

Date of Hearing: April 16, 2024

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 2048 (Mike Fong) – As Amended March 19, 2024

**SUBJECT:** Public postsecondary education: discrimination prevention: campus-based Title IX offices

**SUMMARY:** Requires each campus of the CSU and UC, and each community college district, to establish a Title IX office in a private space for students and employees to disclose complaints of sex discrimination and establishes the responsibilities of the Title IX office in addressing and preventing sex discrimination on college campuses. Specifically, **this bill:**

- 1) Establishes, by July 1, 2026, at each campus of the CSU and each campus of the UC a Title IX office (office) in a private space for students and employees to disclose complaints of sex discrimination, including, but not limited to sexual harassment. The Title IX coordinator will manage the office and will be responsible for coordinating the campus' implementation and compliance with the systemwide nondiscrimination policy established by AB 2047 (M. Fong) of 2024.
- 2) The office will have the following responsibilities:
  - a) Ensure timely and effective responses to complaints of sex discrimination;
  - b) Provide supportive measures to complainants and respondents;
  - c) Process, adjudicate, and implement the outcomes of complaints of sex discrimination as required by the CSU or UC nondiscrimination policy;
  - d) Maintain a case management system. The case management system will have the following:
    - i) The date of the complaint and the date, nature, and location of the incident or incidents;
    - ii) The name of the person who reported the complaint and the person's affiliation with the campus, or whether the complaint was reported anonymously;
    - iii) The name and title of the person who received the complaint;
    - iv) The name of the person alleged to have experienced sex discrimination, if other than the person who reported the complaint, and the person who experienced the sex discrimination affiliation with the campus;
    - v) The name of the respondent and the respondent affiliation with the campus;
    - vi) Any campus community context;
    - vii) Whether a formal complaint was received by the campus, along with a copy of the notice of allegations provided to the parties. If the campus dismissed the formal

- complaint, a copy of the written notice of dismissal provided to the parties with the reason for the dismissal;
- viii) Whether the campus opened an investigation of the complaint and, if applicable, its reason for declining to investigate the complaint;
  - ix) The name of the person assigned to investigate the complaint, and the name of the person assigned to implement any supportive measures;
  - x) All supportive measures offered and implemented in response to the complaint; and,
  - xi) The names of all witnesses identified by either party, interview notes or summaries, if available for any witnesses who were not interviewed an explanation of why they were not interviewed;
- e) Develop and implement a comprehensive prevention and outreach program on sex discrimination. This program will do all the following:
- i) Address a range of strategies to prevent sex discrimination;
  - ii) Provide to students, faculty, and staff information regarding the protocols for reporting complaints of sex discrimination, including the name, office location, and contact information of the Title IX coordinator, by both of the following means:
    - (1) Emailing the information to each student, faculty, and staff member at the beginning of each academic semester or other academic term; and,
    - (2) Including the information as part of the on-campus orientation program pursuant to Section 67385.7;
  - f) Provide trainings to student, faculty, and staff in accordance with the systemwide nondiscrimination policy.
- 3) Authorizes the Title IX coordinator to have the authority and responsibility to implement a consistent campus based response to complaints of sex discrimination. The coordinator will have experience, training, and expertise necessary to coordinate and carry out the systemwide nondiscrimination policy. The Title IX coordinator will operate with the authority, independence, and resources necessary to fulfill the duties of the Title IX office.
- 4) Requires the Title IX coordinator to do the following:
- a) By September 1, 2026, meet with the campus president (CSU) or the campus chancellor (UC) and proceed to meet with the president and chancellor every three months thereafter. The meetings are established so the Title IX coordinator can report on the activities of the Title IX office, specifically how the office is addressing and preventing sex discrimination on campus.
  - b) By September 1, 2026, meet with the systemwide Title IX coordinator and proceed to meet with the systemwide Title IX coordinator every three months thereafter. The meetings are established so that the campus Title IX coordinator can report on the

activities of the Title IX office, specifically how the office is addressing and preventing sex discrimination on campus.

