

HOUSE BILL No. 5624

March 5, 1992, Introduced by Reps. Yokich, Profit, Allen, Rocca, DeMars, Gubow, Bennane, Byrum, Dobronski, Johnson, Kilpatrick, Stallworth, Murphy, Harrison, Joe Young, Jr., Varga, Wozniak, Dolan, Jondahl, Palamara, Niederstadt and Gire and referred to the Committee on Colleges and Universities.

A bill to require certain institutions of higher education to establish and implement a campus sexual assault victims' bill of rights.

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:

4 (a) "Habitability" means an environment free from sexual or
5 physical intimidation, or any other continuing disruptive behav-
6 ior by persons sharing rooms or their guests, that is of such a
7 serious nature as would prevent a reasonable person from attain-
8 ing his or her educational goals.

9 (b) "Institution of higher education" or institutions" means
10 a public or private 2-year or 4-year college, community or junior
11 college, or university located in this state.

1 Sec. 3. (1) Not later than January 1, 1993, each
2 institution of higher education shall establish and implement a
3 written policy establishing a campus sexual assault victims' bill
4 of rights that provides that all of the institution's officers,
5 administrators, and employees shall accord all of the following
6 rights to victims of campus related sexual assaults:

7 (a) The right to have any and all sexual assaults against
8 the person treated with seriousness and the right, as a survivor
9 of a sexual assault, to be treated with dignity.

10 (b) The right for campus organizations that assist victims
11 of sexual assault to be accorded recognition by the institution.

12 (c) In addition to available institutional disciplinary pro-
13 ceedings, the right to have any alleged sexual assaults committed
14 against the person investigated and adjudicated by the duly con-
15 stituted civil and criminal authorities of the unit of government
16 in which the crime occurred, and the right to the full and prompt
17 cooperation and assistance of the institution's personnel in
18 notifying the proper authorities.

19 (d) The right to be free from pressure of any kind from the
20 institution's personnel for the victim not to report a crime com-
21 mitted against him or her to civil or criminal authorities or the
22 institution's law enforcement authorities or disciplinary offi-
23 cials, or for the victim to report a crime as a lesser offense
24 than the victim perceives it to be.

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

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

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

5 (iii) A suggestion that the victim would incur unwanted per-
6 sonal publicity by reporting the crime.

7 (f) The same right to legal assistance or to have another
8 person present that the institution accords to the accused in any
9 institutional disciplinary proceeding, and the right to be noti-
10 fied of the outcome of any institutional disciplinary proceeding
11 concerning the assault.

12 (g) The right to full and prompt cooperation from the
13 institution's personnel in obtaining, securing, and maintaining
14 evidence as may be necessary to the proof of criminal sexual
15 assault in legal proceedings, including, but not limited to, a
16 medical examination.

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

22 (i) The right to counseling from mental health services, if
23 any, provided by the institution, by other victim services enti-
24 ties, or by victims themselves.

25 (j) The right after the assault has been reported to require
26 the institution's personnel to take any reasonably feasible
27 actions as are needed to prevent any unnecessary or unwanted

1 contact or proximity with an alleged assailant, including, but
2 not limited to, immediate relocation of the victim to safe and
3 secure alternative housing and transfer of classes, if requested
4 by the victim.

5 (2) In addition to the rights accorded to victims of insti-
6 tution related sexual assaults, the policy established and imple-
7 mented under subsection (1) shall accord the right to all stu-
8 dents, whether or not the victim of a sexual assault, the right
9 to habitability in housing and in institution accommodations for
10 which the institution of higher education receives any direct or
11 indirect compensation.