

Higher Education and Employment Advancement Committee

JOINT FAVORABLE REPORT

Bill No.: HB-6374

Title: AN ACT CONCERNING SEXUAL MISCONDUCT ON COLLEGE CAMPUSES.

Vote Date: 3/18/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/2/2021

File No.:

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SPONSORS OF BILL:

The Higher Education and Employment Advancement Committee

REASONS FOR BILL:

To improve sexual misconduct reporting, data collection, and response at higher education institutions.

SUBSTITUTE LANGUAGE:

- Lines 147-167: establishes a Council on Sexual Misconduct Climate Assessments, rather than a Council on Sexual Misconduct Climate Surveys
- Sec. 2:
 - Specifies that one of the three council appointments made by the CT Alliance to end sexual violence must be someone who is black, indigenous, or a person of color; adds to the council three student members designated by the Every Voice Coalition
 - Requires the council to submit to the HED committee and all HED institutions a list of data points developed by the council, rather than copies of each approved sexual misconduct climate survey
- Sec 3:
 - Requires HED institutions to conduct a data assessment of enrolled students using the council-developed data points, rather than selecting a council-approved survey to administer to students; allows institutions to use any assessment developed by a HED institution or a national association, as long as they include all the data points
- Makes various conforming and technical changes

RESPONSE FROM ADMINISTRATION/AGENCY:

Sarah Chipman, J.D., Interim Associate Vice President, Title IX Coordinator, UConn:

Submitted written testimony in support. UCONN recognizes the importance of incorporating student voices in planning and programming surrounding this issue and offers many avenues for reporting. They agree that surveys are a useful tool but note that "colleges and universities should be permitted to administer surveys in the manner best suited for their students and respective campuses and aligned with the work that most institutions already are doing in this area." They explain that UConn already uses many surveys for other subjects and planned to administer the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct in the 2020-2021 Academic Year, but these plans were delayed due to the pandemic and the low number of students on campus.

Since UConn, and other institutions, already use multiple avenues of information gathering, and each campus culture is different, they are concerned about the current bill language which, "permits a council to dictate a single stand-alone survey for all campuses." They suggest a specific, limited set of data points that institutions can incorporate into existing surveys. They cite New York as a state that has already done this.

NATURE AND SOURCES OF SUPPORT:

CT Coalition Against Domestic Violence (CCADV):

Submitted written testimony in support. CCADV says this bill is a natural extension of previous legislation from 2014. They explain what sections one and two do and say "[they] are both necessary actions to promote safety and accountability on college campuses." They further explain the need and effect of the amnesty provision. They explain that "sexual violence is pervasive and more prevalent on college campuses when compared to other crimes." CCADV has released reports on intimate partner violence on campuses in 2014 and 2018, but they lacked information from students. This bill will provide that "crucial" information.

Zoe Bertone:

Submitted written testimony in support. Ms. Bertone reminds you to respect the demands of students. After surviving sexual violence, she continued to suffer "immense physical, emotional, and psychological repercussions for the next few years." She says her experience is not unique and most of her peers have had a similar experience. "This could have been prevented," she says, with biennial survey legislation that provides a school with both information and time to act upon it. Ms. Bertone says, "this summer, almost every Connecticut university had a survivors [Instagram] page," where survivors could share their experiences, many for the first time. They found they needed more from their university and state. The anonymity provided by the Instagram pages shows that the campus climate survey will also be a good avenue for information gathering, and the amnesty policy will expand the resources available to survivors following trauma.

Christina Carucci, Vice Campus Lead, Every Voice Coalition, Fairfield University

Submitted written testimony in support. Ms. Carucci, as a survivor herself, understands "the harrowing trauma of rape and how it can impact lives for years after. She says a lack of safety and support led to an inability to share her story earlier. The campus climate survey "will provide a place for students to speak up in a safe, confidential environment," and the "two year survey will better ensure that *all* students may have their voices heard..."

Stephanie Chandler, Adult Advocate and Program Coordinator, Rape Crisis Center of Milford:

Submitted written testimony in support. Ms. Chandler shares the story of her first experience with a survivor of sexual violence that resulted in a friend dropping out of school after receiving "No resources, no advocacy, no support." If more of the people involved in her story had been better informed about their rights, intervention, proper response, problematic groups, perhaps her friend could have continued with school. Instead, she was terrified of getting in trouble for underage drinking. Ms. Chandler says that additional knowledge benefits administrations as well. Receiving anonymous information more frequently can provide focus for problem areas. The 2-year study gives school the opportunity to demonstrate that they are listening to their students and responding to their concerns in a timely manner.

