# TITLE IX:

# **Chief Executive Report**

2022-2023 Academic Year



# **Executive Summary: Chief Executive Report**

### 2022-2023 Academic Year

Starting on August 22, 2022, to August 20, 2023

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 31, 2023, The University of Texas at Austin (UT) published the CEO Report on the **Title IX Office 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 Tex. Educ. Code, Section 51.252.

#### REPORTS SUBMITTED UNDER TEX. EDUC. CODE, SECTION 51.252

For the 2022-2023 academic year, the Title IX Office received a total of 457 actionable reports under Tex. Educ. Code, Section 51.252. Of those 457 actionable reports, 377 reports were seeking support and resources, and 80 reports pursued the *Grievance Process*. In addition, 738 reports were made to confidential resources on campus for a total of 1,195<sup>1</sup> reports submitted under Tex. Educ. Code, Section 51.252.

Of the total 1,195 reports submitted to the Title IX Office during the 2022-2023 academic year, 424 reports (35.5%) were submitted between August 22, 2022, and December 15, 2022; 381 reports (31.9%) were submitted between December 16, 2022, and March 15, 2023; 255 reports (21.3%) were submitted between March 16, 2023, and June 15, 2023; and 135 reports (11.3%) were submitted between June 16, 2023, and August 20, 2023.



<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 subset of the total number of reports received.



# ACTIONABLE REPORTS SUBMITTED UNDER TEX. EDUC. CODE, SECTION 51. 252

Of 457 actionable reports submitted to the Title IX Office under Tex. Educ. Code, Section 51.252, a total of 80 (6.7%) reports were eligible to be investigated as the Title IX Office received a *Formal Complaint* signed by the Complainant<sup>2</sup> or the Title IX Coordinator to initiate the appropriate *Grievance Process* track (e.g., **Track A**, **Track B**, and **Track C**), of the *Grievance Process*<sup>3</sup>. In all cases, the parties impacted by the reported incident were provided with support and resources.

# Reports Received under Tex. Educ. Code, Section 51.252 that were Not Investigated

For the remainder of the 377 reports, the university did not initiate the *Grievance Process* due to the following reasons:

 Respondent<sup>4</sup> is Not Affiliated to UT: A total of 127 reports submitted to the Title IX Office were not investigated because the alleged Respondent is not affiliated with the university. The Title IX Office confirmed that the alleged Respondent is not affiliated to the UT; therefore, the university is unable to initiate a *Grievance Process* or the *Restorative Practices Alternative Process*. The Complainants were referred to *Support and Resources* in the Title IX Office.

<sup>2</sup> Complainant is defined in *the 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."

<sup>3</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 Process* under **HOP 3-3031**, **Track B**, and **Track C**, can be found in the Title IX Office **webpage**.

<sup>4</sup> Respondent is defined in HOP 3-3031 as: "The individual and/or organization reported to be the alleged perpetrator of conduct that violates this Policy."



- 2. Administrative Closure Insufficient Information to Investigate at this Time: A total of 110 reports submitted to the Title IX Office were not investigated and were closed administratively because the report provided limited information about the alleged conduct and/or the parties involved. The Title IX Office was unable to gather details about the alleged conduct for multiple reasons including, but not limited to, the report was submitted by a third party, the Complainant declined to meet with staff in the Title IX Office, or the identity of the Complainant and/or Respondent is/are unknown. The complainants, if known, were referred to Support and Resources in the Title IX Office.
- 3. Third-Party Report The Complainant Opted to Not File a Formal Complaint to Initiate the Grievance Process: A total of 59 reports submitted to the Title IX Office were not investigated because the report was submitted by a third party. During the preliminary fact-finding inquiry stage of the intake process, the Complainant opted to not sign a *Formal Complaint* to initiate the *Grievance Process* or the *Restorative Practices Alternative Process*. The complainants were referred to *Support and Resources* in the Title IX Office.
- 4. Respondent is No Longer Affiliated to UT: A total of 21 reports submitted were not investigated because the Title IX Office confirmed that the alleged Respondent was affiliated to the UT at the time of the alleged incident, but once the matter was reported, the Respondent was no longer affiliated to the university. Therefore, the university is unable to initiate a *Grievance Process* or the *Restorative Practices Alternative Process*.
- 5. Complainant was Only Seeking Support and Resources: A total of 17 reports submitted to the Title IX Office were not investigated because during the preliminary fact-finding inquiry stage of the intake process, the Complainant indicated that they were only seeking support and resources, and did not wish to provide additional information or proceed with a *Grievance Process* or the *Restorative Practices Alternative Process*.

