

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 967

**Introduced by Assembly Member Williams
(Coauthors: Assembly Members Low, McCarty, and 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 amended, 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~~ 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:~~ *assault*.

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, on an annual basis, specified data relating to cases of alleged sexual ~~assault:~~ *assault, domestic violence, dating violence, and stalking*.

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

1 a student who will be involved in that disciplinary proceeding,
2 including characteristics such as a student's membership on an
3 athletic team, a student's academic major, or any other
4 characteristic or status of a student.

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

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

20 (1) The number of ~~sexual-assault cases~~ *assault, domestic*
21 *violence, dating violence, and stalking complaints* that were
22 ~~investigated~~ *received* by the institution.

23 (2) The number of ~~sexual-assault cases~~ *assault, domestic*
24 *violence, dating violence, and stalking complaints* that were
25 ~~referred for a disciplinary proceeding at~~ *investigated* by the
26 institution.

27 (3) The number of ~~sexual-assault cases~~ *assault, domestic*
28 *violence, dating violence, and stalking complaints* that were
29 ~~referred to local or state law enforcement.~~ *not investigated* by the
30 institution.

31 (4) The number of ~~alleged perpetrators who~~ *investigations*
32 *conducted pursuant to paragraph (2) in which the respondents*
33 were found responsible at the disciplinary proceedings of the
34 institution.

35 (5) The number of ~~alleged perpetrators who were found not~~
36 *investigations conducted pursuant to paragraph (2) in which the*
37 *respondents were not found* responsible at the disciplinary
38 proceedings of the institution.

39 (6) ~~A description of and the number of final sanctions imposed~~
40 ~~by the institution for each offense perpetrated.~~

- 1 ~~(7) The number of disciplinary proceedings at the institution~~
2 ~~that closed without resolution.~~
- 3 (6) *The number of disciplinary sanctions imposed on*
4 *respondents who were found responsible as determined pursuant*
5 *to paragraph (4), disaggregated by the type of discipline imposed*
6 *in, at minimum, the following categories:*
- 7 (A) *Expulsion.*
 - 8 (B) *Suspension of at least two years.*
 - 9 (C) *Suspension of fewer than two years.*
 - 10 (D) *Probation.*
- 11 (c) For purposes of this section, “sexual assault” includes, but
12 ~~is not limited to, rape, forced sodomy, forced oral copulation, rape~~
13 ~~by a foreign object, sexual battery, or a threat of sexual assault~~
14 ~~involving a student, whether on or off campus. assault, domestic~~
15 *violence, dating violence, and stalking” refer to all of the*
16 *categories of misconduct in the institution’s policy adopted*
17 *pursuant to Section 67386.*
- 18 (d) The information reported pursuant to this section shall be
19 reported in a manner that provides appropriate protections for the
20 privacy of individuals involved, including, but not necessarily
21 limited to, protection of the confidentiality of the alleged victim
22 and of the alleged perpetrator.