

Date of Hearing: June 18, 2024

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

SB 1166 (Dodd) – As Amended March 18, 2024

**SENATE VOTE:** 37-0

**SUBJECT:** Public postsecondary education: annual report: sex discrimination

**SUMMARY:** Establishes a reporting requirement for the California Community Colleges (CCC), and requests the University of California (UC), to establish a reporting requirement on the outcome of sexual harassment complaints on campus. Updates the existing annual reporting requirements for the California State University (CSU), regarding the outcome of sexual harassment complaints. Specifically, **this bill:**

- 1) Updates the existing annual reporting requirements for the CSU regarding the outcome of sexual harassment complaints to include all of the following:
  - a) A summation of activities taken by each CSU campus to address sex discrimination and how the campus and the systemwide Title IX office is working to ensure campus programs are free from sex discrimination.
  - b) The outcome of appeals, if an employee elects to appeal the disciplinary sanction pursuant to existing law or the institution's collective bargaining agreement with the employee's union;
  - c) A list of personnel who are considered exempt from mandatory reporting requirements, as defined; and,
  - d) The annual report and presentation provided to the trustees by the systemwide Title IX office on the system's compliance with state and federal law, as defined.
- 2) Requires, beginning on September 1, 2026, and each year thereafter, each governing board of the community college district to prepare and submit a report to the CCC Chancellor's Office on the activities taken by the district to ensure campus programs are free from sex discrimination. The report required will include the following data points, disaggregated by each community college within the district:
  - a) The number of sexual harassment reports;
  - b) The number of formal sexual harassment complaints filed to the Title IX office, as defined;
  - c) The number of formal sexual harassment complaints under investigation;
  - d) The length of time taken to begin an official investigation after a formal complaint is filed with the designated Title IX office. The data will be grouped into the following categories of time:
    - i) Less than two weeks;

- ii) Two weeks to one month;
  - iii) One to three months;
  - iv) Three to six months;
  - v) Six to twelve months;
  - vi) Twelve to 18 months; and
  - vii) More than 18 months.
- e) The length of time between the beginning of an investigation and the completion of the final investigative report. The data will be grouped into the following categories of time:
- i) Less than six months;
  - ii) Six to twelve months;
  - iii) Twelve to 18 months; and,
  - iv) More than 18 months.
- f) The number of hearings conducted for formal sexual harassment complaints and the outcomes of those hearings. The outcomes will be grouped into the following categories:
- i) An informal resolution or settlement agreed to by the complainant and respondent;
  - ii) A hearing that was convened and a final administrative decision was made by the decision maker; and,
  - iii) A hearing is scheduled or has concluded, but the decision maker has not made a final administrative decision;
- g) The number of appeals requested by either the complainant or the respondent and the outcomes of the appeals; and,
- h) A list of personnel who are considered exempt from mandatory reporting requirements, as defined.
- 3) Requires the CCC Chancellor's Office to compile the data reported by community college pursuant to (2) of this analysis, and by December 1, 2026 and each December 1 thereafter, to provide the Legislature the following:
- a) The reports provided by the community college districts pursuant to (2) of this analysis;
  - b) The annual report and presentation provided to the trustees by the systemwide Title IX office on the system's compliance with state and federal law, as defined; and,
  - c) The outcome of any sex discrimination complaints filed with the systemwide Title IX office.

- 4) Requires the annual report published by the CCC Chancellors' Office pursuant to (3) of this analysis to be published on the system's website.
- 5) Requests the UC to submit an annual report to the Legislature on the institution's efforts to prevent and address sex discrimination on UC campuses by December 1. The report is to include a summation of the activities undertaken by each campus and by the systemwide Title IX office to ensure all campus programs are free from discrimination. The report will include the following data points:
  - a) The number of sexual harassment reports, disaggregated by campus and the UC president's office;
  - b) The number of formal sexual harassment complaints filed to the Title IX office, as defined, disaggregated by campus and the UC president's office;
  - c) The number of formal sexual harassment complaints under investigation, disaggregated by campus and the UC president's office;;
  - d) The length of time taken to begin an official investigation after a formal complaint is filed with the designated Title IX office, disaggregated by campus and the UC president's office. The data will be grouped into the following categories of time:
    - i) Less than two weeks;
    - ii) Two weeks to one month;
    - iii) One to three months;
    - iv) Three to six months;
    - v) Six to twelve months;
    - vi) Twelve to 18 months; and
    - vii) More than 18 months.
  - e) The length of time between the beginning of an investigation and the completion of the final investigative report. The data will be grouped into the following categories of time:
    - i) Less than six months;
    - ii) Six to twelve months;
    - iii) Twelve to 18 months; and,
    - iv) More than 18 months.
  - f) The number of hearings conducted for formal sexual harassment complaints and the outcomes of those hearings, disaggregated by campus and the UC president's office. The outcomes will be grouped into the following categories:

