

Department of Investigation and Adjudication (DIA) **ANNUAL REPORT 2022-23**



The University of Texas at Austin
**University Risk and
Compliance Services**

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About DIA

The University of Texas at Austin is an equal opportunity/affirmative action employer and Title IX institution that complies with all applicable federal and state laws. To ensure compliance, DIA investigates alleged violations of the following policies in the University's Handbook of Operating Procedures (HOP):

- [HOP 3-1022 — Protection from Retaliation for Suspected Misconduct Reporting \(Whistleblower\)](#)
- [HOP 3-3010 — Disability Accommodation for Applicants and Employees](#)
- [HOP 3-3012 — Religious Accommodation for Applicants and Employees](#)
- [HOP 3-3020 — Nondiscrimination Policy](#)
- [HOP 3-3031 — Prohibition of Sexual Assault, Interpersonal Violence, Stalking, Sexual Harassment, and Sex Discrimination](#)
- [HOP 3-3050 — Consensual Relationships](#)
- [HOP 5-1260 — Employment of Close Relatives \(Nepotism\)](#)
- [HOP 5-4310 — Family and Medical Leave](#)

Alleged policy violations can involve any member of the University community. As a neutral investigative unit, DIA supports the University in fostering a campus environment that is inclusive, respectful, and free from discrimination and harassment. The DIA team ensures all matters are treated with impartiality and discretion.

For more information about DIA, go to: dia.compliance.utexas.edu.

DIA is part of University Risk and Compliance Services. For more information about University Risk and Compliance Services, go to: <https://compliance.utexas.edu/>.

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Investigative Process

The following flowchart, also available [online](#), illustrates DIA's process for evaluating and resolving the hundreds of complaints, reports, and referrals DIA receives annually.

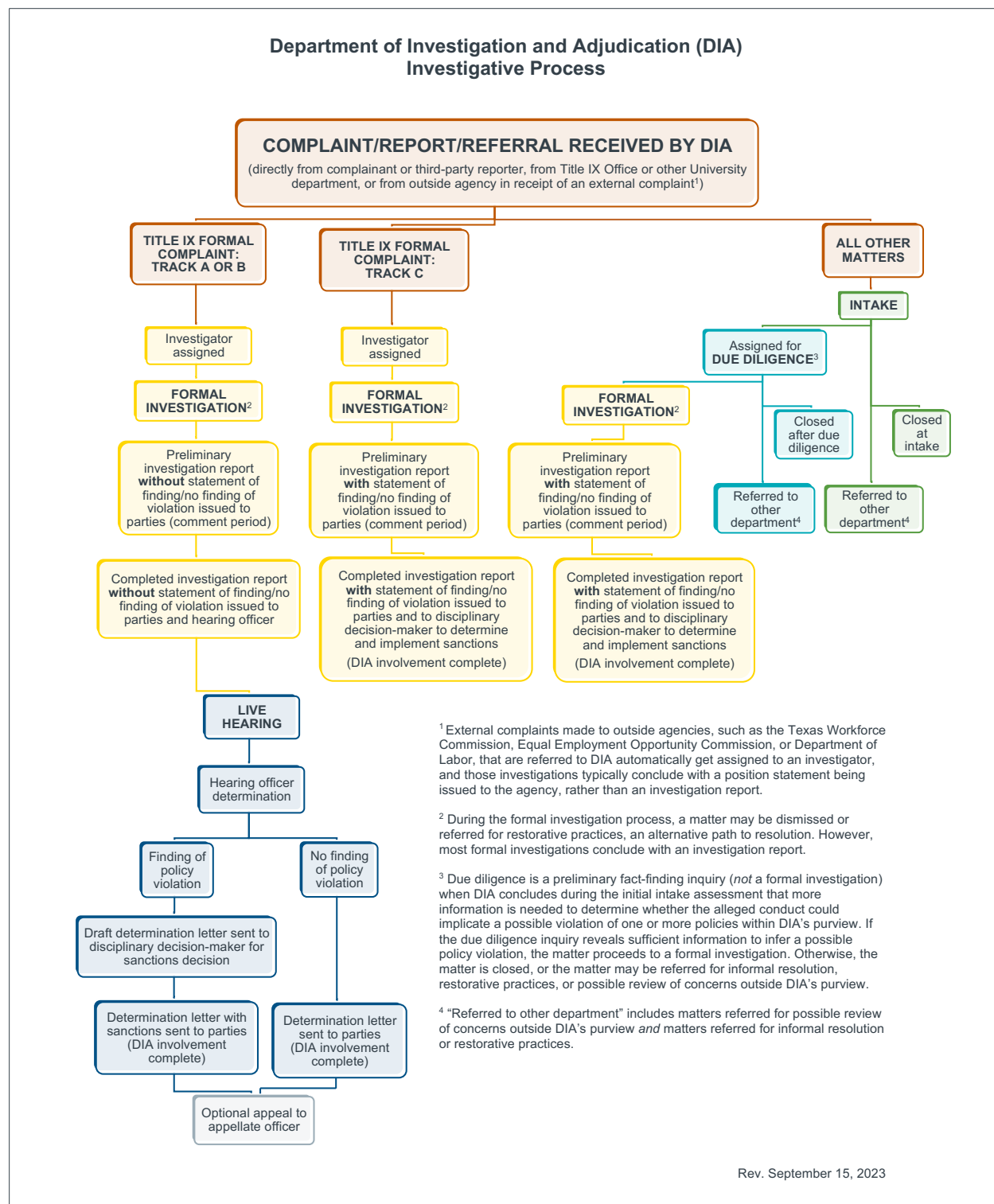


Figure 1. DIA Investigative Process Flowchart.

About the Data

This report covers the 2022-23 fiscal year (FY) and provides historical data for the previous two fiscal years. The University's fiscal year runs September 1 to August 31.

FY 2022-23: September 1, 2022 – August 31, 2023

FY 2021-22: September 1, 2021 – August 31, 2022

FY 2020-21: September 1, 2020 – August 31, 2021

In this report, percentages are rounded as follows: .5+ is rounded up to the nearest whole %, .49 and below is rounded down to the nearest whole %.

This year marks a shift in how the report is organized to provide a more accurate and complete story of the work DIA does annually. It is organized into four main sections:

Cases Opened — Covers unique cases opened between September 1 – August 31 and provides a breakdown of cases by month, cases by policy, and complainants and respondents in all cases. For cases opened in the most recent fiscal year, provides the status as of August 31, as well as a snapshot of cases under HOP 3-3020.

Cases Closed — Covers cases closed between September 1 – August 31 and provides a breakdown of case outcomes, substantiated allegations, and respondents found in violation of University policy.

Formal Investigations — A subsection of cases opened that covers formal investigations opened between September 1 – August 31 and provides a breakdown of investigations by policy, allegations by type, and complainants and respondents. Also provides a snapshot of HOP 3-3031 formal investigations in the most recent fiscal year.

Title IX Hearings — Covers the number of hearings held for matters assigned to Tracks A or B of the HOP 3-3031 grievance process, as well as appeal rates.

Glossary of Terms Used in Report

Case — A complaint, report, or referral received by DIA that is entered in DIA's database and assigned a case number.

Complainant — Person alleged to be the victim of prohibited conduct under University policy.

Complaint — Information, including oral statements (if appropriately acknowledged), submitted to DIA by a complainant, alleging a violation of University policy.

Due diligence — A preliminary fact-finding inquiry when DIA concludes during the initial intake assessment that more information is needed to determine whether the alleged misconduct could implicate a possible violation of one or more policies within DIA’s purview. During the due diligence review, DIA properly and thoroughly evaluates the reported concerns to determine whether there is sufficient information to warrant a formal investigation. This includes conducting interviews and reviewing evidence, as needed. Due diligence is a non-formal process that does not require written notice to the respondent or preparation of an investigation report.

EVPP staff — All staff within the broad portfolio of units that report to the executive vice president and provost of the University.

External complaint — A complaint against the University filed with an outside agency, such as the Texas Workforce Commission, Equal Employment Opportunity Commission, or Department of Labor.

Formal Complaint — Initiates the grievance process under HOP 3-3031 and may be filed by any person subject to an alleged incident under HOP 3-3031 or by the Title IX coordinator based on any incident report received. Formal Complaints are investigated and adjudicated by DIA.

Formal investigation — A formal process that starts when the respondent and complainant receive a written notice of the investigation. Then, a DIA investigator interviews the parties and relevant witnesses, gathers/reviews evidence relevant to the complaint, and prepares an investigation report. In cases not subject to a live hearing, the DIA investigator analyzes relevant information and evidence, determines whether the allegations are substantiated or unsubstantiated, and issues a completed investigation report to the parties with a statement of finding or no finding of violation of University policy. If the alleged policy violation is substantiated, the appropriate decision-maker (vice president or designee) determines what disciplinary sanction(s) to impose. In cases requiring a live hearing (certain Title IX allegations), the investigator prepares a neutral investigation report that summarizes relevant information and evidence, without a statement of finding or no finding of violation, and the report is issued to the parties and hearing officer ahead of the hearing.

Informal resolution — The informal resolution process may be chosen when misconduct is not severe or repetitive and disciplinary action is not required. It provides an opportunity to have the concern acknowledged without a formal investigation. Following the informal resolution process, complainants may choose to pursue the formal grievance process if the situation has not improved and/or misconduct continues.

Intake — Initial assessment of a complaint or report received by DIA.

Parties — The complainant and respondent in a matter.

Referral — Information referred to DIA by another University department regarding an alleged violation of University policy.

Report — Information, including oral statements (if appropriately acknowledged), submitted to DIA by a reporter, alleging a violation of University policy.

Reporter — An individual, other than a complainant, making a report of an incident under University policy.

Respondent — Person alleged to have engaged in misconduct.

Restorative practices — A voluntary, alternative resolution path that may be appropriate in some cases. Available through the Center for Access and Restorative Engagement, a trained facilitator helps harmed and responsible parties reflect on their individual needs and obligations, to support their growth and mitigate future harm to themselves or others.

Title IX — A federal law that prohibits discrimination based on sex in any federally funded education program or activity. Title IX protects all members of the campus community who experience sex discrimination, sexual harassment, sexual assault, interpersonal violence (including dating and domestic violence), stalking, or discrimination based on pregnancy. The University’s comprehensive Title IX policy, which applies to faculty, staff, employees, students, student organizations, visitors, contractors, University affiliates, and applicants for admission to or employment with the University, is found in [HOP 3-3031, Prohibition of Sexual Assault, Interpersonal Violence, Stalking, Sexual Harassment, and Sex Discrimination](#).

Reports of possible HOP 3-3031 violations are evaluated by the **University’s Title IX Office** to determine whether they merit formal investigation, which is conducted by DIA after the Title IX Office assigns the matter to a grievance process track and refers the Formal Complaint to DIA. For matters that require a live hearing per HOP 3-3031, DIA holds the hearing with an appointed University hearing officer.

For more information about support, resources, and reporting options available through the Title IX Office, go to: <https://titleix.utexas.edu/>.

Executive Summary

Since August 2020, DIA has served as the University's vehicle for investigating and adjudicating Title IX Formal Complaints and alleged violations of the University's policies on nondiscrimination, consensual relationships, nepotism, family and medical leave, disability and religious accommodations, and retaliation for reporting suspected misconduct. During this time, DIA has seen tremendous growth in its caseload, with total cases (non-formal and formal) increasing by **36%** in FY 2022-23 over FY 2020-21. Some growth was expected, as the University returned to on-campus operations after the height of the COVID-19 pandemic, and the campus community became more familiar with DIA, although the rate of growth could not have been predicted. Moving forward, DIA expects to see a leveling out in its caseload, with FY 2022-23 numbers likely being the new normal.

Despite this growth, DIA has maintained its goal of keeping average case closure times below 165 business days: **26** for non-formal cases (those that do not move to a formal investigation), and **103** for formal cases (those that do move to a formal investigation). This is largely due to DIA's efficient intake process for non-Title IX matters, which allows for cases to be closed at intake if there is insufficient information or evidence for DIA to infer a possible policy violation. When more information is needed, the case moves to a due diligence inquiry, which allows for additional information-gathering without launching a formal investigation. If there is insufficient information or evidence at this stage, the case can be closed without a formal investigation and full investigation report. Only cases with sufficient cause to warrant a formal investigation move to that stage, thus conserving investigative resources and allowing for faster case resolutions.

DIA did experience staff turnover in the last half of FY 2022-23, during an especially busy time for investigation reports and live hearings, which may impact closure times next year. However, moving forward, after seeing a **46%** increase in the number of formal investigations in two years' time, from FY 2020-21 to FY 2022-23, DIA is working to streamline the production of investigation reports to help the DIA team keep up with the anticipated workload while maintaining average closure time goals.

