

Sexual Harassment, Sexual Assault, Dating Violence, and Stalking: New State Mandates for Postsecondary Educational Institutions

What is Senate Bill 212?

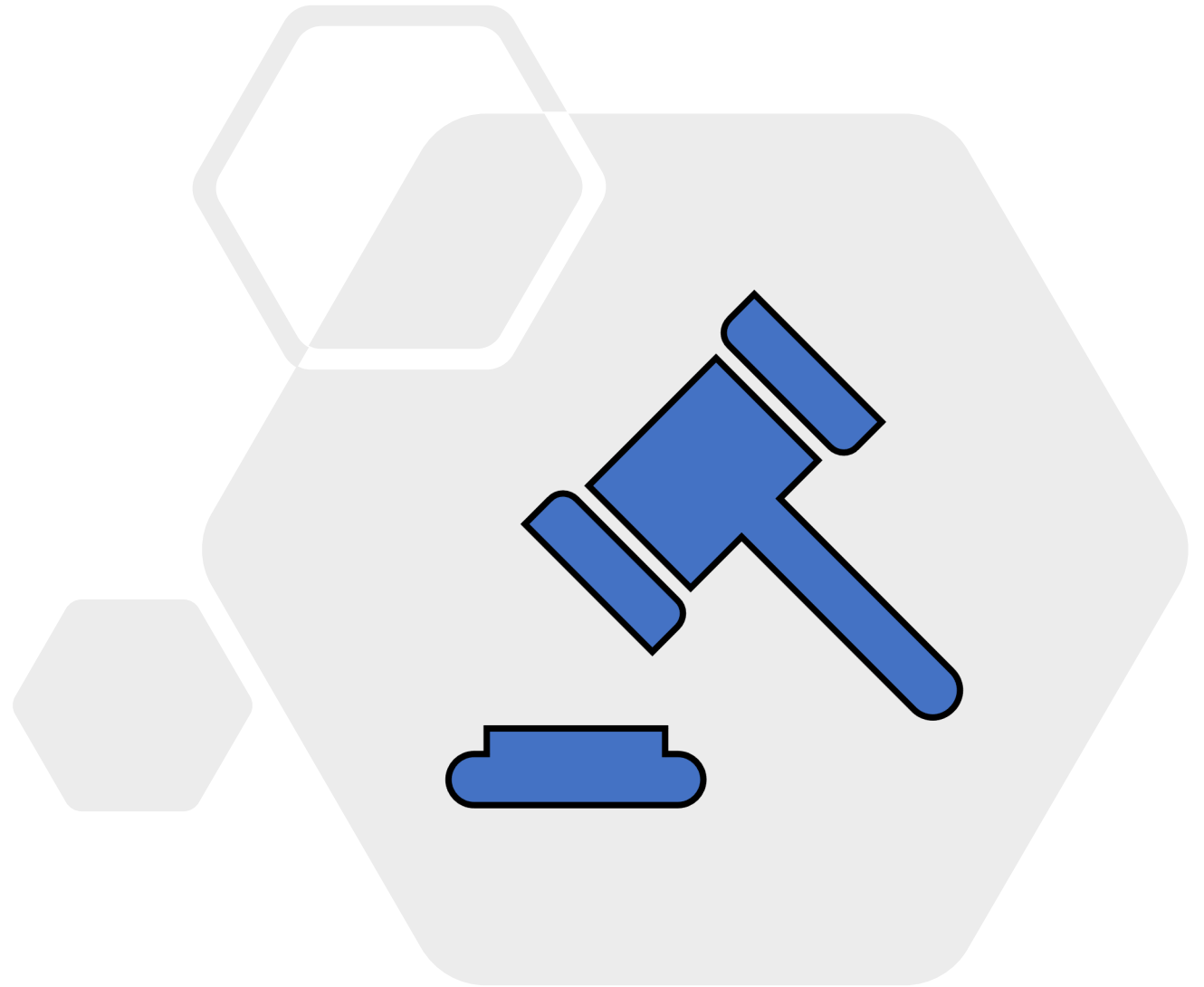
Senate Bill 212 was passed during the 2019 Texas legislative session, containing significant provisions for reporting requirements related to sexual harassment, sexual assault, dating violence, domestic violence and stalking. Detailed definitions can be found in the [Texas Tech University System Regulation 7.06.](#)

Why is Senate Bill 212 important?

Why is it important to understand Senate Bill 212? Because there are new consequences for failing to report, including mandatory termination, and possible criminal and civil penalties.

