

Title IX Coordinator SB212 Quarterly Report

TO: Dr. Shirley A. Reed, M.B.A., ED. D, South Texas College President
FROM: Lisa Y. Guerra, Esq., Institutional Equity Officer/Title IX Coordinator
DATE: December 9, 2020
RE: Title IX Coordinator Required Reporting (Tex. Educ. Code § 51.253(a))

Under the Texas Education Code (TEC), Section 51.253(a), the institution's Title IX Coordinator is required to submit a written report no less than every three months to the institution's Chief Executive Officer regarding reports *received from employees* who are required to report under the TEC, Section 51.252. TEC Section 51.252 requires employees to report all known information concerning the incidents that they reasonably believe constitute sexual harassment which are alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident.

This report includes incidents defined in the TEC, Section 51.251 as "sexual harassment," "sexual assault," "dating violence," or "stalking", which are also violations of the Sexual Misconduct provisions of South Texas College Policy #4216 – Freedom from Discrimination, Harassment, Sexual Misconduct, and Retaliation.

For the purposes of complying with the Title IX Coordinator reporting requirements under TEC Section 51.253(a), this report has been modeled following guidance provided by the Texas Higher Education Coordinating Board. The first attached written report, Appendix A, Table 1, includes all of the information required to be reported for the first quarter of the 2020-2021 Academic Year (September 1, 2020 – November 30, 2020).

Also attached is Appendix A, Table 2 which is a report of **employees** who are alleged to have **knowingly failed to report** an incident of sexual harassment or who have **filed a false report** with the intent to harm or deceive in violation of TEC, Section 51.255.

The summary data in Appendix B is categorized based on the reporting requirements under TEC, Section 51.253(c). The reports received may be applicable in multiple reporting categories, and therefore, the summary data in the categories may not add up to the totals of other categories.

Please Note: This is not a summary of all sexual harassment or sexual misconduct cases received by the College. Any additional reports received by the Title IX Coordinator that do not meet the required reporting criteria in the Texas Education Code have been omitted for the compliance purposes of this specific report.¹

¹ For example, reports made by students and all other non-employees **are excluded** from Appendices A and B. Additionally, if a Title IX Coordinator or Deputy Coordinator determines that the type of incident described in a report, as alleged, does not constitute "sexual harassment," "sexual assault," "dating violence," or "stalking" as defined in the TEC, Section 51.251, the report is excluded from Appendices A and B. It is the responsibility of the Title IX Coordinator or Deputy Title IX Coordinator to assess each report received and determine whether it is properly included in this report, and if so, to correctly identify the type of incident.

Appendix A

**Title IX Coordinator Report
2020-2021 Academic Year
Q1 (September 1, 2020 – November 30, 2020)**

Appendix A, Table 1

Table 1. Alleged Conduct Reported *by Employees* under TEC, Section 51.252

Report Number	Date Received (Quarter)	Alleged Conduct Reported by Employees Under § 51.252	Investigation Status	Disciplinary Status
<i>20/21-019</i>	<i>9/25/20 (Q1)</i>	<i>Sexual Harassment</i>	<i>Initial Assessment</i>	<i>Not yet applicable</i>
<i>20/21-023</i>	<i>10/14/20 (Q1)</i>	<i>Sexual Harassment</i>	<i>Initial Assessment</i>	<i>Not yet applicable</i>

Appendix A, Table 2

Table 2. Alleged Conduct under TEC, Section 51.255(a) – failure to report or false report.

Report Number	Date Received	Alleged Conduct Under § 51.255(a)	Investigation Status	Disciplinary Status
<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>N/A</i>

Appendix B

Summary Data Report 2020-2021 Academic Year Q1 (September 1, 2020 – November 30, 2020)

Texas Education Code, Section 51.252	
Number of reports received under Section 51.252²	2
Number of confidential reports ³ under Section 51.252	0
Number of investigations conducted under Section 51.252	0
Disposition ⁴ of any disciplinary processes for reports under Section 51.252:	
a. Concluded, No Finding of Policy Violation ⁵	0
b. Concluded, with Employee Disciplinary Sanction	0
c. Concluded, with Student Disciplinary Sanction	0
d. SUBTOTAL	0
Number of reports under Section 51.252 for which the institution determined not to initiate a disciplinary process ⁶	0

Texas Education Code, Section 51.255	
Number of reports received that include allegations of an employee's failure to report or who submits a false report to the institution under Section 51.255(a)	0
Any disciplinary action taken, regarding failure to report or false reports to the institution under Section 51.255(c) :	
a. Employee termination	--
b. Institutional intent to termination, in lieu of employee resignation	--

² For example, reports made by students and all other non-employees are excluded from Appendices A and B. Additionally, if a Title IX Coordinator or Deputy Coordinator determines that the type of incident described in a report, as alleged, does not constitute "sexual harassment," "sexual assault," "dating violence," or "stalking" as defined in the TEC, Section 51.251, the report is excluded from Appendices A and B. It is the responsibility of the Title IX Coordinator or Deputy Title IX Coordinator to assess each report received and determine whether it is properly included in this report, and if so, to correctly identify the type of incident.

³ "Number of confidential reports" is a sub-set of the total number of reports that were received under Section 51.252, by a confidential employee or office (e.g., Counseling Center or Student Ombuds).

⁴ "Disposition" means "final result under the institution's disciplinary process" as defined in the Texas Higher Education Coordinating Board's (THECB) rules for TEC, Section 51.259 (See 19 Tex. Admin. Code Section 3.6(e) (2019)); therefore, pending disciplinary processes will not be listed until the final result is rendered.

⁵ "No Finding of a Policy Violation" in this section refers to instances where there is no finding of responsibility after a hearing or an appeal process; investigations completed with a preponderance of evidence not met are excluded, because it would not have moved forward into a disciplinary process.

⁶ The institution may have determined "not to initiate a disciplinary process." The reasons for not initiating a discipline process can include, but are not limited to: case dismissal; insufficient information to investigate; confidential employee reporting (no identifiable information); the respondent's identity was unknown or not reported; the respondent was not university-affiliated; the complainant requested the institution not investigate the report; informal resolution was completed; investigation is ongoing; or investigation was completed with a preponderance of evidence not met.