

AMENDED IN SENATE AUGUST 7, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1549**

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**Introduced by Assembly Member Rendon**

January 27, 2014

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An act to ~~amend Section 66281.5 of~~ *add and repeal Section 66281.6* of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1549, as amended, Rendon. Postsecondary education: ~~Equity in Higher Education Act.~~ *sexual assault: audits.*

Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable.

A portion of the Donahoe Higher Education Act known as the Equity in Higher Education Act ~~requires, among other things, that~~ *requires* each postsecondary institution in the state ~~have a written policy on sexual harassment and display a copy of that policy in a prominent location, as defined, in the main administrative building or other areas of the campus or school site.~~ *state, prior to receipt of any state financial assistance or student financial aid, to provide assurance that each program or activity conducted by the institution will be conducted in compliance with state laws prohibiting discrimination based on sex.*

*Title IX of the federal Education Amendments of 1972 (Title IX) prohibits discrimination based on sex, including sexual harassment,*

rape, and sexual assault, in an educational institution’s programs or activities.

~~This bill would add to the Equity in Higher Education Act a provision requiring that the written policy on sexual harassment also be displayed in a prominent location on the official Internet Web site of each postsecondary educational institution.~~ *require the California State Auditor, beginning January 1, 2015, and every 3 years thereafter, until January 1, 2025, to audit 2 institutions selected by the California State Auditor from each segment of public postsecondary education, including the University of California, to determine if their practices are consistent with Title IX, its implementing regulations, and federal guidance on Title IX related to sexual harassment and assault. The bill would require a public institution, including a campus of the University of California, found to have practices that are inconsistent with those federal requirements and guidance to transfer funds from that institution’s administrative budget to the institution’s Title IX compliance office to provide additional resources to that office, in an amount determined by the governing board of the institution, and would require the California State Auditor, within one year of the audit, to report to the Legislature on those transfers of funds.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. *The Legislature finds and declares all of the*
- 2     *following:*
- 3     (a) *Compliance with Title IX of the federal Education*
- 4     *Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.) by*
- 5     *postsecondary educational institutions has become a national*
- 6     *issue, with many college and university campuses in the news for*
- 7     *not reporting, or not assisting, victims of sexual harassment and*
- 8     *assault in violation of Title IX.*
- 9     (b) *Sexual harassment and assault can have a devastating effect*
- 10    *on victims that can be compounded when a college or university*
- 11    *is unresponsive to reported sexual harassment or assault claims*
- 12    *or fails to accommodate victims of sexual harassment or assault.*
- 13    (c) *Findings of a recent audit performed by the California State*
- 14    *Auditor provide further evidence that something has to be done to*

1 *ensure that colleges and universities comply with the requirements*  
2 *of Title IX related to sexual harassment and assault.*

3 *(d) This act is necessary to ensure the health and safety of*  
4 *students who choose to attend California's world renowned public*  
5 *postsecondary educational institutions.*

6 *SEC. 2. Section 66281.6 is added to the Education Code, to*  
7 *read:*

8 *66281.6. (a) (1) Beginning January 1, 2015, and every three*  
9 *years thereafter, the California State Auditor shall audit the*  
10 *programs and activities of public postsecondary institutions,*  
11 *including the campuses of the University of California, to determine*  
12 *if the public institution's practices are consistent with Title IX of*  
13 *the federal Education Amendments of 1972 (20 U.S.C. Sec. 1681*  
14 *et seq.), its implementing regulations, and federal guidance on*  
15 *Title IX related to sexual harassment or assault.*

16 *(2) The audit shall be conducted at two institutions selected by*  
17 *the California State Auditor from each of the three public*  
18 *postsecondary education segments.*

19 *(b) (1) Notwithstanding Section 67400, if a public*  
20 *postsecondary institution, including a campus of the University of*  
21 *California, is found to have practices inconsistent with Title IX,*  
22 *its implementing regulations, and federal guidance on Title IX*  
23 *pursuant to subdivision (a), the governing board of the*  
24 *postsecondary institution shall transfer funds from its*  
25 *administrative budget to the institution's Title IX compliance office*  
26 *to provide more resources for that office.*

27 *(2) The amount transferred pursuant to paragraph (1) shall be*  
28 *at the discretion of the governing board of the institution.*

29 *(c) Notwithstanding Section 10231.5 of the Government Code,*  
30 *the California State Auditor, within one year of the audit performed*  
31 *pursuant to subdivision (a), shall, pursuant to Section 9795 of the*  
32 *Government Code, report to the Legislature on any transfer of*  
33 *funds made pursuant to subdivision (b) as a result of the findings*  
34 *made in the audit.*

35 *(d) This section shall remain in effect only until January 1, 2025,*  
36 *and as of that date is repealed, unless a later enacted statute, that*  
37 *is enacted before January 1, 2025, deletes or extends that date.*

38 ~~*SECTION 1. Section 66281.5 of the Education Code is*~~  
39 ~~*amended to read:*~~

1     ~~66281.5. (a) It is the policy of the State of California, pursuant~~  
2 ~~to Section 66251, that all persons, regardless of their sex, should~~  
3 ~~enjoy freedom from discrimination of any kind in the~~  
4 ~~postsecondary educational institution of the state. The purpose of~~  
5 ~~this section is to provide notification of the prohibition against~~  
6 ~~sexual harassment as a form of sexual discrimination and to provide~~  
7 ~~notification of available remedies.~~

8     ~~(b) Each postsecondary educational institution in the State of~~  
9 ~~California shall have a written policy on sexual harassment. It is~~  
10 ~~the intent of the Legislature that each educational institution in~~  
11 ~~this state include this policy in its regular policy statement rather~~  
12 ~~than distribute an additional written document.~~

13     ~~(c) The postsecondary educational institution's written policy~~  
14 ~~on sexual harassment shall include information on where to obtain~~  
15 ~~the specific rules and procedures for reporting charges of sexual~~  
16 ~~harassment and for pursuing available remedies.~~

17     ~~(d) A copy of the postsecondary educational institution's written~~  
18 ~~policy on sexual harassment shall be displayed in a prominent~~  
19 ~~location in the main administrative building or other area of the~~  
20 ~~campus or schoolsite and on the official Internet Web site of the~~  
21 ~~institution. "Prominent location" means that location, or those~~  
22 ~~locations, in the main administrative building or other area, and~~  
23 ~~on the official Internet Web site of the institution, where notices~~  
24 ~~regarding the institution's rules, regulations, procedures, and~~  
25 ~~standards of conduct are posted.~~

26     ~~(e) A copy of the postsecondary educational institution's written~~  
27 ~~policy on sexual harassment, as it pertains to students, shall be~~  
28 ~~provided as part of any orientation program conducted for new~~  
29 ~~students at the beginning of each quarter, semester, or summer~~  
30 ~~session, as applicable.~~

31     ~~(f) A copy of the postsecondary educational institution's written~~  
32 ~~policy on sexual harassment shall be provided for each faculty~~  
33 ~~member, all members of the administrative staff, and all members~~  
34 ~~of the support staff at the beginning of the first quarter or semester~~  
35 ~~of the school year, or at the time that there is a new employee~~  
36 ~~hired.~~

37     ~~(g) A copy of the postsecondary educational institution's written~~  
38 ~~policy on sexual harassment shall appear in any publication of the~~  
39 ~~institution that sets forth the comprehensive rules, regulations,~~  
40 ~~procedures, and standards of conduct for the institution.~~

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