



**TEXAS**  
The University of Texas at Austin

**2019 - 2020**

# **EXECUTIVE SUMMARY: CHIEF EXECUTIVE REPORT**

**TITLE IX OFFICE, UNIVERSITY COMPLIANCE SERVICES**

**2019-2020 Academic Year, Starting on January 1, 2020 to August 13, 2020**

\*January 1, 2020 is the effective date of the state statute for the purposes of complying with the Title IX Coordinator reporting requirements under TEC, Section 51.253(a).

# Executive Summary: Chief Executive Report Updates

## 2019-2020 Academic Year, Starting on January 1, 2020<sup>1</sup> to August 13, 2020

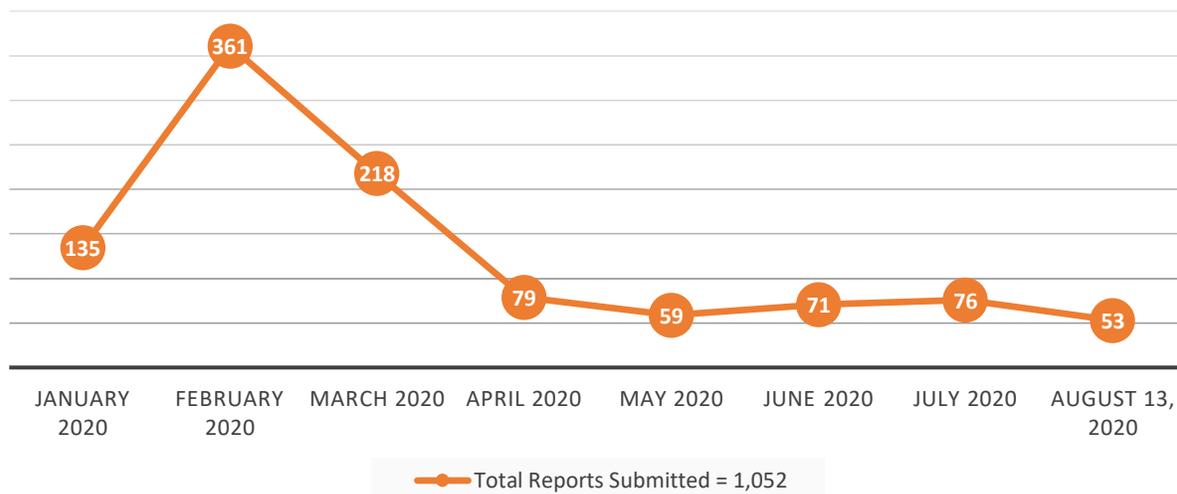
Pursuant to Texas Education Code (Tex. Educ. Code), Section 51.253 (c), the University’s Chief Executive Officer (CEO) is required to submit to the institution’s governing body and publish to the institution’s website a written report regarding reports received from employees that witness or receive information regarding sexual harassment, sexual assault, dating violence, and stalking incidents as defined in Tex. Educ. Code, Section 51.251, and committed by or against a person that is an enrolled student or employee at the time of the incident per TEC, Section 51, 252.

On October 29, 2021, the University published an updated version of the 2019-2020 CEO Report on the Title IX website as required by Tex. Educ. Code, Section 51.253 (c). This executive summary serves as an accompanying document to further explain the data updated in the 2019-2020 CEO Report pertaining to the reports submitted under Tex. Educ. Code, Sec. 51.252.

### Number of Reports Received under Tex. Educ. Code, Section 51.252

For the 2019-2020 academic year, the Title IX Coordinator at The University of Texas at Austin received a total of 1,052 reports under Tex. Educ. Code, Sec. 51.252. Of 1,052 reports submitted, 643 (61%) reports were submitted between January 1, 2020, and March 15, 2020, 247 (24%) reports were submitted between March 16, 2020, and June 15, 2020, and 162 (15%) reports were submitted between June 16, 2020, and August 13, 2020. We note that this spike in reporting in February corresponded to increased training about reporting requirements for employees that went into effect on January 1, 2020, pursuant to Tex. Educ. Code, Sec. 51.252.

