



# House of Representatives

**File No. 537**

General Assembly

February Session, 2014

**(Reprint of File No. 333)**

Substitute House Bill No. 5029  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 14, 2014

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2 repealed and the following is substituted in lieu thereof (*Effective July*  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

15 States Department of Justice, [and] sexual assault under sections 53a-  
16 70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b and 53a-73a, stalking  
17 under sections 53a-181c, 53a-181d and 53a-181e and family violence as  
18 designated under section 46b-38h. The state police, local police  
19 departments and special police forces established pursuant to section  
20 10a-156b shall cooperate with institutions of higher education in  
21 preparing such reports. Institutions with more than one campus shall  
22 prepare such reports for each 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 Section 10a-55m of the general statutes is repealed and the  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 and sections 3 to 6, inclusive, of this  
26 act:

27 (1) "Awareness programming" means [programming] institutional  
28 action designed to communicate the prevalence of sexual assaults,  
29 stalking and intimate partner violence, including the nature and  
30 number of cases of sexual assault, stalking and intimate partner  
31 violence reported at each institution of higher education in the  
32 preceding three calendar years, including, but not limited to, poster  
33 and flyer campaigns, electronic communications, films, guest speakers,  
34 symposia, conferences, seminars or panel discussions;

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

38 [(2)] (3) "Institution of higher education" means an institution of  
39 higher education, as defined in section 10a-55, and a for-profit  
40 institution of higher education licensed to operate in this state;

41 [(3)] (4) "Intimate partner violence" means any physical or sexual  
42 harm against an individual by a current or former spouse of or person  
43 in a dating relationship with such individual that results from any  
44 action by such spouse or such person that may be classified as a sexual  
45 assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b

46 or 53a-73a, stalking under section 53a-181c, 53a-181d or 53a-181e, or  
47 [domestic] family violence as designated under section 46b-38h;

48 ~~[(4)]~~ (5) "Primary prevention programming" means ~~[programming]~~  
49 institutional action and strategies intended to prevent sexual assault,  
50 stalking and intimate partner violence before it occurs by means of  
51 changing social norms and other approaches, including, but not  
52 limited to, poster and flyer campaigns, electronic communications,  
53 films, guest speakers, symposia, conferences, seminars or panel  
54 discussions;

55 ~~[(5)]~~ (6) "Sexual assault" means a sexual assault under section 53a-  
56 70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; ~~[and]~~

57 (7) "Stalking" means stalking under section 53a-181c, 53a-181d or  
58 53a-181e; and

59 ~~[(6)]~~ (8) "Uniform campus crime report" means a campus crime  
60 report prepared by an institution of higher education pursuant to  
61 section 10a-55a, as amended by this act.

62 (b) Each institution of higher education shall adopt and disclose in  
63 such institution's annual uniform campus crime report one or more  
64 policies regarding sexual assault, stalking and intimate partner  
65 violence. Such policy or policies shall include provisions for (1)  
66 detailing the procedures that students and employees of the institution  
67 who report or disclose being the victim of sexual assault, stalking or  
68 intimate partner violence may follow after the commission of such  
69 assault, stalking or violence, regardless of where such incidences  
70 occurred, including persons or agencies to contact and information  
71 regarding the importance of preserving physical evidence of such  
72 assault, stalking or violence; (2) providing students and employees of  
73 the institution who report or disclose being the victim of sexual  
74 assault, stalking or intimate partner violence both concise, written  
75 contact information for and, if requested, professional assistance in  
76 accessing and utilizing campus, local advocacy, counseling, health and  
77 mental health services, and ~~[written]~~ concise information, written in

