

BILL ANALYSIS

C.S.H.B. 699
By: Nevárez
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that public institutions of higher education are not currently required to establish a sexual assault policy. Current federal policies that address sexual assault, the parties suggest, have been slow in implementation and require resources that aren't attainable at all institutions, which leaves some students lacking valuable information relating to reporting an event of sexual assault. This is alarming, the parties conclude, given statistics showing that while at least a quarter of college students will experience a sexual assault, the number of assaults reported is significantly lower. C.S.H.B. 699 proposes to address this situation by requiring public institutions of higher education to establish a sexual assault policy that is easily accessible to students, faculty, and staff.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 699 amends the Education Code to require each institution of higher education to adopt a policy on campus sexual assault. The bill requires the policy to include definitions of prohibited behavior, sanctions for violations, and the protocol for reporting and responding to reports of campus sexual assault and to be approved by the institution's governing board before final adoption by the institution. The bill requires each institution to make the institution's policy available to students, faculty, and staff members by including the policy in the institution's student handbook and personnel handbook and creating and maintaining a web page on the institution's website dedicated solely to the policy. The bill requires each institution to require each entering freshman 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 and to establish the format and content of the orientation. The bill requires each institution, each biennium, to review the institution's campus sexual assault policy and, with approval of the institution's governing board, revise the policy as necessary. The bill's provisions apply beginning with the 2015 fall semester.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 699 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9363 to read as follows:

Sec. 51.9363. CAMPUS SEXUAL ASSAULT POLICY. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) Each institution of higher education shall adopt a policy on campus sexual assault. The policy must:

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

SECTION 2. As soon as practicable following the effective date of this Act, each institution of higher education shall comply

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9363 to read as follows:

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

(c) Each institution of higher education shall 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) Each institution of higher education shall require each entering freshman 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. The institution shall establish the format and content of the orientation.

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

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

with the requirements of Section 51.9363, Education Code, as added by this Act.

SECTION 3. 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 effect, this Act takes effect September 1, 2015.

SECTION 3. Same as introduced version.