### Reports Submitted under Tex. Educ. Code, Sec. 51.252



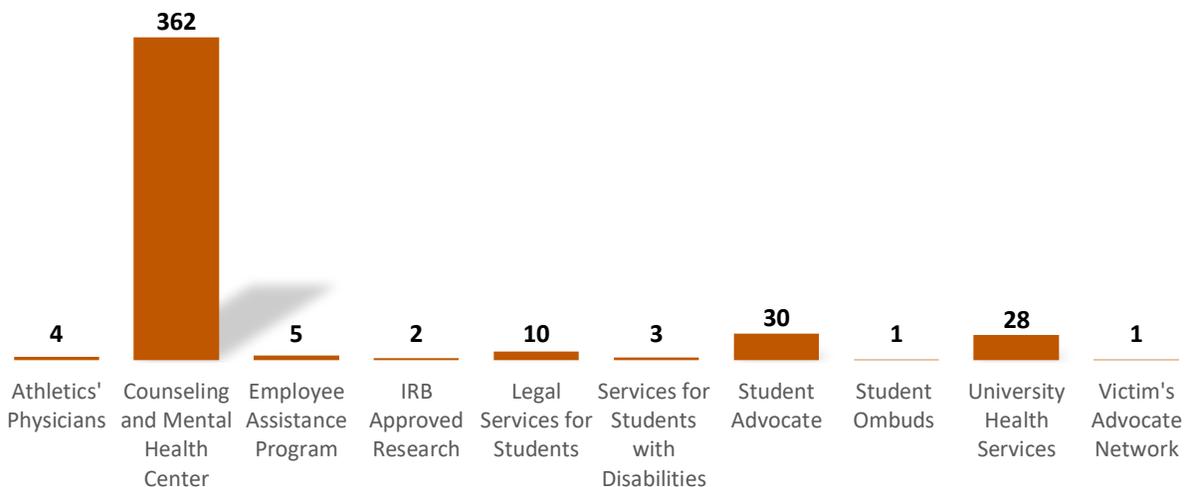
<sup>1</sup> January 1, 2020 is the effective date of the state statute for the purposes of complying with the Title IX Coordinator reporting requirements under TEC, Section 51.253(a).

## Number of Confidential Reports<sup>2</sup> Received under Tex. Educ. Code, Sec. 51.252

Under Tex. Educ. Code, Sec. 51.252, a university is able to designate employees confidential with whom students may speak about sexual assault, sexual harassment, dating violence, and stalking incidents without concern that the matter may be reported to the Title IX Coordinator for the purposes of investigating these allegations. Additionally, employees that receive a report from a student or employee “under circumstances that render the employee’s communication confidential or privileged under other law,” and healthcare, mental healthcare, and medical providers are also considered confidential. For each of these three categories of employees, only the disclosure of the type of conduct (e.g. sexual assault, sexual harassment, dating violence, and stalking) is necessary for compliance. Therefore, the limited information contained in reports from confidential resources limits the Title IX Coordinator’s ability to track data related to these incidents and determine if they are duplicate reports. Confidential resources routinely refer complainants to the Title IX Office and the Title IX Office always refers complainants<sup>3</sup> to support services, many of which are confidential employees; thus, it is highly likely that many of the confidential reports are duplicative of the official non-confidential reports submitted to the Title IX Coordinator.

Of 1,052 total reports submitted to the Title IX Coordinator, 446 (42%) reports were submitted to confidential resources on campus.

## Reports Submitted to Confidential Resources



A complete list of all [confidential resources on campus can be found on the university’s Title IX Office website.](#)

