
THIRD READING

Bill No: AB 2551
Author: Elhawary (D)
Amended: 7/2/26 in Senate
Vote: 21

SENATE EDUCATION COMMITTEE: 5-0, 7/1/26

AYES: Pérez, Cabaldon, Cortese, Gonzalez, Reyes

NO VOTE RECORDED: Ochoa Bogh, Choi

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/13/26

AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 78-0, 5/26/26 - See last page for vote

SUBJECT: Public postsecondary education: Equity in Higher Education Act:
prohibition on violence, harassment, intimidation, and
discrimination: student hearings

SOURCE: Author

DIGEST: This bill requires the California State University (CSU), and requests of the University of California (UC), to: (1) hold an open forum on a selected campus, by December 31, 2027, to elicit student feedback regarding content-neutral time, place, and manner (TPM) restrictions, and (2) submit information on student code of conduct violations that occurred during, or as a result of, a protest on campus and a description of the discipline imposed on the student as a result of the specified student code of conduct violation.

ANALYSIS:

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 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. (Education Code (EC) § 66270.7)
- 2) 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)
- 3) 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)
- 4) 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)

- 5) Provides that #3 and #4 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)

This bill:

- 1) Requires the CSU, and requests of the UC, to include—as part of a report submitted annually on student code of conduct violations—information on student code of conduct violations that occurred during, or as a result of, a protest on campus and a description of the discipline imposed on the student as a result of the specified student code of conduct violation, and requires any submitted student data to be disaggregated by race and gender.
- 2) Requires the CSU, and requests of the UC, to hold an open forum on a selected campus, by December 31, 2027, to elicit student feedback regarding 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 notify the relevant policy committees of the Legislature of the location and date of the specified open forum.

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. ... 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.”
- 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.

- 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:

- a) Camping/encampments and unauthorized structures.
- b) Restricting free movement, particularly regarding denying access to a university facility/space or occupying buildings and facilities.

- c) 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 the segments to hold an open forum for students about TPM restrictions.* This bill requires the CSU, and requests of the UC, to hold an open forum on a campus to elicit feedback regarding content-neutral TPM restrictions, including how students feel about the restrictions and the way the restrictions are being enforced. 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 opportunities for students to express concerns by engaging 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.

- 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 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. In an attempt to gather more information, this bill requires the CSU, and requests of the UC, to report information on student code of conduct violations that occurred during, or as a result of, a protest on campus and a description of the discipline imposed on the student as a result of the violation, with a requirement for the student data to be disaggregated by race and gender.

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:

- a) 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.
- b) 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

The UC estimates one-time General Fund costs of about \$100,000 to develop and implement a case management system to collect demographic data regarding student code of conduct violations. There will likely be additional, ongoing vendor maintenance costs that are unknown at this time.

The CSU estimates ongoing General Fund costs of \$200,000 to \$300,000 to contract with a vendor for student conduct case management. Additionally, there would be one-time General Fund costs of \$75,000 to \$100,000 to hold the student forum.

SUPPORT: (Verified 8/14/26)

1021 Jewish Workers for Justice
1021 Members for Palestine
Anti Police-Terror Project

Bend the Arc: Jewish Action California
Black Lives Matter California
California Faculty Association
Church State Council
Council on American-Islamic Relations, California
Jewish Parents for Collective Liberation
Queers Undermining Israeli Terrorism
SEIU California
Students for Quality Education at California State University, Sacramento
University of California Student Association
Young Invincibles

OPPOSITION: (Verified 8/14/26)

30 Years After
Adat Shalom - Los Angeles
ADL
Agudath Israel of California
AJC Los Angeles
AJC Northern California
AJC San Diego
AMCHA Initiative
Bay Area Jewish Coalition
Beverly Hills Synagogue
Board of Rabbis of Southern California
California Jewish Democrats
California State University
Contra Costa Jewish Democrats
Democrats for Israel - Los Angeles
Hadassah, The Women's Zionist Organization of America
Israeli-American Council
JCC-Federation of San Luis Obispo
JCRC Bay Area
JCRC of the Sacramento Region
JCRC, Jewish Long Beach
Jewish California
Jewish Center for Justice
Jewish Community Action Network of Orange County
Jewish Family Service LA
Jewish Family Service of the Desert
Jewish Family Services of Silicon Valley

Jewish Federation Bay Area
Jewish Federation Los Angeles
Jewish Federation of Greater Santa Barbara
Jewish Federation of Orange County
Jewish Federation of Palm Springs & the Desert
Jewish Federation of San Diego
Jewish Federation of the Greater San Gabriel and Pomona Valleys
Jewish Federation of the Sacramento Region
Jewish Federation of Ventura County
Jewish Free Loan Association
Jewish Partisan Educational Foundation
Jewish Silicon Valley
Jews BeLong Beach Coalition
JFCS East Bay
JFCS Long Beach and Orange County
JFCS SF Bay Area
Northern California Council of Jewish Democratic Clubs
Northern California Jewish Labor Committee
Santa Barbara Hillel
StandWithUs
University of California

ASSEMBLY FLOOR: 78-0, 5/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Muratsuchi, Celeste Rodriguez

Prepared by: Michelle Nguyen / ED. / (916) 651-4105
8/14/26 16:40:40

**** END ****