

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2023-2024 Regular Session**

AB 2047 (Mike Fong)  
Version: June 11, 2024  
Hearing Date: June 25, 2024  
Fiscal: Yes  
Urgency: No  
ME

**SUBJECT**

Public postsecondary education: discrimination prevention

**DIGEST**

This bill requires each California State University (CSU) campus and University of California (UC) campus to establish a Title IX office, under the administration of a Title IX coordinator, in a private space for students and employees to disclose reports and complaints of sex discrimination, including, but not limited to, sexual harassment, and specifies what the Title IX offices and coordinator must do. The bill provides that the Title IX coordinators shall have the authority and responsibility to implement a consistent campuswide response to complaints of sex discrimination, including, but not limited to, sexual harassment. The bill requires the CSU and UC to establish systemwide Offices of Civil Rights and designate a staff person as the systemwide civil rights officer and specifies their duties.

**EXECUTIVE SUMMARY**

In response to numerous reports of California public postsecondary educational institutions creating an environment that protects perpetrators of sexual harassment to the detriment of student and employee survivors, various legislators have introduced legislation to force public postsecondary educational institutions to create an environment that better protects students and employees from being victimized by sexual harassment. AB 2047 is one of the bills designed to create a safer environment in California's CSU and UC campuses.

The provisions in this bill arise from recommendations for legislation described in a 2024 Assembly Higher Education Committee report.<sup>1</sup> This bill requires each CSU campus and UC campus to establish a Title IX office, under the administration of a Title

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<sup>1</sup> See systemwide recommendation 1 on pages 25-26 and campus recommendations 1 and 2 on pages 26 in the Assembly Higher Education Committee report entitled *A Call to Action: How Postsecondary Education Institutions Can Address Sex Discrimination and Provide Educational Justice on Campus* (2024), available at [https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024\\_0.pdf](https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024_0.pdf) [as of June 9, 2024]

IX coordinator, in a private space for students and employees to disclose reports and complaints of sex discrimination and specifies what the Title IX offices must do. The bill provides that the Title IX coordinators shall have the authority and responsibility to implement a consistent campuswide response to complaints of sex discrimination. The bill also requires the CSU and UC to establish systemwide Offices of Civil Rights and designate a staff person as the systemwide civil rights officer and specifies their duties.

The bill is supported by the California State University, Cal State Student Association, California State University Employees Association, CleanEarth4Kids.org, Faculty Association of California Community Colleges, and Lieutenant Governor Eleni Kounalakis. The bill is opposed by Stop Abuse for Everyone, an organization that opposes most of the bill package that seek to implement recommendations from the Assembly Higher Education Committee report. AB 2024 passed the Senate Education Committee with a vote of 7 to 0.

### **PROPOSED CHANGES TO THE LAW**

Existing federal law:

- 1) Provides that, in part, "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." Enforcement of compliance is initiated upon the filing of a complaint alleging a violation of Title IX. (Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act)
- 2) Requires each school district and county office of education, or a local public or private agency that receives funding from the state or federal government, to designate a person to serve as the Title IX compliance coordinator to enforce compliance at the local level, including coordinating any complaints of non-compliance. (Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act)

Existing state law:

- 1) Provides that no person participating in any program or activity conducted by any postsecondary education institution, that receives state financial assistance or enrolls students who receive state financial aid, is to be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any characteristic listed or defined in Government Code section 11135 or any other characteristic that is contained in the prohibition of hate crimes defined in Penal Code Section 422.6 (a), including immigration status. (Educ. Code § 66270.)

- 2) that no person participating in any program or activity, that is conducted, operated, or administered by the state or state agency that is funded directly by the state or receives any financial assistance from the state, will not be subjected to discrimination nor denied full or equal access to benefits, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation and clarifies that this section applies to the CSU. (Gov. Code § 11135.)

