

Department of Investigation and Adjudication (DIA) **ANNUAL REPORT 2020-21**



The University of Texas at Austin
University Compliance Services

Department of Investigation and Adjudication

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Executive Summary

The **2020-21 annual report** covers DIA's first fiscal year (FY) as The University of Texas at Austin's neutral investigation unit for potential violations of the policies listed below. In FY 2020-21, DIA received **472 complaints**, including the **96 formal investigations** that DIA opened. Most complaints overall fell under **HOP 3-3020** (Nondiscrimination Policy), while the majority of formally investigated complaints implicated **HOP 3-3031** (Prohibition of Sexual Assault, Interpersonal Violence, Stalking, Sexual Harassment, and Sex Discrimination). To expedite complaint resolution, DIA has created an **intake → due diligence process** that results in many complaints being closed or referred — without the need for a full investigation — for reasons such as insufficient information, issues outside DIA's purview, inability to identify parties, or pursuit of informal resolution/restorative practices when appropriate. By reserving formal investigation — and the staff time and resources involved — for complaints that truly merit it, DIA's highly efficient process has **reduced complaint resolution times by 20% for formally investigated complaints and 52% for non-formally investigated complaints**. The improvement in formal investigation closure times even includes the new hearing process required under HOP 3-3031 and implemented by DIA. With the university welcoming students, faculty, staff, and visitors back on campus in fall 2021, after COVID-19 caused unprecedented disruptions, DIA's approach to complaint resolution will help foster trust within the university community that all concerns will be thoroughly reviewed and treated with care and discretion.

About DIA

The University of Texas at Austin is an equal opportunity/affirmative action employer and Title IX institution committed to advancing a diverse, equitable, and supportive campus culture. The university created DIA to investigate 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 3-3020 — 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 violations can involve any member of the university community. As a neutral investigator, DIA supports the university in fostering a campus environment that is inclusive, respectful, and free from discrimination and harassment. The DIA team — consisting of executive leadership, investigators, intake specialists, and editing, administrative, and data support staff — ensures that all complaints brought to DIA are treated with impartiality and discretion.

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

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

DIA Staff

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Complaint Resolution Process

DIA receives complaints about alleged policy violations by email, phone, mail, [online](#), and referral by various offices and individuals throughout the campus community. DIA evaluates each complaint to determine if the alleged conduct merits formal investigation under one or more university policies within DIA's purview. When reviewing complaints, DIA considers: 1) the nature and severity of the alleged conduct, 2) the frequency of allegations against the accused, 3) the effectiveness of the selected resolution method, and 4) the outcome the complainant wishes to pursue.

DIA also investigates Title IX formal complaints assigned by the Title IX coordinator to a grievance process track under [HOP 3-3031](#). Once the Title IX Office refers the formal complaint to DIA, it is automatically assigned to a DIA investigator for formal investigation. DIA also holds all live hearings required under HOP 3-3031.

DIA's complaint resolution process begins with an initial assessment at intake to determine if the alleged conduct possibly implicates a policy within DIA's purview and there is sufficient information to proceed with fact-finding. Except for complaints that go directly to formal investigation (e.g., Title IX formal complaints or external complaints), the intake process typically results in a complaint being:

- **Closed at intake**, for reasons such as:
 - Allegations outside DIA's purview.
 - Insufficient information to imply a policy violation.
 - Unknown identity of the respondent and/or complainant.
 - Withdrawal of the complaint or lack of participation by the complainant.
- **Referred**, either to a different university unit to review allegations/issues outside DIA's purview, or for informal resolution.
- **Assigned to DIA investigator for due diligence**, a fact-finding inquiry to determine if a complaint merits formal investigation, or if the complaint will ultimately be closed or referred.

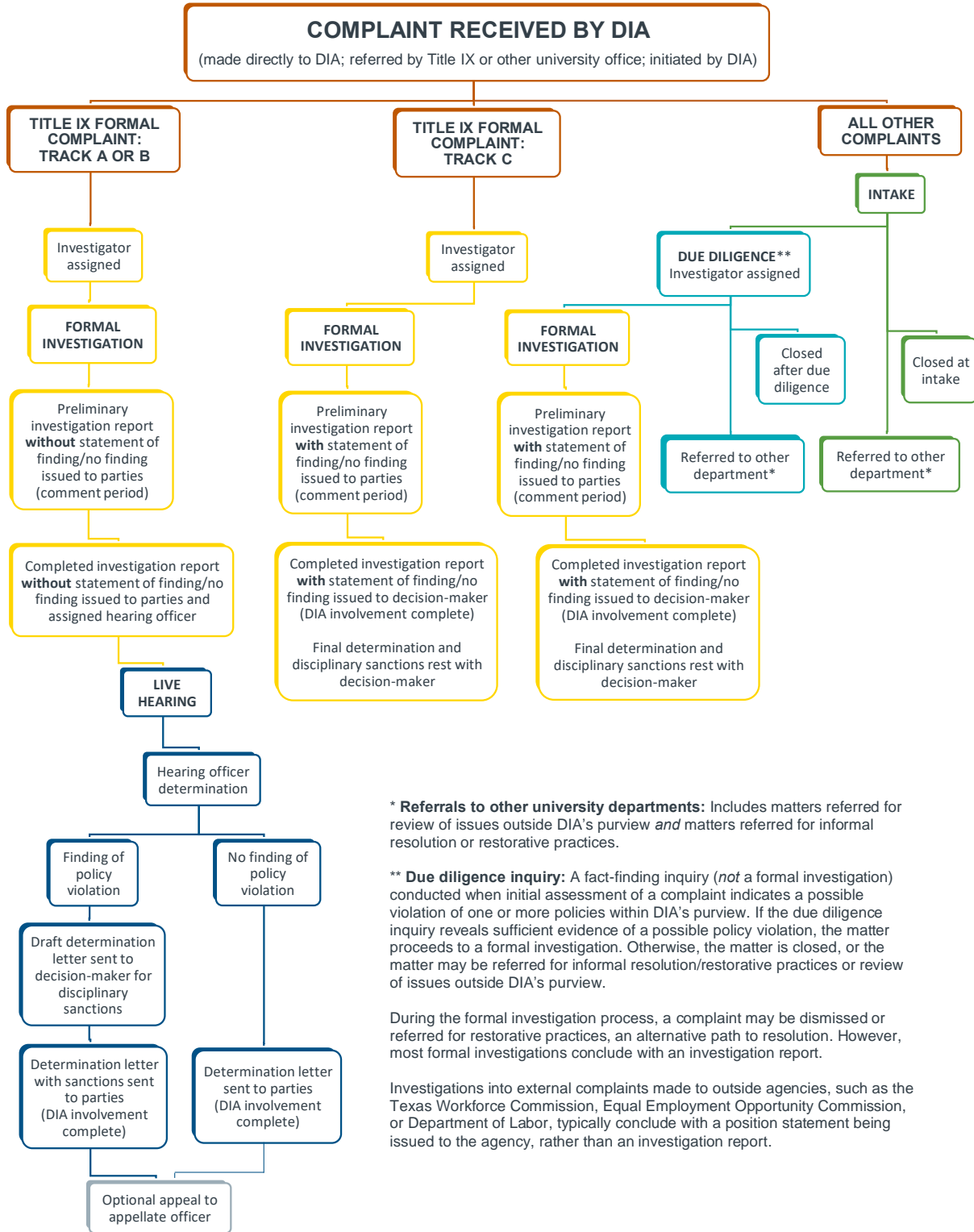
Formal investigation of a complaint, unless it is dismissed or referred for restorative practices during the investigation process, typically culminates in the DIA investigator preparing a completed investigation report with a proposed statement of findings as to whether the allegations are substantiated or unsubstantiated. The report is issued to the appropriate decision-maker (vice president or designee) to make a final determination and take disciplinary actions. For Title IX matters subject to a live hearing under [HOP 3-3031](#) (i.e., allegations of sexual assault, domestic or dating violence, stalking, or sexual harassment), the completed investigation report – without a proposed statement of findings – is provided to the parties and hearing officer ahead of the DIA-held hearing.

