

Date of Hearing: March 15, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1653 (Weber) – As Introduced January 13, 2016

**SUBJECT:** Postsecondary education: campus climate

**SUMMARY:** Requires the California Community Colleges (CCC) Board of Governors (BOG), the California State University (CSU) Trustees, and the governing body of each private postsecondary educational institution in the state, and encourages the University of California (UC) Regents, to each generate a report, as specified, pertaining to campus climate; and, requires the California Department of Justice (DOJ) to provide guidance to the governing bodies of the specified postsecondary institutions on compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Violence Against Women Act (VAWA) Reauthorization of 2013. Specifically, **this bill:**

- 1) Requires the CCC BOG and the CSU Trustees, and the governing body of each private postsecondary educational institution, as defined, and encourages the UC Regents, to generate a report once every biennium of the legislative session, beginning with the 2017-2018 Regular Session.
- 2) Specifies that the report shall include, all of the following as to the respective segment:
  - a) New and recent administrative efforts intended to affect campus climate;
  - b) Recent campus program developments that impact campus climate related to the following: i) Gender, ii) Race, iii) Ethnicity, iv) National origin, v) Religion, vi) Sexual orientation, vii) Disability, and viii) Gender identity;
  - c) New and recent administrative efforts to reduce student food insecurity and student homelessness; and,
  - d) Data, including, but not limited to, both of the following: i) Student demographic data, and ii) Crime data, including, but not limited to, the data required to be kept and disclosed in accordance with the Clery Act (20 U.S.C. Sec. 1092(f)) and the VAWA Reauthorization of 2013 (20 U.S.C. Sec. 1092(f)(8)), and other hate crime statistics.
- 3) Requires the CCC BOG, the CSU Trustees, and the governing body of each private postsecondary educational institution, as defined, and encourages the UC Regents, to each post the respective segment's report on its Internet Web site; and, to send said report to the Governor, the Attorney General, and the appropriate policy committees of the Legislature.
- 4) Specifies that the CCC BOG shall request the information, as specified for the report, from community college districts and that the CCC BOG report shall be based on data made available from participating community college districts.
- 5) Requires the DOJ to provide guidance to the CCC BOG, the CSU Trustees, the UC Regents, and the governing body of each private postsecondary educational institution, as defined, on compliance with the Clery Act and the VAWA Reauthorization of 2013.

- 6) Specifies that if the CSU Trustees and the governing board of each community college district expend funds to support activities related to campus climate, as defined, the Trustees and the governing board of each community college district shall adopt and publish policies on harassment, intimidation, and bullying to be included within the rules and regulations governing student behavior within their respective segments of public postsecondary education.
- 7) Requests the UC Regents to adopt and publish policies on harassment, intimidation, and bullying to be included within their rules and regulations governing student behavior.
- 8) Declares that the Legislature intends that rules and regulations governing student conduct be published, at a minimum, on the Internet Web site of each public postsecondary educational campus and as part of any printed material covering those rules and regulations within the respective public postsecondary education system.
- 9) Defines "campus climate" to mean a measure of an individual's experience within a learning environment, specifically on the current attitudes, practices, policies, and behaviors of campus life that impact the success and retention of all members of a campus community.
- 10) Specifies that 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, as specified.

**EXISTING LAW:**

- 1) Declares it a goal of public higher education that educational equity be achieved through educational environments in which each person, regardless of race, gender, gender identity, gender expression, sexual orientation, age, disability or economic circumstances has a reasonable chance to fully develop his or her potential (Education Code (EC) Section 66010.2).
- 2) Provides that it is the policy of the State of California to afford all persons, regardless of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other basis that is contained in the prohibition of hate crimes set forth in Penal Code Section 422.6(a), equal rights and opportunities in the postsecondary institutions of the state (EC Section 66251).
- 3) Provides that all students have the right to participate fully in the educational process, free from discrimination and harassment and that California's postsecondary educational institutions have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity; and declares the Legislature's intent that each postsecondary educational institution undertake educational activities to counter discriminatory incidents on school grounds and, within constitutional bounds, to minimize and eliminate a hostile environment on school grounds that impairs the access of students to equal educational opportunities (EC Section 66252).
- 4) Requests the UC Regents, CSU Trustees, and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying to be included within the rules and regulations governing student behavior within their respective segments of public postsecondary education (EC Section 66302).

- 5) The Clery Act requires colleges and universities, as a condition of federal student aid program participation, to publish annual campus security reports, maintain crime logs, provide timely warnings of crimes that present a public safety risk, and maintain ongoing crime statistics.
- 6) The VAWA Reauthorization of 2013 recognizes native tribes' inherent power to exercise "special domestic violence criminal jurisdiction" over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic violence or dating violence or violate certain protection orders in Indian country.

