

Reporting under SB 212 and UTEP's Sexual Misconduct Policy

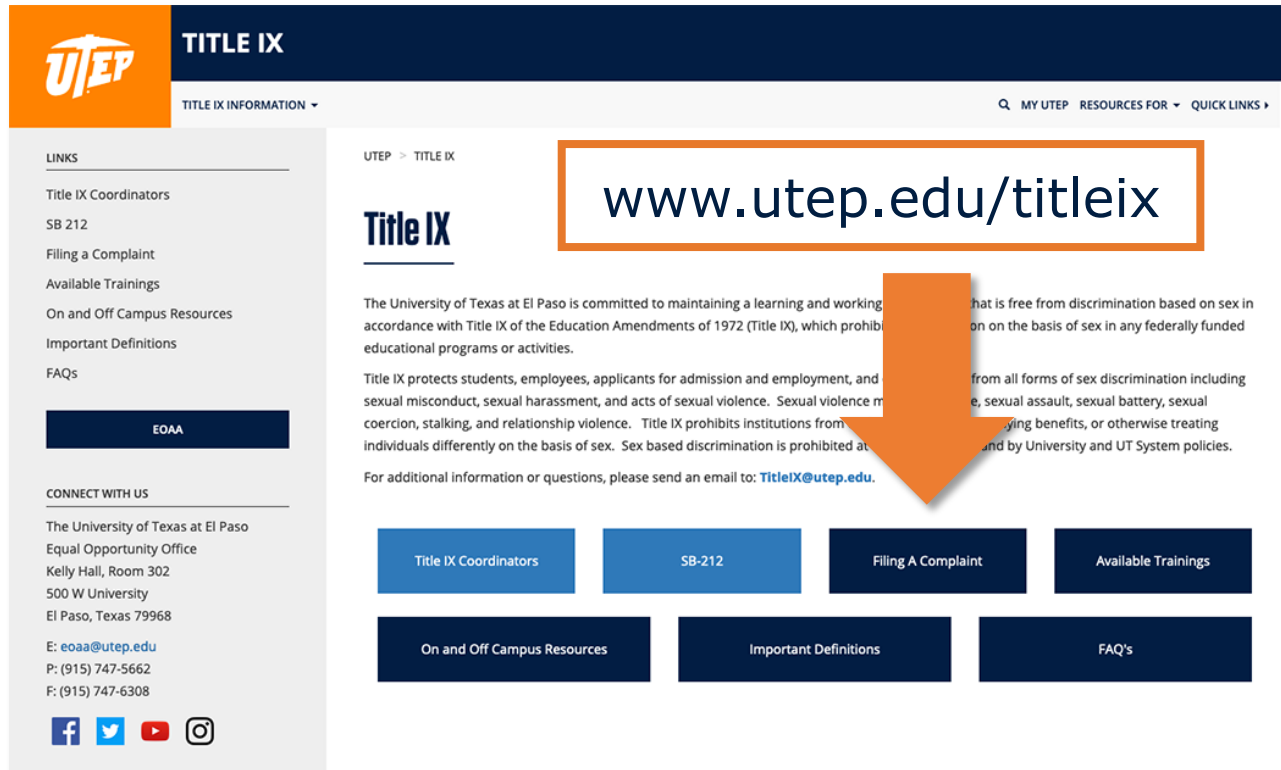
Mandatory Reporting by Employees – SB 212

Reporting Requirements	Reportable Conduct	Consequence
<p>Texas Education Code § 51.252:</p> <ol style="list-style-type: none"> 1. “employee” 2. “in the course and scope of employment” 3. “witnesses or receives information...of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking” 4. “alleged to have been committed by or against a person who was a student enrolled or an employee of the institution at the time of the incident” 5. “shall promptly report the incident to the institution’s Title IX coordinator or Deputy Title IX coordinator.” <p>Confidential employees who receive reports from students must still report type of incident and date of occurrence.</p> <p>Sexual Misconduct Policy has a similar provision to SB 212 under § 3.9.4 with no “course and scope” requirement.</p> <p>Report must have all relevant information, including requests for confidentiality or redress.</p>	<p><u>Sexual Harassment</u>: unwelcome, sex-based verbal or physical conduct that:</p> <p>Employment context:</p> <ol style="list-style-type: none"> 1. “Unreasonably interferes” with work environment; or 2. Creates an “intimidating, hostile, or offensive” work environment <p>Education context:</p> <ol style="list-style-type: none"> 1. Sufficiently severe, persistent, or pervasive activity that interferes with ability to participate or benefit in programs/activities. <p><u>Sexual Assault</u>: “Rape,” “Fondling,” “Incest” and “Statutory Rape”</p> <p><u>Dating Violence</u>: violence (also threats) committed by person who is or has been in a romantic or intimate relationship with victim.</p> <p><u>Stalking</u>: course of conduct (two or more acts) directed at another that would cause a reasonable person to fear for their safety or safety of others; or would cause substantial emotional distress.</p>	<p><u>Mandatory Termination</u>: “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,” failed to report.</p> <p><u>Criminal Penalties</u>:</p> <p>Class B misdemeanor:</p> <ol style="list-style-type: none"> 1. Knowingly fails to report; or 2. With intent to harm or deceive, falsely reports. <p>Class A misdemeanor:</p> <ol style="list-style-type: none"> 1. If shown at trial intent to conceal. <p>Grievance procedures still apply to a reported violation of SB 212, such as Regents Rule 31008: Termination of a Faculty Member.</p>

