



House of Representatives

General Assembly

File No. 500

February Session, 2012

Substitute House Bill No. 5031

House of Representatives, April 18, 2012

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SEXUAL VIOLENCE ON COLLEGE CAMPUSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2012*) (a) For purposes of this
2 section:

3 (1) "Awareness programming" means programming designed to
4 communicate the prevalence of sexual assaults and intimate partner
5 violence, including the nature and number of cases of sexual assault
6 and intimate partner violence reported at each institution of higher
7 education in the preceding three calendar years;

8 (2) "Institution of higher education" means an institution of higher
9 education as defined in section 10a-55 of the general statutes;

10 (3) "Intimate partner violence" means any physical or sexual harm
11 against an individual by a current or former spouse of or person in a
12 dating relationship with such individual that results from any action

13 by such spouse or such person that may be classified as a sexual
14 assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b
15 or 53a-73a of the general statutes, stalking under section 53a-181c, 53a-
16 181d or 53a-181e of the general statutes, or domestic violence as
17 designated under section 46b-38h of the general statutes;

18 (4) "Primary prevention programming" means programming and
19 strategies intended to prevent sexual assault and intimate partner
20 violence before it occurs by means of changing social norms and other
21 approaches;

22 (5) "Sexual assault" means a sexual assault under section 53a-70,
23 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes; and

24 (6) "Uniform campus crime report" means a campus crime report
25 prepared by an institution of higher education pursuant to section 10a-
26 55a of the general statutes.

27 (b) Each institution of higher education shall adopt and disclose in
28 such institution's annual uniform campus crime report one or more
29 policies regarding sexual assault and intimate partner violence. Such
30 policy or policies shall include provisions for (1) detailing the
31 procedures that students of the institution who report being the victim
32 of sexual assault or intimate partner violence may follow after the
33 commission of such violence, including persons or agencies to contact
34 and information regarding the importance of preserving physical
35 evidence of such assault or violence; (2) providing students of the
36 institution who report being the victim of sexual assault or intimate
37 partner violence both contact information for and, if requested,
38 professional assistance in accessing and utilizing campus, local
39 advocacy, counseling, health and mental health services, and written
40 information concerning the rights of such students to (A) notify law
41 enforcement of such assault or violence and receive assistance from
42 campus authorities in making any such notification, and (B) obtain a
43 protective order, apply for a temporary restraining order or seek
44 enforcement of an existing protective or restraining order, including,
45 but not limited to, orders issued pursuant to section 46b-15, 46b-38c,

46 53a-40e, 54-1k, 54-82q or 54-82r of the general statutes, against the
47 perpetrator of such assault or violence; (3) notifying such students of
48 the reasonably available options for and available assistance from such
49 institution in changing academic, living, campus transportation or
50 working situations in response to such assault or violence; (4) honoring
51 any lawful protective or temporary restraining orders, including, but
52 not limited to, orders issued pursuant to section 46b-15, 46b-38c, 53a-
53 40e, 54-1k, 54-82q or 54-82r of the general statutes; (5) disclosing a
54 summary of such institution's disciplinary procedures, including clear
55 statements advising such students that (A) victims of such assault or
56 violence shall have the opportunity to request that disciplinary
57 proceedings begin promptly, (B) disciplinary proceedings shall be
58 conducted by an official trained in issues relating to sexual assault and
59 intimate partner violence and shall use the preponderance of the
60 evidence standard in making a determination concerning the alleged
61 assault or violence, (C) both the victim of such assault or violence and
62 the accused (i) are entitled to be accompanied to any meeting or
63 proceeding relating to the allegation of such assault or violence by an
64 advisor or support person of their choice, provided the involvement of
65 such advisor or support person does not result in the postponement or
66 delay of such meeting as scheduled, and (ii) shall have the opportunity
67 to present evidence and witnesses on their behalf during any
68 disciplinary proceeding, (D) both such victim and accused are entitled
69 to be informed in writing of the results of any disciplinary proceeding
70 not later than one business day after the conclusion of such
71 proceeding, and (E) the institution of higher education shall not
72 disclose the identity of the victim or the accused, except as necessary to
73 carry out a disciplinary proceeding or as permitted under state or
74 federal law; and (6) disclosing the range of sanctions that may be
75 imposed following the implementation of such institution's
76 disciplinary procedures in response to such assault or violence.

