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## SENATE COMMITTEE ON EDUCATION

Senator Sasha Renée Pérez, Chair

2025 - 2026 Regular

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<b>Bill No:</b>	AB 2551	<b>Hearing Date:</b>	July 1, 2026
<b>Author:</b>	Elhawary		
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<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
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**Subject:** Public postsecondary education: Equity in Higher Education Act: prohibition on violence, harassment, intimidation, and discrimination: student hearings.

**NOTE:** This bill has been amended to replace its contents, and this is the first time the bill is being heard in its current form.

### SUMMARY

This bill establishes a repeal date of January 1, 2029, for provisions that require the Trustees of the California State University (CSU), and requests of the Regents of the University of California (UC), to adopt rules and procedures in the student codes of conduct that 1) prohibit violent, harassing, intimidating, or discriminatory conduct that creates a hostile environment on campus, 2) prohibit conduct that limits or denies a person's ability to participate in or benefit from the free exchange, and 3) establish reasonable content-neutral time, place, and manner (TPM) restrictions, and, if applicable, any advance permitting requirements for protests on campus.

### BACKGROUND

Existing federal law:

- 1) Requires that no person in the United States, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. (United States Code, Title 42, Chapter 21, Subchapter V, § 2000d ... commonly known as Title VI of the Civil Rights Act)
- 2) Prohibits Congress from making any law respecting an establishment of religion, prohibiting the free exercise thereof; abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. (First Amendment to the United States Constitution)

Existing state law:

- 1) States that no person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any characteristic listed or defined in the Government Code or any other characteristic that is contained in the prohibition of hate crimes set forth in the Penal Code, including immigration status, in any program or activity

conducted by any postsecondary educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid. (Education Code (EC) § 66270)

- 2) States that the Trustees of the CSU and the Regents of the UC have the primary responsibility to prevent and address conduct that either creates a hostile environment for students on campus, or results in differential treatment of students on campus based on a student's actual or perceived race, color, ethnicity, national origin, religion, or disability status. (EC § 66270.7)
- 3) Requires the Trustees of the CSU and requests the Regents of the UC to adopt rules and procedures in the student codes of conduct that: a) prohibit violent, harassing, intimidating, or discriminatory conduct that creates a hostile environment on campus, and b) prohibit conduct that limits or denies a person's ability to participate in or benefit from the free exchange of ideas or the educational mission of the universities. (EC § 66270.7)
- 4) Provides that every person may freely speak, write, and publish his or her sentiments on all subjects, being responsible for the abuse of this right, and prohibits a law from restraining or abridging liberty of speech or press. (California Constitution, Article I, § 2)
- 5) Prohibits the Regents of the UC, the Trustees of the CSU, the governing board of a community college district, a private postsecondary educational institution, and an administrator of any campus of those institutions, from making or enforcing a rule subjecting a student to disciplinary sanction solely on the basis of conduct that is speech or other communication that, when engaged in outside a campus of those institutions, is protected from governmental restriction by the United States Constitution or California Constitution. (EC § 66301 and § 94367)
- 6) Provides that #4 and #5 do not prohibit an institution from adopting rules and regulations that are designed to prevent hate violence from being directed at students in a manner that denies them their full participation in the educational process, if the rules and regulations conform to standards established by the First Amendment to the United States Constitution and Section 2 of Article I of the California Constitution for citizens generally. (EC § 66301 and § 94367)

## ANALYSIS

This bill:

- 1) Establishes a repeal date of January 1, 2029, for the following provisions that are required of the CSU Trustees and requested of the UC Regents:
  - a) Adopt rules and procedures in the student codes of conduct that 1) prohibit violent, harassing, intimidating, or discriminatory conduct that creates a hostile environment on campus, 2) prohibit conduct that limits or denies a person's ability to participate in or benefit from the free exchange, and 3) establish reasonable content-neutral TPM restrictions, and, if applicable, any advance permitting requirements for protests on campus.

