

**Report on Compliance with
Reporting Certain Incidents of
Sexual Harassment, Sexual
Assault, Dating Violence, or
Stalking at Public and
Private/Independent Institutions
of Higher Education**

**A Report to the Texas Legislature Per Texas Education Code, Title
3, Subtitle A, Chapter 51, Subchapters E-2 and E-3**

April 2022

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Texas Higher Education Coordinating Board



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Agency Mission

The mission of the Texas Higher Education Coordinating Board (THECB) is to provide leadership and coordination for Texas higher education and to promote access, affordability, quality, success, and cost efficiency through *60x30TX*, resulting in a globally competitive workforce that positions Texas as an international leader.

Agency Vision

The THECB will be recognized as an international leader in developing and implementing innovative higher education policy to accomplish our mission.

Agency Philosophy

The THECB will promote access to and success in quality higher education across the state with the conviction that access and success without quality is mediocrity and that quality without access and success is unacceptable.

The THECB's core values are:

Accountability: We hold ourselves responsible for our actions and welcome every opportunity to educate stakeholders about our policies, decisions, and aspirations.

Efficiency: We accomplish our work using resources in the most effective manner.

Collaboration: We develop partnerships that result in student success and a highly qualified, globally competent workforce.

Excellence: We strive for excellence in all our endeavors.

The Texas Higher Education Coordinating Board does not discriminate on the basis of race, color, national origin, gender, religion, age or disability in employment or the provision of services.

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Executive Summary

Senate Bill (SB) 212 and House Bill (HB) 1735, passed by the 86th Texas Legislature, codified as Texas Education Code (TEC), Chapter 51, Subchapters E-2 and E-3, respectively, amended certain sections of TEC, Chapter 51, and enacted several measures to: (1) improve the reporting of certain incidents of sexual harassment, sexual assault, dating violence, and stalking (collectively referred to in this report as “sexual misconduct”) at public and private/independent institutions of higher education; and (2) enhance institutional policies and employee training regarding the reporting of such incidents. Included in SB 212 and HB 1735 were directives that the Texas Higher Education Coordinating Board (THECB): (1) convene an advisory committee to develop recommended rules; (2) form a training advisory committee to develop recommended training for persons required to report certain incidents of sexual misconduct; (3) monitor institutions for compliance and assess penalties as necessary; and (4) submit required reports regarding compliance with the legislation.

Before the first annual report to the Legislature in January 2021, the THECB satisfied these directives by:

- developing and adopting reporting rules through negotiated rulemaking;
- developing recommended training for persons required to report certain incidents of sexual misconduct through a training advisory committee;
- creating a website to contain: (1) the training developed for certain postsecondary employees, (2) sample report templates offered as examples for purposes of complying with reporting requirements, and (3) an approved Chief Executive Officer (CEO) Certification Form for CEOs to certify annually by Oct. 31;
- collecting and reviewing initial CEO Certification Forms required by October 31, 2020; and
- monitoring compliance and preparing the report submitted to the Legislature in January 2021. The initial report covered required institutional compliance with Subchapter E-2 as of the January 1, 2020, effective date.

After the initial January 2021 report to the Legislature, the THECB has continued to satisfy these directives by:

- updating report templates to allow institutions to clearly identify institution locations and reporting periods;
- continuing to monitor institutional compliance with Subchapter E-2;
- monitoring institutional compliance with Subchapter E-3; and
- preparing this report to the Legislature covering required institutional compliance with Subchapters E-2 and E-3.

For Academic Year (AY) 2020-2021, in November 2021 through December 2021, the THECB’s Assistant Commissioner for Internal Audit and Compliance and staff conducted the review of compliance required by Subchapter E-2. The following summarizes institutions’ compliance with the directives of Subchapter E-2:

- 217 postsecondary educational institutions (PEIs) were identified and required to provide CEO certifications.
- Ten PEIs did not timely file the annual CEO Certification Form, as codified in TEC Subchapter E-2, by October 31, 2021, the due date established in THECB Administrative Rule 3.19. The THECB staff worked with each institution to ensure the forms were submitted. All 217 PEIs have now submitted forms.

For Academic Year 2020-2021, in September 2021 through December 2021, the THECB's Assistant Commissioner for Internal Audit and Compliance and staff conducted the review of compliance required by Subchapter E-3. The following summarizes institutions' compliance with the directives of Subchapter E-3:

- Five PEIs were selected for a detailed review and assessment of policies and procedures under Subchapter E-3 requirements.
- Each of the five PEIs demonstrated compliance with 18 compliance requirements developed by THECB staff.

In addition to compliance monitoring for Academic Year 2020-2021, the THECB's Assistant Commissioner for Internal Audit and Compliance and staff continued to monitor institutions with outstanding compliance issues for Academic Year 2019-2020.

Two PEIs reported to have Subchapter E-2 reporting discrepancies for AY 2019-2020 at the time of the January 2021 report to the Legislature were monitored for compliance updates. The following summarizes these institutions' actions to come into compliance and resolve the reporting discrepancies:

- Texas Lutheran University corrected its website report to coincide with the report filed with THECB.
- Rice University corrected its website report to coincide with the report filed with THECB.

Two PEIs found not in substantial compliance with Subchapter E-3 for AY 2019-2020 were monitored for compliance updates. The THECB's Assistant Commissioner for Internal Audit and Compliance and staff will continue to monitor any continuing compliance issues to ensure they come into compliance in the time frame they committed to. The following summarizes these institutions' actions in ensuring substantial compliance:

- Southwestern Christian College achieved substantial compliance on February 28, 2022;
- Dallas College is expected to achieve substantial compliance on or after March 23, 2022 when its Board of Trustees approves additional policies and procedures.

Based on two years of compliance monitoring, the THECB intends to convene a negotiated rulemaking committee pursuant to Texas Education Code, Sections 51.259 and 51.295, to develop an administrative penalty matrix as part of the administrative rules found in THECB Administrative Rule 3.19. The THECB anticipates negotiated rulemaking will take place in mid-2022, with rules adopted in October 2022.

Introduction

The 86th Texas Legislature recognized the need for accurate reporting of certain incidents of sexual harassment, sexual assault, dating violence, or stalking (collectively referred to in this report as “sexual misconduct”) at public and private/independent institutions of higher education through its passage of Senate Bill (SB) 212 and House Bill (HB) 1735, each of which amended certain sections of the Texas Education Code (TEC), Chapter 51.

House Bill 1735, codified as TEC, Chapter 51, Subchapter E-3 (see [Appendix B](#)), requires postsecondary institutions to adopt a policy on sexual harassment, sexual assault, dating violence, or stalking applicable to both enrolled students and employees. Senate Bill 212, codified as TEC, Chapter 51, Subchapter E-2 (see [Appendix A](#)), requires an employee of a public or private/independent institution of higher education who witnesses or is told about an incident involving sexual harassment, sexual assault, dating violence, or stalking 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 to report such incidents to the institution’s Title IX coordinator.

Included in SB 212 and HB 1735 were directives that the Texas Higher Education Coordinating Board (THECB): (1) convene an advisory committee to develop recommended rules; (2) form a training advisory committee to develop recommended training for persons required to report certain incidents of sexual misconduct; (3) monitor institutions for compliance and assess penalties as necessary; and (4) submit required reports regarding compliance with the legislation.

Before the first annual report to the Legislature in January 2021, the THECB satisfied these directives by:

- developing and adopting reporting rules through negotiated rulemaking;
- developing recommended training for persons required to report certain incidents of sexual misconduct through a training advisory committee;
- creating a website to contain: (1) the training developed for certain postsecondary employees, (2) sample report templates offered as examples for purposes of complying with reporting requirements, and (3) an approved Chief Executive Officer (CEO) Certification Form for CEOs to certify annually by Oct. 31;
- collecting and reviewing initial CEO Certification Forms required by October 31, 2020; and
- monitoring compliance and preparing the report submitted to the Legislature in January 2021. The initial report covered required institutional compliance with Subchapter E-2 as of the January 1, 2020, effective date.

After the initial January 2021 report to the Legislature, the THECB has continued to satisfy these directives by:

- updating report templates to allow institutions to clearly identify institution locations and reporting periods;
- continuing to monitor institutional compliance with Subchapter E-2;
- monitoring institutional compliance with Subchapter E-3; and

- preparing this report to the Legislature covering required institutional compliance with Subchapters E-2 and E-3.

Updated Report Templates

The report templates for the first year of required reporting were drafted specifically for the initial year and included references to effective dates. The templates were updated for the second and subsequent reporting years to allow use from year to year and to clarify two specific items of information. Upon receipt of CEO Certification Forms for Academic Year 2019-2020, two areas of inconsistency emerged.

The first area of inconsistency dealt with the number of reports filed. Across institutional systems, reports for institutions within a system were handled differently. Some systems filed one combined report for all locations. Other systems filed separate reports for locations within the system. The revised templates allow for an institution to provide the name of the institution. If multiple locations are included in the CEO Certification Form (see [Appendix C](#)), the Title IX Coordinator Quarterly Report (see [Appendix D](#)), or the CEO Report to the Governing Board (see [Appendix E](#)), the templates may be altered to list all locations covered by the certification or report.

The second area of inconsistency dealt with the timing of the CEO report to the governing board. Not all institutional systems have the same reporting schedules. The CEO Certification Form was revised to allow for greater clarity as to the time period for which the certification is made. This change will also allow THECB staff to ensure that consistent reporting and certification is maintained as a review of submissions from year to year can be checked to match dates based on an institution's or system's regular reporting cycles.

Subchapter E-2 Compliance for Academic Year 2020-2021

Texas Education Code, Chapter 51, Subchapters E-2 and E-3, define the postsecondary educational institutions (PEIs) that must be in substantial compliance as an institution of higher education or a private or independent institution of higher education, as defined by TEC, Chapter 61, Section 61.003. The definition for an institution of higher education in TEC, Section 61.003(8), includes other agencies of higher education as defined in the section. Following the AY 2019-2020 CEO certifications, THECB refined the list to better track system locations and other agencies of higher education that may be included within an educational system. After that refinement, THECB identified 217 PEIs, which included educational systems, individual campuses, and other agencies of higher education. For the AY 2020-2021 CEO certification, THECB requested that institutions clarify if their CEO Certification Form included more than one location or entity, to ensure complete coverage of the 217 identified PEIs.

For AY 2020-2021, in November 2021 through December 2021, the THECB's Assistant Commissioner for Internal Audit and Compliance and staff conducted the review of compliance required by Subchapter E-2. Of the 217 PEOs identified and required to provide annual CEO Certification Forms, 10 PEIs did not timely file the form, as codified in TEC, Subchapter E-2, by October 31, 2021, the due date established in THECB Administrative Rule 3.19. The THECB staff worked with each institution to ensure the forms were submitted. All 217 PEIs have now submitted forms. One PEI, Wayland Baptist University, timely filed, but needed to post its CEO Summary

Report to its website after recalculating the number of enrolled students to aggregate students from all locations under one report before it was deemed in full compliance. (See [Appendix F](#) for the list of postsecondary educational institutions that were required to submit CEO Certification Forms in compliance with Subchapter E-2).

Figure 1 provides a graphic summary of the CEO Certification Forms received as of the date of this report. The figure breaks submissions into timely filing, late filing, and non-filing.

