



**TEXAS**  
The University of Texas at Austin

**2020 - 2021**

# **EXECUTIVE SUMMARY: CHIEF EXECUTIVE REPORT**

TITLE IX OFFICE, UNIVERSITY COMPLIANCE SERVICES

2020-2021 Academic Year, Starting on August 14, 2020, to August 24, 2021

# Executive Summary: Chief Executive Report

2020-2021 Academic Year, Starting on August 14, 2020, to August 24, 2021

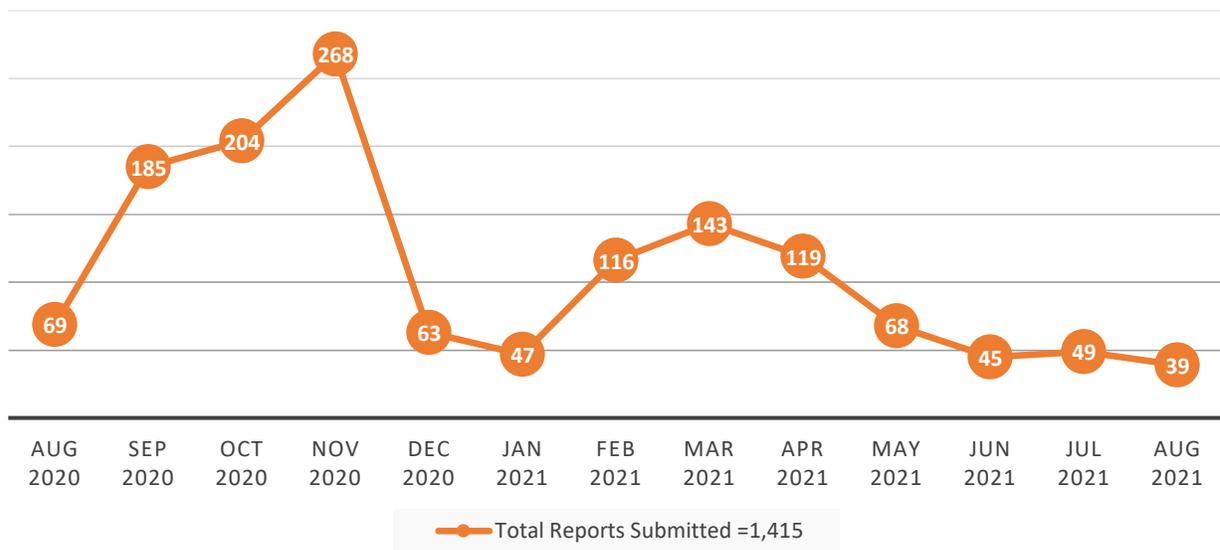
Pursuant to Texas Education Code (Tex. Educ. Code), Section 51.253 (c), the university’s Chief Executive Officer (CEO) is required to submit to the institution’s governing body and publish to the institution’s website a written report regarding reports received from employees that witness or receive 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 Tex. Educ. Code, Section 51, 252.

On October 29, 2021, The University of Texas at Austin (UT) published the 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 included in the CEO Report pertaining to the reports submitted to the Title IX Office under TEC, Sec. 51.252.

## Number of Reports Received under TEC, Section 51.252

For the 2020-2021 academic year, the Title IX Office received a total of 1,415<sup>1</sup> reports under Tex. Educ. Code, Sec. 51.252. Of 1,415 reports submitted, 767 (54.2%) reports were submitted between August 14, 2020, and December 15, 2020, 273 (19.3%) reports were submitted between December 16, 2020, and March 15, 2021, 267 (18.9%) reports were submitted between March 16, 2021, and June 15, 2021, and 108 (7.6%) reports were submitted between June 16, 2021, and August 24, 2021.

