



House of Representatives

General Assembly

File No. 333

February Session, 2014

Substitute House Bill No. 5029

House of Representatives, April 3, 2014

The Committee on Higher Education and Employment Advancement reported through REP. WILLIS of the 64th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SEXUAL ASSAULT, STALKING AND INTIMATE PARTNER VIOLENCE ON CAMPUS.

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

1 Section 1. Subsection (a) of section 10a-55a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2014*):

4 (a) On or before September 1, 1991, and annually thereafter, each
5 institution of higher education shall prepare in such manner as the
6 president of the Board of Regents for Higher Education shall prescribe
7 a uniform campus crime report concerning crimes committed in the
8 immediately preceding calendar year within the geographical limits of
9 the property owned or under the control of such institution. Such
10 report shall be in accordance with the uniform crime reporting system
11 pursuant to section 29-1c, provided such report is limited to those
12 offenses included in part I of the most recently published edition of the
13 Uniform Crime Reports for the United States as authorized by the

14 Federal Bureau of Investigation and the United States Department of
15 Justice, [and] sexual assault under sections 53a-70, 53a-70a, 53a-70b,
16 53a-71, 53a-72a, 53a-72b and 53a-73a, stalking under sections 53a-181c,
17 53a-181d and 53a-181e and family violence as designated under section
18 46b-38h. The state police, local police departments and special police
19 forces established pursuant to section 10a-156b shall cooperate with
20 institutions of higher education in preparing such reports. Institutions
21 with more than one campus shall prepare such reports for each
22 campus.

23 Sec. 2. Section 10a-55m of the general statutes is repealed and the
24 following is substituted in lieu thereof (*Effective July 1, 2014*):

25 (a) For purposes of this section:

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

31 (2) "Bystander intervention" means the act of challenging the social
32 norms that support, condone or permit sexual assault, stalking and
33 intimate partner violence;

34 [(2)] (3) "Institution of higher education" means an institution of
35 higher education as defined in section 10a-55;

36 [(3)] (4) "Intimate partner violence" means any physical or sexual
37 harm against an individual by a current or former spouse of or person
38 in a dating relationship with such individual that results from any
39 action by such spouse or such person that may be classified as a sexual
40 assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b
41 or 53a-73a, stalking under section 53a-181c, 53a-181d or 53a-181e, or
42 [domestic] family violence as designated under section 46b-38h;

43 [(4)] (5) "Primary prevention programming" means programming
44 and strategies intended to prevent sexual assault, stalking and intimate

45 partner violence before it occurs by means of changing social norms
46 and other approaches;

47 [(5)] (6) "Sexual assault" means a sexual assault under section 53a-
48 70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; [and]

49 (7) "Stalking" means stalking under section 53a-181c, 53a-181d or
50 53a-181e; and

51 [(6)] (8) "Uniform campus crime report" means a campus crime
52 report prepared by an institution of higher education pursuant to
53 section 10a-55a, as amended by this act.

54 (b) Each institution of higher education shall adopt and disclose in
55 such institution's annual uniform campus crime report one or more
56 policies regarding sexual assault, stalking and intimate partner
57 violence. Such policy or policies shall include provisions for (1)
58 detailing the procedures that students and employees of the institution
59 who report or disclose being the victim of sexual assault, stalking or
60 intimate partner violence may follow after the commission of such
61 assault, stalking or violence, regardless of where such incidences
62 occurred, including persons or agencies to contact and information
63 regarding the importance of preserving physical evidence of such
64 assault, stalking or violence; (2) providing students and employees of
65 the institution who report or disclose being the victim of sexual
66 assault, stalking or intimate partner violence both concise, written
67 contact information for and, if requested, professional assistance in
68 accessing and utilizing campus, local advocacy, counseling, health and
69 mental health services, and [written] concise information, written in
70 plain language, concerning the rights of such students and employees
71 to (A) notify law enforcement of such assault, stalking or violence and
72 receive assistance from campus authorities in making any such
73 notification, and (B) obtain a protective order, apply for a temporary
74 restraining order or seek enforcement of an existing protective or
75 restraining order, including, but not limited to, orders issued pursuant
76 to section 46b-15, 46b-38c, 53a-40e, 54-1k, 54-82q or 54-82r, against the
77 perpetrator of such assault, stalking or violence; (3) notifying such