Mandatory Reporting – UTEP's Sexual Misconduct Policy

Reporting Requirements	Definition of Sexual Misconduct	SB 212 and Responsible Employee
<p>Responsible Employees must report:</p> <ol style="list-style-type: none"> 1. known incidents; 2. Provide “all known” information of Sexual Misconduct; and 3. Report promptly to the Title IX Coordinator or a Deputy Title IX Coordinator. <p><u>Responsible Employee</u>: all administrators, faculty, staff, resident life directors and advisors, and graduate teaching assistants.</p> <p>Responsible employee must also report, “whether a Complainant has expressed a desire for confidentiality in reporting the incident.”</p>	<p><u>Sexual Misconduct</u>: sex discrimination, sexual harassment, sexual assault, domestic violence, dating violence, stalking, and other inappropriate sexual conduct.</p> <p><u>Sex Discrimination</u>: being treated, “less favorably on the basis of that person’s sex (including gender)...on the basis of sexual orientation, gender identity, or expression, pregnancy or pregnancy-related condition, or a sex stereotype.” Sexual harassment is one of the various forms of sex discrimination.</p>	<p>Notable differences:</p> <ol style="list-style-type: none"> 1. No “course and scope” language in Responsible Employee policy 2. Responsible Employee reporting includes <u>all</u> sex discrimination and domestic violence. 3. Responsible Employee policy includes students (“resident life directors and advisors, and graduate teaching assistants”) 4. No statutory requirement to terminate if reporting obligation exclusively under Responsible Employee policy <p>Notable similarities:</p> <ol style="list-style-type: none"> 1. Both include sexual harassment, other inappropriate conduct, dating violence, stalking and sexual assault incidents as reportable. 2. Both require employees to report. 3. Both require <u>prompt</u> reporting to Title IX Coordinator or Deputy Title IX Coordinator.

Making a Report



The screenshot shows the UTEP Title IX website. The header includes the UTEP logo and the text "TITLE IX". Below the header, there is a navigation bar with "TITLE IX INFORMATION" and a search bar. The main content area features the URL www.utep.edu/titleix in a large orange box. Below this, there is a large orange arrow pointing down to a grid of buttons. The buttons include "Title IX Coordinators", "SB-212", "Filing A Complaint", "Available Trainings", "On and Off Campus Resources", "Important Definitions", and "FAQ's". The left sidebar contains a "LINKS" section with various resources and a "CONNECT WITH US" section with contact information and social media links.

UTEP > TITLE IX

Title IX

The University of Texas at El Paso is committed to maintaining a learning and working environment that is free from discrimination based on sex in accordance with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in any federally funded educational programs or activities.

Title IX protects students, employees, applicants for admission and employment, and others from all forms of sex discrimination including sexual misconduct, sexual harassment, and acts of sexual violence. Sexual violence includes sexual assault, sexual battery, sexual coercion, stalking, and relationship violence. Title IX prohibits institutions from denying benefits, or otherwise treating individuals differently on the basis of sex. Sex based discrimination is prohibited at UTEP and by University and UT System policies.

For additional information or questions, please send an email to: TitleIX@utep.edu.

