



TO: U.T. System Board of Regents
FROM: Jay C. Hartzell, Chief Executive Officer
DATE: October 7, 2024
RE: Chief Executive Officer Reporting Requirements under Tex. Educ. Code §51.253(c)

Pursuant to Texas Education Code (Tex. Educ. Code), 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. The report must be posted 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 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. The Chief Executive Officer's Report (CEO Report) must also include information about any disciplinary actions taken under Tex. Educ. Code, Section 51.255, due to an employee's failure to report sexual harassment, sexual assault, dating violence, and stalking incidents as defined in Tex. Educ. Code, Section 51.251, or about employees that submit a false report to the institution under Tex. Educ. Code, Section 51.255(a).

In compliance with the Chief Executive Officer reporting requirements under Tex. Educ. Code, Section 51.253(c), the enclosed CEO Report includes all the required reporting information to the U.T. System Board of Regents for the 2023-2024 academic year (Appendix A), as well as status updates to the 2022-2023 academic year (Appendix B) report as of September 15, 2024. The summary data in Appendix A and Appendix B are categorized based on the reporting requirements under Tex. Educ. Code, Section 51.253(c).

The CEO Report is also publicly reported and posted on the Title IX Office website, <https://titleix.utexas.edu/data-reports>, as required by Tex. Educ. Code, Section 51.253(c). A copy of this CEO Report (along with an annual certification of compliance) will be submitted to the Texas Higher Education Coordinating Board (THECB) by October 31, 2024, as required annually by 19 Tex. Admin. Code Section 3.19(a).

Please also take note that additional reports¹ received by The University of Texas at Austin, including the Dell Medical School, that did not meet the reporting criteria² in the Texas Education Code (e.g., unprofessional, or inappropriate conduct of a sexual nature, sexual exploitation, domestic violence, and duplicate reports) were not included in this report. Accordingly, these reports only contain unique instances of 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 and Appendix B. 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 Tex. Educ. Code, Section 51.251, the report is excluded from Appendix A and Appendix B.

JAY HARTZELL, President

Chief Executive Officer Annual Certification to THECB

The University of Texas at Austin
for the time period of **August 21, 2023**, through **August 25, 2024**,
and **August 22, 2022**, to **August 20, 2023**


Under Texas Education Code (TEC), Section 51.258, the institution's Chief Executive Officer is required to annually certify in writing to the Coordinating Board that the institution is in substantial compliance with TEC, Title 3, Subtitle A, Chapter 51, Subchapter E-2. Per THECB Rule 3.19, this certification is made annually in October of each year.

By signing this statement, I certify that **The University of Texas at Austin** is in substantial compliance with TEC, Title 3, Subtitle A, Chapter 51, Subchapter E-2.

As evidence of the institution's compliance with Subchapter E-2:

1. The annual Chief Executive Officer Report was submitted to the institution's governing board on **October 7, 2024**.
2. A summary data report is posted on the institution's website at <https://titleix.utexas.edu/data-reports>.

Signature of CEO:



Printed Name:

Jay Hartzell

Date:

