

By: Rodríguez

S.J.R. No. 6

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment establishing the Sexual
3 Harassment Oversight Commission.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The Texas Constitution is amended by adding
6 Article XVIII to read as follows:

7 ARTICLE XVIII

8 Sec. 1. In this article:

9 (1) "Commission" means the Sexual Harassment
10 Oversight Commission.

11 (2) "Legislative employee" means an employee of the
12 senate, the house of representatives, or a legislative service
13 agency, including:

14 (A) legislative aides to members;

15 (B) legislative interns; or

16 (C) volunteer staff.

17 (3) "State agency" means a board, commission, office,
18 department, or other agency in the executive, judicial, or
19 legislative branch of state government. The term does include
20 institutions of higher education.

21 (4) "Third party" means a newsperson, lobbyist, or
22 member of the general public who has business at the State Capitol
23 or who is doing business with legislative service agencies, the
24 senate, or the house of representatives.

1 Sec. 2. (a) The Sexual Harassment Oversight Commission is
2 established.

3 (b) The commission is composed of five members as follows:

4 (1) one member appointed by the governor;

5 (2) one member appointed by the lieutenant governor;

6 (3) one member appointed by the speaker of the house of
7 representatives;

8 (4) one member appointed by the president of the State
9 Bar of Texas who is a licensed attorney specializing in employment
10 law; and

11 (5) one member appointed by the president of the
12 largest union representing employees of state agencies.

13 Sec. 3. (a) Members of the commission serve four-year
14 terms.

15 (b) A vacancy on the commission shall be filled in the same
16 manner as the original appointment.

17 Sec. 4. The commission shall:

18 (1) in consultation with each legislative standing
19 committee with primary jurisdiction over administration, human
20 resources staff employed by the legislature, and any legislative
21 staff attorneys who specialize in labor law, establish a
22 standardized sexual harassment policy for persons involved in the
23 work of the legislature;

24 (2) publish the policy established under Subdivision
25 (1) of this section on the public Internet websites of the house of
26 representatives and the senate;

27 (3) recommend to state agencies minimum standards for

1 sexual harassment policies;

2 (4) review and investigate all complaints of
3 violations of the commission's sexual harassment policy submitted
4 to the commission; and

5 (5) impose appropriate sanctions against persons who
6 violate the commission's sexual harassment policy.

7 Sec. 5. The sexual harassment policy under Section 4 of this
8 article must:

9 (1) include a clear definition of sexual harassment;

10 (2) apply to legislators, legislative employees, and
11 third parties;

12 (3) include a clear statement prohibiting retaliation
13 for submitting a complaint to the commission;

14 (4) include a statement providing confidentiality, to
15 the extent possible, for all persons involved with a complaint
16 submitted to the commission;

17 (5) include a procedure for obtaining assistance from
18 an independent investigator who is not involved with the work of the
19 legislature in investigating a sexual harassment complaint, if
20 warranted;

21 (6) include an appeals procedure; and

22 (7) provide notice that a complainant is not precluded
23 from also filing a complaint with the federal Equal Employment
24 Opportunity Commission or the Texas Workforce Commission for the
25 same conduct.

26 Sec. 6. The commission may receive classified information
27 and issue subpoenas to investigate complaints of violations of the

1 commission's sexual harassment policy under Section 4 of this
2 article submitted to the commission.

3 Sec. 7. The commission shall adopt sanctions that may be
4 imposed on a person found by the commission to have violated the
5 commission's sexual harassment policy under Section 4 of this
6 article.

7 Sec. 8. (a) Not later than January 1 of each odd-numbered
8 year, the commission shall prepare a report that includes:

9 (1) a description of each complaint of a violation of
10 the commission's sexual harassment policy under Section 4 of this
11 article submitted to the commission, including the commission's
12 conclusions regarding and response to the complaint and excluding
13 any confidential information;

14 (2) a review of sexual harassment policies adopted by
15 state agencies, including each agency's complaint investigation
16 procedures; and

17 (3) recommendations to prevent sexual harassment.

18 (b) The commission shall submit reports under Subsection
19 (a) of this section to the chairs of each legislative standing
20 committee with primary jurisdiction over administration, the
21 governor, the lieutenant governor, and the speaker of the house of
22 representatives.

23 (c) The commission shall publish reports under Subsection
24 (a) of this section on the public Internet websites of the senate
25 and the house of representatives.

26 SECTION 2. The following temporary provision is added to
27 the Texas Constitution:

1 TEMPORARY PROVISION. (a) This temporary provision applies to
2 the constitutional amendment proposed by the 86th Legislature,
3 Regular Session, 2019, providing for the establishment of the
4 Sexual Harassment Oversight Commission.

5 (b) As soon as practicable after the effective date of
6 Article XVIII of this constitution, the relevant appointing
7 authorities shall appoint the members of the Sexual Harassment
8 Oversight Commission.

9 (c) As soon as practicable after at least three members are
10 appointed, the Sexual Harassment Oversight Commission shall adopt a
11 sexual harassment policy under Section 4, Article XVIII, of this
12 constitution.

13 (d) Article XVIII of this constitution applies only to
14 conduct that occurs on or after the date the Sexual Harassment
15 Oversight Commission adopts the initial sexual harassment policy
16 under Section 4 of that article.

17 (e) This temporary provision expires November 1, 2020.

18 SECTION 3. This proposed constitutional amendment shall be
19 submitted to the voters at an election to be held November 5, 2019.
20 The ballot shall be printed to permit voting for or against the
21 proposition: "The constitutional amendment establishing the
22 Sexual Harassment Oversight Commission."