



STEPHEN F. AUSTIN STATE UNIVERSITY

THE UNIVERSITY OF TEXAS SYSTEM ★ NACOGDOCHES, TEXAS

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2024 Chief Executive Officer Report

TO: U.T. System Board of Regents
FROM: Dr. Neal Weaver, Chief Executive Officer
DATE: October 7, 2024
RE: Chief Executive Officer Reporting Requirements Under Tex. Educ. Code § 51.253(c)

Texas Education Code (TEC), Section 51.253(c) and Texas Administrative Code, Title 19, Sections 3.6(c) and 3.19(a) require institutions of higher education to submit a Chief Executive Officer Report (“CEO Report”) to the institution’s governing body and post the report on the institution’s internet website “at least once annually,” by October of each year.

The CEO Report must contain (1) all reports received by employees under the TEC, Section 51.252 that constitutes “sexual harassment,” “sexual assault,” “dating violence,” or “stalking” (as defined in the TEC, Section 51.251), and (2) any disciplinary actions taken under TEC, Section 51.255 regarding allegations of an employee’s failure to report or submitting a false report to the institution for alleged incidents of sexual harassment, sexual assault, dating violence, or stalking. The reports received may be applicable in multiple reporting categories, and therefore, the CEO summary data reflected in the categories may not add up to the totals of other categories.

In compliance with the Chief Executive Officer’s TEC reporting requirements, the enclosed CEO Report includes all of the required reporting to the U.T. System Board of Regents for the 2023-2024 academic year (Appendix A) and status updates to the 2022-2023 academic year (Appendix B) as of September 2, 2024. The CEO Report is based on the reporting requirements under TEC, Section 51.253(c) along with supplemental category breakdowns, when applicable.

The CEO Report will be posted on the institutions website at <https://www.sfasu.edu/titleix/university-reports/tec-section-51.253>, as required by TEC, Section 51.253(c), and a copy of this CEO Report (along with an annual certification of compliance) will be submitted to the Texas Higher Education Coordinating Board (THECB) by October 31, as required annually by 19 Tex. Admin. Code Section 3.19(a).

Appendix A
2024 CEO Report
2023-2024 Academic Year: September 1, 2023 – August 31, 2024

Texas Education Code, Section 51.252: Employee Reporting Requirements	
Number of reports received under Section 51.252¹	296
a. Employee submitted reports under Section 51.252	208
b. Confidential reports ² under Section 51.252	88
Number of investigations conducted under Section 51.252	1
a. Formal investigation ongoing	1
Disposition of disciplinary processes for reports under Section 51.252:	2
a. Disciplinary process pending	2
Number of reports under Section 51.252 for which the institution determined <u>not</u> to initiate a disciplinary process	293
a. Confidential reports under Section 51.252	88
b. Intake/review process ongoing	10
c. Respondent's identity is unknown	3
d. Complainant's identity is unknown	10
e. No parties identified	8
f. Determined matter was previously investigated or alleged conduct did not meet the definition of sexual harassment, sexual assault, dating violence or stalking	26
g. Complainant requested the institution not investigate	38
h. Informal resolution process completed	1
i. Party did not respond to contact attempts	75
j. No jurisdiction- resources provided	26
k. No jurisdiction- supportive measures provided	4
l. No jurisdiction- informational report only	4

Texas Education Code, Section 51.255: Failure to Report or False Reports	
Number of reports received that include allegations of an employee's failure to report or submitting a false report to the institution under Section 51.255(a)	2
Number of investigations conducted regarding Section 51.255	1
a. Formal investigation ongoing	1
b. Formal investigation completed (Non-Title IX Regs) – Preliminary Determination (Preponderance of evidence <u>not</u> met) and no disciplinary referral	0

¹ Not all reports of alleged sexual harassment, sexual assault, dating violence, and stalking against a student or employee are reflected in the CEO Report. Reports made by students and all other non-employees (including incidents under 19 Tex. Admin. Code Section 3.5(d)(3)) directly to the Title IX Coordinator are excluded. Further, if the Title IX Coordinator receives a report that a student or employee was a victim of sexual harassment, sexual assault, dating violence, or stalking prior to being enrolled at or employed by the institution, the report is excluded. Additionally, if a Title IX Coordinator or Deputy Coordinator determines that the type of incident described in a report, as alleged, does not constitute "sexual harassment," "sexual assault," "dating violence," or "stalking" as defined in the TEC, Section 51.251, the report is excluded. When identifiable, duplicate reports were consolidated and counted as one report in the summary data. For example, two employees may witness the same incident of sexual harassment and then report it to the Title IX Coordinator. If the Title IX Coordinator can identify the two reports as being the same incident, then the incident will be counted once. It is the responsibility of the Title IX Coordinator or Deputy Title IX Coordinator to assess each report received and determine whether it is properly included in this report, and if so, to correctly identify the type of incident.

