



Title IX Coordinator Report

TO: Diane Melby, EdD, President
FROM: Nicole Monsibais, JD, Title IX Coordinator
DATE: May 27, 2021
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 and 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.

For the purposes of complying with the Title IX Coordinator reporting requirements under Section 51.253(a), the attached written report¹ (Appendix A, Table 1) includes all of the required reporting information to **Dr. Diane Melby, President**, Chief Executive Officer for **Our Lady of the Lake University**, for **Third Quarter** of the **2020-2021** academic year, through **May 15, 2021**. For the purposes of complying with the Chief Executive Officer's reporting requirements under TEC, Section 51.253(c), Appendix A, Table 2 features information necessary for the Chief Executive Officer's Report to report on any disciplinary actions taken under TEC, Section 51.255.

An attached summary data report (Appendix B), based on the Title IX Coordinator's written report (Appendix A), has also been included for your review. 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 the Texas Education Code have been omitted for the compliance purposes of this specific report.²

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.

² 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 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 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 A
Title IX Coordinator Report
2020-2021 Academic Year
Quarter 3

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
1	9/1/2020	Sexual Harassment	Administrative Closure: Initial Assessment Concluded; Complainant Requested Not to Investigate	Disciplinary Process: Not Applicable
2	9/16/2020	Sexual Assault	Administrative Closure: Initial Assessment Concluded; No Jurisdiction	Disciplinary Process: Not Applicable
3*	9/28/2020	Sexual Assault	Administrative Closure: No Response from Complainant	Disciplinary Process: Not Applicable
4	9/30/2020	Dating Violence	Administrative Closure: No Response from Complainant	Disciplinary Process: Not Applicable
5*	10/7/2020	Sexual Assault	Administrative Closure: Initial Assessment Concluded; Complainant Requested Not to Investigate	Disciplinary Process: Not Applicable
6	10/9/2020	Confidential Employee Reporting: Domestic Violence	Investigation Not Applicable (No Identifiable Information)	Disciplinary Process: Not Applicable
7	10/10/2020	Domestic Violence	Administrative Closure: No Response from Complainant	Disciplinary Process: Not Applicable
8	10/15/2020	Stalking	Administrative Closure: Initial Assessment Concluded; Complainant Requested Not to Investigate	Disciplinary Process: Not Applicable
9	10/15/2020	Sexual Harassment	Administrative Closure: Initial Assessment Concluded; Referred to Human Resources	Employee Disciplinary Process: Not Applicable; Resignation
10	10/16/2020	Confidential Employee Reporting: Domestic Violence	Investigation Not Applicable (No Identifiable Information)	Disciplinary Process: Not Applicable
11	10/19/2020	Sexual Assault	Administrative Closure: Initial Assessment Concluded; No Jurisdiction	Disciplinary Process: Not Applicable

12*	10/24/2020	Sexual Harassment	Administrative Closure: Initial Assessment Concluded; Formal Grievance Resolution Not Completed	Employee Disciplinary Process: Not Applicable; Resignation
13	12/8/2020	Dating Violence	Administrative Closure: Initial Assessment Concluded; No Jurisdiction	Disciplinary Process: Not Applicable
14	1/13/2021	Stalking	Administrative Closure: Initial Assessment Concluded; Complainant Requested Not to Investigate; Referred to Human Resources	Employee Disciplinary Process: First and Final Warning
15	1/19/2021	Domestic Violence	Administrative Closure: Initial Assessment Concluded; No Jurisdiction	Disciplinary Process: Not Applicable
16	1/26/2021	Dating Violence	Administrative Closure: Initial Assessment Concluded; No Jurisdiction	Disciplinary Process: Not Applicable
17*	2/20/2021	Sexual Assault	Administrative Closure: Initial Assessment Concluded; No Jurisdiction	Disciplinary Process: Not Applicable
18	2/22/2021	Sexual Assault	Administrative Closure: Initial Assessment Concluded; No Jurisdiction	Disciplinary Process: Not Applicable
19	2/25/2021	Confidential Employee Reporting: Sexual Assault	Investigation Not Applicable (No Identifiable Information)	Disciplinary Process: Not Applicable
20	2/25/2021	Confidential Employee Reporting: Sexual Assault	Investigation Not Applicable (No Identifiable Information)	Disciplinary Process: Not Applicable
21	3/27/2021	Sexual Assault	Administrative Closure: Initial Assessment Concluded; No Jurisdiction	Disciplinary Process: Not Applicable
22	3/30/2021	Domestic Violence	Administrative Closure: Initial Assessment Concluded; No Jurisdiction	Disciplinary Process: Not Applicable
23	4/1/2021	Confidential Employee Reporting: Domestic Violence	Investigation Not Applicable (No Identifiable Information)	Disciplinary Process: Not Applicable
24	4/26/2021	Sexual Harassment	Administrative Closure: Initial Assessment Concluded; Referred to Human Resources	Employee Disciplinary Process: Discharge