Some formal investigations involve **external complaints** made to an outside agency. In those cases, DIA prepares a position statement in response to the complaint.

The chart on the next page shows how complaints typically move through DIA's process, from receipt of the complaint to resolution via closure, referral, or formal investigation.

Resolution Process Flowchart

Figure 1.



About the Data

This report covers the 2020-21 fiscal year:
September 1, 2020 – August 31, 2021

The data in this report illustrates all complaints received by DIA in FY 2020-21, broken down to show the types of complaints by allegation and policy, the status of complaints, the relationship of complainants and respondents to the university community, and the results of formal investigations and live hearings.

Glossary of Terms Used in Report

Complaint — A report of alleged misconduct submitted or referred to DIA.

Complainant — Person alleged to have been subjected to misconduct.

Due Diligence — A preliminary fact-finding inquiry when DIA determines during intake that there is sufficient information that the alleged misconduct possibly implicates one or more policies within DIA's purview. During due diligence, a DIA investigator conducts interviews and reviews evidence, as needed, to determine whether the alleged misconduct implicates one or more policies within DIA's purview and merits a formal investigation. 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 Investigation — A formal process during which a DIA investigator interviews the complainant, respondent, and witnesses; gathers/reviews evidence relevant to the complaint; and prepares an investigation report. The respondent and complainant receive written notice of the investigation at the start. In cases not subject to a live hearing, the DIA investigator analyzes relevant information and evidence to determine whether an allegation is substantiated or unsubstantiated and makes a recommended finding in the completed investigation report issued to the decision-maker. In cases requiring a live hearing (certain Title IX allegations), the investigator prepares a neutral investigation report that summarizes relevant information and evidence, with no recommended finding, and the report is issued to the parties and hearing officer.

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 a formal complaint if the situation has not improved and/or misconduct continues.

Intake — Initial assessment of a complaint by DIA.

Parties — The complainant and respondent in a complaint.

Respondent — Person alleged to have engaged in misconduct.

Restorative Practices — This resolution process addresses the source of the misconduct, includes all impacted parties or representatives of all impacted groups, supports meaningful accountability for the respondent, and promotes healing for the complainant, the respondent, and the university community.

Title IX — A federal law that prohibits discrimination on the basis of 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 on the basis of pregnancy. These protections apply to students, faculty, staff, contractors, applicants, and campus visitors. **Title IX complaints** are evaluated by the university's Title IX Office to determine whether it merits formal investigation by 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 Title IX, go to: <https://titleix.utexas.edu/>.

Year in Review

In March 2020, The University of Texas at Austin approved policy recommendations made by law firm Husch Blackwell after requesting a review of the university’s response to allegations of sex discrimination. One of the results of the review led to the creation of the Department of Investigation and Adjudication. In its first completed fiscal year, September 1, 2020 – August 31, 2021, DIA has helped improve Title IX compliance function and the university’s investigative resolution process.

Faster Complaint Resolution

In FY 2020-21, DIA reduced closure rate times for formally investigated complaints by **20%** and non-formally investigated complaints by **52%**. Drawing on strong university support, DIA has put together a skilled team of staff and implemented effective procedures to move complaints through the resolution process efficiently while upholding high standards for investigative techniques and the written communication of DIA’s findings. DIA’s team of experienced investigators and support staff bring together a wide range of knowledge and expertise from diverse backgrounds working for universities, government agencies, private law practices, nonprofits, and more. Having been provided with the necessary staff and resources, DIA has implemented an intake and due diligence process that streamlines complaint resolution by reserving formal investigation (a lengthier and more involved process) for complaints that truly warrant it. This approach has resulted in comprehensive, efficient closures with complaints resolved in a shorter time.

Overall Complaint Closure Time

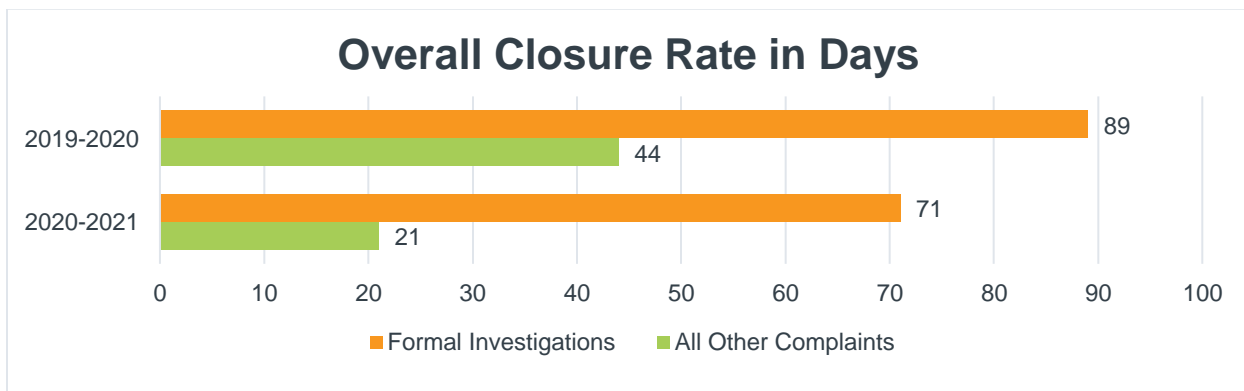


Figure 2. A comparison of the average closure rate in days for all complaints (formally investigated and not formally investigated) for FY 2019-20 and FY 2020-21.

Nondiscrimination Complaint Closure Time (HOP 3-3020)

For complaints under HOP 3-3020, DIA reduced closure rate times for formally investigated complaints by 22% and non-formally investigated complaints by 48%.

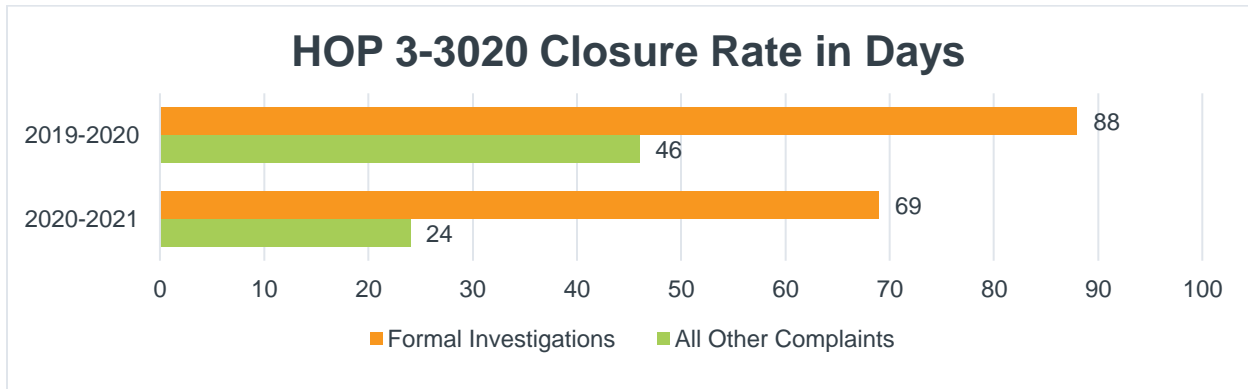


Figure 3. A comparison of the average closure rate in days for HOP 3-3020 complaints (formally investigated and not formally investigated) for FY 2019-20 and FY 2020-21.

Title IX Complaint Closure Time (HOP 3-3031)

Even with the new HOP 3-3031 live hearing requirements that went into effect August 14, 2020, DIA was able to improve closure rate times for Title IX formal investigations. For complaints under HOP 3-3031, DIA reduced closure rate times for formally investigated complaints by 6% (including the hearing) and non-formally investigated complaints by 61%.

