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AB-1790 California State University: sexual harassment: implementing California State Auditor recommendations. (2023-2024)

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Assembly Bill No. 1790

CHAPTER 86

An act to add Section 66294 to the Education Code, relating to public postsecondary education.

[Approved by Governor July 15, 2024. Filed with Secretary of State July 15, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1790, Connolly. California State University: sexual harassment: implementing California State Auditor recommendations.

Existing federal law, known as Title IX, prohibits a person, on the basis of sex, from being excluded from participation in, being denied the benefits of, or being subject to discrimination, which includes sexual harassment, under any education program or activity receiving federal financial assistance.

The Donahoe Higher Education Act establishes the California State University, under the administration of the Trustees of the California State University, as one of the 3 segments of public postsecondary education in the state. A portion of the Donahoe Higher Education Act, known as the Equity in Higher Education Act, declares, among other things, that sexual harassment of students is a form of prohibited sex discrimination and requires the California State University, on or before December 1 of each year, to submit a report to the Legislature on the investigations and outcomes of sexual harassment reports and formal sexual harassment complaints, as provided.

This bill would require, on or before July 1, 2026, the California State University to implement the recommendations provided in a specified California State Auditor report, as provided. The bill would require the California State University to submit an initial report on or before July 1, 2025, and a final report on or before December 1, 2026, to the Legislature, the Assembly Committee on Higher Education, the Joint Legislative Audit Committee, and the Senate Committee on Education on the status of implementing the California State Auditor recommendations, including, if completed at the time of the report, any summarized results from specific campus compliance reviews and identification of any systemic issues the California State University has in meeting the recommendations of the California State Auditor report, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 66294 is added to the Education Code, to read:

66294. (a) On or before July 1, 2026, the California State University shall implement the recommendations provided in the California State Auditor Report 2022-109, dated July 18, 2023, including, but not limited to, by doing all of the following:

(1) Developing standardized guidelines for all formal investigations into allegations of sexual harassment by each California State University campus and the chancellor's office, including how to perform and structure the analysis to establish whether sexual harassment has occurred.

(2) Developing a policy for each California State University campus and the chancellor's office that ensures they are able to maintain a process for tracking key dates related to the timeliness of all sexual harassment cases and conducting investigations in a timely manner.

(3) Establishing systemwide requirements for each California State University campus and the chancellor's office to address conduct that is unprofessional but does not meet the threshold of sexual harassment.

(4) Developing a policy to ensure current and former employees found to have engaged in sexual harassment, including those who have received less severe discipline than termination, such as suspension or demotion, are not given official positive references for employment.

(5) Requiring that each California State University campus and the chancellor's office use the same case management system and track data consistently in their files for each sexual harassment case.

(6) Issuing comprehensive best practices, including how campuses should survey their communities and increase awareness of options for reporting sexual harassment for each California State University campus.

(7) Requiring the chancellor's office to conduct regular compliance reviews of each California State University campus to determine whether they are complying with the law, California State University policy, and best practices in regards to sexual harassment policy.

(b) (1) The California State University shall submit an initial report on or before July 1, 2025, and a final report on or before December 1, 2026, to the Legislature, the Assembly Committee on Higher Education, the Joint Legislative Audit Committee, and the Senate Committee on Education on the status of implementing the California State Auditor recommendations, including, if completed at the time of the report, any summarized results from the campus compliance reviews conducted pursuant to paragraph (7) of subdivision (a), and identification of any systemic issues the California State University has in meeting the recommendations of the California State Auditor Report 2022-109, dated July 18, 2023.

(2) The final report required pursuant to paragraph (1) may be included as part of the annual report required by Section 66282.

(3) Reports submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(c) For purposes of this section, the following definitions apply:

(1) "Chancellor's office" means the office of the Chancellor of the California State University.

(2) "Sexual harassment" means the same as defined in Section 66262.5.