

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

SB 1491 (Eggman)
Version: April 1, 2024
Hearing Date: April 16, 2024
Fiscal: Yes
Urgency: No
ME

SUBJECT

Postsecondary education: Equity in Higher Education Act

DIGEST

In an effort to better protect lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex and two-spirit students, faculty, and staff at higher education institutions, increase their quality of life at these institutions, and ensure they are free from harassment, intimidation, discrimination, and bullying, and can more freely express themselves and seek support without fear of discrimination or retaliation, this bill strengthens the Equity in Higher Education Act.

EXECUTIVE SUMMARY

According to the Senate Education Committee, staff from the Assembly Higher Education Committee and their Committee hosted fact-finding briefings with representatives from the California Community Colleges (CCCs), California State University (CSU), University of California (UC) 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 various provisions of this bill arise from this work.

This bill requires the CSU Trustees and governing board of community college districts to designate a confidential employee, as specified, as a point of contact for lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex and two-spirit students, faculty, and staff at each campus. The bill requires the CSU Trustees and governing board of community college districts to adopt and publish policies on harassment, intimidation, and bullying and to include these policies within the rules and regulations governing student behavior. The bill requires the California Student

Aid Commission (CSAC) to provide written notice to students who receive state financial aid, beginning with the 2026-27 school year, regarding whether their college or university has a religious school exemption from federal Title IX or the state Equity in Higher Education Act. The bill also requires the Legislative Analyst's Office (LAO) to conduct an assessment of the Community Colleges, CSU, and University of California (UC) systems with respect to the quality of life at those campuses for lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex, and two-spirit students, staff, and faculty at the campuses of each institution.

The bill passed out of the Senate Education Committee on a vote of 4 to 2. The bill is sponsored by the California Legislative LGBTQ Caucus and supported by various organizations that support the civil rights of LGBTQ people. No timely opposition was received by the 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." (Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act.)
- 2) Provides for various exemptions from Title IX, including for fraternities, sororities, military institutions, traditional male or female institutions, and institutions controlled by religious organizations. (Title 20 of the United States Code, § 1681.)
- 3) Provides that an institution will be considered to be controlled by a religious organization for purposes of a Title IX religious exemption to the extent application of Title IX provisions would not be consistent with its religious tenants, if one or more of the following conditions applies to the institution:
 - a) The educational institution is a school or department of divinity.
 - b) The educational institution requires its faculty, students, or employees to be members of, or otherwise engage in religious practices of, or espouse a personal belief in, the religion of the organization by which it claims to be controlled.
 - c) The educational institution, in its charter or catalog, or other official publication, contains an explicit statement that it is controlled by a religious organization or an organ thereof, or is committed to the doctrines or practices of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of

financial support from the controlling religious organization or an organ thereof.

- d) The educational institution has a doctrinal statement or a statement of religious practices, along with a statement that members of the institution community must engage in the religious practices of, or espouse a personal belief in, the religion, its practices, or the doctrinal statement or statement of religious practices.
- e) The educational institution has a published institutional mission that is approved by the governing body of an educational institution and that includes, refers to, or is predicated upon religious tenets, beliefs, or teachings.
- f) Other evidence sufficient to establish that an educational institution is controlled by a religious organization. (CFR, Title 34, § 106.12.)

Existing state law:

- 1) Establishes the Equity in Higher Education Act (Act) to prohibit a person from being subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the statutory definition of hate crimes, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid. (Ed. Code § 66270.)
- 2) Exempts from the Act an educational institution that is controlled by a religious organization if the application would not be consistent with the religious tenets of that organization. (Ed. Code § 66271.)
- 3) Provides that statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable. (Ed. Code § 67400.)
- 4) Requests the Trustees of the CSU, the Regents of the UC, and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying to be included within the rules and regulations governing student behavior within their respective segments of public postsecondary education. Existing law states legislative intent that rules and regulations governing student conduct be published, at a minimum, on the website of each public postsecondary educational campus and as part of any printed material covering those rules and regulations within the respective public postsecondary education system. (Ed. Code § 66302.)

