

**REPORT OF INVESTIGATION CONDUCTED BY ICE MILLER LLP  
FOR THE UNIVERSITY OF TEXAS AT SAN ANTONIO**

**April 1, 2019**

**EXECUTIVE SUMMARY**

The University of Texas at San Antonio (“UTSA” or the “University”) is a fifty-year old academic institution with nearly 32,000 students across four campuses.

On November 19, 2018, a flyer was posted on campus calling for the women of UTSA to “take a stand against rampant sexual assault, and abuse on campus and in the world.” The flyer also provided an e-mail address for victims of sexual assault to share their experiences so their stories can be heard. The organizers expressed a desire to create a safer and more sympathetic space for students to share their stories of sexual violence, assault and rape.

UTSA learned the following day about a second flyer that was posted the night of November 19, 2018 near an off-campus apartment of a UTSA student. This flyer included the pictures of four males with the phrase “UTSA’sMostWanted” obscuring their faces, featuring terms like “#WeKnowWhatYouDo,” and referencing “@UTSAFinest,” all of which appeared to suggest these four individuals were alleged perpetrators of sexual assault.

Around this same time, UTSA administrators learned of a recent meeting where several (approximately thirty) women (most or all of which were female UTSA students) gathered to discuss their concern about sexual assaults occurring at UTSA.

Ice Miller LLP (“Ice Miller”) was contacted by UTSA on November 20, 2018 and, since then, Ice Miller has conducted a factual investigation to better understand directly from the individuals involved the incidents, experiences, and details that underlie their clear passion and desire to improve the UTSA culture. We attempted to contact specific students and established several methodologies (such as e-mail, telephone hotline, and walk-in “office hours”) for students and other members of the UTSA community to share their experiences (anonymously if they so chose).

Ultimately, the organizers of this student movement declined to speak with us but later did speak with UTSA officials directly about potential cultural changes to better protect and care for sexual assault survivors going forward. The other students involved in the movement also declined to speak with us. As set forth below, the few reports that were received were either already reported to UTSA’s Title IX compliance office (which we understand is the subject of a separate audit and report) and/or the student provided general information but declined to provide additional details or speak further with us. The following report details the steps of our investigation and the limited information that has been shared with us to date.

**FACTUAL BACKGROUND GIVING RISE TO THIS INVESTIGATION**

A flyer was posted in at least one UTSA restroom on November 19, 2018 with the stated intention, “to take a stand against the rampant sexual assault, and abuse on campus and in the world.” The flyer stated that women of UTSA sought to start a culture of belief and protection

for victims of sexual assault and encouraged survivors to share their experiences through an anonymous reporting e-mail account. The entire flyer read as-follows (emphasis in original):

**We, the women of UTSA, are choosing to take a stand against the rampant sexual assault, and abuse on campus and in the world.**

Rape and abuse culture is strong in America as well on as this campus. **Women are often not believed**, and made to go through treacherous and traumatic processes, including reliving their abuse for hours in interviews, invasive rape kits, and having their sexual and personal lives scrutinized by the public. **Men and women give into this disgusting culture by refusing to believe their friends, making excuses for abusers, romanticizing rape and abuse as “things that just happen in relationships”, and perpetuating slut culture in order to suppress women’s sexuality and re assert that a women’s decisions are not their own.**

When women come forth and try to report their abusers, they risk physical, mental, or cyber retaliation from their abusers and the community who refuses to believe them. We refuse to give into this culture any longer. We are taking a stand to start 1) a victim belief culture amongst women of UTSA; 2) establish a culture of protection against sexual predators and abusers at UTSA; 3) issue this public statement to offer other women of the same mindset an opportunity to decide whether or not to start combating this issue. As away to start, we have started an anonymous online reporting system for survivors to vent their experiences with their abuse. (**hereforyouUTSA@gmail.com**) To the survivors: we believe you, we love you, and we are so sorry the world has failed you. We are disgusted that your abusers continue to function on this campus, and you have to relive your trauma everyday as they get to walk freely amongst society. Women need to starts ticking up for one another, believing one another, and most of all; protecting each other.

