

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

AB 1575 (Irwin)
Version: May 21, 2024
Hearing Date: June 18, 2024
Fiscal: Yes
Urgency: No
ME

SUBJECT

Public postsecondary education: students codes of conduct: advisers

DIGEST

This bill enacts Katie Meyer’s Law, a bill that authorizes students who receive a disciplinary notification at a University of California (UC) campus, California State University (CSU) campus, or California Community College (CCC) campus, the right to have an adviser of their choosing to help the student through the disciplinary process and requires these postsecondary education institutions to provide trainings for the advisers.

EXECUTIVE SUMMARY

According to the author’s office “the motivation for this bill originated from a student suicide that was precipitated by a notice of a student code of conduct proceeding. This suicide was one of a number of student athlete suicides in 2022 that has identified the need for a new approach that prioritizes the mental health of students.”

This bill requires the governing board of each community college district, the Trustees of the CSU, the Regents of the UC, and the Board of Governors of the College of the Law, San Francisco, to adopt a policy permitting a student to be assisted by an adviser if the student receives a notification of an alleged violation of a public postsecondary educational institution’s student code of conduct. The initial allegation letter that is must include a clause informing the student of their right to select an adviser of their choice or to request the public institution to provide an adviser to the student. The bill authorizes an institution to use a confidential respondent services coordinator, an agreement with a student-based peer support program, or an agreement with an alumni-based support program to fulfill its obligation to provide an adviser to the student. The institution is required to train the adviser on its adjudication procedures for the alleged violation. The bill requires an adviser to receive updates along with the student during the adjudication process, if the student gives written permission, and to participate in the process as an advocate for the student or in the role of adviser as authorized by specified state law and Title IX.

The bill is sponsored by Katie's Save and is supported by the American Association of University Women of California, the California Faculty Association, and the Jordyn Clark Foundation, and Valley Industry and Commerce Association. The Committee received no timely opposition to this bill. The bill passed out of the Senate Education Committee with a vote of 7 to 0.

PROPOSED CHANGES TO THE LAW

Existing federal law:

- 1) Establishes Title IX, providing that, in part, "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." Enforcement of compliance is initiated upon the filing of a complaint alleging a violation of Title IX. (Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act.)
- 2) Provides for various exemptions from these provisions, including for fraternities and sororities, military institutions, traditional male or female institutions, and institutions controlled by religious organizations. (Title 20 of the United States Code, § 1681.)

Existing state law:

- 1) 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. (Educ. Code § 66270.)
- 2) Requires the governing board of a community college district, the Trustees of the CSU, the Board of Directors of San Francisco Law School, and the Regents of the UC to adopt and implement a written procedure or protocols related to sexual assault or domestic violence, as provided. The protocol shall be reviewed and updated annually in collaboration with sexual assault and domestic violence counselors, students, faculty, and staff representatives. Authorizes that sexual assault and domestic violence counselors at public colleges and universities be independent from the Title IX office and prohibits sexual assault and domestic violence counselors from releasing the identity of the victim without first obtaining specific permission. (Educ. Code § 67385.)
- 3) Requests the CSU Trustees, the UC Regents, and the governing board of each community college district to designate an employee at each of their respective

campuses as a point of contact for the needs of lesbian, gay, bisexual, and transgender faculty, staff, and students at the respective campus. Existing law requires, at a minimum, the name and contact information of that designated employee to be published on the website for the respective campus and be included in any printed and Internet-based campus directories. (Educ. Code § 66271.2.)

- 4) Requires UC, CSU, CCCs, private postsecondary educational institutions, and independent institutions of higher education that receive state financial assistance, in order to receive state financial assistance, to implement, and at all times comply with, specified requirements at each campus of the institution, including, but not limited to:
 - a) Designate at least one employee of the institution to coordinate its efforts to comply with and carry out its responsibilities under California's Equity in Higher Education Act. Existing law requires the employee to have adequate training on what constitutes sexual harassment and on trauma-informed investigatory and hearing practices, and shall understand how the institution's grievance procedures operate.
 - b) Requires the institution, if a complainant requests confidentiality which could preclude a meaningful investigation or potential discipline, to take the request seriously while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the complainant. Existing law requires the institution to generally grant the request.
 - c) Requires the institution, if it determines that it can honor the student's request for confidentiality, to still take reasonable steps to respond to the complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the complainant.
 - d) Requires the institution, if it determines that it must disclose the complainant's identity to the respondent or proceed with an investigation, to inform the complainant prior to making this disclosure or initiating the investigation. Existing law requires the institution, in the event the complainant requests that the institution inform the respondent that the student asked the institution not to investigate or seek discipline, to honor this request. (Educ. Code § 66281.8)

This bill:

- 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 CSU, the Board of Directors of the College of the Law, San Francisco, and the Regents of the

UC, to adopt a policy permitting a student to be assisted by an adviser if the student receives a notification of an alleged violation of the public postsecondary educational institution's student code of conduct.

