

Date of Hearing: April 22, 2014

ASSEMBLY COMMITTEE ON HIGHER EDUCATION  
Das Williams, Chair  
AB 2168 (Campos) – As Introduced: February 20, 2014

**SUBJECT:** Public postsecondary education: California College Campus Discrimination and Violence Prevention Task Force.

**SUMMARY:** Establishes the California College Campus Discrimination and Violence Prevention Task Force (Task Force); and, requires the Task Force, on or before January 1, 2016, to recommend to the Governor and the Legislature steps that can be taken to reduce incidents of discrimination, hate crime, and campus violence on the campuses of the University of California (UC), the California State University (CSU), the California Community Colleges (CCC), and independent institutions of higher education. Specifically, this bill:

- 1) Specifies that the Task Force shall consist of 13 members who reflect the ethnic and gender diversity of California and that these members shall be appointed as follows:
  - a) Seven members appointed by the Governor;
  - b) Three members appointed by the Senate Committee on Rules; and,
  - c) Three members appointed by the Speaker of the Assembly.
- 2) Specifies that Task Force shall also consist of three additional members appointed as follows:
  - a) One representative of the CSU Office of the Chancellor to be appointed by the CSU Trustees;
  - b) One representative of the CCC Office of the Chancellor to be appointed by the CCC Board of Governors; and,
  - c) One representative of the organization that represents the largest number, as of January 1, 2015, of independent institutions of higher education in California, as defined, to be appointed by the organization.
- 3) Requests the UC Regents to appoint a representative of the UC Office of the President to be an additional member of the Task Force.
- 4) Stipulates that the Task Force shall examine and make recommendations to the Governor and the appropriate committees of the Legislature, on or before January 1, 2016, on steps that can be taken to reduce incidents of discrimination, hate crime, and campus violence on UC, CSU, CCC and independent institutions of higher education campuses in California.
- 5) Sunsets on January 1, 2017, unless a later enacted statute that is enacted before January 1, 2017, deletes or extends that date.

**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 (EC § 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 subdivision (a) of Section 422.6 of the Penal Code, equal rights and opportunities in the postsecondary institutions of the state (Education Code § 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 § 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 § 66302).
- 5) The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (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.

FISCAL EFFECT: Unknown

COMMENTS: Purpose of the bill. According to the author, "There is nothing in existing law that requires all the higher education segments to work together to identify best practices [as it relates to campus climate] that can be replicated at all campuses throughout the state. Existing law simply requests the UC Regents, the CSU Trustees, and the governing boards of CCD [community college districts], adopt and publish policies on harassment, intimidation, and bullying." The author argues that by creating a 13-member intersegmental task force that will provide recommendations on campus hate, bias, discrimination, and violence prevention, the Governor and the Legislature will have the benefit of input from the UC, CSU, CCC and private postsecondary institutions of higher learning.

The author's goal is for the Governor and the Legislature to use the input of the Task Force in order to help develop statewide policies that would apply to all the institutions of higher learning in the state.

Recent situations. Incidents in recent years and months at the UC and CSU – targeting students of color, and the Lesbian, Gay, Bi-sexual, and Transgender (LGBT) community, investigations of racial and ethnic discrimination, and how sexual assaults and violence have been handled – have greatly highlighted and brought more attention to the need for the UC and CSU to address climate challenges.

Segment responses. The UC seeks to create and nurture an atmosphere of respect and inclusion for all; in March 2014 the UC (after a two-year system wide 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.

State response. 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 will convene several hearings in 2014 with the goal of continuing to strengthen overall campus climate for our postsecondary institutions of higher learning.

Committee considerations. With the segments continuing to work to ensure even more policies and protocols are in place ensuring the safety of students and staff, and with the Legislature recently creating a Select Committee on Campus Climate (having already had a hearing this year and several more scheduled throughout the year in various regions of the state), is this the right time for a task force on these issues to be created?

Additionally, as currently drafted, it is presently unclear as to who would serve as the lead entity in the organization and convening of the Task Force. This measure is silent as to the funding of the Task Force; what entity will be responsible for the financial needs of the Task Force and where will the funds come from?

**Should this measure pass out of this committee, staff recommends that the author specify what entity will serve as the administrator of the Task Force.**

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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