

Date of Hearing: April 9, 2024

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 2925 (Friedman) – As Amended March 19, 2024

**[Note: This bill is double referred to the Assembly Judiciary Committee and will be heard by that Committee as it relates to issues under its jurisdiction.]**

**SUBJECT:** Postsecondary education: Equity in Higher Education Act: prohibition on discrimination: training and notice

**SUMMARY:** Establishes a notification requirement for postsecondary education institutions to inform students of their right to report incidents of discrimination to the U.S. Department of Education and creates a requirement for any antidiscrimination training or diversity, equity, and inclusion training offered by postsecondary education institutions to include training on how to combat and address antisemitism on campus. Specifically, **this bill:**

- 1) Adds references to sex-based discrimination, hate-based discrimination, including antisemitism and Islamophobia as forms of discrimination and bias postsecondary education institutions in California must address and prevent.
- 2) Stipulates it is the intent of the Legislature that each postsecondary education institution undertake supportive measures to help restore equal education opportunities for all students, who have encountered discriminatory incidents that infringe upon their access to equal education, regardless of the location of the incident.
- 3) Explicates the duty and responsibility of each postsecondary education institution to provide an educational environment free from discrimination based on race, color, or national origin. Specifically addresses that students who are actually or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian are entitled to an educational environment free from discrimination and cites Title VI of the federal Civil Rights Act of 1964 as the legal requirement binding postsecondary education institutions to their duty of providing an educational environment free from discrimination.
- 4) Requires the California Community Colleges (CCC), the California State University (CSU), independent institutions of higher education that receive state financial assistance, and private postsecondary educational institutions that receive state financial assistance, and requests the University of California (UC) to incorporate training on how to combat and address antisemitism into existing antidiscrimination training or existing training on diversity, equity, and inclusion offered by the institution.
- 5) Require each postsecondary education institution to annually notify students of their right to file a complaint with the United States Department of Education's Office for Civil Rights (OCR) if the student is subjected to discrimination, including antisemitic behavior, on campus. The notification will include the OCR's contact information and how to file a complaint with the OCR.

- 6) Makes clarifying and technical changes.
- 7) Establishes, if the Commission on State Mandates determines, that this bill contains costs mandated by the state, the state shall reimburse the applicable entities.

**EXISTING LAW:** *Federal law.*

- 1) No person in the United States of America, due to their race, color, or national origin will be excluded from participating in, denied the benefits of, nor be subjected to discrimination, in any program or activity receiving federal financial assistance (Title IV of the Civil Rights Act of 1964).

*State law.*

- 1) 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 Section 11135 of the Government Code or any other characteristic that is contained in the prohibition of hate crimes defined in Section 422.6 subdivision (a) of the Penal Code, including immigration status (Education Code (EDC) Section 66270).
- 2) 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. Clarifies this section applies to the CSU (Government Code Section 11135).
- 3) No person, whether or not acting in the official bounds or limitation of their lawful authority, will force or make a threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise of enjoyment of any right or privilege secured to the person by the constitution or laws of the State of California or by the U.S. Constitution in whole or part because of one or more of the actual or perceived characteristics of the victim including: disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics (Penal Code Sections 422.6, subdivision (a) and 422.5 subdivision (a)).
- 4) Defines state financial assistance as any funds or other form of financial aid appropriated or authorized to be distributed by state or federal law, for the purpose of providing assistance to any educational institution for its own benefit or the benefit of students admitted or attending the educational institution. Provides examples of state financial assistance to include grants of state property, provision of services by state personnel, and funds provided by contract, tax rebate, appropriation, allocation or formula (EDC Section 66263 and 213).

- 5) Defines postsecondary education institution as a public or private institution of vocational, professional, or postsecondary education; the governing board of a community college district; the regents of the UC, or the Trustees or the CSU (EDC Section 66261.5).

