

By: Senator(s) Hill

To: Universities and  
Colleges; Judiciary, Division  
A

SENATE BILL NO. 2218

1 AN ACT TO ENACT THE MISSISSIPPI SAFE DORMITORIES ACT; TO  
2 PRESENT LEGISLATIVE FINDINGS; TO DEFINE TERMS; TO PROHIBIT CERTAIN  
3 STUDENTS FROM RESIDING IN A LIVING FACILITY OWNED, MANAGED BY, OR  
4 UNDER THE AUTHORITY OF A STATE INSTITUTION OF HIGHER LEARNING; TO  
5 PROHIBIT EMPLOYEES OF A STATE INSTITUTION FROM ENTERING INTO  
6 ROMANTIC, SEXUAL, OR INTIMATE RELATIONSHIPS WITH CERTAIN STUDENTS;  
7 TO STIPULATE CERTAIN GUIDELINES CONCERNING ON-CAMPUS LIVING; TO  
8 REQUIRE STATE INSTITUTIONS TO PROVIDE CERTAIN INFORMATION ABOUT  
9 INSTITUTIONAL POLICIES TO INTERESTED PARTIES; TO CREATE A CIVIL  
10 ACTION AND MONETARY PENALTY FOR VIOLATIONS OF THIS ACT; TO CREATE  
11 A STATUTE OF LIMITATIONS FOR VIOLATIONS OF THIS ACT; TO PROVIDE  
12 THAT STATE INSTITUTIONS OF HIGHER LEARNING ARE NOT IMMUNE FROM  
13 SUIT OR LIABILITY UNDER THIS ACT; AND FOR RELATED PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 **SECTION 1.** This chapter shall be known and may be cited as  
16 the "Mississippi Safe Dormitories Act."

17 **SECTION 2.** The Legislature finds that:

18 (a) The Legislature is committed to upholding the  
19 highest standards of safety and health for students attending our  
20 state institutions of higher learning;

21 (b) The Equal Opportunity in Education Act, 20 USC §  
22 1986, states that "nothing contained herein shall be construed to  
23 prohibit any educational institution receiving funds under this



act, from maintaining separate living facilities for the different sexes";

(c) The Fair Housing Act, 42 USC § 45, makes it unlawful "to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or natural origin";

(d) Documented sexual assaults and rapes occur on Mississippi's public university and college campuses that have the "open bedroom" policy of allowing members of the opposite sex in single-sex dorms;

(e) Visitation hours for members of the opposite sex often exceed more than twelve (12) hours a day;

(f) As cited by multiple Annual Security and Fire Safety Reports, as required under the Clery Act, 20 USC § 1092(f), sexual assaults and rapes have occurred at state institutions of higher learning, the most recent data showing that between 2019 and 2023, at least:

(i) Eighty (80) sexual assaults occurred at Mississippi State University;

(ii) Seventeen (17) sexual assaults occurred at the University of Mississippi;

(iii) Twenty-nine (29) sexual assaults occurred at Alcorn State University;



(iv) Seven (7) sexual assaults occurred at the University of Southern Mississippi; and

(v) Twelve (12) sexual assaults occurred at Jackson State University.

(g) According to research by professor of law Andrea Curcio, "Failure to alert students [as] to where they are at greatest risk for an on-campus acquaintance sexual assault illustrates a long-standing, and ongoing, institutional failure by many schools to deal forthrightly with a problem they know, or should know, exists... [and that] ignoring where sexual assaults occur means that many schools are not studying whether dorm-based interventions can reduce acquaintance assault risks";

(h) Campus reports collected under the Clery Act show that eighty-two (82%) percent of all campus rapes occurred in on-campus residential housing;

(i) A ten-year study by the Massachusetts Executive Office of Public Safety and Security found similar results, showing, "The greatest number of campus rapes and sexual assaults occurred in a dormitory eighty-one (81%) percent, followed next by a house/apartment nine (9%) percent and then at a fraternity four (4%) percent"; and

(j) A 2003 meta-analysis found that academia is second only to the military in the incidence rate of work-related sexual harassment.