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



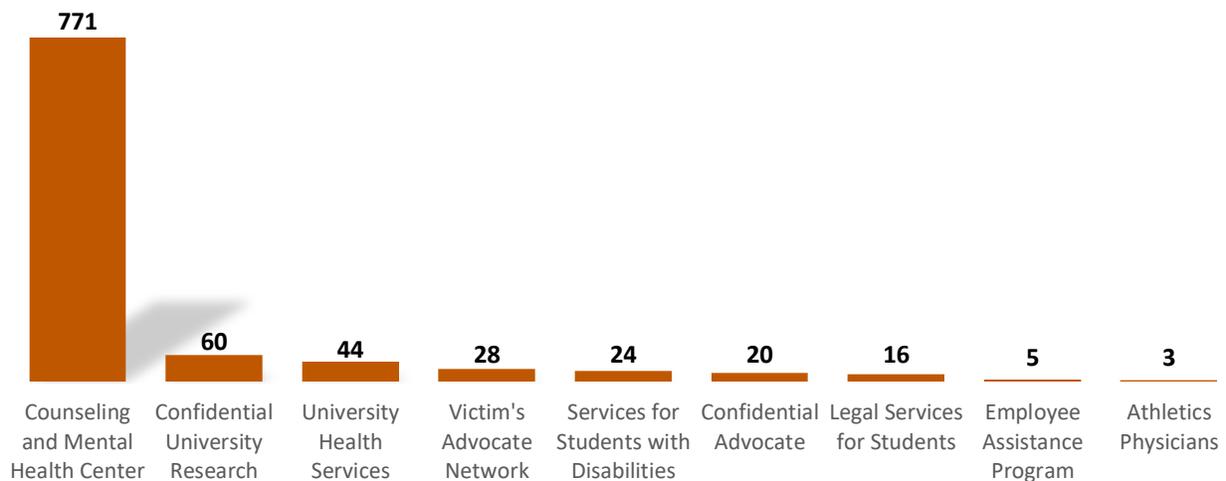
<sup>1</sup> When identifiable, duplicate reports were consolidated and counted as one report in the summary data, and confidential employee reporting is noted as a sub-set of the total number of reports received.

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

Under Tex. Educ. Code, Sec. 51.252, a university can 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 employees. 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 employees limits the Title IX Coordinator’s ability to track data related to these incidents and determine if they are duplicate reports. Because confidential employees 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, it is highly likely that many of the confidential reports are duplicative of the official non-confidential report submitted to the Title IX Coordinator.

Of 1,415 total reports submitted to the Title IX Office, 971 (68.6%) reports were submitted to confidential employees on campus, many of which may be duplicate reports as explained above.

### Reports Submitted to Confidential Employees



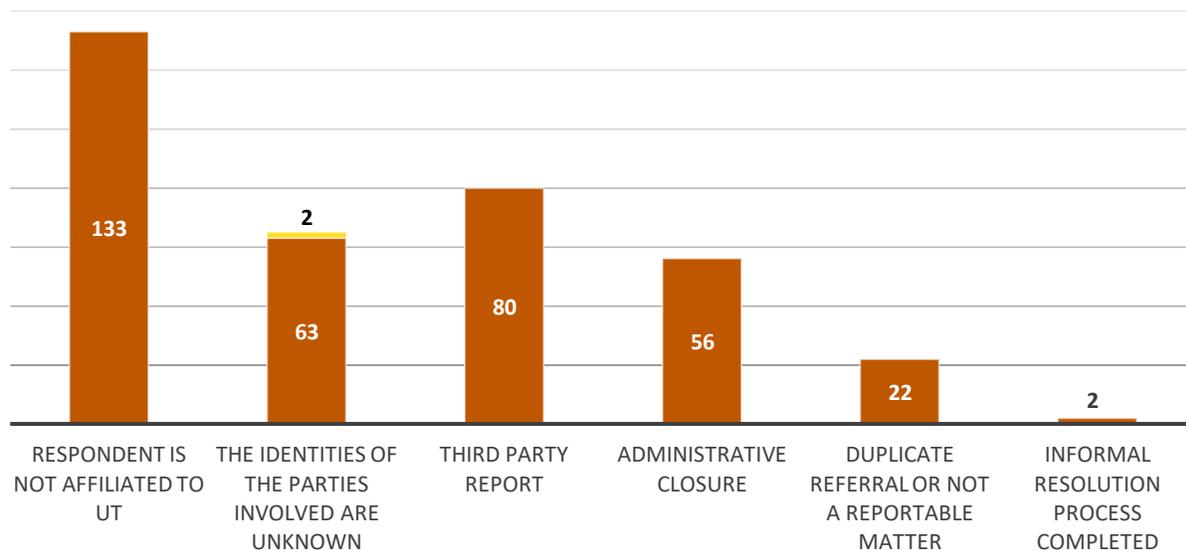
A complete list of all confidential employees on campus can be found on the university’s [Title IX Office website](#).

