

Sexual Misconduct Case Management Overview

Krista Anderson, Systemwide Title IX Coordinator
Sean Flammer, Assistant General Counsel

Spring 2022



1

Agenda

1. Title IX Intro
2. Triage & Case Mgt
3. Resolution Options
4. Threat Assessment Overview
5. Adjudication Logistics
6. Documentation & Record Keeping

2

2

Introduction

TITLE IX

Key Concepts & Framework

3

Title IX (Educational Amendments of 1972) prohibits discrimination **on the basis of sex** in educational programs or activities receiving federal financial assistance

Anyone participating in or attempting to participate in educational programs or activities

4

“Education program or activity” under Title IX

Includes locations, events, or circumstances over which the institution exercises **substantial control** over both the respondent and the context in which the alleged sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the institution.

- **Example** of a “building owned or controlled by a student organization”: **Fraternity or sorority house** that is occupied by students of the organization, and the student organization is a recognized organization with the institution.

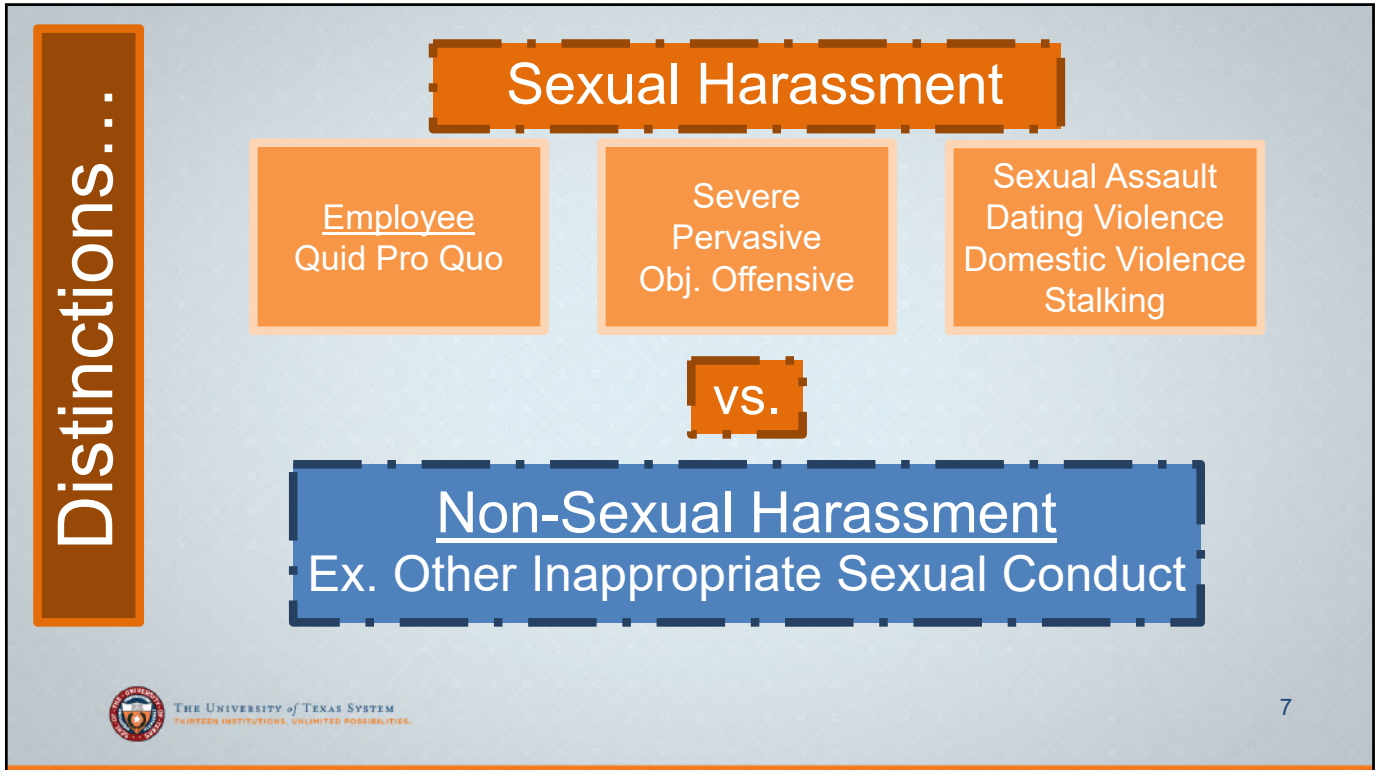


Source: Title IX Regulations (2020)

Title IX

Sex Discrimination
Sexual Harassment
Retaliation






7

Definition of “Sexual Harassment” under Title IX

Conduct on the basis of sex that satisfies one or more of the following:

1. An **employee** of the institution conditioning the provision of an aid, benefit, or service of the institution on an individual’s participation in unwelcome sexual conduct (Quid Pro Quo);
2. Unwelcome conduct determined by a reasonable person to be **so severe, pervasive, and objectively offensive** that it effectively denies a person equal access to the institution’s education program or activity; or
3. **“Sexual assault,” “dating violence,” “domestic violence,” or “stalking”** as defined under Clery/VAWA.


THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
Source: Title IX Regulations (2020) 8

8

#2 Element Examples

- **“Severe”**: Physically threatening or humiliating; effects of the alleged conduct to a reasonable person (using a “reasonable person” standard)
- **“Pervasive”**: Frequency, duration of the alleged conduct
- **“Objectively offensive”**: To a reasonable person (using a “reasonable person” standard)
- **“Reasonable person” standard**: An objective test to denote a hypothetical person who exercises average care, skill, and judgment in conduct under similar circumstances as a comparative standard.
- **“Effectively denies...equal access”**: Totality of the circumstances

For example, the degree of the alleged conduct’s interference with the CP or effects in an educational setting, type of alleged conduct, frequency and duration of the conduct, knowingly unwelcome in nature

9

Definition of “Other Inappropriate Sexual Conduct”

Conduct on the basis of sex that does not meet the definition of “sexual harassment” (under the Model Policy), but is

1. Verbal conduct (including through electronic means), unwanted statements of a sexual nature intentionally stated to a person or group of people, that are objectively offensive to a reasonable person and also so **severe or pervasive** that it created a Hostile Environment, as defined in the Model Policy.
2. Physical conduct...



Source:

UT System Model Policy for Sexual Misconduct (2021)

10

10

“Other Inappropriate Sexual Conduct” Cont.

Possible Examples (depending on facts):

- Unwelcome sexual advances (including explicit or implicit proposition(s) of sexual contact or activity);
- Requests for sexual favors (including overt or subtle pressure);
- Gratuitous comments about an individual’s sexual activities or speculation about an individual’s sexual experiences;
- Gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
- Persistent, unwanted sexual or romantic attention;
- Exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials;
- Deliberate, repeated humiliation or intimidation;
- Sexual exploitation;
- Unwelcome intentional touching of a sexual nature; or
- Deliberate physical interference with or restriction of movement.



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

Source:

UT System Model Policy for Sexual Misconduct (2021)

11

11

Institutions must reasonably respond in light of known circumstances...

1. Stop & prevent behavior from continuing or escalating

2. Remedies: Supportive measures & resources

3. Formal grievance process



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

12

12

Why is it important that institutions respond to reports of sexual misconduct?

