

# Higher Education and Employment Advancement Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-19

**Title:** AN ACT CONCERNING SEXUAL MISCONDUCT ON COLLEGE CAMPUSES.

**Vote Date:** 3/10/2020

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/13/2020

**File No.:**

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## **SPONSORS OF BILL:**

The Higher Education and Employment Advancement Committee

## **REASONS FOR BILL:**

This bill establishes a 19-member Council on Sexual Misconduct Climate Survey as part of the legislative department to identify and approve sexual misconduct climate surveys for colleges and universities to assess the climate on college campuses related to sexual assault, stalking, and intimate partner violence. It prohibits the reporter of an alleged incident from disciplinary action for violation of an institution's alcohol and drug policy. The council would be required to report to the Higher Education Committee by July 1, 2021 and every four years thereafter. Each higher education institution would be required to provide a summary of the climate survey every four years, starting in March 2022.

Substitute language limits the amnesty provision to only include a violation of a higher education institution's policy prohibiting the use of drugs and alcohol. It requires members to serve four-year terms rather than two-year terms and requires the council to report to the Higher Education Committee every four years instead of every two years. In addition, it changes the frequency of sexual misconduct climate surveys from every two years to every four years. It also requires the council to identify and approve surveys for use by higher education institutions, rather than develop and update their own survey.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**[Alexandra Pilon, Dir. Government Relations, CSCU](#)**: Ms. Pilon submitted testimony in support of this bill of behalf of CSCU. She notes that the CSUs already have amnesty and Good Samaritan policies, and that CSCU is working to establish a unified policy for community colleges. Climate surveys are already being done on some campuses and are an

important tool to assess students' experiences. CSCU is supportive of any efforts to make college campuses safer.

**Elizabeth Conklin, Title IX Coordinator, UConn**: Ms. Conklin submitted testimony in support of this bill. She notes that UConn shares the goals expressed in this bill to create safer campus communities by removing barriers to reporting and actively surveying students about their experiences with sexual misconduct. However, the Title IX office recommends that instead of establishing an advisory council charged with designing a survey that this council instead assesses current nationally available surveys to develop a toolkit for Connecticut higher education institutions. The toolkit would allow individual institutions to choose which survey makes the most sense for their respective populations.

**Natasha Pierre Esq., State Victim Advocate, State of CT Office of the Victim Advocate**: Attorney Pierre submitted testimony in support of this bill. She notes that crime victims in Connecticut have state constitutional rights, and that these rights are still applicable if the crime occurs on an academic campus. While Connecticut has made important strides to bring awareness to prevent and protect students, this bill will enhance those efforts. In addition, protecting students who report these crimes will allow victims to receive services that may not otherwise be available without a report, and will prevent abusers from using a school's disciplinary policy to control a fearful victim.

#### **NATURE AND SOURCES OF SUPPORT:**

**Kelly Moore, Policy Counsel, ACLU-CT**: Ms. Moore submitted testimony on behalf of ACLU-CT. The ACLU-CT believes that our state's colleges and universities need to do more to stop sexual violence on campuses because it deprives a person of equal and free access to an education and prevents full participation in college campus activities. The climate survey allows colleges to study problems with sexual assault, stalking, and intimate partner violence on campus and will provide deeper knowledge of these persistent issues to shape better solutions in the future.

**CT Coalition Against Domestic Violence**: The CCADV submitted testimony in support of this bill. They believe this bill is a natural extension of sexual assault legislation passed by the General Assembly in 2014 aimed at strengthening prevention and response mechanisms, and that the current bill is necessary to promoting safety on college campuses. They note that students fear disciplinary action for violating their school's drug and alcohol policy, and that removing this reporting barrier would provide protection for victims and increase offender accountability.

**Maureen Chalmers, President, Congress of CT Community Colleges**: Ms. Chalmers submitted testimony on behalf of the 4Cs in the hope that this tool will give them a greater understanding of sexual assault on campuses and to find stronger means of prevention.

**Johanna DeBari, Director of Survivor Advocacy, Wesleyan University**: Ms. DeBari submitted testimony in support of this bill. She notes that a campus climate survey would allow students a private platform to document their experiences and give academic institutions the information needed to address sexual violence on their campuses.

**Alison Hagani and Zach Williams, Directors of Legislative Advocacy, Every Voice**

**Coalition**: Ms. Hagani and Mr. Williams submitted testimony in support of this bill. They believe that this bill represents a critical step forward for student safety in Connecticut and would allow the state to become a national leader in the fight to end campus sexual violence. They note how crucial the amnesty policy is to this bill, as the National Institute of Drug Use approximates that 50% of campus sexual assault cases involve drugs or alcohol. They also note that the frequency of reports allows universities to observe specific trends over time and to quickly act upon shortcomings in campus policies or resources.

