

## **Campus Safety and Security – Pending State Legislation**

### **AB 967 (Williams) Sexual Assault Case Procedures**

AB 967 requires the governing board of each community college district to adopt and carry out a uniform process for disciplinary proceedings relating to any claims of sexual assault. This uniform process would be required to include a 2-year minimum suspension for violations of rape, forced sodomy, forced oral copulation, and rape by a foreign object.

The bill would additionally require the governing board of each community college district to report data relating to cases of alleged sexual assault. The data required includes:

- The number of sexual-assault, domestic violence, dating violence, and stalking complaints that were-received by the institution.
- The number of complaints that were investigated by the institution and the number that were not investigated.
- The number of investigations in which the respondents were found responsible at the disciplinary proceedings of the institution and the number of investigations in which the respondents were not found responsible.
- The number of disciplinary sanctions imposed on respondents who were found responsible disaggregated by following categories: expulsion, suspension of at least two years, suspension of fewer than two years, probation.

Status: AB 967 passed in the Assembly Committee on Higher Education and was sent to the Appropriations Committee.

### **AB 968 (Williams) Transcripts: Expulsion Note**

AB 968 requires the governing board of each community college district to indicate on a student's transcript when the student is ineligible to reenroll due to suspension or expulsion. The indication on the transcript would remain there as long as the student is suspended or expelled.

Status: AB 968 passed in the Assembly Committee on Higher Education and was sent to the Appropriations Committee, where it was placed in the Suspense File.

### **AB 969 (Williams) Community College: Removal, Suspension, Expulsion**

Similar to SB 186, this bill extends the authority of a district to discipline a student for an offense that happens off campus but threatens the safety of students and the public, whether that conduct occurs on or off campus.

AB 969 expands a district's authorization to deny enrollment to include an individual who has been expelled in the last 5 years or is currently suspended for a sexual assault or sexual battery offense from another community college district.

The bill would also authorize a community college district to require a student seeking admission to inform the community college district if he or she has been previously suspended from a community college in the state for rape, sexual assault, or sexual battery. A hearing to appeal the district's decision would be required if a district chose to deny enrollment.

Status: AB 969 passed in the Assembly Committee on Higher Education and was sent to the Appropriations Committee.

**SB 186 (Jackson) Community College Districts: Removal, Suspension, or Expulsion**

SB 186 clarifies that state law (ed. Code 76034) does not prohibit districts from taking disciplinary action against students for off campus behavior if the district is doing so to comply with federal law (such as Clery Act, Title IX, Violence Against Women Act, etc).

The bill also adds sexual assault to the list of "good cause" reason to remove suspend or expel a student and defines sexual assault for those purposes. It should be noted that the definitions used in this bill are the definitions provided by the White House's Task Force on Campus Sexual Assault.

Status: SB 186 passed the Senate Education Committee and was passed off Senate Floor on a 35-0. It will next be heard by the Assembly Higher Education Committee.

**SB 665 (Block) Postsecondary Education: preventing and addressing incidents of rape and sexual assault**

SB 665 would establish a Title IX Oversight Office within the California Department of Justice and requires that colleges provide sexual assault awareness training to all students on an annual basis.

Status: SB 665 passed the Senate Education Committee and was sent to the Senate Appropriations Committee.

*(SB 665 is being amended significantly, which the summary does not reflect.)*

**Campus Safety and Security – Pending Federal Legislation**

**S. 590 Campus Accountability and Safety Act**

[Senator Claire McCaskill (D-Missouri), co-sponsored by a bi-partisan group of 12 Senators]

## Attachment 1

### Establish new campus resources and support services for student survivors

- Colleges and universities would be required to designate Confidential Advisors to assist survivors of sexual harassment, domestic violence, dating violence, sexual assault, and stalking.
- Confidential Advisors would coordinate support services and accommodations for survivors, provide information about options for reporting, and provide guidance or assistance – at the direction of the survivor – in reporting the crime to campus authorities and/or local law enforcement.
- Schools would not be able to sanction students who reveal a non-violent student conduct violation, like underage drinking, when reporting an act of sexual violence.

### Ensure a minimum training standard for on-campus personnel

- This legislation would ensure that all staff, including Confidential Advisors and those responsible for investigating and participating in student disciplinary proceedings, would receive specialized training.

### Create historic new transparency requirements

- Students at every university in America would be surveyed about their experience with sexual violence. The new biennial survey would be standardized and anonymous.
- Colleges and universities would publish the results online, and the Department of Education would be required to publish the names of all schools with pending investigations, final resolutions, and voluntary resolution agreements related to Title IX with respect to sexual violence.

### Require a uniform disciplinary process and coordination with law enforcement

- All schools would have a uniform process for campus student disciplinary proceedings and would no longer be allowed to have athletic departments or other subgroups handle complaints of sexual violence against members of that subgroup.
- Both survivors and accused students would receive notification if schools proceed with a disciplinary process regarding an allegation of sexual assault within 24 hours of the decision being made.
- Colleges and universities would be required to enter into memoranda of understanding to clearly delineate responsibilities and share information with each

local law enforcement agency that has jurisdiction to report to a campus as a first responder.

Establish enforceable Title IX penalties and stiffer penalties for Clery Act violations

- Schools that do not comply with certain requirements under the bill may face a penalty of up to 1 percent of the institution's operating budget. Currently, the only allowable penalty is the loss of all financial aid, which is not practical and has never been done.
- The bill would increase penalties for Clery Act violations to up to \$150,000 per violation, from the current penalty of \$35,000 per violation.

Last Major Action: Referred to the Committee on Health, Education, Labor, and Pensions.

### **S. 706 Survivor Outreach and Support Campus Act**

Senator Barbara Boxer (D-CA) introduced the Survivor Outreach and Support on Campus Act (S.O.S. Campus Act). The legislation would require every institution of higher education that receives federal funding to designate an independent advocate for campus sexual assault prevention and response.

This advocate would be responsible for ensuring that survivors of sexual assault – regardless of whether they decide to report the crime – have access to:

- Emergency and follow-up medical care
- Guidance on reporting assaults to law enforcement
- Medical forensic or evidentiary exams
- Crisis intervention
- Ongoing counseling and assistance throughout the process
- Information on their legal rights

The legislation recognizes the importance of existing partnerships between colleges and local rape crisis centers by requiring that universities either consult with or partner with these organizations to ensure that survivors get the services they need. The designated advocate will also conduct a public information campaign on the campuses.

Congresswoman Susan Davis (D-San Diego) introduced H.R.1490, a House version of this bill.

Last Major Action: Referred to the Committee on Health, Education, Labor, and Pensions.