(2) Therefore, it is the intent of the Legislature through this act, and any regulations and policies promulgated hereunder, to protect the safety and health of students at state institutions of higher learning by requiring that public universities and colleges employ policies that minimize the incidents of sexual assault in dormitories, classrooms and elsewhere on campus.

**SECTION 3.** For purposes of this act, these words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Student" means any person enrolled on a full-time or part-time basis in a state institution of higher learning.

(b) "State institution of higher learning" means any public technical institute, public junior college or community college, public senior college or university, law school, medical or dental school, public state college, or other agency of higher education.

(c) "Living facility" means a structure or part of a structure owned, managed by or under the authority of a state institution of higher learning that is used as a residence or sleeping place by one (1) or more students.

(d) "Guest" means a person or student not assigned to reside in the living facility owned, managed by or under the authority of the state institution of higher learning.

**SECTION 4.** A student subject to the registration requirements under Sections 45-33-21 through 45-33-63 may not



reside in a living facility owned, managed by, or under the authority of a state institution of higher learning.

**SECTION 5.** No employee of a state institution of higher learning shall enter into a consensual sexual, romantic and/or intimate social or personal relationship with a student over whom he or she exercises, has exercised or may exercise in the future, direct or otherwise significant academic, administrative, supervisory, evaluative, counseling or extracurricular authority or influence.

**SECTION 6.** (1) State institutions of higher learning shall provide every student the choice of residing in a single-sex living facility in which members of the opposite biological sex are not allowed as guests or visitors and are not allowed entry at any time, except in a designated public visiting room in the living facility.

(2) State institutions of higher learning shall require all first-year students, who are not married and under the age of twenty-one (21), to reside in a single-sex living facility in which members of the opposite biological sex are not allowed as guests or visitors and are not allowed entry at any time, except in a designated public visiting room in the living facility;

(3) This chapter shall not apply to employees of state institutions of higher learning, including members of campus security, who are engaged in the exercise of their normal duties;



(4) This chapter shall not apply to a firefighter, law enforcement officer or any emergency medical personnel acting within the scope and duty of their office.

(5) This chapter shall not apply to the direct family members or grandparents of students during select hours or events and activities, such as moving in or out of the residence, subject to the policies determined by each state institution of higher learning.

**SECTION 7.** State institutions of higher learning shall develop materials, programs and procedures to ensure that students, administrators, campus police officers, residence life officials and professors understand the policies, regulations and duties of state institutions of higher learning regarding the policies set forth in this act, including any data that demonstrates reduced incidents of sexual assault in single-sex living facilities that do not allow guests of the opposite biological sex.

**SECTION 8.** Any student aggrieved by a violation of this act may bring a civil action against the state institution of higher learning and its employees acting in their official capacities who are responsible for violation of this chapter as determined by a preponderance of the evidence and seek appropriate relief, including, but not limited to, injunctive relief, monetary damages, reasonable attorneys' fees and court costs. If a court should find a violation of this act, it shall issue an award of at



147 least Ten Thousand Dollars (\$10,000.00) per violation. Any  
148 student aggrieved by a violation of this act may assert such  
149 violation as a defense or counterclaim in any disciplinary action  
150 or in any civil or administrative proceedings brought against such  
151 student. Nothing in this section shall be interpreted to limit  
152 any other remedies available to any student.

153 **SECTION 9.** A student shall be required to bring suit for  
154 violation of this section not later than one (1) year after the  
155 day the cause of action accrues. For purposes of calculating the  
156 one-year limitation period, each day that the violation persists,  
157 and each day that a policy in violation of this section remains in  
158 effect, shall constitute a new day that the cause of action has  
159 accrued.

160 **SECTION 10.** A state institution of higher learning that  
161 violates this act is not immune from suit or liability for the  
162 action.

163 **SECTION 11.** If any provision of this act or any application  
164 of such provision to any person or circumstance is held to be  
165 unconstitutional, the remainder of this act and the application of  
166 the provision to any other person or circumstance shall not be  
167 affected.

168 **SECTION 12.** This act shall take effect and be in force from  
169 and after its passage.

