



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
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Deputy Secretary for
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January 31, 2011

Dear College, University and School Presidents:

Act 104 was signed into law on November 17, 2010, amending the Public School Code of 1949, and providing new requirements for institutions of higher education and private licensed schools. With the legislation, a new Article XX-G, "Sexual Violence Education at Institutions for Higher Education" was added to the Public School Code, which provides for these institutions to establish a sexual violence awareness educational program for full-time students.

The legislation broadly describes the program that each institution must establish and encourages collaboration with a statewide nonprofit organization, local rape crisis center or local sexual assault program. Each program shall provide the following:

- A discussion of sexual violence.
- A discussion of consent, including an explanation that the victim is not at fault.
- A discussion of drug and alcohol-facilitated sexual violence.
- Information relating to risk education and personal protection.
- Information on where and how to get assistance, including the importance of medical treatment and evidence collection, and how to report sexual violence to campus authorities and local law enforcement.
- The possibility of pregnancy and transmission of sexual diseases.
- Introduction of members of the educational community from:
 - Campus police or security and local law enforcement.
 - Campus health center, women's center and rape crisis center.
 - Campus counseling service or any service responsible for psychological counseling and student affairs.
- A promise of discretion and dignity.
- A promise of confidentiality for victims of sexual assault.

Institutions are also required to conduct a follow-up program, such as lectures, institutional activities and videos and other educational materials related to sexual violence prevention and awareness, for the duration of the school year for new students.

Further, a student bill of rights, consistent with the campus sexual assault victims' bill of rights under section 485(f)(8) of the Higher Education Act of 1965 (20 U.S.C. § 1092(f)(8)), must be made available to students.

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The legislation also requires institutions to report to the Pennsylvania Department of Education on the implementation of the education program.

The Pennsylvania Department of Education's role is to ensure compliance with these new requirements, solicit the cooperation of other agencies, institutions and organizations and administer the provisions of the legislation. Over the next few weeks, the Department will begin to solicit input from statewide organizations, develop guidelines, gather resources for institutions and establish a reporting mechanism for each institution to report on the implementation of the program.

While many institutions have had sexual violence education programs and a student's bill of rights in place on their campuses for many years, there may be some institutions that need to develop a program. The Department intends to provide clear guidance on required reporting, as well as a list of resources that may be helpful to institutions in fulfilling the mandates of the new legislation. Questions may be e-mailed to **RA-highereducation@state.pa.us**.

Warm regards,



Sandra O. Edmunds

cc: Diane Bosak, Pennsylvania Commission for Community Colleges
Dick Dumaresq, Pennsylvania Association of School Board Administrators
Don Francis, Association of Colleges and University Presidents of Pennsylvania
James Moran, Pennsylvania State System of Higher Education, Vice Chancellor for
Academic and Student Affairs