- 5) Requests the CSU Trustees, the UC Regents, and the governing board of each community college district to designate an employee at each of their respective campuses as a point of contact for the needs of lesbian, gay, bisexual, and transgender faculty, staff, and students at the respective campus. Requires the name and contact information of that designated employee to be published on the website for the respective campus and be included in any printed and Internet-based campus directories. (Ed. Code § 66271.2.)
- 6) Requires UC, CSU, California community colleges, private postsecondary educational institutions, and independent institutions of higher education that receive state financial assistance, in order to receive state financial assistance, to implement, and at all times comply with, specified requirements at each campus of the institution, including but not limited to:
 - a) Designating at least one employee of the institution to coordinate its efforts to comply with and carry out its responsibilities under California's Equity in Higher Education Act. The employee must have adequate training on what constitutes sexual harassment and on trauma-informed investigatory and hearing practices, and shall understand how the institution's grievance procedures operate.
 - b) Requiring the institution, if a complainant requests confidentiality which could preclude a meaningful investigation or potential discipline, to take the request seriously while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the complainant. The institution is required to generally grant the request for confidentiality.
 - c) Requiring the institution, if it determines that it can honor the student's request for confidentiality, to still take reasonable steps to respond to the complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the complainant.
 - d) Requiring the institution, if it determines that it must disclose the complainant's identity to the respondent or proceed with an investigation, to inform the complainant prior to making this disclosure or initiating the investigation. The institution is required to, in the event the complainant requests that the institution inform the respondent that the student asked the institution not to investigate or seek discipline, to honor this request. (Ed. Code § 66281.8.)
- 7) Provides an exemption from the provisions of California's Equity in Higher Education Act for an educational institution that is controlled by a religious organization if the application would not be consistent with the religious tenets of

that organization. (Ed. Code § 66271)

- 8) Requires, beginning with the 2017–18 school year, each postsecondary educational institution in this state that claims a religious exemption from Title IX and/or the Act to disclose to current and prospective students, faculty members, and employees the basis for claiming or having the exemption and the scope of the allowable activities provided by the exemption. Existing law requires the disclosure to be made in all of the following ways: displayed in a prominent location of the campus or school site, as specified; included in written materials sent to prospective students seeking admission to the institution; provided as part of orientation programs conducted for new students at the beginning of each quarter, semester, or summer session, as applicable; provided to each faculty member, member of the administrative staff, and member of the support staff at the beginning of the first quarter or semester of each school year, and to each new employee upon hire; and included in any publication of the institution that sets forth the comprehensive rules, regulations, procedures and standards of conduct for the institution. (Ed. Code § 66290.1.)
- 9) Submit to the California Student Aid Commission (CSAC) copies of all materials submitted to, and received from, a state or federal agency concerning the granting of an exemption from Title IX. (Ed. Code § 66290.2.)
- 10) Requires CSAC to collect the information from exempt institutions and post and maintain a list on its website of the institutions that have claimed the exemption from Title IX with their respective bases for claiming or having the exemption. (Ed. Code § 66290.2.)
- 11) Encourages the LAO to conduct an assessment of the CCCs, CSUs, and UCs with respect to the quality of life at those campuses for lesbian, gay, bisexual, and transgender faculty, staff, and students at the campuses of each of those institutions. Encourages the LAO, if an assessment is performed, to use existing data and other information available to the general public, and specifies that the LAO is not required to conduct new data collection or research specifically to contribute toward any assessment. Requires the LAO to make recommendations to each of those institutions based on that assessment, and publish a summary of the recommendations on its website. (Ed. Code § 66271.3)
- 12) Defines “sexual orientation” for purposes of the above provisions as heterosexuality, homosexuality, or bisexuality. (Ed. Code § 66262.7.)

This bill:

- 1) Modifies existing law to *require* rather than *request* 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 within their respective segments of public postsecondary education.