78 plain language, concerning the rights of such students and employees  
79 to (A) notify law enforcement of such assault, stalking or violence and  
80 receive assistance from campus authorities in making any such  
81 notification, and (B) obtain a protective order, apply for a temporary  
82 restraining order or seek enforcement of an existing protective or  
83 restraining order, including, but not limited to, orders issued pursuant  
84 to section 46b-15, 46b-38c, 53a-40e, 54-1k, 54-82q or 54-82r, against the  
85 perpetrator of such assault, stalking or violence; (3) notifying such  
86 students and employees of [the] any reasonably available options for  
87 and available assistance from such institution in changing academic,  
88 living, campus transportation or working situations in response to  
89 such assault, stalking or violence; (4) honoring any lawful protective or  
90 temporary restraining orders, including, but not limited to, orders  
91 issued pursuant to section 46b-15, 46b-38c, 53a-40e, 54-1k, 54-82q or 54-  
92 82r; (5) disclosing a summary of such institution's student disciplinary  
93 procedures, including clear statements advising [such students] that  
94 (A) victims of such assault, stalking or violence shall have the  
95 opportunity to request that disciplinary proceedings begin promptly,  
96 (B) disciplinary proceedings shall be conducted by an official trained  
97 annually in issues relating to sexual assault, stalking and intimate  
98 partner violence and shall use the preponderance of the evidence  
99 standard in making a determination concerning the alleged assault,  
100 stalking or violence, (C) both the victim of such assault, stalking or  
101 violence and the accused (i) are entitled to be accompanied to any  
102 meeting or proceeding relating to the allegation of such assault,  
103 stalking or violence by an advisor or support person of their choice,  
104 provided the involvement of such advisor or support person does not  
105 result in the postponement or delay of such meeting as scheduled, and  
106 (ii) shall have the opportunity to present evidence and witnesses on  
107 their behalf during any disciplinary proceeding, (D) both such victim  
108 and accused are entitled to be informed in writing of the results of any  
109 disciplinary proceeding not later than one business day after the  
110 conclusion of such proceeding, and (E) the institution of higher  
111 education shall not disclose the identity of the victim or the accused,  
112 except as necessary to carry out a disciplinary proceeding or as

113 permitted under state or federal law; [and] (6) disclosing a summary of  
114 such institution's employee disciplinary procedures; and (7) disclosing  
115 the range of sanctions that may be imposed following the  
116 implementation of such institution's student and employee  
117 disciplinary procedures in response to such assault, stalking or  
118 violence.

119 (c) Each institution of higher education shall [, within existing  
120 budgetary resources, offer] provide (1) annual sexual assault, stalking  
121 and intimate partner violence primary prevention and awareness  
122 programming for all students and employees that includes an  
123 explanation of the definition of consent in sexual relationships, [and]  
124 information concerning the reporting of incidences of such assaults,  
125 stalking and violence [,] and strategies for bystander intervention and  
126 risk reduction; and (2) ongoing sexual assault, stalking and intimate  
127 partner violence prevention and awareness campaigns.

128 (d) Each institution of higher education may provide the option for  
129 any student or employee of such institution who is the victim of a  
130 sexual assault, stalking or intimate partner violence to report or  
131 disclose such assault, stalking or violence to such institution  
132 anonymously. Each such institution shall notify any such student or  
133 employee of the institution's obligations under state or federal law, if  
134 any, to (1) investigate or address such assault, stalking or violence and  
135 (2) assess whether the report triggers the need for a timely warning or  
136 emergency notification, as described in 34 CFR 668.46(e), which  
137 obligations, in limited circumstances, may result in the learning of  
138 such victim's identity.

139 (e) Each institution of higher education shall provide concise  
140 notification, written in plain language, to each student and employee  
141 of such institution who has been the victim of sexual assault, stalking  
142 or intimate partner violence, immediately upon receiving a report of  
143 such assault, stalking or violence, of such victim's rights and options  
144 under such institution's policy or policies regarding sexual assault,  
145 stalking and intimate partner violence adopted in accordance with

146 subsection (b) of this section.

