An act to amend Sections 66010.2, 66251, 67380, 69433.5, 69762, 87400, and 89307.2 of, to amend the heading of Chapter 4.5 (commencing with Section 66250) of Part 40 of Division 5 of Title 3 of, to add Sections 66027 and 66302 to, and to add Article 3.5 (commencing with Section 66271.2) to Chapter 4.5 of Part 40 of Division 5 of Title 3 of, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL’S DIGEST


(1) Existing law, known as the Donahoe Higher Education Act, establishes the missions and functions of the 3 segments of public postsecondary education in the state, which are the University of California, the California State University, and the California Community Colleges. The provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the Regents of the University of California, by resolution, make them applicable.

Existing provisions of the Donahoe Higher Education Act require the Regents of the University of California, the Trustees of the California
State University, and the governing boards of community college districts to adopt or provide for the adoption of rules and regulations governing student behavior, known as rules of student conduct.

This bill would require the Trustees of the California State University and the Board of Governors of the California Community Colleges, and would request the Regents of the University of California, to adopt policies on harassment, intimidation, and bullying to be included within the rules of student conduct governing their respective segments of public postsecondary education.

(2) The Equity in Higher Education Act, which is a part of the Donahoe Higher Education Act, provides that it is the policy of the state to afford all persons, regardless of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or other specified bases, equal rights and opportunities in the postsecondary institutions of the state. For these purposes, the act defines “gender” to include gender identity.

This bill would require each segment of public postsecondary education to develop and implement professional development and awareness training programs to, among other things, train faculty with respect to generating an inclusive curriculum, address harassment of individuals based on sexual orientation and gender identity, train campus public safety officers about hate crimes and harassment based on sexual orientation and gender identity, and train financial aid advisers with respect to financial assistance for lesbian, gay, bisexual, and transgender students. The bill would request each of the segments to designate an employee at each of their respective campuses to address the needs of lesbian, gay, bisexual, and transgender faculty, staff, and students, and to share demographic information collected by the segments regarding sexual orientation and gender identity with the California Postsecondary Education Commission (CPEC).

The bill would require the CPEC to conduct an assessment of the campuses of each of the segments of public postsecondary education to develop recommendations to improve the quality of life on those campuses for lesbian, gay, bisexual, and transgender faculty, staff, and students, and to publish a summary of those recommendations on its Internet Web site. The bill would require the CPEC to convene focus groups to address student needs and to develop a best practices list for improving quality of life for, and addressing the concerns of, lesbian, gay, bisexual, and transgender faculty, staff, and students. The bill would authorize the CPEC to provide training to administrators of each of the segments based on the best practices list.
The bill would make various conforming changes to existing nondiscrimination laws affecting postsecondary educational institutions and programs, and requirements related to reporting hate violence, as defined, to additionally include sexual orientation and gender identity, and gender expression within the scope of those programs and requirements.


The people of the State of California do enact as follows:

SECTION 1. Section 66010.2 of the Education Code is amended to read:

66010.2. The public elementary and secondary schools, the California Community Colleges, the California State University, the University of California, and independent institutions of higher education share goals designed to provide educational opportunity and success to the broadest possible range of our citizens, and shall provide the following:

(a) Access to education, and the opportunity for educational success, for all qualified Californians. Particular efforts should be made with regard to those who are historically and currently underrepresented in both their graduation rates from secondary institutions and in their attendance at California higher educational institutions.

(b) Quality teaching and programs of excellence for their students. This commitment to academic excellence shall provide all students the opportunity to address issues, including ethical issues, that are central to their full development as responsible citizens.

(c) Educational equity not only through a diverse and representative student body and faculty but also through educational environments in which each person, regardless of race, gender, gender identity, gender expression, sexual orientation, age, disability, or economic circumstances, has a reasonable chance to fully develop his or her potential.

