



Executive Summary: Chief Executive Report

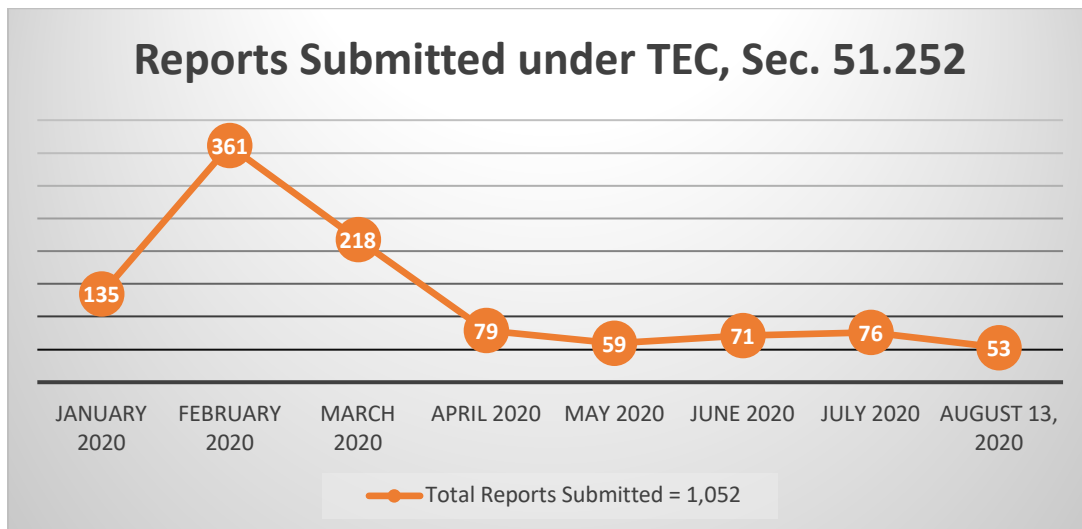
2019-2020 Academic Year, Starting on January 1, 2020¹ to August 13, 2020

Pursuant to Texas Education Code (TEC), Section 51.253 (c), the University’s Chief Executive Officer (CEO) is required to submit a written report to the institution’s governing body and post the report on the institution’s website regarding reports received from employees that witness or receive information regarding sexual harassment, sexual assault, dating violence, and stalking incidents as defined in TEC, 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 30, 2020, the University published the CEO Report on the Title IX website as required by TEC, 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 under TEC, Sec. 51.252.

Number of Reports Received under TEC, 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 TEC, 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 TEC, Sec. 51.252.