**Madeline Granato, Policy Director, CT Women's Education and Legal Fund**

Ms. Granato submitted testimony in support of this bill on behalf of CWEALF because it will increase protections for victims of sexual assault, stalking, and intimate partner violence on college campuses. They believe that this bill is imperative to fortify the rights of university and college students and employees. They note the importance of amnesty in this bill as many students fear penalization for violating campus policies, and as such are apprehensive about reporting crimes committed against them. In addition, the data collected from the climate survey will allow institutions to evaluate procedures in relation to sexual assault.

**Bridget Koestner, Campus Service Coordinator, CT Alliance to End Sexual Violence**

Ms. Koestner submitted testimony in support of this bill. She notes that in preparation for the release of new federal Title IX rules, it will be critical to continue to understand the impact of sexual misconduct on college and university campuses. Access to the climate survey results would be invaluable in providing proper advocacy to college students. Ms. Koestner also believes that the protections in Section 1 will create an environment where survivors have an increased ability to access the services of their choice in addition to holding offenders responsible for their actions.

**Michelle Noehren**: Ms. Noehren submitted testimony in support of this bill. She notes that developing a council and a sexual misconduct climate survey would help legislators and the general public be better informed about whether efforts to promote awareness of affirmative consent are effective, how colleges respond when victims come forward, and how safe students feel on campus.

**Stephanie Spangler MD, Vice Provost and Title IX Coordinator, Yale University**

Dr. Spangler submitted testimony in support of this bill with recommendations for modifications. Yale supports campus climate surveys and notes that they already conduct a survey every four years, with intentions of conducting another in 2023. They recommend that surveys take place every four years instead of every two years because it encourages a higher response rate from students and allows campuses enough time to analyze the data. In addition, they recommend having more members of the council have expertise in survey design given the substantial technical expertise these campus surveys require, and recommend the council develop a roadmap for how to conduct these surveys effectively. While the university agrees with the amnesty provision, they have concerns about how broad and general the provision is and recommend avoiding it in this bill.

**Jennifer Widness, President, CT Conference of Independent Colleges**: Ms. Widness submitted testimony in support of this bill on behalf of CCIC, with some concerns about its provisions. While the CCIC understands that removing barriers to reporting will encourage students to come forward, they have concerns that about the lack of discretion it gives

institutions for extenuating circumstances. They also express concern about contradicting federal law (the Drug Free Schools and Communities Act) with state law, potentially putting their federal funding in jeopardy. In addition, they express concern about language that mandates one specific survey tool to be designed and utilized by all institutions despite the diversity of institutions. They believe that such a survey should be conducted every four years instead of every two years.

### **ADDITIONAL TESTIMONY:**

Testimony was offered by the following students in support of the bill:

[Chris Bilicic, Student, Trinity College](#)  
[James Calabresi, Student, Trinity College](#)  
[Bryan Chong, Student, Wesleyan University](#)  
[Oliver Cope, Student, Wesleyan University](#)  
[Alayna D'Amico, Student, Wesleyan University](#)  
[Alex Dahlem, Student, Trinity College](#)  
[Perri Easley, Student, Wesleyan University](#)  
[Gabby Farina, Student, Wesleyan University](#)  
[Kaelen Furey, Student, UConn](#)  
[George Fuss, Student, Wesleyan University](#)  
[Nora Gallo, Student, UMass Amherst](#)  
[Maya Gomberg, Student, Wesleyan University](#)  
[Alison Hagani, Student, Brandeis University](#)  
[Genesis Infantas, Student, UConn](#)  
[Zoe Jensen, Student, UConn](#)  
[Aven Kelley, Student, UConn](#)  
[Annastasia Martineau, Student, UConn](#)  
[Christine Mayotte, Student, UConn](#)  
[Coleman McJessy, Student, Trinity College](#)  
[Tess Meagher, Student, Trinity College](#)  
[BriAnna Nixie, Student, UConn](#)  
[Olivia Ramseur, Student, Wesleyan University](#)  
[Dena Rodriguez, Student, UConn](#)  
[Elizabeth Turpin, Student, Trinity College](#)  
[Zach Williams, Student, Brandeis University](#)

### **NATURE AND SOURCES OF OPPOSITION:**

[Stephen Mendelsohn](#): Mr. Mendelsohn testified in opposition to this bill. He believes that this bill would cause bias in student assault cases, and that it would be difficult to prove any allegation was not made in good faith.

[Susan Stewart, Director, Stop Abusive and Violent Environments](#): Ms. Stewart testified in opposition to this bill. She notes that the council will not include members that represent students who have been accused of sexual misconduct and therefore will not be representative of the student body as a whole. She also notes that climate surveys are expensive, difficult to administer, and yield unreliable statistics.

**Reported by: Assistant Clerk Krystin DeLucia**

**Date: March 11, 2020**