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Author's intent.* The Congressional Research Service, published a brief on March 13, 2024, which provided an overview of the current Israel and Hamas conflict. The brief explained that the current conflict began “on October 7, 2023, when the Palestinian Sunni Islamist group Hamas (a U.S.-designated foreign terrorist organization) led surprise attacks against Israel from the Gaza Strip. More than 1,200 Israelis and foreign nationals (including at least 35 U.S. citizens in Israel) were killed. Hamas and other groups also seized 253 hostages on October 8.” The briefing continued with its contextual summary that, “in response to the October 7 attacks, Israel declared war on Hamas and launched aerial bombardment and ground operations in Gaza. As of March 12, 2024, more than 31,000 Palestinians in Gaza have been killed.” The brief called the attack on October 7, 2023 stunning in nature and scope. The resulting declaration of war by Israel against Hamas; which had led to open conflict in Gaza, has further elicited an emotional response from citizens throughout the United States, including from students on collegiate campuses.

On October 9, 2023, the UC Office of the President, Michael V. Drake, MD and the Board of Regents Chair, Richard Leib, issued a joint statement on the Mideast violence. The statement provided an update on the safety of UC students and staff in the region and condemned the October 7, 2023 attack as an act of terrorism. In response to the statement, the UC Ethnic Studies Faculty Counsel issued a condemnation of the statement issued by the UC President and the Chair of Board of Regents as “an egregious failure of leadership, given the University of California's reputation as one of the world's foremost educational and research institutions.” Specifically, the UC Ethics Studies Faculty Counsel rejected the statement, stating that, “recent UC administrative communications that distort and misrepresent the unfolding genocide of Palestinians in Gaza and thereby contribute to the racist and dehumanizing erasure of Palestinian daily reality.”

The fracture between the UC leadership and faculty in how to address the conflict between Israel and Hamas, was not an isolated event, and demonstrations were held by those who are considered Pro-Israel and those who are considered Pro-Palestinian leading to multiple acts of antisemitism and Islamophobia on college campuses throughout California.

On November 7, 2023, the California Legislative Jewish Caucus in a letter to the leadership of UC and CSU expressed their collective outrage and concern regarding the increased number of antisemitic incidents occurring on campuses since the Israeli-Hamas conflict began on October 7, 2023. The letter included the following details on antisemitic incidents which had been described to various members of the Caucus:

“In recent days, we have heard from Jews across California who have been targeted by hate on our campuses. Among numerous other examples, we have heard from Jewish students at UC Berkeley, UC Davis, and San Jose State who report being physically attacked for expressing support for Israel; Jewish students at UC San Diego who required a police escort in order to safely leave a student meeting; obscene anti-Israel graffiti on a Jewish ritual space

at Cal Poly Humboldt; anti-Israel rallies at UCLA that interrupted classes with hate-filled rhetoric; a social media post by a UC Davis faculty member with knife, axe, and blood emojis calling for violence against Zionists in their homes and their ‘kids in school;’ and an increased need for armed security at Jewish student centers on multiple campuses. Shockingly, anti-Israel student groups immediately celebrated the Hamas terrorist attack on October 7th, while the UC Ethnic Studies Faculty Council glorified the largest mass murder, rape, and kidnapping of Jewish civilians since the Holocaust as worthy of support as part of the ‘Palestinian freedom struggle.’

Due to the rise in antisemitic incidents on campus, the author of AB 2925 (Friedman) contends the measure will “address these incidents by requiring that college campuses include training to combat and address anti-Semitism as part of any antidiscrimination training or diversity, equity and inclusion training that is already offered by the institution.”

Furthermore, the author states, “It is critical that we equip our college campus communities with the proper tools and training to counter the rising acts of antisemitic harassment and violence. Antisemitic incidents from 2023 were already at record highs and have since increased significantly after the October 7th Hamas terror attack and subsequent war. We owe it to both our students and faculty to ensure an educational experience free from harassment or intimidation as guaranteed by the federal and state constitutions.”