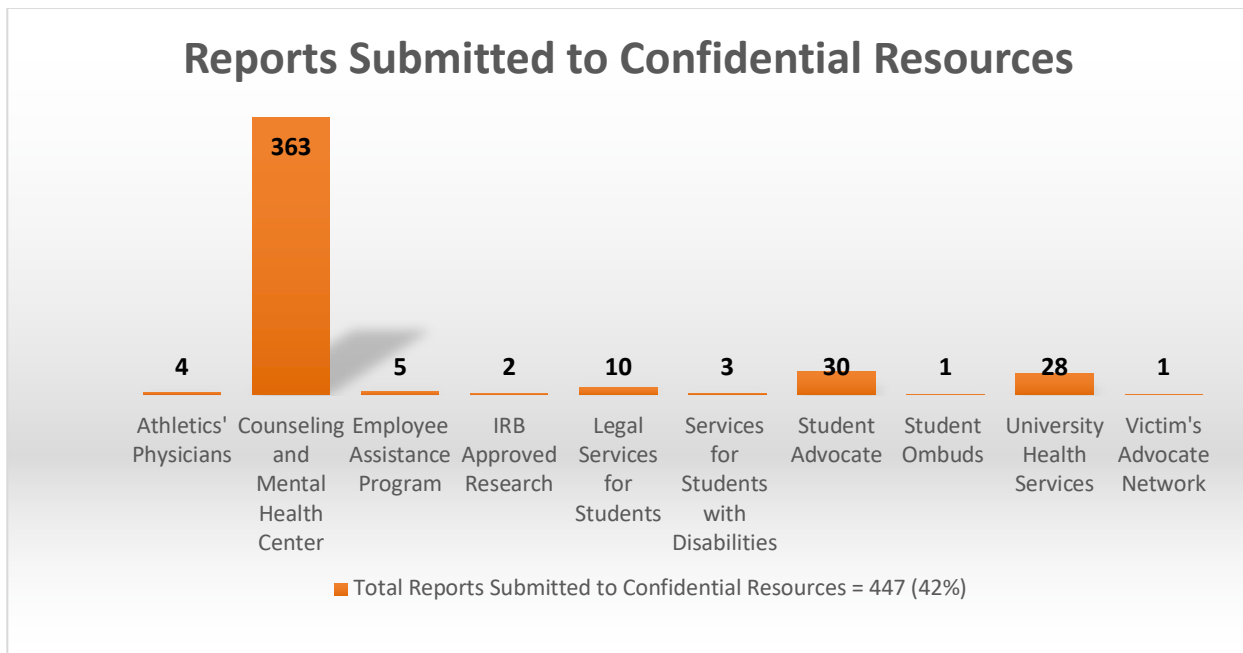


¹ January 1, 2020 is the effective date of the state statute for the purposes of complying with the Title IX Coordinator reporting requirements under TEC, Section 51.253(a).

Number of Confidential Reports² Received under TEC, Sec. 51.252

Under TEC, 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.” Finally, 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 employees limits the Title IX Coordinator’s ability to track data related to these incidents and determine if they are duplicate reports. Confidential employees routinely refer complainants to the Title IX Office and the Title IX Office always refers complainants 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 report submitted to the Title IX Coordinator.

Of 1,052 total reports submitted to the Title IX Coordinator, 447 (42%) reports were submitted to confidential resources on campus.



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

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. 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).

Number of Reports Received under TEC, Sec. 51.252 that were Not Investigated

Of 1,052 total reports submitted to the Title IX Coordinator under TEC, Sec. 51.252, the University decided not to initiate a disciplinary process, including conducting a formal investigation process, for 493 (47%) of the reports submitted. The University made this determination due to the following reasons:



1. Respondent³ (RP) is Not Affiliated to UT: A total of 140 (13%) 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 complainants⁴ (CP) were provided with information on resources and accommodations.
2. Administrative Closure: A total of 151 (15%) 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 122 (12%) instances, the investigators were unable to gather details about the alleged conduct because the complainant declined to participate in the investigation process; while in 29 (3%) instances, the complainant requested for the alleged conduct to not be

³ Respondent (RP) is defined in HOP 3-3031: *Prohibition of Sex Discrimination, Sexual Harassment, Sexual Assault, Sexual Misconduct, Interpersonal Violence, and Stalking* (HOP 3-3031), as: "The person designated to respond to a complaint. Generally, the respondent is the person alleged to be responsible for the prohibited conduct alleged in a complaint."

⁴ 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."

investigated and the Title IX Coordinator granted⁵ this request. All complainants were provided with information on resources and accommodations.

3. Parties⁶ Identity are Unknown: A total of 87 (8%) 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 67 (6%) instances the identity of the respondent is unknown and in 20 (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 Process⁷ Selected: A total of 61 (6%) 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 54 (5%) of reports submitted were not investigated because the alleged conduct was previously investigated or did not meet the definition of prohibited conduct under TEC, Sec. 51.251. More specifically, during the preliminary fact-finding inquiry stage, in 4 (0.25%) instances the Title IX Coordinator was able to confirm that the reported matter was a duplicate report for a matter that was previously addressed via the disciplinary process. In 50 (4.75%) instances the Title IX Coordinator determined that the reported conduct did not meet the definition of sexual assault, sexual harassment, dating violence or stalking under TEC, Sec. 51.251⁸. The complainants were provided with information on resources and accommodations.

⁵ If a complainant requests for the matter to not be investigated, the Title IX Coordinator grants 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.

⁶ The term “parties” refers to the complainant and respondent.