147 (f) Not later than October 1, 2015, and annually thereafter, each  
148 institution of higher education shall report to the joint standing  
149 committee of the General Assembly having cognizance of matters  
150 relating to higher education, in accordance with the provisions of  
151 section 11-4a, concerning, for the immediately preceding calendar year,  
152 (1) a copy of its most recent policies regarding sexual assault, stalking  
153 and intimate partner violence adopted in accordance with subsection  
154 (b) of this section, or any revisions thereto, (2) a copy of its most recent  
155 concise written notification of a victim's rights and options under its  
156 sexual assault, stalking and intimate partner violence policy or policies  
157 required pursuant to subsection (e) of this section, (3) the number and  
158 type of sexual assault, stalking and intimate partner violence  
159 prevention, awareness and risk reduction programs at the institution,  
160 (4) the type of sexual assault, stalking and intimate partner violence  
161 prevention and awareness campaigns held by the institution, (5) the  
162 number of incidences of sexual assault, stalking and intimate partner  
163 violence reported to such institution, (6) the number of confidential or  
164 anonymous reports or disclosures to the institution of sexual assault,  
165 stalking and intimate partner violence, (7) the number of disciplinary  
166 cases at the institution related to sexual assault, stalking and intimate  
167 partner violence, and (8) the final outcome of all disciplinary cases at  
168 the institution related to sexual assault, stalking and intimate partner  
169 violence, including, but not limited to, the outcome of any appeals of  
170 such final outcome, to the extent reporting on such outcomes does not  
171 conflict with federal law.

172 Sec. 3. (NEW) (*Effective July 1, 2014*) (a) Not later than January 1,  
173 2015, each institution of higher education shall establish a campus  
174 resource team responsible for and with representatives from each of its  
175 campuses. The campus resource team shall consist of individuals  
176 selected by the president of each institution of higher education,  
177 including, but not limited to, (1) the institution's Title IX coordinator  
178 and chief student affairs officer, or their designees, (2) not less than one  
179 member from its (A) administration, (B) counseling services office, (C)

180 health services office, (D) women's center, (E) special police force,  
181 campus police force or campus safety personnel, (F) faculty, (G) senior  
182 and mid-level staff, (H) student body, (I) residential life office, and (J)  
183 judicial hearing board, provided such entities exist on campus, and (3)  
184 any other individuals designated by the president.

185 (b) Not later than January 1, 2015, the president of each institution of  
186 higher education shall invite at least one individual from each of the  
187 following to serve on its campus resource team: (1) A community-  
188 based sexual assault crisis service center; (2) a community-based  
189 domestic violence agency; and (3) the criminal justice system within  
190 the judicial district in which such institution of higher education is  
191 located, including, but not limited to, members of the state police and  
192 local police department and prosecutors employed by the Division of  
193 Criminal Justice.

194 (c) Each institution of higher education shall ensure that every  
195 member of the campus resource team is educated in (1) the awareness  
196 and prevention of sexual assault, stalking and intimate partner  
197 violence, and communicating with and providing assistance to any  
198 student or employee of the institution who is the victim of such  
199 assault, stalking or violence; (2) the sexual assault, stalking and  
200 intimate partner violence policies of such college or institution; (3) the  
201 provisions of Title IX of the Elementary and Secondary Education Act  
202 of 1972, 20 USC 1681 et seq., and the Jeanne Clery Disclosure of  
203 Campus Security Policy and Campus Crime Statistics Act, 20 USC  
204 1092(f); (4) victim-centered response and the role of community-based  
205 sexual assault victim advocates; (5) the role and functions of each  
206 member on such campus resource team for the purpose of ensuring a  
207 coordinated response to reported incidences of sexual assault, stalking  
208 and intimate partner violence, as such terms are defined in section 10a-  
209 55m of the general statutes, as amended by this act; and (6)  
210 communicating sensitively and compassionately with the victims of  
211 such assault, stalking or violence, including, but not limited to, an  
212 awareness of responding to victims with diverse cultural backgrounds,  
213 and providing services to or assisting in locating services for such

214 victims. For purposes of this subsection, "victim-centered response"  
215 means a systematic focus on the needs and concerns of a victim of  
216 sexual assault, stalking or intimate partner violence that (A) ensures  
217 the compassionate and sensitive delivery of services in a  
218 nonjudgmental manner, (B) ensures an understanding of how trauma  
219 affects victim behavior, (C) maintains victim safety, privacy and,  
220 where possible, confidentiality, and (D) recognizes that victims are not  
221 responsible for the assault, stalking or violence committed against  
222 them.