In each of the last three years, most cases overall (**61%** in FY 2022-23) have involved alleged violations of HOP 3-3020, while most formal investigations (**89%** in FY 2022-23) have arisen from Formal Complaints under HOP 3-3031. With more Formal Complaints being investigated, there has also been an increase in Title IX hearings held by DIA: **32** hearings in FY 2022-23, a **28%** increase over the prior year.

Cases Opened

Annual Caseload

FY 2022-23

DIA opened **635 unique cases** based on reports/complaints made directly to DIA, referrals from the Title IX Office or other University departments, and external complaints filed with outside agencies. This was an **increase of 23%** over the previous fiscal year. Most cases did not warrant a formal investigation and were closed or referred through DIA's efficient intake and due diligence process. As of Aug. 31, there were 90 cases pending intake assessment or due diligence review.

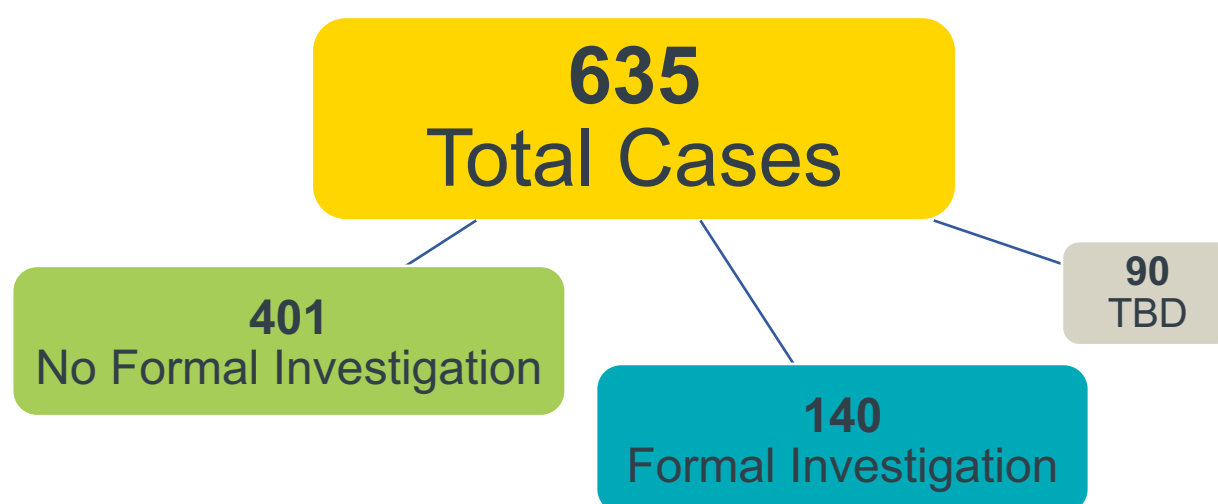


Figure 2. Total cases opened in FY 2022-23 based on date of complaint/report/referral. For HOP 3-3031 Formal Complaints, this means the date the Title IX Office issued the complaint notice and referred the matter to DIA. Note: Reflected in the numbers above, 6 separate cases were rolled into 2 formal investigations.

Historical

DIA's caseload has increased by **36%** in two years.

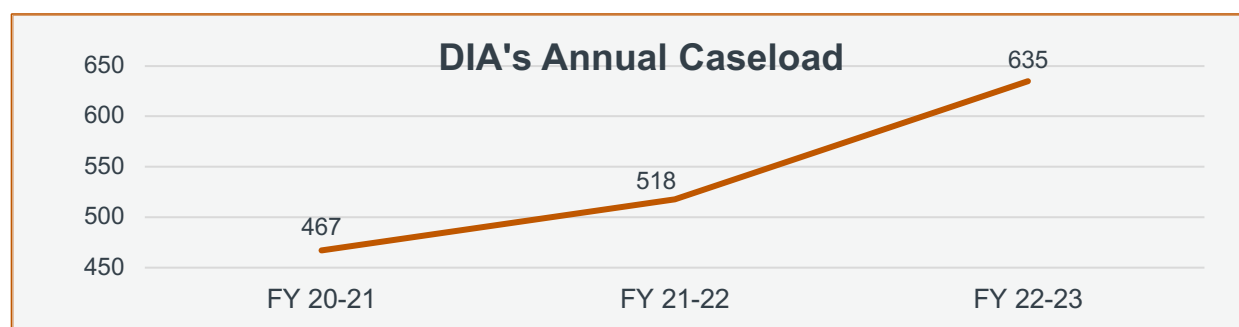


Figure 3. Unique cases opened in each of the past three fiscal years based on date of complaint/report/referral. For HOP 3-3031 Formal Complaints, this means the date the Title IX Office issued the complaint notice and referred the matter to DIA. Includes minor adjustments to FY 2020-21 and FY 2021-22 due to changes in recording practices. Note: DIA began receiving referrals in late August 2020. Chart does not reflect 9 referrals received Aug. 24-31, 2020.

Status of FY 2022-23 Cases Opened (as of Aug. 31)

As of Aug. 31, 2023, 74% of the 635 unique cases opened in FY 2022-23 were **complete**, meaning the case was closed with no formal investigation, referred outside DIA, a position statement was issued for an external complaint, or a formal investigation was concluded and a final determination made with no further appeals.

Active / Complete	Status / Outcome	Number
Active	Intake Assessment Pending	79
Active	Due Diligence Review Pending	11
Active	Formal Investigation or Hearing/Appeal Outcome Pending	76
TOTAL		166
Complete	Merged (6 cases rolled into 2 formal investigations)	4
Complete	Closed: Outside DIA's Purview	3
Complete	Closed at Intake (e.g., insufficient information, non-participating complainant, unknown respondent)	230
Complete	Referred at Intake to Other Department (for informal resolution, restorative practices, or concerns outside scope of policies in DIA's purview)	116
Complete	Closed/Referred After Due Diligence Review	52
Complete	Closed, Referred, or Dismissed During Formal Investigation	15
Complete	Formal Investigation Result: Finding of Violation	13
Complete	Formal Investigation Result: No Finding of Violation	24
Complete	Formal Investigation Into External Complaint: Position Statement Issued by DIA (10) / Charge Closed by External Agency (1) / Assigned to Legal Affairs (1)	12
TOTAL		469

Table 1. Status of cases opened in FY 2022-23 as of Aug. 31, 2023. "Finding of violation" means the respondent was found responsible for one or more allegations that constituted a policy violation, either by a University hearing officer (HOP 3-3031 Track A and B cases only) or a DIA investigator (all other cases). This includes partially substantiated cases in which the respondent was found responsible for some but not all allegations. Some respondents were found responsible for multiple allegations that violated a single HOP policy. "No finding of violation" means the respondent was not found in violation of the University policy at issue.

Source of Cases

FY 2022-23

DIA's cases typically originate via an online reporting form, email, and/or phone call, and include complaints submitted directly by complainants, reports from third parties, referrals from the Title IX Office or other University departments, and matters involving external agencies. Cases can be sourced from multiple places. For example, if someone calls DIA and fills out DIA's online reporting form, both are counted. In FY 2022-23, cases came from the following sources:



Figure 4. Source of cases opened by DIA in FY 2022-23. Some cases have multiple sources.

Historical

This is the first year this information is being reported.

Cases Opened: By Month

FY 2022-23

Spring was a busy season at DIA, with **February to May** accounting for **43% of all cases**.

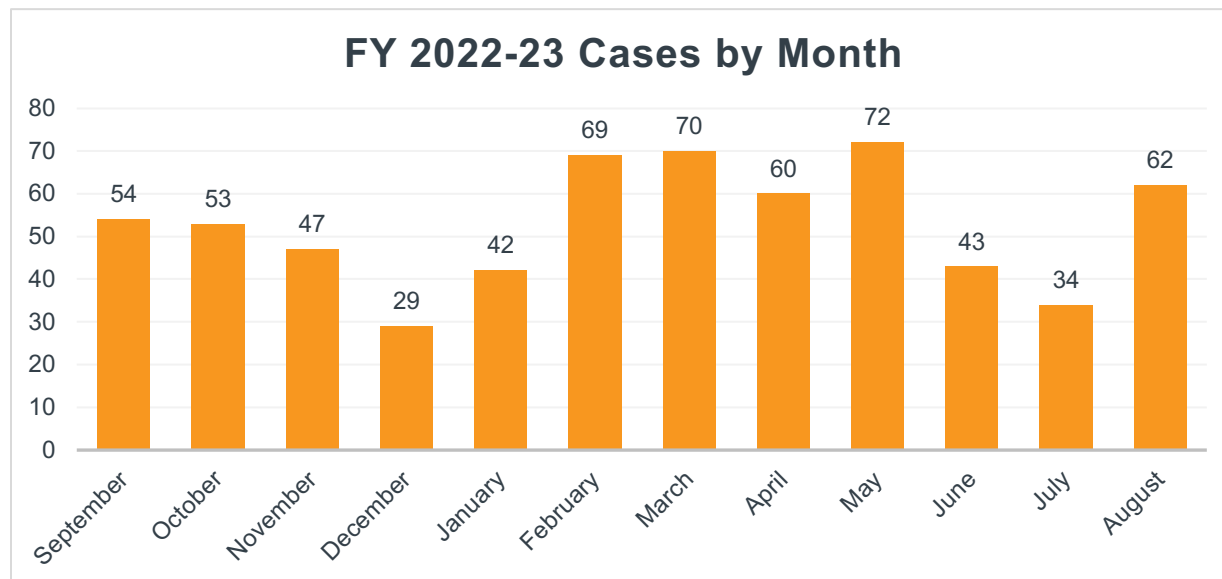


Figure 5. FY 2022-23 cases opened by month based on date of complaint/report/referral. For HOP 3-3031 Formal Complaints, this means the date the Title IX Office issued the complaint notice and referred the matter to DIA.

Historical

During DIA's first three years, an uptick in cases was seen around March and September.

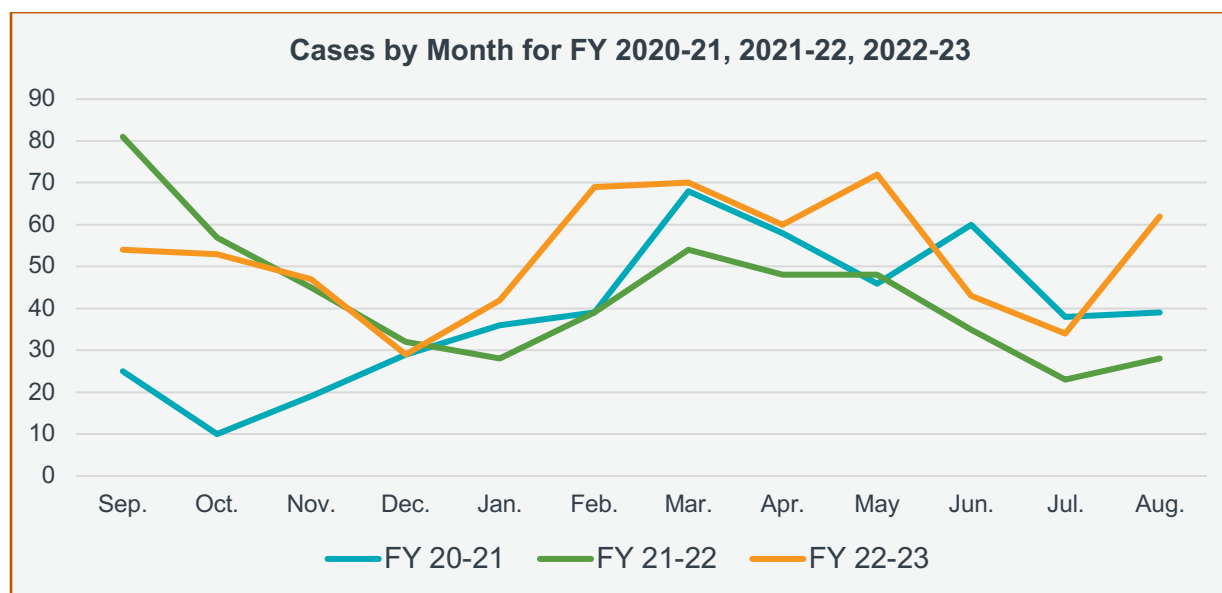


Figure 6. Distribution of cases opened by month based on date of complaint/report/referral. For HOP 3-3031 Formal Complaints, this means the date the Title IX Office issued the complaint notice and referred the matter to DIA. Includes minor adjustments to FY 2021-22 due to changes in recording practices.

Cases Opened: By Policy

FY 2022-23

83% of DIA's 635 unique cases involved alleged violations of **HOP 3-3020** (61%) or **HOP 3-3031** (21%), following the trend in the previous two fiscal years. Notably, cases involving allegations under HOP 3-3050 were up 144% over last fiscal year. DIA also saw its first cases under HOP 5-1260.

In FY 2022-23, there were 0 cases under HOP 3-3010 and HOP 3-3012.

