Chapter 720

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 Z, 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
contact or intercourse.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. 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, 2017.
S.B. No. 969

President of the Senate

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.

Speaker of the House

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.

Secretary of the Senate

Chief Clerk of the House

Approved:

6 - 9 - 2017

Date

Governor
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
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.

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, AG, DEH, GO
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