October 2, 2024

**Appendix A – Summary Data Report
2023-2024 Academic Year: August 21, 2023, to August 25, 2024**

Texas Education Code, Section 51.252	Total
<u>Number of reports received under Section 51.252</u>	<u>1,143</u>
1. Number of reports received during the first quarter (8/21/23 – 12/15/23)	493 (43.1%)
2. Number of reports received during the second quarter (12/16/23 – 3/15/24)	252 (22.0%)
3. Number of reports received during the third quarter (3/16/23 – 6/15/24)	267 (23.4%)
4. Number of reports received during the fourth quarter (6/16/24 – 8/25/24)	131 (11.5%)
Number of confidential¹ reports received under Section 51.252	716 (62.6%)
<u>Number of investigations conducted under Section 51.252</u>	<u>58 (5.1%)</u>
1. Conducting Preliminary Fact-Finding Inquiry	0 (0.0%)
2. <u>Formal Complaint Dismissed</u>	7 (0.6%)
a. Any specific circumstances that prevent the university from gathering the evidence sufficient to reach a determination as to the Formal Complaint or any allegation therein – 5	
b. The Complainant requested in writing the dismissal of the Formal Complaint – 2	
3. Pending Due Diligence Process conducted by the Department of Investigation and Adjudication	1 (0.1%)
4. <u>Pending Grievance Process Investigation</u>	11 (1.0%)
a. Track A – 5	
b. Track B – 5	
c. Track C – 1	
5. <u>Pending Grievance Process Live Hearing</u>	3 (0.3%)
a. Track A – 2	
b. Track B – 1	
6. Pending Grievance Process Track C - Disciplinary Determination Process	2 (0.2%)
7. Pending Grievance Process Track C - Appeal Determination Process	3 (0.3%) ²
8. <u>Grievance Process Completed</u>	31 (2.7%)
a. Track A – 5	
b. Track B – 14	
c. Track C – 12	

¹ “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, Victim’s Advocate Network or Student Ombuds).

² Matter involves one Respondent who is appealing three separate cases

<u>Number of reports under Section 51.252 for which the university determined not to initiate a disciplinary process³</u>	<u>369 (32.3%)</u>
1. Respondent is not affiliated to the university.	118 (10.3%)
2. Respondent is no longer affiliated to the university.	11 (1.0%)
3. Third party report – The Complainant opted to not file a Formal Complaint to initiate the Grievance Process or the Restorative Practices Process.	57 (5.0%)
4. Administrative Closure – Insufficient information to investigate at this time.	107 (9.4%)
5. Complainant only seeking support and resources.	13 (1.1%)
6. Complainant only seeking support and resources from the Confidential Advocate.	16 (1.4%)
7. Witness seeking support and resources.	1 (0.1%)
8. Complainant opted to report the incident but not sign a Formal Complaint to initiate the Grievance Process or the Restorative Practices Process.	23 (2.0%)
9. Unknown Respondent.	15 (1.3%)
10. Determined this was a supplemental referral during the preliminary fact-finding inquiry.	6 (0.5%)
11. Determined this was not a HOP3-3031 matter during the preliminary fact-finding stage.	1 (0.1%)
12. Matter was previously investigated.	1 (0.1%)
Total Reports:	1,143 (100%)
<u>Disposition⁴ of disciplinary processes for reports under Section 51.252</u>	<u>31 (2.7%)</u>
1. <u>Preponderance of Evidence Not Met⁵</u>	21 (1.8%)
a. Track A – 3	
b. Track B – 10	
c. Track C – 8	
2. <u>Preponderance of Evidence Met</u>	10 (0.8%)
a. Track A – 2	
i. Respondent was placed on deferred suspension effective April 10, 2024, and extending through April 10, 2026. Respondent was also issued a <i>No Contact Provision</i> . Furthermore, Respondent is prohibited from enrolling in or attending the same course and/or section as Complainant.	

³ 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 investigation, an informal resolution process was requested, determined matter was previously investigated, complainant requested the dismissal of the investigation, and Complainant’s and Respondent’s identity are unknown).

⁴ “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 result is rendered.

⁵ “Preponderance of Evidence Not Met” for Track A, Track B, and Track C matters in this section refers to instances where there was a no finding of responsibility after a hearing, or an appeal process was conducted.

- ii. Respondent was expelled from the University effective July 11, 2024. Respondent was also issued a *No Contact Provision*.
- b. Track B – 4
 - i. Respondent was placed on full-time suspension without pay effective immediately and for the duration of his appointment which ends on August 31, 2024. Respondent is also prohibited from being eligible for future employment at UT Austin following his separation from the University.
 - ii. Respondent is not eligible for future employment at UT Austin, including all forms of employment and volunteer positions.
 - iii. Respondent was placed on deferred suspension effective immediately and extending through May 5, 2025. Respondent was also issued a *No Contact Provision*. Furthermore, Respondent is prohibited from enrolling in or attending the same course and/or section as Complainant.
 - iv. Respondent was permanently barred against readmission starting on September 11, 2024. In addition, Respondent is permanently prohibited from entering the campus of UT Austin. Respondent was also issued a *No Contact Provision*.
- c. Track C – 4
 - i. Respondent was suspended from the University effective March 20, 2024, through March 20, 2027. Respondent was also issued a *No Contact Provision*. Furthermore, Respondent is not eligible for future employment with UT Austin, including all forms of employment and volunteer positions. (2)⁶
 - ii. Respondent is not eligible for future employment with UT Austin, including all forms of employment and volunteer positions.
 - iii. Respondent is not eligible for future employment with UT Austin, including all forms of employment and volunteer positions.

