

AMENDED IN SENATE MAY 6, 2015
AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 665

Introduced by Senator Block

February 27, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

SB 665, as amended, Block. Postsecondary education: preventing and addressing incidents of rape and sexual 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 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 *who are* dissatisfied with campus-based policies or investigative procedures designed to prevent or address incidents of rape or sexual assault. *The bill would require the office to receive complaints from students regarding the students' campuses' noncompliance with Title IX of the Education Amendments of 1972.* 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,~~ *establish a process to investigate these complaints, and campus-based policies and investigative procedures* 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 *receive information or to complete a form of* annual training, electronic or in person, on rape and sexual assault awareness and prevention, ~~and as specified.~~ *The bill would further require the California State University and University, the California Community Colleges, and as a condition of receiving state funds for student financial aid, each independent postsecondary educational institution institution, and the University of California, California to place a hold on each student's* the course registration of each student who does not complete required training by the end of the first term of the academic year 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 *that are most frequented by students, including student housing and dining areas, the student union, and athletic facilities,* on each campus of these institutions.

This bill would provide that compliance with its terms is a condition of receipt of state funds for financial assistance for the University of California and each independent postsecondary educational institution.

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: yes.
State-mandated local program: 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:

4
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 an~~
13 ~~advocate, who is independent from the college or university, to~~
14 ~~provide immediate assistance for a victim, who is enrolled at one~~
15 ~~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 *67395. (a) It is the intent of the Legislature that the governing*
20 *board of each community college district, the Trustees of the*
21 *California State University, the governing board of each*
22 *independent postsecondary educational institution, and the Regents*
23 *of the University of California make available, on a 24-hour,*
24 *7-day-a-week basis, victim support services to assist a victim of*
25 *rape or sexual assault who is enrolled at one of their respective*
26 *campuses.*

27 (b) (1) The Attorney General shall establish a statewide Title
28 IX Oversight Office. ~~This office shall have the following authority:~~

29 (A) The office shall serve as a point of contact for students *who*
30 *are dissatisfied with—their the campus-based policies or*
31 *investigative procedures designed to prevent or address incidents*
32 *of rape and sexual assault at their respective campuses.*

1 (B) *The office shall receive complaints from students regarding*
2 *the students' campuses' noncompliance with any aspect of Title*
3 *IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et*
4 *seq.).*

5 ~~(B)~~

6 (C) ~~The office may assess fines on a postsecondary educational~~
7 ~~institution that does not comply with its campus or systemwide~~
8 ~~policies, or state or federal laws, relating to rape and sexual assault.~~
9 *establish a process to investigate campus-based policies and*
10 *investigative procedures relating to rape and sexual assault and*
11 *complaints filed pursuant to subparagraph (B).*

12 ~~(C)~~

13 (D) The office shall receive an annual deidentified report on
14 the total number of, the campus-based investigative timeliness for,
15 and the outcomes of campus-based investigations *regarding,*
16 *whether criminal charges were filed for, and the outcomes of*
17 *criminal proceedings* regarding, incidents of rape and sexual assault
18 that involve students who are enrolled at a campus of the California
19 Community Colleges, the California State University, independent
20 postsecondary educational institutions, or the University of
21 California. The office may investigate these institutions' policies,
22 procedures, or campus-based investigations following an incident
23 of rape or sexual assault and make recommendations to the
24 Attorney General, district attorney, or city attorney, as appropriate,
25 to the extent doing so is in compliance with state and federal law.

26 (2) The governing board of each community college district,
27 the Trustees of the California State University, the governing board
28 of each independent postsecondary educational institution, and the
29 Regents of the University of California shall *annually* report to
30 the Title IX Oversight Office each incident of rape or sexual assault
31 that involves one or more of their respective enrolled ~~students~~
32 *students, the number of those incidents that were investigated by*
33 *the institution, the timelines and outcomes of those investigations,*
34 *the sanctions that were imposed by the institution on students who*
35 *were involved, whether criminal charges were filed as to those*
36 *incidents, and the outcomes of those criminal proceedings* for
37 purposes of subparagraph ~~(C)~~ (D) of paragraph (1).

38 (c) (1) (A) Each *incoming freshman, transfer, and graduate*
39 *student who is* enrolled at a campus of the California Community
40 Colleges, the California State University, the University of

1 California, or an independent postsecondary educational institution
2 ~~shall~~ *shall, at the commencement of the academic year, complete*
3 ~~annual comprehensive~~ *training, electronic or in person, on rape*
4 *and sexual assault awareness and prevention. The training shall*
5 *include, but not be limited to, the contact information for the*
6 ~~independent advocate who is designated pursuant to subdivision~~
7 ~~(a).~~

8 *(B) Each resident assistant, member of a fraternity or sorority,*
9 *and student athlete, who is enrolled at a campus of the California*
10 *Community Colleges, the California State University, the*
11 *University of California, or an independent postsecondary*
12 *educational institution, shall, at the commencement of each*
13 *academic year, complete comprehensive training, electronic or in*
14 *person, on rape and sexual assault awareness and prevention.*

15 *(C) Each student, not described in subparagraph (B), who is*
16 *enrolled at a campus of the California Community Colleges, the*
17 *California State University, the University of California, or an*
18 *independent postsecondary educational institution shall annually*
19 *receive information or complete refresher training, electronic or*
20 *in person, on rape and sexual assault awareness and prevention.*

21 *(D) No student shall be required to complete the comprehensive*
22 *training pursuant to subparagraphs (A) and (B) or the refresher*
23 *training pursuant to subparagraph (C) more than once in the same*
24 *academic year. No student shall be required to complete the*
25 *comprehensive and refresher training in the same academic year.*

26 (2) A student who does not complete the training described in
27 paragraph (1) *by the end of the first term of the academic year*
28 *shall have his or her course registration placed on hold until he or*
29 *she completes the training.*

30 (d) The governing board of each community college district,
31 the Trustees of the California State University, the governing board
32 of independent postsecondary educational institutions, and the
33 Regents of the University of California shall ensure that each of
34 their respective campuses place informational posters in ~~all~~
35 ~~buildings that~~ *buildings that are most frequented by students,*
36 *including student housing and dining areas, the student union,*
37 *and athletic facilities. These informational posters shall contain*
38 *all of the following information:*

39 (1) Summaries of the campus' policies on rape and sexual
40 assault.

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

4 (3) Campus, civil, and criminal penalties for committing acts
5 of rape and sexual assault.

6 (4) References to the Jeanne Clery Disclosure of Campus
7 Security Policy and Campus Crime Statistics Act (20 U.S.C. Sec.
8 1092(f)(1) and (5)), Title IX of the Education Amendments of
9 1972 (20 U.S.C. Sec. 1681 et seq.), and other relevant state and
10 federal laws and regulations.

11 (e) As a condition of receiving state funds for financial
12 assistance, each independent postsecondary educational institution
13 and the University of California shall comply with the requirements
14 of this chapter.

15 SEC. 2. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.