A Year in Review: Title IX Office Updates
Updates

- Consolidation of Title IX Program
- Title IX Regulations and Federal Updates
- On-Call Rotation
- SB 212 CEO Report and Compliance Requirements
- HB 1735 Compliance Requirements Audit
- Partnerships
2021-2022 AY Projects and Initiatives

• Advisors Program
• Everyday Consent Campaign
• Title IX Peer-to-Peer Education Program
• Pregnancy, Nursing, and Parenting Committee
• Student Employees Designation as Responsible Employees
2020-2021 Reporting Trends
2020-2021 Reporting Trends

2020 -2021 AY Reports

AUGUST 14TH - SEPTEMBER OCTOBER NOVEMBER DECEMBER JANUARY FEBRUARY MARCH APRIL MAY JUNE JULY

Total Reports = 3,3034
Reports Data

- Total Reports: 3,034
- Unique HOP 3-3031 Reports: 1,878
- Non-HOP 3-3031 Reports: 248
- Duplicate Reports: 908
- Average Time for First Outreach: 3 Days
- Average Completion Time: 35/14 Days
Reasons for Unique Reports

2020-2021 Reports

- Confidential Resources: 52%
- Only Seeking Services & Resources: 41%
- Formal Complaints: 7%
Reason for Report

Unique Reports = 1,878

AUGUST | SEPTEMBER | OCTOBER | NOVEMBER | DECEMBER | JANUARY | FEBRUARY | MARCH | APRIL | MAY | JUNE | JULY
---|---|---|---|---|---|---|---|---|---|---|---|---
5 | 166 | 144 | 218 | 56 | 10 | 21 | 13 | 67 | 94 | 13 | 50 | 76
28 | 87 | 78 | 12 | 32 | 15 | 9 | 34 | 100 | 77 | 10 | 36 | 18
53 | 32 | 10 | 5 | 45 | 9 | 21 | 12 | 36 | 77 | 9 | 50 | 18

Confidential Report | Support & Resources | Formal Complaint
Formal Complaints

Total = 136

AUGUST SEPTEMBER OCTOBER NOVEMBER DECEMBER JANUARY FEBRUARY MARCH APRIL MAY JUNE JULY
14TH - 31ST
Education, Training & Prevention Efforts
**Education and Trainings**

- 252 Trainings Facilitated
- 26,856 Employees Participated
Support & Resources
Who are we working with?

- **228 Students**
- **14 Faculty**
- **20 Staff**

Title IX Support and Resources
Accommodations Jan. to Aug. 2021

- Academic Accommodations: 219
- Advisor Facilitation: 27
- Workplace Accommodations: 11
- Counseling Referrals: 35
- Confidential Services: 14

Title IX Support and Resources
TITLE IX SUPPORT AND RESOURCES

Case management and accommodations for students, faculty, and staff involved with matters reported to the Title IX Office – Complainants and Respondents.

ROBERT LEARY
Deputy Title IX Coordinator for Support and Resources
Kahoot Game

Please go to Kahoot.it on your phone or computer.
Learning Outcomes

1. You will be able to describe the function of TIX Support and Resources

2. You will be able to identify situations in which TIX Support and Resources may be able to support students/employees.

3. You will know how to connect students/employees with TIX Support and Resources
Roadmap

Mission and Purpose

Case Management

Vignettes

Accommodations and Needs
TIX Support and Resources

MISSION AND PURPOSE
TIX Support and Resources

• Title IX Support and Resources provides consistent, on-going support in the form of case management and accommodations for students, faculty, and staff who are involved with matters reported to the Title IX Office.

• Goal: Preserve equal access to education and work opportunity.
TIX Support and Resources

CASE MANAGEMENT
S&R Referral

- Intake
- UTPD
- SES
- Other Partners / You
S&R Response

• Discerning the individual’s need
• Determining what is reasonable
• Finalizing the accommodation
S&R Long-term

- Monitoring
- Check-in outreach
Identifying Needs

VIGNETTES
Scenario 1

- A staff member has reported their supervisor for inappropriate conduct under the HOP 3-3031 policy.
Scenario 2

• A student reports that it’s the one-year anniversary of a sexual assault that they have experienced. They are having a very difficult time concentrating and have several assignments due soon.
Scenario 3

- A student has reported recently experiencing interpersonal violence in their off-campus apartment.
TIX Support and Resources

NEEDS AND ACCOMMODATIONS
Needs and Accommodations

- Academic
  - Faculty Notification/Q-Drop/Course Withdrawal
- Mental Health
  - EAP/CMHC referral
- Safety
  - UTPD/VAN/SAFE referral
- Workplace
  - Temporary Workspace/Supervisor
- Legal
  - Legal Services for Students referral
Stats in Context