**Let’s start today.**

UTSA President, Taylor Eighmy, issued a statement the following day (November 20, 2018), applauding “these women for their desire to raise awareness of an important issue” and encouraging people to utilize the UTSA reporting resources if they have been the victim of sexual assault (or know someone who has), including the UTSA Compliance Hotline, the Office of Equal Opportunity Services (“EOS”), the Student Ombudsperson, the University Ombudsperson, and the UTSA Police Department. President Eighmy also identified existing resources that are available to students, including the Safe Campus website (<http://www.utsa.edu/safecampus/>), and stated that UTSA “must prioritize culture change to achieve a zero-tolerance environment.”

Also on November 20, 2018, UTSA learned about a second flyer that was located at an off-campus apartment on the night of November 19, 2018. This flyer included pictures of four males (including UTSA students), with their eyes obscured by the phrase

“UTSA’sMostWanted”. The flyer also included the following text: “@UTSAFinest #WeKnowWhatYouDo #Exposed #WhosNext”. A companion social media account was also established, but appears to have been quickly disabled shortly thereafter.

President Eighmy issued a second statement later that day, announcing (i) the discovery of this second flyer, (ii) that UTSA had begun a Title IX investigation following the first flyer, and (iii) that Ice Miller was hired to conduct an investigation of the facts relating to the flyers. Students who posted the flyers and any sexual assault victims or witnesses were urged to report incidents to the appropriate offices and the four students identified on the second flyer were provided the names of designated staff members to ensure they received due process as investigations advance. President Eighmy also stated that the University had attempted to make contact with the women who posted the flyers. Specifically, we understand that UTSA had sent at least two messages to the e-mail address on the first flyer, but no response was received.

UTSA was also advised around that same time about a meeting of approximately thirty women that had recently taken place to discuss their experiences of sexual harassment and assault, including experiences while students at UTSA. On November 20, 2018, President Eighmy met with a student who was concerned for anyone who had attended the meeting and who encouraged people to share their stories and perspectives with school officials.

### INVESTIGATIVE STEPS

We have conducted an investigation to better understand any instances of rape, sexual assault and/or sexual misconduct experienced, witnessed, or known by members of the UTSA community who participated in the November 2018 events referenced above.

To that end, we created several avenues for students and other members of the campus community to report their experiences and observations. These included an e-mail address, a telephone hotline, and making investigators available to meet on campus with interested students.

Interim Dean of Students, LT Robinson, sent the following e-mail to all students on November 29, 2018 (emphasis in original):

**Dear Roadrunners,**

**From the moment I stepped onto campus, it was obvious UTSA was a special place.** This campus exudes a contagious pride and excitement I find myself bragging about to peers at other institutions. Even visitors I’ve encountered mention our campus community’s welcoming and friendly nature. I joined this community in July 2017 as Director of Student Life Initiatives and four months later was promoted to serve as Director of the Student Leadership Center. Three weeks ago I was tapped to be Interim Dean of Students. It is an absolute honor to serve in this role.

**As a first-generation college student** - raised in Houston by parents who never reached beyond a grade school education - there was no expectation I would achieve this current status. However, I would not have this success if not for the support of Student Affairs professionals who mentored and guided me through the many pitfalls and mistakes I made as a student. My experiences have served me well and informed my decisions in this and previous roles. I have dedicated my career to provide that same support to other students.

**The Dean of Students role guides many vital functions** - managing offices that provide student engagement and co-curricular opportunities, facilitating communication with staff and faculty, and delivering navigational student resources. Our Student Life team works hard to provide valuable experiences that support your personal and professional growth and prepare you for a purposeful future. The previous Dean of Students, Kevin Price, created the path for us to continue this task and I am thankful for his dedication and support as he shifts his focuses to enhancing our campus' physical growth.

**UTSA remains committed to ensuring the health and well-being of our campus community**, as stated unequivocally in President Eighmy's e-mail last week concerning sexual assault/misconduct allegations. To that end, UTSA has hired a law firm, Ice Miller, for the sole purpose of independently, fairly and neutrally gathering facts and investigating reports. Ice Miller is not providing legal advice to any of the involved parties. You can report or provide information to Ice Miller directly by e-mailing [UTSA\\_reports@icemiller.com](mailto:UTSA_reports@icemiller.com) or leaving a voice message at (317) 221-2810. Reports may be made anonymously if the reporter so chooses.

