

## **BILL ANALYSIS**

Senate Research Center

S.B. 968  
By: Watson  
State Affairs  
6/7/2017  
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 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. S.B. 968 seeks to encourage victims to report these crimes by requiring IHEs to provide an option for students and employees to electronically report to the IHE an allegation of sexual assault, family violence, or stalking. The electronic reporting option must also include the ability to report an offense anonymously. 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. 968 amends current law relating to a sexual assault policy at certain public and private institutions of higher education and to requiring those institutions to provide students and employees an option to electronically report certain offenses to the institution

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 51.9365, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 51.9363, Education Code, as follows:

Sec. 51.9363. New heading: SEXUAL ASSAULT POLICY. (a) Defines "postsecondary educational institution."

(b) Requires each postsecondary educational institution (institution), rather than institution of higher education (IHE), to adopt a policy on sexual assault applicable to each student enrolled at and each employee of the institution, rather than a policy on campus sexual assault. Requires that the policy include certain information. Makes a conforming change.

(c) Requires each institution, rather than IHE, to make the institution's, rather than the institution's campus, sexual assault policy available to students, faculty, and staff members by certain means.

(d) Requires each institution, rather than IHE, to require each entering freshman or undergraduate transfer student to attend an orientation on the institution's, rather than the institution's campus, sexual assault policy before or during the first semester or term in which the student is enrolled at the institution.

(e) Requires each institution to develop and implement a public awareness campaign to inform students enrolled at and employees of the institution of the institution's sexual assault policy. Requires the institution, as part of the campaign, to provide to students information regarding the protocol for reporting

incidents of sexual assault adopted under Subsection (b), including the name, office location, and contact information of the institution's Title IX coordinator, by:

(1) e-mailing the information to each student at the beginning of each semester or other academic term; and

(2) including the information in the orientation required under Subsection (d).

(f) Requires each institution, as part of the protocol for responding to reports of sexual assault adopted under Subsection (b), to:

(1) to the greatest extent practicable based on the number of counselors employed by the institution, ensure that each alleged victim or alleged perpetrator of an incident of sexual assault and any other person who reports such an incident are offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident; and

(2) notwithstanding any other law, allow an alleged victim or alleged perpetrator of an incident of sexual assault to drop a course in which both parties are enrolled without any academic penalty.

(g) Requires each institution, rather than IHE, each biennium, to review the institution's, rather than the institution's campus, sexual assault policy and, with approval of the institution's governing board, revise the policy as necessary.

SECTION 2. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.9365, as follows:

Sec. 51.9365. ELECTRONIC REPORTING OPTION FOR CERTAIN OFFENSES. (a) Defines "dating violence," "postsecondary educational institution," "sexual assault," "sexual harassment," and "stalking."

(b) Requires each institution 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.

(c) Requires that the provided electronic reporting option enable a student or employee to report the alleged offense anonymously and be easily accessible through a clearly identifiable link on the institution's Internet website home page.

(d) Requires that a protocol for reporting sexual assault adopted under Section 51.9363 (Campus Sexual Assault Policy) comply with this section.

(e) Authorizes the Texas Higher Education Coordinating Board (THECB) to adopt rules as necessary to administer this section.

(f) Requires the commissioner of higher education (commissioner) to establish an advisory committee (committee) to recommend rules for adoption under Subsection (e) to THECB. Provides that the committee consists of nine members appointed by the commissioner. Requires each member to be a chief executive officer (CEO) of an institution 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 3. Provides that Section 51.9363, Education Code, as amended by this Act, applies beginning with the 2017-2018 academic year.

SECTION 4. Requires each public or private institution, not later than January 1, 2018, to provide the electronic reporting option required under Section 51.9365, Education Code, as added by this Act.

SECTION 5. Effective date: upon passage or September 1, 2017.