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Title IX Support and Resources

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- Counseling Referrals: 35
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Thank You – Contact Us

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OIE’s Focus Areas

#1 Training, Education, and Outreach

#2 Workforce Diversification

#3 Adaptive Resolutions (3-3020, 3-3031, & 3-3050)
#1 - Training, Education, & Outreach

**Ready-Made Opportunities**

- Certification Program: Dynamics of Diversity (available free to UT staff and faculty through UT Learn)
- Asynchronous video series (available through OIE’s website and UT Learn)
- Webinars (available free to UT staff and faculty through OIE’s website)
#1 - Training, Education, & Outreach

**Custom Opportunities**

- Customized trainings on matters related to DEI (available to any UT CSU)
- Customized trainings on matters related to RJ Practice (available to any UT CSU)
- Consulting and coaching (available to any UT CSU leadership)
#2 - Workforce Diversification

**Affirmative Action Plan**

- Annual report on workforce compositional demographics (women, veterans, individuals with disabilities, and racial and ethnical makeup).

- Snapshot of the university's compositional makeup in comparison to the available talent market.

- Exhibits strategy efforts in recruitment, promotions, and terminations.
#2 - Workforce Diversification: Goals

Collaborating with CSUs and at a campus level to be responsive to the AAP’s informative data

Creating strategies to increase diversity at all levels of the institution
#3 - Adaptive Resolutions

What are adaptive resolutions?

Participant-authored solutions to various conflicts.
Adaptive Resolutions v. Investigatory Practices

**Restorative Approach**
- Aim to identify harm/needs
- More flexible/focus on the parties’ needs
- Active accountability

**Punitive Approach**
- Aim to fact-find/render decision
- More structural/focus on institutional needs
- Assigned responsibility
1. Policies are implicated (3-3020, 3-3031, and/or 3-3050)

2. Conduct does not [yet] rise to the level of a formal investigation

3. Elements of both approaches

Informal Resolutions

Adaptive Resolutions
- Harm is reviewed
- Option to take active accountability
- Leave with a plan for Future interactions

Investigatory Practices
- Participation is not strictly voluntary
- Policy is discussed
- Warning that continued conduct could escalate into a full investigation

Informal Resolution
Origins of Restorative Justice

Restorative justice in the United States can be traced back to indigenous origins. Indigenous communities do not typically hold “restorative justice” as a program or a model, but rather as part of their lives and embedded in their culture. “Restorative justice” is a Western term. Part of honoring this work means we must stay humble, knowing that these practices came before us and will outlast us.
Restorative Practices: About Interconnectedness

Creating Relationships

Maintaining Relationships

Mending Relationships
Types of Restorative Justice Practices

- Conversations
- Facilitated Dialogues
- Circles
- Conferences
Restorative Interventions

**Tier I**
Build and strengthen relationships

**Tier II**
Respond to conflict and harm

**Tier III**
Support Reintegration
Stay Tuned!

| Staffing/Resources |
| Practice & Procedure |
| Communication |
Q & A time
CONTACT US

Email: oie@austin.utexas.edu

Website: equity.utexas.edu
INVESTIGATION AND ADJUDICATION

Department of Investigation and Adjudication (DIA), University Compliance Services
Title IX Training, August 6, 2021

JOHN DALTON
Associate Vice President and Director for Investigation and Adjudication
DIA Administrative Staff

John Dalton, AVP/Director
Galen Eagle Bull, Deputy Director
Gretchen Philipp, Intake Coordinator
Mona Maali, Intake Analyst
Becky Abbott, Editor
Miles Allison, Data & Records Manager
Kien Crider, Hearing Coordinator
DIA Investigators

• Veronica Cruz
• Dana Kwaitkowski
• Katie Rallojay
• April Tobias

• James Fowler
• Calysta Lantiegne
• Dominique Stafford
Policies Enforced by DIA

- **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 5-4310** — Family and Medical Leave
- **HOP 9-1810** — Hate and Bias Incidents
INVESTIGATIONS

• Title IX (HOP 3-3031) formal complaint, Notice of Complaint (NOC), referred to DIA for formal investigation
  – Track A (Prohibited Conduct on campus)
  – Track B (Prohibited Conduct off campus)
  – Track C (Additional less severe conduct)
Notice of Investigation

