

By: Representative Hobgood-Wilkes

To: Universities and  
Colleges

## HOUSE BILL NO. 1605

1       AN ACT TO ESTABLISH THE "MISSISSIPPI SAFE DORMS ACT"; TO  
2   DECLARE LEGISLATIVE FINDINGS REGARDING STUDENT SAFETY AT STATE  
3   INSTITUTIONS OF HIGHER LEARNING; TO DEFINE RELEVANT TERMS; TO  
4   PROHIBIT STUDENTS REGISTERED UNDER THE SEX OFFENDER REGISTRATION  
5   LAWS FROM RESIDING IN ON-CAMPUS HOUSING; TO PROHIBIT EMPLOYEES OF  
6   STATE INSTITUTIONS OF HIGHER LEARNING FROM ENTERING INTO  
7   CONSENSUAL RELATIONSHIPS WITH STUDENTS OVER WHOM THEY HAVE  
8   AUTHORITY; TO REQUIRE STATE INSTITUTIONS OF HIGHER LEARNING TO  
9   PROVIDE SINGLE-SEX LIVING FACILITIES AND REQUIRE FIRST-YEAR  
10   STUDENTS TO RESIDE IN SUCH FACILITIES; TO ESTABLISH EXCEPTIONS FOR  
11   CERTAIN PERSONS ENTERING SINGLE-SEX FACILITIES; TO REQUIRE  
12   INSTITUTIONS TO DEVELOP MATERIALS AND PROCEDURES TO EDUCATE  
13   STUDENTS AND STAFF ABOUT POLICIES TO REDUCE SEXUAL ASSAULT RISKS;  
14   TO AUTHORIZE STUDENTS AGGRIEVED BY VIOLATIONS OF THIS ACT TO FILE  
15   CIVIL ACTIONS FOR RELIEF AND DAMAGES; TO SPECIFY A ONE-YEAR  
16   LIMITATION PERIOD FOR FILING SUCH SUITS; TO WAIVE IMMUNITY FOR  
17   STATE INSTITUTIONS OF HIGHER LEARNING THAT VIOLATE THIS ACT; TO  
18   PROVIDE FOR THE SEVERABILITY OF THIS ACT; AND FOR RELATED  
19   PURPOSES.

20       WHEREAS, the Legislature is committed to upholding the  
21   highest standards of safety and health for students attending our  
22   state institutions of higher learning; and

23       WHEREAS the Equal Opportunity in Education Act (Title IX), 20  
24   USCS Section 1986, states that "nothing contained herein shall be  
25   construed to prohibit any educational institution receiving funds



under this Act, from maintaining separate living facilities for the different sexes"; and

WHEREAS, the Fair Housing Act (Title XIII of the Civil Rights Act of 1968), 42 USCS Section 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 national origin"; and

WHEREAS, 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; and

WHEREAS, visitation hours for members of the opposite sex often exceed more than twelve (12) hours a day (for example, from 10 a.m. to 2 a.m.); and

WHEREAS, as cited by multiple Annual Security and Fire Safety Reports, as required under the Clery Act, 20 USCS Section 1092(f), sexual assaults and rapes have occurred at state institutions of higher learning, the most recent data showing:

(a) Eighty (80) sexual assaults occurred at Mississippi State University between 2019 and 2023;

(b) Seventeen (17) sexual assaults occurred at the University of Mississippi between 2019 and 2023;

(c) Twenty-nine (29) sexual assaults occurred at Alcorn State University between 2019 and 2023;



(d) Seven (7) sexual assaults occurred at the University of Southern Mississippi between 2019 and 2023; and

(e) Twelve (12) sexual assaults occurred at Jackson State University between 2019 and 2023; and

WHEREAS, 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"; and

WHEREAS, campus reports collected under the Clery Act show that 82% of all campus rapes occurred in on-campus residential housing; and

WHEREAS, a 10-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 (81%), followed next by a house/apartment (9%) and then at a fraternity (4%)"; and

WHEREAS, a 2003 meta-analysis (Ilies et al., p. 622) found that academia (58%) is second only to the military (69%) in the incidence rate of work-related sexual harassment.

WHEREAS, it is the intent of the Legislature through this act, and any regulations and policies promulgated hereunder, to



76 protect the safety and health of students at state institutions of  
77 higher learning by requiring that public universities and colleges  
78 employ policies that minimize the incidence of sexual assault in  
79 dorms, classrooms and on campus; NOW, THEREFORE,

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

81 **SECTION 1.** The title of this chapter shall be known and may  
82 be cited as the "Mississippi Safe Dorms Act."

83 **SECTION 2.** For purposes of this act, these following terms  
84 shall have the meanings ascribed herein, unless context of use  
85 clearly requires otherwise:

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

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

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

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

99 **SECTION 3.** A student subject to the registration  
100 requirements under Section 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 4.** No employee of a state institution of higher learning shall enter into a consensual sexual, romantic 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 5.** (1) State institutions of higher learning shall:

(a) 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; and

(b) 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.

(2) This chapter shall not apply to:

(a) State institutions of higher learning employees, including members of campus security, engaged in the exercise of their normal duties;



(b) A firefighter, law enforcement officer, or any emergency medical personnel acting within the scope and duty of their office; or

(c) 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 6.** 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 herein, including any data that demonstrates a reduced incidence of sexual assault in single-sex living facilities that do not allow guests of the opposite biological sex.

**SECTION 7.** (1) 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, 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



150 issue an award of at least Ten Thousand Dollars (\$10,000.00) per  
151 violation.

152 (2) Any student aggrieved by a violation of this act may  
153 assert such violation as a defense or counter claim in any  
154 disciplinary action or in any civil or administrative proceedings  
155 brought against such student. Nothing in this section shall be  
156 interpreted to limit any other remedies available to any student.

157 **SECTION 8.** A student shall be required to bring suit for  
158 violation of this section not later than one (1) year after the  
159 day the cause of action accrues. For purposes of calculating the  
160 one-year limitation period, each day that the violation persists,  
161 and each day that a policy in violation of this section remains in  
162 effect, shall constitute a new day that the cause of action has  
163 accrued.

164 **SECTION 9.** A state institution of higher learning that  
165 violates this act is not immune from suit or liability for the  
166 violation.

167 **SECTION 10.** Any provision of this act held to be invalid or  
168 unenforceable by its terms, or as applied to any person or  
169 circumstance, shall be construed so as to give it the maximum  
170 effect permitted by law, unless such holding shall be one of utter  
171 invalidity or unenforceability, in which event such provision  
172 shall be deemed severable and shall not affect the remainder  
173 hereof or the application of such provision to other persons not  
174 similarly situated or to other, dissimilar circumstances.



175        **SECTION 11.**   This act shall take effect and be in force from  
176   and after its passage.

