Beat: Business

California governor signs `affirmative consent` bill into law

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USPA News - California Governor Jerry Brown has signed into law a bill which requires students at state-funded campuses to have "affirmative" consent before engaging in any type of sexual activity, his office said Sunday, but opponents have criticized the law and have pointed out that consent can be non-verbal. Senate Bill (SB 967), authored by Democratic State Senator Kevin de LeÃƒ³n, requires students at state-funded campuses to ensure that he or she "has the affirmative consent" of the other or others to engage in sexual activity.

"Lack of protest or resistance does not mean consent, nor does silence mean consent," the bill`s text said. The new law adds that the existence of a romantic relationship between the persons involved, or the fact of past sexual relations between them, does not serve as an indicator of consent. "Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time," it explained. A legislative update from Brown`s office late on Sunday said the governor had signed the bill into law after it passed the State Assembly on August 25 and the State Senate on August 28 in a unanimous 36-0 vote. Supporters of the bill argue that the new law is aimed to reduce sexual assaults on campus by forcing schools to address the issue more seriously and requiring clear consent. "In order to receive state funds for student financial assistance, the governing board of each [institution] shall adopt detailed and victim-centered policies and protocols regarding sexual assault, domestic violence, dating violence, and stalking," the bill adds. Among other requirements, the bill specifies that state-funded campuses must provide information in writing to accusers of sexual assault, conduct preliminary and comprehensive follow-up interviews, provide written notification to the accuser about the availability of on- and off-campus resources, involve victim advocates, and provide a training program for campus officials. It also requires that accusers are not punished for misbehavior at or near the time of the alleged assault. "Every student deserves a learning environment that is safe and healthy. With 1 in 5 women on college campuses experiencing sexual assault, it is high time the conversation regarding sexual assault be shifted to one of prevention, justice, and healing," de Leon said last month, citing a 2007 Campus Sexual Assault (CSA) Study that included attempted forced kissing and unwanted rubbing in its definition of sexual assault. Opponents such as the National Coalition For Men (NCFM) argue that SB 967 imposes "impossible legal standards" for sexual relations between consenting adult college students, which may include married couples. "[It] sullies spontaneous sexual relations both partners previously enjoyed without advanced agreement. There is no evidence that this bill will reduce sexual assault or harassment," NCFM`s Harry Crouch said earlier this year. NCFM Vice President Marc Angelucci criticized Sunday`s bill signing and highlighted the dangers of false accusations. "The new law erodes the due process rights of college students accused of sexual assault, allowing them to be kicked out of college on a bare accusation, a weak standard of proof, and a `hearing` by a few college administrators who are under pressure to believe the accuser," he said. Katie Hargrave, of the National Organization for Women (NOW), welcomed efforts to reduce sexual assaults on campus. "Too often, the responsibility of preventing sexual assault is placed on women," she said. "They are told not to dress `too provocatively` or drink `too much,` and, if they do, the assault is considered their own fault."

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