By:  Guillen H.B. No. 3764

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a college to adopt a sexual harassment policy.

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

SECTION 1.  Section 51.282(a), Education Code, is amended to read as follows:

(a)  Each postsecondary educational institution shall adopt a policy on sexual harassment, sexual assault, dating violence, and stalking applicable to each student enrolled at and each employee of the institution. The policy must:

(1)  include:

(A)  definitions of prohibited behavior;

(B)  sanctions for violations;

(C)  the protocol for reporting and responding to reports of sexual harassment, sexual assault, dating violence, and stalking;

(D)  interim measures to protect victims of sexual harassment, sexual assault, dating violence, or stalking during the pendency of the institution's disciplinary process, including protection from retaliation, and any other accommodations available to those victims at the institution; and

(E)  a statement regarding:

(i)  the importance of a victim of sexual harassment, sexual assault, dating violence, or stalking going to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident;

(ii)  the right of a victim of sexual harassment, sexual assault, dating violence, or stalking to report the incident to the institution and to receive a prompt and equitable resolution of the report; and

(iii)  the right of a victim of a crime to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime to law enforcement, or to decline to report the crime to law enforcement; ~~and~~

(2)  be approved by the institution's governing board before final adoption by the institution~~.~~;and

(3)  for institutions with an enrollment of less than 5,000 students, any policy changes implemented after the initial approval can be made by the institution's President's Council or other body that traditionally approves the institution's internal policy.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.