

Date of Hearing: March 15, 2022

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1968 (Seyarto) – As Introduced February 10, 2022

**SUBJECT:** Public postsecondary education: uniform informational guidance for sexual assault victims

**SUMMARY:** Require that the Trustees of the California State University (CSU), and requests that the Regents of the University of California (UC), develop content and presentation standards and a model internet website template regarding the steps a student who is a victim of sexual assault may take immediately following the assault. Specifically, **this bill:**

- 1) Specifies that, in order to help students quickly access relevant information and resources following a sexual assault, each campus of the CSU must, and each campus of the UC is requested to, develop and post on its internet website sexual assault informational guidance that is based on the content and presentation and model internet website template developed or updated, as specified.
- 2) Requires the sexual assault informational guidance required in 1) above will supplement other information related to sexual assault that is required to be provided to students under state or federal laws, as specified.
- 3) Requires a campus with existing content on its internet website that is similar to the sexual assault informational guidance required by this section to update the existing content as necessary based on the content and presentation and model internet website template developed or updated, as specified.
- 4) Specifies that, for the purposes described in 1) above, and to ensure that sexual assault informational guidance is uniform across the internet websites of all campuses of each of their respective segments, the Trustees of the CSU will, and the Regents of the UC are requested to, develop both of the following:
  - a) Standards for the content and presentation of information and resources regarding the steps a student who is a victim of a sexual assault might immediately take following the sexual assault, including the options, timing parameters, and potential outcomes relating to each step; and,
  - b) A model internet website template incorporating the standards developed under a) above.
- 5) The standards and model described, as specified, will be developed in collaboration with sexual assault survivor advocates and others who work with sexual assault victims, such as counselors, health care service providers, law enforcement officials, prosecutors, and civil attorneys, in a manner informed by relevant experts and bona fide and reliable sources of relevant information including, but not limited to, information relating to state and federal laws, best practices for internet website design, and the internet web pages of campuses with existing relevant content, such as those developed by a Center for Advocacy, Resources and Education (CARE) office or another campus office.

- 6) Establishes that the content standards required, as specified, may consist of general content guidance, specific language, or both, but shall address at least all of the following:
  - a) Reporting the sexual assault to others who may provide emotional or other valuable help immediately following the sexual assault, such as advocates and counselors, health care service providers, and law enforcement agencies, and standards for a listing of the names, contact information, and services offered by each campus-based or community-based sexual assault resource;
  - b) Receiving proper medical attention following the sexual assault, including forensic evidentiary exams and other medical testing options; and,
  - c) Collecting and preserving evidence related to the sexual assault, including physical evidence and other types of evidence.
- 7) Stipulates that the presentation standards required, as specified, may include general guidance, prescriptive guidance, or both, related to the structure for organizing and presenting the content in a manner that ensures it prominently calls attention to the information and resources on the internet website and is not obscured by other related or unrelated content. The presentation standards may include, but are not limited to including, any of the following:
  - a) The location of the content on the internet website, including a requirement for an internet web page that is dedicated solely to information and resources related to the steps a victim might take immediately following a sexual assault and a prominent link on the homepage of the campus's internet website to that web page;
  - b) Standards to ensure the manner of presenting the information is helpful to victims who may view it following a traumatic sexual assault incident, including requirements for text and background formatting, the use of concise sentences, paragraphs, sections, and bullet lists when appropriate, and avoiding or limiting legal and highly technical terminology; and,
  - c) Standards for accessibility and user interface, including the use of links to other internet web pages for the listing of survivor advocates and other resources, requirements related to readability on mobile devices or other electronic devices, and whether the information and resources are downloadable or searchable from the homepage of the campus's internet website.
- 8) Requires the Trustees of the CSU, and requests the Regents of the UC, to post the standards and model internet website template developed pursuant to this section on their respective internet websites for use by campuses, as specified. The standards and model internet website template must be reviewed annually and updated as necessary.
- 9) Specifies that the Trustees of the CSU will, and the Regents of the UC are requested to, implement the provisions of this legislation from existing funds and resources.