#### 6. Other (43 reports):

- a. Complainant Opted to Report the Incident but Not Sign a Formal Complaint: A total of 14 reports submitted to the Title IX Office were not investigated because the Complainant submitted the report and indicated they wanted the university to be aware of the incident, but the Complainant did not wish to sign a Formal Complaint to initiate a Grievance Process or the Restorative Practices Alternative Process.
- **b.** Determined the Report was a Supplemental Report: A total of 10 reports submitted to the Title IX Office were not investigated because during the preliminary fact-finding inquiry stage of the intake process, the Title IX Office concluded the report was a supplemental report to a previously reported matter.
- **c.** Unknown Respondent: A total of 10 reports submitted to the Title IX Office were not investigated because the identity of the Respondent is unknown to the Complainant; therefore, the university is unable to initiate the *Grievance Process* or the *Restorative Practices Alternative Process*.
- d. Matter was Previously Investigated: A total of two reports submitted to the Title IX Office were not investigated because the reported conduct was previously investigated by the university and no new or additional information was provided; therefore, the university did not initiate a *Grievance Process* or the *Restorative Practices Alternative Process*.

- e. Witness was Seeking Support and Resources: A total of two reports submitted to the Title IX Office were not investigated because the report was submitted by a third party, specifically a Witness, that was solely seeking support and resources and did not wish to provide additional information about the alleged incident.
- f. Restorative Practice Process Selected: A total of two reports submitted to the Title IX Office were resolved via the *Restorative Practices Alternative Process* at the request of the Parties.
- g. Determined the Reported Conduct was Not Prohibited Conduct under HOP 3-3031: A total of two reports submitted to the Title IX Office were not investigated because the Title IX Office confirmed that the conduct alleged did not meet the definition of any conduct prohibited under HOP 3-3031.
- h. Complainant was Seeking Support and Resources from the Confidential Advocate: A total of one report submitted to the Title IX Office was not investigated because the Complainant was solely seeking support and resources from the Confidential Advocate and did not wish to sign a Formal Complaint to initiate a Grievance Process or the Restorative Practices Alternative Process.

## Reports Received under Tex. Educ. Code, Section 51.252 that were Investigated

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, Section 51.252.

#### Preliminary Fact-Finding Stage

After receiving a report, The Title IX Office Intake and Assessment Team contacts the Complainant to provide information on support and resources, learn more information about the alleged conduct reported, and explain the *Grievance Process*. As of September 15, 2023, none of the 80 *Formal Complaints* submitted to the Title IX Office were in the preliminary fact-finding stage of the intake process, all other reports had been processed past the intake stage or closed.

#### **Grievance Process Dismissed**

A total of 16 of 80 *Formal Complaints* (20%) signed by a Complainant to initiate the *Grievance Process* were dismissed by the Title IX Coordinator. These *Formal Complaints* were dismissed for the following reasons:

- 1. 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 *Formal Complaints*)
- 2. Complainant requested the dismissal of the Formal Complaint (4 Formal Complaints)
- 3. Respondent was an employee at the time of the alleged incident but was no longer employed at the university during the *Grievance Process*, including the investigation or hearing (2 *Formal Complaints*)
- The conduct alleged does not meet the definition of any conduct prohibited under HOP 3-3031 (1 Formal Complaint)

#### **Grievance Process**

After the Title IX Office reached out to the Complainant to provide information on support and resources, learn more information about alleged conduct reported, and explain the *Grievance Process*, 64 of the 80 *Formal Complaints* (80%) proceeded to the *Grievance Process*.