- 5) Requires, by July 1, 2026, for each campus to recruit and hire qualified Title IX office personnel including, but not limited to: the Title IX coordinator, a deputy Title IX coordinator, a Title IX case manager, a Title IX investigator, a Title IX prevention education coordinator, and an administrative assistant. The team will help the Title IX coordinator in adjudicating complaints of sex discrimination. The Title IX office personnel will have the experience, training, and expertise necessary to carry out their duties.
- 6) Permits the campus president or chancellor and the campus Title IX coordinator, beginning in the 2026-2027 academic year, the ability to assess whether additional staffing or resources are needed by the Title IX office in order to fulfill the requirements of this measure. Authorizes the president or chancellor of the campus to make a written request for additional staff and resources in the annual systemwide budget request to the Legislature.
- 7) Despite the UC being exempt from the Donahue Act, this measure will apply to them, unless the UC exercises their autonomy for it not to apply.
- 8) Implements (1) – (3) of this analysis for the CCC but at the community college district rather than at each campus. Thereby, establishes 73 Title IX offices, one at each community college district, including CalBright.
- 9) Requires the community college district Title IX coordinator to do the following:
  - a) By September 1, 2026, meet with each campus chief executive officer within the community college district and proceed to meet with each campus chief executive officer within the community college district every three months thereafter. The meetings are established so the Title IX coordinator can report on the activities of the Title IX office, specifically how the office is addressing and preventing sex discrimination on each college campus within the district.
  - b) By September 1, 2026, meet with the systemwide Title IX coordinator and proceed to meet with the systemwide Title IX coordinator every three months thereafter. The meetings are established so the campus Title IX coordinator can report on the activities of the Title IX office, specifically on how the office is addressing and preventing sex discrimination on each community college campus within the district.
- 10) Requires, by July 1, 2026, for each campus to recruit and hire qualified Title IX office personnel including, but not limited to: the Title IX coordinator, a Title IX case manager, a Title IX investigator, a Title IX prevention education coordinator, and an administrative assistant. The team will help the Title IX coordinator in adjudicating complaints of sex discrimination. The Title IX office personnel will have the experience, training, and expertise necessary to carry out their duties.
- 11) Permits each community college chief executive officer and the campus Title IX coordinator, beginning in the 2026-2027 academic year, the ability to assess whether additional staffing or resources are needed by the Title IX office in order to fulfill the requirements of this measure. Authorizes the community college district to make a written request for additional staff and resources in the CCC annual budget request to the Legislature.

- 12) Requires by July 1, 2027, for each community college to establish an on-campus position of a deputy Title IX coordinator. The deputy Title IX coordinator shall serve as the campus point of contact for students, faculty, and staff to report a complaint of sex discrimination. The deputy Title IX coordinator will act as a broker between the community college and the community college district's Title IX office and will assist the district Title IX office with preventing and addressing sex discrimination on campus.
- 13) Stipulates if the Commission on State Mandates determines the act incurs a cost mandate by the state, the community colleges will be reimbursed.

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

- 1) No person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance except for specified circumstances including membership of fraternities and sororities (United States Code Title 20, Chapter 38, Section 1681... colloquially known as Title IX).
- 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. The regulations include a requirement for a formal complaint, a grievance procedure for an investigation into whether the incident based on a standard of evidence occurred, and a method of appealing the outcome of the grievance process (Federal Code of Regulations Title 34, Subtitle B, Chapter 1, Subpart D, Section 106.45).
- 3) Defines sexual harassment as conduct on the basis of sex that satisfies at least one of the following:
  - a) An employee of the postsecondary education institution conditions aid, benefit, or services to a recipient on the individual's participation in unwelcome sexual conduct;
  - b) 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; and,
  - c) Sexual assault, dating violence, domestic violence, and stalking, as defined in the United States Code (Federal Code of Regulations, Title 34, Subpart D, Section 106.30).

*State law.*

- 1) Establishes the UC as a public trust to be administered by the Regents and grants the Regents full powers of organization and governance subject only to legislative control as necessary to ensure the security of funds, compliance with terms of its endowments, and the statutory requirements around competitive bidding and contracts, sales of property, and the purchase of materials, goods, and services (Article IX, Section (9) (a) of the California Constitution).
- 2) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in California. The CCC shall be comprised of community college districts (Education Code (EDC) Section 70900).