- 2) Modifies existing law to *require* rather than *request* the CSU Trustees and the governing board of each community college district to designate an employee at each of their respective campuses as a point of contact for the needs of lesbian, gay, bisexual, and transgender faculty, staff, and students at the respective campus, and expands the list of people to be supported to also include asexual, pansexual, gender-nonconforming, intersex, and two-spirit students, staff, and faculty.
- 3) Requires the designated point of contact at each campus to be a confidential employee and be specifically exempt from the responsibilities of required reporting of alleged sexual harassment.
- 4) Prohibits the designated employee from disclosing confidential information provided to them by students, staff, or faculty about any alleged act of sexual harassment, sexual violence, or discrimination without the prior written consent of the person who provided the information to the designated employee.
- 5) Excludes notice to or the providing of services by the designated employee from being considered "actual or constructive notice" to the CSU, UC, or California Community College (CCC) alleging acts of sexual harassment, sexual violence or discrimination for purposes of investigations under Title IX.
- 6) Requires CSAC to provide written notice to students who receive state financial aid regarding whether their postsecondary educational institution has a religious exception on file with CSAC, beginning with the 2026–27 school year.
- 7) Requires the written notice to inform students of their right to report discrimination to the United States Department of Education Office of Civil Rights and include the contact information of the Office of Civil Rights.
- 8) *Requires* rather than *encourages* the LAO to conduct an assessment of the CCCs, CSUs, and UCs with respect to the quality of life at those campuses for lesbian, gay, bisexual, and transgender faculty, staff, and students at the campuses of each of those institutions, and expands the assessment to also include an assessment of the quality of life of pansexual, gender-nonconforming, intersex, and two-spirit students, staff, and faculty.
- 9) *Requires* rather than *encourages* the LAO to use existing data and other information available to the general public, and deletes the existing provision that precludes the LAO from being required to conduct new data collection or research for the

assessment.

- 10) Requires the assessment to be conducted by September 1, 2026, and by each September 1 thereafter and requires the LAO, by January 1, 2027, and by January 1 every three years thereafter, to submit a report to the Legislature that includes a copy of the assessment and recommendations.
- 11) *Requires* rather than *requests* the CCC and CSU to share existing data or research to contribute toward any assessment conducted by the LAO.
- 12) Modifies the existing definition of “sexual orientation” to clarify it is a person’s physical, emotional, and romantic attraction to other people, and expands the definition to also include asexuality and pansexuality.

COMMENTS

1. Arguments in support of the bill

According to the author:

This bill makes important changes to the education code, making it more inclusive and closer to the spirit of the law. Institutions of Higher Education need to be able to provide and better protect the rights of LGBTQ+ students and faculty. This bill compels the transparency of private colleges by written notice and gives public colleges a more active role in providing resources to LGBTQ+ students.

The California LGBTQ Caucus, sponsor of this bill, writes the following in support of the bill:

[. . .] SB 1491 is a crucial step forward in ensuring that all students, regardless of their sexual orientation or gender identity, have the opportunity to succeed in a safe and supportive educational environment. By updating the Equity in Higher Education Act, we can help to eliminate barriers that have historically marginalized 2SLGBTQ+ individuals in higher education.

Furthermore, given that a majority of community and state colleges currently lack designated points of contact for LGBTQ+ students, SB 1491's provisions for confidentiality and designated contacts are crucial. By ensuring that every institution has a designated point of contact, this bill will create an environment where students can freely express themselves and seek support without fear of discrimination or retaliation. These measures not only provide direct benefits to LGBTQ+ students but also contribute to a more inclusive and diverse academic community, enriching the educational experience for all.

SB 1491 will require the Legislative Analyst's Office to conduct an assessment of California's public colleges and universities with respect to the quality of life at those campuses for 2SLGBTQ+ students, faculty, and staff every three years, and to publish a summary of recommendations on its website. These regular assessments will provide valuable information to help ensure that all students – regardless of their sexual orientation, gender identity, or gender expression – have the opportunity to succeed in a safe and supportive educational environment.

Finally, the bill will update existing law requiring colleges and universities to openly acknowledge any Title IX exemptions granted to them. Title IX is a federal law that prohibits discrimination on the basis of sex in federally-funded educational institutions, including colleges and universities. Many students are unaware when their college or university is exempt from Title IX and what the potential consequences might be in the event their sexual orientation, gender identity, or gender expression does not align with the university's discriminatory policies. SB 1491 will require the Student Aid Commission to provide a written notice to students who receive state financial aid regarding whether their postsecondary educational institution claims a religious exemption to federal non-discrimination protections and their right to report discrimination to the U.S. Department of Education Office of Civil Rights.

No timely opposition was submitted for the bill.

2. Senate Education Committee and Assembly Higher Education Committee hosted fact finding briefings that resulted in a report¹ prepared by the Assembly Higher Education Committee with various legislative proposals to prevent and address discrimination on college and university campuses in California

As explained in the Senate Education Committee analysis:

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

¹ 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).

campuses throughout California. [the report is available at:]

https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024_0.pdf

As revealed in this report, 70 percent of students surveyed in 2020 who identify as LGBTQ+ felt uncomfortable reporting an incident to the UC Police Department and 36 percent of students thought reporting to the Title IX office was confidential (meaning that the coordinator was not required to act upon the information provided).

