

By: Uresti

H.B. No. 113

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring a public institution of higher education to
3 post on its Internet website a status report regarding certain
4 disciplinary processes involving an incident of sexual assault or
5 sexual harassment.

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

7 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
8 amended by adding Section 51.9367 to read as follows:

9 Sec. 51.9367. STATUS REPORT OF DISCIPLINARY PROCESSES
10 INVOLVING SEXUAL ASSAULT OR SEXUAL HARASSMENT. (a) In this
11 section:

12 (1) "Institution of higher education" has the meaning
13 assigned by Section 61.003.

14 (2) "Sexual assault" means sexual contact or
15 intercourse with a person without the person's consent, including
16 sexual contact or intercourse against the person's will or in a
17 circumstance in which the person is incapable of consenting to the
18 contact or intercourse.

19 (3) "Sexual harassment" means unwelcome, sex-based
20 verbal or physical conduct that:

21 (A) in the employment context, unreasonably
22 interferes with an employee's work performance or creates an
23 intimidating, hostile, or offensive work environment; or

24 (B) in the education context, is sufficiently

1 severe, persistent, or pervasive that the conduct interferes with a
2 student's ability to participate in or benefit from educational
3 programs or activities.

4 (b) Each institution of higher education shall post on the
5 institution's Internet website in a manner accessible by the public
6 a status report regarding the institution's pending or recently
7 concluded disciplinary processes involving an incident of sexual
8 assault or sexual harassment. The status report:

9 (1) must:

10 (A) be updated at least once per semester; and

11 (B) include:

12 (i) the total number of those incidents
13 reported to the institution during the semester for which the
14 report is made;

15 (ii) the employee or employees of the
16 institution responsible for resolving disciplinary processes
17 involving those incidents; and

18 (iii) the total number of disciplinary
19 processes involving those incidents resolved during the semester
20 for which the report is made, disaggregated by outcome; and

21 (2) may not identify any alleged perpetrator or
22 alleged victim of those incidents.

23 (c) Information regarding a disciplinary process required
24 to be included in the status report under Subsection (b):

25 (1) may not be removed from the institution's Internet
26 website until at least the 90th day after the date on which the
27 disciplinary process concludes; and

1 (2) must be preserved by the institution indefinitely
2 after removal from the institution's Internet website.

3 SECTION 2. Section 51.9367, Education Code, as added by
4 this Act, applies only to a disciplinary process initiated by a
5 public institution of higher education during or after the 2018
6 spring semester. A disciplinary process initiated before the 2018
7 spring semester is governed by the law in effect on the date the
8 disciplinary process was initiated, and the former law is continued
9 in effect for that purpose.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect on the 91st day after the last day of the
15 legislative session.