December 18, 2020

Mark Brown
Chief Operating Officer
Federal Student Aid
U.S. Department of Education
830 First Street NE
Washington, D.C. 20202

Via EMAIL: mark.brown@ed.gov

Re: Response to the Office of Inspector General University of Texas at San Antonio's Controls Over Reporting Clery Act Crime Statistics Final Report (Dated November 24, 2020, Control Number ED-OIG/A09T0008)

Mr. Brown,

In accordance with the cover letter from Ms. Alyce Frazier, Regional Inspector General for Audit in the U.S Department of Education's Office of the Inspector General (OIG), accompanying the above referenced Final Report, I write to provide the U.S Department of Education office of Federal Student Aid additional comments for consideration as your office reviews the OIG Final Report regarding Clery reporting compliance at UTSA for calendar years 2015-2017.

I also note that UTSA received correspondence on December 17, 2020 from Mr. Butch Smith, Audit Resolution Specialist, at the Department's Dallas School Participation Division in Dallas, Texas requesting additional information related to the Preliminary Audit Determination (OPE ID: 01011500; ED-OIG/A09T0008). We receive this letter contemporaneous with our plans to send you this correspondence. I want to again emphasize that UTSA will cooperate with all of the Department's requests outlined in this letter, and will forward the information related to the 55 disputed incidents, and original and revised daily crime logs, to the Dallas Division by January 4, 2021.

At the risk of repeating information that I provided in response to the OIG *draft* Report, to which you have access, I hope to reinforce the University of Texas at San Antonio's (UTSA) complete and unwavering commitment to addressing gaps in our Clery Act compliance program.

As I stated in my response to the OIG *draft* Report, UTSA is committed to the safety and security of our students, faculty, staff, and visitors to campus, and have sought, at all times, to implement the Clery Act consistently and in alignment with our collective understanding of its requirements. Specifically, we have, at all times, endeavored to collect and accurately report crime statistics, maintain a daily crime log consistent with Department guidance, and accurately disclose our campus safety and security policies. Nevertheless, we recognize that our Clery Act reporting was not perfect. I am personally committed to implementing processes, dedicating staff, and providing additional education and training to improve compliance going forward.

I also want to emphasize our appreciation for the efforts of the OIG during this assessment. This review has provided us the opportunity to enhance our program on ensuring our processes for collecting, analyzing, and disclosing Clery Act crime statistics are exemplary, and provides current and prospective users of our educational services the most accurate information to assess the safety of our campuses. This has been a top priority for my administration since I arrived at the University in September 2017. During this time, we have continually and systematically enhanced safety and security on our campuses, with considerable attention to improving our infrastructure for addressing sexual and gender-based violence.

Our initiatives to maintain a safe campus have included significant investments in people and processes. As a result of this review, we plan to implement additional enhancements, including training additional qualified staff, developing and/or revising our policies and procedures, and establishing a Data Integrity Subcommittee that will report directly to our newly formed Clery Act Compliance Committee. Not only do these efforts indicate our responsiveness to the findings and recommendations in OIG Final Report, they also reflect our commitment to meet and exceed the requirements of the Clery Act.

We have, and will, continue to address these pressing issues by providing training across the institution and by building depth within the appropriate stakeholder offices. I am confident that our efforts will ensure that our program is: (1) defined by a strong system of internal controls that has appropriate checks and balances; (2) administered on a daily basis by several qualified individuals; and (3) overseen and governed by several members of senior management, including employees responsible for campus safety, student and employee conduct, and the delivery of other safety- and security-related services.

We have also retained [Margolis Healy and Associates, LLC](#) (Margolis Healy), a national consulting practice with vast Clery Act expertise, to assist with our ongoing efforts to build a best-in-class Clery Act compliance program.