University Policy	No. of Cases Under Policy	Assessment Pending	No Formal Investigation	Formal Investigation
HOP 3-1022 Protection from Retaliation for Suspected Misconduct Reporting (Whistleblower)	53	13	40	0
HOP 3-3010 Disability Accommodation for Applicants and Employees	0			
HOP 3-3012 Religious Accommodation for Applicants and Employees	0			
HOP 3-3020 Nondiscrimination Policy (see page 15 for bases of allegations)	393	69	318	6 cases → 2 investigations
HOP 3-3031 Prohibition of Sexual Assault, Interpersonal Violence, Stalking, Sexual Harassment, and Sex Discrimination (see page 28 for bases of allegations)	136	4	8	124
HOP 3-3050 Consensual Relationships	22	5	15	2
HOP 5-1260 Employment of Close Relatives (Nepotism)	2	0	2	0
HOP 5-4310 Family and Medical Leave	5	0	5	0
TBD (pending intake) / Unknown (insufficient information)	25	2	23	0
Allegations Outside DIA's Purview	3		3	
External Complaint w/ Outside Agency	12			12

Table 2. Cases opened in FY 2022-23, broken down by the University policy (or policies) alleged to have been violated. Some cases involved a single policy, while others involved multiple policies.

Historical

In DIA's first three years, most cases have involved allegations under **HOP 3-3020**, with **HOP 3-3031** being next highest. Each year, DIA has seen an increase in cases under HOP 3-3020 and HOP 3-3031, as well as HOP 3-1022 and HOP 3-3050.

Fiscal Year	3-1022	3-3010	3-3012	3-3020	3-3031	3-3050	5-1260	5-4310
20-21	11	0	0	309	90	7	0	3
21-22	31	0	0	324	109	9	0	6
22-23	53	0	0	393	136	22	2	5

Table 3. Annual cases opened, broken down by the University policy (or policies) alleged to have been violated. Some cases involved a single policy, while others involved multiple policies. Includes minor adjustments to FY 2020-21 and FY 2021-22 due to changes in recording practices.

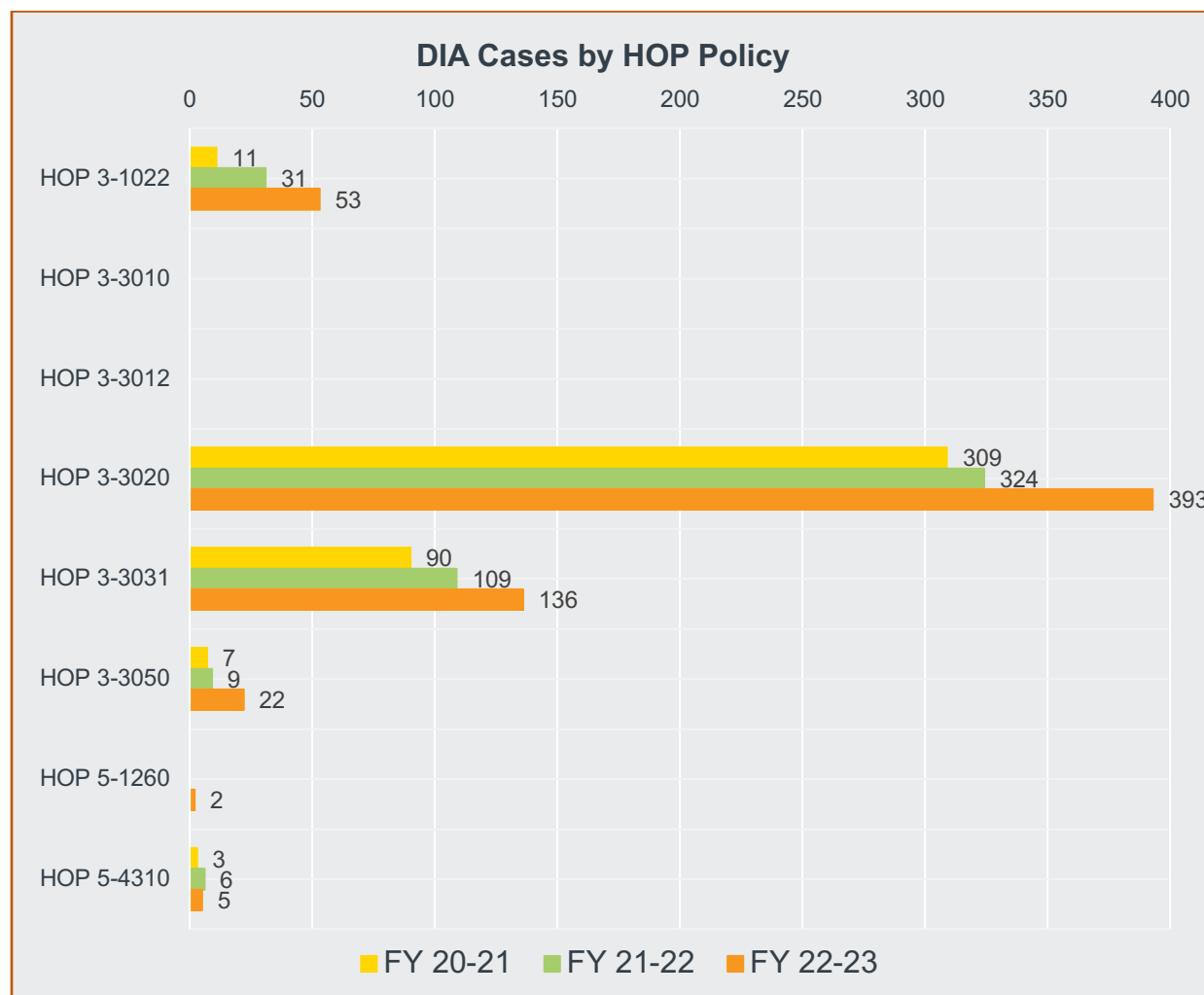


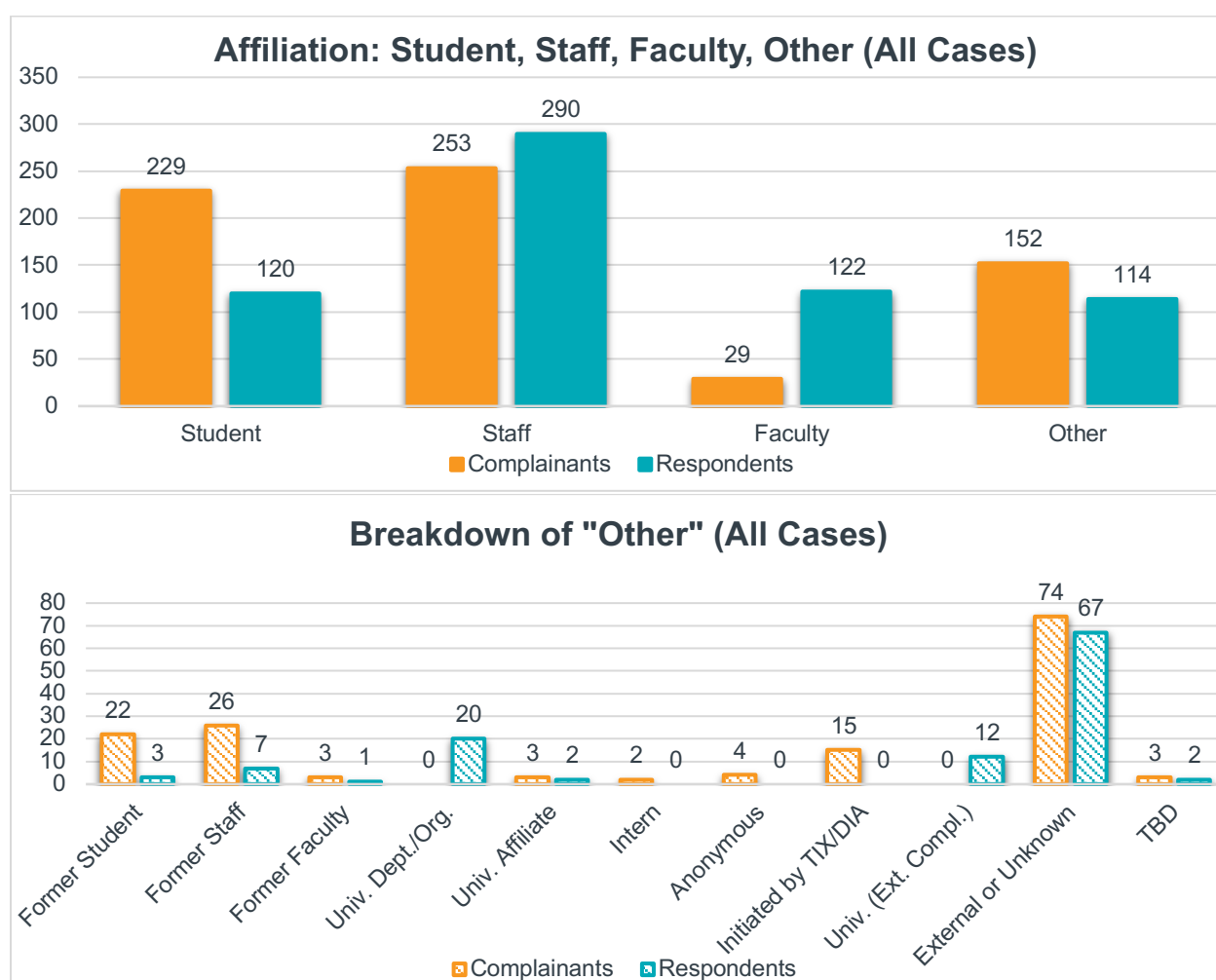
Figure 7. Annual cases opened, broken down by the University policy (or policies) alleged to have been violated. Some cases involved a single policy, while others involved multiple policies. Includes minor adjustments to FY 2020-21 and FY 2021-22 due to changes in recording practices.

Complainants and Respondents: All Cases

FY 2022-23

While other members of the University community are also subject to policies within DIA's purview, not surprisingly, given the University's large student body and workforce, for cases opened in FY 2022-23, **77% of complainants** and **82% of respondents** were current **students, staff, or faculty**. For all cases opened by DIA, there were roughly:

- **4** complainants and **2** respondents for every 1,000 students
- **19** complainants and **21** respondents for every 1,000 staff
- **9** complainants and **38** respondents for every 1,000 faculty¹



Figures 8 and 9. Complainants and respondents in all cases opened in FY 2022-23, broken down by the individual's affiliation to the University. "Staff" includes 91 EVPP staff complainants, 113 EVPP staff respondents; "Former Staff" includes 0 EVPP staff complainants, 2 EVPP staff respondents. Some individuals were named as a complainant and/or respondent in multiple cases. Some individuals had more than one affiliation, e.g., both a student and staff.

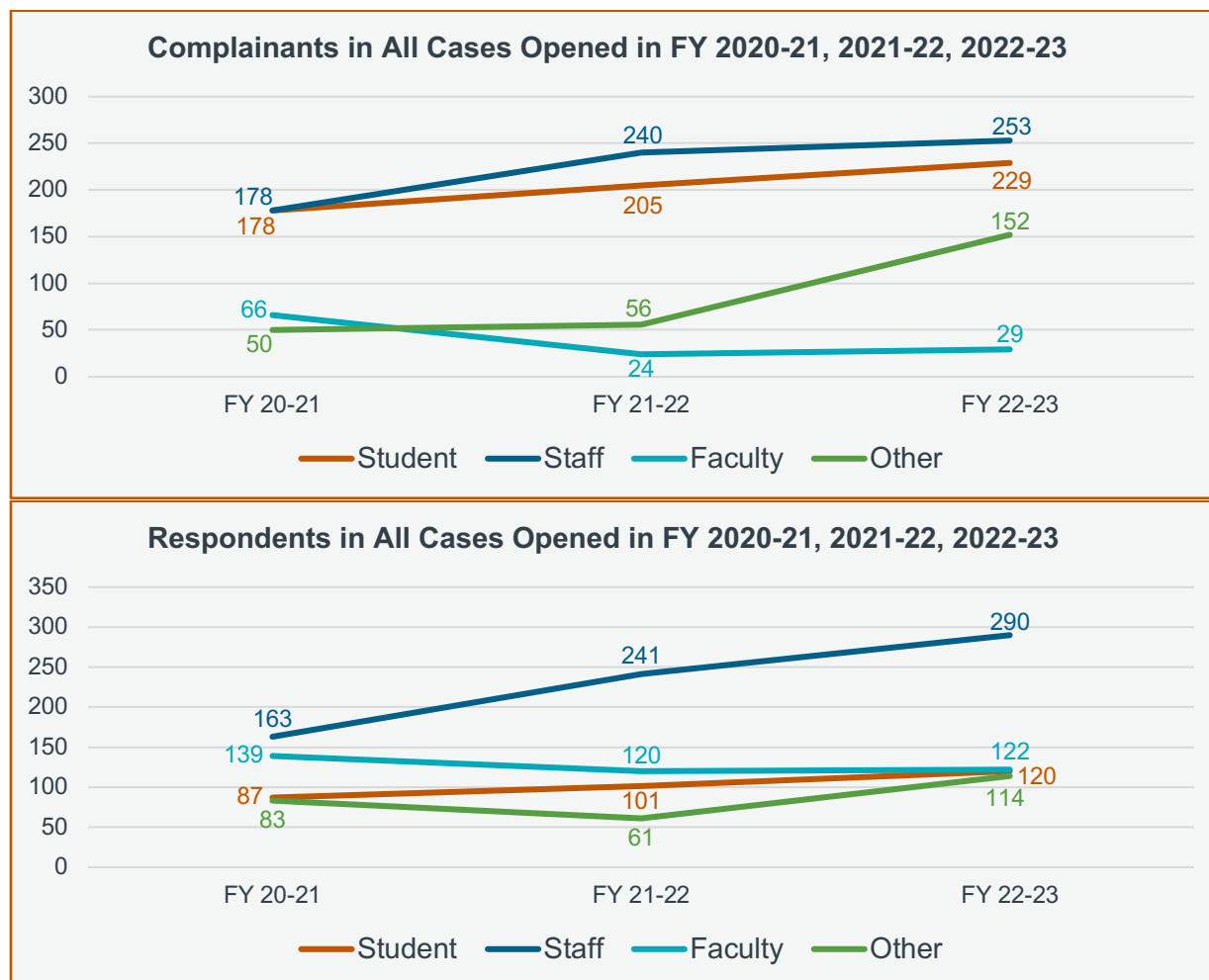
¹ 2022-23: 52384 students, 13592 staff, and 3177 faculty. Sources: <https://insights.utexas.edu>, <https://hr.utexas.edu/current/trends-staff-data>.