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Background.* Out of concern regarding recent campus climate issues at various campuses of higher education, in the past few years there have been several oversight hearings convened by this Committee to look at campus climate issues. Additionally, in the 2013-14 Legislative Session, the Speaker of the Assembly created the Assembly Select Committee on Campus Climate; which convened several hearings in 2014 and 2015, with the goal of continuing to strengthen overall campus climate for our postsecondary institutions of higher learning. The Select Committee issued a report in October of 2014. Additionally, released in July of 2015, *Report 2015-032* by the State Auditor recommended that the Legislature should require the DOJ to provide guidance regarding compliance with the requirements of the Clery Act and the VAWA Reauthorization of 2013.

This measure is the result of recommendations from the two aforementioned reports.

*Public postsecondary institutions of higher learning response to campus climate.* The UC seeks to create and nurture an atmosphere of respect and inclusion for all; in March 2014 the UC (after a two-year systemwide survey), released its campus climate study. The study found many things, including, but not limited to the following: 1) 79% of all respondents were comfortable or very comfortable with the campus climate at UC, while 7% were uncomfortable or very uncomfortable; 2) more than half of all respondents thought that the overall campus climate was very respectful or respectful of various races/ethnicities at UC; and, 3) more work must be done to address issues faced by certain groups – underrepresented minority respondents were less comfortable with the overall climate and workplace climate than were white respondents and other people of color and transgender respondents were less comfortable with the overall climate at their campus than were men and women respondents.

To note: 1) many UC campuses have hired staff focused on campus climate issues; 2) many programs are offered to reduce the impact of unconscious bias in hiring and promotions, and to identify and remove institutional barriers to inclusion and career development; 3) resource and student service centers have been established at many campuses for certain populations (such as undocumented students, veteran students, and LGBT students); 4) anti-hate initiatives exist at many UC campuses that seek to educate students; and, 5) many UC campuses have student-led and cultural activities.

The CSU is committed to maintaining an inclusive community that values diversity and fosters tolerance and mutual respect. It is CSU policy to provide equal opportunity for all persons regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, and veteran status.

The CSU has policies in place to help ensure that their students and faculty are protected; campuses must implement preventative education programs and make available victim resources, including comprehensive victim services. Information regarding these programs must be included in: 1) orientation programs for new students, faculty and staff; 2) training for students who serve as advisors in residence halls; and, 3) training for student athletes and coaches.

Additionally, on a campus by campus basis, the CSU has created an advisory body of non-CSU experts to advise and opine to the CSU how to strengthen and enforce existing policies, as well as advise if there is a need to create more policies that will allow the CSU to maintain its policy of protection for all.

*Purpose of this measure.* According to the author, "With the lack of involvement, and funding of the California Postsecondary Education Commission, coordination between segments of higher education has diminished." The author contends that each campus handles campus climate in different methods; some campuses have successful programs that other campuses may want to replicate on their respective campus.

The author states, "By requiring a report on recent developments on campus climate, California's higher education institutions would keep key policymakers informed about new and ongoing endeavors and developments in regards to campus climate. This bill would also allow the general public (students, community organizations, staff, and faculty) to have additional information to help navigate and find information as well as resources to succeed in higher education."

*Policy consideration.* To note, in recent years, California student safety laws, as outlined in EC Sections 67380 – 67386, have increased various reporting obligations to the postsecondary institutions of higher learning (segments). According to the public segments, neither the Legislature nor any appropriate state agencies have provided the segments any guidance on the meaning of the various terms and reporting mandates, as contained in said code sections.

The continued changes to the state student safety laws pose potential implementation problems for the segments. Committee staff understands that the segments have understanding of the various reporting requirements set forth in the Clery Act, but not necessarily recent changes to the state student safety laws.

*Moving forward, instead of mandating DOJ to provide guidance on the Clery Act and the VAWA Reauthorization of 2013 to the segments, the author may wish to instead mandate that the DOJ provide guidance to the segments on the state imposed laws.*

*Previous and related legislation.* AB 1654 (Santiago) of 2016, which passed out of the Assembly Public Safety Committee with a vote of 7 – 0 on March 1, 2016, would, among others, task the DOJ to provide guidance to colleges on the Clery Act.

AB 340 (Weber) of 2015, which was vetoed by the Governor, was similar in nature to the provisions contained in this measure.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Asian Pacific Islander American Public Affairs Association  
Black Parallel School Board of Sacramento  
California Federation of Teachers  
The Arc and United Cerebral Palsy California Collaboration

**Opposition**

None on file.

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