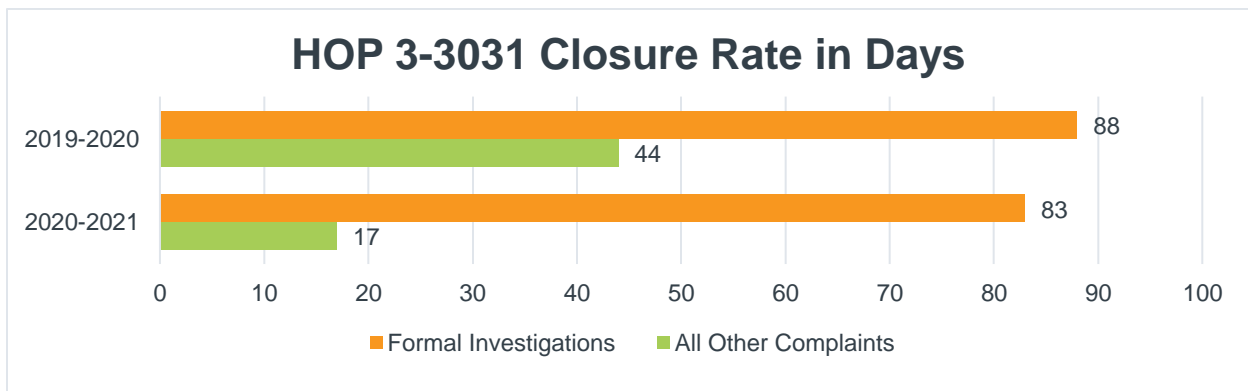


Figure 4. A comparison of the average closure rate in days for HOP 3-3031 complaints (formally investigated and not formally investigated) for FY 2019-20 and FY 2020-21.

DIA's First-Year Caseload

In late August 2020, DIA began receiving complaints that were previously investigated by the Office for Inclusion and Equity (OIE). DIA also took over Title IX student complaints previously investigated by the Office of the Dean of Students. As of

February 1, 2021, DIA officially became the university's authority for evaluating and investigating all complaints under the seven university policies listed on page 1.

Complaints Received

In FY 2020-21, DIA received 472 complaints involving 586 separate allegations.¹ Of the 371 unique complaints that did not progress to a formal investigation:

- 104 were closed at intake
- 102 were referred to other offices for review of issues outside DIA's purview
- 23 were referred to OIE for informal resolution
- 102 were assigned to a DIA investigator for a due diligence fact-finding inquiry (with 69 closed and 33 pending at fiscal year-end)
- 40 were in the initial assessment phase at fiscal year-end

Reasons for administrative closure at intake or after due diligence included insufficient information to suggest a policy violation, complainant's refusal to participate or request to dismiss, or insufficient information to identify the respondent.

Formal Investigations Opened

In FY 2020-21, DIA opened 96 formal investigations involving 111 separate allegations, including investigations opened for Title IX formal complaints, external complaints, and from due diligence inquiries or otherwise initiated by DIA.² The outcomes of completed investigations were:

- 4 referrals to OIE for restorative practices
- 8 position statements issued for external complaints
- 14 dismissals (insufficient information, or complainant's refusal to participate or request to dismiss) / 1 administrative closure (outside DIA's purview)
- 9 findings (allegations substantiated) by investigator or hearing officer
- 13 non-findings (allegations unsubstantiated) by investigator or hearing officer

At fiscal year-end, 47 formal investigations were still open or pending hearing, hearing officer decision, or post-hearing appeal.

¹ Includes 5 duplicate complaints.

² The number of formal investigations opened includes 7 Title IX formal complaints received by the Title IX Office before September 1, 2020, but referred to DIA on or after September 1, 2020.

Types of Cases

The majority (about 65%) of all complaints received by DIA involved allegations of possible [HOP 3-3020](#) violations, with the top three allegations being discrimination based on race, discrimination based on sex/gender, and retaliation. After initial assessment, and in many cases a due diligence inquiry, 6 HOP 3-3020 complaints moved to a formal investigation. Of those, 1 resulted in a finding of a policy violation (discrimination based on veteran status).

While most complaints overall involved potential violations of HOP 3-3020, the majority (about 76%) of formal investigations involved allegations of prohibited conduct under HOP 3-3031, driven by referrals from the Title IX Office of formal complaints assigned to Track A, B, or C of the grievance process. DIA received 43 Track A/B complaints, which are subject to a live hearing, and 30 Track C complaints, which are not subject to a live hearing. The top three allegations in HOP 3-3031 formal investigations were sexual assault, interpersonal violence, and sexual misconduct. There were 7 findings of HOP 3-3031 policy violations by a DIA investigator or university hearing officer (4 sexual assault, 2 failure to report, and 1 dating violence).

Additionally, there was 1 finding of a policy violation under [HOP 3-3050](#) (prohibited consensual relationship).

Looking Forward

DIA looks ahead to FY 2021-22 with the goal of continuing to support the university in its efforts to further advance Title IX functionality and the complaint resolution process. With the university's return to on-campus operations in fall 2021, after a year of remote working and learning amid the COVID-19 pandemic, DIA expects an increase in student and employee complaints. DIA has the resources and staff in place to keep resolving complaints promptly and efficiently, while continuing to refine internal processes.

At a Glance

472 Complaints Received

involving

586 separate allegations

of potential misconduct

(includes 5 duplicate complaints, 96 formally investigated, and 371 not formally investigated)

96 Formal Investigations Opened

involving

111 separate allegations

of potential misconduct

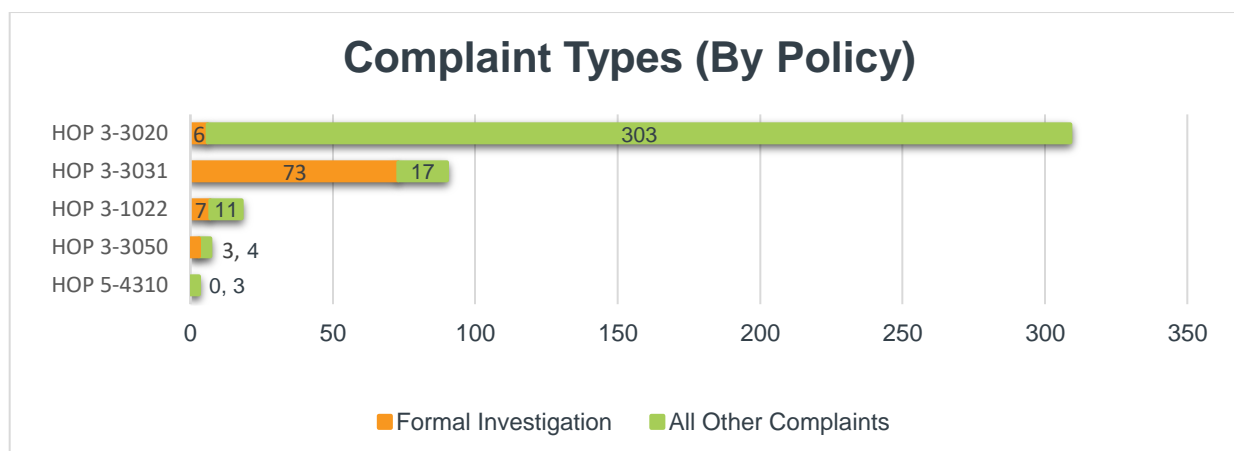


Figure 5. Unique complaints received by DIA in FY 2020-21, broken down by university policy. Some complaints were evaluated/investigated under more than one policy. Does not include complaints outside the scope of any policy within DIA's purview. Also includes external complaints.

The majority (two-thirds) of complaints involving HOP 3-1022 also involved HOP 3-3020 or HOP 3-3031.

HOP 3-3031 formal investigations include 7 Title IX formal complaints received by the Title IX Office before September 1, 2020, but referred to DIA on or after September 1, 2020.

At a Glance (cont.)

