

Chief Executive Officer Report

TO: **Baylor University Board of Regents**
FROM: **Linda Livingstone**, Chief Executive Officer
DATE: July 31, 2020
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 data report at least once during each fall or spring semester to the institution's governing body and post on the institution's internet website a report concerning the reports received by employees under the TEC, Section 51.252 the type of incident described in the employee's report constitutes "sexual harassment," "sexual assault," "dating violence," or "stalking" as defined in the TEC, Section 51.251, and any disciplinary actions taken under TEC, Section 51.255.

For the purposes of complying with the Chief Executive Officer's reporting requirements under TEC, Section 51.253(c), the attached summary data report¹ (Appendix A) includes all of the required reporting information to the Board of Regents for the 2019-2020 academic year, as of July 31.² The summary data in Appendix A is categorized based on the reporting requirements under TEC, Section 51.253(c). The reports received from Confidential Resources may be counted twice if they were also reported by non-confidential employees. Therefore, the total number of reports may include duplications that could not be identified given the nature of confidential reporting.

The summary data report is also posted on the Baylor University webpage as per the public reporting requirements under TEC, Section 51.253(c).

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.³

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 as a sub-set to the total number of reports received.

² Reporting requirements under Section 51.252 went into effect on January 1, 2020. Therefore, for the 2019-2020 academic year, this report does not include data on reports received prior to January 1, 2020. This report was finalized on July 31 and includes report status information as of that date, however the report only includes information about reports received through the fiscal year, which ended May 31.

³ For example, reports made by students and all other non-employees (including incidents under 3.5(d)(3)) are excluded from Appendix A. Additionally, if a Title IX Coordinator or Deputy Coordinator determines that the type of incident described in a report, as alleged, does not constitute "sexual harassment," "sexual assault," "dating violence," or "stalking" as defined in the TEC, Section 51.251, the report is excluded from Appendix A. 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. Finally, Baylor University's disclosures under the Clery Act are maintained separately and may be accessed at Baylor's Clery Act Information webpage.

<https://www.baylor.edu/dps/index.php?id=865468>

Appendix A

Summary Data Report 2019-2020 Academic Year

Texas Education Code, Section 51.252	
Number of reports received under Section 51.252⁴	168
Number of confidential reports ⁵ under Section 51.252	125
Number of investigations conducted under Section 51.252	1
Disposition ⁶ of any disciplinary processes for reports under Section 51.252:	
a. Concluded, No Finding of Policy Violation	0
b. Concluded, with Employee Disciplinary Sanction	0
c. Concluded, with Student Disciplinary Sanction	0
d. SUBTOTAL	0
Number of reports under Section 51.252 for which the institution determined not to initiate a disciplinary process ⁷	167

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)	4
Any disciplinary action taken, regarding failure to report or false reports to the institution under Section 51.255(c) :	
a. Employee termination	0
b. Institutional intent to termination, in lieu of employee resignation	0

⁴ Reports made by students and all other non-employees (including incidents under 3.5(d)(3)) are excluded from Appendix A. Additionally, if a Title IX Coordinator or Deputy Coordinator determines that the type of incident described in a report, as alleged, does not constitute "sexual harassment," "sexual assault," "dating violence," or "stalking" as defined in the TEC, Section 51.251, the report is excluded from Appendix A. 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. Finally, Baylor University's disclosures under the Clery Act are maintained separately and may be accessed at Baylor's Clery Act Information webpage.

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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, and University Chaplain).

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

⁷ The institution may have determined "not to initiate a disciplinary process." The reasons for not initiating a discipline process can include, but are not limited to: insufficient information to investigate; confidential employee reporting (no identifiable information); the respondent's identity was unknown or not reported; the respondent was not university-affiliated; the complainant requested the institution not investigate the report; informal resolution was completed; or the complainant did not respond to our efforts to communicate with him/her.