

BILL ANALYSIS

Senate Research Center
85R19932 KJE-F

C.S.S.B. 970
By: Watson
State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Sexual assault both on and off college campuses is a serious issue facing our institutions of higher education (IHE) and our state. Under federal law, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act IHEs that participate in federal financial aid programs are required to disclose campus safety information as well as have policies and procedures regarding sexual assault, stalking, and dating violence. Current state law requires public IHEs to have a sexual assault policy that includes definitions of prohibited behavior, sanctions for violations, and the protocol for reporting and responding to reports of sexual assault.

S.B. 970 requires that IHEs, both public and private, adopt an affirmative consent standard for their sexual assault policy and develop and implement a public awareness campaign informing students, faculty, and staff about the standard. While many IHEs across the state have varying affirmative consent standards already in place, S.B. 970 streamlines sexual assault policies across the state, ensuring clarity amongst our students as to what constitutes consent, as well as promoting awareness and encouraging reporting of sexual assault incidents. This legislation is supported by the Texas Association Against Sexual Assault and End Rape On Campus, a survivor advocacy organization. No opposition is known at this time. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 970 amends current law relating to a sexual assault policy at public and private institutions of higher education.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.9363, Education Code, as follows:

Sec. 51.9363. New heading: SEXUAL ASSAULT POLICY. (a) Redefines "postsecondary educational institution."

(b) Requires each postsecondary educational institution (institution), rather than each institution of higher education, to adopt a policy on sexual assault, rather than on campus sexual assault, applicable to each student enrolled at and each employee of the institution. Requires that the policy include definitions of prohibited behavior, sanctions for violations, and the protocol for reporting and responding to reports of sexual assault and be approved by the institution's governing board before final adoption by the institution. Makes a conforming change.

(c) Requires each institution to make the institution's sexual assault policy available to students, faculty, and staff members by including the policy in the institution's student and personnel handbooks and creating and maintaining a web

page on the institution's Internet website dedicated solely to the policy. Makes conforming changes.

(d) Makes conforming changes.

(e) Requires each institution to develop and implement a public awareness campaign to inform students enrolled at and employees of the institution of the institution's sexual assault policy.

(f) Requires each institution, each biennium, to review the institution's sexual assault policy and, with approval of the institution's governing board, revise the policy as necessary. Makes conforming changes.

SECTION 2. Provides that Section 51.9363, Education Code, as amended by this Act, applies beginning with the 2017 fall semester.

SECTION 3. Effective date: upon passage or September 1, 2017.