

Joint Committee on Higher Education and Employment Advancement

Public Testimony of the Connecticut Women's Education and Legal Fund

House Bill No. 5376: *An Act Concerning Affirmative Consent*

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March 01, 2016

My name is Dvora Walker. I am a Law Student at the University of Connecticut School of Law, and am the Legal and Public Policy Fellow for the Connecticut Women's Education and Legal Fund (CWEALF). CWEALF is a statewide non-profit organization dedicated to empowering women, children, and their families to achieve equal opportunities in their personal and professional lives. On behalf of CWEALF, and as a student, I would like to bring your attention to the importance of Proposed Bill No. 5376: *An Act Concerning Affirmative Consent*.

As an organization focused on women and girls, who are disproportionately the victims of sexual assault, CWEALF supports H.B. 5376 because it is a valuable opportunity to create a clear, consistent, and more effective sexual assault policy for all Connecticut colleges and universities. Our Legal Education program routinely handles questions about the application of Title IX, and we see firsthand that many existing sexual assault policies are not well understood. As a student, I am also personally invested in seeing uniform affirmative consent policies utilized, both on my campus and on campuses across the state.

Institutions of higher education in Connecticut are already required to investigate reported instances of sexual misconduct and provide annual prevention and awareness programming for all students and employees that include an explanation of the definition of consent in sexual relationships. Fortunately, most campuses in Connecticut *already* use an affirmative consent policy for their investigations and programming. The University of Connecticut has had an affirmative consent policy in place since 2002.

Affirmative consent policies simply require that students obtain active, ongoing, positive, conscious, and voluntary consent prior to engaging in sexual activity. This is much more sensible than the alternative "no means no" model, which implies that a student has a right to engage in sexual activity with another student unless that other student specifically says "no." The sensibility of the affirmative consent standard is exemplified by the fact that most Connecticut colleges and universities already use it.

The problem is that the existing affirmative consent policies vary widely in both content and scope. In order to establish more predictability for those reporting and responding to campus sexual assault incidents, it is imperative to establish a uniform policy to be used at all colleges and universities across Connecticut.

I attended Connecticut College in New London, Connecticut and recall there being confusion around the campus policy. I personally did not have a clear understanding of what constituted

consent or a lack thereof, according to campus procedures. Students need to have a definite grasp of their campus policy.

Establishing a uniform affirmative consent policy, to be used at all Connecticut higher education institutions, would make sexual assault cases more equitable. All parties involved would understand that consent means the presence of permission, rather than a lack of objection. Furthermore, those conducting investigations would know not to focus on whether the student reporting the incident said “no” but instead on whether the responding student obtained consent.

H.B. 5376 is a bill that would benefit all students. It would not change due process for the student reporting the incident or the student responding to the incident— the burden of proof would remain with the university. It would simply make the definition of consent clearer and more consistent, both for students and for those conducting investigations.

Thank you for your consideration and for allowing me the opportunity to submit testimony.