I appreciate the OIG's recognition of our initial efforts to improve our Clery Act program and want to emphasize that our investments are on-going. For example, we have embraced this opportunity to improve many of our processes, some of which I outline below:

- **Enhancing our Campus Security Authority (CSA) Program**

  In March 2017, our Associate Vice President of Public Safety and Chief of Police, Gerald Lewis, communicated with members of the President's Cabinet the importance of CSA identification and solicited their support with updating the CSA list. In June 2017, as a follow-up to his initial letter to Cabinet members, Chief Lewis emailed all identified CSAs, informing them that the University has formally designated them as CSAs, and asking them to take the online CSA training program. By mid-2017, the University had identified over 800 CSAs and trained 553, all while implementing a process to maintain a continuously updated list of CSAs and provide them with ongoing training. The brief turnaround between the March and June 2017 memos highlight the fact that the University fully supported the efforts to improve our CSA processes and associated infrastructure. By the end of 2018, UTSA had trained 642 CSAs, and by the time of the OIG Audit, all identified CSAs had completed their training.

  As we pointed out to the OIG, and know that the FSA understands, it is important to acknowledge that CSA identification and training are not static activities. As noted in the [Handbook for Campus Safety and Security Reporting (2016 Edition](#)) (the Handbook), page 4-5, "Institutions are advised to reevaluate the CSA status of all employees (including student employees) on at least an annual

basis and document the rationale of the determinations."[1] While UTSA engages in this reevaluation process on a regular basis, we are continually hiring new staff, changing roles, and expanding programs. This can create gaps between the time someone is hired or changes roles, notification of their designation as a CSA, *and* the requisite training. Given this reality, there is rarely a point in time where the University is 100% up-to-date with identifying, notifying, and training all our CSAs. We continue to explore ways to automate this process and provide near real-time training.

Chief Lewis also recognized the need for an experienced subject matter expert to manage the University's Clery Act compliance program. In late 2016, Ms. Annette Parker was hired as the Executive Director of Strategic Initiatives within UTSA Public Safety. Ms. Parker joined the University in January 2017 and immediately undertook efforts to improve policies and practices in the Clery Act area.

- o **Improving CSA Reporting**

  In March 2019, in conjunction with the University's full implementation of Maxient, we launched an embedded CSA Reporting Form. We have also developed a CSA training guide and are providing CSA training both in-person and on-line. In the near future, UTSA senior administrators will receive a comprehensive Clery Act orientation that will clearly articulate the roles and responsibilities across the institution, emphasizing collective ownership and responsibility for our institutional compliance with the Clery Act.

  Our ongoing efforts will also include a more robust and formalized Clery Act Compliance Committee (addressed below), with special attention on data integrity and a coordinated system of check and balances.

  Finally, in addition, in an effort to increase awareness and access to UTSA Clery Act information, we added a link to the Clery Act Information web page from the global footer on UTSA's website.

- **Ensuring Clery Act compliance is a priority**

  In September 2017, when I arrived at UTSA, I placed Clery Act/Title IX on the top of my priority list. I regularly communicate my direction and vision to the offices charged with compliance and with the University community as a whole. We developed a Safe Campus website to provide the UTSA community with clarity and awareness regarding the processes UTSA has in place to prevent and report sexual violence and misconduct. The website includes a step-by-step guide for reporting sexual violence or harassment, resources available to students in need, educational resources for faculty and staff, and links to our Clery Compliance page.

  As noted above, the University has been working with Margolis Healy, one of the nation's leading professional services firms specializing in campus safety, security, and regulatory compliance for higher education, since August 2020. Margolis Healy is assisting with a suite of Clery Act services, including conducting the data audit recommended in the OIG *draft* Report, which has been completed, and recommending additional changes to our processes and procedures to meet and exceed the requirements of the Clery Act. We are currently in the final stages of reviewing

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[1] See the Handbook for Campus Safety and Security Reporting – 2016 Edition, page 4.5.

Margolis Healy's recommendations and can state that we are committed to implementing them in the near future.

- o **Supporting the Clery Compliance Coordinator**

  Chief Lewis recognized the need to reassign responsibilities for Clery Act compliance from the Assistant Chief of Police to a Clery Compliance Coordinator. Accordingly, in December of 2016, the University reclassified an administrative analyst position to Clery Compliance Coordinator. The Clery Compliance Coordinator received training from a nationally recognized Clery Act trainer. Unfortunately, the incumbent left the university in late July 2018. The Executive Director of Strategic Initiatives assumed Clery Act compliance responsibilities until the university filled the position in October 2018.