This bill is one of several in a package of bills that address some of the recommendations in this report, specifically to require CSAC to inform students who are receiving financial aid if their postsecondary education institution has an exemption from Title IX on file, and generally the recommendation to require each campus to hire at least one confidential advocate and be housed in an independent office.

a. The bill strengthens the provisions of SB 1146 (Lara, Ch. 888, Stats. 2016) regarding informing students and prospective students that the institution they are enrolled at, or are considering enrolling in, claims a religious exemption from Title IX or California's Equity in Higher Education Act

Under current law (Education Code § 66290.2), religiously affiliated postsecondary education institutions in California are required to submit notification to the California Student Aid Commission (CSAC) if they claim an exemption pursuant to Section 901(a)(3) of the federal Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681(a)(3)) (Title IX) or Education Code § 66271. The notification is to include a description of how the laws interfere with their religious tenets or beliefs. Education Code Section 66290.1, which was codified through SB 1146 (Lara, Ch. 888, Stats. 2016), requires the postsecondary education institutions, who have claimed the exemption, to notify existing and prospective students of the exemption and the scope of allowable activities provided by the exemption. Current law does not require the state to provide such information to students. This bill codifies recommendation 3 from the Assembly Higher Education Committee report on page 23. The report suggests, that in order to “ensure all students are aware of their rights regardless of their chosen postsecondary education institution, the California State Aid Commission should be required to annually inform students, who receive financial aid, if their postsecondary education institution has an exemption [from compliance with Federal Title IX or is exempt the Equity in Higher Education Act pursuant to Education Code § 66271] on file with the Commission.” In an effort to ensure students are informed of their ability to contact the U.S. Department of Education Office for Civil Rights (OCR), the bill requires, beginning with the 2026–27 school year, that CSAC provide a written notice to students who receive state financial aid regarding whether their postsecondary educational institution has an exemption on file with CSAC. The written notice from CSAC shall inform

students of their right to report discrimination to the OCR, and shall include the contact information, including the telephone number, office location, and email address, for the OCR.

b. The bill strengthens state law that was codified through AB 620 (Block, Ch. 637, Stats. 2011) by requiring the Trustees of the CSU and the governing board of each community college district 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 students, staff, and faculty at the respective campus.

The bill codifies systemwide recommendation 3 on page 26 of the report which suggests requiring “each campus of the CCC, CSU, and UC to hire at least one confidential advocate and one confidential respondent coordinator. The advocates and respondents shall be housed in an independent office and shall be confidential by every standard under the law. Campuses are encouraged to hire students, in addition to the required advocates as listed above, who shall be confidential advocates for their peer students and shall be trained and certified as confidential advocates to provide the campus community with peer-confidential resources.”

To this end, the bill *requires* the Trustees of the CSU and the governing board of each community college district 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 students, staff, and faculty at the respective campus. Among other things, the bill prohibits the designated campus point of contact from disclosing confidential information provided to them by students, staff, or faculty about any alleged act of sexual harassment, sexual violence, or discrimination without prior written consent of the person who provided the information to the designated employee. According to the author, after AB 620 (Block, Ch. 637, Stats. 2011) was enacted whereby UC, CSU, and CCC campuses were *requested* to designate an employee at each of their campuses as a point of contact for lesbian, gay, bisexual, and transgender students, staff, and faculty, despite “having 13 years to designate an employee many campuses still have failed to do so. While the UC system has embraced this request, the CSU and CCC have not. All 10 UC campuses have a contact. While only 25% of community college campuses and 17% of CSU campuses have complied with this request. Currently, 29 out of 115 colleges specifically listed an LGBTQ+ Liaison or designated coordinator, 41 listed as ‘Other’ had staff that weren’t specifically listed as LGBTQ+ liaisons but were available on the LGBTQ+ resource website (Deans, VPs. of Student Equity for example), and 45 had no contact information available.” The bill makes what was permissive instead mandatory so that 100% of the campuses designate a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex, and two-spirit students, staff, and faculty at the respective campus.

