



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION

September 13, 2022

Dear Colleague,

On July 8, 2022, Governor Tom Wolf signed Act 55 of 2022 (Act 55) into law, amending [Article XX-G of the Public School Code](#)¹. As we approach the beginning of a new academic year, I would like to take this opportunity to share with you these new state requirements and resources for maintaining a safe, respectful, and inclusive educational environment for each and every learner at your postsecondary institution.

Effective the 2022-23 school year, all institutions of higher education (institutions) and postsecondary private licensed schools (schools) must adopt a definition of consent as part of their code of conduct or sexual misconduct or harassment policy.

By December 31, 2022, each institution and school must enter into (or update at the next renewal) and maintain a memorandum of understanding with at least one rape crisis center and one domestic violence program to:

1. Assist in developing the policies, programming and training regarding sexual misconduct and other prohibited behavior, such as sexual violence, dating violence, domestic violence and stalking, involving students and employees;
2. Provide an off-campus alternative for students and employees to receive free and confidential services to address sexual harassment and sexual violence, dating violence, domestic violence and stalking, including:
 - Crisis and longer-term counseling;
 - Support in navigating campus and community reporting options; and
 - Access to legal assistance, sexual violence protection and protection from intimidation orders, crime victims' compensation, a forensic rape exam conducted by a sexual assault nurse examiner, if available, and other services;
3. Ensure that a student or employee is notified of free and confidential sources of support, counseling and advocacy services and how to access the services both on and off campus;
4. Ensure cooperation and cross-training between the institution or school and the rape crisis center or domestic violence center to ensure an understanding of the roles that each respectively should play in responding to reports and disclosures of sexual misconduct and other prohibited behavior, such as dating violence, domestic violence and stalking against students and employees and the institution's or school's protocols for investigating and adjudicating such misconduct and for providing support and services to students and employees; and
5. Consult in the development or implementation of an education program under section 2003-G.

¹ <https://www.legis.state.pa.us/WU01/LI/LI/US/HTM/1949/0/0014..HTM>

By July 1, 2023, institutions and schools must take the following actions, in accordance with section 2003-G and 2007-G:

- Establish and implement an educational program, in consultation with at least one local rape crisis center and one domestic violence program, that includes sexual violence, dating violence, domestic violence, and stalking education prevention and response;
- Conduct at least one follow-up program for students in the education program;
- Provide a concise notification of rights, accommodations and protective measures in writing and on the institution/school's public website to all students and employees, including victims of dating violence, domestic violence, sexual violence and stalking, regardless of where the incidences occurred; and
- Make accommodations or provide protective measures, as necessary and reasonably available, at the victim's request, regardless of whether the victim chooses to report the crime to campus police or local law enforcement and regardless of where an incidence occurred.
- Report to PDE on the implementation of the education program under section 2003-G and the implementation of the memorandum of understanding under section 2007-G through an annual attestation of compliance.

Previously, Article XX-G only required institutions and schools to establish a sexual violence awareness educational program for students and provide assurance of compliance to the Pennsylvania Department of Education (PDE).

PDE, in consultation with the Pennsylvania Coalition Against Rape and the Pennsylvania Coalition Against Domestic Violence, will post model education programs and other resources to the PDE website at www.education.pa.gov in the coming weeks to assist with implementing the new provisions. We will notify you when the information is available.

In the meantime, I encourage you to review Article XX-G carefully and inventory steps that your institution/school has already taken that meet these requirements and where additional action will be needed.

Sexual Violence Policy and Anonymous Online Reporting System

As a reminder, Article XX-J (also known as Act 16 of 2019) requires postsecondary institutions in Pennsylvania that award an associate degree or higher to adopt a clear policy on sexual harassment and sexual violence, along with the establishment of an anonymous online reporting system. These requirements have not changed. More information, including a model campus policy for sexual violence prevention, is available on the PDE [Act 16 of 2019²](#) webpage.

It's On Us PA Grant Program

The Governor's 2022-2023 It's On Us PA Grant Program application will be released in September. This year \$1.25 million in grant funding is available to institutions and schools.

Eligible institutions and schools with 10,000 or fewer students may request up to \$40,000; those with more than 10,000 students may apply for up to \$60,000. Private licensed schools that do not offer specialized associate degrees may request up to \$10,000 to offset the costs of implementing the requirements Article XX-G.

PDE will notify all institutions and schools when the grant application and guidelines are available.

²<https://www.education.pa.gov/Postsecondary-Adult/ItsOnUs/Pages/Act16.aspx>

Thank you for your continued commitment to ensure all learners receive education in the safest of environments. Please email David Stewart at ra-highereducation@pa.gov with any questions regarding the content of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tanya I. Garcia', with a stylized flourish at the end.

Tanya I. Garcia, Ph.D.
Deputy Secretary and Commissioner