



Substitute House Bill No. 5031

Public Act No. 12-78

**AN ACT CONCERNING SEXUAL VIOLENCE ON COLLEGE
CAMPUSES.**

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

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

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

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

(3) "Intimate partner violence" means any physical or sexual harm against an individual by a current or former spouse of or person in a dating relationship with such individual that results from any action by such spouse or such person that may be classified as a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes, stalking under section 53a-181c, 53a-181d or 53a-181e of the general statutes, or domestic violence as designated under section 46b-38h of the general statutes;

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

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

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

(b) Each institution of higher education shall adopt and disclose in such institution's annual uniform campus crime report one or more policies regarding sexual assault and intimate partner violence. Such policy or policies shall include provisions for (1) detailing the procedures that students of the institution who report being the victim of sexual assault or intimate partner violence may follow after the commission of such violence, including persons or agencies to contact and information regarding the importance of preserving physical evidence of such assault or violence; (2) providing students of the institution who report being the victim of sexual assault or intimate partner violence both contact information for and, if requested, professional assistance in accessing and utilizing campus, local advocacy, counseling, health and mental health services, and written information concerning the rights of such students to (A) notify law enforcement of such assault or violence and receive assistance from campus authorities in making any such notification, and (B) obtain a protective order, apply for a temporary restraining order or seek enforcement of an existing protective or restraining order, including, but not limited to, orders issued pursuant to section 46b-15, 46b-38c, 53a-40e, 54-1k, 54-82q or 54-82r of the general statutes, against the perpetrator of such assault or violence; (3) notifying such students of the reasonably available options for and available assistance from such

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

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

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sexual relationships and information concerning the reporting of incidences of such assaults and violence, bystander intervention and risk reduction; and (2) ongoing sexual assault and intimate partner violence prevention and awareness campaigns.