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

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

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

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

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

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

3. This act shall take effect immediately.

STATEMENT

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

• Dear Colleague Letter on Sexual Violence, issued by the Office for Civil Rights at the U.S. Department of Education, dated April 4, 2011; and the

• Questions and Answers on Title IX and Sexual Violence, issued by the Office for Civil Rights at the U.S. Department of Education, dated April 29, 2014.
These guidance documents interpreted Title IX in regard to the procedures by which educational institutions investigate, adjudicate, and resolve allegations of student-on-student sexual misconduct.

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

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