

ASSEMBLY THIRD READING  
AB 2212 (Bauer-Kahan)  
As Amended May 18, 2026  
Majority vote

## 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.

### Major Provisions

- 1) Repeals and replaces Education Code Section 66262.5 with expanded definitions for the Equity in Higher Education Act, including the Sex Equity. Defines the following terms: affirmed consent; cyber sexual bullying; cyber stalking; depicted individual; digitization, digitized sexually explicit material; doxing; electronic act; sextortion; sexual battery; sexual conduct; sexual exploitation; sexual harassment; technology-facilitated sexual harassment; and, written consent.
- 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 (CSU) single, systemwide nondiscrimination policy.
- 4) Requires the policy established in 2) to be incorporated in the University of California's (UC) single, systemwide nondiscrimination policy.
- 5) Requires the California Community Colleges (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.
- 6) 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.
- 7) Updates the educational and prevention information provided as part of student orientations or on the internet website of the postsecondary education institution to include specified information about sexual violence, sexual exploitation, technology-facilitated sexual harassment, sexual harassment, and affirmed consent.
- 8) 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 specific information on sexual exploitation and technology-facilitated sexual harassment, as prescribed.
- 9) 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.
- 10) 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.
- 11) Makes technical updates to the definition of sexual harassment for the following Education Code Section 92612.1, 89521, 87604.5, and 66281.8.
- 12) Repeals Education Code Section 66302.5 as it will be made redundant.

## COMMENTS

*Technology – facilitated sexual harassment 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. 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) One in seven students who identified as experiencing sexual harassment reported experiencing online sexual harm; and,
- 2) 70% of those survivors never reached out to their campus for support.

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.

*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." The guidance further contends "harassment can be 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." Examples of online harassment that would be covered by Title IX according to the guidance, includes:

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

Based on the definitions and examples provided in the United States Department of Education's January 2025 Title IX guidance, the majority of the provisions in the measure should already be implemented by postsecondary education institutions in California. However, concerns have been raised that the federal definition of sexual harassment is too narrow in scope and does not cover every incident of sexual harassment on campus. Therefore, this measure 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.

*Please see the policy committee analysis for a full discussion of this bill.*

### **According to the Author**

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."

### **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 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."

### **Arguments in Opposition**

None on file.

## **FISCAL COMMENTS**

According to the Assembly Committee on Appropriations:

- 1) One-time Proposition 98 General Fund costs of an unknown but likely significant amount, possibly ranging from \$1.3 million to \$2.6 million, to community college districts (CCDs), collectively statewide, to update policies and add specified information to existing student orientations.
- 2) Minor one-time and annual ongoing General Fund costs to the campuses of the UC and CSU to update campus orientations and training modules as appropriate. While the individual campus costs may be minor, cumulatively statewide the aggregate costs to the campuses of

the CSU and UC may present significant General Fund costs of an unknown amount, possibly in the hundreds of thousands of dollars

## VOTES

### **ASM HIGHER EDUCATION: 9-0-1**

**YES:** Fong, DeMaio, Boerner, Jeff Gonzalez, Jackson, Muratsuchi, Patel, Sharp-Collins, Tangipa

**ABS, ABST OR NV:** Celeste Rodriguez

### **ASM PRIVACY AND CONSUMER PROTECTION: 15-0-0**

**YES:** Bauer-Kahan, Macedo, Bryan, DeMaio, Hoover, Irwin, Lowenthal, McKinnor, Ortega, Patterson, Pellerin, Petrie-Norris, Ward, Wicks, Wilson

### **ASM APPROPRIATIONS: 11-0-4**

**YES:** Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

**ABS, ABST OR NV:** Hoover, Dixon, Ta, Tangipa

## UPDATED

VERSION: May 18, 2026

CONSULTANT: Ellen Cesaretti-Monroy / HIGHER ED. / (916) 319-3960

FN: 0002874