

By: Dukes

H.B. No. 808

A BILL TO BE ENTITLED

AN ACT

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

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

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

1 at institutions of higher education and private or independent
2 institutions of higher education and appointed by the presiding
3 officer of the task force as follows:

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

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

6 (C) one member from an athletics department;

7 (D) one member who provides services to students
8 as a counselor or therapist;

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

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

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

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

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

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

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

1 education;

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

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

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

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

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

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

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

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

22 (b) Initial appointments to the task force must be made not
23 later than January 1, 2016.

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

27 (d) Before appointing members of the task force under

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

5 (e) Appointed members of the task force serve at the will of
6 the appointing authority. A vacancy on the task force shall be
7 filled in the same manner as the original appointment.

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

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

15 Sec. 51.884. GENERAL DUTIES OF TASK FORCE. (a) The task
16 force shall:

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

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

21 (B) Title IX of the Education Amendments of 1972
22 (20 U.S.C. Section 1681 et seq.); and

23 (C) the Jeanne Clery Disclosure of Campus
24 Security Policy and Campus Crime Statistics Act (20 U.S.C. Section
25 1092(f)), as amended;

26 (2) solicit and receive reports and testimony from
27 campus sexual assault survivors or from advocates who provide

1 support services to campus sexual assault survivors; and

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

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

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

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

11 (b) In developing policy guidelines under Subsection
12 (a)(3), the task force shall analyze appropriate reports,
13 literature, and statistics regarding the prevalence and incidence
14 of sexual violence on the campuses of institutions of higher
15 education and private or independent institutions of higher
16 education, including:

17 (1) the United States Department of Justice's report
18 "The Sexual Victimization of College Women";

19 (2) the United States Department of Justice's report
20 "Sexual Assault on Campus: What Colleges and Universities Are Doing
21 About It"; and

22 (3) "Not Alone: the First Report of the White House
23 Task Force to Protect Students from Sexual Assault".

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

1 (1) a description of the activities of the task force;
2 (2) the findings of the task force on the current state
3 of sexual violence on higher education campuses, to be based on:

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

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

9 (C) thorough discussion by the task force;

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

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

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

19 Sec. 51.887. EXPIRATION DATE. The task force is abolished
20 and this subchapter expires on January 1, 2021.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2015.