• All parties receive simultaneously

• 90 business days to complete investigation

• Name of the investigator
Internal Investigation Timeline

- **90 Business Days to Complete the Investigation**
  - Day 68: Preliminary Investigation Report (PIR) submitted for edit
  - Day 75: PIR released to parties for 10 day review
  - Day 85: Review responses and edit report
  - Day 90: Release Completed Investigation Report (CIR)
Day 75: Release of PIR

- Track A/B: Parties first access to all evidence received, both relevant and not

- Track C: Parties receive only relevant evidence

- Responses can include new evidence, additional witnesses, additional statements, concerns, etc
Day 90: Release of CIR

- Final Document (CIR)
- Evidence Received
- Investigator’s Role is Finished
- Track A/B Moved to Hearing
- Track C Referred to Decision Maker
Title IX Track C Allegations that are investigated, a determination is made by DIA, then referred to a decision maker:

- Sex Discrimination
- Sexual Exploitation
- Unprofessional or Inappropriate Conduct
- Retaliation
- False Information and False Complaints
- Interference with the Grievance Process
- Failure to Report by a Non-Confidential Employee
Track C Decision Makers

- Students: Dean of Students
- Faculty: Executive VP and Provost
- Staff: Associate VP for Human Resources
Title IX Track A/B Allegations that Require a Hearing:

- Sexual Assault
- Sexual Harassment
- Dating Violence
- Stalking
Hearing

- The university must provide a live hearing where all participants can simultaneously see and hear participants.
- Hearing officers are external to the university.
- A university representative participates.
- Parties must have advisors.
- Witnesses may have an advisor.
University Representative

• A neutral party whose role is ensure that the relevant information obtained during the investigation is received by the hearing officer
ADVISORS

• Parties and witnesses have the right to an advisor of their choice in all meetings with DIA

• In live TIX hearings, if the party does not have an advisor then the university must provide one

• In live TIX hearings, witnesses may have an advisor. The university does not provide advisors for witnesses
Advisors’ Role

- Advisors may review and inspect all evidence, but may not actively engage in the hearing, except to ask questions of witnesses.
- Advisors must ask all of the questions on behalf of the party.
- Advisors may consult with the party in private during the hearing.
Appeal

- Either party can appeal a hearing officer’s determination within 10 business days.
- Appeals must be based on:
  - Procedural irregularity
  - New evidence
  - Challenge to hearing officer
  - Conflict of interest
Formal Investigations

Active Cases: 35
  Track A/B: 25
  Track C: 10
Closed Cases: 34

Average of 82 business days
Adjudication

Hearings
- 8 Completed
- 7 Scheduled before Sept 1

Outcomes
- 3 Finding of Violation
- 4 No Finding
- 3 Pending Determination
How to Report to DIA

Email: dia@austin.utexas.edu

Phone: (512) 471-3701

Website: https://compliance.utexas.edu/department-investigation-and-adjudication
THANK YOU . . .
87th Legislative Session Wrap-Up
Office of Government Relations
Annual Title IX Training
August 6, 2021
The 87th Legislature convened on January 12th and started slowly as a result of the pandemic and February winter storm.
Number of Introduced Bills by Session

- 87R: 4,671 (HB) / 2,256 (SB)
- 86R: 4,765 (HB) / 2,559 (SB)
- 85R: 4,333 (HB) / 2,298 (SB)
- 84R: 4,207 (HB) / 2,069 (SB)
- 83R: 3,950 (HB) / 1,918 (SB)
Slow Start

House Higher Education
Percentage of Bills Out of Committee on 90th Day
Number of Passed Bills by Session

- **87R**: HB 587, SB 486
- **86R**: HB 969, SB 460
- **85R**: HB 700, SB 511
- **84R**: HB 819, SB 504
- **83R**: HB 732, SB 705
Budget

Higher Education Overview
State Budget

Legislative Appropriations Request (LAR)

• Universities were instructed to submit a 5% reduction. That amounted to $5.2 million for UT Austin.

Senate Bill 1

• The General Appropriations Act appropriated $248 billion for the next biennium, FY 2022-2023, a decrease of 5.2% from the prior biennium.
Budget Priorities

• Preserve funding for general academic and health-related formulas and fully fund enrollment growth to provide critical base funding for UT Austin and Dell Medical School
• Maintain Institutional Enhancement support
• Support stable funding for the Texas Research University Fund (TRUF)
• Support the TEXAS Grant student financial aid program
• Maintain current biennium levels of support for core research units: McDonald Observatory, Marine Science Institute, UT Institute for Geophysics, and the Bureau of Economic Geology
Senate Bill 1 – Higher Education Impact

