

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 2212 (Bauer-Kahan) – As Amended April 6, 2026

[Note: This bill is double referred to the Assembly Committee on Privacy and Consumer Protections, where the Committee will hear it as it relates to issues under its jurisdiction.]

SUBJECT: Postsecondary education: sexual harassment, harassment, intimidation, and bullying policies: student orientation and training

SUMMARY: Amends the Education Code to include definitions of technology-facilitated sexual harassment and digitized sexually explicit materials; and, requires postsecondary education institutions to update and create an array of policies pertaining to sexual harassment to address the new definitions of technology-facilitated sexual harassment and digitized sexually explicit materials. Specifically, **this bill:**

- 1) Repeals and replaces Education Code Section 66262.5 with expanded definitions for the Equity in Higher Education Act, including the Sex Equity Act. Defines the following terms:
 - a) “Affirmative consent” as affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that each person has provided affirmative consent to all those engaged in the sexual activity. The lack of protest or resistance of a person does not mean consent nor does silence mean consent. Affirmative consent must be provided throughout the sexual activity and can be revoked by any person at any time. The existence between the persons involved, or any past sexual relations, should never by itself be assumed to be an indicator of consent;
 - b) “Cyber sexual bullying” as:
 - i) The dissemination of, or the solicitation or incitement to disseminate, a photograph, digitized sexually explicit material, or other visual recording by means of an electronic act that has or can be reasonably predicted to have one or more of the following effects:
 - (1) Placing a reasonable person in fear of harm to that person or their property;
 - (2) Causing a reasonable person to experience a substantially detrimental effect on the person’s physical or mental health;
 - (3) Causing a reasonable person to experience substantial interference with the person’s academic performance, work, or employment; and,
 - (4) Causing a reasonable person to experience substantial interference with the person’s ability to participate in or benefit from the services, activities, or privileges provided by a higher education institution;
 - ii) A photograph, digitized sexually explicit material, or other visual recording that includes the depiction of a nude, seminude, or sexually explicit photograph, digitized

- sexually explicit material, or other visual recording of a person in which the person is identifiable from the photograph, digitized sexually explicit material, visual recording, or other electronic act; and,
- iii) Not a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or sanctioned activities by a higher education institution;
- c) “Cyber stalking” as stalking by means of an electronic communication device. For purposes of this definition, “stalking” and electronic device have the same definitions as the terms in Penal Code Section 646.9;
 - d) “Depicted individual” as an individual who is portrayed in sexually explicit materials;
 - e) “Digitization” as a process where any of the below are realistically depicted:
 - i) The nude body parts of another human being as the nude body parts of the depicted individual;
 - ii) Computer-generated nude body parts as the nude body parts of the depicted individual; and,
 - iii) The depicted individual engaging in sexual conduct in which the depicted individual did not engage;
 - f) “Digitized sexual explicit materials” as any portion of a visual or audiovisual work created or substantially altered through digitization, including an image, that shows the depicted individual in the nude or appearing to engage in, or being subjected to, sexual conduct.
 - g) “Doxing” as an act when a person, with intent to place another person in reasonable fear for their safety, or the safety of the other person’s immediate family, by means of an electronic communication device, and without written consent of the other person, and, for the purpose of imminently causing that other person unwanted physical contact, injury, or harassment by a third party, electronically distributes, publishes, emails, hyperlinks, or makes available for downloading, personal identifying information, including, but not limited to, a digital image of another person, or an electronic message of a harassing nature about another person, that would be likely to incite or produce that unwanted physical contact, injury, or harassment by a third party.
 - h) “Electronic act” as the creation or transmission by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:
 - i) A message, text, sound, video, or image;
 - ii) A post on a social network internet website or social media platform, including, but not limited to, any of the following:

- (1) Posting to or creating a burn page. "Burn page" means an internet website created for the purpose of having one or more of the effects, as defined.
 - (2) Creating a credible impersonation of another actual person for the purpose of having one or more of the effects listed as defined. "Credible impersonation" means to knowingly and without consent impersonate a person for the purpose of bullying the person such that another person would reasonably believe, or has reasonably believed, that the person was or is the person who was impersonated; and,
 - (3) Creating a false profile for the purpose of having one or more of the effects, as defined. "False profile" means a profile of a fictitious person or a profile using the likeness or attributes of an actual person other than the person who created the false profile; and,
- iii) An act of technology-facilitated sexual harassment;
- i) "Sexual battery" as the intentional touching of another person's intimate parts without consent, intentionally causing a person to touch the intimate parts of another without consent, or using a person's own intimate part to intentionally touch another person's body without affirmative consent.
- j) "Sexual conduct" as any of the following:
- i) Masturbation;
 - ii) Sexual intercourse, including genital, oral, or anal, whether between persons regardless of sex or gender or between humans and animal;
 - iii) Sexual penetration of the vagina or rectum by, or with, an object;
 - iv) The transfer of semen by means of sexual conduct from the penis directly onto the depicted individual as a result of ejaculation; and,
 - v) Sadomasochistic abuse involving the depicted individual;
- k) "Sexual exploitation" as a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's affirmative consent, including, but not limited to, any of the following acts:
- i) The prostituting of another person;
 - ii) The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion;
 - iii) The recording of images, including video or photograph, or audio, of another person's sexual activity or intimate parts, without that person's affirmative consent;
 - iv) The distribution of images, including video or photograph, or audio, of another person's sexual activity or intimate parts, if the individual distributing the images, video, photograph, or audio knows or should have known that the person depicted in

- the images, video, photograph, or audio did not provide affirmative consent to the disclosure;
- v) The viewing of another person's sexual activity or intimate parts in a place where that other person would have a reasonable expectation of privacy, without that person's affirmative consent, for the purpose of arousing or gratifying sexual desire;
 - vi) The creation, generation, or distribution of digitized sexually explicit materials without the written consent of the depicted individual or individuals;
 - vii) The creation or generation of digitized sexually explicit material of another person's sexual activity or intimate parts, without that person's written consent; and,
 - viii) The distribution of digitized sexually explicit material of another person's sexual activity or intimate parts, if the individual distributing the digitized sexually explicit material knows or should have known that the person depicted in the digitized sexually explicit material did not provide written consent to the disclosure.
- l) "Sexual harassment" as the following:
- i) Sexual exploitation, sexual violence and, sexual battery;
 - ii) Technology facilitated sexual harassment including, but not limited to: cyber sexual bullying, cyber stalking, and doxing;
 - iii) A form of sex discrimination prohibited by Section 66270; and,
 - iv) Any unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in a work or educational setting, under any of the following conditions:
 - (1) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress;
 - (2) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual;
 - (3) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and,
 - (4) Submission to, or rejection of, the conduct by the individual is used as the basis for a decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution;
- m) "Sexual violence" as a physical sexual act perpetrated against a person without the person's affirmative consent. Physical sexual acts include both of the following:
- i) Rape, defined as penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the affirmative consent of the victim; and,

- ii) Sexual battery;
- n) “Technology-facilitated sexual harassment” as the following:
- i) Sexual harassment that occurs on, or is facilitated by, digital platforms or digital technologies; and,
 - ii) “Technology-facilitated sexual harassment” includes, but is not limited to, cyber sexual bullying, cyber stalking, and doxing;
- o) “Written consent” means all of the following:
- i) An agreement written in plain language signed knowingly and voluntarily by the depicted individual that includes a general description of the digitized sexually explicit material and the visual or audiovisual work in which it will be incorporated;
 - ii) A written notice of rescinded consent by a depicted individual within three business days from the date consent was given to the person in whose favor consent was made, unless one of the following requirements is satisfied:
 - (1) The depicted individual is given at least 72 hours to review the terms of the agreement before signing the agreement; and,
 - (2) The depicted individual’s authorized representative provides written approval of the signed agreement.
- 2) Requires each state aided postsecondary education institution to update any institutional policy pertaining to sexual harassment to include the following:
- a) A prohibition on the public disclosure of the creation or generation of digitized sexually explicit material without the written consent of the depicted individual(s); and,
 - b) A policy that the disclosure of digitized sexually explicit material without the written consent of the depicted individual(s) is: sexual exploitation, a violation of the institution’s policies, and will result in a disciplinary action.
- 3) Requires the policy established in (2) to be incorporated in the California State University’s single, systemwide nondiscrimination policy.
- 4) Requires the policy established in (2) to be incorporated in the University of California’s single, systemwide nondiscrimination policy.
- 5) Finds and declares in the absences of federal funding on the impacts of sexual harassment, sexual violence, sexual exploitation, and technology-facilitated sexual harassment, the Legislature finds it a moral imperative for the State to address this gap in research funding.
- 6) Authorizes the University of California, Los Angeles Center for the Study of Women (Center), upon an appropriation from the budget act, to facilitate research on the quality of life of students at public postsecondary education institutions. The Center is to award grants to universities, institutions, and organization to conduct research on the prevention of, and adjudication of reports of, sexual harassment, sexual violence, sexual exploitation, and

technology-facilitated sexual harassment on campus. The research will include, but is not limited to the following:

