

## **BILL ANALYSIS**

S.B. 969  
By: Watson  
Higher Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties raise concerns that many college students do not report incidents of sexual assault for fear of facing repercussions for other student conduct violations that may have occurred ancillary to the incident, such as underage drinking. S.B. 969 seeks to encourage victims and third party witnesses to report incidents of sexual assault by requiring a public, private, or independent institution of higher education to provide amnesty to certain students who report incidents of sexual assault.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 of this bill.

### **ANALYSIS**

S.B. 969 amends the Education Code to prohibit a public, private, or independent institution of higher education from taking any disciplinary action against a student enrolled at the institution for a violation by the student of the institution's policies on student conduct if the student in good faith reports to the institution being the victim of, or a witness to, an incident of sexual assault and the violation of the institution's policies is in relation to the incident. This prohibition applies regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any, but does not apply to a student who reports the student's own commission of sexual assault or assistance in the commission of sexual assault. The bill establishes that a determination that a student is entitled to amnesty is final and prohibits the determination from being revoked. The bill prohibits its provisions from being construed to limit an institution's ability to provide amnesty from application of the institution's policies in circumstances not described by the bill. The bill authorizes the Texas Higher Education Coordinating Board to adopt rules as necessary to implement and enforce the bill's provisions, which apply beginning with the 2018 spring semester.

S.B. 969 requires the commissioner of higher education to establish an advisory committee to recommend to the coordinating board rules for adoption under the bill's provisions, provides for the composition of the nine-member advisory committee, and requires the advisory committee to submit the committee's recommendations to the coordinating board not later than December 1, 2017. The bill's provisions relating to the advisory committee expire September 1, 2018.

S.B. 969 defines "sexual assault" as sexual contact or intercourse with a person without the person's consent, including sexual contact or intercourse against the person's will or in a

circumstance in which the person is incapable of consenting to the contact or intercourse.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.