78 students and employees of the reasonably available options for and
79 available assistance from such institution in changing academic, living,
80 campus transportation or working situations in response to such
81 assault, stalking or violence; (4) honoring any lawful protective or
82 temporary restraining orders, including, but not limited to, orders
83 issued pursuant to section 46b-15, 46b-38c, 53a-40e, 54-1k, 54-82q or 54-
84 82r; (5) disclosing a summary of such institution's disciplinary
85 procedures, including clear statements advising such students and
86 employees that (A) victims of such assault, stalking or violence shall
87 have the opportunity to request that disciplinary proceedings begin
88 promptly, (B) disciplinary proceedings shall be conducted by an
89 official trained annually in issues relating to sexual assault, stalking
90 and intimate partner violence and shall use the preponderance of the
91 evidence standard in making a determination concerning the alleged
92 assault, stalking or violence, (C) both the victim of such assault,
93 stalking or violence and the accused (i) are entitled to be accompanied
94 to any meeting or proceeding relating to the allegation of such assault,
95 stalking or violence by an advisor or support person of their choice,
96 provided the involvement of such advisor or support person does not
97 result in the postponement or delay of such meeting as scheduled, and
98 (ii) shall have the opportunity to present evidence and witnesses on
99 their behalf during any disciplinary proceeding, (D) both such victim
100 and accused are entitled to be informed in writing of the results of any
101 disciplinary proceeding not later than one business day after the
102 conclusion of such proceeding, and (E) the institution of higher
103 education shall not disclose the identity of the victim or the accused,
104 except as necessary to carry out a disciplinary proceeding or as
105 permitted under state or federal law; and (6) disclosing the range of
106 sanctions that may be imposed following the implementation of such
107 institution's disciplinary procedures in response to such assault,
108 stalking or violence.

109 (c) Each institution of higher education shall [, within existing
110 budgetary resources, offer] provide (1) annual sexual assault, stalking
111 and intimate partner violence primary prevention and awareness
112 programming for all students and employees that includes an

113 explanation of the definition of consent in sexual relationships, [and]
114 information concerning the reporting of incidences of such assaults,
115 stalking and violence [.] and strategies for bystander intervention; [and
116 risk reduction;] and (2) ongoing sexual assault, stalking and intimate
117 partner violence prevention and awareness campaigns.

118 (d) Each institution of higher education may provide the option for
119 any student or employee of such institution who is the victim of a
120 sexual assault, stalking or intimate partner violence to report or
121 disclose such assault, stalking or violence to such institution
122 anonymously, provided maintaining the confidentiality of such
123 student or employee does not result in a violation of state or federal
124 law. Each such institution shall notify any such student or employee of
125 the institution's obligation under state or federal law, if any, to
126 investigate such assault, stalking or violence and the identity of such
127 student or employee.

128 (e) Each institution of higher education shall provide concise
129 notification, written in plain language, to each student and employee
130 of such institution who has been the victim of sexual assault, stalking
131 or intimate partner violence, immediately upon receiving a report of
132 such assault, stalking or violence, of such victim's rights and options
133 under such institution's policy or policies regarding sexual assault,
134 stalking and intimate partner violence adopted in accordance with
135 subsection (b) of this section.