- i) An informal resolution or settlement agreed to by the complainant and respondent;
  - ii) A hearing that was convened and a final administrative decision was made by the decision maker; and,
  - iii) A hearing is scheduled or has concluded, but the decision maker has not made a final administrative decision;
- g) The number of appeals requested by either the complainant or the respondent and the outcomes of the appeals, disaggregated by campus and the UC president's office;
  - h) A list of personnel who are considered exempt from mandatory reporting requirements, as defined; and,
  - i) The annual report and presentation provided to the trustees by the systemwide Title IX office on the system's compliance with state and federal law, as defined
- 6) Requests the UC to post the annual report on its website.
- 7) Defines the following:
- a) "Final administrative decision" means the written determination of whether or not sexual harassment occurred as determined by the decision maker following the final investigative report and the subsequent hearing;
  - b) "Final investigative report" means the final report of the summary of relevant evidence provided by the Title IX investigator to the complainant and the respondent; and,
  - c) "Sexual harassment" has the same meaning as sexual harassment in subdivision (a) of Section 66262.5.

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

- 1) Specifies that 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).

*State law.*

- 1) Defines "Sexual Harassment" as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting under the following conditions: quid pro quo, as defined, and

hostile workplace, as defined. Further defines “Sexual Harassment” as sexual violence, sexual battery, and sexual exploitation, as defined (Education Code (EDC) Section 66262.5 and 212.5).

- 2) Outlines in state law the procedures an institution is required to take when it becomes aware of a complaint of sexual harassment on campus including, but not limited to, an investigation and live hearing with advisors for the complainant and respondent (EDC Section 66281.8 subdivision (b) subparagraph 3-4).
- 3) Establishes an annual reporting requirement for the CSU. Requires the CSU to annually publish a report containing data from each step of the grievance procedures for sexual harassment reports and formal sexual harassment complaints at CSU campuses and the CSU Chancellor’s office. The report is required to be presented to the Legislature each year on December 1 (EDC Section 66282).

**FISCAL EFFECT:** According to the Senate Appropriations Committee, this bill would impose the following costs:

- 1) The CCC Chancellor’s Office indicates that the bill’s requirement for community colleges to report on their Title IX cases could result in Proposition General Fund costs of \$2.2 million to \$5.5 million statewide. This estimate assumes a cost of between \$45,000 and \$76,000 for each district. While the data to be reported is information that the colleges already have, some may need to adjust their case management system to capture items such length of time and outcome. These costs could be deemed to be reimbursable by the state.
- 2) The CCC Chancellor’s office estimates one-time General Fund costs of \$52,000 to establish data elements to college data from the community college districts and ongoing General Fund costs of \$58,000 each year to comply with the bill’s reporting requirement.
- 3) The CSU and UC both indicate that any additional cost to comply with the bill’s requirements would be minor and absorbable within existing resources.

**COMMENTS:** *Need for the measure.* As explained by the author, “institutions of higher education are mandated by federal and state laws as well as system policy to provide safe learning and working environments for students, faculty and employees alike. However, State Audits and ongoing reporting have put a spotlight on the serious and systemic deficiencies in the handling of discrimination cases on college campuses across the state. While recent audits and media reporting have focused significant attention on inadequate protections at the CSU, students, faculty, and staff on UC and CCC campuses are no less deserving of protections against discrimination. The current gap in consistent and meaningful data on the handling and outcomes of discrimination cases across California colleges and universities means less transparency and accountability on these campuses. SB 1166 ensures transparent and consistent public reporting not only on the outcome of discrimination complaints, but also provides a summation of activities undertaken by each campus to prevent sex discrimination. In order to rebuild trust and confidence in the safety of our campus communities, this additional transparency, oversight, and accountability of our campus communities is sorely needed.”