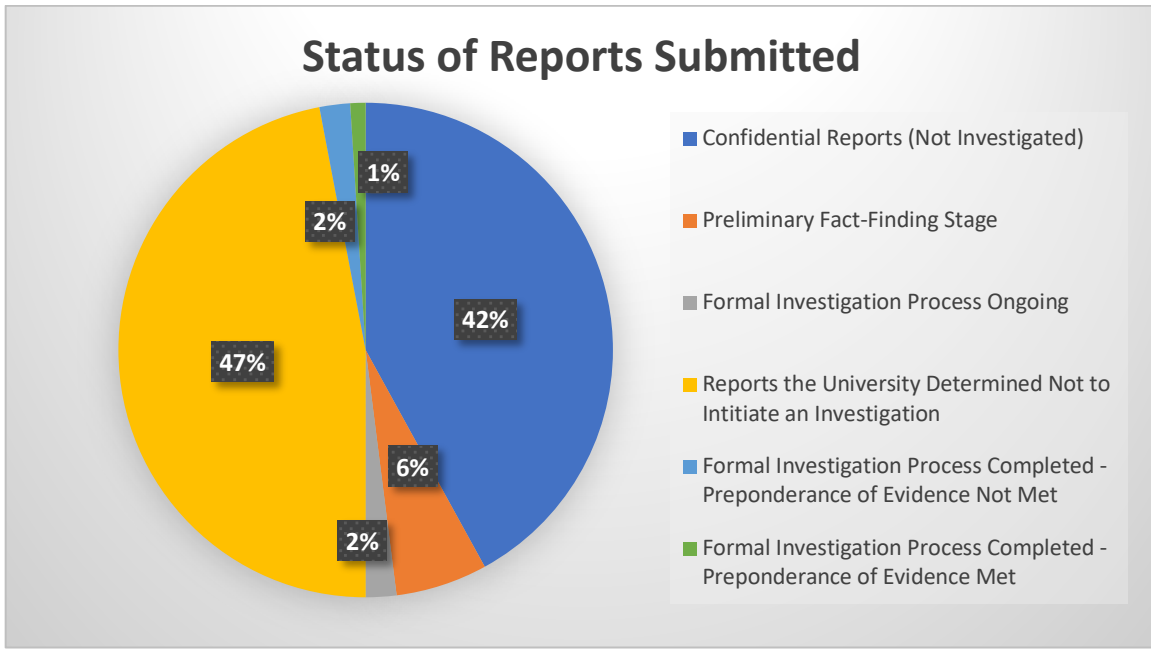
⁷ The University recognizes that in some limited circumstances (but never in cases involving sexual violence and/or dating violence) voluntary informal resolution options may be an appropriate means of addressing some behaviors reported under HOP 3-3031. If the informal resolution process is deemed appropriate by the University’s Title IX Coordinator, or designees, then the complainant will be provided assistance in informally resolving the issue.

⁸ Texas Education Code (TEC), Section 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.”

Number of Investigations Conducted under TEC, 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 112 (11%) of the reports submitted. As of September 15, 2020, 31 (3%) formal investigations were completed, with 10 (1%) investigations concluding that the preponderance of evidence standard was met.



1. Preliminary Fact-Finding Stage - After receiving the report, the Title IX Office outreaches to the reporter and complainant to learn more information about the alleged conduct and to determine best next steps. As of September 15, 2020, 57 (6%) reports are in the preliminary fact-finding stage.
2. Formal Investigation Process Ongoing – After receiving the report, a formal investigation process was selected and the process is currently ongoing. As of September 15, 2020, 24 (2%) reports are currently in the formal investigation process.
3. Formal Investigation Process Completed:
 - a. Preponderance of Evidence Not Met – After receiving the report, 21 (2%) formal investigation process 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, 10 (1%) formal investigation process 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, 2020, the University concluded that the preponderance of evidence standard was met for 10 (1%) reports that were formally investigated. Therefore, the University initiated a disciplinary process for these 10 (1%) reports.

Of 10 (1%) disciplinary processes being conducted, 2 processes are completed and a final disposition⁹ has been rendered. The remaining 8 disciplinary processes are pending as of the publishing of the CEO Report.

The disposition of the two completed disciplinary processes¹⁰ are:

1. Violation of the prohibition of sexual harassment as stated in HOP 3-3031: Prohibition of Sex Discrimination, Sexual Harassment, Sexual Assault, Sexual Misconduct, Interpersonal Violence, and Stalking Policy. The sanctions assessed in this matter were termination of affiliation as a research professor effective September 1, 2020. Additional sanctions included:
 - 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.
 - c. May not be employed by UT Austin at any time in the future.
2. Found responsible for failing to report sexual harassment as stated in HOP 3-3031: Prohibition of Sex Discrimination, Sexual Harassment, Sexual Assault, Sexual Misconduct, Interpersonal Violence, and Stalking Policy. The sanctions assessed in this matter were verbal counseling. 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.

⁹ “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)].

¹⁰ 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.