136 (f) Not later than January 1, 2015, and annually thereafter, each
137 institution of higher education shall report to the joint standing
138 committee of the General Assembly having cognizance of matters
139 relating to higher education, in accordance with the provisions of
140 section 11-4a, concerning, for the immediately preceding academic
141 year, (1) a copy of its most recent policies regarding sexual assault,
142 stalking and intimate partner violence adopted in accordance with
143 subsection (b) of this section, or any revisions thereto, (2) a copy of its
144 most recent concise written notification of a victim's rights and options
145 under its sexual assault, stalking and intimate partner violence policy

146 or policies required pursuant to subsection (e) of this section, (3) the
147 number and type of sexual assault, stalking and intimate partner
148 violence prevention and awareness programs at the institution, (4) the
149 number of students and employees of the institution who received
150 services from such programs, (5) the number and type of sexual
151 assault, stalking and intimate partner violence prevention and
152 awareness campaigns held at the institution, (6) the number of
153 students and employees of the institution who participated in such
154 campaigns, (7) the number of incidences of sexual assault, stalking and
155 intimate partner violence reported to the institution's Title IX
156 coordinator, (8) the number of confidential or anonymous reports or
157 disclosures to the institution of sexual assault, stalking and intimate
158 partner violence, (9) the number of disciplinary cases at the institution
159 related to sexual assault, stalking and intimate partner violence, and
160 (10) the final outcome of all disciplinary cases at the institution related
161 to sexual assault, stalking and intimate partner violence, including, but
162 not limited to, the outcome of any appeals of such final outcome.

163 Sec. 3. (NEW) (*Effective July 1, 2014*) (a) Not later than January 1,
164 2015, each institution of higher education shall establish a trained
165 campus response team for each of its campuses. The campus response
166 team shall consist of individuals selected by the president of each
167 institution of higher education, including, but not limited to, (1) the
168 institution's Title IX coordinator and chief student affairs officer, and
169 (2) not less than one member from (A) among each of its
170 administration, counseling services office, health services office,
171 women's center, special police force or campus security personnel,
172 faculty, senior and mid-level staff, student body, residential life office,
173 and judicial hearing board, provided such entities exist on campus; (B)
174 a community-based sexual assault crisis service center; (C) a
175 community-based domestic violence agency; (D) the criminal justice
176 system within the judicial district in which such institution of higher
177 education is located, including, but not limited to, members of the state
178 police and local police department and prosecutors employed by the
179 Division of Criminal Justice; and (E) any other individuals designated
180 by the president.

181 (b) Each institution of higher education shall ensure that every
182 member of the campus response team receives training in (1) the
183 awareness and prevention of sexual assault, stalking and intimate
184 partner violence, and communicating with and providing assistance to
185 any student or employee of the institution who is the victim of such
186 assault, stalking or violence; (2) the sexual assault, stalking and
187 intimate partner violence policies of such college or institution; (3) the
188 provisions of Title IX of the Elementary and Secondary Education Act
189 of 1972, 20 USC 1681 et seq., and the Jeanne Clery Disclosure of
190 Campus Security Policy and Campus Crime Statistics Act, 20 USC
191 1092(f); (4) victim-centered response and the role of community-based
192 sexual assault victim advocates; (5) the role and functions of each
193 member on such campus response team for the purpose of ensuring a
194 coordinated response to reported incidences of sexual assault, stalking
195 and intimate partner violence, as such terms are defined in section 10a-
196 55m of the general statutes, as amended by this act; and (6)
197 communicating sensitively and compassionately with the victims of
198 such assault, stalking or violence, including, but not limited to, an
199 awareness of responding to victims with diverse cultural backgrounds,
200 and providing services to or assisting in locating services for such
201 victims. For purposes of this subsection, "victim-centered response"
202 means a systematic focus on the needs and concerns of a victim of
203 sexual assault, stalking or intimate partner violence that (A) ensures
204 the compassionate and sensitive delivery of services in a
205 nonjudgmental manner, (B) ensures an understanding of how trauma
206 affects victim behavior, (C) maintains victim safety, privacy and,
207 where possible, confidentiality, and (D) recognizes that victims are not
208 responsible for the assault, stalking or violence committed against
209 them.