⁶ Matter involves one Respondent who was found in violation for two separate cases.

Texas Education Code, Section 51.255 (Failure to Report or False Report)	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)	19 (100%)
Number of formal investigations ongoing	0 (0.0%)
Number of formal investigations completed, and disposition of any disciplinary processes conducted. <ul style="list-style-type: none"> a. Grievance Process Track C – Disciplinary Determination Process completed. Final Result: Preponderance of evidence not met for Failure to Report by a Non-Confidential Employee. 4 b. Grievance Process Track C – Disciplinary Determination Process completed. Final Result: Preponderance of evidence not met for False Information and False Complaints. 1 c. Determined this was not a Failure to Report matter during the preliminary fact-finding stage. 5 d. Respondent is no longer affiliated to the University. 1 e. The Complainant requested in writing the dismissal of the Formal Complaint for False Information and False Complaints. 2 f. Administrative closure – Insufficient information to investigate at this time. 4 g. Formal Complaint Dismissed – Any specific circumstances that prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations therein. 1 h. Formal Complaint Dismissed – If the Respondent was an employee and is no longer employed by the University at the time the Formal Complaint is filed, or is no longer employed at any time during the Grievance Process including the investigation or hearing. 1 	19 (100%) <hr/>

Appendix B – Summary Data Report
2022-2023 Academic Year: August 22, 2022, to August 20, 2023

Texas Education Code, Section 51.252	Total
<u>Number of reports received under Section 51.252</u>	<u>1,199</u>
1. Number of reports received during the first quarter (8/22/22 – 12/15/22)	424 (35.3%)
2. Number of reports received during the second quarter (12/16/22 – 3/15/23)	381 (31.8%)
3. Number of reports received during the third quarter (3/16/23 – 6/15/23)	255 (21.3%)
4. Number of reports received during the fourth quarter (6/16/23 – 8/20/23)	139 (11.6%)
Number of confidential⁷ reports received under Section 51.252	740 (61.7%)
<u>Number of investigations conducted under Section 51.252</u>	<u>82 (6.8%)</u>
1. Conducting Preliminary Fact-Finding Inquiry	0 (0.0%)
2. <u>Formal Complaint Dismissed</u>	18 (1.5%)
a. Complainant requested the dismissal of the Formal Complaint – 6	
b. Any specific circumstances that prevent the university from gathering the evidence sufficient to reach a determination as to the Formal Complaint or any allegation therein – 9	
c. The conduct alleged does not meet the definition of any conduct prohibited under HOP 3-3031 – 1	
d. Respondent was an employee and is no longer employed at the time during the grievance process including the investigation or hearing – 2	
3. Pending Grievance Process Investigation	0 (0.0%)
4. <u>Pending Grievance Process Live Hearing</u>	2 (0.2%)
a. Track A – 1	
b. Track B – 1	
5. Pending Grievance Process Appeals Process Determination	0 (0.0%)
6. Pending Grievance Process Track C - Disciplinary Determination Process	0 (0.0%)
7. Indefinite Hold ⁸ on Grievance Process – Investigation	1 (0.1%)
8. <u>Grievance Process Completed</u>	61 (5.1%)
a. Track A – 11	
b. Track B – 28	
c. Track C – 22	

⁷ “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, Victim’s Advocate Network or Student Ombuds).

⁸An “Indefinite Hold on Grievance Process” was put in place as Respondent’s guardian provided documentation that shows that Respondent has been deemed “incompetent at this time.” Therefore, Respondent is unable to participate in the Grievance Process.