Stop

Prevent

Remedy

Institutions provide:

- Campus remedies & supportive measures (with or without filing a formal complaint)
- Prompt, fair, & equitable grievance processes (by filing a formal complaint)
- Preponderance of the evidence standard (in the formal grievance process)
- An informal resolution option (in some circumstances, if available)



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

13

13

Key Pillars: Title IX Process

Impartiality

Respect

Fairness

Equity

For all of the participants
in the process:

Complainants

Respondents

Witnesses

Third-party Reporters



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

14

14

Serving Impartially in Your Role

- Must avoid **prejudgment** of the facts at issue
- Must avoid **conflicts of interest**
- Must avoid **bias**



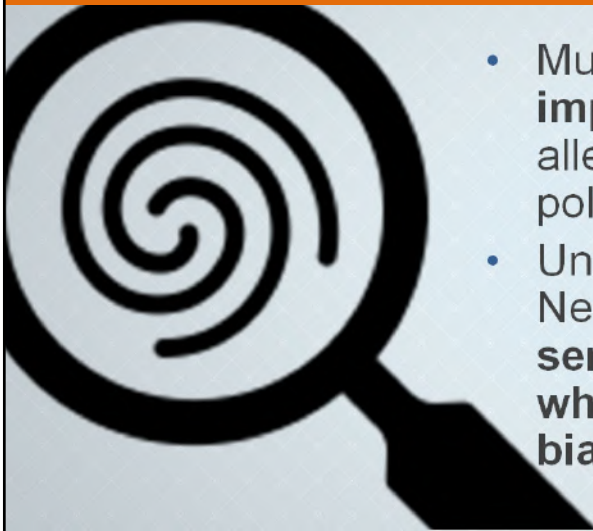
THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

Source: Title IX Regulations (2020)

15

15

Principles for Title IX Process



- Must maintain **complete neutrality & impartiality at all times** in investigating alleged conduct violations of institutional policies.
- Understanding bias & whether it exists: Need to take an “**objective, common sense approach to evaluating whether a person serving in a role is biased.**” (*Title IX Preamble (2020)*)...



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

16

16

Avoiding Bias

- Must not treat a party differently:
 - On the basis of the person's **sex**;
 - On **stereotypes** about how men or women behave with respect to sexual violence; and/or
 - On the basis of the person's **characteristics**: sex, race, ethnicity, sexual orientation, gender identity, disability, immigration status, financial ability, socioeconomic status, or other characteristic.



Source: Title IX Preamble (2020)

17

17

Institutional Policy & Definitions



18

18

Institutional Sexual Misconduct Policy (Example)

Prohibits sex discrimination, sexual harassment, retaliation, and other prohibited conduct under the policy, including:

- Sex Discrimination
- Sexual Harassment
 - Sexual Assault
 - Dating Violence
 - Domestic Violence
 - Stalking
- Retaliation
- Sexual Exploitation
- Other Inappropriate Sexual Conduct
- False Information & False Complaints
- Interference with the Grievance Process
- Failure to Report (for Responsible Employees)

Policy Differences Note: For the purposes of this training, the UTS Model Policy for Sexual Misconduct will be the primary policy reference. UT Institutional policies may have some differences.



Source:

UT System Model Policy for Sexual Misconduct (2021)

19

19




First Amendment Rights: Free Speech & Academic Freedom

Constitutionally protected expression cannot be considered Sexual Misconduct (e.g. “sexual harassment,” “other inappropriate sexual conduct”) under the institution’s Sexual Misconduct policy.

Note: Neither party may be restricted from discussing allegations or from gathering evidence in a grievance process.

20

20




Retaliation Prohibited under Title IX

No institution or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX; or because an individual has made a report or formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

21

21




Definition of "Retaliation"

Any **adverse action** (including, but is not limited to, intimidation, threats, coercion, harassment, or discrimination) taken against someone because the individual has made a report or filed a Formal Complaint; or who has supported or provided information in connection with a report or a Formal Complaint; participated or refused to participate in a Grievance Process under this Policy; or engaged in other legally protected activities.

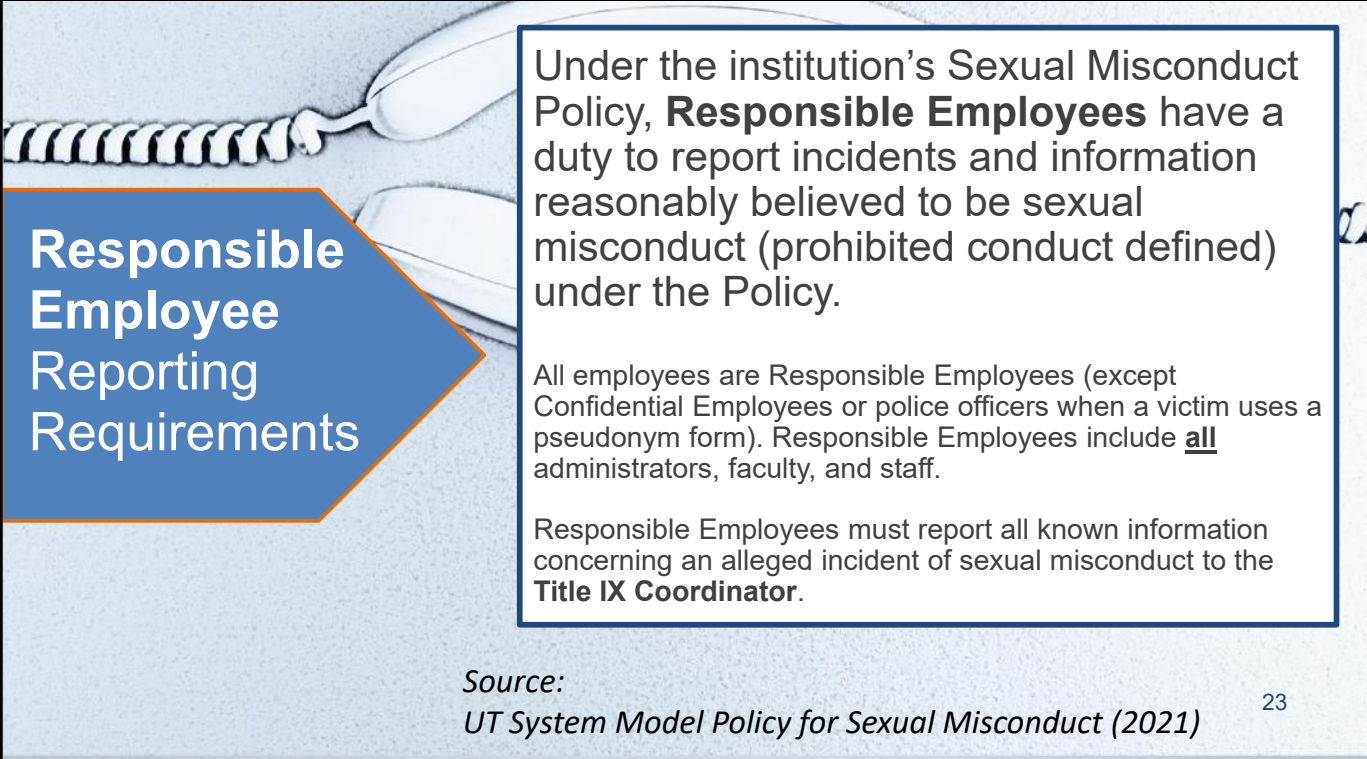
Note: Any person who retaliates against (a) anyone filing a report of Sexual Misconduct or Formal Complaint, (b) the parties or any other participants (including any witnesses or any University employee) in a Grievance Process relating to a Formal Complaint, (c) any person who refuses to participate in a Grievance Process, or (d) any person who under this Policy opposed any unlawful practice, is subject to disciplinary action up to and including dismissal or separation from the University.

Source:
UT System Model Policy for Sexual Misconduct (2021)

22



22



Responsible Employee Reporting Requirements

Under the institution's Sexual Misconduct Policy, **Responsible Employees** have a duty to report incidents and information reasonably believed to be sexual misconduct (prohibited conduct defined) under the Policy.

All employees are Responsible Employees (except Confidential Employees or police officers when a victim uses a pseudonym form). Responsible Employees include all administrators, faculty, and staff.

Responsible Employees must report all known information concerning an alleged incident of sexual misconduct to the **Title IX Coordinator**.


Source:
UT System Model Policy for Sexual Misconduct (2021) 23

23

Definition of "Failure to Report" for Responsible Employees

If a Responsible Employee knowingly fails to report all information concerning an incident the employee reasonably believes constitutes stalking, dating violence, sexual assault, or sexual harassment committed by or against a student or employee at the time of the incident, the employee is subject to disciplinary action, including termination.

Source:
UT System Model Policy for Sexual Misconduct (2021);
Tex. Edu. Code Section 51.252-51.259 24



THE UNIVERSITY OF TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

24



25

25

Operational Roles, Delegations, & Structure?

