

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 968
By: Watson
State Affairs
3/27/2017
Committee Report (Substituted)

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)

C.S.S.B. 968 amends current law relating to requiring certain public and private institutions of higher education 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 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 postsecondary educational institution (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 postsecondary educational 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 2. Requires each public or private postsecondary educational 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 3. Effective date: upon passage or September 1, 2017.