Historical

During DIA's first three years, although **staff** only make up roughly 19% of the campus population, they accounted for the highest numbers of complainants and respondents; **students**, 76% of the population, had the second highest number of complainants; and **faculty**, 5% of the population, had the second highest number of respondents.² In the past three years, the rates of complainants and respondents per 1,000 staff have increased, per 1,000 faculty have decreased, and per 1,000 students have remained steady.

Affiliation	20-21 CPs	21-22 CPs	22-23 CPs	20-21 RPs	21-22 RPs	22-23 RPs
Students	4	4	4	2	2	2
Staff	14	18	19	13	18	21
Faculty	21	8	9	45	38	38

Table 4. Number of complainants (CPs) and respondents (RPs) per 1,000 students, staff, and faculty. See note 2.



Figures 10 and 11. Complainants and respondents in all cases opened in the previous three fiscal years, broken down by University affiliation. Some individuals were named as a party in multiple cases. Some had more than one affiliation, e.g., both a student and staff. Includes minor adjustments to FY 2021-22 due to changes in recording practices.

² See note 1. 2020-21: 50476 students, 12868 staff, 3094 faculty. 2021-22: 51991 students, 13064 staff, 3172 faculty.

FY 2022-23 HOP 3-3020 Cases

Overview

DIA is responsible for evaluating alleged violations of University HOP 3-3020, Nondiscrimination Policy, to determine whether a formal investigation is warranted, and if so, DIA conducts the formal investigation. In FY 2022-23, DIA opened **393** cases involving allegations potentially implicating HOP 3-3020. As of Aug. 31:

- **69** were pending initial assessment or due diligence review
- **318** had been closed or referred to another department*
- **6** had moved to formal investigation**

* Includes 1 case in which it was later determined the alleged conduct fell outside DIA's purview.

** Six separate cases were combined into two formal investigations.

HOP 3-3020 Allegations

For HOP 3-3020 cases opened in FY 2022-23, the top three bases of allegations were **race**, **sex/gender**, and **national origin**, accounting for around **58%** of all HOP 3-3020 allegations.

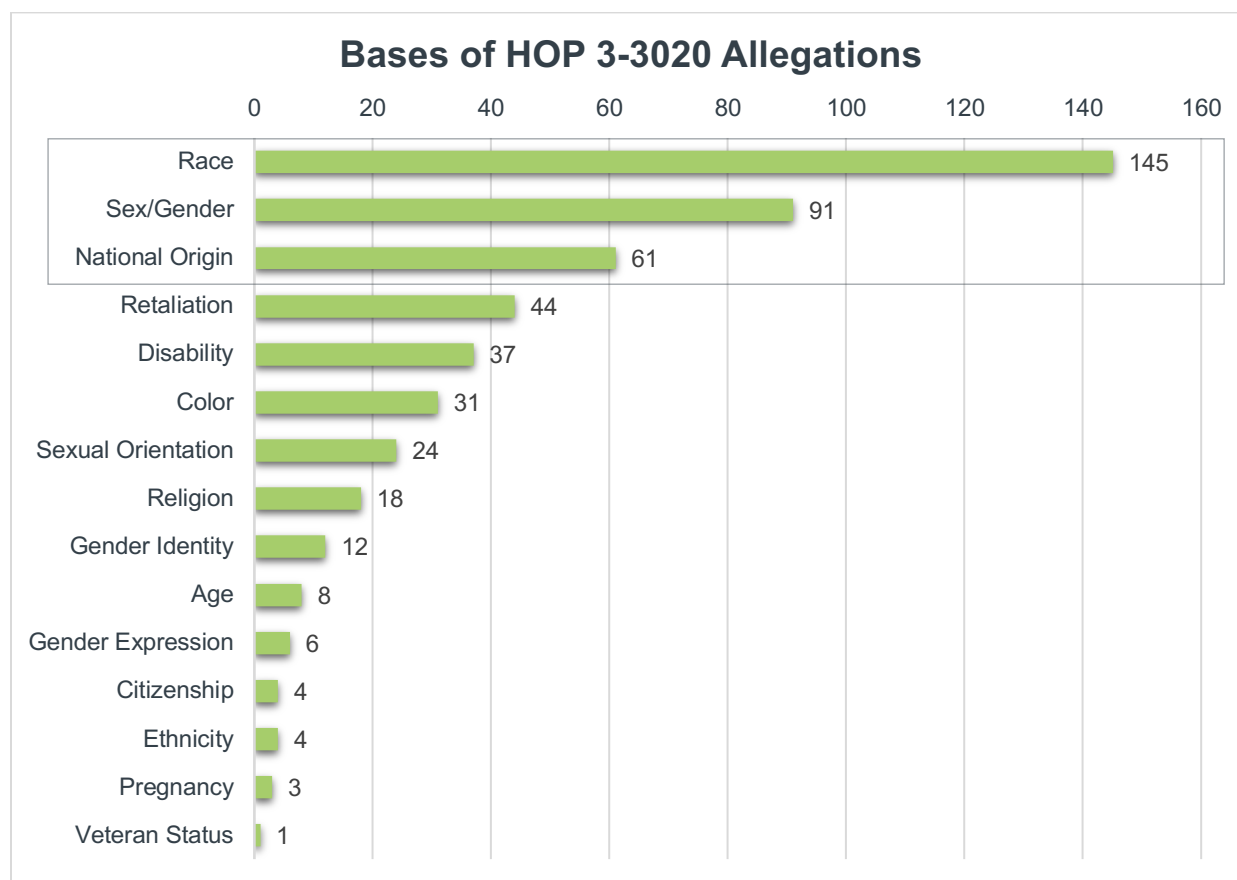
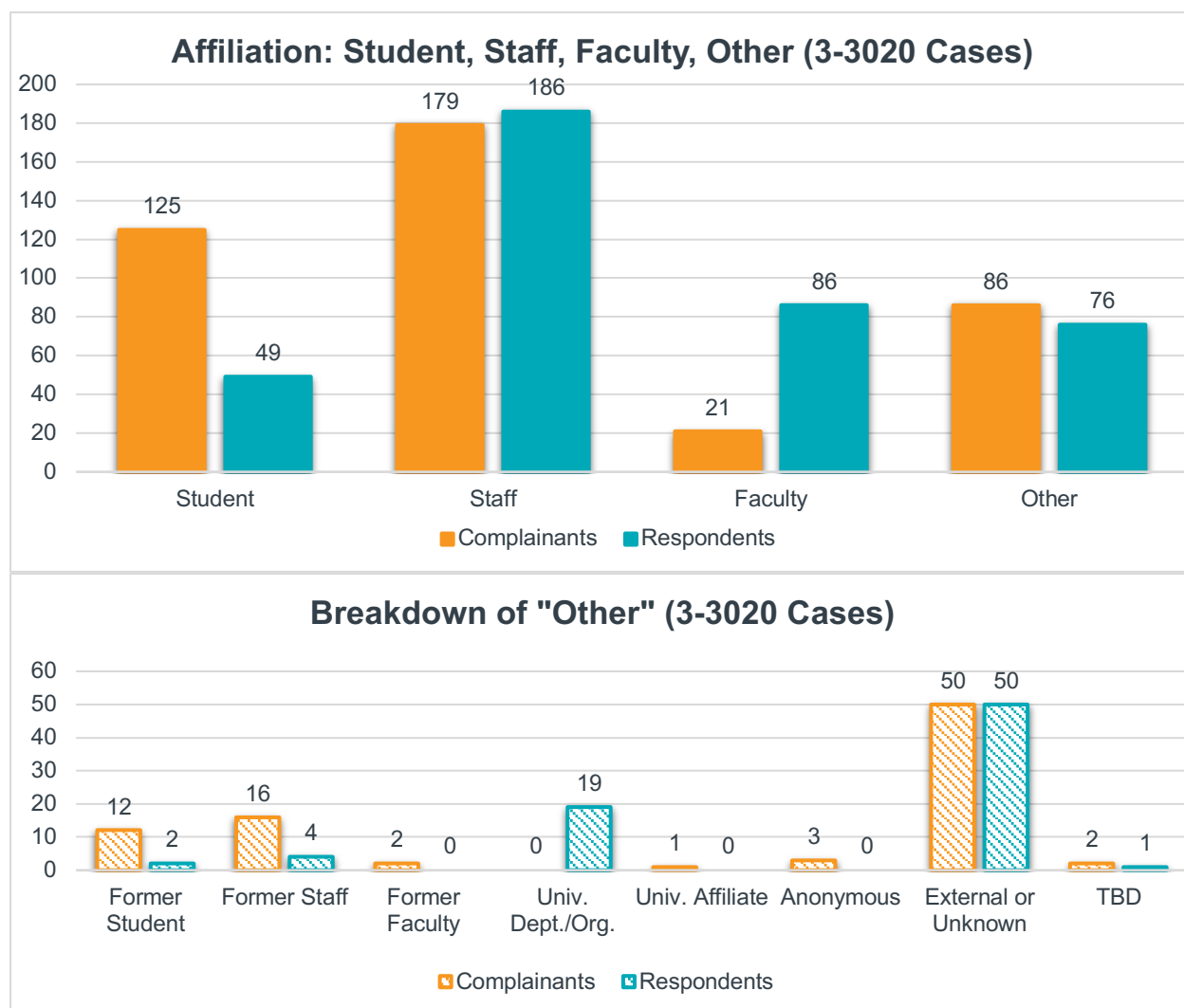


Figure 12. Allegations made under HOP 3-3020 by protected category or other alleged policy violation. Some cases had multiple allegations. Does not reflect 17 that were "TBD" (to be determined), and 3 marked "N/A" or "Unknown."

Complainants and Respondents: HOP 3-3020 Cases

For HOP 3-2020 cases opened in FY 2022-23, **74% of complainants** were current **staff or students** who believed they may have been subjected to discrimination, harassment, or retaliation in the academic or working environment, and **69% of respondents** were current **staff or faculty** accused of engaging in such conduct. Respondents also included 19 University departments or organizations. For HOP 3-3020 cases, there were roughly:

- **2** complainants and **1** respondent for every 1,000 students
- **13** complainants and **14** respondents for every 1,000 staff
- **7** complainants and **27** respondents for every 1,000 faculty³



Figures 13 and 14. Complainants and respondents in HOP 3-3020 cases opened in FY 2022-23, broken down by the individual's affiliation to the University. "Staff" includes 64 EVPP staff complainants, 75 EVPP staff respondents; "Former Staff" includes 0 EVPP staff complainants, 2 EVPP staff respondents. Some individuals were named as a complainant and/or respondent in multiple cases. Some individuals had more than one affiliation, e.g., both a student and staff.

³ See note [1](#).

Cases Closed

Case Outcomes / Substantiated Allegations / Respondents Found in Violation

FY 2022-23

Between September 1, 2022, and August 31, 2023, DIA closed 554 unique cases.⁴ This included 85 opened in FY 2021-22 and 469 opened in FY 2022-23.

Of the 31 cases with a finding of policy violation, all but one involved a student or staff respondent. This includes cases in which a DIA investigator made the determination, as well as those decided by a University hearing officer after a live hearing. Some respondents were found responsible for engaging in multiple categories of conduct in violation of University policy.

