

2019 TEXAS TITLE IX LEGISLATION

HB 1735

Mandates minimum sexual assault policies at public and private postsecondary education institutions and how resources are made accessible to students and staff. Defines key terms. Establishes investigation criteria. Protects confidentiality. Authorizes an administrative fine against an institution of up to \$2 million for failure to comply.

GOES INTO EFFECT:

September 1st, 2019

PROHIBITED ACTIONS

- ⊗ Dating violence
- ⊗ Sexual assault
- ⊗ Sexual harassment
- ⊗ Stalking

POLICY REQUIREMENTS

- Definitions of prohibited behavior
- Sanctions for violations
- Protocol for reporting and responding to reports
- Interim measures to protect person who was harmed
- Statement on importance of going to hospital for treatment and preservation of evidence, if applicable, and the right of the person harmed to choose whether or not to report the crime to law enforcement or be assisted by the institution in reporting the crime



POLICY ACCESSIBILITY

- Student handbook
- Personnel handbook
- A web page dedicated solely to the policy that is easily accessible through a clearly identifiable link on the institution's internet website home page
- Entering freshman and undergraduate transfer students must attend an orientation on the policy before or during their first semester or term, this may be completed online

CONFIDENTIALITY

- ▶ The identity of protected individuals may not be disclosed unless right is waived in writing. This includes:
 - ▶ Alleged victims
 - ▶ Alleged perpetrators
 - ▶ Reporters of allegations
- ▶ There must be at least one designated employee to whom students may speak with confidentially.
- ▶ Confidential information may be disclosed only to:
 - ▶ The school which the report described as necessary to conduct an investigation of the report
 - ▶ Law enforcement to conduct a criminal investigation
 - ▶ A health care provider in an emergency situation



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SCHOOL OBLIGATIONS



- Minimum policy requirements
- Policy accessibility
- Comprehensive prevention and outreach program
- Confidentiality
- Memorandum of understanding with:
 - o Local law enforcement agencies
 - o Sexual harassment, sexual assault, dating violence, or stalking advocacy groups
 - o Hospitals or other medical resource providers
- Designate an employee responsible for Title IX compliance
- Ensure equal access to persons with disabilities through consultation with relevant advocacy groups
- Inform alleged victim of school's decision whether or not to investigate
- Peace officers employed by school must be trained on trauma-informed investigation
- Offer counseling to student harmed with a different counselor than anyone else involved in the incident if campus has capacity to do so
- Offer student harmed and alleged perpetrator who both are enrolled in the same class the option to drop class without academic penalties
- Protect alleged victim and perpetrator from retaliation and harassment while the disciplinary process is pending
- Provide a way to anonymously report incidents *electronically*
- Provide the alleged victim and perpetrator prompt and equitable opportunity to present witnesses and other evidence
- Ensure the alleged victim and perpetrator have reasonable and equitable access to all evidence
- Provide amnesty for reporting students violating the school's code of conduct occurring at the time of the incident

INSTITUTIONAL PENALTIES

If the coordinating board determines that an institution is not in substantial compliance they may assess a penalty against the institution of up to \$2 million.

To get more training and resources please contact us at admin@tixedu.com or call 503-960-8261.