

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

AB 2212 (Bauer-Kahan)  
Version: May 18, 2026  
Hearing Date: June 23, 2026  
Fiscal: Yes  
Urgency: No  
ME

**SUBJECT**

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

**DIGEST**

This bill updates the definition of “sexual harassment” in the Education Code to account for modern digital technologies, and requires California’s postsecondary educational institutions to adopt and publish policies, and update trainings, addressing technology-facilitated sexual harassment.

**EXECUTIVE SUMMARY**

This bill amends the Education Code to update the definition of sexual harassment by, in part, including technology-facilitated sexual harassment, which includes newly defined conduct such as “cyber sexual bullying,” “cyber stalking,” “sextortion,” and “doxing.” The bill further requires postsecondary educational institutions to update and create an array of policies pertaining to sexual harassment to address the new categories. College students are facing alarming rates of technology-facilitated harassment on college campuses.<sup>1</sup> For people from prior generations, it is nearly impossible to fathom what being a college student today would be like. Today’s college students face the possibility of being sexually harassed during all 24 hours of a day. Sexual harassment is facilitated through digital technologies and harassing content is easy to create through the use of AI. This bill updates the definition of sexual

---

<sup>1</sup> See Naman Gupta, et al., *A Critical Analysis of the Prevalence of Technology-Facilitated Abuse in US College Students* (May 2024) Extended Abstracts of the CHI Conference on Human Factors in Computing Systems, <https://dl.acm.org/doi/epdf/10.1145/3613905.3652036>; Kendall Tietz, *FBI warns of AI deepfakes being used to create 'sextortion' schemes* (July 6, 2023) Fox News, <https://www.foxnews.com/media/fbi-warns-ai-deepfakes-being-create-sextortion-schemes>; *Online Violence*, Amnesty International, <https://www.amnesty.org/en/what-we-do/technology/online-violence/>; Heather Hollingsworth, *AP report: Rise of deepfake cyberbullying poses a growing problem for schools* (January 2, 2026) PBS, <https://www.pbs.org/newshour/education/ap-report-rise-of-deepfake-cyberbullying-poses-a-growing-problem-for-schools>.

harassment in the Equity in Higher Education Act (Education Code Sections §§ 66250-66294) to accurately protect college students in today's reality.

The bill is sponsored by Survivors + Allies. It is supported by various organizations, including the University of California Student Association, the California Women's Law Center, and the Electronic Frontier Foundation. No timely opposition has been received by the Committee. The bill passed out of the Senate Education Committee on a vote of 6 to 0. If this bill passes this Committee, it will next be referred to the Senate Privacy, Digital Technologies, and Consumer Protection Committee.

### **PROPOSED CHANGES TO THE LAW**

Existing federal law:

- 1) Establishes "Title IX," which provides that 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 education program or activity receiving Federal financial assistance. (20 U.S.C. § 1681.)
- 2) Provides that sex-based harassment prohibited by Title IX is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including sexual assault, dating violence, stalking, quid pro quo harassment, and hostile environment harassment. (34 C.F.R. § 106.2.)
- 3) Requires schools and other educational institutions covered by Title IX to maintain written grievance procedures that provide a prompt, fair, and impartial process for investigating and resolving complaints of sex discrimination, including sex-based harassment. The regulation requires equitable treatment of complainants and respondents, notice of allegations, an objective investigation, access to relevant evidence, a determination based on the evidence, and opportunities for appeal where applicable. (34 C.F.R. § 106.45.)

Existing state law:

- 1) Defines "sexual harassment" as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:
  - a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
  - b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.

- c) 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.
  - d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution. (Ed. Code § 212.5.)
- 2) Provides that sexual harassment of students is a form of sex discrimination. (Ed. Code § 66270.)
- 3) Requires the Trustees of the California State University and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying, and shall include these policies within the rules and regulations governing student behavior within their respective segments of public postsecondary education. The University of California is requested to comply with this section. (Ed. Code § 66302.)
- 4) Places requirements on California's institutions of higher education to include educational and preventive information about the above topics to students at all campuses of their respective segments during orientations, to post such information on their websites, and to conduct relevant trainings. (Ed. Code §§ 66302.5 & 67385.7.)