University Affiliation of Respondents Found in Violation		Outcome	Number	Substantiated Allegations
Student	17	Merged (6 cases rolled into 2 formal investigations)	4	
		Closed: Outside DIA's Purview	3	
		Closed at Intake (e.g., insufficient information, non-participating complainant, unknown respondent)	242	
		Referred at Intake to Other Department (for informal resolution, restorative practices, or concerns outside scope of policies in DIA's purview)	120	
Staff	11	Closed/Referred After Due Diligence Review	73	
		Closed, Referred, or Dismissed During Formal Investigation	21	
EVPP Staff	2	Formal Investigation Result: Finding of Violation	31	
Faculty	1	Formal Investigation Result: No Finding of Violation	47	
		Formal Investigation Into External Complaint: Position Statement Issued or Closed by Agency	13	

HOP 3-3031:	
Unprofessional / Inappropriate Conduct.....	16
Interpersonal Violence.....	5
Stalking.....	4
Sexual Assault.....	3
Sexual Exploitation.....	2
Technological Abuse.....	2
Sexual Harassment.....	1
Failure to Adhere to Interim Measures.....	1
Interference w/ Grievance Process...	1
HOP 3-3020:	
Race/National Origin Harassment.....	2

Table 5. Outcomes of the 554 cases closed during FY 2022-23. "Finding of violation" means the respondent was found responsible for one or more allegations that constituted a policy violation, either by a University hearing officer (HOP 3-3031 Track A and B cases only) or a DIA investigator (all other cases). This includes partially substantiated cases in which the respondent was found responsible for some but not all allegations. Some respondents were found responsible for multiple allegations that violated a single policy. "No finding of violation" means the respondent was not found in violation of the University policy at issue.

Figures 15 and 16. Breakdown of substantiated allegations, and the number of students, staff, faculty, and other respondents found in violation of University policy, for the 31 cases closed in FY 2022-23 with a finding of violation.

⁴ Does not include 1 case discovered to be a duplicate and merged with existing case.

Historical

Outcomes of Cases Closed During Fiscal Year	FY 20-21	FY 21-22	FY 22-23
Merged With Other Case(s)	1	1	4
Closed: Outside DIA's Purview	16	17	3
Closed at Intake (e.g., insufficient information, non-participating complainant, unknown respondent)	91	226	242
Referred at Intake to Other Department (for informal resolution, restorative practices, or concerns outside scope of policies in DIA's purview)	136	105	120
Closed/Referred After Due Diligence Review	76	101	73
Closed, Referred, or Dismissed During Formal Investigation	14	20	21
Formal Investigation Result: Finding of Violation	9	27	31
Formal Investigation Result: No Finding of Violation	16	45	47
Formal Investigation Into External Complaint: Position Statement Issued or Closed by Agency	11	8	13
TOTAL CASES CLOSED SEPT. 1 – AUG. 31	370	550	554

Table 6. Outcomes of cases closed during each of the past three fiscal years.

Substantiated Allegations	FY 20-21	FY 21-22	FY 22-23
Prohibited Consensual Relationship (3-3050)	1	1	
Discrimination Based on Veteran Status (3-3020)	1		
Sex/Race-Based Harassment (3-3020)		1	
Retaliation (3-3020)		1	
Race/National Origin-Based Harassment (3-3020)			2
Sexual Assault (3-3031)	8	8	3
Interpersonal Violence (3-3031)	1	7	5
Stalking (3-3031)		3	4
Technological Abuse (3-3031)			2
Sexual Harassment (3-3031)		4	1
Unprofessional or Inappropriate Conduct (3-3031)		10	16
Sexual Exploitation (3-3031)		4	2
Failure to Adhere to Interim Measures (3-3031)			1
Failure to Report (3-3031)	2		
Interference With Grievance Process (3-3031)			1
TOTAL SUBSTANTIATED ALLEGATIONS	13	39	37

Table 7. Allegations substantiated in cases closed with a finding of violation during each of the past three fiscal years. Some respondents were found responsible for more than one allegation.

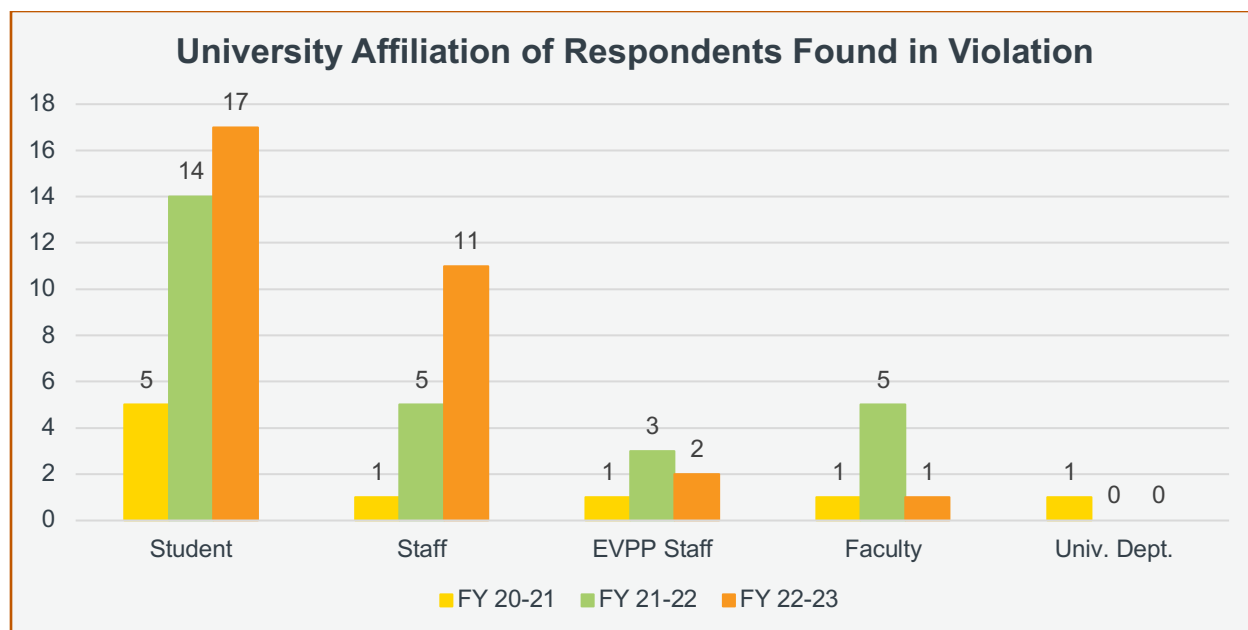
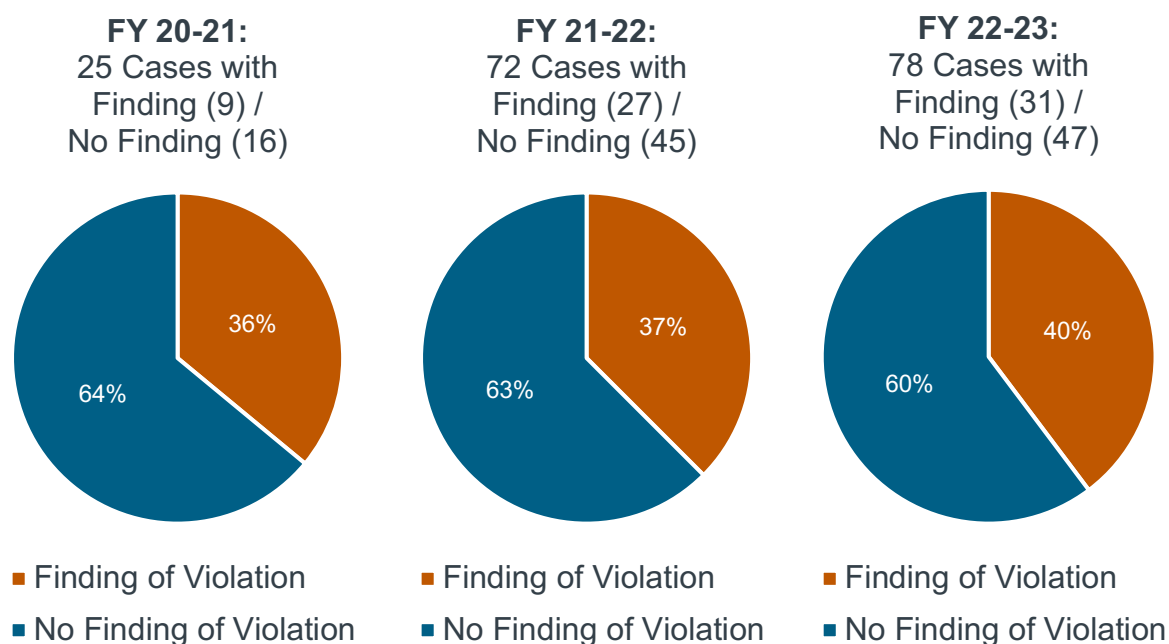


Figure 17. Number of students, staff, faculty, and other respondents found in violation of University policy for cases closed with a finding of violation during each of the past three fiscal years. Some respondents were found responsible for more than one allegation.

Ratio of Finding / No Finding of Violation



Figures 18, 19, and 20. Ratio of finding / no finding of violation for cases closed during the fiscal year in which a University hearing officer or DIA investigator made a determination as to the respondent's responsibility. "Finding of violation" means the respondent was found responsible for one or more allegations that constituted a policy violation, either by a University hearing officer (HOP 3-3031 Track A and B cases only) or a DIA investigator (all other cases). This includes partially substantiated cases in which the respondent was found responsible for some but not all allegations. Some respondents were found responsible for multiple allegations that violated a single policy. "No finding of violation" means the respondent was not found in violation of the University policy at issue.

Closure Times

Beginning in FY 2022-23, closure times are calculated based on cases closed during the fiscal year (i.e., cases closed between September 1 – August 31). Previously, these rates were calculated based on cases opened during the fiscal year. This change provides a more complete and reliable data set to improve accuracy in annual reporting and historical comparisons. Closure times for FY 2020-21 and FY 2021-22 have been recalculated using this new method and are included below.

Closure times reflect the average time it takes DIA to close a case (from date of complaint/report/referral). For HOP 3-3031 Formal Complaints, this is based on the date DIA receives the Formal Complaint from the Title IX Office. Closure times for HOP 3-3031 Tracks A and B include the live hearing process and optional appeal. Closure times are reported in workdays (excludes weekends and University closures).

FY 2022-23

Despite a notable increase in DIA's overall caseload (23%) and the number of formal investigations opened (28%) in FY 2022-23 over the previous year, DIA continued to meet its goal of keeping closure times below 165 business days.

