

A Year in Review: Title IX Office Updates

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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

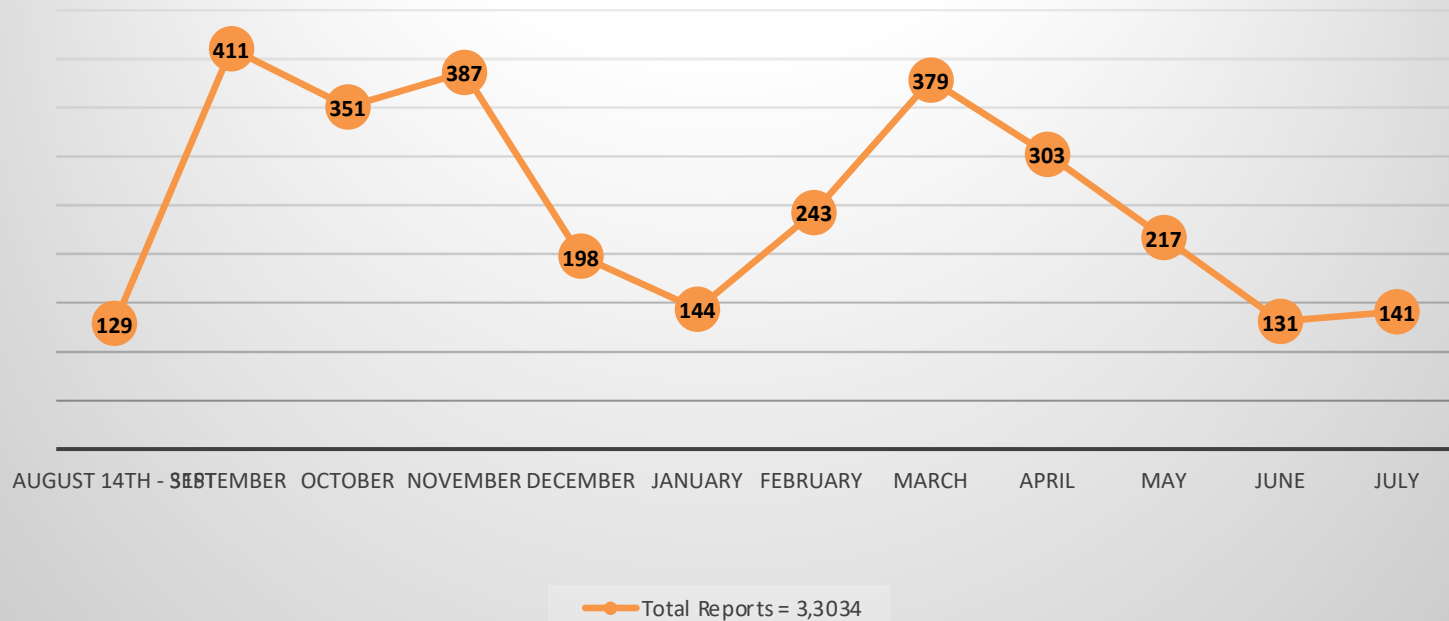
- Advisors Program
- Everyday Consent Campaign
- Title IX Peer-to-Peer Education Program
- Pregnancy, Nursing, and Parenting Committee
- Student Employees Designation as Responsible Employees

