



House of Representatives

General Assembly

File No. 250

January Session, 2025

House Bill No. 7100

House of Representatives, March 25, 2025

The Committee on Higher Education and Employment Advancement reported through REP. HADDAD of the 54th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT REQUIRING INSTITUTIONS OF HIGHER EDUCATION IN THE STATE TO DISCLOSE CERTAIN INFORMATION TO VICTIMS IN TITLE IX PROCEEDINGS.

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

1 Section 1. Subsection (b) of section 10a-55m of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2025*):

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

8 (1) Informing students and employees that, in the context of an
9 alleged violation of the policy or policies regarding sexual assault and
10 intimate partner violence, (A) affirmative consent is the standard used
11 in determining whether consent to engage in sexual activity was given
12 by all persons who engaged in the sexual activity, (B) affirmative

13 consent may be revoked at any time during the sexual activity by any
14 person engaged in the sexual activity, (C) it is the responsibility of each
15 person to ensure that he or she has the affirmative consent of all persons
16 engaged in the sexual activity to engage in the sexual activity and that
17 the affirmative consent is sustained throughout the sexual activity, (D)
18 it shall not be a valid excuse to an alleged lack of affirmative consent
19 that the student or employee responding to the alleged violation
20 believed that the student or employee reporting or disclosing the
21 alleged violation consented to the sexual activity (i) because the
22 responding student or employee was intoxicated or reckless or failed to
23 take reasonable steps to ascertain whether the student or employee
24 reporting or disclosing the alleged violation affirmatively consented, or
25 (ii) if the responding student or employee knew or should have known
26 that the student or employee reporting or disclosing the alleged
27 violation was unable to consent because such student or employee was
28 unconscious, asleep, unable to communicate due to a mental or physical
29 condition, or incapacitated due to the influence of drugs, alcohol or
30 medication, and (E) the existence of a past or current dating or sexual
31 relationship between the student or employee reporting or disclosing
32 the alleged violation and the responding student or employee, in and of
33 itself, shall not be determinative of a finding of affirmative consent;

34 (2) Detailing the procedures that students and employees of the
35 institution who report or disclose being the victim of sexual assault,
36 stalking or intimate partner violence may follow after the commission
37 of such assault, stalking or violence, regardless of where such incidences
38 occurred, including persons or agencies to contact and information
39 regarding the importance of preserving physical evidence of such
40 assault, stalking or violence;

41 (3) Providing students and employees of the institution who report
42 or disclose being the victim of sexual assault, stalking or intimate
43 partner violence both concise, written contact information for and, if
44 requested, professional assistance in accessing and utilizing campus,
45 local advocacy, counseling, health and mental health services, and
46 concise information, written in plain language, concerning the rights of

47 such students and employees to (A) notify law enforcement of such
48 assault, stalking or violence and receive assistance from campus
49 authorities in making any such notification, and (B) obtain a protective
50 order, apply for a temporary restraining order or seek enforcement of
51 an existing protective or restraining order, including, but not limited to,
52 orders issued pursuant to section 46b-15, 46b-38c, 53a-40e, 54-1k, 54-82q
53 or 54-82r, against the perpetrator of such assault, stalking or violence;

54 (4) Notifying such students and employees of any reasonably
55 available options for and available assistance from such institution in
56 changing academic, living, campus transportation or working situations
57 in response to sexual assault, stalking or intimate partner violence;

58 (5) Honoring any lawful protective or temporary restraining orders,
59 including, but not limited to, orders issued pursuant to section 46b-15,
60 46b-38c, 53a-40e, 54-1k, 54-82q or 54-82r;

61 (6) Disclosing a summary of such institution's student investigation
62 and disciplinary procedures, including clear statements advising that
63 (A) a student or employee who reports or discloses being a victim of
64 sexual assault, stalking or intimate partner violence shall have the
65 opportunity to request that an investigation begin promptly, (B) the
66 investigation and any disciplinary proceedings shall be conducted by
67 an official trained annually in issues relating to sexual assault, stalking
68 and intimate partner violence and shall use the preponderance of the
69 evidence standard in making a determination concerning the alleged
70 assault, stalking or violence, (C) both the student or employee who
71 reports or discloses the alleged assault, stalking or violence and the
72 student responding to such report or disclosure (i) are entitled to be
73 accompanied to any meeting or proceeding relating to the allegation of
74 such assault, stalking or violence by an advisor or support person of
75 their choice, provided the involvement of such advisor or support
76 person does not result in the postponement or delay of such meeting as
77 scheduled, and (ii) shall have the opportunity to present evidence and
78 witnesses on their behalf during any disciplinary proceeding, (D) both
79 the student or employee reporting or disclosing the alleged assault,

