

1-1 By: Watson S.B. No. 968
 1-2 (In the Senate - Filed February 21, 2017; March 1, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 March 29, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; March 29, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 968 By: Nelson

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to requiring certain public and private institutions of
 1-22 higher education to provide students and employees an option to
 1-23 electronically report certain offenses to the institution.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
 1-26 amended by adding Section 51.9365 to read as follows:

1-27 Sec. 51.9365. ELECTRONIC REPORTING OPTION FOR CERTAIN
 1-28 OFFENSES. (a) In this section:

1-29 (1) "Dating violence" means abuse or violence, or a
 1-30 threat of abuse or violence, against a person with whom the actor
 1-31 has or has had a social relationship of a romantic or intimate
 1-32 nature.

1-33 (2) "Postsecondary educational institution" means an
 1-34 institution of higher education or a private or independent
 1-35 institution of higher education, as those terms are defined by
 1-36 Section 61.003.

1-37 (3) "Sexual assault" means sexual contact or
 1-38 intercourse with a person without the person's consent, including
 1-39 sexual contact or intercourse against the person's will or in a
 1-40 circumstance in which the person is incapable of consenting to the
 1-41 contact or intercourse.

1-42 (4) "Sexual harassment" means unwelcome, sex-based
 1-43 verbal or physical conduct that:

1-44 (A) in the employment context, unreasonably
 1-45 interferes with an employee's work performance or creates an
 1-46 intimidating, hostile, or offensive work environment; or

1-47 (B) in the education context, is sufficiently
 1-48 severe, persistent, or pervasive that the conduct interferes with a
 1-49 student's ability to participate in or benefit from educational
 1-50 programs or activities.

1-51 (5) "Stalking" means a course of conduct directed at a
 1-52 person that would cause a reasonable person to fear for the person's
 1-53 safety or to suffer substantial emotional distress.

1-54 (b) Each postsecondary educational institution shall
 1-55 provide an option for a student enrolled at or an employee of the
 1-56 institution to electronically report to the institution an
 1-57 allegation of sexual harassment, sexual assault, dating violence,
 1-58 or stalking committed against or witnessed by the student or
 1-59 employee, regardless of the location at which the alleged offense
 1-60 occurred.

2-1 (c) The electronic reporting option provided under
2-2 Subsection (b) must:

2-3 (1) enable a student or employee to report the alleged
2-4 offense anonymously; and

2-5 (2) be easily accessible through a clearly
2-6 identifiable link on the postsecondary educational institution's
2-7 Internet website home page.

2-8 (d) A protocol for reporting sexual assault adopted under
2-9 Section 51.9363 must comply with this section.

2-10 (e) The Texas Higher Education Coordinating Board may adopt
2-11 rules as necessary to administer this section.

2-12 (f) The commissioner of higher education shall establish an
2-13 advisory committee to recommend to the Texas Higher Education
2-14 Coordinating Board rules for adoption under Subsection (e). The
2-15 advisory committee consists of nine members appointed by the
2-16 commissioner. Each member must be a chief executive officer of a
2-17 postsecondary educational institution or a representative
2-18 designated by that officer. Not later than December 1, 2017, the
2-19 advisory committee shall submit the committee's recommendations to
2-20 the coordinating board. This subsection expires September 1, 2018.

2-21 SECTION 2. Not later than January 1, 2018, each public or
2-22 private postsecondary educational institution shall provide the
2-23 electronic reporting option required under Section 51.9365,
2-24 Education Code, as added by this Act.

2-25 SECTION 3. This Act takes effect immediately if it receives
2-26 a vote of two-thirds of all the members elected to each house, as
2-27 provided by Section 39, Article III, Texas Constitution. If this
2-28 Act does not receive the vote necessary for immediate effect, this
2-29 Act takes effect September 1, 2017.

2-30 * * * * *