
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2021 - 2022 Regular

Bill No: AB 2683 **Hearing Date:** June 8, 2022
Author: Gabriel
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Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Postsecondary education: sexual violence and harassment: training and resources

SUMMARY

This bill requires the California Community Colleges (CCC), the California State University (CSU), and any independent institution of higher education or private postsecondary education institutions that receives state financial assistance, requests the University of California (UC), to provide annual sexual harassment and sexual violence prevention training to students.

BACKGROUND

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. (Education Code § 67386)

- 2) Requires the governing board of each community college district, the Trustees of the CSU, the Board of Directors of the Hastings College of the Law, and the Regents of the UC 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, receive treatment and information. If appropriate on-campus treatment facilities are unavailable, the written procedure or protocols may provide for referrals to local community treatment centers. (EC § 67385)
- 3) Requires the governing board of each community college district and the Trustees of the CSU, and requests the Regents of the UC 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. (EC § 67385.7)
- 4) Requires the governing board of each community college district and the Trustees of the CSU, and requests the Regents of the UC, in collaboration with campus-based and community-based victim advocacy organizations, to provide educational and preventive information about sexual violence as part of established campus orientations at all campuses of their respective segments. (Education Code § 67385.7)
- 5) Requires each campus of the CCC and the CSU, and requests each campus of the UC, to post sexual violence prevention and education information on its campus website. (EC § 67385.7)
- 6) Requires the educational and preventive information to include, but not necessarily be limited to, all of the following:
 - a) Common facts and myths about the causes of sexual violence.
 - b) Dating violence, rape, sexual assault, domestic violence, and stalking crimes, including information on how to file internal administrative complaints with the institution of higher education and how to file criminal charges with local law enforcement officials.
 - c) The availability of, and contact information for, campus and community resources for students who are victims of sexual violence.
 - d) Methods of encouraging peer support for victims and the imposition of sanctions on offenders.
 - e) Information regarding campus, criminal, and civil consequences of committing acts of sexual violence.

ANALYSIS

This bill requires the CCC, the CSU, and any independent institution of higher education or private postsecondary education institutions that receives state financial assistance, requests the UC, to provide annual sexual harassment and sexual violence prevention training to students. Specifically, this bill:

Training

- 1) Requires the CCCs, CSU, independent institutions of higher education that receive state financial assistance, and private postsecondary educational institutions that receive state financial assistance, and requests UC, to train its students on sexual violence and sexual harassment, beginning on September 1, 2024, and annually thereafter.
- 2) Requires students attending the California Community Colleges shall complete their annual training within six months of the beginning of the academic year, beginning on September 1, 2024, and annually thereafter.
- 3) Requires the annual training for students to cover all of the following topics:
 - a) Common facts and myths about the causes of sexual violence and sexual harassment.
 - b) What constitutes sexual violence and sexual harassment, including information on how to file internal administrative complaints with the institution of higher education and how to file criminal charges with local law enforcement officials.
 - c) The availability of, and contact information for, campus and community resources for students who are victims of sexual violence and sexual harassment.
 - d) Methods of encouraging peer support for victims and the imposition of sanctions on offenders.
 - e) Information regarding campus, criminal, and civil consequences of committing acts of sexual violence and sexual harassment.
 - f) The contact information of a Title IX coordinator or a similar position.
 - g) Statistics on the prevalence of sexual harassment and sexual violence in the educational setting, and the differing rates at which students experience sexual harassment and sexual assault in the educational setting based on their race, sexual orientation, disability, gender, and gender identity. (This is consistent with the existing requirement that each employee engaged in the grievance procedures related to sex discrimination, including sexual violence, receive specified training.)

- 4) Provides that this bill does not prevent the CCCs, the CSU, independent institutions of higher education, private postsecondary educational institutions, and the UC from incorporating the training from being integrated into existing trainings.
- 5) Provides that “training” or “train” includes, but is not limited to, in-person, remote, or video instruction but does not include instruction that is only provided through written materials.

Educational and preventative information

- 6) Extends the existing requirement for each campus of the CCC and CSU, and requests that each campus of the UC, post sexual violence prevention and education on its campus website to also apply this requirement to each campus of an independent institution of higher education, and a private postsecondary educational institution.
- 7) Updates the prevention and education information to require/request the posting of educational and preventive information on sexual violence and sexual harassment.
- 8) Modifies and updates the contents of the educational and preventive information to also include common facts and myths about the causes of sexual harassment, and what constitutes sexual violence and sexual harassment.