AB 2925 updates the Equity in Higher Education Act’s declaration of purpose to clearly identify antisemitism and Islamophobia as hate – based discrimination to which California postsecondary education institutions have an affirmed obligation to combat in order to provide equitable educational opportunities. The measure would require any antidiscrimination or diversity, equity, or inclusion training off by a postsecondary education institution to incorporate section to combat and address antisemitism and would require each postsecondary education institution to inform students of their right to report incidents of discrimination to the United States Department of Education’s Office for Civil Rights.

*Antisemitism on postsecondary education campuses.* As stated above, the letter issued by the California Legislative Jewish Caucus contained multiple of examples of antisemitism on UC and CSU campuses. On March 15, 2024, a coalition of Jewish organizations sent a letter to the UC Board of Regents regarding the rise of antisemitic incidents on UC campuses, including an incident where a Jewish student body president was the threatened. The letter included the following statistic from the Anti-Defamation League (ADL, who was a cosignatory), “Since October 7, 2023, there has been a 2000% increase in antisemitic incidents on college campuses across California compared to the same period last year.”

In November 2023, the ADL Center for Antisemitism Research, published a report entitled “Campus Antisemitism: A study of Campus Climate Before and After the Hamas Terrorist Attached”. The study included data from a survey conducted across postsecondary education institutions throughout the United States, including the following metric points:

- 73% of Jewish students have experienced some form of antisemitism on college campuses just since the start of the 2023-24 academic year (since September 2023).

- More than a third of Jewish students said they felt uncomfortable speaking about their views of Israel, and roughly the same proportion said they feel uncomfortable speaking out against antisemitism.
- While a majority of university students have undergone Diversity, Equity, and Inclusion training, only 18% of those students have received any training about antisemitism.

Brandeis, the Maurice and Marilyn Cohen Center for Modern Jewish Studies, issued a report on the rise of antisemitism on US college campuses, entitled, “In the Shadow of War: Hotspots of Antisemitism on US College Campuses.” The report was based on the findings from a survey of Jewish undergraduate students at 51 colleges and universities from across the US and one of the data points included categorizing colleges and universities into a hostility index, essentially ranking schools by the level of hostility students experience on campus. In the top 25% for hostility towards Jewish or perceived Jewish students were the following California campuses: UC Berkeley, UCLA, and UC San Diego. In the category for above average for hostility towards Jewish or perceived Jewish students (the second highest category) were UC Davis, UC Santa Barbara, and the University of Southern California. In the below average for hostility towards Jewish or perceived Jewish students, Cal Poly, San Luis Obispo was listed. Santa Monica Community College and UC Santa Cruz were also surveyed, but did not yield enough results to be included in the final report. The placement in the index were determined by students on campus who were asked to rank their campus by the proportion to which they agreed or disagreed that there was a hostile environment toward Jews or toward Israel on their campus.

The report further highlighted how, “[t]here is substantial public interest in the experiences of Jewish students on campuses. In mid-November 2023, the White House acknowledged the ‘alarming rise’ of antisemitic incidents on college campuses and pledged to ‘take action’ on antisemitism and Islamophobia on campuses. At the same time, the US Department of Education opened investigations into six colleges and universities for civil rights violations based on ‘shared ancestry.’”

Since 1990, due to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act, all colleges and universities who receive any federal funding must submit a report once a year disclosing information about certain crimes, including: the prevalence of stalking, intimidation, dating violence, domestic violence, sexual assault and hate crimes that occur on or around the campus. The data provided by these reports is available to the public disaggregated by campus on the U.S. Department of Education website under the Campus and Security database. In 2021, there were 74 hate crimes which has risen to 228 reports of hate crimes in 2022 by California postsecondary education institutions. The Clery Act defines hate crimes as a criminal offense that manifests evidence that the victim was intentionally targeted or selected because of the perpetrator’s biases.

