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

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

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

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

3. (New section) a. Notwithstanding the provisions of any law or regulation to the contrary, in the event that an institution of higher education receives a report of an alleged sexual assault made by a student enrolled in the institution or made by an employee of the institution against another such student or employee, the institution shall, within 24 hours of receiving the report, notify the county prosecutor of the allegation.
   b. An institution of higher education which fails to notify the county prosecutor of an alleged sexual assault required pursuant to subsection a. of this section shall be subjected to a civil penalty of $10,000.
   c. The civil penalty prescribed pursuant to subsection b. of this section shall be collected and enforced by summary proceedings pursuant to the provisions of the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).
   d. Nothing in this section shall be construed to preclude, or in any way restrict, an institution of higher education from responding to and investigating an allegation of sexual assault made pursuant to subsection a. of this section for the purpose of imposing disciplinary action on the alleged perpetrator of the assault.

4. (New section) a. Beginning with the 2018-2019 academic 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.
inspection on its website information concerning the total number of allegations of sexual assault made by a student enrolled in the institution or made by an employee of the institution against another such student or employee. The institution shall update the information each month.

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

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

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

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

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

2. The Commission on Secretary of Higher Education shall appoint an advisory committee of experts which shall develop a "Campus Sexual Assault Victim's Bill of Rights" which affirms support for campus organizations which assist sexual assault victims and provides that the following rights shall be accorded to victims of sexual assaults that occur on the campus of any public or independent institution of higher education in the State and where the victim or alleged perpetrator is a student at the institution or when the victim is a student involved in an off-campus sexual assault.
a. The right to have any allegation of sexual assault treated seriously; the right to be treated with dignity; and the right to be notified of existing medical, counseling, mental health or student services for victims of sexual assault, both on campus and in the community whether or not the crime is reported to campus or civil authorities.

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

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

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

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

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

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

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

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

i. The right to require campus personnel to take reasonable and necessary action to prevent further unwanted contact of victims
with their alleged assailants, including but not limited to, notifying
the victim of options for and available assistance in changing
academic and living situations after an alleged sexual assault
incident if so requested by the victim and if such changes are
reasonably available.
(cf: P.L.1994, c.160, s.2)
8. Section 4 of P.L.1994, c.160 (C.18A:61E-4) is amended to
read as follows:
4. Every institution of higher education within the State shall make every
reasonable effort to ensure that transmit to every student at that
institution via electronic mail a copy of the “Campus
Sexual Assault Victim’s Bill of Rights.”
(cf: P.L.1994, c.160, s.4)
9. This act shall take effect on the 60th day after the date of
enactment.

STATEMENT

This bill establishes the “New Jersey Sexual Assault Violence in
Education (NJ SAVE) Act.” The bill requires institutions of higher
education to take certain measures to more thoroughly inform
students about sexual assaults, and to implement certain reporting
requirements concerning sexual assaults.
Specifically under the bill, the governing board of each
institution of higher education which receives State operating
support must adopt an on-campus, peer-educational theater program
modeled after the Students Challenging Realities and Educating
Against Myths (SCREAM) theater program at Rutgers, the State
University of New Jersey. The theater program will conduct
interactive performances designed to provide all incoming students
with information on interpersonal violence, including but not
limited to, sexual assault, dating violence, same-sex violence,
stalking, bullying, and peer-harassment, and offer post-performance
discussions with the audience in an effort to educate the students
and dispel any myths about interpersonal violence.

The bill also requires each institution of higher education which
receives a report of an alleged sexual assault made by a student
enrolled in the institution or made by an employee of the institution
against another such student or employee, to notify the county
prosecutor of the allegation with 24 hours of receiving the report.
Under the bill, an institution which fails to notify the county
prosecutor of an alleged sexual assault will be subjected to a civil
penalty of $10,000.
Upon receiving the notification, the county prosecutor is required to immediately appoint an advocate for the victim of the sexual assault through the Sexual Assault Response Team for the duration of the institution’s investigation of the allegation of sexual assault. The advocate will notify the sexual assault victim of the existing available services including, but not limited to, medical treatment, counseling, legal options, forensic medical services, mental health and student services for victims of sexual assault, both on campus and in the community.

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