This bill:

- 1) Updates the definition of "sexual harassment" in the Equity in Higher Education Act (Ed. Code §§ 66250-66294) to include:
  - a) "Technology-facilitated sexual harassment," including "cyber sexual bullying," "cyber stalking," "sextortion," and "doxing."
  - b) "Sexual exploitation" as newly defined to include such things as the creation, generation, or distribution of digitized sexually explicit materials without the distinct and separate written consent of the depicted individual.
- 2) Defines the key terms, including:
  - a) "Technology-facilitated sexual harassment" means sexual harassment that occurs on, or is facilitated by, digital platforms or digital technologies including cyber sexual bullying, cyber stalking, sextortion, and doxing.
  - b) "Cyber sexual bullying" means 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 specified effects.

- c) "Cyber stalking" means stalking by means of an electronic communication device.
  - d) "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.
- 3) Specifies 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.
- 4) 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.
- 5) Requires postsecondary educational institutions to update their trainings and educational material to include the new categories of sexual harassment.

## COMMENTS

### 1. Stated 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.

AB 2212 adds “technology-facilitated sexual harassment” to the definition of sexual harassment for purposes of the Equity in Higher Education Act (Ed. Code §§ 66250-66294). Under the bill, technology-facilitated sexual harassment includes but is not limited to, cyber sexual bullying, cyber stalking, sextortion, and doxing. A definition of “cyber sexual bullying” is in the Education Code. It is an act, in the Education Code, that can result in a pupil being suspended or expelled from school. “Cyber stalking” is defined in the Penal Code. The definition of “sextortion” is in the Education Code. Similarly, doxing is already defined in the Civil Code. This bill also expands the definition of “sexual exploitation” to include such things as the creation, generation, or distribution of digitized sexually explicit materials without the distinct and separate written consent of the depicted individual.

### 2. The bill enjoys widespread support and is not opposed by any post-secondary institutions

This bill has received unanimous and bipartisan support in both houses of the Legislature. There have been no votes cast in opposition to this bill. This clearly shows a strong commitment by the Legislature to protect people from sexual harassment in the postsecondary space. The Committee has not received any timely opposition to the bill. However, as explained in the Senate Education analysis for this bill:

*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 author has expressed that her “office is actively working with stakeholders to address implementation concerns.” This collaboration is ongoing and not yet reflected in the bill in print. This bill was triple referred to the Senate Education Committee, the Senate Judiciary Committee, and the Senate Privacy, Digital Technologies, and Consumer Protection Committee.

ASUC Sexual Violence Commission, California Women’s Law Center, Courage California, Kapor Center Advocacy, Public Counsel, Survivors + Allies, UltraViolet Action, University of California Student Association, and the Young Data Scientists League write the following in support of the bill:

As generative artificial intelligence (GenAI) becomes widely available across California’s college campuses, image generation tools are increasingly putting women and LGBTQIA+ students at risk of technology-facilitated sexual harassment. A 2025 study of college students found that 70% of survivors of online sexual harm did not seek support from their home institutions, reporting that they “felt [they] would not be taken seriously” and were “not aware [they] could reach out to a resource.” 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.

AB 2212 protects students by acknowledging and addressing the issue of technology-facilitated sexual harassment on California’s college campuses. The CSU system has already invested millions of dollars in providing ChatGPT for free to all students and employees; they must also invest in protecting students from this new technology's harms. AB2212 is a practical and low-cost way for universities to keep pace with rapidly changing technology, bolstering

protective measures for all students and increasing awareness about resources for survivors of technology-facilitated sexual harassment.

**SUPPORT**

Survivors + Allies (sponsor)  
ASUC Sexual Violence  
Commission California Commission on the Status of Women and Girls  
California Women's Law Center  
Courage California  
Electronic Frontier Foundation  
Kapor Center Advocacy  
Public Counsel  
UltraViolet Action  
University of California Student Association  
ValorUS  
Young Data Scientists League

**OPPOSITION**

None received

**RELATED LEGISLATION**

Pending Legislation: None known.

Prior Legislation:

AB 2932 (Patterson, Ch. 118, Stats. 2024) required the Instructional Quality Commission to consider, when the Health Framework is revised, on or after January 1, 2025, content on sextortion, as specified.

AB 2536 (Chau, Ch. 419, Stats. 2016) expanded the definition of electronic acts in relation to bullying to include cyber sexual bullying, and requires the California Department of Education to include information on cyber sexual bullying on a specified website.

**PRIOR VOTES:**

Senate Education Committee (Ayes 6, Noes 0)  
Assembly Floor (Ayes 78, Noes 0)  
Assembly Appropriations Committee (Ayes 11, Noes 0)  
Assembly Privacy and Consumer Protection Committee (Ayes 15, Noes 0)  
Assembly Higher Education Committee (Ayes 9, Noes 0)

\*\*\*\*\*