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**Written Testimony for the
Higher Education & Workforce Advancement Committee
From
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February 11, 2014**

On behalf of the member institutions of the Connecticut Conference of Independent Colleges (CCIC), I am submitting testimony regarding **House Bill 5029, An Act Concerning Sexual Assault and Intimate Partner Violence on Campus**. Sexual violence on campus is a critically important issue that all of our campuses take seriously and are working hard to prevent. As the Committee considers potential legislation to address Sexual Assault and Intimate Partner Violence on Campus, we strongly recommend that there be one set of clear and manageable standards and requirements for institutions of higher education that align with current federal requirements.

Currently all institutions of higher education in Connecticut are subject to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, passed in 1990. The Act mandates that colleges and universities must annually file a Campus Security Report with the federal government and must make the report available to students and employees. This report must include crime statistics for the prior three years, policy statements regarding various safety and security measures, campus crime prevention program descriptions, and procedures to be followed in the investigation and prosecution of alleged sexual offenses. The Clery Act and other federal policies have the advantage of setting clear, national standards for the prevention and response to sexual violence on campus.

Federal policies continue to evolve. More recently, the 2011 Dear Colleague letter issued by the U.S. Department of Education clarified and updated the responsibilities of colleges and universities to take immediate steps to respond to sexual violence in accordance with Title IX. In addition, the 2013 amendments to the Violence Against Women Act, which expanded annual campus crime reports to include acts of domestic violence, dating violence and stalking, also established new policies and procedures for handling asserted sexual offenses and required new training and awareness programs for campus personnel, students and staff. These revisions are the currently the subject of a negotiated rulemaking session that just got underway this month. Everything from the definitions of sexual assault and dating violence to the counting of reportable offenses and disciplinary procedures are up for discussion in these revised regulations. Further, just last month, in January 2014, the White House announced a new Taskforce on Sexual Assault on College Campuses, which will issue a report in 60 days.

As a result of all of these recent developments, CCIC's member institutions have worked to strengthen, clarify and broadly disseminate to students, faculty and staff their policies and processes for reporting and responding to reports of sexual violence. These institutions are also preparing to implement whatever rules or guidance are issued as a result of the negotiated rulemaking and the White House Task Force. As a sector, we are also working on enhancing training through a series of best practice sessions to be convened over the next few months. We are concerned that a separate overlapping and potentially conflicting set of

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Quinnipiac University, Rensselaer at Hartford, Sacred Heart University, St. Vincent's College, Trinity College, University of Bridgeport,
University of Hartford, University of New Haven, University of Saint Joseph, Wesleyan University, Yale University

rules would create confusion and add layers of bureaucracy but would not improve campus culture. We urge you to maintain consistency with the federal laws with regard to definitions, areas of coverage, report timing and requirements and training mandates.

A few specific points of feedback on the provisions of the bill:

Section 1:

New Reporting Requirements- Regardless of where incident occurred

Proposed new language would require sexual assaults and intimate partner violence to be included in institutional statistics *regardless of where the incident occurred and who was involved*. This needs to be narrowed or campuses could be required to report incidents that occurred off campus, in another state, with no relation to the campus at all. Would the campus be required to offer a disciplinary hearing for an incident that occurred out of state? Federal language (Higher Education Act Section 485f (6)) refers to assaults occurring on-campus, on public property within and adjacent to campus and at campus-related properties like off-campus student organization housing and remote classrooms. We understand your desire to capture incidents occurring at off-campus housing locations and urge you to use the federal language.

Section 2:

- a) ***Definitions:*** The bill retains several definitions that differ from the federal rules for prevention and reporting violence.” It is difficult for institutions to ensure they are complying with two sets of regulatory standards that employ different definitions. As an example, “sexual assault”, “dating violence”, “domestic violence” and “stalking” are all defined in federal rules. HB 5029 adds an entirely new definition of “bystander intervention.” We urge you to rely upon a single set of definitions based on federal policies to achieve greater clarity and better compliance for campus officials, legislators, and victims.
- b) ***Training:*** The institutions understand that training is a critical component of both preventing sexual violence and making sure that victims understand their rights. Requiring training of every existing employee, however, is costly and time consuming. Federal law requires training of all new employees and incoming employees along with ongoing prevention and awareness campaigns for students and faculty. It would be helpful to add language stating that “training programs that satisfy federal requirements also fulfill institutional obligations under this section.”
- c) ***Anonymous Reporting:*** We urge you to clarify the intent concerning anonymous complaints. The language in this section of HB 5029 is confusing. It references anonymous complaints, but subsequently discusses limits on confidentiality and protecting the victim’s identity. In truly anonymous reports, the victim’s identity is not known and confidentiality is not an issue. In addition, it is difficult to understand how an institution would investigate anonymous complaints, because school officials cannot talk to the victim if they do not know who she or he is. Federal policy already addresses cases where victims wish to keep their identities confidential. The Dear Colleague Letter requires schools to pursue complaints to the extent possible where a victim wishes to remain confidential. Colleges cannot be expected to prosecute anonymous complaints to the same extent as those in which the victims are identified because they won’t necessarily have the requisite information. We urge you to mirror the federal language around confidentiality and anonymity.
- f) ***Reporting Requirements:*** This appears to create a significant record-keeping obligation and some logistical challenges for the institutions. We would urge lawmakers to look at federal reporting requirements and mirror those where possible.

Section 3

Sexual Assault Response Team: Institutions have devoted significant time and attention to developing appropriate response mechanisms and have models in place that are functionally equivalent to the “sexual assault response teams” but may not match them in exact organization. Members noted that a review of the protocols each semester rather than each academic year seemed unnecessary, that the training requirements for the SART are extensive and may be difficult to manage and that there should be some flexibility in designing a team that fits with the campus administrative structure while upholding the important policy provisions of the law.

Section 4

The bill requires each college or university to enter into a memorandum of understanding with at least one community based sexual assault or intimate partner violence crisis service center. There is no question that victims should be assured of access to free and confidential counseling. Nonetheless, the Committee should allow institutions to assess the best service providers within their communities. Federal rules do not mandate agreements with specific service providers, and we have some concerns about the merits of such a requirement particularly when such provider is either unavailable, unwilling to sign on to a reasonable agreement or is not the best provider.