

To: MSU Board of Regents
Mr. R. Caven Crosnoe, Chair
Ms. Nancy Marks, Vice Chair
Ms. Tiffany Burks, Secretary
Mr. Warren Ayres
Mr. Tony Fidelie
Mr. Shawn Hessing
Mr. Oku Okeke
Ms. Karen Liu Pang
Dr. Shelley Sweatt
Mr. Montes Martinez, Student Regent

From: Suzanne Shipley, President

Date: October 5, 2020

Subject: Reporting Requirements under Texas Education Code § 51.253(c)

Under the Texas Education Code (TEC), Section 51.253(c), I am required to submit to you and post on the university's website a report concerning the reports received by employees under the TEC, Section 51.252 when the type of incident described in the employee's report constitutes "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 these reporting requirements, the attached summary data report¹ (Appendix A) includes all of the required reporting information to the Midwestern State University Board of Regents for the 2019-2020 academic year, as of September 29, 2010. The summary data report is also posted on the Midwestern State University as per the public reporting requirements under TEC, Section 51.253(c).

¹ 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

2019-2020 Academic Year

Texas Education Code, Section 51.252	
Number of reports received under Section 51.252²	14
Number of confidential reports ³ under Section 51.252	2
Number of investigations conducted under Section 51.252	5
Disposition ⁴ of any disciplinary processes for reports under Section 51.252:	
a. Concluded, No Finding of Policy Violation ⁵	1
b. Concluded, with Employee Disciplinary Sanction	0
c. Concluded, with Student Disciplinary Sanction	3
d. SUBTOTAL	4
Number of reports under Section 51.252 for which the institution determined not to initiate a disciplinary process ⁶	8
Texas Education Code, Section 51.255	
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. Institutional intent to termination, in lieu of employee resignation	0

² For example, reports made by students and all other non-employees (including incidents under 3.5(d)(3)) are excluded from Appendix A. Additionally, if a Title IX Coordinator or Deputy Coordinator determines that the type of incident described in a report, as alleged, does not constitute "sexual harassment," "sexual assault," "dating violence," or "stalking" as defined in the TEC, Section 51.251, the report is excluded. It is the responsibility of the Title IX Coordinator or Deputy Title IX Coordinator to assess each report received and determine whether it is properly included in this report, and if so, to correctly identify the type of incident.

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, Student Health Center, Victim Advocate for Students, or Student Ombuds).

⁴ "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 Tex. Admin. Code Section 3.6(e) (2019)); therefore, pending disciplinary processes will not be listed until the final result is rendered.

⁵ "No Finding of a Policy Violation" in this section refers to instances where there is no finding of responsibility after a hearing or an appeal process; investigations completed with a preponderance of evidence not met are excluded, because it would not have moved forward into a disciplinary process.

⁶ 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 not investigate the report; informal resolution was completed; investigation is ongoing; or investigation was completed with a preponderance of evidence not met.