

**Senate Bill No. 1439**

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Passed the Senate August 24, 2016

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*Secretary of the Senate*

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Passed the Assembly August 18, 2016

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2016, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Sections 87604.5, 89521, and 92612.1 to the Education Code, relating to postsecondary education.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1439, Block. Postsecondary education: academic and administrative employees: disclosure of sexual harassment.

(1) Under existing law, the segments of postsecondary education in this state include the University of California, the California State University, and the California Community Colleges. Existing law authorizes the governing board of each community college district and the Trustees of the California State University to employ persons in academic and administrative positions in order to carry out the functions of their respective institutions. The California Constitution provides that the University of California constitutes a public trust administered by the Regents of the University of California, a corporation in the form of a board, with full powers of organization and government, subject to legislative control only for specified purposes.

This bill would require the Regents of the University of California, the Trustees of the California State University, and the community college district governing boards to require as part of the hiring process for an appointment to an academic or administrative position that the applicant disclose any final administrative decision, as defined, or final judicial decision, as defined, determining that the applicant committed sexual harassment. The bill would prohibit the University of California, the California State University, or a community college district from asking an applicant to disclose, orally or in writing, information concerning any final administrative decision or final judicial decision described above, including any inquiry about an applicable decision on any employment application, until it has determined that the applicant meets the minimum employment qualifications stated in the notice issued for the position.

To the extent that these provisions would impose new requirements on community college district governing boards, this bill would constitute a state-mandated local program.

(2) 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.

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

SECTION 1. Section 87604.5 is added to the Education Code, to read:

87604.5. (a) The governing board of a community college district shall require as part of the hiring process for an appointment to an academic or administrative position with that district that the applicant disclose any final administrative decision or final judicial decision determining that the applicant committed sexual harassment.

(b) A community college district shall not ask an applicant to disclose, orally or in writing, information concerning any final administrative decision or final judicial decision described in subdivision (a), including any inquiry about an applicable decision on any employment application, until the community college district has determined that the applicant meets the minimum employment qualifications stated in the notice issued for the position.

(c) For purposes of this section, the following definitions shall apply:

(1) “Final administrative decision” means a final determination based on the investigative findings of a Title IX compliance coordinator, or other designated investigator, at a college or university on a complaint of sexual harassment.

(2) “Final judicial decision” means a final determination of a matter submitted to a court that is recorded in a judgment or order of that court.

SEC. 2. Section 89521 is added to the Education Code, to read:

89521. (a) The trustees shall require as part of the hiring process for an appointment to an academic or administrative position with the California State University that the applicant

disclose any final administrative decision or final judicial decision determining that the applicant committed sexual harassment.

(b) The California State University shall not ask an applicant to disclose, orally or in writing, information concerning any final administrative decision or final judicial decision described in subdivision (a), including any inquiry about an applicable decision on any employment application, until the California State University has determined that the applicant meets the minimum employment qualifications stated in the notice issued for the position.

(c) For purposes of this section, the following definitions shall apply:

(1) “Final administrative decision” means a final determination based on the investigative findings of a Title IX compliance coordinator, or other designated investigator, at a college or university on a complaint of sexual harassment.

(2) “Final judicial decision” means a final determination of a matter submitted to a court that is recorded in a judgment or order of that court.

SEC. 3. Section 92612.1 is added to the Education Code, to read:

92612.1. (a) The regents shall require as part of the hiring process for an appointment to an academic or administrative position with the University of California that the applicant disclose any final administrative decision or final judicial decision determining that the applicant committed sexual harassment.

(b) The University of California shall not ask an applicant to disclose, orally or in writing, information concerning any final administrative decision or final judicial decision described in subdivision (a), including any inquiry about an applicable decision on any employment application, until the University of California has determined that the applicant meets the minimum employment qualifications stated in the notice issued for the position.

(c) For purposes of this section, the following definitions shall apply:

(1) “Final administrative decision” means a final determination based on the investigative findings of a Title IX compliance coordinator, or other designated investigator, at a college or university on a complaint of sexual harassment.

(2) “Final judicial decision” means a final determination of a matter submitted to a court that is recorded in a judgment or order of that court.

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





Approved \_\_\_\_\_, 2016

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*Governor*