

ASSEMBLY, No. 3583

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman NANCY J. PINKIN
District 18 (Middlesex)

Co-Sponsored by:

Assemblywomen Vainieri Huttle and DiMaso

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.



(Sponsorship Updated As Of: 3/16/2020)

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.

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 4. (New section) a. Beginning with the 2021-2022 academic
2 year, an institution of higher education shall provide for public
3 inspection on its website information concerning the total number
4 of allegations of sexual assault made by a student enrolled in the
5 institution or made by an employee of the institution against another
6 such student or employee. The institution shall update the
7 information each month.

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

12
13 5. (New section) Beginning with the 2021-2022 academic
14 year, no later than 15 days into each semester, an institution of
15 higher education shall transmit to each student via electronic mail
16 its policies and procedures concerning the reporting and
17 investigation of an allegation of sexual assault made by a student
18 enrolled in the institution or made by an employee of the institution
19 against another such student or employee. The electronic mail
20 notification shall also include information including, but not limited
21 to, the date and location of allegations of sexual assault and the
22 current status of the investigation for those allegations.

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

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

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

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

1 when the victim is a student involved in an off-campus sexual
2 assault.

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

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

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

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

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

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

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

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

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

1 i. The right to require campus personnel to take reasonable and
2 necessary action to prevent further unwanted contact of victims
3 with their alleged assailants, including but not limited to, notifying
4 the victim of options for and available assistance in changing
5 academic and living situations after an alleged sexual assault
6 incident if so requested by the victim and if such changes are
7 reasonably available.

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

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

12 4. **【Every】** Beginning with the 2021-2022 academic year, no
13 later than 15 days into each semester, each public and independent
14 institution of higher education within the State shall **【make every**
15 **reasonable effort to ensure that】** transmit to every student at that
16 institution **【receives】** via electronic mail a copy of the "Campus
17 Sexual Assault Victim's Bill of Rights."

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

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

22 23 24 STATEMENT

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

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

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

1 prosecutor of an alleged sexual assault will be subjected to a civil
2 penalty of \$10,000.

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

12 The bill also provides that, beginning with the 2021-2022
13 academic year, an institution of higher education must provide for
14 public inspection on its website information concerning the total
15 number of allegations of sexual assault made by a student enrolled
16 in the institution or made by an employee of the institution against
17 another such student or employee. The institution will update the
18 information each month. Additionally, an institution must provide a
19 hard copy of its most recent sexual assault information with all
20 paper applications for admission to the institution.