SEC. 2. Section 66027 is added to the Education Code, to read:

66027. (a) (1) The governing boards of the California State University and the California Community Colleges shall, and the Regents of the University of California are requested, in collecting
data relative to gender, race, ethnicity, or other demographics, from faculty, staff, or students, to allow the faculty, staff, and students to identify their sexual orientation and gender identity, gender identity, and gender expression on any forms used to collect that demographic data, as appropriate.

(2) A governing board shall not be required to update an existing form used to collect demographic data for purposes of this subdivision, but shall provide for the identification of sexual orientation and gender identity, gender identity, and gender expression on any new or updated form used for the collection of demographic data.

(b) The governing boards of the University of California, the California State University, and the California Community Colleges are requested to share with the California Postsecondary Education Commission information collected pursuant to subdivision (a), to the extent that individuals from whom that information is collected authorize that information to be released. The information shared pursuant to this subdivision shall not include any individual identifying information.

SEC. 3. The heading of Chapter 4.5 (commencing with Section 66250) of Part 40 of Division 5 of Title 3 of the Education Code is amended to read:

Chapter 4.5. Equity in Higher Education Act

SEC. 4. Section 66251 of the Education Code is amended to read:

66251. It is the policy of the State of California to afford all persons, regardless of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other basis that is contained in the prohibition of hate crimes set forth in subdivision (a) of Section 422.6 of the Penal Code, equal rights and opportunities in the postsecondary institutions of the state. The purpose of this chapter is to prohibit acts that are contrary to that policy and to provide remedies therefor.

SEC. 5. Article 3.5 (commencing with Section 66271.2) is added to Chapter 4.5 of Part 40 of Division 5 of Title 3 of the Education Code, to read:
66271.2. The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California are requested to, develop and implement professional development and awareness training programs that, at a minimum, meet all of the following requirements:

(a) The programs shall train faculty with respect to generating a curriculum that is inclusive of all students.

(b) The programs shall provide strategies for addressing harassment of lesbian, gay, bisexual, and transgender students in and out of the classroom.

(c) The programs shall provide campus public safety officers with training regarding hate crimes and harassment directed toward lesbian, gay, bisexual, and transgender persons.

(d) The programs shall train financial aid advisers with respect to the availability of scholarships specific to lesbian, gay, bisexual, and transgender persons and provide training on how to assist students with same-sex parents in completing financial aid applications.

(e) The programs shall incorporate other content relevant to lesbian, gay, bisexual, and transgender persons, as appropriate.

66271.3. The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California are requested to, designate at each of their respective campuses an employee to address the needs of lesbian, gay, bisexual, and transgender faculty, staff, and students at the respective campus. At a minimum, the name and contact information of that designated employee shall be published on the Internet Web site for the respective campus and shall be included in any printed and Internet-based campus directories.

66271.4. (a) The California Postsecondary Education Commission shall conduct an assessment of the campuses of the California Community Colleges, California State University, and University of California systems with respect to the quality of life at those campuses for lesbian, gay, bisexual, and transgender faculty, staff, and students at the campuses of each of those
institutions. The commission shall make recommendations to each of those institutions based on that assessment.

(b) The California Postsecondary Education Commission shall convene focus groups to address the needs of lesbian, gay, bisexual, and transgender students and to develop a best practices list of recommendations for improving the quality of life at the campuses of the California Community Colleges, California State University, and University of California for, and addressing the concerns of, lesbian, gay, bisexual, and transgender faculty, staff, and students. The commission may provide training to administrators of each of the segments of public postsecondary education based on the recommendations in the best practices list.

(c) The California Postsecondary Education Commission shall publish a summary of the recommendations developed pursuant to this section on its Internet Web site.

SEC. 6. Section 66302 is added to the Education Code, to read:

66302. The Trustees of the California State University and the Board of Governors of the California Community Colleges shall, and the Regents of the University of California are requested to, adopt 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.