Figure 1. CEO Certification Forms Received for AY 2020-2021

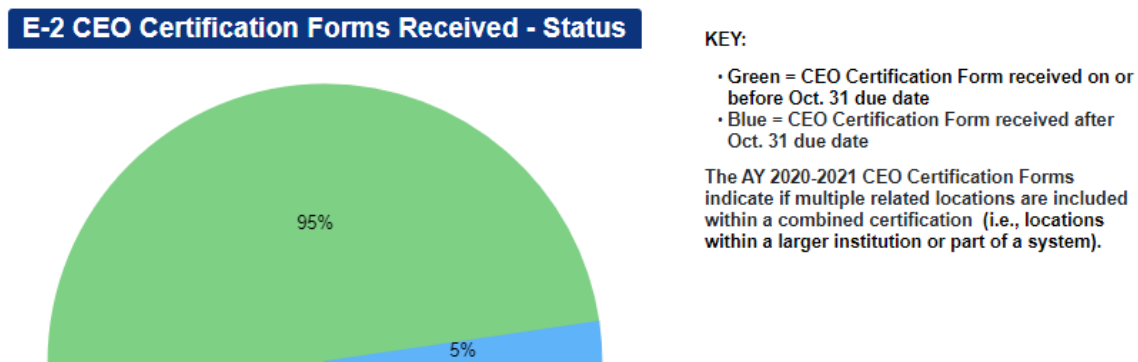
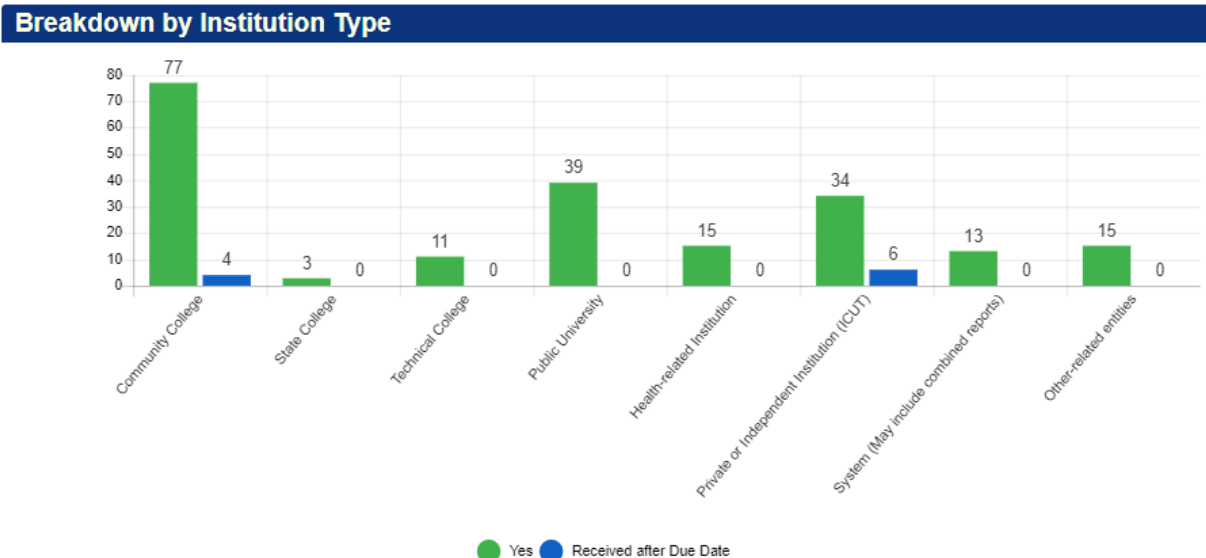


Figure 2 provides a graphic summary of the CEO certifications by institution type. The figure breaks submissions into timely filing, late filing, and non-filing.

Figure 2. CEO Certifications by Institution Type for AY 2020-2021



Subchapter E-3 Compliance for Academic Year 2020-2021

For Academic Year 2020-2021, in September 2021 through December 2021, the THECB's Assistant Commissioner for Internal Audit and Compliance and staff conducted the review of compliance required by Subchapter E-3.

Subchapter E-3, effective August 1, 2020, requires institutions to develop a policy on sexual harassment, sexual assault, dating violence, and stalking; allows for electronic reporting of sexual misconduct; provides amnesty for good faith reports; allows victims to request no investigation; provides a disciplinary process for sexual misconduct; addresses student withdrawal or graduation pending disciplinary charges and requests for information from another postsecondary educational institution; requires trauma-informed investigation training; requires at least one memorandum of understanding with local law enforcement, a sexual misconduct advocacy group, or a hospital or medical provider; provides for designation of confidential employees and student advocates; sets confidentiality protections; allows the THECB to assess an administrative penalty for institutional noncompliance; and requires equal access to persons with disabilities.

The THECB's Assistant Commissioner for Internal Audit and Compliance (IACM) and staff developed an [18-point checklist](#) for a detailed review and assessment of policies and procedures under Subchapter E-3. (See [Appendix G](#) Summary Results of Compliance Monitoring for AY 2020-2021).

Five PEIs were selected for detailed reviews and assessments of policies and procedures under the Subchapter E-3 requirements. For the AY 2020-2021 review, IACM and program staff confirmed compliance with E-2 for all 217 PEIs but also confirmed compliance with E-3 requirements in a small judgmental sample, which included a deep dive into the documentation developed by each of the chosen PEIs during investigations related to Title IX complaints. The review included personal interviews with the Title IX coordinators and reviews of actual case files (redacted).

Each of the five PEIs demonstrated compliance with the 18 compliance requirements. The five PEIs chosen for the judgmental sample, with notes for other issues found, were:

- North Central Texas College;
 - Separate report issued for late filing related to E-2.
 - Management letter also issued regarding improving how case materials are organized.
- Our Lady of the Lake University;
- Texas Southmost College;
 - Separate report issued for late filing related to E-2.
- Texas Woman's University; and
- Wayland Baptist University.

Continued Monitoring: Subchapter E-2 Compliance for Academic Year 2019-2020

In addition to compliance monitoring with regard to AY 2020-2021, the THECB's Assistant Commissioner for Internal Audit and Compliance and staff continued to monitor institutions with outstanding compliance issues for Academic Year 2019-2020.

Two PEIs reported to have Subchapter E-2 reporting discrepancies for AY 2019-2020 at the time of the January 2020 report to the Legislature were monitored for compliance updates. The following summarizes these institutions' actions to come into compliance and resolve the reporting discrepancies:

- Texas Lutheran University corrected its website report to coincide with the report filed with THECB.
- Rice University corrected its website report to coincide with the report filed with THECB.

Continued Monitoring: Subchapter E-3 Compliance for Academic Year 2019-2020

For AY 2019-2021, 19 PEIs were chosen for a high-level review for compliance with Subchapter E-3. This was a judgmental sample of the three types of IHEs in Texas based on percentage of population. The review consisted of a review of information available on each PEI's website. Follow-up emails were sent to PEIs requesting clarification on the location of E-3 information.

Two PEIs found not in substantial compliance with Subchapter E-3 for AY 2019-2020 were monitored for compliance updates. The THECB's Assistant Commissioner for Internal Audit and Compliance and staff will continue to monitor any continuing compliance issues to ensure they come into compliance in the time frame they committed to. The following summarizes these institutions' actions in ensuring substantial compliance:

- Southwestern Christian College needed improvement in two categories. Southwestern Christian College achieved substantial compliance on February 28, 2022.
- Dallas College is expected to achieve substantial compliance on or after March 23, 2022. The following items are pending the March 2022 board of trustees meeting:
 - Board of Trustees biennial review and approval of any policy revisions;
 - A policy providing amnesty for students reporting certain incidents; and
 - Procedures for when a student withdraws or graduates with pending disciplinary charges.

Anticipated Negotiated Rulemaking

Based on two years of compliance monitoring, the THECB intends to convene a negotiated rulemaking committee pursuant to Texas Education Code, Sections 51.259 and 51.295, to develop an administrative penalty matrix as part of the administrative rules found in THECB Administrative Rule 3.19. The THECB anticipates negotiated rulemaking will take place in mid-2022, with rules adopted in October 2022.

Once an administrative penalty matrix is part of the administrative rules, the THECB will consider assessing penalties for non-compliance with Texas Education Code, Chapter 51, Subchapters E-2 or E-3.

Conclusion

The THECB will continue to provide support to postsecondary educational institutions as they work toward substantial compliance with TEC, Chapter 51, Subchapters E-2 and E-3, for AY 2021-2022. The THECB's program staff and the THECB's Assistant Commissioner for Internal Audit and Compliance and staff will continue to work together to monitor compliance to keep the Legislature and governor updated about each institution's compliance activities.

Appendix A

Texas Education Code, Chapter 51, Subchapter E-2

EDUCATION CODE

TITLE 3. HIGHER EDUCATION

SUBTITLE A. HIGHER EDUCATION IN GENERAL

CHAPTER 51. PROVISIONS GENERALLY APPLICABLE TO HIGHER EDUCATION

SUBCHAPTER E-2. REPORTING INCIDENTS OF SEXUAL HARASSMENT, SEXUAL ASSAULT, DATING VIOLENCE, AND STALKING

Sec. 51.251. DEFINITIONS. In this subchapter:

- (1) "Coordinating board" means the Texas Higher Education Coordinating Board.
- (2) "Dating violence," "sexual assault," and "stalking" mean dating violence, sexual assault, or stalking, as applicable, that an institution of higher education is required to report under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Section 1092(f)).
- (3) "Employee of a postsecondary educational institution" does not include a student enrolled at the institution.
- (4) "Postsecondary educational institution" means an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section [61.003](#).
- (5) "Sexual harassment" means unwelcome, sex-based verbal or physical conduct that:
 - (A) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or

(B) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary educational institution.

Added by Acts 2019, 86th Leg., R.S., Ch. 958 (S.B. [212](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.252. REPORTING REQUIRED FOR CERTAIN INCIDENTS.

(a) 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.

(b) Except as provided by Subsection (c) or (c-1), the report must include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

(c) An employee of a postsecondary educational institution designated by the institution as a person with whom students may speak confidentially concerning sexual harassment, sexual assault, dating violence, or stalking or who receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law shall, in making a report under this section, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. This subsection does not affect the employee's duty to report an incident under any other law.

(c-1) A campus peace officer employed by a postsecondary educational institution who receives information regarding an incident described by Subsection (a) from an alleged victim who chooses to complete a pseudonym form described by Article [58.102](#), [58.152](#), [58.202](#), or [58.252](#), Code of Criminal Procedure, shall, in making a report under this section, state only the type of incident reported and may not include the victim's name, phone number, address, or other information that may directly or indirectly reveal the victim's identity.

(d) Notwithstanding Subsection (a), a person is not required to make a report under this section concerning:

(1) an incident in which the person was a victim of sexual harassment, sexual assault, dating violence, or stalking; or

(2) an incident of which the person received information due to a disclosure made at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by a student organization affiliated with the institution.

Added by Acts 2019, 86th Leg., R.S., Ch. 958 (S.B. [212](#)), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 397 (S.B. [1371](#)), Sec. 1, eff. June 7, 2021.

Sec. 51.253. ADMINISTRATIVE REPORTING REQUIREMENTS. (a) Not less than once every three months, the Title IX coordinator of a postsecondary educational institution shall submit to the institution's chief executive officer a written report on the reports received under Section [51.252](#), including information regarding:

- (1) the investigation of those reports;
- (2) the disposition, if any, of any disciplinary processes arising from those reports; and

(3) the reports for which the institution determined not to initiate a disciplinary process, if any.