We will overcome the current challenges our campus is experiencing and will use what we are learning to cultivate a stronger and even more encompassing institutional environment. Our team is currently creating opportunities to obtain your feedback and involve students in the process of enriching the UTSA experience.

I look forward to working with you.

The e-mail address and telephone number in the announcement were also posted on the UTSA website as an update to the announcement about the second flyer referenced above, stating: "UTSA has hired law firm Ice Miller to investigate sexual assault/misconduct allegations referred to on flyers recently posted on campus. The sole purpose Ice Miller's work is to independently, fairly and neutrally gather facts and conduct an investigation into the basis of the reports. They are not providing legal advice to any of the involved parties. You can report or provide information to Ice Miller directly by e-mailing [UTSA\\_reports@icemiller.com](mailto:UTSA_reports@icemiller.com) or leaving a voice message at (317) 221-2810. Reports may be made anonymously." We have been advised that the University also provided the email address and telephone number through various other avenues, such as social media accounts and the student portal.

Ice Miller and UTSA also attempted to contact the individuals who were believed to be involved in the November 2018 activities referenced above. Our direct e-mails to the two women known to be affiliated with the first flyer are discussed in detail below. Interim Dean Robinson also sent the following e-mail to hereforyouUTSA@gmail.com (the e-mail address on the first flyer above) on November 30, 2018:

Dear students,

First, I would like to thank you for sharing your concerns. I realize this situation has many layers and those who voiced initial concerns may not trust university administrators. Some of you may want to report specific incidents of sexual assault or misconduct, and I encourage you to do so. Others may wish to remain anonymous or choose not to report at all, and that is OK too. We have resources and processes for each of these needs. Others may just want to talk to someone confidentially and we can help facilitate that too. I ask that you share these options with anyone considering next steps.

As you may recall, the campus community received two e-mails from President Eighmy last week outlining the investigation process managed by independent law firm Ice Miller regarding sexual assault/misconduct allegations. I have been communicating directly with their office and Cathy Strauss and her team at Ice Miller are looking forward to hearing from students. You can report or provide information to them directly by e-mailing [UTSA\\_reports@icemiller.com](mailto:UTSA_reports@icemiller.com) or leaving a voice message at (317) 221- 2810. Reports may be made anonymously.

In the spirit of full disclosure, in my role as a UTSA staff member, I am a required reporter. This means if I am told names or specific details regarding sexual assault or harassment, I am required to report that information to the appropriate UTSA offices, including Ice Miller. However, for students who do not wish to report, I am able to assist in referring them to confidential counseling at UTSA's [Counseling Services Office](#).

Lastly, we are seeking students who may have interest in participating in the Violence Prevention Advisory Committee, chaired by Jessica Muniz, Director and Prevention Coordinator in the Office of Student Advocacy, Violence Prevention and Empowerment. This committee was created to enact recommendations provided by the President's Task Force on Preventing Sexual Violence on Campus. If you know of students interested in participating in the committee, please ask them to contact [Jessica Muniz](#) at (210) 458-4077 for more information.

Thank you for your time and attention in this matter. I hear you and wish to be of assistance. We appreciate your interest in making our campus a stronger and safer community.

We also sent an e-mail to this account, to which there also was no response.

Ice Miller investigators were also available to meet with students on campus on a walk-in basis. These “office hours” were held on December 7, 2018 from 1:00-8:00 p.m., December 8, 2018 from 9:00a.m.–2:00 p.m., January 23, 2019 from 3:00-9:00 p.m., and January 24, 2019 from 9:00a.m.-8:00 p.m. Interim Dean Robinson sent the following campus-wide message on December 6, 2018 and a similar message was circulated shortly before the January “office hours”:

As I conveyed in my e-mail to you on Thursday, November 29, 2018, UTSA has hired the law firm Ice Miller for the sole purpose of independently, fairly and neutrally gathering facts and conducting an investigation related to the flyers posted on campus referring to sexual assault/misconduct allegations.