2020-2021

Reporting Trends

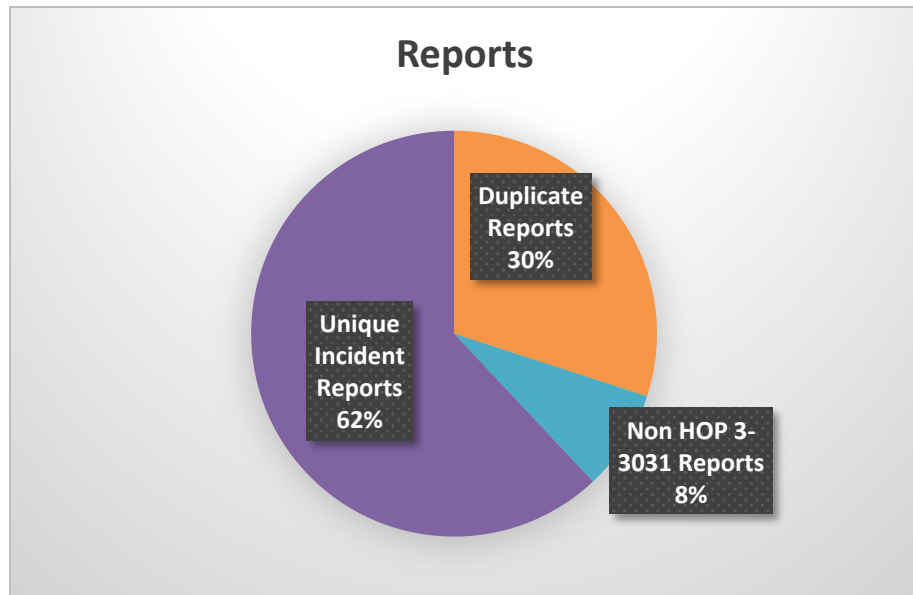
2020-2021 Reporting Trends

2020 -2021 AY Reports

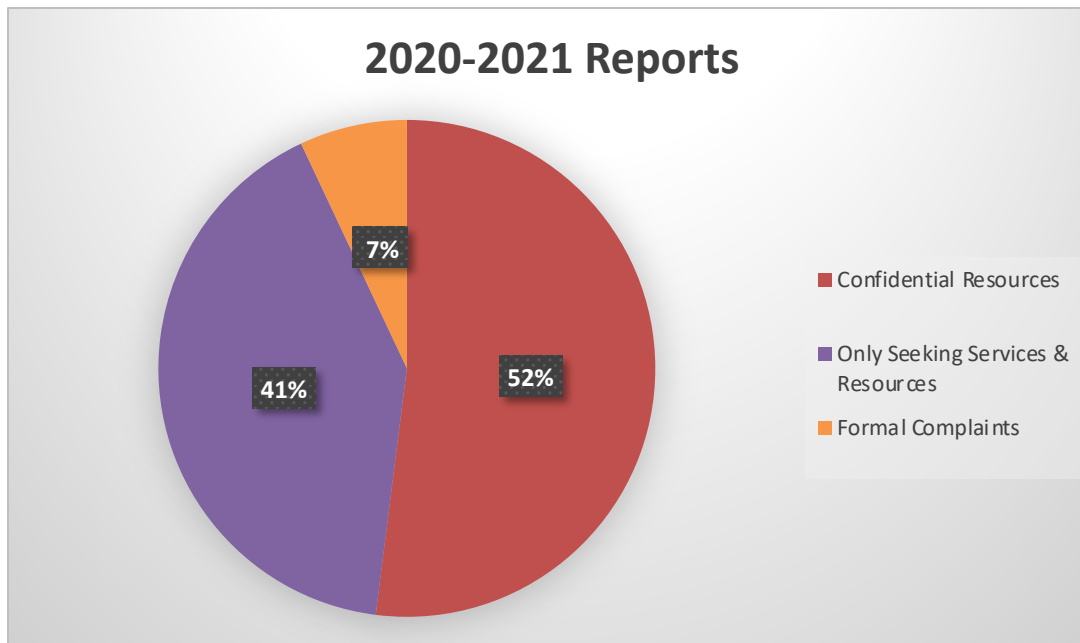


Reports Data

- 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

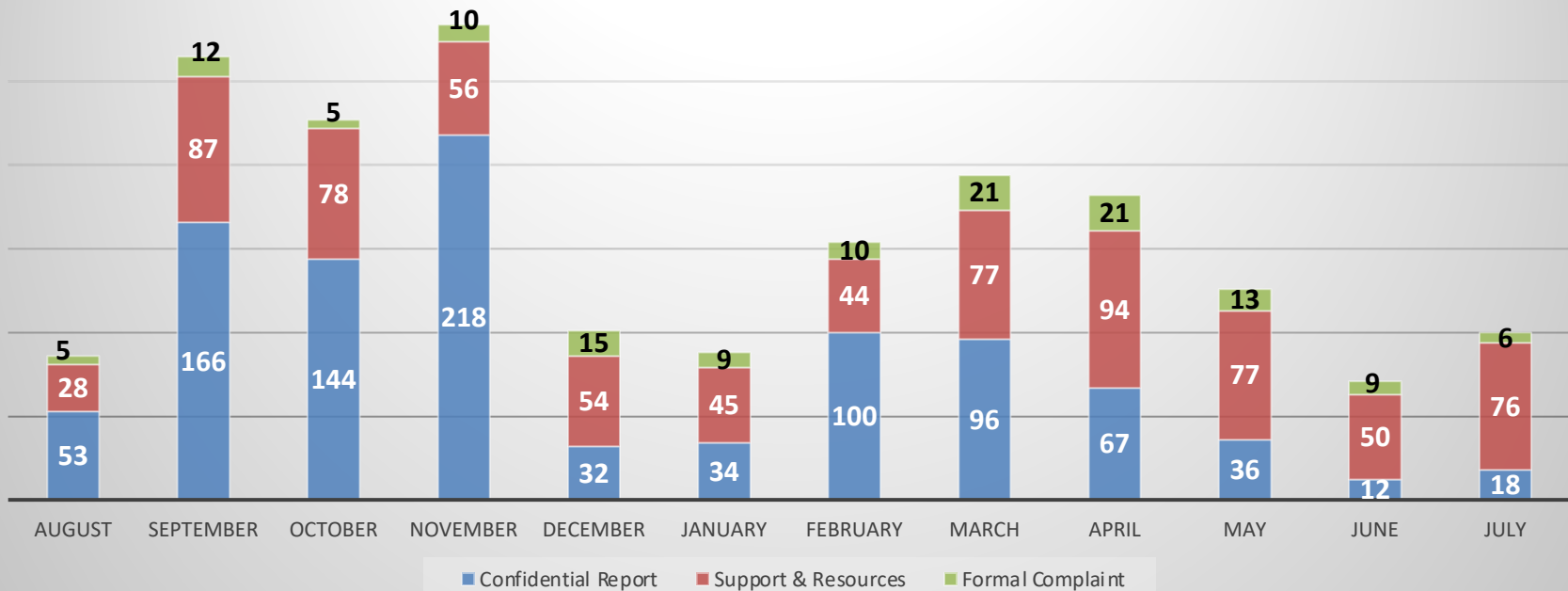


Reasons for Unique Reports



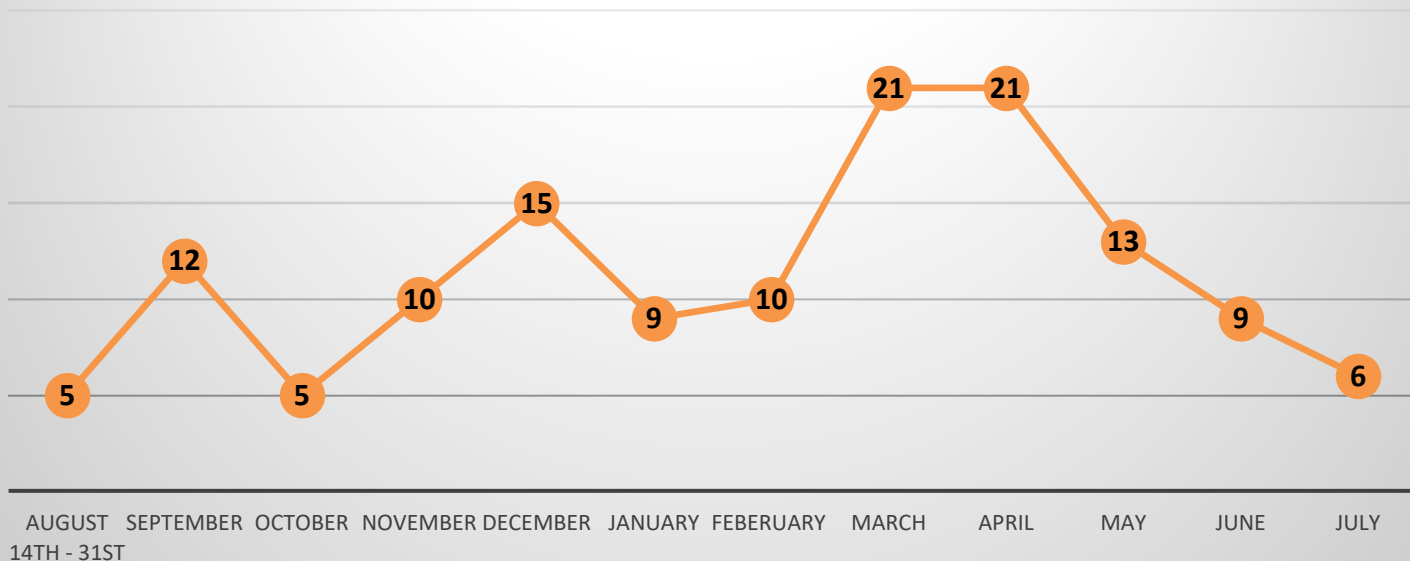
Reason for Report

Unique Reports = 1,878



Formal Complaints

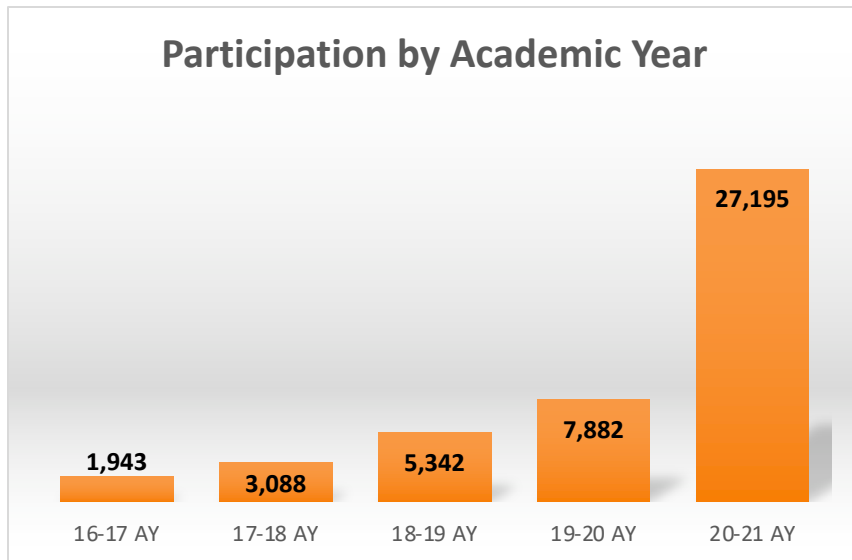
Total = 136



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