- 3) Establishes that CCC districts are under the control of a board of trustees, known as the governing board, who has the authority to establish, maintain, operate, and govern one or more community colleges, within its district as specified. Permits districts to establish policies for and the approval of courses of instruction and educational programs (EDC Section 70902).
- 4) Establishes the CSU system, comprised of 23 campuses, and bestows upon the CSU Trustees, through the BOT, the power, duties, and functions with respect to the management, administration, and control of the CSU system (EDC Sections 66606 and 89000 et. Seq.).
- 5) Stipulates no provision of the Donahue Higher Education Act shall apply to the UC unless the UC Regents adopts the provision (EDC Section 67400).
- 6) Establishes the policy for the State of California that all persons should enjoy their postsecondary education free from discrimination regardless of their sex. Requires each postsecondary education institution in the state to provide a written policy on sexual harassment (policy), including information on the complaint process, on the institutions website. The policy is to include information on the specific rules and procedures for reporting charges of sexual harassment and the available remedies and resources available to survivors both on and off campus. A copy of the policies shall be:
  - a) Displayed in a prominent location, as defined, in the main administrative building or in another area on the campus or school site;
  - b) Provided to students during any orientation program for new students at the beginning of each quarter, semester, or summer session;
  - c) Provided to each faculty member, administrative staff, and all member of the support staff at the beginning of each school year or at the time the employee is hired;
  - d) Included in any publication of the institution that includes the comprehensive rules, regulations, procedure, and standards of conduct for the institution (EDC Section 66281.5).
- 2) Requires the governing board or body of each postsecondary institution in the state, as a condition of receiving state funding, to comply with an array of conditions pertaining to protecting students from sexual harassment protections and to provide students with procedural protections relating to claims of sexual harassment (EDC Section 66281.8).
- 3) Defines sexual harassment and sexual violence as the following:
  - a) “Sexual harassment” as sexual battery, sexual violence, sexual exploitation, and unwelcomed sexual advances request 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. Clarifies sexual harassment of students is a form of sex discrimination prohibited by the Equity in Higher Education Act; and,
  - b) “Sexual violence” as a physical sexual act perpetrated against a person without the affirmed consent of the survivor, as defined. Physical sexual acts include rape, sexual batter, sexual exploitation, prostituting another person, trafficking another person,

recording images of the person during the act without consent, distributions of said images without consent, or viewing a person's intimate moments in which privacy is expected without consent, as defined (EDC Section 66262.5).

**FISCAL EFFECT:** Unknown

**COMMENTS:** *A Call to Action.* To understand how higher education institutions are preventing and addressing sex discrimination on campuses, staff from the Assembly Committee on Higher Education hosted fact-finding briefings with representatives from the CCC, the CSU, the UC, and various California Independent Colleges and Universities. The “A Call to Action” report is a synopsis of the information gleaned from the briefings and over 400 hours of research as to how the State can partner with higher education institutions to prevent and address sex discrimination in all its forms on campuses throughout California<sup>1</sup>.

The “A Call to Action” report attempted to answer “how many staff are necessary to address sex discrimination on campus,” by noting the following:

“Federal Title IX regulations require every recipient of federal funding to have a Title IX coordinator. [The California Sex Equity in Education Act also requires each campus to have a designated employee to adjudicate complaints of sexual harassment]. The number of staff assigned to a Title IX office varies by campus and by segment. Training provided to the Committee Staff by Institutional Compliance Solutions, LLC, suggested that each campus-based Title IX office should, at the bare minimum, have: a Title IX coordinator, an investigator, and an informal resolution officer. Furthermore, each campus should have an identified hearing officer, who is independent of the Title IX office, who is trained in the grievance procedures and State/Federal laws regarding the adjudication of sex discrimination complaints. Standards of best practice suggest the hearing officer not be a member of the Title IX office to prevent a claim of collusion between the office and the impartial hearing officer when a finding is determined after a hearing.”

“To determine the number of staff required to operate a sufficient Title IX office, Committee Staff reviewed multiple sources including the U.S. Department of Justice Civil Rights Division’s Resolution Agreement between the United States of America and San José State University (U.S. Department of Justice, 2021). On page 7 of the agreement, the U.S. Justice Department asks the campus to sufficiently fund the Title IX office to maintain qualified Title IX personnel including a Title IX coordinator, a deputy Title IX coordinator, a minimum of two Title IX investigators, and one administrative assistant. The resolution further states, that the Department will assess after one year whether additional staff or resources will be recommended to support the Title IX office based on the workload and need. The other requirement in the resolution was for the Title IX office to be centrally-located, physically on-campus in a location that provides a private space for students and employees to meet with the Title IX office staff” (pages 13 and 14 of the report).

Based on the findings above, the following recommendations were made:

*Campus Recommendation 1* – Each campus of the CSU and UC should have a Title IX office that is centrally located and ensures the privacy of complainants and respondents. The office

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<sup>1</sup> <https://ahed.assembly.ca.gov/media/3122>

shall have at a minimum a Title IX coordinator, Title IX deputy coordinator, case manager, investigator, prevention education coordinator, and an administrative assistant.

Each CCC campus shall have a Title IX deputy coordinator who will intake cases and provide supportive measures) and a prevention education coordinator who will provide educational prevention training to the campus.

The staff of the Title IX office will have no other responsibility other than to prevent and address sex discrimination complaints.

Each CCC district will have at a minimum a Title IX coordinator, a case manager, and one investigator for each campus in the district. The role of the district office is to assist the campus-level office with the prevention of sex discrimination on community college campuses within the district.

