

# Tyler Clementi Higher Education Anti-Harassment Act of 2021

*Sponsored by Senator Patty Murray, Senator Tammy Baldwin, and Congressman Mark Pocan*

## BACKGROUND

Harassment and hostile learning environments can have profoundly negative effects on students' emotional, psychological, and academic wellbeing. Thousands of college students each year—one in five—are harassed online, in social media, via text message, through cell phones, and other electronic means.<sup>1</sup> In 2010, Tyler Clementi, a freshman at Rutgers University, took his own life after his roommate and other students invaded his privacy and harassed him online just weeks into his first semester of college. He was only eighteen years old.

Many other students, just like Tyler, are the victims of cyberbullying and harassment. Wide audiences on the internet can further multiply the effects of bullying. And recently, a wave of hateful and intimidating incidents have spread to college campuses as harassers have felt emboldened by divisive political rhetoric.

LGBTQIA+ students are particularly vulnerable to these trends—they are nearly twice as likely as their peers to experience harassment and are far more likely to be harassed based on their sexual orientation or gender identity.<sup>2</sup> Yet there is currently no requirement that colleges and universities have policies in place that protect their students and employees from harassment that occurs via electronic communications, or harassment that is based on sexual orientation, gender identity, or religion.

To improve the educational environment supported by federal taxpayers and to protect students, the *Tyler Clementi Higher Education Anti-Harassment Act of 2021* requires colleges and universities to have policies in place to prohibit harassment, and establishes a competitive grant program to support campus anti-harassment programs, including prevention, counseling, and training.

## LEGISLATIVE SUMMARY

- Requires colleges and universities receiving federal aid to establish an anti-harassment policy prohibiting the harassment of enrolled students based on their actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, or religion.
- Requires colleges to distribute their anti-harassment policy to all students and employees, including prospective students and employees, upon request.
- Recognizes “cyberbullying,” which includes harassment undertaken through electronic messaging services, commercial mobile services, and other electronic communications.
- Authorizes a competitive grant program for institutions of higher education to initiate, expand, or improve programs to: (a) prevent the harassment of students; (b) provide counseling or redress services to students who have been harassed or accused of subjecting other students to harassment; and (c) train students, faculty, or staff to prevent harassment or address harassment if it occurs.

For additional information, please contact Theresa Lau of Sen. Patty Murray’s HELP Committee staff, Brian Moulton of Sen. Tammy Baldwin’s staff, or Kate Huffman of Rep. Mark Pocan’s staff.

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<sup>1</sup> Zalaquett, Carlos P., and SeriaShia J. Chatters. “Cyberbullying in college frequency, characteristics, and practical implications.” *SAGE Open* 4.1 (2014): 158244014526721.

<sup>2</sup> Centers for Disease Control and Prevention. “Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors among Students in Grades 9-12 – United States and Selected Sites,” (2016).