<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 1,415 total reports submitted to the Title IX Office under Tex. Educ. Code, Sec. 51.252, the university decided not to initiate the *Formal Grievance Process*<sup>4</sup>, which includes conducting a formal investigation related to the allegations, for 358 (25.3%) of the reports submitted. The University made this determination due to the following reasons:



1. Respondent<sup>5</sup> (RP) is Not Affiliated to UT: A total of 133 (9.4%) of reports submitted were not investigated because the alleged respondent is not affiliated with the university. During the preliminary fact-finding stage, the Title IX Office was able to confirm that the respondent is not affiliated with UT. However, complainants were always referred to *Support and Resources* in the Title IX Office.
2. The Identities of the Parties<sup>6</sup> Involved are Unknown: A total of 65 (4.6%) 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 63 (4.5%) instances the identity of the respondent is unknown and in 2 (0.1%) instances the identity of both the complainant and respondent are unknown. In matters where the identity of the respondent is unknown, the Title IX Office was able to confirm with the complainant that the identity of the respondent is unknown during the preliminary fact-finding stage. In instances where the complainant is known, the complainants were referred to *Support and Resources* in the Title IX Office.

<sup>4</sup> Any person subject to an alleged incident of sexual assault, sexual harassment, dating violence, and stalking may file a *Formal Complaint* with the Title IX Office to initiate the appropriate grievance process under HOP 3-3031. The Title IX Coordinator may also file and sign a Formal Complaint based on any incident report received which will initiate the appropriate grievance process track. Information about the three grievance processes under HOP 3-3031, [Track A](#), [Track B](#), and [Track C](#), can be found in the Title IX Office [webpage](#).

<sup>5</sup> Respondent is defined in HOP 3-3031 as: “The individuals and/or organization reported to be the alleged perpetrator of conduct that violates this Policy.”

<sup>6</sup> The term “parties” refers to the complainant and respondent.

3. Third-Party Report<sup>7</sup>: A total of 80 (5.7%) reports submitted were not investigated because the report was submitted by a third-party and the complainant indicated to the Title IX Office that they did not wish to file a Formal Complaint to initiate the *Formal Grievance Process* or the *Restorative Practice Process*. The complainants were referred to *Support and Resources* in the Title IX Office.
4. Administrative Closure: A total of 56 (4%) reports submitted were not investigated and were closed administratively because the report included limited information about the alleged incident. Furthermore, when the Title IX Office outreached to the complainant, the complainant opted to not share additional information pertaining to the reported incident. The complainants were referred to *Support and Resources* in the Title IX Office.
5. Duplicate Referral or Not a Reportable Matter: A total of 22 (1.5%) reports submitted were not investigated because the Title IX Office was able to confirm that the conduct reported was previously reported or did not meet the definition of prohibited conduct under Tex. Educ. Code, Sec. 51.251<sup>8</sup>. More specifically, during the preliminary fact-finding inquiry stage, the Title IX Office was able to confirm in 15 (1%) instances that the reported matter was a duplicate report for a matter that was previously reported to UT. In 7 (0.5%) instances the Title IX Office determined that the reported conduct did not meet the definition of sexual assault, sexual harassment, dating violence or stalking under Tex. Educ. Code, Sec. 51.251. The complainants were referred to *Support and Resources* in the Title IX Office.
6. Informal Resolution Process<sup>9</sup> Completed: A total of 2 (0.5%) 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 respondent were referred to *Support and Resources* in the Title IX Office.