77 (c) Each institution of higher education shall, within existing
78 budgetary resources, offer (1) sexual assault and intimate partner
79 violence primary prevention and awareness programming for all
80 students that includes an explanation of the definition of consent in

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Board of Regents for Higher Education	GF - Cost	100,000	100,000
UConn	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a cost of \$100,000 to the Regional Community Technical Colleges (RCTCs) as it would require prescribed programming for sexual violence awareness not already provided at the 12 campuses. The RCTCs would require ongoing contracted staffing to offer (1) sexual assault and intimate partner violence primary prevention and awareness programming for all students and employees and (2) ongoing prevention and awareness campaigns.

The University of Connecticut and the Connecticut State University System currently offer such programming and would not incur any costs due to the bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5031****AN ACT CONCERNING SEXUAL VIOLENCE ON COLLEGE CAMPUSES.****SUMMARY:**

This bill requires public and private higher education institutions to adopt and disclose one or more policies on sexual assault and intimate partner violence. The policies must include provisions for (1) providing information to students about their options for assistance if they are victims of such violence, (2) disciplinary procedures, and (3) possible sanctions. Institutions must include the policies in their uniform campus crime report, which is produced annually and made available to students, employees, and applicants for admission.

The bill also requires such institutions, within existing budgetary resources, to offer (1) sexual assault and intimate partner violence primary prevention and awareness programming for all students and (2) ongoing prevention and awareness campaigns.

EFFECTIVE DATE: July 1, 2012

INSTITUTION POLICY***Policy Requirements***

The bill requires higher education institutions to adopt and disclose one or more policies on sexual assault and intimate partner violence. Under the bill, "sexual assault" means 1st, 2nd, 3rd, and 4th degree sexual assault, as well as aggravated 1st degree sexual assault and 3rd degree sexual assault with a firearm. "Intimate partner violence" means any physical or sexual harm against an individual by a current or former spouse or by a partner in a dating relationship that results from (1) sexual assault; (2) sexual assault in a spousal or cohabiting relationship; and (3) domestic violence (which could include various

crimes) and 1st, 2nd, and 3rd degree stalking. These crimes are defined as in current law.

The policies must have a provision for giving contact information for and, if requested, professional assistance to students in accessing and using, campus, local advocacy, counseling, health, and mental health services.

The policies must also provide written information about a victim's rights to (1) notify law enforcement and receive assistance from campus authorities in making the notification and (2) obtain a protective order, apply for a temporary restraining order, or seek enforcement of an existing order. Such orders include:

1. standing criminal protective orders;
2. protective orders issued in cases of stalking, harassment, sexual assault, risk of injury to, or impairing the morals of, a child;
3. temporary restraining orders or protective orders prohibiting the harassment of a witness;
4. relief from physical abuse by a family or household member or person in a dating relationship; and
5. family violence protective orders.

Additionally, the policies must include provisions for:

1. notifying students of available assistance from the institution and reasonably available options for changing academic, living, campus transportation, or working situations;
2. honoring lawful or temporary restraining orders;
3. disclosing the range of possible sanctions that the institution may impose;
4. detailing the procedures to follow after the commission of such

violence, including people or agencies to contact and information on the importance of preserving physical evidence; and

5. summarizing the institution's disciplinary procedures.

Disciplinary Procedures

The summary of the institution's disciplinary procedures must include clear statements advising students that (1) victims can request that disciplinary proceedings begin promptly and (2) the proceedings must (a) be conducted by an official trained in issues relating to sexual assault and intimate partner violence and (b) use the preponderance of the evidence standard (i.e., whether it is more likely than not that the alleged incident occurred).

Additionally, the summary must include clear statements providing that both the victim and the accused are entitled to:

1. be accompanied to any meeting or proceeding by an advisor or support person of their choice, provided that the advisor or support person does not cause the meeting to be delayed or postponed;
2. present evidence and witnesses on their behalf;
3. be informed in writing of the results of the disciplinary proceeding no later than one business day after it concludes; and
4. have their identities kept confidential, except as necessary to carry out a disciplinary proceeding or as permitted under state or federal law.

PREVENTION AND AWARENESS PROGRAMMING

The bill requires institutions, within existing budgetary resources, to offer sexual assault and intimate partner violence primary prevention and awareness programming for all students. The programming must (1) explain the definition of consent in sexual relationships and (2) provide information on the reporting of such assaults and violence,

bystander intervention, and risk reduction. Institutions must also offer ongoing prevention and awareness campaigns.

Under the bill, “awareness programming” is designed to communicate the prevalence of sexual assault and intimate partner violence, including the nature and number of cases reported at each institution in the preceding three calendar years. “Primary prevention programming” is intended to prevent such assault and violence before they occur by changing social norms and through other approaches.

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute Change of Reference

Yea 18 Nay 0 (03/13/2012)

Judiciary Committee

Joint Favorable

Yea 45 Nay 0 (04/02/2012)