  UTSA is dedicating a full-time employee to manage Clery Act compliance and is reviewing changes to the reporting structure to ensure this function is supported and supervised appropriately. We are confident that our newly formed Clery Act Compliance Committee, combined with the appointment of this dedicated, fulltime Clery Compliance Coordinator within a supportive organizational structure, builds holistic administrative capacity, resolves many of the issues related to program management, and creates appropriate checks and balances.

  Additionally, we are moving forward with formally designated "Clery Act Liaisons" in several critical offices such as Student Conduct and Community Standards, EOS, Residence Life, and Human Resources. These liaisons will act as "deputy" Clery Act coordinators and will have primary responsibility for data integrity and internal controls within their operating units.

- o **Formalizing the Clery Act Compliance Committee**

  In January of 2020, the University formally established its Clery Act Compliance Committee, with representatives from Business Affairs (Administration and Operations, Human Resources, Public Safety, Risk and Emergency Management); Student Affairs (Dean of Students, Student Activities, Student Conduct and Community Standards, Student Health, Residence Life); Academic Affairs (International/Study Abroad Services, Enrollment Services); Inclusive Excellence (PEACE Center); President's Office (Institutional Compliance and Risk Services, Auditing and Consulting Services, Legal Affairs); and Athletics.

  Prior to the formation of the committee, the Clery Compliance Coordinator attended weekly meetings with Student Conduct and Community Standards to discuss daily enforcement activities. This group continues to meet on a weekly basis to ensure all members are mutually informed of enforcement activities. The group discusses cases and assigns follow up to appropriate members. This can include counselling, advocacy, judicial action and other services. Participants in these meetings include representatives from Public Safety, Student Conduct and Community Standards, EOS/Title IX, Counseling, PEACE Center, Behavioral Intervention, Residence Life, and Campus Living Villages.

- o **Ensuring all University Officials Receive Clery Act Training**

  As I've outlined above and in our response to the OIG *draft* Report, we have made significant enhancements to our CSA program and completely revamped our training and

communications strategy with all University employees, especially those whom we have designated as CSAs. We are confident that we have established the necessary elements of a robust CSA program.

We have also invested heavily in ensuring other UTSA officials have the appropriate background and detailed knowledge of Clery Act requirements to manage our compliance efforts. The Executive Director of Strategic Initiatives in Public Safety, who will continue to provide input into our compliance program, has received on-going Clery Act training from a number of recognized training providers. The current Clery Compliance Coordinator has received extensive training, including The Clery Center Online CATS Training and D. Stafford and Associates Clery Act Compliance Training Academy. In addition, the Coordinator attended the NACCOP Conference in July 2019 and the Comprehensive Clery Act Training Seminar in March 2020.

Finally, through our on-going relationship with Margolis Healy, the team provided experiential training on data management throughout the data audit and will present a Clery Act executive orientation session for our senior administration in the new year.

- **Improving Data Management**

I wish to underscore that we have worked steadily to improve the accuracy of our Clery Act crime statistics, and build significant capacity in many offices that are responsible for collecting, classifying, and counting Clery Act data. In 2016, UTSA Public Safety was using a product named Report Exec (now, Omnigo), but elected to switch to a new system that resolved concerns over support for data management challenges and provided a more robust integration of the National Incident Based Report System (NIBRS) required by the State of Texas. As of December 2019, UTSA Public Safety had fully implemented ARMS as its records management system. ARMS provides UTSA with administrative functions that enhance Clery Act compliance, including pin mapping of crime locations to provide officials with the ability to identify the precise Clery Act geography of a crime. ARMS has improved our internal controls. UTSA's new processes, currently in development, includes the aforementioned Clery Act Compliance Committee, a Data Integrity Subcommittee, and a network of highly trained Clery liaisons in the appropriate departments. It is our intent that these programmatic adjustments, including a rigorous process of monthly data reconciliation, will rectify identified shortcomings.