(b) The Title IX coordinator or deputy Title IX coordinator of a postsecondary educational institution shall immediately report to the institution's chief executive officer an incident reported to the coordinator under Section [51.252](#) if the coordinator has cause to believe that the safety of any person is in imminent danger as a result of the incident.

(c) Subject to Subsection (d), at least once during each fall or spring semester, the chief executive officer of a postsecondary educational institution shall submit to the institution's governing body and post on the institution's Internet website a report concerning the reports received under Section [51.252](#). The report:

(1) may not identify any person; and

(2) must include:

(A) the number of reports received under Section [51.252](#);

(B) the number of investigations conducted as a result of those reports;

(C) the disposition, if any, of any disciplinary processes arising from those reports;

(D) the number of those reports for which the institution determined not to initiate a disciplinary process, if any; and

(E) any disciplinary actions taken under Section [51.255](#).

(d) If for any semester a postsecondary educational institution has fewer than 1,500 enrolled students, the chief executive officer of the institution shall submit and post a report required under Subsection (c) for that semester only if more than five reports were received under Section [51.252](#) during that semester.

Added by Acts 2019, 86th Leg., R.S., Ch. 958 (S.B. [212](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.254. IMMUNITIES. (a) A person acting in good faith who reports or assists in the investigation of a report of an incident described by Section [51.252](#)(a) or who testifies or otherwise participates in a disciplinary process or judicial proceeding arising from a report of such an incident:

(1) is immune from civil liability, and from criminal liability for offenses punishable by fine only, that might otherwise be incurred or imposed as a result of those actions; and

(2) may not be subjected to any disciplinary action by the postsecondary educational institution at which the person is enrolled or employed for any violation by the person of the institution's code of conduct reasonably related to the incident for which suspension or expulsion from the institution is not a possible punishment.

(b) Subsection (a) does not apply to a person who perpetrates or assists in the perpetration of the incident reported under Section [51.252](#).

Added by Acts 2019, 86th Leg., R.S., Ch. 958 (S.B. [212](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.255. FAILURE TO REPORT OR FALSE REPORT; OFFENSES.

(a) A person commits an offense if the person:

(1) is required to make a report under Section [51.252](#) and knowingly fails to make the report; or

(2) with the intent to harm or deceive, knowingly makes a report under Section [51.252](#) that is false.

(b) An offense under Subsection (a) is a Class B misdemeanor, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that the actor intended to conceal the incident that the actor was required to report under Section [51.252](#).

(c) A postsecondary educational institution shall terminate the employment of an employee whom the institution determines in accordance with the institution's disciplinary procedure to have committed an offense under Subsection (a).

Added by Acts 2019, 86th Leg., R.S., Ch. 958 (S.B. [212](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.256. CONFIDENTIALITY. (a) Unless waived in writing by the alleged victim, the identity of an alleged victim of an incident reported under Section [51.252](#):

(1) is confidential and not subject to disclosure under Chapter [552](#), Government Code; and

(2) may be disclosed only to:

(A) persons employed by or under contract with the postsecondary educational institution to which the report is made who are necessary to conduct an investigation of the report or any related hearings;

(B) a law enforcement officer as necessary to conduct a criminal investigation of the report;

(C) the person or persons alleged to have perpetrated the incident, to the extent required by other law; or

(D) potential witnesses to the incident as necessary to conduct an investigation of the report.

(b) A disclosure under Subsection (a) is not a voluntary disclosure for purposes of Section [552.007](#), Government Code.

(c) Nothing in this section may be construed as prohibiting a victim from making a report to a law enforcement agency using a pseudonym form described by Article [58.102](#), [58.152](#), [58.202](#), or [58.252](#), Code of Criminal Procedure.

Added by Acts 2019, 86th Leg., R.S., Ch. 958 (S.B. [212](#)), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 397 (S.B. [1371](#)), Sec. 2, eff. June 7, 2021.

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. [3607](#)), Sec. 5.021, eff. September 1, 2021.

Sec. 51.257. RETALIATION PROHIBITED. (a) A postsecondary educational institution may not discipline or otherwise discriminate against an employee who in good faith:

- (1) makes a report as required by Section [51.252](#); or
- (2) cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to a report made by the employee as required by Section [51.252](#).

(b) Subsection (a) does not apply to an employee who:

- (1) reports an incident described by Section [51.252](#)(a) perpetrated by the employee; or
- (2) cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to an allegation that the employee perpetrated an incident described by Section [51.252](#)(a).

Added by Acts 2019, 86th Leg., R.S., Ch. 958 (S.B. [212](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.258. COMPLIANCE. (a) The chief executive officer of each postsecondary educational institution shall annually certify in writing to the coordinating board that the institution is in substantial compliance with this subchapter.

(b) If the coordinating board determines that a postsecondary educational institution is not in substantial compliance with this subchapter, the coordinating board may assess an administrative penalty against the institution in an amount not to exceed \$2 million. In determining the amount of the penalty, the coordinating board shall consider the nature of the violation and the number of students enrolled at the institution.

(c) If the coordinating board assesses an administrative penalty against a postsecondary educational institution under Subsection (b), the coordinating board shall provide to the institution written notice of the coordinating board's reasons for assessing the penalty.

(d) A postsecondary educational institution assessed an administrative penalty under Subsection (b) may appeal the penalty in the manner provided by Chapter [2001](#), Government Code.

(e) A postsecondary educational institution may not pay an administrative penalty assessed under Subsection (b) using state or federal money.

(f) An administrative penalty collected under this section shall be deposited to the credit of the sexual assault program fund established under Section [420.008](#), Government Code.

(g) The coordinating board shall annually submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over legislation concerning sexual assault at postsecondary educational institutions a report regarding compliance with this subchapter, including a summary of the postsecondary educational institutions found not to be in substantial compliance as provided by this section and any penalties assessed under this section during the calendar year preceding the date of the report.

Added by Acts 2019, 86th Leg., R.S., Ch. 958 (S.B. [212](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.259. RULES. The coordinating board shall adopt rules as necessary to implement and enforce this subchapter, including rules that ensure implementation of this subchapter in a manner that complies with federal law regarding confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). In adopting those rules, the coordinating board

shall use the negotiated rulemaking procedures under Chapter [2008](#), Government Code, and consult with relevant stakeholders.

Added by Acts 2019, 86th Leg., R.S., Ch. 958 (S.B. [212](#)), Sec. 1, eff. September 1, 2019.

Appendix B

Texas Education Code, Chapter 51, Subchapter E-3

EDUCATION CODE

TITLE 3. HIGHER EDUCATION

SUBTITLE A. HIGHER EDUCATION IN GENERAL

CHAPTER 51. PROVISIONS GENERALLY APPLICABLE TO HIGHER EDUCATION

SUBCHAPTER E-3. SEXUAL HARASSMENT, SEXUAL ASSAULT, DATING VIOLENCE, AND STALKING

Sec. 51.281. DEFINITIONS. In this subchapter:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Dating violence," "sexual assault," and "stalking" have the meanings assigned by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Section 1092(f)(6)(A)).

(3) "Postsecondary educational institution" means an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section [61.003](#).

(4) "Sexual harassment" means unwelcome, sex-based verbal or physical conduct that:

(A) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or

(B) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary educational institution.

Added by Acts 2019, 86th Leg., R.S., Ch. 1078 (H.B. [1735](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.282. POLICY ON SEXUAL HARASSMENT, SEXUAL ASSAULT, DATING VIOLENCE, AND STALKING. (a) Each postsecondary educational institution shall adopt a policy on sexual harassment, sexual assault, dating violence, and stalking applicable to each student enrolled at and each employee of the institution. The policy must:

(1) include:

(A) definitions of prohibited behavior;

(B) sanctions for violations;

(C) the protocol for reporting and responding to reports of sexual harassment, sexual assault, dating violence, and stalking;

(D) interim measures to protect victims of sexual harassment, sexual assault, dating violence, or stalking during the pendency of the institution's disciplinary process, including protection from retaliation, and any other accommodations available to those victims at the institution; and

(E) a statement regarding:

(i) the importance of a victim of sexual harassment, sexual assault, dating violence, or stalking going to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident;

(ii) the right of a victim of sexual harassment, sexual assault, dating violence, or stalking to report the incident to the institution and to receive a prompt and equitable resolution of the report; and

(iii) the right of a victim of a crime to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime to law enforcement, or to decline to report the crime to law enforcement; and

(2) be approved by the institution's governing board before final adoption by the institution.

(b) Each postsecondary educational institution shall make the institution's sexual harassment, sexual assault, dating violence, and stalking policy available to students, faculty, and staff members by:

(1) including the policy in the institution's student handbook and personnel handbook; and

(2) creating and maintaining a web page dedicated solely to the policy that is easily accessible through a clearly identifiable link on the institution's Internet website home page.

(c) Each postsecondary educational institution shall require each entering freshman or undergraduate transfer student to attend an orientation on the institution's sexual harassment, sexual assault, dating violence, and stalking policy before or during the first semester or term in which the student is enrolled at the institution. The institution shall establish the format and content of the orientation. The orientation:

(1) may be provided online; and

(2) must include the statements described by Subsection (a)(1)(E).

(d) Each postsecondary educational institution shall develop and implement a comprehensive prevention and outreach program on sexual harassment, sexual assault, dating violence, and stalking. The program must:

(1) address a range of strategies to prevent sexual harassment, sexual assault, dating violence, and stalking, including a victim empowerment program, a public awareness campaign, primary prevention, bystander intervention, and risk reduction; and

(2) include providing to students information regarding the protocol for reporting incidents of sexual harassment, sexual assault, dating violence, and stalking adopted under Subsection (a), including the name, office

location, and contact information of the institution's Title IX coordinator, by:

(A) e-mailing the information to each student at the beginning of each semester or other academic term; and

(B) including the information in the orientation required under Subsection (c).

(e) As part of the protocol for responding to reports of sexual harassment, sexual assault, dating violence, and stalking adopted under Subsection (a), each postsecondary educational institution shall:

(1) to the greatest extent practicable based on the number of counselors employed by the institution, ensure that each alleged victim or alleged perpetrator of an incident of sexual harassment, sexual assault, dating violence, or stalking and any other person who reports such an incident are offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident; and

(2) notwithstanding any other law, allow an alleged victim or alleged perpetrator of an incident of sexual harassment, sexual assault, dating violence, or stalking to drop a course in which both parties are enrolled without any academic penalty.

(f) Each biennium, each postsecondary educational institution shall review the institution's sexual harassment, sexual assault, dating violence, and stalking policy and, with approval of the institution's governing board, revise the policy as necessary.

Added by Acts 2019, 86th Leg., R.S., Ch. 1078 (H.B. [1735](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.283. ELECTRONIC REPORTING OPTION. (a) Each postsecondary educational institution shall provide an option for a student enrolled at or an employee of the institution to electronically report to the institution an allegation of sexual harassment, sexual assault, dating violence, or stalking

committed against or witnessed by the student or employee, regardless of the location at which the alleged offense occurred.

(b) The electronic reporting option provided under Subsection (a) must:

(1) enable a student or employee to report the alleged offense anonymously; and

(2) be easily accessible through a clearly identifiable link on the postsecondary educational institution's Internet website home page.

(c) A protocol for reporting sexual assault adopted under Section [51.282](#) must comply with this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 719 (S.B. [968](#)), Sec. 2, eff. June 12, 2017.

Transferred, redesignated and amended from Education Code, Section 51.9365 by Acts 2019, 86th Leg., R.S., Ch. 1078 (H.B. [1735](#)), Sec. 2, eff. September 1, 2019.