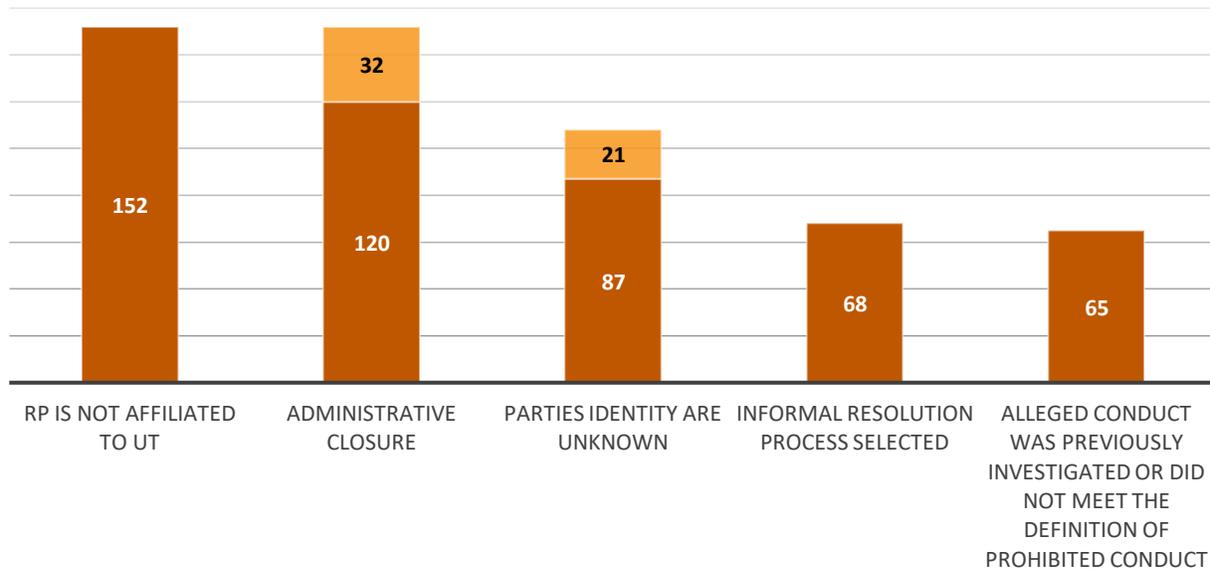
<sup>2</sup> “Number of confidential reports” is a sub-set of the total number of reports that were received under Section 51.252, by a confidential employee or office (e.g. Athletics’ Physicians, Counseling and Mental Health Center, Employee Assistance Program, Institutional Research Board (IRB) University Health Services, Legal Services for Students, Services for Students with Disabilities, Student Advocate, Student Ombuds, University Health Services, and Victim’s Advocate Network).

<sup>3</sup> Complainant is defined in [Handbook of Operating Procedures 3-3031: Prohibition of Sexual Assault, Interpersonal Violence, Stalking, Sexual Harassment, and Sex Discrimination](#) (HOP 3-3031) as: “The individual who is alleged to be the victim of any prohibited conduct under this Policy.”

## Number of Reports Received under Tex. Educ. Code, Sec. 51.252 that were Not Investigated

Of 1,052 total reports submitted to the Title IX Coordinator under Tex. Educ. Code, Sec. 51.252, the University decided not to initiate a disciplinary process, including conducting a formal investigation process, for 545 (51.8%) of the reports submitted. The University made this determination due to the following reasons:

### Reports Not Investigated



1. Respondent<sup>4</sup> (RP) is Not Affiliated to UT: A total of 152 (14.4%) reports submitted were not investigated because the alleged respondent is not affiliated to the university. During the preliminary fact-finding stage, the university was able to confirm that the respondent is not affiliated to UT. The complainants<sup>5</sup> (CP) were provided with information on resources and accommodations.
2. Administrative Closure: A total of 152 (14.4%) reports submitted were not investigated and were closed administratively because the report provided included limited information about the alleged conduct or the complainant requested for the matter to not be investigated. More specifically, in 120 (11.4%) instances, the investigators were unable to gather details about the alleged conduct because the complainant declined to participate in the investigation process; while in 32 (3%) instances, the complainant requested for the alleged conduct to not be investigated and the Title IX Coordinator granted<sup>6</sup> this request. All complainants were provided with information on resources and accommodations.

<sup>4</sup> Respondent (RP) is defined in HOP 3-3031, as: "The person [...] alleged to be responsible for the prohibited conduct alleged in a complaint."

<sup>5</sup> Complainant is defined in HOP 3-3031 as: "A person who submits a complaint alleging a violation of this policy, or is identified as the person who has allegedly experienced conduct prohibited by this policy."