35
Counseling
Referrals

14
Confidential
Services

Title IX Support and Resources

AUGUST 2021



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](https://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



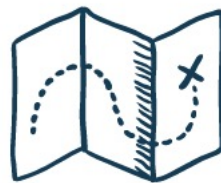
S&R Response

- 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



Thank You – Contact Us

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AUGUST 2021



OFFICE FOR INCLUSION AND EQUITY

Division for Diversity and Community Engagement

MARQUITA M. BOOKER (she/her/hers), Associate Vice President for Inclusion and Equity

ERICA HERNANDEZ (she/her/hers), Civil Rights Intake/Assessment Coordinator

JENN COREY MEEHAN (she/her/hers), Institutional Equity Investigator

COLIN SHEFFIELD (he/him/his), Senior Administrative Associate

OIE's Focus Areas



#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.

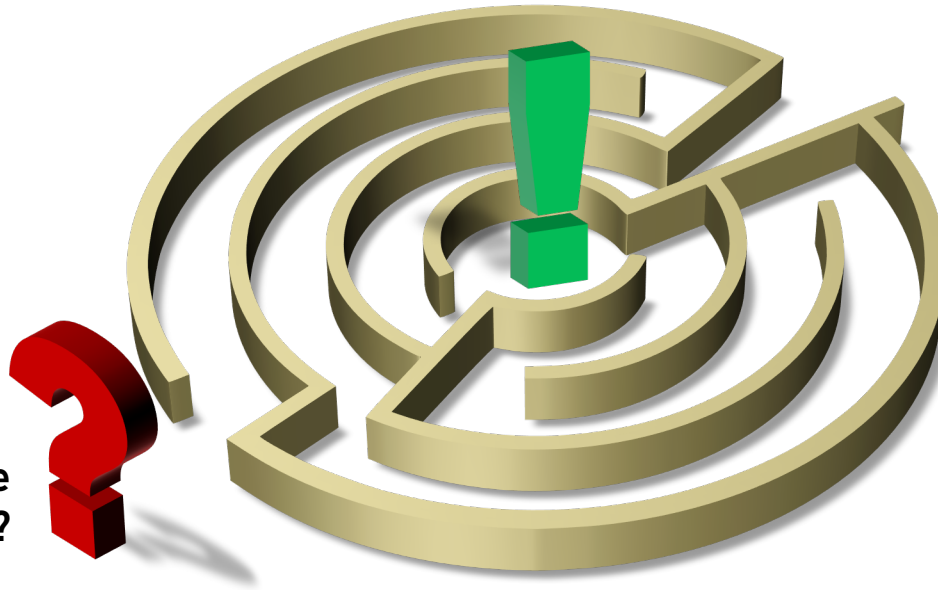
Exhibits strategy efforts in recruitment, promotions, and terminations.

