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SB-289 Postsecondary education: Gender and Sex Discrimination Educational Oversight Office. (2025-2026)

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AMENDED IN SENATE MARCH 26, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL

NO. 289

Introduced by Senator Cervantes

February 06, 2025

An act *to add Chapter 15.6 (commencing with Section 67388) to Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.*

LEGISLATIVE COUNSEL'S DIGEST

SB 289, as amended, Cervantes. Postsecondary ~~education: statewide Title IX oversight office.~~ *education: Gender and Sex Discrimination Educational Oversight Office.*

The Donahoe Higher Education Act sets forth the missions and functions of California's public segments of higher education and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California act, by appropriate resolution, to make them applicable. Among other things, the act requires the governing board of each community college district, the Trustees of the California State University, and the Regents of the University of California to adopt and implement a rape and sexual assault education program at each of their respective campuses or other facilities.

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 requires each California State University campus to establish, and each University of California campus to designate, a Title IX office that is under the administration of a Title IX coordinator who is responsible for coordinating the campus' implementation of and compliance with systemwide nondiscrimination policies, as provided.

This bill would require the Attorney General to establish a statewide Gender and Sex Discrimination Educational Oversight Office. The bill would require the office to serve as a point of contact for students who are dissatisfied with their campus-based policies or investigative procedures designed to prevent or address incidents of harassment, rape, sexual assault, and violence at their respective campuses. The bill would require the office to receive complaints from students regarding the students' campuses'

noncompliance with any aspect of Title IX. The bill would authorize the office to establish a process to investigate campus-based policies and investigative procedures relating to harassment, rape, sexual assault, and violence complaints. The bill would require the office to receive an annual report on incidents of harassment, rape, sexual assault, and violence that involve students who are enrolled at a campus of a community college district, the California State University, an independent postsecondary educational institution, or the University of California, as provided, and would authorize the office to investigate those institutions' policies, procedures, or campus-based investigations following the incident, and make recommendations to the Attorney General, district attorney, or city attorney, as provided. The bill would require the governing board of each community college district, the Trustees of the California State University, the governing board of each independent postsecondary educational institution, and the Regents of the University of California to submit an annual report to the office regarding those incidents, as specified. By imposing new duties on community college districts, this 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.

~~This bill would state the intent of the Legislature to enact future legislation to establish a statewide Title IX oversight office that would, among other things, serve as a point of contact for students who are dissatisfied with campus-based policies or investigative procedures designed to prevent or address incidents of rape or sexual assault.~~

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

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

SECTION 1. Chapter 15.6 (commencing with Section 67388) is added to Part 40 of Division 5 of Title 3 of the Education Code, to read:

CHAPTER 15.6. Gender and Sex Discrimination Educational Oversight Office

67388. (a) The Attorney General shall establish a statewide Gender and Sex Discrimination Educational Oversight Office.

(1) The office shall serve as a point of contact for students who are dissatisfied with their campus-based policies or investigative procedures designed to prevent or address incidents of harassment, rape, sexual assault, and violence, including, but not limited to, sex and gender discrimination, at their respective campuses.

(2) The office shall receive complaints from students regarding the students' campuses' noncompliance with any aspect of Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et seq.), and state law policies.

(3) The office may establish a process to investigate campus-based policies and investigative procedures relating to harassment, rape, sexual assault, and violence complaints filed pursuant to paragraph (2).

(4) The office shall receive an annual deidentified report on the total number of, the campus-based investigative timeliness for, and the outcomes of, campus-based investigations regarding whether criminal charges were filed for, and the outcomes of criminal proceedings regarding, incidents of harassment, rape, sexual assault, and violence that involve students who are enrolled at a campus of a community college district, the California State University, an independent postsecondary educational institution, or the University of California. The office may investigate those institutions' policies, procedures, or campus-based investigations following an incident of harassment, rape, sexual assault, or violence and make recommendations to the Attorney General, district attorney, or city attorney, as appropriate, to the extent doing so complies with state and federal law.

(b) The governing board of each community college district, the Trustees of the California State University, the governing board of each independent postsecondary educational institution, and the Regents of the University of California shall annually report to the office each incident of harassment, rape, sexual assault, and violence that involves one or more of their respective enrolled students, the number of those incidents that were investigated by the institution, the timelines and outcomes of those investigations, the sanctions that were imposed by the institution on students who were involved, whether criminal charges were filed as to those incidents, and the outcomes of those criminal proceedings for purposes of paragraph (4) of subdivision (a).

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.

~~SECTION 1. It is the intent of the Legislature to enact future legislation to establish a statewide Title IX oversight office that would, among other things, serve as a point of contact for students who are dissatisfied with campus-based policies or investigative procedures designed to prevent or address incidents of rape or sexual assault.~~

