

Fall 2020¹ Board of Trustees TX SB 212 Report²

1. Texas Education code Section 51.253 requires that the institution’s governing board (i.e., Board of Trustees) receives a reporting providing the number of mandatory reports³ of sexual harassment, sexual assault-rape, dating violence⁴ and stalking received.

Number and Types of reports received under Section 51.252 from August 15, 2020 - December 31, 2020			
	Mandatory Reports	Self-Reports	Total
a. Sexual Harassment	4	3	7
b. Sexual Assault-Rape	15	6	21 ⁵
c. Domestic Violence and Dating Violence	7	1	8
d. Stalking	2	1	3
Overall Total	28	11	39

2. The University also receives number and type of confidential reports⁶ of sexual harassment, sexual assault-rape, dating violence, and stalking.

Number of Confidential Reports Received⁷	
	Total
a. Sexual Harassment	3
b. Sexual Assault-Rape	42
c. Domestic/Dating Violence	3
d. Stalking	1
Overall Total	49

¹ Fall 2020 = August 15, 2020 through December 31, 2020.

² Texas Education Code (TEC) Section 51.253 states that, at least once during each fall or spring semester, the chief executive officer shall submit to the institution’s governing body and post on the institution’s Internet website a report governing the reports received under Section 51.252.

³ TEC Section 51.252 states an employee of a postsecondary educational institution who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking and is 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 shall promptly report the incident to the institution’s Title IX Coordinator or deputy Title IX coordinator.

⁴ This report also documents number of domestic violence reports received by the Office of Institutional Equity (OIE).

⁵ Two complainants initially declined to move forward, but later requested that their cases be re-opened.

⁶ Confidential report numbers are provided by TCU Counseling Center; TCU Health Care, and TCU Campus Advocacy, Resources & Education (CARE).

⁷ “Number of Confidential Reports Received” are the reports of Sexual Harassment, Sexual Assault-Rape, Dating and/or Domestic Violence, and Stalking to Confidential Employees or offices (i.e., TCU Counseling Center; TCU Health Care, and TCU Campus Advocacy, Resources & Education (CARE). Confidential reports may or may not be reported to OIE. They may or may not be duplicated in the overall reporting numbers.

3. Texas Education Code Section 51.253 also requires that the University report the number of formal investigations involving reports of sexual harassment, sexual assault-rape, dating violence⁸, and stalking which result from mandatory reports by campus employees.

Number of formal investigations conducted under Section 51.252			
	Mandatory Reports	Self-Reports	Total
a. Sexual Harassment	0	0	0
b. Sexual Assault-Rape	3	2	5
c. Domestic/Dating Violence	0	0	0
d. Stalking	0	0	0
Overall Total	3	2	5

4. Texas Education Code Section 51.253 requires that the University also report the disposition of disciplinary processes resulting from the formal investigation. Incidents of sexual harassment, sexual assault-rape, dating and domestic violence, and stalking which occurred prior to August 14, 2020 are investigated under the prior Policy on Prohibited Discrimination, Harassment and Related Conduct (Policy 1.005-employees; 3.2.16 - students) whereas incidents occurring on or after August 14, 2020 fall under the newly adopted Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy⁹ (Policy 1.008).

Disposition of disciplinary processes for reports under Section 51.252			
	Applicable Policy	Type of Incident	Outcome
a. Disciplinary Process Pending			
	Policy 1.008	2 Sexual Assault Investigations	Pending Live Hearing Process ¹⁰
	Policy 1.005	2 Sexual Assault Investigations	Pending Final Investigative Report ¹¹
b. Disciplinary Process Complete - Final Result			
	Policy 1.008	1 Sexual Assault	Complaint Withdrawn ¹²

⁸ For consistency sake, this report also includes reports of domestic violence.

⁹ Policy 1.008 was approved by the Chancellor August 24, 2020 and approved by the Board of Trustees on November 6, 2020.

¹⁰ Incidents occurred after August 14, 2020; therefore Policy 1.008, with live hearing requirement, was applicable policy.

¹¹ Incidents occurred prior to August 14, 2020; therefore Prior Policy, in which the assigned investigator determines if Respondent was or was not in violation of policy.

¹² Complainant withdrew complaint after investigation completed; but prior to Live Hearing process.

5. According to TEC Section 51.252, the University must also report the number of sexual harassment, sexual assault-rape, dating violence¹³, and stalking reports from mandatory reporters for which the University determined not to initiate a disciplinary process¹⁴.

Number of reports under Section 51.252 for which the university determined not to initiate a disciplinary process			
	Mandatory Reports	Self-Reported	Total
a. Respondent Not Affiliated with the University	10	2	12
b. Transferred to Another TCU Office for Further Assessment	4	0	4
c. Transferred to Another TCU Office for Care and Support	0	1	1
d. OIE Does Not Have Jurisdiction; Transferred to Another Office for Further Assessment and/or Support	2	0	2
e. Complainant Does Not Respond to OIE Outreach	1	3	4
f. Complainant Declines to Move Forward	7	2	9
g. Respondent's Identity Is Unknown	1	0	1
h. Resolved without Submission of Formal Complaint	1	0	1
Overall Total	26	8	34

6. Finally, TEC Section 51.253 requires the University to report any disciplinary actions taken against University employees under Section 51.255 in which an employee failed to report a report of sexual harassment, sexual assault-rape, dating violence¹⁵, or stalking.

Number of Failed Mandatory Reporter under TEC Section 51.255		
	Number of Cases by Type	Disciplinary action
a. Sexual Harassment	1	Education/coaching
b. Sexual Assault	1	Education/coaching
c. Domestic Violence	1	Education/coaching
Overall Total	3	

¹³ For consistency, this report also includes domestic violence reports.

¹⁴ The institution determined "not to initiate a disciplinary process" for the reasons listed in this section (e.g., Respondent not affiliated with the University; Transferred to another TCU office for further assessment; transferred to another TCU office for care and support; OIE does not have jurisdiction/transferred to another office for further assessment and/or Support; Complainant does not respond to OIE outreach; Complainant declines to move forward; Respondent's identity is unknown; and Resolved without submission of a formal complaint).

¹⁵ For consistency, this report also includes domestic violence reports.