

ASSEMBLY THIRD READING

AB 1712 (Medina)

As Amended May 12, 2022

Majority vote

SUMMARY

Requires the California Community Colleges (CCC) and the California State University (CSU), and requests the University of California (UC) to develop questions on campus climate and submit the aforementioned questions to the United States (U.S.) Secretary of Education to be included in the online survey for campus climate established by the U.S. Department of Education and administered by the CCC, the CSU, and the UC every two years.

Major Provisions

- 1) Requires the Chancellor of the CCC and the Chancellor of the CSU and requests the Office of the President of the UC, after the U.S. Secretary of Education makes the online survey available to do the following:
 - a) Develop questions in consultation with experts to determine student perspectives on campus climate. Each institutions will consult with student organizations and trauma experts to incorporate trauma-informed questions;
 - b) Submit the aforementioned questions for approval and inclusion in the online survey to the U.S. Secretary of Education;
 - c) Administer the online survey within one year of its availability by U.S. Department of Education, compile the results into a report disaggregated by campus, and submit the report to the Assembly Committee on Higher Education and the Senate Committee on Education; and,
 - d) Administer the online survey, compile the results, and submit the report to the appropriate aforementioned committees every two years after the initial survey.
- 2) Defines for purposes of the section the following:
 - a) "Campus climate" means a measure of an individual's experience within a learning environment, specifically focusing on attitudes, practices, and behaviors of campus life which may impact the success and retention of members of the campus community;
 - b) "Institutions" means campuses of the CCC, CSU, and the UC; and,
 - c) "Online survey" means the online survey tool for campus safety established by Section 1507 of Title III of Division H of Public Law 117-103.

COMMENTS

Online survey developed by the U.S. Department of Education. On March 15, 2022, H.R. 2471 "The Consolidated Appropriations Act of 2022" by Representative Harkeem Jeffries of New York 8th District, was signed into law. During the negotiations for the appropriations bill, the reauthorization of the Violence Against Women Act was added as an addendum. Contained

within 2,741 pages of the federal bill, under section 1507, is the requirement for the U.S. Secretary of Education to develop and design an online survey tool to capture in a standardized manner the postsecondary student's experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking. The survey, designed by the Secretary of Education, is to be available to all postsecondary education institutions, who will administer the survey, collect data, and report the data to the U.S. Department of Education every two years. The hope is the survey will provide standardized result as to the student's experiences on campus in order to guide future policy decisions with regards to campus safety.

Any institution will be able to be able to submit additional questions to be included in the survey. AB 1712, as amended, seeks to codify the federal requirements within state statute, while also requiring the CCC and the CSU and requests the UC to develop and submit questions on campus climate to be included, upon approval, in the online survey administered on California public higher education campuses.

White House Task Force to Protect Students from Sexual Violence. In 2007, *The Campus Sexual Assault Study*, prepared for the U.S. Department of Justice, stated that one in five women are sexually assaulted while in college. In response to this alarming statistic, the Obama Administration undertook several governmental interventions to curb sexual violence on campus including establishing the White House Task Force to Protect Students from Sexual Violence (taskforce) in January 2014. The premise of the task force was to strengthen and address compliance issues and provide institutions with additional tools to respond and address rape and sexual assaults on college campuses nationwide. President Joe Biden was a co – chair of the taskforce and stated at the creation of the taskforce that "Freedom from sexual assault is a basic human right".

In April 2014, the taskforce issued its first report, *Not Alone*, which highlighted action steps and recommendations on how to more effectively respond to and prevent rape and sexual assault on postsecondary education campuses. To address the issue of underreporting of sexual assaults on campus, the taskforce encouraged the dispersal and implementation of campus climate surveys to help campuses understand the scope and prevalence of sexual victimization experienced by students. The report called for legislative or administrative options to mandate campuses to periodically conduct a climate survey and provided postsecondary institutions with a draft survey. The taskforce believed this mandate would change the national dynamic and would provide a more accurate picture of the climate on campus and whether students are aware of the avenues available to them to report sexual misconduct. Furthermore, the taskforce saw the surveys as a vehicle to capture data necessary to update policies and programs to ensure survivors are receiving services and perpetrators are held accountable.

United States Government Accountability Office (GAO) April 2020. Despite the best intentions of the taskforce and the U.S. Department of Justice, questions remained on the effectiveness of campus surveys to accurately reflect the shared student experience on campus. To alleviate growing concerns of the statistical validity of campus surveys, Congressional members asked the U.S. GAO or the federal equivalent of the California State Auditor, to conduct an audit to examine (1) the weaknesses and strengths of a campus audit, (2) what approaches colleges have used to survey their students, (3) what role federal agencies should play in helping colleges develop and implement campus surveys on sexual violence.

