

THIRD READING

Bill No: SB 1328
Author: Cervantes (D)
Amended: 4/13/26
Vote: 21

SENATE EDUCATION COMMITTEE: 5-1, 4/22/26
AYES: Pérez, Cabaldon, Cortese, Gonzalez, Reyes
NOES: Choi
NO VOTE RECORDED: Ochoa Bogh

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/14/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

SUBJECT: Public postsecondary education: Equity in Higher Education Act:
campus contact

SOURCE: Equality California

DIGEST: This bill requires the California State University (CSU) Trustees and each governing board of a community college district (CCD), and requests of the University of California (UC) Regents, to designate an employee as a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex, and two-spirit faculty, staff, and students at a branch campus, satellite location, or site other than the main campus.

ANALYSIS:

Existing federal law:

- 1) 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.” (United States Code (USC))

Title 20, Chapter 38, § 1681 (colloquially known as Title IX))

- 2) Provides for various exemptions from these provisions, including for fraternities and sororities, military institutions, institutions that are traditionally male or female, and institutions controlled by religious organizations. (USC Title 20, Chapter 38, § 1681)
- 3) Outlines the required response, pursuant to Title IX, of a postsecondary higher education institution when the institution is made aware of an alleged sexual harassment incident on campus, which include a requirement for a formal complaint, a grievance procedure for an investigation into whether the incident based on a standard of evidence occurred, a hearing by which advisors are provided an opportunity to cross-examine, and a method of appealing the outcome of the grievance process. (Code of Federal Regulations (CFR) Title 34, Subtitle B, Chapter 1, Part 106, Subpart D, § 106.45)
- 4) Defines sexual harassment as a form of sex discrimination and as conduct on the basis of sex that satisfies at least one of the following: a) quid pro quo harassment, b) hostile environment harassment, or c) specific offenses. (CFR, Title 34, Subtitle B, Chapter 1, Part 106, Subpart A, § 106.2)

Existing state law:

- 1) Establishes the Equity in Higher Education Act (Act) to prohibit a person from being subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the statutory definition of hate crimes, in any program or activity conducted by a postsecondary educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid. (Education Code (EC) § 66270)
- 2) Requires the CSU Trustees and the governing board of a CCD, and would request of the UC Regents, to designate an employee at each of their respective campuses as a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex, and two-spirit faculty, staff, and students. (EC § 66271.2)

- 3) Prohibits an employee designated as a campus point of contact pursuant to #2 above from being considered a responsible employee, which means the employee does not have the duty to report sexual harassment to an appropriate school official who has that authority. (EC § 66271.2)
- 4) Prohibits an employee designated as a campus point of contact pursuant to #2 above shall not disclose confidential information provided to them by faculty, staff, or students about any alleged act of sexual harassment, sexual violence, or discrimination without the prior written consent of the person who provided the information to the designated point of contact. (EC § 66271.2)
- 5) Excludes notice to or the providing of services by the designated point of contact from being considered “actual or constructive notice” to the California community colleges (CCC), CSU, or UC alleging acts of sexual harassment, sexual violence, or discrimination, for purposes of investigations under Title IX. (EC § 66271.2)
- 6) Defines “sexual harassment” as unwelcomed 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 in which specific conditions are met; this definition also includes sexual battery, sexual violence, and sexual exploitation. (EC § 66262.5)
- 7) Defines “sexual violence” as physical sexual acts perpetrated against a person without the affirmed consent of the person, and these acts include rape and sexual battery. (EC § 66262.5)
- 8) Provides 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, sex, color, ancestry, age, medical condition, genetic information, marital status, or any specified characteristic contained in the prohibition of hate crimes 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. (EC § 66270)
- 9) Provides that statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable. (EC § 67400)

This bill:

- 1) Requires the CSU Trustees and each governing board of a CCD, and requests of the UC Regents, to designate an employee as a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex, and two-spirit faculty, staff, and students of a branch campus, satellite location, or site other than the main campus by complying with either of the following: a) designating an additional employee for the branch campus, satellite location, or site other than the main campus, or b) requiring the designated point of contact for the main campus to hold virtual or in-person office hours every week, every month, or regularly as determined by the employee, at a branch campus, satellite location, or site other than the main campus.
- 2) Requires that the CSU Trustees and each governing board of a CCD publish the name and contact information of the designated point of contact on the internet website for the branch campus, satellite location, or site other than the main campus, and that this information be included in any printed and online directories for the branch campus, satellite location, or site other than the main campus.
- 3) Clarifies that the existing requirement for the CSU Trustees and each governing board of a CCD, and would request of the UC Regents, to designate an employee as a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex, and two-spirit faculty, staff, and students at each of their respective *main campuses*. Also clarifies that the existing requirement for the name and contact information of that designated employee shall be published on the internet website for the respective *main campus*, and shall be included in any of the *main campus*' printed and online campus directories.
- 4) Defines the following terms for a subdivision of this bill: a) "branch campus" as a site other than the main campus or satellite location; b) "main campus" as the campus's sole or primary teaching location; c) "satellite location" as an auxiliary classroom or teaching site within 50 miles of the main campus or a branch campus; and d) "site" as a main campus, branch campus, or satellite location.

- 5) Requires that the employee designated as the point of contact for a main campus, branch campus, satellite location, or site other than the main campus shall not be the campus's Title IX coordinator.
- 6) Clarifies that the definition of those not considered responsible employees should align with Title IX (in addition to state law), and removes language that excludes notice to or the providing of services by the designated employee from being considered "actual or constructive notice" to the CCC, CSU, or UC alleging acts of sexual harassment, sexual violence, or discrimination, for purposes of investigations under Title IX.

Comments

- 1) *Need for this bill.* According to the author, "LGBTQ+ students, especially LGBTQ+ women, face disproportionate amounts of sexual harassment and violence on college campuses. ... This bill will expand upon the work done by the LGBTQ Caucus through Senate Bill (SB) 1491 (Eggman, Chapter 490, Statutes of 2024) ... One gap in SB 1491 was that it did not cover satellite campuses. ... This forces students at these sites to travel to the main campus of their institution to access confidential culturally competent care. ... This can require several hours-long journeys for students depending on the location of their site. This creates serious barriers to care and support, especially for students in rural areas. ... Every satellite campus is different. Some are down the street from the main campus, and some are in other counties entirely. ... All LGBTQ+ students in California should be able to access support no matter if they take classes at a main campus or a satellite campus."
- 2) *Point of contact is prohibited from being a responsible employee or from disclosing confidential information without prior written consent.* Though current law does not define the specific duties and responsibilities of these designated employees, statute does indicate that these points of contact: a) serve the needs of the students specified in this bill, b) shall not be considered responsible employees, and c) shall not disclose confidential information provided to them about an alleged act of sexual harassment, sexual violence, or discrimination without the prior written consent of the person providing that information to the designated employee. Current law defines a "responsible employee" as an employee who has the authority to take action to redress sexual harassment or provide supportive measures to students, or who has the duty to report sexual harassment to an appropriate school authority who has that authority.

According to the author, these designated points of contact are intended to provide students with control over if, how, and when to start an investigation—as well as discretion over their personal stories—which is why SB 1491 prohibits these designated employees from being considered responsible employees and disclosing confidential information without an individual’s prior written consent. This bill specifically clarifies that these designated employees are prohibited from being Title IX coordinators because most Title IX coordinators are required to immediately report incidents of sexual harassment, sexual violence, or discrimination, and this may put an individual in a position to recount the harm perpetrated onto them before they may be ready to do so.

- 3) *Recent changes to Title IX regulations.* On January 9, 2025, a federal judge issued a nationwide order invalidating the Biden Administration’s 2024 Title IX regulations. According to the National Women’s Law Center:
These 2024 Title IX regulations “had strengthened regulatory protections for students against sex-based harassment, anti-LGBTQI+ discrimination, and discrimination based on pregnancy or related conditions.” This order put the 2020 Title IX regulations back into effect.

In response to this change, this bill removes language that excludes notice to or the providing of services by the designated point of contact from being considered “actual or constructive notice” to the CCC, CSU, or UC alleging acts of sexual harassment, sexual violence, or discrimination, for purposes of investigations under Title IX. Because the 2024 Title IX regulations have been invalidated, the authority to determine who is confidential is re-relegated to the institutions, and the removal of this language is intended to clarify confusion regarding which employees are considered confidential.