*Committee Staff notes the above figures are only reported incidents of hate crimes and do not account for any unreported cases which occur on college campuses throughout the state.*

*U.S. Department of Education Office for Civil Rights and Title IV of the Civil Rights Act of 1964. With a national rise in antisemitic incidents, the U.S. Department of Education Office of Civil Rights (OCR) issued a “Dear Colleague Letter” on November 7, 2023, reminding postsecondary*

education institutions of their duty and legal responsibility to provide a postsecondary educational environment where all students are free from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics. Specifically, the letter articulates the legal obligation for postsecondary education institutions to respond to acts of discrimination against those who are or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian, as well as students who come from, or are perceived to come from, all regions of the world because:

“Title VI’s [Title IV of the Civil Rights Act of 1964] protection from race, color, and national origin discrimination extends to students who experience discrimination, including harassment, based on their actual or perceived: (i) shared ancestry or ethnic characteristics; or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity.”

Therefore any postsecondary education who receives federal financial assistance or has enrolled students who receive federal financial assistance “have a responsibility to address discrimination against Jewish, Muslim, Sikh, Hindu, Christian, and Buddhist students, or those of another religious group...” Otherwise, if a postsecondary education institution is found to have not completed its obligation pursuant to the “Dear Colleague Letter” and Title VI, the OCR “stands ready to support schools in fulfilling this promise and to ensure every student’s right to learn without discrimination.”

In the Assembly Higher Education Committee’s report “A Call to Action”, provides an overview of the duties and jurisdiction of the OCR as it pertains to its ability to enforce Title IX of the Education Amendments of 1972 is provided:

“The Office for Civil Rights (OCR) within the U.S. Department of Education oversees Title IX compliance at higher education institutions that receive federal funding. The OCR has the authority to investigate higher education institutions that are reported to the OCR by survivors or whistleblowers who believe the higher education institution has not followed Title IX. The OCR can open an investigation if:

1. A complaint is filed by a survivor or a witness;
2. The OCR initiates an investigation (could be due to a media exposé on a specific incident);  
or,
3. A targeted compliance review is conducted and potential violations are found.

The OCR does not require campuses to provide annual data as to how they are preventing or addressing sex discrimination on campus. The only time the OCR requires data to be provided by a campus is if the campus was investigated and a reporting requirement was part of the resolution agreement or monitoring agreement with the OCR.”

While the report covers the OCR’s ability to investigate a college or university for its compliance with Title IX, the same responsibility/methodology for investigating and holding an institution accountable is used for the enforcement Title IV. Currently, the OCR has 13 open Title IV Shared Ancestry investigations for California postsecondary education institutions. Five are UC

campuses, two are from a single CSU campus, one is from a California Community College, and three are from independent universities.

*Addressing discrimination on California postsecondary education campuses.* Enshrined in the California Education Code is the affirmed obligation for all postsecondary education institutions in California to offer equal rights and opportunities to all people regardless of disability, gender, gender expression, nationality, race or ethnicity, religion, sexual orientation, or immigration status. The responsibility for providing educational programs free from discrimination resides with varying entities. For the CCC, the local governing board of each community college district has the primary responsibility for combating and addressing discrimination on campus and the Chancellor's Office of the CCC is tasked with monitoring compliance. For the CSU, the primary responsibility is shared between the Chancellor's Office of the CSU and each president of the campus; and the same bifurcated responsibility exists for the UC with the UC Office of the President and the chancellor of each campus sharing responsibility. Another section of the EDC places the responsibility of addressing all forms of discrimination and harassment with the governing boards of institutions of higher education.

*Committee Staff note the "A Call to Action" bill package will be amending the code sections that assign responsibility for ensuring education programs are free from discrimination on CCC, CSU, and UC campuses.*

In California, there is no state entity that audits postsecondary education campuses compliance with addressing discrimination on campus in a manner that provides educational equity. All entities who address discrimination including the OCR and the Civil Rights Department of California, a state agency tasked with enforcing California's civil rights laws, can only address specific complaints of a specific nature.

