



NEW JERSEY

# Association of State Colleges and Universities

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## Senate Higher Education Committee Monday, June 18, 2018

### Senate Bill No. 1282

Senate Bill No.1282 would require an institution that 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 within 24 hours of receiving the report. The state colleges and universities support the underlying intent of this legislation, which is to protect students from sexual assaults. The safety of our students is of paramount importance to the state colleges and universities. We applaud the sponsor for her concern for students and for her efforts to protect them. However, the New Jersey Campus Sexual Assault Victim's Bill of Rights Act (N.J.S.A. 18A:61E-1 *et seq.*) states that victims of sexual assaults that occur on the campus of any institution in New Jersey have the right to be free from pressure from campus personnel to report crimes if the victim does not wish to do so. While we support the victim, and encourage reporting of the crime, it must be the victim's decision to report the matter to law enforcement. Making that decision for the victim disempowers them and essentially revictimizes them if they are not ready to proceed in that manner.

The bill also requires that institutions of higher education 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. This information is already mandated by federal law. Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)), the institutions publish an Annual Security Report by October 1 of each year, which documents three calendar years' of campus crime statistics. Schools make the report available to all current students and employees, and institutions also notify prospective students and employees about the report and provide a copy upon request. Campuses with a police department or security department must maintain a daily crime log that contains specified information about all crimes that occur within the jurisdiction of, and reported to, the campus police or security (34 C.F.R. § 66.46(f)). The campus must make the crime log for the most recent 60-day period open to the public, while crime logs containing material more than 60 days old must be retained for seven years for public inspection upon two days' notice. Sex offenses are among seven major categories of crimes that institutions must report under the Clery Act. The categories are: 1) Criminal Homicide; 2) Sex Offenses; 3) Robbery; 4) Aggravated Assault; 5) Burglary; 6) Motor Vehicle Theft; and 7) Arson.

Finally, we oppose the mandate to adopt an on-campus, peer-educational theater program modeled after the Students Challenging Realities and Educating Against Myths (SCREAM) theater program at Rutgers. There are many tools by which institutions can educate their students about sexual assaults and bring awareness of resources and support available to

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victims. Not every approach is right for every campus and every type of student body. We respectfully request that this portion of the bill not be mandatory and that the institutions be supported in their efforts to craft a thoughtful approach which is best suited to their students.

As we continue to review the bill, we would be grateful for more time to examine the legislation and make recommendations to increase its effectiveness. We thank you for the opportunity to appear before you today.