Published in April 2020 the GAO audit, *Higher Education Approaches and Strategies Used in College Campus Surveys on Sexual Violence*, found stakeholders, including researchers and college officials, considered campus surveys a useful tool for learning more about incidences of campus sexual violence on campus and for identifying areas for improvement to addressing the incidences. The audit report highlighted the limitations of surveys as most campuses lack the funding necessary to develop the surveys, low response rates, and the lack of comparable results across colleges due to variations in definitions and variations in time periods between surveys.

Existing student surveys in California. Currently in California, campus climate surveys are conducted at the discretion of either the governing board of the system or per the campus administration. The UC conducted a voluntary systemwide campus climate survey in 2012 with the final report being published in 2014. The purpose of the survey was to gather data related to institutional climate inclusion and work-life issues to better inform University administrators on the living and working environment of students, faculty, staff, and scholars at the UC. The data collected was used by UC campuses to develop action plans and strategic initiatives to improve the overall campus climate. Individual campuses have conducted surveys in the past including UC Berkeley which concluded a campus climate survey in 2019 with results published in 2021, which found the overall campus climate is positive but marginalized students often feel excluded. Furthermore, every two years the UC conducts an Undergraduate Experience Survey whose data is reported to the UC's information center. This survey includes questions regarding sexual misconduct; however, the data is not readily available to the public.

Just as the UC campuses periodically administer campus climate surveys, so do the campuses of the CSU. Some campuses have elected to participate in the national survey on campus climate conducted by the Higher Education Research Institute (HERI) at UC Los Angeles. The HERI climate surveys capture data on the personal experiences and perspectives of students, faculty, and staff in order to provide a complete understanding of campus climate to improve diversity on campus. The HERI campus climate survey focuses on classroom experiences, learning outcomes, and experiences of discrimination and bias. In addition to individual campus climate surveys, the CSU system participates in the *National College Health Assessment Survey* every other year. The survey is focused on mental health, nutritional health, sexual misconduct, and has a section on domestic, physical, and intimate partner violence. The survey results are presented to the Board of Trustees with the data disaggregated by campus.

According to the California Community College Chancellor's Office, a report was presented to the Board of Governors in 2015 on the status of the use of campus climate surveys by CCC campuses. The report indicated 27 colleges conducted regular campus climate surveys, with the majority reporting the survey was conducted every two years. The content of the surveys provided by the various campuses was not available as part of the report nor on the participating campus websites. In the wake of the George Floyd murder and the subsequent protests, several CCC campuses reinstated campus climate surveys in an effort to gain a fuller scope of students concerns with regards to campus climate and to allay those concerns. Several colleges utilize the *HEDS Diversity and Equity Campus Climate* survey which is available to campuses for a fee and helps campuses understand the student, faculty, staff, and administrator's perception on campus climate as it relates to diversity, equity, discrimination and harassment.

According to the Author

"AB 1712 is the much-needed and long-awaited step for campus climate oversight. In light of the uptick of hate crimes and sexual violence against Muslim, API, women, and LGBTQ,

students, California must take action. By building on previous legislation to develop a campus climate survey and workgroup, AB 1712 will therefore promote both awareness and help develop safety protocols for targeted students across California."

Arguments in Support

According to GENup, AB 1712 "raises crucial awareness to the high number of sexual violence and sexual harassment incidents as well as identity-based hate crimes on campus. Through this data, AB 1712 would provide us with the necessary data to understand the current culture on harassment and discrimination, creating a workgroup to determine concrete action steps to combat discrimination and sexual violence on campus."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, minor costs to develop questions regarding campus climate and provide bi-annual reports to the Legislature. California's public colleges and universities already conduct periodic campus climate surveys. Federal law requires colleges and universities that receive federal funding to conduct an online campus safety survey every two years and publish the results. Because conducting the survey is a federal requirement, the costs to the local CCCs are not reimbursable.

VOTES

ASM HIGHER EDUCATION: 10-0-2

YES: Medina, Mike Fong, Gabriel, Irwin, Kiley, Levine, Low, Santiago, Valladares, Akilah Weber

ABS, ABST OR NV: Choi, Bloom

ASM APPROPRIATIONS: 16-0-0

YES: Holden, Bigelow, Bryan, Calderon, Carrillo, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Eduardo Garcia, Jones-Sawyer, Quirk, Robert Rivas, Akilah Weber, Wilson

UPDATED

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