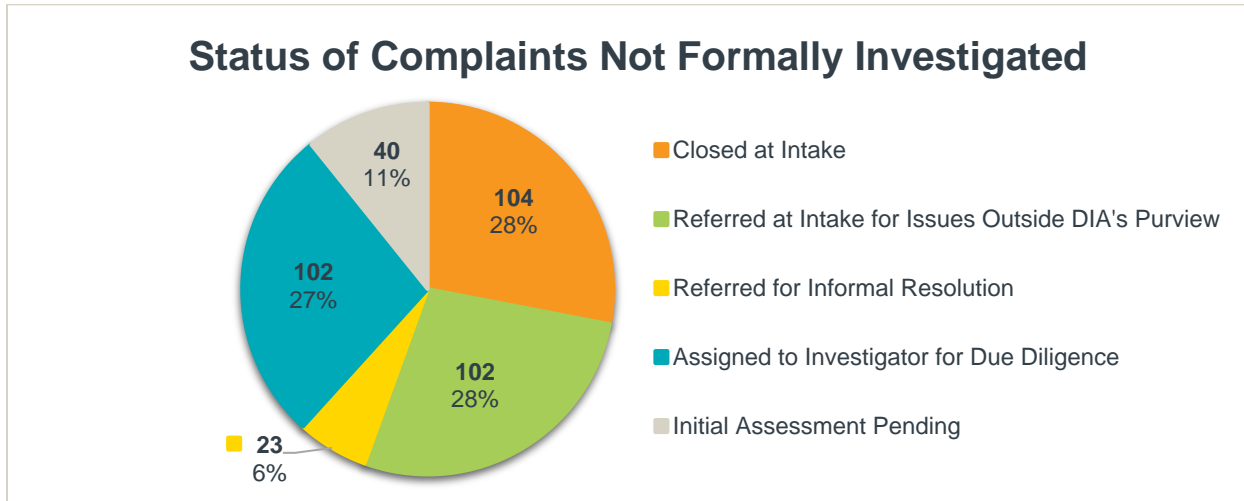


Figure 6. Status (as of August 31, 2021) of the 371 complaints that did not move to formal investigation. Of the 102 complaints assigned for due diligence, 69 were completed and 33 were pending at fiscal year-end. Some complaints involved multiple allegations.

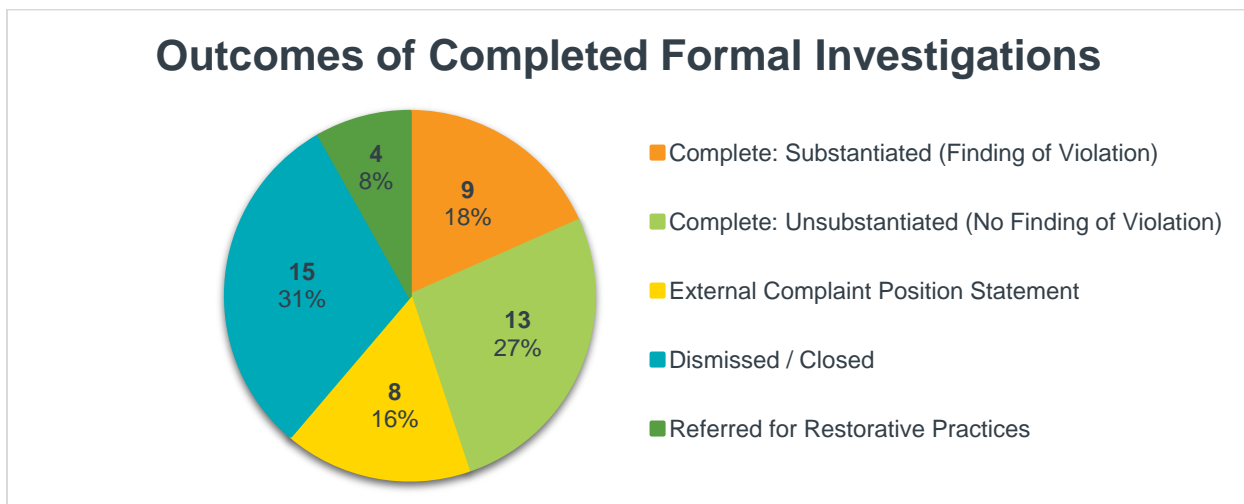


Figure 7. Outcomes (as of August 31, 2021) of the 49 formal investigations completed by DIA in FY 2020-21. Does not include 47 investigations still open or pending hearing, hearing officer decision, or post-hearing appeal at fiscal year-end. Some formal investigations involved multiple allegations.

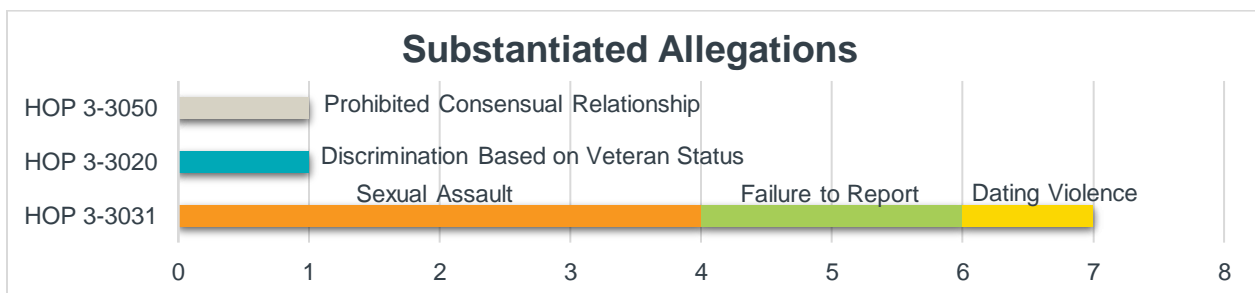


Figure 8. Allegations substantiated by a DIA investigator or university hearing officer in completed investigations.

A Closer Look

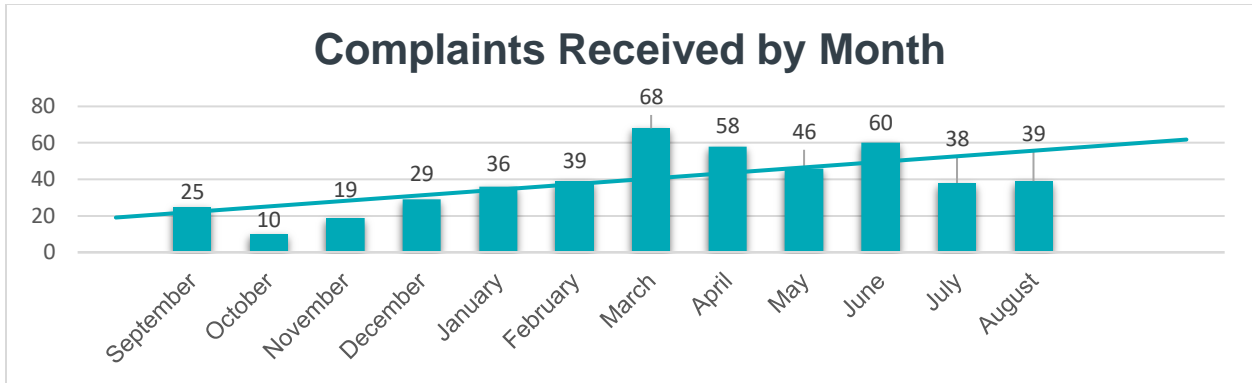


Figure 9. Unique complaints received by DIA by month in FY 2020-21, after DIA took over employee complaints from OIE and Title IX student complaints from the Office of the Dean of Students.

