



# The University of Texas at San Antonio™

## Chief Executive Officer Annual Certification to THECB

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

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

By signing this statement, I certify that The University of Texas at 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 9, 2023**.
2. A summary data report is posted on the institution's website at <https://www.utsa.edu/eos/title-ix/>.

Signature of CEO:  \_\_\_\_\_  
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Printed Name: \_\_\_\_\_ Taylor Eighmy \_\_\_\_\_

Date: \_\_\_\_\_ 10/16/2023 \_\_\_\_\_

## Chief Executive Officer Report

**TO:** The University of Texas <sup>DS</sup> Board of Regents  
**FROM:** Taylor Eighmy, President   
Chief Executive Officer  
**DATE:** **October 6, 2023**  
**RE:** Chief Executive Officer Reporting Requirement Under §51.253(c), Tex. Educ. Code

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Section 51.253 (c), Tex. Educ. Code and 19 Tex. Admin. Code §3.6(c) and 3.19(a) require institutions of higher education to submit a Chief Executive Officer Report (“CEO Report”) to the institution’s governing body and post the report on the institution’s internet website “at least once annually,” by October of each year.

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

In compliance with the Chief Executive Officer’s TEC reporting requirements, the enclosed CEO Report includes all of the required reporting to the U.T. System Board of Regents for the 2022-2023 academic year (Appendix A) and status updates to the 2021-2022 academic year (Appendix B) as of **October 6, 2023**. The CEO Report is based on the reporting requirements under §51.253(c), Tex. Educ. Code along with supplemental category breakdowns, when applicable.

In accordance with the law, this CEO report will be posted on the [Equal Opportunity Services and Title IX website](#), as required by §51.253(c), Tex. Educ. Code, and a copy of this CEO report (along with an annual certification of compliance) will be submitted to the Texas Higher Education Coordinating Board (THECB) by October 31, as required by §3.19(a), 19. Tex. Admin. Code.

**Appendix A**  
**2023 CEO Report**  
**2022-2023 Academic Year: August 22, 2022 – August 20, 2023**

<b>§51.252, Tex. Educ. Code: Employee Reporting Requirements</b>	
<b>Number of reports received under §51.252<sup>1</sup></b>	<b>564</b>
a. Employee submitted reports under §51.252	339
b. Confidential reports <sup>2</sup> under §51.252	225
<b>Number of investigations conducted under §51.252</b>	<b>35</b>
a. Formal investigation ongoing	9
b. Formal investigation completed (Non-Title IX) – Preliminary Determination (Preponderance of evidence <u>not</u> met) and no disciplinary referral	6
c. Formal investigation completed (Non-Title IX) – Preliminary Determination (Preponderance of evidence met) and referred to a disciplinary process	6
d. Formal investigation completed – No Preliminary Determination and referred to a disciplinary process <sup>3</sup>	14
<b>Disposition of disciplinary processes for reports under §51.252:</b>	<b>20</b>
a. Disciplinary process pending	9
b. Disciplinary process completed – No Finding of Policy Violation <sup>4</sup>	3
c. Disciplinary process completed – Employee Disciplinary Sanction	1
d. Disciplinary process completed – Student Disciplinary Sanction	7
<b>Number of reports under §51.252 for which the institution determined <u>not</u> to initiate a disciplinary process</b>	<b>529</b>
a. Confidential reports under §51.252	225
b. Respondent's identity is unknown	101
c. Administrative closure due to insufficient information to investigate	71
d. Determined matter was previously investigated or alleged conduct did not meet the definition of sexual harassment, sexual assault, dating violence or stalking	25
e. Complainant requested the institution not investigate	30
f. Respondent was identified as not affiliated with the university	54
g. Informal resolution process ongoing	2
h. Informal resolution process completed	3
i. Report Received in preliminary review status	18

<b>§51.255, Tex. Educ. Code: Failure to Report or False Reports</b>	
<b>Number of reports received that include allegations of an employee's failure to report or submitting a false report to the institution under §51.255(a)</b>	<b>3</b>
<b>Number of investigations conducted regarding §51.255</b>	<b>3</b>
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	3
c. Formal investigation completed (Non-Title IX Regs) – Preliminary Determination (Preponderance of evidence met) and referred to a disciplinary process	--
<b>Any disciplinary action taken, regarding failure to report or false reports to the institution under §51.255(c):</b>	<b>0</b>
a. Employee termination	--
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

**2022 CEO Report Updates<sup>5</sup>**  
**2021-2022 Academic Year: August 23, 2021 – August 21, 2022**

<b>§51.252, Tex. Educ. Code: Employee Reporting Requirements</b>	
<b>Number of reports received under §51.252<sup>6</sup></b>	<b>439</b>
a. Employee submitted reports under §51.252	276
b. Confidential reports <sup>7</sup> under §51.252	163
<b>Number of investigations conducted under §51.252</b>	<b>28</b>
a. Formal investigation ongoing	0
b. Formal investigation completed (Non-Title IX Regs) – Preliminary Determination (Preponderance of evidence <i>not</i> 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	6
d. Formal investigation completed – No Preliminary Determination and referred to a disciplinary process <sup>8</sup>	10
<b>Disposition of disciplinary processes for reports under §51.252:</b>	<b>16</b>
a. Disciplinary process pending	1
b. Disciplinary process completed – No Finding of Policy Violation <sup>9</sup>	6
c. Disciplinary process completed – Employee Disciplinary Sanction	1
d. Disciplinary process completed – Student Disciplinary Sanction	8
<b>Number of reports under §51.252 for which the institution determined <u>not</u> to initiate a disciplinary process</b>	<b>411</b>
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	0
h. Informal resolution process completed	2
i. Report Received in preliminary review status	0

<b>§ 51.255, Tex. Educ. Code: Failure to Report or False Reports</b>	
<b>Number of reports received that include allegations of an employee's failure to report or submitting a false report to the institution under §51.255(a)</b>	<b>1</b>
<b>Number of investigations conducted regarding §51.255</b>	<b>1</b>
a. Formal investigation ongoing	--
b. Formal investigation completed (Non-Title IX) – Preliminary Determination (Preponderance of evidence <u>not</u> met) and no disciplinary referral	--
c. Formal investigation completed (Non-Title IX) – Preliminary Determination (Preponderance of evidence met) and referred to a disciplinary process	1
<b>Any disciplinary action taken, regarding failure to report or false reports to the institution under §51.255(c):</b>	<b>1</b>
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	--

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<sup>1</sup> Not all reports of alleged sexual harassment, sexual assault, dating violence, and stalking against a student or employee are reflected in the CEO Report. Reports made by students and all other non-employees (including incidents under 19 Tex. Admin. Code Section 3.5(d)(3)) directly to the Title IX Coordinator are excluded. Further, if the Title IX Coordinator receives a report that a student or employee was a victim of sexual harassment, sexual assault, dating violence, or stalking prior to being enrolled at or employed by the institution, the report is excluded. Additionally, if a Title IX Coordinator or Deputy Coordinator determines that the type of incident described in a report, as alleged, does not constitute “sexual harassment,” “sexual assault,” “dating violence,” or “stalking” as defined in the §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.

<sup>2</sup> 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, employee ombuds, or those who work in a counseling center or Wellness 360 at UTSA.

<sup>3</sup> 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.

<sup>4</sup> “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.

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

<sup>6</sup> Same as endnote 1.

<sup>7</sup> Same as endnote 2.

<sup>8</sup> Same as endnote 3.

<sup>9</sup> Same as endnote 4.