

## Chief Executive Officer Annual Certification to THECB

**The University of Texas at Austin**

for the time period of August 25, 2021 through August 21, 2022

---

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 11, 2022.
2. A summary data report is posted on the institution's website at <https://titleix.utexas.edu/data-reports>.

Signature of CEO:

DocuSigned by:  
*Jay Hartzell*  
23F15E8E2E12453...

Printed Name:

Jay Hartzell


Date:

2022-10-05 | 11:34:05 PDT



---

TO: U.T. System Board of Regents

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

DATE: October 5, 2022

RE: Chief Executive Officer Reporting Requirement 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 2021 - 2022 academic year, as well as status updates to the 2020-2021 academic year (Appendix B) and 2019 - 2020 academic year (Appendix C) reports as of September 15, 2022. The summary data in Appendix A, Appendix B, and Appendix C is 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, 2022, as required annually by 19 Tex. Admin. Code Section 3.19(a).

**JAY HARTZELL, President**

Please also take note that additional reports<sup>1</sup> received by The University of Texas at Austin that did not meet the reporting criteria<sup>2</sup> 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 the alleged conduct.

---

<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 to the total number of reports received.

<sup>2</sup> 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, Appendix B, and Appendix C. 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 5 I.25 I, the report is excluded from Appendix A, Appendix B, and Appendix C.

**Appendix A – Summary Data Report**  
**2021-2022 Academic Year: August 25, 2021, to August 21, 2022**

<b>Texas Education Code, Section 51.252</b>	<b>Total</b>
<b><u>Number of reports received under Section 51.252</u></b>	<b><u>1,193</u></b>
1. Number of reports received during the first quarter (8/25/21 – 12/15/21)	463 (38.8%)
2. Number of reports received during the second quarter (12/16/21 – 3/15/22)	293 (24.6%)
3. Number of reports received during the third quarter (3/16/22 – 6/15/22)	327 (27.4%)
4. Number of reports received during the fourth quarter (6/16/22 – 8/21/22)	<u>110 (9.2%)</u>
<b><u>Breakdown of Total Reports received under Section 51.252</u></b>	
<b>1. Number of confidential<sup>1</sup> reports received under Section 51.252</b>	<b>710 (59.5%)</b>
<b>2. Number of investigations conducted under Section 51.252</b>	<b><u>69 (5.8%)</u></b>
1) Conducting Preliminary Fact-Finding Inquiry	3 (0.3%)
2) Formal Complaint dismissed	15 (1.3%)
a. Complainant requested the dismissal of the Formal Complaint – 8	
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 – 5	
c. The conduct alleged does not meet the definition of any conduct prohibited under HOP 3-3031 – 2	
3) Pending Grievance Process Investigation	15 (1.3%)
a. Track A – 2	
b. Track B – 4	
c. Track C – 9	
4) Pending Grievance Process Live Hearing	11 (0.9%)
a. Track A – 2	
b. Track B – 9	
5) Pending Grievance Process Track C - Disciplinary Determination Process	2 (0.2%)
6) Grievance Process Completed	23 (1.9%)
a. Track A – 4	
b. Track B – 6	
c. Track C – 13	

<sup>1</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., Counseling and Mental Health Center, University Health Services, Student Advocate, Victim’s Advocate Network or Student Ombuds).

<b>3. Number of reports under Section 51.252 for which the university determined not to initiate a disciplinary process<sup>2</sup></b>	<b><u>414 (34.7%)</u></b>
1) Respondent is not affiliated to the University	169 (14.2%)
2) Third party report – The Complainant opted to not file a Formal Complaint to initiate the Grievance Process or the Restorative Practice Process	117 (9.8%)
3) Administrative Closure – Insufficient information to investigate at this time	92 (7.7%)
4) Unknown Respondent	25 (2.1%)
5) Determined this was not a TEC, Sec. 51. 252 reportable incident during the preliminary fact-finding stage or that it was a duplicate referral	10 (0.8%)
6) Restorative Practice Process selected	1 (0.1%)
<b>Total:</b>	<b><u>1, 193 (100%)</u></b>
<b><u>Disposition<sup>3</sup> of disciplinary processes for reports under Section 51.252</u></b>	
1. <u>Preponderance of Evidence Not Met<sup>4</sup></u>	<b><u>23 (1.9%)</u></b>
a. Track A – 2	13 (1.0%)
b. Track B – 3	
c. Track C – 8	
2. <u>Preponderance of Evidence Met</u>	10 (0.9%)
a. Track A – 2	
i. Respondent was placed on deferred suspension through May 31, 2025. Respondent was issued a <i>No Contact Directive</i> . (1)	
ii. Respondent was placed on deferred suspension through July 31, 2025. Respondent was issued a <i>No Contact Directive</i> . (1)	
b. Track B – 3	
i. Respondent is not eligible for future employment with UT.	
ii. Respondent was placed on deferred suspension through May 31, 2024. Respondent was issued a <i>No Contact Directive</i> . (2)	
c. Track C – 5	
i. Respondent is not eligible for future employment with UT, including volunteer positions or any affiliation arrangement. (2)	
ii. Respondent is barred against enrollment through May 6, 2023. Respondent will be on disciplinary probation for one calendar year after re-enrollment. (1)	
iii. Respondent’s employment contract with UT Austin was not renewed. (1)	
iv. Respondent will have a formal letter of reprimand placed on their personnel file. Respondent will be suspended without pay from June 13, 2022, to September 11, 2022. Respondent is required to	

