

AMENDED IN ASSEMBLY APRIL 19, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 524**

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**Introduced by Assembly Member Rodriguez**

February 10, 2021

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An act to add Chapter 5.2 (commencing with Section 66310) to Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 524, as amended, Rodriguez. Postsecondary education: ~~Campus-Affiliated~~ *Campus-Recognized* Sorority and Fraternity Transparency Act.

Existing law establishes the University of California, the California State University, the California Community Colleges, independent institutions of higher education, and private postsecondary educational institutions as the segments of postsecondary education in this state. Existing law requests the Trustees of the California State University, the Regents of the University of California, and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying to be included within the rules and regulations governing student behavior.

This bill would establish the ~~Campus-Affiliated~~ *Campus-Recognized* Sorority and Fraternity Transparency Act, which would require each institution of higher education to include in the institution's requirements for campus recognition of a ~~campus-affiliated~~ *campus-recognized* sorority or fraternity, as defined, a requirement that the institution collect from the sorority or fraternity on or before July 1, ~~2022~~, *2023*, and annually thereafter, specified ~~information~~, and a requirement that

information concerning the sorority’s or fraternity’s members and their conduct. The bill would require the institution to suspend the campus recognition of any *campus-recognized* sorority or fraternity that does not comply with the collection requirements. The bill would require each institution with sororities or fraternities to compile the collected information into a publicly accessible report posted, and archived, on each respective campus’ internet website *and sent through a campuswide email to all enrolled students* on or before August 1, ~~2022~~, 2023, and annually thereafter. To the extent this bill would impose 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.

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. Chapter 5.2 (commencing with Section 66310)  
2 is added to Part 40 of Division 5 of Title 3 of the Education Code,  
3 to read:

4  
5 CHAPTER 5.2. ~~CAMPUS-AFFILIATED~~ *CAMPUS-RECOGNIZED*  
6 SORORITY AND FRATERNITY TRANSPARENCY ACT  
7

8 66310. This chapter shall be known, and may be cited, as the  
9 ~~Campus-Affiliated~~ *Campus-Recognized* Sorority and Fraternity  
10 Transparency Act.

11 66312. (a) As used in this chapter, the following definitions  
12 apply:

13 (1) “Academic year” has the same meaning as in Section  
14 69432.7.

15 (2) (A) ~~“Campus-affiliated”~~ *“Campus-recognized* sorority or  
16 *fraternity”* ~~or “organization”~~ means a sorority or fraternity  
17 ~~recognized as an affiliated sorority or fraternity of the institution~~

1 ~~by the official authorizing body that has officially met the formal~~  
2 ~~chartering and recognition requirements at the institution where~~  
3 ~~it operates.~~

4 (B) As used in this chapter, this definition does not include a  
5 collegiate honor society.

6 (3) “Chapter house” means any residence located on or off  
7 campus that is owned by the institution of higher education but  
8 occupied by a campus-recognized sorority or fraternity, or any  
9 residence located on or off campus that is owned and occupied by  
10 the campus-recognized sorority or fraternity.

11 ~~(3)~~

12 (4) “Clery Act” means the federal Jeanne Clery Disclosure of  
13 Campus Security Policy and Campus Crime Statistics Act (20  
14 U.S.C. Sec. ~~1092(f)~~; 1092(f), as it read on January 1, 2021).

15 ~~(4)~~

16 (5) “Institution of higher education” or “institution” means a  
17 campus of the California Community Colleges, the California State  
18 University, or the University of California, a private postsecondary  
19 educational institution, or an independent institution of higher  
20 education.

21 ~~(5)~~

22 (6) “Misconduct” means any conduct in violation of institutional  
23 policies reportable under ~~the Clery Act~~; 20 U.S.C. Sec.  
24 1092(f)(1)(F)(II) and (IX), as it read on January 1, 2021, or hazing  
25 as defined in subdivision (b) of Section 245.6 of the Penal Code.

26 ~~(6)~~

27 (7) “Sexual assault” has the same meaning as under the Clery  
28 Act (20 U.S.C. Sec. 1092(f)(6)(A)(v), as it read on January 1,  
29 2021).

30 (b) Notwithstanding Section 67400, each institution of higher  
31 education shall include in the institution’s requirements for campus  
32 recognition of each ~~campus-affiliated~~ campus-recognized sorority  
33 or fraternity, both of the following requirements:

34 (1) (A) A requirement that the institution shall collect from the  
35 ~~organization~~ campus-recognized sorority or fraternity on or before  
36 July 1, ~~2022~~, 2023, and annually thereafter, all of the following:

37 (i) The number of active members in the ~~organization~~.  
38 campus-recognized sorority or fraternity.

39 (ii) The number of new members added to the ~~organization~~.  
40 campus-recognized sorority or fraternity.

