



## Compliance Community

*System Compliance Program  
Office of Internal Audit*

### *Community Spotlight*



#### **Nelly R. Herrera, J.D., TSUS Deputy General Counsel**

Nelly R. Herrera serves as the Deputy General Counsel within the Office of General Counsel (OGC) for the Texas State University System in Austin, Texas. In this role, she provides legal advice to System Administration and its member institutions on a wide range of complex legal issues. Previously, Ms. Herrera served as Associate General Counsel on the Texas State University campus in San Marcos, Texas (2011 - 2017). As Associate General Counsel, she provided legal advice to the University's upper-level administration, faculty members, and staff on various legal issues, including but not limited to, employment, academic freedom, civil rights, personal injury, litigation, student affairs, federal privacy statutes, contracts, public information requests, and probate.

Ms. Herrera received her J.D. from The University of Texas at Austin School of Law, and she received her B.A. from St. Mary's University in San Antonio, where she graduated magna cum laude. Ms. Herrera is licensed to practice law in

Texas and has been board certified in Personal Injury Trial Law since 1997.

### **Title IX News**

The following is a brief statement from Ms. Herrera regarding the current status of Title IX enforcement:

Anyone tracking Title IX enforcement matters from 2011 to the present has witnessed the difference in how such matters are handled by the Department of Education (DOE). The current DOE administration has taken a markedly different approach on enforcement of Title IX than the prior administration. For the past several years, institutions of higher education complied with DOE guidance described by some as being too prescriptive. The current administration has not only withdrawn the prior guidance and issued its own, it has also issued proposed regulations for Title IX enforcement. The proposed regulations were welcomed by some groups but condemned by others. Considering the importance of the proposed legislation, it should not come as a shock to anyone that the DOE received over 113,000 public comments (including one from our System) during the 60-day comment period. While the DOE is not required to provide a response to each individual commentator, it is supposed to consider all “relevant matter” submitted during the comment period and provide a response to all comments. Since we don’t know when the final regulations will be published, the TSUS OGC has and will continue to closely monitor all DOE updates on this issue. Once the final regulations are promulgated, the OGC will work diligently to ensure the System Sexual Misconduct Policy (SMP) is compliant with the new regulations, and that the SMP continues to reflect a fair, efficient, and effective process for handling sexual misconduct complaints.

### **Compliance Hotline**

The Texas State University System maintains a reporting hotline through a private contractor, EthicsPoint, to provide a confidential avenue for reporting concerns about potential waste, fraud, and abuse of resources, the lack of compliance with laws and regulations, or violations of the System’s Code of Ethics. A detailed description and the opportunity to make a report can be accessed [here](#).

## **Subscribe**

Please feel free to forward this newsletter to others who may be interested or who may benefit from the information. The goal is to expand readership to offer this ongoing resource to as many members of the TSUS community as possible. New readers can subscribe by using the link below.

## **Subscribe**

The Texas State University System is committed to complying with all applicable laws, regulations and policies. The System compliance program advises and collaborates with components to develop effective ways to mitigate compliance risks on TSUS campuses. Serving to advance the goals of the System and its institutions, the Compliance Office offers resources, education, information and guidance while promoting a culture of responsibility and accountability.

Feedback regarding the System compliance program or the Compliance Community newsletter is welcome. Please contact [Kelly Wintemute](#) with suggestions.

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