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CAMPUS SEXUAL ASSAULT ACT

House Bill 5050
Sponsor: Rep. Dianne Byrum

House Bill 5051
Sponsor: Rep. Lynn H. Jondahl

House Bills 5052 and 5061
Sponsor: Rep. Tracey Yokich

House Bill 5053
Sponsor: Rep. Raymond M. Murphy

House Bill 5054
Sponsor: Rep. Stephen Shepich

House Bills 5055 and 5057
Sponsor: Rep. Jim McBryde

House Bill 5056
Sponsor: Rep. Mary Schroer

House Bill 5058
Sponsor: Rep. Lynn Rivers

House Bill 5059
Rep. Pat Gagliardi

House Bill 5060
Rep. Mary C. Brown

Committee: Higher Education
Complete to 10-06-93

House Bills 5050-5061 (10-6-93)

A SUMMARY OF HOUSE BILLS 5050-5061 AS INTRODUCED 9-28-93

The bills would establish a bill of rights for the victims of sexual assault on campuses, and would amend various other statutes to require Michigan colleges and universities to comply with the bill of rights.

Victims Rights. House Bill 5061 would create the Michigan Campus Sexual Assault Victims' Bill of Rights Act. Within 120 days after the effective date of the bill, each college and university in the state would be required to establish a written policy on a bill of rights that would provide, at a minimum, that all of the institution's officers, administrators, and employees accord sexual assault victims on campus the following rights:

--The right to have all sexual assaults treated with seriousness, and the right for a survivor to be treated with dignity.

--The right to be apprised of campus student organizations, counseling centers, and community crisis centers that provide assistance or counseling.

--The right to have any alleged sexual assaults committed against a person reported to the appropriate civil and criminal authorities, and the right to cooperation and assistance from the institution's personnel in notifying these authorities.

--The right to be free from undue coercion from the institution's personnel for the victim not to report a crime, or for the victim to report a crime as a lesser offense.

--The right to be free from any suggestion that the victim should not report or should under-report an assault because the victim was somehow responsible; was contributorily negligent or had assumed the risk of being assaulted; that the victim would incur personal humiliation; or that the victim and the institution would incur unwanted publicity by reporting the crime.

--The right to be informed of the rights and remedies that are generally accorded to crime victims.

--The same right to legal assistance or to have another person present that is normally accorded by the institution in any institutional disciplinary proceeding, and the right to be notified of the outcome of any proceeding concerning the assault.

--The right to full and prompt cooperation from the institution's personnel with law enforcement authorities in obtaining evidence that might be necessary to prove the criminal sexual assault in legal proceedings, including, but not limited to, a medical examination.

--The right to have the institution use equipment and methods commonly used to preserve evidence of sexual assault and to maintain the integrity of that evidence, when an institution provides medical assistance.

--The right to be made aware of, and to receive assistance in exercising, any options provided under state and federal law regarding mandatory testing of sexual assault suspects for communicable diseases, including notification to the victim of the results of the testing.

--The right, after the assault has been reported, to require that the institution's personnel take actions to prevent contact or proximity with an alleged assailant, including immediate relocation of the victim to safe and secure alternative housing and transfer of classes, if requested by the victim.

Legislative Findings. The bill would say that the legislature encouraged institutions of higher education to develop -- with input from students, faculty, and staff, a comprehensive sexual assault policy to address prevention and awareness of sexual assault and education of the campus community concerning the rights and responsibilities of all

members of the campus community in the campaign against sexual assault. The bill would further say that the legislature encouraged institutions of higher education to make all reasonable efforts to maintain a campus environment free from sexual or physical intimidation or any other continuing disruptive behavior that interfered with the efforts of students to attain their educational goals.

Institutional Policies. In addition to the rights accorded to victims of institution-related sexual assaults, House Bill 5061 would require that each institution make its written policy available to students, faculty, and staff by printing its campus sexual assault victims' bill of rights in the institution's catalog, student and staff handbooks, or in other publications, and by publishing the policy at the beginning of each semester or term in the first edition of the campus student newspaper for the semester or term. The institution's law enforcement or security personnel or counseling center would also be required to make the policy available to victims. In addition, each institution would be required to make a description of the jurisdiction, procedures, and time deadlines of institutional student disciplinary proceedings available to victims and to all students.

House Bills 5050-5060 are tie-barred to House Bill 5061, and would amend the following acts to require that colleges and universities comply with the requirements of the Campus Sexual Assault Victims' Bill of Rights Act:

House Bill 5050 would amend Public Act 313 of 1966 (MCL 390.991), which provides for tuition grants based on need to Michigan resident students enrolled in independent, or private, nonprofit colleges and universities, to require that these colleges and universities comply with the Michigan Campus Sexual Assault Victims' Bill.

House Bill 5051 would amend Public Act 75 of 1974 (MCL 390.1022), which provides for reimbursement to an institution that confers earned degrees upon Michigan residents, to require that independent nonprofit institutions of higher education comply with the provisions of the Michigan Campus Sexual Assault Victims' Bill of Rights Act in order to be eligible for state payments.

House Bill 5052 would amend Public Act 208 of 1964 (MCL 390.977), which provides for state competitive scholarships to Michigan residents, to prohibit a scholarship from being awarded to a student who attended an institution that did not comply with the Michigan Campus Sexual Assault Victims' Bill of Rights Act.

House Bill 5053 would amend Public Act 102 of 1986 (MCL 390.1283), which regulates student grant programs for financially independent adult students, to restrict eligibility in the program to institutions that complied with the Michigan Campus Sexual Assault Victims' Bill of Rights Act.

House Bill 5054 would amend Public Act 273 of 1986 (MCL 390.1403), which governs Michigan's Educational Opportunity Grant Program (MEOG), to require that participating institutions comply with the Michigan Campus Sexual Assault Victims' Bill of Rights Act.

House Bills 5055 and 5056 would amend Public 288 of 1986 (MCL 390.1373), and Public Act 303 of 1986 (MCL 390.1323) which regulate work-study programs for resident graduate and undergraduate students, to require that participating institutions comply with the Michigan Campus Sexual Assault Victims' Bill of Rights Act.

House Bill 5057 would amend the Legislative Merit Award Program Act (MCL 390.1304), which provides for Legislative Merit Award Program scholarships to be awarded to high school graduates of the state, without regard to the financial circumstances of the recipients or their families. The bill would require that recipients of the award enroll at institutions that complied with the Michigan Campus Sexual Assault Victims' Bill of Rights Act.

House Bill 5058 would amend the Higher Education Loan Authority Act (MCL 390.1152 et al.), which authorizes the Michigan Higher Education Student Loan Authority to act as a "lender of last resort" to students who are unable to obtain loans through private lenders, to require that an institution comply with the provisions of the Michigan Campus Sexual Assault Victims' Bill of Rights Act if its students are to be considered eligible for student loans.

House Bill 5059 would amend Public Act 77 of 1960 (MCL 390.957), under which the Michigan Higher Education Assistance Authority is authorized to act as a guarantor of loans for undergraduate students, to require that eligible postsecondary educational institutions comply with the Michigan Campus Sexual Assault Victims' Bill of Rights Act.

House Bill 5060 would amend Public Act 105 of 1978 (MCL 390.1272), which provides for differential grants to students enrolled in "independent," or private, nonprofit colleges and universities (differential grants guarantee financial credit against tuition charges for all full-time and part-time students enrolled in independent colleges, in order to offset the difference in tuition charged between these institutions and state-supported colleges and universities.) Under the bill, eligible institutions in this program would have to comply with the provisions of the Michigan Campus Sexual Assault Victims' Bill of Rights Act.