
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2212 (Bauer-Kahan) - Postsecondary education: sexual harassment, harassment, intimidation, and bullying policies: student training

Version: July 1, 2026

Policy Vote: ED. 6 - 0, JUD. 13 - 0, P.,
D.T., & C.P. 9 - 0

Urgency: No

Mandate: Yes

Hearing Date: August 3, 2026

Consultant: Lenin Del Castillo

Bill Summary: This bill expands the definition of sexual harassment in the Equity in Higher Education Act by providing that it includes technology-facilitated sexual harassment, which includes, but is not limited to, cyber sexual bullying, cyber stalking, sextortion, and doxing, and requires the definition 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 that covers specified topics regarding sexual harassment.

Fiscal Impact:

- The University of California (UC) estimates General Fund implementation costs in the mid-hundreds of thousands annually. This estimate assumes that an additional .5 FTE at each location at a cost of \$700,000 (\$75,000 x 10 campuses) would be required to support increased workload and administrative costs to manage complex dual-track case evaluations, as compliance officers must manually vet and cross-reference every report against existing federal frameworks, expanded state statutory criteria, and campus policies. The UC also notes there would be modest one-time resource and financial impacts for staff training on new and expanded definitions, required updates to campus orientations and training modules, and actions required to ensure accessibility and appropriate translations.
- The Chancellor's Office for the California Community Colleges estimates one-time General Fund costs ranging from \$200,000 to \$400,000 statewide for community college districts to add specified information to existing student orientations and trainings and update definitions.
- The California State University (CSU) estimates one-time General Fund costs in the low hundreds of thousands of dollars for various administrative activities necessary to implement the bill's provisions, including the updating of its systemwide nondiscrimination policy to include the new definitions, ensuring that student conduct policies regarding bullying cover what is specified in the bill, and updating campus webpages and student training on sexual harassment. The CSU also estimates minor, ongoing costs for providing information related to bullying, harassment, and intimidation at new student orientations.

Background: Existing federal law 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.”

Existing state law 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.

Existing law 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:

1. 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.
2. 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.

Proposed Law: This bill adds the following definitions and stipulations to the Equity in Higher Education Act:

1. “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 specified effects, including placing a reasonable person or persons in fear of harm to that person or persons or their property and causing a reasonable person to experience a substantially detrimental effect on the person’s physical or mental health.
2. 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.
3. 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.

4. “Cyber stalking” means stalking by means of an electronic communication device.
5. “Depicted individual” means an individual who is portrayed in sexually explicit material.
6. “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.
7. “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.
8. “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.
9. “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.
10. “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.
11. “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.

This bill expands the definition of “sexual exploitation” by adding that it includes:

1. 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. The creation or generation of digitized sexually explicit material of another person's sexual activity or intimate parts, without that person's written consent.
3. 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.

This bill 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.

This bill defines "Technology-facilitated sexual harassment" to mean 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.

This bill defines "Written consent" to mean 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.

This bill 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.

This bill 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.

This bill requires the specified educational and preventive information include, but not be limited to, all of the following:

1. Common facts and myths about the causes of sexual exploitation and technology-facilitated sexual harassment, in addition to sexual violence and sexual harassment.
2. What constitutes sexual exploitation and technology-facilitated sexual harassment, in addition to sexual violence and sexual harassment.
3. 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.

4. 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.
5. 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.
6. What constitutes affirmative consent and written consent, as defined.

This bill requires, beginning September 1, 2027, that specified annual training for students cover all of the following topics:

1. Common facts and myths about the causes of sexual exploitation and technology-facilitated sexual harassment.
2. 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.
3. The availability of, and contact information for, campus and community resources for students who are victims of sexual exploitation and technology-facilitated sexual harassment.
4. Methods of encouraging peer support for victims and the imposition of sanctions on offenders.
5. Information regarding campus, criminal, and civil consequences of committing sexual exploitation and technology-facilitated sexual harassment.
6. The contact information of a Title IX coordinator, or a similar position.
7. 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.

This bill 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.

This bill 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: 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. 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."

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