



House of Representatives

File No. 748

General Assembly

January Session, 2021 **(Reprint of File No. 260)**

Substitute House Bill No. 6374
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 27, 2021

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

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

1 Section 1. Subsections (a) and (b) of section 10a-55m of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2021*):

4 (a) For purposes of this section, [and] sections 10a-55n to 10a-55q,
5 inclusive, and sections 2 and 3 of this act:

6 (1) "Affirmative consent" means an active, clear and voluntary
7 agreement by a person to engage in sexual activity with another person;

8 (2) "Awareness programming" means institutional action designed to
9 inform the campus community of the affirmative consent standard used
10 pursuant to subdivision (1) of subsection (b) of this section, and
11 communicate the prevalence of sexual assaults, stalking and intimate
12 partner violence, including the nature and number of cases of sexual

13 assault, stalking and intimate partner violence reported at or disclosed
14 to each institution of higher education in the preceding three calendar
15 years, including, but not limited to, poster and flyer campaigns,
16 electronic communications, films, guest speakers, symposia,
17 conferences, seminars or panel discussions;

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

21 (4) "Institution of higher education" means an institution of higher
22 education, as defined in section 10a-55, and a for-profit institution of
23 higher education licensed to operate in this state, but shall not include
24 Charter Oak State College for purposes of subsections (c) and (f) of this
25 section and sections 10a-55n to 10a-55p, inclusive;

26 (5) "Intimate partner violence" means any physical or sexual harm
27 against an individual by a current or former spouse of or person in a
28 dating relationship with such individual that results from any action by
29 such spouse or such person that may be classified as a sexual assault
30 under section 53a-70b of the general statutes, revision of 1958, revised
31 to January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or
32 53a-73a, stalking under section 53a-181c, 53a-181d or 53a-181e, or family
33 violence as designated under section 46b-38h;

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

40 (7) "Sexual assault" means a sexual assault under section 53a-70, 53a-
41 70a, 53a-71, 53a-72a, 53a-72b or 53a-73a;

42 (8) "Stalking" means stalking under section 53a-181c, 53a-181d or 53a-
43 181e; and

44 (9) "Uniform campus crime report" means a campus crime report
45 prepared by an institution of higher education pursuant to section 10a-
46 55a.

47 (b) Each institution of higher education shall adopt and disclose in
48 such institution's annual uniform campus crime report one or more
49 policies regarding sexual assault, stalking and intimate partner violence.
50 Such policy or policies shall include provisions for:

51 (1) Informing students and employees that, in the context of an
52 alleged violation of the policy or policies regarding sexual assault and
53 intimate partner violence, (A) affirmative consent is the standard used
54 in determining whether consent to engage in sexual activity was given
55 by all persons who engaged in the sexual activity, (B) affirmative
56 consent may be revoked at any time during the sexual activity by any
57 person engaged in the sexual activity, (C) it is the responsibility of each
58 person to ensure that he or she has the affirmative consent of all persons
59 engaged in the sexual activity to engage in the sexual activity and that
60 the affirmative consent is sustained throughout the sexual activity, (D)
61 it shall not be a valid excuse to an alleged lack of affirmative consent
62 that the student or employee responding to the alleged violation
63 believed that the student or employee reporting or disclosing the
64 alleged violation consented to the sexual activity (i) because the
65 responding student or employee was intoxicated or reckless or failed to
66 take reasonable steps to ascertain whether the student or employee
67 reporting or disclosing the alleged violation affirmatively consented, or
68 (ii) if the responding student or employee knew or should have known
69 that the student or employee reporting or disclosing the alleged
70 violation was unable to consent because such student or employee was
71 unconscious, asleep, unable to communicate due to a mental or physical
72 condition, or incapacitated due to the influence of drugs, alcohol or
73 medication, and (E) the existence of a past or current dating or sexual
74 relationship between the student or employee reporting or disclosing
75 the alleged violation and the responding student or employee, in and of
76 itself, shall not be determinative of a finding of affirmative consent;

77 (2) Detailing the procedures that students and employees of the
78 institution who report or disclose being the victim of sexual assault,
79 stalking or intimate partner violence may follow after the commission
80 of such assault, stalking or violence, regardless of where such incidences
81 occurred, including persons or agencies to contact and information
82 regarding the importance of preserving physical evidence of such
83 assault, stalking or violence;

