



General Assembly

February Session, 2014

Raised Bill No. 5029

LCO No. 301



Referred to Committee on HIGHER EDUCATION AND
EMPLOYMENT ADVANCEMENT

Introduced by:
(HED)

***AN ACT CONCERNING SEXUAL ASSAULT 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2 repealed and the following is substituted in lieu thereof (*Effective July*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 and
10 incidences of sexual assault and intimate partner violence, as such
11 terms are defined in section 10a-55m, as amended by this act,
12 committed in the immediately preceding calendar year against a
13 student or employee of such institution, regardless of where such
14 incidences occurred. Such report shall be in accordance with the

15 uniform crime reporting system pursuant to section 29-1c, provided
16 such report is limited to those offenses included in part I of the most
17 recently published edition of the Uniform Crime Reports for the
18 United States as authorized by the Federal Bureau of Investigation and
19 the United States Department of Justice, [and] sexual assault under
20 sections 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b and 53a-73a,
21 and every incidence of intimate partner violence that was reported to
22 the state police, local police department, a member of the institution of
23 higher education's special police force established pursuant to section
24 10a-156b or campus security personnel. The state police, local police
25 departments and special police forces [established pursuant to section
26 10a-156b] shall cooperate with institutions of higher education in
27 preparing such reports. Institutions with more than one campus shall
28 prepare such reports for each campus.

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 Section 10a-55m of the general statutes is repealed and the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

31 (a) For purposes of this section:

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

37 (2) "Bystander intervention" means the awareness, skills and ability
38 to challenge the social norms in such community that support,
39 condone or permit sexual assault and intimate partner violence;

40 [(2)] (3) "Institution of higher education" means an institution of
41 higher education as defined in section 10a-55;

42 [(3)] (4) "Intimate partner violence" means any physical or sexual
43 harm against an individual by a current or former spouse of or person
44 in a dating relationship with such individual that results from any

45 action by such spouse or such person that may be classified as a sexual
46 assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b
47 or 53a-73a, stalking under section 53a-181c, 53a-181d or 53a-181e, or
48 domestic violence as designated under section 46b-38h;

49 [(4)] (5) "Primary prevention programming" means programming
50 and strategies intended to prevent sexual assault and intimate partner
51 violence before it occurs by means of changing social norms and other
52 approaches;

53 [(5)] (6) "Sexual assault" means a sexual assault under section 53a-
54 70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; and

55 [(6)] (7) "Uniform campus crime report" means a campus crime
56 report prepared by an institution of higher education pursuant to
57 section 10a-55a, as amended by this act.

58 (b) Each institution of higher education shall adopt and disclose in
59 such institution's annual uniform campus crime report one or more
60 policies regarding sexual assault and intimate partner violence. Such
61 policy or policies shall include provisions for (1) detailing the
62 procedures that students and employees of the institution who report
63 or disclose being the victim of sexual assault or intimate partner
64 violence may follow after the commission of such assault or violence,
65 including persons or agencies to contact and information regarding the
66 importance of preserving physical evidence of such assault or violence;
67 (2) providing students and employees of the institution who report or
68 disclose being the victim of sexual assault or intimate partner violence
69 both concise, written contact information for and, if requested,
70 professional assistance in accessing and utilizing campus, local
71 advocacy, counseling, health and mental health services, and [written]
72 concise information, written in plain language, concerning the rights of
73 such students and employees to (A) notify law enforcement of such
74 assault or violence and receive assistance from campus authorities in
75 making any such notification, and (B) obtain a protective order, apply

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

110 (c) Each institution of higher education shall [, within existing
111 budgetary resources, offer] provide (1) sexual assault and intimate
112 partner violence primary prevention and awareness programming for
113 all students and employees that includes an explanation of the
114 definition of consent in sexual relationships, [and] information
115 concerning the reporting of incidences of such assaults and violence [,]
116 and strategies for bystander intervention; [and risk reduction;] and (2)
117 ongoing sexual assault and intimate partner violence prevention and
118 awareness campaigns.

