

Comparison of Connecticut Public Act 14-11 and VAWA/Campus SaVE Act Requirements

	Connecticut Public Act 14-11	VAWA/Campus SaVE	Institution Activities
Annual crime report	Annual crime report must include instances of sexual assault (current law), stalking and family violence on property owned or under the control of the institution within preceding calendar year.	Annual security reports (ASRs) must include incidences of dating violence, domestic violence and stalking within Clery geography. "Hierarchy rule" does not apply. Hate crimes to include crimes on basis of national origin and gender identity, and to be reported by category of bias. Stalking incidents to be recorded as occurring at the first reported location within Clery geography where a) perpetrator is engaged in the course of conduct or 2) victim becomes aware of the conduct. A report of stalking must be counted as a new and distinct crime if it continues after an official intervention.	
Definitions	<p>"Sexual assault" means a sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a.</p> <p>"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 family violence as designated under section 46b-38h.</p> <p>"Stalking" means stalking under section 53a-181c, 53a-181d or 53a-181e</p>	<p>"Sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation"</p> <p>"Dating violence" means "violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.</p> <p>(1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.</p> <p>(2) For the purposes of this definition –</p> <p>(i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.</p> <p>(ii) Dating violence does not include acts covered under the definition of domestic violence.</p>	

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		<p>“Domestic violence” means</p> <p>(1) “A felony or misdemeanor crime of violence committed –</p> <ul style="list-style-type: none"> (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. <p>“Stalking” means “(1) engaging in a course of conduct directed at a specific person that would cause a reasonable person to—</p> <ul style="list-style-type: none"> (i) fear for the person’s safety or the safety of others; or (ii) suffer substantial emotional distress. <p>(2) For the purposes of this definition –</p> <ul style="list-style-type: none"> (i) ‘course of conduct’ means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property. (ii) ‘Substantial emotional distress’ means significant mental 	

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		suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. (iii) 'reasonable person' means a reasonable person under similar circumstances and with similar identities to the victim."	
Prevention and Awareness	<p>Institutions shall provide sexual assault, stalking and IPV primary prevention and awareness programming for all students and employees that includes an explanation of the definition of consent, information on reporting, and strategies for bystander intervention and risk reduction, as well as ongoing sexual assault, stalking and IPV prevention and awareness campaigns.</p> <p>Primary prevention programming is defined as "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"</p> <p>Awareness programming is defined as "institutional action designed to communicate the prevalence of sexual assaults, stalking and intimate partner violence, including the nature and number of cases... reported... in the preceding three calendar years, including [same as above]."</p>	<p>Institutions must include policy statement in annual report addressing education programs to promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, including:</p> <ul style="list-style-type: none"> • Description of primary prevention and awareness programs for all incoming students and new employees, including: <ul style="list-style-type: none"> ○ A statement that the institution prohibits domestic violence, dating violence, sexual assault and stalking ○ The definition of these offenses in the jurisdiction ○ The definition of consent in the jurisdiction ○ Safe and positive options for bystander intervention ○ Information on risk reduction ○ Information referenced below under "annual reporting requirements" ○ Information regarding available sanctions and protective measures, procedures victims should follow, disciplinary procedures, available counseling and other resources, etc. ○ Statement that proceeding will be "fair, prompt and impartial," conducted by officials trained at least annually, and provides accuser/accused same rights, <u>incl. advisor of choice</u>, and simultaneous notice of outcome and appeal options • Ongoing prevention and awareness campaigns for 	

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		<p>students and employees including all of the above.</p> <p>Programs for prevention are defined as: “(1) Comprehensive, intentional and integrated programming, initiatives, strategies and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that –</p> <ul style="list-style-type: none"> (i) Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and (ii) Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels. <p>(2) Programs to prevent dating violence, domestic violence, sexual assault and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees</p> <p>Section (j) further contains additional definitions for “awareness programs,” “bystander intervention,” “ongoing prevention and awareness campaigns,” “primary prevention programs,” and “risk reduction.”</p>	
<p>Anonymous reporting</p>	<p>Institutions may provide option for anonymous report of sexual assault, stalking or IPV – must notify the student or employee of obligations under state or federal law (if any) to investigate or address the assault, stalking or violence and assess whether the report triggers a timely warning requirement, which may result in the learning of victim’s identity.</p>	<p>Federal rules do not establish specific requirements for handling anonymous complaints.</p>	

