



Higher Education and Employment Advancement Committee

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Testimony

By

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Good morning. My name is Eleanor Daugherty and I am the Associate Vice President of Student Affairs and Dean of Students at the University of Connecticut. Thank you for allowing me to testify today concerning Senate Bill 636, *An Act Concerning Affirmative Consent*. After serving in higher education in a variety of positions for over 15 years, I came to the University of Connecticut in August of 2014 to serve in this recently reestablished role. I oversee a range of critical support services for students including counseling and mental health, student health, residential life, community standards, off-campus student services, and the dean of students office. These services working together allow us to view the student in a holistic manner.

The University of Connecticut fully appreciates and shares the commitment shown by the Connecticut legislature to address the critical issue of sexual violence on campuses in the state of Connecticut. UConn has long taken sexual violence on our campuses extremely seriously. The University of Connecticut has maintained the affirmative consent standard for student disciplinary cases for many years and is a strong supporter of this important legislation. Under the current administration, UConn has taken significant steps toward the goals of eliminating sexual violence on all of its campuses, providing appropriate support for victims of sexual violence, implementing enhanced training for faculty, staff and students and hiring additional staff in this key area.

The reestablishment of my role is further evidence of UConn's commitment to this issue. Over the past year UConn has hired an Assistant Dean of Students for Victim Support and established an investigative office for Title IX complaints within the Office of Diversity and Equity and includes 4 full time staff members. Given this commitment, I am particularly pleased to be here to support the

leadership of our state legislature; leadership that is remarkable because of its care, concern, and commitment to reducing incidents of sexual assault on college and university campuses.

Affirmative Consent on a University Campus:

The UConn Student Code has followed the standard of affirmative consent since the 2002/2003 academic year. UConn has found that this higher standard allows for a meaningful dialogue about consent that is first introduced to students during orientation and reaffirmed throughout a student's tenure at the University. Sexual consent must be, as our code articulates, "informed, freely, and actively given." The affirmative consent standard reflected in UConn's Student Code and in the language of Proposed S.B. 636 insists that communication regarding sexual activity be active and ongoing and requires communication and affirmation between both partners. This allows for critical and clear communication between partners and recognizes that force, coercion, and excessive use of substances like alcohol and other drugs all serve to silence that critical communication.

Rape is often defined as 'compelling submission by physical force' (Schulhofer, 2005). This definition ignores the diminished capacity caused by alcohol and other drugs, the numbing effect of fear, and the influence of power dynamics that exist particularly when the perpetrator is not a stranger. A recent DOJ study of college age females who were victims of sexual assault between 1995-2013 clearly indicated that the offender is not a stranger but, in 80% of cases, was known to the victim and, for 50% of the women, the offenders were more likely to be friends or acquaintances than intimate partners. This presents a reality for the occurrence of sexual violence that, I believe, requires universities and colleges, as we have done at UConn, to develop standards in their student code that expect students to communicate clearly and to affirm their desires and limitations. It insists that definitions of consent be built upon principles of mutual respect and the equality of participants, rather than that of abating a 'stranger in the woods phenomenon.'

Our experience:

It is our expectation at UConn that silence, incapacitation and powerlessness do not and should not mean consent. It is our responsibility as an institution of higher education to educate, adjudicate, and hold students accountable to a standard of affirmative consent.

Thank you for allowing me to speak today and thank you, again, to the state legislature and to this committee for your leadership and willingness to set a rigorous standard of affirmative consent for institutions of higher education in Connecticut to maintain for their students.