- a) A comprehensive statewide study of student's experience with campus climate, campus safety, and the institution's grievance procedures for a sexual harassment complaint at the University of California (UC), the California State University (CSU), and the California Community Colleges (CCC);
 - b) The prevalence of digitized sexually explicit materials on CCC, CSU, and UC campuses; and the best practices to prevent and address digitized sexually explicit materials at the CCC, CSU, and UC; and,
 - c) The prevalence of technology-facilitated sexual harassment on CCC, CSU, and UC campuses; and the best practices to prevent and address technology-facilitated sexual harassment at the CCC, CSU, and UC.
- 7) Requires the CCC, CSU, and UC to do the following, if the institutions wish to receive state financial assistance (individually not collectively):
- a) Adopt and publish policies on harassment, intimidation, and bullying;
 - b) Include the policies on harassment, intimidation, and bullying in the institution's code of conduct for students; and,
 - c) Publish the policies on harassment, intimidation, and bullying on the internet website of each CCC, CSU, and UC campus;
 - d) Provide the policies on harassment, intimidation, and bullying as part of the educational material for student orientations and,
 - e) Include the policies on harassment, intimidation, and bullying as part of any printed materials on the student's code of conduct.
- 8) Requires each campus of the CCC and the CSU, and requests the UC, the independent institutions of higher education, and private postsecondary educational institutions, to post educational materials and prevention information on sexual violence, sexual exploitation, technology-facilitated sexual harassment, and sexual harassment on its campus internet website.
- 9) Updates the educational and prevention information provided as part of student orientations or on the internet website of the postsecondary education institution to include all of the following:
- a) Common facts and myths about the causes of sexual violence, sexual exploitation, technology-facilitated sexual harassment, and sexual harassment;
 - b) What is considered sexual violence, sexual exploitation, technology-facilitated sexual harassment, and sexual harassment, including information on how to file campus-based sexual harassment complaints and how to file criminal charges with law enforcement;

- c) The contact information for, campus and community resources for students who are victims of sexual violence, sexual exploitation, technology-facilitated sexual harassment, and sexual harassment;
 - d) Methods of providing peer support for survivors and the type of sanctions for respondents;
 - e) Information regarding campus, criminal, and civil consequences of committing acts of sexual violence, sexual exploitation, technology-facilitated sexual harassment, and sexual harassment;
 - f) What is digitized sexually explicit material, including information on the prohibition of the public disclosure of the creation or generation of digitized sexually explicit material to the campus' policies; and,
 - g) What constitutes affirmative consent and written consent as defined in Section 66262.5.
- 10) Requires the existing annual prevention training on sexual harassment offered by CCC, CSU, independent institutions of higher education, and private postsecondary education institutions to be updated by September 1, 2027 to include:
- a) Common facts and myths about the causes of sexual exploitation and technology-facilitated sexual harassment;
 - b) Definitions for sexual exploitation and technology-facilitated sexual harassment, including information on how to sexual harassment complaints with campus and how to file criminal charges with law enforcement;
 - c) The contact information for, campus and community resources for students who are victims of sexual exploitation and technology-facilitated sexual harassment;
 - d) Methods of providing peer support for survivors and the type of sanctions for respondents;
 - e) Information regarding campus, criminal, and civil consequences of committing sexual exploitation and technology-facilitated sexual harassment;
 - f) The contact information of a Title IX coordinator, or a similar position; and,
 - g) The contact information for, campus, community, and online resources for victims of sexual exploitation or technology-facilitated sexual harassment, including how to help take down digitized sexually explicit material.
- 11) Requires the CCC and CSU, and request the UC, to develop policies to encourage students to report any campus crimes involving sexual assault, sexual violence, sexual exploitation, technology-facilitated sexual harassment, or sexual harassment to the appropriate campus authorities.
- 12) Urges campuses to adopt policies to eliminate barriers for survivors who elect to report incidents of sexual assault, sexual violence, sexual exploitation, technology-facilitated sexual harassment, or sexual harassment and to advise students of these policies. The policies may

include exempting the survivor from campus sanctions for being in violation of another campus policies at the time of the incident.

- 13) Makes technical updates to the definition of sexual harassment for the following Education Code Section:
 - a) Education Code Section 92612.1;
 - b) Education Code Section 89521;
 - c) Education Code Section 87604.5; and,
 - d) Education Code Section 66281.8.
- 14) Repeals Education Code Section 66302.5 as it will be made redundant.
- 15) Makes technical and confirming changes to the Education Code.
- 16) States if the Commission on State Mandates determines there is a cost associated with the implementation of the measure, the State will reimburse local agencies and school districts for the determined cost.