210 (c) Not later than July 1, 2015, the campus response team shall
211 review the sexual assault, stalking and intimate partner violence
212 policies adopted by its institution of higher education in accordance
213 with section 10a-55m of the general statutes, as amended by this act,
214 and develop protocols in accordance with such policies for providing
215 support and services to any student or employee who reports being

216 the victim of sexual assault, stalking or intimate partner violence. Such
217 team shall meet not less than once per semester to review such
218 protocols and ensure that they are updated as necessary.

219 Sec. 4. (NEW) (*Effective July 1, 2014*) Not later than January 1, 2015,
220 each institution of higher education shall enter into and maintain a
221 memorandum of understanding with at least one community-based
222 sexual assault crisis service center and at least one community-based
223 domestic violence agency for purposes of (1) ensuring that any student
224 or employee of such institution who reports or discloses being the
225 victim of sexual assault, stalking or intimate partner violence can
226 access free and confidential counseling and advocacy services, either
227 on or off campus, and (2) establishing a partnership with such service
228 center and agency, including, but not limited to, (A) involvement of
229 the institution's campus response team, and (B) trainings between the
230 institution and such service center and agency to ensure the
231 understanding of each other's role in responding to reports and
232 disclosures of sexual assault, stalking and intimate partner violence
233 against students and employees of the institution and the institution's
234 protocols for providing support and services to such students and
235 employees, developed in accordance with subsection (c) of section 2 of
236 this act.

237 Sec. 5. (NEW) (*Effective July 1, 2014*) (a) Each institution of higher
238 education shall (1) ensure that the Title IX coordinator and campus
239 security personnel of such institution of higher education receive
240 training in the awareness and prevention of sexual assault, stalking
241 and intimate partner violence, and (2) coordinate or assist in the
242 coordination of training in such awareness and prevention and in
243 trauma-informed response for such institution of higher education's
244 special police force or members of the state and local police
245 departments who act as first responders to any reports of sexual
246 assault, stalking or intimate partner violence at such institution of
247 higher education.

248 (b) For purposes of this section, "trauma-informed response" means

249 a response involving an understanding of the complexities of sexual
250 assault, stalking and intimate partner violence through training
251 centered on the neurobiological impact of trauma, the influence of
252 societal myths and stereotypes surrounding the causes and impact of
253 trauma, understanding the behavior of perpetrators and conducting an
254 effective investigation on behalf of victims who have suffered trauma.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	10a-55a(a)
Sec. 2	<i>July 1, 2014</i>	10a-55m
Sec. 3	<i>July 1, 2014</i>	New section
Sec. 4	<i>July 1, 2014</i>	New section
Sec. 5	<i>July 1, 2014</i>	New section

Statement of Legislative Commissioners:

For purposes of consistency, "stalking" was added in subdivisions (1) and (5) of section 2(a).

HED *Joint Favorable Subst.*

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 15 \$	FY 16 \$
UConn	GF - Cost	110,000	90,000
Board of Regents for Higher Education	GF - Cost	795,000	795,000
UConn Health Ctr.	GF - Cost	135,000	135,000
State Comptroller - Fringe Benefits ¹	GF - Cost	208,962	208,962

Municipal Impact: None

Explanation

The bill results in a cost of \$1,248,962 in FY 15 and \$1,228,962 in FY 16 to the constituent units of higher education. The costs are a result of (1) data collection and reporting requirements which are beyond those currently required under federal law; (2) student and employee training and educational development; and (3) staff training for campus response teams.

The University of Connecticut would require a part-time position (\$30,000 in salary and \$10,998 in fringe benefits) to perform the data collection and reporting requirements. The university currently employs a full-time position to meet data collection and reporting requirements contained in the federal Clery Act. Additionally, the university would require approximately \$50,000 in FY 15 to expand the current prevention and awareness programming offered to students to include employees and to retool the program to meet requirements in

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.66% of payroll in FY 15 and FY 16.

the bill. The cost in FY 16 would be approximately \$30,000 as the new programming would be developed in FY 15. Finally, staff training for campus response teams would total \$30,000 annually. This includes educational material, in-house training, and travel and conference costs for out-of-state training.