25	4/30/2021	Confidential Employee Reporting: Domestic Violence	Investigation Not Applicable (No Identifiable Information)	Disciplinary Process: Not Applicable
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**Indicates duplicate reports were consolidated into one case number.*

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

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)

Report Number	Date Received	Alleged Conduct Under § 51.255(a)	Investigation Status	Disciplinary Status
N/A	N/A	N/A	N/A	N/A

Appendix B
Summary Data Report
2020-2021 Academic Year
Quarter 3

Texas Education Code, Section 51.252	
Number of reports received under Section 51.252³	25
Number of confidential reports ⁴ under Section 51.252	6
Number of initial assessments⁵ conducted for reports under Section 51.252	16
Number of investigations ⁶ conducted under Section 51.252	4
Disposition ⁷ of any disciplinary processes for reports under Section 51.252:	
a. Concluded, No Finding of Policy Violation ⁸	0
b. Concluded, with Employee Disciplinary Sanction	2

³ 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 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 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.

⁴ “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 and Health Services, Confidential Advisors or Clergy).

⁵ “Number of initial assessments” refers to instances when the Title IX Coordinator conducts an initial assessment of the incident, usually in coordination with the Title IX Deputy Coordinator assigned to handle the complaint. Initial assessments, as described in the OLLU Title IX Sexual Misconduct Policy and Grievance Procedures, may include meeting with the reporter/complainant, issuing supportive measures, initiating a violence risk assessment and/or emergency removal, and determining the appropriate resolution process, including referral to Human Resources or Student Conduct for behavior related to sexual harassment or other sexual misconduct that is outside the scope of Title IX. Initial assessments are completed prior to the Informal Resolution and Formal Grievance Processes.

⁶ “Number of investigations” is a sub-set of the total number of initial assessments that were received under Section 51.252. Title IX formal investigations are initiated when the Title IX Coordinator or Deputy Coordinator issues a written notice of the investigation and allegations to the respondent upon commencement of the Title IX Sexual Misconduct Formal Grievance Procedure, or alternatively, the Informal Resolution Process. The Formal Grievance Procedure is typically completed within 60-90 calendar days of the complaint. In the event that extenuating circumstances warrant an investigation taking longer than 90 calendar days until resolution, the reasons for the delay will be documented in the case file. A simultaneous criminal investigation is an example of a situation that may warrant a delay. Other disciplinary investigations related to sexual harassment or other sexual misconduct that is outside the scope of Title IX are initiated when the Title IX Coordinator assesses the report and determines that the incident does not constitute sexual harassment as defined by the Title IX regulations (34 CFR § 106.30) but will be addressed using the appropriate resolution process.

⁷ “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.

⁸ “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.

c. Concluded, with Student Disciplinary Sanction	0
d. SUBTOTAL	2
Number of reports under Section 51.252 for which the institution determined not to initiate a disciplinary process ⁹	23

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)	0
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

⁹ 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; administrative closure; insufficient information to investigate; confidential employee reporting (no identifiable information); the respondent's identity was unknown or not reported; the institution had no jurisdiction; 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. At OLLU, jurisdiction includes a complaint of sexual misconduct against a member of the OLLU community.