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May 10, 2019

Senator Portantino  
Chair of the Senate Education Committee  
State Capitol, Room 2206  
Sacramento, CA 95814

**RE: SB 493 (Jackson) – Gender Equity in Education Act - SUPPORT**

Dear Senator Portantino,

The National Survivor Network (NSN) and Resilient Voices (RV) is pleased to support Senate Bill 493 (Jackson). This measure will ensure that institutions of higher education have adequate processes in place to appropriately respond to alleged sex-based discrimination, including sexual harassment and assault, in order to ensure that all students receive equitable access to education as required by law. Specifically, this bill 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, training, and transparent procedures for investigating complaints to ensure a fair and equitable process for all parties.

Sexual harassment and assault in higher education are rampant.<sup>1</sup> Historically marginalized and underrepresented groups are more likely to experience sexual harassment and assault, including women, students of color, and LGBTQI students.<sup>2</sup> A 2018 UC Berkeley campus survey revealed that “women, across all affiliate groups, are considerably more likely to report experiencing just about every form of sexual violence and sexual harassment (SVSH) than are men, and

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<sup>1</sup> See, Catherine Hill & Elena Silva, Drawing the Line: Sexual Harassment on Campus, AAUW 17, 19 (2005), available at <https://history.aauw.org/aauw-research/2006-drawing-the-line>. (Finding that during college, an estimated 62% of women and 61% of men experience sexual harassment.) See also, e.g., David Canto et al., Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct, Association of American Universities 13-14 (Sept. 2015), available at <https://www.aau.edu/key-issues/aau-climate-survey-sexual-assault-and-sexual-misconduct-2015>. See also The White House, The Second Report of the White House Task Force to Protect Students from Sexual Assault at 10 (Jan. 5, 2017), available at <https://obamawhitehouse.archives.gov/sites/obamawhitehouse.archives.gov/files/images/Documents/1.4.17.VAW%20Event.TF%20Report.PDF> (citing the Bureau of Justice Statistics Campus Climate Survey Validation Study); Poll: One in 5 women say they have been sexually assaulted in college, WASHINGTON POST (June 12, 2015), available at <https://www.washingtonpost.com/graphics/local/sexual-assault-poll>.

<sup>2</sup> See e.g., David Cantor et al., Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct, Association of American Universities 13-14 (Sept. 2015, revised October 2017), available at <https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/AAU-Campus-Climate-Survey-FINAL-10-20-17.pdf>; Alicia Sanchez Gill, A. Warren, Lucane LaFortune & Shiwali Patel, Women and Girls of Color Need Justice Too, Rewire.News (2019), available at <https://rewire.news/article/2019/01/14/women-and-girls-of-color-need-justice-too/>

transgender participants are more likely than women or men to report experiencing most forms of SVSH, most notably sexual assault.”<sup>3</sup> The study further 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.<sup>4</sup> However, due to the underreporting of sexual assault,<sup>5</sup> the actual rates of incidence are likely even higher.

Students who experience sexual harassment and/or assault not only suffer physically and emotionally, but are also denied an equitable access to education when schools do not appropriately respond to and/or investigate these incidents. One of the many harmful results of campus 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.<sup>6</sup>

Existing state and federal laws prohibit discrimination in education based on sex and require equal access to educational opportunities. However, there is insufficient state law and/or agency guidance regarding the processes that a college or university must have in place to respond to and investigate complaints of sexual harassment and assault and thereby ensure that students’ right to equal access to education is upheld.

SB 493 will address this gap in state law by outlining processes for institutions of higher education to follow to prevent, respond to and investigate sexual harassment and assault, in order to ensure clarity for students and a fair process for both the complainant and respondent to protect the civil rights, safety and well-being of all students. Provisions of the bill include:

- Notice and posting requirements to ensure students are aware of their rights and the school’s processes and who they can report to;
- Transparent procedures for investigating complaints to ensure a fair and equitable process for both parties;

<sup>3</sup> NORC at the University of Chicago, *Final Report: University of California Berkeley MyVoice Survey 22-23*, available at [https://myvoice.berkeley.edu/lib/img/pdf/MyVoice\\_Final\\_Report\\_Publish.pdf](https://myvoice.berkeley.edu/lib/img/pdf/MyVoice_Final_Report_Publish.pdf)

<sup>4</sup> See Sexual assault victimization disproportionately affects certain minority college students, UNIVERSITY OF PITTSBURGH SCHOOLS OF THE HEALTH SCIENCES (2017), available at [https://www.eurekalert.org/pub\\_releases/2017-03/uops-sav031617.php](https://www.eurekalert.org/pub_releases/2017-03/uops-sav031617.php).

<sup>5</sup> See e.g., See The White House, The Second Report of the White House Task Force to Protect Students from Sexual Assault at 10 (Jan. 5, 2017), available at <https://obamawhitehouse.archives.gov/sites/obamawhitehouse.archives.gov/files/images/Documents/1.4.17.VAW%20Event.TF%20Report.PDF> (finding that only 7 percent of students who indicated that they had been raped reported the rape to school authorities).

<sup>6</sup> Cecilia Mengo & Beverly M. Black, Violence Victimization on College Campus: Impact on GPA and School Dropout, *Journal of College Student Retention: Research, Theory & Practice*, Vol. 18, Issue 2 (2016), available at <https://journals.sagepub.com/doi/abs/10.1177/1521025115584750?journalCode=csra&>



- Required training to employees engaged in the grievance procedures on trauma-informed best practices for investigating sexual harassment or assault complaints, and training on implicit bias and the history of institutional racism and racial inequities in school disciplinary processes

For these reasons, we strongly support SB 493 (Jackson).

Sincerely,

**Nat Paul**

**National Survivor Network, Policy Chair**