

Chapter 720

S.B. No. 969

AN ACT

relating to requiring certain public and private institutions of higher education to provide amnesty to students who report certain incidents, including sexual harassment, sexual assault, dating violence, or stalking.

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

SECTION 1. Subchapter 2, Chapter 51, Education Code, is amended by adding Section 51.9366 to read as follows:

Sec. 51.9366. AMNESTY FOR STUDENTS REPORTING CERTAIN INCIDENTS. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "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.

(3) "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.

(4) "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

1 contact or intercourse.

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

4 (A) in the employment context, unreasonably
5 interferes with a person's work performance or creates an
6 intimidating, hostile, or offensive work environment; or

7 (B) in the education context, is sufficiently
8 severe, persistent, or pervasive that the conduct interferes with a
9 student's ability to participate in or benefit from educational
10 programs or activities at a postsecondary educational institution.

11 (6) "Stalking" means a course of conduct directed at a
12 person that would cause a reasonable person to fear for the person's
13 safety or to suffer substantial emotional distress.

14 (b) A postsecondary educational institution may not take
15 any disciplinary action against a student enrolled at the
16 institution who in good faith reports to the institution being the
17 victim of, or a witness to, an incident of sexual harassment, sexual
18 assault, dating violence, or stalking for a violation by the
19 student of the institution's code of conduct occurring at or near
20 the time of the incident, regardless of the location at which the
21 incident occurred or the outcome of the institution's disciplinary
22 process regarding the incident, if any.

23 (c) A postsecondary educational institution may investigate
24 to determine whether a report of an incident of sexual harassment,
25 sexual assault, dating violence, or stalking was made in good
26 faith.

27 (d) A determination that a student is entitled to amnesty

S.B. No. 969

1 under Subsection (b) is final and may not be revoked.

2 (e) Subsection (b) does not apply to a student who reports
3 the student's own commission or assistance in the commission of
4 sexual harassment, sexual assault, dating violence, or stalking.

5 (f) This section may not be construed to limit a
6 postsecondary educational institution's ability to provide amnesty
7 from application of the institution's policies in circumstances not
8 described by Subsection (b).

9 (g) The coordinating board may adopt rules as necessary to
10 implement and enforce this section.

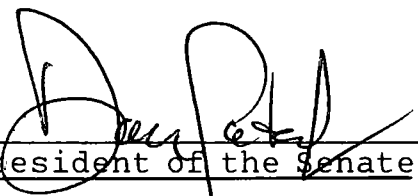
11 (h) The commissioner of higher education shall establish an
12 advisory committee to recommend to the coordinating board rules for
13 adoption under Subsection (g). The advisory committee consists of
14 nine members appointed by the commissioner. Each member must be a
15 chief executive officer of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

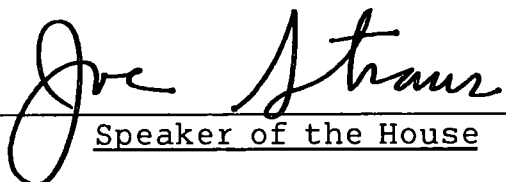
20 SECTION 2. Section 51.9366, Education Code, as added by
21 this Act, applies beginning with the 2018 spring semester.

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

file
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S.B. No. 969

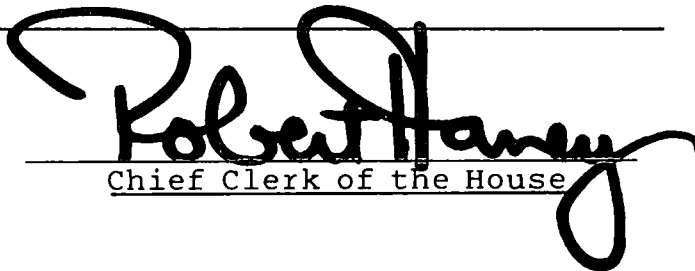

President of the Senate


Speaker of the House

I hereby certify that S.B. No. 969 passed the Senate on April 10, 2017, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendment on May 25, 2017, by the following vote: Yeas 30, Nays 1. _____


Secretary of the Senate

I hereby certify that S.B. No. 969 passed the House, with amendment, on May 20, 2017, by the following vote: Yeas 129, Nays 7, one present not voting. _____



Chief Clerk of the House

Approved:

6 - 9 - 2017
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30 PM O'CLOCK

JUN 12 2017

Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 20, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB969 by Watson (Relating to requiring certain public and private institutions of higher education to provide amnesty to students who report incidents of sexual assault.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would require public and private postsecondary institutions to provide amnesty to students who report incidents of sexual assault. The Higher Education Coordinating Board could adopt rules to administer provisions of the bill. The bill would require the commissioner of higher education to establish a nine member advisory committee comprised of the chief executive officers of the postsecondary educational institution or a representative designated by that officers. The advisory committee would submit recommendations to the Higher Education Coordinating Board regarding rules for implementing provisions of the bill. Based on the analysis provided by institutions of higher education, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources. It is assumed that the Higher Education Coordinating Board could implement provisions of the bill within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M University System Administrative and General Offices, 719 Texas State Technical College System Administration, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

LBB Staff: UP, THo, AG, DEH, GO

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 28, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB969 by Watson (Relating to requiring certain public and private institutions of higher education to provide amnesty to students who report incidents of sexual assault.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

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LBB Staff: UP, AG, DEH, GO

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 22, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB969 by Watson (Relating to requiring certain public and private institutions of higher education to provide amnesty to students who report incidents of sexual assault.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require public and private postsecondary institutions to provide amnesty to students who report incidents of sexual assault. Based on an analysis of agency responses, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 710 Texas A&M University System Administrative and General Offices, 719 Texas State Technical College System Administration, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

LBB Staff: UP, AG, DEH, GO