

- 1.1 Senator moves to amend S.F. No. 1035 as follows:
- 1.2 Page 3, lines 1 and 30, before "institution" insert "postsecondary"
- 1.3 Page 3, line 4, before "institution" insert "postsecondary"
- 1.4 Page 3, line 6, delete "either or both" and insert "any or all"
- 1.5 Page 3, line 7, delete "and"
- 1.6 Page 3, line 8, delete everything after the second "the" and insert "parties, alternative
- 1.7 resolution options; and"
- 1.8 Page 3, after line 8, insert:
- 1.9 "(3) academic or residential supportive measures, as requested by the victim."
- 1.10 Page 3, line 16, after "allegations" insert "with sufficient details related to the allegations,
- 1.11 including the alleged misconduct"
- 1.12 Page 3, line 17, after the first "and" insert "to the extent possible,"
- 1.13 Page 3, line 19, before "institution" insert "postsecondary" and delete "publish" and
- 1.14 insert "provide"
- 1.15 Page 3, after line 21, insert:
- 1.16 "(d) A postsecondary institution must offer and coordinate, as needed, academic and
- 1.17 residential supportive measures equitably to both reporting and responding parties
- 1.18 participating in a campus sexual misconduct grievance process. Supportive measures must
- 1.19 be determined on a case-by-case basis and may include, but are not limited to, exam or
- 1.20 assignment extensions, excused class absence, change in on-campus residence, or schedule
- 1.21 changes.
- 1.22 (e) A postsecondary institution must allow the reporting and responding parties to present
- 1.23 and review relevant testimony by parties and witnesses, and relevant evidence compiled in
- 1.24 an investigative report."
- 1.25 Reletter the paragraphs in sequence
- 1.26 Page 3, line 22, delete "paragraph" and insert "section"
- 1.27 Page 3, line 27, after the third comma, insert "investigative,"
- 1.28 Page 4, lines 1, 17, and 24, before "institution" insert "postsecondary"
- 1.29 Page 4, line 3, after "witnesses" insert "through written remarks or by cross-examination
- 1.30 if a postsecondary institution conducts a live hearing"

2.1 Page 4, line 6, delete everything after "to"

2.2 Page 4, line 9, before "provide" insert "if a postsecondary institution conducts a hearing,"
2.3 and after the second "the" insert "equal"

2.4 Page 4, line 14, delete "victim" and insert "reporting party" and after "investigation"
2.5 insert ", except that a postsecondary institution may temporarily delay a campus proceeding
2.6 if requested by law enforcement and if the campus proceeding may impede a criminal
2.7 investigation"

2.8 Page 4, line 20, delete "a neutral third party" and insert "an advisor"

2.9 Page 4, delete lines 22 and 23 and insert:

2.10 "(4) information related to character, including character witnesses, questions or evidence
2.11 about the sexual behavior or sexual preferences of the reporting party, or mental health
2.12 records, must not be considered, except:

2.13 (i) information related to the sexual behavior of the reporting party may be considered
2.14 if it substantiates that the misconduct may have occurred, and is deemed relevant by the
2.15 decision maker;

2.16 (ii) mental health and medical information of the reporting party may be considered if
2.17 a release is signed by the reporting party and nonrelevant information is redacted;

2.18 (iii) if a responding party is found responsible, a postsecondary institution may consider
2.19 medical and mental health information to determine sanctions; and

2.20 (iv) questions and evidence regarding the sexual preferences or past sexual behavior of
2.21 the reporting party may be considered if such evidence is offered to prove that someone
2.22 other than the responding party committed the conduct alleged by the reporting party, or
2.23 the evidence concerns specific incidents of the reporting party's prior sexual behavior with
2.24 respect to the responding party and is offered to prove consent;"

2.25 Page 4, line 25, delete everything after "(i)" and insert "inform parties no later than 24
2.26 hours before a decision is rendered, and provide the timeline of the outcome's release;"

2.27 Page 4, delete line 26

2.28 Page 4, line 27, delete everything after "(ii)" and insert "offer community mental health
2.29 resources and if applicable on-campus resources with the notice of outcome equitably to
2.30 parties; and"

3.1 Page 4, line 28, delete everything after "(iii)" and insert "not deliver the decision to the
3.2 parties at the end of the day or during a weekend or holiday to ensure parties have the
3.3 opportunity to arrange supportive services;"

3.4 Page 5, line 1, delete "retaliation" and insert "a postsecondary institution must have a
3.5 policy on retaliation, including what constitutes retaliation and possible actions for students
3.6 and employees if retaliation is found to have occurred"