

BILL ANALYSIS

C.S.H.B. 1229
By: Dukes
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties observe that sexual assault is a serious problem on college and university campuses. Federal law requires institutions of higher education to report crime-related information, develop sexual assault prevention policies, and provide certain assurances to victims, but inconsistency in these policies across campuses makes it difficult to collect accurate information. As a result, some victims may be discouraged from reporting crime, which places universities at risk of legal action brought by victims who feel wronged by the system.

C.S.H.B. 1229 seeks to address sexual assault occurring on the campuses of public, private, and independent institutions of higher education by establishing a task force composed of invested stakeholders.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1229 amends the Education Code to establish a statewide task force to address sexual assault occurring on the campuses of public and private institutions of higher education.

C.S.H.B. 1229 specifies that the task force consists of two members appointed by the governor, 18 members appointed by the presiding officer of the task force, and any other member whom the presiding officer determines to be appropriate and who consents to serve. The bill sets out provisions relating to the appointment and composition of the task force and requires the task force to meet at the call of the presiding officer. The bill entitles a member of the task force to reimbursement for travel expenses from money available to the comptroller of public accounts to pay miscellaneous claims, as provided by the General Appropriations Act and Government Code provisions relating to travel expenses, but not to compensation for service on the task force.

C.S.H.B. 1229 requires the task force to review federal laws regarding campus sexual assault; to solicit and receive reports and testimony from campus sexual assault survivors or from advocates who provide support services to campus sexual assault survivors; to analyze appropriate reports, literature, and statistics regarding the prevalence and incidence of sexual violence on the campuses of institutions of higher education and private or independent institutions of higher education; and to develop policy guidelines for institutions of higher education and private or independent institutions of higher education with respect to campus sexual assault. The bill requires the task force, not later than December 1 of each even-numbered year, to prepare and submit to the governor, the lieutenant governor, and the speaker of the house of representatives a report containing specified information and recommendations.

C.S.H.B. 1229 authorizes the task force to cooperate as necessary with any appropriate state agency, including institutions of higher education. The bill abolishes the task force on January 1,

2019, and the bill's provisions expire on the same date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1229 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 51, Education Code, is amended by adding Subchapter Y-1 to read as follows:

SUBCHAPTER Y-1. TASK FORCE ON CAMPUS SEXUAL ASSAULT

Sec. 51.881. DEFINITION.

In this subchapter, "task force" means the statewide task force established under this subchapter to address sexual assault occurring on the campuses of public and private institutions of higher education.

Sec. 51.882. TASK FORCE MEMBERSHIP. (a) The task force consists of:

(1) two members appointed by the governor as follows:

(A) one member from the office of the governor; and

(B) one member from the Crime Victims' Institute at Sam Houston State University;

(2) 16 members appointed by the presiding officer of the task force as follows:

(A) one member from the office of student affairs at a public or private institution of higher education;

(B) one member who is the Title IX coordinator for a public or private institution of higher education;

(C) one member from the athletics department of a public or private institution of higher education;

(D) one member who provides services to

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 51, Education Code, is amended by adding Subchapter Y-1 to read as follows:

SUBCHAPTER Y-1. TASK FORCE ON CAMPUS SEXUAL ASSAULT

Sec. 51.881. DEFINITIONS. In this subchapter:

(1) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned those terms by Section 61.003.

(2) "Task force" means the statewide task force established under this subchapter to address sexual assault occurring on the campuses of public and private institutions of higher education.

Sec. 51.882. TASK FORCE MEMBERSHIP. (a) The task force consists of:

(1) two members appointed by the governor as follows:

(A) one member from the office of the governor; and

(B) one member from the Crime Victims' Institute at Sam Houston State University;

(2) eight members evenly selected from positions held at institutions of higher education and private or independent institutions of higher education and appointed by the presiding officer of the task force as follows:

(A) one member from an office of student affairs;

(B) one member who is a Title IX coordinator;

(C) one member from an athletics department;

(D) one member who provides services to

students as a counselor or therapist at a public or private institution of higher education;

(E) one member who is the director of a campus health center at a public or private institution of higher education;

(F) one member who is the director of a women's center at a public or private institution of higher education;

(G) one member from the campus police department of a public or private institution of higher education;

(H) one member from a department having authority over student resident life at a public or private institution of higher education;

(I) one member who is the survivor of a sexual assault committed on the campus of a public or private institution of higher education;

(J) one member from a rape crisis center who has a background in issues relating to family violence, as defined by Section 71.004, Family Code;

(K) one member who is a counselor or therapist at a rape crisis center;

(L) one member who is a victim advocate at a rape crisis center;

(M) one member who is the executive director of a rape crisis center;

(N) one member who is an attorney representing the state in the prosecution of sexual assaults and other similar offenses;

(O) one member who is a sexual assault nurse examiner; and

(P) one member from a statewide sexual assault advocacy coalition; and

(3) any other member whom the presiding officer determines to be appropriate and who consents to serve on the task force, including a person who works for a federal agency such as the United States Department of Education.

