



Title IX & Research Guidance

Office of Research Support & Compliance, The University of Texas at Austin

What is Senate Bill 212 (SB212)?

Senate Bill 212 (SB 212), passed during the 86th Texas Legislature and codified as Texas Education Code, Chapter 51, Subchapters E-2 and E-3, is a Texas State Law that requires all employees (both faculty and staff) at a public or private post-secondary institution to promptly report to the Title IX Coordinator any knowledge of any incidents of sexual assault, sexual harassment, dating violence, or stalking "committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident".

Do I have a responsibility to report an incident I learn about during the conduct of a research project?

In short, if you are an employee of UT Austin, yes. However, employees of UT Austin conducting a research project approved by the IRB Office, are considered confidential employees for the purposes of the research project. This means that if through the course of the IRB approved research project you find out about a reportable incident (e.g., sexual assault, sexual harassment, dating violence, and/or stalking), you will only have to report census-level data (date reported, type of incident, location of incident (if known), date/time of incident (if known), and faculty/staff member reporting) to the Title IX Coordinator. You are not required to report any individually identifiable information about the incident or the individual making the disclosure.

Does being designated as a confidential employee for SB212 change my status as a mandated reporter?

No. You are still required to report incidents you witness or receive information about to the Title IX Coordinator. Your confidential employee designation only applies to information received through the course and scope of the research project.

Should I say anything about reporting requirements for SB212 in my informed consent process?

Yes. You may include the following statement in your informed consent document/script if, in your opinion, it is likely the research may reveal reportable incidents (e.g., sexual assault, sexual harassment, dating violence, and/or stalking):

"Texas Education Code, Chapter 51, Subchapters E-2 and E-3, requires reporting incidents of sexual assault, sexual harassment, dating violence, or stalking committed by or against a person who was a student enrolled at or an employee of UT Austin at the time of the incident. However, the researchers working on this study have been designated as confidential employees. This means that if we learn about any incidents of sexual assault, sexual harassment, dating violence, or stalking, we are only required to report the type of incident reported and the date we learn about the incident. We will not report any information that could identify you."



Common scenarios and the reporting requirements per Title IX Office's recommendations:

Scenario 1: A researcher is conducting a project where they are studying the effects of dating violence on grades. Part of the research, includes conducting an interviews with current UT students. The researcher will collect the following information:

- Name
- Age
- Grades
- Current student status (year in school)
- Interview questions about specific instances of dating violence that have happened to the participant while they were a student at UT Austin (audio recorded)

In this scenario, the researcher should only report to the Title IX Coordinator census-level data within one week of finding out the information. The researcher would NOT be required to release individually identifiable information about the participants to the Title IX Coordinator.

Scenario 2: A researcher is conducting a project where they interview current UT students as well as participants from the greater Austin area to study anxiety and depression among adults ages 18-35 during an election year. The researcher will collect the following information:

- Name
- Age
- Battery of self-report questionnaires about various mood disorders
- Interview questions about anxiety, depression, and thoughts about the upcoming presidential election (audio recorded)

During an interview session, a participant discloses an incident where they felt that they were a victim of sexual harassment. The researcher does not collect data indicating whether or not this participant is a UT student or employee nor does the participant disclose that this incident occurred while they were affiliated with UT Austin. The researcher would not need to report this incident to the Title IX Office because the researcher does not have sufficient information that the incident meets the criteria of "committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident."

For questions regarding Title IX, contact the Title IX Office

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