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

*Campus Recommendation 4* – Every three months the campus-based Title IX coordinator or district Title IX coordinator (CCC) will provide information on the campus's education prevention programming, adjudication of complaints, and trends/patterns of sexual harassment on campus to the chief executive officer (CCC), president (CSU), and chancellor (UC) of the campus. The same report will be provided to the Systemwide Title IX coordinator every three months. In the case of the CCC, the district Title IX coordinator will also be required to provide information every three months to the local governing board.

AB 2048 (M. Fong) ameliorates the above recommendations and mandates each CSU and UC to have a campus-based Title IX office with a minimum number of personnel, and requires the CCC districts to have a Title IX office with a minimum number of personnel. The measure also requires each Title IX offices throughout CCC, CSU, and UC to have specified responsibilities and to consistently report outcomes to designated administrators in an effort to not only enforce compliance, but to also improve upon prevention of sexual harassment incidents on campus.

*Need for the measure.* As contended by the author, “California has long been heralded as a state for equity and inclusion; however the systems in place for our college campuses to monitor and address sex discrimination are archaic when compared to other states. AB 2048 seeks to build upon identified best practices by the Federal Government by requiring the CCC to have district-level Title IX offices and the CSU and UC to have campus-based Title IX offices. The measure is part of a larger bill package that seeks to provide a methods and oversight to ensure college campuses are preventing and addressing sexual harassment and sex discrimination in a manner that fosters trust and restore educational equity to the survivor. AB 2048 would require each Title IX office to have trained staff and assigns specific duties to the offices as the first responders to discrimination as it occurs on campus.”

*Title IX offices on campuses.* The Federal Title IX regulations and the Sex Equity Act in the California Education Code, require CCC, CSU, and UC campuses to have at least one designated

employee who addresses sexual harassment complaints. EDC Section 66281.8 stipulates the same person designated to oversee the campuses federal Title IX regulations can also oversee the California Equity Act requirements for the adjudication of sexual harassment cases.

To be clear, EDC Section 66281.8 requires the designated employee to be on campus and was to be implemented by January 1, 2022, regardless of whether funding was provided for implementation.

AB 2048 (M. Fong) seeks to build upon EDC Section 66281.8 by creating campus-based (CSU and UC) and district-based (CCC) Title IX offices with dedicated staff, whose sole job responsibility is to address sex discrimination and sexual harassment complaints.

At the CSU and UC there are dedicated Title IX offices on each campus. While the staffing ratios of the campuses vary, each campus has more than one staff member whose primary role is addressing and preventing sex discrimination. The chart below is a compilation of the Title IX and discrimination, harassment, and retaliation staff on each CSU:

CSU Campus	Title IX and Discrimination, Harassment and Retaliation (includes vacancies)	UC Campus	Staff in Title IX Offices
Bakersfield	2	Berkeley	17
Channel Island	3	Davis	20
Chico	7	Irvine	20
Dominguez Hills	4	Los Angeles	10
East Bay	4	Merced	6
Fresno	3.25	Riverside	8
Fullerton	5	San Diego	13
Humboldt	3	San Francisco	13
Long Beach	7	Santa Barbara	9
Los Angeles	2.5	Santa Cruz	8
Maritime	1		
<b>CSU Campus</b>	<b>Title IX and Discrimination, Harassment and Retaliation</b>		



	<b>(includes vacancies)</b>
Monterey Bay	2
Northridge	6
Pomona	6
Sacramento	6
San Bernardino	6
San Diego	6
San Francisco	6
San Jose	6
San Luis Obispo	8
San Marcos	5
Sonoma	4
Stanislaus	2.25

Source: CSU Cozen O’Connor Report and UC campus websites.

The number of staffing positions vary as does the responsibilities of the Title IX positions. At the very least, each campus has at one designated Title IX personnel. However, as described in the “A Call to Action” report, multiple sources have suggested a best practice is to have more than one person conducting prevention and adjudication work on collegiate campuses for the purposes of addressing sex discrimination.

Due to the decentralized nature of the CCC, there are 73 different districts with 73 governing boards who determine the day to day practices of community colleges within their geographic boundary. In 2019, Dr. Carla Martinez published a dissertation entitled, “Title IX Policy in the California Community Colleges.” The dissertation acted as a miniature audit examining if a sampling of CCC districts (20 in total) were complying with federal and state laws pertaining to sex discrimination. Dr. Martinez, opens her dissertation with a summary, “four-year institutions have responded by creating stand-alone Title IX offices with full-time staff dedicated to Title IX compliance. Community colleges, on the other hand, have responded more slowly to Title IX mandates. This is particularly true in California. California Community Colleges (CCC) face more challenges in maintaining Title IX compliance. The CCCs often lack the resources and staffing to create stand-alone Title IX offices. Even the role of the Title IX Coordinator is often

performed by an existing staff member with other primary responsibilities on campus” (page 9 of the dissertation).<sup>2</sup>

The dissertation determined the following from a survey of the 20 CCC district’s policies:

“Of the policies reviewed only one district’s policy named the position of a Title IX coordinator and the majority of districts’ policies have the tasks associated with a Title IX coordinator assigned to administrators with additional job descriptions (pg. 52). The fact that the role of the Title IX coordinator is often tacked onto to already busy administrators left practitioners feeling conflicted about how they were meeting Title IX obligations (pg. 52).”