As of September 15, 2023, 26 of 80 *Formal Complaints* (32%) are pending completion of the investigation under the appropriate track (e.g., **Track A**, **Track B**, and **Track C**) of the *Grievance Process*.



A total of 16 of 80 *Formal Complaints* (20%) have been investigated and are pending the adjudication phase (e.g., the live hearing or disciplinary termination process) of the *Grievance Process*. Specifically, three *Formal Complaints* are pending a live hearing under **Track A** of the *Grievance Process*, while 10 *Formal Complaints* are pending a live hearing under **Track B** of the *Grievance Process*. Two *Formal Complaints*, under **Track B** of the *Grievance Process*, are pending the *Grievance Process* appeals process determination. Lastly, one *Formal Complaint* proceeded to the disciplinary determination process under **Track C** of the *Grievance Process*.

A total of 22 of 80 *Grievance Processes* (28%) have been completed. The preponderance of evidence standard was not met for 16 of 80 *Formal Complaints* (20%), while six *Formal Complaints* (8%) met the preponderance of the evidence standard.

#### **Disposition<sup>5</sup> of the Grievance Process**

As of September 15, 2023, 22 of 80 *Formal Complaints* (33%) have been investigated and adjudicated under the *Grievance Process*. Of those 22 *Formal Complaints*, 16 *Formal Complaints* (73%) did not meet the preponderance of evidence standard and there was a no finding of a violation, while six *Formal Complaints* (27%) met the preponderance of evidence standard and there was a finding of a violation.



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

#### Track A Grievance Process

- 1. Respondent was barred against readmission to the university effective immediately and continuing through May 27, 2028. Respondent's rights and/or privileges to live in or enter university housing, including dining facilities, were permanently suspended effective immediately. Respondent must complete an anger management course and meet with the director of Student Conduct and Academic Integrity prior to readmission. (1)
- Respondent was placed on deferred suspension effective immediately and extending through Respondent's graduation from the university. Respondent must complete a psychological counseling session on healthy relationships and relationship

boundaries by May 31, 2023. Respondent was issued a *No Contact Directive*. (1)

#### Track B Grievance Process

1. Respondent was placed on deferred suspension effective immediately and extending through graduation from the university. 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*. (1)

<sup>&</sup>lt;sup>5</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, Section 51. 259 [See 19 Texas Administrative Code, Section 3.6(3) (2019)].

#### Track C Grievance Process

- 1. Respondent was placed on deferred suspension for one year. Respondent is unable to be hired into another position at UT without prior approval from central Human Resources. Respondent was issued a *No Contact Directive*. (1)
- 2. Respondent's employment was terminated effective immediately, including being ineligible for future employment and/ or volunteer positions at UT. (1)
- 3. Respondent was placed on deferred suspension until April 12, 2024. (1)

#### CONFIDENTIAL REPORTS<sup>6</sup> SUBMITTED UNDER TEX. EDUC. CODE, SECTION 51. 252

Under Tex. Educ. Code, Section 51. 252, a university can designate certain employees as having confidentiality so that students may speak about sexual assault, sexual harassment, dating violence, and stalking incidents without concern that the matter will 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," including but not limited to healthcare, mental healthcare, and medical providers are also considered confidential employees. For each of these 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. Thus, the total number of reports may be inflated as is likely to contain a significant number of duplicate reports in the confidential reports.

A total of 738 of 1,195 reports (62%) were submitted to confidential employees on campus, many of which may be duplicate reports as explained above. A complete list of all confidential employees on campus can be found on the university's **Title IX Office website**.



<sup>6</sup> "Confidential Reports" is a sub-set of the total number of reports that were received under Tex. Educ. Code, Section 51.252, by a confidential employee or office.