

Date of Hearing: April 17, 2018

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2070 (Reyes) – As Amended April 9, 2018

SUBJECT: Postsecondary education: sexual assault and sexual violence prevention training: intimate partner and dating violence

SUMMARY: Requires that outreach programming provided to students during their orientation would include informing students about specified topics relating to intimate partner and dating violence. Specifically, **this bill:**

- 1) Establishes that outreach programing pursuant to Section 67386 of the Education Code (EDC) includes, but is not necessarily limited to, informing students about all of the following:
 - a) The warning signs of intimate partner and dating violence.
 - b) Campus policies and resources relating to intimate partner and dating violence.
 - c) Off-campus resources relating to intimate partner and dating violence.
 - d) A focus on prevention and bystander intervention training as it relates to intimate partner and dating violence.
- 2) Specifies that, for the purposes of his bill, informing students about “intimate partner and dating violence” includes, but is not necessarily limited to, information about violence that occurs between individuals with a current or previous intimate or dating relationship.

EXISTING LAW:

- 1) Requires the governing board of public, private, and independent postsecondary educational institution that receives public funds for student financial assistance to compile records of crimes on campus, make crime records available upon request, and to disclose a reported Part 1 violent crime, sexual assault, or hate crime, to the local law enforcement agency where the campus is located. (EDC Sections 67380, 67383)
- 2) Requires, under the Kristen Smart Campus Safety Act, University of California (UC) Regents, California State University (CSU) Trustees, California Community College (CCC) District governing boards, and independent colleges that meet specified conditions to enter into specific written agreements with local law enforcement agencies regarding the coordination and responsibilities for investigating Part 1 violent crimes which occur on campus. (EDC Section 67381)
- 3) Requires public postsecondary educational institutions to each adopt, and implement at each campus 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 on grounds maintained by the institution or affiliated student organizations, receive treatment and information. (EDC Section 67385)

- 4) Requires public postsecondary educational institutions, and requests UC, in collaboration with campus- and community-based victim advocacy organizations, to provide as part of campus orientations, educational and preventive information about sexual violence and to develop policies to encourage students to report any campus crimes involving sexual violence. (EDC Section 67385.7.)
- 5) Requires public and independent postsecondary institutions, as a condition of receipt of student aid funds, to adopt a policy concerning campus sexual violence, domestic violence, dating violence, and stalking that includes specified components and standards, including an "affirmative consent" standard for determining whether consent was given by both parties to sexual activity. Establishes a preponderance of evidence as the evidentiary standard for determining if sexual violence/harassment occurred. (EDC Section 67386)
- 6) Requires, under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), public and private postsecondary educational institutions that participate in the federal financial aid program to disclose information about crimes on and around campuses. (20 U.S.C. section 1092(f))
- 7) Provides, under Title IX of the federal Education Amendments of 1972, that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. (20 U.S.C. Section 1681 et seq.)

FISCAL EFFECT: Unknown.

COMMENTS: *Need for the bill.* According to the author, "...mandated programming [in current law] is currently not required to include key aspects to the conversations centered around dating and domestic violence, which often leads to greater forms of physical and sexual assault. This omission leads to a greater misunderstanding of what constitutes dating violence and can discourage victims from seeking assistance."

The author continues that, "...[while] some college campuses certainly include interpersonal violence and dating violence education as a part of their orientation and outreach programming, it has yet to be something that is widely done by all campuses across California. Including [language] to mandate resource education and prevention training specific to these issues alongside the already state mandated sexual assault education will help alleviate many of the problems and ensure consistency in education on the issues of interpersonal violence."

Background. College students who are victims of sexual assault are entitled to the protections and services provided to victims of the general population (law enforcement investigations, rape crisis center services, district attorney criminal prosecutions, etc.) and to the protections and services required to be provided by colleges and universities under state and federal laws (see: Existing Law).

In recent years, there has been an increasing public awareness of sexual violence occurring on and near college campuses. State and federal governments have responded through laws and regulations that seek to strengthen partnerships between colleges and local law enforcement

agencies (criminal investigations) and to improve campus handling of sexual assault complaints (Title IX responsibilities).

Prior legislation. Over the span of the last several years, the Legislature has introduced multiple bills to address Title IX concerns and provide protections to victims of sexual harassment and assault, including, but not limited to:

SB 169 (Jackson) of 2017, required K-12 schools to use a “preponderance of evidence” standard to decide whether an incident of sexual harassment or violence occurred; required higher education 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 and investigation procedures to resolve complaints of sexual harassment. SB 169 was vetoed by the Governor.

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.

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.

SB 967 (DeLeón, Chapter 748, Statutes of 2014) required the governing boards of California community college districts, the Trustees of the CSU system, and the Regents of the UC, 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.

REGISTERED SUPPORT / OPPOSITION:

Support

American Association of University Women-California
California Partnership to End Domestic Violence (CPEDV)
California State Student Association (CSSA)
Student Senate for California Community Colleges (SSCCC)
California Student Aid Commission (CSAC)

Opposition

None on file

Analysis Prepared by: Kevin J. Powers / HIGHER ED. / (916) 319-3960