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) 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 (Education Code (EDC) Section 66262.5).
- 2) Mandates, the CCC, the CSU, and any independent institution of higher education or private postsecondary education institutions that receives state financial assistance to provide annual sexual harassment and sexual violence prevention training to students, as specified. Requests the UC to provide the annual training to students (EDC Section 67385.7).
- 3) Requires the governing board of the CCC to adopt a standard of practice, when hiring for an academic, athletic, or administrative position that requires an applicant to disclose whether they have been the subject of any final administrative or judicial decision with regards to sexual harassment in the last seven years. Permits the applicant to also disclose whether they are appealing the decision to either their previous employer or the United States Department of Education. Authorize the community college to ask for disclosure in the final stages of the employment process. Requires the CCC to conduct an employment background check to determine if the applicant has any substantiated allegations of misconduct with previous employers (EDC Section 87604.5).
- 4) Requires the CSU to adopt a standard of practice, when hiring for an academic, athletic, or administrative position that requires an applicant to disclose whether they have been the subject of any final administrative or judicial decision with regards to sexual harassment in the last seven years. Permits the applicant to also disclose whether they are appealing the decision to either their previous employer or the United States Department of Education. Authorize the CSU to ask for the disclosure in the final stages of the employment process. Requires the CSU to conduct an employment background check to determine if the applicant has any substantiated allegations of misconduct with previous employers (EDC Section 89521).
- 5) Requests the UC to adopt a standard of practice, when hiring for an academic, athletic, or administrative position that requires an applicant to disclose whether they have been the subject of any final administrative or judicial decision with regards to sexual harassment in the last seven years. Permits the applicant to also disclose whether they are appealing the decision to either their previous employer or the United States Department of Education. Authorize the UC to ask for the disclosure in the final stages of the employment process. Requests the UC to conduct an employment background check to determine if the applicant

has any substantiated allegations of misconduct with previous employers (EDC Section 92612.1).

- 6) Requests the independent colleges and universities, which receive state financial aid to adopt a standard of practice, when hiring for an academic, athletic, or administrative position that requires an applicant to disclose whether they have been the subject of any final administrative or judicial decision with regards to sexual harassment in the last seven years. Permits the applicant to also disclose whether they are appealing the decision to either their previous employer or the United States Department of Education. Authorize the independent colleges and universities, which receive state financial aid to ask for the disclosure in the final stages of the employment process independent colleges and universities, which receive state financial aid. Requests the independent colleges and universities to conduct an employment background check to determine if the applicant has any substantiated allegations of misconduct with previous employers (EDC Section 66281.9).
- 7) Requires the CSU and the community college to adopt and publish policies on harassment, intimidation, and bullying. States it is the intent of the Legislature for these policies to be included on the internet website of each of the public higher education institution's website and as part of the student code of conduct publications. Request the UC to adopt and publish policies on harassment, intimidation, and bullying (EDC Section 66302).
- 8) Requires the CSU and requests the UC to provide educational materials on cyberbullying during their respective campus orientations (EDC Section 66302.5).

FISCAL EFFECT: Unknown.

COMMENTS: *Author's statement.* According to the author, "the definition of 'sexual harassment' in California's Education Code was developed before generative artificial intelligence (GenAI) tools became widely available. As a result, higher education institutions lack uniform standards for defining, investigating, and remediating technology-facilitated sexual harassment. AB 2212, the HEAR Survivors Act, updates the definition of 'sexual harassment' in the Education Code to account for modern digital technologies, and requires that California's higher education institutions adopt and publish policies addressing technology-facilitated sexual harassment. Updating these terms and policies in the Education Code promotes consistent campus responses, reduces stigma, and reinforces that digital abuse is no less serious than offline misconduct."

Purpose of the measure. The HEAR Survivors Act or AB 2212 (Bauer-Kahan) intends to do the following:

- 1) Update the definitions of the Equity in Higher Education Act to include a definition of technology-facilitated sexual harassment and to update the definitions of sexual exploitation to include the generation, creation, and distribution of digitized sexually explicit materials without consent. By amending the definition section, any reference to sexual harassment in the Sex Equity Act will now include technology-facilitated sexual harassment and the new definition of sexual exploitation.