In all cases, even when the university did not initiate the *Formal Grievance Process* for these reports, the parties impacted by the reported incident were provided with support and resources.

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<sup>7</sup> A third-party report is a report submitted by an individual that is not the complainant in the alleged incident.

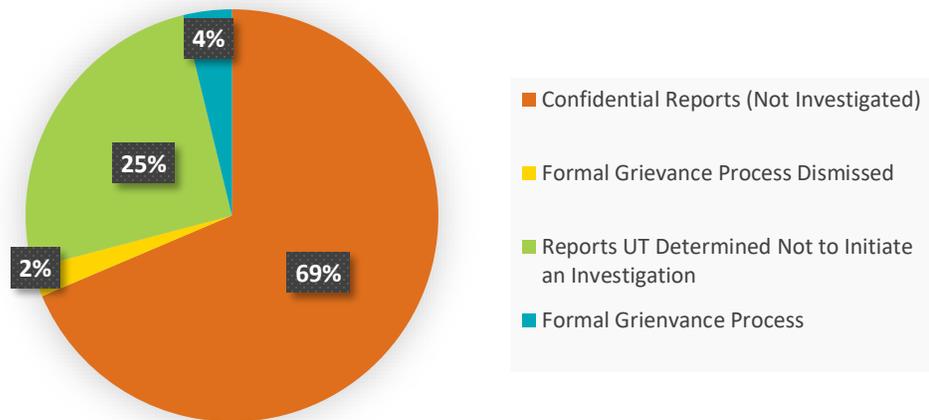
<sup>8</sup> Tex. Educ. Code, Sec. 51.251 provides definitions for sexual assault, sexual harassment, dating violence, and stalking. "In this subchapter 'dating violence,' 'sexual assault,' and 'stalking' mean dating violence, sexual assault, or stalking, as applicable, that an institution of higher education is required to report under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Section 1092(f)). [...] 'Sexual Harassment' means unwelcome, sex-based verbal or physical conduct that:

- (A) In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
- (B) In the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary educational institution."

<sup>9</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. If the informal resolution process is deemed appropriate by the University's Title IX Coordinator, or designees, then the complainant and respondent will be provided assistance in informally resolving the issue.

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

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

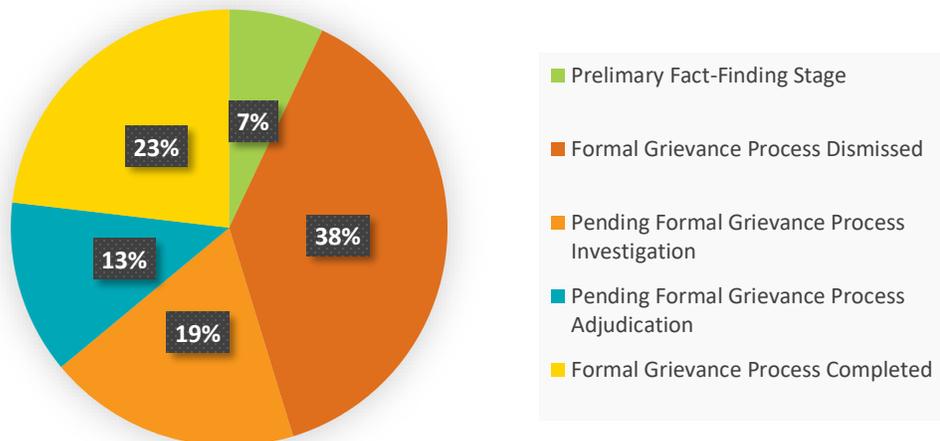


Of 1,415 total reports submitted to the Title IX Coordinator under Tex. Educ. Code, Sec. 51.252, 86<sup>10</sup> (6.1%) reports submitted were eligible to be investigated as the Title IX Office received a Formal Complaint signed by the complainant or Title IX Coordinator to initiate the appropriate grievance process track (e.g., [Track A](#), [Track B](#), or [Track C](#)) under the *Formal Grievance Process*.

