

MEMORANDUM

TO: Southwestern University, Board of Trustees

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

DATE: September 14, 2023

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.

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 2022-2023 academic year. The summary data report is also posted to the Southwestern University webpage.¹

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 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 102 reports made to the Title IX Coordinator, 57 were recorded as "confidential reports" and therefore cannot be investigated. Of the 45 remaining reports, two concluded with a "no finding" rendered by the hearing board and one report is pending the conclusion of the grievance process. The remaining 42 reports did not result in an

¹ The data in this report is reflective of the status of reports as of August 29, 2023.

investigation due to insufficient information or alternative resolution.² Regarding Table 2, no employees were alleged to have failed in their reporting duties.

² 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 also be dismissed as insufficient information.

Appendix A – 2023 CEO Report

2022-2023 Academic Year: July 1, 2022 – June 30, 2023

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, 2022 – September 30, 2022	24
2. October 1, 2022 – December 31, 2022	24
3. January 1, 2023 – March 31, 2023	34
4. April 1, 2022 – June 30, 2022	20
Total Number of reports received in 2022-2023 Academic Year	102
Number of confidential reports under Section 51.252 ³	57
Number of investigations conducted under Section 51.252	3
Pending Grievance Process Conclusion ⁴	1
Disposition of any disciplinary processes for reports under Section 51.252. ⁵	
a. Concluded, No Finding of Policy Violation ⁶	2
b. Concluded, with Employee Disciplinary Sanction ⁷	0
c. Concluded, with Student Disciplinary Sanction	0
SUBTOTAL	3
Number of reports under Section 51.252 for which the institution determined not to initiate disciplinary process.⁸	42

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

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 the University Chaplain).

⁴ “Pending Grievance Process Conclusion” means the formal grievance process has been initiated but has not reached a disposition.

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” 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 reasons for not initiating a discipline process can include but are not limited to: insufficient information to investigate; the respondent’s identity was unknown or not reported; the respondent was not university-affiliated; the complainant requested the institution to dismiss the complaint; or alternative resolution was completed.