Therefore, AB 2212 (Bauer-Kahan) requires all postsecondary education institutions to update any policy regarding sexual harassment to include the new definitions;

- 2) Requires each postsecondary institution to update their policies on the prevention of sexual harassment to include a prohibition on the public disclosure of digitized sexually explicit materials;
- 3) Authorizes the UCLA Center for the Study of Women to conduct research on student’s experiences with a postsecondary education institution’s sexual harassment grievance procedure. The research will also include the prevalence of digitized sexually explicit materials and technology-facilitated sexual harassment;
- 4) Updates the education and prevention information provided to students during orientation and available on postsecondary education institution’s websites to include information on technology-facilitated sexual harassment;
- 5) Updates sexual harassment prevention trainings provided to students to include information on technology-facilitated sexual harassment; and,
- 6) Requires the CCC, CSU, and UC to adopt policies on bullying, harassment, and intimidation. The policies will be incorporated into the educational material provided at orientation and will be displayed on each campus’ internet websites.

While this measure adds a myriad of new terms to the Equity in Higher Education Act, only the inclusion of “technology-facilitated sexual harassment” and the edits to “sexual exploitation” would constitute as new language being introduced to the California law. Below is the array of “new” definitions to the Equity in Higher Education Act and their originating source in the California Code:

<u>Term</u>	<u>Location in California Code Sections</u>
Affirmative Consent	EDC Section 67388
Cyber sexual bullying	EDC Section 48900
Cyber stalking	Civil Code Section 646.9
Depicted individual, Digitization, Digitized sexually explicit material, Written consent, and Sexual conduct	Civil Code Section 1708.86
Doxing	Civil Code Section 1708.89
Electronic Act	EDC Section 48900
Sexual conduct	EDC Section 66262.5
Sexual harassment	A combination of EDC 66262.5 and 212.5
Sexual violence	EDC Section 66262.5
Sexual battery	EDC Section 66262.5

What is technology – facilitated sexual harassment? The United Nations Population Fund identifies technology – facilitated sexual harassment as “an act of violence perpetrated by one or more individuals that is committed, assisted, aggravated, or amplified in part or fully by the use of information and communication technologies or digital media against a person on the basis of gender.”¹ The act of technology – facilitated sexual harassment can take many forms including “sextortion (blackmail by threatening to publish sexual information, photos or videos); image-based abuse (sharing intimate photos without consent); doxxing (publishing private personal information); cyberbullying; online gender and sexual harassment; cyberstalking; online grooming for sexual assault; hacking; hate speech; online impersonation; and using technology to locate survivors of abuse in order to inflict further violence.”¹ A correlation exists between the increase in societies dependence on technology and the increase in the frequency that women experience online sexual violence.

On February 25, 2025, the Assembly Committee on Privacy and Consumer Affairs (Privacy) held a hearing on “Technology-facilitated male violence against women and girls.” Included in the background document completed by the Privacy staff was the following:

“In 2023, Open University surveyed 7,500 adults across the UK in the largest study to date on the experience of women online when it comes to cyber-violence. In the survey, over one in 10 women reported that they had experienced online violence and three in 10 had witnessed it. Even more significantly, those figures amongst young women age 16 to 25 increase to 25%, and for LGBTQ women, to 35%. Over one in eight women who experienced online violence said it had progressed to offline violence. In a global survey in 2020, with a smaller sample size, The Economist Intelligence Unit reported that more than half of the survey respondents who had experienced online violence knew the perpetrator. In addition, 74% expressed concern about online abuse escalating to offline violence. Online violence against women discourages their online engagement. Nearly nine out of 10 women report restricting their online activity, which limits the access to employment, education, healthcare, and community.”²

The prevalence of technology – facilitated sexual harassment is not limited to women and girls. *The Journal of Child Sexual Abuse* published a peer-reviewed paper entitled “Rates, Risk Factors, and Consequences of Technology-Facilitated Sexual Violence in the U.S. Population: A Survey Study.”³ Researchers surveyed 943 adults in the United States and determined there was no significant difference in gender of the person who identified as experiencing technology – facilitated sexual harassment. Furthermore, the study found the populations of LGBTQ+ and Hispanic/Latino survey respondents were more likely to experience technology – facilitated sexual harassment. 67.9% of survey respondents experienced a form of technology – facilitated sexual harassment and the majority of respondents found the incident “deeply upsetting.”³ The paper urged lawmakers to adopt policies aimed at (1) defining technology – facilitated sexual harassment, (2) increasing educational programs to raise awareness of technology – facilitated

¹ <https://www.unfpa.org/TFGBV>

² <https://apcp.assembly.ca.gov/media/866>

³ Sorochinski, M., & Wall, A. K. (2025). Rates, Risk Factors, and Consequences of Technology-Facilitated Sexual Violence in the U.S. Adult Population: A Survey Study. *Journal of Child Sexual Abuse*, 34(4), 424–445. <https://doi-org.castatelib.idm.oclc.org/10.1080/10538712.2025.2517546>

sexual harassment, and (3) integrating technology – facilitated sexual harassment into existing sexual harassment laws to provide justice and protections for survivors of the harassment.⁴

AB 2212 (Bauer-Kahan) seeks to implement the key recommendations as identified by researchers as elemental in preventing and reversing the adverse impacts of technology – facilitated sexual harassment upon society.