Sec. 51.284. AMNESTY FOR STUDENTS REPORTING CERTAIN INCIDENTS. (a) A postsecondary educational institution may not take any disciplinary action against a student enrolled at the institution who in good faith reports to the institution being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking for a violation by the student of the institution's code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the institution's disciplinary process regarding the incident, if any.

(b) A postsecondary educational institution may investigate to determine whether a report of an incident of sexual harassment, sexual assault, dating violence, or stalking was made in good faith.

(c) A determination that a student is entitled to amnesty under Subsection (a) is final and may not be revoked.

(d) Subsection (a) does not apply to a student who reports the student's own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, or stalking.

(e) This section may not be construed to limit a postsecondary educational institution's ability to provide amnesty from application of the institution's policies in circumstances not described by Subsection (a).

Added by Acts 2017, 85th Leg., R.S., Ch. 720 (S.B. [969](#)), Sec. 1, eff. June 12, 2017.

Transferred, redesignated and amended from Education Code, Section 51.9366 by Acts 2019, 86th Leg., R.S., Ch. 1078 (H.B. [1735](#)), Sec. 3, eff. September 1, 2019.

Sec. 51.285. VICTIM REQUEST NOT TO INVESTIGATE. (a) If an alleged victim of an incident of sexual harassment, sexual assault, dating violence, or stalking reported to a postsecondary educational institution requests the institution not to investigate the alleged incident, the institution may investigate the alleged incident in a manner that complies with the confidentiality requirements under Section [51.291](#). In determining whether to investigate the alleged incident, the institution shall consider:

- (1) the seriousness of the alleged incident;
- (2) whether the institution has received other reports of sexual harassment, sexual assault, dating violence, or stalking committed by the alleged perpetrator or perpetrators;
- (3) whether the alleged incident poses a risk of harm to others; and
- (4) any other factors the institution determines relevant.

(b) If a postsecondary educational institution decides not to investigate an alleged incident of sexual harassment, sexual assault, dating violence, or stalking based on the alleged victim's request not to investigate, the institution shall take

any steps the institution determines necessary to protect the health and safety of the institution's community in relation to the alleged incident.

(c) A postsecondary educational institution shall inform an alleged victim of an incident of sexual harassment, sexual assault, dating violence, or stalking who requests the institution not to investigate the alleged incident of the institution's decision whether to investigate the alleged incident.

Added by Acts 2019, 86th Leg., R.S., Ch. 1078 (H.B. [1735](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.286. DISCIPLINARY PROCESS FOR CERTAIN VIOLATIONS. A postsecondary educational institution that initiates a disciplinary process concerning an allegation that a student enrolled at the institution violated the institution's code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking shall:

(1) provide to the student and the alleged victim a prompt and equitable opportunity to present witnesses and other evidence relevant to the alleged violation during the disciplinary process;

(2) ensure that both the student and the alleged victim have reasonable and equitable access to all evidence relevant to the alleged violation in the institution's possession, including any statements made by the alleged victim or by other persons, information stored electronically, written or electronic communications, social media posts, or physical evidence, redacted as necessary to comply with any applicable federal or state law regarding confidentiality; and

(3) take reasonable steps to protect the student and the alleged victim from retaliation and harassment during the pendency of the disciplinary process.

Added by Acts 2019, 86th Leg., R.S., Ch. 1078 (H.B. [1735](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.287. STUDENT WITHDRAWAL OR GRADUATION PENDING DISCIPLINARY CHARGES. (a) If a student withdraws or graduates from a postsecondary educational institution pending a disciplinary charge alleging that the student violated the institution's code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking, the institution:

(1) may not end the disciplinary process or issue a transcript to the student until the institution makes a final determination of responsibility; and

(2) shall expedite the institution's disciplinary process as necessary to accommodate both the student's and the alleged victim's interest in a speedy resolution.

(b) On request by another postsecondary educational institution, a postsecondary educational institution shall provide to the requesting institution information relating to a determination by the institution that a student enrolled at the institution violated the institution's code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking.

Added by Acts 2019, 86th Leg., R.S., Ch. 1078 (H.B. [1735](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.288. TRAUMA-INFORMED INVESTIGATION TRAINING. Each peace officer employed by a postsecondary educational institution shall complete training on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, and stalking.

Added by Acts 2019, 86th Leg., R.S., Ch. 1078 (H.B. [1735](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.289. MEMORANDA OF UNDERSTANDING REQUIRED. To facilitate effective communication and coordination regarding allegations of sexual harassment, sexual assault, dating violence, and stalking at the institution, a postsecondary educational institution shall enter into a memorandum of understanding with one or more:

- (1) local law enforcement agencies;
- (2) sexual harassment, sexual assault, dating violence, or stalking advocacy groups; and
- (3) hospitals or other medical resource providers.

Added by Acts 2019, 86th Leg., R.S., Ch. 1078 (H.B. [1735](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.290. RESPONSIBLE AND CONFIDENTIAL EMPLOYEE; STUDENT ADVOCATE. (a) Each postsecondary educational institution shall:

- (1) designate:
 - (A) one or more employees to act as responsible employees for purposes of Title IX of the Education Amendments of 1972 (20 U.S.C. Section 1681 et seq.); and
 - (B) one or more employees as persons to whom students enrolled at the institution may speak confidentially concerning sexual harassment, sexual assault, dating violence, and stalking; and
- (2) inform each student enrolled at the institution of the responsible and confidential employees designated under Subdivision (1).

(b) A postsecondary educational institution may designate one or more students enrolled at the institution as student advocates to whom other students enrolled at the institution may speak confidentially concerning sexual harassment, sexual assault, dating violence, and stalking. The institution shall notify each student enrolled at the institution of the student advocates designated under this subsection.

(c) A confidential employee designated under Subsection (a)(1)(B) or a student advocate designated under Subsection (b) may not disclose any communication made by a student to the employee or advocate unless the student consents to the disclosure or the employee or advocate is required to make the disclosure under state or federal law.

Added by Acts 2019, 86th Leg., R.S., Ch. 1078 (H.B. [1735](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.291. CONFIDENTIALITY. (a) The protections provided by this section apply to:

(1) an alleged victim of an incident of sexual harassment, sexual assault, dating violence, or stalking reported to a postsecondary educational institution;

(2) a person who reports to a postsecondary educational institution an incident of sexual harassment, sexual assault, dating violence, or stalking, who sought guidance from the institution concerning such an incident, or who participated in the institution's investigation of such an incident; and

(3) a person who is alleged in a report made to a postsecondary educational institution to have committed or assisted in the commission of sexual harassment, sexual assault, dating violence, or stalking if, after completing an investigation, the institution determines the report to be unsubstantiated or without merit.

(b) Unless waived in writing by the person, the identity of a person described by Subsection (a):

(1) is confidential and not subject to disclosure under Chapter [552](#), Government Code; and

(2) may be disclosed only to:

(A) the postsecondary educational institution to which the report described by Subsection (a) is made as necessary to conduct an investigation of the report;

(B) a law enforcement officer as necessary to conduct a criminal investigation of the report described by Subsection (a); or

(C) a health care provider in an emergency situation, as determined necessary by the institution.

(c) A disclosure under Subsection (b) is not a voluntary disclosure for purposes of Section [552.007](#), Government Code.

(d) Information regarding an incident of sexual harassment, sexual assault, dating violence, or stalking disclosed to a health care provider or other medical provider employed by a postsecondary educational institution is confidential and may be shared by the provider only with the victim's consent. The provider must provide aggregate data or other nonidentifying information regarding those incidents to the institution's Title IX coordinator.

Added by Acts 2019, 86th Leg., R.S., Ch. 1078 (H.B. [1735](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.292. COMPLIANCE. (a) If the coordinating board determines that a postsecondary educational institution is not in substantial compliance with this subchapter, the coordinating board may assess an administrative penalty against the institution in an amount not to exceed \$2 million. In determining the amount of the penalty, the coordinating board shall consider the nature of the violation and the number of students enrolled at the institution.

(b) If the coordinating board assesses an administrative penalty against a postsecondary educational institution under Subsection (a), the coordinating board shall provide to the institution written notice of the coordinating board's reasons for assessing the penalty.

(c) A postsecondary educational institution assessed an administrative penalty under Subsection (a) may appeal the penalty in the manner provided by Chapter [2001](#), Government Code.

(d) A postsecondary educational institution may not pay an administrative penalty assessed under Subsection (a) using state or federal money.

(e) An administrative penalty collected under this section shall be deposited to the credit of the sexual assault program fund established under Section [420.008](#), Government Code.

(f) The coordinating board shall annually submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over legislation concerning sexual assault at postsecondary educational institutions a report regarding compliance with this subchapter, including a summary of the postsecondary educational institutions found not to be in substantial compliance as provided by this section and any penalties assessed under this section during the preceding year.

Added by Acts 2019, 86th Leg., R.S., Ch. 1078 (H.B. [1735](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.293. EQUAL ACCESS. In implementing the requirements under this subchapter, a postsecondary educational institution shall, to the greatest extent practicable, ensure equal access for students enrolled at or employees of the institution who are persons with disabilities. The institution shall make reasonable efforts to consult with a disability services office of the institution, advocacy groups for people with disabilities, and other relevant stakeholders to assist the institution with complying with the institution's duties under this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 1078 (H.B. [1735](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.294. ADVISORY COMMITTEE. (a) The commissioner of higher education shall establish an advisory committee to:

(1) make recommendations to the coordinating board regarding rules for adoption under Section [51.295](#); and

(2) develop recommended training for responsible and confidential employees designated under Section [51.290](#) and for Title IX coordinators at postsecondary educational institutions.

(b) The advisory committee consists of nine members appointed by the commissioner of higher education. Each member must be a chief executive officer of a postsecondary educational institution or a representative designated by that officer.

(c) The advisory committee shall annually review and, if necessary, update the training recommended under Subsection (a) (2).

Added by Acts 2019, 86th Leg., R.S., Ch. 1078 (H.B. [1735](#)), Sec. 1, eff. September 1, 2019.

Sec. 51.295. RULES. (a) The coordinating board shall adopt rules as necessary to implement and enforce this subchapter, including rules that:

(1) define relevant terms; and

(2) ensure implementation of this subchapter in a manner that complies with federal law regarding confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

(b) In adopting rules under this section, the coordinating board shall consult with relevant stakeholders.

Added by Acts 2019, 86th Leg., R.S., Ch. 1078 (H.B. [1735](#)), Sec. 1, eff. September 1, 2019.

Appendix C

Chief Executive Officer Certification Form

Chief Executive Officer Annual Certification to THECB

[Insert name of institution]

for the time period of [Insert beginning date for report time period] through [Insert ending date for report time period]

Under Texas Education Code (TEC), Section 51.258, the institution's Chief Executive Officer is required to annually certify in writing to the Coordinating Board that the institution is in substantial compliance with TEC, Title 3, Subtitle A, Chapter 51, Subchapter E-2. Per THECB Rule 3.19, this certification is made annually in October of each year.

By signing this statement, I certify that [Insert name of institution] is in substantial compliance with TEC, Title 3, Subtitle A, Chapter 51, Subchapter E-2.

As evidence of the institution's compliance with Subchapter E-2:

1. The annual Chief Executive Officer Report was submitted to the institution's governing board on [Insert date of report].
2. A summary data report is posted on the institution's website at [Insert web address for page which includes the summary data report].

