

116TH CONGRESS
1ST SESSION

H. R. 2421

To ensure that certain incidents involving a covered employee that are reported to the title IX coordinator at an eligible institution of higher education have been reviewed by the president of the institution and not less than 1 additional member of the institution's board of trustees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2019

Ms. SLOTKIN (for herself, Mr. UPTON, and Mr. MITCHELL) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To ensure that certain incidents involving a covered employee that are reported to the title IX coordinator at an eligible institution of higher education have been reviewed by the president of the institution and not less than 1 additional member of the institution's board of trustees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Accountability of Lead-
5 ers in Education to Report Title IX Investigations Act”
6 or the “ALERT Act”.

1 **SEC. 2. REVIEW OF TITLE IX INVESTIGATIONS.**

2 Section 487 of the Higher Education Act of 1965 (20
3 U.S.C. 1094) is amended by adding at the end the fol-
4 lowing:

5 “(30)(A) The institution will submit an annual
6 certification to the Secretary affirming that—

7 “(i) the president of the institution (or the
8 equivalent officer) and not less than 1 addi-
9 tional member of the institution’s board of
10 trustees (or a designee of the board) have com-
11 pleted a comprehensive review of any incident
12 involving a covered employee that was reported
13 to the title IX coordinator at that institution in
14 the previous 12 months involving an offense de-
15 scribed in section 485(f)(8)(A)(i); and

16 “(ii) the individuals described in clause (i)
17 who completed the comprehensive review did
18 not interfere with or influence any investigation
19 or disposition relating to the reported incident.

20 “(B) In this paragraph—

21 “(i) the term ‘comprehensive review’ means
22 a review that includes, at a minimum—

23 “(I) a review of—

24 “(aa) material findings of fact re-
25 lating to the incident that was re-
26 ported to the title IX coordinator;

1 “(bb) the basis for any conclu-
2 sions about whether a covered em-
3 ployee violated a policy of the institu-
4 tion; and

5 “(cc) the disposition of any com-
6 plaints arising from the reported inci-
7 dent, including any sanctions imposed
8 on a covered employee; and

9 “(II) the redaction of the identity of
10 the individual reporting such incident from
11 such review, and a prohibition against
12 sharing the identity of the individual with-
13 out the consent of such individual;

14 “(ii) the term ‘covered employee’—

15 “(I) means—

16 “(aa) a full-time employee of the
17 institution; or

18 “(bb) an individual who was act-
19 ing as an employee of the institution,
20 or who was paid by an entity con-
21 tracting with the institution and act-
22 ing on behalf of the institution, at the
23 time of the incident that was reported
24 to the title IX coordinator; and

1 “(II) does not include an under-
2 graduate student; and

3 “(iii) the term ‘title IX coordinator’ means
4 a responsible employee, as described in section
5 106.8(a) of title 34, Code of Federal Regula-
6 tions, designated to coordinate efforts under
7 title IX of the Education Amendments of 1972
8 (20 U.S.C. 1681 et seq.).”.

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