The information provided below explains the status of all Formal Complaints received by the Title IX Office, which are matters that were investigated under Tex. Educ. Code, Sec. 51.252.

### Status of Investigations under Tex. Educ. Code, Sec. 51.252

### Investigations under Tex. Educ. Code, Sec. 51.252



<sup>10</sup> Of 86 Formal Complaints signed, three (0.2%) Formal Complaints were investigated under the 2019-2020 HOP 3-3031 Policy as the date of the reported incident was prior to August 14, 2020, when the 2020-2021 HOP 3-3031 Policy went into effect.

1. Preliminary Fact-Finding Stage: After receiving a report, the Title IX Office Intake Team contacts the complainant to provide information on support and resources, learn more information about the alleged conduct reported, and explain the *Formal Grievance Process*. As of September 15, 2021, only 6 (7%) of 86 Formal Complaints submitted were in the preliminary fact-finding stage, all others had been processed past the intake stage or closed.
2. Formal Grievance Process Dismissed: A total of 33 (38%) Formal Complaints signed by complainants to initiate the appropriate grievance process track under the *Formal Grievance Process* were dismissed by the Title IX Coordinator. These Formal Complaints were dismissed for the following reasons:
  - a. 12 (14%) Formal Complaints were dismissed because the complainant requested in writing the dismissal of the Formal Complaint.
  - b. 16 (19%) Formal Complaints were dismissed due to specific circumstances that prevented the university from gathering the evidence sufficient to reach a determination as to the Formal Complaint or any allegation therein. These circumstances included the complainant opting not to participate in the investigation process (8), the respondent is not affiliated with the university (4), and the identity of respondent is unknown (4).
  - c. 5 (5%) Formal Complaints were dismissed because the conduct alleged does not meet the definition of sexual assault, sexual harassment, dating violence, and stalking under Tex. Educ. Code, Sec. 51.251.
3. Pending Formal Grievance Process Investigation: After the Title IX Office Intake Team reached out to the complainant to provide information on support and resources, learn more information about the alleged conduct reported, and explain the *Formal Grievance Process*, 47 (55%) Formal Complaints proceeded to the *Formal Grievance Process*. As of September 15, 2021, 16 (19%) Formal Complaints are being investigated under the appropriate grievance process track of the *Formal Grievance Process*.
4. Pending Formal Grievance Process Adjudication: As of September 15, 2021, 11 (13%) Formal Complaints have been investigated under the appropriate grievance process track and have moved to the adjudication phase of the *Formal Grievance Process*. Specifically, one Formal Complaint proceeded to the live hearing process under [Track A](#) of the *Formal Grievance Process*, while eight Formal Complaints proceeded to the living hearing process under [Track B](#). Lastly, two Formal Complaints proceeded to the disciplinary determination process under [Track C](#) of the *Formal Grievance Process*.
5. Formal Grievance Process Completed: As of September 15, 2021, 17 (20%) *Formal Grievance Processes* and 3 (3%) *Formal Investigation Processes*<sup>11</sup> have been completed. Of 20 (23%) Formal Complaints, the preponderance of evidence standard was not met for 12 (14%) Formal Complaints, while 8 (9%) Formal Complaints met the preponderance of the evidence.

