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AB-524 Postsecondary education: Campus-Recognized Sorority and Fraternity Transparency Act. (2021-2022)

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Assembly Bill No. 524

CHAPTER 268

An act to add Chapter 5.2 (commencing with Section 66310) to Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.

[Approved by Governor September 13, 2022. Filed with Secretary of State September 13, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 524, Rodriguez. Postsecondary education: Campus-Recognized Sorority and Fraternity Transparency Act.

Existing law establishes the University of California, the California State University, the California Community Colleges, independent institutions of higher education, and private postsecondary educational institutions as the segments of postsecondary education in this state. Existing law requests the Trustees of the California State University, the Regents of the University of California, and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying to be included within the rules and regulations governing student behavior.

This bill would establish the Campus-Recognized Sorority and Fraternity Transparency Act, which would require each institution of higher education to include in the institution's requirements for campus recognition of a campus-recognized sorority or fraternity, as defined, a requirement that the sorority or fraternity submit to the institution on or before July 1, 2023, and annually thereafter, specified information concerning the sorority's or fraternity's members and their conduct. The bill would require the institution to suspend the campus recognition of any campus-recognized sorority or fraternity that does not comply with the reporting requirements. The bill would require each institution with sororities or fraternities to compile and maintain the collected information into a publicly accessible report posted, and archived, on each respective campus' Greek Life internet homepage or its equivalent for a minimum of 10 years and sent through a campuswide email to all enrolled students on or before October 1, 2023, and annually thereafter. To the extent this bill would impose new duties on community college districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Chapter 5.2 (commencing with Section 66310) is added to Part 40 of Division 5 of Title 3 of the Education Code, to read:

CHAPTER 5.2. Campus-Recognized Sorority and Fraternity Transparency Act

66310. This chapter shall be known, and may be cited, as the Campus-Recognized Sorority and Fraternity Transparency Act.

66312. (a) As used in this chapter, the following definitions apply:

(1) "Academic year" has the same meaning as in Section 69432.7.

(2) (A) "Campus-recognized sorority or fraternity" means a sorority or fraternity that has officially met the formal chartering and recognition requirements at the institution where it operates.

(B) As used in this chapter, this definition does not include a collegiate honor society.

(3) "Chapter house" means any residence located on or off campus that is owned by the institution of higher education but occupied by a campus-recognized sorority or fraternity, or any residence located on or off campus that is owned and occupied by the campus-recognized sorority or fraternity.

(4) "Institution of higher education" or "institution" means a campus of the California Community Colleges, the California State University, or the University of California, a private postsecondary educational institution, or an independent institution of higher education.

(5) "Misconduct" means any conduct in violation of institutional policies reportable under Section 1092(f)(1)(F)(i)(II) and (IX) of Title 20 of the United States Code, as it read on January 1, 2022, or hazing as defined in subdivision (b) of Section 245.6 of the Penal Code.

(6) "Participating sorority or fraternity" means a sorority or fraternity described in subdivision (c).

(7) "Sanctioned event" means any event in which one of the following occurs:

(A) The institution deems the event to be sanctioned by a fraternity or sorority according to their campus policies and practices.

(B) The name of a campus-recognized sorority or fraternity or participating sorority or fraternity is used to market or publicize the event.

(C) The name of a campus-recognized sorority or fraternity or participating sorority or fraternity is displayed at the event.

(D) Official funds of a campus-recognized sorority or fraternity or participating sorority or fraternity are used for the purchase and reimbursement of food, beverages, supplies, venue-related costs, publicity, party rentals, damages or cleanup fees, or any other costs associated with the event.

(E) A campus-recognized sorority or fraternity or participating sorority or fraternity, or a benefactor officially affiliated with the sorority or fraternity, receives any portion of funds raised from attendance fees, ticket sales, or other forms of admission fees associated with the event.

(b) Notwithstanding Section 67400, each institution of higher education shall include in the institution's requirements for campus recognition of each campus-recognized sorority or fraternity, both of the following requirements:

(1) (A) A requirement that the campus-recognized sorority or fraternity shall submit to the institution on or before July 1, 2023, and annually thereafter, all of the following:

(i) The number of active members in the campus-recognized sorority or fraternity.

(ii) The number of new members added to the campus-recognized sorority or fraternity.

(iii) The average grade point average of the membership of the campus-recognized sorority or fraternity.

(iv) The average grade point average of new members of the campus-recognized sorority or fraternity.

(v) The number of community service hours the campus-recognized sorority or fraternity completed as an organization.

(vi) The total amount of money fundraised by the campus-recognized sorority or fraternity.

(vii) The current recognition status of the campus-recognized sorority or fraternity, as determined by the institution.

(viii) The current conduct status of the campus-recognized sorority or fraternity, as determined by the institution.

(ix) The addresses of all chapter houses affiliated with the campus-recognized sorority or fraternity.

(x) The location, date, and time of any sanctioned event.

(xi) Any additional information the institution may require.

(B) Unless otherwise specified, the information collected pursuant to subparagraph (A) shall be for the academic year immediately preceding the reporting deadline.

(2) A requirement that any campus-recognized sorority or fraternity that does not comply with paragraph (1) be suspended from campus recognition.

(c) A sorority or fraternity that satisfies both of the following is encouraged to comply with the reporting requirements of subdivision (b):

(1) The sorority or fraternity has more than 50 percent of its members enrolled at the institution of higher education.

(2) The sorority or fraternity is not recognized as an affiliated sorority or fraternity of the institution by the official authorizing body of that institution.

(d) (1) (A) The institution shall compile and maintain the information collected pursuant to subdivisions (b) and (c) into a publicly accessible report published on each campus Greek Life internet homepage or its equivalent in a prominent location on or before October 1, 2023, and annually thereafter. The report shall include a list of available mental health resources and the residence addresses of all campus-recognized sorority and fraternity chapter houses. Each annual report shall be available on the campus Greek Life internet homepage or its equivalent for a minimum of 10 years.

(B) The institution shall send the report for the academic year immediately preceding the reporting deadline through a campuswide email to all enrolled students on or before October 1, 2023, and annually thereafter.

(2) An institution that does not have any campus-recognized sorority or fraternity or participating sorority or fraternity shall be exempt from the reporting requirement of this subdivision.

(3) The institution of higher education shall include in the annual report the following for each campus-recognized sorority and fraternity and participating sorority or fraternity described in subdivision (c) for the academic year immediately preceding the reporting deadline:

(A) The number of citations, or disciplinary actions taken, relating to misconduct at a chapter house or sanctioned event.

(B) The addresses of chapter houses and sanctioned events and names of sororities and fraternities where misconduct occurred.

(4) Notwithstanding any other requirement of this section, a report required pursuant to this subdivision shall comply with all applicable state and federal privacy laws, including, but not limited to, the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g).

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.