The California Code of Regulations, Title 5, Division 6, Chapter 10, Title 5, Subchapter 5, Section 59324 requires each district to have at least one district officer who is responsible for receiving sexual harassment complaints, oversee the informal resolution process and coordinates the investigation of sexual harassment complaints. According to Dr. Martinez’s dissertation, these Title IX coordinators, even at the district level, have multiple job responsibilities beyond the adjudication of complaints and the prevention of sexual harassment. For example some CCC Title IX coordinators also campus administrators for student services, human resources, or in one case library services.

AB 2048 (M. Fong) evokes best practices from recent reports and requires CCC districts and CSU and UC campuses to establish independent Title IX offices with minimum staffing requirement for each office. The measure would require the CSU and UC to have the following personnel in their campus – based offices: Title IX coordinator, Title IX case manager, a Title IX investigator, a Title IX prevention education coordinator, and an administrative assistant. The measure requires the CCC – district based offices to hire Title IX coordinator, Title IX case manager, a Title IX investigator, a Title IX prevention education coordinator, and an administrative assistant. The measure also requires each CCC campus by July 1, 2027 to have a deputy Title IX coordinator as a point-of-contact on campus for students, faculty, and staff.

*Duties and responsibilities of a Title IX office.* Title IX offices on campuses or districts have a bifurcated responsibility. The offices are responsible for adjudicating complaints and for developing a comprehensive educational and outreach prevention program for each campus or district. Federal law (the Violence Against Women’s Act of 1994 (reauthorized in 2022)), and EDC Section 67385.7 require an annual training for students on how to recognize and prevent sexual harassment and sexual violence on campus. This training is often regulated and conducted by the Title IX offices. Additionally, EDC Section 67386 requires institutions to offer comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking. When Title IX staff at a campus are overwhelmed by complaints and cases, the additional work of monitoring and addressing trends, providing additional training to prevent discrimination, and addressing conduct of concern become secondary or unattainable. Title IX staff will often triage the adjudication of complaints over prevention practices to ensure minimum compliance with federal and state laws to avoid punitive measures, while ignoring the spirit of those laws which is ultimately to prevent the reoccurrence of discrimination. This becomes an unmanageable cycle where more complaints are filed because a campus has ignored trends where preventative measures may have addressed issues before complaints were filed.

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<sup>2</sup>[Title IX Policy in the California Community Colleges - ProQuest](#)

Fully equipped campuses with multiple Title IX staff can conduct preventative practices. For example, one Title IX coordinator, interviewed by Committee Staff, mentioned their staff conducts safety trainings for fraternities and sororities before rush week to help them understand how to identify conduct of concern amongst their fraternity brothers and sorority sisters (Campus Title IX staff, Personal Correspondence, September 26, 2023).

AB 2048 (M. Fong) requires campuses of the CSU and UC and districts of the CCC to hire a minimum number of staff for each Title IX office to ensure there are dedicated staff for all the tasks undertaken by the Title IX office; and, the measure relegates specific tasks including training, prevention measures, and data tracking to the Title IX office so robust and comprehensive prevention efforts can begin on campuses.

In June 2020, San José State University was found to have failed to comply with certain aspects of Title IX's prohibition against sex discrimination and the resolution served as a compliance agreement by which the campus agrees to implement the sections of the resolution and in return the U.S. Department of Justice would pursue a case against the campus. In the U.S. Department of Justice Civil Rights Division's "Resolution Agreement between the United States of America and San José State University," several mandates were required of San José State University including: minimum Title IX staffing requirements and reviews to the staffing quotas, case management requirements, staff training requirements, and outreach and prevention educational programming requirements. AB 2048 (M. Fong) codifies many of the requirements listed in the resolution agreement for all campuses of the CSU and UC and districts of the CCC.

*Arguments in support.* According to the Faculty Association of the California Community Colleges, "the introduction of AB 2048 is a commendable step forward in our collective efforts to combat sex discrimination, including but not limited to sexual harassment, within our campuses. By mandating the creation of Title IX offices, complete with a dedicated coordinator and the necessary personnel to adjudicate complaints effectively, this bill provides the structural backbone needed to address these critical issues comprehensively."