Kaitlyn Drake, Student Outreach Coordinator and Campus Lead for Every Voice Coalition, Fairfield University:

Submitted written testimony in support. Ms. Drake says that as a queer woman, she has "two targets on [her] back" for sexual violence, and although her school offers support, it is rare that people actually get it. Her friends are afraid to walk home alone at night despite blue light systems and the safe location. Ms. Drake says multiple young women were assaulted by a single perpetrator on the floor above hers last year. While her university provided some support, many victims were traumatized, not all shared their stories, and these situations are worse at schools with less support than Fairfield. She says, "It is imperative that we give survivors more avenues to empower themselves and others," and the biennial campus climate survey does that.

Caty Fortin:

Submitted written testimony in support. Ms. Fortin is a survivor of sexual violence. She says, "students are discouraged from reporting, especially when the perpetrators hold significant importance in the college's academic or sports interests." She says she remained silent "because the current system revictimizes those who report."

Noah Frank, Director of External Affairs, UConn Undergraduate Student Government:

Submitted written testimony in support. Mr. Frank explains the vast majority of sexual violence goes unreported. He says that sexual violence is a problem at all campuses and this bill makes it easier for survivors to report.

Rep. Garibay, 60th Dist.:

Submitted written testimony in support. Rep. Garibay says this bill should be passed to lessen the growing frequency of sexual violence on college campuses. She says this bill provides more opportunities to report and removes barriers to reporting like the stigma of drug and alcohol use.

Rep. Gilcrest, 18th Dist.:

Submitted written testimony in support. As the former Director of Public Policy at the Connecticut Alliance to End Sexual Violence, Rep. Gilcrest says, " We know from research that perpetrators are more likely to use alcohol to subdue their sexual assault victims than guns, threats and fists." This bill ensures a student cannot be disciplined for substance use if they are disclosing sexual violence. The campus climate survey offers students the

opportunity to share their experiences safely and anonymously; directly addressing low rates of reporting by survivors.

Jeffrey Gu, Director of Legislative Affairs, Every Voice Coalition CT:

Submitted written testimony in support. Mr. Gu says that we cannot leave another cohort of students exposed to the "'Red Zone', a period of four months between August and November when the majority of sexual violence occurs on college campuses," without the guarantee of amnesty protections. This bill offers survivors a safe method of sharing while giving policymakers needed information. "When university resources fail to meet the needs of student-survivors," he says, "their classmates end up becoming first responders on the scene and caretakers over the long run... we can do better."

Alison Hagani, State Director of Every Voice Coalition CT:

Submitted written testimony in support. Ms. Hagani says her experiences with sexual violence continue to affect her and likely always will. Her experiences are not isolated, she says, and we should be concerned this affects the potential of students, and consequently the potential of the State. She includes an 8-page information packet detailing the bill and its necessity, along with "myriad endorsements." She urges you to pass this bill and says, "your action on this bill (or the lack thereof) will affect the lives of students for years to come."

CT Women's Education and Legal Fund (CWEALF):

Submitted written testimony in support. CWEALF explains that involvement of drugs and alcohol in campus sexual violence is extremely prevalent. Survivors are afraid to report due to the potential of punishment for substance use even though "their incapacitation could be the key factor in their school determining they were the victim of sexual assault..." They explain that 38% of survivors experience work and/or school problems and anonymous reporting encourages survey participation.

Lily James, Co-Executive Director, Every Voice Coalition:

Submitted written testimony in support. Ms. James explains that on average we can expect 10% of current college students to experience sexual violence, and that in Connecticut that means 20,000 students, or approximately 125% the Hartford XL center's capacity. "We have an epidemic on our hands," she says, "We know how to address it and we can prevent this every day and we choose not to." Connecticut has the opportunity to choose to lead by implementing the biennial campus climate survey.

Rep. Kennedy, 119th Dist.:

Submitted written testimony in support. She explains this bill is needed to address the "Red Zone," the first three months of school when 50% of campus assaults occur.

Lily Knaggs:

Submitted written testimony in support. Ms. Knaggs is a survivor of sexual violence. She says the reporting process is "extraordinarily overwhelming, lonely, and even shameful at times." The campus climate survey helps to understand the depth of the problem in order to better address it. She says, "By passing this bill you have the chance to protect survivors, change the harmful narrative around victim-blaming, and make campuses a safer place for students to be."