84 (3) Providing students and employees of the institution who report
85 or disclose being the victim of sexual assault, stalking or intimate
86 partner violence both concise, written contact information for and, if
87 requested, professional assistance in accessing and utilizing campus,
88 local advocacy, counseling, health and mental health services, and
89 concise information, written in plain language, concerning the rights of
90 such students and employees to (A) notify law enforcement of such
91 assault, stalking or violence and receive assistance from campus
92 authorities in making any such notification, and (B) obtain a protective
93 order, apply for a temporary restraining order or seek enforcement of
94 an existing protective or restraining order, including, but not limited to,
95 orders issued pursuant to section 46b-15, 46b-38c, 53a-40e, 54-1k, 54-82q
96 or 54-82r, against the perpetrator of such assault, stalking or violence;

97 (4) Notifying such students and employees of any reasonably
98 available options for and available assistance from such institution in
99 changing academic, living, campus transportation or working situations
100 in response to [such] sexual assault, stalking or intimate partner
101 violence;

102 (5) Honoring any lawful protective or temporary restraining orders,
103 including, but not limited to, orders issued pursuant to section 46b-15,
104 46b-38c, 53a-40e, 54-1k, 54-82q or 54-82r;

105 (6) Disclosing a summary of such institution's student investigation
106 and disciplinary procedures, including clear statements advising that
107 (A) a student or employee who reports or discloses being a victim of
108 [such] sexual assault, stalking or intimate partner violence shall have the

109 opportunity to request that an investigation begin promptly, (B) the
110 investigation and any disciplinary proceedings shall be conducted by
111 an official trained annually in issues relating to sexual assault, stalking
112 and intimate partner violence and shall use the preponderance of the
113 evidence standard in making a determination concerning the alleged
114 assault, stalking or violence, (C) both the student or employee who
115 reports or discloses the alleged assault, stalking or violence and the
116 student responding to such report or disclosure (i) are entitled to be
117 accompanied to any meeting or proceeding relating to the allegation of
118 such assault, stalking or violence by an advisor or support person of
119 their choice, provided the involvement of such advisor or support
120 person does not result in the postponement or delay of such meeting as
121 scheduled, and (ii) shall have the opportunity to present evidence and
122 witnesses on their behalf during any disciplinary proceeding, (D) both
123 the student or employee reporting or disclosing the alleged assault
124 stalking or violence and such responding student are entitled to be
125 informed in writing of the results of any disciplinary proceeding not
126 later than one business day after the conclusion of such proceeding, (E)
127 the institution of higher education shall not disclose the identity of any
128 party to an investigation or disciplinary proceeding, except as necessary
129 to carry out the investigation or disciplinary proceeding or as permitted
130 under state or federal law, [and] (F) a standard of affirmative consent is
131 used in determining whether consent to engage in sexual activity was
132 given by all persons who engaged in the sexual activity, and (G) a student or employee who reports or discloses the alleged assault, stalking or violence shall not be subject to disciplinary action by the institution of higher education for violation of a policy of such institution concerning the use of drugs or alcohol if (i) the report or disclosure was made in good faith, and (ii) the violation of such policy did not place the health or safety of another person at risk;

139 (7) Disclosing a summary of such institution's employee investigation
140 and disciplinary procedures, including clear statements advising that a
141 standard of affirmative consent is used in determining whether consent
142 to engage in sexual activity was given by all persons who engaged in

143 the sexual activity; and

144 (8) Disclosing the range of sanctions that may be imposed following
145 the implementation of such institution's student and employee
146 disciplinary procedures in response to such assault, stalking or violence.

