



Substitute House Bill No. 5029

Public Act No. 14-11

AN ACT CONCERNING SEXUAL ASSAULT, STALKING AND INTIMATE PARTNER VIOLENCE ON CAMPUS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (a) of section 10a-55a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) On or before [September] October 1, 1991, and annually thereafter, each institution of higher education shall prepare in such manner as the president of the Board of Regents for Higher Education shall prescribe a uniform campus crime report concerning crimes committed in the immediately preceding calendar year within the geographical limits of the property owned or under the control of such institution. Such report shall be in accordance with the uniform crime reporting system pursuant to section 29-1c, provided such report is limited to those offenses included in part I of the most recently published edition of the Uniform Crime Reports for the United States as authorized by the Federal Bureau of Investigation and the United States Department of Justice, [and] sexual assault under sections 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b and 53a-73a, stalking under sections 53a-181c, 53a-181d and 53a-181e and family violence as designated under section 46b-38h. The state police, local police

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departments and special police forces established pursuant to section 10a-156b shall cooperate with institutions of higher education in preparing such reports. Institutions with more than one campus shall prepare such reports for each campus.

Sec. 2. Section 10a-55m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) For purposes of this section and sections 3 to 6, inclusive, of this act:

(1) "Awareness programming" means [programming] institutional action designed to communicate the prevalence of sexual assaults, stalking and intimate partner violence, including the nature and number of cases of sexual assault, stalking and intimate partner violence reported at each institution of higher education in the preceding three calendar years, including, but not limited to, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars or panel discussions;

(2) "Bystander intervention" means the act of challenging the social norms that support, condone or permit sexual assault, stalking and intimate partner violence;

[(2)] (3) "Institution of higher education" means an institution of higher education, as defined in section 10a-55, and a for-profit institution of higher education licensed to operate in this state;

[(3)] (4) "Intimate partner violence" means any physical or sexual harm against an individual by a current or former spouse of or person in a dating relationship with such individual that results from any action by such spouse or such person that may be classified as a sexual assault under section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a, stalking under section 53a-181c, 53a-181d or 53a-181e, or [domestic] family violence as designated under section 46b-38h;

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[(4)] (5) "Primary prevention programming" means [programming] institutional action and strategies intended to prevent sexual assault, stalking and intimate partner violence before it occurs by means of changing social norms and other approaches, including, but not limited to, poster and flyer campaigns, electronic communications, films, guest speakers, symposia, conferences, seminars or panel discussions;

[(5)] (6) "Sexual assault" means a sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; [and]

(7) "Stalking" means stalking under section 53a-181c, 53a-181d or 53a-181e; and

[(6)] (8) "Uniform campus crime report" means a campus crime report prepared by an institution of higher education pursuant to section 10a-55a, as amended by this act.

(b) Each institution of higher education shall adopt and disclose in such institution's annual uniform campus crime report one or more policies regarding sexual assault, stalking and intimate partner violence. Such policy or policies shall include provisions for (1) detailing the procedures that students and employees of the institution who report or disclose being the victim of sexual assault, stalking or intimate partner violence may follow after the commission of such assault, stalking or violence, regardless of where such incidences occurred, including persons or agencies to contact and information regarding the importance of preserving physical evidence of such assault, stalking or violence; (2) providing students and employees of the institution who report or disclose being the victim of sexual assault, stalking or intimate partner violence both concise, written contact information for and, if requested, professional assistance in accessing and utilizing campus, local advocacy, counseling, health and mental health services, and [written] concise information, written in

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plain language, concerning the rights of such students and employees to (A) notify law enforcement of such assault, stalking or violence and receive assistance from campus authorities in making any such notification, and (B) obtain a protective order, apply for a temporary restraining order or seek enforcement of an existing protective or restraining order, including, but not limited to, orders issued pursuant to section 46b-15, 46b-38c, 53a-40e, 54-1k, 54-82q or 54-82r, against the perpetrator of such assault, stalking or violence; (3) notifying such students and employees of [the] any reasonably available options for and available assistance from such institution in changing academic, living, campus transportation or working situations in response to such assault, stalking or violence; (4) honoring any lawful protective or temporary restraining orders, including, but not limited to, orders issued pursuant to section 46b-15, 46b-38c, 53a-40e, 54-1k, 54-82q or 54-82r; (5) disclosing a summary of such institution's student disciplinary procedures, including clear statements advising [such students] that (A) victims of such assault, stalking or violence shall have the opportunity to request that disciplinary proceedings begin promptly, (B) disciplinary proceedings shall be conducted by an official trained annually in issues relating to sexual assault, stalking and intimate partner violence and shall use the preponderance of the evidence standard in making a determination concerning the alleged assault, stalking or violence, (C) both the victim of such assault, stalking or violence and the accused (i) are entitled to be accompanied to any meeting or proceeding relating to the allegation of such assault, stalking or violence by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled, and (ii) shall have the opportunity to present evidence and witnesses on their behalf during any disciplinary proceeding, (D) both such victim and accused are entitled to be informed in writing of the results of any disciplinary proceeding not later than one business day after the conclusion of such proceeding, and (E) the institution of higher

