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# SENATE COMMITTEE ON EDUCATION

Senator Sasha Renée Pérez, Chair

2025 - 2026 Regular

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**Bill No:** AB 2212 **Hearing Date:** June 17, 2026  
**Author:** Bauer-Kahan  
**Version:** May 18, 2026  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Michelle Nguyen

**Subject:** Postsecondary education: sexual harassment, harassment, intimidation, and bullying policies: student orientation and training.

**NOTE:** This bill has been referred to the Committees on Education and *Judiciary*. A “do pass” motion should include referral to the Committee on *Judiciary*.

## SUMMARY

This bill requires the governing body or board of a postsecondary educational institution, as a condition of receiving state funds for student financial assistance, to update any institutional policy relating to the adjudication and prevention of sexual harassment to 1) prohibit the public disclosure of the creation of digitized sexually explicit material without specified written consent and 2) include a policy that the disclosure of digitized sexually explicit material without specified written consent is sexual exploitation, a violation of the institution’s policy, and subject to disciplinary sanctions. This bill also expands the definition of sexual harassment by adding that it includes technology-facilitated sexual harassment, which includes, but is not limited to, cyber sexual bullying, cyber stalking, sextortion, and doxing.

## BACKGROUND

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 (commonly 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) Defines the following terms:
  - 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.
  - c) "Sexual exploitation" means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to:
    - 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 or audio of another person's sexual activity or intimate parts, without that person's consent.
    - iv) The distribution of images or audio of another person's sexual activity or intimate 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.
    - 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 consent, for the purpose of arousing or gratifying sexual desire. (Education Code (EC) § 66262.5)

- 2) Requires each postsecondary educational institution that receives state financial assistance, beginning on September 1, 2024, to annually train its students on sexual violence and sexual harassment, and consider updating the annual training every two years thereafter beginning September 1, 2026. (EC § 67385.7)
- 3) Requires the governing board of the community college district (CCD) and the Trustees of the California State University (CSU), and requests of the Regents of the University of California (UC) and governing boards of independent colleges and universities that receive state financial assistance, as part of the hiring process for an appointment to an academic, athletic, or administrative position with their respective campuses, to:
  - a) Require an applicant to disclose any final administrative or judicial decision issued within the last 7 years from the date of submission of the application determining that the applicant committed sexual harassment, and permit applicants to disclose if they have filed an appeal with the previous employer or with the United States Department of Education.
  - b) Require the campuses, if an applicant reaches the final stages of the application process for the specified position, to use a specified signed release form to engage in a reasonable attempt to obtain information from the previous employer concerning any substantiated allegations of misconduct. (EC §§ 87604.5, 89521, 92612.1, and 66281.9)
- 4) Requires the Trustees of the CSU and the governing board of each CCD, and requests of the UC, to adopt and publish policies on harassment, intimidation, and bullying and to include these policies within the rules and regulations governing student behavior within their respective segments of public postsecondary education. (EC § 66302)
- 5) Requires the Trustees of the CSU, and requests of the Regents of UC, to provide educational and preventive information about cyberbullying to students at all campuses of their respective segments, as part of established campus orientations. (EC § 66302.5)

## ANALYSIS

This bill:

- 1) Adds the following definitions and stipulations:
  - a) "Cyber sexual bullying" means the dissemination of 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:

- i) Placing a reasonable person or persons in fear of harm to that person or persons or their property.
  - ii) Causing a reasonable person to experience a substantially detrimental effect on the person's physical or mental health.
  - iii) Causing a reasonable person to experience substantial interference with the person's academic performance, work, or employment.
  - iv) 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 an educational institution.
- b) Indicates that a photograph, digitized sexually explicit material, or other visual recording (in the definition for "cyber sexual bullying") 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 specified media.
- c) Indicates that "cyber sexual bullying" does not include 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 the educational institution.
- d) "Cyber stalking" means stalking by means of an electronic communication device.
- e) "Depicted individual" means an individual who is portrayed in sexually explicit material.
- f) "Digitization" means a process by which any of the following 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.
- g) "Digitized sexually explicit material" means 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.
- h) "Doxing" means an act when a person—with intent to place another person or their immediate family in reasonable fear for their safety, 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 as specified 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.

