

ASSEMBLY BILL

No. 2350

Introduced by Assembly Member Bonilla

February 21, 2014

An act to amend Section 66281.5 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2350, as introduced, Bonilla. Postsecondary education: Equity in Higher Education Act: prevention of pregnancy discrimination.

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 declares, among other things, that it is the policy of the State of California that all persons, regardless of their sex, should enjoy freedom from discrimination of any kind in the postsecondary educational institutions of the state.

This bill would express various legislative findings and declarations relating to pregnancy discrimination. The bill would add to the Equity in Higher Education Act a provision specifying that this policy of freedom from discrimination includes, but is not limited to, freedom from pregnancy discrimination as described in a specified federal statute.

Vote: majority. Appropriation: no. Fiscal committee: no.
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) Title IX of the Education Amendments of 1972 (20 U.S.C.
4 Sec. 1681, et seq.) is best known for providing equity to female
5 and male athletics, but it also specifically addresses pregnancy
6 discrimination.

7 (b) In 2012, the Obama administration began an initiative to
8 increase the number of women in the science, technology,
9 engineering, and mathematics (STEM) fields. President Obama
10 tasked the United States Department of Education to lead an
11 initiative with the Department of Justice, the Department of Energy,
12 the National Aeronautics and Space Administration, the National
13 Science Foundation, and the Department of Health and Human
14 Services to create a common guidance program to ensure that grant
15 recipients are complying with Title IX.

16 (c) The federal initiative focuses on women scientists, but Title
17 IX compliance is also incredibly important across all academic
18 fields at all colleges and universities.

19 (d) Preventing pregnancy discrimination in the STEM fields is
20 particularly important because it is known to hinder the
21 advancement of women in these fields. For example, even though
22 women represent between 35 and 40 percent of graduate students
23 in chemistry, less than 13 percent of faculty at the top 50
24 universities in the United States are women.

25 (e) According to a survey of doctorate recipients by the National
26 Science Foundation, “women who are married with children in
27 the sciences are 35 percent less likely to enter a tenure track
28 position after receipt of their Ph.D. than married men with children,
29 and they are 27 percent less likely than their male counterparts to
30 achieve tenure upon entering a tenure track job.”

31 (f) The same phenomenon has appeared in non-STEM fields,
32 as studies indicate that married mothers who earn Ph.D.s are 28
33 percent less likely to obtain a tenure track job than are married
34 men with children who earn Ph.D.s.

35 (g) Graduate students and postdoctoral students are typically
36 considered to be students, trainees, or fellows, and are therefore
37 not eligible for the Family Medical Leave Act or paid family leave,
38 which would provide for leave during the birth of a child. Most of

1 these “students” must do research or teach in order to fulfill the
2 requirements of their graduate programs.

3 (h) Many universities and colleges are not in compliance with
4 Title IX, and students are unaware that they are protected from
5 pregnancy discrimination.

6 (i) Preventing pregnancy discrimination against graduate
7 students and postdoctoral students is important for both genders
8 so that both men and women can bond with new children and have
9 a framework with which to approach these discussions with their
10 academic institutions.

11 SEC. 2. Section 66281.5 of the Education Code is amended to
12 read:

13 66281.5. (a) (1) It is the policy of the State of California,
14 pursuant to Section 66251, that all persons, regardless of their sex,
15 should enjoy freedom from discrimination of any kind, *including,*
16 *but not limited to, pregnancy discrimination as described in Title*
17 *IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et*
18 *seq.), in the postsecondary educational-institution institutions of*
19 *the state.*~~The~~

20 (2) ~~The purpose of this section~~ *subdivisions (b) to (g), inclusive,*
21 *is to provide notification of the prohibition against sexual*
22 *harassment as a form of sexual discrimination and to provide*
23 *notification of available remedies.*

24 (b) Each postsecondary educational institution in the State of
25 California shall have a written policy on sexual harassment. It is
26 the intent of the Legislature that each educational institution in
27 this state include this policy in its regular policy statement rather
28 than distribute an additional written document.

29 (c) The postsecondary educational institution’s written policy
30 on sexual harassment shall include information on where to obtain
31 the specific rules and procedures for reporting charges of sexual
32 harassment and for pursuing available remedies.

33 (d) A copy of the postsecondary educational institution’s written
34 policy on sexual harassment shall be displayed in a prominent
35 location in the main administrative building or other area of the
36 campus or schoolsite. “Prominent location” means that location,
37 or those locations, in the main administrative building or other
38 area where notices regarding the institution’s rules, regulations,
39 procedures, and standards of conduct are posted.

1 (e) A copy of the postsecondary educational institution's written
2 policy on sexual harassment, as it pertains to students, shall be
3 provided as part of any orientation program conducted for new
4 students at the beginning of each quarter, semester, or summer
5 session, as applicable.

6 (f) A copy of the postsecondary educational institution's written
7 policy on sexual harassment shall be provided for each faculty
8 member, all members of the administrative staff, and all members
9 of the support staff at the beginning of the first quarter or semester
10 of the school year, or at the time that there is a new employee
11 hired.

12 (g) A copy of the postsecondary educational institution's written
13 policy on sexual harassment shall appear in any publication of the
14 institution that sets forth the comprehensive rules, regulations,
15 procedures, and standards of conduct for the institution.