



TO: U.T. System Board of Regents

FROM: Jay C. Hartzell, Chief Executive Officer
The University of Texas at Austin

DATE: October 8, 2020

RE: Chief Executive Officer Reporting Requirement under Tex. Educ. Code § 51.253(c)

Pursuant to Texas Education Code (TEC), Section 51.253(c), the university's Chief Executive Officer is required to submit a written report at least once during each fall or spring semester to the institution's governing body and post the report on the institution's internet 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. The Chief Executive Officer's Report (CEO Report) must also include information about any disciplinary actions taken under TEC, Section 51.255, due to an employee's failure to report sexual harassment, sexual assault, dating violence, and stalking incidents as defined in TEC, Section 51.251, or about employees that submit a false report to the institution under TEC, Section 51.255(a).

In compliance with the Chief Executive Officer reporting requirements under TEC, Section 51.253(c), the enclosed CEO Report (Appendix A) includes all the required reporting information to the U.T. System Board of Regents for the 2019-2020 academic year as of January 1, 2020, per the effective date of the state statute. The summary data in Appendix A is categorized based on the reporting requirements under TEC, Section 51.253(c).

The summary data report is also publicly reported and posted on the Title IX Office website, <https://titleix.utexas.edu/reports>, as required by TEC, Section 51.253(c).

Please also take note that additional reports¹ received by The University of Texas at Austin that did not meet the reporting criteria² in the Texas Education Code (e.g., sex discrimination, sexual misconduct, domestic violence, and duplicate reports) were not included in this report. Accordingly, these reports only contain unique instances of the alleged conduct.

¹ 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 to the total number of reports received.

² For example, reports made by students and all other non-employees (including incidents under 19 Tex. Admin. Code Section 3.5(d)(3)) are excluded from Appendix A. Additionally, if a Title IX Coordinator or Deputy 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 Appendix A.

JAY HARTZELL, President

Appendix A – Summary Data Report
2019-2020 Academic Year, Starting on January 1, 2020³ to August 13, 2020

Texas Education Code, Section 51.252	Total
Number of reports received under Section 51.252	1,052
a. Number of reports received during the first quarter (1/1/20 - 3/15/20)	643 (61%)
b. Number of reports received during the second quarter (3/16/20 - 6/15/20)	247 (24%)
a. Number of reports received during the third quarter (6/16/20 – 8/13/20)	162 (15%)
Number of confidential reports⁴ received under Section 51.252	447 (42%)
Number of investigations conducted under Section 51.252	112 (11%)
a. Preliminary fact-finding inquiry stage	57 (6%)
b. Formal investigation process ongoing	24 (2%)
c. Formal investigation process completed – preponderance of evidence not met	21 (2%)
d. Formal investigation process completed – preponderance of evidence met	10 (1%)
Disposition⁵ of disciplinary processes for reports under Section 51.252	10 (1%)
a. Disciplinary Process Pending	8 (0.8%)
b. Disciplinary Process Completed - Final Result	2 (0.2%)
i. Verbal counseling (1)	
ii. Affiliation as research professor terminated (1)	
Number of reports under Section 51.252 for which the university determined not to initiate a disciplinary process⁶	493 (47%)
a. Respondent is not affiliated with the university	140 (13%)
b. Administrative closure due to insufficient information to investigate	122 (12%)
c. Respondent’s identity is unknown	67 (6%)
d. Informal Resolution Process completed	59 (6%)
e. Determined matter was previously investigated or alleged conduct did not meet the definition of sexual assault, sexual harassment, dating violence, or stalking	54 (5%)
f. Complainant requested the dismissal of the investigation process	29 (3%)
g. Complainant’s and respondent’s identity are unknown	20 (2%)
h. Informal Resolution Process ongoing	2 (0%)

³ 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).

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 Mental Health Center, University Health Services, Student Advocate, Student Attorney, or Student Ombuds).

⁵ “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)]; therefore, pending disciplinary processes will not be listed until the final result is rendered.

⁶ The institution determined “not to initiate a disciplinary process” for the reasons listed in this section (e.g. respondent is not affiliated to UT, administrative closure due to insufficient information to investigate, an informal resolution process was requested, determined matter was previously investigated, complainant requested the dismissal of the investigation process, and Complainant’s and Respondent’s identity are unknown).

Texas Education Code, Section 51.255	Total
Number of reports received that include allegations of an employee's failure to report or submitting a false report to the institution under Section 51.255(a)	9
Number of formal investigations ongoing	0 (0%)
Number of formal investigations completed and disposition of any disciplinary processes conducted	9 (100%)
a. Preponderance of evidence not met	7 (78%)
b. Administrative closure due to insufficient information to investigate	2 (22%)