

Senate Bill 493

Gender Equity in Education: Sexual Harassment and Sexual Violence

Senator Jackson

SUMMARY

Sexual harassment and assault impede a student's right to receive an education free of sex-based discrimination. SB 493 would require institutions of higher education to implement policies and processes to prevent and respond to sexual harassment and violence, including notice and posting requirements and transparent procedures for investigating complaints to ensure a fair and equitable process for all parties.

BACKGROUND

While existing federal and state law prohibit institutions of higher education that receive federal and state funding from discriminating on the basis of sex, there exists sparse and inadequate instances of state law or agency guidance regarding the processes that a school must have in place to appropriately respond to and investigate complaints of sex-based discrimination, including harassment and assault, in order to ensure students' civil rights are protected.

According to the Campus Climate Survey Validation Study of 25,000 college and university students, during college, an estimated 62% of women and 61% of men experience sexual harassment. 1 in 5 women and 1 in 14 men experience sexual assault in college. However, due to the underreporting of sexual harassment and violence, the rates are likely much higher.

Historically marginalized and underrepresented groups are more likely to experience sexual harassment and assault, including women, students of color, and LGBTQI students. A study by UC Berkeley found that among undergraduates, Hispanic/Latino participants reported the highest incidence of sexual harassment, stalking, and relationship violence, and African-American participants and participants of more than one race/ethnicity reported the highest incidence of sexual assault. Similarly, a survey of over 70,000 undergraduate students attending 120 higher education institutions found that black women were more likely than white women to be sexually assaulted and gay, bisexual and black men all had higher odds of being sexually assaulted than heterosexual and white men.

Separately, in a 2016 study conducted by the Association of American Universities of over 150,000 students at 27 universities found that 1 in 4 transgender and gender-nonconforming students had experienced sexual assault during college and that rates of sexual assault and misconduct were highest among female students and those identifying as transgender, genderqueer or non conforming, questioning, or not listed on the survey.

One of the many harmful results of campus sexual harassment and assault is the pushout that often occurs when schools do not take appropriate steps to respond to these incidents. An estimated 34% of student survivors drop out of college

SOLUTION - SB 493

SB 493 addresses the gap in California law as it concerns institutions of higher education by putting in place required processes for schools to respond to alleged sexual harassment and assault, including notice and posting requirements to ensure students are aware of such processes and their rights, as well as transparent procedures for investigating complaints to ensure a fair and equitable process for both parties. This bill would require colleges and universities to publish the contact information for individuals responsible for investigating complaints and instituting corrective measures, the rules and procedures for prevention of sexual harassment and grievance procedures providing for the prompt and equitable resolution of sexual harassment complaints.

The bill would also require schools to provide training to employees engaged in the grievance procedures on trauma-informed best practices for investigating sexual harassment or sexual assault complaints as well as training on implicit bias and the history of institutional racism and racial inequities in school disciplinary processes.

This bill provides clarity for higher education institutions and a guaranteed common baseline process for California students in higher education when it comes to the enforcement of their civil right to equitable access to education.

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California Partnership to End Domestic Violence
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