- 2) Requires the policy to include the initial allegation letter that is received by the student to include a clause informing the student of their right to select an adviser of their choice or to request the public postsecondary educational institution to provide an adviser to the student.
- 3) Requires the policy to include the authority for an institution to use any of the following to fulfill its obligation to provide an adviser to the student: a confidential respondent services coordinator; an agreement with a student-based peer support program; and an agreement with an alumni-based support program.
- 4) Requires the policy to include the adviser selected by the student or provided by the public postsecondary educational institution shall be provided training by the institution on the institution's adjudication procedures for the alleged violation. The training may be provided in an online format, and is not required to, but may have an in-person or interactive element. To the extent practical, institutions within each segment are encouraged to collaborate to develop a training that can be used by more than one institution in that segment.
- 5) Requires the policy to include that an adviser, with written permission from the student, shall receive updates along with the student during the adjudication process of the alleged violation of the student code of conduct and shall participate in the process as an advocate for the student or in the role of adviser as authorized by existing law (Title IX and corresponding state law).
- 6) Defines "Adjudication procedures" as a public postsecondary educational institution's established process to determine if a student has violated the student code of conduct and the established process to respond when violations are sustained.
- 7) Defines "Public postsecondary educational institution" as a CCC, a campus of the CSU, a campus of the UC, or the College of the Law, San Francisco.
- 8) Defines "Segment of public postsecondary education" as the CCCs, CSU, or UC.
- 9) Defines "Student code of conduct" as any rules or policies adopted by a public postsecondary educational institution on the expectations or standards of student behavior on campus, including but not limited to, standards related to academics, athletics, and sex discrimination.
- 10) Designates that the provisions of this bill be referred to as "Katie Meyer's Law."

COMMENTS

1. Author statement

According to the author:

California's colleges and universities are filled with extremely bright and dedicated students who come from around the world to study, participate in athletics, conduct research, and better their lives. At times their higher education experience presents them with challenges related to violations of academic codes, student codes of conduct, or even with harassment and discrimination. These challenges threaten lasting real-world consequences that many students are not prepared to handle on their own. Our colleges and universities must provide their students facing these institutional proceedings with support and resources, including access to advisers, through a holistic approach that prioritizes their well-being.

2. Bill intends to provide support to higher education students when they are faced with disciplinary proceedings for allegedly violating the campus' code of conduct

This goal of the bill is to provide support to students who are subject to an adversarial proceeding on campus regarding expectations or standards of student behavior on campus. The bill is sponsored by the family of Stanford University student Katie Meyer, who, according to the author "believe that allowing a student to select an advisor, who may also be a confidential respondent services coordinator, to assist them through a proceeding will provide continued support through what may be the most challenging moment a student has had to face in their life." According to the Senate Education analysis for this bill:

Katie Meyer was a goalie for Stanford University's soccer team. In 2022, Ms. Meyer committed suicide after receiving notice from Stanford University of pending disciplinary action against her. According to news reports and a court filing, Stanford sent Ms. Meyer a letter stating that her degree was going to be placed on hold (within four months of graduation) and that the charge against her could result in removal from Stanford University. A court document explained that computer forensics showed that Ms. Meyer "frantically toggled" between the letter from Stanford and searching for information about how to defend herself against a disciplinary complaint. Ms. Meyer's parents believe that Stanford's handling of the disciplinary process led to Ms. Meyer's suicide.

This bill requires the community colleges and state universities to adopt a policy permitting a student to be assisted by an adviser if the student receives a notification of an alleged violation of the public postsecondary educational institution's student code of conduct. The student will be allowed to select a person they trust to serve as the

advisor to help them during the disciplinary proceeding process. The author explains that “students often acutely feel isolation when faced with disciplinary proceedings.”

Specifically, this bill requires, in order to receive state funds for student financial assistance, the governing board of each community college district, the Trustees of the CSU, the Regents of the UC, and the Board of Governors of the College of the Law, San Francisco, to adopt a policy permitting a student to be assisted by an adviser if the student receives a notification of an alleged violation of a public postsecondary educational institution’s student code of conduct. The bill requires the initial allegation letter that is received by the student to include a clause informing the student of their right to select an adviser of their choice or to request the public postsecondary educational institution to provide an adviser to the student. The bill requires an adviser selected by the student or provided by the public postsecondary educational institution to be trained by the institution on its adjudication procedures for the alleged violation. The bill requires an adviser, with written permission from the student, to receive updates along with the student during the adjudication process and to participate in the process as an advocate for the student or in the role of adviser as authorized by specified state law and Title IX.

According to the author, “the Meyers have heard extensively from students in the situations contemplated by the bill, and faced by their daughter Katie. These students shared that they strongly feel that having someone ‘in their corner’ would be transformative in how they could begin to navigate their emotions and access mental health resources.” The goal of this bill is to ensure that when students in our public higher education system are in any stage of the process of potential discipline for an alleged violation of the institution’s student code of conduct that the student have a right to select an adviser of their choice to support them through the stressful process.

