

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1928 (Fong)
Version: April 9, 2026
Hearing Date: June 23, 2026
Fiscal: Yes
Urgency: No
ME

SUBJECT

Sex equity: sexual harassment complaints

DIGEST

This bill requires each postsecondary educational institution to permit each complainant or respondent of a sexual harassment complaint to have a support person and an advisor accompany them during the sexual harassment grievance procedures and during any stage of the process, whether adjudicated through federal or state law.

EXECUTIVE SUMMARY

Existing federal law prohibits a person, on the basis of sex, from being excluded from participation in, being denied the benefits of, or being subject to discrimination, which includes sexual harassment, under any education program or activity receiving federal financial assistance. (U.S.C. Title 20, Ch. 38, § 1681.) Existing state law requires the governing board or body of a postsecondary educational institution that receives state financial assistance to provide students with procedural protections relating to complaints of sexual harassment, including the requirement to adopt grievance procedures providing for the prompt and equitable resolution of sexual harassment complaints filed by a student against an employee or another student. (Cal. Ed. Code § 66281.8.). State law also requires that the grievance procedures afford both student parties the opportunity to have a support person or advisor to accompany the student party during any stage of the process. (*Id.*). The author brings this bill to ensure that both student parties are afforded the opportunity to have *both* a support person *and* advisor accompany the student party during any stage of the process. The author explains that an advisor guides students through the procedural aspects of the process and a support person assists them with their emotional needs.

This bill is sponsored by Equal Rights Advocates and Survivors Pro Bono and is supported by the University of California and California State University. The Committee received no timely opposition to the bill. The bill passed out of the Senate

Education Committee on a vote of 7 to 0. Should the bill pass this Committee, it will then be referred to the Senate Appropriations Committee.

PROPOSED CHANGES TO THE LAW

Existing federal law:

- 1) Establishes Title IX, providing 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.” (USC Title 20, Ch. 38, § 1681.)
- 2) Outlines the required response, pursuant to Title IX, of a postsecondary higher education institution when the institution is made aware of an alleged sexual harassment incident on campus, which includes a requirement for a formal complaint, a grievance procedure for an investigation into whether the incident based on a standard of evidence occurred, a hearing by which advisors are provided an opportunity to cross-examine, and a method of appealing the outcome of the grievance process. (CFR Title 34, Subtitle B, Chapter 1, Part 106, Subpart D, § 106.45.)
- 3) Defines sexual harassment as a form of sex discrimination, and as conduct on the basis of sex, that satisfies at least one of the following:
 - a) *Quid pro quo harassment*. An employee of the postsecondary education institution conditions aid, benefit, or services to a postsecondary education institution’s education program or activity on the individual’s participation in unwelcome sexual conduct.
 - b) *Hostile environment harassment*. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity.
 - c) *Specific offenses*. Sexual assault, dating violence, domestic violence, and stalking, as defined in the USC. (CFR, Title 34, Subtitle B, Chapter 1, Part 106, Subpart A, § 106.2.)

Existing state law:

- 1) Establishes the policy of the State of California that all persons, regardless of their sex, should enjoy freedom from discrimination of any kind in their postsecondary educational institution of the state. (Ed. Code § 66281.5.)
- 2) Requires each postsecondary educational institution in the state to have a written policy on sexual harassment, including information on the complaint process, to be available on its website, and requires the written policy on sexual harassment to

include information on where to obtain the specific rules and procedures for reporting charges of sexual harassment for pursuing available remedies, both on and off campus. (Ed. Code § 66281.5.)

