

By: Guillen

H.B. No. 3764

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a college to adopt a sexual harassment
3 policy.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 51.282(a), Education Code, is amended to
6 read as follows:

7 (a) Each postsecondary educational institution shall adopt
8 a policy on sexual harassment, sexual assault, dating violence, and
9 stalking applicable to each student enrolled at and each employee
10 of the institution. The policy must:

11 (1) include:

12 (A) definitions of prohibited behavior;

13 (B) sanctions for violations;

14 (C) the protocol for reporting and responding to
15 reports of sexual harassment, sexual assault, dating violence, and
16 stalking;

17 (D) interim measures to protect victims of sexual
18 harassment, sexual assault, dating violence, or stalking during the
19 pendency of the institution's disciplinary process, including
20 protection from retaliation, and any other accommodations
21 available to those victims at the institution; and

22 (E) a statement regarding:

23 (i) the importance of a victim of sexual
24 harassment, sexual assault, dating violence, or stalking going to a

1 hospital for treatment and preservation of evidence, if applicable,
2 as soon as practicable after the incident;

3 (ii) the right of a victim of sexual
4 harassment, sexual assault, dating violence, or stalking to report
5 the incident to the institution and to receive a prompt and
6 equitable resolution of the report; and

7 (iii) the right of a victim of a crime to
8 choose whether to report the crime to law enforcement, to be
9 assisted by the institution in reporting the crime to law
10 enforcement, or to decline to report the crime to law enforcement;
11 ~~and~~

12 (2) be approved by the institution's governing board
13 before final adoption by the institution~~;~~and

14 (3) for institutions with an enrollment of less than
15 5,000 students, any policy changes implemented after the initial
16 approval can be made by the institution's President's Council or
17 other body that traditionally approves the institution's internal
18 policy.

19 SECTION 2. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2021.