



NEW YORK STATE SENATOR

Jack M. Martins

Senator Martins: New Protections From Sexual Assault on College and University Campuses Passed by Senate

JACK M. MARTINS June 17, 2015

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Senator Jack M. Martins (R-7th Senate District) announced that the New York State Senate passed legislation to help protect students from sexual violence on college campuses. The legislation, which Senator Martins supported, takes a comprehensive approach to help make every college and university campus throughout New York State more safe and secure.

“Nothing is more important on a college campus than ensuring students’ safety. By passing this legislation, we are taking steps to protect all students, safeguard and support victims, and provide new resources to colleges and universities to prevent sexual violence. As a Senator and the father of a daughter going away to college this fall, I’m glad to see these important reforms move forward to keep our kids safe on campuses,” said Senator Martins.

The legislation (S5965) 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 legislation represents a three way agreement between the Senate, Assembly, and Governor Andrew Cuomo. It is expected to be passed by the Assembly and signed into law by the Governor when it reaches his desk.