

AMENDED IN SENATE APRIL 16, 2015  
AMENDED IN SENATE MARCH 17, 2015

**SENATE BILL**

**No. 186**

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**Introduced by Senator Jackson**  
**(Coauthor: Senator Block)**  
*(Coauthor: Assembly Member Maienschein)*

February 9, 2015

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An act to amend 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~~ *offenses of sexual assault or and sexual battery, exploitation, as defined*, 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 sexual assault or sexual ~~battery, exploitation~~, 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~~: *offenses, occurring while*  
 5 *enrolled as a student:*  
 6 (a) Continued disruptive behavior, continued willful  
 7 disobedience, habitual profanity or vulgarity, or the open and  
 8 persistent defiance of the authority of, or persistent abuse of,  
 9 college personnel.  
 10 (b) Assault, battery, or any threat of force or violence upon a  
 11 student or college personnel.  
 12 (c) Willful misconduct which results in injury or death to a  
 13 student or college personnel or which results in cutting, defacing,  
 14 or other injury to any real or personal property owned by the  
 15 district.  
 16 (d) The use, sale, or possession on campus of, or presence on  
 17 campus under the influence of, any controlled substance, or any  
 18 poison classified as such by Schedule D in Section 4160 of the  
 19 Business and Professions Code.  
 20 (e) Willful or persistent smoking in any area where smoking  
 21 has been prohibited by law or by regulation of the governing board.  
 22 (f) Persistent, serious misconduct where other means of  
 23 correction have failed to bring about proper conduct.  
 24 (g) ~~Sexual assault or sexual battery, regardless of the victim’s~~  
 25 ~~affiliation with the community college~~: *assault, defined as actual*  
 26 *or attempted sexual contact with another person without that*  
 27 *person’s consent, regardless of the victim’s affiliation with the*  
 28 *community college, including, but not limited to, any of the*  
 29 *following:*

1 (1) *Intentional touching of another person's intimate parts*  
2 *without that person's consent or other intentional sexual contact*  
3 *with another person without that person's consent.*

4 (2) *Coercing, forcing, or attempting to coerce or force a person*  
5 *to touch another person's intimate parts without that person's*  
6 *consent.*

7 (3) *Rape, which includes penetration, no matter how slight,*  
8 *without the person's consent, of either of the following:*

9 (A) *The vagina or anus of a person by any body part of another*  
10 *person or by an object.*

11 (B) *The mouth of a person by a sex organ of another person.*

12 (h) *Sexual exploitation, defined as a person taking sexual*  
13 *advantage of another person for the benefit of anyone other than*  
14 *that person without that person's consent, regardless of the victim's*  
15 *affiliation with the community college, including, but not limited*  
16 *to, any of the following:*

17 (1) *Prostituting another person.*

18 (2) *Recording images, including video or photograph, or audio*  
19 *of another person's sexual activity, intimate body parts, or*  
20 *nakedness without that person's consent.*

21 (3) *Distributing images, including video or photograph, or*  
22 *audio of another person's sexual activity, intimate body parts, or*  
23 *nakedness, if the individual distributing the images or audio knows*  
24 *or should have known that the person depicted in the images or*  
25 *audio did not consent to the disclosure and objected to the*  
26 *disclosure.*

27 (4) *Viewing another person's sexual activity, intimate body*  
28 *parts, or nakedness in a place where that person would have a*  
29 *reasonable expectation of privacy, without that person's consent,*  
30 *and for the purpose of arousing or gratifying sexual desire.*

31 SEC. 2. Section 76034 of the Education Code is amended to  
32 read:

33 76034. (a) Except in response to conduct specified in  
34 ~~subdivision~~ *subdivisions (g) and (h) of Section 76033, no student*  
35 *shall be removed, suspended, or expelled unless the conduct for*  
36 *which the student is disciplined is related to college activity or*  
37 *college attendance.*

1 (b) This section is not intended to limit provisions of federal  
2 law, or limit the ability of community college districts to take  
3 appropriate action under federal law.

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