Furthermore, "FACCC appreciates the bill's detailed provisions, particularly those outlining the responsibilities of the Title IX office to ensure timely and effective responses to complaints, develop comprehensive prevention and outreach programs, and maintain a case management system for transparency and accountability. The emphasis on training for students, faculty, and staff aligns with our longstanding advocacy for educational initiatives that foster a respectful and safe campus culture. Furthermore, the bill's requirement for additional resources, if necessary, to support the effective operation of the Title IX offices reflects a thoughtful approach to its implementation. It ensures that institutions are equipped to fulfill their duties without compromising the quality of education and support services offered to students. As educators and advocates for California's community college system, we recognize the profound impact that a secure and supportive learning environment has on student success. AB 2048 not only reinforces the legal obligations of our institutions under Title IX but also exemplifies the moral imperative to protect and uplift every member of our educational community."

The SAFE Campuses Coalition, which includes Generation UP, INC, Ignite Nation, and the Youth Power Project, highlight the need for AB 2048 M. Fong by stating, "California's public colleges and universities are not doing enough to protect their students from the physical and emotional consequences of sexual violence and harassment. Underfunded resource offices and inadequate Title IX standards contribute to underreporting, and perpetuate unsafe campus

environments. The recent audit report on the CSU system, ‘A Call to Action,’ exposes the failures of current practices, but also provides a comprehensive set of legislative solutions. We can do more to prevent sexual violence and harassment. We can do more to ensure that survivors have access to critical resources. We can do more to make California’s colleges and universities safer for all communities. Change is possible, and the time to act is now. Representing thousands of students and young people across the state, our organizations are committed to securing a safer future for California’s students through AB 2048.”

*Committee comments.* The “A Call to Action” report was drafted with careful consideration to the resources and the unique capacities of each of the CCC, CSU, and UC. All three systems provided input and recommendations to the report prior to the publication of the report. The report was not a silo effort conducted by Committee Staff, but rather a collaborative process in which the voices of the campus community, including students, staff, and faculty, were heard, amplified, and considered throughout the entire process.

Addressing and preventing sex discrimination, sexual harassment, and sexual violence is not just a legal requirement in both State and Federal law, but a moral obligation in addressing systemic injustice. However, addressing sex discrimination and establishing Title IX offices with dedicated staff should not undermine the ongoing efforts of all three systems in addressing racism, antisemitism, islamophobia, and other forms of discrimination that occur on campus. In recent months, both the CSU and UC have taken concerted efforts to re-examine how their campuses address discrimination, AB 2048 (M. Fong) is meant to provide additional support not derail the ongoing efforts to address all forms of discrimination.

*Moving forward the author may wish to address concerns raised that having dedicated staff to address sex discrimination complaints could dissuade campuses from focusing on diversity, equity, and inclusion efforts in order to meet the mandates of this measure.*

Finite resources are always a concern of postsecondary education institutions, but in the case of Title IX the finite resource is trained personnel. Consistently, the CCC and CSU have vacancies in their Title IX offices that often go unfilled for months, if not years. It is not an uncommon practice for Title IX coordinators from one system to be poached by another system to fill vacancies.

*Moving forward the author may wish to examine staggered timelines for implementation for each of the three segments.*

*To provide clarity on the intent of the author for the reporting requirements to be collaborative and not punitive, and to address staffing concerns by the California Community Colleges, Committee Staff has suggested, and the Author has agreed, to the following:*

- 1) Amends Section 66279, subdivision (a), paragraph (1), paragraph (2) subparagraph (A), (B), and (C) to address technical and conforming changes:

(a) (1) Notwithstanding any other law, and in furtherance of complying with Section 66270, each campus of the California State University and the University of California shall 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. The Title IX office shall be under the administration of a Title IX coordinator

who shall be responsible for coordinating the campus' implementation and compliance with the systemwide nondiscrimination ~~policy policies~~ established pursuant to Section 66280.

(2) The Title IX office shall do all of the following:

(A) Ensure timely and effective responses to *reports and formal complaint complaints* of sex discrimination, including, but not limited to, sexual harassment.

(B) Provide ~~or assist confidential advocates pursuant to Section 66281.9 in providing~~ supportive measures to complainants, and, as applicable, respondents.

(C) Process, adjudicate, and implement the outcomes of complaints of sex discrimination, including, but not limited to, sexual harassment, pursuant to the systemwide nondiscrimination ~~policy policies~~ established pursuant to Section 66280.

2) Amends Section 66279, subdivision (a), paragraph (2), subparagraph (D) to add to the case management system, data points suggested by the California State Auditor.

