



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senate Passes Bill Protecting Students from Sexual Assault on College & University Campuses

PATRICK M. GALLIVAN June 17, 2015

| ISSUE: **CRIME, EDUCATION, HIGHER EDUCATION**



The New York State Senate has passed crucial legislation in the fight against sexual violence on college campuses. The bill (S5965) takes a comprehensive approach to help make every college and university campus throughout New York State more safe and secure.

In 2014, members of the Senate Higher Education Committee convened a roundtable of advocates, legislators, college and university officials, and security personnel to examine sexual violence on college campuses. In October, the committee released a report, “Sexual Violence on College Campuses: A New York State Perspective,” that reviewed research, state and federal laws, and best practices and made recommendations for state legislative action – many of which are included in the bill passed.

The legislation was developed while working closely with victim's rights advocates, law enforcement professionals, legal experts, and higher education professionals. It would help prevent sexual assaults and provide more support to victims by improving the ability of educational institutions to appropriately respond if a crime occurs.

The bill also provides \$10 million in state funding to help implement these new measures by creating a new Sexual Assault Victims Unit within the Division of State Police (\$4.5 million); supporting prevention, education, and victim services provided on campuses by rape crisis centers (\$4.5 million); and by supporting on-campus training, among other related expenses (\$1 million).

Provisions of the bill include:

- A statewide, uniform definition of affirmative consent to sexual activity, defined as “a knowing, voluntary, and mutual decision among all participants to engage in sexual activity”;
- Amnesty for alcohol and/or drug use to encourage bystanders to report sexual assaults, domestic violence, dating violence, or stalking without the risk of being charged with an alcohol or drug use violation of the institution's code of conduct;
- A Students' Bill of Rights, distributed annually to the campus community, that includes the opportunity to report a sexual assault to law enforcement or the institution, to be protected from retaliation, and to access services and resources.
- Requirements for institutions to notify students about the rights and resources available to them and how the institution will respond to reports of sexual assault, domestic violence, dating violence, and stalking. Institutions would be required to provide victims with a short statement of their rights at the first instance of disclosure of a sexual assault.
- Options for confidential disclosure by requiring institutions to utilize plain language to notify students about the laws surrounding confidentiality and privacy, to list confidential and private resources that students can reach out to, and to provide technical information about how institutions will respond to requests for confidentiality. The bill also allows privacy in legal challenges to conduct findings, absent a waiver or court determination;
- Year-round, ongoing campaigns to be developed and implemented by institutions about sexual assault, domestic violence, dating violence and stalking education and prevention. The bill also directs institutions to conduct annual surveys to assess the campus climate and disclose the results without any personally identifying information; and
- Reporting of aggregate data to the State Education Department: Requires institutions to annually publish reports of domestic violence, dating violence, stalking, or sexual assault, including the total number of reports received, open and closed investigations, outcomes of such investigations, and penalties

imposed on perpetrators.

The bill will be sent to the Assembly.