Signature of CEO: _____

Printed Name: _____

Date: _____

CEO CERTIFICATION rev 03/24/2021

Appendix D

Title IX Coordinator Report Template

Title IX Coordinator Report Template

TO: [Insert Institution's President], Chief Executive Officer
FROM: [Insert Institution's Title IX Coordinator]
DATE: [Insert Date of Report Submission]
RE: Title IX Coordinator Reporting Requirements under Tex. Educ. Code § 51.253(a)

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 every 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 regarding incidents of "sexual harassment," "sexual assault," "dating violence," or "stalking" as defined in the TEC, Section 51.251.

The attached report includes information received between [Insert beginning date for report time period] through [Insert ending date for report time period].

For the purposes of complying with the Title IX Coordinator reporting requirements under Section 51.253(a), Appendix A, Table 1¹ of the attached report includes information regarding:

- (1) The investigation of reports received from employees;
- (2) The disposition, if any, of any disciplinary processes arising from those reports; and
- (3) The reports for which the institution determined not to initiate a disciplinary process, if any.

To assist the Chief Executive Officer in complying with the Chief Executive Officer's reporting requirements under TEC, Section 51.253(c), Appendix A, Table 2 provides information on any disciplinary actions taken under TEC, Section 51.255.

To further assist the Chief Executive Officer in complying with the Chief Executive Officer's reporting requirements under TEC, Section 51.253(c), Appendix B is included as summary of Appendix A. The summary data in Appendix B 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.

Note: Any additional reports received by the Title IX Coordinator that do not meet the required reporting criteria in TEC Sec. 51.252 have been omitted for the compliance purposes of this specific report.

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

Appendix A
Title IX Coordinator Report

[Insert beginning date for report time period] through [Insert ending date for report time period].

Table 1. Alleged Conduct Reported by Employees under TEC, Section 51.252

Report Number	Date Received	Alleged Conduct Reported by Employees Under § 51.252	Investigation Status	Disciplinary Status
0001-20XX	08/25/XX	Sexual Assault	Formal Investigation Completed, Preponderance of Evidence Met for Sexual Assault	Final Result: Student Hearing Appeal Decision: No Finding of Policy Violation
0002-20XX	09/01/XX	Sexual Harassment	Informal Resolution Completed	Disciplinary Process: Not Applicable
0003-20XX	09/10/XX	Dating Violence	Case Dismissed (Administrative Closure), Insufficient Complaint Information	Disciplinary Process: Not applicable
0004-20XX	09/13/XX	Confidential Employee Reporting: Sexual Assault	Investigation: Not Applicable; no identifiable information	Disciplinary Process: Not Applicable
0005-20XX	09/21/XX	Stalking	Formal Investigation Completed, Preponderance of Evidence Met for Stalking	Final Result: Student Disciplinary Suspension through Spring 20XX
0006-20XX	10/5/XX	Dating Violence	Formal Investigation Completed, Preponderance of Evidence Not Met	Disciplinary Process: Not Applicable
0007-20XX	10/10/XX	Sexual Harassment	Formal Investigation Ongoing	Disciplinary Process: Not Applicable
0008-20XX	10/12/XX	Sexual Assault	Formal Investigation Completed, Preponderance of Evidence Met for Sexual Assault	Disciplinary Process: Student Discipline Process Pending
0009-20XX	10/14/XX	Confidential Employee Reporting: Dating Violence	Investigation: Not Applicable; no identifiable information	Disciplinary Process: Not Applicable
0010-20XX	10/17/XX	Sexual Harassment	Formal Investigation Completed, Preponderance of Evidence Met for Sexual Harassment	Final Result: Employee Reprimand

Report Number	Date Received	Alleged Conduct Reported by Employees Under § 51.252	Investigation Status	Disciplinary Status
0011-20XX	10/19/XX	Sexual Harassment	Formal Investigation Completed, Preponderance of Evidence Met for Sexual Harassment	Disciplinary Process: Faculty Grievance Process Pending

Table 2. Alleged Conduct under TEC, Section 51.255(a)

Report Number	Date Received	Alleged Conduct Under § 51.255(a)	Investigation Status	Disciplinary Status
0012-20XX	10/21/XX	Employee's Failure to Report	Formal Investigation Ongoing	Disciplinary Process: Not Applicable

Appendix B
Summary Data Report

[Insert beginning date for report time period] through [Insert ending date for report time period].

Texas Education Code, Section 51.252	
Number of reports received under Section 51.252	11
	2
Number of investigations conducted under Section 51.252	7
Disposition ³ of any disciplinary processes for reports under Section 51.252:	
a. Concluded, No Finding of Policy Violation	1
b. Concluded, with Employee Disciplinary Sanction	1
c. Concluded, with Student Disciplinary Sanction	1
d. SUBTOTAL	3
Number of reports under Section 51.252 for which the institution determined not to initiate a disciplinary process	7

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)	1
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	

² "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.

³ "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.

Appendix E

Chief Executive Officer Report Template

Chief Executive Officer Report Template

TO: [Insert Institution's Governing Board]
FROM: [Insert Institution's President], Chief Executive Officer
DATE: [Insert Date of Report Submission]
RE: Chief Executive Officer Reporting Requirements under Tex. Educ. Code § 51.253(c)

Under the Texas Education Code (TEC), Section 51.253(c), the institution's Chief Executive Officer is required to submit a 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 Chief Executive Officer's reporting requirements under TEC, Section 51.253(c), the attached summary data report⁴ includes all of the required reporting information to the [Insert Institution's Governing Board] for the time period of [Insert beginning date for report time period] through [Insert ending date for report time period]. The summary data report 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 institution's website as per the public reporting requirements under TEC, Section 51.253(c) at [Insert web address for page which includes the summary data report].

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.

⁴ 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.

CEO Summary Data Report

[Insert beginning date for report time period] through [Insert ending date for report time period].

Texas Education Code, Section 51.252	
Number of reports received under Section 51.252	11
Number of confidential reports ⁵ under Section 51.252	2
Number of investigations conducted under Section 51.252	7
Disposition ⁶ of any disciplinary processes for reports under Section 51.252:	
e. Concluded, No Finding of Policy Violation	1
f. Concluded, with Employee Disciplinary Sanction	1
g. Concluded, with Student Disciplinary Sanction	1
h. SUBTOTAL	3
Number of reports under Section 51.252 for which the institution determined not to initiate a disciplinary process	7

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)	1
Any disciplinary action taken, regarding failure to report or false reports to the institution under Section 51.255(c):	
c. Employee termination	--
d. Institutional intent to termination, in lieu of employee resignation	--

⁵ "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).

⁶ "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.

Appendix F

Chief Executive Officer Certifications for AY 2020-2021

Institution (Indented institutions indicate they are part of a combined report.)	Type of Institution	Receipt Status	Date Report Received
Alamo Colleges District System	System (may include combined reports)	Green = Report Received	10/29/21
Alamo District - Northeast Lakeview College	Community College	Part of Combined Report	
Alamo District - Northwest Vista College	Community College	Part of Combined Report	
Alamo District - Palo Alto College	Community College	Part of Combined Report	
Alamo District - San Antonio College	Community College	Part of Combined Report	
Alamo District - St. Philip's College	Community College	Part of Combined Report	
Alvin Community College	Community College	Blue = Report Received After Oct. 31 Deadline	11/16/21
Amarillo College	Community College	Green = Report Received	10/25/21
Angelina College	Community College	Green = Report Received	10/25/21
Austin Community College District	Community College	Green = Report Received	10/25/21
Blinn College District	Community College	Green = Report Received	10/04/21
Brazosport College	Community College	Green = Report Received	10/19/21
Central Texas College	Community College	Green = Report Received	10/25/21
Cisco College	Community College	Green = Report Received	08/19/21

Clarendon College	Community College	Green = Report Received	10/14/21
Coastal Bend College	Community College	Blue = Report Received After Oct. 31 Deadline	11/17/21
College of the Mainland Community College District	Community College	Green = Report Received	10/29/21
Collin County Community College District	Community College	Green = Report Received	10/27/21
Dallas College System	System (may include combined reports)	Green = Report Received	10/28/21
Dallas College Brookhaven Campus	Community College	Part of Combined Report	
Dallas College Cedar Valley Campus	Community College	Part of Combined Report	
Dallas College Eastfield Campus	Community College	Part of Combined Report	
Dallas College El Centro Campus	Community College	Part of Combined Report	
Dallas College Mountain View Campus	Community College	Part of Combined Report	
Dallas College North Lake Campus	Community College	Part of Combined Report	
Dallas College Richland Campus	Community College	Part of Combined Report	
Dallas Colleges Online	Community College	Part of Combined Report	
Del Mar College	Community College	Green = Report Received	10/07/21
El Paso Community College District	Community College	Green = Report Received	10/29/21
Frank Phillips College	Community College	Green = Report Received	10/28/21
Galveston College	Community College	Green = Report Received	09/09/21
Grayson College	Community College	Green = Report Received	10/27/21

Hill College	Community College	Green = Report Received	10/22/21
Houston Community College System (Houston CC)	System (may include combined reports)	Green = Report Received	10/19/21
Houston Community College System-Central Campus	Community College	Part of Combined Report	
Houston Community College System-Northeast Campus	Community College	Part of Combined Report	
Houston Community College System-Northwest Campus	Community College	Part of Combined Report	
Houston Community College System-Southeast Campus	Community College	Part of Combined Report	
Houston Community College System-Southwest Campus	Community College	Part of Combined Report	
Houston Community College System-Online	Community College	Part of Combined Report	
Howard College District	Community College	Green = Report Received	10/26/21
Howard College-Southwest College for the Deaf	Other-related entities	Part of Combined Report	
Kilgore College	Community College	Green = Report Received	10/29/21
Laredo College	Community College	Green = Report Received	10/14/21
Lee College	Community College	Green = Report Received	10/25/21
Lone Star College System	System (may include combined reports)	Green = Report Received	10/29/21
Lone Star College - CyFair College	Community College	Part of Combined Report	
Lone Star College - Houston North	Community College	Part of Combined Report	
Lone Star College - Kingwood	Community College	Part of Combined Report	

Lone Star College - Montgomery	Community College	Part of Combined Report	
Lone Star College - North Harris	Community College	Part of Combined Report	
Lone Star College - Tomball	Community College	Part of Combined Report	
Lone Star College - University Park	Community College	Part of Combined Report	
McLennan Community College	Community College	Green = Report Received	10/27/21
Midland College	Community College	Green = Report Received	10/25/21
Navarro College	Community College	Green = Report Received	10/01/21
North Central Texas College	Community College	Blue = Report Received After Oct. 31 Deadline	12/07/21
Northeast Texas Community College	Community College	Green = Report Received	09/29/21
Odessa College	Community College	Green = Report Received	10/05/21
Panola College	Community College	Green = Report Received	10/28/21
Paris Junior College	Community College	Green = Report Received	10/26/21
Ranger College	Community College	Green = Report Received	10/31/21
San Jacinto College District	System (may include combined reports)	Green = Report Received	10/12/21
San Jacinto College Central Campus	Community College	Part of Combined Report	
San Jacinto College North Campus	Community College	Part of Combined Report	
San Jacinto College South Campus	Community College	Part of Combined Report	
San Jacinto College Generation Park Campus	Community College	Part of Combined Report	

