

ASSEMBLY BILL

No. 967

**Introduced by Assembly Member Williams
(Coauthor: Assembly Member Rendon)**

February 26, 2015

An act to add Section 67386.5 to the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 967, as introduced, Williams. Postsecondary education: sexual assault cases.

Existing law establishes the University of California, under the administration of the Regents of the University of California, the California State University, under the administration of the Trustees of the California State University, the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and independent institutions of higher education as the segments of postsecondary education in this state.

Existing law requires the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, if they adopt a specified resolution, and the Board of Directors of the Hastings College of the Law to adopt, and implement at each of their respective campuses or other facilities, a written procedure or protocols to ensure, to the fullest extent possible, that students, faculty, and staff who are victims of sexual assault committed at or upon the grounds of, or upon off-campus grounds or facilities maintained by the institution, receive treatment and information.

This bill would require, in order to receive state funds for student financial assistance, the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing board of each independent postsecondary institution to adopt and carry out a uniform process, applicable to each campus of the institution, for disciplinary proceedings relating to any claims of sexual assault, as defined.

The bill would additionally require, in order to receive state funds for student financial assistance, the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing board of each independent postsecondary institution to report specified data relating to cases of alleged sexual assault.

The bill would also require that the information reported pursuant to these provisions to be reported in a manner that provides appropriate protections for the privacy of individuals involved, including, but not necessarily limited to, protection of the confidentiality of the alleged victim and of the alleged perpetrator.

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. Section 67386.5 is added to the Education Code,
 2 to read:
 3 67386.5. (a) Notwithstanding Section 67400, in order to
 4 receive state funds for student financial assistance, the governing
 5 board of each community college district, the Trustees of the
 6 California State University, the Regents of the University of
 7 California, and the governing board of each independent
 8 postsecondary institution shall adopt and carry out a uniform
 9 process, applicable to each campus of the institution, for
 10 disciplinary proceedings relating to any claims of sexual assault.
 11 At a minimum, the policies shall conform to both of the following:
 12 (1) The institution shall not carry out a different disciplinary
 13 process on the same campus for a matter of sexual violence, or
 14 alter the uniform process based on the status or characteristics of
 15 a student who will be involved in that disciplinary proceeding,
 16 including characteristics such as a student’s membership on an

1 athletic team, a student’s academic major, or any other
2 characteristic or status of a student.

3 (2) The institution shall develop and implement a minimum
4 standard of discipline for students found responsible for each of
5 the following: rape, forced sodomy, forced oral copulation, rape
6 by a foreign object, sexual battery, threat of sexual assault, and
7 any other forms of sexual assault. These minimum standards shall
8 provide for specific forms of discipline, to include expulsion,
9 suspension, loss of financial aid or scholarships, loss of activity
10 privileges, and removal from student housing.

11 (b) Notwithstanding Section 67400, in order to receive state
12 funds for student financial assistance, the governing board of each
13 community college district, the Trustees of the California State
14 University, the Regents of the University of California, and the
15 governing board of each independent postsecondary institution
16 shall report all of the following on an annual basis:

17 (1) The number of sexual assault cases that were investigated
18 by the institution.

19 (2) The number of sexual assault cases that were referred for a
20 disciplinary proceeding at the institution.

21 (3) The number of sexual assault cases that were referred to
22 local or state law enforcement.

23 (4) The number of alleged perpetrators who were found
24 responsible at the disciplinary proceedings of the institution.

25 (5) The number of alleged perpetrators who were found not
26 responsible at the disciplinary proceedings of the institution.

27 (6) A description of and the number of final sanctions imposed
28 by the institution for each offense perpetrated.

29 (7) The number of disciplinary proceedings at the institution
30 that closed without resolution.

31 (c) For purposes of this section, “sexual assault” includes, but
32 is not limited to, rape, forced sodomy, forced oral copulation, rape
33 by a foreign object, sexual battery, or a threat of sexual assault
34 involving a student, whether on or off campus.

35 (d) The information reported pursuant to this section shall be
36 reported in a manner that provides appropriate protections for the
37 privacy of individuals involved, including, but not necessarily

- 1 limited to, protection of the confidentiality of the alleged victim
- 2 and of the alleged perpetrator.

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