

**Senate Bill No. 967**  
**Affirmative Consent Education and Service Standards for University Campuses**

*(Also referred to as "Yes Means Yes")*

Approved by CA Governor Jerry Brown

September 28, 2014

Summary

Legislation to define affirmative consent and provide universities who receive state funds with written procedure and protocol for campus sexual assault intervention, as well as education.

Proposal

Institutions would:

1. Adopt policies on sexual assault, domestic violence, dating violence, and stalking to include:
  - a. An "affirmative consent" standard for all parties involved.
    - i. **Consent**- Affirmative, conscious, and voluntary agreement to engage in sexual activity. *(A "Yes" response)*
      1. Lack of protest or resistance, as well as silence, do NOT mean consent.
      2. Consent must be ongoing throughout a sexual activity and can be revoked at any time.
      3. The existence of a dating relationship between persons involved, past or present, should never by itself be assumed consent.
  - b. In disciplinary processes, intoxication or recklessness, not taking reasonable steps to ascertain affirmative consent, asleep or unconscious complainant, and/or mental or physical incapacitation are NOT valid reasons for lack of affirmative consent.
  - c. Policies will be victim-centered with best practices, including:
    - i. Protection of privacy and confidentiality, equal response to stranger and non-stranger sexual assault, interview protocols and reporting procedures, access to on- and off-campus resources, law enforcement coordination, victim advocate participation, trauma-informed training programs for campus officials, and appropriate disciplinary action.
2. Enter into memorandums of understanding (MOU) or collaborative partnerships with community-based organizations for service referrals.
  - a. Services include counseling, health, mental health, victim advocacy, and legal assistance.
3. Implement comprehensive prevention programs.
  - a. Programs should include a range of strategies, including empowerment, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.
  - b. Make students aware of institution's policies.
4. Include outreach programming in EVERY incoming student's orientation.

Commentary

- CA is the 1<sup>st</sup> state to pass a law that makes affirmative consent central to university campus sexual assault policies.
- It is estimated that for every 1,000 women attending a college or university, there are 35 incidents of rape each academic year. (National Sexual Violence Resource Center)

*"This definition of consent gets rid of that atmosphere of silence or shame when you are generally asked what you could have done to prevent your assault."* –Savannah Badalich, UCLA student and survivor

*"The state of CA will not allow schools to sweep rape cases under the rug. We've shifted the conversation regarding sexual assault to one of prevention, justice, and healing."* – Senator Kevin de Leon, Sponsoring CA State Senator