- b) Adopt rules and procedures to take reasonable steps to respond to #1 and #2 listed in the paragraph above.
  - c) Require each campus to publish on the campus's internet website the TPM restrictions, and any advance permitting requirements for protests on campus.
  - d) Develop mandatory training programs for students, as follows:
    - i) What constitutes violent, harassing, intimidating, or discriminatory conduct that creates a hostile environment on campus, and the procedures for investigating violations of the student code of conduct.
    - ii) When and where protests and gatherings may be held, including the difference between public fora, limited public fora, nonpublic fora, and private property, consistent with the United States Constitution and California Constitution.
  - e) Submit a report, by January 2 of each year, to the Legislature on the implementation and administration of these provisions, as specified.
- 2) Requires the CSU, and requests of the UC, to establish a committee and requires the committee to hold at least two student hearings before January 1, 2029, to elicit feedback regarding specified content-neutral TPM restrictions, including how students feel about the restrictions and the way the restrictions are being enforced.
- 3) Requires the CSU, and requests of the UC, to include demographic data for a report of student code of conduct violations related to a) prohibiting violent, harassing, intimidating, or discriminatory conduct that creates a hostile environment on campus and b) prohibiting conduct that limits or denies a person's ability to participate in or benefit from the free exchange of ideas or the educational mission of the CSU.
- 4) Removes the statement that the Trustees of the CSU and the Regents of the UC have the primary responsibility to prevent and address conduct that either creates a hostile environment for students on campus, or results in differential treatment of students on campus, specifically *based on a student's actual or perceived race, color, ethnicity, national origin, religion, or disability status*.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Due to the unintended consequences of prior legislation, students are most directly affected by time, place, and manner (TPM) restrictions and their enforcement, yet their perspectives are often overlooked. Various pressing concerns have been raised about TPM implementation, including the arrest of peaceful protesters, the disciplinary actions against student advocates and organizers, and the disproportionate impact of enforcement on students and faculty of color. By establishing committees and requiring student hearings in the California State University system, AB 2551

creates meaningful opportunities for students to contribute their thoughts and experiences in informing campus policy that affects their rights, safety, and lives on campus.”

The author continues, “This bill also promotes transparency and accountability by requiring collection of demographic data on TPM conduct violations. Data collection and student feedback are essential to empowering students and ensuring the equitable and consistent application of TPM policies. AB 2551 includes a sunset date of January 1, 2029, providing an opportunity to evaluate the effectiveness of this approach.”

- 2) ***Recent legislation addressing protests on college campuses.*** In the wake of protests on college campuses in spring 2024, the 2024 Budget Act required the CSU and the UC to prepare a campus climate notification by the beginning of the Fall 2024 term and to develop a systemwide framework to provide for consistency with campus implementation and enforcement. (For the UC specifically, a lack of compliance meant that \$25 million from the state budget would not be released to UC campuses.) Further, the 2024 Budget Act required each UC and CSU campus to provide notification of the following to students before the start of each academic year:
- a) The campus’ TPM policy, which identifies the allowable parameters of free speech activities and the campus.
  - b) The Student Code of Conduct, which identifies acceptable student behavior, and relevant state and federal laws.
  - c) The systemwide Nondiscrimination Policy.
  - d) The process by which the campus will resolve any complaint of a violation of relevant institutional policies, state law, or federal law, including complaints against individuals not affiliated with the campus.
  - e) The range of consequences possible for students, faculty, or staff who violate relevant institutional policies, state law, or federal law.
  - f) How the campus may respond to activities that threaten the safety of students, faculty, or staff, and disrupt their ability to access the campus or buildings, the educational process, or activities on campus.
  - g) How the campus intends to foster healthy discourse and bring together campus community members, and viewpoints that are ideologically different, in order to best promote the educational mission of the institution and the exchange of ideas in a safe and peaceful manner.
  - h) Identify educational programs and activities for faculty, staff, and students to support the balance between free speech activities, educational mission, and student safety.

- i) A list of the resources available on campus for faculty, staff, and students to receive mental health and trauma support.

