

## **Chief Executive Officer 2020-2021 Annual Report**

TO: Board of Regents  
FROM: Dr. Scott Gordon, Chief Executive Officer  
DATE: April 5, 2021  
RE: Chief Executive Officer Reporting Requirements under Tex. Educ. Code § 51.253(c)

Under the Texas Education Code (TEC), Section 51.253(c), the institution's Chief Executive Officer is required to submit a data report at least once during each fall or spring semester to the institution's governing body and post on the institution's internet website a report concerning the reports received by employees under the TEC, Section 51.252. This report must include the number of reports received of alleged "sexual harassment," "sexual assault," "dating violence," or "stalking" as defined in the TEC, Section 51.251, the number of investigations conducted as a result of those reports, the disposition of any disciplinary processing arising from those reports, the number of reports for which the institution determined not to initiate disciplinary processes, and any disciplinary actions taken under TEC, Section 51.255.

For the purposes of complying with the Chief Executive Officer's reporting requirements under TEC, Section 51.253(c), the attached summary data report<sup>1</sup> (Appendix A) includes all the required reporting information to the Board of Regents for the 2020-2021 Annual report, as of April 1, 2021, from all actionable reports (non-confidential reports). The summary data in Appendix A 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.

The summary data report is also posted on the Stephen F. Austin State University website <http://www.sfasu.edu/lumberjacks-care/> as per the public reporting requirements under TEC, Section 51.253(c).

Note: 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.

When identifiable, duplicate reports were consolidated into one case number and counted as one report in the summary data, and confidential employee reporting is noted by case number and as a sub-set to the total number of reports received.

<sup>2</sup> For example, reports made by students and all other non-employees (including incidents under 19 Tex. Admin. Code § 3.5(d)(3)) may be 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

## Summary Data Annual Report

### April 1, 2020 – March 31, 2021

| Texas Education Code, Section 51.252   |            |
|--|------------|
| <b>Number of reports received under Section 51.252<sup>3</sup></b>   | <b>176</b> |
| Number of confidential reports <sup>4</sup> under Section 51.252   | <b>32</b>  |
| Number of reports under Section 51.252 for which the institution determined not to initiate a disciplinary process at this time <sup>5</sup> |            |
| a. Complainant did not respond to contact attempts   | <b>41</b>  |
| b. Complainant declined to participate in formal investigation   | <b>19</b>  |
| c. No jurisdiction   | <b>21</b>  |
| d. Determined not to rise to Violation of 2.13   | <b>14</b>  |
| e. Informal resolution   | <b>3</b>   |
| f. Informal resolution   | <b>15</b>  |
| g. Complainant/respondent not identified   | <b>0</b>   |
| g. Informational purposes only   | <b>113</b> |
| Subtotal   |            |
| Number of investigations in progress under Section 51.252  |            |
| a. Under review pending complainant's response   | <b>22</b>  |
| b. Investigation under policy 2.13   | <b>14</b>  |
| c. Investigation under policy 2.11   | <b>3</b>   |
| Subtotal   | <b>39</b>  |
| **Disposition <sup>7</sup> of any disciplinary processes for reports under Section 51.252:   |            |
| a. Concluded, no finding of policy violation <sup>6</sup>  | <b>3</b>   |
| b. Concluded, with Employee Disciplinary Sanction  | <b>0</b>   |
| c. Concluded, with Student Disciplinary Sanction   | <b>0</b>   |
| Subtotal   | <b>3</b>   |

\*\*Includes any failure to report/false report

| Texas Education Code, Section 51.255   |          |
|--|----------|
| Number of reports <sup>8</sup> 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) | <b>3</b> |
| Any disciplinary action taken, regarding failure to report or false reports to the institution under Section 51.255(c):  |          |
| a. Employee termination  | <b>0</b> |

<sup>3</sup> For example, reports made by employees, students, and all other non-employees (including incidents under 19 Tex. Admin. Code § 3.5(d)(3)) are in Appendix A. 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 included in 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.

<sup>4</sup> “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, Student Health Center, Victim Advocate for Students).

<sup>5</sup> 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: determined not to rise to a violation; the respondent’s/complainant’s identity was unknown or not reported; no jurisdiction; the complainant declined to participate in formal investigation; complainant did not respond to contact attempts; informal resolution was completed.

<sup>6</sup> “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.

<sup>7</sup> “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.

<sup>8</sup> “Number of reports” in this section is a subset of the total number of reports that were received under Section 51.252.