*(xii) Once completed, the final investigative report along with any changes requested by either party of the complaint.*

*(xiii) The outcome of the hearing, if applicable, or the outcome of the complaint, including disciplinary measures if applicable.*

*(xiv) The action plan or remedies implemented by the Title IX coordinator and campus, if applicable to deter or prevent the sex discrimination incident from reoccurring.*

3) Amends Section 66270, subdivision (a) paragraph (2), subparagraph (E) as follows:

(E) Develop and implement comprehensive prevention and outreach program on sex discrimination, including, but not limited to, sexual harassment. *The programs shall be updated annually to address and prevent the reoccurrence of reports and complaints of sex discrimination that occurred in the previous academic year.* This program shall do all of the following:

*(iii) Pursuant to trends of occurrences of sex discrimination incidents, provide additional prevention training to student organization on campus, including, but not limited to college-affiliated fraternity and sororities, athletic teams, and students who reside on campus.*

4) Amends Section 66270, subdivision (a) paragraph (2), subparagraph (F) as follows:

*(F) Provide annual prevention trainings for students, faculty, and staff. The annual prevention training provided by the Title IX office shall be the same training as the systemwide prevention training pursuant to Section 66280. Provide training to students, faculty, and staff in accordance with the systemwide nondiscrimination policy established pursuant to Section 66280.*

5) Amends Section 66270, subdivision (b), paragraph (1) and paragraph (2) to read as follows:

(1) Meet, on or before September 1, 2026, and at least once every three months thereafter, with the campus president or chancellor to *provide a comprehensive report on the activities*

~~of the the Title IX office compliance with paragraph (2) of subdivision (a) of this section. The report will include an action plan of how to address reported incidents of sex discrimination and how the campus is fulfilling the obligation to provide educational programs free from sex discrimination. The same comprehensive report once approved by the campus president or chancellor shall be submitted to the systemwide Civil Rights office pursuant to paragraph (9) of subdivision (c) of Section 66280. pursuant to this section for the purpose of preventing and addressing sex discrimination, including, but not limited to, sexual harassment, on campus.~~

*(2) If an action plan is provided by the systemwide Civil Rights office, pursuant to paragraph (9) of subdivision (c) of Section 66280, the Title IX coordinator will implement the action plan accordingly.*

~~(2) Meet, on or before September 1, 2026, and at least once every three months thereafter, with the systemwide Title IX coordinator established pursuant to Section 66280 to report on the activities of the Title IX office pursuant to this section for the purpose of preventing and addressing sex discrimination on campus.~~

6) Amends Section 66270, subdivision (c), paragraph (2) to read as follows:

*(2) Beginning with the 2026–27 academic year, the Title IX coordinator and the president or chancellor of the campus shall assess whether additional staffing or resources are needed by the Title IX office to fulfill the duties of the Title IX office established pursuant to this section. If additional staff or resources ~~the Title IX coordinator and the president or chancellor of the campus will make the request to the appropriate entities for the request to be included in the annual systemwide budget request submitted to the Legislature. are~~ needed, the president or chancellor of the campus shall include a written request for the additional staff and resources in the annual systemwide budget request submitted to the Legislature.*

7) Amends Section 66279.5 to conform with the changes as listed above in (1) – (5).

8) Amends Section 66279.5, subdivision (c), paragraph (1) and paragraph (2) to read as follows

*(c) The Title IX coordinator has the authority and responsibility to implement a consistent campuswide response to reports of sex discrimination, including, but not limited to, sexual harassment. The Title IX coordinator shall have the experience, training, and expertise necessary to coordinate and carry out the systemwide nondiscrimination policy established pursuant to Section 66280. The Title IX coordinator shall operate with the authority, independence, and resources necessary to fulfill the duties of the Title IX office established pursuant to this section. *The Title IX coordinator shall be a full time position who is responsible for preventing and addressing sex discrimination, including, but not limited to sexual harassment, on community college campuses located within the community college district.* The Title IX coordinator shall do both of the following:*

*(1) Beginning on or before September 1, 2026, meet with the chief executive officer of the community college district and provide a comprehensive report on the Title IX office's compliance with subdivision (b) of this section. The report will include an action plan of how to address reported incidents of sex discrimination and how the district is fulfilling the obligation to provide educational programs free from sex discrimination. The same*

*comprehensive report once approved by the chancellor of the community college district shall be submitted to the systemwide Civil Rights Office pursuant to paragraph (9) of subdivision (c) of Section 66280. ~~pursuant to this section for the purpose of preventing and addressing sex discrimination, including, but not limited to, sexual harassment, on campus.~~*

*(2) If an action plan is provided by the systemwide Civil Rights office, pursuant to paragraph (9) of subdivision (c) of Section 66280, the Title IX coordinator will implement the action plan accordingly.*

