



General Assembly

Substitute Bill No. 5029

February Session, 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2 repealed and the following is substituted in lieu thereof (*Effective July*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 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 Section 10a-55m of the general statutes is repealed and the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.

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