- **$300M increase** for academic formulas and **$80M** for health formulas. That resulted in a General Revenue increase for UT Austin, including Dell Medical School, of **$36.2M** or 5.9%, for a total of **$647.6M**.
- **$110M** of additional funding for student financial aid, for a total of **$866M**.
- **$48M** for Graduate Medical Education (GME) expansion to achieve a 1.1 to 1 ratio of first year residency positions to medical school graduates, for a total of **$199M**.
- **$20M** to the Texas Child Mental Health Care Consortium to maintain current projected program service levels, for a total of **$118.5M**.
- **$40M** to maintain funding levels in the Governor’s University Research Initiative (GURI) program.
- **$6M** for the Liberty Institute, a new and unaffiliated institute on the UT campus dedicated to the study of free markets, economic development, and private enterprise.
- **$2M increase** for UT Austin in the Texas Research University Fund (TRUF) for a total of **$33.2M**.
- Included **5% reduction** for non-formula support items in FY 21-22, with the exception of MSI
House Bill 2 – Supplemental Appropriations

- Included the mandatory **5% reductions** in the current biennium (FY 2020-2021) for most state agencies and universities. For UT Austin, this amounted to a **$28 million reduction** in FY 2021.

- Due to a formula funding calculation error in this current biennium, an **additional $1.6 million** was added to the University to rectify the discrepancy.

- Appropriated **$124.1 million** out of the Economic Stabilization Fund (“Rainy Day Fund”) to complete construction of the redesigned Austin State Hospital, a project being led by Dell Medical School in partnership with the Texas Health & Human Services Commission.
Legislation
Higher Education and Title IX-Related
Higher Education Legislation Highlights

• Expansion of Governor’s University Research Initiative (SB 1525)
• Course material fee transparency (HB 1027)
• Creation of Texas First Early High School Completion Program allowing college-ready Texas high school students to graduate early and enroll at research or emerging research universities in Texas (SB 1888)
• Transfer of Texas OnCourse program from UT Austin to THECB (HB 2827)
• UT High School may prioritize military-connected students in enrollment and continue to serve students who leave Texas as a result of their parents’ military deployment or transfer (HB 4124)
• Collegiate athlete may monetize use of individual name, image, and likeness (SB 1385)
• Family leave pool for state employees (HB 2063)
Senate Bill 1371
Relating to the reporting of certain incidents of sexual harassment, sexual assault, dating violence, or stalking at certain public or private institutions of higher education.

• Corrects a potential conflict identified with SB 212 (86-R)
• Clarifies that victims may use a pseudonym when reporting applicable incidents to law enforcement, as is currently allowed under state law, and that in making the required report to a Title IX office when a pseudonym is used, campus peace officers do not report certain identifying information
• Immediate effective date
Senate Bill 1164
Relating to the prosecution of the offense of sexual assault

- Among other provisions, expands the definition of sexual assault to include the perpetrator being a coach, tutor, or caregiver who uses their power or influence to exploit the victim’s dependency on them
- Effective September 1, 2021
Senate Bill 45
Relating to the prohibition against sexual harassment in the workplace

• The bill provides that when sexual harassment occurs in the workplace, an employer commits an unlawful employment practice if corrective action fails to be taken when it is known that prohibited conduct has occurred

• Effective September 1, 2021
House Bill 1172
Relating to the rights of victims of sexual assault or other prohibited sexual conduct

• Provides that a law enforcement officer, when conducting an investigative interview with a survivor of sexual assault, must offer that an advocate from a sexual assault program, crime victim liaison, or victim’s assistance counselor may be present during the interview
• Prohibits a polygraph examination for the victim of sexual assault or other sexual offense
• Effective September 1, 2021
HB 2706

Relating to the emergency services and care provided to victims of sexual assault and other sex offenses and to the processes associated with preserving and analyzing the evidence of those offenses

• Extends the timeframe for a survivor to request/consent to a forensic medical exam to 120 hours after an assault occurred
• Clarifies definitions for Sexual Assault Forensic Examination (SAFE) programs and operational standards
• Limits use of evidence collected from a forensic medical exam from being used to investigate or prosecute a misdemeanor offense allegedly committed by the victim, and allows a healthcare provider who provides a forensic medical exam to be reimbursed through the Office of the Attorney General
• Effective September 1, 2021
Special Session(s)

• The 87th First Called Session began on July 8th and will adjourn ‘sine die’ today
• The 87th Second Called Session will begin on August 7th
• At least one more special session on redistricting is expected later this fall
Legislative Resources

Texas Legislature Online – capitol.texas.gov

• Find who represents you in the House and Senate
• Read and review bill texts, analyses and fiscal notes
• Create an account to track legislation of interest
• Stream committee and floor sessions
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Questions?