

Higher Education and Employment Committee

H.B. 6890: An Act Requiring Best Practices By Institutions of Higher Education in Response to Reports of Sexual Assault, Stalking or Intimate Partner Violence

Submitted by: Madeline Granato, Policy Manager and Camden Weber, Legal Intern
February 14, 2019

The Connecticut Women's Education and Legal Fund (CWEALF) is a statewide, nonprofit organization that advocates for and empowers women and girls in Connecticut, especially those who are underserved or marginalized. For forty-five years, CWEALF is a leading advocate of policy solutions that enhance women's economic security, increase access to reproductive healthcare, and protect a woman's right to bodily autonomy.

CWEALF encourages the Committee to support H.B. 6890: *An Act Requiring Best Practices By Institutions of Higher Education in Response to Reports of Sexual Assault, Stalking or Intimate Partner Violence*. In light of the federal government's support of increasingly lax campus sexual assault regulations and efforts to weaken Title IX, the passage of H.B. 6890 is essential, now more than ever.

Title IX is a federal civil rights law passed as part of the Education Amendments of 1972 and protects all students—regardless of sex, sexual orientation, gender identity, race or national origin, age, disability or undocumented status—from discrimination in education programs or activities that receive federal financial assistance. Last year, Education Secretary Betsy DeVos proposed new campus sexual assault policies that significantly weaken Title IX's survivor protections, bolster the rights of students accused of assault, harassment or rape, and reduce liability for institutions of higher education.

In the #MeToo and #TimesUp era, it is imperative that Connecticut pass H.B. 6890 to initiate a study of the impact of the federal government's proposed changes to Title IX and ensure that we protect students at institutions of higher education.

Secretary DeVos' proposals are devastating for student victims of sexual assault who seek justice and protection from their schools. The proposed rules will narrow the definition of sexual harassment to "unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity."¹ The Obama administration defined harassment more broadly as "unwelcome conduct of a sexual nature."² DeVos' new rules also bolster defendants' due process rights with the new guarantee to cross-examine the accuser.³ Additionally, proposed rules will establish a higher legal standard to determine whether schools improperly addressed complaints and provide colleges with more leeway to use mediation and other informal resolution procedures.⁴ These proposals are

¹ *Id.*

² <https://www.chronicle.com/article/What-You-Need-to-Know-About/245118>

³ <https://www2.ed.gov/about/offices/list/ocr/docs/title-ix-nprm.pdf>

⁴ *Id.*

at stark opposition to the Obama-era rules, which discouraged direct cross-examination and mediation because of their high potential to re-traumatize victims.

Sexual assault among college students is an epidemic with nearly 12 percent of college students reporting the experience of rape or sexual assault (taking into account that many survivors never report).⁵ The proposed changes would exacerbate the already alarming statistic by forcing accusers to confront their attackers, limiting the resources for reporting, and limiting universities' responsibility to assist survivors seeking justice and protection.

CWEALF urges the Committee to support H.B. 6890: *An Act Requiring Best Practices By Institutions of Higher Education in Response to Reports of Sexual Assault, Stalking or Intimate Partner Violence*. It is crucial that Connecticut pass this bill to protect its students from the federal government's proposed changes to Title IX and ensure that students are heard, respected and protected.

⁵ <https://www.rainn.org/statistics/campus-sexual-violence>