

1 [Administrative Code - Establishing Safer Schools Sexual Assault Task Force]

2

3 **Ordinance amending the Administrative Code to establish the Safer Schools Sexual**
4 **Assault Task Force to advise the Board of Supervisors regarding proposed policies to**
5 **reduce sexual assault at educational institutions; and setting forth the membership and**
6 **duties of the Task Force.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in ~~italics Times New Roman font~~.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 The Administrative Code is hereby amended by adding Chapter 5, Article X, Sections
16 5.10-1 through 5.10-7, to read as follows:

17 **ARTICLE X:**

18 **SAFER SCHOOLS SEXUAL ASSAULT TASK FORCE**

19 Sec. 5.10-1. Creation of Task Force.

20 Sec. 5.10-2. Findings.

21 Sec. 5.10-3. Membership.

22 Sec. 5.10-4. Organization and Terms of Office.

23 Sec. 5.10-5. Duties.

24 Sec. 5.10-6. Meetings and Procedures.

25 Sec. 5.10-7. Sunset.

1 **SEC. 5.10-1. CREATION OF TASK FORCE.**

2 The Board of Supervisors hereby establishes the Safer Schools Sexual Assault Task Force (the
3 “Task Force”) of the City and County of San Francisco.

4
5 **SEC. 5.10-2. FINDINGS.**

6 (a) American women aged 18 to 24 are at the highest risk of sexual assault victimization
7 compared to women in all other age groups.

8 (b) In 2013 alone, colleges and universities reported over 5,000 forcible sex offenses to the
9 U.S. Department of Education. Forty-one percent of schools have not conducted a single investigation
10 of a sexual assault complaint in the last five years, and only 10 to 25% of students found responsible
11 for sexual assault were permanently expelled from campus. Approximately 80% of sexual assault
12 crimes against undergraduate women go unreported to the police. Only 16% of student survivors of
13 sexual assault received assistance from a victim services agency that provides aid in recovery,
14 guidance through the criminal justice system, and/or assistance in obtaining restitution. A chronic lack
15 of training of on-campus personnel hampers sexual assault investigations and disciplinary processes,
16 often creating conditions that result in retraumatization of survivors.

17 (c) There are more than 105,000 students in San Francisco, enrolled in the more than 20
18 local colleges and universities. The City and County of San Francisco has long been dedicated to a
19 survivor-centered approach in its anti-violence work, in which the survivor’s wishes, safety, and well-
20 being take priority in all procedures.

21 (d) The survivor-centered Campus Safety and Accountability Act (“CASA”) was introduced
22 on February 26, 2015, by a bipartisan coalition in the United States Senate, led by Senators Claire
23 McCaskill and Kirsten Gillibrand. CASA is a critical piece of public safety legislation intended to
24 curtail the epidemic of sexual violence on college and university campuses by protecting and
25 empowering students, strengthening accountability and transparency for schools, and establishing

1 penalties for noncompliance. Under CASA, colleges and universities would be required to designate
2 confidential advisors to serve as a resource for survivors of assault, and to coordinate support services
3 and accommodations for survivors, providing information about reporting options, and guidance or
4 assistance in reporting the crime to campus authorities and/or local law enforcement. CASA would
5 ensure that the confidential advisor, as well as all those responsible for investigating these crimes, and
6 all those participating in disciplinary proceedings, will receive specialized training so that they have a
7 firm understanding of the nature of these crimes and their effect on survivors. CASA would require
8 colleges and universities to enter into memoranda of understanding with local law enforcement
9 agencies to delineate responsibilities and share information so that when an assault occurs, both
10 campus authorities and local authorities can focus on solving the crime rather than debating
11 jurisdiction. In March 2015, the Board of Supervisors unanimously adopted and the Mayor signed
12 Resolution No. 80-15 expressing the City's support for CASA.

13 (e) In September 2014, the Governor signed into law California Senate Bill 967, commonly
14 known as the "Yes Means Yes" law, adding Section 67386 to the Education Code. The Yes Means Yes
15 law requires the governing boards of each community college district, the Trustees of the California
16 State University, the Regents of the University of California, and the governing boards of independent
17 postsecondary institutions, in order to receive state funds for student financial assistance, to adopt
18 policies concerning sexual assault, domestic violence, dating violence, and stalking that include certain
19 elements, including an affirmative consent standard in the determination of whether consent was given
20 by a complainant. The law also requires these governing boards, to the extent feasible, to enter into
21 memoranda of understanding or other agreements or collaborative partnerships with on-campus and
22 community-based organizations to refer students for assistance or make services available to students.
23 The law further requires the governing boards to implement comprehensive prevention and outreach
24 programs addressing sexual assault, domestic violence, dating violence, and stalking.

1 (f) The overarching purposes of CASA and the Yes Means Yes law are to reverse the cover-
2 up culture that exists on campuses by encouraging colleges and universities to prevent sexual assaults,
3 get rid of sexual predators, and educate students and university officials about the problem. These
4 laws should have a significant positive impact on the health and safety of the tens of thousands of
5 students who reside and study in San Francisco. But the benefits and impacts of CASA and Yes Means
6 Yes are only obtainable if these laws are fully implemented at the local level.

7
8 **SEC. 5.10-3. MEMBERSHIP.**

9 (a) The Task Force shall consist of ~~seven~~ ten members, appointed as follows:

10 (1) Seat 1 shall be held by a current or former employee, officer, or volunteer at a
11 rape crisis center in the Bay Area, with experience or expertise in prevention, education, outreach,
12 resources, and services for survivors of sexual assault, appointed by the Board of Supervisors.

13 (2) Seat 2 shall be held by a person with experience as a peer educator addressing
14 prevention, education, or outreach regarding sexual assault, appointed by the Board of Supervisors.

