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SB-186 Community college districts: removal, suspension, or expulsion. (2015-2016)

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Senate Bill No. 186

CHAPTER 232

An act to amend Sections 76033 and 76034 of the Education Code, relating to community college districts.

[Approved by Governor September 01, 2015. Filed with Secretary of State September 01, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 186, Jackson. Community college districts: removal, suspension, or expulsion.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts, each administered by a governing board, throughout the state, and authorizes these districts to provide instruction to students at community college campuses maintained by the districts.

Existing law provides for the removal, suspension, and expulsion of a community college student, as specified, for good cause, as defined. Existing law prohibits a community college student from being removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or attendance.

The bill would authorize the governing board of a community college district to remove, suspend, or expel a student for sexual assault or sexual exploitation, as defined, regardless of the victim's affiliation with the community college, even if the offense is not related to college activity or attendance.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 76033 of the Education Code is amended to read:

76033. As used in this article, "good cause" includes, but is not limited to, the following offenses, occurring while enrolled as a student:

(a) Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.

(b) Assault, battery, or any threat of force or violence upon a student or college personnel.

(c) Willful misconduct which results in injury or death to a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the district.

(d) The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code.

(e) Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.

(f) Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

(g) Sexual assault, defined as actual or attempted sexual contact with another person without that person's consent, regardless of the victim's affiliation with the community college, including, but not limited to, any of the following:

(1) Intentional touching of another person's intimate parts without that person's consent or other intentional sexual contact with another person without that person's consent.

(2) Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent.

(3) Rape, which includes penetration, no matter how slight, without the person's consent, of either of the following:

(A) The vagina or anus of a person by any body part of another person or by an object.

(B) The mouth of a person by a sex organ of another person.

(h) Sexual exploitation, defined as a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, regardless of the victim's affiliation with the community college, including, but not limited to, any of the following:

(1) Prostituting another person.

(2) Recording images, including video or photograph, or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent.

(3) Distributing images, including video or photograph, or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure and objected to the disclosure.

(4) Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

SEC. 2. Section 76034 of the Education Code is amended to read:

76034. (a) Except in response to conduct specified in subdivisions (g) and (h) of Section 76033, no student shall be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance.

(b) This section is not intended to limit provisions of federal law, or limit the ability of community college districts to take appropriate action under federal law.