<sup>6</sup> If a complainant requests for the matter to not be investigated, the Title IX Coordinator granted this request if the reported alleged conduct does not constitute an imminent threat to the complaint or members of the campus community, and if the alleged respondent does not have prior history of alleged prohibited conduct under HOP 3-3031.

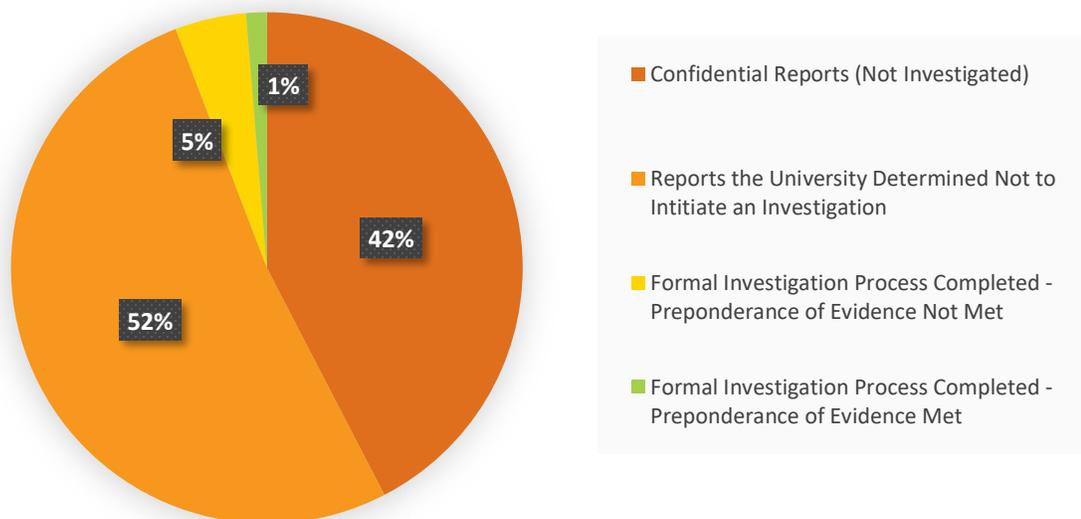
3. Parties<sup>7</sup> Identity are Unknown: A total of 108 (10.3%) reports submitted were not investigated because either the identity of the respondent is unknown or the identities of both the complainant and the respondent are unknown. More specifically, in 87 (8.3%) instances the identity of the respondent is unknown and in 21 (2%) instances the identities of both the complainant and the respondent are unknown. In instances where the identity of the complainant is known, the complainant was provided with information on resources and accommodations.
4. Informal Resolution Process<sup>8</sup> Selected: A total of 68 (6.5%) reports submitted were not investigated because both the complainant and the respondent selected to resolve the matter via the Informal Resolution Process. The complainant and the respondent were provided with information on resources and accommodations.
5. Alleged Conduct was Previously Investigated or Did Not Meet the Definition of Prohibited Conduct: A total of 65 (6.2%) of reports submitted were not investigated because the alleged conduct was previously investigated or did not meet the definition of prohibited conduct under Tex. Educ. Code, Sec. 51.251. The complainants were provided with information on resources and accommodations.

**Number of Investigations Conducted under Tex. Educ. Code, Sec. 51.252**

Of 1,052 total reports submitted to the Title IX Coordinator under TEC, Sec. 51.252, the University initiated a formal investigation process for 61 (5.8%) of the reports submitted.

As of September 15, 2021, 61 (5.8%) formal investigations were completed, with 14 (1.3%) investigations concluding that the preponderance of evidence standard was met.

**Status of Reports Submitted**



<sup>7</sup> The term “parties” refers to the complainant and respondent.

<sup>8</sup> The University recognizes that in some limited circumstances (but never in cases involving sexual violence and/or dating violence) voluntary informal resolution options may be an appropriate means of addressing some behaviors reported under HOP 3-3031. If the informal resolution process is deemed appropriate by the University’s Title IX Coordinator, or designees, then the complainant will be provided assistance in informally resolving the issue.

