

Chief Executive Officer Annual Certification to THECB



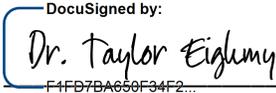
for the time period of **August 23, 2021** through **August 21, 2022**.
This includes information for all UTSA campuses.

Under Tex. Educ. Code (TEC), §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 San Antonio** 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 12, 2022**.
2. A summary data report is posted on the institution's website at <https://www.utsa.edu/eos/title-ix/>.

Signature of CEO:  _____
Printed Name: Taylor Eighmy _____
Date: 10/14/2022 _____

Chief Executive Officer Report

TO: The University of Texas System Board of Regents
FROM: Taylor Eighmy, President
Chief Executive Officer 
DATE: **October 12, 2022**
RE: Chief Executive Officer Reporting Requirement Under §51.253(c), Tex. Educ. Code

Section 51.253 (c), Tex. Educ. Code and 19 Tex. Admin. Code §§3.6(c) and 3.19(a) requires the university's chief executive officer to submit a written report to the institution's governing body and post the report on the institution's website at least once annually," by October of each year. The report which follows is UTSA's Chief Executive Officer's Report (CEO Report) and satisfies all reporting requirements to The University of Texas System Board of Regents for the 2021-2022 academic year as of September 30, 2022.

The CEO report addresses the requirements imposed by law. First, it contains all reports received by employees under §51.252, Tex. Educ. Code which constitute *sexual harassment, sexual assault, dating violence, or stalking* (as defined in the §51.251, Tex. Educ. Code). See Appendix A. Secondly, it contains status updates for cases from the 2020-2021 academic year and includes disciplinary actions taken under §51.255, Tex. Educ. Code regarding allegations of an employee's failure to report or submission of a false report to the institution for alleged incidents of *sexual harassment, sexual assault, dating violence, or stalking*. See Appendix B. Please note that the summary data may contain duplicate reports resulting from the manner in which a report was made.

In accordance with the law, this CEO report will be posted on the [Equal Opportunity Services and Title IX website](#), and a copy of this report (along with an annual certification of compliance) will be submitted to the Texas Higher Education Coordinating Board by October 31, 2022 as required.

Appendix A
2022 CEO Report
2021-2022 Academic Year: August 23, 2021 – August 21, 2022

§51.252, Tex. Educ. Code: Employee Reporting Requirements	
Number of reports received under §51.252¹	439
a. Employee submitted reports under §51.252	276
b. Confidential reports ² under §51.252	163
Number of investigations conducted under §51.252	28
a. Formal investigation ongoing	3
b. Formal investigation completed (Non-Title IX Regs) – Preliminary Determination (Preponderance of evidence <u>not</u> met) and no disciplinary referral	12
c. Formal investigation completed (Non-Title IX Regs) – Preliminary Determination (Preponderance of evidence met) and referred to a disciplinary process	5
d. Formal investigation completed – No Preliminary Determination and referred to a disciplinary process ³	8
Disposition of disciplinary processes for reports under §51.252:	13
a. Disciplinary process pending	11
b. Disciplinary process completed – No Finding of Policy Violation ⁴	--
c. Disciplinary process completed – Employee Disciplinary Sanction	1
d. Disciplinary process completed – Student Disciplinary Sanction	1
Number of reports under §51.252 for which the institution determined <u>not</u> to initiate a disciplinary process	411
a. Confidential reports under § 51.252	163
b. Respondent's identity is unknown	89
c. Administrative closure due to insufficient information to investigate	54
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	24
f. Respondent was identified as not affiliated with the university	68
g. Informal resolution process ongoing	--
h. Informal resolution process completed	2

§51.255, Tex. Educ. Code: 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 §51.255(a)	1
Number of investigations conducted regarding §51.255	1
a. Formal investigation ongoing	--
b. Formal investigation completed (Non-Title IX Regs) – Preliminary Determination (Preponderance of evidence <i>not</i> met) and no disciplinary referral	--
c. Formal investigation completed (Non-Title IX Regs) – Preliminary Determination (Preponderance of evidence met) and referred to a disciplinary process	1
Any disciplinary action taken, regarding failure to report or false reports to the institution under §51.255(c):	1
a. Employee termination	1
b. Institutional intent to termination, in lieu of employee resignation during disciplinary process	--
c. Employee not eligible for re-hire, in lieu of employee resignation prior to investigation	--