- 4) *This bill requires a point of contact to be accessible to sites other than the main campus, but questions remain over the definition of those other sites.* This bill requires the CSU Trustees and each governing board of a CCD provide a designated employee as a point of contact for the needs of the specified faculty, staff, and students at a branch campus, satellite location, or site other than the main campus for these specified faculty, staff, and students. There are 20 and 83 of these locations for the CSU and CCC systems, respectively, according to their system offices. There is diversity among branch campuses, satellite locations, and sites other than the main campus within the CSU and CCC systems, as relates to size, available educational

programming, distance from the main campus, and how students use these locations.

This bill defines the terms “branch campus”, “satellite location”, and “site”, but each of the CCC, CSU, and UC system offices use terminology to describe their sites that is different from the definitions referenced in this bill. For example, the CCC Chancellor’s Office indicates that the CCC system uses the terms “college” and “educational center” (which are approved by the Board of Governors for the CCCs), which are both defined in the California Code of Regulations, and they do not use the terms defined in this bill, which are “branch campus”, “satellite location”, or “site other than main campus”. Moreover, many CSU campuses and CCDs offer dual enrollment at schools and provide education to currently incarcerated individuals in jails and prisons, and though it does not seem the intent of this bill to require compliance in these settings, it may be worth clarifying.

This bill provides flexibility for CSU campuses and CCDs to comply with this provision at their branch campus, satellite location, or site other than the main campus by either: (1) designating an additional employee for these additional sites, or (2) requiring the designated point of contact of the main campus to hold virtual or in-person office hours at a regular interval determined by the employee. It is likely that most CSU campuses and CCDs would comply with this bill by requiring the point of contact of the main campus to offer virtual office hours. This bill also requires the name and contact information of the designated point of contact to be published on the website for the branch campus, satellite location, or site other than the main campus.

Related/Prior Legislation

SB 1491 (Eggman, Chapter 490, Statutes of 2024) required: (1) the CSU Trustees and the governing board of each CCD to designate an employee at each of their respective campuses as a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex and two-spirit faculty, staff, and students at the respective campus; (2) the point of contact to be a confidential employee, as specified; (3) the CSU Trustees and the governing board of each CCD to adopt and publish policies on harassment, intimidation, and bullying and include these policies within the rules and regulations governing student behavior; and (4) the California Student Aid Commission, beginning with the 2026-27 school year, to provide written notice to students who receive state financial aid whether their college has a religious school exemption from Title IX.

AB 2047 (Mike Fong, Chapter 693, Statutes of 2024) required the CSU and the UC to establish a systemwide Title IX office, a systemwide Office of Civil Rights (OCR), a position of civil rights officer, and establishes duties for the systemwide OCR, the civil rights coordinator, and Title IX coordinator.

AB 2048 (Mike Fong, Chapter 694, Statutes of 2024) required the CCC Chancellor, in consultation with stakeholders, to submit a report to the Legislature by December 1, 2025, with recommendations for establishing systemic campus reforms that effectively prevent, detect, and address sexual harassment on CCC campuses.

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

According to the Senate Appropriations Committee:

- The Chancellor’s Office estimates ongoing Proposition 98 General Fund costs of \$996,000 each year for community college districts to designate an employee at each of their satellite campuses as a point of contact for the needs of these students. This estimate assumes a cost of \$12,000 for each of the 83 educational centers located throughout the state. These costs could be lower if an existing college point of contact is able to serve the same role at an educational center.
- The UC estimates ongoing General Fund costs of \$4.8 million each year. This estimate assumes that the bill would apply to 390 sites throughout the state which includes medical clinics, hospitals, and research sites, and the equivalent time base of 30 full-time employees across the system.
- The CSU estimates that the cost for CSU to comply with this bill would be minor and absorbable within existing resources.

SUPPORT: (Verified 5/14/26)

Equality California (source)

Alliance for TransYouth Liberation

California Legislative LGBTQ Caucus

CFT – A Union of Educators & Classified Professionals, AFT, AFL-CIO

Courage California

El/La Para TransLatinas

Gender Affirming Professionals

LGBTQ+ Inclusivity, Visibility, and Empowerment

Lyon-Martin Community Health Services
PFLAG Danville-San Ramon Valley Chapter
PFLAG Sacramento
Public Counsel
Rainbow Families Action Bay Area
San Diego Pride
The Source LGBT+ Center
The TransLatin@ Coalition

OPPOSITION: (Verified 5/14/26)

None received

Prepared by: Michelle Nguyen / ED. / (916) 651-4105
5/16/26 11:12:17

**** **END** ****