

BILL ANALYSIS

Senate Research Center

H.B. 699
By: Nevárez et al. (Uresti)
Higher Education
5/18/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there are no state statutory requirements for public institutions of higher education to establish a sexual assault policy. Current federal policies that address sexual assault, such as the Clery Act and Title IX, have been slow in implementation and require resources that are not attainable to all schools. As a consequence, students have lacked necessary information regarding the protocol when reflecting on whether to report an event of sexual assault. This is alarming when statistics show that at least one quarter of college students will experience a sexual assault, although the number of assaults reported is significantly lower.

H.B. 699 proposes to address this situation by ensuring that public institutions of higher education establish and clearly define a sexual assault policy that is easily accessible for students, faculty, and staff. The sexual assault policy shall be made accessible by publication in the institution's student handbook and personnel handbook, and the institution must have a web page dedicated solely to this policy. The policy should include definitions of prohibited behavior, the sanctions for violations, and the protocol when reporting and responding to reports of sexual assault. Every biennium the institution shall review their sexual assault policy and adjust as necessary with the approval of their institution's governing board.

H.B. 699 amends current law relating to requiring public institutions of higher education to establish a policy on campus sexual assault.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.9363, as follows:

Sec. 51.9363. CAMPUS SEXUAL ASSAULT POLICY. (a) Defines "institution of higher education."

(b) Requires each institution of higher education to adopt a policy on campus sexual assault. Requires the policy to:

(1) include:

(A) definitions of prohibited behavior;

(B) sanctions for violations; and

(C) the protocol for reporting and responding to reports of campus sexual assault; and

(2) be approved by the institution's governing board before final adoption by the institution.

(c) Requires each institution of higher education to make the institution's campus sexual assault policy available to students, faculty, and staff members by:

(1) including the policy in the institution's student handbook and personnel handbook; and

(2) creating and maintaining a web page on the institution's Internet website dedicated solely to the policy.

(d) Requires each institution of higher education to require each entering freshman or undergraduate transfer student to attend an orientation on the institution's campus sexual assault policy before or during the first semester or term in which the student is enrolled at the institution. Requires the institution to establish the format and content of the orientation.

(e) Requires each institution of higher education to review the institution's campus sexual assault policy and, with approval of the institution's governing board, revise the policy as necessary each biennium.

SECTION 2. Provides that Section 51.9363, Education Code, as added by this Act, applies beginning with the 2015 fall semester.

SECTION 3. Effective date: upon passage or September 1, 2015.