

Date of Hearing: April 19, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2654 (Bonilla) – As Amended March 28, 2016

SUBJECT: Postsecondary education: Equity in Higher Education Act

SUMMARY: Requires each postsecondary educational institution in the State of California to include in its written policy on sexual harassment information on the complaint process and the timeline for the complaint process, and make the policy available on its website.

EXISTING LAW:

- 1) Establishes the Equity in Higher Education Act (Act) and outlines various requirements and policies in order to ensure all persons, regardless of disability, gender, gender identity, gender expression, race or ethnicity, religion, sexual orientation, or any other protected class equal rights and opportunities in the postsecondary educational institutions of California. (Education Code 66250 et seq.)
- 2) Provides, within the Act, that each postsecondary educational institution shall have a written policy on sexual harassment that includes information on where to obtain specific rules and procedures for reporting charges. Provides that the policy shall be provided to each faculty member, all administrative staff, and all members of support staff at the beginning of the first quarter or semester of the school year, or at the time of new hire. Provides that the policy shall appear in any publication of the institution that sets forth comprehensive rules, regulations, procedures or standards of conduct for the institution. (EC Sec. 66281.5)
- 3) Provides an exemption to the Act, including the rules governing sexual harassment policies, for educational institutions that are controlled by a religious organization, if the application would not be consistent with the religious tenets of the organization. (EC Sec. 66271)

FISCAL EFFECT: Unknown

COMMENTS: *Purpose of this bill.* According to the author, in light of recent incidences of sexual misconduct at University of California, it is important that both students and employees are aware of campus harassment policies and resources. The author points to the UC Berkeley example of four highly paid employees who violated the University of California's sexual misconduct policy. The harassment incidences involved an astronomy professor, the dean of the law school, a vice chancellor, and an assistant coach. AB 2654 updates California law to ensure that the written sexual harassment policy is available on college and university websites. The sexual harassment policy also provides guidance to college campus communities on how they can access on and off campus resources.

According to the author, it is important that students and faculty have easy access to each higher education institution's policy. A simple posting of such policies on-line can markedly improve access. AB 2654 also recognizes that students should be made aware of community resources and organizations which assist with issues of sexual harassment. This is especially important in the event that a student does not feel comfortable pursuing campus established remedies or finds those avenues ineffective.

Exemption for religious institutions. As noted, under Existing Law, religious institutions are provided an exemption to the requirements of the Act, and therefore also the requirements of this bill. Moving forward, the author and committee may wish to consider whether exemptions to these requirements are necessary and appropriate.

REGISTERED SUPPORT / OPPOSITION:

Support

National Association of Social Workers, California Chapter

Opposition

None on File

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