Bridget Koestner, Campus Services Coordinator, Connecticut Alliance to End Sexual Violence:

Submitted written testimony in support. Ms. Koestner says her position offers her "the opportunity to hear from individuals who are involved in campus violence prevention and intervention work in a variety of roles, as well as in many different campus environments." With this in mind she says the survey results will better inform advocates in preventing sexual violence and helping survivors. She explains that having a council build this survey ensures it is comprehensive and trauma-informed, and that the transparency and access of publishing the results online will be positive for all. She also explains that the increased survey frequency helps survivors recall more accurate information as they may find details difficult to recall after 12 months. Ms. Koestner supports the amnesty provisions as well, noting that substance use in common with sexual violence and a survivor's fear of punishment is a barrier to reporting.

Mitchel Kvedar:

Submitted written testimony in support. Mr. Kvedar shares his personal feelings and observations as a young male student at UCONN. He says he owes it to those "who have felt that they cannot report their abusers or cannot receive adequate help" to advocate on their behalf.

Cara Mackler, Manager of Campus Education, Training & Outreach, Women's Center of Greater Danbury:

Submitted written testimony in support. Ms. Mackler says, "Many of the student survivors I work with feel their voices are not always heard on their campus." "This bill would help students' voices be heard and valued," she says, by removing barriers to reporting and fear of disciplinary action.

Gary Macnamara, Executive Director of Public Safety & Governmental Affairs, Sacred Heart University:

Submitted written testimony in support with substitute language. Sacred Heart supports the two-year survey but wants "the autonomy to choose the instrument that best supports our campus and culture." Sacred Heart wants to include this with questions concerning equity and diversity. Mr. Macnamara asks the Committee to "consider modifying the bill so that rather than having the Council select survey instruments, a limited number of data points are identified that institutions statewide collect every two years, within their own climate survey tools, and then report this information back to the legislature via our annual report required under 10a-55m."

Kelly McConney Moore, Senior Policy Counsel, American Civil Liberties Union of Connecticut (ACLU-CT):

Submitted written testimony in support. ACLU-CT says sexual violence "disproportionately harms women and LGBTQ people ... [which] can deprive a person of equal and free access to an education, and full participation in college campus activities." They support this bill because it protects students who report sexual violence in good faith, removes barriers to reporting, and will help shape better solutions in the future.

Liam O'Donnell, Director of Policy, Every Voice Coalition Connecticut:

Submitted written testimony in support. Mr. O'Donnell explains the importance and flexibility of the 2-year survey frequency.

Judy Olian, President, Quinnipiac University:

Submitted written testimony in support with substitute language. While Quinnipiac supports the underlying concepts, "[they] are concerned about the mandate that we must conduct a full climate survey that the Council selects every two years." They ask the Committee to "consider modifying the bill so that rather than having the Council select survey instruments, a limited number of data points are identified that institutions statewide collect every two years, within their own climate survey tools, and then report this information back to the legislature via our annual report required under 10a-55m."

Sharyn J. Potter, PhD, MPH, Prevention Innovations Research Center, University of New Hampshire:

Submitted written testimony in support. Prof. Potter speaks "as an individual faculty member and my statement does not represent my university's position." She explains that she has spent her career researching and developing solutions for this issue, and her findings "[illustrate] the devastating cost of sexual violence and its catastrophic impact on victims' health, education, and career trajectories." She says aging populations are likely to reduce the supply of New England college students and it is cheaper to retain current students than to recruit new ones. You can help to accomplish this by passing this bill. She supports the 2-year frequency, recommends it be developed by experienced researchers, and offer incentives to increase participation rates so that the sample is representative.

Cindy Prizio, Executive Director, One Standard of Justice (OSJ):

Submitted written testimony in support with substitute language. OSJ wants language in sections 2a and 2b to be amended "to include a primary stakeholder who will represent the person accused of the misconduct," and that they be the organization making the appointment. They explain why they think they are qualified and advocate for restorative justice.

Rachel Saal:

Submitted written testimony in support. Ms. Saal is a survivor of sexual violence on campus and Xfinity Theater in Hartford. She says the campus climate survey allows universities to understand the scope of the problem on their campus, and the 2-year frequency accommodates graduate and associate degree students.

Christine Siegel PhD, Provost, Fairfield University:

Submitted written testimony in support with substitute language. While Fairfield supports the underlying concepts, "[they] are concerned about the mandate that we must conduct a full climate survey that the Council selects every two years." They ask the Committee to "consider modifying the bill so that rather than having the Council select survey instruments, a limited number of data points are identified that institutions statewide collect every two years, within their own climate survey tools, and then report this information back to the legislature via our annual report required under 10a-55m."

Jack Stone, Trinity College, Student Government Association (SGA):

Submitted written testimony in support with substitute language. Trinity's SGA believes "sexual misconduct is a pernicious issue that has plagued college campuses for years, and we believe this legislation provides common sense proposals that will help curb this major issue." Additionally, they support the survey and amnesty policies, noting that survivors are

far more likely to report, and bystanders are far more likely to initiate a report, when they are granted amnesty from substance use rules.