- i) “Electronic act” means the creation or transmission by means of an electronic device of any of the following: i) a message, text, sound, video, or image; b) a post on a social network platform, including, but not limited to, posting to or creating a burn page for the purpose of cyber sexual bullying, as specified; creating a credible impersonation of another person for the purpose of cyber sexual bullying, as specified; and an act of technology-facilitated sexual harassment.
- j) “Sextortion” means a threat to use sexual or intimate images or videos, however obtained, to compel another person to produce sexual or intimate images or videos, engage in sexual acts, or provide anything of value.
- k) “Sexual conduct” means any of the following: i) masturbation; ii) sexual intercourse; 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.
- l) Expands the definition of “sexual exploitation” by adding that it includes:
  - i) 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.
  - ii) The creation or generation of digitized sexually explicit material of another person’s sexual activity or intimate parts, without that person’s written consent.
  - iii) 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.
- m) Expands the definition of “sexual harassment” by adding that it includes technology-facilitated sexual harassment, including, but not limited to, cyber sexual bullying, cyber stalking, sextortion, and doxing.
- n) “Technology-facilitated sexual harassment” means sexual harassment that occurs on, or is facilitated by, digital platforms or digital technologies, and it includes, but is not limited to, cyber sexual bullying, cyber stalking, sextortion, and doxing.
- o) “Written consent” means 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.

- p) Permits a depicted individual to rescind consent by delivering written notice 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: i) the depicted individual is given at least 72 hours to review the terms of the agreement before signing the agreement, or ii) the depicted individual's authorized representative provides written approval of the signed agreement.
- 2) Requires the governing board or governing body of a postsecondary educational institution, as a condition to receive state funds for student financial assistance, to update any institutional policy pertaining to the adjudication of complaints of sexual harassment, the prevention of sexual harassment, or any policy pertaining to sexual harassment to include all of 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 or individuals.
  - b) A policy that the disclosure of digitized sexually explicit material without the written consent of the depicted individual or individuals is sexual exploitation and a violation of the institution's policy, and subject to disciplinary sanctions.
  - c) 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, specified organizations, including organizations that specialize in assisting in the removal of digitized sexually explicit material from digital platforms.
  - d) Information on the federal and state rights afforded to someone who has been subjected to the nonconsensual sharing of digitized sexually explicit material.
  - e) 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.
  - f) Campus resources available to the student who is a victim of sexual harassment or sexual exploitation due to the digitized sexually explicit material.
- 3) Requires that the CSU and the UC incorporate the information from #2 into its single, systemwide nondiscrimination policy for their respective systems.
- 4) Requires each CCC and CSU campus, and requests of each campus of an independent institution of higher education, a private postsecondary educational institution, and the UC, to post educational and preventive information on sexual exploitation and technology-facilitated sexual harassment, in addition to sexual violence and sexual harassment, on its campus website.

- 5) Requires the specified educational and preventive information include, but not be limited to, all of the following:
  - a) Common facts and myths about the causes of sexual exploitation and technology-facilitated sexual harassment, in addition to sexual violence and sexual harassment.
  - b) What constitutes sexual exploitation and technology-facilitated sexual harassment, in addition to sexual violence and sexual harassment.
  - c) The availability of, and contact information for, campus and community resources for students who are victims of sexual exploitation and technology-facilitated sexual harassment, in addition to sexual violence and sexual harassment.
  - d) Information regarding campus, criminal, and civil consequences of committing acts of sexual exploitation and technology-facilitated sexual harassment, in addition to sexual violence and sexual harassment.
  - e) What constitutes digitized sexually explicit material, including information on the prohibition of the public disclosure of the creation or generation of digitized sexually explicit material, as specified.
  - f) What constitutes affirmative consent and written consent, as defined.
- 6) Requires, beginning September 1, 2027, that specified annual training for students cover all of the following topics:
  - a) Common facts and myths about the causes of sexual exploitation and technology-facilitated sexual harassment.
  - b) What constitutes sexual exploitation and technology-facilitated sexual harassment, including information on how to file internal administrative complaints with the institution of higher education and how to file criminal charges with local law enforcement officials.
  - c) The availability of, and contact information for, campus and community resources for students who are victims of sexual exploitation and technology-facilitated sexual harassment.
  - d) Methods of encouraging peer support for victims and the imposition of sanctions on offenders.
  - 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.

- g) The availability of, and 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.
- 7) Requires CCC and CSU campuses, and requests of UC campuses, to develop policies to encourage students to report any campus crimes involving sexual assaults, sexual exploitation, technology-facilitated sexual harassment, or sexual harassment, in addition to sexual violence. Urges these specified campuses to adopt policies to eliminate barriers for victims who come forward to report sexual violence, sexual exploitation, technology-facilitated sexual harassment, or sexual harassment, in addition to sexual assaults.
- 8) Updates the definition of sexual harassment for purposes of requiring the governing board of CCDs and Trustees of the CSU, and requesting of the Regents of the UC and governing boards of independent colleges and universities to require that applicants to disclose if they have committed sexual harassment.