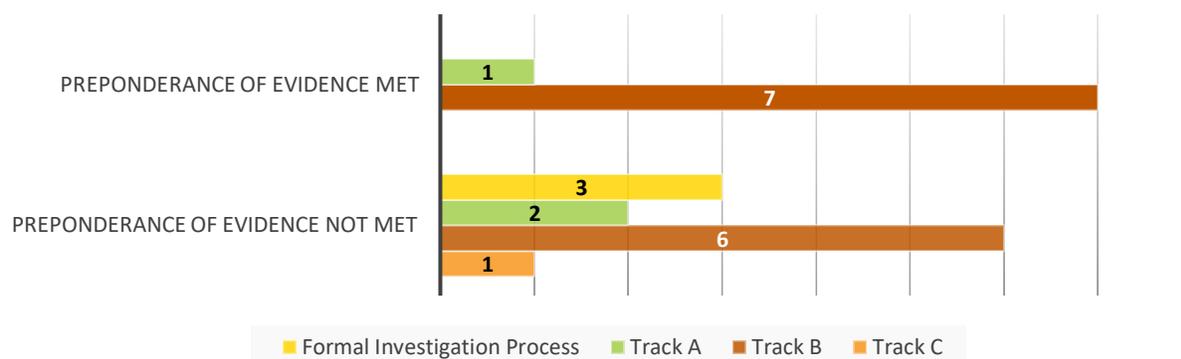
### **Disposition of Formal Grievance Process**

As of September 15, 2021, 20 (23%) Formal Complaints have been investigated and adjudicated under the *Formal Grievance Process* or *Formal Investigation Process*. Of 20 Formal Complaints, 12 (14%) Formal Complaints did not meet the preponderance of evidence standard, while 8 (9%) Formal Complaints met the preponderance of evidence standard.

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<sup>11</sup> Three (0.2%) Formal Complaints were investigated under the 2019-2020 HOP 3-3031 Policy as the date of the reported incident was prior to August 14, 2020, when the 2020-2021 HOP 3-3031 Policy went into effect.

## Disposition of the Formal Grievance Process



### ***Disposition<sup>12</sup> of Formal Grievance Processes where the Preponderance of Evidence was Met***

The disposition of the eight Formal Complaints where the preponderance of evidence standard was met are:

#### Track A Formal Grievance Processes

1. The preponderance of evidence standard was met for Sexual Assault (Fondling); however, the preponderance of evidence was not met for Sexual Harassment (Hostile Environment) in one case. The sanctions assessed in this case were: (a) Deferred suspension effectively immediately through graduation from UT; (b) Respondent must complete an alcohol individual consultation with the Counseling and Mental Health Center (CMHC); and (c) Respondent was issued a *No Contact Directive*.

#### Track B Formal Grievance Processes

1. The preponderance of evidence standard was met for Sexual Assault (Rape) and Sexual Assault (Fondling); however, the preponderance of evidence was not met for Sexual Harassment (Hostile Environment) in four cases. The sanctions assessed in these cases were expulsion from UT<sup>13</sup>.
2. The preponderance of evidence standard was met for Interpersonal Violence (Dating Violence) and Stalking in one case. The sanctions assessed in this case were: (a) Deferred suspension effective immediately and continuing through December 31, 2022; (b) Respondent must also provide verification of completion of a counseling consultation; and (c) Respondent was issued a *No Contact Directive*.
3. The preponderance of evidence standard was met for Interpersonal Violence (Dating Violence) in one case. The sanctions assessed in this case were: (a) Disciplinary probation from August 1, 2021, to May 31, 2022; and (b) Respondent was issued a *No Contact Directive*.
4. The preponderance of evidence standard was met for Sexual Assault (Rape), Sexual Assault (Fondling), Interpersonal Violence (Dating Violence), and Sexual Harassment (Hostile Environment) in one case. The sanctions assessed in this case were: (a) Respondent is barred from enrollment at UT for two years; and (b) Respondent was issued a *No Contact Directive*.

<sup>12</sup> “Disposition” means “final result under the institution’s disciplinary process” as defined in the Texas Higher Education Coordinating Board’s (THECB) rules for Tex. Educ. Code, Sec. 51.259 [See 19 Texas Administrative Code, Section 3.6(3) (2019)].

<sup>13</sup> These four outcomes involved only two Respondents. Each of these Respondents were named as the Respondent in two Formal Complaints. Therefore, only two individuals were expelled from UT.