To assist in our efforts to build a best-in-class structure for ensuring the integrity of our Clery Act data, we retained Margolis Healy to provide, in addition to other services, a Clery Act data analysis for 2015 and a full Clery Act data audit for the years 2016 to 2018. To complete this task, the team audited every police report, every Title IX file, and every student conduct file, including residential life incident reports, and have identified and examined other offices and locations that hold relevant Clery Act records for the responsive years. We recently received the results of the data audit and are incorporating the final results into our 2020 Annual Security and Fire Safety Report. This audit was an enormous undertaking, covering approximately 3,257 police reports, 184,935 UTSA PD computer-aided dispatch entries, 3,393 conduct records, 1,091 Title IX files, and 99 other files from various offices. During this process, we have taken advantage of Margolis Healy's expertise by dedicating over 20 UTSA employees to assist with the data audit. This experiential learning opportunity provides the University with internal expertise on maintaining data integrity following the conclusion of this audit.

I am certain you can appreciate the significant time and resources UTSA has invested to conduct this comprehensive audit, implement each of the OIG's recommendations, and enact other policies and procedures to reflect best practices and evolving guidance. We recognize this work as vital to our efforts to remain full transparent about crime on campus, maintain a safe campus, and continually enhance our processes and exceed Clery Act requirements. As a result of this review, and the efforts of numerous individuals in our campus community, our approach to collecting crime statistics has improved markedly in the last three years through a robust structure to identify, notify, and certify training for our Campus Security Authorities (CSAs).

- **Enhancing Processes for Maintaining Up-to-Date Clery Act Geography Tables**

  The Assistant Vice President of Business Affairs for Administration and Operations maintains and updates the UTSA Campus Land and Lease Records. We have now implemented a process whereby this office notifies the Clery Compliance Coordinator of any revisions to the list and periodically confirms when no changes have occurred. We are including this responsibility in our new Clery Act Handbook of Operating Procedures (HOP) Policy.

- **Improving Processes for Developing & Publishing the Daily Crime Log**

  UTSA Public Safety has had a policy governing the production of the daily crime log dating back to 2013. In 2016, UTSA Public Safety revised the daily crime log and separated it by campus (Main and Downtown).

  Beginning in 2017, as part of the University's comprehensive actions to enhance compliance with the Clery Act, UTSA Public Safety began adding CSA reports to the daily crime log via the Report Exec records management system. However, we encountered several challenges with some of the information, necessitating a manual review. Because of this, and other concerns about Report Exec noted earlier in this response, UTSA Public Safety transitioned to the ARMS records management system in December 2019. ARMS includes an automated daily crime log.

  UTSA's daily crime logs have always been based on Texas Penal Code to ensure they mirror reports written. The new software allowed us to match Texas Penal Code to Clery Act crimes based on UCR (Uniform Crime Reporting) crime codes, thus aiding in capturing Clery Act crimes for annual disclosure.

  UTSA Public Safety has revised its written directive: "Campus Safety and Security," to better document policies and procedures for maintaining the daily crime log in alignment with the requirements in the Handbook. The current policy requires that, for every incident, the daily crime log shall state (1) the nature of the crime, (2) the date the crime was reported, (3) the date and time the crime occurred, (4) the general location of the crime, and (5) the disposition of the complaint, if known. The policy also requires that new entries or any changes be recorded within two business days of reporting to UTSA Public Safety. The policy describes the limited situations when UTSA Public Safety may temporarily omit information for the log and requires the department to document the reason for any exclusion.

  The policy creates appropriate checks and balances by requiring the Clery Compliance Coordinator, the Executive Director of Strategic Initiatives, or other appropriately trained UTSA officials to review and approve all incidents for inclusion in the logs, including the types of

reported incidents highlighted in the OIG *draft* Report, such as reports from CSAs and those from local law enforcement agencies.

- **Ensuring Coordination between the Title IX Program Office and Clery Act Goals**

    While we recognize that the OIG Audit did not specifically address the University's Title IX program, and that FSA's focus is on Clery Act related processes and the University's administrative capacity to manage the program, I believe it is important to highlight our efforts towards respectful, unbiased, and transparent policies and practices for preventing and responding to incidents of sexual and gender-based harassment, including sexual violence.

