

2019 TEXAS TITLE IX LEGISLATION

SB 212

Mandates Title IX reporting requirements for post-secondary institution employees. Creates a criminal offense for failing to make a required report or falsifying a report. Requires institutions to terminate an employee who fails to report or falsifies a report. Creates institutional reporting requirements. Authorizes an administrative fine against an institution of up to \$2 million for failure to comply.

GOES INTO EFFECT:

Rollout began at passage, June 14, 2019

WHO MUST REPORT?

An employee who is aware of an incident that they believe constitutes sexual harassment, sexual assault, dating violence, or stalking that is alleged to have been committed by or against a student or employee of the institution. A report does not need to be made if the required reporter is the victim or they learn of an incident at a sexual harassment public awareness event.

WHAT MUST BE REPORTED?

- ▶ Sexual harassment
- ▶ Sexual assault
- ▶ Dating Violence
- ▶ Stalking



PROTECTED PARTIES

Institutions may not retaliate against employees who act in good faith. Persons who make a report or assist with an investigation have immunities, including immunity from civil and criminal liability for offenses punishable by fine only and may not be subject to disciplinary action for which suspension or expulsion from the institution is not a possibility.

ADMINISTRATIVE REPORTING

Title IX Coordinator reports to the Chief Executive Officer:

- ▶ Immediately if they believe anyone is in imminent danger
- ▶ Via report not less than once every three months, which must include:
 - ▶ The investigation of those reports
 - ▶ The disposition of any disciplinary processes
 - ▶ The reports for which the institution determined not to initiate a disciplinary process

Chief Executive Officer reports to the institution's governing body and on the website at least once each fall or spring semester concerning all reports they've received. This report:

- ▶ May not identify any person
- ▶ Must include:
 - ▶ The number of reports received by the Title IX coordinator
 - ▶ The number of investigations conducted
 - ▶ The disposition of any disciplinary processes
 - ▶ The number of reports which the institution determined not to initiate a disciplinary process
 - ▶ Any disciplinary actions taken

CONFIDENTIALITY

- ▶ The identity of an alleged victim is confidential unless waived in writing by the alleged victim.
- ▶ An employee of an institution designated as a person with whom students may speak confidentially concerning sexual harassment must make a report stating only the type of incident and may not include information that would violate a student's expectation of privacy.

REQUIRED REPORTER PENALTIES

Failure to make a required report or making a false report to a Title IX coordinator is a Class B misdemeanor. If intent to conceal an incident is found in trial it is a Class A misdemeanor. Either may include jail time and/or fines. Termination of employment is mandatory.

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.