c. The bill strengthens what was codified by AB 620 (Block, Ch. 637, Stats. 2011) by requiring the LAO to conduct an assessment of the UCs, CSUs, and CCCs with respect to the quality of life at each campus for lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex, and two-spirit students, staff, and faculty

Through AB 620, the Legislature encouraged the LAO to conduct an assessment of the UCs, CSUs, and CCCs with respect to the quality of life at each campus for lesbian, gay, bisexual, and transgender faculty, staff, and students. AB 620 also encouraged the LAO to make recommendations to the UC, CSU, and Community Colleges systems based on the assessment and publish a summary of the recommendations in its internet website. According to the author, the LAO has never conducted such an assessment. This bill instead *requires* the LAO to conduct an assessment of the UCs, CSUs, and CCCs with respect to the quality of life at each campus for lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex, and two-spirit students, staff, and faculty. The bill requires the LAO to make recommendations to the UC, CSU, and Community Colleges systems based on the assessment and publish a summary of the recommendations on its website.

Additionally, the bill also requires the CSU Trustees and governing board of community college districts to adopt and publish policies on harassment, intimidation, and bullying and to include these policies within the rules and regulations governing student behavior for the CSUs and CCCs. The UCs are requested, under the bill, to do the same. The bill also revises the definition of “sexual orientation” for purposes of the Equity in Higher Education Act to provide that “sexual orientation” means a person’s physical, emotional, and romantic attraction to other people. The bill further specifies that “sexual orientation” includes, but is not limited to, heterosexuality, homosexuality, bisexuality, asexuality, and pansexuality. The current definition for “sexual orientation” for purposes of the Equity in Higher Education Act is that ‘sexual orientation’ means heterosexuality, homosexuality, or bisexuality.

SUPPORT

California LGBTQ Caucus (sponsor)
APLA Health
California Faculty Association
California State University Employees Union
Courage California
Faculty Association of California Community Colleges
Equality California
GENUP
IGNITE National
PRC
SAFE Campuses Coalition

Still Bisexual
Transgender Health and Wellness Center
Youth Power Project

OPPOSITION

None received

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 in the Senate Appropriations 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 Rules Committee pending referral.

AB 1575 (Irwin, 2024) authorizes students who receive a disciplinary notification the right to have an adviser of their choosing and requires postsecondary education institutions to provide trainings for the aforementioned adviser. AB 1575 is in the Senate Rules Committee pending referral.

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 pending in the Assembly Higher Education 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 pending in the Assembly Higher Education Committee.

AB 2047 (Mike Fong, 2024) requires the CCC, CSU, and UC to establish a systemwide Office of Civil Rights and establish the position of systemwide Title IX coordinator. AB 2047 is pending in the Assembly Higher Education 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 pending in the Assembly Higher Education 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 pending in the Assembly Higher Education 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 pending in the Assembly Higher Education Committee.

AB 2492 (Irwin, 2024) requires each public postsecondary education institution to establish specified positions and designate at least one person to fulfill each position, including a confidential student advocate, a confidential staff and faculty advocate, and a confidential respondent services coordinator. AB 2492 is pending in the Assembly Higher Education 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 pending in the Assembly Higher Education 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 pending in the Assembly Higher Education Committee.

Prior Legislation:

SB 1146 (Lara, Ch. 888, Stats. 2016) Required a postsecondary educational institution that claims a religious exemption from Title IX or the California Equity in Higher Education Act to be accompanied by specified disclosures. This bill also required that related materials be submitted to, and posted by CSAC on its Web site, as specified.

AB 620 (Block, Ch. 637, Stats. 2011) Established the Sexual Orientation and Gender Identity Equity in Higher Education Act which: added the attributes of sexual orientation, gender identity, and gender expression to existing nondiscrimination laws affecting postsecondary educational institutions, programs, and requirements; required the Trustees of the CSU and requested the Regents of the UC and local community college governing boards to take specified actions related to data collection, campus services and policies; and encouraged the LAO to undertake specified related activities.

SB 777 (Kuehl, Ch. 569, Stats. 2007) Among other things, the bill revised the list of prohibited bases of discrimination and the kinds of prohibited instruction, activities, and instructional materials in the Education Code. This bill also defined disability, gender, nationality, race or ethnicity, religion, and sexual orientation for this purpose.

PRIOR VOTES:

Senate Education Committee (Ayes 4, Noes 2)