<sup>2</sup> The institution determined “not to initiate a disciplinary process” for reasons listed in this section (e.g., respondent is not affiliated to UT, third party report – the complainant opted to not file a formal complaint, administrative closure – insufficient information to investigate, unknown respondent, parties selected the restorative practice process).

<sup>3</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)]; therefore, pending disciplinary processes will not be listed until the final result is rendered.

<sup>4</sup> “Preponderance of Evidence Not Met” for Track A and Track B matters in this section refers to instances where there is no finding of responsibility after a hearing or an appeal process.

participate in one or more discussions with the Director of Education and Prevention regarding UT's prohibition against unprofessional or inappropriate conduct. Respondent is precluded from being considered for any salary increases, including merit increases, until September 1, 2023. (1)	
--	--

<b>Texas Education Code, Section 51.255 (Failure to Report or False Report)</b>	<b>Total</b>
<b>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)</b>	<b>14</b>
<b>Number of formal investigations ongoing</b>	<b>1 (7.1%)</b>
<b>Number of formal investigations completed and disposition of any disciplinary processes conducted</b>	<b><u>13 (92.9%)</u></b>
a. Determined this was not a Failure to Report matter during the preliminary fact-finding stage	7
b. Pending Grievance Process - Track C	1
c. Administrative closure due to insufficient information to investigate	3
d. Respondent is no longer affiliated to the University.	1
e. Alleged conduct did not meet the definition of any conduct prohibited under HOP3-3031	1
<b>Any disciplinary action taken, regarding failure to report or false reports to the institution under Section 51.255(c):</b>	

**Appendix B – 2021 CEO Report**  
**2020-2021 Academic Year: August 14, 2020, to August 24, 2021**

Texas Education, Section 51.252	Total
<b><u>Number of reports received under Section 51.252</u></b>	<b><u>1,416</u></b>
1. Number of reports received during the first quarter (8/14/20 – 12/15/20)	767 (54.2%)
2. Number of reports received during the second quarter (12/16/20 – 3/15/21)	273 (19.3%)
3. Number of reports received during the third quarter (3/16/21 – 6/15/21)	267 (18.9%)
4. Number of reports received during the fourth quarter (6/16/21 – 8/24/21)	109 (7.7%)
<b><u>Breakdown of Total Reports received under Section 51.252</u></b>	
<b>1. Number of confidential<sup>5</sup> reports received under Section 51.252</b>	<b>971 (68.6%)</b>
<b>2. Number of investigations conducted under Section 51.252</b>	<b><u>83 (5.9%)</u></b>
1) <u>Formal Complaint dismissed</u>	34 (2.4%)
a. Complainant requested the dismissal of the Formal Complaint – 12	
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 – 16	
c. The conduct alleged does not meet the definition of any conduct prohibited under HOP 3-3031 – 6	
2) Formal Investigation Process Completed <sup>6</sup>	5 (0.4%)
3) <u>Grievance Process Completed</u>	44 (3.1%)
a. Track A – 5	
b. Track B – 28	
c. Track C – 11	
<b>3. Number of reports under Section 51.252 for which the university determined not to initiate a disciplinary process<sup>7</sup></b>	<b><u>362 (25.5%)</u></b>
1) Respondent is not affiliated to the University	133 (9.4%)
2) Third party report – The Complainant opted to not file a Formal Complaint to initiate the Grievance Process or the Restorative Practices Process	79 (5.6%)
3) Unknown Respondent	63 (4.4%)
4) Administrative Closure – Insufficient information to investigate at this time	56 (4.0%)
5) Determined this was not a Tex. Educ. Code, Sec. 51. 252 reportable incident during the preliminary fact-finding stage or that it was a duplicate referral	27 (1.9%)
6) Complainant’s and Respondent’s identity are unknown	2 (0.1%)
7) Information Resolution Process completed	2 (0.1%)
<b>Total:</b>	<b><u>1,416 (100%)</u></b>

<sup>5</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., Counseling and Mental Health Center, University Health Services, Student Advocate, Victim’s Advocate Network or Student Ombuds).