- 1 (iii) The average grade point average of the membership of the
- 2 ~~organization: campus-recognized sorority or fraternity.~~
- 3 (iv) The total amount of money earned through fundraising by
- 4 ~~the organization: campus-recognized sorority or fraternity.~~
- 5 ~~(v) Any outcomes of allegations of misconduct by the~~
- 6 ~~organization or any member of the organization.~~
- 7 ~~(vi)~~
- 8 ~~(v) The organization's campus-recognized sorority's or~~
- 9 ~~fraternity's current recognition status by the campus.~~
- 10 ~~(vii)~~
- 11 (vi) The current conduct status of the ~~organization,~~
- 12 *campus-recognized sorority or fraternity*, as determined by the
- 13 institution.
- 14 ~~(viii) The number of citations, or disciplinary actions taken,~~
- 15 ~~relating to sexual assault by a member of the organization.~~
- 16 (vii) *Addresses of all chapter houses affiliated with the*
- 17 *campus-recognized sorority or fraternity.*
- 18 ~~(ix)~~
- 19 (viii) Any additional information the institution may require.
- 20 (B) Unless otherwise specified, the information collected
- 21 pursuant to subparagraph (A) shall be for the academic year
- 22 immediately preceding the reporting deadline.
- 23 (2) A requirement that any ~~organization~~ *campus-recognized*
- 24 *sorority or fraternity* that does not comply with the institution's
- 25 collection of information pursuant to paragraph (1) be suspended
- 26 from campus recognition.
- 27 (c) *A sorority or fraternity that satisfies both of the following*
- 28 *is encouraged to comply with the reporting requirements of*
- 29 *subdivision (b):*
- 30 (1) *The sorority or fraternity has more than 50 percent of its*
- 31 *members enrolled at the institution of higher education.*
- 32 (2) *The sorority or fraternity is not recognized as an affiliated*
- 33 *sorority or fraternity of the institution by the official authorizing*
- 34 *body of that institution.*
- 35 (d) *A philanthropic student organization that has more than 50*
- 36 *percent of its members enrolled at the institution who are current*
- 37 *and former members of a campus-recognized sorority or fraternity*
- 38 *that was suspended within the previous four years is encouraged*
- 39 *to comply with the reporting requirements of subdivision (b).*
- 40 (e)

1 (e) (1) The institution shall compile the information collected  
2 pursuant to ~~subdivision (b)~~ *subdivisions (b) to (d), inclusive*, into  
3 a publicly accessible report published on each respective campus'  
4 internet website *and sent through a campuswide email to all*  
5 *enrolled students on or before August 1, 2022, 2023, and annually*  
6 *thereafter. The report shall include a list of available mental health*  
7 *resources and the residence addresses of all campus-recognized*  
8 *sorority and fraternity chapter houses. Each annual report shall*  
9 *be archived and remain available on the campus internet website.*

10 (2) An institution that does not have any ~~organization, as defined~~  
11 ~~in paragraph (2) of subdivision (a)~~, *campus-recognized sorority*  
12 *or fraternity* shall be exempt from the reporting requirement of  
13 this subdivision.

14 (3) ~~The report shall not include any personally identifiable~~  
15 ~~information and shall comply with all applicable state and federal~~  
16 ~~privacy laws, including, but not limited to, the federal Family~~  
17 ~~Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g).~~

18 (d) ~~On or before July 1, 2022, and annually thereafter, a~~  
19 ~~fraternity or sorority chapter that is unaffiliated with the institution~~  
20 ~~and has at least a majority of its membership made up of students~~  
21 ~~enrolled at the institution is encouraged to provide information~~  
22 ~~described in subdivision (b) to the institution.~~

23 (e) ~~The Legislature finds and declares that the Clery Act, as it~~  
24 ~~read on January 1, 2021, requires the institution to collect the~~  
25 ~~information described in subdivision (b).~~

26 (3) *The institution of higher education shall include in the*  
27 *annual report both of the following for each campus-recognized*  
28 *sorority and fraternity, participating sorority or fraternity*  
29 *described in subdivision (c), and participating philanthropic*  
30 *student organization described in subdivision (d) for the academic*  
31 *year immediately preceding the reporting deadline:*

32 (A) *The number of citations, or disciplinary actions taken,*  
33 *relating to sexual assault by a member of the sorority, fraternity,*  
34 *or philanthropic student organization.*

35 (B) *The addresses and names of the sororities, fraternities, and*  
36 *philanthropic student organizations where misconduct occurred.*

37 (4) *A report required pursuant to this subdivision shall not*  
38 *include any personally identifiable information for any individual.*

39 SEC. 2. If the Commission on State Mandates determines that  
40 this act contains costs mandated by the state, reimbursement to

- 1 local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.

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