80 stalking or violence or a victim reporting or disclosing the alleged
81 assault, stalking or violence pursuant to subdivision (9) of this
82 subsection and such responding student are entitled to be informed in
83 writing of the results of any disciplinary proceeding not later than one
84 business day after the conclusion of such proceeding in a manner that
85 complies with the requirements of the Family Educational Rights and
86 Privacy Act, 20 USC 1232g, as amended from time to time, (E) the
87 institution of higher education shall not disclose the identity of any
88 party to an investigation or disciplinary proceeding, except as necessary
89 to carry out the investigation or disciplinary proceeding or as permitted
90 under state or federal law, (F) a standard of affirmative consent is used
91 in determining whether consent to engage in sexual activity was given
92 by all persons who engaged in the sexual activity, and (G) a student or
93 employee who reports or discloses the alleged assault, stalking or
94 violence shall not be subject to disciplinary action by the institution of
95 higher education for violation of a policy of such institution concerning
96 the use of drugs or alcohol if (i) the report or disclosure was made in
97 good faith, and (ii) the violation of such policy did not place the health
98 or safety of another person at risk;

99 (7) Disclosing a summary of such institution's employee investigation
100 and disciplinary procedures, including clear statements advising that a
101 standard of affirmative consent is used in determining whether consent
102 to engage in sexual activity was given by all persons who engaged in
103 the sexual activity; [and]

104 (8) Disclosing the range of sanctions that may be imposed following
105 the implementation of such institution's student and employee
106 disciplinary procedures in response to such assault, stalking or violence;
107 and

108 (9) Establishing a process by which a victim who (A) is not a student
109 or employee of such institution, and (B) alleges sexual assault, stalking
110 or intimate partner violence by a student or employee of such
111 institution, may report such sexual assault, stalking or intimate partner
112 violence to such institution and detailing the procedures such victim

113 may follow to initiate or participate in such institution's investigation
114 and disciplinary proceeding.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2025</i>	10a-55m(b)
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HED *Joint Favorable*

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: None

Municipal Impact: None

Explanation

The bill has no fiscal impact. It requires the constituent units of higher education to develop policies concerning certain violent crimes alleged against students or employees and made by victims who do not live on campus. It is anticipated that the constituent units can develop these policies with existing resources.

OLR Bill Analysis**HB 7100*****AN ACT REQUIRING INSTITUTIONS OF HIGHER EDUCATION IN THE STATE TO DISCLOSE CERTAIN INFORMATION TO VICTIMS IN TITLE IX PROCEEDINGS.*****SUMMARY**

This bill requires higher education institutions to add provisions to their policies on sexual assault, stalking, and intimate partner violence on how a victim who is not an institution student or employee can:

1. report an allegation of sexual assault, stalking, or intimate partner violence by an institution student or employee and
2. initiate or participate in the institution's investigation and disciplinary proceedings.

Existing law requires these policies to address these topics for victims who are students or institution employees.

Current law entitles a student or employee reporting or disclosing an alleged sexual assault, stalking, or intimate partner violence, and the responding student, to the written results of any disciplinary hearing within one business day after it ends. The bill also entitles a victim who is not a student or employee to the results. It requires that these written disclosures comply with the federal Family Educational Rights and Privacy Act (FERPA).

EFFECTIVE DATE: July 1, 2025

BACKGROUND***FERPA***

With certain exceptions, FERPA requires federally funded institutions to keep personally identifying information in a student's

records confidential unless (1) the parents (of students under age 18) or students age 18 or older consent to disclose it or (2) one of the legal exceptions to the confidentiality requirement applies (20 U.S.C. § 1232g).

FERPA does not prohibit a higher education institution from disclosing certain information about the results of a disciplinary proceeding involving an alleged crime of violence or a nonforcible sex offense to (1) an alleged victim or (2) anyone if the proceeding finds that a student violated institution rules or policies. For these purposes, the results must only include (1) the student's name, violation committed, sanction imposed and (2) with consent, any other student's name (such as a victim or witness) (20 U.S.C. § 1232g(b)(6)).

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable

Yea 18 Nay 0 (03/11/2025)