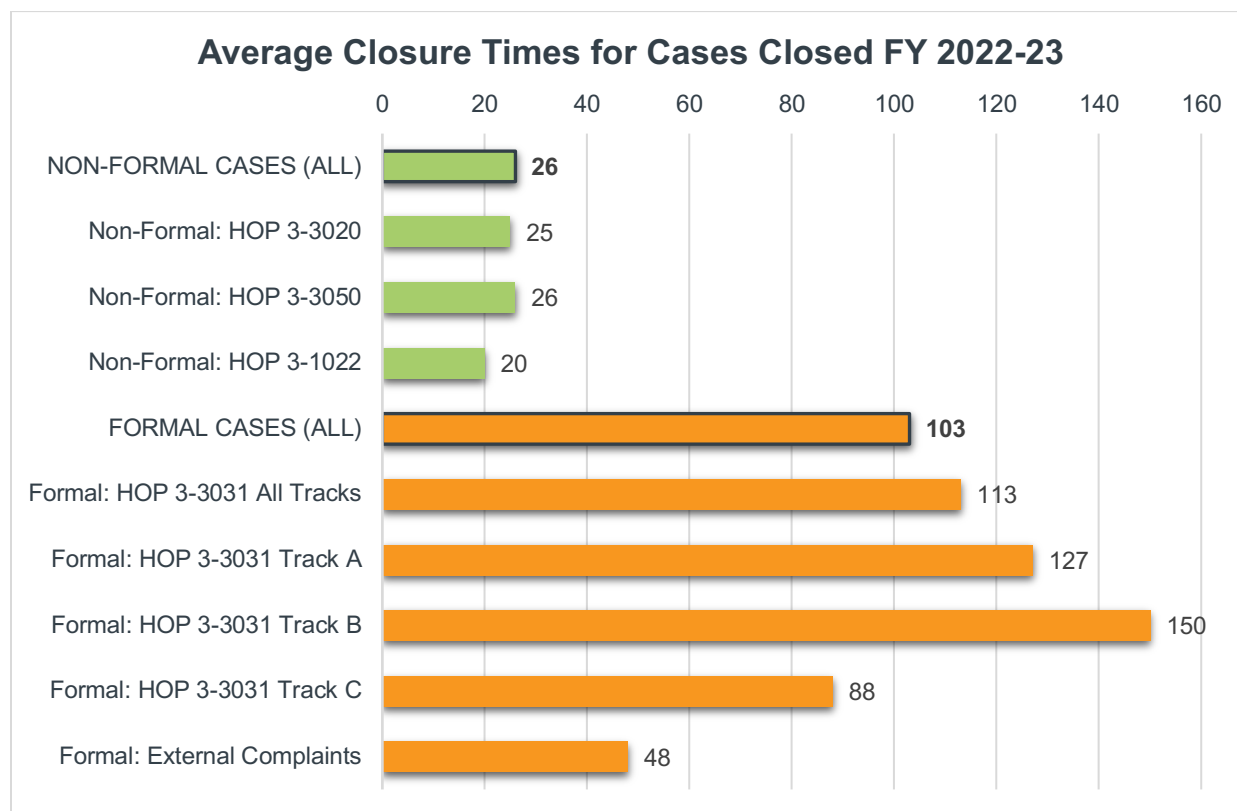


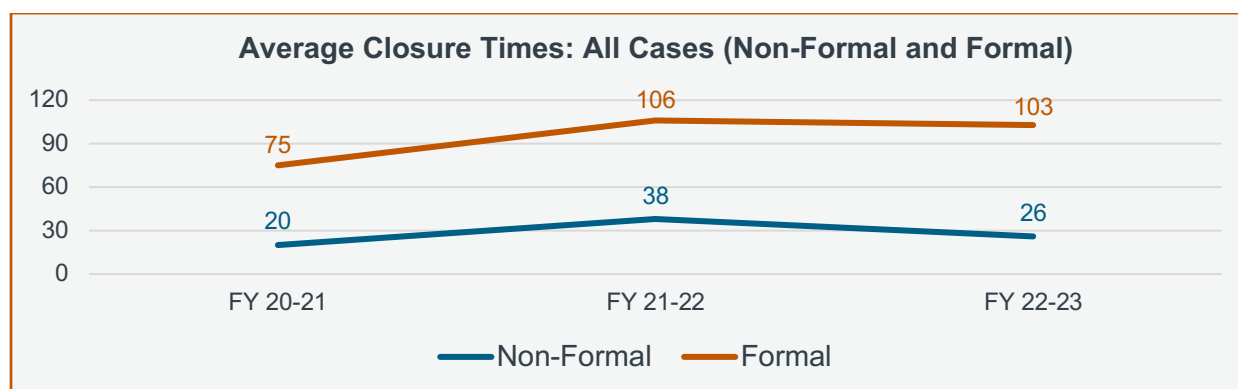
Figure 21. Average closure times in workdays for all cases closed in FY 2022-23. Non-formal means any case that was not formally investigated. Formal means cases that were formally investigated, including external complaints.

Historical

All Cases: Non-Formal and Formal

AVG. CLOSURE TIME IN WORKDAYS	Cases Closed in FY 2020-21	Cases Closed in FY 2021-22	Cases Closed in FY 2022-23
Non-Formal Cases	20	38	26
Formal Cases	75	106	103

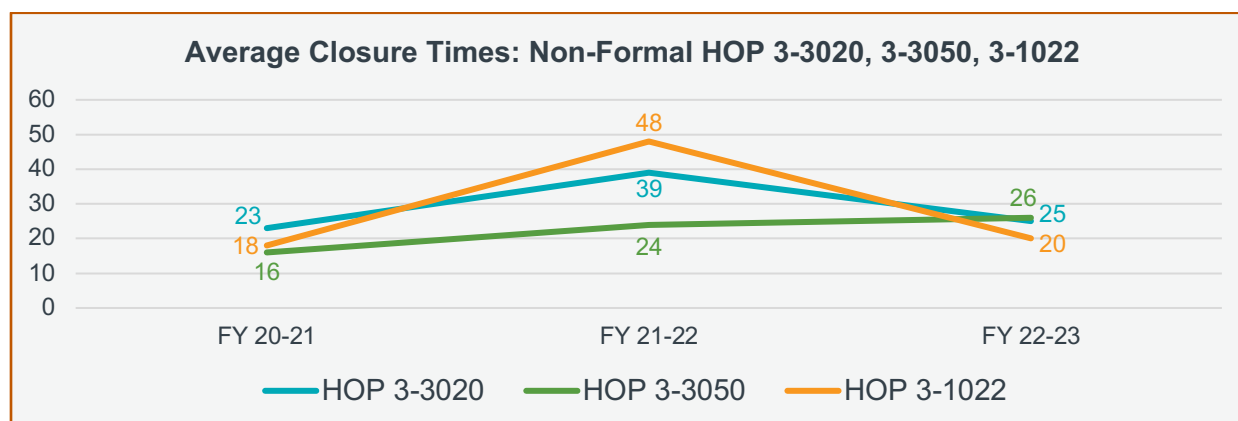
Table 8 (above) and Figure 22 (below). Average closure times in workdays for all cases closed each fiscal year. Non-formal means any case that was not formally investigated. Formal means cases that were formally investigated, including external complaints.



Non-Formal Cases: HOP 3-3020, HOP 3-3050, and HOP 3-1022

AVG. CLOSURE TIME IN WORKDAYS	Cases Closed in FY 2020-21	Cases Closed in FY 2021-22	Cases Closed in FY 2022-23
3-3020 Non-Formal	23	39	25
3-3050 Non-Formal	16	24	26
3-1022 Non-Formal	18	48	20

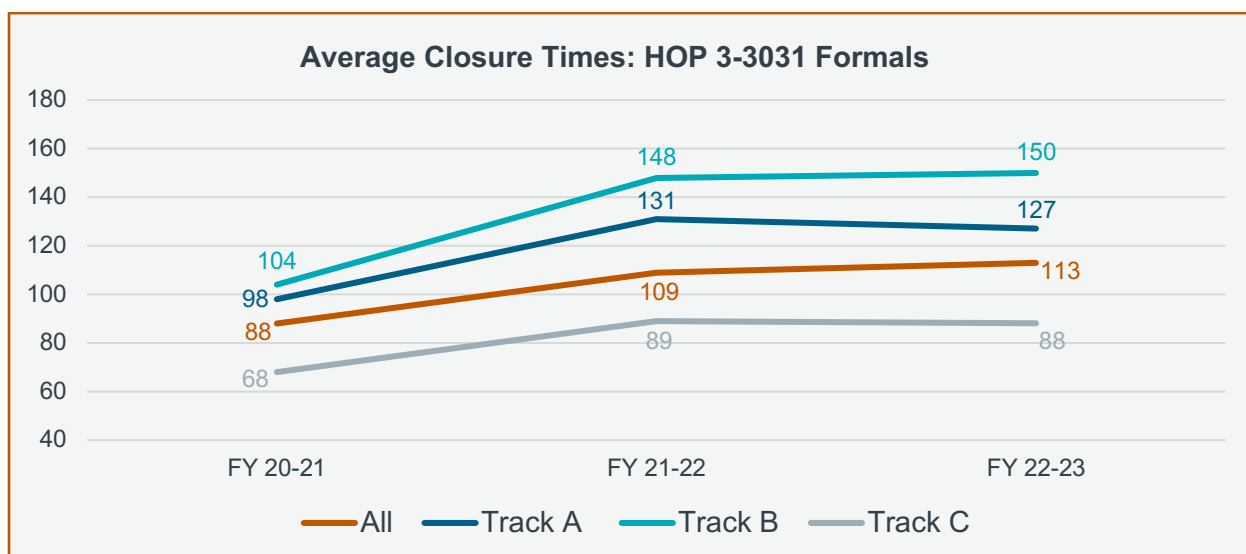
Table 9 (above) and Figure 23 (below). Average closure times in workdays for non-formal cases under HOP 3-3020, HOP 3-3050, and HOP 3-1022 closed each fiscal year. Non-formal means it was not formally investigated.



Formal Cases: HOP 3-3031 Overall and by Grievance Process Track

AVG. CLOSURE TIME IN WORKDAYS	Cases Closed in FY 2020-21	Cases Closed in FY 2021-22	Cases Closed in FY 2022-23
3-3031 All Formals	88	109	113
3-3031 Track A	98	131	127
3-3031 Track B	104	148	150
3-3031 Track C	68	89	88

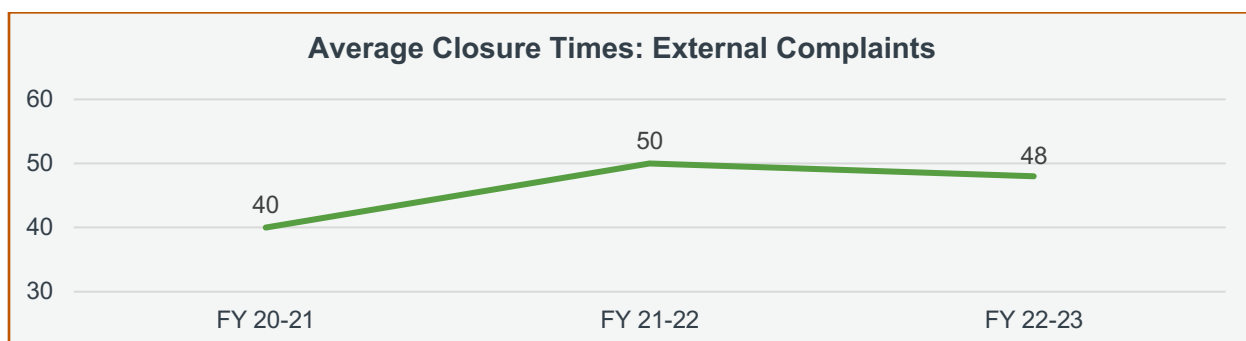
Table 10 (above) and Figure 24 (below). Average closure times in workdays for all HOP 3-3031 formal cases closed each fiscal year. Formal means it was formally investigated. Tracks A and B include the live hearing and optional appeal.



Formal Cases: External Complaints

AVG. CLOSURE TIME IN WORKDAYS	Cases Closed in FY 2020-21	Cases Closed in FY 2021-22	Cases Closed in FY 2022-23
External Complaints	40	50	48

Table 11 (above) and Figure 25 (below). Average closure times in workdays for all formal cases closed each fiscal year involving external complaints filed with outside agencies against the University.



Formal Investigations

Number of Investigations

FY 2022-23

DIA opened **140** formal investigations, **up 28%** over the previous fiscal year. The majority arose from Formal Complaints referred by the Title IX Office to DIA for investigation under Track A, B, or C of the HOP 3-3031 grievance process. The rest were initiated by DIA under HOP 3-3020 or HOP 3-3050, or involved an external complaint filed with an outside agency and requiring the University to issue a position statement.

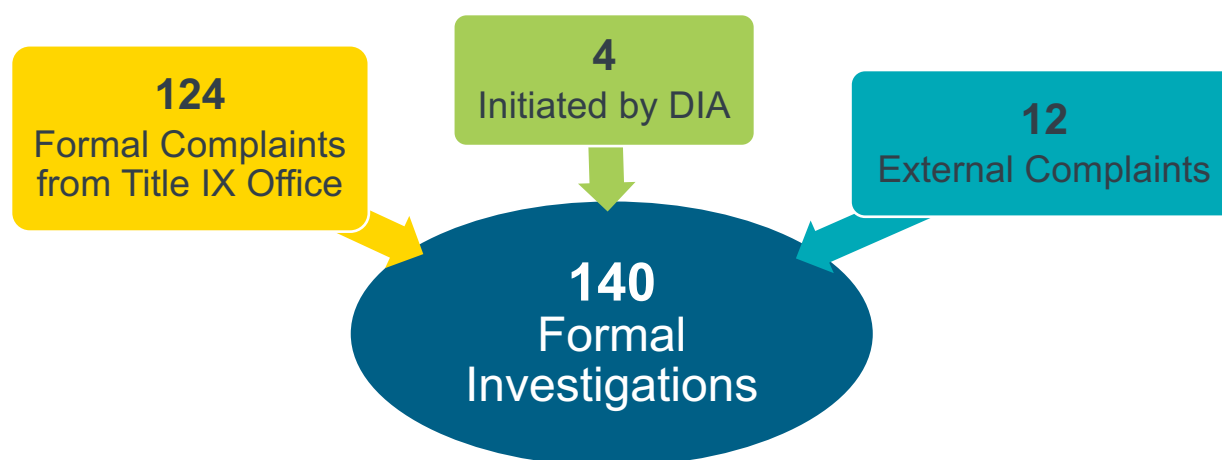


Figure 26. Formal investigations opened by DIA in FY 2022-23 and source of investigation (Title IX, DIA, or external).

As of August 31, completed investigation reports had been issued in **56** formal cases, while another 12 cases had been dismissed.

Historical

DIA's formal investigations increased by **46%** in two years.