    We understand that the Clery Act requires the university to publish information about its policies and procedures regarding what is generally referred to as "VAWA" crimes[2]. Furthermore, we acknowledge that accurate and timely information about sexual and gender-based violence incidents – in annual statistical disclosures, timely warnings, emergency notifications, and in some cases, information in our daily crime logs – empowers our community. The following summarizes our recent actions with respect to our Title IX program as it intersects with our Clery Act responsibilities.

    In December 2018, UTSA selected a new EOS Director & Title IX Coordinator. The Director came to UTSA with experience as a Title IX Coordinator and Compliance Officer at another higher education institution, having worked with her former institution's campus safety department on Clery Act compliance and the Annual Security Report. Our EOS Director & Title IX Coordinator has received Title IX training through the NACUA[3] Title IX Coordinator Course, and Clery Act training through the Clery Center. The Director has enhanced the office's case tracking database to include tracking of Clery Act crimes. Once more, she ensures staff receive training and utilize an internal process outline to verify the intricate steps of each case meet Federal and State regulations and Clery Act reporting requirements.

    The EOS/Title IX Office works with various offices around campus to ensure the University meets Title IX and Clery Act requirements. This includes ongoing communication with key officials in UTSA Public Safety, Dean of Student's Office, and others. The Director receives daily shift reports from the UTSA PD and is a member of the Behavioral Intervention Team (BIT). Additionally, a member of the EOS/Title IX Office attends the weekly Student Conduct meeting. The EOS/Title IX Office submits a weekly summary report of cases to the President, Provost, Chief Legal Officer, Dean of Students, and Chief of Staff. Quarterly, the EOS/Title IX Office submits a summary report of cases to the President, Chief Legal Officer, Chief of Staff, and Executive Director of Institutional Compliance and Risk Services. We believe these efforts further highlight our commitment to campus safety and adherence to the both the letter and spirit of the Department's directives.

I hope this list of initiatives illuminates our investments, since 2016, to enhance Clery Act compliance at UTSA. Again, I appreciate the OIG's review and transparent communication with us during this process.

We continue, however, to disagree with the Office of the Inspector General regarding its determination for what it has referred to as 55 "unreported" incidents. As I noted in my response to the OIG *draft* Report,

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[2] The Violence Against Women Reauthorization Act ("VAWA Amendments") in 2013 amended the Clery Act, and required an update to the Handbook for Campus Safety and Security Reporting. Please see https://www.federalregister.gov/documents/2014/10/20/2014-24284/violence-against-women-act
[3] National Association of College and University Attorneys and https://www.nacua.org/program-events/online-courses/title-ix-coordinator-training/home

we asked Margolis Healy to review the OIG's determinations as part of their comprehensive data audit. Based on their analysis, we disagreed with 25 of the OIG's determinations. As a result of the OIG Final Report, we asked Margolis Healy to again review these 55 incidents to confirm their initial determinations. Based on this 2nd review, I must again disagree with these determinations and ask the FSA to consider our independent determinations in its on-going review of the OIG Final Report. Below, we outline our position relative to these incidents.

- **UTSA Determinations Regarding 55 "unreported" incidents**

  Part of the comprehensive Clery Act data audit that Margolis Healy conducted on our behalf included an additional review of the "underreported" incidents cited in the *draft* and final OIG Reports. Margolis Healy subject matter experts initially reviewed these reports for our response to the OIG *draft* Report. This analysis led to us disagreeing with 24 of the determinations reached by the OIG. In the final OIG Report, the agency stated that they did not accept our objections to their finding and confirmed their findings.

  Following our receipt of the final OIG Report, I asked Margolis Healy to again audit the 55 incidents to reach a final determination with respect to the OIG's findings. Margolis Healy assigned one of their independent auditors, Alison Kiss Dougherty, the former executive director of the Clery Center for Security on Campus, to conduct this second review. Alison had not been assigned to the initial Margolis Healy audit at UTSA, thereby ensuring a high degree of independence.