Title IX Coordinator	Title IX Deputies	Case Mgt Coordinators	Investigators	Advisors provided by the Institution
Informal Resolution Facilitators	Appellate Role for Formal Complaint Dismissals	Threat Assessment Personnel	Decision-Makers for Emergency Removals	Adjudication Transition Coordinators
Hearing Officers	University Representative Role at Hearings	Appellate Role for Policy Violation Determinations	Legal Affairs Support	Others ???



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

26

26

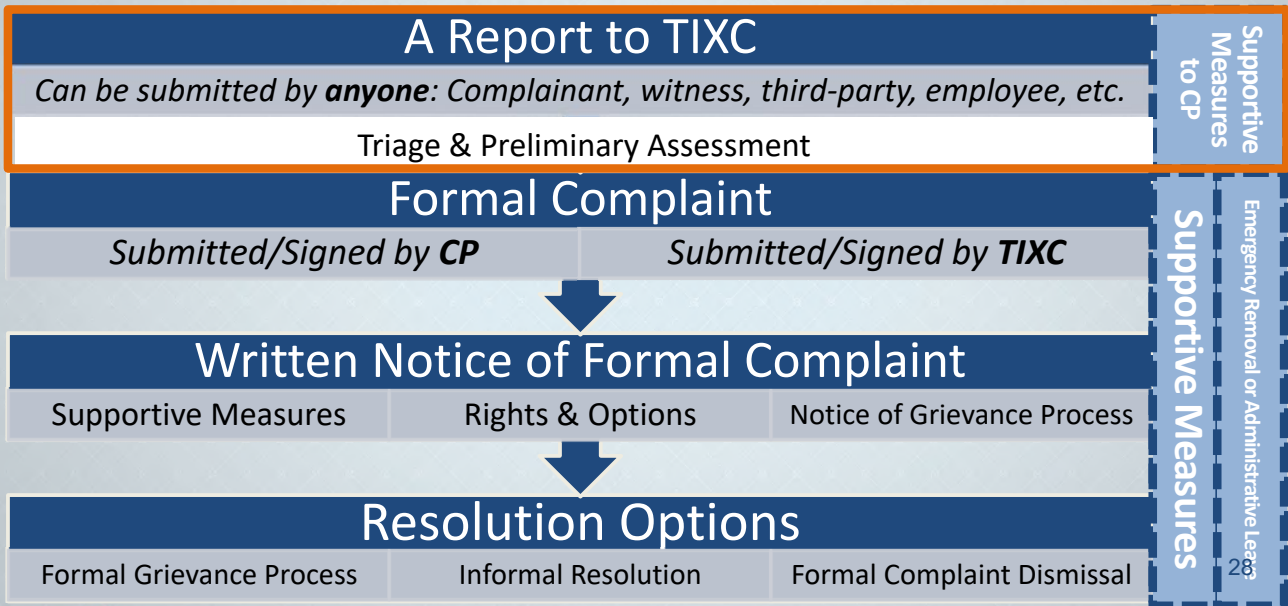
Documentation & Record Keeping Examples

- Documentation Checklists & Forms
- Intake & Initial Assessments
- Case Management Timelines & Decisions
- Contact & Communications
- Notices, Letters, Dismissals, & Reports
- Written Determinations
- Appeals
- Data Systems for Electronic & Hard Copy Records



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

Resolution Flowchart



Basis of the Alleged Conduct

- Alleged **incident** of prohibited conduct
- Alleged **pattern** of prohibited conduct
- Alleged **climate issue(s)** in an area or department

Allegation Type(s): Sexual Misconduct Policy?

Sex Discrimination	Sexual Harassment	Sexual Assault	Dating or Domestic Violence
Stalking	Sexual Exploitation	Other Inappropriate Sexual Conduct	Retaliation
Failure to Report	False Report or False Information	Interference with an Investigation	Other(s) ???

Other Triage Analysis & Considerations

CP & RP Affiliation to the Institution?

Incident Location(s)

Date/Time of Incident

Time of Alleged Incident:
Institutional Nexus or Jurisdiction?

Institutional Action?
Preventative Action?
Remedies?

Level of Concern?
Threat Level?



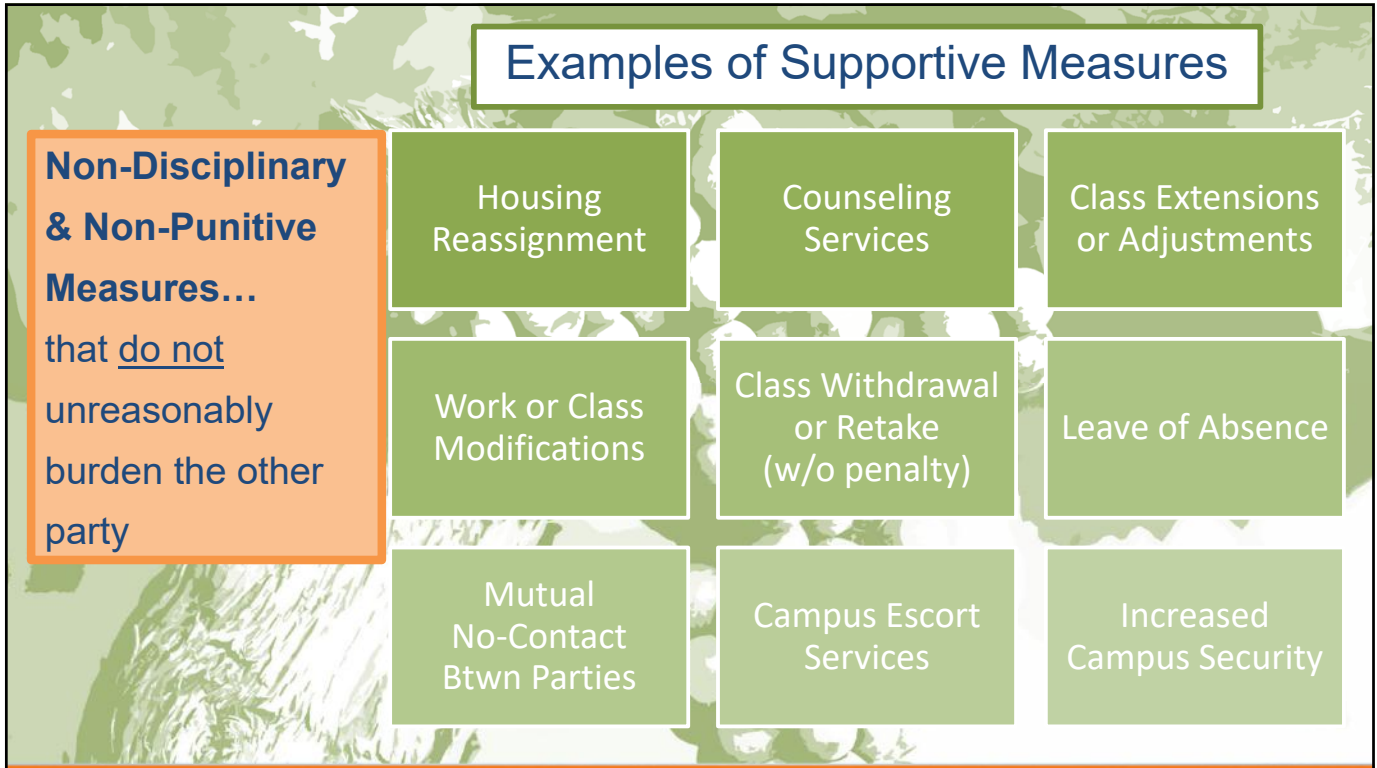
THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

A Report to the Title IX Coordinator (TIXC)

TIXC must promptly contact the **complainant** to discuss the availability of supportive measures (with or without a formal complaint), consider the wishes of the complainant, and explain the process for filing a formal complaint.



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.



33

Disciplinary or Punitive Measures

Any **disciplinary or punitive measures** may only be implemented following the **conclusion** of the Grievance Process, unless an **Emergency Removal** is appropriate.

