



# SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

*A Joint Powers Authority  
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## LEGAL UPDATE

October 7, 2015

**To: Superintendents/Presidents/Chancellors, Member Community  
College Districts**

**From: Steven P. Reiner, Assistant General Counsel**

**Mia N. Robertshaw, Assistant General Counsel**

**Subject: SB 186 – Sexual Assault and Sexual Exploitation  
Memo No. 13-2015(CC)**

Existing law governing California Community Colleges provides for the removal, suspension, and expulsion of a community college student for “good cause,” as defined by Education Code §76033. In September of 2015, Governor Brown signed Senate Bill 186 which goes into effect on January 1, 2016. The Bill adds “sexual assault” and “sexual exploitation” to the list of offenses that constitute “good cause” for student discipline under Education Code §76033. The Bill also authorizes the governing board of a community college to remove, suspend, or expel a student for sexual assault or sexual exploitation, regardless of the victim’s affiliation with the community college, even if the offense *is not* related to college activity or attendance.

Education Code §76033, as amended, defines sexual assault and sexual exploitation as follows:

(g) Sexual assault, defined as actual or attempted sexual contact with another person without that person’s consent, regardless of the victim’s affiliation with the community college, including, but not limited to, any of the following:

- (1) Intentional touching of another person’s intimate parts without that person’s consent or other intentional sexual contact with another person without that person’s consent.
- (2) Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s consent.
- (3) Rape, which includes penetration, no matter how slight, without the person’s consent, of either of the following:



(A) The vagina or anus of a person by any body part of another person or by an object.

(B) The mouth of a person by a sex organ of another person.

(h) Sexual exploitation, defined as a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, regardless of the victim's affiliation with the community college, including, but not limited to, any of the following:

(1) Prostituting another person.

(2) Recording images, including video or photograph, or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent.

(3) Distributing images, including video or photograph, or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure and objected to the disclosure.

(4) Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

Further, Education Code §76034 currently states that a community college is prohibited from removing, suspending, or expelling a student unless the conduct for which the student is disciplined is related to college activity or attendance.

Senate Bill 186 amends Education Code §76034 to provide an exception for conduct specifically related to sexual assault or sexual exploitation. The law authorizes the governing board of a community college to remove, suspend, or expel a student for sexual assault or sexual exploitation, regardless of the victim's affiliation with the community college, even if the offense is not related to college activity or attendance.

The purpose of the bill is to align community colleges with that of University of California and California State University campuses by providing community colleges with the means to hold a student accountable for sexual assault or sexual exploitation that the student commits while enrolled, whether the offense occurs on or off campus.

We recommend that community college districts amend their board policies and administrative procedures before this new law takes effect on January 1, 2016.

Please contact our office with questions regarding this Legal Update or any other legal matter.

*The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.*

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