I am contacting you today to let you know that Catherine Strauss ([bio](#)) and Heather Adams ([bio](#)) from Ice Miller will be on campus tomorrow, Friday December 7, 2018 from 1 p.m. to 8 p.m. in the Student Union, Oak Room SU 2.01.20, and Saturday December 8, 2018 from 9 a.m. to 2 p.m. in the same location. During these times they will be available, on a walk-in basis, to any student who wants to speak to them about sexual assault, harassment or misconduct incidents, whether related to the flyers or not. Students need not identify themselves. Ice Miller is not providing any legal advice to any of the involved parties.

Students with information to share may also contact Ice Miller by e-mailing [UTSA\\_reports@icemiller](mailto:UTSA_reports@icemiller) or [317.221.2810](tel:317.221.2810).

### **INVESTIGATIVE FINDINGS**

- 1. The organizers of the November 2018 events declined to speak with investigators and ultimately expressed a desire to work directly with UTSA administrators towards creating an environment of support for sexual assault victims going forward.<sup>1</sup>**

#### **News Interview Given By Organizers**

On or around November 29, 2018, these events were featured on a local television news segment. Two women identified themselves and spoke about their desire to change rape culture. The news segment also indicated that the women have not responded to UTSA’s request for information because they do not think that UTSA will believe those who respond. They further stated that the problem they are speaking out against exists around America, beyond UTSA.

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<sup>1</sup> Although certain individuals have chosen to speak publicly in regard to this matter, this report does not identify any individuals by name other than University personnel.

## Campus Demonstration

A few dozen UTSA students conducted a demonstration against sexual assault at Light the Paseo (a holiday event) on November 29, 2018, featuring signs such as “Silence is Violence,” “Silence No More,” “Abolish Rape Culture,” “#ChangeRapeCulture,” “President Eighmy is Complicit,” and “Ya’ll Need to Believe the Victims.”

Interim Dean Robinson spoke with several students present at the demonstration, none of whom wanted to submit a report for this investigation. The students were nonetheless provided contact information for Ice Miller attorneys, but did not reach out to us. One of the group’s organizers indicated to Interim Dean Robinson that she would consider talking more but first wanted to meet separately with the group and collect ideas for what they want UTSA administrators to do.

## Group Organizers Declined UTSA and Investigators’ Request for More Information to Facilitate Investigation

Interim Dean Robinson e-mailed Student Organizer 1 directly on November 21, 2018, stating (among other things):

I would like to help with supporting and providing an action plan for next steps with any and everyone who wishes to step forward.

So, I’m here...whatever that means for people. I realize that some will want to report. Others will not. Some will want to be anonymous. Some will not. We have processes for all of these needs. I just want to make sure we do this correctly to make sure that potential predators don’t slip through procedural cracks.

I do want to be upfront that I am a required reporter. This means that if I am told specific names and details, I am required to report information to Title IX. However, I am able to navigate and refer students to those who are able to keep confidentiality if folks are not ready to report. If they do wish to report, I can be a first line person to get them to the resources they need ASAP.

I ask that you help me in helping our community. Please know that I am here and available to answer any of your or anyone else’s questions. I can be reached by cell at [omitted here] or at this e-mail address.

Student Organizer 1 responded that same day, characterizing the students’ actions as a ‘movement’, discussing society’s treatment of sexual misconduct, referring survivors to EOS and thanking Interim Dean Robinson.

Interim Dean Robinson responded: “Thank you so much, [Student Organizer 1]. I agree that many in society are not supportive to survivors. However, I’m proud that the group wants to

take action. Please feel free to share my contact info with them.” Student Organizer 1’s next contact with Interim Dean Robinson was in January 2018 (discussed in more detail below).

We also attempted to contact the two Student Organizers, but they elected not to speak with us. Specifically, the following e-mail was sent (separately) to Student Organizer 1 and Student Organizer 2 on December 4, 2019:

My name is Catherine Strauss, and I’m an attorney at Ice Miller. I write to provide more information about Ice Miller and our team.

UTSA cares about your experiences and concerns and is fiercely committed to providing an environment free from discrimination, harassment and misconduct on the basis of sex. To that end, UTSA has hired our law firm to independently investigate claims serving as the basis or genesis of flyers posted around campus relating to sexual assault and abuse on campus.