[Jennifer Widness, President, Connecticut Conference of Independent Colleges:](#)

Submitted written testimony in support with substitute language. While CCIC supports the underlying concepts, "[they] are concerned that the bill as currently drafted not only requires that a campus climate survey be collected every two years – when some of our member institutions are on a cycle of every 2, 3 or 4 years – but also that it empowers a legislatively appointed Committee to select the survey tool that must be implemented on every campus around the state." They ask the Committee to "consider modifying the bill so that rather than having the Council select survey instruments, a limited number of data points are identified that institutions statewide collect every two years, within their own climate survey tools, and then report this information back to the legislature via our annual report required under 10a-55m."

[Stephanie Spangler, MD, Vice Provost, Title IX Coordinator, Yale University:](#)

Submitted written testimony in support with substitute language. Yale has conducted two surveys and intends to administer the next iteration in 2023. Regarding sections 2 and 3 they recommend a 4-year frequency; that the council should identify aspects of the campus climate, along with "an array of quantitative and qualitative tools," from which they can choose those that best fit their institution; and that survey guidance preserve data collection already underway. They support the amnesty provisions of the bill and have already implemented a similar policy.

Additional testimony in support.

[Sophie Baum](#)

[Caroline Bonnevie](#)

[Lydia Broderick](#)

[Alison Cantor](#)

[Richard Cardoso](#)

[Michael Cerulli](#)

[Sherry Chen](#)

[Erica Frost](#)

[Maggie Goodwin, Board Member, CT Chapter of National Organization for Women \(NOW CT\)](#)

[Theo Haaks](#)

[James Hagani](#)

[Rachel Hagani](#)

[Lilian Homann](#)

[Aparajita Kaphle](#)

[Aven Kelley](#)

[Brandi A. Kennedy](#)

[Olivia Louthen](#)

[Nicolle Majette](#)

[Isabella Marin](#)

[Annie McGovern](#)

[Coleman McJessy](#)

[Kateryna Omelchenko](#)

[Grace Sotis](#)

[Sara Thakur](#)

[Maren Westgard](#)

[Sydney Zoehrer](#)

NATURE AND SOURCES OF OPPOSITION:

[Stephen Mendelsohn:](#)

Submitted written testimony in opposition. Mr. Mendelsohn is a survivor of sexual violence and shares his story. He says the amnesty provision "fails to strike the correct balance between encouraging genuine survivors to report sexual misconduct while avoiding the pitfall of unintentionally incentivizing false accusations by students seeking to escape campus discipline." He provides examples of problematic assumptions and systemic structures that could result in undesirable or incorrect decisions, that he says are incentivized by this bill. Campus climate surveys, he adds, are unreliable, and "typically overestimate the true rates of sexual assault, while ignoring the fundamental underlying problem that leads to this controversy... extreme sexual permissiveness devoid of commitment, often fueled by alcohol and drugs." "Colleges and advocacy organizations," he continues, "promote promiscuity as long as there is 'affirmative consent,' including campus 'sex fests' promoting commitment-free BDSM as an ideal," and if they aren't stopped, "the cycle of allegations of sexual assault and claims of false allegations will continue unabated."

[Kathleen E. Neal, Executive Director, Office of Institutional Effectiveness, University of Hartford:](#)

Submitted written testimony in opposition with substitute language. University of Hartford says, "A Climate Survey administered periodically is not an appropriate tool for reporting sexual misconduct." She says the university offers multiple opportunities for survivors or third parties to make reports anonymously or identified, and that "these opportunities are addressed during new student orientations and employee on-boarding sessions." They prefer a 4-year survey because they believe a 2-year model leads to survey fatigue and "does not provide adequate time to take action on the results and then assess and update those actions prior to the next survey administration." "It is imperative," they say, "that institutions have the freedom to select and use the instrument that best meets its unique needs."

Susan Stewart:

Submitted written testimony in opposition. Ms. Stewart says this bill will neither make campuses safer, "nor will it make students 'feel' safe," because it doesn't directly address violence and will add the costly burden of climate surveys. These surveys, she says, "[use] broadened definitions of what constitutes sexual violence to generate inflated numbers that don't comport with reality," and "[fail] to offer follow-up advice of ways to prevent sexual violence on college campuses." Additionally, the amnesty provisions are merely an opportunity for students to avoid discipline for known, firm rules by "simply [claiming] they have been the victim of sexual violence and their behavior is excused."

Reported by: Jeremy Salyer

Date: 03/25/2021