San Jacinto College Maritime Campus	Community College	Part of Combined Report	
South Plains College	Community College	Green = Report Received	08/16/21
South Texas College	Community College	Green = Report Received	10/21/21
Southwest Texas Junior College	Community College	Green = Report Received	10/25/21
Tarrant County College District	System (may include combined reports)	Green = Report Received	10/29/21
Tarrant County College District - Connect Campus	Community College	Part of Combined Report	
Tarrant County College District - Northeast Campus	Community College	Part of Combined Report	
Tarrant County College District - Northwest Campus	Community College	Part of Combined Report	
Tarrant County College District - South Campus	Community College	Part of Combined Report	
Tarrant County College District - Southeast Campus	Community College	Part of Combined Report	
Tarrant County College District - Trinity River Campus	Community College	Part of Combined Report	
Temple College	Community College	Green = Report Received	10/28/21
Texarkana College	Community College	Green = Report Received	09/27/21
Texas Southmost College	Community College	Blue = Report Received After Oct. 31 Deadline	01/04/22
Trinity Valley Community College	Community College	Green = Report Received	10/29/21
Tyler Junior College	Community College	Green = Report Received	10/29/21
Vernon College	Community College	Green = Report Received	10/26/21
Victoria College	Community College	Green = Report Received	10/25/21

Weatherford College	Community College	Green = Report Received	10/25/21
Western Texas College	Community College	Green = Report Received	10/25/21
Wharton County Junior College	Community College	Green = Report Received	10/27/21
Texas State Technical College	System (may include combined reports)	Green = Report Received	10/29/21
Texas State Technical College in Abilene	Technical College	Part of Combined Report	
Texas State Technical College in Breckenridge	Technical College	Part of Combined Report	
Texas State Technical College in Brownwood	Technical College	Part of Combined Report	
Texas State Technical College in East Williamson County	Technical College	Part of Combined Report	
Texas State Technical College in Fort Bend	Technical College	Part of Combined Report	
Texas State Technical College in Harlingen	Technical College	Part of Combined Report	
Texas State Technical College in Marshall	Technical College	Part of Combined Report	
Texas State Technical College in North Texas	Technical College	Part of Combined Report	
Texas State Technical College in Sweetwater	Technical College	Part of Combined Report	
Texas State Technical College in Waco	Technical College	Part of Combined Report	
Texas State Technical College in West Texas	Technical College	Part of Combined Report	
Stephen F. Austin State University	Public University	Green = Report Received	10/07/21
The Texas A&M University System, Administrative and General Offices; Texas A&M AgriLife Research	System (may include combined reports)	Green = Report Received	10/29/21

Prairie View A&M University	Public University	Green = Report Received	10/29/21
Tarleton State University	Public University	Green = Report Received	10/28/21
Texas A&M International University	Public University	Green = Report Received	10/25/21
Texas A&M University	Public University	Green = Report Received	10/29/21
Texas A&M Health Science Center	Health-related Institution	Part of Combined Report	
Texas A&M University at Galveston	Public University	Part of Combined Report	
Texas A&M University-Qatar	Public University	Part of Combined Report	
Texas A&M AgriLife Extension Service	Other-related entities	Green = Report Received	10/26/21
Rodent and Predatory Animal Control Service (a part of the Texas A&M AgriLife Extension Service)	Other-related entities	Part of Combined Report	
Texas A&M AgriLife Research	Other-related entities	Green = Report Received	10/26/21
Texas Water Resources Institute	Other-related entities	Part of Combined Report	
Texas A&M Engineering Experiment Station	Other-related entities	Green = Report Received	10/29/21
Texas A&M Engineering Extension Service	Other-related entities	Green = Report Received	09/30/21
Texas A&M Forest Service	Other-related entities	Green = Report Received	10/26/21
Texas A&M Transportation Institute	Other-related entities	Green = Report Received	10/29/21
Texas A&M Veterinary Medical Diagnostic Laboratory	Other-related entities	Green = Report Received	10/26/21
Texas Division of Emergency Management	Other-related entities	Green = Report Received	10/20/21
Texas A&M University-Central Texas	Public University	Green = Report Received	10/25/21
Texas A&M University-Commerce	Public University	Green = Report Received	10/26/21
Texas A&M University-Corpus Christi	Public University	Green = Report Received	10/28/21

Texas A&M University-Kingsville	Public University	Green = Report Received	10/27/21
Texas A&M University-San Antonio	Public University	Green = Report Received	10/28/21
Texas A&M University-Texarkana	Public University	Green = Report Received	10/29/21
West Texas A&M University	Public University	Green = Report Received	10/15/21
Panhandle-Plains Historical Museum	Other-related entities	Part of Combined Report	
Texas Southern University	Public University	Green = Report Received	09/09/21
Texas State University System, System Administration	System (may include combined reports)	Green = Report Received	10/27/21
Lamar Institute of Technology	State College	Green = Report Received	10/22/21
Lamar State College Orange	State College	Green = Report Received	10/07/21
Lamar State College Port Arthur	State College	Green = Report Received	10/12/21
Lamar University	Public University	Green = Report Received	10/26/21
Sam Houston State University	Public University	Green = Report Received	10/25/21
Sam Houston State University College of Osteopathic Medicine	Health-related Institution	Part of Combined Report	
Sam Houston Memorial Museum	Other-related entities	Part of Combined Report	
Sul Ross State University	Public University	Green = Report Received	10/22/21
Sul Ross State University Rio Grande College	Public University	Part of Combined Report	
Texas State University	Public University	Green = Report Received	10/22/21
Texas Tech University System	System (may include combined reports)	Green = Report Received	10/26/21
Angelo State University	Public University	Green = Report Received	10/26/21
Midwestern State University	Public University	Green = Report Received	10/19/21

Texas Tech University	Public University	Part of Combined Report	
Texas Tech University Museum	Other-related entities	Part of Combined Report	
Texas Tech University Health Sciences Center	Health-related Institution	Green = Report Received	10/18/21
Texas Tech University Health Sciences Center-El Paso	Health-related Institution	Green = Report Received	10/26/21
Texas Woman's University	Public University	Green = Report Received	10/22/21
The University of Texas System, System Administration	System (may include combined reports)	Green = Report Received	10/20/21
The University of Texas at Arlington	Public University	Green = Report Received	10/27/21
The University of Texas at Austin	Public University	Green = Report Received	10/29/21
The University of Texas at Austin Dell Medical School	Health-related Institution	Part of Combined Report	
The University of Texas at Dallas	Public University	Green = Report Received	10/15/21
The University of Texas at El Paso	Public University	Green = Report Received	10/12/21
The University of Texas at El Paso Museum	Other-related entities	Part of Combined Report	
The University of Texas at San Antonio	Public University	Green = Report Received	10/22/21
The University of Texas at Tyler	Public University	Green = Report Received	10/22/21
The University of Texas Health Science Center at Tyler	Health-related Institution	Part of Combined Report	
The University of Texas Permian Basin	Public University	Green = Report Received	10/22/21
The University of Texas Rio Grande Valley	Public University	Green = Report Received	10/28/21
The University of Texas Rio Grande Valley School of Medicine	Health-related Institution	Part of Combined Report	
The University of Texas Health Science Center at Houston	Health-related Institution	Green = Report Received	10/14/21
The University of Texas Health Science Center at San Antonio	Health-related Institution	Green = Report Received	10/13/21

The University of Texas M.D. Anderson Cancer Center	Health-related Institution	Green = Report Received	10/28/21
The University of Texas Medical Branch at Galveston	Health-related Institution	Green = Report Received	10/15/21
The University of Texas Southwestern Medical Center	Health-related Institution	Green = Report Received	10/08/21
University of Houston System	System (may include combined reports)	Green = Report Received	10/05/21
University of Houston	Public University	Part of Combined Report	
University of Houston College of Medicine	Health-related Institution	Part of Combined Report	
University of Houston-Clear Lake	Public University	Green = Report Received	10/20/21
University of Houston-Downtown	Public University	Part of Combined Report	
University of Houston-Victoria	Public University	Green = Report Received	10/06/21
University of North Texas System	System (may include combined reports)	Green = Report Received	10/26/21
University of North Texas	Public University	Green = Report Received	10/29/21
University of North Texas at Dallas	Public University	Green = Report Received	10/04/21
University of North Texas Dallas College of Law	Public University	Part of Combined Report	
University of North Texas Health Science Center	Health-related Institution	Green = Report Received	10/08/21
Abilene Christian University	Private or Independent Institution (ICUT)	Green = Report Received	10/05/21
Amberton University	Private or Independent Institution (ICUT)	Green = Report Received	10/01/21
Austin College	Private or Independent Institution (ICUT)	Green = Report Received	10/18/21
Baylor College of Medicine	Health-related Institution	Green = Report Received	10/07/21

Baylor University	Private or Independent Institution (ICUT)	Green = Report Received	09/03/21
Concordia University Texas	Private or Independent Institution (ICUT)	Green = Report Received	10/25/21
Dallas Baptist University	Private or Independent Institution (ICUT)	Green = Report Received	10/28/21
East Texas Baptist University	Private or Independent Institution (ICUT)	Green = Report Received	08/10/21
Hardin-Simmons University	Private or Independent Institution (ICUT)	Green = Report Received	10/30/21
Houston Baptist University	Private or Independent Institution (ICUT)	Green = Report Received	10/29/21
Howard Payne University	Private or Independent Institution (ICUT)	Green = Report Received	06/10/21
Huston-Tillotson University	Private or Independent Institution (ICUT)	Blue = Report Received After Oct. 31 Deadline	11/09/21
Jacksonville College	Private or Independent Institution (ICUT)	Blue = Report Received After Oct. 31 Deadline	11/18/21
Jarvis Christian College	Private or Independent Institution (ICUT)	Green = Report Received	10/22/21
LeTourneau University	Private or Independent Institution (ICUT)	Blue = Report Received After Oct. 31 Deadline	12/06/21
Lubbock Christian University	Private or Independent Institution (ICUT)	Green = Report Received	10/26/21
McMurry University	Private or Independent Institution (ICUT)	Green = Report Received	10/19/21
Our Lady of the Lake University of San Antonio	Private or Independent Institution (ICUT)	Green = Report Received	10/22/21
Parker University	Private or Independent Institution (ICUT)	Green = Report Received	10/26/21

Rice University	Private or Independent Institution (ICUT)	Green = Report Received	10/01/21
Schreiner University	Private or Independent Institution (ICUT)	Green = Report Received	10/22/21
South Texas College of Law Houston	Private or Independent Institution (ICUT)	Green = Report Received	10/04/21
Southern Methodist University	Private or Independent Institution (ICUT)	Green = Report Received	09/21/21
Southwestern Adventist University	Private or Independent Institution (ICUT)	Green = Report Received	10/29/21
Southwestern Assemblies of God University	Private or Independent Institution (ICUT)	Green = Report Received	10/27/21
Southwestern Christian College	Private or Independent Institution (ICUT)	Blue = Report Received After Oct. 31 Deadline	12/02/21
Southwestern University	Private or Independent Institution (ICUT)	Green = Report Received	10/27/21
St. Edward's University	Private or Independent Institution (ICUT)	Green = Report Received	10/29/21
St. Mary's University	Private or Independent Institution (ICUT)	Green = Report Received	09/21/21
Texas Chiropractic College	Private or Independent Institution (ICUT)	Green = Report Received	10/29/21
Texas Christian University	Private or Independent Institution (ICUT)	Green = Report Received	10/08/21
Texas College	Private or Independent Institution (ICUT)	Green = Report Received	10/15/21
Texas Lutheran University	Private or Independent Institution (ICUT)	Green = Report Received	10/25/21
Texas Wesleyan University	Private or Independent Institution (ICUT)	Blue = Report Received After Oct. 31 Deadline	11/01/21

Trinity University	Private or Independent Institution (ICUT)	Green = Report Received	10/26/21
University of Dallas	Private or Independent Institution (ICUT)	Green = Report Received	10/29/21
University of Mary Hardin-Baylor	Private or Independent Institution (ICUT)	Green = Report Received	10/26/21
University of St. Thomas-Houston	Private or Independent Institution (ICUT)	Green = Report Received	10/29/21
University of the Incarnate Word	Private or Independent Institution (ICUT)	Green = Report Received	08/23/21
Wayland Baptist University	Private or Independent Institution (ICUT)	Green = Report Received	05/08/21
Wiley College	Private or Independent Institution (ICUT)	Blue = Report Received After Oct. 31 Deadline	03/03/22

Appendix G



TEXAS HIGHER EDUCATION COORDINATING BOARD

P. O. Box 12788 Austin, Texas 78711

Fred Farias III, O.D.
CHAIR

Donna N. Williams
VICE CHAIR

Vacant
SECRETARY OF THE BOARD

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STUDENT REPRESENTATIVE

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Robert P. Gauntt
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Harrison Keller, Ph.D.
COMMISSIONER
OF HIGHER EDUCATION

(512) 427-6101
Fax (512) 427-6127

Web site:
<http://www.highered.texas.gov>

March 8, 2022

Dr. Harrison Keller
Commissioner of Higher Education
Texas Higher Education Coordinating Board
1200 E. Anderson Lane
Austin, TX 78752

Dr. Keller,

I am attaching the final report of our *Summary Results – Compliance Requirements - Texas Education Code Chapter 51 Subchapters E-2 and E-3*. This information will be presented at the April 27, 2022 Committee on Academic and Workforce Success meeting.

