

BILL ANALYSIS

S.B. 968
By: Watson
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties raise concerns over the underreporting of certain offenses, such as sexual assault, on and off college campuses. S.B. 968 seeks to encourage victims and witnesses to report these crimes by requiring a public, private, or independent institution of higher education to provide students and employees an option to electronically report certain offenses to the institution.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 of this bill.

ANALYSIS

S.B. 968 amends the Education Code to require each public, private, or independent institution of higher education to provide an option for a student enrolled at or an employee of the institution 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 the location at which the alleged offense occurred. The bill requires each institution to provide the electronic reporting option not later than January 1, 2018, and requires the electronic reporting option to 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. The bill requires a protocol for reporting sexual assault adopted under a campus sexual assault policy to comply with the bill's provisions and authorizes the Texas Higher Education Coordinating Board to adopt rules as necessary to administer the bill's provisions.

S.B. 968 requires the commissioner of higher education to establish an advisory committee to recommend to the coordinating board rules for adoption under the bill's provisions, provides for the composition of the nine-member committee, and requires the committee to submit the committee's recommendations to the coordinating board not later than December 1, 2017. The bill's provisions relating to this committee expire September 1, 2018.

S.B. 968 defines "dating violence" as abuse or violence, or a threat of abuse or violence, against a person with whom the actor has or has had a social relationship of a romantic or intimate nature; "sexual assault" as sexual contact or intercourse with a person without the person's consent, including sexual contact or intercourse against the person's will or in a circumstance in which the person is incapable of consenting to the contact or intercourse; "sexual harassment" as

unwelcome, sex-based verbal or physical conduct that in the employment context unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment or in the education context is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities; and "stalking" as a course of conduct directed at a person that would cause a reasonable person to fear for the person's safety or to suffer substantial emotional distress.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.