

AMENDED IN SENATE MARCH 17, 2015

SENATE BILL

No. 186

Introduced by Senator Jackson

February 9, 2015

An act to amend ~~Section~~ *Sections 76033 and 76034* of the Education Code, relating to community college districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 186, as amended, Jackson. Community college districts: removal, suspension, or expulsion.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts, each administered by a governing board, throughout the state, and authorizes these districts to provide instruction to students at community college campuses maintained by the districts.

Existing law *provides for the removal, suspension, and expulsion of a community college student, as specified, for good cause, as defined.* Existing law prohibits a community college student from being removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or attendance.

This bill *would add to the definition of good cause, for the purpose of removal, suspension, and expulsion of a community college student, the offense of sexual assault or sexual battery, regardless of the victim's affiliation with the community college.* The bill would authorize the governing board of a community college district to remove, suspend, or expel a student for ~~conduct occurring off of the community college district property, as specified.~~ The bill would require the governing

board of a community college district, in determining whether to exercise jurisdiction over an instance of student conduct occurring off campus, to consider specified factors: *sexual assault or sexual battery, regardless of the victim’s affiliation with the community college, even if the offense is not related to college activity or attendance.*

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. Section 76033 of the Education Code is amended
2 to read:

3 76033. As used in this article, “good cause” includes, but is
4 not limited to, the following offenses:

5 (a) Continued disruptive behavior, continued willful
6 disobedience, habitual profanity or vulgarity, or the open and
7 persistent defiance of the authority of, or persistent abuse of,
8 college personnel.

9 (b) Assault, battery, or any threat of force or violence upon a
10 student or college personnel.

11 (c) Willful misconduct which results in injury or death to a
12 student or college personnel or which results in cutting, defacing,
13 or other injury to any real or personal property owned by the
14 district.

15 (d) The use, sale, or possession on campus of, or presence on
16 campus under the influence of, any controlled substance, or any
17 poison classified as such by Schedule D in Section 4160 of the
18 Business and Professions Code.

19 (e) Willful or persistent smoking in any area where smoking
20 has been prohibited by law or by regulation of the governing board.

21 (f) Persistent, serious misconduct where other means of
22 correction have failed to bring about proper conduct.

23 (g) *Sexual assault or sexual battery, regardless of the victim’s*
24 *affiliation with the community college.*

25 SECTION 1.

26 SEC. 2. Section 76034 of the Education Code is amended to
27 read:

28 76034. (a) ~~Except as provided in this section, in response to~~
29 ~~conduct specified in subdivision (g) of Section 76033,~~ no student
30 shall be removed, suspended, or expelled unless the conduct for

1 which the student is disciplined is related to college activity or
2 college attendance.

3 ~~(b) The governing board of a community college district may~~
4 ~~remove, suspend, or expel a student for conduct that occurs off of~~
5 ~~the community college district property, subject to subdivision (c).~~
6 ~~In determining whether to exercise jurisdiction over student~~
7 ~~conduct occurring off campus, the governing board of the~~
8 ~~community college district shall consider all of the following as~~
9 ~~it applies to the individual case:~~

10 ~~(1) Whether the alleged victim is a member of the campus~~
11 ~~community.~~

12 ~~(2) The seriousness of the alleged misconduct.~~

13 ~~(3) Whether a crime has been reported to the criminal~~
14 ~~authorities.~~

15 ~~(4) The risk of future harm involved.~~

16 ~~(5) Whether the off-campus conduct is part of a series of actions~~
17 ~~that occurred both on and off campus.~~

18 ~~(6) The ability of the governing board of the community college~~
19 ~~district to gather evidence, including, but not limited to, the~~
20 ~~testimony of witnesses.~~

21 ~~(c) The governing board of a community college district shall~~
22 ~~not exercise jurisdiction over student conduct that occurs off~~
23 ~~campus unless the conduct involves sexual assault, physical abuse,~~
24 ~~threats of violence, arson-related offenses, sexual harassment,~~
25 ~~stalking, or hazing.~~

26 ~~(b) This section is not intended to limit provisions of federal~~
27 ~~law, or limit the ability of community college districts to take~~
28 ~~appropriate action under federal law.~~