34

34

Party's Rights (Summary)

A **Complainant** and **Respondent** have the following rights during a grievance process:

- To be informed of and have access to counseling, medical, academic, and other applicable **support services**, including **confidential resources**.
- To be informed of the importance of a victim going to a **hospital for treatment** and the **preservation of evidence**, if applicable, as soon as practicable after an alleged incident.
- To be informed of a **notice of formal complaint** to the University, whether filed by a CP or the TIXC.
- To receive a **prompt, fair, equitable, and impartial grievance process**.
- To receive information and ask questions about the **formal and informal processes**.



35

35

Party's Rights (Cont.)

- To be given **equal chance** to participate in a grievance process, including the opportunity to identify witnesses and other relevant evidence.
- To choose **not** to actively participate in the grievance process, if desired.
- To have an **advisor of choice** present during all meetings and grievance proceedings.
- To have an **advisor provided** for a party at a **hearing** under the Title IX/SH grievance process, if an advisor of choice is not present.



36

36

Party's Rights (Cont.)

- To have access and equal opportunity to **inspect** and **review any evidence obtained** as part of the investigation, and to receive a copy of the completed investigation report.
- To be **equally informed** of any **determinations** regarding responsibility, dismissals of formal complaints, and/or a party's filing of an appeal.
- To **appeal** a determination regarding responsibility and/or dismissals of formal complaints.
- To file a report with **local** and/or **campus law enforcement** authorities.



Complainant's Rights

(related to the
Grievance Process)

- To **report** an incident and/or **file a formal complaint** with the University.
- To **request** in writing that the University **not investigate** a reported incident and be **informed** of the **University's decision** whether or not to investigate.
- To **request** in writing a **dismissal** of a formal complaint (e.g. withdraws the formal complaint or any allegations therein).



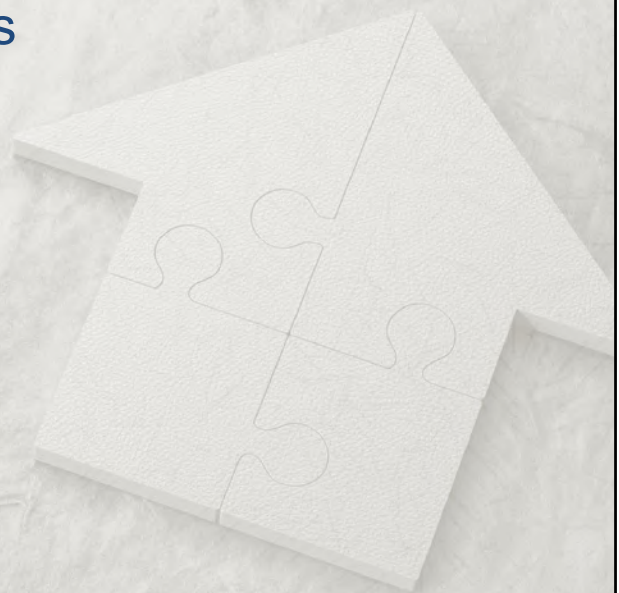
Other Required Action?

Type of Concern	Action
Non-emergency behavioral or wellness issues(s)	Refer to Behavior Intervention Team (BIT) or campus equivalent
Immediate safety concerns (emergencies) or welfare check required	Report immediately to 911
Clery reportable crimes that meet Clery geography requirements and/or timely warning requirements	<u>Timely Warnings</u> : Report immediately to campus law enforcement <u>Clery Crime Reporting</u> : Report to the campus Clery Manager
Alleged abuse and/or neglect of minors	Report immediately to Dept. of Family & Protective Services (DFPS): 800-252-5400
Alleged conduct could violate other institutional policies	Refer to the appropriate office(s) who oversees the applicable policies

39

TIXC: Options for Next Steps

- Supportive Measures for the CP
- CP's right to file a formal complaint
- TIXC files a formal complaint, in lieu of a Reluctant Complainant and/or compelling reasons to investigate further...



40

40

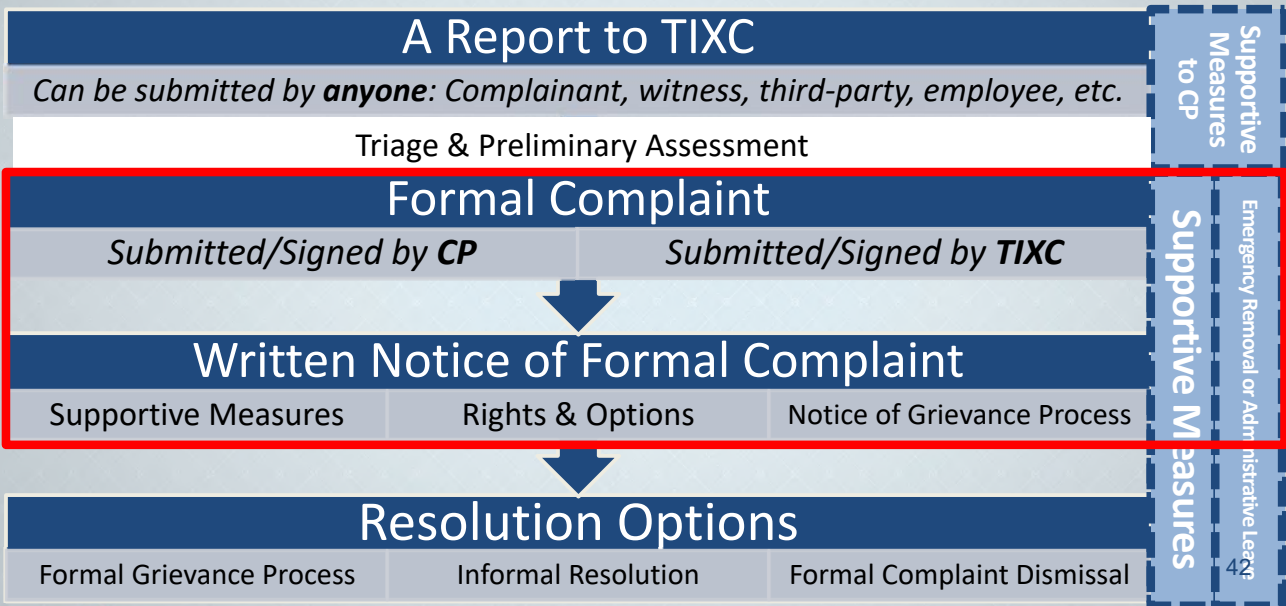
TIXC: File a Formal Complaint?

Consider if there are compelling reasons:

1. The **nature, circumstances, & seriousness** of the alleged conduct;
2. The **safety & risk of harm** to others;
3. Any **pattern evidence**, other similar conduct or allegations of the **RP**;
4. **RP's affiliation** with the institution & **applicable options** for institutional action; and/or
5. Other relevant factors in the specific matter?



Resolution Flowchart

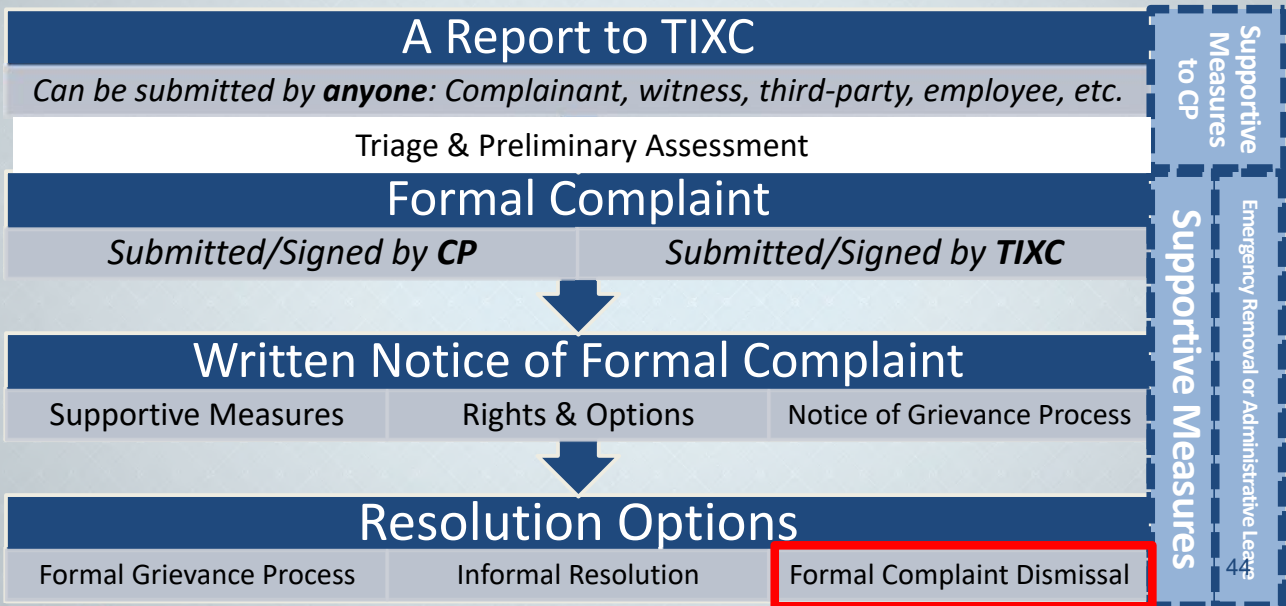




43

43

Resolution Flowchart



44

44

Mandatory Formal Complaint Dismissals under Title IX

Mandatory Dismissals are required when the **definitional** or any element of the **jurisdictional** framework under Title IX is not met.