- 3) Requires the governing board or body of each postsecondary institution, as a condition of receiving state financial assistance, to comply with all of the following requirements as specified:
 - a) Disseminating a notice of nondiscrimination to specified individuals.
 - b) Designating at least one employee of the institution to coordinate its efforts to comply with and carry out the responsibilities of this section.
 - c) Adopting rules and procedures within the policies required by Title IX and state law for the prevention of sexual harassment.
 - d) Adopting and publishing on its website grievance procedures that provide for prompt and equitable resolution of sexual harassment complaints filed by a student against an employee or another student, as well as establishing grievance procedures that satisfy multiple requirements, as specified.
 - e) Publishing in a prominent place on its website – with accompanying text clearly associating them with the sexual harassment and sexual violence grievance processes – the name, title, and contact information of specified individuals.
 - f) Providing specified training to each employee engaged in the grievance procedures related to sex discrimination, including sexual violence, which would include: i) trauma-informed investigatory and hearing practices to help ensure an impartial and equitable process; ii) best practices for assessment of a sexual harassment or sexual violence complaint; iii) best practices for questioning of the complainant, respondent, and witnesses; and iv) implicit bias and racial inequities, both broadly and in school disciplinary processes.
 - g) Ensuring, if an institution has on-campus housing, that residential life student and nonstudent staff, or their equivalent, annually receive training on how to handle, in a trauma-informed manner, reports made to them of sexual harassment or sexual violence, and situations in which they are aware of sexual harassment or sexual violence, in student residential facilities.
 - h) Notifying employees of the obligation to report harassment to appropriate school officials.
 - i) Providing training to all employees on the identification of sexual harassment, including the person to whom it should be reported. (Ed. Code § 66281.8.)
- 4) Defines “postsecondary institution” as a campus of the University of California, the California State University, or the California Community Colleges, a private

postsecondary educational institution, or an independent institution of higher education that receives state financial assistance. (Educ. Code § 66281.8.)

- 5) Defines “state financial assistance” as any funds or other form of financial aid appropriated or authorized pursuant to state law, or pursuant to federal law administered by any state agency, for the purpose of providing assistance to any educational institution for its own benefit or for the benefit of any pupils admitted to the educational institution. Requires that “state financial assistance” include, but not be limited to: grants of state property, or any interest therein; provision of the services of state personnel; and funds provided by contract, tax rebate, appropriation, allocation, or formula. (Ed. Code § 213.)
- 6) Defines sexual harassment and sexual violence as the following:
 - a) “Sexual harassment” as unwelcomed sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting in which specific conditions are met. “Sexual harassment” also includes sexual battery, sexual violence, and sexual exploitation.
 - b) “Sexual violence” as physical sexual acts perpetrated against a person without the affirmed consent of the person, and these acts include rape and sexual battery. (Ed. Code § 66262.5.)
- 7) Requires, as a condition of receiving state funds for student financial assistance, a public postsecondary educational institution to provide an advisor to a student receiving a notification of an alleged violation of the institution’s student code of conduct, if requested by the student. (Ed. Code § 66283.)

This bill:

- 1) Requires that the grievance procedures afford each student party the opportunity to have both a support person and an advisor accompany the student party during any stage of the process, as specified.
- 2) Requires the governing board or body of a postsecondary educational institution that receives state financial assistance and state student financial aid to allow each complainant or respondent of a sexual harassment complaint to have a support person, in addition to an advisor, accompany the parties of a sexual harassment complaint during the grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints pursuant to the procedural protections for students or Title IX, as specified.

COMMENTS

1. Requires postsecondary institutions to allow both parties in proceedings to have both an advisor and a support person

This bill requires that the sexual assault grievance procedures at postsecondary educational institutions allow each party the opportunity to have both a support person and an advisor accompany the party during any stage of the process.

This bill codifies that all postsecondary institutions must allow each party to a sexual assault grievance process to have both a support person and an advisor in attendance at all proceedings. This option applies to all campus community members who are a party to a grievance process that follows Title IX or an alternative process.

According to the author:

AB 1928 strengthens protections for parties to Title IX and other campus sexual harassment grievance proceedings by ensuring that they have equal access to both an advisor who can guide them through the procedural aspects of the process and a support person who can assist them with emotional needs. The grievance process is complex and can be traumatizing to victims and respondents. They should not be forced to choose between procedural guidance and emotional support. This is a narrow but important change that supports a trauma-informed approach to the sexual assault grievance process.

2. Support

This bill is sponsored by Equal Rights Advocates and Survivors Pro Bono. The University of California and the California State Universities also support this bill.

According to the Survivors Pro Bono, the sponsors of the bill¹:

Sexual violence is one of the most urgent issues on college campuses today: according to a report by the Association of American Universities, nearly one in four undergraduate women and gender-nonconforming students will experience sexual violence during their time on campus. The same report indicates, however, that only 3% of students who experienced sexual violence or harassment contacted their Title IX office.

