

BILL ANALYSIS

Senate Research Center

S.B. 969
By: Watson
State Affairs
6/20/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Sexual assault both on and off college campuses is a serious issue facing our institutions of higher education (IHEs) and our state. The Association of American Universities released a Campus Climate Survey on Sexual Assault and Sexual Misconduct in September 2015, which reported overall rates of reporting to campus officials and law enforcement were low, ranging from five percent to 28 percent, depending on the specific type of behavior. Interested parties are concerned that many students do not report incidents of sexual assault for fear of facing repercussions for other student conduct code violations that may have occurred ancillary to the incident, such as underage drinking. S.B. 969 encourages victims and third party witnesses to report incidents of sexual assault to the IHE by providing amnesty for other student conduct code violations that may have occurred ancillary to the incident. This legislation is supported by the Texas Association Against Sexual Assault and End Rape on Campus, a survivor advocacy organization. No opposition is known at this time. (Original Author's/Sponsor's Statement of Intent)

S.B. 969 amends current law relating to requiring certain public and private institutions of higher education to provide amnesty to students who report certain incidents, including sexual harassment, sexual assault, dating violence, or stalking.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 51.9366, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.9366, as follows:

Sec. 51.9366. AMNESTY FOR STUDENTS REPORTING CERTAIN INCIDENTS (a) Defines "coordinating board," "dating violence," "postsecondary educational institution," "sexual assault," "sexual harassment," and "stalking."

(b) Prohibits a postsecondary educational institution (PEI) from taking any disciplinary action against a student enrolled at the PEI who in good faith reports to the PEI being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking for a violation by the student of the PEI's code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the PEI's disciplinary process regarding the incident, if any.

(c) Authorizes a PEI to investigate to determine whether a report of an incident of sexual harassment, sexual assault, dating violence, or stalking was made in good faith.

(d) Provides that a determination that a student is entitled to amnesty under Subsection (b) is final and prohibits the determination from being revoked.

(e) Provides that Subsection (b) does not apply to a student who reports the student's own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, or stalking.

(f) Prohibits this section from being construed to limit a PEI's ability to provide amnesty from application of the PEI's policies in circumstances not described by Subsection (b).

(g) Authorizes the Texas Higher Education Coordinating Board (THECB) to adopt rules as necessary to implement and enforce this section.

(h) Requires the commissioner of higher education (commissioner) to establish an advisory committee (committee) to recommend to THECB rules for adoption under Subsection (g). Provides that the committee consists of nine members appointed by the commissioner and requires each member to be a chief executive officer (CEO) of a PEI or a representative designated by that CEO. Requires the committee, not later than December 1, 2017, to submit the committee's recommendations to THECB. Provides that this subsection expires September 1, 2018.

SECTION 2. Provides that Section 51.9366, Education Code, as added by this Act, applies beginning with the 2018 spring semester.

SECTION 3. Effective date: upon passage or September 1, 2017.