

Date of Hearing: June 11, 2019

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

SB 366 (Chang) – As Amended May 16, 2019

SENATE VOTE: 37-0

SUBJECT: Public postsecondary education: mandatory orientation for students

SUMMARY: Requires the California State University (CSU) Trustees and requests the University of California (UC) Regents, to provide, as a part of established campus orientations, educational and preventive information about cyberbullying to students at all campuses of their respective segments.

EXISTING LAW:

1) Stipulates the policy of the State of California, as specified, that all persons, regardless of their sex, should enjoy freedom from discrimination of any kind in the postsecondary educational institution of the state; and, that students A copy of the postsecondary educational institution's written policy on sexual harassment, as it pertains to students, shall be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable. (Education Code (EDC) Section 66281.5).

2) 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. (EDC Section 66302)

2) Requires the governing board of each community college district and the CSU Trustees, and requests the UC Regents, to provide educational and preventative information about sexual violence to students at all campuses of their respective segments. Existing law requires the information to be developed in collaboration with campus-based and community-based victim advocacy organizations, and provided to students as part of established campus orientations. Existing law requires, for a campus with an existing on-campus orientation program, to provide this information during the regular orientation for incoming students. (EDC Section 67385.7)

FISCAL EFFECT: Pursuant to Senate Rule 28.8, any additional state costs are not significant and do not and will not require the appropriation of additional state funds, and the bill will cause no significant reduction in revenues.

COMMENTS: *Need for the bill.* According to the author, "SB 366 requires that the California State University and the University of California include preventative and educational information about cyberbullying as part of their student orientation. With college students being the most frequent users of social media sites, the need for legislative discussion on this topic could not be more relevant for young adults today. A study conducted by the University of Washington found that college-age women are just as likely to be victimized as younger adolescents, and other studies show that 22 percent of all higher education students experience cyberbullying at some point during their college career. Students who are lesbian, gay, bisexual, or transgender face cyberbullying at rates that are double that of their straight peers, with 48.6

percent having experienced it at least once. Cyberbullying has been linked to suicide, alcoholism, and depression in higher education. It is critical that California's colleges are transparent with the resources that are available throughout this process."

Background. According to a February 2015 report by the National Center for Biotechnology Information, entitled, "Cyberbullying, depression, and problem alcohol use in female college students: a multisite study," found that cyberbullying and its effects have been studied largely in middle and high school students, but less is known about cyberbullying in college students. The study performed a cross-sectional study investigating the relationship between involvement in cyberbullying and depression or problem alcohol use among college females. The study found that college-age females are just as likely to suffer the negative effects of cyberbullying as younger adolescents.

Existing UC and CSU efforts. The CSU and UC both have policies on student conduct and discipline procedures that, among other things, prohibit harassment, intimidation or terrorizing conduct, on or off campus. Both CSU and UC indicate that each campus works to ensure that students become familiar with their campus' student conduct policies and are aware of available resources for reporting misconduct. The CSU's student code of conduct is reviewed with students during student orientations; however, it is not clear whether UC provides and reviews its student code of conduct during student orientations. As noted in "existing law" section above, CSU is required and UC is requested to include information relative to sexual harassment during the regular orientation for incoming students.

Given that UC and CSU standards for student conduct address harassment, intimidation and other forms of student behavior, *should efforts focus solely on cyberbullying? Is legislation necessary to prescribe which issues are covered as part of college orientation?*

Cyberbullying definition: Committee staff notes that cyberbullying is not defined in this measure. Existing law that is relative to K-12 schools defines bullying to include an "electronic act," and defines "electronic act" to mean the creation or transmission of a communication originated on or off the school site, by means of an electronic device including but not limited to a telephone, wireless telephone, or other wireless communication device, computer, or pager.

Staff notes that, while this bill provides no definition for cyberbullying, college campuses may need flexibility in providing educational materials to students in order to keep pace with digital technology as it evolves.

Arguments in support. The California State Student Association writes that, "With college students being the most frequent users of social media sites, the need for legislative discussion on this topic could not be more relevant for young adults today. 63 percent of millennials believe that cyberbullying is just as serious as bullying in person. As a result of this growing issue, we've seen an increase in depression and other mental health concerns within colleges across the state. SB 366 is the first bill to address cyberbullying in higher education. SB 366 is a simple solution that will equip students with preventative information should they find themselves in a harmful cyberbullying situation...[and] will ensure that students are aware of their options by including such education information at campus orientation."

Prior legislation. AB 2732 (Chang, 2016) was identical to this bill. AB 2732 was vetoed by Governor Brown, whose veto message read:

This bill would require the California State University Trustees to provide educational and preventative information about cyberbullying to students, as part of campus orientations, and request the Regents of the University of California to do the same. There is little doubt that the proliferation of technology has generated new concerns and new forms of bullying and harassment. State law, however, already requires governing boards of public postsecondary institutions to adopt and publish policies on harassment and bullying. It is common sense for institutions to include the most current and relevant issues in these policies and educate students during orientation. I believe that cyberbullying and other pertinent issues can be adequately covered without an additional specification in law.

REGISTERED SUPPORT / OPPOSITION:**Support**

Anti-Defamation League
California State Student Association

Opposition

None on file.

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