

118TH CONGRESS  
1ST SESSION

# S. 2139

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.

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IN THE SENATE OF THE UNITED STATES

JUNE 22, 2023

Mr. PETERS (for himself, Mr. CORNYN, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## 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,*

1 **SECTION 1. SHORT TITLE.**

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

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

6 Section 487(a) of the Higher Education Act of 1965  
7 (20 U.S.C. 1094(a)) is amended by adding at the end the  
8 following:

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

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

20 “(ii) the individuals described in clause (i)  
21 who completed the comprehensive review did  
22 not interfere with or influence any investigation  
23 or disposition relating to the reported incident.

24 “(B) In this paragraph—

1           “(i) the term ‘comprehensive review’ means  
2 a review that includes, at a minimum, a review  
3 of—

4           “(I) material findings of fact relating  
5 to the incident that was reported to the  
6 title IX coordinator;

7           “(II) the basis for any conclusions  
8 about whether a covered employee violated  
9 a policy of the institution;

10           “(III) the disposition of any com-  
11 plaints arising from the reported incident,  
12 including any sanctions imposed on a cov-  
13 ered employee; and

14           “(IV) the supportive measures pro-  
15 vided to the complainant;

16           “(ii) the term ‘covered employee’—

17           “(I) means—

18           “(aa) a full-time employee of the  
19 institution; or

20           “(bb) an individual who was act-  
21 ing as an employee of the institution,  
22 or who was paid by an entity con-  
23 sulting or contracting with the institu-  
24 tion and acting on behalf of the insti-  
25 tution, at the time of the incident that

1                   was reported to the title IX coordi-  
2                   nator; and

3                   “(II) does not include an under-  
4                   graduate student; and

5                   “(iii) the term ‘title IX coordinator’ means  
6                   an employee, as described in section 106.8(a) of  
7                   title 34, Code of Federal Regulations (or a suc-  
8                   cessor regulation), designated to coordinate ef-  
9                   forts under title IX of the Education Amend-  
10                  ments of 1972 (20 U.S.C. 1681 et seq.).”.

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