  We are providing our results in the attached table, which again, outlines our objections to the determinations on 24 of the 55 disputed incidents. In brief, the majority of our disagreement with the OIG findings revolves around the lack of Clery Act geography and/or, a lack of one of the several essential elements of the Clery Act definition of stalking. The Handbook for Campus Safety and Security Reporting (2016 Edition) defines stalking as, "Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) Fear for the person's safety or the safety of others; or (2) Suffer substantial emotional distress." The Handbook (pp. 3-38 – 3-39) continues:

  - Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

  - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

  - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

  We look forward to resolving these discrepancies during future conversations with members of your staff.

I am hopeful that the information in this brief summary adequately underscores our university-wide commitment to the safety and security of UTSA community. As I mentioned in the opening, we have embraced the OIG review as an opportunity to continue to address any gaps in our Clery Act compliance program and further enhance our approach to maintaining a safer campus and in the most transparent of ways. I look forward to meeting with your staff to discuss our efforts and how we might resolve this matter. I wish you, your staff, and families a safe and restful holiday season.

Sincerely,

Taylor Eighmy

Attachment: UTSA Review of 55 Disputed Incidents

cc: James Moore, Clery Group/Partner Enforcement and Consumer Protection
        Lisa Bureau, Clery Group/Partner Enforcement and Consumer Protection
        Butch Smith, Dallas Schools Participation Division
        Jesus Moya, Dallas Schools Participation Division

UTSA Review of 55 Disputed Incidents							
OIG Index (Reference #)	**UTSA Original Classification**	**OIG Determination**	**UTSA #2 Determination**	**MHA Review Determination #1**	**MHA Review #1 Notes**	**MHA Review Determination #2**	**MHA Review #2 Notes**
C-04	No count	1 count stalking, OC	No count	No count	We believe the report does not describe the elements of stalking, missing fear or substantial emotional distress.	No count	This does not appear to rise to stalking. There is no evidence of significant emotional distress or fear for safety. The report further displays mutual contact of one another and a dispute about $$.
C-12	No count	1 count stalking, OC	1 count stalking, OC	No count	We believe the report does not describe the elements of stalking geography is not clear, and lack of "course of conduct"	No count	There is no location indicated as to where messages were received so no Clery geography. There is no mention of fear of safety just concern about whether or not the victim is being stalked. Overall, I have trouble counting this as there is not enough information on geography.
C-14	No count	1 count stalking, OC	No count	No count	We believe the report does not describe the elements of stalking.	No count	There is no clear course of conduct or anything to show emotional distress or fear for safety.
C-15	No count	1 count stalking, OCSH	No count	No count	We believe the report does not describe	No count	There is no clear course of conduct or anything to show emotional

UTSA Review of 55 Disputed Incidents							
OIG Index (Reference #)	**UTSA Original Classification**	**OIG Determination**	**UTSA #2 Determination**	**MHA Review Determination #1**	**MHA Review #1 Notes**	**MHA Review Determination #2**	**MHA Review #2 Notes**
					the elements of stalking.		distress or fear for safety.
C-20	No count	1 count stalking, OC	1 count stalking, OC	No count	We believe the report does not describe the elements of stalking.	No count	The report does not include elements of stalking; no course of conduct, emotional distress or fear of safety.
C-28	No count	1 count stalking, OC	1 count stalking, OC	No count	We believe the report does not describe the elements of stalking, only a single incident.	No count	Damage to car but majority of the damage occurred off-campus. Unknown if the any damage was on campus. It does not meet elements of stalking.
C-31	No count	1 count stalking, OC	No count	No count	We believe the report does not describe the elements of stalking.	No count	Lacks elements to meet stalking definition.
C-33	No count	1 count stalking, OC	1 count stalking, OC	No count	We believe the report does not describe the elements of stalking.	No count	No elements to meet stalking definition or evidence of course of .
C-34	No count	1 count dating violence, OC	No count	No count	We believe the report does not describe	No count	No evidence of dating violence shown in report. The report indicates a prior