Unlike for incidents of sexual harassment and sex discrimination, the EDC does not have specific procedures nor requirements for the: notification of student's rights to report, antidiscrimination training, antidiscrimination policies, nor the adjudication of complaints. The CCC, CSU, and UC each have antidiscrimination policies; however these are often viewed in the context of addressing complaints of sexual harassment and sex discrimination even though they technically apply to other forms of discrimination.

Some campuses of the CSU and UC have diversity, equity, and inclusion officers who address and provide some forms of training on the subject of antidiscrimination including antiracism.

*Committee Staff are not aware of any antidiscrimination training that is required nor offered campus-wide to students, faculty, or staff at any of the public higher education institutions.*

Both the CSU Chancellor and the UC President responded to the California Legislative Jewish Caucus's letter in November 2023. The CSU issued a joint statement from the Chancellor and Board of Trustees Chair which stated:

"Balancing our commitments to academic freedom and free speech and to denouncing hate and untruth is often difficult, and lines of demarcation can be unclear. But the vile and deplorable acts of hatred, antisemitism and Islamophobia occurring on college campuses across the country in response to the ongoing and tragic events in Israel and the Gaza Strip

are clearly and entirely antithetical to the CSU's core values. We condemn them in the strongest terms. Hate has no place at the CSU. During this challenging time, we have called upon our 23 universities to be even more vigilant in ensuring the safety of our community. Campus police departments are monitoring protests and threats, while also coordinating with state and federal agencies when needed to prevent unlawful incidents of discriminatory, disruptive or criminal behavior driven by hatred or bigotry. Any such incidents will be immediately and fairly investigated, with individuals found responsible held accountable through student, faculty or staff discipline processes, and the criminal justice system when appropriate. Counseling and other mental and emotional support services continue to be provided to all CSU community members in need of it."

*To the knowledge of Committee Staff no additional action has transpired at the CSU Systemwide level; however, there is at least one discriminatory incident that was addressed and is currently under investigation by San José State University.*

The UC issued a statement from the UC President Michael Drake and all 10 UC campus-chancellors, which included the following:

"Some of the rhetoric we have seen and heard over the past month at campus protests, online, in student government meetings, and in classrooms has been shocking and abhorrent. Let us be clear: There is no place for hate, bigotry, or intimidation at the University of California. Period."

"Antisemitism is antithetical to our values and our campus codes of conduct and is unacceptable under our principles of community. It will not be tolerated."

"Similarly, Islamophobia is unacceptable and will not be tolerated. We will work to ensure that those who advocate on behalf of Palestinians can also be confident of their physical safety on our campuses."

"And while words matter a great deal — and we stand firmly by the words we share today — this is also a time for action. Over the coming days, President Drake will announce a series of initiatives to help us address the current climate on our campuses, provide additional support for our students, staff, and faculty, and improve the public discourse on this issue."

Following the publication of the statement, President Michael Drake announced that the UC would pledge \$7 million to address acts of bigotry, intolerance, and intimidation, including acts of Islamophobia and antisemitism, on UC campuses. The funding would go towards mental health resources, new educational programs, and additional training for leadership, faculty, and staff. Additionally, President Drake announced he would be creating a systemwide civil rights office and hiring a new UC Systemwide Director of community safety to help campuses respond to incidents of violence based on discrimination.

The announcement from UC President Michael Drake occurred after the Governor of California, Gavin Newsom, issued a letter to the leaders of the UC, CSU, and CCC requesting the entities to respond to the urgent and continuing priority of student safety on campus. The letter specifically requested the public higher education systems to do the following:

1. Enforce campus safety and community policies to address acts of hate and violence; and,
2. Proactively provide spaces for affinity and dialogue for both Jewish and Palestinian student organizations.

