

18A:61E-1

LEGISLATIVE HISTORY CHECKLIST
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("Campus Sexual Assault Victims
Bill of Rights")

NJSA: 18A:61E-1

LAWS OF: 1994 **CHAPTER:** 160

BILL NO: S463

SPONSOR(S): Lipman

DATE INTRODUCED: January 24, 1994

COMMITTEE: **ASSEMBLY:** Judiciary
SENATE: Women's Issues

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** October 20, 1994
SENATE: March 15, 1994

DATE OF APPROVAL: December 13, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings attached:
"College assault-victim bill signed," 12-14-94, Philadelphia Inquirer.
"Bill of rights to aid campus sex assault victim," 12-14-94, Star Ledger.
"Whitman signs campus sex assault bill," 12-14-94, Courier Post.
"Law targets college sex assault," 12-14-94, Asbury Park Press.

KBG:pp

[FIRST REPRINT]

SENATE, No. 463

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1994

By Senators LIPMAN, Cafiero, Ewing and Baer

1 AN ACT creating the "Campus Sexual Assault Victim's Bill of
2 Rights" and supplementing Title 18A of the New Jersey
3 Statutes.

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

7 1. This act shall be known and may be cited as the "New
8 Jersey Campus Sexual Assault Victim's Bill of Rights Act."

9 2. The ¹[Chancellor of] Commission on¹ Higher Education shall
10 ¹appoint an advisory committee of experts which shall¹ develop a
11 "Campus Sexual Assault Victim's Bill of Rights" which affirms
12 support for campus organizations which assist sexual assault
13 victims and provides that the following rights shall be accorded
14 to victims of sexual assaults that occur on the campus of any
15 public or independent institution of higher education in the State
16 ¹[or] and¹ where the victim or alleged perpetrator is a student at
17 the institution ¹or when the victim is a student involved in an
18 off-campus sexual assault¹.

19 a. The right to have any allegation of sexual assault treated
20 seriously; the right to be treated with dignity; and the right to
21 ¹[medical and counseling services] be notified of existing
22 medical, counseling, mental health or student services for victims
23 of sexual assault, both on campus and in the community¹ whether
24 or not the crime is reported to campus or civil authorities.

25 ¹"Campus authorities" as used in this act shall mean any
26 individuals or organizations specified in an institutions's
27 statement of campus security policy as the individuals or
28 organizations to whom students and employees should report
29 criminal offenses.¹

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

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

41 d. The right to be free from any suggestion that victims are
42 responsible for the commission of crimes against them; to be free

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJL committee amendments adopted October 6, 1994.

1 from any suggestion that victims were contributorily negligent or
2 assumed the risk of being assaulted; to be free from any
3 suggestion that victims must report the crimes to be assured of
4 any other right guaranteed under this policy; and to be free from
5 any suggestion that victims should refrain from reporting crimes
6 in order to avoid unwanted personal publicity.

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

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

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

21 h. The right to ¹[receive] have access to¹ counseling ¹under the
22 same terms and conditions as apply to other students seeking such
23 counseling¹ from ¹appropriate¹ campus ¹[mental health service
24 entities, or by other victims, at the election of the victim]
25 counseling services¹.

26 i. The right to require campus personnel to take reasonable and
27 necessary action to prevent further unwanted contact of victims
28 with their alleged assailants, including but not limited to, ¹[the
29 immediate relocation of the victim to safe and rescue alternative
30 housing, and transfer of classes] notifying the victim of options
31 for and available assistance in changing academic and living
32 situations after an alleged sexual assault incident if so requested
33 by the victim and if such changes are reasonably available¹.

34 3. In developing the "Campus Sexual Assault Victim's Bill of
35 Rights," established by P.L. , c. (C.) (now pending before the
36 Legislature as this bill), the ¹[chancellor] committee created
37 pursuant to section 2 of P.L. , c. (C.)(now pending before
38 the Legislature as this bill)]¹ shall review existing policies and
39 procedures of public and independent institutions of higher
40 education within the State and shall, as appropriate, incorporate
41 those policies into ¹[the] a proposed¹ the bill of rights. ¹The
42 committee shall make a recommendation to the commission
43 which incorporates a proposed "Campus Sexual Assault Victim's
44 Bill of Rights." The commission following consultation with the
45 New Jersey Presidents' Council, established pursuant to section 7
46 of P.L.1994, c.48 (C.18A:3B-7), shall adopt a "Campus Sexual
47 Assault Victim's Bill of Rights." The commission shall make the
48 "Campus Sexual Assault Victim's Bill of Rights " available to
49 each institution of higher education within the State.¹ The
50 ¹[chancellor] governing boards of the institutions¹ shall examine
51 the resources dedicated to services required on each campus to
52 guarantee that this bill of rights is implemented, and shall make
53 appropriate requests to increase or reallocate resources where
54 necessary to ensure implementation. ¹[The chancellor shall make