This bill:

- 1) Requires each CSU campus to establish, and each UC campus to designate, a Title IX office, as provided.
- 2) Requires each Title IX office to be under the administration of a Title IX coordinator who is responsible for coordinating the campus' implementation of and compliance with systemwide nondiscrimination policies, as specified.
- 3) Requires each Title IX office, among other things, to ensure, or oversee and ensure, timely and effective responses to reports and formal complaints of sex discrimination, and to provide a process, or oversee the process, of adjudicating and resolving complaints of sex discrimination, as provided.
- 4) Requires the CSU to establish, and the UC to designate, on or before July 1, 2026, a systemwide Office of Civil Rights to be led by a systemwide civil rights officer, as specified.
- 5) Requires the CSU systemwide Office of Civil Rights to establish, and the UC to identify and maintain, a systemwide nondiscrimination policy, and to develop and implement a grievance procedure for sex discrimination complaints in which the respondent is a systemwide employee, a member of the systemwide governing body, or other specified person, as provided.
- 6) Requires each systemwide Office of Civil Rights to, among other things, provide or oversee specified education and training, establish best practices guidance on sex discrimination prevention and complaint adjudication, and conduct compliance reviews, as specified.

## COMMENTS

### 1. Stated need for the bill

According to the author:

California has long been heralded as a state for equity and inclusion; however the methods in place to monitor and address sex discrimination on our collegiate campuses are archaic when compared to other states. AB 2047 seeks to build upon identified best practices by requiring the CSU and UC to each have a systemwide Civil Rights office. The measure is part of a larger bill package that seeks to provide a system of support and accountability by which each campus is enabled to fulfill their duty of providing educational programs free from sexual harassment and sex discrimination. AB 2047 will also require the CSU and the UC to establish Title IX offices on each campus to help adjudicate cases of harassment. This bill will help to rebuild the trust gap between the campus and its community.

### 2. Senate Education Committee and Assembly Higher Education Committee hosted fact finding briefings that resulted in a report<sup>2</sup> prepared by the Assembly Higher Education Committee with various legislative proposals to prevent and address discrimination on college and university campuses in California

According to the Senate Education Committee, staff from the Assembly Higher Education Committee and their Committee hosted fact-finding briefings with representatives from the CCCs, CSUs, UCs and independent colleges and universities in California. Their goal was to understand how higher education institutions are preventing and addressing sexual discrimination on campuses. The Assembly Higher Education Committee released a report this year that highlights shortcomings with existing law and recommends proposals to prevent and address discrimination on California's higher education campuses.

The 2024 Assembly Higher Education Committee report, *A Call to Action: How Postsecondary Education Institutions Can Address Sex Discrimination and Provide Educational Justice on Campus*, page 2, explains:

Title IX goes beyond ensuring women have access to sports and academic majors; it requires all higher education institutions to provide educational programs free from sex discrimination. The prevention of sex discrimination is more than simply having a policy on how to address complaints. Prevention is creating a campus culture that addresses the root cause of sex discrimination

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<sup>2</sup> A Call to Action: How Postsecondary Education Institutions Can Address Sex Discrimination and Provide Educational Justice on Campus; The California Assembly Committee on Higher Education (2024), available at [https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024\\_0.pdf](https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024_0.pdf)

before it becomes a complaint. The prevention of sex discrimination includes training where bystanders are empowered to intervene, a campus where students, faculty, and staff are encouraged to report incidents, and a culture, where those reports are met with support for all parties involved. Policies are necessary to address sex discrimination when it occurs, but those policies should be trauma-informed and focused on imposing accountability rather than retribution when conduct is found to have violated the campuses' policies or the law.

As further explained on page 2 of the report, sex discrimination “means sexual assault, sexual harassment, stalking, domestic violence, and dating violence...The prevention of sex discrimination on college and university campuses in California is outlined in three main sets of policies: Federal (Title IX), State (Sex Equity in Higher Education act and related sections of the Education Code), and the higher education institution’s policies.”

The Senate Education Committee analysis of SB 1491 (Eggman, 2024) explains the genesis of the report:

Throughout 2023, staff from the Assembly Higher Education Committee and [the Senate Education Committee] hosted fact-finding briefings with representatives from the CCC, CSU, UC and various California Independent Colleges and Universities to understand how higher education institutions are preventing and addressing sexual discrimination on campuses. The Assembly Higher Education Committee released a report that provides a synopsis of the information gleaned from the briefings and a compilation of legislative proposals for how the State can partner with higher education institutions to prevent and address discrimination in all its forms on college and university campuses throughout California.

