

SENATE, No. 1282

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

“New Jersey Sexual Assault Violence in Education Act”; requires institutions of higher education to adopt anti-sexual assault theater program, report allegations of sexual assault to county prosecutor, and provide students with information on sexual assaults.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning sexual assaults occurring at institutions of
2 higher education, amending and supplementing P.L.1994, c.160,
3 and supplementing Title 52 of the Revised Statutes.

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

7
8 1. (New section) This act shall be known, and may be cited as,
9 the “New Jersey Sexual Assault Violence in Education (NJ SAVE)
10 Act.”

11
12 2. (New section) The governing board of each institution of
13 higher education which receives State operating support shall adopt
14 an on-campus, peer-educational theater program modeled after the
15 Students Challenging Realities and Educating Against Myths
16 (SCREAM) theater program at Rutgers, the State University of New
17 Jersey. The theater program shall conduct interactive performances
18 designed to provide all incoming students with information on
19 interpersonal violence including, but not limited to, sexual assault,
20 dating violence, same-sex violence, stalking, bullying, and peer-
21 harassment, and offer post-performance discussions with the
22 audience in an effort to educate the students and dispel any myths
23 about interpersonal violence.

24
25 3. (New section) a. Notwithstanding the provisions of any law
26 or regulation to the contrary, in the event that an institution of
27 higher education receives a report of an alleged sexual assault made
28 by a student enrolled in the institution or made by an employee of
29 the institution against another such student or employee, the
30 institution shall, within 24 hours of receiving the report, notify the
31 county prosecutor of the allegation.

32 b. An institution of higher education which fails to notify the
33 county prosecutor of an alleged sexual assault required pursuant to
34 subsection a. of this section shall be subjected to a civil penalty of
35 \$10,000.

36 c. The civil penalty prescribed pursuant to subsection b. of this
37 section shall be collected and enforced by summary proceedings
38 pursuant to the provisions of the “Penalty Enforcement Law of
39 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

40 d. Nothing in this section shall be construed to preclude, or in
41 any way restrict, an institution of higher education from responding
42 to and investigating an allegation of sexual assault made pursuant to
43 subsection a. of this section for the purpose of imposing
44 disciplinary action on the alleged perpetrator of the assault.

45
46 4. (New section) a. Beginning with the 2018-2019 academic
47 year, an institution of higher education shall provide for public

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 inspection on its website information concerning the total number
2 of allegations of sexual assault made by a student enrolled in the
3 institution or made by an employee of the institution against another
4 such student or employee. The institution shall update the
5 information each month.

6 b. An institution of higher education shall provide with all
7 paper applications for admission to the institution a hard copy of its
8 most recent sexual assault information posted pursuant to
9 subsection a. of this section.

10
11 5. (New section) Beginning with the 2018-2019 academic
12 year, no later than 15 days into each semester, an institution of
13 higher education shall transmit to each student via electronic mail
14 its policies and procedures concerning the reporting and
15 investigation of an allegation of sexual assault made by a student
16 enrolled in the institution or made by an employee of the institution
17 against another such student or employee. The electronic mail
18 notification shall also include information including, but not limited
19 to, the date and location of allegations of sexual assault and the
20 current status of the investigation for those allegations.

21
22 6. (New section) a. In the event that a county prosecutor
23 receives a report from an institution of higher education concerning
24 an alleged sexual assault pursuant to section 3 of P.L. ,
25 c. (C.) (pending before the Legislature as this bill), the
26 county prosecutor shall immediately appoint an advocate for the
27 victim of the sexual assault through the Sexual Assault Response
28 Team established pursuant to section 6 of P.L.2001, c.81 (C.52:4B-
29 54) for the duration of the institution's investigation of the
30 allegation of sexual assault.

31 b. The advocate shall notify the sexual assault victim of the
32 existing available services, including but not limited to, medical
33 treatment, counseling, legal options, forensic medical services,
34 mental health and student services for victims of sexual assault,
35 both on campus and in the community.

36
37 7. Section 2 of P.L.1994, c.160 (C.18A:61E-2) is amended to
38 read as follows:

39 2. The **【Commission on】** Secretary of Higher Education shall
40 appoint an advisory committee of experts which shall develop a
41 "Campus Sexual Assault Victim's Bill of Rights" which affirms
42 support for campus organizations which assist sexual assault
43 victims and provides that the following rights shall be accorded to
44 victims of sexual assaults that occur on the campus of any public or
45 independent institution of higher education in the State and where
46 the victim or alleged perpetrator is a student at the institution or
47 when the victim is a student involved in an off-campus sexual
48 assault.

1 a. The right to have any allegation of sexual assault treated
2 seriously; the right to be treated with dignity; and the right to be
3 notified of existing medical, counseling, mental health or student
4 services for victims of sexual assault, both on campus and in the
5 community whether or not the crime is reported to campus or civil
6 authorities.

7 "Campus authorities" as used in this act shall mean any
8 individuals or organizations specified in an institution's statement of
9 campus security policy as the individuals or organizations to whom
10 students and employees should report criminal offenses.