Complainants and Respondents

All Complaints

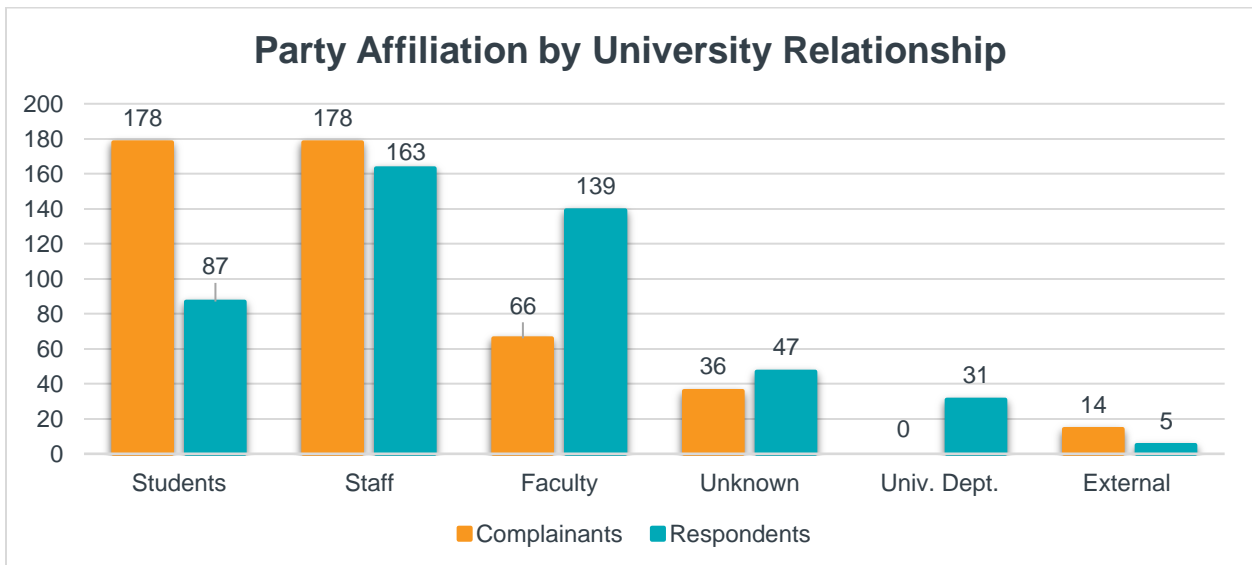
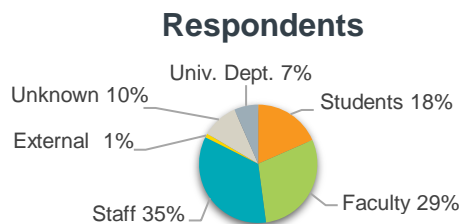
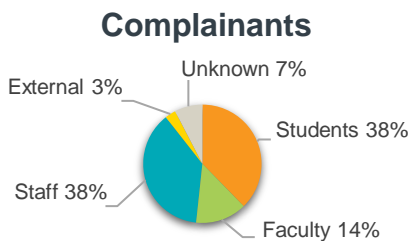


Figure 10 (above). University affiliation of parties in all complaints received by DIA in FY 2020-21. Some individuals were identified in more than one complaint. Staff includes 67 EVPP staff complainants, 62 EVPP staff respondents.

Figures 11 and 12 (below). Percentage breakdown of complainants and respondents by university affiliation.



Party Affiliation by Vice President Portfolio

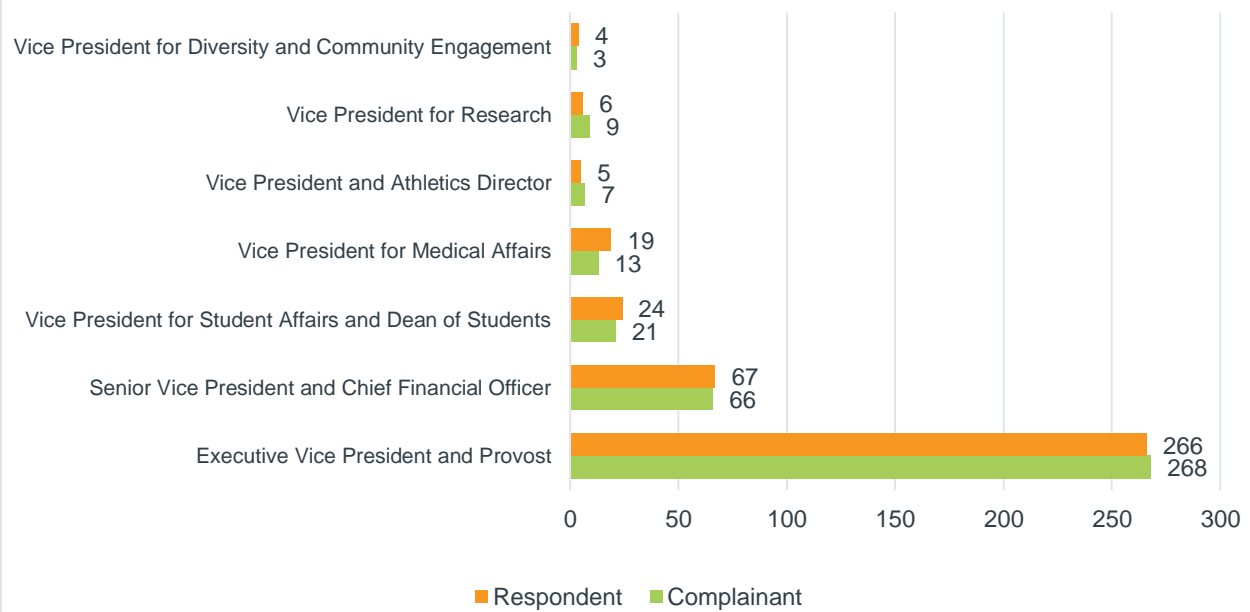


Figure 13. Parties' university affiliation by vice president portfolio, for all complaints received in FY 2020-21. Some complaints had external/unknown parties, and there were two portfolios with 0 complaints: Vice President for Development and Vice President for Legal Affairs.

Note: The higher number of complaints within the EVPP portfolio is largely attributed to its size relative to the others.

Distribution of Respondents by CSU

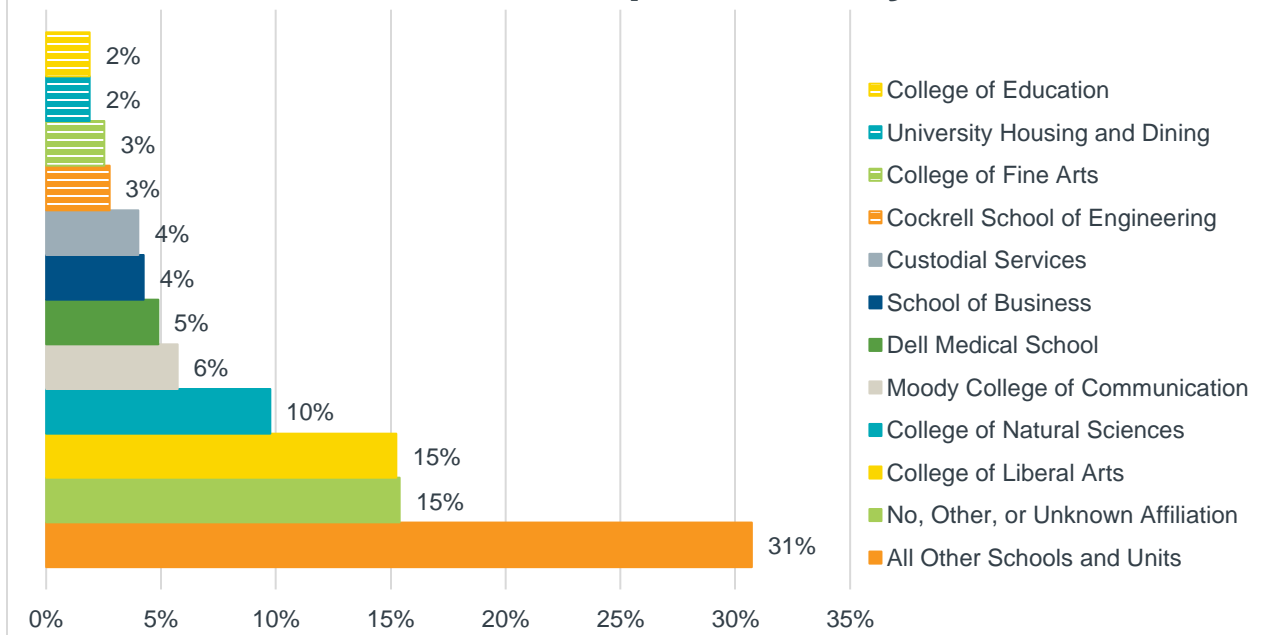
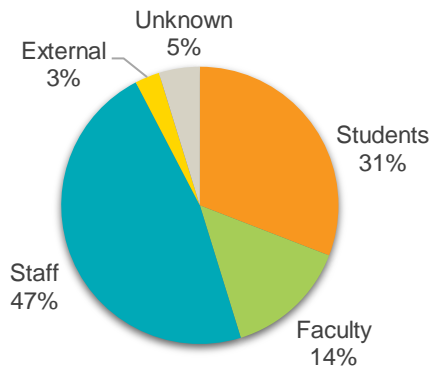