*Arguments in support.* The Jewish Public Affairs Committee of California – the largest single-state coalition of Jewish organizations in the nation, is contents the need for AB 2925 (Friedman), as “antisemitism is a form of hate and discrimination that is no less dangerous than sex-based discrimination, race-based discrimination, or Islamophobia. California’s postsecondary educational institutions have an affirmative obligation to combat these forms of hate. AB 2925 would add antisemitism to that list, ensuring that it is included as part of antidiscrimination or DEI trainings that are offered by California Community Colleges, the California State Universities, independent institutions of higher education, and private postsecondary educational institutions that receive state financial assistance. The bill would request that the University of California take these measures as well. Students, regardless of identity, should not feel uncomfortable or afraid of walking on their own campuses.”

*Committee comments.* AB 2925 (Friedman) does not create a new training requirement nor does it require a new policy on antidiscrimination to be written and provided to students.

AB 2925 (Friedman) asks for students to be informed of their right to report discriminatory events to the OCR and for any existing antidiscrimination or existing equity, diversity, and inclusion training that is already offered on a college or university campus to include a section on addressing and combating antisemitism.

Throughout history, college and universities have been uniquely posed to address the moral and existential threats to freedom and democracy. It was college protests that lead the path to the U.S. withdrawing from Vietnam; it was college students who walked with Dr. Martin Luther King and laid the foundation for the Civil Rights Act; and it was because of women being denied access to degrees that Title IX was implemented and equal access to education was granted. In a time of unrest, higher education can once again lead the nation by having additional training to address and combat antisemitism.

The concept of using training as a tool to combat antisemitism is not a new concept. On March 20, 2019, the CSU settled two court cases, *Charles Volk and Liam Kern v. Board of Trustees of California State University (2018) CA Superior Court*, and *Mandel, et al. v. Board of Trustees of California State University, et al (2018) US District Court, Northern District*. Both cases dealt with an allegation that San Francisco State University had engaged in antisemitism towards students and had created a pervasively hostile environment for Jews and Israelis who attend San Francisco State University. As part of the settlement, San Francisco State University was required to allocate an additional \$200,000 to support educational outreach efforts to promote viewpoint diversity (including, but not limited to pro-Israel or Zionist viewpoints), and inclusion and equity on the basis of religious identity (including, but not limited to Jewish religious identity).

In 2023, the White House published the “U.S. National Strategy to Counter Antisemitism.” Within the report was the following request, “we call on schools and colleges to ensure efforts to

prevent and address antisemitism are integrated into their DEIA programs, including into mandatory trainings on discrimination and harassment.”

AB 2925 (Friedman) by requiring all postsecondary education institutions except for the UC, who is requested, to include a section on how to combat and address antisemitism into the pre-existing antidiscrimination trainings and diversity, equity, and inclusion trainings, the bill is aligned with the CSU settlement and the report published by the White House.

However, there are some practical, policy, and legal implications of only requiring postsecondary education institutions to include antisemitism in their antidiscrimination and diversity, equity, and inclusion training. Antidiscrimination training is a broad term. For most postsecondary education institutions, their sexual harassment prevention trainings falls under antidiscrimination training. Technically, discrimination on the basis of sex would fall under the definition for antidiscrimination and therefore this bill would require institutions to include a section on combating antisemitism into their annual sexual harassment prevention trainings.

The White House and OCR have been clear regarding the obligation of the postsecondary education institutions to combat and address all forms of discrimination, not just antisemitism. Additional sections of the “U.S. National Strategy to Counter Antisemitism”, when referencing trainings, require the trainings to include sections addressing antisemitism, Islamophobia, and other related forms of discrimination and bias. The White House recently announced they would be publishing a “U.S. National Strategy to Counter Islamophobia.” Requiring the inclusion of one form of discrimination into a training is not content neutral which is the basis tenants of the Civil Rights Act of 1964.