#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

Punitive Approach

Aim to identify
harm/needs

Aim to fact-find/render
decision

More flexible/focus on
the parties' needs

More structural/focus
on institutional needs

Active accountability

Assigned responsibility

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

Informal Resolutions

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

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

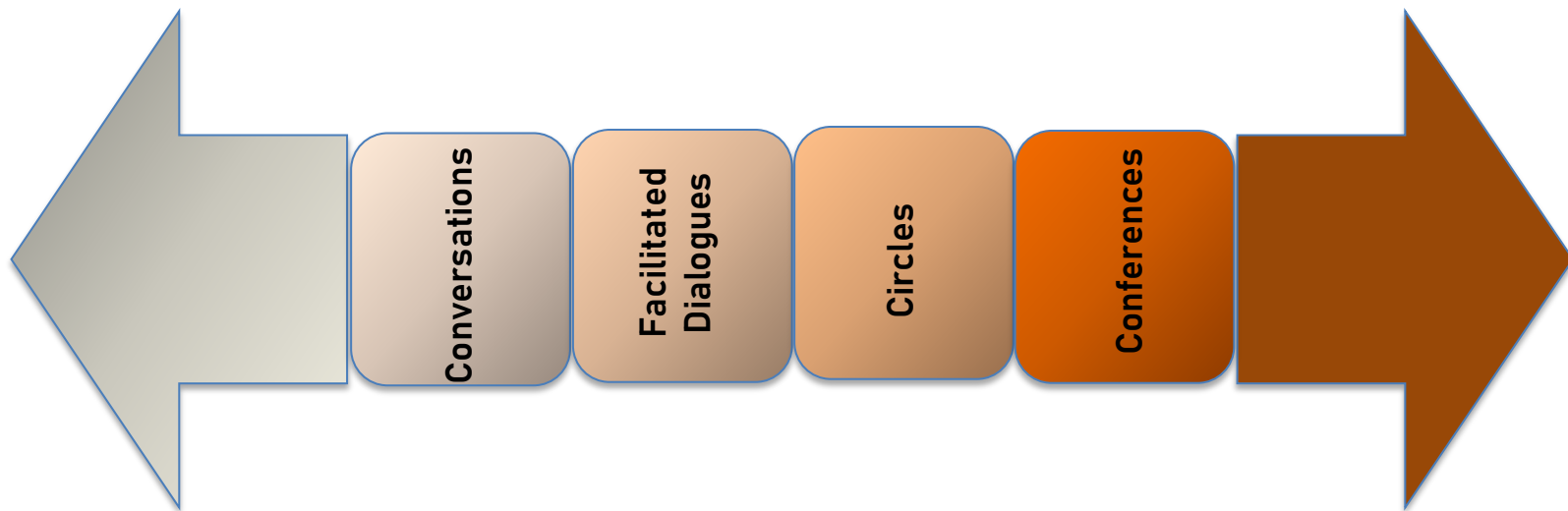


**Maintaining
Relationships**

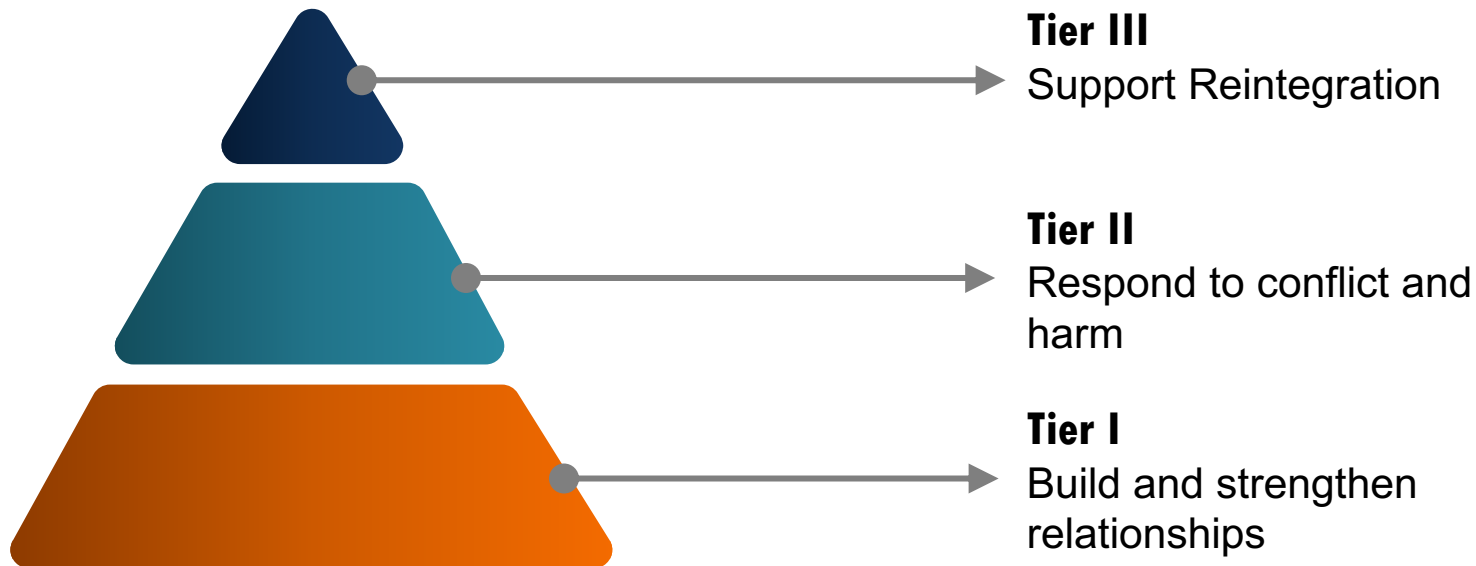
Creating Relationships

**Mending
Relationships**

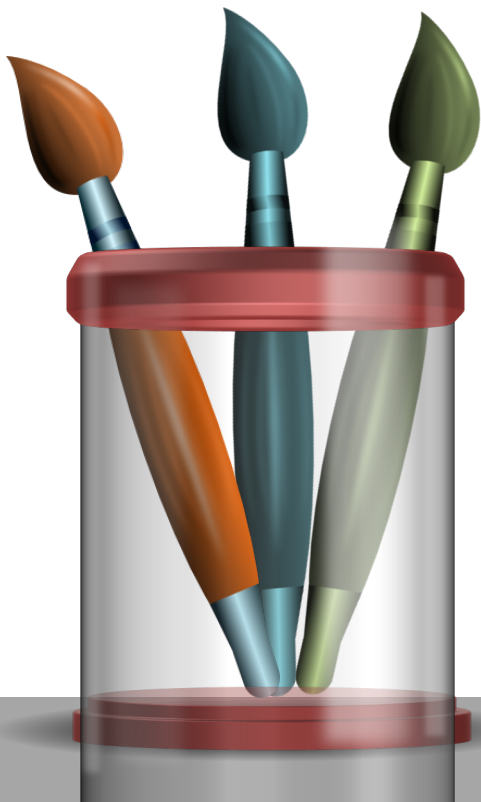
Types of Restorative Justice Practices



Restorative Interventions



Stay Tuned!



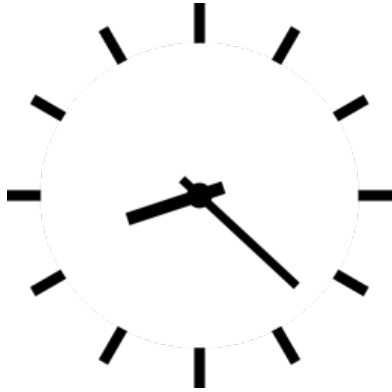
Staffing/Resources



Practice & Procedure



Communication



Q & A time



CONTACT US

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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 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 with 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



Welcome to DIA

The University of Texas at Austin is committed to advancing a diverse, equitable, and supportive campus culture. As part of that [commitment](#), the university created the **Department of Investigation and Adjudication (DIA)** to investigate allegations of discrimination, harassment, and other prohibited conduct. These claims can involve students, faculty, staff, contractors, applicants, visitors, and other members 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.

What DIA Does

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):

Hearing Officer Recruitment

DIA is looking for qualified candidates to serve as Title IX Hearing Officers.

[Apply to be a Title IX Hearing Officer >](#)

File a Complaint

Any person may report what they believe to be an act of discrimination, harassment, or retaliation at The University of Texas at Austin.

[File a Complaint Online >](#)

Email:

dia@austin.utexas.edu

Phone: (512) 471-3701

Website:

<https://compliance.utexas.edu/departments-investigation-and-adjudication>

THANK YOU . . .