The 2024 Assembly Higher Education Committee report, *A Call to Action: How Postsecondary Education Institutions Can Address Sex Discrimination and Provide Educational Justice on Campus*, relates to this bill. As described in the report on pages 13 to 14:

Federal Title IX regulations require every recipient of federal funding to have a Title IX coordinator. The number of staff assigned to a Title IX office varies by campus and by segment. Training provided to the Committee Staff by Institutional Compliance Solutions, LLC, suggested “Title IX, at the end of the day they still had my abuser living in the same dormitory as me. They really ended up doing nothing for my safety except for offering me a no contact order” - Quote from a UC Santa Cruz undergraduate student provided by the Survivors + Allies survey that each campus-based Title IX office should at the bare minimum have: a Title IX coordinator, an investigator, and an informal resolution officer. Furthermore, each campus should have an identified hearing officer, who is independent of the Title IX office, who is trained in the grievance procedures and State/Federal law regarding the adjudication of sex

discrimination complaints. Standards of best practice suggest the hearing officer not be a member of the Title IX office to prevent a claim of collusion between the office and the impartial hearing officer when a finding is determined after a hearing.

To determine the number of staff required to operate a sufficient Title IX office, Committee Staff reviewed multiple sources including the U.S. Department of Justice Civil Rights Division's Resolution Agreement between the United States of America and San José State University (U.S. Department of Justice, 2021). On page 7 of the agreement, the U.S. Justice Department asks the campus to sufficiently fund the Title IX office to maintain qualified Title IX personnel including a Title IX coordinator, a deputy Title IX coordinator, a minimum of two Title IX investigators, and one administrative assistant. [ . . . ] The other requirement in the resolution was for the Title IX office to be centrally-located, physically on-campus in a location that provides a private space for students and employees to meet with the Title IX office staff. [ . . . ]

The report concluded with recommendations to address the issues raised above. AB 2047 is modeled after systemwide recommendation 1 and campus recommendations 1 and 2.

Systemwide recommendation 1 is as follows on page 25 of the report:

Each system should have a Systemwide Office of Civil Rights. The office is independent from the systemwide office and reports directly to the systemwide governing board. The office should have a systemwide Title IX coordinator and deputy coordinator. The office is tasked with the following:

- 1) Adopting one nondiscrimination policy for the entire system (including the CCC). The policy will include procedures for the adjudication of Federal Title IX complaints and complaints that align with the California Sex Equity in Education Act;
- 2) Adjudicating complaints against a campus president/chancellor/chief executive officer OR complaints filed against staff within the systemwide office, including those against the Systemwide chancellor (CCC and CSU) or president (UC);
- 3) Provides training for campus-based (CSU and UC) or district-based (CCC) Title IX offices;
- 4) Provides best practice guidance for the prevention of sex discrimination and the adjudication of complaints of sex discrimination;
- 5) Interacts with data provided by campuses (or districts CCC) to aid in the prevention of sex discrimination;
- 6) Develop and execute a comprehensive prevention education strategy that incorporates bystander prevention training, policy awareness

training, and assault prevention training. The educational prevention strategy should adopt an approach of intersectionality that calls for a pursuit of culturally relevant programs and practices that name and meaningfully consider how students of various identities (such as race, gender identity, class, sexual orientation, and ability) interact with each other. The training should contain feedback loops to ascertain whether the training is having the intended effect;

7) The systemwide office will act as an appeal office for all sex discrimination cases that occur on campuses within the system;

8) Meets with all campus-based or district-based Title IX offices every three months to assess their compliance with state and federal law;

9) Developing a campus climate survey (in the case of the CCC a district-based climate survey) to be instituted every three years to provide a feedback loop as to how the campus community perceives the institution's policies for the prevention of sex discrimination; and,

10) Provides an annual presentation on the state of the system to comply with sex discrimination laws and offer recommendations for improvement to the Systemwide Governing Board each year.

