

SUBJECT: Providing amnesty to students reporting incidents of sexual assault

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*: Yannis Banks, Texas NAACP; Dwight Harris, Texas AFT; Zoe Fay-Stindt; Thomas Parkinson)

Against — None

On — Ann Hettinger, Center for the Preservation of American Ideals; (*Registered, but did not testify*: 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 included certain requirements for the policies.

DIGEST: SB 969 would prohibit an institution of higher education, including a private or independent institution, from taking any disciplinary action against a student enrolled at the institution for a violation of its policies on student conduct if the student in good faith reported being the victim of, or a witness to, an incident of sexual assault and the violation of the institution's policies was in relation to the incident.

The bill would apply regardless of where the incident occurred or the outcome of the institution's disciplinary process on the incident, if any. It would not apply to a student who reported his or her own commission of

sexual assault or assistance in the commission of sexual assault.

A determination that a student was entitled to amnesty would be final and could not be revoked. SB 969 could not be construed to limit an institution's ability to provide amnesty from application of its policies in circumstances not described by the bill.

The Commissioner of Higher Education would appoint a nine-member advisory committee to recommend rules to implement and enforce the bill. 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.

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, and would apply beginning with the 2018 spring semester.

**SUPPORTERS
SAY:**

SB 969 would provide amnesty to students who reported sexual assault incidents in good faith, allowing victims or witnesses to report such occurrences without fear of being punished for violations such as underage drinking or illegal drug use. Sexual assault on college and university campuses has increased at an alarming rate, yet many offenses go unreported because the witnesses or victims fear repercussions for violating school policies. Campuses that have adopted amnesty policies have seen a rise in reporting, which has improved campus safety and the process of investigating alleged offenses.

If a student committed a serious offense that required law enforcement involvement, the student would not receive amnesty from the legal repercussions of those actions. The bill also would not provide amnesty from institutional policies to a student who perpetrated an act of sexual assault, ensuring the provision would not be abused. Amnesty would be provided only if the violation of campus policies was in relation to an

alleged sexual assault or harassment incident, not for an academic violation or other violation unrelated to the incident.

OPPONENTS
SAY:

Students should not be given amnesty for breaking school policies. The bill could lead to students misusing the amnesty provision to get away with serious offenses.

OTHER
OPPONENTS
SAY:

SB 969 should allow, rather than require, higher education institutions to provide amnesty so they could make exceptions to their policies as they deemed appropriate.