

SUBJECT: Requiring campus sexual assault policies at higher education institutions

COMMITTEE: Higher Education — committee substitute recommended

VOTE: 8 ayes — Zerwas, Howard, Clardy, Crownover, Martinez, Morrison, Raney, C. Turner

0 nays

1 absent — Alonzo

WITNESSES: For — Chris Kaiser, Texas Association Against Sexual Assault; (*Registered, but did not testify:* Ted Melina Raab, Texas AFT (American Federation of Teachers); Casey Smith, United Ways of Texas; Julie Bassett

Against — None

DIGEST: CSHB 699 would require all public institutions of higher education in Texas to adopt, promote, and review individual policies on campus sexual assault. Each institution's campus sexual assault policy would have to include definitions of prohibited behavior, punishments for violating the policy, and a protocol for reporting and responding to reports of campus sexual assault. Institutions' governing boards would be required to approve these policies before they were adopted by the school.

Under CSHB 699, every institution would need to make its campus sexual assault policy available to students, staff, and faculty by including the policy in its student handbook and personnel handbook and by creating and maintaining a webpage dedicated to the policy on the school's website. Institutions would be required to review their policies every two years and could revise them as necessary with approval from the institutions' governing boards.

CSHB 699 also would require freshmen at each institution to attend an orientation on the school's campus sexual assault policy either before or

during the first semester or term in which the student was enrolled. Each institution would establish the format and content of this orientation.

The bill would take effect September 1, 2015, and would apply beginning with the fall 2015 semester.

**SUPPORTERS
SAY:**

CSHB 699 would help protect students against sexual assault by increasing awareness of this important subject on campus. A large number of students will become victims of sexual assault during their academic careers, yet many victims on college campuses do not report their assaults to law enforcement. This bill would empower more students to come forward if an attack did occur by helping them understand and exercise their rights. Campus sexual assault is a problem that affects students everywhere, and CSHB 699 is a timely bill that would help address many issues that have come to light in the reporting of recent incidents across the country.

While some federal protections exist for campus assault, CSHB 699 would address certain inadequacies. Although the federal Clery Act requires college campuses to address campus safety by adopting policies and procedures for crimes that occur on campus, these policies can be hard to access, and they may slip out of date because they are not required to be updated frequently. In addition, Title IX offers some protection against sexual assault, but it frames the issue more in the context of sexual harassment or discrimination, which might not directly apply to a student seeking information or help regarding assault on campus.

CSHB 699 would help fill some of these gaps by requiring regular review of campus policies, which would allow them to better reflect changes in culture on campuses and nationally. It also would provide clear guidance for the contents of campus sexual assault policies, which would be required to clearly state definitions, consequences, and reporting procedures. Finally, the bill would increase awareness by requiring institutions to place their campus sexual assault policies prominently on a webpage dedicated for this purpose, providing a convenient resource that would spare students from the need to sift through various federal laws.

This bill would not create a burden for schools because higher education institutions already must comply with the Clery Act, and the additional requirements of the bill would be minimal. The cost to schools under CSHB 699 also would not be significant. The bill would provide enough flexibility to allow institutions or university systems to develop policies that work best for their campuses, rather than forcing a one-size-fits-all approach. While the bill might not provide as many protections as some might hope, it would be a good start toward creating an environment on campus designed to reduce and prevent sexual assault.

OPPONENTS
SAY:

CSHB 699 would place an additional administrative burden on colleges and universities, which often have their own policies on top of several frequently changing federal policies that also must be followed. Keeping up with the Clery Act and other federal requirements is already burdensome, and adding a mandate for institutions to expand their policies or alter existing practices could be difficult and costly, especially at smaller schools where faculty and staff already juggle multiple roles and responsibilities.

OTHER
OPPONENTS
SAY:

CSHB 699 would not go far enough to protect students. The bill should require the involvement of essential stakeholders — such as law enforcement, medical providers, Title IX investigators, legal advocates, and institutional partners — in the development of campus sexual assault policies. The bill also should protect students who might be reluctant to report sexual assault if it were connected with the violation of another, less serious campus policy, such as rules against drinking or other activities. Additionally, CSHB 699 should prescribe sanctions for schools that fail to comply with this legislation.

While increasing oversight of campus sexual assault policies is a good idea, requiring the governing board of each institution to approve the policy might create a barrier to implementation. It would be administratively more efficient to craft these policies with each board's advice and input and then seek approval from a more appropriate body on campus, such as the office of student affairs.