



HB18-1391: Concerning Sexual Misconduct in Higher Education

Sponsors: Speaker Duran, Representative Winter, Senator Martinez Humenik, and Senator Kerr

Given the changing environment on the federal level, policy makers, CCASA, and institutions have come together to develop a proactive piece of legislation to promote and ensure the safety of Colorado students on campuses around the state.

What is the problem?

Multiple studies show that approximately one in five women are sexually assaulted during their college years. Much of this misconduct goes unreported. Students often express frustration with unclear reporting processes and procedures.

Recent federal guidance has led to concerns about the consistency of responses to campus sexual misconduct.

CCASA, in collaboration with Institutions of Higher Education, have found a path forward to create a Colorado solution to this challenge.

HB18-1391 creates a fair and consistent response to sexual misconduct in Higher Education settings to ensure that all students know how to report and know that the administrative process will be fair for both parties.

HB18-1391 is a Positive Colorado-Specific Approach:

- Establishes transparency standards that ensure Institutions of Higher Education publish their campus policies related to sexual misconduct so that all perspective and enrolled students, and their families can easily access the information;
- Establishes preponderance of the evidence as the equitable standard of proof for investigating cases of campus sexual misconduct. This is the appropriate standard for an administrative proceeding.
- Prohibits the use of unrelated sexual history from being included as facts of the case.
- Prohibits cross-examination of either party in an administrative proceeding.
- Ensures:
 - Timely updates for both the reporting and responding party on the status of an investigation;
 - Training of all incoming students and new faculty on sexual misconduct and the policies for reporting and investigating misconduct;
 - Transparency of the policy and information regarding the training, by publishing these with the Colorado Department of Higher Education (CDHE).
- Supports biannual summits to bring stakeholders together to share best practices information related to preventing and effectively addressing campus misconduct.

For more information, please contact:

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