11 b. The right to have any allegation of sexual assault
12 investigated and adjudicated by the appropriate criminal and civil
13 authorities of the jurisdiction in which the crime occurred, and the
14 right to the full and prompt cooperation and assistance of campus
15 personnel in notifying the proper authorities. The provisions of this
16 subsection shall be in addition to any campus disciplinary
17 proceedings which may take place.

18 c. The right to be free from pressure from campus personnel to
19 refrain from reporting crimes, or to report crimes as lesser offenses
20 than the victims perceive the crimes to be], or to report crimes if
21 the victim does not wish to do so].

22 d. The right to be free from any suggestion that victims are
23 responsible for the commission of crimes against them; to be free
24 from any suggestion that victims were contributorily negligent or
25 assumed the risk of being assaulted; to be free from any suggestion
26 that victims must report the crimes to be assured of any other right
27 guaranteed under this policy; and to be free from any suggestion
28 that victims should refrain from reporting crimes in order to avoid
29 unwanted personal publicity.

30 e. The same right to legal assistance, and the right to have
31 others present, in any campus disciplinary proceeding, that the
32 institution permits to the accused; and the right to be notified of the
33 outcome of any disciplinary proceeding against the accused.

34 f. The right to full, prompt, and victim-sensitive cooperation of
35 campus personnel in obtaining, securing, and maintaining evidence,
36 including a medical examination if it is necessary to preserve
37 evidence of the assault.

38 g. The right to be informed of, and assisted in exercising, any
39 rights to be confidentially or anonymously tested for sexually
40 transmitted diseases or human immunodeficiency virus; the right to
41 be informed of, and assisted in exercising, any rights that may be
42 provided by law to compel and disclose the results of testing of
43 sexual assault suspects for communicable diseases.

44 h. The right to have access to counseling under the same terms
45 and conditions as apply to other students seeking such counseling
46 from appropriate campus counseling services.

47 i. The right to require campus personnel to take reasonable and
48 necessary action to prevent further unwanted contact of victims

1 with their alleged assailants, including but not limited to, notifying
2 the victim of options for and available assistance in changing
3 academic and living situations after an alleged sexual assault
4 incident if so requested by the victim and if such changes are
5 reasonably available.

6 (cf: P.L.1994, c.160, s.2)

7

8 8. Section 4 of P.L.1994, c.160 (C.18A:61E-4) is amended to
9 read as follows:

10 4. **【Every】** Beginning with the 2018-2019 academic year, no
11 later than 15 days into each semester, each public and independent
12 institution of higher education within the State shall **【make every**
13 **reasonable effort to ensure that】** transmit to every student at that
14 institution **【receives】** via electronic mail a copy of the "Campus
15 Sexual Assault Victim's Bill of Rights."

16 (cf: P.L.1994, c.160, s.4)

17

18 9. This act shall take effect on the 60th day after the date of
19 enactment.

20

21

22

STATEMENT

23

24 This bill establishes the "New Jersey Sexual Assault Violence in
25 Education (NJ SAVE) Act." The bill requires institutions of higher
26 education to take certain measures to more thoroughly inform
27 students about sexual assaults, and to implement certain reporting
28 requirements concerning sexual assaults.

29 Specifically under the bill, the governing board of each
30 institution of higher education which receives State operating
31 support must adopt an on-campus, peer-educational theater program
32 modeled after the Students Challenging Realities and Educating
33 Against Myths (SCREAM) theater program at Rutgers, the State
34 University of New Jersey. The theater program will conduct
35 interactive performances designed to provide all incoming students
36 with information on interpersonal violence, including but not
37 limited to, sexual assault, dating violence, same-sex violence,
38 stalking, bullying, and peer-harassment, and offer post-performance
39 discussions with the audience in an effort to educate the students
40 and dispel any myths about interpersonal violence.

41 The bill also requires each institution of higher education which
42 receives a report of an alleged sexual assault made by a student
43 enrolled in the institution or made by an employee of the institution
44 against another such student or employee, to notify the county
45 prosecutor of the allegation with 24 hours of receiving the report.
46 Under the bill, an institution which fails to notify the county
47 prosecutor of an alleged sexual assault will be subjected to a civil
48 penalty of \$10,000.

S1282 CRUZ-PEREZ

1 Upon receiving the notification, the county prosecutor is required
2 to immediately appoint an advocate for the victim of the sexual
3 assault through the Sexual Assault Response Team for the duration
4 of the institution's investigation of the allegation of sexual assault.
5 The advocate will notify the sexual assault victim of the existing
6 available services including, but not limited to, medical treatment,
7 counseling, legal options, forensic medical services, mental health
8 and student services for victims of sexual assault, both on campus
9 and in the community.

10 The bill also provides that, beginning with the 2018-2019
11 academic year, an institution of higher education must provide for
12 public inspection on its website information concerning the total
13 number of allegations of sexual assault made by a student enrolled
14 in the institution or made by an employee of the institution against
15 another such student or employee. The institution will update the
16 information each month. Additionally, an institution must provide a
17 hard copy of its most recent sexual assault information with all
18 paper applications for admission to the institution.