SEC. 7. Section 67380 of the Education Code is amended to read:

67380. (a) The governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing board of any postsecondary institution receiving public funds for student financial assistance shall do all of the following:

(1) Require the appropriate officials at each campus within their respective jurisdictions to compile records of both of the following:

(A) All occurrences reported to campus police, campus security personnel, or campus safety authorities of, and arrests for, crimes that are committed on campus and that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.
(B) All occurrences of noncriminal acts of hate violence reported to, and for which a written report is prepared by, designated campus authorities.

(2) Require any written record of a noncriminal act of hate violence to include, but not be limited to, the following:
   (A) A description of the act of hate violence.
   (B) Victim characteristics.
   (C) Offender characteristics, if known.

(3) (A) Make the information concerning the crimes compiled pursuant to subparagraph (A) of paragraph (1) available within two business days following the request of any student or employee of, or applicant for admission to, any campus within their respective jurisdictions, or to the media, unless the information is the type of information exempt from disclosure pursuant to subdivision (f) of Section 6254 of the Government Code, in which case the information is not required to be disclosed. Notwithstanding paragraph (2) of subdivision (f) of Section 6254 of the Government Code, the name of a victim of any crime defined by Section 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, or 422.75 of the Penal Code shall not be disclosed without the permission of the victim, or the victim’s parent or guardian if the victim is a minor.

   (B) For purposes of this paragraph and subparagraph (A) of paragraph (1), the campus police, campus security personnel, and campus safety authorities described in subparagraph (A) of paragraph (1) shall be included within the meaning of “state or local police agency” and “state and local law enforcement agency,” as those terms are used in subdivision (f) of Section 6254 of the Government Code.

(4) Require the appropriate officials at each campus within their respective jurisdictions to prepare, prominently post, and copy for distribution on request, a campus safety plan that sets forth all of the following: the availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards that have been established for particular facilities or activities, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions expected to be made during the next 24 months. For the purposes of this section, posting and distribution may be accomplished by including
relevant safety information in a student handbook or brochure that
is made generally available to students.

(5) Require the appropriate officials at each campus within their
respective jurisdictions to report information compiled pursuant
to paragraph (1) relating to hate violence to the governing board,
trustees, board of directors, or regents, as the case may be. The
governing board, trustees, board of directors, or regents, as the
case may be, shall, upon collection of that information from all of
the campuses within their jurisdiction, transmit a report containing
a compilation of that information to the California Postsecondary
Education Commission no later than January 1 of each year,
commencing January 1, 1993. The commission shall make these
reports available to the Legislature and the general public on its
Internet Web site. It is the intent of the Legislature that the
governing board of each community college district, the Trustees
of the California State University, the Board of Directors of the
Hastings College of the Law, the Regents of the University of
California, and the governing board of any postsecondary
institution receiving public funds for student financial assistance
establish guidelines for identifying and reporting occurrences of
hate violence. It is the intent of the Legislature that the guidelines
established by these institutions of higher education be as consistent
with each other as possible. These guidelines shall be developed
in consultation with the Department of Fair Employment and
Housing and the California Association of Human Rights
Organizations.

(b) Any person who is refused information required to be made
available pursuant to subparagraph (A) of paragraph (1) of
subdivision (a) may maintain a civil action for damages against
any institution that refuses to provide the information, and the
court shall award that person an amount not to exceed one thousand
dollars ($1,000) if the court finds that the institution refused to
provide the information.

(c) For purposes of this section, “hate violence” means any act
of physical intimidation or physical harassment, physical force or
physical violence, or the threat of physical force or physical
violence, that is directed against any person or group of persons,
or the property of any person or group of persons because of the
ethnicity, race, national origin, religion, sex, sexual orientation,
gender identity, gender expression, disability, or political or religious beliefs of that person or group.

d) This section does not apply to the governing board of a private postsecondary institution receiving funds for student financial assistance with a full-time enrollment of less than 1,000 students.

e) This section shall apply to a campus of one of the public postsecondary educational systems identified in subdivision (a) only if that campus has a full-time equivalent enrollment of more than 1,000 students.

f) Notwithstanding any other provision of this section, this section shall not apply to the California Community Colleges unless and until the Legislature makes funds available to the California Community Colleges for the purposes of this section.