² A confidential report consists only of the "type of incident" from a confidential employee to the Title IX Coordinator; therefore, personally identifiable information is excluded under these circumstances. Examples of confidential employees may include victim advocates for students, student ombuds, or those who work in a counseling center or student health center.

Any disciplinary action taken, regarding failure to report or false reports to the institution under Section 51.255(c):	0
Number of reports under Section 51.255(c) for which the institution determined <u>not</u> to initiate a disciplinary process	1
a. Determined matter was previously investigated or alleged conduct did not meet the definition of employee's failure to report or submitting a false report to the institution	1

Appendix B

2023 CEO Report Updates³ 2022-2023 Academic Year: September 1, 2022 – August 31, 2023

Texas Education Code, Section 51.252: Employee Reporting Requirements	
Number of reports received under Section 51.252⁴	239
a. Employee submitted reports under Section 51.252	208
b. Confidential reports ⁵ under Section 51.252	31
Disposition of disciplinary processes for reports under Section 51.252:	7
a. Disciplinary process completed – No Finding of Policy Violation ⁶	3
b. Disciplinary process completed – Employee Disciplinary Sanction	1
c. Disciplinary process completed – Student Disciplinary Sanction	3
Number of reports under Section 51.252 for which the institution determined <u>not</u> to initiate a disciplinary process	232
a. Confidential reports ⁷ under Section 51.252	31
b. Determined the alleged conduct did not meet the definition of sexual harassment, sexual assault, dating violence or stalking	24
c. Supportive and/or administrative measures provided in lieu of process at Complainant’s Request	7
d. Informal resolution process completed	2
e. Unidentified Complainant	13
f. Unidentified Respondent	2
g. Witness Report- Complainant nor Respondent identified	7

³ The 2023 CEO Report Updates consists of the cumulative data set that originated in 2022-2023 with updated statuses of investigation or disciplinary process dispositions. For example, investigations that were ongoing or disciplinary processes that were pending as of 2023’s CEO Report that have since concluded as of 2024’s CEO Report will have an updated status or disposition reflected here.

⁴ Not all reports of alleged sexual harassment, sexual assault, dating violence, and stalking against a student or employee are reflected in the CEO Report. Reports made by students and all other non-employees (including incidents under 19 Tex. Admin. Code Section 3.5(d)(3)) directly to the Title IX Coordinator are excluded. Further, if the Title IX Coordinator receives a report that a student or employee was a victim of sexual harassment, sexual assault, dating violence, or stalking prior to being enrolled at or employed by the institution, the report is excluded. Additionally, if a Title IX Coordinator or Deputy Coordinator determines that the type of incident described in a report, as alleged, does not constitute “sexual harassment,” “sexual assault,” “dating violence,” or “stalking” as defined in the TEC, Section 51.251, the report is excluded. When identifiable, duplicate reports were consolidated and counted as one report in the summary data. For example, two employees may witness the same incident of sexual harassment and then report it to the Title IX Coordinator. If the Title IX Coordinator can identify the two reports as being the same incident, then the incident will be counted once. It is the responsibility of the Title IX Coordinator or Deputy Title IX Coordinator to assess each report received and determine whether it is properly included in this report, and if so, to correctly identify the type of incident.

⁵ A confidential report consists only of the “type of incident” from a confidential employee to the Title IX Coordinator; therefore, personally identifiable information is excluded under these circumstances. Examples of confidential employees may include victim advocates for students, student ombuds, or those who work in a counseling center or student health center.

⁶ “No Finding of a Policy Violation” in this section refers to instances where there is no finding of responsibility after a hearing or an appeal process; investigations completed with a preponderance of evidence not met are excluded since it would not have moved forward into a disciplinary process.

⁷ A confidential report consists only of the “type of incident” from a confidential employee to the Title IX Coordinator; therefore, personally identifiable information is excluded under these circumstances. Examples of confidential employees may include victim advocates for students, student ombuds, or those who work in a counseling center or student health center.

h. Complainant declined formal process	41
i. Complainant did not respond to contact attempts	84
j. No Jurisdiction- Resources provided	16
k. No Jurisdiction- Supportive measures provided	3
l. No Jurisdiction- For informational purposes	2

Texas Education Code, Section 51.255: Failure to Report or False Reports	
Number of reports received that include allegations of an employee's failure to report or submitting a false report to the institution under Section 51.255(a)	16
Number of investigations conducted regarding Section 51.255	8
a. Under final administrative adjudication process	7
b. Formal investigation completed (Non-Title IX Regs) – Preliminary Determination (Preponderance of evidence met) and referred to a disciplinary process	1
Reports not referred for full investigation regarding Section 51.255	8
a. Determined not to be a Failure to Report matter during the preliminary fact-finding stage	2
b. Administrative closure due to insufficient information to investigate	1
c. Respondent is no longer affiliated to the University	2
d. Alleged conduct did not meet the definition of any conduct prohibited under SFA HOP 01-307	3