147 Sec. 2. (NEW) (*Effective July 1, 2021*) (a) There is established a Council
148 on Sexual Misconduct Climate Assessments, which shall be part of the
149 Legislative Department. The council shall have the following powers
150 and duties: (1) Develop a list of data points to be collected by institutions
151 of higher education through student responses to sexual misconduct
152 climate assessments. Such data points shall include, but not be limited
153 to, data regarding (A) student awareness of institutional policies and
154 procedures related to sexual assault, stalking and intimate partner
155 violence, (B) if a student reported sexual assault, stalking or violence to
156 an institution of higher education or law enforcement, the response to
157 and results of such report, and (C) student perceptions of campus safety;
158 (2) recommend one or more sexual misconduct climate assessments that
159 collect the data points identified by the council; (3) recommend
160 guidelines for the implementation of such assessments, which shall
161 include, but need not be limited to, procedures for (A) achieving a high
162 rate of response to such assessments to ensure statistically accurate
163 survey results, (B) protecting the confidentiality of respondents to such
164 assessments, and (C) receiving responses to such assessments from as
165 broad and diverse a segment of the student population as possible; and
166 (4) perform such other acts as may be necessary and appropriate to carry
167 out the duties described in this section.

168 (b) The council shall consist of the following members:

169 (1) The cochairpersons of the joint standing committee of the General
170 Assembly having cognizance of matters relating to higher education
171 and employment advancement;

172 (2) One appointed by the speaker of the House of Representatives,
173 who has expertise in the development and design of sexual misconduct
174 climate assessments;

175 (3) One appointed by the president pro tempore of the Senate, who
176 has expertise in statistics, data analytics or econometrics related to
177 higher education assessments;

178 (4) One appointed by the minority leader of the House of
179 Representatives, who shall be a representative of the Victim Rights
180 Center of Connecticut;

181 (5) One appointed by the minority leader of the Senate, who shall be
182 a Title IX coordinator at an institution of higher education in the state;

183 (6) The Commissioner of Public Health, or the commissioner's
184 designee;

185 (7) The president of The University of Connecticut, or the president's
186 designee;

187 (8) Two designated by the Board of Regents for Higher Education,
188 one of whom represents the Connecticut State University System and
189 one of whom represents the regional community-technical college
190 system;

191 (9) One designated by the Connecticut Conference of Independent
192 Colleges, who represents the independent institutions of higher
193 education in the state;

194 (10) Three designated by the Connecticut Alliance to End Sexual
195 Violence, one of whom is a victim of sexual assault or intimate partner
196 violence who resides in a rural community in the state, one of whom is
197 a victim of sexual assault or intimate partner violence who resides in an
198 urban community in the state and at least one of whom is a person who
199 is black, indigenous or a person of color;

200 (11) One designated by the Connecticut Coalition Against Domestic
201 Violence, who is a victim of intimate partner violence;

202 (12) One designated by True Colors, Inc., who identifies as lesbian,
203 gay, bisexual, transgender or a queer;

204 (13) The staff director of the Every Voice Coalition of Connecticut, or
205 the staff director's designee; and

206 (14) Three students, designated by the Every Voice Coalition of
207 Connecticut, one of whom is enrolled at a public institution of higher
208 education, one of whom is enrolled at an independent institution of
209 higher education and at least one of whom is a person who is black,
210 indigenous or a person of color.

211 (c) Any member of the council appointed or designated under
212 subsection (b) of this section may be a member of the General Assembly.

213 (d) All initial appointments to the council shall be made not later than
214 sixty days after the effective date of this section and shall terminate on
215 June 30, 2026, regardless of when the initial appointment or designation
216 was made. Any member of the council may serve more than one term.

217 (e) The cochairpersons of the joint standing committee of the General
218 Assembly having cognizance of matters relating to higher education
219 shall jointly select the chairperson of the council from among the
220 members of the council. The chairperson of the council shall schedule
221 the first meeting of the council, which shall be held not later than sixty
222 days after the effective date of this section.

223 (f) The administrative staff of the joint standing committee of the
224 General Assembly having cognizance of matters relating to higher
225 education shall serve as administrative staff of the council.

226 (g) Members of the council who are appointed or designated shall
227 serve for four-year terms, which shall commence on the date of
228 appointment, except as provided in subsection (d) of this section.
229 Members shall continue to serve until their successors are appointed or
230 designated.

231 (h) Any vacancy shall be filled by the appointing or designating
232 authority not later than thirty days after the vacancy occurs. Any
233 vacancy occurring other than by expiration of term shall be filled for the

234 balance of the unexpired term.

235 (i) A majority of the council shall constitute a quorum for the
236 transaction of any business.