223 (d) Not later than July 1, 2015, the campus resource team shall  
224 review the sexual assault, stalking and intimate partner violence  
225 policies adopted by its institution of higher education in accordance  
226 with section 10a-55m of the general statutes, as amended by this act,  
227 and recommend to such institution protocols in accordance with such  
228 policies for providing support and services to any student or employee  
229 who reports being the victim of sexual assault, stalking or intimate  
230 partner violence. Such team shall meet not less than once per semester  
231 to review such protocols and ensure that they are updated as  
232 necessary.

233 Sec. 4. (NEW) (*Effective July 1, 2014*) Not later than January 1, 2015,  
234 each institution of higher education shall enter into and maintain a  
235 memorandum of understanding with at least one community-based  
236 sexual assault crisis service center and at least one community-based  
237 domestic violence agency for purposes of (1) ensuring that any student  
238 or employee of such institution who reports or discloses being the  
239 victim of sexual assault, stalking or intimate partner violence can  
240 access free and confidential counseling and advocacy services, either  
241 on or off campus, and (2) establishing a partnership with such service  
242 center and agency, including, but not limited to, (A) involvement of  
243 the institution's campus resource team, and (B) trainings between the  
244 institution and such service center and agency to ensure the  
245 understanding of each other's role in responding to reports and  
246 disclosures of sexual assault, stalking and intimate partner violence  
247 against students and employees of the institution and the institution's

248 protocols for providing support and services to such students and  
249 employees, developed in accordance with subsection (b) of section 2 of  
250 this act.

251 Sec. 5. (NEW) (*Effective July 1, 2014*) (a) Each institution of higher  
252 education shall ensure that its Title IX coordinator and members of its  
253 special police force, campus police force or campus safety personnel  
254 employed by such institution of higher education are educated in the  
255 awareness and prevention of sexual assault, stalking and intimate  
256 partner violence, and in trauma-informed response.

257 (b) For purposes of this section, "trauma-informed response" means  
258 a response involving an understanding of the complexities of sexual  
259 assault, stalking and intimate partner violence through training  
260 centered on the neurobiological impact of trauma, the influence of  
261 societal myths and stereotypes surrounding the causes and impact of  
262 trauma, understanding the behavior of perpetrators and conducting an  
263 effective investigation on behalf of victims who have suffered trauma.

264 Sec. 6. (NEW) (*Effective July 1, 2014*) (a) Members of state and local  
265 police departments who act as first responders to any reports of sexual  
266 assault, stalking or intimate partner violence at an institution of higher  
267 education shall receive training in the awareness and prevention of  
268 sexual assault, stalking and intimate partner violence and in trauma-  
269 informed response.

270 (b) For purposes of this section, "trauma-informed response" means  
271 a response involving an understanding of the complexities of sexual  
272 assault, stalking and intimate partner violence through training  
273 centered on the neurobiological impact of trauma, the influence of  
274 societal myths and stereotypes surrounding the causes and impact of  
275 trauma, understanding the behavior of perpetrators and conducting an  
276 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
Sec. 6	<i>July 1, 2014</i>	New section

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:*** None***Municipal Impact:*** None***Explanation***

The bill results in no fiscal impact as the constituent units of higher education have the expertise to provide both the programs and reports required in the bill.

House "A" (LCO 3490) eliminated costs of \$1,248,962 in FY 15 and \$1,228,962 in FY 16 which were associated with reporting and training requirements beyond which the constituent units of higher education had internal expertise.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

---

**OLR Bill Analysis****sHB 5029 (as amended by House "A")\******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 (1) requiring for-profit institutions licensed to operate in Connecticut to comply with them and (2) applying them to (a) stalking and (b) institutions' employees. It also (1) requires all institutions (public, independent, and for-profit), 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 all institutions to permit anonymous reporting.