Antisemitism is not the only form of discrimination on postsecondary education institutions that has increased in recent years. A report published by the U.S Department of Justice – Federal Bureau of Investigation, in January 2024, provided the number of hate crime offenses that occurred at schools (K-12 and postsecondary education institutions) over four year period. The top five groups with the most incidents of crimes perpetrated against them were those who are or are perceived to be Black/African Americans, Jews, Gay (Male) or Lesbians (female)<sup>1</sup>. Furthermore, the trend of the data showed the incidents against these groups have grown exponentially over the four year period. Furthermore, according to a National Center For Education Statistics, in 2020 (the most recently available data set), the three most frequently reported categories of bias motivating hate crimes reported by postsecondary institutions were race, sexual orientation, and ethnicity<sup>2</sup>.

Each year the California Department of Justice issues a report, “Hate Crimes in California” as required by Penal Code Section 13023. In 2022, the top five groups who experienced bias motivating crimes included Black/African Americans, Hispanics, Gay Men, Jews, and Asians.

*To address the above concerns, while also conveying the duty postsecondary education institutions have to address incidents of antisemitism, the Committee has suggested, and the Authors have agreed to the following amendments:*

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<sup>1</sup> <https://cde.ucr.cjis.gov/LATEST/webapp/#>

<sup>2</sup> <https://nces.ed.gov/programs/coe/indicator/a22?tid=200>

- 1) Amends SEC 1 of the measure to read: Section 66252 of the Education Code is amended to read as follows:

66252. (a) All students have the right to participate fully in the educational process, free from discrimination and harassment. *Existing state law provides that no person shall be 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 definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, 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.*

(b) California's postsecondary educational institutions have an affirmative obligation to combat, *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 definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status,* and a responsibility to provide equal educational opportunity.

(c) Harassment directed at an individual creates a hostile environment and jeopardizes equal educational opportunity as guaranteed by the California Constitution and the United States Constitution.

(d) There is an urgent need to prevent and respond to acts of *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 definition of hate crimes set forth in Section 422.55 of the Penal Code,* including immigration status that are occurring at an increasing rate in California's postsecondary educational institutions.

(e) There is an urgent need to teach and inform students about their rights, as guaranteed by the federal and state constitutions, in order to increase students' awareness and understanding of their rights and the rights of others, with the intention of promoting tolerance and sensitivity in postsecondary educational institutions and in society as a means of responding to potential harassment and violence caused by discrimination.

(f) It is the intent of the Legislature that each postsecondary educational institution undertake educational activities to counter discriminatory incidents on campus and, within constitutional bounds, to minimize and eliminate a hostile environment on campus that impairs the access of students to equal educational opportunity.

(g) It is the intent of the Legislature that each postsecondary educational institution undertake supportive measures to help students who have encountered discriminatory incidents, regardless of the location of the discriminatory incident, if the student feels the incident impairs their access to equal educational opportunities.

*h) For purposes of this section the following are defined,*

*(1) Discrimination is defined as discrimination on the basis of 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 definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status.*

*(2) "Religion" includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.*

*(3) Discrimination on the basis of religion includes, but is not limited to, antisemitism and Islamophobia.*

*(4) "Nationality, includes all aspects of citizenship, country of origin, and national origin.*

*(5) Discrimination on the basis of nationality includes, but is not limited those who are from or are perceived to be from the State of Israel or the Palestinian territories.*

- 2) Amends SEC 2 of the measure to read as follows: Section 66268 of the Education Code is added to the Education Code to read:

**66268.** (a) It is the policy of the State of California, pursuant to Section 66251, that all persons, regardless of their race, color, or national origin, should enjoy freedom from discrimination of any kind, including harassment based on a person's actual or perceived shared ancestry or ethnic characteristics, or citizenship or residency in a country with a dominant religion, as described in Title VI of the federal Civil Rights Act of 1964 (42 U.S.C. Sec. 2000d, et seq.), in the postsecondary educational institutions of the state.

