

AMENDED IN SENATE JUNE 1, 2016  
AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1439**

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**Introduced by Senator Block**

February 19, 2016

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An act to amend Section 87607 of, and to add Sections 87604.5 and 89521 to, the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1439, as amended, Block. Postsecondary education: academic and administrative employees: disclosure of ~~allegations of~~ sexual harassment.

(1) Under existing law, the segments of postsecondary education in this state include the California State University and the California Community Colleges. Existing law authorizes the governing board of each community college district and the Trustees of the California State University to employ persons in academic and administrative positions in order to carry out the functions of their respective institutions. Existing law specifically requires community college district governing boards, among other things, to consider the evaluations of district contract employees before making a decision relating to the continued employment of those contract employees, as specified.

~~This bill would additionally require community college district governing boards, before making decisions relating to the continued employment of contract employees, to have knowledge of any allegations of workplace sexual harassment against those contract employees that resulted in final judicial or administrative decisions determining that the employee committed sexual harassment.~~

~~The~~

*This bill would require community college district governing boards and the Trustees of the California State University to require that an application for appointment to an academic or administrative position with that district or with the California State University, as appropriate, include a requirement that the applicant disclose any ~~allegations of workplace sexual harassment against him or her that resulted in a final judicial or administrative decision~~ decision, as defined, or final judicial decision, as defined, determining that the applicant committed sexual harassment.*

To the extent that these provisions would impose new requirements on community college district governing boards, this bill would constitute a state-mandated local program.

(2) 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 these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 87604.5 is added to the Education Code,  
2 to read:  
3 87604.5. (a) The governing board of a community college  
4 district shall require that an application for appointment to an  
5 academic or administrative position with that district include a  
6 requirement that the applicant disclose any ~~allegations of workplace~~  
7 ~~sexual harassment against him or her that resulted in a final~~  
8 ~~administrative decision or final judicial or administrative decision~~  
9 determining that the applicant committed sexual harassment.  
10 (b) For purposes of this section, the following definitions shall  
11 apply:  
12 (1) “Final administrative decision” means a final determination  
13 based on the investigative findings of a Title IX compliance  
14 coordinator, or other designated investigator, at a college or  
15 university on a complaint of sexual harassment.

1 (2) “*Final judicial decision*” means a final determination of a  
2 matter submitted to a court that is recorded in a judgment or order  
3 of that court.

4 ~~SEC. 2. Section 87607 of the Education Code is amended to~~  
5 ~~read:~~

6 ~~87607. Before making a decision relating to the continued~~  
7 ~~employment of a contract employee, the following requirements~~  
8 ~~shall be satisfied:~~

9 ~~(a) The employee has been evaluated in accordance with the~~  
10 ~~evaluation standards and procedures established in accordance~~  
11 ~~with Article 4 (commencing with Section 87660), a fact determined~~  
12 ~~solely by the governing board.~~

13 ~~(b) The governing board has received statements of the most~~  
14 ~~recent evaluations.~~

15 ~~(c) The governing board has received recommendations of the~~  
16 ~~superintendent of the district and, if the employee is employed at~~  
17 ~~a community college, the recommendations of the president of~~  
18 ~~that community college.~~

19 ~~(d) The governing board has knowledge of any allegations of~~  
20 ~~workplace sexual harassment against the employee that resulted~~  
21 ~~in a final judicial or administrative decision determining that the~~  
22 ~~employee committed sexual harassment.~~

23 ~~(e) The governing board has considered the statement of~~  
24 ~~evaluation and the recommendations in a lawful meeting of the~~  
25 ~~board.~~

26 ~~SEC. 3.~~

27 ~~SEC. 2. Section 89521 is added to the Education Code, to read:~~

28 ~~89521. (a) The trustees shall require that an application for~~  
29 ~~appointment to an academic or administrative position with the~~  
30 ~~California State University include a requirement that the applicant~~  
31 ~~disclose any allegations of workplace sexual harassment against~~  
32 ~~him or her that resulted in a final administrative decision or final~~  
33 ~~judicial or administrative decision determining that the applicant~~  
34 ~~committed sexual harassment.~~

35 ~~(b) For purposes of this section, the following definitions shall~~  
36 ~~apply:~~

37 ~~(1) “Final administrative decision” means a final determination~~  
38 ~~based on the investigative findings of a Title IX compliance~~  
39 ~~coordinator, or other designated investigator, at a college or~~  
40 ~~university on a complaint of sexual harassment.~~

1 (2) “*Final judicial decision*” means a final determination of a  
2 matter submitted to a court that is recorded in a judgment or order  
3 of that court.

4 ~~SEC. 4.~~

5 SEC. 3. If the Commission on State Mandates determines that  
6 this act contains costs mandated by the state, reimbursement to  
7 local agencies and school districts for those costs shall be made  
8 pursuant to Part 7 (commencing with Section 17500) of Division  
9 4 of Title 2 of the Government Code.