Title IX Update

HR Liaison Meeting
June 2019
Mandatory Reporting

What Happens After A Report is Received?

Who decides the Case?
Mandatory Reporting
Mandatory Reporting

Employees* must promptly report sexual harassment, sexual assault, dating violence, or stalking against a student or employee to the institution’s Title IX coordinator.

*** Student employees never have to report under this rule
Mandatory Reporting

The Report must include:

– all known information
– whether the alleged victim expressed a desire for confidentiality
Exceptions:

• “Confidential Employees” (Medical Personnel/Counselors)

• an incident in which the employee was a victim of sexual harassment, sexual assault, dating violence, or stalking; or

• Disclosures received at a public awareness event sponsored by TAMU or by a student organization affiliated with the institution. (Example: Take Back the Night)
Criminal penalties for failure to report or making a false report.

New State Law

Effective: January 1, 2020
Class B Misdemeanor

- knowingly fail to make the report; or
- with the intent to harm or deceive, knowingly making a false report

A Class B misdemeanor is punishable by a maximum of 180 days in jail and/or a maximum fine of $2,000.
Class A Misdemeanor

• If the actor intended to conceal an incident that the actor was required to report

A Class A misdemeanor is punishable by up to one year in jail and/or a maximum fine of $4,000.
Mandatory Termination

An institution **must terminate** any employee who does not make a required report.
ALL TITLE IX REPORTS

Jennifer Smith,
Assistant Vice President and Title IX Officer

Department of Civil Rights & Equity Investigations (CREI)
Medical Sciences Library Bldg., Suite 007
College Station, TX 77843
979-458-8407
Civilrights@tamu.edu
What happens after a Report is Received?
All allegations funneled to CREI

civilrights@tamu.edu

Intake Meeting (New for Employees)
Collection of Preliminary Information
Rights, Resources, Options
Support/Answers during Investigation

CREI Triage
- Is this complaint baseless? **Dismiss**
- Is this “Unprofessional Conduct” or “Inappropriate Sexual Contact” **Send to OCRM, Dept Head, or SCO**
- If everything the Complainant alleges is true, is this a Civil Rights Violation? If yes, **CREI**
Informal Resolution
Conversation with Respondent
Mediated conversation with parties
Admission of Responsibility and Sanctions

-------Case Closed-------

Formal Resolution
Investigation
New – right to review and respond to report

Responsibility and Sanctions Decided by Designated Administrator

Faculty
Paper Process

Staff
Paper Process

Students
Live & Paper

Appeals Decided by Appellate Authority
Who Decides My Case?
Responsibility and Sanctions Are Decided by a Designated Administrator (DA)

<table>
<thead>
<tr>
<th>If Complaint Is Against:</th>
<th>then the DA is:</th>
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<tbody>
<tr>
<td>Students</td>
<td>Hearing Officer</td>
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<td>DOF</td>
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# Appeals Are Decided by an Appellate Authority (AA)

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<th>If Complaint Is Against:</th>
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<tr>
<td>Students</td>
<td>University Disciplinary Appeals Committee (UDAP)</td>
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<td>Staff</td>
<td>Vice President for Human Resources &amp; Organizational Effectiveness</td>
</tr>
<tr>
<td>Faculty</td>
<td>University Committee on Faculty Disciplinary Appeals (UCFDA) who gives an advisory opinion to the Provost, who renders a final decision</td>
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