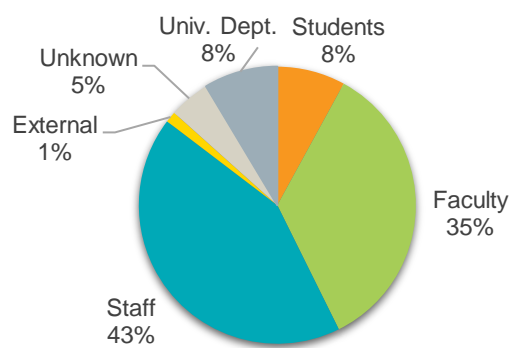
Figure 14. Distribution of respondents by university college, school, or unit, for all complaints received in FY 2020-21.

HOP 3-3020, HOP 3-3031, and HOP 3-3050 Complaints

HOP 3-3020 Complainants

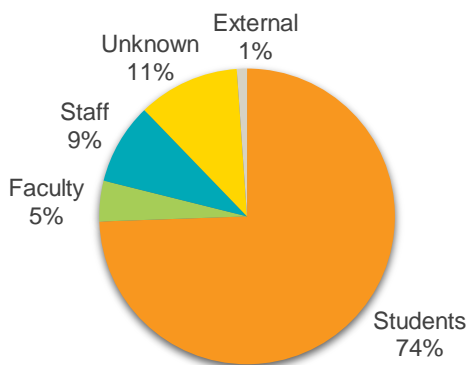


HOP 3-3020 Respondents

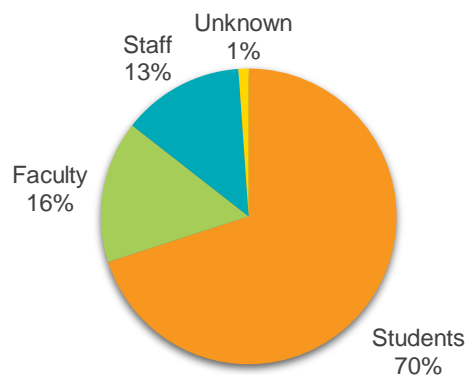


Figures 15 and 16. Percentage of HOP 3-3020 complainants and respondents by university affiliation. Some complaints had external/unknown parties. Staff includes 58 EVPP staff complainants, 51 EVPP staff respondents.

HOP 3-3031 Complainants

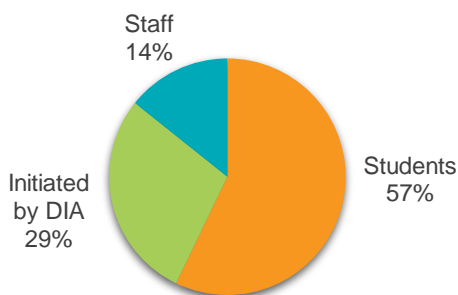


HOP 3-3031 Respondents

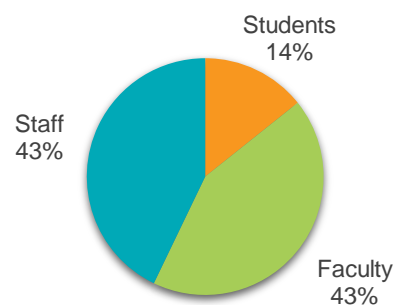


Figures 17 and 18. Percentage of HOP 3-3031 complainants and respondents by university affiliation. Some complaints had external/unknown parties. Staff includes 1 EVPP staff complainant, 3 EVPP staff respondents.

HOP 3-3050 Complainants



HOP 3-3050 Respondents



Figures 19 and 20. Percentage of HOP 3-3050 complainants and respondents by university affiliation. Staff includes 1 EVPP staff respondent.

Allegations

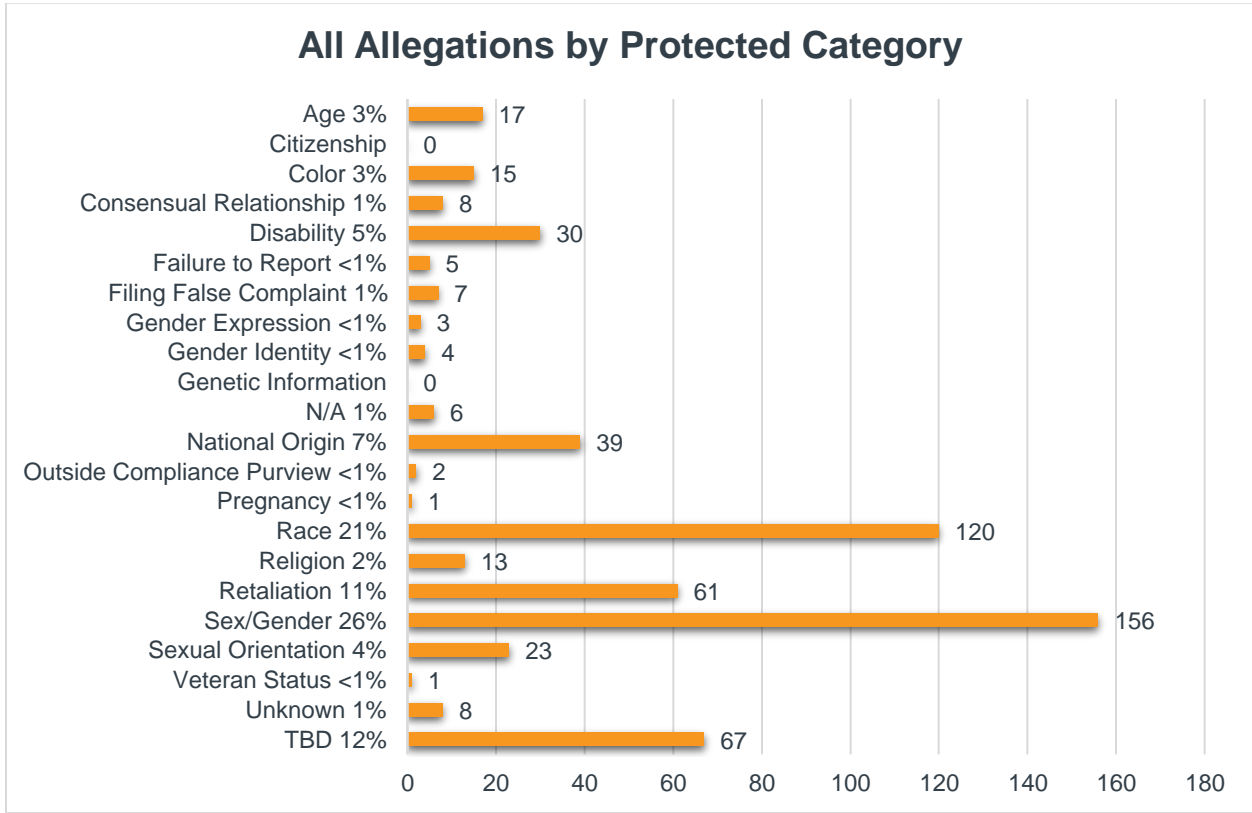


Figure 21. Allegations broken down by protected category for all complaints received by DIA in FY 2020-21. Some are duplicate complaints, some involved more than one category, and some were pending determination of category. Also includes external complaints.