1. Formal Investigation Process Completed:

- a. Preponderance of Evidence Not Met – After receiving the report, 47 (4.5%) formal investigation processes were conducted and found that the standard of proof, the preponderance of evidence, was not met to determine that a violation of the Handbook of Operating Procedures (HOP) 3-3031 and/or General Information Catalogue (GIC) Appendix C, Chapter 11, Section 11-404 (a)(4) occurred.
- b. Preponderance of Evidence Met - After receiving the report, 14 (1.3%) formal investigation processes were conducted and found that the standard of proof, the preponderance of evidence, was met to determine that a violation of the Handbook of Operating Procedures (HOP) 3-3031 and/or General Information Catalogue (GIC) Appendix C, Chapter 11, Section 11-404 (a)(4) occurred.

**Disposition of Disciplinary Processes**

As of September 15, 2021, the University concluded that the preponderance of evidence standard was met for 14 (1.3%) reports that were formally investigated. Therefore, the University initiated a disciplinary process for these 14 (1.3%) reports.

Of 14 (1.3%) disciplinary processes conducted, 13 (1.2%) processes are completed and a final disposition<sup>9</sup> has been rendered. One disciplinary process is pending as of the publishing of the CEO Report.

The disposition of the 13 completed disciplinary processes<sup>10</sup> are:

1. The preponderance of evidence was met for Sexual Harassment in five cases. The sanctions assessed in these cases were termination of affiliation as a research professor effective September 1, 2020<sup>11</sup>. The sanctions assessed in these cases were: (a) Prohibition of visiting campus, including departmental events without the prior written permission of the Dean. Collaboration with colleagues is permitted but only via virtual meetings; (b) May no longer serve as the sole supervisor for graduate students, postdoctoral fellows, or staff; and (c) May not be employed by UT Austin at any time in the future.
2. The preponderance of evidence was met for Sexual Harassment in one case. The sanctions assessed were: (a) Letter of Reprimand was placed in Respondent’s personnel file.
3. The preponderance of evidence was met for Sexual Harassment in one case. The sanctions assessed were: (a) Respondent is not eligible for future employment at UT<sup>12</sup>.
4. The preponderance of evidence was met for Failing to Report sexual harassment as stated in HOP 3-3031<sup>13</sup> in one case. The sanctions assessed in this matter were: (a) Respondent received verbal counseling from supervisor.

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<sup>9</sup> “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 Texas Administrative Code, Section 3.6(3) (2019)].

<sup>10</sup> Both of these disciplinary processes were completed prior to the University adopting the sanction of presumptive termination for a finding of a violation of sexual assault, interpersonal violence (including domestic violence and dating violence), stalking, and sexual harassment under *HOP 3-3031: Prohibition of Sexual Assault, Interpersonal Violence, Stalking, Sexual Harassment, and Sex Discrimination*, which went into effect on August 14, 2020.

<sup>11</sup> These cases involve one Respondent who was named in five reports.

<sup>12</sup> The disciplinary process was completed after the Respondent was no longer employed at UT.

<sup>13</sup> The alleged reported incident took place in 2016 but was not reported and processed until February 2020. Therefore, this matter was addressed under the previous HOP 3-3031 policy.

5. The preponderance of evidence was met for Sexual Assault (Rape) and Interpersonal Violence (Dating Violence) in one case. The sanctions assessed were: (a) Suspension from UT from May 1, 2021, to August 15, 2023; (b) Respondent needs to write a reflection paper; and (c) Respondent was issued a *No Contact Directive*.
6. The preponderance of evidence was met for Sexual Assault (Fondling) in one case. The sanctions assessed were: (a) Expulsion from UT; (b) Respondent is barred against readmission to UT; (c) Respondent is barred against future employment at UT, including volunteer positions or any affiliation arrangement with UT.
7. The preponderance of evidence was met for Interpersonal Violence (Dating Violence) in one case. The sanctions assessed were: (a) Respondent is barred against readmission at UT from September 7, 2021, to August 20, 2022.
8. The preponderance of evidence was met for Interpersonal Violence (Dating Violence), Stalking, and Sexual Harassment in one case. The sanctions assessed were: (a) Respondent is barred from enrollment at UT; and (b) Respondent is prohibited from entering the UT campus.
9. The preponderance of evidence was met for Interpersonal Violence (Dating Violence) in one case. The sanctions assessed were: (a) Respondent is not eligible for future employment at UT.