

SB 212 Employee Mandatory Reporting

WBU Title IX Office
Dr. Justin Lawrence

SB 212 Overview

- The Texas Senate unanimously approved Senate Bill 212 requiring employees at both public and private universities to promptly report cases of sexual harassment, sexual assault, dating violence, and stalking.
- Senate Bill 212 does apply to full-time employees who happen to be taking courses at WBU.

Senate Bill 212 goes into effect Sunday September 1, 2019 and criminal sanctions go into effect on January 1, 2020.

SB 212 Penalties

- Senate Bill 212 has strong penalties for non-compliance.
- Employees failing to report incidents of sexual assault would be terminated, and if the person intentionally tried to cover the incident up, they would face a Class A misdemeanor charge.
- Furthermore, the university itself could also face disciplinary action as a failure to comply with the bill's requirements and could incur as much as a \$2 million penalty.

SB 212 Requirements

- Specifically, Senate Bill 212 requires any university employee that either “witnesses **or** receives information” about sexual harassment, assault, dating violence or stalking to the institution’s Title IX Administrator for investigation.

All WBU Employees must make these reports to:

- Dr. Justin Lawrence
- WBU Title IX Administrator at lawrencej@wbu.edu or online at <https://www.wbu.edu/about/title-ix/report-a-violation.htm>.

What do I Report?

- The mandated report to the Title IX Administrator must include “all information concerning the incident known to the reporting person that is relevant to the investigation.”
- If applicable, the report must include redress of the incident, including whether or not the alleged victim has expressed a desire for confidentiality in reporting the incident.

Title IX Information

Sexual Misconduct, Title IX & Discrimination
Campus Resources
(including gender equity/sexual harassment/sexual violence/stalking/discrimination issues)

WBU Title IX Administrator:

Dr. Justin Lawrence
 Title IX Administrator
 Wayland Baptist University
 1900 W. 7th
 Plainview, TX 79072
 (806) 291-1173 lawrencej@wbu.edu

Wayland Baptist University is committed to providing a learning, working and living environment that promotes civility and mutual respect. Sexual misconduct is a serious issue that can result in the interference or prevention of victims of such behavior from having an equal opportunity to access education or employment. Sexual misconduct (including domestic violence, dating violence, sexual assault, and stalking) are serious offences and a Title IX civil rights issue, as well as a potential crime

TITLE IX INFORMATION

Title IX Information

- Title IX Reporting Form
- Report A Title IX Violation
- Risk Reduction and Tips
- Notification of Rights and Confidentiality
- Sexual Misconduct Definitions
- Responsible Employees to Report
- Sexual Misconduct

At a Glance

WBU Leadership

Christian Education

Mission & Values

Strategic Plan

WBU History

Campus Directories

Green Initiatives

Disclosures

Accreditation

Employment

University Policies

Sexual Harassment, Sexual Assault, Sexual Misconduct, & Domestic/Dating Violence Reporting Form

You may use this page to submit any information you have regarding a potential Title IX violation that has occurred on or off campus. Use this page only to submit information on incidents that have already occurred. For incidents in progress or emergencies - DIAL 9-911 on campus, or 911 off campus. If you use your cell phone or a phone off campus, DIAL 911.

Enter the type of complaint:
-Type-

Enter the location of the incident:
-LOCATION-

Enter dates/times when this occurred:

Describe the incident; include names and witness if possible:

The following is **OPTIONAL**. Enter your information only if you want to be contacted by the Title IX office

Name:

Phone Number:

Email Address:

Please attach any documents you have supporting your statements. (May include photos, screenshots, images of posts on social media, etc.)

Confidentiality Requirements

Once a report is made, the “identity of an alleged victim” who is the subject of the mandatory report must remain “confidential” and may only be disclosed to:

- “persons employed by or under contract with the postsecondary educational institution to which the report is made who are necessary to conduct an investigation of the report or any related hearings”;
- “a law enforcement officer as necessary to conduct a criminal investigation of the report”;
- “the person or persons alleged to have perpetrated the incident, to the extent required by other law;” or
- “potential witnesses to the incident as necessary to conduct an investigation of the report.”

Exceptions

Senate Bill 212 does not apply to traditional student workers (i.e. full-time students with part-time positions at WBU).

Senate Bill 212 does not apply to volunteers, agents, or non-employees of WBU.

Exceptions

- Employees who are “victims of sexual harassment, sexual assault, dating violence, or stalking” are not required to report incidents involving themselves.
- Employees who learn about reportable incidents “At a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by WBU or a WBU student organization are not required to report those incidents.

FAQ

Question: I don't work in the State of Texas, am I still required to report?

- Answer: Yes. Since WBU's main campus is in Texas, failure to report could put the university at risk for penalties. The safest thing you can do is report. There is not penalty for campuses outside the State of Texas making these reports. In short, report because you are still a responsible employee/mandatory reporter under Federal Title IX Guidance.

FAQ

Question: An incident was reported to myself and another person at the same time. If the other person reports, should I also report?

- Answer: Yes. In this instance, one person reporting in no way relieves the reporting duty of another person with whom this information was shared. There is nothing in the law suggesting that an employee is relieved of their individual obligation to report because they know another employee has already reported the same misconduct. Therefore, in this instance both employees would need to report.

FAQ

Question: I'm not sure if what I was told or if the information shared with me was stalking, sexual harassment, sexual assault, or dating violence. What should I do?

- Answer: Don't try to figure this out. Report any information shared with you and the Title IX Administrator will determine whether that information qualifies as sexual harassment, sexual assault, stalking, or dating violence.

FAQ

Question: What if the person who shared this information with me requests confidentiality?

- Answer: You should inform this person that, at this stage in the process, you must report all known information to the Title IX Administrator.

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Reporting

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www.wbu.edu/titleix