

3.3.4 Texas Senate Bill 212 Reporting Requirement

Spring 2023 Data¹ 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 January 1, 2023 – May 15, 2023				
		Mandatory Reports	Self-Reports	Total
	a. Sexual Harassment	6	3	9
	b. Sexual Assault-Rape	20	4	24
	c. Domestic Violence and Dating Violence	5	1	6
	d. Stalking	6	1	7
	Overall Total	37	9	46

2. The University also receives number and type of confidential reports⁵ of sexual harassment, sexual assault-rape, dating violence, and stalking.

Number of Confidential Reports Received⁶	
	Total
a. Sexual Harassment	13
b. Sexual Assault-Rape	42
c. Domestic/Dating Violence	9
d. Stalking	3
Overall Total	67

¹ Spring 2023 = January 1, 2023 through May 15, 2023.

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

⁶ “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.

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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 violence⁷, 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	2	2
b. Sexual Assault-Rape	0	1	1
c. Domestic/Dating Violence	0	1	1
d. Stalking	0	1	1
Overall Total	0	5	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 Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy⁸ (Policy 1.008).

Disposition of disciplinary processes for reports under Section 51.252			
	Applicable Policy	Type of Incident	Outcome
	1.008	Stalking	Sufficient evidence to determine responsibility
	1.008	Dating Violence	Sufficient evidence to determine responsibility
	1.008	Sexual Harassment	Sufficient evidence to determine responsibility
	1.008	Sexual Harassment	Voluntary Informal Resolution Agreement
	1.008	Sexual Assault	Insufficient evidence to determine responsibility

5. According to TEC Section 51.252, the University must also report the number of sexual harassment, sexual assault-rape, dating violence⁹, and stalking reports from mandatory reporters for which the University determined not to initiate a disciplinary process¹⁰.

⁷ For consistency sake, this report also includes reports of domestic violence.

⁸ Policy 1.008 was approved by the Chancellor August 24, 2020 and approved by the Board of Trustees on November 6, 2020.

⁹ For consistency, this report also includes domestic violence reports.

¹⁰ The institution determined "not to initiate a disciplinary process" for the reasons listed in this section (e.g., Respondent not affiliate with the University; Transferred to another TCU office for further assessment; transferred

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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 University	2	0	2
b. Transferred to another TCU office for further assessment	4	1	5
c. Transferred to another TCU office for care and support	2	0	2
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	8	0	8
f. Complainant declines to move forward	18	2	20
g. Respondent's identity is unknown	0	0	0
h. resolved without submission of formal complaint	1	1	2
Overall Total	37	4	41

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 violence¹¹, or stalking.

Number of Failed Mandatory Reporter under TEC Section 51.255		
	Number of Cases by Type	Disciplinary action
a. Sexual Harassment	1	Administrative Action and Education
b. Sexual Assault	-	Not applicable
c. Dating/Domestic Violence	-	Not applicable
d. Stalking	-	Not applicable
Overall Total	1	

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).

¹¹ For consistency, this report also includes domestic violence reports.

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Summer 2023¹ 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 May 16, 2023 - August 14, 2023			
	Mandatory Reports	Self-Reports	Total
a. Sexual Harassment	2	1	3
b. Sexual Assault-Rape	3	0	3
c. Domestic Violence and Dating Violence	4	0	4
d. Stalking	0	0	0
Overall Total	9	1	10

2. The University also receives number and type of confidential reports⁵ of sexual harassment, sexual assault-rape, dating violence, and stalking.

Number of Confidential Reports Received⁶	
	Total
a. Sexual Harassment	0
b. Sexual Assault-Rape	2
c. Domestic/Dating Violence	0
d. Stalking	0
Overall Total	2

¹ Summer 2023 = May 16, 2023 through August 14, 2023.

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

⁶ “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.

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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 violence⁷, 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	1	0	1
c. Domestic/Dating Violence	0	0	0
d. Stalking	0	0	0
Overall Total	1	0	1

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 Prohibited Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy⁸ (Policy 1.008).

Disposition of disciplinary processes for reports under Section 51.252			
	Applicable Policy	Type of Incident	Outcome
	1.008	Sexual Assault	Sufficient evidence to determine responsibility

⁷ For consistency sake, this report also includes reports of domestic violence.

⁸ Policy 1.008 was approved by the Chancellor August 24, 2020 and approved by the Board of Trustees on November 6, 2020.

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5. According to TEC Section 51.252, the University must also report the number of sexual harassment, sexual assault-rape, dating violence⁹, and stalking reports from mandatory reporters for which the University determined not to initiate a disciplinary process¹⁰.

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 University	0	0	0
b. Transferred to another TCU office for further assessment	0	0	0
c. Transferred to another TCU office for care and support	1	0	1
d. OIE does not jurisdiction; transferred to another office for further assessment and/or support	0	0	0
e. Complainant does not respond to OIE outreach	4	1	5
f. Complainant declines to move forward	2	0	2
g. Respondent's identity is unknown	0	0	0
h. Resolved without submission of formal complaint	1	0	1
Overall Total	8	1	9

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 violence¹¹, or stalking.

Number of Failed Mandatory Reporter under TEC Section 51.255		
	Number of Cases by Type	Disciplinary action
Overall Total = 0	No Failed Mandatory Reporters for Summer 2023	Not applicable

⁹ For consistency, this report also includes domestic violence reports.

¹⁰ 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).

¹¹ For consistency, this report also includes domestic violence reports.