



PA 21-81—sHB 6374

Higher Education and Employment Advancement Committee

**AN ACT CONCERNING SEXUAL MISCONDUCT ON COLLEGE
CAMPUSES**

SUMMARY: This act makes various changes in laws related to dealing with 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 it to report to the Higher Education and Employment Advancement Committee every two years;
2. requires the council to, among other things, (a) develop a list of data points for higher education institutions to collect using sexual misconduct climate assessments and (b) establish guidelines for implementing the assessments;
3. requires higher education institutions to biennially (a) conduct a sexual misconduct climate assessment and distribute it to enrolled students, starting by March 1, 2023, and (b) report the results to the Higher Education and Employment Advancement Committee; and
4. generally prohibits a higher education institution from disciplining 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, reported or disclosed an alleged sexual misconduct incident that occurred during, or was connected to, the policy violation.
5. The act also makes technical changes.

EFFECTIVE DATE: July 1, 2021

COUNCIL ON SEXUAL MISCONDUCT CLIMATE ASSESSMENTS

Duties

The act 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

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- 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 its required duties.

Membership

Under the act, the council’s 20 members include the (1) Higher Education and Employment Advancement Committee co-chairpersons, (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 the table below. Appointed and designated members may be legislators.

Appointed and Designated Council Members

<i>Appointed Members</i>		
<i>Appointing Authority</i>	<i>Number of Appointees/Designees</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	Three	Two sexual assault or intimate

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Sexual Violence		partner violence victims: one who lives in a rural community and one who lives in an urban community At least one designee 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 act requires appointing and designating authorities to make their appointments by September 1, 2021, and fill any vacancies within 30 days. A vacancy that occurs before a term expires must be filled for the balance of the term.

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

The Higher Education and Employment Advancement Committee’s administrative staff serves as the council’s administrative staff.

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Reporting Requirements

Starting by January 1, 2022, the act 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 implementation guidelines.

SEXUAL MISCONDUCT CLIMATE ASSESSMENT

The act 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 act 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, as long as 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 act 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

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policies; and

3. the number of incidences of sexual assault, stalking, and intimate partner violence reported and disclosed to the institution.

The act 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 act 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.