THE UNIVERSITY OF TEXAS AT EL PASO

Office Institutional
Compliance/Title IX

Chief Executive Officer Report—Academic Year 2019/2020

TO: U.T. System Board of Regents
FROM: Heather Wilson, President and Chief Executive Officer
DATE: October 30, 2020
RE: Chief Executive Officer Reporting Requirements Under Tex. Educ. Code § 51.253(c)

Texas Education Code (TEC), Section 51.253(c) requires an institution's Chief Executive Officer to submit a report at least once during each fall or spring semester to the institution's governing body and post the report on the institution's internet website. The report must contain (1) all reports received by employees under the TEC, Section 51.252 that constitutes "sexual harassment," "sexual assault," "dating violence," or "stalking" (as defined in the TEC, Section 51.251), and (2) any disciplinary actions taken under TEC, Section 51.255.

For the purposes of complying with these Chief Executive Officer's TEC reporting requirements, the attached summary data report[1] (Appendix A) includes all of the required reporting to the U.T. System Board of Regents for the 2019-2020 academic year as of **January 1, 2020**. (Note that information is included starting January 1, 2020, per the effective date of the state statute.) The summary data in Appendix A is categorized based on the reporting requirements under TEC, Section 51.253(c). The reports received may be applicable in multiple reporting categories, and therefore, the summary data in the categories may not add up to the totals of other categories.

The summary data report is also publicly reported and posted on UTEP's webpage at www.utep.edu/titleix/sb-212.html, as required by TEC, Section 51.253(c).

Note: Any additional reports received by the Title IX Coordinator that do not meet the required reporting criteria in the Texas Education Code are omitted for the compliance purposes of this specific report.[2]

---

[1] When identifiable, duplicate reports were consolidated and counted as one report in the summary data, and confidential employee reporting is noted as a sub-set to the total number of reports received.

[2] For example, reports made by students and all other non-employees (including incidents under 19 Tex. Admin. Code Section 3.5(d)(3)) are excluded from Appendix A. 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 TEC, Section 51.251, the report is excluded from Appendix A. 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.

500 W University,
Kelly Hall, Room 312
915-747-8358
utep.edu/TitleIX

Appendix A
Summary Data Report
The University of Texas at El Paso
2019-2020 Academic Year: January 1, 2020[3] – August 23, 2020

Texas Education Code, Section 51.252	
Number of reports received under Section 51.252[4]	**90**
Number of confidential reports[5] under Section 51.252	40
Number of investigations conducted under Section 51.252	5
Disposition[6] of any disciplinary processes for reports under Section 51.252:	
a. Concluded, No Finding of Policy Violation[7]	1
b. Concluded, with Employee Disciplinary Sanction	--
c. Concluded, with Student Disciplinary Sanction	2
d. **SUBTOTAL**	**3**
Number of reports under Section 51.252 for which the institution determined not to initiate a disciplinary process[8]	**88**

Texas Education Code, Section 51.255	
Number of reports received that include allegations of an employee's failure to report or who submits a false report to the institution under Section 51.255(a)	**2**
Any disciplinary action taken, regarding failure to report or false reports to the institution under **Section 51.255(c)**:	
a. Employee termination	--
b. Institutional intent to termination, in lieu of employee resignation	--

[3] January 1, 2020 is the effective date of the state statute for the purposes of complying with the Title IX Coordinator reporting requirements under TEC, Section 51.253(a).

[4] Reports made by students and all other non-employees (including incidents under 19 Tex. Admin. Code Section 3.5(d)(3)) are excluded from Appendix A. 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 TEC, Section 51.251, the report is excluded from Appendix A. 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.

[5] "Number of confidential reports" is a sub-set of the total number of reports that were received under Section 51.252, by a confidential employee or office (e.g. Counseling Center, Student Health Center, Victim Advocate for Students, or Student Ombuds).

[6] "Disposition" means "final result under the institution's disciplinary process" as defined in the Texas Higher Education Coordinating Board's (THECB) rules for TEC, Section 51.259 [See 19 Texas Administrative Code, Section 3.6(3) (2019)]; therefore, pending disciplinary processes will not be listed until the final result is rendered.

[7] "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.

[8] The institution may have determined "not to initiate a disciplinary process." The reasons for not initiating a discipline process can include, but are not limited to: case dismissal; insufficient information to investigate; confidential employee reporting (no identifiable information); the respondent's identity was unknown or not reported; the respondent was not university-affiliated; the complainant requested the institution not investigate the report; informal resolution was completed; investigation is ongoing; or investigation was completed with a preponderance of evidence not met.