UNIVERSITY OF TEXAS ARLINGTON | OFFICE OF THE PRESIDENT

Chief Executive Officer Report

TO:	U.T. System Board of Regents
FROM:	Dr. Jennifer Cowley, Chief Executive Officer
DATE:	October 1, 2023
RE:	Chief Executive Officer Reporting Requirements Under Tex. Educ. Code § 51.253(c)

Texas Education Code (TEC), Section 51.253(c) and Texas Administrative Code, Title 19, Sections 3.6(c) and 3.19(a) require institutions of higher education to submit a Chief Executive Officer Report ("CEO Report") to the institution's governing body and post the report on the institution's internet website "at least once annually," by October of each year.

The CEO Report must contain (1) all reports received by employees under the TEC, Section 51.252 that constitutes "sexual harassment," "sexual assault," "dating violence," or "stalking" (as defined in the TEC, Section 51.251), and (2) any disciplinary actions taken under TEC, Section 51.255 regarding allegations of an employee's failure to report or submitting a false report to the institution for alleged incidents of sexual harassment, sexual assault, dating violence, or stalking. The reports received may be applicable in multiple reporting categories, and therefore, the CEO summary data reflected in the categories may not add up to the totals of other categories.

In compliance with the Chief Executive Officer's TEC reporting requirements, the enclosed CEO Report includes all of the required reporting to the U.T. System Board of Regents for the 2022-2023 academic year (Appendix A) and status updates to the 2021-2022 academic year (Appendix B) as of September 15, 2023. The CEO Report is based on the reporting requirements under TEC, Section 51.253(c) along with supplemental category breakdowns, when applicable.

The CEO Report will be posted on the https://www.uta.edu/eos-title-ix/title-ix**,** as required by TEC, Section 51.253(c), and 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, as required annually by 19 Tex. Admin. Code Section 3.19(a).

Appendix A
2023 CEO Report
2022-2023 Academic Year: August 22, 2022 – August 22, 2023

Texas Education Code, Section 51.252: Employee Reporting Requirements	
Number of reports received under Section 51.252[1]	**220**
a. Employee submitted reports under Section 51.252	127
b. Confidential reports[2] under Section 51.252	93
Number of investigations conducted under Section 51.252	**13**
a. Formal investigation ongoing	1
b. Formal investigation completed (Non-Title IX Regs) – Preliminary	2
c. Formal investigation completed – No Preliminary Determination and referred to a disciplinary process[3]	10
Disposition of disciplinary processes for reports under Section 51.252:	**10**
a. Disciplinary process pending	8
b. Disciplinary process completed – No Finding of Policy Violation[4]	1
c. Disciplinary process completed – Student Disciplinary Sanction	1

[1] Not all reports of alleged sexual harassment, sexual assault, dating violence, and stalking against a student or employee are reflected in the CEO Report. Reports made by students and all other non-employees (including incidents under 19 Tex. Admin. Code Section 3.5(d)(3)) directly to the Title IX Coordinator are excluded. Further, if the Title IX Coordinator receives a report that a student or employee was a victim of sexual harassment, sexual assault, dating violence, or stalking prior to being enrolled at or employed by the institution, the report is excluded. 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. When identifiable, duplicate reports were consolidated and counted as one report in the summary data. For example, two employees may witness the same incident of sexual harassment and then report it to the Title IX Coordinator. If the Title IX Coordinator can identify the two reports as being the same incident, then the incident will be counted once. It is the responsibility of the Title IX Coordinator or Deputy Title IX Coordinator to assess each report received and determine whether it is properly included in this report, and if so, to correctly identify the type of incident.

[2] A confidential report consists only of the "type of incident" from a confidential employee to the Title IX Coordinator; therefore, personally identifiable information is excluded under these circumstances. Examples of confidential employees may include victim advocates for students, student ombuds, or those who work in a counseling center or student health center.

[3] Some investigation reports contain an investigator's preliminary determination regarding the respondent's responsibility. But in other instances, for example, those classified as "Title IX" investigations, the investigation report will not contain a preliminary determination because the Title IX regulations, effective August 14, 2020, prohibit investigator determinations regarding responsibility.

[4] "No Finding of a Policy Violation" in this section refers to instances where there is no finding of responsibility after a hearing or an appeal process; investigations completed with a preponderance of evidence not met are excluded since it would not have moved forward into a disciplinary process.

Number of reports under Section 51.252 for which the institution determined <u>not</u> to initiate a disciplinary process	**207**
a. Confidential reports under Section 51.252	93
b. Respondent's identity is unknown	1
c. Administrative closure due to insufficient information to investigate	98
d. Determined matter was previously investigated or alleged conduct did not meet the definition of sexual harassment, sexual assault, dating violence or stalking	11
e. Complainant requested the institution not investigate	4

Appendix B
2022 CEO Report Updates[5]
2021-2022 Academic Year: August 23, 2021 – August 22, 2022

Texas Education Code, Section 51.252: Employee Reporting Requirements	
Number of reports received under Section 51.252[6]	**246**
a. Employee submitted reports under Section 51.252	117
b. Confidential reports[7] under Section 51.252	129
Number of investigations conducted under Section 51.252	**18**
a. Formal investigation completed – No Preliminary Determination and referred to a disciplinary process[8]	18
Disposition of disciplinary processes for reports under Section 51.252:	**18**
a. Disciplinary process pending	5
b. Disciplinary process completed – No Finding of Policy Violation[9]	4
c. Disciplinary process completed – Student Disciplinary Sanction	9
Number of reports under Section 51.252 for which the institution determined <u>not</u> to initiate a disciplinary process	**228**
a. Confidential reports under Section 51.252	129
b. Respondent's identity is unknown	5
c. Administrative closure due to insufficient information to investigate	73
d. Complainant requested the institution not investigate	13
e. Informal resolution ongoing	--
f. Informal resolution completed	2
g. Respondent Withdrew from university	4

Texas Education Code, Section 51.255: Failure to Report or False Reports	
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)	**3**
Number of investigations conducted regarding Section 51.255	**3**
a. Formal investigation ongoing	0
b. Formal investigation completed (Non-Title IX Regs) – Preliminary Determination (Preponderance of evidence <u>not</u> met) and no disciplinary referral	0 3

[5] The 2022 CEO Report Updates consists of the cumulative data set that originated in 2021-2022 with updated statuses of investigation or disciplinary process dispositions. For example, investigations that were ongoing or disciplinary processes that were pending as of 2022's CEO Report that have since concluded as of 2023's CEO Report will have an updated status or disposition reflected here.

[6] Same as footnote 1.
[7] Same as footnote 2.
[8] Same as footnote 3.
[9] Same as footnote 4.

c. Formal investigation completed (Non-Title IX Regs) – Preliminary Determination (Preponderance of evidence met) and referred to a disciplinary process	
Any disciplinary action taken, regarding failure to report or false reports to the institution under Section 51.255(c):	3
a. Employee terminated other cause	1
b. Disciplinary process not applicable – final determination not responsible	2