15 (3) Seat 3 shall be held by an advocate for survivors or witnesses of sexual assault,
16 with expertise or experience in criminal justice proceedings or resources and support services for
17 survivors of sexual assault, appointed by the Board of Supervisors.

18 (4) Seat 4 shall be held by a survivor of sexual assault or an employee or
19 representative from an organization that represents or counsels survivors, appointed by the Board of
20 Supervisors.

21 (5) Seat 5 shall be held by an employee, officer, or other representative of a local
22 college, university, or other institution of higher education in the City, with experience or expertise in
23 protocols, laws, and resources addressing sexual assault on campus, appointed by the Board of
24 Supervisors.

1 (6) Seat 6 shall be held by an employee, officer, or other representative of a
2 local college, university, or other institution of higher education in the City, with experience or
3 expertise in protocols, laws, and resources addressing sexual assault on campus, appointed
4 by the Board of Supervisors.

5 ~~(67)~~ Seat 67 shall be held by an employee of the District Attorney's Office, appointed
6 by the District Attorney.

7 ~~(78)~~ Seat 78 shall be held by an employee of the Police Department with experience
8 working in the Department's Special Victims Unit, appointed by the Chief of Police.

9 (9) Seat 9 shall be held by the Director of the Department on the Status of
10 Women or a designee appointed by the Director.

11 (10) Seat 10 shall be held by an employee of the Department of Public Health
12 with experience or expertise in the area of sexual assault, appointed by the Director of Health.

13 (b) If the District Attorney, or the Chief of Police, or the Director of Health does not
14 appoint a member to serve in Seat 6 or 7, 8, or 10, or if the Director of the Department on the
15 Status of Women declines to serve or appoint a designee to Seat 9, within 30 days following the
16 effective date of the ordinance in Board File Ordinance No. 150944, creating the Task Force, the
17 Board of Supervisors may appoint a member of the public to fill the seat for the life of the Task Force.

18
19 **SEC. 5.10-4. ORGANIZATION AND TERMS OF OFFICE.**

20 (a) Each member shall serve at the pleasure of the member's appointing authority, and
21 shall serve for the life of the Task Force unless removed by the appointing authority.

22 (b) If a vacancy occurs in any seat on the Task Force, the appointing authority for the
23 vacated seat shall appoint a successor to that seat.

1 (c) Members of the Task Force shall receive no compensation, except that the members in
2 seats 6 and 7, 8, 9, and 10 may receive their regular salaries for time spent on the Task Force if they
3 are serving in an official capacity as representatives of their departments.

4 (d) Any member who misses three regular meetings of the Task Force without the express
5 approval of the Task Force at or before each missed meeting shall be deemed to have resigned from the
6 Task Force ten days after the third unapproved absence. The Task Force shall inform the appointing
7 authority of the resignation, and for resignations in Seats 1 through 6~~5~~, the Task Force shall also
8 inform the Clerk of the Board.

9 (e) The Department on the Status of Women shall provide clerical and administrative
10 support and staffing for the Task Force.

11
12 **SEC. 5.10-5. DUTIES.**

13 (a) No later than ~~six~~ 12 months after the inaugural meeting of the Task Force, the Task
14 Force shall submit to the Board of Supervisors a written report analyzing relevant State and federal
15 laws regarding on-campus sexual assault, recommending best practices for colleges and universities in
16 the City to reduce sexual assault, and recommending any steps that the City could take, including
17 changes in law or policy, to assist those institutions toward that goal.

18 (b) All City departments, commissions, boards, and agencies shall cooperate with the Task
19 Force in conducting its business.

20
21 **SEC. 5.10-6. MEETINGS AND PROCEDURES.**

22 (a) The Task Force shall hold its inaugural meeting not more than 30 days after a quorum of
23 the Task Force, defined as a majority of seats, has been appointed. There shall be at least ten days'
24 notice of the inaugural meeting. Following the inaugural meeting, the Task Force shall hold a regular
25 meeting not less than once every month until the sunset date set forth in Section 5.10-7.

1 **(b) The Task Force shall elect its own officers and may establish rules for its own organization**
2 **and procedures.**


3
4 **SEC. 5.10-7. SUNSET.**

5 **Unless extended by ordinance, this Article X shall expire by operation of law, and the Task**
6 **Force shall terminate, ~~six~~12 months after the Task Force's inaugural meeting. After the expiration of**
7 **the Task Force, the City Attorney shall cause this Article to be removed from the Administrative Code.**
8

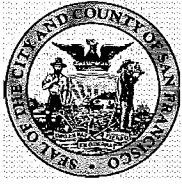
9 Section 2. Effective Date. This ordinance shall become effective 30 days after
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
12 of Supervisors overrides the Mayor's veto of the ordinance.

13
14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By:


17 JON GIVNER
18 Deputy City Attorney

19 n:\legana\as2015\1500364\01056203.doc
20
21
22
23
24
25



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 150944

Date Passed: May 17, 2016

Ordinance amending the Administrative Code to establish the Safer Schools Sexual Assault Task Force to advise the Board of Supervisors regarding proposed policies to reduce sexual assault at educational institutions; and setting forth the membership and duties of the Task Force.

April 28, 2016 Rules Committee - AMENDED

April 28, 2016 Rules Committee - RECOMMENDED AS AMENDED

May 10, 2016 Board of Supervisors - PASSED, ON FIRST READING


Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

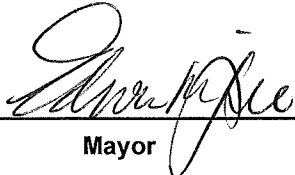
May 17, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 150944

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
5/17/2016 by the Board of Supervisors of
the City and County of San Francisco.


for Angela Calvillo
Clerk of the Board


Mayor

5/27/16
Date Approved