Source: Title IX Regulations (2020)

45

45

Dismissing a Formal Complaint under Title IX doesn't preclude an institution from addressing conduct prohibited under an institution's policy through a fair and equitable grievance process...

Source: Title IX Regulations (2020)

46

46

Mandatory Formal Complaint Dismissals under Title IX

Under Title IX regulations, universities are **required** to distinguish between prohibited conduct that is “under Title IX” and prohibited conduct that is a violation of university policy. Under Title IX, the University **must dismiss** a Formal Complaint or the part of the allegations in a Formal Complaint, if applicable, where:

Sexual Harassment is alleged and where:

- The conduct alleged does not meet the definition of Sexual Harassment;
- The alleged conduct did not occur in the University’s education program or activity; or
- The alleged conduct did not occur against a person in the United States.

Note: A dismissal under this provision only applies to allegations of Sexual Harassment under Title IX. In such an instance, the University may still investigate a Formal Complaint for allegations of Sexual Harassment under this Policy. The University may also investigate allegations of prohibited conduct under this Policy but it will not technically be “under Title IX.”



Source:

UT System Model Policy for Sexual Misconduct (2021)

47

47

If **Mandatory Dismissal** is required, then are additional **discretionary reasons** for a dismissal applicable to the specific circumstances?

- CP expressly **prefers to dismiss** the formal complaint or requests to not investigate the matter.
- RP was an employee and is **no longer employed** by the institution at the time the formal complaint is filed.
- Any **specific circumstances** that prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.
- The conduct alleged does not meet the definition of **any** prohibited conduct under the institution’s Sexual Misconduct Policy.

Additional Considerations



48

48

Triage Again

Consider if there are compelling reasons:

1. The **nature, circumstances, & seriousness** of the alleged conduct;
2. The **safety & risk of harm** to others;
3. Any **pattern evidence**, other similar conduct or allegations of the **RP**;
4. **RP's affiliation** with the institution & **applicable options** for institutional action; and/or
5. Other relevant factors in the specific matter?



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

49

49

Notice of Formal Complaint Dismissal

1. Note the reasons for the **mandatory dismissal "under Title IX"** (if applicable).
2. Explain the **basis/rationale** for the following:
 - Additional discretionary reason(s) for dismissing the formal complaint under the institution's policy and closing the case; **or**
 - Additional compelling reason(s) for continuing a grievance process under the institution's policy (e.g. the allegations still apply to the policy).
3. Option to Appeal the F.C. Dismissal
4. Outline next steps in the process (if applicable) **or** note the conclusion/end of the process with this formal complaint dismissal.



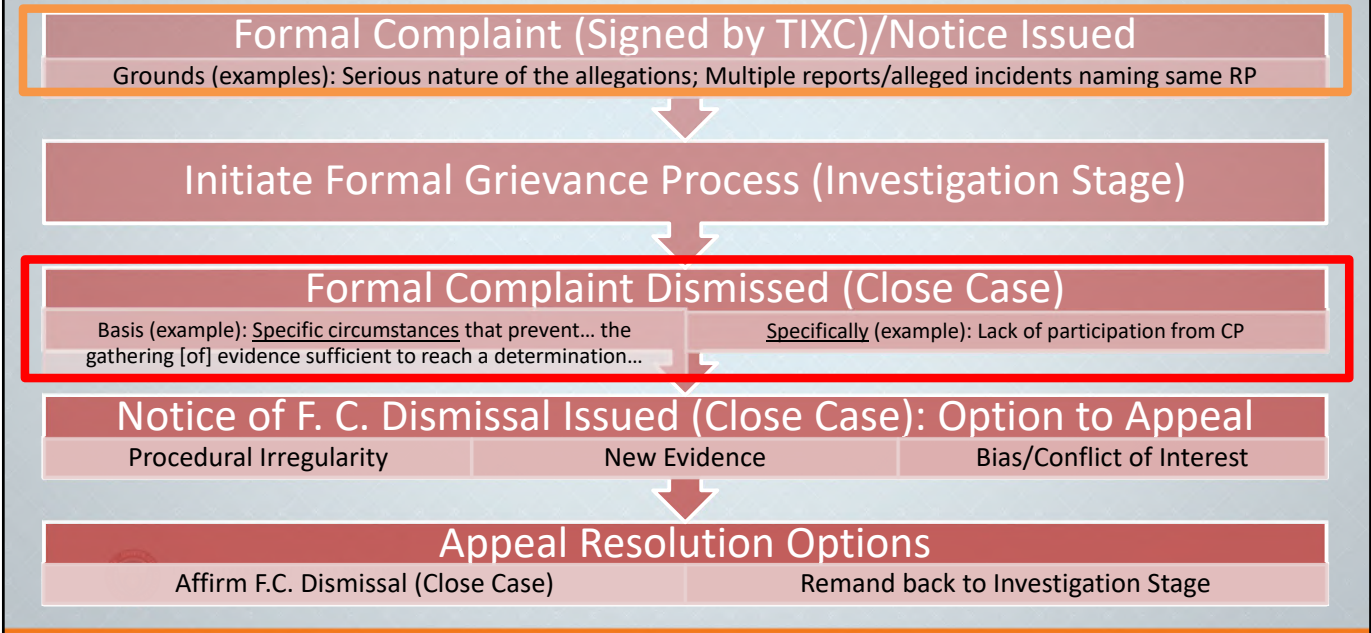
THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

50

50

Formal Complaint Dismissal (Example #1)

