

CONCURRENCE IN SENATE AMENDMENTS

AB 2683 (Gabriel)

As Amended August 11, 2022

Majority vote

SUMMARY

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 to provide annual sexual harassment and sexual violence prevention training to students, as specified. Requests the UC to provide the same aforementioned annual training to students.

Major Provisions

- 1) Requires each campus of the CCC and the CSU to post educational and preventative information on sexual violence and sexual harassment on the campus website.
- 2) Encourages each campus of an independent institutions of higher education, a private postsecondary education institutions and the UC to post educational and prevention information on sexual violence and sexual harassment on the campus website.
- 3) Clarifies the education and prevention information on sexual violence and sexual harassment on the campus website will include the following:
 - a) Common facts and myths about the causes of sexual violence and sexual harassment;
 - b) What constitutes sexual violence and sexual harassment, including how to file internal administrative complaints with the institute of higher education and how to file criminal complaints with local law enforcement;
 - c) The availability 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; and,
 - e) Information regarding campus, criminal, and civil consequences of committing acts of sexual violence and sexual harassment.
- 4) Institutes an annual sexual violence and sexual harassment training requirement for students, beginning on September 1, 2024, for students attending the CCC, the CSU, and any independent institution of higher education or a private postsecondary education institution that receives state financial assistance. The UC is requested to implement the annual training for students on sexual violence and sexual harassment beginning on September 1, 2024.
- 5) Stipulates students who are attending the CCC will be provided six months from the beginning of the academic year to complete the annual training created in 4), above, beginning on September 1, 2024, and each year thereafter.

- 6) Defines the annual sexual violence and sexual harassment training created in 4), above, to include the same information presented on the campus website under 3), above, and the additional information:
 - a) The contact information of a Title IX coordinator or similar position; and,
 - b) 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.
- 7) Allows a higher education institution to incorporate the training required in 4) to be incorporated into an existing training as long as the training incorporates the requirements of 6), above.
- 8) Permits a community college district to allow students to self-certify that they have completed the training established by the above provisions.
- 9) Defines various terms for purposes of the measure, including but not limited to:
 - a) "Sexual violence and sexual harassment" to have the same meaning as Education Code Section 66262.5.

Senate Amendments

Amends the Assembly version of this bill to permits community college districts to allow students to self-certify that they have completed the training established by this bill.

COMMENTS

Prevalence of sexual harassment and sexual violence on higher education campuses. In 2007, *The Campus Sexual Assault Study*, prepared for the United States (U.S.) Department of Justice, stated that one in five women are sexually assaulted while in college. In 2020, the Association of American Universities published the results of two surveys conducted in 2015 and in 2019 which examined the prevalence of sexual assault and misconduct at colleges and universities throughout the United States. The surveys found the following:

- 1) The rate of nonconsensual sexual contact by physical force or inability to consent for undergraduate women ranged from 14% to 32%;
- 2) The rate of nonconsensual sexual contact by physical force or inability to consent increased from 2015 to 2019 by 3 percentage points for undergraduate women and 2.4 percentage points for undergraduate men.
- 3) Among all students 41.8% reported experiencing at least one sexual harassing behavior since enrolling in college.

Since 1990, due to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act, all colleges and universities who receive any federal funding must submit a report once a year which discloses information about certain crimes, including the prevalence of stalking, intimidation, dating violence, domestic violence, sexual assault and hate

crimes that occur on or around the campus. The data provided by these reports is available to the public disaggregated by campus on the U.S. Department of Education website under the Campus and Security database. For colleges and universities in California, who reported Clery Act data, between 2014 and 2019, crimes defined by the Violence Against Women's Act or sexual violence crimes, increased from 788 incidents to 1,526 incidents.

Current status of sexual harassment and sexual violence training on postsecondary campuses. In compliance with state and federal law, all postsecondary education institutions who receive state or federal funding must 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 system wide 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 students. 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.

According to the Author

"Attending an institution of higher education is one of the most effective tools for Californians to achieve financial security and build their future. Our state must confront roadblocks and challenges that could complicate students' ability to succeed or cause them significant harm while working towards an education. The prevalence of sexual violence and harassment on college campuses today is a significant threat to students' ability to succeed professionally and academically and to their physical and mental health. AB 2683 will ensure that every student attending a post-secondary institution receives training on sexual violence and harassment, including the resources available to survivors. In doing so, AB 2683 will increase reporting of incidents by empowering students through increased education and connection to resources."

Arguments in Support

GENup highlights the need for this bill as, "according to a 2006 study from University of Missouri-Columbia, women faced higher barriers when reporting rape due to "lack of resources to obtain help" and "financial dependence on perpetrator/perpetrator interference in seeking help." Passing AB 2683 would be crucial in supporting students by providing them with easy access to the necessary resources and options in the scope of sexual violence and sexual assault at their higher education institution."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, this bill could result in a reimbursable state mandate for community college districts to provide the training and develop and maintain a system to enforce student compliance. The Chancellor's Office estimates that assuming a cost of up to \$145,000 for each of the state's 116 colleges, the Proposition 98 General Fund costs could be up to \$16.82 million each year. However, these costs could be lower if colleges do not need to hire new staff to track training completion since the bill authorizes students to self-certify the completion of training. The UC and CSU indicate that any costs resulting from this bill would be minor and absorbable within existing resources.

VOTES:**ASM HIGHER EDUCATION: 11-0-1**

YES: Medina, Choi, Arambula, Bloom, Gabriel, Irwin, Levine, Low, Santiago, Valladares, Akilah Weber

ABS, ABST OR NV: Kiley

ASM APPROPRIATIONS: 15-0-1

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

ABS, ABST OR NV: Carrillo

ASSEMBLY FLOOR: 61-0-17

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Mia Bonta, Calderon, Carrillo, Choi, Cooley, Cooper, Megan Dahle, Daly, Davies, Mike Fong, Gabriel, Eduardo Garcia, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Low, Maienschein, Mathis, Mayes, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Voepel, Ward, Akilah Weber, Wilson, Wood, Rendon

ABS, ABST OR NV: Bigelow, Bryan, Cervantes, Chen, Cunningham, Flora, Fong, Friedman, Gallagher, Cristina Garcia, Gipson, Levine, McCarty, Medina, Villapudua, Waldron, Wicks

SENATE FLOOR: 40-0-0

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

UPDATED

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