<u>Number of reports under Section 51.252 for which the university determined not to initiate a disciplinary process⁹</u>	<u>377 (31.4%)</u>
<ol style="list-style-type: none"> 1. Respondent is not affiliated to the University. 127 (10.6%) 2. Respondent is no longer affiliated to the university. 21 (1.8%) 3. Third party report – The Complainant opted to not file a Formal Complaint to initiate the Grievance Process or the Restorative Practices Process. 60 (5.0%) 4. Administrative Closure – Insufficient information to investigate at this time. 108 (9.0%) 5. Complainant opted to report the incident but not sign a Formal Complaint to initiate the Grievance Process or the Restorative Practices Process. 14 (1.2%) 6. Complainant was only seeking support and resources. 17 (1.4%) 7. Complainant was seeking support and resources from the Confidential Advocate. 1 (0.1%) 8. Matter was previously investigated. 2 (0.2%) 9. Unknown Respondent. 10 (0.8%) 10. Witness was seeking support and resources. 2 (0.2%) 11. Matter was resolved via the Restorative Practice Process. 2 (0.2%) 12. Determined this was a supplemental report during the preliminary fact-finding stage. 11 (0.9%) 13. Determined this was not a HOP 3-3031 matter during the preliminary fact-finding stage. 2 (0.2%) 	
Total Reports:	1,199 (100%)
<u>Disposition¹⁰ of disciplinary processes for reports under Section 51.252</u>	<u>61 (5.1%)</u>
<ol style="list-style-type: none"> 1. <u>Preponderance of Evidence Not Met¹¹</u> <ol style="list-style-type: none"> a. Track A – 4 b. Track B – 17 c. Track C – 17 2. <u>Preponderance of Evidence Met</u> <ol style="list-style-type: none"> a. Track A – 7 <ol style="list-style-type: none"> i. Respondent was barred against readmission effective immediately and continuing through May 27, 2028. Respondent’s rights and/or privileges to live in or enter University housing, including dining facilities, at UT Austin are permanently suspended effective immediately. Respondent must complete an anger management course. Respondent must meet with the director of Student Conduct and Academic Integrity (SCAI) prior to readmission. 	

⁹ 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 investigation, an informal resolution process was requested, determined matter was previously investigated, complainant requested the dismissal of the investigation, and Complainant’s and Respondent’s identity are unknown).

¹⁰ “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 result is rendered.

¹¹ “Preponderance of Evidence Not Met” for Track A, Track B, and Track C matters in this section refers to instances where there was a no finding of responsibility after a hearing, or an appeal process was conducted.

- ii. Respondent was placed on deferred suspension effective immediately and extending through Respondent's graduation. Respondent must complete a psychological counseling session on healthy relationships and relationship boundaries by May 31, 2023. Respondent was issued a *No Contact Directive*.
 - iii. Respondent was placed on deferred suspension effective October 5, 2023, through December 31, 2025. Respondent was issued a *No Contact Directive*. Respondent was given a Restorative Practice sanction by where Respondent must first meet with a staff member in SCAI's Restorative Practice Team to determine which method of restoration will be the most beneficial as a way to repair harm. The meeting must take place by November 30, 2023.
 - iv. Respondent was suspended from the University effective December 18, 2023, through December 18, 2024. Respondent was issued a *No Contact Directive*.
 - v. Respondent was issued a permanent bar against readmission starting on November 2, 2023. Respondent was issued a *No Contact Directive*.
 - vi. Respondent was terminated effective January 2, 2024. Respondent is not eligible for future employment and volunteer positions at the UT Austin. Respondent is not permitted anywhere on campus or inside any university buildings, including at ticketed events and the Lady Bird Johnson Wildflower Center facilities and grounds.
 - vii. Respondent was terminated effective February 13, 2024. Respondent is not eligible for future employment and volunteer positions at UT Austin. Respondent is not permitted anywhere on campus or inside any university buildings, including at ticketed events. Respondent was issued a *No Contact Directive*.
- b. Track B – 11
- i. Respondent was placed on deferred suspension effective immediately and extending through graduation. Respondent must complete an Ethical Decision-Making Seminar by July 1, 2023. Respondent's rights and/or privileges to live in or enter University housing were suspended effective immediately and extending through Respondent's graduation. Respondent must complete Psychological Counseling, outside evaluation and assessment, by July 1, 2023. Respondent was issued a *No Contact Directive*.
 - ii. Respondent was issued deferred suspension effective immediately and extending through graduation. Respondent's rights and/or privileges to live in or enter University housing are suspended effective immediately and extending through graduation. Respondent's rights and/or privileges to study abroad are suspended effective immediately and extending through graduation. Respondent's rights and/or privileges to be employed on campus are permanently suspended effective immediately. Respondent's rights and/or privileges to serve in any sponsored organization leadership role or supervisory role over other students are permanently suspended effective immediately. Respondent must meet with a licensed counselor or social worker to discuss boundaries in relationships. Proof that meeting was completed should be sent to Student Conduct and Academic Integrity by September 29, 2023. Respondent was issued a *No Contact Directive*.

