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AB-2987 Public postsecondary education: sex discrimination complaints: status updates and notices.
(2023-2024)

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Assembly Bill No. 2987

CHAPTER 205

An act to add Section 66281.4 to the Education Code, relating to public postsecondary education.

[Approved by Governor August 26, 2024. Filed with Secretary of State August 26, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2987, Ortega. Public postsecondary education: sex discrimination complaints: status updates and notices.

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.

Existing law prohibits a person from being subjected to discrimination on the basis of specified attributes, including, among others, disability or gender, in a program or activity conducted by a postsecondary educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid.

This bill would require each California State University and California Community College campus, and would request each University of California campus, to provide, as specified, status updates on complaints of sex discrimination to the complainants and respondents, except for those who opt to not receive the updates. The bill would require each California State University and California Community College campus, and would request each University of California campus, to provide, within 5 business days of a decision of disciplinary action being made against a respondent in response to a complaint of sex discrimination, a notification of the disciplinary action to the respondent and complainant. By imposing new duties on community college districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 66281.4 is added to the Education Code, to read:

66281.4. (a) Each campus of the California State University and the California Community Colleges shall, and each campus of the University of California is requested to, provide, upon request of the complainant or respondent, and every 30 days until the outcome of a complaint is determined, and only to the extent permissible under state and federal law, status updates on complaints of sex discrimination, including, but not limited to, complaints of sexual harassment, to complainants and respondents.

(b) Status updates shall not be provided pursuant to subdivision (a) to a complainant or respondent who opts to not receive the updates.

(c) Each campus of the California State University and the California Community Colleges shall, and each campus of the University of California is requested to, provide, within five business days of a decision of disciplinary action being made against a respondent in response to a complaint of sex discrimination, a notification of the disciplinary action to the respondent and complainant.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.