Technology – facilitated sexual harassment policies on college campuses. A study published in the *Journal of Interpersonal Violence*, presented research on college-age women’s experiences with technology – facilitated sexual harassment. The study found in the online digital space 84% of college-age women received sexually inappropriate messages and 74% received sexist comments.⁵ Survivors + Allies published preliminary findings of 2025 Institutional Review Board approved research study on the impacts of technology – facilitated sexual harassment on college students at the CCC, CSU, and UC. The preliminary findings included:

- 1 in 7 students who identified as experiencing sexual harassment reported experiencing online sexual harm; and,
- 70% of those survivors never reached out to their campus for support.⁶

The prevalence of college – age individuals experiencing technology – facilitated sexual harassment aligns as this age group are the predominately users of digital platforms and generative artificial intelligence (GenAI) tools. However, higher education institutions have been slow to update policies and procedures regarding the permissive use of digital online platforms and GenAI tools by students and employees on campus.

In August 2025, the Assembly Committee on Higher Education (AHED) held a joint oversight hearing with the Assembly Committee on Privacy and Consumer Protections to discuss “California State University’s Artificial Intelligence-Empowered Initiatives.” Testimony was provided by students and faculty on the impact of the contract with ChatGPT Edu. The testimony provided during the hearing demonstrated the CSU had not adequately provided training to staff and students on how to appropriately use the generative AI technology in a way that is conducive to a safe and equitable learning environment. Students and staff provided evidence of how easy the tool could be used as a platform for technology-facilitated sexual harassment. The Chair of the AHED asked how a student could report technology-facilitated sexual harassment to the institution and who would be responsible for taking corrective action and the answer was murky at best.

After the hearing, additional documentation was provided to AHED Committee staff by the CSU with answer to some of the questions postulated during the hearing. The following is the CSU’s response to the institution’s responsibilities in addressing technology-facilitated sexual harassment:

⁴ Sorochinski, M., & Wall, A. K. (2025). Rates, Risk Factors, and Consequences of Technology-Facilitated Sexual Violence in the U.S. Adult Population: A Survey Study. *Journal of Child Sexual Abuse*, 34(4), 424–445. <https://doi-org.castatelib.idm.oclc.org/10.1080/10538712.2025.2517546>

⁵ Salerno-Ferraro, A. C., Erentzen, C., & Schuller, R. A. (2022). Young Women’s Experiences With Technology-Facilitated Sexual Violence From Male Strangers. *Journal of Interpersonal Violence*, 37(19-20), NP17860-NP17885. <https://journals.sagepub.com/doi/10.1177/08862605211030018>

⁶ <https://csw.ucla.edu/research/sexual-violence-and-intersectionality/survivors-allies/>

“State law (SB 926, Wahab, 2024) already makes it illegal to create and distribute sexually explicit images of a real person that appear authentic, when intended to cause that person serious emotional distress. If a CSU student uses AI to do this they would be subject to both criminal investigations and their university’s code of conduct (and possibly subject to the CSU’s nondiscrimination policy). After the student conduct investigation and hearings, sanctions can include everything from removal from student organizations to denial of access to campus to expulsion.”

In preparation for this analysis, AHED Committee staff examined the systemwide nondiscrimination policies of the CSU and UC in search of language regarding technology-facilitated sexual harassment or online sexual harassment. The UC did not include technology-facilitated sexual harassment definitions in their sexual harassment and sexual violence policies.⁷ The CSU included a very limited definition of technology-facilitated sexual harassment in the institution’s definition of sexual exploitation: “The distribution of images, including video or photographs, or audio of another person’s sexual activity or private body parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure. This includes distribution of digitally altered or artificial-intelligence-generated images, video, and audio.”⁸

Committee staff note the CCC system does not have a systemwide nondiscrimination policy and each community college district is authorized to adopt its own policy in compliance with state and federal law.

Committee staff reviewed the policies of a sampling of community college districts located throughout the state and only one of the community college district reviewed included online harassment in their nondiscrimination policies and procedures.

AB 2212 (Bauer-Kahan) rectifies the absence of technology-facilitated sexual harassment prohibitions in postsecondary education institution’s policies by requiring campuses to update their policies to reflect the new definitions.