**EXISTING LAW:**

- 1) Requires, as a condition of receiving state funds for student financial assistance, the governing board of each community college district, the CSU Trustees, the UC Regents, and the governing boards of independent postsecondary institutions to:
  - a) Adopt a policy concerning sexual assault, domestic violence, dating violence, and stalking involving a student, both on and off campus;
  - b) Adopt detailed and victim-centered policies and protocols regarding sexual assault, domestic violence, dating violence, and stalking involving a student that comport with best practices and current professional standards;
  - c) Enter into memoranda of understanding, agreements, or collaborative partnerships with existing on-campus and community-based organizations, including rape crisis centers, to the extent feasible to refer students for assistance or make services available to students, including counseling, health, mental health, victim advocacy, and legal assistance, and including resources for the accused; and,
  - d) Implement comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking. Existing law requires outreach programming to be included as part of every incoming student's orientation. (Education Code (EDC) Section 67386)
- 2) Requires the governing board of each community college district, the Trustees of the CSU, the Board of Directors of the Hastings College of the Law, and the Regents of the UC to each adopt, and implement at each of their respective campuses or other facilities, a written procedure or protocols to ensure, to the fullest extent possible, that students, faculty, and staff who are victims of sexual assault committed at or upon the grounds of, or upon off-campus grounds or facilities maintained by the institution, or upon grounds or facilities maintained by affiliated student organizations, shall receive treatment and information. If appropriate on-campus treatment facilities are unavailable, the written procedure or protocols may provide for referrals to local community treatment centers. (EDC Section 67385)
- 3) Requires the governing board of each community college district and the Trustees of the CSU, and requests the Regents of the UC to provide, as part of established campus orientations, educational and preventive information about sexual violence to students at all campuses of their respective segments. For a campus with an existing on-campus orientation program, this information must be provided, in addition to the required sexual harassment information, during the regular orientation for incoming students. (EDC Section 67385.7)
- 4) Requires each campus of the California Community Colleges and the CSU, and requests each campus of the UC, to post sexual violence prevention and education information on its campus Web site. Existing law requires the educational and preventive information to include all of the following:
  - a) Common facts and myths about the causes of sexual violence;
  - b) Dating violence, rape, sexual assault, domestic violence, and stalking crimes, including information on how to file internal administrative complaints with the institution of higher education and how to file criminal charges with local law enforcement officials;

- 5) The availability of, and contact information for, campus and community resources for students who are victims of sexual violence;
- 6) Methods of encouraging peer support for victims and the imposition of sanctions on offenders; and,
- 7) Information regarding campus, criminal, and civil consequences of committing acts of sexual violence. (EDC Section 67385.7)

**FISCAL EFFECT:** Unknown.

**COMMENTS:** *Purpose.* According to the author, “When a student experiences a traumatic event like sexual assault, access to the right resources is crucial. Despite improvements in the availability of services to victims of sexual assault, our campuses must do a better job presenting students with the information they need. AB 1968 emphasizes the importance of information resources on CSU and UC campuses in ensuring victims can control their safety, health, and healing.”

The author specifically noted in the committee background sheet that under existing law, California’s public higher education systems utilize trainings for students, faculty, and staff to promote environments where sexual assault and violence are prevented in addition to bringing attention to resources to respond to these traumatic events. However, the lack of uniformity on how information is presented on CSU and UC websites can make it a challenge for survivors to find crucial information. The author contends that some higher education websites host information that is virtually inaccessible on a mobile device or “just plain confusing to look at.”

*Title IX, generally.* Title IX prohibits discrimination on the basis of sex in federal funding programs or activities in any educational program or activity that receives federal funding. This includes most schools, including private institutions and grades K-12. Title IX addresses sexual harassment, sexual violence, or any gender-based discrimination that may deny a person access to educational benefits and opportunities. Under Title IX, schools must ensure that all students have equal access to education, regardless of gender, sexual orientation, or gender identity. Sexual harassment and sexual violence are forms of gender discrimination that are prohibited by Title IX, including when the incident(s) occur off-campus or involve people who are not students.

When a student has experienced a hostile environment such as sexual assault or severe, pervasive, and objectively offensive sexual harassment, schools must stop the discrimination, prevent its recurrence, and address its effects. This includes retaliation from other students, school administrators, or faculty.

*Concerning statistics.* According to the Partnership Against Domestic Violence and the National Coalition Against Domestic Violence, “college-aged women (between the ages of 16-24) have the highest per capita rate of intimate partner violence. Twenty-one percent of college students report having experienced dating violence by a current partner, and 32 percent of college students report experiencing dating violence by a previous partner. Peer pressure, the presence of drugs and alcohol, stressful schedules, tight-knit friend groups and social media contribute to higher rates of abuse, sexual assault and stalking for students. In addition, young adults often have limited relationship experience and may never have had someone talk with them about what

healthy, affirming relationships should look like. Experiencing violence and abuse in the home, as well as unhealthy and abusive dating relationships in high school can also increase the risk for someone finding themselves in an abusive relationship in college.”

