



# STEPHEN F. AUSTIN STATE UNIVERSITY

THE UNIVERSITY OF TEXAS SYSTEM ★ NACOGDOCHES, TEXAS

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## Chief Executive Officer Report

TO: U.T. System Board of Regents  
FROM: Gina Oglesbee, Interim Chief Executive Officer  
DATE: October 2, 2023  
RE: Chief Executive Officer Reporting Requirements Under Tex. Educ. Code § 51.253(c)

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Texas Education Code (TEC), Section 51.253(c) and Texas Administrative Code, Title 19, Sections 3.6(c) and 3.19(a) require institutions of higher education to submit a Chief Executive Officer Report (“CEO Report”) to the institution’s governing body and post the report on the institution’s internet website “at least once annually,” by October of each year.

The CEO Report must contain (1) all reports received by employees under the TEC, Section 51.252 that constitutes “sexual harassment,” “sexual assault,” “dating violence,” or “stalking” (as defined in the TEC, Section 51.251), and (2) any disciplinary actions taken under TEC, Section 51.255 regarding allegations of an employee’s failure to report or submitting a false report to the institution for alleged incidents of sexual harassment, sexual assault, dating violence, or stalking. The reports received may be applicable in multiple reporting categories, and therefore, the CEO summary data reflected in the categories may not add up to the totals of other categories.

In compliance with the Chief Executive Officer’s TEC reporting requirements, the enclosed CEO Report includes all of the required reporting to the U.T. System Board of Regents for the 2022-2023 fiscal year (Appendix A) as of October 2, 2023. The CEO Report is based on the reporting requirements under TEC, Section 51.253(c) along with supplemental category breakdowns, when applicable.

The CEO Report will be posted on the Institution Webpage as required by TEC, Section 51.253(c) at <https://www.sfasu.edu/titleix/university-reports/tec-section-51.253>. A copy of this CEO Report (along with an annual certification of compliance) will be submitted to the Texas Higher Education Coordinating Board (THECB) by October 31, as required annually by 19 Tex. Admin. Code Section 3.19(a).

**Appendix A**  
**2023 CEO Report**  
**2022-2023 Fiscal Year: September 1, 2022 – August 31, 2023**

<b>Texas Education Code, Section 51.252: Employee Reporting Requirements</b>	
<b>Number of reports received under Section 51.252<sup>1</sup></b>	<b>239</b>
a. Employee submitted reports under Section 51.252	208
b. Confidential reports <sup>2</sup> under Section 51.252	31
<b>Number of investigations conducted under Section 51.252</b>	<b>9</b>
a. Under review pending Complainant's response or Formal Complaint	4
b. Formal investigation ongoing	5
<b>Disposition of disciplinary processes for reports under Section 51.252:</b>	<b>7</b>
a. Disciplinary process pending	3
b. Disciplinary process completed – No Finding of Policy Violation <sup>3</sup>	0
c. Disciplinary process completed – Employee Disciplinary Sanction	1
d. Disciplinary process completed – Student Disciplinary Sanction	3
<b>Number of reports under Section 51.252 for which the institution determined <u>not</u> to initiate a disciplinary process</b>	<b>223</b>
a. Confidential reports <sup>4</sup> under Section 51.252	31
b. Determined the alleged conduct did not meet the definition of sexual harassment, sexual assault, dating violence or stalking	23
c. Supportive and/or administrative measures provided in lieu of process at Complainant's Request	6
d. Informal resolution process completed	2
e. Unidentified Complainant	13
f. Unidentified Respondent	2

<sup>1</sup> Not all reports of alleged sexual harassment, sexual assault, dating violence, and stalking against a student or employee are reflected in the CEO Report. Reports made by students and all other non-employees (including incidents under 19 Tex. Admin. Code Section 3.5(d)(3)) directly to the Title IX Coordinator are excluded. Further, if the Title IX Coordinator receives a report that a student or employee was a victim of sexual harassment, sexual assault, dating violence, or stalking prior to being enrolled at or employed by the institution, the report is excluded. 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. When identifiable, duplicate reports were consolidated and counted as one report in the summary data. For example, two employees may witness the same incident of sexual harassment and then report it to the Title IX Coordinator. If the Title IX Coordinator can identify the two reports as being the same incident, then the incident will be counted once. 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>2</sup> A confidential report consists only of the "type of incident" from a confidential employee to the Title IX Coordinator; therefore, personally identifiable information is excluded under these circumstances. Examples of confidential employees may include victim advocates for students, student ombuds, or those who work in a counseling center or student health center.

<sup>3</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 since it would not have moved forward into a disciplinary process.

<sup>4</sup> A confidential report consists only of the "type of incident" from a confidential employee to the Title IX Coordinator; therefore, personally identifiable information is excluded under these circumstances. Examples of confidential employees may include victim advocates for students, student ombuds, or those who work in a counseling center or student health center.

g. Witness Report- Complainant nor Respondent identified	7
h. Complainant declined formal process	38
i. Complainant did not respond to contact attempts	82
j. No Jurisdiction- Resources provided	16
k. No Jurisdiction- Supportive measures provided	1
l. No Jurisdiction- For informational purposes	2

Texas Education Code, Section 51.255: Failure to Report or False Reports	
<b>Number of reports received that include allegations of an employee's failure to report or submitting a false report to the institution under Section 51.255(a)</b>	<b>16</b>
<b>Number of investigations conducted regarding Section 51.255</b>	<b>13</b>
a. Formal investigation ongoing	6
b. Investigation or process pending conclusion of Title IX Regs formal process	7
<b>Reports not referred for full investigation regarding Section 51.255</b>	<b>3</b>
a. Determined not to be a Failure to Report matter during the preliminary fact-finding stage	1
b. Administrative closure due to insufficient information to investigate	1
c. Respondent is no longer affiliated to the University	1
d. Alleged conduct did not meet the definition of any conduct prohibited under SFA HOP 01-307	0
<b>Any disciplinary action taken, regarding failure to report or false reports to the institution under Section 51.255(c):</b>	<b>0</b>
a. Employee termination	0
b. Institutional intent to termination, in lieu of employee resignation during disciplinary process	0
c. Employee not eligible for re-hire, in lieu of employee resignation prior to investigation	0