237 (j) The members of the council shall serve without compensation, but
238 shall, within the limits of available funds, be reimbursed for expenses
239 necessarily incurred in the performance of their duties.

240 (k) The council shall meet as often as deemed necessary by the
241 chairperson or a majority of the council. Any appointed or designated
242 member who fails to attend three consecutive meetings or who fails to
243 attend fifty per cent of all meetings held during any calendar year shall
244 be deemed to have resigned from the council.

245 (l) Not later than January 1, 2022, and every two years thereafter, the
246 council shall submit, in accordance with the provisions of section 11-4a
247 of the general statutes, to the joint standing committee of the General
248 Assembly having cognizance of matters relating to higher education
249 and to each institution of higher education in the state the (1) list of data
250 points developed by the council, and (2) recommended sexual
251 misconduct climate assessments and guidelines for the implementation
252 of such assessments.

253 Sec. 3. (NEW) (*Effective July 1, 2021*) (a) On or before March 1, 2023,
254 and every two years thereafter, each institution of higher education in
255 the state shall conduct a sexual misconduct climate assessment that
256 collects the data points developed by the Council on Sexual Misconduct
257 Climate Assessments, pursuant to section 2 of this act, and distribute
258 such assessment to each enrolled student in accordance with the
259 guidelines recommended by said council. An institution may use any
260 sexual misconduct climate assessment, including, but not limited to, one
261 recommended by the council or developed by an institution of higher
262 education or a national association, provided such assessment collects
263 all of the data points developed by the council.

264 (b) Each institution of higher education shall include with the sexual

265 misconduct climate assessment a statement that (1) the identity of
266 assessment respondents shall be confidential, (2) students should not
267 disclose personally identifying information with their assessment
268 responses, and (3) no assessment responses may be used as a basis of
269 disciplinary action or legal proceeding.

270 (c) Not later than six months after the distribution of the sexual
271 misconduct climate assessment pursuant to subsection (a) of this
272 section, and every two years thereafter, each institution of higher
273 education in the state shall post on its Internet web site (1) the campus-
274 level results of the sexual misconduct climate assessment, (2) its uniform
275 campus crime report prepared pursuant to section 10a-55a of the
276 general statutes, and (3) an Internet link to the report submitted to the
277 joint standing committee of the General Assembly having cognizance of
278 matters relating to higher education pursuant to subsection (f) of section
279 10a-55m of the general statutes, as amended by this act.

280 Sec. 4. Subsection (f) of section 10a-55m of the general statutes is
281 repealed and the following is substituted in lieu thereof (*Effective July 1,*
282 *2021*):

283 (f) Not later than October 1, 2015, and annually thereafter, each
284 institution of higher education shall report to the joint standing
285 committee of the General Assembly having cognizance of matters
286 relating to higher education, in accordance with the provisions of
287 section 11-4a, concerning, for the immediately preceding calendar year,
288 (1) a copy of its most recent policies regarding sexual assault, stalking
289 and intimate partner violence adopted in accordance with subsection (b)
290 of this section, or any revisions thereto, (2) a copy of its most recent
291 concise written notification of the rights and options of a student or
292 employee who reports or discloses an alleged violation of its sexual
293 assault, stalking and intimate partner violence policy or policies
294 required pursuant to subsection (e) of this section, (3) the number and
295 type of sexual assault, stalking and intimate partner violence
296 prevention, awareness and risk reduction programs at the institution,
297 (4) the type of sexual assault, stalking and intimate partner violence

298 prevention and awareness campaigns held by the institution, (5) the
 299 number of incidences of sexual assault, stalking and intimate partner
 300 violence reported or disclosed to such institution, (6) the number of
 301 confidential or anonymous reports or disclosures to the institution of
 302 sexual assault, stalking and intimate partner violence, (7) the number of
 303 disciplinary cases at the institution related to sexual assault, stalking
 304 and intimate partner violence, [and] (8) the final outcome of all
 305 disciplinary cases at the institution related to sexual assault, stalking
 306 and intimate partner violence, including, but not limited to, the outcome
 307 of any appeals of such final outcome, to the extent reporting on such
 308 outcomes does not conflict with federal law, and (9) on a biennial basis,
 309 the summary results of the sexual misconduct climate assessment
 310 conducted by the institution pursuant to section 3 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	10a-55m(a) and (b)
Sec. 2	<i>July 1, 2021</i>	New section
Sec. 3	<i>July 1, 2021</i>	New section
Sec. 4	<i>July 1, 2021</i>	10a-55m(f)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Legislative Mgmt.	GF - Potential Cost	Minimal	Minimal
Board of Regents for Higher Education	Various - Potential Cost	None	Up to 83,000
UConn	Various - Potential Cost	None	None

