Reporting under SB 212 and UTEP’s Sexual Misconduct Policy
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| Texas Education Code § 51.252:  
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.”  
Confidential employees who receive reports from students must still report type of incident and date of occurrence.  
Sexual Misconduct Policy has a similar provision to SB 212 under § 3.9.4 with no “course and scope” requirement.  
Report must have all relevant information, including requests for confidentiality or redress. | Sexual Harassment: unwelcome, sex-based verbal or physical conduct that:  
Employment context:  
1. “Unreasonably interferes” with work environment; or  
2. Creates an “intimidating, hostile, or offensive” work environment  
Education context:  
1. Sufficiently severe, persistent, or pervasive activity that interferes with ability to participate or benefit in programs/activities.  
Sexual Assaults: “Rape,” “Fondling,” “Incest” and “Statutory Rape”  
Dating Violence: violence (also threats) committed by person who is or has been in a romantic or intimate relationship with victim.  
Stalking: 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. | 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,” failed to report.  
Criminal Penalties:  
Class B misdemeanor:  
1. Knowingly fails to report; or  
2. With intent to harm or deceive, falsely reports.  
Class A misdemeanor:  
1. If shown at trial intent to conceal.  
Grievance procedures still apply to a reported violation of SB 212, such as Regents Rule 31008: Termination of a Faculty Member. |
**Mandatory Reporting – UTEP’s Sexual Misconduct Policy**

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| Responsible Employees must report:  
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. | **Sexual Misconduct:** *sex discrimination*, sexual harassment, sexual assault, *domestic violence*, dating violence, stalking, and other inappropriate sexual conduct.  
**Sex Discrimination:** 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. | Notable differences:  
1. No “course and scope” language in Responsible Employee policy  
2. Responsible Employee reporting includes all 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 |

**Notable similarities:**  
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 **prompt** reporting to Title IX Coordinator or Deputy Title IX Coordinator.
Making a Report

www.utep.edu/titleix
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.