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education shall not disclose the identity of the victim or the accused, except as necessary to carry out a disciplinary proceeding or as permitted under state or federal law; [and] (6) disclosing a summary of such institution's employee disciplinary procedures; and (7) disclosing the range of sanctions that may be imposed following the implementation of such institution's student and employee disciplinary procedures in response to such assault, stalking or violence.

(c) Each institution of higher education shall [, within existing budgetary resources, offer] provide (1) annual sexual assault, stalking and intimate partner violence primary prevention and awareness programming for all students and employees that includes an explanation of the definition of consent in sexual relationships, [and] information concerning the reporting of incidences of such assaults, stalking and violence [,] and strategies for bystander intervention and risk reduction; and (2) ongoing sexual assault, stalking and intimate partner violence prevention and awareness campaigns.

(d) Each institution of higher education may provide the option for any student or employee of such institution who is the victim of a sexual assault, stalking or intimate partner violence to report or disclose such assault, stalking or violence to such institution anonymously. Each such institution shall notify any such student or employee of the institution's obligations under state or federal law, if any, to (1) investigate or address such assault, stalking or violence and (2) assess whether the report triggers the need for a timely warning or emergency notification, as described in 34 CFR 668.46(e), which obligations, in limited circumstances, may result in the learning of such victim's identity.

(e) Each institution of higher education shall provide concise notification, written in plain language, to each student and employee of such institution who has been the victim of sexual assault, stalking

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or intimate partner violence, immediately upon receiving a report of such assault, stalking or violence, of such victim's rights and options under such institution's policy or policies regarding sexual assault, stalking and intimate partner violence adopted in accordance with subsection (b) of this section.

(f) Not later than October 1, 2015, and annually thereafter, each institution of higher education shall report to the joint standing committee of the General Assembly having cognizance of matters relating to higher education, in accordance with the provisions of section 11-4a, concerning, for the immediately preceding calendar year, (1) a copy of its most recent policies regarding sexual assault, stalking and intimate partner violence adopted in accordance with subsection (b) of this section, or any revisions thereto, (2) a copy of its most recent concise written notification of a victim's rights and options under its sexual assault, stalking and intimate partner violence policy or policies required pursuant to subsection (e) of this section, (3) the number and type of sexual assault, stalking and intimate partner violence prevention, awareness and risk reduction programs at the institution, (4) the type of sexual assault, stalking and intimate partner violence prevention and awareness campaigns held by the institution, (5) the number of incidences of sexual assault, stalking and intimate partner violence reported to such institution, (6) the number of confidential or anonymous reports or disclosures to the institution of sexual assault, stalking and intimate partner violence, (7) the number of disciplinary cases at the institution related to sexual assault, stalking and intimate partner violence, and (8) the final outcome of all disciplinary cases at the institution related to sexual assault, stalking and intimate partner violence, including, but not limited to, the outcome of any appeals of such final outcome, to the extent reporting on such outcomes does not conflict with federal law.

Sec. 3. (NEW) (*Effective July 1, 2014*) (a) Not later than January 1,

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2015, each institution of higher education shall establish a campus resource team responsible for and with representatives from each of its campuses. The campus resource team shall consist of individuals selected by the president of each institution of higher education, including, but not limited to, (1) the institution's Title IX coordinator and chief student affairs officer, or their designees, (2) not less than one member from its (A) administration, (B) counseling services office, (C) health services office, (D) women's center, (E) special police force, campus police force or campus safety personnel, (F) faculty, (G) senior and mid-level staff, (H) student body, (I) residential life office, and (J) judicial hearing board, provided such entities exist on campus, and (3) any other individuals designated by the president.

