

CONSENT

Bill No: AB 1928
Author: Fong (D), et al.
Amended: 4/9/26 in Assembly
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 6/10/26

AYES: Pérez, Ochoa Bogh, Cabaldon, Choi, Cortese, Menjivar, Reyes

SENATE JUDICIARY COMMITTEE: 13-0, 6/23/26

AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 77-0, 5/14/26 (Consent) - See last page for vote

SUBJECT: Sex equity: sexual harassment complaints

SOURCE: Equal Rights Advocates
The Survivors Pro Bono

DIGEST: This bill requires the governing board of each postsecondary institution, as defined, as a condition to receive state financial assistance, to permit each complainant or respondent of a sexual harassment complaint to have a support person, in addition to an advisor, accompany the parties of a sexual harassment complaint during the grievance procedures and during any stage of the process, whether adjudicated through federal or state law.

ANALYSIS:

Existing federal law:

- 1) Establishes Title IX, providing that, in part, “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program

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

Existing state law:

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

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

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

which they are aware of sexual harassment or sexual violence, in student residential facilities.

- h) Notifying employees of the obligation to report harassment to appropriate school officials.
 - i) Providing training to all employees on the identification of sexual harassment, including the person to whom it should be reported. (EC § 66281.8)
- 4) Defines “postsecondary institution” as a campus of the University of California, the California State University, or the California Community Colleges, a private postsecondary educational institution, or an independent institution of higher education that receives state financial assistance. (EC § 66281.8)
- 5) Defines “state financial assistance” as any funds or other form of financial aid appropriated or authorized pursuant to state law, or pursuant to federal law administered by any state agency, for the purpose of providing assistance to any educational institution for its own benefit or for the benefit of any pupils admitted to the educational institution. Requires that “state financial assistance” include, but not be limited to: a) grants of state property, or any interest therein, b) provision of the services of state personnel, and c) funds provided by contract, tax rebate, appropriation, allocation, or formula. (EC § 213)
- 6) Defines sexual harassment and sexual violence as the following:
 - a) “Sexual harassment” as unwelcomed sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting in which specific conditions are met. “Sexual harassment” also includes sexual battery, sexual violence, and sexual exploitation.
 - b) “Sexual violence” as physical sexual acts perpetrated against a person without the affirmed consent of the person, and these acts include rape and sexual battery. (EC § 66262.5)
- 7) Requires, as a condition of receiving state funds for student financial assistance, a public postsecondary educational institution to provide an

advisor to a student receiving a notification of an alleged violation of the institution's student code of conduct, if requested by the student. (EC § 66283)

This bill:

- 1) Requires the governing board of each postsecondary institution, as defined, as a condition to receive state financial assistance, to permit each complainant or respondent of a sexual harassment complaint to have a support person, in addition to an advisor, accompany the parties of a sexual harassment complaint during the grievance procedures and during any stage of the process.
- 2) Updates the grievance procedures for a postsecondary institution, as a condition of receiving state financial assistance, such that each student party be afforded the opportunity have *both* a support person of their choice and an advisor of their choice accompany the student party during any stage of the process, including, but not limited to, reporting, investigation, hearing, sanctioning, or any informal resolution, as opposed to the student parties having *either* a support person or an advisor.

Comments

- 1) *Need for the bill.* According to the author, “Resolving campus sexual violence complaints is a lengthy and emotional process that can create new trauma for those involved, especially as implementation of state protections has been uneven. Some institutions, like the University of California (UC) and Claremont Colleges, allow students to be accompanied by both an advisor and a separate support person throughout the grievance process. Others, including the California State University (CSU) system, Stanford University, and the University of Southern California, allow only a single advisor or a support person. Non-student parties are excluded from state protections altogether.”

The author continues, “Advisors and support persons serve different functions. An advisor helps a student navigate complex procedural aspects of the process and often conducts cross-examinations at required hearings. A support person provides emotional support, which is important given that the process itself can be retraumatizing for survivors and emotional for those responding to allegations of misconduct. ... AB 1928 ensures that each party to a Title IX proceeding at a postsecondary institution can have both a support

person and an advisor accompany them at all stages of the campus grievance process.”

