



Connecticut Sexual Assault Crisis Services, Inc.

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Testimony of Connecticut Sexual Assault Crisis Services

In Support of HB 5031, An Act Concerning Sexual Violence on College Campuses

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Senator Bye, Representative Willis, and members of the Committee, my name is Anna Doroghazi, and I am the Director of Public Policy and Communication at Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is a statewide coalition of nine community-based sexual assault crisis services programs that provide sexual assault counseling and victim advocacy to men, women, and children of all ages. During our last fiscal year, certified sexual assault victim advocates throughout the state provided hospital and court accompaniment, support groups, individual counseling, 24/7 hotline support, information, and referrals to over 5,700 victims and survivors of sexual violence. Our advocates work closely with many of Connecticut's colleges and universities, and four of our nine programs have dedicated campus advocates. CONNSACS also convenes the Connecticut College Consortium Against Sexual Assault (CCASA), which is comprised of sexual assault victim advocates and representatives from eleven Connecticut colleges and universities. Based on our partnerships with colleges and universities and our work with sexual assault victims, we strongly support HB 5031.

The problem of sexual violence on college campuses is well-documented. Research has consistently shown that up to 25%¹ of women will be victims of sexual violence during their college careers; most of these women will never report their victimization to law enforcement or campus authorities, and those who do are likely to feel re-victimized by the systems that they encounter. In 2010, the Center for Public Integrity released the findings of a year-long investigation into sexual violence on college campuses. The full report, which we highly recommend, is available online.² Major findings of the investigation include:

- “Students found ‘responsible’ for alleged sexual assault on campuses often face little or no punishment, while their victims’ lives are frequently turned upside down.”
- “Many student victims don’t report incidents at all, because they blame themselves, or don’t identify what happened as sexual assault.”
- “Institutional barriers compound the problem of silence, and few (sexual assault victims) actually make it to a campus hearing. Those who do come forward, though, can encounter secret disciplinary proceedings, closed-mouth school administrations, and off-the-record negotiations.”

In recent years, colleges and universities have made progress in addressing the issue of sexual violence on campus. In Connecticut, campuses have worked to identify best practices, update policies related to sexual violence, and create coordinated campus

¹ Hirsch, Kathleen. “Fraternities of Fear: Gang Rape, Male Bonding, and the Silencing of Women.” *Ms. Magazine*, 2000: 1(2) 52-56.

² “Sexual Assault on Campus: A Frustrating Search for Justice.” *The Center for Public Integrity*. 24 February 2010. <http://www.publicintegrity.org/investigations/campus_assault/>

responses to sexual assault. These efforts have improved conditions on campuses, but more needs to be done. Institutions throughout the country base their sexual assault prevention and response policies on guidelines set forth in the Clery Act, a federal law that requires institutions to disclose information about crimes that occur on and around their campuses. The Clery Act also outlines minimum requirements for campus policies related to rape, acquaintance rape, and other sex offenses. While this is a good starting point for campus policies, more can – and should – be done in Connecticut to ensure that campuses do more than the bare minimum when it comes to preventing and responding to sexual violence.

HB 5031 proposes sensible measures to improve upon existing Clery Act standards and address the ongoing issues that researchers, victims, and advocates have identified on campuses. Attached to this testimony is a chart that highlights how HB 5031 will expand and improve upon Clery Act guidelines. While all of the measures outlined in this chart would promote safety and improve how campuses respond to sexual violence, we would like to offer specific feedback on provisions related to disciplinary proceedings and education.

Existing guidelines for campus disciplinary proceedings are vague, and interpretations vary greatly from one institution to another. HB 5031 clearly advises campuses that disciplinary proceedings must be conducted by “an official trained in issues relating to sexual assault or intimate partner violence” and that such proceedings “shall use the preponderance of the evidence standard.” In Connecticut criminal courts, for example, rape carries a mandatory minimum prison sentence – when colleges and universities use their campus disciplinary proceedings to adjudicate such a grave matter, it seems reasonable that they should, at the very least, have clear guidance on what standard of evidence to use. Similarly, both victims and alleged perpetrators should have the opportunity to present evidence and witness on their behalf and, at the close of the proceeding, should be informed of the outcome in writing. HB 5031 would impose these standards, which go beyond the requirements of the Clery Act.

