gender expression." (Education Law § 6441)
	<b>Education Requirements</b>	<a href="#">CA</a>	Conditions receipt of state funds for student financial assistance on having prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking that includes a range of prevention strategies like empowerment programming for victim prevention, primary prevention, bystander intervention and risk reduction. Schools must also work with the student body to raise awareness of the sexual assault policy and practical implication of an affirmative consent standard.
		<a href="#">IL</a>	Requires higher education institutions to provide sexual violence primary prevention and awareness programming for all students. At a minimum schools must provide information about the school's policies, reporting processes, and resources, as well as bystander intervention and risk reduction strategies
		<a href="#">NY</a>	Requires all students complete sexual assault training that includes information about the school's policies, reporting processes, and resources, as well as bystander intervention and risk assessment and reduction strategies. Schools are required to evaluate the effectiveness of their programming. (Education Law § 6445)
		<a href="#">MN</a>	Requires students to complete sexual assault training that will include information about consent, preventing and reducing sexual assault, procedures for reporting, and resources available. This is effective in 2016.

		<a href="#">PA</a>	Institutions of higher education must establish sexual violence awareness and educational programming--schools can collaborate with non-profits to provide the services. At a minimum, schools must include education about consent, role that drugs and alcohol can play, reporting procedures, and campus resources.
		<a href="#">TN</a>	Requires freshmen to complete educational program aimed at increasing awareness of sexual assault, sexual battery, sexual harassment and date rape.
	<b>Advisory Bodies</b>	<a href="#">CT</a>	Requires all schools to have a campus resource team that includes stakeholders from within and outside of the school to review its policies and make recommendations
		<a href="#">HI</a>	Creates a task force to review and make recommendations about University of Hawaii's sexual harassment, sexual assault, domestic violence, dating violence, and stalking policy--this policy includes affirmative consent
		<a href="#">IL</a>	Each school must either create its own or participate in a regional task force with stakeholders from inside and outside of the school. The Task Force meets at least twice a year to review best practices; strengthening relationships among members, and evaluating the school's procedures
		<a href="#">WA</a>	Creates a state-wide task force including Washington student achievement council, the state board for community and technical colleges, the council of presidents, the institutions of higher education, the private independent higher education institutions, state law enforcement, and the Attorney General's Office to develop best practice around education, prevention, and collaboration
	<b>Other Policies or Reporting Requirements</b>	<a href="#">AR</a>	Requires the Arkansas Higher Education Coordinating Board and public universities to develop a state-wide action plan to reduce sexual assault and violence on college campuses with a legislative report due in November and annual reporting thereafter
		<a href="#">MN</a>	Includes data collection and reporting requirements that includes an online anonymous system for students to report; establishes a state-specific annual reporting requirement. The law additionally requires coordination mechanisms with local law enforcement, comprehensive training for staff in addition to students, and increasing strengthening response of student health services to sexual violence. Effective in 2016.
		<a href="#">NY</a>	Institutions of higher education must annually survey the student body to conduct a campus climate assessment to ascertain awareness of campus policies around sexual assault and prevention
		<a href="#">VA</a>	Requires local law enforcement to collaborate on an MOU with universities and colleges if requested to handle sexual violence and sexual assault
<a href="#">WA</a>		Legislative statement of intent to encourage institutions of higher learning to share information and create minimum standards pertaining to campus violence policies and prevention strategies	
<b>K-12</b>	<b>Affirmative Consent</b>	<a href="#">CA</a>	Requires that affirmative consent education be included in the curriculum for health education in K-12 schools
	<b>K-12 Curriculum</b>	<a href="#">AK</a>	Include sexual assault prevention in K-12 curriculum, and requires that the curriculum be developed in consultation with the Advisory Council
		<a href="#">CO (1)</a>	Comprehensive sexual health education requirements
		<a href="#">CO (SB 20)</a>	Erin's Law--emphasis is on recognizing child sexual abuse
		<a href="#">VA</a>	Requires high school family life education curriculum to incorporate effective, evidence-based programs on preventing dating violence, domestic abuse, sexual harassment and sexual violence.
	<b>Other Interventions</b>	<a href="#">WA</a>	Requires K-12 schools to have screen for sexual abuse and provide training and protocols to staff