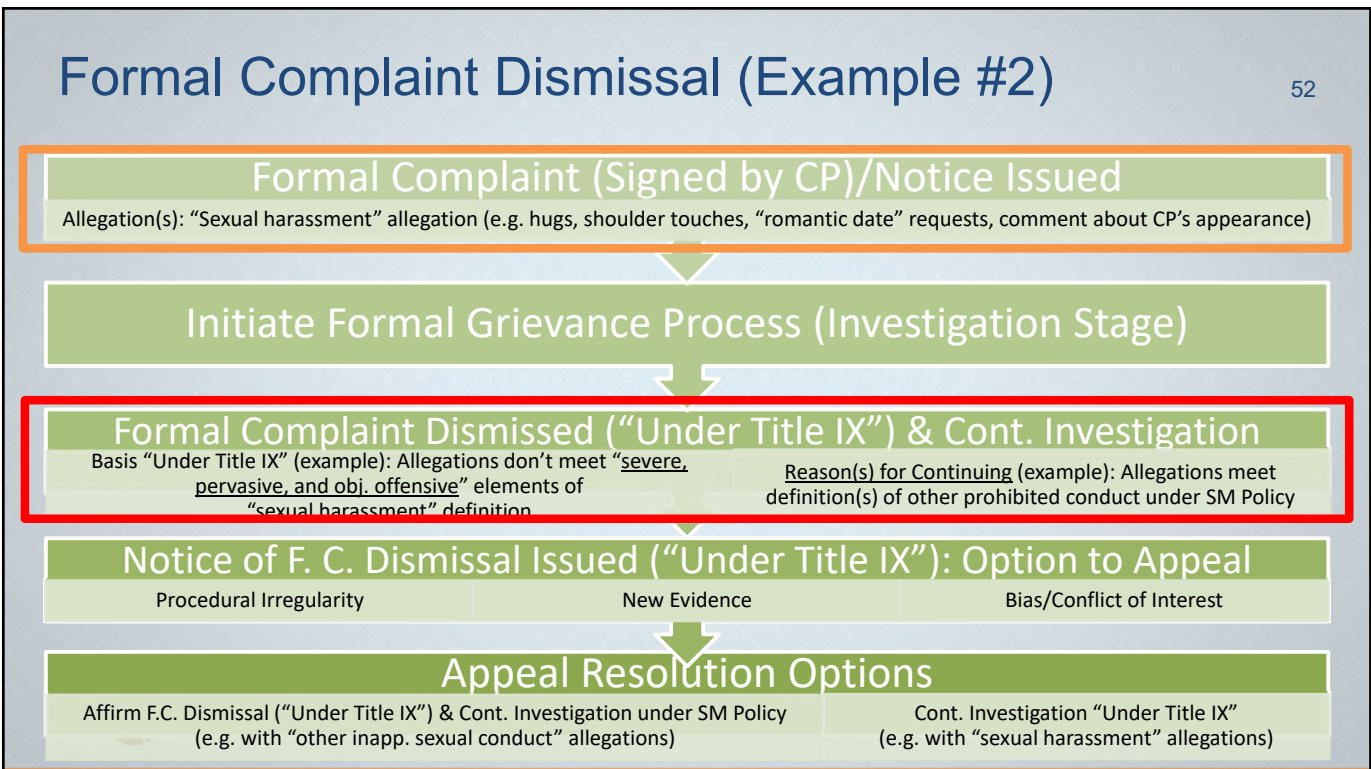
51



51

Formal Complaint Dismissal (Example #2)

52

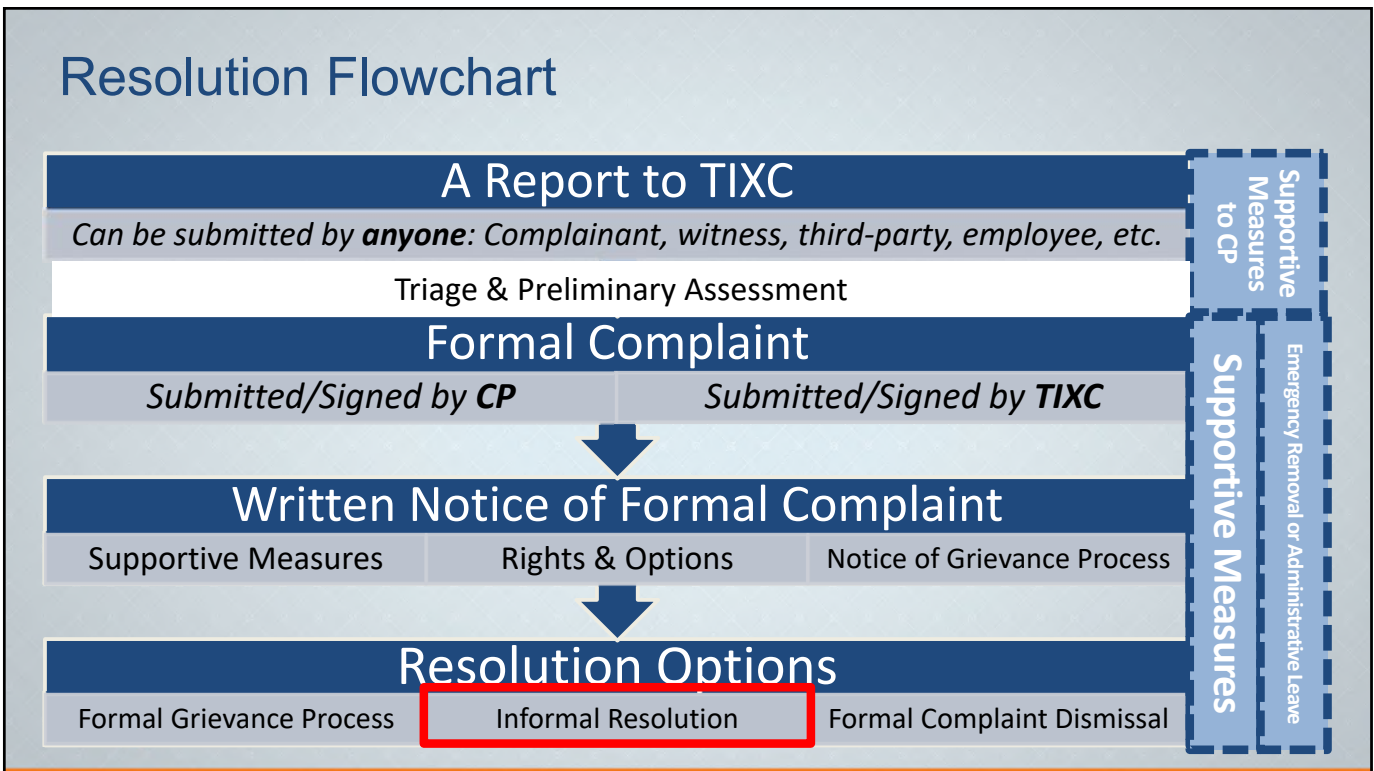


52



53

53



54

Informal Resolutions: Introduction

It's an alternative resolution option once a formal complaint is filed.

- **Voluntary agreement** made by both parties, if available.
- Available as an option at any time prior to reaching a determination regarding responsibility.
- Doesn't involve a full investigation & adjudication.
- May be facilitated through mediation (as an example).

Note: Each party has a right to **withdraw** from the informal resolution process and resume the formal grievance process at any point prior to an agreement.



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

55

55

Not Permitted When...

- Not permitted as a resolution option “under Title IX” when an **employee respondent** is alleged of “sexual harassment” by a **student complainant**.
- Examples of other non-applicable reasons* due to seriousness and/or pattern of allegations:
 - Sexual Harassment cases
 - Sexual Violence cases
 - Dating or Domestic Violence cases
 - Stalking cases
 - The same respondent has previous informal resolution agreements

* Check the institution's Sexual Misconduct Policy for specific provisions



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

Source: Title IX Regulations (2020);
UT System Model Policy for Sexual Misconduct (2021)

56

56

What's left? "Other Inappropriate Sexual Conduct"

Possible Examples (depending on facts):

- Unwelcome sexual advances (including explicit or implicit proposition(s) of sexual contact or activity);
- Requests for sexual favors (including overt or subtle pressure);
- Gratuitous comments about an individual's sexual activities or speculation about an individual's sexual experiences;
- Gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
- Persistent, unwanted sexual or romantic attention;
- Exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials;
- Deliberate, repeated humiliation or intimidation;
- Sexual exploitation;
- Unwelcome intentional touching of a sexual nature; or
- Deliberate physical interference with or restriction of movement.



Source:

UT System Model Policy for Sexual Misconduct (2021)

57

57

Informal Resolution Timeframe (Example)

Informal Resolutions of a formal complaint will be concluded within **45 days** of notice to the institution that both parties wish to proceed with the Informal Resolution process

Note: Circumstances may require a **temporary delay** in this timeframe & the institution may extend this timeframe for good cause.

