



# HOUSE BILL No. 5119

September 21, 1995, Introduced by Reps. Baird, Wallace, Cherry, Porreca, Tesanovich, DeHart, Kelly, McBryde, Martinez, Yokich, Willard, LaForge, Gire, DeMars, Leland, Pitoniak, Brater, Dobronski, Schroer, Prusi, Parks and Freeman and referred to the Committee on Judiciary and Civil Rights.

A bill to require certain institutions of higher education to establish and implement a campus sexual assault information policy; to encourage those institutions of higher education to adopt certain procedures; 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 information act".

3       Sec. 2. As used in this act:

4       (a) "Campus" means property owned by or under the control or  
5 oversight of an institution of higher education.

6       (b) "Campus sexual assault" means a sexual assault that  
7 occurred on campus or a sexual assault on a student that did not  
8 occur on campus.

1 (c) "Institution of higher education" or "institution" means  
2 a public or private 2-year or 4-year college, community or junior  
3 college, or university located in this state.

4 (d) "Sexual assault" means an act described in section 520b,  
5 520c, 520d, 520e, 520f, or 520g of the Michigan penal code, Act  
6 No. 328 of the Public Acts of 1931, being sections 750.520b,  
7 750.520c, 750.520d, 750.520e, 750.520f, and 750.520g of the  
8 Michigan Compiled Laws.

9 (e) "Student" means an individual who is enrolled in an  
10 institution of higher education on a full-time or part-time  
11 basis.

12 Sec. 3. Due to the serious nature and consequences of  
13 sexual assault and the particular problems caused by sexual  
14 assault within a campus community, the legislature encourages  
15 institutions of higher education to develop with input from stu-  
16 dents, faculty, and staff a comprehensive sexual assault policy  
17 to address prevention and awareness of sexual assault, and to  
18 establish procedures that address campus sexual assaults. The  
19 legislature further encourages institutions of higher education  
20 to make all reasonable efforts to maintain a campus environment  
21 free from sexual or physical intimidation or any other continuing  
22 disruptive behavior that interferes with the efforts of students  
23 to attain their educational goals.

24 Sec. 4. (1) Not later than 120 days after the effective  
25 date of this act, each institution of higher education shall  
26 establish and implement a written campus sexual assault policy.  
27 The policy shall include at least all of the following:

1 (a) That the institution will treat all sexual assaults as  
2 matters of the highest concern and seriousness.

3 (b) That the victim will be apprised of 1 or more campus  
4 student organizations, counseling centers, and community crisis  
5 centers that provide assistance or counseling, or both, to vic-  
6 tims of sexual assault.

7 (c) That, in addition to available institutional disci-  
8 plinary proceedings, any alleged sexual assaults committed  
9 against the victim may be reported by the victim to the duly con-  
10 stituted law enforcement authorities of the institution or of the  
11 local unit of government in which the sexual assault occurred, or  
12 both, and that there will be full and prompt cooperation and  
13 assistance of the institution's personnel in notifying the proper  
14 law enforcement authorities.

15 (d) That the victim will be free from coercion of any kind  
16 from the institution's personnel for any of the following:

17 (i) For the victim not to report a sexual assault committed  
18 against him or her to law enforcement authorities or disciplinary  
19 officials.

20 (ii) For the victim to report a sexual assault as a lesser  
21 offense than the victim perceives it to be.

22 (iii) For the victim to report or communicate a sexual  
23 assault to another person.

24 (e) That the victim will be free from any kind of suggestion  
25 from the institution's personnel that the victim should not  
26 report or should underreport a sexual assault because of 1 or  
27 more of the following:

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

3       (ii) A suggestion that the victim was contributorily negli-  
4 gent or assumed the risk of being sexually assaulted.

5       (iii) A suggestion that the institution would incur unwanted  
6 publicity if the sexual assault is reported. The policy may  
7 allow for a victim to be advised about the publicity that may be  
8 associated with a sexual assault, but the policy shall provide  
9 that the victim will not be encouraged by the institution's per-  
10 sonnel not to report or to underreport a sexual assault because  
11 of the potential publicity.

12       (f) That the victim will have the opportunity to pursue all  
13 legal or disciplinary remedies or counseling services, or both,  
14 without academic penalty by the institution.

15       (g) That the victim will be notified of options for and  
16 available assistance in changing academic and living situations  
17 after an alleged sexual assault if requested by the victim and if  
18 such changes are reasonably available.

19       (h) That institutional personnel involved in law enforcement  
20 will inform the victim of rights and remedies accorded to crime  
21 victims generally.

22       (i) That the victim will have the same right to legal  
23 assistance or to have another person present that the institution  
24 allows to the accused in any institutional disciplinary proceed-  
25 ing concerning the sexual assault, and will have the right to be  
26 notified of the outcome of any institutional disciplinary  
27 proceeding concerning the sexual assault.

1 (j) That the institution will provide the full and prompt  
2 cooperation of the institution's personnel with law enforcement  
3 authorities in obtaining, securing, and maintaining evidence as  
4 may be necessary to the proof of criminal sexual assault in legal  
5 proceedings.

6 (k) If the institution provides medical assistance, that the  
7 institution will use equipment and methods commonly used to pre-  
8 serve evidence of sexual assault and maintain the integrity of  
9 that evidence.

10 (l) That the victim will be made aware of, and assisted in  
11 exercising any options provided under, state and federal law  
12 regarding mandatory testing of sexual assault suspects for commu-  
13 nicable diseases and notification to the victim of the results of  
14 the testing.

15 (m) That, after the sexual assault has been reported to  
16 appropriate campus law enforcement or security personnel, the  
17 victim may require the institution's personnel to take any rea-  
18 sonably feasible actions as are needed to prevent any unnecessary  
19 or unwanted contact or proximity with an alleged assailant.

20 (2) Each institution of higher education shall distribute to  
21 students, faculty, and staff the written campus sexual assault  
22 policy by printing the policy in 1 or more of the institution's  
23 publications that are made widely available to students, such as  
24 the institution's catalog, student handbook, or staff handbook.  
25 In addition, the institution's law enforcement or security per-  
26 sonnel or counseling center shall make the written policy  
27 available to a victim of a campus sexual assault.