Other Interventions	Affirmative Consent	<a href="#">MN</a>	Defines consent as “words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor” in the state criminal codes. The definition also state that a pre-existing social relationship or failing to resist does not create consent. It also specifies that a victim’s testimony as to lack of consent does not need to be corroborated.
	Advisory Bodies	<a href="#">AK</a>	Council consisting on 4 public members and 4 executive members tasked with coordinating statewide response to sexual violence and assault.
		<a href="#">KY</a>	Council of stakeholders tasked with coordinating government’s response to sexual violence, reviewing existing programs, and making recommendations. Membership includes legislative, executive, judicial, and community stakeholders
		<a href="#">MI</a>	Created via executive order--7 member Board tasked with coordinating programs and services to prevent sexual and domestic violence, develop standards for implementation and administration of such programs, provide planning and technical assistance to programs, conduct research, assist with criminal justice to develop reporting standards, advise governor, and assist with public awareness
		<a href="#">NJ</a>	Created via executive order--25 member Advisory Council tasked with reviewing victim support, evaluating current laws and programs, and make recommendations
		<a href="#">OR</a>	Originally formed in 1999 by Oregon Attorney General, the Oregon Sexual Assault Task Force is now a standalone 501(c)3 that provides policy recommendations and advocacy, training, and programs
		<a href="#">VA</a>	Task force to assist the executive branch coordinate response to sexual assault and violence
		<a href="#">VT</a>	Stakeholders from legislative, executive, judicial, and community tasked with providing leadership for a statewide eradication of domestic violence
	Grant Programs	<a href="#">CA</a>	Grants for both prevention of sexual violence and support services for victims of sexual violence
		<a href="#">MN</a>	Creates grants specifically for sexual assault primary preventions services to prevent initial perpetration or victimization
	Grant Programs	<a href="#">MA</a>	Grants for both prevention of sexual violence and support services for victims of sexual violence
		<a href="#">ND</a>	Grants for both prevention of sexual violence and support services for victims of sexual violence
		<a href="#">OR</a>	Grants for both prevention of sexual violence and support services for victims of sexual violence
		<a href="#">TX</a>	Grants for both prevention of sexual violence and support services for victims of sexual violence
Staffing	<a href="#">MN</a>	Creates the director of domestic violence and sexual assault prevention in the Office of Justice Programs in the Department of Public Safety. The Director’s role is to support prosecutions and coordinate with other government agencies. The Director must report annually to the legislature.	
Other Policies	<a href="#">IL</a>	Convenes a task force to develop a model domestic violence and sexual assault employee awareness and assistance policy for businesses	
Adverse Childhood Experiences	Advisory Bodies	<a href="#">WA</a>	<a href="#">Creates a public-private initiative to coordinate investments in positive childhood development and mitigating the impact of ACES. Law includes a reporting requirement with report hyperlinked.</a>
	Financing	<a href="#">MN</a>	Creates grant program for children’s mental health services, including ACE training for providers
		<a href="#">WI</a>	Brighter Futures Initiative--fund grants which can include prevention and reduction of incidence of ACE and reduce the impact of ACE through behavioral and other services
	Integration with public	<a href="#">OR</a>	Includes a requirement that community health improvement plans be based on research, including research into ACE and identify funding to address the health needs of children and adolescents

	<b>health and clinical practice</b>	<a href="#">VT</a>	Requires Blueprint for Health to use some Global Commitment funds to include family-centered approaches and ACE screenings consistent with a report entitled "Integrating ACE-Informed Practice into the Blueprint for Health"
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