- 2) *Federal and state sexual harassment complaint resolution proceedings.* To address concerns that advocates and higher education institutions had with the then-proposed 2020 Title IX regulations, state lawmakers proposed legislation that intended to make Title IX the floor for the protections afforded to students on campus. Specifically, SB 493 (Jackson, Chapter 303, Statutes of 2020) requires, by January 1, 2022, except as specified, that any postsecondary institution that receives state financial assistance, comply with various requirements pertaining to student sexual harassment protections and, provide students with procedural protections relating to claims of sexual harassment.

According to the author, SB 493 intended to “address deficiencies in state law as it concerns institutions of Higher Education, which is particularly important in light of the rampant epidemic of campus sexual assault. The bill delineates processes for schools to respond to allegations of sexual harassment and violence, including notice and posting requirements (to ensure students are aware of such processes and their rights) as well as transparent procedures for investigating complaints to ensure a fair and equitable process for all parties.”

SB 493 was signed by the Governor prior to the 2020 Title IX regulations becoming finalized, and it stipulated that if any of the provisions conflicted with federal law, that provision would be considered inoperable. Colleges and universities in the state have, in effect, interpreted the landscape of changes to federal Title IX regulations and state law relating to protecting students relating to claims of sexual harassment to mean that if a case falls under the jurisdiction of Title IX, it shall be processed in accordance with the 2020 Title IX regulations, and if a case does not fall under the jurisdiction of Title IX, it will be processed in accordance with SB 493.

According to the Assembly Higher Education Committee analysis on this bill that was heard on April 7, 2026, the primary differences between the 2020 Title IX regulations and Education Code Section 66281.8 are as follows:

State Requirements Pursuant to SB 493	Federal Requirements Pursuant to 2020 Title IX Regulations
Applies to sexual harassment incidents involving student complainants or filers of the complaint.	Applies to sexual harassment incidents involving student and employee complainants or filers of the complaint.
Defines sexual harassment having to be severe OR pervasive for the complaint to be processed by the institution.	Defines sexual harassment as being severe AND pervasive for the complaint to be processed by the institution.
Allows for the investigation of a claim of harassment if the event transpired outside a campus-sanctioned event if there is an impact on a student's ability to access education.	Stipulates the incident must have occurred as part of an educational activity within the United States.
Does not require live hearings in all circumstances.	Does require live hearings for any complaint.
Requires cross-examinations during hearing to occur by the hearing officer.	Allows cross-examination during a hearing to occur and for the cross-examinations to be conducted by the advisor.

- 3) *Differences between an advisor and a support person.* This bill seeks to allow a complainant or respondent of a sexual harassment complaint to have both a support person and advisor accompany them during any stage of the process, including the grievance procedures, as opposed to permitting *either* a support person or advisor. According to the author, “support persons and advisors serve different functions: an advisor helps a student navigate the procedural aspects of the grievance process and is responsible for conducting cross examination at required hearings, while a support person provides emotional support. Both roles are integral to the grievance process: an advisor can be useful given the quasi-judicial nature of sexual violence proceedings, while a support person is important given that the process itself can be retraumatizing for survivors and emotional for those responding to allegations of misconduct.”

Related and Prior Legislation

SB 493 (Jackson, Chapter 303, Statutes of 2020) requires postsecondary institutions to adopt rules and procedures for the prevention of sexual harassment,

and adopt and post on their websites the grievance procedures to resolve complaints of sexual harassment.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 8/3/26)

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

OPPOSITION: (Verified 8/3/26)

None received

ASSEMBLY FLOOR: 77-0, 5/14/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Arambula, Flora, Celeste Rodriguez

Prepared by: Michelle Nguyen / ED. / (916) 651-4105
8/5/26 15:04:15

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