

SUBJECT: Requiring an online reporting option for sexual assault on campuses

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 6 ayes — Lozano, Raney, Alonzo, Alvarado, Button, Morrison

0 nays

3 absent — Clardy, Howard, Turner

SENATE VOTE: On final passage, April 10 — 30-1 (Hall)

WITNESSES: For — Liz Boyce, Texas Association Against Sexual Assault; (*Registered, but did not testify*: Rene Lara, Texas AFL-CIO; Dwight Harris, Texas AFT; Yannis Banks, Texas NAACP; Zoe Fay-Stindt; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Ann Hettinger, Center for the Preservation of American Ideals; Bill Franz, Texas Higher Education Coordinating Board)

BACKGROUND: HB 699 by Nevárez, enacted by the 84th Legislature in 2015, required higher education institutions to adopt a policy on campus sexual assault and provided certain requirements for the policies.

DIGEST: SB 968 would require each institution of higher education, including a private or independent institution, to provide an option for an enrolled student or employee to electronically report to the institution an allegation of sexual harassment, sexual assault, dating violence, or stalking committed against or witnessed by the student or employee, regardless of where the alleged offense occurred.

The electronic reporting option would enable a student or employee to report the alleged offense anonymously and be easily accessible through a clearly identifiable link on the institution's website home page. Any

reporting protocol adopted under a campus sexual assault policy would be required to comply with the bill.

The Commissioner of Higher Education would appoint a nine-member advisory committee to recommend rules to adopt the bill's provisions. Each member would be a chief executive officer of a higher education institution or a representative designated by that officer. The committee would submit its recommendations to the Texas Higher Education Coordinating Board by December 1, 2017, and would expire September 1, 2018.

Each institution of higher education would be required to provide the electronic reporting option required under the bill by January 1, 2018.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS
SAY:**

SB 968 would help increase the reporting of incidents of sexual assault and harassment by requiring college and university campuses to provide an online reporting mechanism to their students and employees. Sexual assault has become a growing problem at higher education institutions, and many occurrences go unreported because victims and witnesses are intimidated by reporting in person due to shame or fear of retribution. Studies have shown providing an online reporting option and the ability to report anonymously can lead to a rise in reports of sexual assault, empowering victims and making college and university campuses safer.

The bill would allow reporting on sexual assault or harassment involving students or employees regardless of where the alleged offense took place, allowing crimes that happened off campus also to be reported this way.

An online report of sexual assault could be anonymous but would not have to be. If an institution investigated an anonymous report of an alleged offense, it still would provide due process to both parties involved, maintaining a balance between the privacy of the alleged victim and the

rights of the accused party.

Recent news reports have shown campuses are not doing enough to combat campus sexual assault, and mandating a policy for online reporting is needed to ensure campus assault does not go unreported. The need to protect students outweighs the potential costs of a reporting program, which the Legislative Budget Board estimates would be within the existing resources of institutions and the coordinating board, according to the fiscal note.

OPPONENTS SAY: SB 968 would allow anonymous reporting, which would prevent accused parties from being able to face their accusers and respond directly to allegations.

OTHER OPPONENTS SAY: The bill should allow, rather than require, institutions to provide online reporting of sexual assault. Requiring colleges and universities to provide online reporting could create a cost burden to smaller institutions.

NOTES: A companion bill, HB 2229 by Leach, was referred to the House Higher Education Committee on March 20.