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AB-1575 Public postsecondary education: students codes of conduct: advisers. (2023-2024)

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Assembly Bill No. 1575

CHAPTER 808

An act to add Section 66283 to the Education Code, relating to public postsecondary education.

[Approved by Governor September 28, 2024. Filed with Secretary of State September 28, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1575, Irwin. Public postsecondary education: students codes of conduct: advisers.

Existing federal law, known as Title IX, prohibits a person, on the basis of sex, from being excluded from participation in, being denied the benefits of, or being subject to discrimination, which includes sexual harassment, under any education program or activity receiving federal financial assistance. A portion of the Donahoe Higher Education Act, known as the Equity in Higher Education Act, declares, among other things, that it is the policy of the state to afford all persons, regardless of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified basis, including immigration status, equal rights and opportunities in the postsecondary educational institutions of the state. 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 act, by resolution, to make them applicable.

This bill would require, in order to receive state funds for student financial assistance, the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, 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, as defined. The bill would require 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 would authorize a public postsecondary educational 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 bill would require 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, as provided. The bill would also require 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. By imposing 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.

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

SECTION 1. Section 66283 is added to the Education Code, immediately following Section 66282, to read:

66283. (a) This section shall be known, and may be cited, as Katie Meyer's Law.

(b) In order to receive state funds for student financial assistance, the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the College of the Law, San Francisco, and the Regents of the University of California shall 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 policy shall include all of the following:

(1) The initial allegation letter that is received by the student shall 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.

(2) A public postsecondary educational institution may use any of the following to fulfill its obligation to provide an adviser to the student:

(A) A confidential respondent services coordinator.

(B) An agreement with a student-based peer support program.

(C) An agreement with an alumni-based support program.

(3) 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 of public postsecondary education are encouraged to collaborate to develop a training that can be used by more than one institution in that segment.

(4) 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 Section 66281.8 and Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.).

(c) For purposes of this section, the following definitions apply:

(1) "Adjudication procedures" means 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.

(2) "Public postsecondary educational institution" means a community college, a campus of the California State University, a campus of the University of California, or the College of the Law, San Francisco.

(3) "Segment of public postsecondary education" means the California Community Colleges, the California State University, or the University of California.

(4) "Student code of conduct" means 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.

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.