What does this mean? Ice Miller will independently, neutrally and fairly gather facts, review documents and otherwise investigate any and all claims relating to the basis or genesis of alleged sexual misconduct. Ice Miller has been hired by UTSA solely for the purpose of conducting an independent investigation, and our work is completely independent from the university so that we can accomplish our goal of learning more. Ice Miller will not be in the role of legal counsel for you or any UTSA student during its investigation.

I learned of your involvement through the recent news article, and it is incumbent upon me to directly ask you to contact me. We would also like to speak to anyone who is willing to provide more information. Without talking to you or learning more about your concerns, it is difficult for UTSA to take any necessary corrective steps.

If you are so inclined to help us investigate these claims and continue to work to cultivate an environment free of sexual misconduct, there are two ways you can do so.

First, contact us directly at [UTSA\\_reports@icemiller](mailto:UTSA_reports@icemiller) or 317.221.2810.

Second, I hope you will consider meeting us in person on a date and time convenient for you. You will be meeting with me (<https://www.icemiller.com/people/catherine-strauss/>) and my colleague Heather Adams (<https://www.icemiller.com/people/heather-adams/>).

Although our goal is to talk to you and anyone with a report or concern, please know that you are under no obligation to speak to me. Should you decide to reach out to us, please know that you will not be subject to retaliation for making a good faith report of prohibited conduct or participating in an interview or report to Ice Miller or UTSA.



Thank you for your consideration, and I hope to speak with you soon.

Student Organizer 1 responded to this e-mail on December 6, 2018, stating: “I apologize for the late reply but school comes first and finals are next week. Thank you for letting me know about your services, I will be sure to relay the information.” Neither of these Student Organizers were ultimately willing to speak with us.

#### The Student Organizers Elect to Work Directly With UTSA Administrators.

Ice Miller was advised that just after its first visit to campus, President Eighmy and Interim Dean Robinson met with Student Organizer 1. At this time, the students expressed reluctance to speak to Ice Miller.

Ice Miller also was advised that the Student Organizers later met with Interim Dean Robinson and the UTSA Director of Athletics in late January 2019. We requested to attend so we could speak directly with the Student Organizers, but were advised the Student Organizers wanted to speak directly with UTSA senior administrators instead. We have also since been advised that the Student Organizers and the UTSA administrators did not discuss any examples of alleged sexual assault or other sexual misconduct. Rather, the Student Organizers explained that their purpose in organizing these matters was to create an environment that was safe and sympathetic for victims of sexual assault or other sexual misconduct.

#### **2 The other women who participated in the November 2018 events also chose not to discuss these matters with us.**

As mentioned above, we and UTSA provided several avenues for women to contact Ice Miller investigators, including by e-mail, telephone, and walk-in sessions. The only woman who participated in the November 2018 meeting who spoke with us was a woman (Student 1) who attended the November 2018 meeting to support victims of sexual assault and shared certain general observations as described further below. She did not identify herself as a victim. Although this student encouraged other women to speak directly with investigators, none of them appear to have done so.

One of the organizers also posted on social media in December 2018 that: (i) she and another organizer tried to arrange a meeting with the school but final exams had created scheduling conflicts, (ii) UTSA’s recent resources were “last-minute” and “artificial,” and (iii) victims’ safety would remain her priority, such that sharing other women’s stories with an “outside party” (presumably Ice Miller) was not something they agreed to. She added: “It is literally not in any of the victims salary, best interest or process of healing to ‘fix our campus.’ Lets not make this about the campus, and attempt to focus on those who have been affected by rape culture. Lastly to any victims being asked to come forward, or reveal their stories to an anonymous hotline or private firm: The Women of UTSA are stronger & more empowered than ever to keep your voices heard. We wish UTSA the best in their investigations.”

In the absence of detailed information from these individuals, we were unable to investigate or otherwise corroborate any of the sexual assault and/or other misconduct that they experienced, witnessed, or otherwise know about.