SEC. 8. Section 69433.5 of the Education Code is amended to read:

69433.5. (a) Only a resident of California, as determined by the commission pursuant to Part 41 (commencing with Section 68000), is eligible for an initial Cal Grant award. The recipient shall remain eligible for award renewal only if he or she is a California resident, in attendance, and making satisfactory academic progress at a qualifying institution, as determined by the commission.

(b) A part-time student shall not be discriminated against in the selection of Cal Grant Program award recipients, and an award to a part-time student shall be approximately proportional to the time the student spends in the instructional program, as determined by the commission. A first-time Cal Grant Program award recipient who is a part-time student shall be eligible for a full-time renewal award if he or she becomes a full-time student.

c) Cal Grant Program awards shall be awarded without regard to race, religion, creed, sex, sexual orientation, gender identity, gender expression, or age.

d) An applicant shall not receive more than one type of Cal Grant Program award concurrently. Except as provided in Section 69440, an applicant shall not:

(1) Receive one or a combination of Cal Grant Program awards in excess of the amount equivalent to the award level for a total of four years of full-time attendance in an undergraduate program, except as provided in Section 69433.6.
(2) Have obtained a baccalaureate degree prior to receiving a
Cal Grant Program award, except as provided in Section 69440.
(e) A Cal Grant Program award, except as provided in Section
69440, may only be used for educational expenses of a program
of study leading directly to an undergraduate degree or certificate,
or for expenses of undergraduate coursework in a program of study
leading directly to a first professional degree, but for which no
baccalaureate degree is awarded.
(f) The commission shall, for students who accelerate college
attendance, increase the amount of award proportional to the period
of additional attendance resulting from attendance in classes that
fulfill requirements or electives for graduation during summer
terms, sessions, or quarters. In the aggregate, the total amount a
student may receive in a four-year period may not be increased as
a result of accelerating his or her progress to a degree by attending
summer terms, sessions, or quarters.
(g) The commission shall notify Cal Grant award recipients of
the availability of funding for the summer term, session, or quarter
through prominent notice in financial aid award letters, materials,
guides, electronic information, and other means that may include,
but not necessarily be limited to, surveys, newspaper articles, or
attachments to communications from the commission and any
other published documents.
(h) The commission may require, by the adoption of rules and
regulations, the production of reports, accounting, documents, or
other necessary statements from the award recipient and the college
or university of attendance pertaining to the use or application of
the award.
(i) A Cal Grant Program award may be utilized only at a
qualifying institution.
SEC. 9. Section 69762 of the Education Code is amended to
read:
69762. Loans made pursuant to this chapter shall be made
without regard to race, religion, creed, sex, sexual orientation, or
gender identity, gender identity, or gender expression.
SEC. 10. Section 87400 of the Education Code is amended to
read:
87400. Governing boards of community college districts shall
employ for academic positions, only persons who possess the
qualifications therefor prescribed by regulation of the board of
governors. It is contrary to the public policy of this state for any
person or persons charged, by those governing boards, with the
responsibility of recommending persons for employment by those
boards to refuse or to fail to do so for reasons of race, color,
religious creed, sex, sexual orientation, gender identity, gender
expression, or national origin of those applicants for that
employment.

SEC. 11. Section 89307.2 of the Education Code is amended
to read:

89307.2. (a) A legislative body shall not conduct a meeting
in a facility that prohibits the admittance of any person, or persons,
on the basis of race, religious creed, color, national origin, ancestry,
sex, sexual orientation, or gender identity, gender expression, or which is inaccessible to disabled persons, or where
members of the public may not be present without making a
payment or purchase. This section shall apply to every legislative
body as defined in Section 89305.1.

(b) A notice, agenda, announcement, or report required under
this article need not identify any victim or alleged victim of tortious
sexual conduct or child abuse unless the identity of the person has
been publicly disclosed.