Three months later, SB 1287 (Glazer, Chapter 892, Statutes of 2024) was signed by the Governor. SB 1287 requires the Trustees of the CSU, and requests the Regents of the UC, to adopt rules and procedures in the student codes of conduct that:

- a) Prohibit violent, harassing, intimidating, or discriminatory conduct that creates a hostile environment on campus.
- b) Prohibit conduct that limits or denies a person's ability to participate in or benefit from the free exchange of ideas or the educational mission of the segment.
- c) Establish reasonable content-neutral TPM restrictions, and, if applicable, any advance permitting requirements for protests on campus.

SB 1287 also requires the campuses to adopt rules and procedures to take reasonable steps to respond to each incident creating a hostile environment on campus or that limits the free exchange of ideas; requires mandatory training programs for students; and requires students to acknowledge their campus' student code of conduct.

According to the author at the time, "Across our higher education system, the freedom of expression has been impaired with increasing reoccurrences of harassment, intimidation, and violence on campus targeted towards those with differing viewpoints. California's colleges and universities have a responsibility to promote free speech and to prevent harassment and discrimination that violates anti-discrimination laws. Many marginalized communities are suffering from discriminatory attacks. SB 1287 is about making sure that California universities are places where everyone can share their thoughts and ideas freely. We want to protect free speech and academic freedom while also preventing any form of harassment or discrimination. The need has been highlighted by incidents of antisemitism that have resulted from the October 7th terrorist attack in Israel. By having the higher education institution's set clear rules and reporting systems, we're making sure that universities can maintain an environment where everyone feels respected and can learn without fear of intimidation, harassment, or violence."

- 3) ***Consistent with 2024 Budget Act requirements, UC and CSU put forward systemwide frameworks in August 2024.*** Before 2024, all UC and CSU campuses had TPM restrictions to ensure safety, security, and order. However, the 2024 Budget Act specifically required the UC and CSU systems to develop a systemwide framework to provide consistency with campus implementation and enforcement.

In letters sent to leadership of their respective campuses in August 2024, the UC Office of the President provided a directive to each campus to provide a compilation of existing policies that most commonly apply to protest and

demonstration activity, while the CSU Chancellor's Office developed and issued a systemwide TPM policy. Both UC and CSU letters also included prohibitions on university property for the following:

- Camping/encampments and unauthorized structures.
- Restricting free movement, particularly regarding denying access to a university facility/space or occupying buildings and facilities.
- Masking to conceal identity, either with the intent to violate laws or policies or with the intent to intimidate any person or group.

- 4) ***Reasonable content-neutral TPM restrictions.*** Freedom of speech on college campuses is allowed within the confines of student codes of conduct and TPM restrictions. Institutions cannot discipline a student for engaging in a free speech activity, but can discipline a student if the free speech activity crosses into unlawful behavior, or otherwise violates an institution's student codes of conduct.

All UC and CSU campuses maintain TPM restrictions to ensure safety, security, and order, and have been permitted to do so long before the enactment of SB 1287. As established by case law, reasonable TPM restrictions on protected speech are permissible, provided that the restriction is content neutral, that the restriction serves a significant governmental interest, that the restriction is not more extensive than necessary to serve that interest, and that alternative means must exist to communicate the expression that is limited by the regulation.

TPM restrictions regulate when, where, and how expression may occur freely. Regarding time, regulations may restrict the use of amplified sound during early morning or late evening hours in public forums, and case law also permits the requirement that large groups get a permit in advance of an event, protest, or demonstration. Regarding place, case law distinguishes between public and non-public forums where speech may be expressed freely, and regulations allow for activities to not block pathways or traffic. Regarding manner, regulations may address decibel levels of amplified sound, limits on signs and banner size, erecting physical structures, and the use of barricades to ensure pathways and emergency access.

- 5) ***This bill requires two student hearings and the collection of demographic data before effectively repealing SB 1287 in January 2029.*** This bill requires each CSU campus, and requests of each UC campus, to hold at least two student hearings before January 1, 2029, to elicit feedback regarding content-neutral TPM restrictions, including how students feel about the restrictions and the way the restrictions are being enforced. This bill also requires the CSU, and requests of the UC, to report information on student code of conduct violations relating to conduct that creates a hostile environment and conduct that limits the free exchange of ideas, and to report *demographic data* specifically.