Patsy Mink Equal Opportunity in Education Act (Title IX) and technology-facilitated sexual harassment. The current regulations governing the implementation of the Title IX for postsecondary education institutions does not include a definition of technology-facilitated sexual harassment. The regulations require a postsecondary education institution to respond to an incident of sexual harassment if it occurs in an educational program or activity in the United States, if the institution had substantial control over both the respondent and the context in which the sexual harassment occurs (34 US Code of Regulations Part 106, Subpart D, Section 106.44). By this definition, one could assume Title IX does not include digital platforms or GenAI tools since the institutions does not have “substantial control” over the student’s use.

In January 2025, the U.S. Department of Education published guidance on “Online or Digital Sexual Harassment under the 2020 Title IX Regulations.” The guidance stated, “Title IX requires a school to address sexual harassment in its education program or activity, including harassment that occurs online or using technology.”⁹ The guidance further contends “harassment can be

⁷ <https://policy.ucop.edu/doc/4000385/SVSH>

⁸ <https://calstate.policystat.com/policy/17647883/latest/>

⁹ <https://www.ed.gov/media/document/digital-sexual-harassment-under-2020-title-ix-regulations-109318.pdf>

carried out by school staff, a student, or another person. It can occur in-person or online, including emails, texts, or messages, apps, or other technologies.”⁹ Examples of online harassment that would be covered by Title IX according to the guidance, includes:

- Unwelcome conduct on social media platforms that is sexually demeaning or containing threats of violence;
- Nonconsensual texting, posting, or otherwise sharing of intimate images of a person whether real, altered, or created through an AI generated tool; and
- Stalking using technology; which includes, creating fake social media accounts to harass another individual.

Based on the definitions and examples provided in the U.S. Department of Education’s January 2025 Title IX guidance, the majority of the provisions in AB 2212 (Bauer-Kahan) should already be implemented by postsecondary education institutions in California. However, concerns have been raised that federal definition of sexual harassment is narrow in scope and does not cover every incident of sexual harassment on campus. Therefore, AB 2212 (Bauer-Kahan) is a necessary step in providing additional protections from technology-facilitated sexual harassment that are not currently provided within the scope of Title IX nor in the California’s Higher Education Sex Equity Act.

Arguments in support. ValorUS, a California sexual assault coalition representing 84 rape crisis centers and other organizations dedicated to ending sexual violence, is in support of AB 2212 because: “the definition of ‘sexual harassment’ in California’s Education Code was developed before the widespread use of GenAI tools, and does not explicitly address harassment that occurs through, or is facilitated by, digital technologies. AB 2212 updates the definition of ‘sexual harassment’ in the Education Code to account for modern digital technologies and requires California’s higher education institutions to adopt and publish policies addressing technology-facilitated sexual harassment. Clear standards, transparent reporting mechanisms, and modernized definitions are essential to ensuring that students experiencing sexual harassment can access meaningful support. Updating institutional policies to explicitly address technology-facilitated sexual harassment will promote consistent campus responses, reduce stigma, and reinforce that digital abuse is no less serious than offline misconduct.”

The California’s Women Law Center states their support for the measure, as they “support policies that strengthen institutional accountability, promote survivor access to support, and respond to evolving forms of sexual harassment. AB 2212 advances these goals by updating the definition of sexual harassment in California’s Education Code to reflect technology-facilitated harm and by requiring higher education institutions to adopt and publish policies addressing this conduct.”

The Cal State Student Association is in support, as “AB 2212 is a critical and timely measure that modernizes campus policies to address emerging forms of harassment and exploitation, particularly those facilitated by technology. The bill expands existing protections under the Equity in Higher Education Act by defining and prohibiting the nonconsensual creation and distribution of digitized sexually explicit material, recognizing such actions as sexual exploitation. These updates reflect the realities students face in an increasingly digital world, where harm can occur rapidly and at scale. Importantly, AB 2212 ensures that institutions receiving state financial aid funding adopt clear, enforceable policies and provide education and

prevention information during student orientation and training. These requirements will help foster safer campus environments and ensure that students are aware of their rights and available resources from the moment they enroll...Additionally, AB 2212 invests in research to better understand campus climate and improve institutional responses to sexual harassment, violence, and exploitation. By supporting evidence-based strategies, California can continue to lead the nation in protecting student safety and well-being.”

Committee comments. In the last decade, California has been a leader in addressing forms of discrimination on collegiate campuses. Whether it was adopting definitions of informed consent or updating definitions to guarantee all forms of sexual harassment are addressed by higher education institutions, California has always sought to require policies that are trauma-informed and focused on imposing accountability with a focus on prevention of future incidents.