Campus Recommendation 1 and 2 on page 26 of the report:

Recommendation 1 – Each campus of the CSU and UC should have a Title IX office that is centrally located and ensures the privacy of complainants and respondents. The office shall have at a minimum a Title IX coordinator, Title IX deputy coordinator, case manager, investigator, prevention education coordinator, and an administrative assistant. [ . . . ]

Recommendation 2 – Each year the campus-based Title IX office and district-based Title IX office will provide a report to either the president (CSU), chancellor (UC), or local governing board (CCC) regarding the staffing capacity of the offices and whether additional personnel are warranted to meet the demands placed on the offices. The staffing evaluations shall be included in the annual report provided to the CCC local governing board and the CSU and UC systemwide governing board. [ . . . ]

This bill implements the above recommendations by requiring each CSU campus and UC campus to establish a Title IX office, under the administration of a Title IX coordinator, in a private space for students and employees to disclose reports and complaints of sex discrimination, including, but not limited to, sexual harassment, and specifies what the Title IX offices must do. Additionally the bill provides that the Title IX coordinators shall have the authority and responsibility to implement a consistent campuswide response to complaints of sex discrimination, including, but not limited to, sexual harassment. As suggested in the report, the bill also requires the CSU and UC to establish systemwide Offices of Civil Rights and designate a staff person as the systemwide civil rights officer and specifies their duties.

3. Support

California State University writes the following in support of AB 2047:

While the CSU system has recently created an Office for Civil Rights Programming and Services and already maintains a Title IX office on each of our twenty-three universities, this bill codifies the responsibilities of these offices and those who lead them. AB 2047 lays out the duties of campus Title IX Coordinators to maintain a detailed case management system, lead prevention and outreach programming and annual trainings for students, faculty, and staff, and ensure a timely and effective response to complaints and reports of sex discrimination. This bill also lays out the duties of the systemwide civil rights officer who will be charged with ensuring campus compliance with institutional policies and state and federal laws.

Cal State Student Association writes the following in support of AB 2047:

It is evident that substantial action is needed to rectify these shortcomings. AB 2047, aligning with key recommendations from the Call to Action Report, signifies a vital step forward in this endeavor.

AB 2047 mandates the establishment of a systemwide Office of Civil Rights and the appointment of a systemwide Title IX coordinator. These measures ensure that each campus has dedicated resources and personnel responsible for upholding nondiscrimination policies and complying with federal and state laws regarding sex discrimination.

Furthermore, the bill emphasizes the importance of developing comprehensive prevention education and training programs for students, faculty, and staff. By incorporating bystander prevention, policy awareness, and assault prevention training, these programs empower our communities to effectively recognize and address instances of sex discrimination.

Additionally, the requirement for regionally based hearing officers, trained in both systemwide nondiscrimination policy and Title IX regulations, enhances the fairness and impartiality of adjudication processes for complaints of sex discrimination.

We also appreciate the transparency and accountability measures included in the bill, such as quarterly evaluations of campus based Title IX coordinators and annual reporting requirements.



### **SUPPORT**

Cal State Student Association  
California State University  
California State University Employees Association  
CleanEarth4Kids.org  
Faculty Association of California Community Colleges  
Lieutenant Governor Eleni Kounalakis

### **OPPOSITION**

Stop Abuse for Everyone

### **RELATED LEGISLATION**

#### **Pending Legislation:**

SB 1166 (Dodd, 2024) expands the scope of a currently-required CSU report containing a summation of the activities undertaken by each campus and by the systemwide Title IX office to also include outcomes of appeals, a list of personnel who are exempt from being a “responsible employee,” and a yet-to-be-developed annual report that compiles campus-based evaluations of how sex discrimination is addressed on campuses. Requests the UC and requires each community college district to also submit this report. SB 1166 is pending in the Assembly Appropriations Committee.