87th Legislative Session Wrap-Up

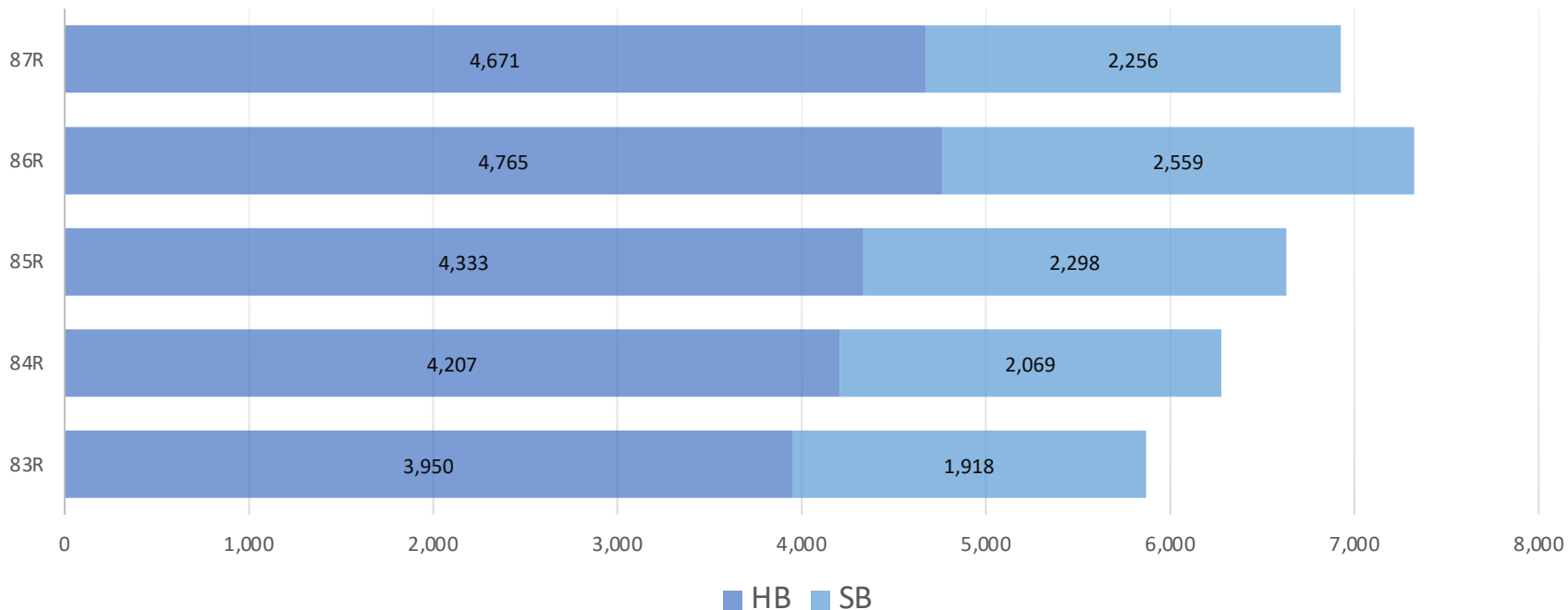
Office of Government Relations
Annual Title IX Training
August 6, 2021

Legislative Process

- The 87th Legislature convened on January 12th and started slowly as a result of the pandemic and February winter storm.