(b) Initial appointments to the task force

students as a counselor or therapist;

(E) one member who is the director of a campus health center;

(F) one member who is the director of a women's center;

(G) one member from a campus police department; and

(H) one member from a department having authority over student resident life;

(3) one member from the general counsel's office of an institution of higher education and one member from the general counsel's office of a private or independent institution of higher education, each appointed by the presiding officer of the task force;

(4) eight members having a specialized interest in issues related to sexual assault, appointed by the presiding officer of the task force as follows:

(A) one member who is the survivor of a sexual assault committed on the campus of an institution of higher education or a private or independent institution of higher education;

(B) one member from a rape crisis center who has a background in issues relating to family violence, as defined by Section 71.004, Family Code;

(C) one member who is a counselor or therapist at a rape crisis center;

(D) one member who is a victim advocate at a rape crisis center;

(E) one member who is the executive director of a rape crisis center;

(F) one member who is an attorney representing the state in the prosecution of sexual assaults and other similar offenses;

(G) one member who is a sexual assault nurse examiner; and

(H) one member from a statewide sexual assault advocacy coalition; and

(5) any other member whom the presiding officer determines to be appropriate and who consents to serve on the task force, including a person who works for a federal agency such as the United States Department of Education.

(b) Initial appointments to the task force

must be made not later than January 1, 2014.

(c) The presiding officer of the task force is the member who represents the Crime Victims' Institute at Sam Houston State University.

(d) Before appointing members of the task force under Subsection (a)(2) or (3), the presiding officer shall solicit and obtain from appropriate institutions and organizations the names of recommended persons who are available and willing to serve on the task force.

(e) A vacancy on the task force shall be filled in the same manner as the original appointment.

Sec. 51.883. MEETINGS; EXPENSES. (a) The task force shall meet at the call of the presiding officer.

(b) A member of the task force is not entitled to compensation for service on the task force but, from money available to the comptroller to pay miscellaneous claims, is entitled to reimbursement for travel expenses as provided by Chapter 660, Government Code, and the General Appropriations Act.

Sec. 51.884. GENERAL DUTIES OF TASK FORCE. The task force shall:

(1) review federal laws regarding campus sexual assault, including, as applicable:

(A) the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g);

(B) Title IX of the Education Amendments of 1972 (20 U.S.C. Section 1681 et seq.); and

(C) the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Section 1092(f));

(2) solicit and receive reports and testimony from campus sexual assault survivors or from advocates who provide support services to campus sexual assault survivors;

(3) analyze appropriate reports, literature, and statistics regarding the prevalence and incidence of sexual violence on the campuses of public or private institutions of higher education, including:

(A) the United States Department of Justice's report "The Sexual Victimization of College Women"; and

(B) the United States Department of Justice's report "Sexual Assault on Campus:

must be made not later than January 1, 2014.

(c) The presiding officer of the task force is the member who represents the Crime Victims' Institute at Sam Houston State University.

(d) Before appointing members of the task force under Subsection (a)(2), (3), (4), or (5), the presiding officer shall solicit and obtain from appropriate institutions and organizations the names of recommended persons who are available and willing to serve on the task force.

(e) A vacancy on the task force shall be filled in the same manner as the original appointment.

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(C) the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Section 1092(f));

(2) solicit and receive reports and testimony from campus sexual assault survivors or from advocates who provide support services to campus sexual assault survivors;

(3) analyze appropriate reports, literature, and statistics regarding the prevalence and incidence of sexual violence on the campuses of institutions of higher education and private or independent institutions of higher education, including:

(A) the United States Department of Justice's report "The Sexual Victimization of College Women"; and

(B) the United States Department of Justice's report "Sexual Assault on Campus:

What Colleges and Universities Are Doing About It"; and

(4) develop policy guidelines for public and private institutions of higher education with respect to campus sexual assault, including:

(A) recommended definitions of prohibited behavior and sanctions for violations;

(B) a recommended model protocol for responding to reports of campus sexual assault; and

(C) recommended coordinated victim support services using campus-based or community-based resources.

Sec. 51.885. REPORT. Not later than December 1 of each even-numbered year, the task force shall prepare and submit to the governor, the lieutenant governor, and the speaker of the house of representatives a report that includes:

(1) a description of the activities of the task force;

(2) the findings of the task force on the current state of sexual violence on higher education campuses, to be based on:

(A) statistics reviewed by the task force regarding sexual violence;

(B) testimony provided by campus sexual assault survivors or by advocates who provide support services to campus sexual assault survivors; and

(C) thorough discussion by the task force;

(3) recommendations on best practices for higher education policies and protocols for responding to reports of sexual assault and providing coordinated victim support services to sexual assault survivors; and

(4) any other matter that the task force considers appropriate.

Sec. 51.886. COOPERATION WITH STATE AGENCIES. The task force may cooperate as necessary with any appropriate agency of this state, including public institutions of higher education.

Sec. 51.887. EXPIRATION DATE. The task force is abolished and this subchapter expires on January 1, 2019.

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

What Colleges and Universities Are Doing About It"; and

(4) develop policy guidelines for institutions of higher education and private ~~or independent~~ institutions of higher education with respect to campus sexual assault, including:

(A) recommended definitions of prohibited behavior and sanctions for violations;

(B) a recommended model protocol for responding to reports of campus sexual assault; and

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SECTION 2. Same as introduced version.

effect, this Act takes effect September 1, 2013.