The University of Connecticut Health Center (UCHC) would require one full time position (\$60,000 in salary and \$21,996 in fringe benefits) to perform the data collection and reporting requirements. The requirements of the bill exceed the current data collection capabilities at UCHC. Additionally, UCHC would require \$35,000 to support server equipment and software for an on-line training system for students. Finally, UCHC would require an additional \$40,000 for retaining consultants and developing education and training material.

The Board of Regents (BOR) would require a part-time position (\$30,000 in salary and \$10,998 in fringe benefits) at each of the 16 campuses to perform the data collection and reporting requirements. This totals to \$480,000 in salaries and \$175,968 in fringe benefits across the system. Additionally, the system would require approximately \$315,000 per year to meet the requirements associated with student and employee training and educational development along with staff training for campus response teams.

The Out Years

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

OLR Bill Analysis**sHB 5029*****AN ACT CONCERNING SEXUAL ASSAULT, STALKING AND INTIMATE PARTNER VIOLENCE ON CAMPUS.*****SUMMARY:**

By law, public and independent higher education institutions must adopt and disclose one or more policies on sexual assault and intimate partner violence. Institutions must also offer sexual assault and intimate partner violence primary prevention and awareness programming and campaigns.

This bill expands the scope of the policies and prevention and awareness programming by requiring that they apply to (1) stalking and (2) institutions' employees. It (1) requires institutions, after a reported incident, to immediately provide concise written notification to each victim regarding his or her rights and options under the institution's policy or policies and (2) allows institutions to permit anonymous reporting, to the extent permitted by state or federal law.

The bill requires institutions to report annually to the Higher Education Committee concerning their policies, prevention and awareness programming and campaigns, and the number of incidents and disciplinary cases involving sexual assault, stalking, and intimate partner violence. It also requires institutions to include information about stalking and family violence in their annual uniform campus crime reports.

The bill (1) requires institutions to establish a campus response team to review their policies and develop protocols for providing support and services to students and employees who report being victims and (2) establishes membership and training requirements for the team. It establishes additional training requirements for the institution's Title

IX coordinator, campus security personnel, and special police force (or members of the state or local police who respond to campus incidents).

The bill requires each institution to enter into a memorandum of understanding (MOU) with at least one community-based sexual assault crisis service center and one community-based domestic violence agency. The MOU must (1) establish a partnership with the service and agency and (2) ensure that victims can access free and confidential counseling and advocacy services, either on or off campus.

Lastly, the bill makes technical changes.

EFFECTIVE DATE: July 1, 2014

§ 2 — INSTITUTION POLICIES

By law, each public and independent higher education institution must adopt one or more policies concerning 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 available on request to students, employees, and applicants for admission.

The bill expands the policies' scope by requiring that they also apply to (1) stalking and (2) institutions' employees. Under current law, stalking is addressed by the policies only in the context of intimate partner violence, which is limited to harm against an individual by a current or former spouse or by a partner in a dating relationship. The bill specifies that the institutions' policies apply to incidences of sexual assault, stalking, and intimate partner violence wherever they occur (i.e., on or off campus). It also specifies that the policies apply to people who report or disclose being a victim. Under current law, they apply only to people who report being a victim.

The bill allows higher education institutions to permit victims to

report or disclose incidents anonymously, as long as maintaining confidentiality does not violate state or federal law. The institution must notify the victim of its obligations under state or federal law, if any, to investigate the (1) alleged sexual assault, stalking, or intimate partner violence and (2) victim's identity (see BACKGROUND).

Under current law, an institution's disciplinary proceedings must be conducted by an official trained in issues relating to sexual assault and intimate partner violence. The bill requires that this training be annual and that it also include stalking.

