

TX SB 212

MANDATORY REPORTING REQUIREMENTS FOR EMPLOYEES

SB 212 requires college employees to report sexual harassment, sexual assault, dating violence, or stalking against a student or employee to the institution's Title IX Coordinator. Significantly, this bill creates a criminal offense for failure to report an incident or making a false report.

POLICY REQUIREMENT

Employees "in the course and scope of their employment" who witness or receive information about an incident that constitutes sexual harassment, dating violence, sexual assault, or stalking against a student or employee must promptly report the incident to the college's Title IX Coordinator. The report must include "all information concerning the incident known to the reporting person and including whether the alleged victim expressed a desire for confidentiality."

EXCEPTIONS

- Employees designated as "confidential employees" by the university.
- Employee who was a victim of sexual harassment, sexual assault, dating violence, or stalking.
- An incident in which the person received information due to a disclosure made at a public awareness event sponsored by a postsecondary educational institution or by a student organization affiliated with the institution.

FAILURE TO REPORT

Any employee who is required to make a report and knowingly fails to make the report is subject to the following consequences:

- **Criminal Penalties:** Class B Misdemeanor punishable by a maximum of 180 days in jail and/or a maximum fine of \$2,000.
- **Termination of Employment:** The institution must terminate any employee who it determines in accordance with the institution's disciplinary procedure to have not made a required report.