

Date of Hearing: January 7, 2020

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1155 (Rodriguez) – As Amended January 6, 2020

SUBJECT: Postsecondary education: Campus-Affiliated Sorority and Fraternity Transparency Act

SUMMARY: Establishes the Campus-Affiliated Sorority and Fraternity Transparency Act (CASFT Act) or (Act). Specifically, **this bill:**

- 1) Establishes that the chapter will be known, and may be cited, as the CASFT Act.
- 2) Requires each institution of higher education, as specified, to include in the institution's requirements for campus recognition of each campus affiliated sorority or fraternity both of the following:
 - a) A requirement that each campus-affiliated sorority or fraternity report to their affiliated institution of higher education on or before July 1, 2022, and annually thereafter, all of the following:
 - i) The number of active members of the organization;
 - ii) The number of new members of the organization;
 - iii) The average grade point average of the membership of the organization;
 - iv) The total amount of money earned through fundraising by the organization;
 - v) Any outcomes of allegations of misconduct by the organization or any member of the organization;
 - vi) The current conduct status of the organization, as defined by the institution;
 - vii) The number of citations, or disciplinary actions taken, relating to sexual assault by a member of the organization; and,
 - viii) Any additional information the institution may require.
- 3) Establishes that unless otherwise specified, the information reported will be for the academic year immediately preceding the reporting deadline.
- 4) A requirement that any campus not in compliance with the reporting requirement listed in 2a (i-viii) be suspended from campus recognition.
- 5) Requires the institutions of higher education to compile the information reported by specified organizations into a publically accessible report published on each respective campus' internet website on or before August 1, 2022, and annually thereafter. Each annual report will be archived and remain available on the campus internet website.

- 6) Exempts institutions that do not have organizations, as defined, from annual reporting.
- 7) Establishes the following terms and definitions:
 - a) “Institution of higher education” means a campus of the California Community Colleges (CCC), the California State University (CSU), or the University of California (UC), a private postsecondary educational institution, or an independent institution of higher education;
 - b) “A campus-affiliated sorority or fraternity” or “organization” means a sorority or fraternity recognized as an affiliated sorority or fraternity of the institution by the official authorizing body at the institution of higher education where it operates; and,
 - i) Established that, for the purposes of the bill, a campus-affiliated sorority or fraternity does not include a collegiate honor society.
 - c) “Academic year” is July 1 to June 30, inclusive. The starting date of a session shall determine the academic year in which it is included.
- 8) Establishes that, if the Commission on State Mandates determines that the act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs will be made as specified.

EXISTING LAW:

- 1) Establishes the UC, the CSU, the CCC, independent institutions of higher education, and private postsecondary educational institutions as the segments of postsecondary education in this state. (Education Code (EDC) Section 66010, et al.)
- 2) Requests the Trustees of the CSU, the Regents of the UC, 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 and, if the institution expends funds to support activities related to campus climate, as defined, to adopt and publish the above-described policies. (EDC Section 66302)

FISCAL EFFECT: Unknown.

COMMENTS: *Need for the bill.* According to the author, “As California colleges and universities continue to grapple with developing policies and procedures to protect students, data suggests that not enough has been done to curb behavior related to assaults, sexual assaults, hazing, and general misconduct. Additional information may shed light on specific Greek life organizations which have a historical culture of noncompliance with laws or university policies.”

“Data collected pursuant to the Clery Act shows that in 2017 amongst four campuses, the University of Southern California, UC, Los Angeles, CSU, Northridge, and Santa Rosa Junior College there have been: 57 cases of rape, 54 cases of fondling, 127 violations of VAWA (domestic violence, dating violence, and stalking), 112 drug abuse violations arrests, 36 liquor law violation arrests, nearly 400 drug violations resulting in disciplinary action, and over 1,500 liquor law violations resulting in disciplinary action.”

“This bill will allow students and their families to better understand the history and culture of a particular social organization on campus to make a more informed decision about their education, health and safety. Additionally, it is reasonable to anticipate that social organizations will be held more accountable to transparent information that may encourage them to change organizational culture.”

Background. Sororities and fraternities are popular social organizations active at many postsecondary institutions in California. Comprised of dozens of individual organizations organized into nearly a dozen representative bodies, sororities and fraternities each operate under differing principals and standards. Common requirements for members include a probationary period for pledging members and grade point average and community service requirements for initiated members.