- iii. Respondent was expelled from the University effective October 31, 2023. Respondent was issued a *No Contact Directive*. Respondent is not allowed to have on-campus academic employment where they would have direct contact with students.
 - iv. Respondent was suspended from the University effective August 15, 2023, to December 14, 2026. Effective August 15, 2023, through December 14, 2026, Respondent has lost the following University privileges: No contact with the Longhorn Powerlifting Club during the period of suspension, including, but is not limited to, attending any club event, competition, or other activity held on campus. Respondent was issued a *No Contact Directive*.
 - v. Respondent was expelled from the University effective December 22, 2023. Respondent was issued a *No Contact Directive*.
 - vi. Respondent is suspended from the University effective August 15, 2023, to July 31, 2024. Respondent's rights to live in or enter university housing are permanently suspended effective July 31, 2024. Respondent was issued a *No Contact Directive*.
 - vii. Respondent is suspended from the University effective May 12, 2024, through May 11, 2025. Respondent was issued a *No Contact Directive*.
 - viii. Respondent is barred against readmission effective immediately through December 21, 2024. Respondent is permanently barred from employment at UT Austin, including all forms of employment and volunteer positions. Respondent was issued a *No Contact Directive*. (2)¹²
 - ix. Respondent was issued a deferred suspension effective immediately and extending through February 22, 2026. Respondent was issued a ban against student-facing employment with UT Austin and may not include supervising, evaluating, teaching, or advising other students. (2)¹³
- c. Track C – 5
- i. Respondent was placed on deferred suspension for one year. Respondent is unable to be hired into another position at UT without prior approval from Human Resources. Respondent was issued a *No Contact Directive*.
 - ii. Respondent was placed on deferred suspension until April 12, 2024.
 - iii. Respondent's employment was terminated effective immediately, including being ineligible for future employment and volunteer positions at UT Austin.
 - iv. Respondent was given a Level 3 Reminder. Respondent is not eligible for a merit increase or transfer for a 12-month period.
 - v. Respondent is permanently barred from future employment at UT Austin, including being ineligible for future employment and volunteer positions.

¹²Matter involves one Respondent who was found in violation for two separate cases.

¹³Matter involves one Respondent who was found in violation for two separate cases.

Texas Education Code, Section 51.255 (Failure to Report or False Report)	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)	19
Number of formal investigations ongoing	0 (0.0%)
Number of formal investigations completed, and disposition of any disciplinary processes conducted.	19 (100.0%)
a. Determined this was not a Failure to Report matter during the preliminary fact-finding stage.	7
b. Preponderance of evidence not met.	7
c. Administrative Closure – Insufficient information to investigate at this time.	2
d. Alleged conduct did not meet the definition of any conduct prohibited under HOP3-3031.	2
e. Third party report. The Complainant opted to not file a Formal Complaint to initiate the Grievance Process or the Restorative Practices Alternative Process.	1