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AB-2407 Public postsecondary educational institutions: sexual harassment complaints: state audits.
(2023-2024)

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Date Published: 09/30/2024 09:00 PM

Assembly Bill No. 2407

CHAPTER 830

An act to add and repeal Sections 67382.1 and 67382.2 of the Education Code, relating to public postsecondary education.

[Approved by Governor September 28, 2024. Filed with Secretary of State September 28, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2407, Hart. Public postsecondary educational institutions: sexual harassment complaints: state audits.

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 Community Colleges under the administration of the Board of Governors of the California Community Colleges, the California State University under the administration of the Trustees of the California State University, and the University of California under the administration of the Regents of the University of California as 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, requires, among other things, each postsecondary educational institution in the state to have a written policy on sexual harassment, including information on the complaint process and the timeline for the complaint process, as provided.

This bill would require the California State Auditor, on or before September 1, 2026, and every 3 years thereafter, until January 1, 2036, to report the results of an audit of the ability of the California State University and the University of California to address and prevent sexual harassment on campus, and would require the findings of those audits to be reported to specified legislative committees, as provided. The bill would require the audits to, among other things, evaluate the systemwide policies and practices on sexual harassment and determine whether the policies and practices are consistent with federal and state law and best practices.

This bill would require the California State Auditor, on or before September 1, 2028, and every 5 years thereafter, until January 1, 2044, to report the results of an audit of a sample of no less than 3 community college districts, and would require the findings of those audits to be reported to specified legislative committees, as provided. The bill would require the audits to, among other things, evaluate whether each community college district's policies and practices are adequate to detect, address, and prevent the reoccurrence of sexual harassment.

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

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

SECTION 1. Section 67382.1 is added to the Education Code, immediately following Section 67382, to read:

67382.1. (a) On or before September 1, 2026, and every three years thereafter, the California State Auditor shall report the results of an audit of the ability of the California State University and the University of California to address and prevent sexual harassment on campus. The audit for each institution shall do all of the following:

(1) Evaluate the systemwide policies and practices on sexual harassment and determine whether the policies and practices are consistent with federal and state law and best practices.

(2) Evaluate the efforts of the systemwide office to provide consistency in, and oversight of, how campuses within the respective system respond to complaints of sexual harassment and determine if the efforts of the systemwide office are adequate to prevent, detect, and address sexual harassment and are consistent with federal and state law and best practices.

(3) Evaluate two campuses from the California State University and two campuses from the University of California on all of the following:

(A) Whether existing campus policies and practices are adequate to detect, address, and prevent the reoccurrence of sexual harassment.

(B) Whether existing campus policies and practices are consistent with federal and state law and best practices.

(C) Whether the investigatory process for sexual harassment complaints can be improved.

(D) For sexual harassment complaints that are substantiated following an investigation, analyze selected complaints within two years of the audit's initial date to assess whether the discipline administered was proportional to the conduct, effectively deterred future harassment, and was consistent.

(4) Review and assess any other issues that are significant to the audit, including identifying any changes that might result in improvements in the ability of the California State University and the University of California to address and prevent sexual harassment on campus.

(b) Notwithstanding Section 10231.5 of the Government Code, the California State Auditor shall report the findings of each audit conducted pursuant to subdivision (a) to the respective chairs of the Assembly Committee on Higher Education, the Senate Committee on Education, and the Joint Legislative Audit Committee, consistent with the requirements of Section 9795 of the Government Code.

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

(1) "Sexual harassment" has the same definition as in Section 66262.5.

(2) "Systemwide office" means the office of the Chancellor of the California State University or the office of the President of the University of California.

(d) This section shall remain in effect only until January 1, 2036, and as of that date is repealed.

SEC. 2. Section 67382.2 is added to the Education Code, to read:

67382.2. (a) On or before September 1, 2028, and every five years thereafter, the California State Auditor shall report the results of an audit of a sample of no less than three community college districts. The audit shall evaluate all of the following:

(1) Whether each community college district's policies and practices are adequate to detect, address, and prevent the reoccurrence of sexual harassment.

(2) Whether each community college district's policies and practices are consistent with federal and state law and best practices.

(3) Whether the investigatory process for sexual harassment complaints can be improved.

(4) For sexual harassment complaints that are substantiated following an investigation, analyze selected complaints within two years of the audit's initial date to assess whether the discipline administered was proportional to the conduct, effectively deterred future harassment, and was consistent.

(b) Notwithstanding Section 10231.5 of the Government Code, the California State Auditor shall report the findings of each audit conducted pursuant to subdivision (a) to the respective chairs of the Assembly Committee on Higher Education, the Senate

Committee on Education, and the Joint Legislative Audit Committee, consistent with the requirements of Section 9795 of the Government Code.

(c) This section shall remain in effect only until January 1, 2044, and as of that date is repealed.