(b) Not later than January 1, 2015, the president of each institution of higher education shall invite at least one individual from each of the following to serve on its campus resource team: (1) A community-based sexual assault crisis service center; (2) a community-based domestic violence agency; and (3) the criminal justice system within the judicial district in which such institution of higher education is located, including, but not limited to, members of the state police and local police department and prosecutors employed by the Division of Criminal Justice.

(c) Each institution of higher education shall ensure that every member of the campus resource team is educated in (1) the awareness and prevention of sexual assault, stalking and intimate partner violence, and communicating with and providing assistance to any student or employee of the institution who is the victim of such assault, stalking or violence; (2) the sexual assault, stalking and intimate partner violence policies of such college or institution; (3) the provisions of Title IX of the Elementary and Secondary Education Act of 1972, 20 USC 1681 et seq., and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC

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1092(f); (4) victim-centered response and the role of community-based sexual assault victim advocates; (5) the role and functions of each member on such campus resource team for the purpose of ensuring a coordinated response to reported incidences of sexual assault, stalking and intimate partner violence, as such terms are defined in section 10a-55m of the general statutes, as amended by this act; and (6) communicating sensitively and compassionately with the victims of such assault, stalking or violence, including, but not limited to, an awareness of responding to victims with diverse cultural backgrounds, and providing services to or assisting in locating services for such victims. For purposes of this subsection, "victim-centered response" means a systematic focus on the needs and concerns of a victim of sexual assault, stalking or intimate partner violence that (A) ensures the compassionate and sensitive delivery of services in a nonjudgmental manner, (B) ensures an understanding of how trauma affects victim behavior, (C) maintains victim safety, privacy and, where possible, confidentiality, and (D) recognizes that victims are not responsible for the assault, stalking or violence committed against them.

(d) Not later than July 1, 2015, the campus resource team shall review the sexual assault, stalking and intimate partner violence policies adopted by its institution of higher education in accordance with section 10a-55m of the general statutes, as amended by this act, and recommend to such institution protocols in accordance with such policies for providing support and services to any student or employee who reports being the victim of sexual assault, stalking or intimate partner violence. Such team shall meet not less than once per semester to review such protocols and ensure that they are updated as necessary.

Sec. 4. (NEW) (*Effective July 1, 2014*) Not later than January 1, 2015, each institution of higher education shall enter into and maintain a

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memorandum of understanding with at least one community-based sexual assault crisis service center and at least one community-based domestic violence agency for purposes of (1) ensuring that any student or employee of such institution who reports or discloses being the victim of sexual assault, stalking or intimate partner violence can access free and confidential counseling and advocacy services, either on or off campus, and (2) establishing a partnership with such service center and agency, including, but not limited to, (A) involvement of the institution's campus resource team, and (B) trainings between the institution and such service center and agency to ensure the understanding of each other's role in responding to reports and disclosures of sexual assault, stalking and intimate partner violence against students and employees of the institution and the institution's protocols for providing support and services to such students and employees, developed in accordance with subsection (b) of section 2 of this act.

Sec. 5. (NEW) (*Effective July 1, 2014*) (a) Each institution of higher education shall ensure that its Title IX coordinator and members of its special police force, campus police force or campus safety personnel employed by such institution of higher education are educated in the awareness and prevention of sexual assault, stalking and intimate partner violence, and in trauma-informed response.

(b) For purposes of this section, "trauma-informed response" means a response involving an understanding of the complexities of sexual assault, stalking and intimate partner violence through training centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding the causes and impact of trauma, understanding the behavior of perpetrators and conducting an effective investigation on behalf of victims who have suffered trauma.

Sec. 6. (NEW) (*Effective July 1, 2014*) (a) Members of state and local police departments who act as first responders to any reports of sexual

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assault, stalking or intimate partner violence at an institution of higher education shall receive training in the awareness and prevention of sexual assault, stalking and intimate partner violence and in trauma-informed response.

(b) For purposes of this section, "trauma-informed response" means a response involving an understanding of the complexities of sexual assault, stalking and intimate partner violence through training centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes surrounding the causes and impact of trauma, understanding the behavior of perpetrators and conducting an effective investigation on behalf of victims who have suffered trauma.

Approved May 8, 2014