The only information that could be gleaned through our investigation about these individuals' experiences was from Student 1, who had attended the November 2018 meeting. Student 1 stated that some of the women shared testimonials about incidents of sexual harassment and assault, while others shared stories that they had heard from others regarding such incidents. We were told that women then began to share stories about other incidents on campus, but this student did not provide any specific names or examples.<sup>2</sup>

Student 1 also stated that women at this meeting discussed "dropping [the] names" of men who had engaged in sexual misconduct, but then also discussed that doing so could jeopardize victims' safety. Finally, Student 1 said that following this November 2018 gathering, a video was posted under the handle @UTSAFinest. The video showed the silhouette of a woman who shared her story of sexual assault. The account and video have since been removed from Twitter.

Student 1 also confirmed that she had met with President Eighmy during the week of November 19, 2018, that he offered to meet with the women involved, that she conveyed the offer to the Student Organizers, that they declined the offer, and that the organizers have since stopped talking with her. Student 1 also expressed her hope that other women would present their stories to investigators and stated that she encouraged the women to do so.

To date, we have not identified or been contacted by the other women involved in these events.

### **3 Information About the Second Flyer Has Been Provided to UTSA's Title IX Compliance Office.**

We have been advised that one of the four male students in the second flyer reported the issue to campus police around 11:30 a.m. on November 20, 2018 and believes it was posted to his off-campus apartment door the night of November 19, 2018. Campus police, in turn, suggested that he meet with Title IX investigators, which he did. This individual then visited EOS (the Title IX compliance office) later that day.<sup>3</sup>

We also e-mailed this student on November 30, 2018, asking to discuss his written statement with him. He responded on December 3, 2018, indicating that he has nothing further to add or change from his original statement submitted to campus police and EOS. As noted

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<sup>2</sup> There was a general allegation that members of the football team raped women, but were cleared by internal team "panels." We subsequently confirmed that the Student Athlete Code of Conduct does not contemplate any such internal panels and were told that any reports about sexual misconduct inside the athletics department (including the football team) are reported to UTSA's EOS. Student 1 also shared that another student who attended this meeting reported this allegation to UTSA's Title IX office and was advised that someone in that office would look into the report. Finally, we understand a consulting firm has been engaged to conduct an audit of UTSA's Title IX and related compliance processes. This student also indicated that there was discussion during the meeting about allegations that a certain fraternity was involved in committing sexual assault against women, but she did not know any of the alleged details and did not know much about the fraternity.

<sup>3</sup> We did receive an e-mail from a woman alleging that this student raped a friend of hers in the Spring of 2018, but she wished to keep her friend's name anonymous. The male student, as noted elsewhere, declined to speak with us for purposes of this investigation.

above, we understand UTSA's Title IX compliance processes are the subject of a separate report and further understand that this specific incident is being handled by EOS.

#### **4 The Avenues Made Available for Students to Contact Ice Miller's Investigators Did Not Yield Any Other Information Directly Related to the November 2018 Events.**

##### Telephone Hotline Calls

To date, one person left a message on the telephone hotline that was established. We, in turn, arranged to meet her during the time we were available on UTSA's campus in December 2018. This individual described an encounter that happened to her in the Fall of 2008 when she believes a former student gave her a heroin replacement drug (that she was told was just a strong Xanax), that she soon felt like a zombie who could not speak, and later woke up without her shirt on. She also reported hearing about a party in Spring Semester 2008 (which she termed the "rape party"), at which friends of hers believe the women were given "Seroquel" and that one of her friends believes she heard through a closed bedroom door sounds that made her think a woman in the bedroom was being "gang-banged" by at least five people. This person and her friends left the party about twenty minutes later and did not call the police or alert campus authorities.

##### Additional In-Person Meetings During Ice Miller's Walk-in "Office Hours"

A second student came to meet with us in December 2018, stating that she was raped on campus in September 2018. She went to the police the next day, who escorted her to the EOS/Title IX Office. EOS opened an investigation during which she gave statements to an EOS investigator, who also collected witness statements and the statements of the individuals alleged to have raped her. The investigator e-mailed her in November 2018, indicating that no further information could be provided until the report was complete. This student wanted to speak with us to inquire into the status of her EOS investigation. She believes that EOS has failed to support her during this process and her family is considering taking legal action against the University.

