

## 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

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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**

<b>§51.252, Tex. Educ. Code: Employee Reporting Requirements</b>	
<b>Number of reports received under §51.252<sup>1</sup></b>	<b>439</b>
a. Employee submitted reports under §51.252	276
b. Confidential reports <sup>2</sup> under §51.252	163
<b>Number of investigations conducted under §51.252</b>	<b>28</b>
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 <sup>3</sup>	8
<b>Disposition of disciplinary processes for reports under §51.252:</b>	<b>13</b>
a. Disciplinary process pending	11
b. Disciplinary process completed – No Finding of Policy Violation <sup>4</sup>	--
c. Disciplinary process completed – Employee Disciplinary Sanction	1
d. Disciplinary process completed – Student Disciplinary Sanction	1
<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	--
h. Informal resolution process completed	2

<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 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
<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	--

## Appendix B

### 2021 CEO Report Updates<sup>5</sup> 2020-2021 Academic Year: August 24, 2020 – August 22, 2021

<b>§51.252, Tex. Educ. Code: Employee Reporting Requirements</b>	
<b>Number of reports received under §51.252<sup>6</sup></b>	<b>294</b>
a. Employee submitted reports under §51.252	167
b. Confidential reports <sup>7</sup> under §51.252	127
<b>Number of investigations conducted under §51.252</b>	<b>11</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	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 <sup>8</sup>	3
<b>Disposition of disciplinary processes for reports under §51.252:</b>	<b>7</b>
a. Disciplinary process pending	----
b. Disciplinary process completed – No Finding of Policy Violation <sup>9</sup>	4
c. Disciplinary process completed – Employee Disciplinary Sanction	3
d. Disciplinary process completed – Student Disciplinary Sanction	
<b>Number of reports under §51.252 for which the institution determined <u>not</u> to initiate a disciplinary process</b>	<b>283</b>
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

<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 § 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.

<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, or those who work in a counseling center or student health center.

<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.

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<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 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.

<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.