

By: Dukes

H.B. No. 1229

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the establishment of a statewide task force to address  
3 sexual assault occurring on the campuses of public and private  
4 institutions of higher education.

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

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

8 SUBCHAPTER Y-1. TASK FORCE ON CAMPUS SEXUAL ASSAULT

9 Sec. 51.881. DEFINITION. In this subchapter, "task force"  
10 means the statewide task force established under this subchapter to  
11 address sexual assault occurring on the campuses of public and  
12 private institutions of higher education.

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

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

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

17 and

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

20 (2) 16 members appointed by the presiding officer of  
21 the task force as follows:

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

24 (B) one member who is the Title IX coordinator

- 1 for a public or private institution of higher education;  
2                   (C) one member from the athletics department of a  
3 public or private institution of higher education;  
4                   (D) one member who provides services to students  
5 as a counselor or therapist at a public or private institution of  
6 higher education;  
7                   (E) one member who is the director of a campus  
8 health center at a public or private institution of higher  
9 education;  
10                  (F) one member who is the director of a women's  
11 center at a public or private institution of higher education;  
12                  (G) one member from the campus police department  
13 of a public or private institution of higher education;  
14                  (H) one member from a department having authority  
15 over student resident life at a public or private institution of  
16 higher education;  
17                  (I) one member who is the survivor of a sexual  
18 assault committed on the campus of a public or private institution  
19 of higher education;  
20                  (J) one member from a rape crisis center who has a  
21 background in issues relating to family violence, as defined by  
22 Section 71.004, Family Code;  
23                  (K) one member who is a counselor or therapist at  
24 a rape crisis center;  
25                  (L) one member who is a victim advocate at a rape  
26 crisis center;  
27                  (M) one member who is the executive director of a

1 rape crisis center;

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

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

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

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

13 (b) Initial appointments to the task force must be made not  
14 later than January 1, 2014.

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

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

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

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

27 (b) A member of the task force is not entitled to

1 compensation for service on the task force but, from money  
2 available to the comptroller to pay miscellaneous claims, is  
3 entitled to reimbursement for travel expenses as provided by  
4 Chapter 660, Government Code, and the General Appropriations Act.

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

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

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

11 (B) Title IX of the Education Amendments of 1972  
12 (20 U.S.C. Section 1681 et seq.); and

13 (C) the Jeanne Clery Disclosure of Campus  
14 Security Policy and Campus Crime Statistics Act (20 U.S.C. Section  
15 1092(f));

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

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

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

25 (B) the United States Department of Justice's  
26 report "Sexual Assault on Campus: What Colleges and Universities  
27 Are Doing About It"; and

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

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

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

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

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

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

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

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

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

22                   (C) thorough discussion by the task force;

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

27                   (4) any other matter that the task force considers

1 appropriate.

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

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

7 SECTION 2. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2013.