

Assembly Bill No. 967

Passed the Assembly September 9, 2015

Chief Clerk of the Assembly

Passed the Senate September 8, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 967, 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 by the institution's adopted sexual assault policies.

The bill would additionally require, until December 31, 2021, 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 or before October 1, 2017, and on an annual basis thereafter, specified data relating to cases of alleged sexual assault, domestic violence, dating violence, and stalking. The bill would require that report to be posted on the respective institution's Internet Web site in a manner easily accessible to students.

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.

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

SECTION 1. Section 67386.5 is added to the Education Code, to read:

67386.5. (a) Notwithstanding Section 67400, 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 shall adopt and carry out a uniform process, applicable to each campus of the institution, for disciplinary proceedings of registered students relating to any claims of sexual assault as defined by an institution's policies adopted pursuant to Section 67386. At a minimum, the policies shall conform to both of the following:

(1) The institution shall not carry out a different disciplinary process on the same campus for a matter of sexual assault as defined by an institution's policies adopted pursuant to Section 67386, or alter the uniform process based on the status or characteristics of a student who will be involved in that disciplinary proceeding, including characteristics such as a student's membership on an athletic team, a student's academic major, or any other characteristic or status of a student.

(2) (A) The institution shall develop and implement consistent standards of discipline for registered students found responsible for sexual assault as defined by an institution's policies adopted pursuant to Section 67386. These standards shall provide for

specific forms of discipline, to include expulsion, suspension, loss of institutional financial aid or scholarships, loss of activity privileges, and removal from student housing.

(B) It is the intent of the Legislature that the standards of discipline developed and implemented by institutions be fair, objective, and consistent, and, for the most egregious violations of the institution's sexual assault policies, provide for a minimum suspension of at least two years up to, and including, expulsion.

(b) (1) Notwithstanding Section 67400, 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 shall report on or before October 1, 2017, and annually thereafter, all of the following information for the prior calendar year:

(A) The number of sexual assault, domestic violence, dating violence, and stalking complaints that were received by the institution.

(B) The number of sexual assault, domestic violence, dating violence, and stalking complaints that were investigated by the institution.

(C) The number of sexual assault, domestic violence, dating violence, and stalking complaints that were not investigated by the institution.

(D) The number of investigations conducted pursuant to subparagraph (B) in which the respondents were found responsible at the disciplinary proceedings of the institution.

(E) The number of investigations conducted pursuant to subparagraph (B) in which the respondents were not found responsible at the disciplinary proceedings of the institution.

(F) The number of disciplinary sanctions imposed on respondents who were found responsible as determined pursuant to subparagraph (D) disaggregated by the type of discipline imposed in, at minimum, the following categories:

(i) Expulsion.

(ii) Suspension of at least two years.

(iii) Suspension of fewer than two years.

(iv) Probation.

(G) The number of cases that were closed for other reasons.

(2) The report required pursuant to paragraph (1) shall be posted on the institution's Internet Web site in a manner easily accessible to students.

(3) This subdivision shall remain in effect only until December 31, 2021.

(c) For purposes of this section, "sexual assault, domestic violence, dating violence, and stalking" refer to all of the categories of misconduct in the institution's policy adopted pursuant to Section 67386.

(d) The information reported pursuant to this section shall 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, consistent with the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g).

Approved _____, 2015

Governor