

**Consent Agenda Item:**

**i. Acceptance of South Texas College Chief Executive Officer Reporting Requirements for Academic Year 2020 – 2021 of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking Incidents Under Texas Education Code, Section 51.253(c)List**

Acceptance of South Texas College Chief Executive Officer Reporting Requirements for Academic Year 2020 - 2021 of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking Incidents Under Texas Education Code, Section 51.253(c) is requested.

Purpose – Under the Texas Education Code (TEC), Section 51.253(a), the institution’s Title IX Coordinator is required to submit a written report no less than ever three months to the Institution’s Chief Executive Officer regarding reports **received from employees** who are required to report under the TEC, Section 51.252.

The Chief Executive Officer of every higher education institution must also submit a data report at least once during each fall or spring semester to the Board of Trustees and submit the report to the Texas Higher Education Coordinating Board and certify that it has been presented to the Board and posted on the College’s website.

Justification -- During academic year 2020-2021 (commencing January 1, 2021), the College has received reports concerning sexual harassment, sexual assault, dating violence, or stalking incidents from employees.

Background – TEC Section 51.252 requires **employees** of higher education institutions to report incidents of sexual harassment, sexual assault, dating violence, or stalking allegedly committed by or against a student or employee to a Title IX Coordinator or Deputy Title IX Coordinator. If an employee fails to report or falsely reports such incidents, SB212 subjects these employees to criminal liability (misdemeanor) and termination of employment.

Thus, these reports **only include incidents submitted by employees** and does not include incidents submitted by students or others. Therefore, this is not a summary of all sexual harassment or sexual misconduct cases received by the College. Any additional reports received by the Title IX Coordinator that do not meet the required reporting criteria in the TEC have been omitted for compliance purposes of this specific report.

On April 27, 2021, the Interim President presented the FY 2020-2021 Quarter 1 and Quarter 2 reports.

The College President is now presenting the FY 2020-2021 Annual Report.

The Annual Report (September 2020-August 2021) includes incidents defined in the TEC, Section 51.251 as “sexual harassment,” “sexual assault,” “dating violence,” or “stalking,”

which are also violations of the sexual misconduct provisions of South Texas College Policy #4216: Sex Discrimination, Sexual Harassment, Domestic Violence, Dating Violence, Stalking and Retaliation Prohibited.

For the purposes of complying with the reporting requirements under TEC Section 51.253(a), these reports have been modeled following guidance by the Texas Higher Education Coordinating Board.

Reviewers – The Vice President for Finance and Administrative Services and Title IX Coordinator have reviewed the information being presented.

Enclosed documents – The South Texas College’s CEO’s SB212 Annual Report (September 2020 - August 2021) follows in the packet for the Board’s information and review.

Dr. Ricardo J. Solis, President, and Mary Elizondo, Vice President for Finance and Administrative Services and Title IX Coordinator, attended the Committee Meeting to address any questions by the Committee.

The Finance, Audit, and Human Resources Committee recommended Board approval of the acceptance of South Texas College Chief Executive Officer Reporting Requirements for Academic Year 2020 - 2021 of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking Incidents under Texas Education Code Section 51.253(c) as presented.

**Recommendation:**

It is recommended that the Board of Trustees of South Texas College approve and authorize the acceptance of South Texas College Chief Executive Officer Reporting Requirements for Academic Year 2020 - 2021 of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking Incidents under Texas Education Code Section 51.253(c) as presented.

**The Following Minute Order is proposed for consideration by the Board of Trustees:**

The Board of Trustees of Trustees of South Texas College approves and authorizes the acceptance of South Texas College Chief Executive Officer Reporting Requirements for Academic Year 2020 - 2021 of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking Incidents under Texas Education Code Section 51.253(c) as presented.

**Approval Recommended:**

**Dr. Ricardo J. Solis**  
**President**



**Office of the President**

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**South Texas College**  
**SB212 Annual Report, 2020-2021**  
(commencing September 1, 2020 through August 31, 2021)

**TO:** South Texas College Board of Trustees  
**FROM:** Dr. Ricardo Solis, Ph.D., South Texas College President  
**DATE:** September 28, 2021  
**RE:** President Reporting Requirements under Tex. Educ. Code § 51.253(c)

Under the Texas Education Code (TEC), Section 51.253(c), the institution's President is required to submit a data report at least once during each fall or spring semester to the institution's governing body and post on the institution's internet website a report concerning the reports *received by employees* under the TEC, Section 51.252, concerning "sexual harassment," "sexual assault," "dating violence," or "stalking" as defined in the TEC, Section 51.251, and any disciplinary actions taken under TEC, Section 51.255.

For the purposes of complying with the President's reporting requirements under TEC, Section 51.253(c), the attached summary data report<sup>1</sup> (Appendix A) includes all of the required reporting information to the Board of Trustees for the 2020-2021 academic year, commencing September 1, 2020 and through August 31, 2021. The summary data in Appendix A is categorized based on the reporting requirements under TEC, Section 51.253(c). The reports received may be applicable in multiple reporting categories, and therefore, the summary data in the categories may not add up to the totals of other categories.

The summary data report is also posted on the South Texas College Title IX Webpage as per the public reporting requirements under TEC, Section 51.253(c) at <https://www.southtexascollege.edu/about/notices/title-ix.html>.

**Note:** Any additional reports received by the Title IX Coordinator that do not meet the required reporting criteria in the Texas Education Code have been omitted for the compliance purposes of this specific report.

<sup>1</sup> When identifiable, duplicate reports were consolidated and counted as one report in the summary data, and confidential employee reporting is noted as a sub-set to the total number of reports received.

## Appendix A

### **Summary Data Report 2020-2021 Academic Year**

(commencing September 1, 2020 through August 31, 2021)

**Texas Education Code, Section 51.252 Table**

<b>Number of reports received under Section 51.252</b>	<b>7</b>
Number of confidential reports <sup>2</sup> under Section 51.252	<b>0</b>
Number of investigations conducted under Section 51.252	<b>3</b>
Disposition <sup>3</sup> of any disciplinary processes for reports under Section 51.252:	<b>0</b>
a. Concluded, No Finding of Policy Violation	<b>0</b>
b. Concluded, with Employee Disciplinary Sanction	<b>0</b>
c. Concluded, with Student Disciplinary Sanction	<b>0</b>
d. <b>SUBTOTAL</b>	<b>0</b>
Number of reports under Section 51.252 for which the institution determined not to initiate a disciplinary process	<b>7</b>

**Texas Education Code, Section 51.255 Table**

<b>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)</b>	<b>0</b>
Any disciplinary action taken, regarding failure to report or false reports to the institution under Section 51.255(c):	
a. Employee termination	-
b. Institutional intent to termination, in lieu of employee resignation	-
	-
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<sup>2</sup> "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, Student Health Center, Victim Advocate for Students, or Student Ombuds).

<sup>3</sup> "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.

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