



General Assembly

January Session, 2021

**Raised Bill No. 6374**

LCO No. 2616



Referred to Committee on HIGHER EDUCATION AND  
EMPLOYMENT ADVANCEMENT

Introduced by:  
(HED)

**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2 statutes are repealed and the following is substituted in lieu thereof  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  
133 student or employee who reports or discloses the alleged assault,  
134 stalking or violence shall not be subject to disciplinary action for  
135 violation of a policy of the institution of higher education prohibiting  
136 the use of drugs or alcohol if (i) the report or disclosure was made in  
137 good faith, and (ii) the violation of such policy did not place the health  
138 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 Surveys, which shall be part of the  
149 Legislative Department.

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

151 (1) The cochairpersons of the joint standing committee of the General  
152 Assembly having cognizance of matters relating to higher education  
153 and employment advancement;

154 (2) One appointed by the speaker of the House of Representatives,  
155 who has expertise in the development and design of sexual misconduct  
156 climate surveys;

157 (3) One appointed by the president pro tempore of the Senate, who  
158 shall be a student enrolled in a public institution of higher education in  
159 the state;

160 (4) One appointed by the majority leader of the House of  
161 Representatives, who has expertise in statistics, data analytics or  
162 econometrics related to higher education surveys;

163 (5) One appointed by the majority leader of the Senate, who shall be  
164 a student enrolled in an independent institution of higher education in  
165 the state;

166 (6) One appointed by the minority leader of the House of  
167 Representatives, who shall be a representative of the Victim Rights  
168 Center of Connecticut;

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

171 (8) The Commissioner of Public Health, or the commissioner's  
172 designee;

173 (9) The president of The University of Connecticut, or the president's  
174 designee;

175 (10) A representative of the Connecticut State University System, who  
176 shall be appointed by the Board of Regents for Higher Education;

177 (11) A representative of the regional community-technical college  
178 system, who shall be appointed by the Board of Regents for Higher  
179 Education;

180 (12) A representative of the independent institutions of higher  
181 education in the state, who shall be appointed by the Connecticut  
182 Conference of Independent Colleges;

183 (13) Three representatives of victims of sexual assault or intimate  
184 partner violence, who shall be appointed by the Connecticut Alliance to  
185 End Sexual Violence, one of whom shall represent such victims in rural  
186 communities and one of whom shall represent such victims in urban  
187 communities;

188 (14) A representative of victims of intimate partner violence, who  
189 shall be appointed by the Connecticut Coalition Against Domestic  
190 Violence;

191 (15) A representative of lesbian, gay, bisexual, transgender and queer  
192 persons, who shall be appointed by True Colors, Inc.; and

193 (16) A person appointed by the Every Voice Coalition.

194 (c) Any member of the council appointed under subsection (b) of this  
195 section may be a member of the General Assembly.

196 (d) All initial appointments to the council shall be made not later than  
197 sixty days after the effective date of this section and shall terminate on  
198 June 30, 2026, regardless of when the initial appointment was made.

199 Any member of the council may serve more than one term.

200 (e) The speaker of the House of Representatives and the president pro  
201 tempore of the Senate shall select the chairperson of the council from  
202 among the members of the council. Such chairperson shall schedule the  
203 first meeting of the council, which shall be held not later than sixty days  
204 after the effective date of this section.

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

208 (g) Appointed members of the council shall serve for four-year terms,  
209 which shall commence on the date of appointment, except as provided  
210 in subsection (d) of this section. Members shall continue to serve until  
211 their successors are appointed.

212 (h) Any vacancy shall be filled by the appointing authority not later  
213 than thirty days after the vacancy occurs. Any vacancy occurring other  
214 than by expiration of term shall be filled for the balance of the unexpired  
215 term.

