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## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

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**Bill No:** SB 366 **Hearing Date:** April 3, 2019  
**Author:** Chang  
**Version:** February 20, 2019  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Lynn Lorber

**Subject:** Public postsecondary education: mandatory orientation for students.

### SUMMARY

This bill requires the California State University (CSU), and requests the University of California (UC), to provide educational and preventive information about cyberbullying to students as part of established campus orientations, at all campuses of their respective segments.

### BACKGROUND

Existing law:

- 1) Requests the UC Regents, CSU Trustees, and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying to be included within the rules and regulations governing student behavior within their respective segments of public postsecondary education. (Education Code § 66302)
- 2) Requires the governing board of each community college district and the CSU Trustees, and requests the UC Regents, to provide educational and preventative information about sexual violence to students at all campuses of their respective segments. Existing law requires the information to be developed in collaboration with campus-based and community-based victim advocacy organizations, and provided to students as part of established campus orientations. Existing law requires, for a campus with an existing on-campus orientation program, to provide this information during the regular orientation for incoming students. (EC § 67385.7)

### ANALYSIS

This bill requires the Trustees of the CSU, and requests the Regents of the UC, to provide educational and preventive information about cyberbullying to students as part of established campus orientations, at all campuses of their respective segments.

### STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "SB 366 requires that the California State University and the University of California include preventative and educational information about cyberbullying as part of their student orientation. With college students being the most frequent users of social media sites, the

need for legislative discussion on this topic could not be more relevant for young adults today. A study conducted by the University of Washington found that college-age women are just as likely to be victimized as younger adolescents, and other studies show that 22 percent of all higher education students experience cyberbullying at some point during their college career. Students who are lesbian, gay, bisexual, or transgender face cyberbullying at rates that are double that of their straight peers, with 48.6 percent having experienced it at least once. Cyberbullying has been linked to suicide, alcoholism, and depression in higher education. It is critical that California's colleges are transparent with the resources that are available throughout this process."

- 2) **Existing efforts to address student conduct.** The California State University (CSU) and University of California (UC) both have policies on student conduct and discipline procedures that, among other things, prohibit harassment, intimidation or terrorizing conduct, on or off campus. Both CSU and UC indicate that each campus works to ensure that students become familiar with their campus' student conduct policies and are aware of available resources for reporting misconduct. The CSU's student code of conduct is reviewed with students during student orientations; however, it is not clear whether UC provides and reviews its student code of conduct during student orientations. Staff notes that existing law requires CSU and requests UC to include information relative to sexual harassment during the regular orientation for incoming students.

Given that UC and CSU standards for student conduct address harassment, intimidation and other forms of student behavior, should efforts focus solely on cyberbullying? Is legislation necessary to prescribe which issues are covered as part of college orientation?

- 3) **No definition for cyberbullying.** This bill does not define cyberbullying. Existing law that is relative to K-12 schools defines bullying to include an "electronic act," and defines "electronic act" to mean the creation or transmission of a communication originated on or off the school site, by means of an electronic device including but not limited to a telephone, wireless telephone, or other wireless communication device, computer, or pager. While this bill provides no definition for cyberbullying, college campuses may need flexibility in providing educational materials to students in order to keep pace with digital technology as it evolves.
- 4) **Prior legislation.** AB 2732 (Chang, 2016) was identical to this bill. AB 2732 was vetoed by Governor Brown, whose veto message read:

***This bill would require the California State University Trustees to provide educational and preventative information about cyberbullying to students, as part of campus orientations, and request the Regents of the University of California to do the same.***

***There is little doubt that the proliferation of technology has generated new concerns and new forms of bullying and harassment. State law, however, already requires governing***

***boards of public postsecondary institutions to adopt and publish policies on harassment and bullying.***

***It is common sense for institutions to include the most current and relevant issues in these policies and educate students during orientation. I believe that cyberbullying and other pertinent issues can be adequately covered without an additional specification in law.***

**SUPPORT**

Anti-Defamation League

**OPPOSITION**

None received

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