~~(2) Meet, on or before September 1, 2026, and at least once every three months thereafter, with the systemwide Title IX coordinator established pursuant to Section 66280 to report on the activities of the Title IX office pursuant to this section for the purpose of preventing and addressing sex discrimination on campus.~~

~~Meet, on or before September 1, 2026, and at least once every three months thereafter, with each campus's chief executive officer *in the district* to provide an evaluation of the Title IX office's activities pursuant to this section in preventing and addressing sex discrimination, including, but not limited to, sexual harassment, on the campus of the community college.~~

~~(2) Meet, on or before September 1, 2026, and at least once every three months thereafter, with the California Community Colleges' systemwide Title IX coordinator established pursuant to Section 66280 to provide an evaluation of the Title IX office's activities pursuant to this section in preventing and addressing sex discrimination for each community college campus maintained by the community college district.~~

9) Amends Section 66279.5, subdivision (d), paragraph (2) to read as follows

~~(2) Beginning with the 2026–27 academic year, the Title IX coordinator and *the chancellor of the community college district* ~~chief executive officer of each community college maintained by the community college district~~ shall assess whether additional staffing or resources are needed by the Title IX office to fulfill the duties of the Title IX office established pursuant to this section. If additional staff or resources are needed, the community college district shall include a written request for the additional staff or resources in the annual systemwide budget request submitted to the Legislature.~~

*Related legislation.* In response to the recommendations put forth by the Assembly Higher Education Committee, 12 bills by 11 different authors were introduced. In addition to AB 2048 (M. Fong), the bills included in the bill package are as follows:

- 1) AB 810 (Friedman) of 2024, currently pending referral in the Senate Rules Committee, would require the CCC, the CSU, and requests both the 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.
- 2) SB 1166 (Dodd) of 2024, currently pending a hearing in the Senate Committee on Appropriations, would require the CCC, the CSU, and requests the UC to provide annual reports to the Legislature on the timelines and outcomes of sexual harassment complaints adjudicated by campuses within the system.

- 3) SB 1491 (Eggman) of 2024, currently pending a hearing in the Senate Committee on Judiciary, provides an array of additional supports and protections for lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex and two-spirit faculty, staff, and students at postsecondary education institutions throughout the State.
- 4) AB 1790 (Connolly) of 2024, is scheduled to be heard in the Assembly Higher Education Committee on April 16, 2024 and requires the CSU to implement the California State Auditor's findings by January 1, 2026 and to provide two reports to the Legislature on the implementation of the recommendations, as described.
- 5) AB 1905 (Addis) of 2024, places conditions upon the use of settlements, informal resolutions, retreat rights, and letters of recommendations for public postsecondary education institutions of the state for employees who are the respondent in a sexual harassment complaint, as defined. AB 1905 (Addis) passed out of this Committee with a 11 - 0, and is currently pending a hearing in the Assembly Public Employment and Retirement Committee.
- 6) AB 2047 (Mike Fong) of 2024, is scheduled to be heard in the Assembly Higher Education Committee on April 16, 2024. The measure would require the CCC, CSU, and UC to establish a systemwide Office of Civil Rights and establish the position of systemwide Title IX coordinator.
- 7) AB 2326 (Alvarez) of 2024, is scheduled to be heard in the Assembly Higher Education Committee on April 16, 2024, delineates which entities with the public higher education institutions 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; and, requires the leadership of all three public higher education institutions to present to the Legislature their efforts in addressing and preventing discrimination on campus..
- 8) AB 2407 (Hart) of 2024, is scheduled to be heard in the Assembly Higher Education Committee on April 16, 2024, and 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.
- 9) AB 2492 (Irwin) of 2024, is scheduled to be heard in the Assembly Higher Education Committee on April 16, 2024, and would require each public postsecondary education institution to establish the positions of a confidential student advocate, a confidential staff and faculty advocate, and a confidential respondent services coordinator.
- 10) AB 2608 (Gabriel) of 2024, is scheduled to be heard in the Assembly Higher Education Committee on April 16, 2024 and would expand the requirements for annual training for students on sexual violence and sexual harassment to include information on drug-facilitated sexual assault and information related to confidential support and care resources.
- 11) AB 2987 (Ortega) of 2024, is scheduled to be heard in the Assembly Higher Education Committee on April 16, 2024. The measure would require 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 respondent; and, requires/requests that



notice of a disciplinary action to the respondent be provided to the respondent within three schooldays of a decision.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California State Student Association  
California State University Employees Union (CSUEU)  
Faculty Association of California Community Colleges  
GenUp (Generation Up)  
Safe Campuses Coalition

**Opposition**

None on file.

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