




TO: U.T. System Board of Regents

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

DATE: October 7, 2023

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 2022-2023 academic year (Appendix A), as well as status updates to the 2021-2022 academic year (Appendix B) report as of September 15, 2023. 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, 2023, as required annually by 19 Tex. Admin. Code, Section 3.19(a).

Please also take note that additional reports<sup>1</sup> received by The University of Texas at Austin, including the Dell Medical School, 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 51.251, the report is excluded from Appendix A, Appendix B, and Appendix C.

## OFFICE OF THE PRESIDENT

## Chief Executive Officer Annual Certification to THECB

**The University of Texas at Austin**  
for the time period of **August 22, 2022**, through **August 20, 2023**

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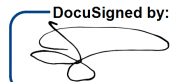
Under Texas Education Code (TEC), Section 51.258, the institution's Chief Executive Officer is required to annually certify in writing to the Coordinating Board that the institution is in substantial compliance with TEC, Title 3, Subtitle A, Chapter 51, Subchapter E-2. Per THECB Rule 3.19, this certification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

By signing this statement, I certify that **The University of Texas at Austin**, including the Dell Medical School, 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 6, 2023**.
2. A summary data report is posted on the institution's website at <https://titleix.utexas.edu/data-reports>

Signature of CEO:

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Jay Hartzell

Printed Name:

Date:

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**Appendix A – Summary Data Report**  
**2022-2023 Academic Year, Starting on August 22, 2022, to August 20, 2023**

Texas Education Code, Section 51.252	Total
<b><u>Number of reports received under Section 51.252</u></b>	<b><u>1,195</u></b>
1. Number of reports received during the first quarter (8/22/22 – 12/15/22)	424 (35.5%)
2. Number of reports received during the second quarter (12/16/22 – 3/15/23)	381 (31.9%)
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)	135 (11.3%)
<b>Number of confidential<sup>1</sup> reports received under Section 51.252</b>	<b>738 (61.8%)</b>
<b><u>Number of investigations conducted under Section 51.252</u></b>	<b><u>80 (6.7%)</u></b>
1. Conducting Preliminary Fact-Finding Inquiry	0 (0.0%)
2. <u>Formal Complaint Dismissed</u>	16 (1.3%)
a. Complainant requested the dismissal of the Formal Complaint – 4	
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. <u>Pending Grievance Process Investigation</u>	26 (2.18%)
a. Track A – 2	
b. Track B – 12	
c. Track C – 12	
4. <u>Pending Grievance Process Live Hearing</u>	13 (1.1%)
a. Track A – 3	
b. Track B – 10	
5. <u>Pending Grievance Process Appeals Process Determination</u>	2 (0.2%)
a. Track A – 0	
b. Track B – 2	
6. Pending Grievance Process Track C - Disciplinary Determination Process	1 (0.1%)
7. <u>Grievance Process Completed</u>	22 (1.8%)
a. Track A – 5	
b. Track B – 8	
c. Track C – 9	

<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><u>Number of reports under Section 51.252 for which the university determined not to initiate a disciplinary process<sup>2</sup></u></b>	<b><u>377 (31.6%)</u></b>
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.	59 (4.9%)
4. Administrative Closure – Insufficient information to investigate at this time.	110 (9.2%)
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. Restorative Practice Process selected.	2 (0.2%)
12. Determined this was a supplemental report during the preliminary fact-finding stage.	10 (0.8%)
13. Determined this was not a HOP 3-3031 matter during the preliminary fact-finding stage.	2 (0.2%)
<b>Total Reports:</b>	<b>1,195 (100%)</b>
<b><u>Disposition<sup>3</sup> of disciplinary processes for reports under Section 51.252</u></b>	<b><u>22 (1.8%)</u></b>
1. <u>Preponderance of Evidence Not Met<sup>4</sup></u>	16 (1.3%)
a. Track A – 3	
b. Track B – 7	
c. Track C – 6	
2. <u>Preponderance of Evidence Met</u>	6 (0.5%)
a. Track A – 2	
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 prior to readmission. (1)	

<sup>2</sup> 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).

<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 result is rendered.

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

<ul style="list-style-type: none"> <li style="margin-left: 40px;">i. 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. (1)</li> <li>b. Track B – 1 <ul style="list-style-type: none"> <li>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. (1)</li> </ul> </li> <li>c. Track C – 3 <ul style="list-style-type: none"> <li>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 central Human Resources. Respondent was issued a No Contact Directive. (1)</li> <li>ii. Respondent's employment was terminated effective immediately, including being ineligible for future employment and volunteer positions at UT. (1)</li> <li>iii. Respondent was placed on deferred suspension until April 12, 2024. (1)</li> </ul> </li> </ul>	
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<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>19</b>
<b>Number of formal investigations ongoing</b>	<b>3 (15.8%)</b>
<b>Number of formal investigations completed, and disposition of any disciplinary processes conducted.</b>	<b>16 (60.0%)</b>
a. Determined this was not a Failure to Report matter during the preliminary fact-finding stage.	7
b. Preponderance of evidence not met.	4
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

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

Texas Education Code, Section 51.252	Total
<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)	110 (9.2%)
<b>Number of confidential<sup>5</sup> reports received under Section 51.252</b>	<b>710 (59.5%)</b>
<b><u>Number of investigations conducted under Section 51.252</u></b>	<b><u>69 (5.8%)</u></b>
1. Conducting Preliminary Fact-Finding Inquiry	0 (0%)
2. <u>Formal Complaint Dismissed</u>	18 (1.5%)
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 – 8	
c. The conduct alleged does not meet the definition of any conduct prohibited under HOP 3-3031 – 2	
3. <u>Pending Grievance Process Investigation</u>	0 (0.0%)
a. Track A – 0	
b. Track B – 0	
c. Track C – 0	
4. <u>Pending Grievance Process Live Hearing</u>	0 (0.0%)
a. Track A – 0	
b. Track B – 0	
5. Pending Grievance Process Track C - Disciplinary Determination Process	0 (0%)
6. <u>Grievance Process Completed</u>	51 (4.3%)
a. Track A – 8	
b. Track B – 19	
c. Track C – 24	

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<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).