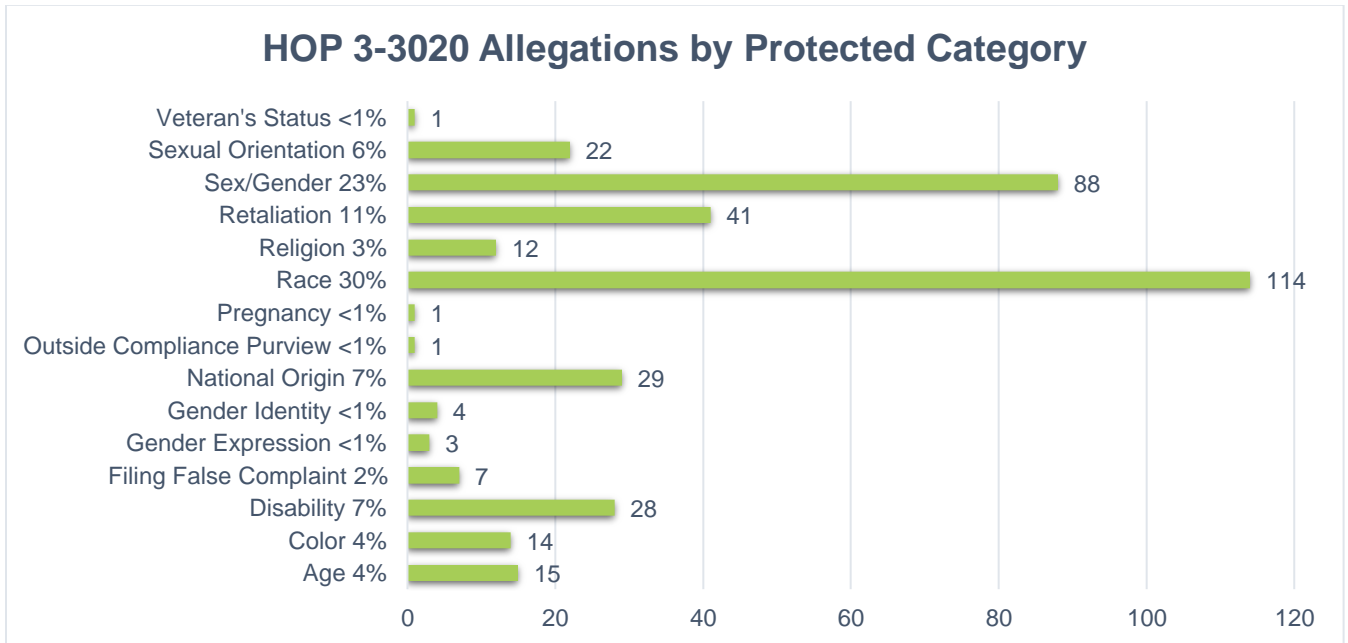


Figure 22. HOP 3-3020 allegations broken down by protected category.

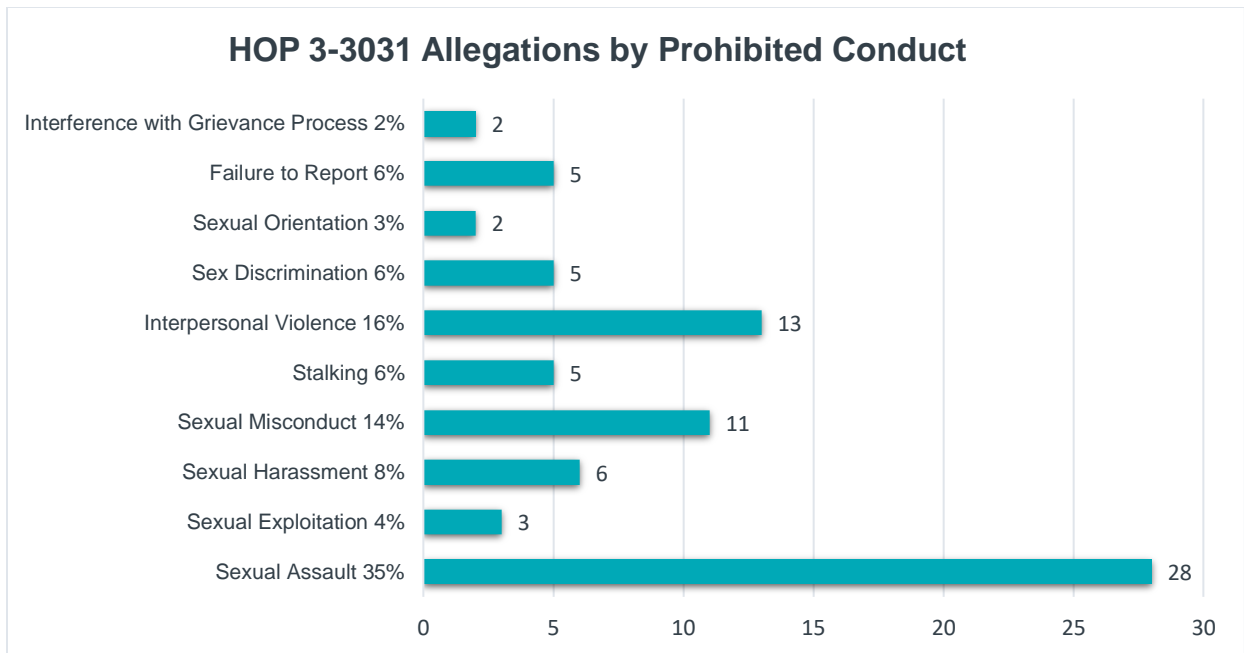


Figure 23. HOP 3-3031 allegations broken down by prohibited conduct.

Respondents Found in Violation of University Policy

Below is a breakdown of the **22** completed formal investigations in which a DIA investigator or university hearing officer determined whether there was sufficient or insufficient evidence of a policy violation (i.e., whether the respondent violated or did not violate university policy).

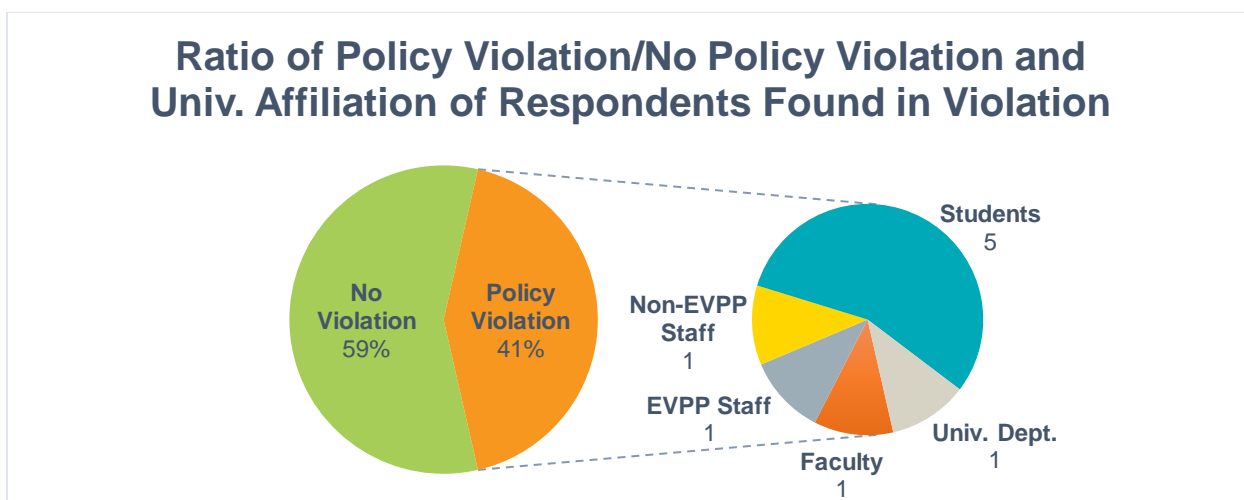


Figure 24. Completed formal investigations in which a DIA investigator or university hearing officer made a finding/non-finding of policy violation, with policy violations broken down by respondent university affiliation.

