

BILL ANALYSIS

Senate Research Center
85R10536 KJE-D

S.B. 969
By: Watson
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As Filed

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 and our state. The Association of American Universities released a Campus Climate Survey on Sexual Assault and Sexual Misconduct in September of 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 seeks to encourage victims and third party witnesses to report incidents of sexual assault to the institution 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.

As proposed, S.B. 969 amends current law relating to requiring certain public and private institutions of higher education to provide amnesty to students who report incidents of sexual assault.

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 INCIDENTS OF SEXUAL ASSAULT. (a) Defines “coordinating board” and “postsecondary educational institution.”

(b) Prohibits a postsecondary educational institution (PEI) from taking any disciplinary action against a student enrolled at the PEI for a violation by the student of the PEI’s policies on student conduct if the student reports to the PEI being the victim of, or a witness to, an incident of sexual assault and the violation of the PEI’s policies is in relation to the incident. Provides that this subsection applies regardless of the location at which the incident occurred or the outcome of the PEI’s disciplinary process or a criminal proceeding regarding the incident, if any.

(c) 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).

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

SECTION 2. Provides that Section 51.9366, Education Code, as added by this Act, applies beginning with the 2017-2018 academic year.

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