

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 665**

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**Introduced by Senator Block**

February 27, 2015

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An act to ~~amend Section 67391~~ *add Chapter 15.8 (commencing with Section 67395) to Part 40 of Division 5 of Title 3 of the Education Code, relating to public postsecondary education.*

LEGISLATIVE COUNSEL'S DIGEST

SB 665, as amended, Block. ~~Public postsecondary~~ *Postsecondary education: preventing and addressing incidents of rape and sexual assault education programs: assault.*

Existing law, the Donahoe Higher Education Act, sets forth the missions and functions of California's public segments of higher education and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California act, by appropriate resolution, to make them applicable. Among other things, the act requires the governing board of each community college district, the Trustees of the California State University, and the Regents of the University of California to adopt and implement a rape and sexual assault education program at each of their respective campuses or other facilities.

~~This bill would make nonsubstantive changes to a provision relating to the rape and sexual assault education program~~ *require the governing board of each community college district and the trustees, and as a condition of receiving state funds for student financial aid, the governing board of each independent postsecondary educational institution and the regents, to, among other things, enter into a contract with a local*

*rape crisis center in order to designate an advocate, who is independent from the campus or university, to assist student victims following incidents of rape or sexual assault. The bill would require the Attorney General to establish a statewide Title IX Oversight Office, which would, among other things, serve as a point of contact for students dissatisfied with campus-based policies or investigative procedures designed to prevent or address incidents of rape or sexual assault. The bill would also authorize the oversight office to assess fines on a postsecondary educational institution that does not comply with its campus or systemwide policies, or state or federal laws, regarding rape and sexual assault. The bill would further require all students enrolled at the California Community Colleges, the California State University, each independent postsecondary educational institution, and the University of California to complete annual training, electronic or in person, on rape and sexual assault awareness and prevention, and would require the California State University and the California Community Colleges, and as a condition of receiving state funds for student financial aid, each independent postsecondary educational institution and the University of California, to place a hold on each student's course registration until the student completes the training. The bill would further require informational posters containing specified information relating to rape and sexual assault to be placed in all buildings on each campus of these institutions.*

*By imposing new duties on community college districts, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

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

1     *SECTION 1. Chapter 15.8 (commencing with Section 67395)*  
2 *is added to Part 40 of Division 5 of Title 3 of the Education Code,*  
3 *to read:*

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5     *CHAPTER 15.8. RAPE AND SEXUAL ASSAULT AWARENESS AND*  
6                     *PREVENTION*

7  
8     67395. (a) *The governing board of each community college*  
9 *district, the Trustees of the California State University, the*  
10 *governing board of each independent postsecondary educational*  
11 *institution, and the Regents of the University of California shall*  
12 *enter into a contract with a local rape crisis center to designate*  
13 *an advocate, who is independent from the college or university,*  
14 *to provide immediate assistance for a victim, who is enrolled at*  
15 *one of their respective campuses, of rape or sexual assault. That*  
16 *assistance shall include, but not necessarily be limited to,*  
17 *accompanying the victim to the hospital and assisting with campus*  
18 *and criminal justice system reporting procedures.*

19     (b) (1) *The Attorney General shall establish a statewide Title*  
20 *IX Oversight Office. This office shall have the following authority:*

21     (A) *The office shall serve as a point of contact for students*  
22 *dissatisfied with their campus-based policies or investigative*  
23 *procedures designed to prevent or address incidents of rape and*  
24 *sexual assault.*

25     (B) *The office may assess fines on a postsecondary educational*  
26 *institution that does not comply with its campus or systemwide*  
27 *policies, or state or federal laws, relating to rape and sexual*  
28 *assault.*

29     (C) *The office shall receive an annual deidentified report on*  
30 *the total number of, the campus-based investigative timeliness for,*  
31 *and the outcomes of campus-based investigations regarding,*  
32 *incidents of rape and sexual assault that involve students who are*  
33 *enrolled at a campus of the California Community Colleges, the*  
34 *California State University, independent postsecondary educational*  
35 *institutions, or the University of California. The office may*  
36 *investigate these institutions' policies, procedures, or*  
37 *campus-based investigations following an incident of rape or*  
38 *sexual assault and make recommendations to the Attorney General,*

1 *district attorney, or city attorney, as appropriate, to the extent*  
2 *doing so is in compliance with state and federal law.*

3 *(2) The governing board of each community college district,*  
4 *the Trustees of the California State University, the governing board*  
5 *of each independent postsecondary educational institution, and*  
6 *the Regents of the University of California shall report to the Title*  
7 *IX Oversight Office each incident of rape or sexual assault that*  
8 *involves one or more of their respective enrolled students for*  
9 *purposes of subparagraph (C) of paragraph (1).*

10 *(c) (1) Each student enrolled at a campus of the California*  
11 *Community Colleges, the California State University, the*  
12 *University of California, or an independent postsecondary*  
13 *educational institution shall complete annual training, electronic*  
14 *or in person, on rape and sexual assault awareness and prevention.*  
15 *The training shall include, but not be limited to, the contact*  
16 *information for the independent advocate who is designated*  
17 *pursuant to subdivision (a).*

18 *(2) A student who does not complete the training described in*  
19 *paragraph (1) shall have his or her course registration placed on*  
20 *hold until he or she completes the training.*

21 *(d) The governing board of each community college district,*  
22 *the Trustees of the California State University, the governing board*  
23 *of independent postsecondary educational institutions, and the*  
24 *Regents of the University of California shall ensure that each of*  
25 *their respective campuses place informational posters in all*  
26 *buildings that contain all of the following information:*

27 *(1) Summaries of the campus' policies on rape and sexual*  
28 *assault.*

29 *(2) Contact information for police and campus and local rape*  
30 *and crisis center offices or representatives who respond to*  
31 *incidents of rape and sexual assault.*

32 *(3) Campus, civil, and criminal penalties for committing acts*  
33 *of rape and sexual assault.*

34 *(4) References to the Jeanne Clery Disclosure of Campus*  
35 *Security Policy and Campus Crime Statistics Act (20 U.S.C. Sec.*  
36 *1092(f)(1) and (5)), Title IX of the Education Amendments of 1972*  
37 *(20 U.S.C. Sec. 1681 et seq.), and other relevant state and federal*  
38 *laws and regulations.*

39 *(e) As a condition of receiving state funds for financial*  
40 *assistance, each independent postsecondary educational institution*

1 *and the University of California shall comply with the requirements*  
2 *of this chapter.*

3 *SEC. 2. If the Commission on State Mandates determines that*  
4 *this act contains costs mandated by the state, reimbursement to*  
5 *local agencies and school districts for those costs shall be made*  
6 *pursuant to Part 7 (commencing with Section 17500) of Division*  
7 *4 of Title 2 of the Government Code.*

8 ~~SECTION 1. Section 67391 of the Education Code is amended~~  
9 ~~to read:~~

10 ~~67391. The governing board of each community college district,~~  
11 ~~the Trustees of the California State University, the Board of~~  
12 ~~Directors of the Hastings College of the Law, and the Regents of~~  
13 ~~the University of California shall, using existing resources, adopt~~  
14 ~~and implement a rape and sexual assault education program for,~~  
15 ~~and ensure the maximum feasible participation of, students and~~  
16 ~~student services professional staff members or student affairs~~  
17 ~~professional staff members at each of their respective campuses~~  
18 ~~or other facilities.~~