*“A Call to Action” report and recommendations.* 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 provided 18 recommendation as to “represent a pathway forward for the Legislature to partner with higher education institutions to assist in the fulfillment of the promise to provide educational programs free from sex discrimination for students and employees.”<sup>1</sup>

Instrumental in composing several of the recommendations in the final “A Call to Action” report, was SB 808 (Dodd), Chapter 417, Statutes of 2023. In a desire to assert oversight into how CSU campuses are handling sexual harassment cases and to identify barriers to restoring educational equity, Senator Dodd authored landmark legislation to require ongoing reporting of how each and every sexual harassment case is adjudicated on CSU campuses. Two of the recommendations in the “A Call to Action” report build upon SB 808 (Dodd) to require ongoing compliance reporting by the CCC and the UC in addition to the CSU.

SB 1166 (Dodd) further expands the CSU reporting requirements in SB 808 (Dodd) to the UC and the CCC while including additional data elements to align the reports with the existing procedures and the impending Biden Administration Title IX regulations.

*Existing reporting requirements.* The current 2020 Title IX regulations and the impending 2024 Title IX regulations require each postsecondary education institution to keep a record of every case from the last seven years. The CSU, beginning in December of this year, will be required to annually report to the Legislature on the timelines and outcomes of every sexual harassment complaint on campus.

In briefings with the UC for the “A Call to Action” report, Committee Staff learned the UC collects systemwide data on sexual harassment complaints in order to determine if there are patterns on campus that need to be addressed to prevent the reoccurrence of incidents.

With 116 colleges and 73 districts, the decentralized community college system does not collect systemwide data. However, each community college district is required to maintain a case management system for complaints of sexual harassment and are required to report specific data elements to the CCC Chancellor’s Office each year.

The California Code of Regulations, Title 5, Section 59340, states a community college district, upon the request of the CCC Chancellor, should provide all documents related to a discrimination complaint. The Code of Regulations further states that each community college district should provide an annual report to the Chancellor with the following information:

- 1) The number of employment and non-employment discrimination complaints and informal charges received in the previous academic year;
- 2) The number of complaints and informal charges resolved in the previous academic year;

---

<sup>1</sup> [https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024\\_0.pdf](https://ahed.assembly.ca.gov/system/files/2024-02/a-call-to-action-report-2024_0.pdf)

- 3) The number of complaints of unlawful discrimination received in the previous academic year, and the number of those complaints that were sustained in whole or in part; and,
- 4) Any other information requested by the Chancellor.

Neither the UC nor the CCC provide annual reports to the Legislature on their handlings of sexual harassment complaints. SB 1166 (Dodd) seeks to provide parity between the three public higher education segments by requiring each to provide an annual report on the handlings of sexual harassment complaint by every campus within their respective systems.

*Arguments in support.* As proponents of the measure, the California State Student Association speaks to the merits of SB 1166 (Dodd), as “AB 1166 builds upon the framework established by SB 808 (Dodd, 2023), requiring detailed annual reports to be submitted to the Legislature and made publicly available. These reports will provide essential data regarding the number of sexual harassment reports, investigation timelines, case dispositions, and campus-specific information. By mandating transparency and accountability, this bill will empower stakeholders to identify systemic issues and drive meaningful reforms. SB 1166 recognizes the urgent need to address the pervasive culture of sexual harassment and discrimination within our postsecondary institutions. Every student, faculty member, and staff member deserves to feel safe and supported in their educational and professional endeavors. By extending reporting requirements to all higher education systems, we send a clear message that such behavior will not be tolerated, and those responsible will be held accountable. SB 1166 will enhance transparency and accountability concerning sex discrimination and Title IX violations within California's postsecondary education institutions. By doing so, we reaffirm our commitment to creating a safe and inclusive learning environment for all.”

The Faculty Association of the California Community Colleges express support for SB 1166, “as it promotes transparency, accountability, and proactive measures to combat sex discrimination within the community college system. By requiring annual reports on the efforts taken by each community college district and the Chancellor's office to prevent and address sex discrimination, this bill ensures that the issue remains a top priority and that concrete actions are being taken to create a safe and equitable learning environment for all students, faculty, and staff. Furthermore, SB 1166 mandates the collection and reporting of critical data related to sexual harassment complaints, investigations, and outcomes. This information will provide valuable insights into the prevalence of sex discrimination within the community college system and help identify areas where additional resources, training, or policy changes may be needed. By shining a light on this important issue and holding institutions accountable for their actions, SB 1166 empowers faculty, staff, and students to speak out against discrimination and harassment, knowing that their voices will be heard and that their concerns will be addressed.”