Our review of the 217 institutions of higher education (IHEs) found the following:

- Ten IHEs did not timely file the annual Chief Executive Officer (CEO) Certification as codified in Subchapter E-2 by October 31, 2021 the due date established by the coordinating board.
- Five IHEs were selected for a detailed review and assessment of policies and procedures, and each demonstrated substantial compliance with the 18 compliance requirements codified in Subchapter E-3.

This report contains the review results, compliance requirements, and individual reports as follows:

- Subchapter E-2 results in Tables 1 and 2;
- Subchapter E-3 results in Table 3;
- E-3 compliance requirements in Table 4; and
- Individual reports with recommendations to improve compliance included as Attachments 1 and 2.

The E-2 and E-3 requirements became effective on September 1, 2019.

If you have any questions or comments, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Mark A. Poehl". The signature is written in a cursive style with a large, stylized "M" and "P".

Mark A. Poehl, CPA, CIA, CISA, CFE
Assistant Commissioner, Internal Audit and Compliance

Table 1: E-2 CEO Certifications Not Timely Filed¹

Institution Type/Number	Institution	Date Received by Coordinating Board
Public Universities	None Noted	
Private Universities		
1	Texas Wesleyan University	11/01/2021
2	Huston-Tillotson University	11/09/2021
3	Jacksonville College	11/18/2021
4	Southwestern Christian College	12/02/2021
5	LeTourneau University	12/06/2021
6	Wiley College	03/03/2022
Community Colleges		
7	Alvin Community College	11/17/2021
8	Coastal Bend College	11/17/2021
9	North Central Texas College*	12/07/2021
10	Texas Southmost College*	01/05/2022
* - See the final reports for these IHEs as Attachments 1 and 2.		

¹ Texas Education Code Chapter 51 Subchapter E-2, Sec. 51.258 (a) The chief executive officer of each postsecondary educational institution shall annually certify in writing to the coordinating board that the institution is in substantial compliance with this subchapter. THECB requires the CEO Certification to be filed no later than October 31st each year based on Rule 3.19(a).

Table 2: E-2 CEO Certifications Reviewed²

Institution Type/Number	Institution	Review Results
Public Universities		
1	Texas Woman's University	Timely filed
Private Universities		
2	Our Lady of the Lake University	Timely filed
3	Wayland Baptist University	Timely filed
Community Colleges		
4	North Central Texas College*	Not timely filed
5	Texas Southmost College*	Not timely filed
* - See the final reports for these IHEs as Attachments 1 and 2.		

² Ibid p.3.

Table 3: E-3 Required Compliance Requirements Reviewed³

Institution Type/Number	Institution	Review Results
Public Universities		
1	Texas Woman's University	No Improvement Recommendations Noted
Private Universities		
2	Our Lady of the Lake University	No Improvement Recommendations Noted
3	Wayland Baptist University	No Improvement Recommendations Noted
Community Colleges		
4	North Central Texas College*	No Improvement Recommendations Noted
5	Texas Southmost College*	No Improvement Recommendations Noted
* - See the final reports for these IHEs as Attachments 1 and 2. Improvement recommendations for E-2 were made for these institutions as presented in Tables 1 and 2.		

³ See table 4 on page 6 of this report for the Texas Education Code Chapter 51 Subchapter E-3 statutory requirements.

Table 4: E-3 Compliance Requirements

Item Number	Bill Reference by Section	Policy Compliance Requirements
1	51.282 (a)(1)(A)	A "Definitions" page and details prohibited behavior.
2	51.282 (a)(2)	Board-approved policy.
3	51.282 (b)(1)	Included in student handbook and personnel handbook.
4	51.282 (b)(2)	Dedicated webpage and clearly linked to the IHE homepage.
5	51.282 (c)	Requires each entering freshman or undergraduate transfer students to attend an orientation on the institution's policy.
6	51.282 (d)	Prevention and outreach program that addresses required elements.
7	51.282 (e)(1) and (2)	Protocol addresses counseling resources and must allow course drop.
8	51.282 (f)	Biennial review and governing board approval of policy revisions.
9	51.283	Electronic reporting option for an enrolled student or an IHE employee.
10	51.284	Provides "Amnesty for Students Reporting Certain Incidents".
11	51.285 (a) and (c)	Procedures for documenting a victim request not to investigate and to notify the victim of the IHE's decision whether it will investigate the alleged incident.
12	51.286	A disciplinary process for certain violations.
13	51.287	Protocol for when a student withdraws or graduates with pending disciplinary charges.
14	51.288	Trauma-informed investigation training to each peace officer employed by an IHE.
15	51.289 (1), (2), and (3)	IHE has an MOU with one or more of the following: (1) local law enforcement agencies; (2) sexual harassment, sexual assault, dating violence, or stalking advocacy groups; or (3) hospitals or other medical resource providers.
16	51.290 (1) and (2)	Provides for at least one or more responsible employee, confidential employee, and student advocate. Responsible employee for the purposes of Title IX; (1) Confidential employee to whom enrolled students may speak confidentially; and (2) Student advocate is an enrolled student to whom an enrolled student may speak confidentially.
17	51.291	Addresses confidentiality adheres to these requirements stipulated in this sub-section.
18	51.293	Protocols address equal access for students enrolled at or employees of an IHE who are persons with disabilities.

Attachment 1:



**TEXAS HIGHER EDUCATION
COORDINATING BOARD**

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March 8, 2022

Dr. G. Brent Wallace
Chancellor
North Central Texas College
1525 West California Street
Gainesville, Texas 76240

Dear Dr. Wallace,

I am attaching the final report on our review of the *Compliance Requirements - Texas Education Code Chapter 51 Subchapters E-2 and E-3 at North Central Texas College (NCTC)*. There was one observation related to noncompliance with the requirements contained in Texas Education Code (TEC), Title 3, Subtitle A, Chapter 51, Subchapter E-2. Management's response has been incorporated into the final report.

We recommend the following for NCTC:

- Ensure timely filing of the Chief Executive Officer (CEO) Certification in accordance with Subchapter E-2 and the Texas Higher Education Coordinating Board (coordinating board) due date.

This report contains observations and a recommendation related to our review of the policies available on your website along with information provided in follow up communications. The changes in law made by this act became effective September 1, 2019. The Summary of Results lists the 18 identified E-3 requirements reviewed and results obtained.

Mark A. Poehl

Mark A. Poehl, CPA, CIA, CISA, CFE
Assistant Commissioner, Internal Audit and Compliance

*Compliance Requirements - Texas Education Code Chapter 51 Subchapters E-2 and E-3
at North Central Texas College
Report No. THECB-CM-22-030-1
March 2022*

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AN EQUAL OPPORTUNITY EMPLOYER

Summary Results - Compliance Requirements - Texas Education Code Chapter 51 Subchapters E-2 and E-3
Report No. THECB-CM-22-030-6
March 2022

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EXECUTIVE SUMMARY

We found that NCTC substantially complied with all of the 18 requirements of House Bill 1735 (HB-1735) as codified in Texas Education Code (TEC), Title 3, Subtitle A, Chapter 51, Subchapter E-3.

We noted one item needing improvement as follows:

- Ensure timely filing of the CEO Certification in accordance with Subchapter E-2 and the coordinating board due date.

The audit team greatly appreciates the cooperation and assistance provided by NCTC and Academic Affairs and Workforce Education (AAWE) staff members during this review. We look forward to our ongoing collaborative efforts to ensure NCTC's compliance with Subchapters E-2 and E-3.

Review Objective, Scope, and Methodologies

Our review objectives were limited to reviewing compliance with specific SB-212 and HB-1735 compliance and reporting requirements as codified in TEC, Title 3, Subtitle A, Chapter 51, Subchapters E-2 and E-3 for institutions of higher education (IHEs). We collaborated with AAWE and agreed that our audit scope would be limited to certain criteria as noted in the Summary of Results section in this report.

We further agreed that our role would be to remain neutral in policy matters while providing an objective review regarding the nature and extent of the IHE's compliance with the requirements of TEC, Title 3, Subtitle A, Chapter 51, Subchapter E-3.

We reviewed the information submitted to the coordinating board, requested follow up information as needed, and performed limited testing to address the review objectives.

Background

This review was included on the 2022 Compliance Monitoring Plan. Policy guidance and direction is centralized in the AAWE office under the Director of Private Postsecondary Institutions who also acts as the Title IX Coordinator for Institutions.

The 86th Legislature enacted HB-1735, amending Texas Education Code (TEC), Title 3, Subtitle A, Chapter 51, by adding Subchapters E-2 and E-3 requiring each postsecondary education institution to provide the Chief Executive Officer certification to the coordinating board and to adopt a policy on sexual harassment, sexual assault, dating violence, and stalking applicable to each student enrolled at and each employ of the institution. Further, Section 51.292(a) states: "If the coordinating board determines that a postsecondary education institution is not in substantial compliance with this subchapter, the coordinating board may assess an administrative penalty against the institution in an amount not to

*Compliance Requirements - Texas Education Code Chapter 51 Subchapters E-2 and E-3
at North Central Texas College
Report No. THECB-CM-DR-22-030-1
March 2022* 2

exceed \$2 million. In determining the amount of the penalty, the coordinating board shall consider the nature of the violation and the number of students enrolled at the institution.”

Additionally, Section 51.292(f) states: “The coordinating board shall annually submit to the governor, the lieutenant governor, the speaker of the house of representatives and the standing legislative committees with primary jurisdiction over legislation concerning sexual assault at postsecondary educational institutions a report regarding compliance with this subchapter, including a summary of the postsecondary educational institutions found not to be in substantial compliance as provided by this section and any penalties assessed under this section during the preceding year”. No penalties were assessed of NCTC in this review period.

