

# 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  
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37 STATEMENT

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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.