<sup>6</sup> Reports resolved via the “Formal Investigation Process” are reports that were investigated under the 2019-2020 academic year policy as the date of the reported incident was prior to August 14, 2020.

<sup>7</sup> The institution determined “not to initiate a disciplinary process” for reasons listed in this section (e.g., respondent is not affiliated to UT, third party report – the complainant opted to not file a formal complaint, administrative closure – insufficient information to investigate, unknown respondent, parties selected the restorative practice process).

<b><u>Disposition<sup>8</sup> of disciplinary processes for reports under Section 51.252</u></b>	<b><u>49 (3.5%)</u></b>
<p>1. <u>Preponderance of Evidence Not Met<sup>9</sup></u></p> <ul style="list-style-type: none"> <li>a. Formal Investigation Process - 5</li> <li>b. Track A – 3</li> <li>c. Track B – 16</li> <li>d. Track C – 1</li> </ul>	25 (1.8%)
<p>2. <u>Preponderance of Evidence Met</u></p> <ul style="list-style-type: none"> <li>a. Track A – 2 <ul style="list-style-type: none"> <li>i. Respondent was placed on deferred suspension effectively immediately through their graduation from UT. Respondent must complete an alcohol individual consultation with the Counseling and Mental Health Center (CMHC). Lastly, Respondent was issued a <i>No Contact Directive</i>. (1)</li> <li>ii. Respondent was placed on deferred suspension through December 31, 2022. Respondent must provide verification of completion of a counseling consultation. (1)</li> </ul> </li> <li>b. Track B – 12 <ul style="list-style-type: none"> <li>i. Respondents were expelled from UT. (4)<sup>10</sup></li> <li>ii. Respondent was placed on deferred suspension through December 31, 2022. (1)</li> <li>iii. Respondent was placed on deferred suspension through December 31, 2022. Respondent must provide verification of completion of a counseling consultation. Lastly, Respondent was issued a <i>No Contact Directive</i>. (1)</li> <li>iv. Respondent was placed on disciplinary probation from August 1, 2021, to May 31, 2022. Respondent was issued a <i>No Contact Directive</i>. (1)</li> <li>v. Respondent is Barred from enrollment at UT for two years. Lastly, Respondent was issued a <i>No Contact Directive</i>. (1)<sup>11</sup></li> <li>vi. Respondent was placed on deferred suspension through December 31, 2023. Respondent was issued a <i>No Contact Directive</i>. (1)</li> <li>vii. Respondent was placed on deferred suspension through December 31, 2024. Respondent was issued a <i>No Contact Directive</i>. (1)</li> <li>viii. Respondent is not eligible for future employment at UT. Respondent may not enter any property or facility owned or controlled by UT. Respondent is prohibited from attending or participating in any event or activity sponsored or facilitated by UT. (1)</li> <li>ix. Respondent is not eligible for future employment at UT, including but not limited to, full-time or part-time positions, volunteer positions, or any affiliation arrangement. A written reprimand was placed in Respondent’s personnel file. (1)</li> </ul> </li> <li>c. Track C – 10 <ul style="list-style-type: none"> <li>i. Respondent was expelled from UT. (8)<sup>12</sup></li> <li>ii. Respondent was placed on deferred suspension through August 20, 2023. Respondent was issued a <i>No Contact Directive</i>. (1)</li> <li>iii. Respondent is not eligible for future employment at UT, including volunteer positions. (1)</li> </ul> </li> </ul>	24 (1.7%)

<sup>8</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)]; therefore, pending disciplinary processes will not be listed until the final result is rendered.

<sup>9</sup> “Preponderance of Evidence Not Met” for Track A and Track B matters in this section refers to instances where there is no finding of responsibility after a hearing or an appeal process.

<sup>10</sup> These four case 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.

<sup>11</sup> Respondent graduated from UT before the Formal Grievance Process concluded.

<sup>12</sup> These eight outcomes involved only one Respondent. This Respondent was named as the Respondent in eight Formal Complaints. Therefore, only one individual was expelled from UT.



<b>Texas Education Code, Section 51.255 (Failure to Report or False Report)</b>	<b>Total</b>
<b>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)</b>	<b>15</b>
<b>Number of formal investigations completed and disposition of any disciplinary processes conducted</b> <ul style="list-style-type: none"> <li>a. Determined this was not a Failure to Report matter during the preliminary fact-finding stage</li> <li>b. Preponderance of evidence not met</li> <li>c. Preponderance of evidence met and referred to a disciplinary determination process</li> <li>d. Administrative closure due to insufficient information to investigate<sup>14</sup></li> <li>e. Alleged conduct did not meet the definition of any conduct prohibited under HOP3-3031</li> </ul>	<b>15 (100%)</b>  6 4 2 2 1
<b>Any disciplinary action taken, regarding failure to report or false reports to the institution under Section 51.255(c):</b> <ul style="list-style-type: none"> <li>a. Respondent is not eligible for future employment at UT, including volunteer positions or any affiliation arrangement.</li> </ul>	2