The North American Interfraternity Conference (NIC), one of several representative organizations consisting of 65 men’s fraternities, note that their current member organizations have 6,100 chapters located on 800 campuses nationally, with 380,000 undergraduate members and 4.2 million alumni. NIC reported that, in 2013-2014, their members contributed 3,800,000 service hours in local communities, raised \$20.3 million dollars for philanthropic causes, and maintained an aa-fraternity grade point average of 2.91.

Reform efforts and transparency. Instances of hazing, alcohol abuse, and sexual assault have prompted reforms in campus-affiliated sororities and fraternities across the country.

Penn State established the Timothy J. Piazza Center for Fraternity and Sorority Research and Reform in January 2019. The multidisciplinary research center was named in the memory of Timothy Piazza, a sophomore at Penn State who died in February 2017 during pledging activities at Beta Theta Pi, a campus-affiliated fraternity that is permanently banned at the university. The Piazza Center is currently working to develop and manage a national scorecard on fraternities and sororities, host national conversations on hazing, the misuse of alcohol, sexual assault, and overly large and disruptive social events, collect and distribute best practices, and sponsor original research that will inform practice in this field.

The death of 20-year-old Florida State University Pi Kappa Phi fraternity pledge Andrew Coffey in November of 2017 resulted in the significant reforms on the campus, where 22% undergraduates belonged to a fraternity or sorority. The reforms included:

- 1) A new grade point average requirement of 2.5 for every chapter.
- 2) A minimum of 10 documented service hours per member every semester.
- 3) Students who are interested in joining a fraternity or sorority must complete a special orientation programs.
- 4) Organizations must conduct a membership review with their national chapters.
- 5) A new "scorecard" will be available for the public on each chapter.
- 6) Faculty and staff will be added to student review panels that hear conduct cases related to sororities and fraternities.

- 7) New membership dues were enacted to help fund staff positions that work with sororities and fraternities.
- 8) All chapters must have an advisory board with special training
- 9) Social events with alcohol were limited to four in the fall semester and six during the spring.
- 10) New shortened membership period for fraternities was set to six weeks.
- 11) New tailgating rules were established.
- 12) Members must be trained in hazing prevention and leadership development.
- 13) Events with alcohol at houses are only allowed if the chapters use a third-party service and have security approved by the campus police department.

Committee staff notes that the scorecard developed by Florida State University, which is currently active at [<https://ofsl.union.fsu.edu/current-members/organizational-scorecard>], publishes substantively similar disaggregated data as called for in AB 1155.

Committee comments. AB 1155 calls for the publishing of the outcomes of allegations of misconduct by sororities and fraternities or their members, though “misconduct” is not explicitly defined in the bill. While the intent seems to be that the misconduct would be related to Clery Act violations, the lack of a specific definition means that all manner of student misconduct could be included in the reporting requirement. *Moving forward, the author may wish to work with stakeholders to explicitly define “misconduct” for the purposes of the CASFT Act.*

AB 1155 also includes a reporting requirement for “sexual assault” without a reference to law. *Moving forward, the author may wish to work with stakeholders to explicitly define “sexual assault” for the purposes of the CASFT Act.*

AB 1155 requires campus-affiliated sororities and fraternities to report data, as specified, to their institution of higher education. Some of this information, like conduct violations or criminal allegations, may not have information that the campus-affiliated sorority or fraternity would have access to. *Moving forward, the author may wish to instead require institutions to report the outcomes of allegations of misconduct and the number of citations, or disciplinary actions, relating to sexual assault in their publically accessible report.*

Committee staff notes that the federal the Family Educational Rights and Privacy Act prohibits the disclosure of certain kinds of personally identifiable information. *Moving forward, the author may wish to insert language specifying that report prepared pursuant to the CASFT Act shall not include any personally identifiable information for any individual.*

Prior legislation. SB 702 (Hill, 2019) would require, commencing with the 2020–21 academic year, each institution of higher education to prepare a report compiling all reported violations of an anti-hazing policy at the institution or state or federal law relating to hazing, as specified. SB 702 is currently pending action in the Senate Education Committee.

AB 620 (Block), Chapter 637, Statutes of 2011, requests the Trustees of the CSU, the Regents of the UC, 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.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file.

Opposition

None on file.

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