119 (d) Each institution of higher education may provide the option for
120 any student or employee of such institution who is the victim of a
121 sexual assault or intimate partner violence to report or disclose such
122 assault or violence to such institution anonymously, provided
123 maintaining the confidentiality of such student or employee does not
124 result in a violation of state or federal law. Each such institution shall
125 notify any such student or employee of the institution's obligation
126 under state or federal law, if any, to investigate such assault or
127 violence and the identity of such 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 or
131 intimate partner violence, immediately upon receiving a report of such
132 assault or violence, of such victim's rights and options under such
133 institution's policy or policies regarding sexual assault and intimate
134 partner violence adopted in accordance with subsection (b) of this
135 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 and

142 intimate partner violence adopted in accordance with subsection (b) of
143 this section, or any revisions thereto, (2) a copy of its most recent
144 concise written notification of a victim's rights and options under its
145 sexual assault and intimate partner violence policy or policies required
146 pursuant to subsection (e) of this section, and (3) not later than July 1,
147 2015, (A) the number and type of sexual assault and intimate partner
148 violence prevention and awareness programs at the institution, (B) the
149 number of students and employees of the institution who received
150 services from such programs, (C) the number and type of sexual
151 assault and intimate partner violence prevention and awareness
152 campaigns held at the institution, (D) the number of students and
153 employees of the institution who participated in such campaigns, (E)
154 the number of incidences of sexual assault and intimate partner
155 violence reported to the institution's Title IX coordinator, (F) the
156 number of confidential or anonymous reports or disclosures to the
157 institution of sexual assault and intimate partner violence, (G) the
158 number of disciplinary cases at the institution related to sexual assault
159 and intimate partner violence resolved through mediation, (H) the
160 number of disciplinary cases at the institution related to sexual assault
161 and intimate partner violence resolved through both informal hearings
162 and formal hearings, and (I) the final outcome of all disciplinary cases
163 at the institution related to sexual assault and intimate partner
164 violence, including, but not limited to, the outcome of any appeals of
165 such final outcome.

166 Sec. 3. (NEW) (*Effective July 1, 2014*) (a) Not later than January 1,
167 2015, each institution of higher education shall establish a trained
168 sexual assault response team for each of its campuses. The sexual
169 assault response team shall consist of individuals selected by the
170 president of each institution of higher education and may include not
171 less than one member from (1) among each of its administration,
172 counseling services office, health services office, women's center,
173 special police force or campus security personnel, faculty, senior and
174 mid-level staff, student body, residential life office, and judicial

175 hearing board; (2) a community-based sexual assault crisis service
176 center; and (3) the criminal justice system within the judicial district in
177 which such institution of higher education is located, including, but
178 not limited to, members of the state police and local police department
179 and prosecutors employed by the Division of Criminal Justice.

180 (b) Each institution of higher education shall ensure that every
181 member of the sexual assault response team receives comprehensive
182 training in (1) the awareness and prevention of sexual assault and
183 intimate partner violence, and communicating with and providing
184 assistance to any student or employee of the institution who is the
185 victim of such assault or violence; (2) the sexual assault and intimate
186 partner violence policies of such college or institution; (3) the
187 provisions of Title IX of the Elementary and Secondary Education Act
188 of 1972, 20 USC 1681 et seq., and the Jeanne Clery Disclosure of
189 Campus Security Policy and Campus Crime Statistics Act, 20 USC
190 1092(f); (4) victim-centered response and the role of community-based
191 sexual assault victim advocates; (5) the role and functions of each
192 member on such sexual assault response team for the purpose of
193 ensuring a coordinated response to reported incidences of sexual
194 assault and intimate partner violence, as defined in section 10a-55m of
195 the general statutes, as amended by this act; and (6) communicating
196 sensitively and compassionately with the victims of such assault or
197 violence and providing services to or assisting in locating services for
198 such victims.

199 (c) Not later than July 1, 2015, the sexual assault response team shall
200 review the sexual assault and intimate partner violence policies
201 adopted by its institution of higher education in accordance with
202 section 10a-55m of the general statutes, as amended by this act, and
203 develop protocols in accordance with such policies for providing
204 support and services to any student or employee who reports being
205 the victim of sexual assault or intimate partner violence. Such team
206 shall meet not less than once per semester to review such protocols
207 and ensure that they are updated as necessary.

208 Sec. 4. (NEW) (*Effective July 1, 2014*) Not later than January 1, 2015,
209 each institution of higher education shall enter into and maintain a
210 memorandum of understanding with at least one community-based
211 sexual assault crisis service center for purposes of (1) ensuring that any
212 student or employee of such institution who reports or discloses being
213 the victim of sexual assault or intimate partner violence can access free
214 and confidential counseling and advocacy services, either on or off
215 campus, and (2) establishing a partnership with such service center,
216 including, but not limited to, (A) involvement of the institution's
217 sexual assault response team, and (B) trainings between the institution
218 and such service center to ensure the understanding of each other's
219 role in responding to reports and disclosures of sexual assault and
220 intimate partner violence against students and employees of the
221 institution and the institution's protocols for providing support and
222 services to such students and employees, developed in accordance
223 with subsection (c) of section 3 of this act.

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

Statement of Purpose:

To improve campus sexual assault and intimate partner violence policies and the response of institutions of higher education to reports of sexual assault of intimate partner violence against students and employees of such institutions.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]