

SENATE, No. 779

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Co-Sponsored by:

Senator Brown

SYNOPSIS

Requires institutions of higher education to use procedures in response to allegations of sexual harassment that are consistent with certain federal guidance and to report incidence of sexual assault.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 12/7/2018)

1 AN ACT concerning sexual harassment and assault at institutions of
2 higher education and supplementing chapter 61E of Title 18A of
3 the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Each public and independent institution of higher education
9 shall use procedures for the reporting, investigation, and
10 adjudication of allegations of sexual harassment, including sexual
11 violence, that comply with the April 4, 2011 Dear Colleague Letter
12 on Sexual Violence and the April 29, 2014 Questions and Answers
13 on Title IX and Sexual Violence issued by the Office for Civil
14 Rights at the United States Department of Education.

15
16 2. a. Beginning with the 2018-2019 academic year, each
17 public and independent institution of higher education shall
18 annually report to the Secretary of Higher Education the total
19 number of allegations of sexual assault made by or made against a
20 student enrolled in the institution, a summary of its efforts in
21 responding to such allegations, and any new or revised procedures,
22 policies, or programs implemented in the prior year to address
23 campus sexual assault.

24 b. The secretary shall compile the information collected from
25 each institution of higher education pursuant to subsection a. of this
26 section and shall annually submit a summary report to the
27 Governor, and to the Legislature pursuant to section 2 of P.L.1991,
28 c.164 (C.52:14-19.1).

29 c. Nothing in this section shall be construed to restrict a
30 student's rights under the "Campus Sexual Assault Victim's Bill of
31 Rights," established pursuant to P.L.1994, c.160 (C.18A:61E-1 et
32 seq.).

33
34 3. This act shall take effect immediately.

35
36
37 STATEMENT

38
39 On September 22, 2017, Secretary of Education Betsy DeVos
40 announced that the Office for Civil Rights at the United States
41 Department of Education was withdrawing the statements of policy
42 and guidance reflected in the following documents:

- 43
- 44 • Dear Colleague Letter on Sexual Violence, issued by the
45 Office for Civil Rights at the U.S. Department of
46 Education, dated April 4, 2011; and the
 - 47 • Questions and Answers on Title IX and Sexual Violence,
48 issued by the Office for Civil Rights at the U.S.
Department of Education, dated April 29, 2014.

1 These guidance documents interpreted Title IX in regard to the
2 procedures by which educational institutions investigate, adjudicate,
3 and resolve allegations of student-on-student sexual misconduct.

4 It is the sponsor's belief that the withdrawn statements of policy
5 and guidance were a necessary and impactful directive on campus
6 sexual violence that clarified what institutions of higher education's
7 responsibilities are under the law to enforce Title IX. This bill
8 requires institutions of higher education in the State to use
9 procedures for the reporting, investigation, and adjudication of
10 allegations of sexual harassment, including sexual violence, that
11 comply with the withdrawn documents.

12 This bill also requires each public and independent institution of
13 higher education to annually report to the Secretary of Higher
14 Education the total number of allegations of sexual assault made by
15 or made against a student enrolled in the institution, a summary of
16 its efforts in responding to such allegations, and any new or revised
17 procedures, policies, or programs implemented in the prior year to
18 address campus sexual assault. The bill directs the Secretary of
19 Higher Education to compile this information and annually submit a
20 summary report to the Governor and the Legislature. The bill
21 provides that its provisions may not be construed to restrict a
22 student's rights under the "Campus Sexual Assault Victim's Bill of
23 Rights," which among other rights, provides that a victim will be
24 free from pressure to report a crime if the victim does not wish to
25 do so.