[Title IX Coordinators](#) [SB-212](#) [Filing A Complaint](#) [Available Trainings](#)

[On and Off Campus Resources](#) [Important Definitions](#) [FAQ's](#)

LINKS

- Title IX Coordinators
- SB 212
- Filing a Complaint
- Available Trainings
- On and Off Campus Resources
- Important Definitions
- FAQs

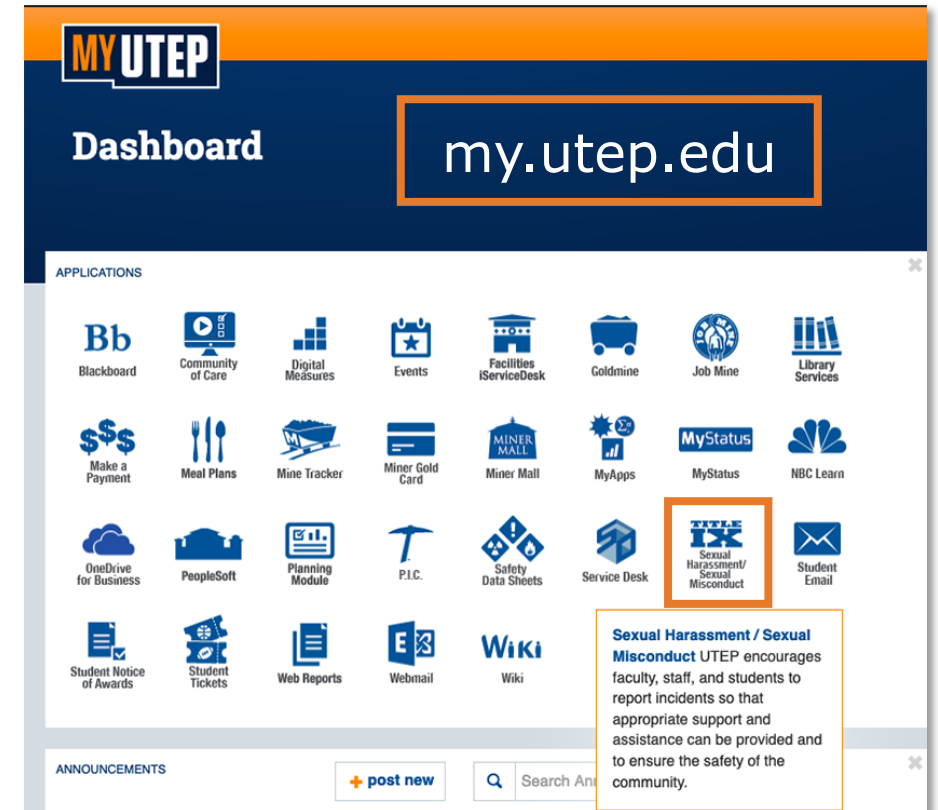
EOAA

CONNECT WITH US

The University of Texas at El Paso
Equal Opportunity Office
Kelly Hall, Room 302
500 W University
El Paso, Texas 79968

E: eoaa@utep.edu
P: (915) 747-5662
F: (915) 747-6308

[Facebook](#) [Twitter](#) [YouTube](#) [Instagram](#)



The screenshot shows the UTEP MyUTEP dashboard. The header includes the "MY UTEP" logo and the text "Dashboard". Below the header, there is a large orange box containing the URL my.utep.edu. The main content area features a grid of application icons. The "Sexual Harassment / Sexual Misconduct" icon is highlighted with an orange box. A tooltip for this icon provides information about reporting incidents and seeking support. The bottom section includes an "ANNOUNCEMENTS" area with a "post new" button and a search bar.

Dashboard

my.utep.edu

APPLICATIONS

- Bb Blackboard
- Community of Care
- Digital Measures
- Events
- Facilities iServiceDesk
- Goldmine
- Job Mine
- Library Services
- Make a Payment
- Meal Plans
- Mine Tracker
- Miner Gold Card
- Miner Mall
- MyApps
- MyStatus
- NBC Learn
- OneDrive for Business
- PeopleSoft
- Planning Module
- P.L.C.
- Safety Data Sheets
- Service Desk
- Sexual Harassment / Sexual Misconduct**
- Student Email
- Student Notice of Awards
- Student Tickets
- Web Reports
- Webmail
- Wiki

Sexual Harassment / Sexual Misconduct UTEP encourages faculty, staff, and students to report incidents so that appropriate support and assistance can be provided and to ensure the safety of the community.

ANNOUNCEMENTS

[+ post new](#)

Title IX Coordinator and Deputies



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Reporting Recap

- **Sexual Misconduct:** sex discrimination, sexual harassment, sexual assault, domestic violence, dating violence, stalking, and other inappropriate sexual conduct.
- Provide **all known** information.
- Preferred reporting through **Title IX Incident Reporting Form** (may also contact a Title IX coordinator).
- Encouraged to report **immediately**.
- Please contact the **Title IX Program** if you have any questions or concerns.