

SENATE PRIVACY, DIGITAL TECHNOLOGIES, AND CONSUMER PROTECTION COMMITTEE  
Senator Christopher Cabaldon, Chair  
2025-2026 Regular Session

AB 2212 (Bauer-Kahan)  
Version: May 18, 2026  
Hearing Date: June 29, 2026  
Fiscal: Yes  
Urgency: No  
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**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**

Technology-driven sexual harassment has become an alarming and pervasive threat on college campuses, inflicting serious psychological harm on students particularly women and LGBTQ+ individuals. Cyberstalking and cyberbullying enable perpetrators to monitor, intimidate, and humiliate victims through social media, messaging platforms, and location-tracking tools, often creating a climate of constant fear with no clear escape. Sextortion, in which perpetrators threaten to release intimate images unless victims comply with demands, has surged dramatically, exploiting the power imbalances inherent in coercive digital relationships. Compounding this crisis is the growing misuse of AI-powered tools and image-editing software to create “deepfakes,” which are weaponized to degrade and silence victims without their knowledge or consent. Colleges and universities face mounting pressure to update their Title IX frameworks, digital conduct policies, and student support systems to adequately address these evolving forms of technology-facilitated abuse.

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.

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. The bill is opposed by the Foundation for Individual Rights and Expression. The bill passed out of the Senate Education Committee on a vote of 6 to 0 and the Senate Judiciary Committee on a vote of 13 to 0.

### **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. (Educ. Code § 212.5.)
- 2) 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. (Educ. Code § 66302.)
- 3) 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. (Educ. Code §§ 66302.5 & 67385.7.)

This bill:

- 1) Updates the definition of "sexual harassment" for purposes of the Education Code 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) 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.
- 4) Requires postsecondary educational institutions to update their trainings and educational material to include the new categories of sexual harassment.

## COMMENTS

### 1. Sexual harassment on campuses in the digital age

Technology-driven sexual harassment has become a documented and growing crisis on college campuses. A study of U.S. college students found that 70 percent of respondents reported facing at least one form of technology-facilitated abuse, with over half of students facing image-based experiences such as nonconsensual posting or sharing of unwanted messages, pictures, and videos online.<sup>1</sup>

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<sup>1</sup> 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>. All internet citations are current as of June 23, 2026.

On sextortion specifically, the FBI has tracked a sharp escalation tied to AI. The Bureau reported a 322 percent increase in nationally reported sextortion cases between February 2022 and February 2023, attributing the rise to AI-doctored images, and noted that perpetrators use content manipulation technology to turn photos and videos pulled from social media into sexually explicit material.<sup>2</sup> There are serious harms that result:

Since 2021, online sextortion has led to tens of thousands of cases and more than \$65 million in losses, according to the FBI. More tragically, the National Center for Missing & Exploited Children reports, it has led to over three dozen suicides.

And that's just the ones they know about.<sup>3</sup>

On the impact of online violence for women and girls, Amnesty International writes:

When women, girls and LGBTI people are targeted with technology-facilitated gender-based violence, it is more dangerous for them to engage and participate in online conversations and benefit from digital technologies.

It can also lead to severe psychological harms that impact their mental health. This includes conditions like post-traumatic stress disorder, paranoia, depression, and anxiety, which can lead to self-harm. For instance, a higher proportion of transgender and gender-diverse people reported that being targeted online very negatively impacted their desire to live.

...

Being a target of technology-facilitated gender-based violence can also result in economic harms as women, girls and LGBTI people are forced to minimize their digital footprint. It also affects their access to a range of information and services and can lead to attacks and instances of violation and abuse in the offline world as well.<sup>4</sup>

Lawmakers have begun responding. In May 2025, Congress enacted the TAKE IT DOWN Act, which makes it illegal to knowingly publish or threaten to publish nonconsensual sexual images, and beginning in May 2026, requires a website or social media company to remove such material within 48 hours' notice from a victim.<sup>5</sup> The TAKE IT DOWN Act was inspired in part by a teen whose classmates posted deepfake

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<sup>2</sup> 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>.

<sup>3</sup> Dan Wetzel, *The predatory web of sextortion increasingly ensnares young athletes* (August 10, 2025) ESPN, [https://www.espn.com/high-school/story/\\_/id/45852691/fbi-extortion-online-youth](https://www.espn.com/high-school/story/_/id/45852691/fbi-extortion-online-youth).

