

By: Watson, et al.

S.B. No. 969

A BILL TO BE ENTITLED

AN ACT

relating to requiring certain public and private institutions of higher education to provide amnesty to students who report incidents of sexual assault.

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

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

Sec. 51.9366. AMNESTY FOR STUDENTS REPORTING INCIDENTS OF SEXUAL ASSAULT. (a) In this section:

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

(2) "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.

(3) "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 contact or intercourse.

(b) A postsecondary educational institution may not take any disciplinary action against a student enrolled at the institution for a violation by the student of the institution's policies on student conduct if the student in good faith reports to

1 the institution being the victim of, or a witness to, an incident of
2 sexual assault and the violation of the institution's policies is
3 in relation to the incident. This subsection applies regardless of
4 the location at which the incident occurred or the outcome of the
5 institution's disciplinary process regarding the incident, if any.

6 (c) A determination that a student is entitled to amnesty
7 under Subsection (b) is final and may not be revoked.

8 (d) Subsection (b) does not apply to a student who reports
9 the student's own commission of sexual assault or assistance in the
10 commission of sexual assault.

11 (e) This section may not be construed to limit a
12 postsecondary educational institution's ability to provide amnesty
13 from application of the institution's policies in circumstances not
14 described by Subsection (b).

15 (f) The coordinating board may adopt rules as necessary to
16 implement and enforce this section.

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

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

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