AB 2212 (Bauer-Kahan) is reflective of California’s moral imperative to provide equitable access to education by ensuring all forms of sexual harassment whether they occur in the digital space or in-person are addressed by higher education institutions.

To provide clarity on the author’s intentions for the measure, the Committee has suggested and the author has accepted the following amendments:

- 1) Amends the definition of sexual exploitation to reinforce the author’s intent that clear and distinct consent should be provided for the generation, creation, and distribution of digitized sexually explicit materials. *Amends Section 66262.5, subdivision (k), paragraph (6) to read as follows:*

(6) The creation, generation, or distribution of digitized sexually explicit materials without the distinct and separate written consent of the depicted individual or individuals for each such act.

- 2) Amends to require postsecondary education institutions to provide a list of organizations to assist students and staff with the removal of digitized sexually explicit materials from digital platforms. *Adds Section 66286, subdivision (b) to include paragraph (3) to read as follows:*

(3) *A list of organizations to assist students and employees with the removal of digitized sexually explicit material from digital platforms. The list shall include, but is not limited to all of the following:*

(A) *Contact information for the Cyber Civil Rights Legal Project.*

(B) *Information on organizations that specialize in assisting in the removal of digitized sexually explicit material from digital platforms, including, but not limited to, all of the following:*

(i) *Take It Down.*

(ii) *Stop Non-Consensual Intimate Image Abuse (StopNCII.org).*

(iii) *Revenge Porn Helpline.*

(iv) *South West Grid for Learning - Safe, Secure, Online.*

(C) Information on the federal and state rights afforded to someone who has been subjected to the nonconsensual sharing of digitized sexually explicit material.

(D) Contact information for legal firms who may assist the student in filing a civil or criminal case for the removal of the digitized sexually explicit material.

(E) Campus resources available to the student who is a victim of sexual harassment or sexual exploitation due to the digitized sexually explicit material.

- 3) Amends to address concerns raised on how UCLA's Center for the Study of Women is to distribute the grants for research. *Amends Section 66293.5 to read as follows:*

66293.5. (a) In the absence of federal funding to examine the quality of life of students, faculty, and staff on campuses for the purpose of evaluating incidents of sexual harassment, sexual violence, sexual exploitation, and technology-facilitated sexual harassment for the expressed purpose of improving campus-based resources, services, and communications available to victims, the Legislature finds and declares that it is a moral imperative for the state to address this gap in funding for research.

(b) Upon an appropriation in the annual Budget Act, the University of California, Los Angeles Center for the Study of Women shall facilitate research *on the prevention of and the adjudication of reports of sexual harassment, sexual violence, sexual exploitation, and technology-facilitated sexual harassment at postsecondary education institutions. The research shall include, but is not limited to all of the following: on the quality of life of students at public postsecondary educational institutions by awarding grants to universities, institutes, and organizations to conduct research on the prevention of, and adjudication of reports of, sexual harassment, sexual violence, sexual exploitation, and technology-facilitated sexual harassment on campus. The research shall include, but is not limited to, all of the following:*

(1) A comprehensive study of a student's sense of safety on campus and interactions with campus resources that serve survivors of sexual harassment, sexual violence, sexual exploitation, and technology-facilitated sexual harassment, including but not limited to Title IX offices and confidential advocates. A comprehensive statewide study of a student's quality of life, specifically focusing on campus climate, campus safety, and a student's interaction with the institution's grievance procedures of a complaint as required by Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.) or state law, across the University of California, the California State University, and the California Community Colleges.

(2) The prevalence of digitized sexually explicit materials at postsecondary educational institutions and best practices to prevent and address digitized sexually explicit materials at postsecondary educational institutions.

(3) The prevalence of technology-facilitated sexual harassment at postsecondary educational institutions and best practices to prevent and address technology-facilitated sexual harassment at postsecondary educational institutions.

(c) For purposes of this section, “postsecondary educational institution” means a community college, a campus of the California State University, a campus of the University of California, or the College of the Law, San Francisco.

REGISTERED SUPPORT / OPPOSITION:

Support

ASUC Sexual Violence Commission
Cal State Student Association
California Women's Law Center
Courage California
Electronic Frontier Foundation
Equal Rights Advocates
Kapor Center Advocacy
Sexual Violence Prevention Association
Survivors + Allies
Tectonic Justice
The Survivors Pro Bono
University of California Student Association
Valor US
Vera Institute of Justice

Opposition

None on file.

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