

MEMORANDUM

TO: Southwestern University, Board of Trustees

FROM: Dr. Laura Skandera Trombley, President, Chief Executive Officer

DATE: October 4, 2022

RE: Chief Executive Officer Reporting Requirements under Tex. Educ. Code § 51.253(c)

Pursuant to the Texas Education Code TEC, Section 51.253(c), the institution's Chief Executive Officer (CEO) is required to submit a summary data report at least once during each fall or spring semester to the institutions governing body and to post the report to the institution's website.¹

The summary data report in Appendix A, includes the number of reports made by employees that witness or receive information regarding sexual harassment, sexual assault, dating violence, and stalking incidents as defined under TEC, Section 51.251, that are alleged to be committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident. The summary data also includes information about any disciplinary actions taken under TEC, Section 51.255, due to an employee's failure to report incidents, or submission of a false report as defined under TEC, Section 51.251.

For the purposes of complying with the CEO's reporting requirements under TEC, Section 51.253(c), Appendix A, includes all required reporting information to be given to the Southwestern University Board of Trustees regarding the 2021-2022 academic year. The summary data report is also posted to the Southwestern University webpage.²

While Southwestern University holds policies that prohibit sexual misconduct categories that are not required to be included in this report, those additional reports have been omitted for the compliance purposes of this summary data report. For example, reports made by students and all other non-employees (including incidents under 19 Tex. Admin. Code Section 3.5(d)(3)), or if the incident described, as alleged, does not constitute "sexual harassment," "sexual assault," "dating violence," or "stalking", as defined under TEC, Section 51.251, the data is excluded from this report. The data reflected in this report is a sub-set of reports made to the Title IX Coordinator or designee regarding sexual misconduct.

Southwestern responds to every reported allegation of sexual misconduct that involves a student or employee. Every harmed party has the option to receive support measures and to seek resolution of the complaint through a formal grievance process or alternative resolution. An alternative resolution may be selected in lieu of a formal grievance process, and it will not be counted as an "investigation" for purposes of this report. This data report shows that of the 76 reports made to the Title IX Coordinator, 63 were recorded as "confidential reports" and therefore cannot be investigated, and 13 were not

¹ Southwestern University is modifying the dates of the annual reporting period to reflect the University fiscal year. The last report submitted to the Board of Trustees covered the dates October 1, 2021, to March 30, 2022. Moving forward, the Chief Executive Officer will send one annual report to the Board of Trustees, in the fall semester, that will reflect the dates of July 1st to June 30th, of the previous academic year.

² The data in this report is reflective of the status of reports as of September 23, 2022.

confidential. These 13 reports did not result in an investigation process because of insufficient complaint information or requests by the harmed party to dismiss the complaint, or an alternative resolution was selected.³ Additionally, the Title IX Coordinator did not determine that any of the complaints were severe or pervasive enough to initiate a formal grievance process without the participation of the harmed party. Regarding Table 2, no employees were alleged to have failed in their reporting duties.

³ Insufficient information may be due to the harmed party being unknown or the person alleged to have engaged in the misconduct in unknown. In cases where the harmed party does not want to participate, or requests a dismissal, this limits the universities ability to conduct an investigation, therefore it may be dismissed as insufficient information.

Appendix A – 2022 CEO Report
2021-2022 Academic Year: July 1, 2021 – June 30, 2022

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

| Number of reports received under Section 51.252 per Quarter: | |
|--|-----------|
| 1. July 1, 2021 – September 30, 2021 | 28 |
| 2. October 1, 2021 – December 31, 2021 | 20 |
| 3. January 1, 2022 – March 31, 2022 | 20 |
| 4. April 1, 2022 – June 30, 2022 | 8 |
| Total Number of reports received in 2021-2022 Academic Year | 76 |
| Number of confidential reports under Section 51.252 ⁴ | 63 |
| Number of investigations conducted under Section 51.252 | 0 |
| Disposition of any disciplinary processes for reports under Section 51.252. ⁵ | |
| a. Concluded, No Finding of Policy Violation ⁶ | 0 |
| b. Concluded, with Employee Disciplinary Sanction ⁷ | 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 disciplinary process.⁸ | 13 |

Table 2. Alleged Conduct under TEC, Section 51.255(a)

| Texas Education Code, Section 51.252 | |
|--|----------|
| 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 | 0 |
| b. Institution intent to terminate, in lieu of employee resignation | 0 |

⁴ 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 Director of Spiritual and Religious Life)

⁵ “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 Texas Administrative Code, Section 3.6(3) (2019)]; therefore, pending disciplinary processes will not be listed until the final result is rendered.

⁶ “No Finding of Policy Violation” in this section refers to instances where there is no finding of responsibility after a hearing or an appeal process.

⁷ “Disciplinary sanction” in this section refers to instances where there is a finding of responsibility after a hearing or an appeal process, and a sanction has been administered.

⁸ 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 to not investigate the report; informal resolution was completed; or investigation is ongoing.