

By: Watson, et al.

S.B. No. 968

A BILL TO BE ENTITLED

AN ACT

relating to requiring certain public and private institutions of higher education to provide students and employees an option to electronically report certain offenses to the institution.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9365 to read as follows:

Sec. 51.9365. ELECTRONIC REPORTING OPTION FOR CERTAIN OFFENSES. (a) In this section:

(1) "Dating violence" means abuse or violence, or a threat of abuse or violence, against a person with whom the actor has or has had a social relationship of a romantic or intimate nature.

(2) "Postsecondary educational institution" means an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003.

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

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

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

4           (B) in the education context, is sufficiently  
5 severe, persistent, or pervasive that the conduct interferes with a  
6 student's ability to participate in or benefit from educational  
7 programs or activities.

8           (5) "Stalking" means a course of conduct directed at a  
9 person that would cause a reasonable person to fear for the person's  
10 safety or to suffer substantial emotional distress.

11           (b) Each postsecondary educational institution shall  
12 provide an option for a student enrolled at or an employee of the  
13 institution to electronically report to the institution an  
14 allegation of sexual harassment, sexual assault, dating violence,  
15 or stalking committed against or witnessed by the student or  
16 employee, regardless of the location at which the alleged offense  
17 occurred.

18           (c) The electronic reporting option provided under  
19 Subsection (b) must:

20           (1) enable a student or employee to report the alleged  
21 offense anonymously; and

22           (2) be easily accessible through a clearly  
23 identifiable link on the postsecondary educational institution's  
24 Internet website home page.

25           (d) A protocol for reporting sexual assault adopted under  
26 Section 51.9363 must comply with this section.

27           (e) The Texas Higher Education Coordinating Board may adopt

1 rules as necessary to administer this section.

2 (f) The commissioner of higher education shall establish an  
3 advisory committee to recommend to the Texas Higher Education  
4 Coordinating Board rules for adoption under Subsection (e). The  
5 advisory committee consists of nine members appointed by the  
6 commissioner. Each member must be a chief executive officer of a  
7 postsecondary educational institution or a representative  
8 designated by that officer. Not later than December 1, 2017, the  
9 advisory committee shall submit the committee's recommendations to  
10 the coordinating board. This subsection expires September 1, 2018.

11 SECTION 2. Not later than January 1, 2018, each public or  
12 private postsecondary educational institution shall provide the  
13 electronic reporting option required under Section 51.9365,  
14 Education Code, as added by this Act.

15 SECTION 3. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2017.