

TO: Chief Executive Officer
Chief Human Resource Officers
Chief Student Services Officers
Chief Administrative Services Officers

FROM: Rowena Tomaneng, Deputy Chancellor

RE: SB 1491 Implementation

This memorandum aims to outline significant legislation, [SB 1491](#), passed September 2024, which requires community college districts to designate an employee at each campus as a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex, and two-spirit (LGBTQIA+) faculty, staff and students. This point person for LGBTQIA+ individuals is in addition to the college's Title IX point person. SB 1491 provides that this designated point of contact shall not be considered a responsible employee for purposes of reporting, correcting, or remediating allegations of sexual harassment, sexual discrimination, or sexual violence. In fact, SB 1491 mandates that the designated point of contact "shall not disclose confidential information provided to them by faculty, staff, or students about any alleged act of sexual harassment, sexual violence, or discrimination" unless and until the point of contact has obtained written consent from the reporting party. Colleges are required to publish the contact information of the designated employee on websites and written communication.

The designated LGBTQIA+ point of contact:

- Shall not disclose confidential information provided to them by faculty, staff, or students about any alleged act of sex harassment, sexual violence, or discrimination without prior written consent of the person who provided the information.
- Shall only be construed in a manner that is consistent with Title IX.
- SB 1491 became effective January 1, 2025; therefore, colleges should ensure they are taking appropriate action to comply with the requirements of SB 1491.

Recommendations for Implementation

It is important that colleges meet the statutory obligation of the section code, 66271.2. Previous legislation, AB 620, requested that colleges voluntarily provide a point of contact for LGBTQIA+ individuals, so some colleges may already have such an individual on their campus; SB 1491

builds on this previous legislation by requiring colleges to designate an employee as the point of contact for LGBTQIA+ individuals, and further requires that this employee keeps information confidential. An employee previously designated as the point of contact under [AB 620](#) may continue to serve as the designee under SB 1491, provided the employee is able to meet the new requirement regarding confidentiality; colleges should be aware that designating an employee as the LGBTQIA+ point of contact only exempts that employee from the reporting requirements otherwise applicable to a responsible employee under the Education Code. Colleges should generally avoid designating an individual with significant involvement in the Title IX process as they may have separate reporting requirements consistent with Title IX.

In accordance with SB1491, the Chancellor's Office recommends that the California Community Colleges:

- Designate a Confidential Point of Contact: The Confidential Point of Contact, once appointed, is exempt from the duties of a "responsible employee" for purposes of sexual harassment reporting consistent with Education Code section 66281.8.
- Provide clear and visible contact information for the Confidential Point of Contact on their college website and via written communication.
- Ensure that designated Confidential Point of Contact is knowledgeable about the LGBTQIA+ services available both campus wide and through outside agencies;
- Ensure that designated Confidential Point of Contact is knowledgeable about Title IX regulations and reporting processes to ensure a seamless handoff and evaluation of complaints for which LGBTQIA+ students provide written consent.
- Adopt and publish policies on harassment, intimidation, and bullying. These policies should be included within the rules and regulations governing student behavior, as well as published on the college website.

Should you have any questions or need further clarification, please do not hesitate to contact Julie Olson at JOlson@CCCCO.edu.