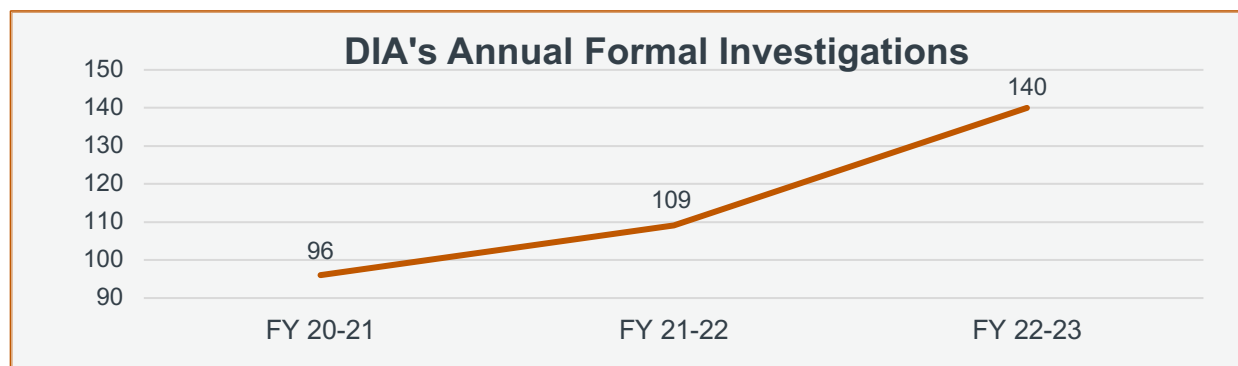


Figure 27. Formal investigations opened in each of the past three fiscal years based on date of complaint/report/referral. For HOP 3-3031 Formal Complaints, this means the date the Title IX Office issued the complaint notice and referred the matter to DIA. Includes minor adjustments to FY 2021-22 due to changes in recording practices.

Formal Investigations: By Policy

FY 2022-23

89% of formal investigations fell under **HOP 3-3031**, each assigned to grievance process Track A, B, or C by the Title IX Office. For HOP 3-3031 Track A or B cases, after DIA's completed investigation report, the matter goes to a live hearing for a University hearing officer to determine if the respondent violated policy. For HOP 3-3031 Track C cases and all other policies, the DIA investigator determines if the respondent violated policy.

There also were **12 external complaints**, double the number the previous fiscal year, which accounted for **9%** of formal investigations. DIA issued **7** position statements to the Equal Employment Opportunity Commission and **3** to the Texas Workforce Commission; one external complaint was assigned to Legal Affairs; and one was closed by the agency.

University Policy	Formal Investig. Count	Investig. Active (as of 8/31)	Awaiting Hearing/ Appeal (as of 8/31)	Complete
HOP 3-1022 Protection from Retaliation for Suspected Misconduct Reporting (Whistleblower)				
HOP 3-3010 Disability Accommodation for Applicants and Employees				
HOP 3-3012 Religious Accommodation for Applicants and Employees				
HOP 3-3020 Nondiscrimination Policy	2	0	0	2
HOP 3-3031 Prohibition of Sexual Assault, Interpersonal Violence, Stalking, Sexual Harassment, and Sex Discrimination (see page 28 for breakdown of allegations)	124	61	13	50
HOP 3-3050 Consensual Relationships	2	2	0	0
HOP 5-1260 Employment of Close Relatives (Nepotism)				
HOP 5-4310 Family and Medical Leave				
External Complaint w/ Outside Agency	12	0	0	12
TOTAL	140	63	13	64

Table 12. Formal investigations opened in FY 2022-23, broken down by policy, with status as of Aug. 31, 2023.



Figure 28. HOP 3-3031 formal investigations opened in FY 2022-23, broken down by the assigned grievance process track A, B, or C. Not reflected is one case that was not assigned to a track and was ultimately dismissed.

Historical

In DIA's first three years, most formal investigations arose from **Formal Complaints under HOP 3-3031** that were referred by the Title IX Office, with the number increasing each year. All other formal investigations involved allegations under either HOP 3-3020 or HOP 3-3050, or external complaints.

FY	3-1022	3-3010	3-3012	3-3020	3-3031	3-3050	5-1260	5-4310	External Complaint
20-21				6	73	3			14
21-22				1	102	0			6
22-23				2	124	2			12

Table 13. Annual formal investigations opened by DIA, broken down by University policy or external complaint. Includes minor adjustments to FY 2020-21 and FY 2021-22 due to changes in recording practices.

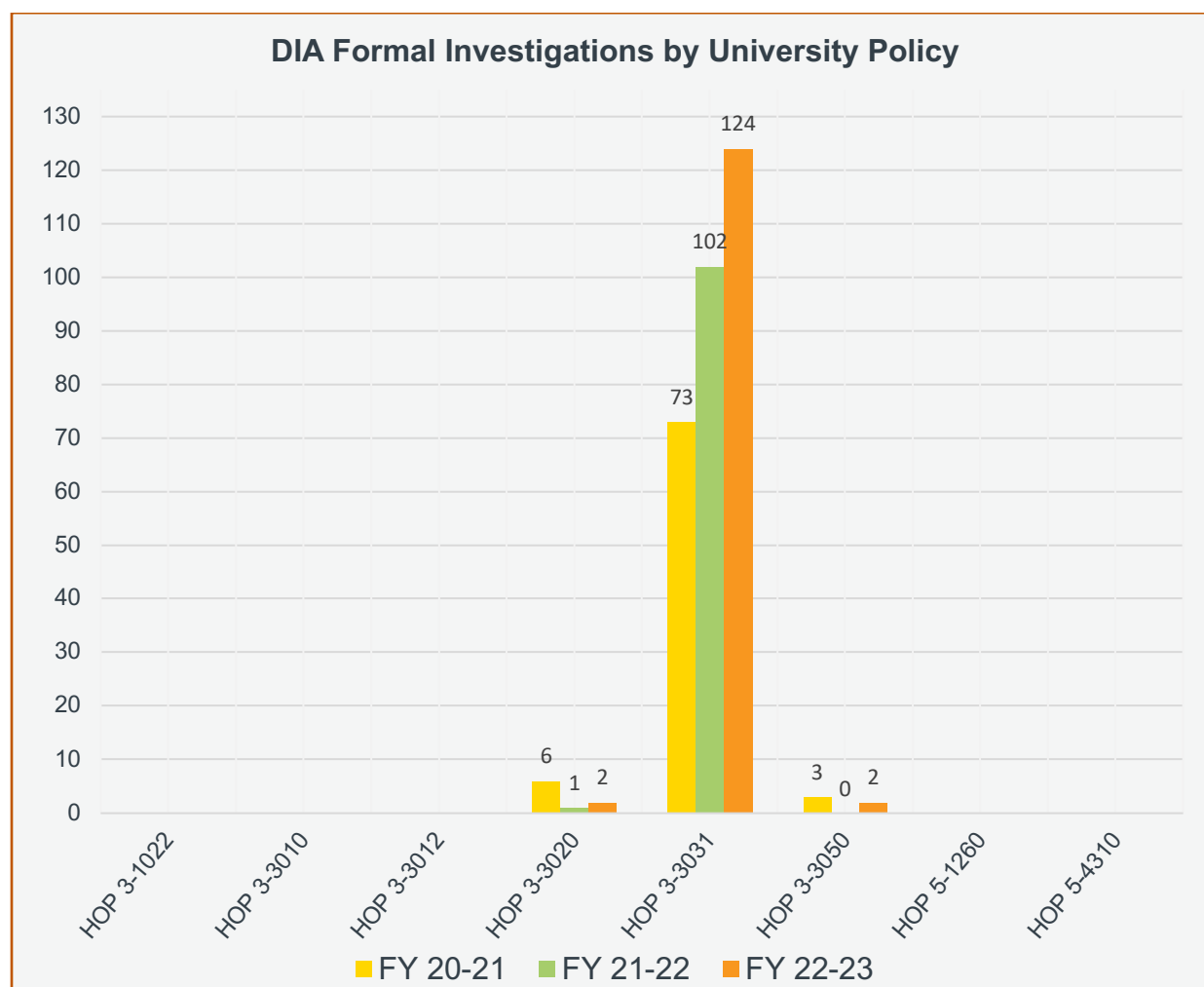


Figure 29. Formal investigations opened by DIA yearly, broken down by University policy alleged to have been violated. Includes minor adjustments to FY 2020-21 and FY 2021-22 due to changes in recording practices.

Formal Investigations: Allegations by Type

FY 2022-23

Below are the allegations underlying all formal investigations opened in FY 2022-23, excluding external complaints. A single investigation can involve multiple allegations.

HOP	Basis of Allegation	Number
3-3050	Prohibited Consensual Relationship	2
3-3050	TOTAL	2
3-3020	Race/National Origin-Based Harassment	2
3-3020	TOTAL	2
3-3031	Sexual Assault - Rape	16
3-3031	Sexual Assault - Fondling	22
3-3031	Interpersonal Violence - Dating	14
3-3031	Interpersonal Violence - Domestic	7
3-3031	Interpersonal Violence - Economic Abuse	1
3-3031	Stalking	22
3-3031	Technological Abuse	15
3-3031	Sexual Harassment - Quid Pro Quo	1
3-3031	Sexual Harassment - Hostile Environment	32
3-3031	Sex Discrimination	4
3-3031	Unprofessional or Inappropriate Conduct	50
3-3031	Sexual Exploitation	17
3-3031	False Information and False Complaints	6
3-3031	Retaliation	9
3-3031	Failure to Adhere to Interim Measures	2
3-3031	Failure to Report by a Non-Confidential Employee	10
3-3031	Interference With Grievance Process	1
3-3031	TOTAL	229
ALL	TOTAL	233

Table 14. Bases of allegations, by University policy, for all formal investigations opened in FY 2022-23, excluding external complaints. Some investigations involved multiple allegations.

Historical

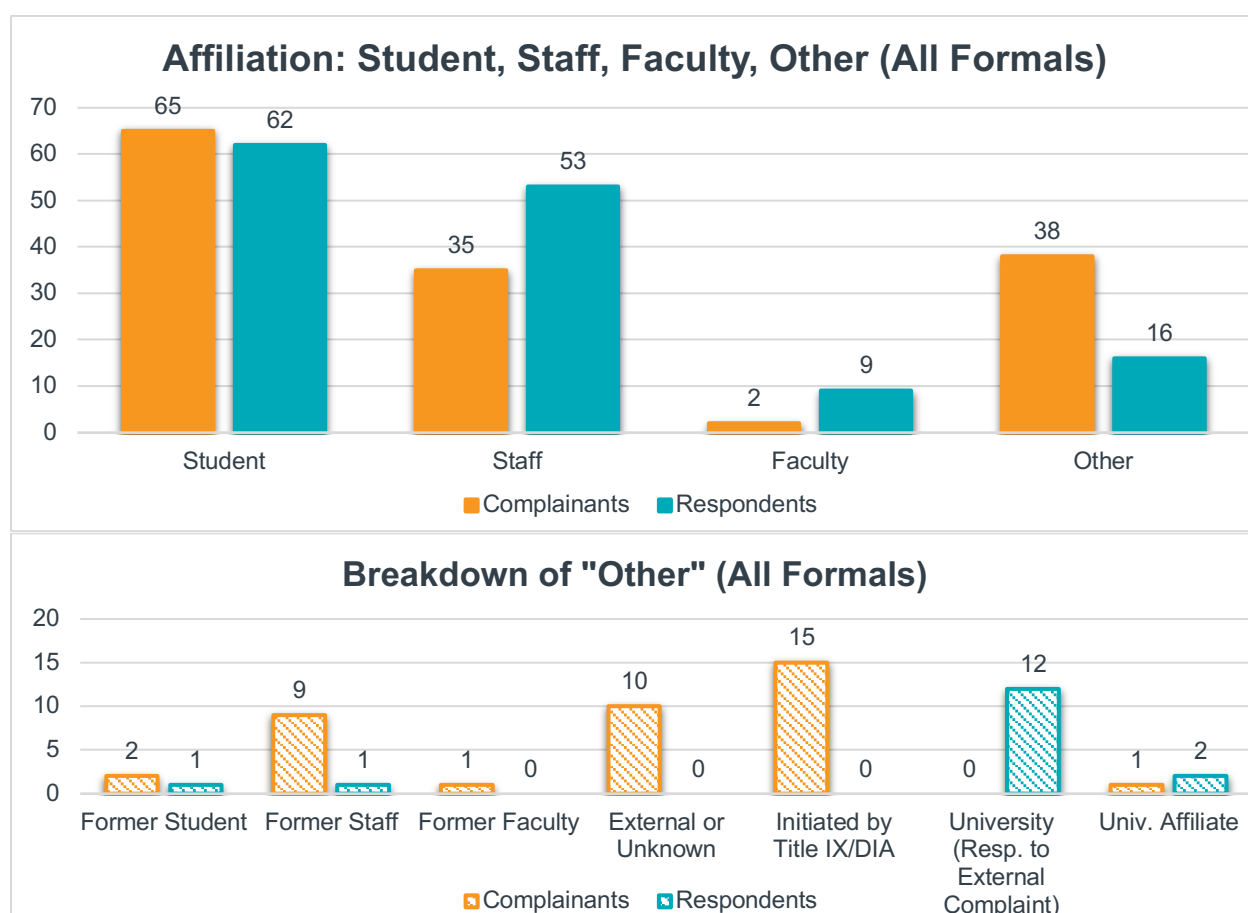
This is the first year this information is being reported.