STAFF COMMENTS

- 1) *Need for the bill.* According to the author, “The prevalence of sexual violence and sexual harassment among college students today can be a significant hurdle to their ability to achieve an education and pose a threat to their health. According to the 2019 Campus Climate Survey on Sexual Assault and Misconduct conducted by the Association of American Universities, an average of 13% of undergraduate students nationwide experienced non-consensual sexual contact. This same report found that the majority of those who had been a victim of non-consensual sexual contact experienced multiple behavioral, emotional, academic, or professional consequences after the incident occurred.

“Currently, each segment in the higher education system approaches the topic of sexual violence and harassment on their campus differently. The UC system’s training requirement is the most substantive, followed by the CSU system, in which many campuses use the Not Anymore module. The community college system currently provides education during its new student orientation, but due to the nature of the community colleges system, not all students attend this training. As for independent colleges and universities, policies vary based on the campuses. Unfortunately, this patchwork approach to student training on sexual violence has left students with varying degrees of training on the topic. Since students do not interact with students only from their campus, we believe that the need for a baseline minimum training that all higher education students receive is critical for student health and success statewide. AB 2683 seeks to codify in California law the requirement for training on sexual violence and harassment,

establishing a baseline for the training that all California higher education students will receive.”

- 2) *Existing training.* As explained in the Assembly Higher Education Committee analysis, existing state and federal law requires all postsecondary education institutions who receive state or federal funding to, at the very least offer students the opportunity to receive sexual violence training.

At the CCC, campuses offer the training as part of their orientation to students. Orientation at the CCC is not mandatory and, therefore, unless a student elects to attend orientation they may never receive sexual violence prevention training while they are enrolled at a CCC.

The current systemwide policy at the CSU requires each campus to offer a prevention education program that includes bystander intervention, reporting, and support services. The training also includes discussions of confidentiality, campus administrative processes for reporting, procedures of how to report to law enforcement, civil and criminal processes, and campus/community based support resources. All CSU students (new and continuing) must complete the online training, as it is mandatory.

At the UC, all students are required to take sexual violence prevention and intervention training and education annually. Incoming students are required to take the education and training program within their first six weeks of class. The curriculum for the trainings include definitions of sexual violence, attitudes and beliefs that normalize violence, bystander intervention, how one is to respond to sexual violence using methods that acknowledge the impact of violence and trauma on survivor’s lives, local resources for survivors, the rights of a survivor, and the options available to them to report the sexual violence.

At independent universities throughout the state, the federal and state requirements apply if the institution receives federal or state financial assistance including Pell Grants or Cal Grants for students attending the institution. At the University of Southern California, the “Relationship and Sexual Violence Prevention Services” is an annual required training for all first and second year undergraduate students on affirmative consent and healthy relationships. Azusa Pacific University offers an online training program “Haven – Understanding Sexual Assault” to every incoming student. At Stanford University, incoming undergraduates receive an online “Beyond Sex Ed: Consent and Sexuality at Stanford program” at orientation and continuing undergraduates receive an expanded program that builds upon the program listed above.

- 3) *Fiscal impact.* According to the Assembly Appropriations Committee, this bill would impose “Negligible, if any costs, to the UC and CSU. Likely minor costs (Proposition 98 General Fund) to CCC districts to develop and maintain a system to enforce student compliance. If the Commission on State Mandates determines that this bill creates a mandate, those costs would be reimbursable.”
- 4) *Related legislation.* AB 1968 (Seyarto) requires the CSU and requests the UC to develop content and presentation standards and a model internet website

template regarding the steps a student who is a victim of sexual assault may take immediately following the assault. AB 1968 is scheduled to be heard by this Committee on June 8.

AB 1467 (Cervantes) requires sexual assault counselors at public colleges and universities to be independent from the Title IX office, prohibits sexual assault counselors from releasing the identity of the victim, and authorizes the California State University (CSU) chancellor to collaborate with specified entities when reviewing executive orders related to discrimination, harassment, and retaliation. AB 1467 is pending in the Senate Judiciary Committee.

SUPPORT

GenUp (sponsor)
California State Student Association
California State University, Office of The Chancellor

OPPOSITION

None received

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