1 the "Campus Sexual Assault Victim's Bill of Rights" available to
2 each institution of higher education within the State.]¹

3 4. Every public and independent institution of higher education
4 within the State shall ¹make every reasonable effort to¹ ensure
5 that every student at that institution receives a copy of the
6 "Campus Sexual Assault Victim's Bill of Rights."

7 ¹5. Nothing in this act or in any "Campus Assault Victim's
8 Bill of Rights" developed in accordance with the provisions of
9 this act, shall be construed to preclude or in any way to restrict
10 any public or independent institution of higher education in the
11 State from reporting any suspected crime or offense to the
12 appropriate law enforcement authorities.¹

13 ¹6. Notwithstanding any other provision of law to the
14 contrary, no public or independent institution of higher education
15 or its employees shall be liable for damages resulting from any
16 exercise of judgment or discretion in connection with the
17 performance of their duties unless the actions evidence a reckless
18 disregard for the duties imposed by this act. Nothing in this
19 section shall be deemed to grant immunity to any person causing
20 damage by his wilful, wanton or grossly negligence act of
21 commission or omission.¹

22 ¹[5] ⁷¹. This act shall take effect ¹[immediately] on September
23 1, 1995¹.

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28 Establishes the "Campus Sexual Assault Victim's Bill of Rights."

1 evidence, including a medical examination if it is necessary to
2 preserve evidence of the assault.

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

9 h. The right to receive counseling from campus mental health
10 services, by other victim-service entities, or by other victims, at
11 the election of the victim.

12 i. The right to require campus personnel to take reasonable and
13 necessary action to prevent further unwanted contact of victims
14 with their alleged assailants, including but not limited to, the
15 immediate relocation of the victim to safe and rescue alternative
16 housing, and transfer of classes.

17 3. In developing the "Campus Sexual Assault Victim's Bill of
18 Rights," established by P.L. , c. (C.) (now pending before the
19 Legislature as this bill), the chancellor shall review existing
20 policies and procedures of public and independent institutions of
21 higher education within the State and shall, as appropriate,
22 incorporate those policies into the bill of rights. The chancellor
23 shall examine the resources dedicated to services required on
24 each campus to guarantee that this bill of rights is implemented,
25 and shall make appropriate requests to increase or reallocate
26 resources where necessary to ensure implementation. The
27 chancellor shall make the "Campus Sexual Assault Victim's Bill
28 of Rights" available to each institution of higher education within
29 the State.

30 4. Every public and independent institution of higher education
31 within the State shall ensure that every student at that
32 institution receives a copy of the "Campus Sexual Assault
33 Victim's Bill of Rights."

34 5. This act shall take effect immediately.

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STATEMENT

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39 This bill would create a "Campus Sexual Assault Victim's Bill
40 of Rights."

41 The bill of rights would provide that victims of campus-related
42 sexual assaults would have the following rights, among others:

43 The right to have allegation of sexual assault treated seriously;
44 the right to be treated with dignity; the right to be treated for
45 injuries inflicted in the assault; the right to have sexual assaults
46 investigated and adjudicated by the appropriate authorities with
47 the full and prompt cooperation and assistance of campus
48 personnel; the right to be free from pressure from campus
49 personnel to report or to refrain from reporting crimes, or to
50 report crimes as lesser offenses than the victims perceive the
51 crimes to be; the same right, during any campus disciplinary
52 proceeding involving the accused, to legal assistance and to have
53 others present, that the accused is entitled to have; the right to
54 be notified of the outcome of any disciplinary proceeding against

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

SENATE, No. 463

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 6, 1994

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 463.

