



# HOUSE BILL No. 5061

September 28, 1993, Introduced by Reps. Yokich, Palamara, Profit, Nye, Byrum, Harrison, Rivers, DeMars, McBryde, Llewellyn, Dobronski, Olshove, Brown, Shepich, Jondahl, Schroer, Murphy, Gagliardi, Freeman, Barns, Scott, Parks, Anthony, Gire, O'Neill, Richard A. Young, Leland, Bender, Gnodtke, Bobier, Shugars, Clack, Wallace, Rocca, Joe Young, Jr., Gubow, Varga, Oxender, Pitoniak, Jacobetti, Agee, Saunders, Kilpatrick, Griffin, Owen, Curtis, Harder, Porreca, Berman, Emerson, Hood, Bullard, Dobb, DeLange, McNutt, Randall, Willard, Munsell, Bryant, Dolan, Martin, Bennane, Sikkema, Baade, Middaugh, Brackenridge, Bankes, London, Hammerstrom, Johnson, Gilmer, Jersevic, LeTarte, McManus, Middleton, Rhead, Hill, Fitzgerald, Gustafson, Whyman, Weeks, Crissman, Goschka, Gernaat, Stille, Jamian, Voorhees and Kukuk and referred to the Committee on Higher Education.

A bill to require certain institutions of higher education to establish and implement a campus sexual assault victims' bill of rights; to encourage those institutions of higher education to adopt certain other policies; and for related purposes.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "Michigan campus sexual assault victims' bill of rights act".

3       Sec. 2. As used in this act, "institution of higher  
4 education" or "institution" means a public or private 2-year or  
5 4-year college, community or junior college, or university  
6 located in this state.

7       Sec. 3. Due to the serious nature and consequences of  
8 sexual assault and the particular problems caused by sexual  
9 assault within a campus community, the legislature encourages

1 institutions of higher education to develop with input from  
2 students, faculty, and staff a comprehensive sexual assault  
3 policy to address prevention and awareness of sexual assault and  
4 education of the campus community concerning the rights and  
5 responsibilities of all members of the campus community in the  
6 campaign against sexual assault. The legislature further encour-  
7 ages institutions of higher education to make all reasonable  
8 efforts to maintain a campus environment free from sexual or  
9 physical intimidation or any other continuing disruptive behavior  
10 that interferes with the efforts of students to attain their edu-  
11 cational goals.

12       Sec. 4. (1) Not later than 120 days after the effective  
13 date of this act, each institution of higher education shall  
14 establish and implement a written policy establishing a campus  
15 sexual assault victims' bill of rights that provides, at a mini-  
16 mum, that all of the institution's officers, administrators, and  
17 employees shall accord all of the following rights to victims of  
18 campus related sexual assaults:

19       (a) The right to have any and all sexual assaults against  
20 the person treated seriously and the right, as a survivor of a  
21 sexual assault, to be treated with dignity.

22       (b) The right of the victim to be apprised of campus student  
23 organizations, counseling centers, and community crisis centers  
24 that provide assistance or counseling, or both, to victims of  
25 sexual assault.

26       (c) In addition to available institutional disciplinary  
27 proceedings, the right to have any alleged sexual assaults

committed against the person reported to the duly constituted civil and criminal authorities of the local unit of government in which the sexual assault occurred, and the right to the full and prompt cooperation and assistance of the institution's personnel in notifying the proper authorities.

(d) The right to be free from undue coercion of any kind from the institution's personnel for the victim not to report a sexual assault committed against him or her to civil or criminal authorities or the institution's law enforcement authorities or disciplinary officials, or for the victim to report a sexual assault as a lesser offense than the victim perceives it to be.

(e) The right to be free from any kind of suggestion that the victim should not report or should underreport a sexual assault because of 1 or more of the following:

(i) A suggestion that the victim is somehow responsible for the commission of the sexual assault.

(ii) A suggestion that the victim was contributorily negligent or assumed the risk of being sexually assaulted.

(iii) A suggestion that the victim would incur unwanted personal publicity or humiliation by reporting the sexual assault or that the institution would incur unwanted publicity if the sexual assault is reported.

(f) The right to be informed of rights and remedies accorded to crime victims generally.

(g) The same right to legal assistance or to have another person present that the institution accords to the accused in any institutional disciplinary proceeding concerning the sexual

1 assault, and the right to be notified of the outcome of any  
2 institutional disciplinary proceeding concerning the sexual  
3 assault.

4 (h) The right to full and prompt cooperation from the  
5 institution's personnel with law enforcement authorities in  
6 obtaining, securing, and maintaining evidence as may be necessary  
7 to the proof of criminal sexual assault in legal proceedings,  
8 including, but not limited to, a medical examination of the  
9 victim.

10 (i) If the institution provides medical assistance, the  
11 right to have the institution use equipment and methods commonly  
12 used to preserve evidence of sexual assault and maintain the  
13 integrity of that evidence.

14 (j) The right to be made aware of, and assisted in exercis-  
15 ing any options provided under, state and federal law regarding  
16 mandatory testing of sexual assault suspects for communicable  
17 diseases and notification to the victim of the results of the  
18 testing.

19 (k) The right after the assault has been reported to appro-  
20 priate campus law enforcement or security personnel to require  
21 the institution's personnel to take any reasonably feasible  
22 actions as are needed to prevent any unnecessary or unwanted con-  
23 tact or proximity with an alleged assailant, including, but not  
24 limited to, immediate relocation of the victim to safe and secure  
25 alternative housing and transfer of classes, if requested by the  
26 victim.

1 (2) Beginning July 1, 1993, each institution of higher  
2 education shall make available to students, faculty, and staff  
3 the written policy establishing the campus sexual assault  
4 victims' bill of rights by printing the policy in the  
5 institution's catalog, student handbook, and staff handbook, or  
6 similar publications, and publishing the policy at the beginning  
7 of each semester or term in the first edition of the campus stu-  
8 dent newspaper for the semester or term. In addition, the  
9 institution's law enforcement or security personnel or counseling  
10 center shall make the written policy available to victims of  
11 campus related sexual assaults.

12 Sec. 5. In addition to the publication required under  
13 section 4(2), each institution of higher education shall make  
14 available to all students and to victims of campus related sexual  
15 assaults a description of the jurisdiction, procedures, and time  
16 deadlines of institutional disciplinary proceedings.