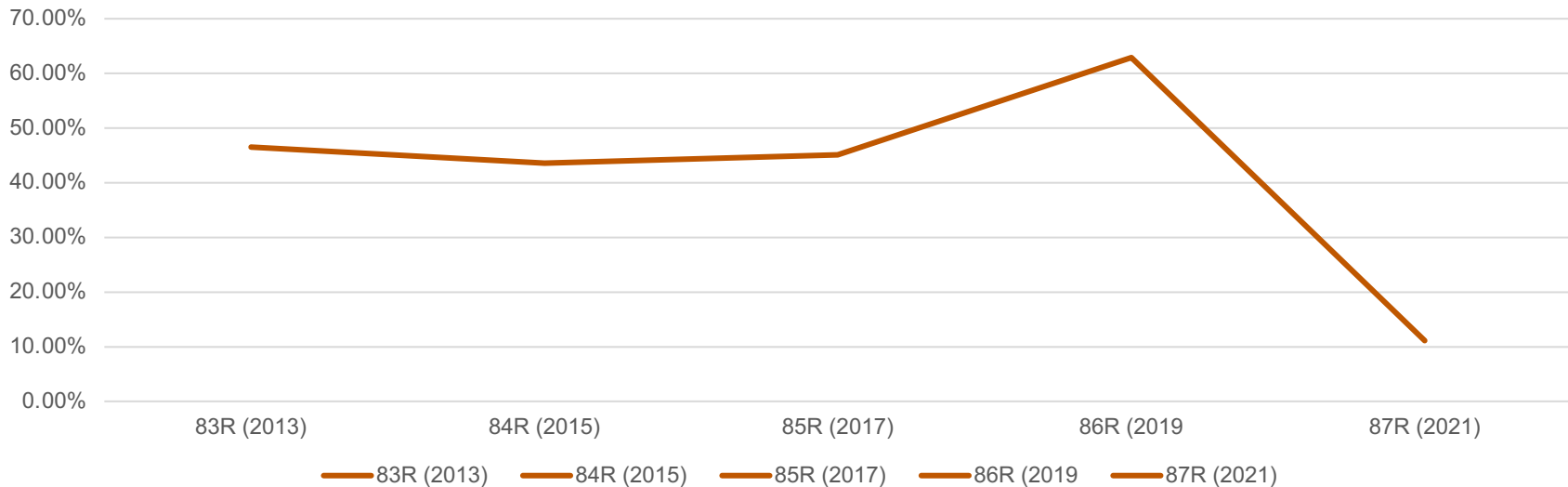


Number of Introduced Bills by Session

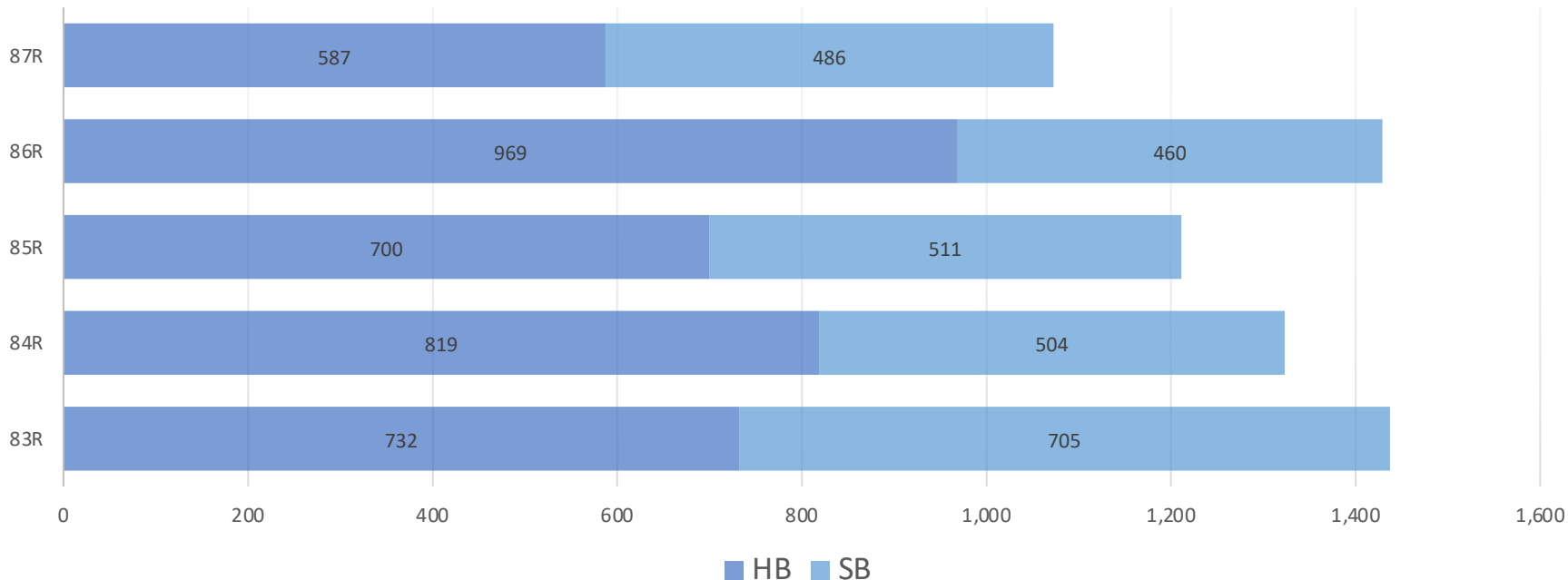


Slow Start

House Higher Education
Percentage of Bills Out of Committee on 90th Day



Number of Passed Bills by Session



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

Governmental Relations Contact Information

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Questions?