



every form of sexual violence and sexual harassment (SVSH) than are men, and transgender participants are more likely than women or men to report experiencing most forms of SVSH, most notably sexual assault.”³ 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. However, due to the underreporting of sexual assault,⁴ the actual rates are likely even higher.

Students who experience sexual harassment and/or violence not only suffer physically and emotionally, but are also denied an equitable access to education, as required by law, when schools do not appropriately respond to these incidents. One of the many harmful results of campus harassment and assault is the “pushout” that often occurs when schools fail to take appropriate steps to respond to these incidents. An estimated 34% of student survivors drop out of college.⁵

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 or agency guidance regarding the processes that schools must have in place to respond to complaints of sexual harassment and assault and thereby ensure that students’ rights 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 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 requirements to ensure students are aware of the school’s processes and who they can report to;
- Transparent investigation processes to ensure a fair and equitable process for all involved;
- Required training of employees engaged in the complaint and investigation process.

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

Thank you for reviewing our organization’s position on this issue. Should you wish to communicate further with us, please email us at info@sbwpc.org or visit our website: www.sbwpc.org

Sincerely,

Luz Reyes-Martin, President SBWPC

CC: Jessica Stender, Equal Rights Advocates *Email:* jstender@equalrights.org
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³ 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

⁴ 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).

⁵ 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&>