Note: GF=General Fund; Various=Various

Municipal Impact: None

Explanation

The bill results in a potential cost to the constituent units associated with the requirement for all institutions of higher education to survey all students every two years, beginning in FY 23, regarding sexual misconduct climate. The cost is potential because it is dependent on the survey substance and implementation guidelines that will be determined by the legislative council established by the bill. The University of Connecticut will have no survey costs in FY 23 due to preexisting plans but may bear costs in certain out years. The bill also results in a minimal potential cost to the Office of Legislative Management in FY 22 and FY 23, associated with the council.

Section 2 of the bill establishes a Council on Sexual Misconduct Climate Surveys, which will be part of the legislative department. The council members will be reimbursed for expenses necessarily incurred in the performance of their duties. This potential cost is anticipated to be minimal.

By January 1, 2022, and every two years thereafter, the council will submit a report to the higher education committee including the data points that each institution's survey must encompass, the recommended sexual misconduct climate surveys, and the recommended guidelines for survey implementation.

Section 3 of the bill requires each higher education institution to survey its students regarding sexual misconduct climate in FY 23 and every two years thereafter.

The potential cost of the surveys to the Board of Regents may reach approximately \$83,000 in every survey year (FY 23 and every two years thereafter), based on past similar surveys carried out by a few state universities. For example, Central Connecticut State University (Central CSU) implemented a similar survey in 2020, including students, faculty, and staff. The costs associated with the student survey totaled approximately \$22,450, composed of \$6,875 for the cost of using an established survey and platform, \$5,500 in incentives to encourage completion, and \$10,075 in staff time to prepare, market, and analyze the survey and its results. The survey used by Central CSU has a slightly lower cost for institutions with fewer students, resulting in estimated institution-based total costs for the four CSUs ranging from \$19,950 to \$22,450. However, the cost is potential because if the council prescribes survey data points that are limited in scope, with no survey incentives included in the survey guidelines, then the universities may be able to integrate the sexual misconduct questions into existing survey efforts.

It is anticipated the community colleges (under the Board of Regents) will have no cost due to the bill as they will likely use current personnel and resources, including an online survey license and in-house research staff, to execute the survey.

The bill results in no fiscal impact to the University of Connecticut in FY 23 as the university was already planning to survey its students that year regarding sexual misconduct climate, using an American Association of Universities (AAU) survey. The AAU survey is executed

every four years; therefore, the bill will result in no additional cost to UConn in mandated survey years that align with the AAU cycle (FY 23, FY 27, et cetera). The estimated cost of the AAU survey is nearly \$100,000, including completion incentives.

House "A" alters the original bill by changing the composition of the council established by the bill and makes a change to the bill's reporting requirements. These changes have no fiscal impact.

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$	FY 26 \$
Legislative Mgmt.	GF - Potential Cost	Minimal	Minimal	Minimal
Board of Regents for Higher Education	Various - Potential Cost	None	Up to 83,000	None
UConn	Various - Potential Cost	None	Up to 10,000	None

Note: GF=General Fund; Various=Various

In odd-numbered out years, the Board of Regents will experience the same potential costs regarding survey administration as in FY 23, subject to inflation. In FY 25 and other survey years that do not align with the AAU cycle, the University of Connecticut is considering using an existing survey with an estimated administration cost of approximately \$10,000 (subject to inflation). However, the cost is potential as whether this survey is used will depend in part on the parameters set by the Council. The potential minimal costs to the Office of Legislative Management, associated with the council, continue into the out years.

Municipal Impact: None

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

Appointed Members		
Appointing Authority	Number of Appointees	Qualifications
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
Designated Members		
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)