The third student who met with us in December 2018 spoke about what she believes to be a male-dominated culture in the Tech/Cyber departments. She describes it as a "bro-culture" that makes her uncomfortable. She recounted one incident when a male student (who has since graduated) told her and her friends that they were "asking for it" by the way they were dressed (which included yoga pants and athletic wear). She had confronted the man about it, but wanted to discuss with us how she could have better handled the situation. She also recounted an incident in 2015 reported to her by her female mentor (who has now graduated and whom she did not want to identify). A male professor told the female mentor to drop a class so that a male student could take her seat. The student was seeking advice on how to encourage her mentor to come forward to share this story. We provided her with our contact information and the reporting hotline number, but did not hear again from her or her mentor.

The fourth and final student who met with us came in during our visit in January 2019. The bulk of this lengthy meeting addressed various concerns this student had about how campus

police had treated her during multiple encounters with them. During the discussion, she also reported two incidents related to sexual assault and/or misconduct, both of which were previously reported to EOS and the subject of formal complaints. Specifically, she stated she had been sexually assaulted by a (non-student) friend off-campus and that a University employee, who had befriended her, invited this student to her house where the employee asked her about her sexual orientation and allegedly attempted to groom and prey upon her.

E-mail Submissions to UTSA\_reports@icemiller.com

We also received a limited number of e-mails.

First, a female student stated that she reported a man touching himself in the quiet computing room of the John Peace Library in November 2018. She also stated the same person was doing the same act in the same room a few weeks later, this time in front of her male friend (who had not reported it to campus officials). She was disappointed this individual was allowed back on campus and that it took UTSA 25 minutes to respond to her original call.

Second, another female student reported via e-mail that a classmate of hers asked her for a ride home in the Fall of 2017, at which time he took her keys and required her to pursue him into his bedroom where he tried to hug, kiss, and grope her.

Third, we received an e-mail from a parent who had previously contacted UTSA and who stated a concern that the parent's child was being treated unfairly in the admissions process because the child's application essay referenced the child's experience of being sexually abused.

Finally, we received five e-mails (from different e-mail addresses) in February 2019 regarding complaints filed with EOS regarding the same male student. The complaints state that this student was inappropriately hitting on women in a certain class (through group chats and eventually direct messages) and that this student was making inappropriate comments in class to the professor. One student reported that he made her "feel creeped out" and another reportedly does not feel safe around him. We have been advised these reports are being investigated by EOS.

### **CONCLUSION**

Based upon the investigation conducted to date by Ice Miller, we were unable to ascertain any specific details from the individuals who participated in the November 2018 events that gave rise to this investigation, as the Student Organizers elected to speak directly with UTSA administrators instead and ultimately all but one of the individuals involved in the November 2018 events elected not to speak with us. To the extent other women shared information about specific events, we understand they have been referred to EOS, and that UTSA's Title IX investigation process and compliance are the subject of a separate report. We also understand that the Student Organizers who declined to speak with us have since met with UTSA senior administrators to discuss potential cultural improvements and that UTSA is now creating student committees and other initiatives to prevent sexual assault, to raise awareness of these issues, and to encourage and support sexual assault survivors in speaking out about their experiences.

## QUALIFICATIONS AND LIMITATIONS

This report is subject to each of the following qualifications and limitations:

1. The conclusion and related comments set forth above are based solely upon the limited investigation undertaken by Ice Miller prior to the date hereof as described above, and they should not be interpreted as a final conclusion by Ice Miller or any other person or entity that any of the complained about events or activities have or have not in fact occurred.
2. To the extent that any information has been provided to us by the persons we have interviewed, we have assumed the accuracy, completeness and truthfulness of all such statements, and we have not separately investigated or evaluated the same.
3. Except to the extent specifically set forth herein and undertaken prior to the date hereof, we have not investigated any other facts or circumstances related to the complained about events or activities, and no inference as to the existence or absence of any other facts or circumstances should be assumed from our engagement by UTSA.
4. We do not undertake to advise UTSA or any other person or entity of any fact or matter within the scope of this report that comes to our attention after the date hereof.
5. Except for UTSA, no person or entity is entitled to rely upon this report in any manner.
6. We have not provided legal advice to or otherwise acted as legal counsel to UTSA or any other person or entity in connection with the investigation reflected herein or the preparation of this report.

Respectfully submitted,

Ice Miller LLP

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