

Chief Executive Officer Report: January-September, 2020

TO: UNT Board of Regents

FROM: Dr. Neale Smatresk, Chief Executive Officer

DATE: November 1, 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 website a report concerning the reports received by employees under the TEC, Section 51.252 when the type of incident described in the employee's report constitutes "sexual harassment", "sexual assault", "dating violence", or "stalking" as defined in the TEC, Section 51.251, and any disciplinary actions taken under TEC, Section 51.255.

For the purposes of complying with 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 period of January 1, 2020 through September 30, 2020. The summary data in Appendix A is categorized based on the reporting requirements under TEC, Section 51.253(c). The reports received may be applicable in multiple reporting categories, and therefore, the summary data in the categories may not add up to the totals of other categories.

The summary data report is also posted on the UNT System 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.²

¹When 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.

²For example, reports made by students and all other non-employees (including incidents under 3.5(d)(3)) are excluded from Appendices A and B. 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 Appendices A and B. 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.

Appendix B
Summary Data Report
January 1, 2020 – September 30, 2020

Texas Education Code, Section 51.252	
Number of reports received under Section 51.252¹	283
Number of confidential reports ² under Section 51.252	79
Number of investigations conducted under Section 51.252	62
Disposition ³ of any disciplinary processes for reports under Section 51.252:	
a. Concluded, No Finding of Policy Violation ⁴	1
b. Concluded, with Employee Disciplinary Sanction	0
c. Concluded, with Student Disciplinary Sanction	5
d. SUBTOTAL	6
Number of reports under Section 51.252 for which the institution determined not to initiate a disciplinary process ⁵	202

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	0
b. Institutional intent to termination, in lieu of employee resignation	0

¹ For example, reports made by students and all other non-employees (including incidents under 3.5(d)(3)) are excluded from Appendices A and B. 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 Appendices A and B. 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 “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, or Student Legal Services).

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.

⁴ “No Finding of a Policy Violation” in this section refers to instances where there is no finding of responsibility after a hearing or an appeal process; investigations completed with a preponderance of evidence not met are excluded, because it would not have moved forward into a disciplinary process.

⁵ The institution may have determined “not to initiate a disciplinary process.” The reasons for not initiating a discipline process can include, but are not limited to: case dismissal; insufficient information to investigate; confidential employee reporting (no identifiable information); the respondent’s identity was unknown or not reported; the respondent was not university-affiliated; the complainant requested the institution not investigate the report; informal resolution was completed; investigation is ongoing; or investigation was completed with a preponderance of evidence not met.

CEO Summary Data Report 2019-2020 Academic Year

Reporting Requirements under Texas Education Code, Section 51.253(c)

CHIEF EXECUTIVE OFFICER CERTIFICATION

By signing this statement, I certify that:

- 1. I understand that under the Texas Education Code (TEC), Section 51.253(c), as Chief Executive Officer (CEO), I am required to submit a data report at least once during each fall or spring semester¹ 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 that 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.*
- 2. For the purposes of complying with the Chief Executive Officer's reporting requirements under TEC, Section 51.253(c), the attached CEO summary data report² includes all of the required reporting information to my institution's governing board for the 2019-2020 academic year starting January 1, 2020 per the effective date of the statute. The summary data are 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.*
- 3. The summary data report is also posted on my institution's webpage as per the public reporting requirements under TEC, Section 51.253(c).*
- 4. 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*

Please send the CEO summary data report and this signed certification form to TIXCEOReport@highered.texas.gov. Questions should be directed to cathie.maeyaert@highered.texas.gov.

SIGNATURE CEO: Neal Smatresk Digitally signed by Neal Smatresk
Date: 2020.11.04 17:22:12 -06'00'

PRINTED NAME: Neal Smatresk

INSTITUTION: University of North Texas

DATE: November 4, 2020

¹ Substantial compliance includes submitting the data report to the governing body "at least once annually" during either the fall or spring semester, under the Texas Administrative Code (TAC), Section 3.6(c).

² 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.

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