

## **Five Things College Students and Parents Need to Know About CT's 'Affirmative Consent' Law: Advice from a Lawyer**

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All Connecticut school campuses, of any kind, are subject to [Connecticut's law entitled "Affirmative Consent"](#). This is a law that states that every stage of a romantic or sexual contact between two students must be marked by an out-loud, unambiguous "yes".

Since the law doesn't differentiate, we must assume that it applies to everything from hand-holding and up.

Whether you are a Connecticut student or a Connecticut student's parent, here are five things that you must understand about Connecticut's Affirmative Consent Law:

**1. “No means no” no longer holds sway.**

In the event of a dispute in which a student complains of a sexual assault, the accused will have to demonstrate that the complainant uttered an unequivocal “yes” to absolutely everything that may have occurred between them.

**2. Intoxication hinders defense.**

Intoxication used to inevitably cloud investigations into campus sexual assaults and often diminish either the complainant’s report or the alleged perpetrator’s defense. Affirmative Consent now means that intoxication can only damage the ability of the alleged perpetrator to demonstrate that the complainant repeatedly said “yes”.

*In other words, an intoxicated complainant will be presumed to have been unable to say “yes”, and an intoxicated alleged perpetrator is likely to be presumed to be unable to reliably account for what happened.*

3. The federal law, generally referred to as Title IX, mandates that once a complaint is brought by a student, particularly on a college campus, **the complaint must be investigated.**

Furthermore, the complainant must be accommodated to every extent possible so that access to education and campus services is unimpeded. Failure by a school to comply with Title IX risks the loss of federal funding and investigation by federal authorities.

**4. Sexual assault allegations and their investigation vary widely from campus-to-campus.**

A complainant is not obligated to report an allegation of sexual assault to police if a school’s Title IX and sexual assault guidelines do not call for the school to enlist outside law enforcement to investigate.

**5. Campus Review Boards are commonly characterized by an absence of the Constitutional safeguards** that are available to both complainants and alleged perpetrators in our Connecticut courts.

Review Boards may be comprised of professors, administrators and even students and the ability of either party to a sexual assault allegation to investigate may be severely limited by a particular school’s internal regulations.

Affirmative Consent law has created an entirely new and extremely difficult landscape for Connecticut students. The Maddox Law firm will present [\*Campus Relationships: Connecticut’s Affirmative Consent Law\*](#) at the New Canaan Public Library, 7:00 p.m., on March 29, 2017. Detailed and highly valuable information and guidance will be offered to students and parents alike. Please join us.

*[Attorney Matthew Maddox](#) has offices in New Canaan. His blog appears on his law firm website and is available by email. It appears on *Darienite.com* as a regular column, "Advice from a Lawyer."*

See also:

- [On a CT Campus, You Need the Word 'Yes' to Plant Your Kiss: Advice from a Lawyer](#) (Jan. 12)