This bill would create a "Campus Sexual Assault Victim's Bill of Rights" which would provide victims of campus-related sexual assaults to the following: the right to have allegation of sexual assault treated seriously; the right to be treated with dignity; the right to be treated for injuries inflicted in the assault; the right to have sexual assaults investigated and adjudicated by the appropriate authorities with the full and prompt cooperation and assistance of campus personnel; the right to be free from pressure from campus personnel to report or to refrain from reporting crimes, or to report crimes as lesser offenses than the victims perceive the crimes to be; the same right, during any campus disciplinary proceeding involving the accused, to legal assistance and to have others present, that the accused is entitled to have; and the right to be notified of the outcome of any disciplinary proceeding against the accused, as some examples.

The committee amended the bill to eliminate the requirement that the victim be treated for injuries and instead require the victim to be notified of existing medical, counseling, mental health or student services available, both on campus and in the community whether or not the crime is reported. The amendments would also define the term "campus authorities" to mean any individual or organization who is authorized to receive reports of criminal offenses pursuant to the institution's statement of campus security policy. The amendments would also eliminate the requirement that the victim would have the right to receive counseling from the campus service entities and instead provide the victim with the right to access to the counseling services under the same terms and conditions as other students seeking such services. The campus personnel would also be required to notify the victim of the options for and available assistance in changing academic living situations after the alleged assault, if they are reasonably available.

The bill in its original form required the Chancellor of Higher Education to review current policies and incorporate them into the bill of rights, to examine the resources available to provide the services required under the bill and to make appropriate requests to increase resources where necessary. The committee amended the bill to change references to the Chancellor of Higher Education to the Commission of Higher Education pursuant to the changes made by P.L.1994, c.48. The amendments would also require the commission to appoint an advisory committee to make recommendations to the commission which incorporate a proposed bill of rights. The commission, following consultation with the New

Jersey President's Council, shall adopt a bill of rights. The commission shall make the bill of rights available to the institutions. The institutions would then make every reasonable effort to ensure that every student receives a copy of the bill of rights.

The committee amendments add two new sections to the bill. Section 5 of the bill provides that nothing in the act would be construed to preclude any institution from reporting any suspected crime or offense to the appropriate authorities. Section 6 of the bill would immune public and independent institutions of higher education and their employees from liability for damages resulting from any exercise of judgment or discretion, unless the actions evidence reckless disregard. Immunity will not be granted for any acts of gross negligence. The effective date was amended to provide some time for procedures to be put in place.

As amended, this bill is identical to Assembly Bill No. 1297 (1R).

SENATE WOMEN'S ISSUES, CHILDREN
AND FAMILY SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 463

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 1994

The Senate Women's Issues, Children and Family Services Committee favorably reports Senate Bill No. 463.

This bill would create a "Campus Sexual Assault Victim's Bill of Rights."

The bill of rights would provide that victims of campus-related sexual assaults would have the following rights, among others: The right to have allegation of sexual assault treated seriously; the right to be treated with dignity; the right to be treated for injuries inflicted in the assault; the right to have sexual assaults investigated and adjudicated by the appropriate authorities with the full and prompt cooperation and assistance of campus personnel; the right to be free from pressure from campus personnel to report or to refrain from reporting crimes, or to report crimes as lesser offenses than the victims perceive the crimes to be; the same right, during any campus disciplinary proceeding involving the accused, to legal assistance and to have others present, that the accused is entitled to have; the right to be notified of the outcome of any disciplinary proceeding against the accused; the right to receive counseling from campus or off-campus mental health services or peer counseling, and the right to choose the appropriate mode of treatment; the right to require campus personnel to prevent further unwanted contact between victims and their alleged assailants, including the immediate relocation of the victim to safe and secure alternative housing, and transfer of classes.

The bill requires that the Chancellor of Higher Education review current policies and incorporate them into the bill of rights, and that the chancellor examine the resources available to provide the services required under the bill and make appropriate requests to increase resources where necessary. The bill requires that the bill of rights be distributed to each student of higher education in the State.

1 the accused; the right to receive counseling from campus or
2 off-campus mental health services or peer counseling, and the
3 right to choose the appropriate mode of treatment; the right to
4 require campus personnel to prevent further unwanted contact
5 between victims and their alleged assailants, including the
6 immediate relocation of the victim to safe and secure alternative
7 housing, and transfer of classes.

8 The bill requires that the Chancellor of Higher Education
9 review current policies and incorporate them into the bill of
10 rights, and that the chancellor examine the resources available to
11 provide the services required under the bill and make appropriate
12 requests to increase resources where necessary. The bill requires
13 that the bill of rights be distributed to each student of higher
14 education in the State.

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21 Establishes the "Campus Sexual Assault Victim's Bill of Rights."