*Committee amendments.* The Committee has suggested and the Author has accepted amendments that will: (1) remove reporting requirements that are no longer required by other bill in the “A Call to Action” bill package; (2) align the reporting requirements with the changes made in the new Title IX regulations for how complaints are processed on campuses; and (3) require the reports to be presented to the appropriate governing boards.

- 1) Removes all references to “formal sexual harassment complaint” and replaces with “sexual harassment complaint. The 2024 Title IX regulations remove references to “formal complaints” and this amendment will align the provisions of SB 1166 (Dodd) with the 2024 Final Rule Title IX regulations.

- 2) Removes subdivision (b), paragraph (6) from Section 66282 (the section pertaining to the CSU). The report referenced is no longer part of AB 2047 (M. Fong) and therefore should be removed.
- 3) Amends subdivision (c) in Section 66282 (the section pertaining to the CSU), to require the CSU to present the annual report to the Board of Trustees.

(c) The California State University shall post the annual reports described in subdivision (b) on its internet ~~website~~. *website and shall present each report during a public meeting of the trustees.*

- 4) Amends subdivision (c) in Section 66282.1 to require each community college district to post the annual report on its internet website and to require each community college district to present the report to a meeting of the local governing board of the community college district.

(c) *Each community college district shall post the annual reports described in subdivision (b) on its internet website and shall present each report during a public meeting of the governing board of the community college district.*

- 5) Removes from subdivision (d), paragraphs (1) and (2) from Section 66282.1 (the section pertaining to the CCC). The report and systemwide office referenced were amended out of AB 2047 (M. Fong) and therefore should be removed.
- 6) Removes subdivision (b), paragraph (6) from Section 66282.2 (the section pertaining to the UC). The report referenced is no longer part of AB 2047 (M. Fong) and therefore should be removed.
- 7) Amends subdivision (c) in Section 66282.2 (the section pertaining to the UC), to require the UC to present the annual report to the Board of Regents.

(c) The University of California is requested to post the annual reports described in subdivision (b) on its internet ~~website~~. *website and to present each report during a public meeting of the regents.*

- 8) Makes clarifying and technical amendments.

*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 SB 1166 (Dodd), the bills included in the bill package are as follows:

- 1) AB 810 (Friedman) of 2024, currently pending a hearing in the Senate Judiciary 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 1491 (Eggmont) of 2024, scheduled to be heard in the Assembly Higher Education Committee on June 18, 2024, 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.

- 3) AB 1790 (Connolly) of 2024, is pending a hearing in the Senate Education Committee 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.
- 4) AB 1905 (Addis) of 2024, is pending a hearing in the Senate Judiciary Committee, 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.
- 5) AB 2047 (Mike Fong) of 2024, is pending a hearing in the Senate Education Committee, and would require the CSU and the UC to establish a Systemwide Office of Civil Rights for the purpose of assisting campuses within the system in addressing and preventing sex discrimination and requires each campus of the CSU and UC to establish to establish a Title IX office on each campus and establishes the responsibilities of the Title IX office.
- 6) AB 2048 (Mike Fong) of 2024, is pending a hearing in the Senate Education Committee, and would require the Chancellor of the CCC to establish a community college sexual harassment and Title IX working group who will examine the existing structure of the CCC for preventing and addressing sex discrimination and will provide recommendations for improvement to the Legislature by February 1, 2026.
- 7) AB 2326 (Alvarez) of 2024, is pending a hearing in the Senate Judiciary Committee, 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 pending a hearing in the Senate Appropriations Committee 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 pending a hearing in the Senate Education Committee 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 pending a hearing in the Senate Appropriations Committee 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 pending a hearing in the Senate Judiciary Committee. 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**

Aauw San Jose Branch  
California Faculty Association  
California State Student Association  
California State University Employees Union (CSUEU)  
California Teachers Association  
Cft- a Union of Educators & Classified Professionals, Aft, Afl-cio  
County of San Joaquin  
Faculty Association of California's Community Colleges  
Genup (generation Up)  
Ignite  
Office of Lieutenant Governor Eleni Kounalakis  
Safe Campuses Coalition  
Students for Quality Education At Sacramento State  
Youth Power Project

**Opposition**

None on file.

**Analysis Prepared by:** Ellen Cesaretti-Monroy / HIGHER ED. / (916) 319-3960