

Date of Hearing: March 19, 2019

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 381 (Reyes) – As Introduced February 5, 2019

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

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

- 1) Specifies that, in order to receive state funds for student financial assistance, the governing board of each community college (CCC) district, the Trustees of the California State University (CSU), the Regents of the University of California (UC), and the governing boards of independent postsecondary institutions shall, to the extent feasible, enter into memoranda of understanding, agreements, or collaborative partnerships with existing on-campus and community-based organizations, including rape crisis centers and domestic violence centers, 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.
- 2) Establishes that outreach programming 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; and,
  - e) Gender bias education and training.
- 3) Specifies that, for the purposes of this 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, 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. (EDC Section 67386)
- 2) Requires the governing board of each community college district, the CSU Trustees, the Board of Directors of the Hastings College of the Law, and the UC Regents 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. (EDC Section 67385)
- 3) Requires the governing board of each community college district and the CSU Trustees, and requests the UC Regents 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 and 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 website. (EDC Section 67385.7)

**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. This

legislation is needed to ensure that there are similar standards for college campuses with how they deal with domestic/dating/interpersonal violence and sexual assault in terms of providing resources and education across all campuses”.

*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.

While existing law requires new student orientation to address sexual violence, domestic violence, dating violence, and stalking, and requires campuses to post sexual violence prevention and education information their Web sites (including dating violence, rape, sexual assault, domestic violence, stalking crimes, and the availability of, and contact information for, campus and community resources for students who are victims of sexual violence), this bill expands the required components of student orientation to specifically include information about intimate partner and dating violence.

*AB 2070 (Reyes, 2018).* In 2018 Assemblymember Reyes authored AB 2070, a proposal that is in many ways substantively similar to this legislation, was vetoed by Governor Brown.

In his veto message, Governor Brown stated that “...following the veto of Senate Bill 169, I convened a small panel of experts to review state and federal law and regulations on sexual assault and sexual harassment at postsecondary institutions, in order to better understand what more, if anything, was needed in our state laws. I would like to see the panel's review and recommendations before considering additional changes to existing law. Parenthetically, I would note that the essential elements of AB 2070 appear to be covered by existing law.”

The working group’s recommendations, published on November 14, 2018, was largely focused on making recommendations concerning how best to address allegations of student sexual misconduct on college and university campuses in California.

The report did note, however, that “...prevention efforts, if meaningfully executed, have the potential to reduce the number of incidents occurring in the first place. A comprehensive public health approach, which seeks to inform populations and ensure that community conditions are conducive to safety and well-being, seems particularly apt for addressing many forms of sexual misconduct, and should serve as a vital counterpart to punitive approaches to the problem. Moreover, life skills concerning consent, communication, and boundaries are particularly important for young, newly independent students to learn.”

Committee staff notes that provisions of this bill seem to align with the comments of Governor Brown’s working group.

*Committee comments and amendments.* AB 381 would require that specified outreach programming includes gender bias education and training. While current language in AB 381 helps to clarify how students are informed about intimate partner and dating violence, no similar language is included that provides a definition of gender bias, or describes the manner in which gender bias education and training would be included in the “outreach activities” described in the bill.

*The committee recommends, and the author has accepted, amendments removing gender bias education and training from the bill language.*

*If the author wishes to continue to examine gender bias as it relates to the programs and activities in current law, the author may wish to work with the committee and effected stakeholders.*

*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:

AB 2070 (Reyes) of 2018, required outreach programming that is part of every incoming postsecondary education institution student's orientation to include informing students about specific topics relating to intimate partner and dating violence. AB 2070 was vetoed by the Governor.

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, in part, 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.

AB 2654 (Bonilla), Chapter 107, Statutes of 2016, required, in part, postsecondary educational institutions to post their written policy on sexual harassment on their Internet Web sites.

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

Student Senate for California Community Colleges  
University of California Student Association

### **Opposition**

None on file.

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