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

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

221 (k) The council shall have the following powers and duties: (1)  
222 Identify and approve one or more sexual misconduct climate surveys  
223 developed by an institution of higher education or a national association  
224 for use by institutions of higher education for the purpose of assessing  
225 the climate on college campuses related to sexual assault, stalking and  
226 intimate partner violence, which selected surveys shall yield results that  
227 may be compared to each other and may include, but not be limited to,  
228 questions regarding (A) student awareness of institutional policies and

229 procedures related to sexual assault, stalking and intimate partner  
230 violence, (B) if a student reported sexual assault, stalking or violence to  
231 an institution of higher education or law enforcement, the response to  
232 and results of such report, the facts surrounding such assault, stalking  
233 or violence and the demographic information of the victim, and (C)  
234 student perceptions of campus safety; (2) recommend guidelines for the  
235 implementation of such surveys, which shall include, but need not be  
236 limited to, procedures for (A) achieving a high rate of response to such  
237 surveys to ensure statistically accurate survey results, (B) protecting the  
238 anonymity of respondents to such surveys, and (C) receiving responses  
239 to such surveys from as broad and diverse a segment of the student  
240 population as possible; (3) not later than six months after receiving the  
241 results of such surveys from each institution of higher education  
242 pursuant to subsection (c) of section 3 of this act, recommend best  
243 practices to such institutions in addressing such results; (4) obtain from  
244 any executive department, board, commission or other agency of the  
245 state such assistance and data as necessary and available to carry out the  
246 purposes of this section; (5) accept any gift, donation or bequest for the  
247 purpose of performing the duties described in this section; and (6)  
248 perform such other acts as may be necessary and appropriate to carry  
249 out the duties described in this section.

250 (l) The council shall meet as often as deemed necessary by the  
251 chairperson or a majority of the council. Any appointed member who  
252 fails to attend three consecutive meetings or who fails to attend fifty per  
253 cent of all meetings held during any calendar year shall be deemed to  
254 have resigned from the council.

255 (m) Not later than January 1, 2022, and every two years thereafter, the  
256 council shall submit a report, in accordance with the provisions of  
257 section 11-4a of the general statutes, to the joint standing committee of  
258 the General Assembly having cognizance of matters relating to higher  
259 education and to each institution of higher education in the state on the  
260 sexual misconduct climate surveys approved by the council which shall  
261 include, but need not be limited to, (1) a copy of each approved sexual  
262 misconduct climate survey; and (2) recommended guidelines for the

263 implementation of such surveys.

264       Sec. 3. (NEW) (*Effective July 1, 2021*) (a) On or before March 1, 2023,  
265 and every two years thereafter, each institution of higher education in  
266 the state shall select one of the sexual misconduct climate surveys  
267 approved by the Council on Sexual Misconduct Climate Surveys,  
268 pursuant to section 2 of this act, and distribute such survey to each  
269 enrolled student in accordance with the guidelines recommended by  
270 said council. Any institution may append to the sexual misconduct  
271 climate survey additional institution or campus-specific questions,  
272 provided such additional questions, if any, (1) do not require the  
273 disclosure of personal identifying information, or (2) are not  
274 unnecessarily traumatizing to victims of sexual assault, stalking or  
275 violence.

276       (b) Each institution of higher education shall distribute with the  
277 sexual misconduct climate survey a statement that (1) the anonymity of  
278 survey respondents shall be protected, (2) students should not disclose  
279 personal identifying information with their survey responses, and (3) no  
280 survey responses may be used as a basis of investigation, disciplinary  
281 action or legal proceeding.

282       (c) Not later than six months after the distribution of the sexual  
283 misconduct climate survey pursuant to subsection (a) of this section,  
284 and every two years thereafter, each institution of higher education in  
285 the state shall (1) submit a report, in accordance with the provisions of  
286 section 11-4a of the general statutes, to the joint standing committee of  
287 the General Assembly having cognizance of matters relating to higher  
288 education and to the Council on Sexual Misconduct Climate Surveys on  
289 the summary results for each question of the sexual misconduct climate  
290 survey, and (2) post on its Internet web site the campus-level results of  
291 the sexual misconduct climate survey, its uniform campus crime report  
292 prepared pursuant to section 10a-55a of the general statutes and an  
293 Internet link to the summary results of such survey reported to the joint  
294 standing committee of the General Assembly having cognizance of  
295 matters relating to higher education.

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

**Statement of Purpose:**

To (1) protect students who report being a victim or witness of sexual assault, stalking or violence from disciplinary action by an institution of higher education, and (2) establish a Council on Sexual Misconduct Climate Survey to approve sexual misconduct climate surveys for use by institutions of higher education in the state.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*