Information Provided to Victims

By law, institutions' policies must have a provision for giving contact information for and, if requested, professional assistance in accessing and using campus, local advocacy, counseling, health, and mental health services. The bill specifies that the contact information must be concise and in writing. By law, 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. The bill specifies that this information must be concise and written in plain language.

The bill requires higher education institutions to provide concise notification, written in plain language, to each student and employee who has been the victim of sexual assault, stalking, or intimate partner violence regarding his or her rights and options under the institution's policy or policies. The institution must provide this notification immediately upon receiving a report of the incident. In addition to the rights listed above, the victim's rights and options under existing law include, among other things, reasonably available opportunities to change academic, living, campus transportation, or working situations.

§ 2 — PREVENTION AND AWARENESS PROGRAMMING

By law, higher education institutions must offer, within existing

budgetary resources (1) sexual assault and intimate partner violence primary prevention and awareness programming for all students and (2) ongoing prevention and awareness campaigns. The bill:

1. requires that the programming and campaigns also address stalking;
2. requires the programming to be provided (a) annually and (b) to all employees, and not just students as under current law;
3. eliminates a requirement that the programming address risk reduction; and
4. eliminates the requirement that the programming and campaigns be within existing budgetary resources.

It also specifies that the programming must include strategies for bystander intervention. (Current law requires that the programming address bystander intervention, without a reference to strategies.) The bill defines “bystander intervention” as the act of challenging social norms that support, condone, or permit sexual assault, stalking, and intimate partner violence.

§§ 1 & 2 — REPORTING

§ 2 — *Annual Report to Higher Education Committee*

The bill requires public and independent higher education institutions, annually beginning January 1, 2015, to submit a report to the Higher Education Committee that includes, for the immediately preceding academic year, the following information concerning sexual assault, stalking, and intimate partner violence:

1. a copy of the institution’s (a) most recently adopted policies and (b) most recent concise written notification of a victim’s rights and options under these policies;
2. the number and type of prevention and awareness programs and campaigns at the institution;

3. the number of students and employees who received services from, or participated in, these programs and campaigns;
4. the number of incidents reported to the Title IX coordinator (under federal law, each institution receiving federal student aid must designate a Title IX coordinator);
5. the number of confidential or anonymous reports or disclosures; and
6. the number of disciplinary cases and the final outcome of these cases, including the outcome of any appeals.

§ 1 — Uniform Campus Crime Reports

By law, each public and independent higher education institution must publish, annually by September 1, a uniform campus crime report and make it available on request to students, employees, and applicants for admission. The report must include information about certain crimes committed in the immediately preceding calendar year within the geographical limits of property the institution owns or controls. The bill requires the report to additionally include information about incidences of (1) 1st, 2nd, and 3rd degree stalking and (2) family violence (which includes various crimes committed against a family or household member).

§ 3 — CAMPUS RESPONSE TEAM

Membership

The bill requires each higher education institution to establish a trained campus response team for each of its campuses by January 1, 2015. The institution's president selects the team members, who must include the institution's Title IX coordinator and chief student affairs officer and, to the extent they exist on campus, at least one representative from the institution's: (1) administration, (2) counseling services office, (3) health services office, (4) women's center, (5) special police force or campus security personnel, (6) faculty, (7) senior and mid-level staff, (8) student body, (9) residential life office, and (10) judicial hearing board.

The team must also include at least one representative from (1) a community-based sexual assault crisis service center; (2) a community-based domestic violence agency; and (3) the criminal justice system in the institution's judicial district, including state and local police and state prosecutors. The team may also include any other members designated by the institution's president.