<sup>4</sup> *Online Violence*, Amnesty International, <https://www.amnesty.org/en/what-we-do/technology/online-violence/>.

<sup>5</sup> Pub. L. No. 119-12 (May 19, 2025) 139 Stat. 55.

images of her to Snapchat, which Snapchat refused to take down for nearly a year.<sup>6</sup> Separately, many states are taking action:

In 2025, at least half the states enacted legislation addressing the use of generative AI to create seemingly realistic, but fabricated, images and sounds, according to the National Conference of State Legislatures. Some of the laws address simulated child sexual abuse material.

Students also have been prosecuted in Florida and Pennsylvania and expelled in places like California. One fifth grade teacher in Texas also was charged with using AI to create child pornography of his students.<sup>7</sup>

One study of college students in California found that technology-facilitated sexual violence is “an emerging crisis that current policies fail to address” with 1 in 7 survivors of sexual violence reporting experiencing online sexual harm. LGBTQIA+ survivors were nearly twice as likely to experience online sexual harm when compared to cisgender, heterosexual survivors.<sup>8</sup> The study also found that trainings on campuses are ineffective and that many students were ill-informed of the resources available.

Together, these sources point to the same conclusion: campus sexual harassment is no longer confined to physical encounters; it now follows students through their phones, social feeds, and increasingly, AI-fabricated images of themselves they never consented to. College students are often targets of this technology-based harassment, and current systems are ineffective at dealing with it.

## 2. Responding to the crisis

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

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<sup>6</sup> Ortutay, *President Trump signs Take It Down Act, addressing nonconsensual deepfakes. What is it?* (May 20, 2025) AP News, <https://apnews.com/article/take-it-down-deepfake-trump-melania-first-amendment-741a6e525e81e5e3d8843aac20de8615>.

<sup>7</sup> 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>.

<sup>8</sup> *Dreaming Together: California Student Survivors Reimagining Campus Responses to Sexual Violence* (2026) Survivors + Allies, [https://csw.ucla.edu/wp-content/uploads/2026/04/Survivors\\_Allies\\_Final\\_Report.pdf](https://csw.ucla.edu/wp-content/uploads/2026/04/Survivors_Allies_Final_Report.pdf).

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.

It should be noted that the bill imposes the obligation 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 specified information and elements, on independent postsecondary institutions and the University of California system using state funds as the hook. The list of required inclusions is also extremely granular, including specific organizations that must be listed and specific policies that must be incorporated.

### 3. Stakeholder positions

A coalition of groups, including the sponsor of this bill, Survivors + Allies, writes in support:

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.

Writing in opposition, the Foundation for Individual Rights and Expression lays out a series of constitutional concerns and suggests amendments to address those issues:

[S]ection 66286(b)(1-2) is both constitutionally overbroad and inconsistent with California law. It requires public colleges seeking state funds for student financial assistance to prohibit the public disclosure of "digitized sexually explicit material" without the written consent of the depicted individual. This prohibition reaches all digitized "visual or audiovisual work" that depicts a person "appearing to engage in, or being subjected to, sexual conduct." It applies regardless of the material's context, purpose, or effect, including circumstances where a person is engaged in core political speech....

We appreciate the importance of preventing discriminatory conduct in education, but to avoid crossing constitutional lines and minimize the risk of costly litigation, we strongly suggest revising AB 2212 so that it includes carveouts for protected speech and uses the Davis standard of harassment. This standard is tried and tested in practice and in court.

In response to concerns, the author has agreed to amendments that remove Sections 4, 5, and 6 of the bill.

### SUPPORT

Survivors + Allies (sponsor)  
ASUC Sexual Violence Commission  
CA Commission on the Status of Women and Girls  
California Women's Law Center  
Courage California  
Electronic Frontier Foundation  
Kapor Center Advocacy  
Public Counsel  
UC Student Association  
Ultraviolet Action

Valor US  
Young Data Scientists League

**OPPOSITION**

Foundation for Individual Rights and Expression

**RELATED LEGISLATION**

AB 2392 (Fong, 2026) requires the California Community Colleges and the California State University, and requests the University of California, to convene a working group to develop standards for GenAI training and procurement, to provide said training, and to report to the Legislature, as specified. AB 2392 is set to be heard in this Committee the same day as this bill.

**PRIOR VOTES:**

Senate Judiciary Committee (Ayes 13, Noes 0)  
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)

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