- Provide **notice** to the parties for temporary delays or extensions



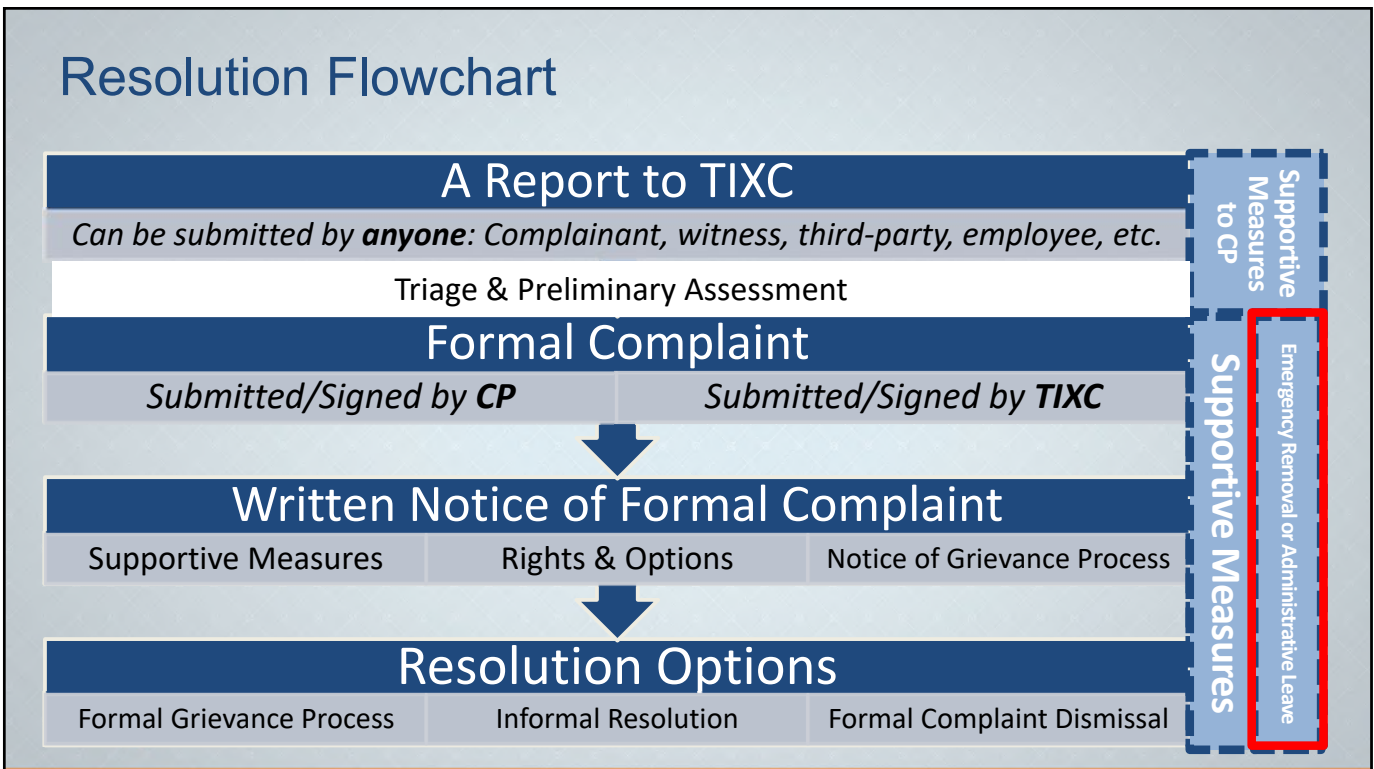
Source: *UT System Model Policy for Sexual Misconduct (2021)*

58

58




59



60

Emergency Removals


1. **Individualized safety & risk analysis:** Determines that immediate threat to the physical health & safety of any student or other individual arising from the allegations justifies the respondent's removal from the education program or activity.
 - Notice & opportunity to challenge the decision immediately following the removal.
 - Rights under **ADA & Section 504** still apply.
2. Doesn't preclude an institution from placing non-student employee respondents on **administrative leave** during the pendency of the grievance process.



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

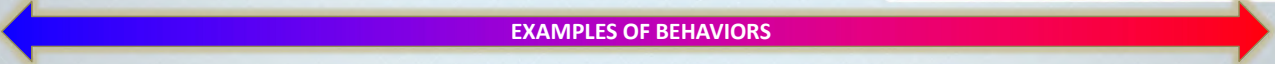
61

Crisis/Threat Continuum



LEVEL OF CONCERN


LOW	MODERATE	HIGH
<ul style="list-style-type: none"> 1st time seeing a concern Makes you or others uncomfortable but nothing specific No direct threats made 	<ul style="list-style-type: none"> Not the first time seeing a concern Continuation (persistence) of low-level behaviors Threat implied or issued in a vague manner Threat through verbal or electronic medium Quick change in disposition or behavior 	<ul style="list-style-type: none"> Any serious/severe incidents Multiple incidents in short time frame Multiple concerns (pervasive) or escalating from the "low" to "moderate" continuum Access to or potential to access weapons Clear direct and specific threat and/or plan



EXAMPLES OF BEHAVIORS

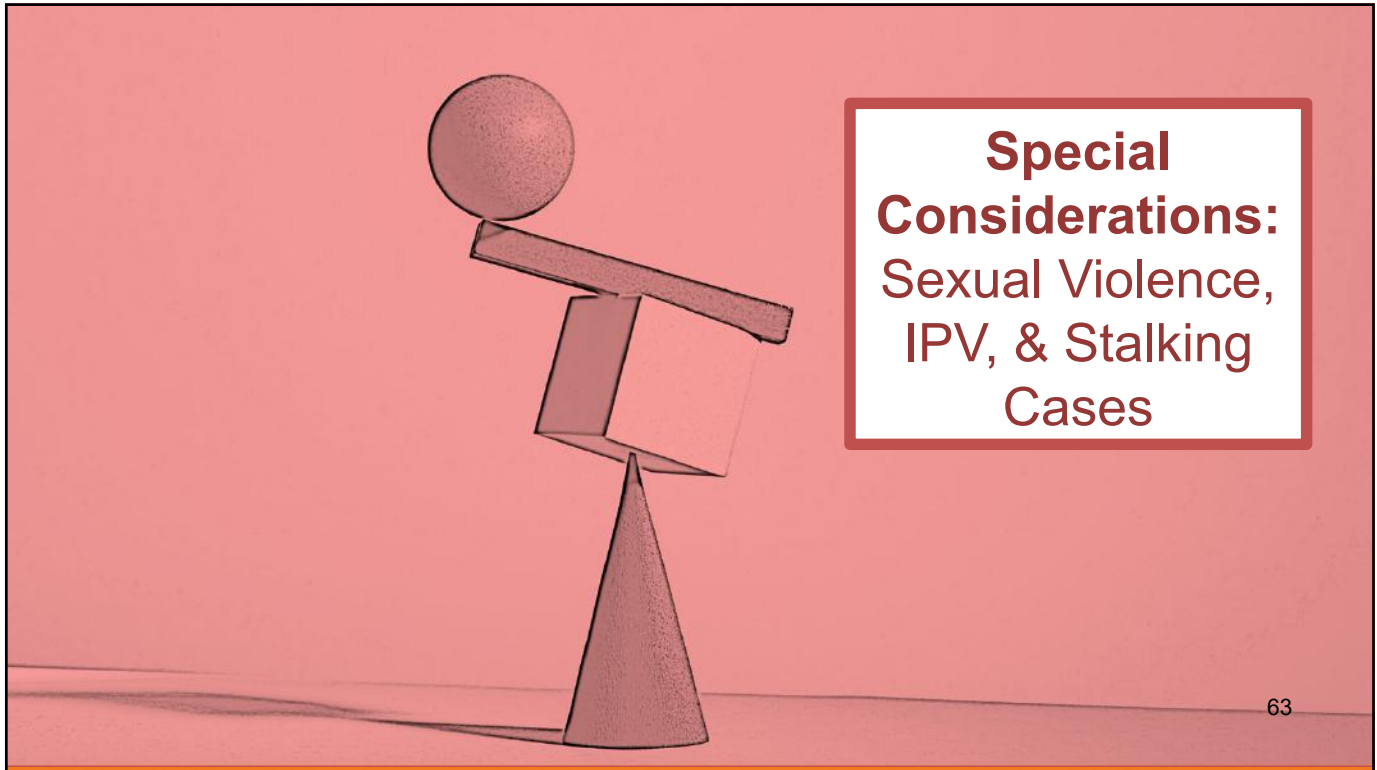
<ul style="list-style-type: none"> Excessive eye rolling Constant interruptions Annoying behaviors Crying, sad, angry 	<ul style="list-style-type: none"> Apathy, lack of energy Delayed responses Distracted or difficulty concentrating Impulsive 	<ul style="list-style-type: none"> Interference in your or other's learning or work duties Seeking "revenge" "You'll be sorry" or "You'll pay for this" Disrespectful, rude "You are incompetent & stupid" "I don't care if I live anymore" or "No one will miss me" Feelings of hopelessness
---	--	--

