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GENERAL ASSEMBLY

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AFFIRMATIVE CONSENT STANDARD PROPOSED FOR ALL STATE COLLEGES

Sen. Flexer, Rep. Haddad seek consistency in sex assault policies

HARTFORD – A bill that would require all public and private state universities and colleges in Connecticut to establish ‘affirmative consent’ as the threshold in sexual assault and intimate partner violence cases has been introduced in the General Assembly by the two state legislators who represent Mansfield and the thousands of students who attend the University of Connecticut.

State Senator Mae Flexer (D-Killingly) and state **Representative Gregory Haddad (D-Mansfield)** are co-sponsoring Senate Bill 636, “An Act Concerning Affirmative Consent,” which seeks to clarify school policies about what ‘consent’ is and to provide consistency state-wide. The bill would provide more clarity for university disciplinary boards when proceeding in sexual assault cases.

Affirmative consent standards are already in effect at the University of Connecticut and Yale University, as well as at other colleges and universities across America. This bill would expand upon that practice to require that affirmative consent standards be in place at all Connecticut colleges, public and private.

The bill was referred last week to the Higher Education and Employment Advancement Committee, where **Sen. Flexer** is Senate Vice-Chair and **Rep. Haddad** is a member. No committee action or public hearing dates have yet been scheduled.

“Every student at a college or university in Connecticut should have the same expectation of safety,” **Sen. Flexer** said. “A year ago, on a unanimous and bipartisan basis, Connecticut passed new campus sexual assault regulations for all state colleges and universities. That bill required colleges to offer sexual assault prevention programming that defined ‘consent’ in sexual relationships but left it up to each institution of higher education to come up with a definition. What we’re saying today is, let’s be clear, let’s be consistent, and let’s change the conversation from ‘no means no’ to ‘yes means yes.’”

“I’m proud to propose this bill with Senator Flexer. We must ensure that college students understand the absolute necessity of mutual consent,” said **Rep. Haddad**. “Too often, silence or a lack of outright protest is misunderstood to be consent. This bill rejects that standard and establishes a simpler, smarter and safer ‘yes means yes’ policy on Connecticut’s college campuses.”

The proposed Connecticut bill is modeled on the California affirmative consent law that was approved last September. That law defines affirmative consent as “affirmative, conscious and voluntary agreement to engage in sexual activity.” It notes that lack of protest or resistance does not mean consent, nor does silence mean consent.

The California law (Senate Bill 967, 2014) also specifically notes that, in the evaluation of complaints in a disciplinary process, affirmative consent cannot be implied if the complainant was asleep or unconscious; incapacitated due to the influence of drugs, alcohol or medication to the extent that they could not understand the fact, nature or extent of the sexual activity; or the complainant was unable to communicate due to a mental or physical condition.

New York State is now considering similar legislation.

“We as a society need to engage in these types of ongoing discussions in order to create more understanding, higher expectations and greater safety for young men and women,” **Sen. Flexer** said. “Hoping that the scourge of campus sex assault will just go away is not an option. We have to be mindful and proactive, and establishing an affirmative consent standard is part of that obligation.”

“In the past, sexual assault prevention often focused on teaching women how to protect themselves from rape. This approach contributed to a larger culture of victim blaming, or questioning how a woman contributed to the sexual crime waged against her,” said **Rep. Haddad**. “This bill is part of a broader goal to end victim blaming on college campuses. Instead of telling women how to prevent rape, let’s focus our energy on educating young men and women to communicate more effectively about these sensitive issues.”

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