What is required?

All employees who witness or receive information about sexual harassment, sexual assault, dating violence, domestic violence and/or stalking ***in the course and scope of their employment*** that involve a current student or employee must promptly file a report. TTU policy requires student employees to follow the same reporting policy.



What is Reportable?



Sexual harassment



Sexual assault



Dating/domestic violence



Stalking

Sexual Harassment

Unwelcome
sex-based verbal or
physical conduct
that interferes with
a person's work or
educational
environment

Sexual Assault

An offense that meets the definition of rape, fondling, incest, or statutory rape (i.e. sexual contact or intercourse with a person without that person's consent)

Dating/ Domestic Violence

Violence committed by a person who is or has been in a romantic or intimate relationship with the victim, including sexual or physical abuse or the threat of such abuse

Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for their safety/ the safety of others. (This includes following, monitoring, surveilling, threatening, communicating, or interfering with personal property)

Employee Reporting Requirements



PROMPTLY REPORT TO TITLE IX OBSERVATIONS WITNESSED OR INFORMATION RECEIVED IN THE **COURSE AND SCOPE OF EMPLOYMENT** OF ANY INCIDENT INVOLVING A **CURRENT STUDENT OR EMPLOYEE**. YOU MUST REPORT , EVEN IF YOU BELIEVE ANOTHER REPORTING CONCERNING THE SAME INCIDENT HAS ALREADY BEEN FILED.



REPORTS MUST INCLUDE ALL KNOWN INFORMATION (INCLUDING **NAMES** OF PARTIES). YOU MUST REPORT REGARDLESS OF **WHEN OR WHERE** THE INCIDENT OCCURRED.



KEEP EVIDENCE OF YOUR COMPLETED REPORT.

Employee Reporting Exemptions



Employees who are **victims** of sexual harassment, sexual assault, dating violence, domestic violence or stalking are not required to report their own incident. Confidential assistance is available through the Employee Assistance Program, the Student Counseling Center, the Family Therapy Clinic, the Psychology Clinic, and Health Services.



Employees who learn about incidents through a **public awareness event**, such as Take Back the Night.



Confidential Employees (defined by their scope and role at the institution) will only report type of incident with nonidentifying information. Specific training will be provided to these employees.

How to file a Report

ONLINE: [ONLINE REPORT FORM](#)

TO THE TITLE IX ADMINISTRATOR, DR. KIMBERLY SIMÓN:
KIMBERLY.SIMON@TTU.EDU | 806.834.1949 |
ADMINISTRATION 115

TO THE TITLE IX CASE MANAGER, MEREDITH HOLDEN:
MEREDITH.HOLDEN@TTU.EDU | 806.834.1949 | STUDENT
UNION BUILDING 232-E

OFFICE FOR STUDENT RIGHTS & RESOLUTION:
806.742.SAFE | STUDENT UNION BUILDING 232E

Filing a report with Texas Tech Police



Unless you are witnessing an active emergency, you should not make a report to the police department unless the individual asks you to.



It is important to know that filing a report with TTPD does ***not meet*** the requirement for reporting under SB 212. Should you report to TTPD, you will also need to report to one of the university staff members on the previous slides.

What are the
consequences
for failure to
report?

Mandatory Termination – “A postsecondary educational institution shall terminate the employment of an employee whom the institution determines in accordance with the institution's disciplinary procedure to have committed an offense [of failure to report].”

What are the consequences for failure to report?

- **Class B misdemeanor** (punishable by a maximum of 180 days in jail and/or a maximum fine of \$2,000) for a person who “is required to make a report under Section 51.252 and **knowingly fails** to make the report” or “with the intent to harm or deceive, knowingly makes a report . . . that is **false**.”
- The offense is escalated to a **Class A misdemeanor** (punishable by up to one year in jail and/or a maximum fine of \$4,000) “if it is shown on the trial of the offense that the actor intended to conceal the incident.”

Retaliation- Witnesses & Reporters

A postsecondary educational institution may not discipline or discriminate against an employee or student who in good faith:

- Reports an incident of sexual harassment, sexual assault, dating violence, or stalking
- Cooperates with the investigation, disciplinary process, or judicial proceeding related to the report

This provision does not include a person who perpetrated or assisted in the perpetration of an act of sexual harassment, stalking, dating violence, or sexual assault.

Questions? Contact Title IX:

Kimberly Simón

kimberly.simon@ttu.edu

806.834.1949

Administration Building 115

Title IX Staff : 806.742.7233