Adapted from Student Emergency Services & the Behavior Concerns & COVID Advice Line (BCCAL), UT Austin



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

62




63

63

Determining Predominant Aggressors

Common Considerations:

- Indicators of **power & control**
- Presence or threat of a **weapon**
- **History** of dating or domestic violence
- Aggressive or hostile **body language**
- Pre-existing **protective orders** or “**no contact**” directives
- Comparative extent of **injury** (if both are injured)
- **Property** damage
- Elements of **fear**



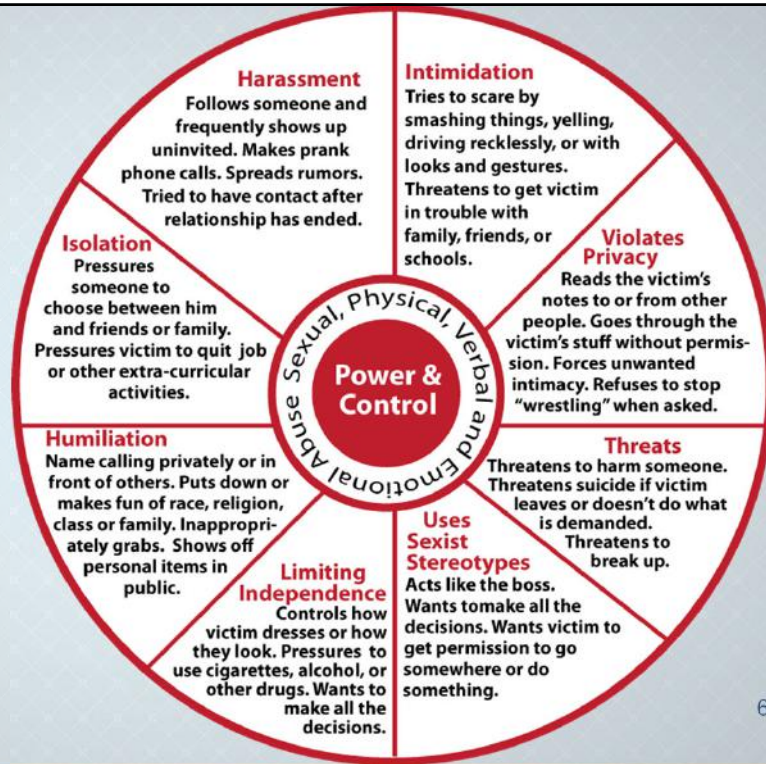
THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

Source:
The National Center for Campus Public Safety

64

64

Power & Control Wheel (Examples)



Source: www.alteristic.org



65

65

Examples of Predatory Behaviors

- Tests the **boundaries** of the prospective victim.
- Uses **grooming** tactics: Isolation of the prospective victim, trust building, gift giving, have "secrets" between the perpetrator & victim.
- **Plans** and **premeditates** assaults.
- Uses "**psychological**" **weapons** – power, control, manipulation, threats*.
- Uses **alcohol** and/or **drugs** as a weapon to incapacitate a prospective victim.

Note: "Threats" may not be threats of violence

66

66

Case Mgt: Closing Steps of the Investigation

67

67

Advisor Considerations

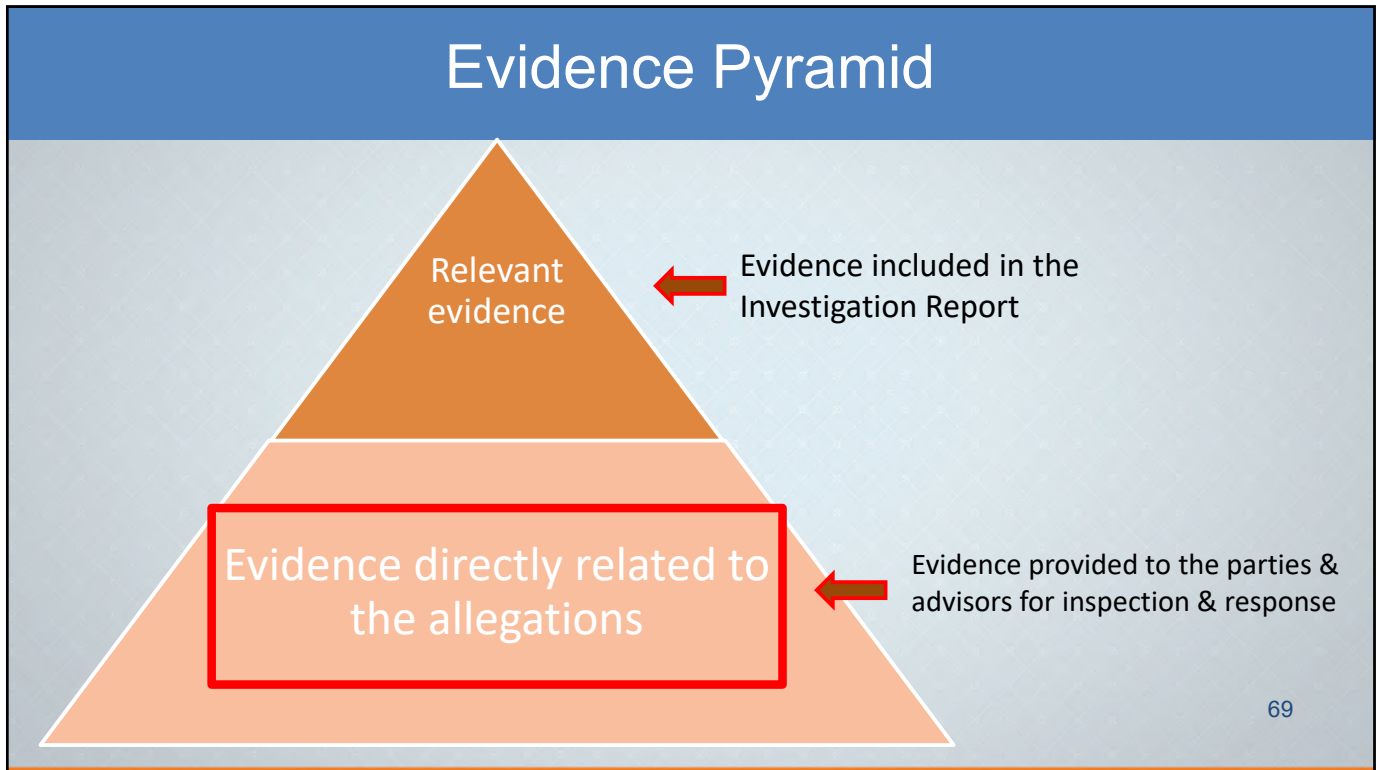
- Is an advisor of choice involved?
- Access to the related evidence & the finalized investigation report (closing steps of the investigation).
- Consider providing an advisor, if an advisor of choice has not been involved.



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

68

68




69

Access to Evidence

Equal opportunity to both parties (& the advisors) to **inspect & review any evidence obtained** that is directly related to the allegations in the formal complaint.

70

 THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

70

Access to Evidence: When?

- Upon request from a CP, RP, or an Advisor?
- At the end of the investigation?



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

71

71

Access to Evidence (Cont.)

Send each party (& the advisors*) the applicable evidence:

- In hard copy or electronic format
- At least 10 days to inspect, review, & respond to the evidence
- All responses to the evidence must be submitted in writing to the investigator(s)

** Advisor of choice; or the provided advisor by the institution (If applicable)*



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

72

72

Access to Evidence (Cont.)

The investigators will consider all timely responses submitted by the parties **prior** to completing the investigation report.



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

73

73

Draft vs. Completed Investigation Report

FAQ's:

- When should the investigation report be released to the parties (and the party's advisors)?
- Can the institution provide a draft investigation report first?



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

74

Access to the Completed Investigation Report

Send each party (& the advisors*) the completed investigation report:

- At least 10 days prior to the scheduled hearing
 - Why? Opportunity for the parties to inspect, review, & respond to the investigation report (at the hearing)
- A copy of the investigation report to the TIXC and hearing officer assigned.

* