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Sexual Assault Victim's Bill of Rights

Abstract

Sexual Assault Victim's Bill of Rights

Keywords

Sexual Assault Victim's Bill of Rights, Sexual Assault

Return to Campus

A mask mandate is currently in place on campus. Learn more about the University's [health and safety protocols](#) to help protect the campus community from COVID-19 and reduce the spread of the virus.

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Sexual Assault Victim's Bill of Rights

A college or university in a free society must be devoted to the pursuit of truth and knowledge through reason and open communication among its members. Academic communities acknowledge the necessity of being intellectually stimulating, and where the diversity of ideas is valued. Its rules must be conceived for the purpose of furthering and protecting the rights of all members of the university community in achieving these ends.

The boundaries of personal freedom are limited by applicable state and federal laws and institutional rules and regulations governing interpersonal behavior. In creating a community free from violence, sexual assault and nonconsensual sexual contact, respect for the individual and human dignity are paramount.

The state of New Jersey recognizes that the impact of violence on its victims and the surrounding community can be severe and long-lasting. Thus, it has established this Bill of Rights to articulate requirements for policies, procedures and services designed to ensure that the needs of victims are met and that the colleges and universities in New Jersey create and maintain communities that support human dignity.

Bill of Rights

The following rights will be accorded to victims of sexual assault that occur:

- On the campus of any public or independent institution of higher education in the state of New Jersey, and
- Where the victim or alleged perpetrator is a student at that institution, and/or
- When the victim is a student involved in an off-campus sexual assault

Human Dignity Rights

1. To be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this policy.
2. To have any allegations of sexual assault treated seriously, the right to be treated with dignity.
3. To be free from any suggestion that victims are responsible for the commission of crimes against them.
4. To be free of any pressure from campus personnel to:
 - Report crimes if the victim does not wish to do so
 - Report crimes as lesser offenses than the victim perceives the crime to be
 - Refrain from reporting crimes
 - Refrain from reporting crimes to avoid unwanted personal publicity
 - Rights to resources on and off campus
5. To be notified of existing campus- and community-based medical, counseling, mental health, and student services for victims of sexual assault whether or not the crime is formally reported to campus or civil authorities.
6. To have access to campus counseling under the same terms and conditions as apply to other students in their institution seeking such counseling.
 - To be informed of and assisted in exercising any rights to confidential or anonymous testing for sexually transmitted diseases, human immunodeficiency virus and/or pregnancy
 - Any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases

Campus Judicial Rights

- To be afforded the same access to legal assistance as the accused

- To be afforded the same opportunity to have others present during any campus conduct proceeding as is allowed the accused
- To be notified of the outcome of the sexual assault conduct proceeding against the accused

Legal Rights

- To have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported
- To receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities
- To receive full, prompt and victim-sensitive cooperation of campus personnel with regard to obtaining, securing and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault

Campus Intervention Rights

1. To require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of victims by their alleged assailants.
2. To be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available.

3. Statutory Mandates:

- Each campus must guarantee that this Bill of Rights is implemented. It is the obligation of the individual campus governing board to examine resources dedicated to services required and to make appropriate requests to increase or reallocate resources where necessary to ensure implementation
 - Each campus will make a reasonable effort to ensure that every student at that institution receives a copy of this document
 - Nothing in this act, or in any Campus Assault Victim's Bill of Rights developed in accordance with the provisions of this act, will be construed to preclude or in any way restrict any public or independent institution of higher education in the state from reporting any suspected crime or offense to the appropriate law enforcement authorities
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Victims Advocate

The Office of the Vice President for Student Affairs has staff who provide free, confidential advocacy services to students who have experienced sexual assault, sexual harassment, domestic violence, or other gender-based or sex-based harassment or violence. Kean University's Victims Advocate is exempt from the duty to report incidents of sexual misconduct to University administrators or to law enforcement, and will only facilitate the reporting of an incident of sexual misconduct with the student's consent. The Victims Advocate will provide support and facilitate services and resources, including counseling and academic and housing accommodations. The Advocate will explain administrative policies and procedures as well as the role of law enforcement. Students who wish to speak to an advocate should contact Health Services at (908) 737- 4880 or email hsnurses@kean.edu.

Policies

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