
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: AB 381 **Hearing Date:** June 5, 2019
Author: Reyes
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Urgency: No **Fiscal:** Yes
Consultant: Brandon Darnell

Subject: Postsecondary education: sexual assault and sexual violence prevention training: intimate partner and dating violence.

SUMMARY

This bill requires outreach programming that is part of every incoming postsecondary education institution student's orientation to include informing students about specific topics relating to intimate partner and dating violence.

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 Trustees of the California State University (CSU), the Regents of the University of California (UC), 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. Existing law requires the policy to include specified components, including an affirmative consent standard in the determination of whether consent was given by both parties to sexual activity.
 - b) Adopt a 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, to the extent feasible with existing on-campus and community-based organizations, including rape crisis centers, 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
 - c) 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 California State University (CSU), the Board of Directors of the Hastings College of the Law, and the Regents of the University of California (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, shall receive treatment and information. (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 each campus of the California Community Colleges and the CSU, and requests each campus of the UC, to post sexual violence prevention and education information on its campus website. Existing law requires the educational and preventive information to include 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. (EC § 67385.7)

ANALYSIS

This bill requires outreach programming that is part of every incoming postsecondary education institution student's orientation to include informing students about specific topics relating to intimate partner and dating violence. Specifically, this bill:

- 1) Provides that "outreach programming" includes, but is not limited to, informing students about all of the following:
 - a) The warning signs of intimate partner and dating violence.

- b) Campus policies and resources relating to intimate partner and dating violence.
 - c) Off-campus resources and centers relating to intimate partner and dating violence.
 - d) A focus on prevention and bystander intervention training as it relates to intimate partner and dating violence.
- 2) Provides that informing students about “intimate partner and dating violence” includes, but is not limited to, information about violence that occurs between individuals with a current or previous intimate or dating relationship.
 - 3) Provides that “incoming students” includes, but is not necessarily limited to, graduate, transfer, and international students, with a special consideration of their different needs, interactions, and engagements with their campuses.
 - 4) As a condition of receiving state funds for student financial assistance, requires the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing boards of independent postsecondary institutions, to also enter into memoranda of understanding, agreements, or collaborative partnerships with domestic violence centers for purposes of referring students for assistance or making services available to students, including counseling, health, mental health, victim advocacy, and legal assistance, and including resources for the accused.

STAFF COMMENTS

- 1) ***Need for this bill.*** According to the author, “Currently, existing law has a requirement for college campuses to have orientation and outreach programming relating to sexual violence prevention. According to the California Women’s Health Survey, 40% of California women experience some form of physical intimate partner violence, with college aged women being 11% more likely to experience forms of intimate partner violence. Student governments and domestic violence advocates claim that college aged women, particularly in the midst of the student housing crisis, are becoming more susceptible to this form intimate partner violence.

AB 381 aims to ensure that sexual violence orientation and outreach programming included intimate partner violence, with a focus on dating and domestic violence. Furthermore, just as existing law requires, when possible, for college campuses to engage in memoranda of understanding with local rape crisis and sexual violence shelters, AB 381 expands this to include local domestic violence shelters as well.”

- 2) ***What’s the difference?*** As noted, existing law requires public postsecondary education institutions to:

- a) 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.
- b) Provide, as part of established campus orientations, educational and preventive information about sexual violence to students at all campuses of their respective segments. (The University of California is requested to comply.)
- c) Post sexual violence prevention and education information on its campus website, including dating violence, rape, sexual assault, domestic violence, and stalking crimes, and the availability of, and contact information for, campus and community resources for students who are victims of sexual violence. (The University of California is requested to comply.)

While existing law requires new student orientation to address sexual violence, domestic violence, dating violence, and stalking, and requires campuses to post sexual violence prevention and education information on their websites (including dating violence, rape, sexual assault, domestic violence, stalking crimes, and the availability of, and contact information for, campus and community resources for students who are victims of sexual violence), this bill expands the required components of student orientation to specifically include information about intimate partner and dating violence.

- 3) **Concerning statistics.** According to the Partnership Against Domestic Violence and the National Coalition Against Domestic Violence, "college-aged women (between the ages of 16-24) have the highest per capita rate of intimate partner violence. Twenty-one percent of college students report having experienced dating violence by a current partner, and 32 percent of college students report experiencing dating violence by a previous partner. Peer pressure, the presence of drugs and alcohol, stressful schedules, tight-knit friend groups and social media contribute to higher rates of abuse, sexual assault and stalking for students. In addition, young adults often have limited relationship experience and may never have had someone talk with them about what healthy, affirming relationships should look like. Experiencing violence and abuse in the home, as well as unhealthy and abusive dating relationships in high school can also increase the risk for someone finding themselves in an abusive relationship in college."
- 4) **Previous legislation.** AB 2070 (Reyes, 2018) was substantially similar to this bill and would have required outreach programming that is part of every incoming postsecondary education institution student's orientation to include informing students about specific topics relating to intimate partner and dating violence. AB 2070 was vetoed by Governor Brown, who stated:

"Last year, following the veto of Senate Bill 169, I convened a small panel of experts to review state and federal law and regulations on sexual assault and sexual harassment

at postsecondary institutions, in order to better understand what more, if anything, was needed in our state laws.

I would like to see the panel's review and recommendations before considering additional changes to existing law. Parenthetically, I would note that the essential elements of AB 2070 appear to be covered by existing law."

SUPPORT

American Association of University Women - California
California Council of Community Behavioral Health Agencies
California Faculty Association
Cal State Student Association
California Partnership to End Domestic Violence
National Association of Social Workers, California Chapter
Students Against Sexual Assault
Student Senate for California Community Colleges
University of California Student Association

OPPOSITION

None received

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