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Confidentiality	State does not define requirements related to confidentiality except in so far as the Campus Resource Team (see below) must be educated in “victim-centered response” which is defined as “a systematic focus on the needs and concerns of a victim...that...(C) maintains victim safety, privacy and, where possible, confidentiality...”	ASR to include information about how confidentiality of victims will be protected, including how publicly-available recordkeeping and institutional protective measures will be accomplished without including identifying information about the victim, to the extent possible.	
Campus resource team	<p>By January 1, 2015, must establish trained Campus Resource Team (CRT), consisting of individuals selected by President, including Title IX coordinator and chief student affairs officer (or designees), and not less than one member from:</p> <ul style="list-style-type: none"> • Administration, counseling office, health services, women’s center, campus police/security, faculty, senior/mid-level staff, student body, res life office, and judicial hearing board <p>No later than January 1, 2015, the President shall invite at least one member to serve on the CRT from each of the following</p> <ul style="list-style-type: none"> • Community-based sexual assault crisis service center • Community-based domestic violence agency • Criminal justice system in institution’s judicial circuit, incl. but not limited to state/local police and prosecutors <p>By July 1, 2015, CRT must review policies and recommend protocols for providing support and services to students/employees who report being a victim – must meet to review/update protocols at least 1x semester.</p>	Federal law does not require a specific team structure.	
Community-based counseling	By January 1, 2015, must enter into MOU with at least one community-based sexual assault crisis service center and at least one community based domestic violence agency (SHARE	Federal law does not mandate agreements with specific service provider.	

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	has one in place)		
Annual reporting requirements (incl. required policy statements)	<p>By October 1, 2015 (for preceding academic year) and annually thereafter, must report to the joint standing committee of the General Assembly –</p> <ul style="list-style-type: none"> • Copy of policies regarding sexual assault, stalking and IPV – providing for: <ul style="list-style-type: none"> • Reporting procedures for students/employees regardless of where the incident occurred • Concise written notification of victim’s rights and options (incl. contact info and assistance in accessing campus, local advocacy, counseling, health and mental health services, and right to notify law enforcement and obtain protective order) • Available options/assistance for changing academic, living, transportation or working situations • Honoring protective/restraining orders • Summary of student disciplinary procedures (incl. preponderance standard and <u>right to advisor or support person of choice</u>) • Summary of employee discipline procedures • Range of available sanctions • <u>Copy of concise written statement</u> of rights and options (provided immediately upon receiving report) • # and type of sexual assault, stalking and IPV prevention, awareness and risk reduction programs • # and type of sexual assault, stalking and IPV prevention and awareness campaigns • # of incidences reported to the institution • # of anonymous/confidential reports 	<p>Annual security reports containing a number of required policy statements and three years’ worth of covered crime statistics. New requirements:</p> <ul style="list-style-type: none"> • Statement of policy re the institution’s programs to prevent dating violence, domestic violence, sexual assault, and stalking and of procedures that the institution will follow when one of these crimes is reported – must include: <ul style="list-style-type: none"> ○ Description of educational programs and campaigns to promote awareness ○ Procedures victims should follow, including written information about the importance of preserving evidence for proving criminal offense or obtaining protective order, how and to whom to report, options re involvement of law enforcement, and rights re institutional protective or no-contact orders ○ How institution will protect confidentiality of victim and other necessary parties, incl. Clery reporting and protective measures, provided confidentiality does not impair ability to provide protective measures ○ Statement re providing <u>written notification to students and employees</u> about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services at institution and in the community ○ Statement re providing <u>written notification to victims</u> about options and assistance in changing academic, living, transportation and working 	

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	<ul style="list-style-type: none"> • # of disciplinary cases related to sexual assault, stalking or IPV • Final outcome of all disciplinary cases re sexual assault/ IPV, including outcome of any appeals 	<p>situations – institution must make accommodation if requested and reasonably available even if victim does not report to police</p> <ul style="list-style-type: none"> ○ Explanation of disciplinary procedures, including steps, anticipated timelines and decision-making process, standard of evidence used, list of possible sanctions and full range of protective measures, statement that proceeding will be “fair, prompt and impartial” and conducted by officials trained at least annually on issues and conducting investigation/hearing, and that accuser/accused have same rights, incl. <u>advisor of choice</u>, and simultaneous notice of outcome and appeal options ○ Statement that, when student or employee makes a report, institution will provide a <u>written explanation of rights and options</u> 	
Training	<p>Title IX coordinator and police, special police forces or campus security must be educated in awareness and prevention of sexual assault, stalking and IPV and in trauma-informed response.</p> <p>Members of state/local police who act as first responders at institutions of higher ed must receive training in awareness and prevention of sexual assault, stalking and IPV and in trauma-informed response.</p> <p>Members of CRT must receive comprehensive training in:</p> <ul style="list-style-type: none"> • Awareness and prevention, and communicating with/assisting victims • Institutional policies, Title IX and Clery • Victim-centered response and role of community- 	<p>Discipline proceedings must be conducted by officials (including students for these purposes) who at a minimum receive annual training on the issues related to dating violence, domestic violence domestic violence, dating violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.</p>	

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	based advocates <ul style="list-style-type: none"> • Role and function of each member to ensure coordinated response • Communicating sensitively and compassionately with victims and providing services or assisting in locating services for victims 		