UTSA Review of 55 Disputed Incidents

OIG Index (Reference #)	UTSA Original Classification	OIG Determination	UTSA #2 Determination	MHA Review Determination #1	MHA Review #1 Notes	MHA Review Determination #2	MHA Review #2 Notes
					the elements of dating violence.		report of DV but the location is not included.
C-41	No count	1 count stalking, OC	1 count stalking, OC	No count	We believe the report does not describe the elements of stalking.	No count	Does not meet definition for stalking.
C-44	No count	2 counts fondling	2 counts fondling	1 count fondling	We believe the report describes one instance of fondling	1 count fondling	Duplicate for C-45 but does not have the detailed dates. It is a 3rd party report but referenced inappropriate touching so I would count as fondling. (referenced in the letter to EOS as appointment with EOS on 10/28). However, I believe one of these is duplicative to one of the two in C-45
C-45	No count	2 counts fondling	2 counts fondling	1 count fondling	We believe the report describes one instance of fondling	1 count fondling	The second is too vague, not enough detail.
C-46	No count	1 count dating violence, OC	No count	No count	We believe the report does not describe the	No count	3rd party report - described as consensual rough sex, not dating violence.

UTSA Review of 55 Disputed Incidents							
OIG Index (Reference #)	UTSA Original Classification	OIG Determination	UTSA #2 Determination	MHA Review Determination #1	MHA Review #1 Notes	MHA Review Determination #2	MHA Review #2 Notes
					elements of dating violence.		
C-47	No count	1 count dating violence, OCSH	No count	No count	We believe the report does not describe the elements of dating violence.	No count	There is no evidence of a relationship. Additionally, appears from the report to be "horseplay."
C-49	No count	1 count stalking, OC	No count	No count	We believe the report does not describe the elements of stalking.	No count	Does not meet elements for stalking lacks course of conduct, emotional distress, or significant fear.
C-52	No count	1 count dating violence, OC	No count	No count	We believe the report does not describe the elements of dating violence.	No count	Does not meet dating violence standard for reporting.
C-57	No count	1 count stalking	No count	No count	Does not rise to level of stalking	No Count	No mention of fear or distress- does not rise to level of stalking. I would not count this.
C-58	No count	1 count fondling, OC	No count	No count	We believe the report does not describe the elements of	No count	Does not meet fondling definition, unwanted touching on arm and thigh, it falls into sexual harassment.

UTSA Review of 55 Disputed Incidents							
OIG Index (Reference #)	UTSA Original Classification	OIG Determination	UTSA #2 Determination	MHA Review Determination #1	MHA Review #1 Notes	MHA Review Determination #2	MHA Review #2 Notes
					fondling.		
C-70	No count	1 count stalking, OC	1 count stalking, OC	No count	We believe the report does not describe the elements of stalking.	No count	Does not meet definition for stalking. Reporting party was specifically asked whether she feared for her safety or was in emotional distress and responded "no."
C-71	No count	1 count dating violence, OCSH	No count	No count	We believe the report does not describe the elements of dating violence.	No count	No signs of dating violence. The report indicates a verbal argument between a couple.
C-76	No count	1 count fondling, OC	1 count fondling, OC	No count	We believe the report does not describe the elements of fondling.	No count	No evidence of fondling. It is sexual harassment
C-77	No count	1 count rape, OCSH	No count	No count	We believe the report does not describe geography.	No count	No Clery geography information to make determination. If you can't classify it, you can't count it.
I-20	No count	1 count stalking, OC	1 count stalking, OC	No count	We believe the report does not describe the	No count	No elements of stalking. Does not meet definition, Clery geography is

			UTSA Review of 55 Disputed Incidents				
OIG Index (Reference #)	UTSA Original Classification	OIG Determination	UTSA #2 Determination	MHA Review Determination #1	MHA Review #1 Notes	MHA Review Determination #2	MHA Review #2 Notes
					elements of stalking.		unclear.
I-31	No count	1 count stalking, OC	1 count stalking, OC	No count	We believe the report does not describe the elements of stalking.	No Count	Report does not meet stalking definition.