Required Training

The bill requires the institution to ensure that each team member receives training in the following areas:

1. the awareness and prevention of sexual assault, stalking, and intimate partner violence;
2. communicating with and providing assistance to students or employees who are victims;
3. the institution's sexual assault, stalking, and intimate partner violence policies;
4. the provisions of (a) Title IX of the federal Elementary and Secondary Education Act of 1972 (Title IX) and (b) the federal Clery Act (see BACKGROUND);
5. victim-centered response and the role of community-based sexual assault victim advocates;
6. the role and function of each team member in ensuring a coordinated response to reports of sexual assault, stalking, and intimate partner violence; and
7. communicating sensitively and compassionately with victims, including an awareness of responding or providing services to, or assisting in locating services for, victims from diverse cultural backgrounds.

The bill defines "victim-centered response" as a systematic focus on a victim's needs and concerns that (1) ensures services are delivered in

a compassionate, sensitive, nonjudgmental manner; (2) ensures an understanding of how trauma affects victim behavior; (3) maintains victim safety, privacy and, where possible, confidentiality; and (4) recognizes that victims are not responsible for the assault, stalking, or violence committed against them.

Duties

The bill requires the campus response team, by July 1, 2015, to (1) review the institution's sexual assault, stalking, and intimate partner violence policies and (2) develop protocols for providing support and services to students and employees who report being victims. The team must meet at least once a semester to review the protocols and ensure that they are updated as necessary.

§ 5 — ADDITIONAL TRAINING REQUIREMENTS

The bill requires each higher education institution to ensure that its Title IX coordinator and campus security personnel receive training in the awareness and prevention of sexual assault, stalking, and intimate partner violence. The institution must also coordinate or assist in coordinating this awareness and prevention training, and training in trauma-informed response, for (1) its special police force or (2) members of the State Police and local police departments who act as first responders to reports of sexual assault, stalking, or intimate partner violence at the institution.

The bill defines "trauma-informed response" as one that understands the complexities of sexual assault, stalking, and intimate partner violence through training centered on (1) the neurobiological impact of trauma, (2) the influence of societal myths and stereotypes surrounding trauma's causes and impact, (3) understanding perpetrators' behavior, and (4) conducting an effective investigation on behalf of trauma victims.

§ 4 — MEMORANDA OF UNDERSTANDING

The bill requires each higher education institution, by January 1, 2015, to enter into an MOU with at least one community-based sexual

assault crisis service center and one community-based domestic violence agency. The MOUs must (1) establish a partnership with the service and agency and (2) ensure that a student or employee who reports or discloses being a victim of sexual assault, stalking, or intimate partner violence can access free and confidential counseling and advocacy services, either on or off campus.

The partnership must include (1) involvement of the institution's campus response team and (2) training between the institution and service center and agency to (a) understand each other's role in responding to reports and disclosures of sexual assault, stalking, and intimate partner violence against students and employees and (b) the institution's protocols for providing support and services to such students and employees.

BACKGROUND

Confidential or Anonymous Reporting

The U.S. Department of Education's Office of Civil Rights (OCR) enforces federal laws and regulations concerning sexual harassment (which includes sexual violence) in higher education institutions. In an April 2011 "Dear Colleague" letter (an official statement of department policy), OCR stated that institutions should evaluate a sexual harassment victim's request for confidentiality in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. Factors the institution may consider include the seriousness of the alleged harassment, the victim's age, whether the alleged perpetrator has been the subject of other harassment complaints, and the alleged perpetrator's due process rights. The institution should inform the victim if it cannot ensure confidentiality.

Title IX

Title IX (20 USC § 1681 et seq.) prohibits discrimination on the basis of sex by any institution that receives federal student aid (e.g., Pell grants and student loans). Under Title IX, sexual harassment (which includes sexual violence) is a form of sex discrimination.

Clery Act

The federal Clery Act (20 USC § 1092(f)) requires institutions that receive federal student aid to, among other things, adopt and disclose policy statements that address several campus safety-related issues. One of these statements must specifically address the institution's sexual offense policy, procedures, and programs. The Clery Act also requires institutions to annually report several crime statistics to the U.S. Department of Education.

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/13/2014)