Complainants and Respondents: All Formal Investigations

FY 2022-23

In FY 2022-23, most complainants and respondents in formal investigations opened by DIA were current **students or staff**, accounting for **71% of complainants** (students 46%, staff 25%), and **82% of respondents** (students 44%, staff 38%). **Faculty** made up **6% of respondents** and **<2% of complainants**. For formal investigations, there were roughly:

- 1 complainant and 1 respondent for every 1,000 students
- 3 complainants and 4 respondents for every 1,000 staff
- 1 complainant and 3 respondents for every 1,000 faculty⁵



Figures 30 and 31. Complainants and respondents in all formal investigations opened in FY 2022-23, broken down by the individual's affiliation to the University. "Staff" includes 15 EVPP staff complainants, 18 EVPP staff respondents. Some individuals were named as a complainant and/or respondent in multiple cases. Some individuals had more than one affiliation, e.g., both a student and staff.

Historical

This is the first year this information is being reported.

⁵ See note 1.

FY 2022-23 HOP 3-3031 Formal Investigations

Overview

DIA is responsible for investigating Formal Complaints alleging possible violations of HOP 3-3031, Prohibition of Sexual Assault, Interpersonal Violence, Stalking, Sexual Harassment, and Sex Discrimination. The Title IX Office assesses reports made under HOP 3-3031 and determines whether to initiate the grievance process, which triggers a formal investigation by DIA. At Title IX's request, DIA may assist with fact-gathering during the assessment phase to determine whether a formal investigation is warranted. In FY 2022-23, DIA opened formal investigations into **124 Formal Complaints**.

HOP 3-3031 Allegations

For HOP 3-3031 formal investigations opened by DIA in FY 2022-23, the top three allegations, accounting for over half of all allegations, were:

Unprofessional or Inappropriate Conduct: 22% **Sexual Assault (Fondling & Rape): 17%**
Sexual Harassment (Hostile Environment): 14%⁶

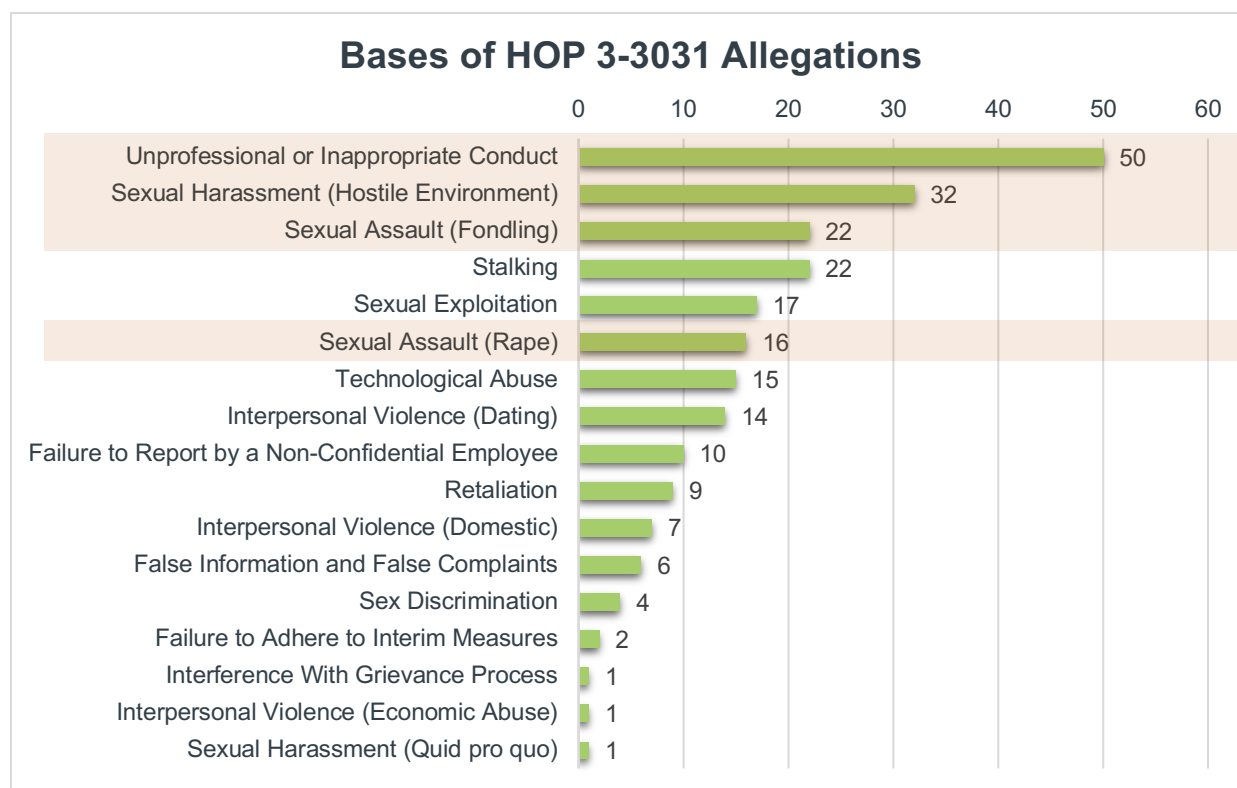


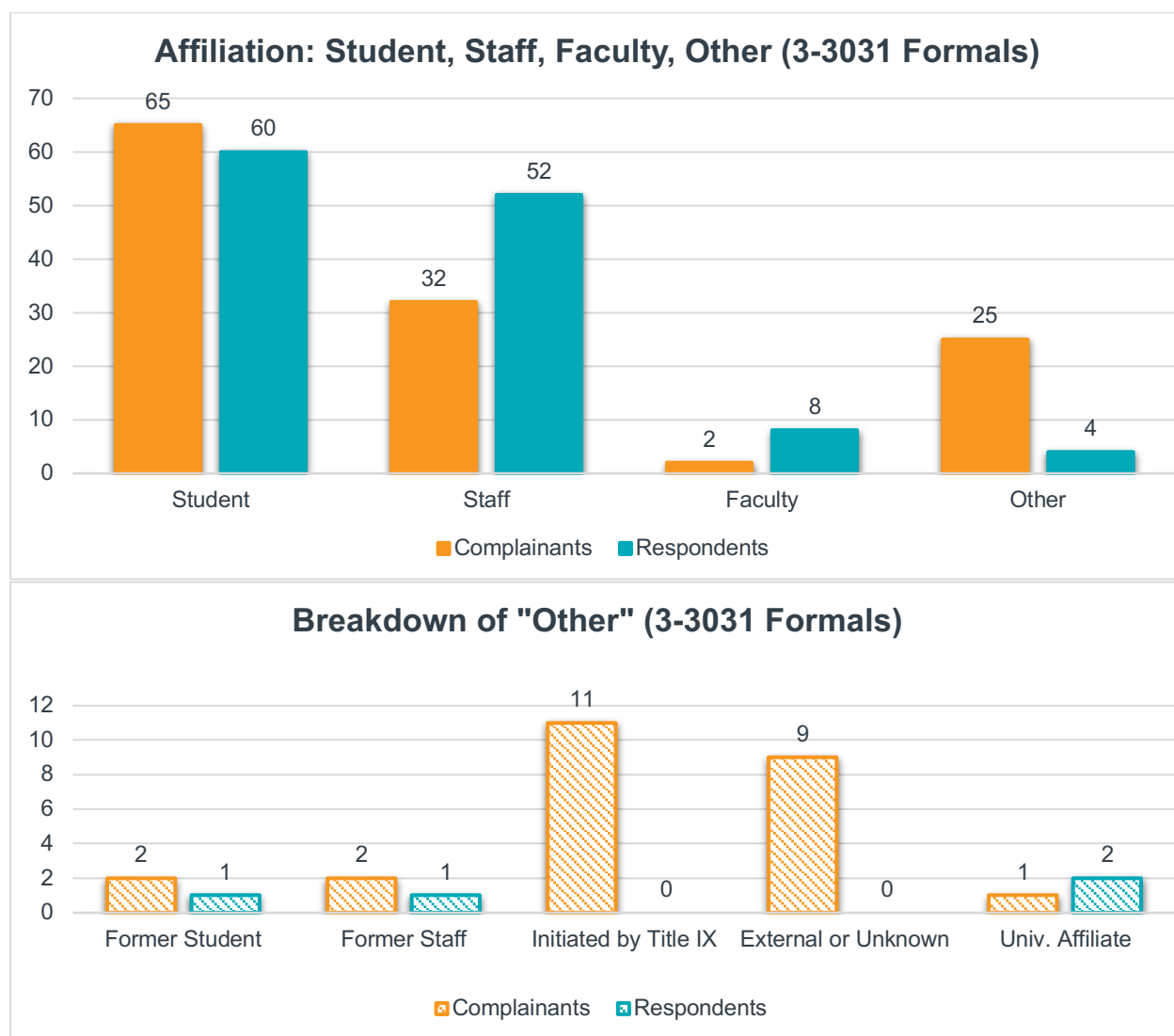
Figure 32. Allegations by type of prohibited conduct for HOP 3-3031 formal investigations opened in FY 2022-23. Some investigations involved multiple allegations.

⁶ Previous reports did not count hostile environment when the primary allegation was sexual assault. Based on changes in recording practices, all hostile environment allegations are now being counted.

Complainants and Respondents: HOP 3-3031 Formal Investigations

In FY 2022-23, the majority of HOP 3-3031 formal investigations opened by DIA involved current **students or staff**, accounting for **78% of complainants** (students 52%, staff 26%), and **90% of respondents** (students 48%, staff 42%). **Faculty** made up **6% of respondents** and **<2% of complainants**. For HOP 3-3031 formals, there were roughly:

- **1** complainant and **1** respondent for every 1,000 students
- **2** complainants and **4** respondents for every 1,000 staff
- **1** complainant and **3** respondents for every 1,000 faculty⁷



Figures 33 and 34. Complainants and respondents in HOP 3-3031 formal investigations opened in FY 2022-23, broken down by the individual's affiliation to the University. "Staff" includes 14 EVPP staff complainants, 18 EVPP staff respondents. Some individuals were named as a complainant and/or respondent in multiple cases. Some individuals had more than one affiliation, e.g., both a student and staff.

⁷ See note [1](#).

Title IX Hearings

For all cases assigned to Track A or Track B of the formal grievance process under University HOP 3-3031, Prohibition of Sexual Assault, Interpersonal Violence, Stalking, Sexual Harassment, and Sex Discrimination, DIA is responsible for holding the live hearing with a University hearing officer. At DIA's discretion, hearings into cross-complaints between two parties, or Formal Complaints involving separate parties but arising from the same incident(s), may be combined into a single hearing.

Below is a breakdown of live hearings held in FY 2022-23 and the prior two fiscal years, along with their status as of Aug. 31, 2023.

FY	# of Hrgs. Held	% Change From Prior Year	Separate Complaints Heard	Complaints w/ Outcome Complete	RPs Found in Viol.	RPs Not Found in Viol.	Complaints w/ Outcome Pending
20-21	14	N/A	19	19	8	11	0
21-22	25	+ 78%	25	25	11	14	0
22-23	32	+ 28%	37	30	10	20	7

Table 15. Number of hearings held each fiscal year for HOP 3-3031 Formal Complaints assigned to the Track A or Track B grievance process. Some hearings involved multiple Formal Complaints. "Complaints w/ Outcome Complete" means the final disposition (i.e., hearing officer determination, or appellate officer decision if appeal received) has been issued. "Complaints w/ Outcome Pending" means the hearing officer decision or optional appeal deadline/decision was pending as of Aug. 31, 2023. "RPs Found in Violation" means the respondent was found in violation of HOP 3-3031; this includes partially substantiated complaints (i.e., some allegations substantiated, some unsubstantiated). "RPs Not Found in Violation" means the respondent was not found in violation of HOP 3-3031 (i.e., all allegations were unsubstantiated).

Per HOP 3-3031, the complainant or respondent may file an appeal, under certain grounds, of the hearing officer's determination regarding the respondent's responsibility. Below is a breakdown of appeal rates for HOP 3-3031 Formal Complaints heard by University hearing officers in FY 2022-23 and the prior two fiscal years.

FY	Separate Complaints Heard	No Appeal Rec'd	Appeal Rec'd	Decisions Reversed on Appeal	% of Decisions Appealed
20-21	19	17	2	0	11%
21-22	25	20	5	2	20%
22-23	37	23	7	0	19%*

Table 16. Number of appeals received for Formal Complaints heard at Title IX hearings each fiscal year pursuant to HOP 3-3031, and the number of hearing officer decisions reversed on appeal. *As of Aug. 31, 2023, there were 7 complaints in which the parties still had time to file an appeal.