HB 5031 also offers campuses guidance on what kind of sexual assault and intimate partner violence training should be provided to students and employees. The Clery Act requires “education programs to promote the awareness of rape, acquaintance rape, and other sex offenses.” HB 5031 specifies that programming should be primary prevention-based and include “an explanation of the definition of consent in sexual relationships and information concerning the reporting of incidences of such assault and violence, [and] bystander intervention and risk reduction.” When campuses do not have an established definition of consent, student behavior is held to a standard that may be unknown or that may change from case to case. The focus on primary prevention education is also promising – unlike traditional risk reduction education, which focuses on victim behaviors (don’t walk alone at night, don’t leave your drink unattended at a party), primary prevention addresses the behavior of potential offenders and encourages the entire community to hold others accountable for their attitudes and actions.

The new standards outlined in this legislation would greatly benefit Connecticut students, as well as the colleges and universities that they attend. We appreciate the Committee’s efforts to address sexual violence on college campuses, and we look forward to the successful passage of HB 5031.

Federal Clery Act (existing law) 20 USC § 1092(f)	Improvements Proposed in HB 5031 (Bold font indicates proposed changes)
Institutions shall develop and distribute a policy related to sexual assault <ul style="list-style-type: none"> Intimate partner violence is not included 	In their annual uniform campus crime report, institutions of higher education shall adopt and disclose policies regarding sexual assault and intimate partner violence
Such policy shall include notify students “of existing counseling, mental health or student services for victims of sexual assault, both on campus and in the community” <ul style="list-style-type: none"> Contact information does not have to be given Advocacy, health, and legal services are not included 	Such policy shall provide students with “ contact information for campus, local advocacy , counseling, health , mental health and legal assistance services ”
<ul style="list-style-type: none"> Restraining orders and protective orders are not mentioned in the Clery Act 	Policies shall include written information concerning the right of students to “ obtain a protective order, apply for a temporary restraining order or enforce an existing protective or restraining order ” Policies shall also provide provisions for “ honoring any lawful protective or temporary restraining orders ”
Policies shall include provisions for letting students know about reasonably available options for and available assistance with changing academic and living situations related to sexual assault. <ul style="list-style-type: none"> Provisions for employees are not mentioned in the Clery Act Accommodations are not provided for victims who might work or share transportation with their offenders Victims of intimate partner violence are not included 	Policies shall include provisions for letting students and employees know about reasonably available options for and available assistance with “changing academic, living, transportation or working situations” in response to sexual assault or intimate partner violence .
Policies shall include procedures for on-campus disciplinary action in cases of alleged sexual assault, which shall include a clear statement that: <ol style="list-style-type: none"> The accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding, and Both the accuser and the accused shall 	Policies shall include a disclosure of institutional disciplinary procedures including clear statements advising students that: <ol style="list-style-type: none"> Accusers “shall have the opportunity to request that disciplinary proceedings begin promptly” “Disciplinary proceedings shall be conducted by an official trained in

<p>be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault</p> <ul style="list-style-type: none"> • The Clery Act has no requirement for the prompt commencement of disciplinary proceedings • School officials who lead disciplinary proceedings are not required to have any training • There is no guidance as to what standard of evidence should be used in disciplinary proceedings • While students are entitled to “the same opportunities” to have representatives present during hearings, this could be interpreted to mean that neither student can have a representative present at a hearing • There is no stated right to present evidence or witnesses • While both the accuser and the accused must be informed of the outcome of disciplinary proceedings, the outcome does not have to be put in writing, and there is no timeline as to when students will receive this information after the conclusion of a proceeding 	<p>issues relating to sexual assault or intimate partner violence”</p> <ol style="list-style-type: none"> 3) Disciplinary proceedings “shall use the preponderance of the evidence standard in making a determination concerning the alleged assault or violence” 4) The accuser and the accused are entitled “to be accompanied to any meeting or proceeding” by an advisor of their choice and shall have “the opportunity to have others present during any disciplinary proceeding” 5) The accuser and the accused shall both “have the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding” 6) Both the accuser and the accused shall be informed in writing of the outcome of any disciplinary proceeding “not later than one business day” after the conclusion of such proceeding
<p>Each institution shall develop and distribute a statement of policy related to its “campus sexual assault programs, which shall be aimed at the prevention of sex offenses”</p> <ul style="list-style-type: none"> • The Clery Act does not require training or programming related to intimate partner violence • Primary prevention programming is not required, nor are schools required to define consent or train students on how to report violence 	<p>Each institution shall, within available resources, offer “sexual assault and intimate partner violence primary prevention and awareness programming for all students and employees that includes an explanation of the definitions of consent in sexual relationships and information concerning the reporting of incidences of such assaults and violence, bystander intervention and risk reduction” and “ongoing sexual assault and intimate partner violence prevention and awareness campaigns”</p>
<ul style="list-style-type: none"> • There are no provisions related to confidentiality in the Clery Act 	<p>The identify of accusers and the accused in disciplinary proceedings “shall be kept confidential by the institution of higher education”</p>