Observations:

The coordinating board set October 31st each year as the deadline for submitting the CEO Certification. Our review found that NCTC did not submit the CEO Certification by the deadline. Rather, NCTC submitted the CEO Certification on December 7, 2021 during this review. Our review also found that NCTC substantially complied with the 18 HB-1735 (E-3) compliance requirements.

Recommendation:

Ensure timely filing of the CEO Certification in accordance with Subchapter E-2 and the coordinating board due date of October 31st each year.

Management Response:

We have developed the following process together with our Title IX Coordinator, Dr. Roxanne Del Rio, to ensure timely filing of the CEO Certification in accordance with Subchapter E-2 and the coordinating board due date:

The Title IX Coordinator will prepare the CEO certification Report October. I will present to the Board of Regents. After the Board of Regents review, I will sign the Certification Letter and the Title IX Coordinator will forward to the THECB by October 31, 2022.

If the Board of regents does not meet in month October, I will sign Certification form and send it to the Title IX Coordinator to submit to the THECB with a note "Pending Board of Regents Review" date: xxx, x, xxxx. Once the Board of Regents approves report, the Title IX Coordinator will resubmit.

Implementation Date:

Immediately.

Responsible Party(ies):

Dr. Roxanne Del Rio, Title IX Coordinator.

*Compliance Requirements - Texas Education Code Chapter 51 Subchapters E-2 and E-3
at North Central Texas College
Report No. THECB-CM-DR-22-030-1
March 2022*

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Summary Results - Compliance Requirements - Texas Education Code Chapter 51 Subchapters E-2 and E-3
Report No. THECB-CM-22-030-6
March 2022

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PERFORMED BY:

Mr. Bobby Lane, CFE, CICA, Compliance Specialist
Ms. Elizabeth Steele, Compliance Specialist

cc:

THECB

Board Members

Commissioner's Office

Dr. Harrison Keller, Commissioner of Higher Education
Mr. Rey Rodriguez, Deputy Commissioner and Chief of Staff
Ms. Nichole Bunker-Henderson, General Counsel

Academic Affairs and Workforce Education

Dr. Ray Martinez, Deputy Commissioner, Academic Affairs and Workforce Education
Dr. Tina Jackson, Assistant Commissioner, Workforce Education
Ms. Cathie Maeyaert, Director, Private and Postsecondary Institutions/Title IX
Coordinator-Institutions

North Central Community College

Ms. Karla Metzler, Chair, Board of Regents
Dr. Roxanne Del Rio, Title IX Coordinator

Texas Association of Community Colleges

Mr. Jacob Fraire, President and CEO

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Sunset Advisory Commission

Ms. Jennifer Jones, Executive Director

*Compliance Requirements - Texas Education Code Chapter 51 Subchapters E-2 and E-3
at North Central Texas College
Report No. THECB-CM-DR-22-030-1
March 2022* 5

Summary Results - Compliance Requirements - Texas Education Code Chapter 51 Subchapters E-2 and E-3
Report No. THECB-CM-22-030-6
March 2022

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Summary of Results

Item Number	Bill Reference by Section	Policy Compliance Requirements	Compliance Assessment
1	51.282 (a)(1)(A)	A "Definitions" page and details prohibited behavior.	No Improvement Recommendations Noted
2	51.282 (a)(2)	Board-approved policy.	
3	51.282 (b)(1)	Included in student handbook and personnel handbook.	
4	51.282 (b)(2)	Dedicated webpage and clearly linked to the IHE homepage.	
5	51.282 (c)	Requires each entering freshman or undergraduate transfer students to attend an orientation on the institution's policy.	
6	51.282 (d)	Prevention and outreach program that addresses required elements.	
7	51.282 (e)(1) and (2)	Protocol addresses counseling resources and must allow course drop.	
8	51.282 (f)	Biennial review and governing board approval of policy revisions.	
9	51.283	Electronic reporting option for an enrolled student or an IHE employee.	
10	51.284	Provides "Amnesty for Students Reporting Certain Incidents".	
11	51.285 (a) and (c)	Procedures for documenting a victim request not to investigate and to notify the victim of the IHE's decision whether it will investigate the alleged incident.	
12	51.286	A disciplinary process for certain violations.	
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Item Number	Bill Reference by Section	Policy Compliance Requirements	Compliance Assessment
14	51.288	Trauma-informed investigation training to each peace officer employed by an IHE.	No Improvement Recommendations Noted
15	51.289 (1), (2), and (3)	IHE has an MOU with one or more of the following: (1) local law enforcement agencies; (2) sexual harassment, sexual assault, dating violence, or stalking advocacy groups; or (3) hospitals or other medical resource providers.	
16	51.290 (1) and (2)	Provides for at least one or more responsible employee, confidential employee, and student advocate. Responsible employee for the purposes of Title IX; (1) Confidential employee to whom enrolled students may speak confidentially; and (2) Student advocate is an enrolled student to whom an enrolled student may speak confidentially.	
17	51.291	Addresses confidentiality adheres to these requirements stipulated in this sub-section.	
18	51.293	Protocols address equal access for students enrolled at or employees of an IHE who are persons with disabilities.	

Attachment 2



TEXAS HIGHER EDUCATION COORDINATING BOARD

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March 8, 2022

Dr. Jesus Roberto Rodriguez
President
Texas Southmost College
80 Fort Brown
Brownsville, Texas 78520

Dear Dr. Rodriguez,

I am attaching the final report on our review of the *Compliance Requirements - Texas Education Code Chapter 51 Subchapters E-2 and E-3 at Texas Southmost College (TSC)*. There was one observation related to noncompliance with the requirements contained in Texas Education Code (TEC), Title 3, Subtitle A, Chapter 51, Subchapter E-2. Management's response has been incorporated into the final report.

We recommend the following for TSC:

- Ensure timely filing of the Chief Executive Officer (CEO) Certification in accordance with Subchapter E-2 and the Texas Higher Education Coordinating Board (coordinating board) due date.

This report contains observations and a recommendation related to our review of the policies available on your website along with information provided in follow up communications. The changes in law made by this act became effective September 1, 2019. The Summary of Results lists the 18 identified E-3 requirements reviewed and results obtained.

Mark A. Poehl, CPA, CIA, CISA, CFE
Assistant Commissioner, Internal Audit and Compliance

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at Texas Southmost College*
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AN EQUAL OPPORTUNITY EMPLOYER

EXECUTIVE SUMMARY

We found that TSC substantially complied with all of the 18 requirements of House Bill 1735 (HB-1735) as codified in Texas Education Code (TEC), Title 3, Subtitle A, Chapter 51, Subchapter E-3.

We noted one item needing improvement as follows:

- Ensure timely filing of the CEO Certification in accordance with Subchapter E-2 and the coordinating board due date.

The audit team greatly appreciates the cooperation and assistance provided by TSC and Academic Affairs and Workforce Education (AAWE) staff members during this review. We look forward to our ongoing collaborative efforts to ensure TSC's compliance with Subchapters E-2 and E-3.

Review Objective, Scope, and Methodologies

Our review objectives were limited to reviewing compliance with specific SB-212 and HB-1735 compliance and reporting requirements as codified in TEC, Title 3, Subtitle A, Chapter 51, Subchapters E-2 and E-3 for institutions of higher education (IHEs). We collaborated with AAWE and agreed that our audit scope would be limited to certain criteria as noted in the Summary of Results section in this report.

We further agreed that our role would be to remain neutral in policy matters while providing an objective review regarding the nature and extent of the IHE's compliance with the requirements of TEC, Title 3, Subtitle A, Chapter 51, Subchapter E-3.

We reviewed the information submitted to the coordinating board, requested follow up information as needed, and performed limited testing to address the review objectives.

Background

This review was included on the 2022 Compliance Monitoring Plan. Policy guidance and direction is centralized in the AAWE office under the Director of Private Postsecondary Institutions who also acts as the Title IX Coordinator for Institutions.

The 86th Legislature enacted HB-1735, amending Texas Education Code (TEC), Title 3, Subtitle A, Chapter 51, by adding Subchapters E-2 and E-3 requiring each postsecondary education institution to provide the Chief Executive Officer certification to the coordinating board and to adopt a policy on sexual harassment, sexual assault, dating violence, and stalking applicable to each student enrolled at and each employ of the institution. Further, Section 51.292(a) states: "If the coordinating board determines that a postsecondary education institution is not in substantial compliance with this subchapter, the coordinating board may assess an administrative penalty against the institution in an amount not to

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exceed \$2 million. In determining the amount of the penalty, the coordinating board shall consider the nature of the violation and the number of students enrolled at the institution.”

Additionally, Section 51.292(f) states: “The coordinating board shall annually submit to the governor, the lieutenant governor, the speaker of the house of representatives and the standing legislative committees with primary jurisdiction over legislation concerning sexual assault at postsecondary educational institutions a report regarding compliance with this subchapter, including a summary of the postsecondary educational institutions found not to be in substantial compliance as provided by this section and any penalties assessed under this section during the preceding year”. No penalties were assessed of TSC in this review period.

Observations:

The coordinating board set October 31st each year as the deadline for submitting the CEO Certification. Our review found that TSC did not submit the CEO Certification by the deadline. Rather, TSC submitted the CEO Certification on January 4, 2022 during this review. Our review also found that TSC substantially complied with the 18 HB-1735 (E-3) compliance requirements.

Recommendation:

Ensure timely filing of the CEO Certification in accordance with Subchapter E-2 and the coordinating board due date of October 31st each year.

Management Response:

TSC has established and implemented measures to ensure that the filing requirements of the report are met and completed in a timely manner. TSC staff has entered the requirements and the deadlines for the CEO Certification report into a report manager software, Contract Safe that will ensure that alerts and reminders are sent to the Title IX Coordinator prior to the Coordinating Board established annual deadline of October 31st.

Once the Title IX Coordinator prepares the report, it is sent to the CEO. The CEO presents the report to the Board of Trustees at its September board meeting for review and acceptance. Once accepted by the Board of Trustees, the CEO signs the certification, and the Title IX Coordinator ensures that the report is posted on the TSC website and submitted to THECB as required.

Implementation Date:

This plan was established and implemented in December of 2021.

Responsible Party(ies):

Ms. Elizabeth Balderrama, Executive Director of Human Resources and Title IX Coordinator, is responsible for submitting the report to the CEO, Dr. Jesus Rodriguez, President of TSC, and she is also responsible for publishing and distributing the report as required. Martha Casanova, Coordinator of Records and Contract Management, is the software administrator and has entered in the report, responsible party and deadlines.

PERFORMED BY:

Mr. Bobby Lane, CFE, CICA, Compliance Specialist
Ms. Elizabeth Steele, Compliance Specialist

cc:

THECB

Board Members

Commissioner's Office

Dr. Harrison Keller, Commissioner of Higher Education
Mr. Rey Rodriguez, Deputy Commissioner and Chief of Staff
Ms. Nichole Bunker-Henderson, General Counsel

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Dr. Ray Martinez, Deputy Commissioner, Academic Affairs and Workforce Education
Dr. Tina Jackson, Assistant Commissioner, Workforce Education
Ms. Cathie Maeyaert, Director, Private and Postsecondary Institutions/Title IX
Coordinator-Institutions

Texas Southmost College

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Ms. Elizabeth Balderrama, MBA, MEd, Executive Director of Human Resources

Texas Association of Community Colleges

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Mr. Christopher Mattson, Manager

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Texas Higher Education

COORDINATING BOARD

This document is available on the Texas Higher Education Coordinating Board website:
<http://highered.texas.gov>.

For more information contact:

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Director – Private Postsecondary Institutions
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