(b) The California Community Colleges, the California State University, independent institutions of higher education that receive state financial assistance, and private postsecondary educational institutions that receive state financial assistance shall, and the University of California is requested to, include training *to address discrimination of the five most targeted groups in California as defined by the five most prevalent hate crimes reported to the Attorney General as mandated by Penal Code Section 13023 each year and reflected in the number of events reflected in Table 1 of the annual hate crimes report published by the Attorney General, as part of any antidiscrimination training or diversity, equity, and inclusion training that is offered by the institution.*

*(c) Nothing in this section shall be interpreted to mean the training of subdivision (b) shall be incorporated as part of the sexual violence and sexual harassment training required pursuant to Section 67385.7.*

*(d) For purposes of this section the following terms have the following meaning:*

*(1) Discrimination means discrimination on the basis of 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 definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status.*

*(2) "Religion" includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.*

*(3) Discrimination on the basis of religion includes, but is not limited to, antisemitism and Islamophobia.*

*(4) "Nationality, includes all aspects of citizenship, country of origin, and national origin.*

*(5) Discrimination on the basis of nationality includes, but is not limited to discrimination against those who are from, or are perceived to be from, State of Israel or the Palestinian territories.*

3) Deletes SEC 3 from the measure; Section 66269 is deleted from AB 2925.

~~66269. (a) It is the policy of the State of California, pursuant to Section 66251, that all persons, regardless of their race, color, or national origin, should enjoy freedom from discrimination of any kind, including harassment based on their actual or perceived shared ancestry or ethnic characteristics, or citizenship or residency in a country with a dominant religion, as described in Title VI of the federal Civil Rights Act of 1964 (42 U.S.C. Sec. 2000d, et seq.), in the postsecondary educational institutions of the state. All students, including those who are actually or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian, and those who come from or are perceived to come from any region of the world, are entitled to a postsecondary educational environment free from discrimination based on race, color, or national origin.~~

~~(b) Each postsecondary educational institution shall annually notify students by email of their right to file a complaint with the United States Department of Education's Office for Civil Rights if the student is subjected to discrimination, including anti-Semitic behavior, on campus, and shall include the office's contact information and how to file a complaint with the office.~~

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

30years After  
 Ajc San Francisco  
 American Jewish Committee (AJC) San Diego  
 American Jewish Committee - Los Angeles  
 Anti Defamation League  
 Democrats for Israel - CA  
 Democrats for Israel Los Angeles  
 Etta  
 Hadassah  
 Hillel At UCLA  
 Hillel of San Diego  
 Hillel of Silicon Valley  
 Holocaust Museum LA  
 Jerc Bay Area  
 Jerc of Jewish Silicon Valley  
 Jewish Big Brothers Big Sisters of Los Angeles

Jewish Center for Justice  
Jewish Community Federation and Endowment Fund  
Jewish Community Relations Council (SACRAMENTO)  
Jewish Community Relations Council, Santa Barbara  
Jewish Democratic Club of Marin  
Jewish Democratic Club of Solano County  
Jewish Democratic Club of the Bay Area  
Jewish Democrats of San Diego County  
Jewish Family & Community Services East Bay  
Jewish Family and Children's Service of Long Beach and Orange County  
Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties  
Jewish Family Service of Los Angeles  
Jewish Family Service of San Diego  
Jewish Family Services of Silicon Valley  
Jewish Federation of Greater Los Angeles, the  
Jewish Federation of Greater Santa Barbara  
Jewish Federation of The Greater San Gabriel and Pomona Valleys  
Jewish Federation of The Sacramento Region and The Sacramento Jewish Community Relations Council  
Jewish Free Loan Association  
Jewish Long Beach  
Jewish Public Affairs Committee  
Jvs Social  
National Council of Jewish Women CA  
Progressive Zionists of California  
Raoul Wallenberg Jewish Democratic Club

**Opposition**

None on file.

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