The bill requires all higher education 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 all higher education institutions to establish a campus resource team to review their policies and recommend

protocols for providing support and services to students and employees who report being victims and (2) establishes membership and education requirements for the team. It establishes additional (1) education requirements for the institution's Title IX coordinator and special police force, campus police force, or campus safety personnel and (2) training requirements for members of the state or local police who respond to campus incidents.

The bill requires all higher education institutions 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.

\*House Amendment "A" replaces the original file, which contained similar policy, reporting, and education requirements.

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 scope of the policies by (1) requiring for-profit institutions licensed to operate in Connecticut to comply with them and (2) applying them to (a) stalking and (b) institutions' employees.

Under current law, stalking is addressed by the institutions' 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. However, neither current law nor the bill require for-profit institutions to produce the uniform campus crime report.

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 all higher education institutions to permit victims to report or disclose incidents anonymously. The institution must notify the victim of its obligations under state or federal law, if any, to (1) investigate or address the alleged sexual assault, stalking, or intimate partner violence and (2) assess whether the report triggers the need for a timely warning or emergency notification pursuant to federal regulations. These obligations may, in limited circumstances, result in the victim's identity becoming known (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 requires the contact information to 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 all 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.

#### **§§ 1 & 2 — PREVENTION AND AWARENESS PROGRAMMING AND CAMPAIGNS**

By law, public and independent 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 for-profit institutions to offer the programming and campaigns;
2. requires the programming and campaigns to also address stalking;
3. requires the programming to be provided (a) annually and (b) to all employees, not just students as under current law;
4. eliminates the requirement that the programming and campaigns be within existing budgetary resources; and
5. specifies that prevention and awareness programming includes poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars, or panel discussions.

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 all higher education institutions, annually beginning October 1, 2015, to submit a report to the Higher Education Committee that includes, for the immediately preceding calendar 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, awareness, and risk reduction programs at the institution;
3. the type of prevention and awareness campaigns at the institution;
4. the number of incidents reported to the institution;
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, to the extent that reporting the outcomes does not conflict with federal law.

### **§ 1 — Uniform Campus Crime Reports**

By law, each public and independent higher education institution (but not for-profit institutions) must annually publish 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) 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> degree stalking and (2) family violence (which includes various crimes committed against a family or household member). It also requires the report to be published annually by October 1, rather than September 1 as current law requires.

### **§ 3 — CAMPUS RESOURCE TEAM**

#### ***Membership***

The bill requires each public, independent, and for-profit higher education institution to establish a campus resource team by January 1, 2015. The team must have representatives from, and be responsible for, each of the institution's campuses. The institution's president selects the team members, who must include the institution's Title IX coordinator (under federal law, each institution receiving federal student aid must designate a Title IX coordinator) and chief student affairs officer, or their designees, 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, campus police force, or campus safety personnel; (6) faculty; (7) senior and mid-level staff; (8) student body; (9) residential life office; and (10) judicial hearing board.

The team may also include any other members designated by the institution's president. Additionally, the president must invite to serve on the team 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.

#### ***Education Requirements***

The bill requires the institution to ensure that each team member is

educated 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 polices;
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 resource team, by July 1, 2015, to (1) review the institution's sexual assault, stalking, and intimate partner

violence policies and (2) recommend to the institution 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 & 6 — ADDITIONAL EDUCATION AND TRAINING REQUIREMENTS**

The bill requires each public, independent, and for-profit higher education institution to ensure that its Title IX coordinator and members of its special police force, campus police force, or campus safety personnel employed by the institution are educated in the awareness and prevention of sexual assault, stalking, and intimate partner violence, and in trauma-informed response. It also requires 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 to receive training in (1) the awareness and prevention of these crimes and (2) trauma-informed response.

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 public, independent, and for-profit 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 resource 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 an institution 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)

Public Safety and Security Committee

Joint Favorable

Yea 18 Nay 0 (04/08/2014)