
OLR Bill Analysis

sHB 6374 (as amended by House "A")*

AN ACT CONCERNING SEXUAL MISCONDUCT ON COLLEGE CAMPUSES.

SUMMARY

This bill makes various changes related to the handling of sexual misconduct (i.e., sexual assault, stalking, or intimate partner violence) at higher education institutions. Principally, it:

1. establishes a 20-member Council on Sexual Misconduct Climate Assessments and requires the council to report every two years to the Higher Education and Employment Advancement Committee, starting by January 1, 2022;
2. requires the council to, among other things, develop a list of data points for higher education institutions to collect using sexual misconduct climate assessments and establish guidelines for implementing the assessments;
3. requires higher education institutions to, every two years, (a) conduct a sexual misconduct climate assessment and distribute it to enrolled students, starting by March 1, 2023, and (b) report to the Higher Education and Employment Advancement Committee and higher education institutions on the assessment results; and
4. generally prohibits a higher education institution from taking disciplinary action against students or employees for violating the institution's drug or alcohol policy, if they, in good faith and regardless of whether they were the alleged victim, report or disclose an alleged sexual misconduct incident that occurred during, or was connected to, the policy violation.

The bill also makes technical changes.

*House Amendment "A" (1) reduces the Council on Sexual Misconduct Climate Assessments membership from 22 to 20, (2) adds the sexual misconduct climate assessment survey results to the sexual misconduct information higher education institutions must submit under current law, and (3) makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

COUNCIL ON SEXUAL MISCONDUCT CLIMATE ASSESSMENTS

Duties

The bill establishes the Council on Sexual Misconduct Climate Assessments within the legislative department, and requires it to:

1. develop a list of data points for higher education institutions to collect through student responses to sexual misconduct climate assessments, including (a) student awareness of institutional sexual misconduct policies and procedures; (b) the response to, and results of, a student's reported sexual misconduct to the institution or law enforcement and (c) student perceptions of campus safety;
2. recommend one or more sexual misconduct climate assessments that collect the data points the council identified;
3. recommend assessment implementation guidelines, including procedures for (a) achieving a high response rate to ensure statistical accuracy, (b) protecting respondents' confidentiality, and (c) receiving responses from the most broad and diverse segment of the student population possible; and
4. perform other acts necessary and appropriate to carry out required duties.

Membership

Under the bill, the council's 20 members include the (1) Higher Education and Employment Advancement Committee co-chairpersons and (2) public health commissioner, (3) UConn president, and (4) Every Voice Coalition of Connecticut staff director, or their designees.

The council also includes four appointed members and 11 designated members, as shown in Table 1 below. Appointed and designated members may be legislators.

Table 1: Appointed and Designated Council Members

| <i>Appointed Members</i> | | |
|---|------------------------------------|--|
| <i>Appointing Authority</i> | <i>Number of Appointees</i> | <i>Qualifications</i> |
| House speaker | One | Expert in developing and designing sexual misconduct climate assessments |
| Senate president pro tempore | One | Expert in statistics, data analytics, or econometrics related to higher education assessments |
| House minority leader | One | Representative of the Victim Rights Center of Connecticut |
| Senate minority leader | One | Title IX coordinator at a Connecticut higher education institution |
| <i>Designated Members</i> | | |
| Board of Regents for Higher Education | Two | One representative each from the Connecticut State University System and the regional community-technical college system |
| Connecticut Conference of Independent Colleges | One | Representative of a Connecticut independent higher education institution |
| Connecticut Alliance to End Sexual Violence | Three | Two sexual assault or intimate partner violence victims, one each who lives in a rural and urban community in Connecticut At least one designee must be a person who is black, indigenous, or a person of color |
| Connecticut Coalition Against Domestic Violence | One | A victim of intimate partner violence |
| True Colors, Inc. | One | A person who identifies as lesbian, gay, bisexual, |

| | | |
|--------------------------------------|-------|--|
| | | transgender, or queer |
| Every Voice Coalition of Connecticut | Three | One public higher education institution student One independent higher education student At least one student who is black, indigenous, or a person of color |

The bill requires appointing and designating authorities to make their appointments by September 1, 2021, and fill any vacancies within 30 days. A vacancy that occurs other than when a term expires must be filled for the balance of the term.

Under the bill, members serve four-year terms, except for initial appointments, which terminate on June 30, 2026. Members may serve more than one term and must continue to serve until their successors are appointed or designated.

Council members are not paid but may be reimbursed for necessary expenses, within available funds.

Meetings and Procedures

The bill requires the Higher Education and Employment Advancement Committee co-chairpersons to select the chairperson from among the council's members. The chairperson must schedule the first meeting, which must be held by September 1, 2021. After that, the council must meet upon the call of the chairperson or a majority of council members. Appointed or designated members who fail to attend three consecutive meetings, or 50% of all meetings held in any calendar year, are deemed to have resigned from the council.

Under the bill, a majority of members constitutes a quorum to transact business.

The Higher Education and Employment Advancement Committee's administrative staff serve as the council's administrative staff.

Reporting Requirements

Starting by January 1, 2022, the bill requires the council to report every two years to the Higher Education and Employment Advancement Committee and each Connecticut higher education institution on the (1) list of data points it developed and (2) recommended sexual misconduct climate assessments and guidelines for their implementation.

SEXUAL MISCONDUCT CLIMATE ASSESSMENT

The bill requires each Connecticut higher education institution, by March 1, 2023, and every two years after that, to (1) conduct a sexual misconduct climate assessment that collects the data points the council develops and (2) distribute the assessment to each enrolled student in accordance with the council's recommended guidelines.

Assessment Requirements

The bill allows an institution to use any sexual misconduct climate assessment, including one recommended by the council or developed by a higher education institution or a national association, provided it collects all data points the council developed.

It requires each higher education institution to include with the assessment a statement that the (1) respondents' identities are confidential, (2) students should not disclose personally identifying information with their responses, and (3) responses cannot be used as a basis for a disciplinary action or legal proceeding.

Disclosure Requirements

The bill requires each higher education institution, starting within six months after distributing the biennial assessment described above, to post on its website:

1. the assessment's campus-level results;
2. the uniform campus crime report required under existing law;
and
3. an Internet link to the sexual assault, stalking, and intimate partner violence report it submits to the committee on the

assessment results. (See below).

Existing law requires each higher education institution to annually submit certain information about sexual assault, stalking, and intimate partner violence to the Higher Education and Employment Advancement Committee. This information must include, among other things, (1) a copy of its most recent policies on sexual assault, stalking, and intimate partner violence; (2) a copy of its most recent notification about the rights and options of a student or employee who reports or discloses an alleged violation of its required sexual assault, stalking, and intimate partner violence policy or policies; and (3) the number of incidences of sexual assault, stalking, and intimate partner violence reported and disclosed to the institution.

The bill adds the sexual misconduct climate assessment summary results to this list and requires institutions to submit them every two years.

INSTITUTIONAL DRUG AND ALCOHOL POLICY VIOLATIONS AND ALLEGED INCIDENTS OF SEXUAL MISCONDUCT

The bill prohibits a higher education institution from taking disciplinary action against a student or employee for violating the institution's drug or alcohol policy if (1) he or she reports an alleged incident of sexual assault, stalking, or intimate partner violence that occurred during, or was connected to, the policy violation and (2) the policy violation did not place another person's health or safety at risk.

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 22 Nay 0 (03/18/2021)