SB 1491 (Eggman, 2024) requires the CSU Trustees and the governing board of each community college district, and requests the UC Regents, to designate an employee at each of their respective campuses as a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex and two-spirit faculty, staff, and students at the respective campus. The bill requires the point of contact to be a confidential employee, as specified; requires the CSU Trustees and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying and include these policies within the rules and regulations governing student behavior; and, requires California Student Aid Commission, beginning with the 2026-27 school year, to provide written notice to students who receive state financial aid whether their college or university has a religious school exemption from Title IX. SB 1491 is pending in the Assembly Judiciary Committee.

AB 810 (Friedman, 2024) requires CCCs and CSU, and requests UC and private postsecondary education institutions, to implement a policy of requiring potential employees for academic, athletic, and administrative positions to disclose whether they have been the subject of a finding of sexual harassment and to permit the institution to

contact past employers to inquire whether the applicant had any substantiated allegations of misconduct. AB 810 is in the Senate Appropriations Committee.

AB 1790 (Connelly, 2024) requires the CSU to take specified actions to implement the recommendations provided by the State Auditor's report from 2022 titled "California State University: It Did Not Adequately or Consistently Address Some Allegations of Sexual Harassment." AB 1790 is in the Senate Appropriations Committee.

AB 1905 (Addis, 2024) prohibits an employee of a public postsecondary educational institution from being eligible for retreat rights and from receiving a letter of recommendation if the employee is the respondent in a sexual harassment complaint where a final determination has been made or the employee resigned. AB 1905 is in the Senate Appropriations Committee.

AB 2048 (Mike Fong, 2024) requires each campus of the CSU and UC, and each community college district, to establish, on or before July 1, 2026, a Title IX office in a private space for students and employees to disclose complaints of sex discrimination, including, but not limited to, sexual harassment; and, provides that the Title IX office is to be under the administration of a Title IX coordinator who is to be responsible for coordinating the campus' implementation and compliance with the systemwide nondiscrimination policies. AB 2048 is in the Senate Judiciary Committee.

AB 2326 (Alvarez, 2024) establishes which entities who are responsible for ensuring campus programs are free from discrimination and who has the authority to oversee and monitor compliance with state and federal laws; requires the chair of the CCC Board of Governors, the President of UC, and the Chancellor of CSU to present to the Legislature annually on the state of the system in preventing discrimination on campus; and, requires the systemwide governing boards to review the system's nondiscrimination policies and to update them if necessary. AB 2326 is in the Senate Appropriations Committee.

AB 2407 (Hart, 2024) requires the State Auditor to conduct an audit every three years of the CCC, CSU, and UC regarding their respective handling and investigation of sexual harassment complaints. AB 2407 is in the Senate Judiciary Committee.

AB 2492 (Irwin, 2024) requires each public postsecondary education institution to establish the following positions: confidential student advocate to assist students who file complaints of sex discrimination with a Title IX office or have experienced sex discrimination; a confidential staff and faculty advocate to assist staff and faculty who have filed a complaint of sex discrimination with a Title IX office or have experienced sex discrimination; and a confidential respondent services coordinator to assist students, staff, or faculty who have been accused of sex discrimination. AB 2942 is in the Senate Judiciary Committee.

AB 2608 (Gabriel, 2024) expands currently required training for students on sexual violence and sexual harassment to include information regarding drug-facilitated sexual assault and information related to confidential support and care resources. AB 2608 is in the Senate Appropriations Committee.

AB 2987 (Ortega, 2024) requires each campus of the CSU and CCCs, and requests each campus of the UC, to provide status updates on the outcomes of complaints of sex discrimination to complainants and respondents, to the extent permissible under state and federal law; and, requires/requests that notice of a disciplinary action to the respondent be provided to the respondent within three schooldays of a decision. AB 2987 is in the Senate Appropriations Committee.

Prior Legislation:

SB 808 (Dodd, Ch. 417, Stats. 2023) required the CSU to annually submit a report to the Legislature related to sexual harassment reports, complaints, investigations, hearings, and appeals.

SB 791 (McGuire, Ch. 415, Stats. 2023) required the governing board of a community college district and the Trustees of the CSU, and requested the UC Regents, to require an application for appointment to an academic or administrative position to disclose any final administrative or judicial decision issued within the last seven years determining that the applicant committed sexual harassment.