<b><u>Number of reports under Section 51.252 for which the university determined not to initiate a disciplinary process<sup>6</sup></u></b>	<b><u>414 (34.7%)</u></b>
1. Respondent is not affiliated to the University.	144 (12.1%)
2. Respondent is no longer affiliated to the University.	24 (2.0%)
3. Third party report – The Complainant opted to not file a Formal Complaint to initiate the Grievance Process or the Restorative Practices Process.	92 (7.7%)
4. Complainant opted to report the incident but not sign a Formal Complaint to initiate the Grievance Process or the Restorative Practices Process.	25 (2.1%)
5. Administrative Closure – Insufficient information to investigate at this time.	91 (7.6%)
6. Unknown Respondent.	25 (2.1%)
7. Determined this was not a TEC, Sec. 51.252 reportable incident during the preliminary fact-finding stage or that it was a supplemental referral.	12 (1.0%)
8. Restorative Practice	1 (0.1%)
<b>Total Reports:</b>	<b>1,193 (100%)</b>
<b><u>Disposition<sup>7</sup> of disciplinary processes for reports under Section 51.252</u></b>	<b><u>51 (4.3%)</u></b>
1. <u>Preponderance of Evidence Not Met<sup>8</sup></u>	
a. Track A – 4	
b. Track B – 12	
c. Track C – 11	27 (2.3%)
2. <u>Preponderance of Evidence Met</u>	
a. Track A – 4	
i. Respondent was placed on suspension through May 31, 2025. Respondent was issued a No Contact Directive. (1)	
ii. Respondent was placed on suspension through July 31, 2025. Respondent was issued a No Contact Directive. (1)	24 (2.0%)

<sup>6</sup>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).

<sup>7</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>8</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.

- iii. Respondent is not eligible for future employment with UT. Respondent is no longer permitted anywhere on campus or inside any university buildings (including at ticketed events). (1)
  - iv. The university began the Level 3 corrective action process, which includes a decision-making day. If after the decision-making day, Respondent decides to remain employed at UT Austin, Respondent will receive a Level 3 corrective action letter and will also be unable to apply for jobs on campus and ineligible to receive a merit increase for 12 months (1)
- b. Track B – 7
- i. Respondent is not eligible for future employment with UT. (1)
  - ii. Respondent was placed on suspension through May 31, 2024. Respondent was issued a No Contact Directive. (1)
  - iii. Respondent was terminated from UT, including being ineligible for future employment, effective immediately. (1)<sup>9</sup>
  - iv. Respondent was issued a permanent bar against readmission and a permanent bar on enrollment effective immediately. Respondent was issued a No Contact Directive. (1)
  - v. Respondent was barred from enrollment for two years. Respondent was issued a No Contact Directive. (1)
  - vi. Respondent was barred from enrolling at UT effective October 6, 2022, and continuing through December 31, 2023. Respondent was issued a No Contact Directive. (1)
  - vii. Respondent was terminated from UT, effective January 17, 2023. Respondent is not eligible for future employment with UT, including all forms of employment and volunteer positions. Respondent is no longer permitted anywhere on campus or inside university buildings (included ticketed events).
- a. Track C – 13
- i. Respondent was terminated from UT, including being ineligible for future employment, effective immediately. (2)<sup>9</sup>
  - ii. Respondent is not eligible for future employment with UT, including volunteer positions or any affiliation arrangement. (1)
  - iii. Respondent is barred from future employment with UT. (1)

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<sup>9</sup>Matter involves one Respondent who was found in violation for three separate cases.



- iv. Respondent received a Formal Letter of Reprimand placed on their personnel file. Respondent received three months full-time suspension without pay from June 13, 2022, to September 11, 2022. Respondent was required to 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)
- v. Respondent's employment contract with UT was not renewed. (2)
- vi. Respondent is not eligible for future employment, including volunteer positions or any affiliation arrangement with UT. Respondent is no longer permitted anywhere on the UT campus, including university buildings or at ticketed events. (1)
- vii. Respondent received Deferred Suspension upon return to UT for three semesters. Respondent was issued a No Contact Directive. (1)
- viii. Reference check is required by Strategic Workforce Solutions (SWS) and the department in order for any department to hire Respondent. SWS would need to review and approve hiring. (1)
- ix. Respondent is Barred Against Readmission until May 21, 2027. Upon return and/or enrollment, Respondent is not able to reside in on campus housing. Respondent must complete a reflection paper. Respondent was issued a No Contact Directive. (1)
- x. Respondent is barred against enrollment from September 15, 2022, through May 6, 2023. Respondent will receive Disciplinary Probation for one calendar year after re-enrollment. (1)
- xi. Respondent was terminated from employment at UT effective April 12, 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>0 (0.0%)</b>
<b>Number of formal investigations completed and disposition of any disciplinary processes conducted</b>	<b>14 (100.0%)</b>
a. Determined this was not a Failure to Report matter during the preliminary fact-finding stage	7
b. Preponderance of evidence not met	2
c. Administrative closure due to insufficient information to investigate	2
d. Respondent is no longer affiliated to the University.	2
e. Alleged conduct did not meet the definition of any conduct prohibited under HOP3-3031	1