Appendix B

2021 CEO Report Updates⁵
2020-2021 Academic Year: August 24, 2020 – August 22, 2021

§51.252, Tex. Educ. Code: Employee Reporting Requirements	
Number of reports received under §51.252⁶	294
a. Employee submitted reports under §51.252	167
b. Confidential reports ⁷ under §51.252	127
Number of investigations conducted under §51.252	11
a. Formal investigation ongoing	--
b. Formal investigation completed (Non-Title IX Regs) – Preliminary Determination (Preponderance of evidence <i>not</i> met) and no disciplinary referral	4
c. Formal investigation completed (Non-Title IX Regs) – Preliminary Determination (Preponderance of evidence met) and referred to a disciplinary process	4
d. Formal investigation completed – No Preliminary Determination and referred to a disciplinary process ⁸	3
Disposition of disciplinary processes for reports under §51.252:	7
a. Disciplinary process pending	----
b. Disciplinary process completed – No Finding of Policy Violation ⁹	4
c. Disciplinary process completed – Employee Disciplinary Sanction	3
d. Disciplinary process completed – Student Disciplinary Sanction	
Number of reports under §51.252 for which the institution determined <u>not</u> to initiate a disciplinary process	283
a. Confidential reports under §51.252	127
b. Respondent’s identity is unknown	61
c. Respondent was identified as not affiliated with the university.	42
d. Administrative closure due to insufficient information to investigate	26
e. Determined matter was previously investigated or alleged conduct did not meet the definition of sexual harassment, sexual assault, dating violence or stalking	16
f. Complainant requested the institution not investigate	9
g. Informal resolution process completed	2

¹Not 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 § 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 §51.251, Tex. Educ. Code, 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.

⁵ The 2021 CEO Report Updates consists of the cumulative data set that originated in 2020-2021 with updated statuses of investigation or disciplinary process dispositions. For example, investigations that were ongoing or disciplinary processes that were pending as of 2021’s CEO Report that have since concluded as of 2022’s CEO Report will have an updated status or disposition reflected here.

⁶ Same as endnote 1.

⁷ Same as endnote 2.

⁸ Same as endnote 3.

⁹ Same as endnote 4.

Certificate Of Completion

Envelope Id: 87EECAAB89684BEB8335816937CD172D	Status: Completed
Subject: Complete with DocuSign: UTSA SB212 CEO Report and Certification.pdf	
VPUnt:	
Source Envelope:	
Document Pages: 5	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Chelsea Trotter
Time Zone: (UTC-06:00) Central Time (US & Canada)	One UTSA Circle
	San Antonio, TX 78249
	chelsea.trotter@utsa.edu
	IP Address: 129.115.3.62

Record Tracking

Status: Original	Holder: Chelsea Trotter	Location: DocuSign
10/14/2022 12:03:00 PM	chelsea.trotter@utsa.edu	

Signer Events

Dr. Taylor Eighmy
teighmy1@utsa.edu
President
UTSA eSignature
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

F1FD7BA650F34F2...
Signature Adoption: Pre-selected Style
Using IP Address: 129.115.3.62

Timestamp

Sent: 10/14/2022 12:10:07 PM
Viewed: 10/14/2022 12:13:34 PM
Signed: 10/14/2022 12:14:13 PM

Electronic Record and Signature Disclosure:
Accepted: 5/29/2020 6:17:10 PM
ID: 4a3ea62c-1bf6-4c8e-9382-810ae6c941fd

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

President's Office Records
president@utsa.edu
Security Level: Email, Account Authentication (None)

COPIED

Sent: 10/14/2022 12:14:14 PM
Viewed: 10/14/2022 12:15:18 PM

Electronic Record and Signature Disclosure:
Accepted: 3/23/2022 9:56:34 AM
ID: 9df0565a-5af9-4e60-9be9-604e00b4a792

Monse Pena
monse.pena@utsa.edu
Intake Anyst./DEPTitle IX Coordinator
UTSA eSignature - Institutional Compliance & Risk Svcs - Equal Opportunity Services
Security Level: Email, Account Authentication (None)

COPIED

Sent: 10/14/2022 12:14:16 PM
Viewed: 10/14/2022 1:06:36 PM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Carbon Copy Events	Status	Timestamp
Suzanne Patrick suzanne.patrick@utsa.edu Security Level: Email, Account Authentication (None)	COPIED	Sent: 10/14/2022 12:14:16 PM Viewed: 10/14/2022 1:27:13 PM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		

Witness Events	Signature	Timestamp
----------------	-----------	-----------

Notary Events	Signature	Timestamp
---------------	-----------	-----------

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	10/14/2022 12:10:07 PM
Certified Delivered	Security Checked	10/14/2022 12:13:34 PM
Signing Complete	Security Checked	10/14/2022 12:14:13 PM
Completed	Security Checked	10/14/2022 12:14:16 PM

Payment Events	Status	Timestamps
----------------	--------	------------

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, University of Texas At San Antonio (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact University of Texas At San Antonio:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: richard.wollney@utsa.edu

To advise University of Texas At San Antonio of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at richard.wollney@utsa.edu and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

To request paper copies from University of Texas At San Antonio

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to richard.wollney@utsa.edu and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with University of Texas At San Antonio

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to richard.wollney@utsa.edu and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> •Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify University of Texas At San Antonio as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by University of Texas At San Antonio during the course of my relationship with you.