*Applicability to the UC.* The provisions of this bill reside within the Donahue Higher Education Act. Due to the UC’s constitutional autonomy, existing law provides that provisions within the Donahue Higher Education Act are only applicable to the UC to the extent that the Regents of the UC, by appropriate resolution, make that provision applicable. Accordingly, the bill’s requirement to review and update as necessary the procedure and protocols relating to sexual assault will only apply to the UC if the Regents adopt a resolution to do so.

*Committee Comments.* According to the author’s office, this legislation is the result of conversations with survivors who have had a difficult time finding information on campus internet websites. Committee staff notes that, while there are many sections of the California Education Code that direct specified information be posted on an institution’s internet website, there is generally a lack of specificity as to the manner in which that information is displayed.

*Committee Staff recommends that, and the author has agreed to accept,* several amendments to help this bill conform to existing law and policy. The author has agreed to change the term “students” to the term “campus community members”. The author has agreed to change the term “victim” with the term “survivor”. The author has agreed to include “Title IX offices” in the list of collaborators working to develop the standards and model specified in this legislation.

Committee staff notes that the California Community Colleges are not included in the provisions of this legislation – a departure from related existing law. *Committee staff recommends that,* moving forward, the author consider amending the bill to require the “governing board of each community college district” to also conform to the provisions of this legislation.

*Prior legislation.* SB 493 (Jackson), Chapter 303, Statutes of 2020, requires postsecondary educational institutions to, among other things, adopt rules and procedures for the prevention of sexual harassment, and adopt and post on their Web sites the grievance procedures to resolve complaints of sexual harassment.

AB 1000 (Cervantes), Chapter 125, Statutes of 2019, requires the governing boards of each community college district, the Trustees of the CSU, the Board of Directors of the Hastings College of the Law, and the Regents of the UC to annually review their written procedure or protocols relating to sexual assault, and to update them as necessary in collaboration with sexual assault counselors and student, faculty, and staff representatives.

SB 1375 (Jackson) Chapter 655, Statutes of 2016, required all schools receiving federal funding post the following information on their Web site: the name and contact information of their Title IX Coordinator; the rights of a pupil and the public, and the responsibilities of the school under Title IX; a description of how to file a complaint under Title IX. SB 1375 also required the State Superintendent of Public Instruction to electronically send an annual letter to all schools notifying them of this responsibility.

SB 1435 (Jackson) Chapter 633, Statutes of 2016, requests that the “Health Framework for California Public Schools” includes comprehensive information on the development of healthy relationships and be age and developmentally appropriate.

AB 2654 (Bonilla) Chapter 107, Statutes of 2016, required postsecondary educational institutions to post their written policy on sexual harassment on their Internet Web sites. AB 2654 also required the policy to include information on the complaint process and the timeline for the complaint process. The policy must include information on where to obtain the specific rules and procedures for pursuing available remedies and resources, both on and off campus.

AB 969 (Williams, 2016) would have required annual reporting for sexual assault complaints received by CCC districts, CSU, the UC, and independent postsecondary educational institutions. AB 969 was vetoed by the Governor.

SB 186 (Jackson) Chapter 232, Statutes of 2015, enabled the governing board of a California community college district to exercise jurisdiction over student conduct that occurs off district property in cases of sexual assault and sexual exploitation, regardless of the victim's affiliation with the college.

SB 665 (Block, 2015) required the Attorney General to establish a statewide Title IX Oversight Office, required postsecondary educational institutions to report specific data to this office, required each student to complete training on rape and sexual assault awareness and prevention annually. SB 665 was held in the Senate Appropriations Committee.

SB 695 (DeLeón) Chapter 424, Statutes of 2015, required school districts that require completion of a course in health education as a condition of high school graduation to include instruction in sexual assault and violence.

SB 967 (DeLeón) Chapter 748, Statutes of 2014, required the governing boards of California community college districts, the Trustees of the California State University system, and the Regents of the University of California, as well as the governing boards of independent postsecondary institutions in California to adopt victim-centered sexual assault, domestic violence, dating violence, and stalking policies as a condition of receiving state funds for student financial assistance.

AB 1433 (Gatto) Chapter 798, Statutes of 2014, required all California campuses to have policies in place to ensure immediate reporting and disclosure to law enforcement.

AB 3133 (Roos) Chapter 1117, Statutes of 1982, enacted the Sex Equity in Education Act, which, similar to its federal Title IX counterpart, prohibits discrimination in California schools on the basis of sex.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

None on file.

##### **Opposition**

None on file.

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