**Appendix C – 2020 CEO Report Updates<sup>13</sup>**  
**2019 - 2020 Academic Year: January 1, 2020<sup>14</sup> to August 13, 2020**

<b>Texas Education Code, Section 51.252</b>	<b>Total</b>
<b><u>Number of reports received under Section 51.252</u></b>	<b><u>1,052</u></b>
1. Number of reports received during the first quarter (1/1/20 - 3/15/20)	643 (61%)
2. Number of reports received during the second quarter (3/16/20 - 6/15/20)	247 (24%)
3. Number of reports received during the third quarter (6/16/20 – 8/13/20)	162 (15%)
<b><u>Breakdown of Total Reports received under Section 51.252</u></b>	
<b>1. Number of confidential<sup>15</sup> reports received under Section 51.252</b>	<b>446 (42.4%)</b>
<b>2. Number of investigations conducted under Section 51.252</b>	<b>61 (5.8%)</b>
1) Formal investigation process completed – preponderance of evidence not met	47 (4.5%)
2) Formal investigation process completed – preponderance of evidence met	14 (1.3%)
<b>3. Number of reports under Section 51.252 for which the university determined not to initiate a disciplinary process<sup>16</sup></b>	<b><u>545 (51.8%)</u></b>
1. Respondent is not affiliated to the university	152 (14.4%)
2. Administrative closure due to insufficient information to investigate	120 (11.4%)
3. Respondent’s identity is unknown	87 (8.3%)
4. Informal Resolution Process completed	68 (6.5%)
5. Determined matter was previously investigated or the alleged conduct did not meet the definition of sexual assault, sexual harassment, dating violence or stalking	65 (6.2%)
6. Complainant requested the dismissal of the investigation process	32 (3.0%)
7. Complainant’s and respondent’s identity are unknown	21 (2.0%)
<b>Total:</b>	<b>1,052 (100%)</b>
<b><u>Disposition<sup>17</sup> of disciplinary processes for reports under Section 51.252</u></b>	<b>14 (1.3%)</b>
1. Disciplinary Process Completed - Final Result	
a. Verbal counseling (1)	
b. Letter of Reprimand was placed in Respondent’s personnel file (1)	

<sup>13</sup> The 2020 CEO Report Updates consists of the cumulative data set that originated in 2019-2020 with updated statuses of investigation or disciplinary process dispositions. For example, investigations that were ongoing or disciplinary processes that were pending as of 2020’s CEO Report that have since concluded as of 2021’s CEO Report will have an updated status or disposition reflected here

<sup>14</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 TEX. EDUC. CODE, Section 51.253(a). The data provided in Appendix C includes updates for matters that were pending when the CEO Report was first published on October 30, 2020.

<sup>15</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., Counseling and Mental Health Center, University Health Services, Student Advocate, Victim’s Advocate Network or Student Ombuds).

<sup>16</sup> The institute 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).

<sup>17</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)]; therefore, pending disciplinary processes will not be listed until the final result is rendered.

<ul style="list-style-type: none"> <li>c. Respondents were not eligible for future employment at UT (2)</li> <li>d. Respondent's affiliation to UT as a research professor was terminated (5)<sup>18</sup></li> <li>e. Respondent is not eligible for future employment at UT (1)<sup>19</sup></li> <li>f. Respondent is barred from enrollment at UT and is prohibited from entering the UT campus (1)</li> <li>g. Respondent was suspended from UT from May 1, 2021, to August 15, 2023, and the No Contact Directive remains in place (1)</li> <li>h. Respondent was suspended from UT from August 25, 2021, to December 18, 2021, and a No Contact Directive was issued (1)</li> <li>i. Respondent was expelled from UT, barred against readmission to UT, and barred against future employment at UT, including volunteer positions or any affiliation arrangement with UT (1)</li> </ul>	
--	--

<b>Texas Education Code, Section 51.255 (Failure to Report or False Information)</b>	<b>Total</b>
<b>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)</b>	<b>9</b>
<b>Number of formal investigations completed and disposition of any disciplinary processes conducted</b>	<b>9 (100%)</b>
1. Preponderance of evidence not met	7 (78%)
2. Administrative closure due to insufficient information to investigate	2 (22%)

<sup>18</sup> These five outcomes involved only one Respondent. This Respondent was named as the Respondent in five Formal Complaints. Therefore, only one individual was terminated as a research professor at UT.

<sup>19</sup> The investigation was completed after the Respondent was no longer employed at UT. Provost Jaffee issued the disciplinary outcome on January 14, 2021.