One explanation for this lack of reporting is that students often avoid the Title IX system due to the process itself being retraumatizing. Several studies since 2020 have indicated that “students have regarded the Title IX reporting process as worse than the original violence they experienced.” A 2022 interview-based qualitative study on campus sexual violence survivors’ experiences found that every survivor interviewed reported at least one form of institutional betrayal

¹ Citations omitted.

related to the Title IX process, such as it failing to adequately acknowledge or respond to interpersonal trauma/harmed experience. In our experience providing trauma informed legal services to students across California, this continues to be an issue at California universities. For example, at Stanford University, where we attend school and operate our initiative, only 29 percent of women believe that the Title IX office will conduct a fair process – one that won't compound existing trauma for survivors of sexual violence.

We are proposing a piece of the solution to this problem – a way to provide students with the adequate support they need in campus sexual violence proceedings to mitigate retraumatization and encourage reporting: allowing students to have both procedural and emotional support in sexual violence proceedings.

According to the University of California in support of AB 1928:

The University is committed to creating and maintaining a community where all individuals who participate in UC programs and activities can work and learn together in an atmosphere free of sexual violence, sexual harassment, and other conduct prohibited under the *Policy on Sexual Violence and Sexual Harassment* (SVSH Policy). UC responds promptly and effectively to reports of prohibited conduct under the SVSH Policy, and takes appropriate action to stop, prevent, remedy, and when necessary, to discipline behavior that violates the SVSH Policy. Our student disciplinary procedures emphasize education, personal growth, accountability, and ethical behavior – upholding standards of responsible conduct to protect the welfare of the University community. The procedures are designed to provide a prompt, fair, and impartial resolution of the matter.

As provided for in UC's *Policies Applying to Campus Activities, Organizations and Students*, parties making and responding to a complaint have the right to select an advisor of their choice or to request that the University provide an advisor to them. The party's advisor will have access to training provided by the University regarding these procedures. The advisor's primary role is to provide guidance through the process, and, during the hearing, an advisor is required to ask a party's questions of the other party and witnesses. The parties also have a right to a support person of their choosing during the process. The advisor and/or the support person may be any person (including an advocate, attorney, friend, or parent) who is not otherwise a party.

The California State University writes the following in support of the bill:

The California State University (CSU) has adopted a support position on Assembly Bill 1928 by Assemblymember Mike Fong. This bill makes a

commonsense change to Education Code to ensure that student parties involved in a Title IX process are allowed a support-person, as well as a formal adviser of their choice.

While it is already law that students – whether they are a victim reporting wrongdoing or a respondent in a Title IX case – be offered an adviser to assist them in navigating the process, this bill clarifies that students may also select a support person to provide emotional assistance as they progress throughout the process. Title IX processes involve many steps, from reporting to the investigation, hearing, sanctioning, and any informal resolution that is issued. This change will apply across all segments, ensuring consistency of support offered for students at all public and private postsecondary educational institutions that receive state funding.

This is a change that will ensure students have not only technical expertise offered by advisers, but that they also have the emotional support of a person they have selected themselves for this purpose.

SUPPORT

Survivors Pro Bono (sponsor)
Equal Rights Advocates (sponsor)
Access Reproductive Justice
American Association of University Women – California
Associated Students of the University of California Sexual Violence Commission
ASUCD Sexual Assault Awareness and Advocacy Committee
California State University
California Women’s Law Center
Consumer Attorneys of California
Empowering Women of Color Club at Santa Ana College
Messaging for Success
Public Counsel
Sexual Violence Free Stanford
Stanford ACLU Chapter
Stanford Sexual Health Peer Resource Center
Starting Over, Inc.
Survivors+Allies
The Women’s Foundation California
University of California

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: AB 1730 (Fong, 2026) requires the board of governors of the California Community Colleges to contract with a managing entity to administer discrimination complaints. AB 1730 is currently in the Assembly Appropriations Committee.

Prior legislation: SB 493 (Jackson, Ch. 303, Stats. 2020) required postsecondary institutions to adopt rules and procedures for the prevention of sexual harassment, and adopt grievance procedures to resolve complaints of sexual harassment and to post the procedures on their websites.

PRIOR VOTES:

Senate Education Committee (Ayes 7, Noes 0)

Assembly Floor (Ayes 77, Noes 0)

Assembly Appropriations Committee (Ayes 14, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)

Assembly Higher Education Committee (Ayes 10, Noes 0)
