
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 2654
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Urgency: No
Consultant: Kathleen Chavira
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Fiscal: Yes

Subject: Postsecondary education: Equity in Higher Education Act

SUMMARY

This bill expands the information to be included in a postsecondary educational institutions' written policy on sexual harassment to include information regarding complaint processes and timelines, and on and off-campus resources, and further requires that the written policy be made available on the institution's website.

BACKGROUND

Existing state law establishes the Equity in Higher Education Act (Act) to prohibit a person from being subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the statutory definition of hate crimes, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid. (Education Code § 66270)

Existing law also establishes state policy that all persons, regardless of their sex should enjoy freedom from discrimination of any kind in the postsecondary educational institution of the state and requires each such institution to have a written policy on sexual harassment, to display the policy in a prominent location, as specified, to provide the policy to students and faculty, as specified, and to require that the policy appear in any publication of the institution setting for the rules, regulations, procedures and standards of conduct for the institution. (Education Code § 66281.5)

ANALYSIS

This bill:

- 1) Expands the notice requirements relative to written policies on sexual harassment required of postsecondary educational institutions in California. It requires that the written policy:
 - a) Include information on the complaint process.
 - b) Include information on the timeline for the complaint process.

- c) Include information on resources both on and off campus.
 - d) Be available on the institution's Internet website.
- 2) Identifies potential mandated costs, likely associated with the application of the bill's provisions to the California Community Colleges.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, it is important that students and faculty have easy access to each higher education institution's policy. A simple posting of such policies online can markedly improve access. The bill also recognizes that students should be made aware of community resources and organizations which assist with issues of sexual harassment. This is especially important in the event that a student does not feel comfortable pursuing campus established remedies or finds those avenues ineffective. According to the author, in light of recent incidences of sexual misconduct at the University of California, it is important that both students and employees are aware of campus harassment policies and resources.
- 2) ***Related state audit.*** In June 2014, the Bureau of State Audits (BSA) issued a report, *Sexual Harassment and Sexual Violence: California Universities Must Better Protect Students by Doing More to Prevent, Respond to, and Resolve Incidents*. The BSA examined two University of California (UC) (UC Berkeley and UCLA), and two California State University (CSU) (CSU Chico and CSU San Diego) campuses and found that while staff in key roles receive adequate training on this topic, other employees who may be the first point of contact do not. In addition, none of the universities provided its sexual harassment policy to all employees at the start of each year nor is the policy posted where large numbers of students can see them. The report included recommendations that the universities post their policies in additional prominent locations frequented by students and properly distribute and post their policy on sexual harassment.

This bill would specifically require posting of the sexual harassment policy on the institution's website and the provision of information on related complaint processes, timelines and on and off-campus resources.

SUPPORT

UAW Local 5810

OPPOSITION

None received.

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