



CAMPUS COUNSEL

A Legal Blog Written for Administrators, HR professionals, in-house counsel, and deans at colleges and universities

A Brief Overview of the New Massachusetts Campus Safety Act

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On January 12, 2021, Governor Charlie Baker signed a new Campus Safety Act (“CSA”) aimed at addressing sexual violence on- and off-campus at institutions of higher education. The CSA establishes a state task force on sexual misconduct climate surveys as well as a campus safety advisor within the state Department of Higher Education who will provide best practices, training opportunities and other resources for institutions of higher education across the Commonwealth.

The CSA creates a number of compliance obligations for public and private institutions of higher education in Massachusetts effective as of August 1, 2021, including obligations to:

1. Conduct an anonymous sexual misconduct climate survey of all students at least once every 4 years and post a summary of the results within 120 days of completion;
2. Adopt and share policies and procedures on sexual misconduct involving students and employees on its website and by email by October 15th each year;
3. Adopt a memorandum of understanding with local law enforcement agencies establishing the respective roles and responsibilities of the institution and law enforcement agency in preventing and responding to on- and off-campus sexual misconduct;
4. Provide free access to a confidential sexual assault crisis service center either on-campus or by contracting with a community-based organization;
5. Establish a campus security policy that includes at least one trained confidential resource provider separate and distinct from the Title IX coordinator;
6. Provide mandatory sexual misconduct prevention and awareness training to all newly-enrolled students and newly-hired employees within 45 days of their matriculation or employment; and
7. Submit an annual sexual misconduct report to the state Department of Higher Education by December 1st each year.

While some compliance obligations established in the CSA mirror existing obligations under Title IX, others create new operational obligations for institutions of higher education. We recommend that you consult with counsel to begin preparing for implementation of the new law and watch this space for additional details.