AB 1844 (Medina, 2022) would have required disclosure of records of sexual assault and harassment allegations against employees by public postsecondary educational institutions when those employees seek future employment. AB 1844 died in the Assembly Appropriations Committee.

AB 2683 (Gabriel, Ch. 798, Stats. 2022) required the CCCs, CSU, and any independent institution of higher education or private postsecondary education institutions that receives state financial assistance to provide annual sexual harassment and sexual violence prevention training to students, as specified. Requested the UC to provide the same aforementioned annual training to students.

SB 493 (Jackson, Ch. 303, Stats. 2020) required postsecondary educational institutions to, among other things, adopt rules and procedures for the prevention of sexual harassment, and adopt and post on their Web sites the grievance procedures to resolve complaints of sexual harassment.

SB 1375 (Jackson, Ch. 655, Stats. 2016) required all schools receiving federal funding post the following information on their website: the name and contact information of their Title IX Coordinator; the rights of a pupil and the public, and the responsibilities of the school under Title IX; a description of how to file a complaint under Title IX. SB

1375 also required the State Superintendent of Public Instruction to electronically send an annual letter to all schools notifying them of this responsibility.

SB 1435 (Jackson, Ch. 633, Stats. 2016) requested that the “Health Framework for California Public Schools” include comprehensive information on the development of healthy relationships and be age and developmentally appropriate.

AB 2654 (Bonilla, Ch. 107, Stats. 2016) required postsecondary educational institutions to post their written policy on sexual harassment on their websites. AB 2654 also required the policy to include information on the complaint process and the timeline for the complaint process. The policy must include information on where to obtain the specific rules and procedures for pursuing available remedies and resources, both on and off campus.

SB 186 (Jackson, Ch. 232, Stats. 2015) enabled the governing board of a CCC district to exercise jurisdiction over student conduct that occurs off district property in cases of sexual assault and sexual exploitation, regardless of the victim’s affiliation with the college.

SB 665 (Block, 2015) would have required the Attorney General to establish a statewide Title IX Oversight Office, required postsecondary educational institutions to report specific data to this office and required each student to complete training on rape and sexual assault awareness and prevention annually. SB 665 was held in the Senate Appropriations Committee.

SB 695 (DeLeón, Ch. 424, Stats. 2015) required K-12 school districts that require completion of a course in health education as a condition of high school graduation to include instruction in sexual assault and violence.

SB 967 (DeLeón, Ch. 748, Stats. 2014) required the governing boards of CCC districts, the CSU Trustees, and the UC Regents, as well as the governing boards of independent postsecondary institutions in California to adopt victim-centered sexual assault, domestic violence, dating violence, and stalking policies as a condition of receiving state funds for student financial assistance.

AB 1433 (Gatto, Ch. 798, Stats. 2014) required the governing board of each public, private and independent postsecondary educational institution, which receives public funds for student financial assistance, to adopt and implement written policies and procedures governing the reporting of specified crimes to law enforcement agencies.

SB 777 (Kuehl, Ch. 559, Stats. 2007) revised the list of prohibited bases of discrimination and the kinds of prohibited instruction, activities, and instructional materials in the Education Code, and instead referred to the protected characteristics contained in the definition of hate crimes in the Penal Code. Defined disability, gender, nationality, race or ethnicity, religion, and sexual orientation for this purpose. Changed the current

references of “handicapped” individuals in the Education Code to, instead, refer to individuals with physical disabilities.

AB 3133 (Roos, Ch. 1117, Stats. 1982) enacted the Sex Equity in Education Act, which, similar to its federal Title IX counterpart, prohibits discrimination in California schools on the basis of sex.

**PRIOR VOTES:**

Senate Education Committee (Ayes 7, Noes 0)

Assembly Floor (Ayes 70, Noes 0)

Assembly Appropriations Committee (Ayes 11, Noes 0)

Assembly Higher Education Committee (Ayes 11, Noes 0)

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