3. Support

In support of the bill, the California Faculty Association writes:

By allowing students to select a designated advocate to receive specific administrative, academic, health, and disciplinary notices, AB 1575 empowers students and promotes transparency in their support networks. This bill aligns with our mission to ensure the comprehensive wellbeing of our students. We understand that mental health issues can greatly impact a student's academic performance and overall life quality. A designated advocate will play a crucial role in providing consistent and tailored support to students, enabling them to navigate challenges more effectively.

Furthermore, AB 1575's provision allowing students to control which notifications their designated advocate receives respects students' autonomy and privacy. This measure of control is essential for empowering students and fostering trust between students and their advocates.

The American Association of University Women of California write the following in support of AB 1575:

As advocates for fair and equitable educational environments, AAUW California believes it is essential for students' rights to be protected throughout their academic journey. AB 1575 would ensure students are provided access to a qualified adviser during the disciplinary process and alleviate the potential anxieties they may experience when facing such allegations.

The bill would also require the initial allegation letter sent to the student to include information about their right to select an adviser of their choice or to request the public postsecondary educational institution to provide one to assist them through the investigation and disciplinary process. This provision is critical for allowing students, especially those who have never faced formal disciplinary action, to feel comfortable and supported during what can often be a daunting and overwhelming experience.

AB 1575 will help contribute to an equitable and supportive educational system that values the rights and well-being of all students.

The Jordyn Clark Foundation writes the following in support of the bill:

This crucial piece of legislation aims to provide essential support for student-athletes, ensuring they have the necessary resources to navigate the often-challenging landscape of the collegiate student-athlete experience.

We support this bill because our beloved Jordyn Clark was a talented and passionate athlete whose life was tragically lost due to the immense pressures and difficulties she faced within the collegiate athletics system. Jordyn struggled with the demanding expectations of her coaches and the inflexible structures that often left her feeling isolated and unsupported. Her story is, unfortunately, not unique, as many student-athletes nationwide face similar challenges. She dealt with her struggles in silence and most struggles were found post her passing on January 12th, 2021. CA Bill 1575 is a vital step toward creating a safer, more supportive environment for these young individuals.

The proposed bill emphasizes the importance of establishing proper support channels for student-athletes, including a designee that can offer guidance when difficult situations are presented such as disciplinary action from the University. These measures are essential to ensure that student-athletes receive the care and guidance they need to thrive both academically and athletically. By passing CA Bill 1575, we can honor Jordyn's memory and work towards a future where no student-athlete has to endure such hardships alone.

SUPPORT

Katie's Save (sponsor)
American Association of University Women of California
California Faculty Association
Generation Up
Jordyn Clark Foundation
Valley Industry and Commerce Association

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation:

SB 1491 (Eggman, 2024) requires the CSU Trustees and the governing board of each community college district, and requests the UC Regents, to designate an employee at each of their respective campuses as a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex and two-spirit faculty, staff, and students at the respective campus. The bill requires the point of contact to be a confidential employee, as specified; requires the CSU Trustees and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying and include these policies within the rules and regulations governing student behavior; and, requires California Student Aid Commission, beginning with the 2026-27 school year, to provide written notice to students who receive state financial aid whether their college or university has a religious school exemption from Title IX. SB 1491 is pending in the Assembly Higher Education Committee.

AB 810 (Friedman, 2024) requires CCCs and CSU, and requests UC and private postsecondary education institutions, to implement a policy of requiring potential employees for academic, athletic, and administrative positions to disclose whether they have been the subject of a finding of sexual harassment and to permit the institution to contact past employers to inquire whether the applicant had any substantiated allegations of misconduct. AB 810 is pending in this Committee.

AB 2047 (Mike Fong, 2024) requires the CCC, CSU, and UC to establish a systemwide Office of Civil Rights and establish the position of systemwide Title IX coordinator. AB 2047 is pending in the Senate Education Committee.

AB 2326 (Alvarez, 2024) establishes which entities who are responsible for ensuring campus programs are free from discrimination and who has the authority to oversee and monitor compliance with state and federal laws; requires the chair of the CCC

Board of Governors, the President of UC, and the Chancellor of CSU to present to the Legislature annually on the state of the system in preventing discrimination on campus; and, requires the systemwide governing boards to review the system's nondiscrimination policies and to update them if necessary. AB 2326 is pending in the Senate Education Committee.

AB 2492 (Irwin, 2024) requires each public postsecondary education institution to establish specified positions and designate at least one person to fulfill each position, including a confidential student advocate, a confidential staff and faculty advocate, and a confidential respondent services coordinator. AB 2492 is pending in the Senate Education Committee.

Prior Legislation: None known.

PRIOR VOTES:

Senate Education Committee (Ayes 7, Noes 0)

Assembly Floor (Ayes 77, Noes 0)

Assembly Appropriations Committee (Ayes 12, Noes 0)

Assembly Higher Education Committee (Ayes 10, Noes 0)