## STAFF COMMENTS

- 1) ***Need for the bill.*** 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.”
- 2) ***This bill expands definitions of sexual harassment and sexual exploitation.*** AB 2212 intends to address sexual harassment that is aided or facilitated through the internet, smartphones, and the rise of generative artificial intelligence, including the availability of free and widespread text-to-image models that can quickly generate digital images with a written prompt.

This bill uses existing definitions from the Education Code and other Codes and consolidates them in one section under the Equity in Higher Education Act. Though many of these definitions are not new to state law or to the Education Code, this is the first time they are being considered as part of the definition of sexual harassment and sexual exploitation on college campuses.

*At a high level, this bill expands the definitions of sexual harassment and sexual exploitation and requires these expanded definitions be included in a postsecondary educational institution’s policies on the adjudication and prevention of sexual harassment.* This bill also requires annual training for students, updating and posting educational and preventive information, and updating employment and hiring processes using the updated definitions.

- a) For “sexual harassment”, AB 2212 expands the definition by adding a new type of sexual harassment called “technology-facilitated sexual harassment”, which includes, but is not limited to, “cyber sexual bullying, cyber stalking, sextortion, and doxing”.
- i) For “cyber sexual bullying”, this is defined elsewhere in the Education Code by AB 2536 (Chau, Chapter 419, Statutes of 2016), which includes cyber sexual bullying as an act for which a pupil may be suspended or expelled from school. This bill adds cyber sexual bullying as a form of sexual harassment.
  - ii) For “cyber stalking”, the terms “stalking” and “electronic communication device” are defined in the Penal Code. This bill adds cyber stalking as a form of sexual harassment.
  - iii) For “sextortion”, this is defined elsewhere in the Education Code by AB 2932 (Joe Patterson, Chapter 118, Statutes of 2024), which requires the Instructional Quality Commission (IQC) to consider including content on sextortion in the health curriculum framework. This bill adds sextortion as a form of sexual harassment.
  - iv) For “doxing”, this is defined in the Civil Code. This bill adds doxing as a form of sexual harassment.
- b) For “sexual exploitation”, AB 2212 expands the definition by adding the creation, generation, or distribution of: i) digitized sexually explicit material of depicted individuals without written consent, and ii) digitized sexually explicit material of another person’s sexual activity or intimate parts without written consent.
- 3) ***Concerns about postsecondary institutions recommending a list of prescribed organizations and law firms.*** This bill requires the postsecondary institutions to include in their institutional policy pertaining to the adjudication and prevention of sexual harassment: a) a list of organizations to assist students and employees with the removal of digitized sexually explicit material from digital platforms (some of which are explicitly named in the bill), and b) 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.

Some concerns have been raised about the postsecondary institutions providing an already prescribed list of organizations to assist with the removal of digitized sexually explicit material from digital platforms, as well as providing contact information for legal firms that can assist students in related matters. This has been described as unusual and can imply that these organizations and law firms are vetted and approved by the postsecondary institutions.

- 4) ***Ongoing discussions on implementation concerns.*** Though the intent of the legislation is well-understood, some concerns have been raised about the feasibility of implementation of this bill on college and university campuses.

Committee staff understands the author's office continues to have ongoing conversations with the postsecondary educational institutions about striking a balance between addressing the problems of technology-driven sexual harassment and ensuring that campuses can effectively implement this bill. These discussions have also touched on the definitions themselves and whether they need to be further refined or aligned with other federal or state law. *The Committee may wish to consider the following questions when discussing this bill:*

- a) *How do postsecondary educational institutions navigate the line between what is considered protected speech and the creation of digitized images that could constitute sexual harassment?*
- b) *What tools do postsecondary institutions have to prevent these forms of technology-driven sexual harassment and exploitation given the widespread availability of these platforms, how quickly information is disseminated, and the ever-increasing speed of technological change?*
- c) *If postsecondary institutions struggle with interpreting these definitions or preventing these types of acts, how will students interpret a potential failure to address these problems, and does it create liability issues for these institutions?*
- d) *Is written consent (as opposed to consent) an obtainable and/or reasonable expectation for the types of acts described in this bill? Would a text message or a direct message in a social media platform be considered written consent?*

5) ***Related and Prior Legislation.***

AB 2932 (Joe Patterson, Chapter 118, Statutes of 2024) requires the IQC, when the health curriculum framework is next revised on or after January 1, 2025, to consider providing for inclusion, in that curriculum framework, content on sextortion, as defined.

AB 2536 (Chau, Chapter 419, Statutes of 2016) includes engaging in an act of cyber sexual bullying, as defined, as an act of bullying by means of an electronic act for which a pupil may be suspended or expelled from school.

**SUPPORT**

Survivors + Allies (sponsor)

**OPPOSITION**

None received

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