

Chief Executive Officer Report

TO: Tarrant County College District Board of Trustees

FROM: Dr. Eugene Giovannini, Chancellor

Cc: Mrs. Carol Bracken, Associate General Counsel
Dr. Elva LeBlanc, Executive Vice Chancellor/Provost
Dr. Ricardo Coronado, Title IX Coordinator

DATE: October 15, 2020

RE: Introduction of Chief Executive Officer Reporting Requirements Under Texas Education Code § 51.253(c)

During the 86th Legislative Session in 2019, Senate Bill 212 passed and became law September 1, 2019 with an effective date of January 1, 2020, placing certain requirements on Tarrant County College District as well as other institutions of higher education in Texas. This bill relates to “a reporting requirement for certain incidents of sexual harassment, sexual assault, dating violence, or stalking at certain public and private institutions of higher education; creating a criminal offense; authorizing administrative penalties.” This is the first report to the Board pursuant to the Texas Education Code, Section 51.253(c) and was prepared using the recommended Texas Higher Education Coordinating Board template.

Under the Texas Education Code, 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 this report on the institution’s internet website. This report will summarize the reports received by employees under the Texas Education Code, Section 51.252 and whether the types of incidents described in the employees’ reports constitute “sexual harassment,” “sexual assault,” “dating violence,” or “stalking” as defined in the Texas Education Code, Section 51.251.

TEC Section 51.252 imposes a mandatory reporting obligation on any TCC employee 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 or an employee of TCC at the time of the incident.

TEC Section 51.255 imposes penalties on an employee who fails to report an incident of sexual misconduct. Such employee may be subject to a misdemeanor criminal offense, and TCC is required to terminate the employment of such an employee.

For the purposes of complying with the Chief Executive Officer's reporting requirements under Section 51.253(c), the attached summary data report (Appendix A) includes all of the required reporting information from Tarrant County College District for the time period between January 1, 2020 to September 30, 2020. The summary data report below will be posted on the TCC Title IX webpage as per the public reporting requirements under Section 51.253(c).

It is also noteworthy that all complainants and respondents, whether students or employees, in this report are offered referrals to TCC or community resources, supportive measures, and services by TCC, including counseling services, CARE Teams, employee assistance program, law enforcement agency referrals, TCC Campus Police referrals, and referrals to other community agencies such as women's shelters. In addition, the Title IX Coordinator and/or Deputies implement or coordinate interim support measures to protect the reporting party from further harm, such as no contact orders, no trespass orders, interim suspensions, transferring students to another class, and allowing for make-up assignments or excused absences. The Title IX Coordinator and/or Title IX Deputies conduct a formal intake and inquiry to gather the facts of the case, interview other witnesses, review police reports, determine jurisdiction, review evidence, obtain party's permission to proceed, and review supporting documents before making a determination to conduct or not conduct an investigation.

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. For example, domestic violence incidents are not included in this report per State requirements. If the College was unable to determine if the incident occurred while the student was enrolled at TCC, the incident is included.

Appendix A
Summary Data Report
January 1, 2020 to September 30, 2020

Texas Education Code, Section 51.252	
Number of reports received under Section 51.252	61
Number of investigations conducted under Section 51.252	8
Disposition of any disciplinary process for reports under Section 51.252:	
a. Disciplinary Process Pending	0
b. Concluded, with Employee Disciplinary Sanction	1
c. Concluded, with Student Disciplinary Sanction	0
d. SUBTOTAL	1
Number of reports under Section 51.252 for which the institution determined not to initiate a disciplinary process ¹	60

Texas Education Code, Section 51.255	
Number of reports received that include allegations of an employee's failure to report or submission of a false report to the institution under Section 51.255(a)	2
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 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 TCC-affiliated – an affiliate is a TCC student, employee, or contractor; 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; or hearings/appeals with “no finding” of a policy violation, and therefore no disciplinary action.