

RESOLUTION IN SUPPORT OF SB 493 (JACKSON)

WHEREAS, Associated Students of San Francisco State University is the official voice of over 29,000 students at San Francisco State University whose purpose is to advance the welfare of San Francisco State University; and

WHEREAS, if SB 493 (Jackson) passes, current and future students of both San Francisco State University and the entire California State University (CSU) system will have adequate processes in place to respond to allegations of sex-based discrimination, including sexual harassment and sexual violence; and

WHEREAS, it is the duty and focus of this Associated Students Board of Directors to support and represent vulnerable student populations, such as those who are affected by sexual violence, sexual harassment, and sex discrimination in education; and

WHEREAS, it is also the duty and focus of this Associated Students Board of Directors to ensure that the CSU ensures adequate processing, investigations, and procedures when dealing with Title IX investigations on CSU campuses; and

WHEREAS, 1 in 5 women say they were sexually assaulted in college¹ and an estimated 62% of women and 61% of men experience sexual harassment during college²; and

WHEREAS, the level of sexual harassment and violence among college students is very high and historically marginalized groups experience higher rates of sexual violence in college, including women, black, Latino & LGBTQI students³; and

WHEREAS, beyond the physical and emotional trauma survivors experience, when schools do not respond appropriately or at all, this leads to student pushout. In fact, an estimated 34% of student survivors drop out of college⁴; and

WHEREAS, important provisions of SB 493 include notice requirements so that students know how to report sexual assault, the processes that the school will follow, and available counseling services; as well as required training of school officials involved in the process on trauma informed investigation and hearing processes, as well training on implicit bias and history of racial discrimination in school discipline; and

WHEREAS, SB 493 provides for interim supportive measures such as housing or class changes, or “no contact orders” that may be necessary to protect students during the pendency of an investigation; and

WHEREAS, SB 493 also clarifies that schools must respond to sexual harassment or violence whether on or off campus if it could interfere with students’ access to education or create a hostile educational environment; and

¹<https://www.forbes.com/sites/evangerstmann/2019/01/27/the-stat-that-1-in-5-college-women-are-sexually-assaulted-doesnt-mean-what-you-think-it-means/#776a32b92217>

² https://womensfoundca.org/wp-content/uploads/2019/04/SB-493-Fact-Sheet_4.4.19.pdf

³ <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community>

⁴ https://womensfoundca.org/wp-content/uploads/2019/04/SB-493-Fact-Sheet_4.4.19.pdf

WHEREAS, SB 493 requires schools to have transparent procedures for responding to sexual violence complaints to ensure a fair and equitable process for all student by giving both parties equal opportunity to provide information and witnesses and to ask questions of the other party through a process that is applied equally to both parties and prevents retraumatization; and

WHEREAS, there has been reports of delays in school investigations of sexual violence complaints in the midst of the COVID-19 crisis⁵; and

WHEREAS, there has also been in an increase in online harassment of students, further demonstrating the need for protections⁶; and

WHEREAS, when schools fail to respond appropriately to sexual violence, the immediate effect can be student pushout where survivors are effectively pushed out of an education; and

WHEREAS, the Department of Education released the proposed Title IX regulations, over 100,000 comments were submitted, largely in opposition to them, because the proposed regulations are in many respects antithetical to Title IX itself⁷; and

WHEREAS, many of the comments emphasized in the released proposed Department of Education Title IX regulations would inflict not only on survivors, but on students overall. In fact all of the major institutions of higher education in CA submitted comments in opposition; and

WHEREAS, the parts of the bill that would conflict with the final regulations (if released in the form they were proposed) address the most problematic provisions in those proposed regulations - those that are in direct conflict with Title IX itself, as well as with California's existing prohibitions on sex discrimination in education; and

WHEREAS, when proposed federal regulations are contrary to the very civil rights statutes they are intended to support, it is imperative that California stand up for what is right, just as it has done so many times before; and

THEREFORE BE RESOLVED, that Associated Students of San Francisco State University Supports SB 493 (Jackson), the bill addressing to implement adequate processes in place to respond to allegations of sex-based discrimination, including sexual harassment and sexual violence

RESOLVED, that this resolution is sent out to San Francisco State University President, Dr. Lynn Mahoney; Vice President of Student Affairs and Enrollment Dr. Beth Hellwig; Dean of Students Dr. Danny Glassmann; all members of the California State Assembly Higher Education Committee; the Associated Students or Associated Students, Inc. of the 22 other CSU's; President of the University of California Student Association (UCSA), Varsha Sarveshwar; and President of the California State Student Association (CSSA), Michael Wiafe.

⁵ <https://www.chronicle.com/article/Sexual-Assault-Investigations/248305>

⁶ <https://www.healio.com/pediatrics/school-health/news/online/%7B2274659e-f0f1-4ae7-88e3-bd4ea062a8a0%7D/cyberbullying-may-increase-during-covid-19-pandemic-expert-says>

⁷ <https://www2.ed.gov/about/offices/list/ocr/docs/background-summary-proposed-title-ix-regulation.pdf>