The author has expressed concerns with how SB 1287 has been enforced and seeks an avenue for students to provide feedback on TPM restrictions. In particular, the author indicates that campus police and administration have at times

implemented or enforced the provisions of SB 1287 in an overly rigid or overzealous way, such that some students have felt targeted based on what they are protesting. *Though there are ample opportunities for students to express concerns by engaging directly with campus and system leadership and providing public comment at meetings of the Trustees or Regents, if students do feel that enforcement of TPM restrictions are disproportionately skewed toward them without justifiable cause, it may be difficult to express those concerns through typical public settings.*

Because of the author's concerns, the author wants campuses to gather data on these specified student code of conduct violations and include demographic data to see if the data shows any trends that would suggest that certain students are being disproportionately targeted. *Both the UC and CSU are required to report information on these specified student code of conduct violations; however, the data that is collected and reported is not specific to TPM restrictions or students' expression of free speech, so unless the language is revised to require that the data be collected and reported differently, collecting demographic data would not necessarily provide the author with a better understanding of whether these students are being disproportionately affected because of TPM restrictions.*

- 6) ***Relationship between TPM restrictions, the student codes of conduct, and student discipline.*** The author's office states that certain students have felt that the response from campus police and campus administration during student protests has been outsized relative to the level of purported infraction. For example, the author's office has stated that some students who stepped outside the permitted protest area feel that campus police overreacted to their doing so. *However, it should be noted that institutions' policies do not penalize students for violations of TPM restrictions specifically; rather, any discipline for students would result from a violation of the student code of conduct or from unlawful behavior, according to the institutions' policies.*

As an example, UC's August 2024 letter required their campuses to have a consistent tiered response across all campuses that starts with informing a person of a violation, making multiple requests, and being warned of potential consequences, and then escalates to being cited for a violation of relevant UC policy, and arresting or detaining someone for unlawful behavior. *In the case of a student merely stepping outside the permitted protest area, that does not seem like it would not necessarily, on its face, result in a violation of the student code of conduct. However, if the campus police were overzealous in their policing of the protest area, that should be reviewed and could be seen as overstepping how the policies are meant to be implemented.*

- 7) ***What evidence do we have of these issues?*** The author's office cited having heard about these issues from meetings with small groups of students, and later consulting with student groups, but it is not known how widespread an issue this is, and if there is a root cause. The anecdotes that have been presented sometimes have conflicting or unclear details, and Committee staff has not independently verified these accounts. As a result, Committee staff has limited ability to assess the scope of the concerns and the nature of the problem.

SB 1287 does require information to be reported on the implementation and administration of the bill, and must specifically include information on student code of conduct violations relating to conduct that creates a hostile environment and conduct that limits the free exchange of ideas, as summarized below:

- In UC's most recent report dated February 2026, UC reported 53 violations of codes of conduct related to the "Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities"; 14 violations of codes of conduct related to "Participation in a disturbance of the peace of unlawful assembly"; and 4 violations of codes of conduct related to "Violation of the UC Anti-Discrimination Policy". UC notes that these data represent all incidents across the system and that they do not collect data on codes of conduct violations related to TPM restrictions.
- In CSU's most recent report dated December 2025, CSU reported 201 violations that resulted in a finding of responsibility for these behaviors and noted that these violations may be duplicative, as students may have been charged for multiple violations of the CSU Code of Conduct for one case. CSU notes that these data represent all incidents across the system and that they do not collect data on codes of conduct violations related to TPM restrictions.