Title IX Hearings

In FY 2020-21, DIA held 14 live hearings for 19 Title IX formal complaints assigned to Track A or B under HOP 3-3031's grievance process. (This includes 3 hearings involving joined complaints arising from the same set of factual circumstances.) At fiscal year-end, there were 6 hearings with final determinations and 8 hearings pending hearing officer decision or optional appeal.

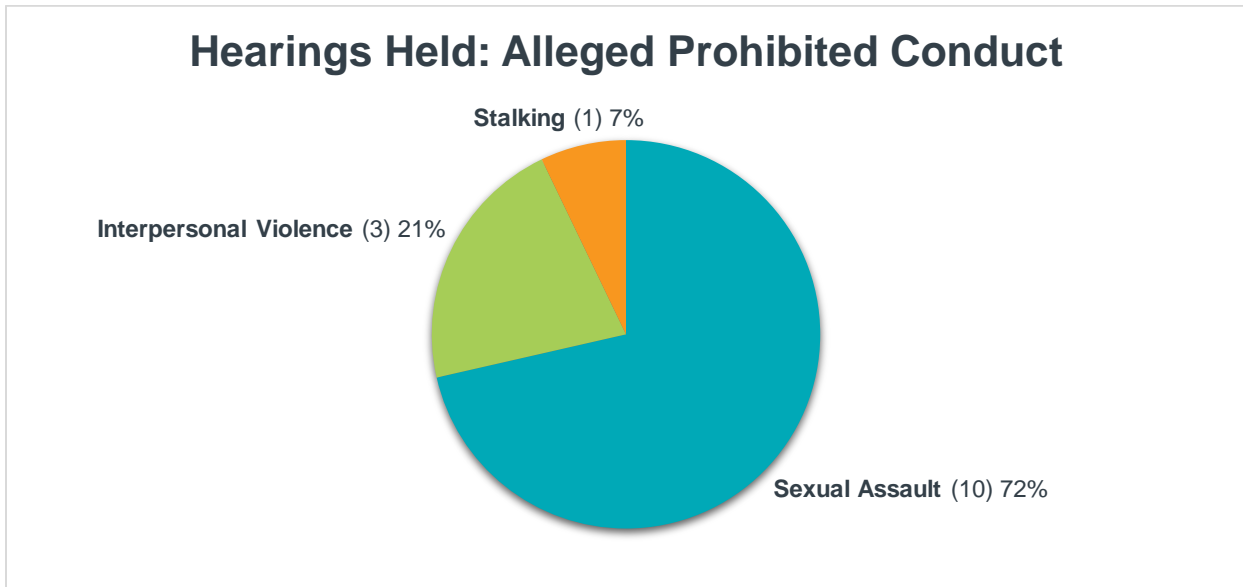


Figure 25. Breakdown of Title IX hearings held by DIA in FY 2020-21, by type of alleged prohibited conduct.

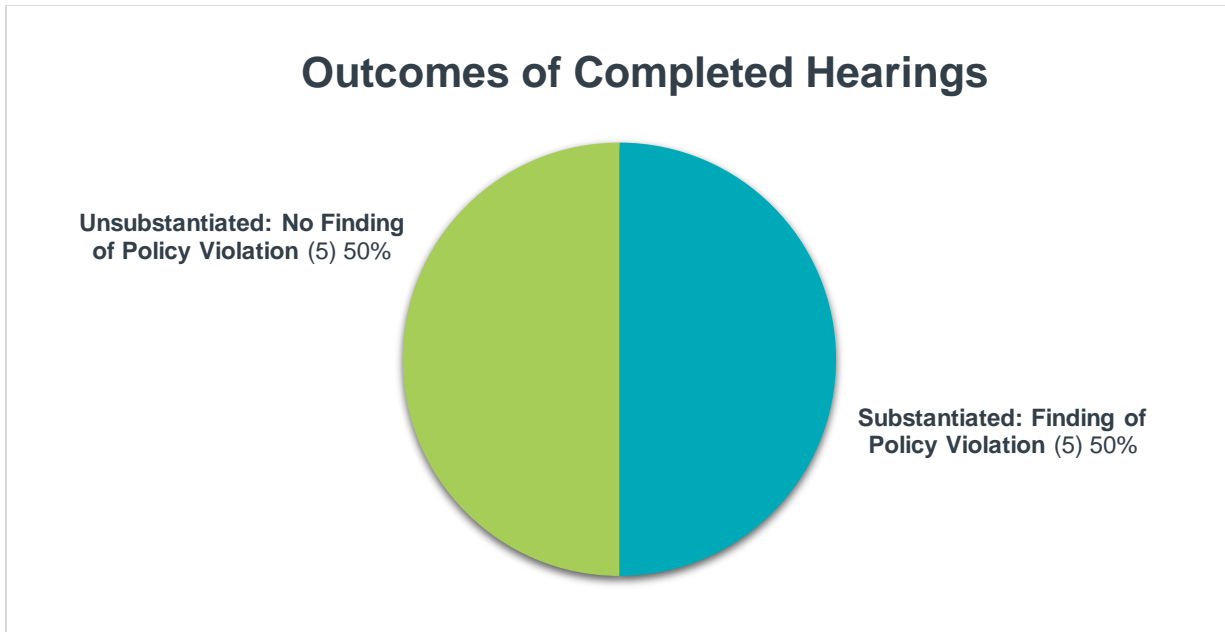


Figure 26. Outcomes (as of August 31, 2021) for completed Title IX hearings not pending optional appeal. Two hearings involved joined complaints — chart reflects outcomes for each separate complaint.

External Complaints

In FY 2020-21, DIA opened formal investigations for 14 external complaints, of which 8 resulted in position statements being issued and 6 were pending at fiscal year-end.

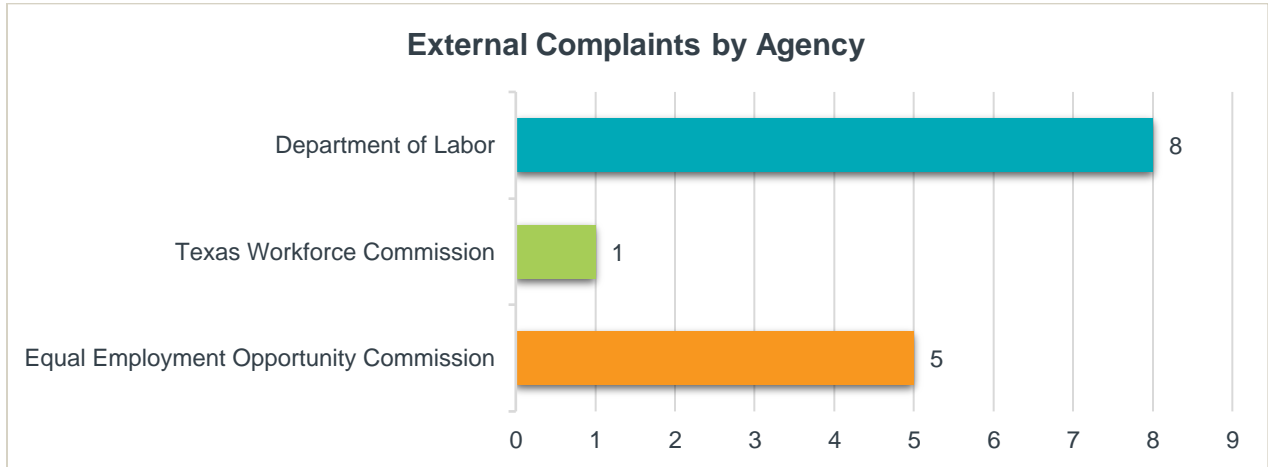


Figure 27. Breakdown of external complaints referred to DIA, by agency with which the complaint was filed.