To the extent that enforcement of SB 1287 is an issue, it may be more appropriate to create a bill that is tailored to documenting, and developing a better understanding of, any issues of enforcement. To that end, this bill requires hearings for students to provide feedback and additional reporting of disaggregated demographic data, which is consistent with attempting to better understand the nature of the problem. However, this bill also repeals the provisions of SB 1287, effective January 1, 2029, and SB 1287 has not been implemented for two full years. *Given the gravity of the issues being considered—free speech in public forums, the right to assemble, political speech on college campuses, and student and employee safety—the Committee should consider if a policy of this magnitude should have a more solid foundation of the issues that are happening on the ground.*

- 8) ***Repealing SB 1287 would not necessarily prohibit TPM restrictions.*** This bill repeals the provisions of SB 1287, effective January 1, 2029. SB 1287 requires the CSU, and requests of the UC, to adopt rules and procedures in the student codes of conduct that 1) prohibit violent, harassing, intimidating, or discriminatory conduct that creates a hostile environment on campus, 2) prohibit conduct that limits or denies a person's ability to participate in or benefit from the free exchange, and 3) establish reasonable content-neutral TPM restrictions, and, if applicable, any advance permitting requirements for protests on campus. SB 1287 also requires students to acknowledge the campus' student code of conduct and requires mandatory training programs for students.

TPM restrictions have been discussed at length in multiple cases argued before the Supreme Court, and they were already permissible before the enactment of SB 1287. As discussed above, all UC and CSU campuses had TPM policies in place at the time of the 2024 Budget Act and SB 1287. However, the requirements in

those bills pushed the CSU and UC campuses to adopt a systemwide framework to provide for consistency with campus implementation and enforcement. *If SB 1287 were repealed, the CSU and UC could still elect to maintain robust campus-level and systemwide policies relating to TPM restrictions, and they could still maintain policies that prohibit conduct that creates a hostile environment or denies a person's ability to participate in the free exchange of ideas.*

- 9) **Committee questions.** Given the substantive policy changes this bill seeks to make, *the Committee may wish to consider the following questions:*
- a) *If the primary concern is enforcement of TPM restrictions and student code of conduct violations as it pertains to student protest, is there a way to better study how SB 1287 is being implemented and enforced across campuses, and if certain populations of students are being disproportionately affected?*
  - b) *What mechanisms currently exist to review or address concerns regarding the enforcement of TPM restrictions?*
  - c) *What are the impacts of repealing SB 1287, in both abstract and concrete terms, especially if repealing SB 1287 would not prohibit TPM restrictions on college campuses?*
- 10) **Committee amendments.** *Committee staff recommends, and the author accepts, the following amendments:*
- a) *Remove the repeal date of January 1, 2029 for this section of law.*
  - b) *Require the CSU, and request of the UC, to report on student code of conduct violations that happened during, or as a result of, an on-campus protest, and require that this data be disaggregated by race and gender.*
  - c) *Recast the student hearing requirements in a new section, and revise the requirements so that the CSU is required, and UC is requested, to hold an open forum on a CSU campus and a UC campus—instead of every CSU and UC campus—to elicit student feedback on TPM restrictions, and require the CSU, and request of the UC, to submit a notification to relevant policy committees of the Legislature about the location and date for the open forum.*
  - d) *Remove an edit that indicates that the CSU Trustees and UC Regents have the primary responsibility to prevent and address conduct that results in differential treatment of students on campus, specifically based on a “student’s actual or perceived race, color, ethnicity, national origin, religion, or disability status”.*
- 11) **Related and Prior Legislation.**

SB 1287 (Glazer, Chapter 892, Statutes of 2024) requires the Trustees of the CSU and requests the Regents of the UC to (1) adopt rules and procedures in the student codes of conduct that prohibit violent, harassing, intimidating, or

discriminatory conduct that creates a hostile environment on campus; (2) adopt rules and procedures in the student codes of conduct that prohibit conduct that limits or denies a person's ability to participate in or benefit from the free exchange of ideas or the educational mission of the segment; (3) develop mandatory training programs for students; and, (4) require each student to acknowledge the code of conduct.

SB 108 (Wiener, Chapter 35, Statutes of 2024), which is part of the 2024 Budget Act, required the CSU and the UC to prepare a campus climate notification by the beginning of the Fall 2024 term and to develop a systemwide framework to provide for consistency with campus implementation and enforcement. SB 108 required each UC and CSU campus to provide notification of specified topics to students before the start of each academic year. SB 108 also stated that, for the UC, a lack of compliance meant that \$25 million from the state budget would not be released to UC campuses.

**SUPPORT**

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**OPPOSITION**

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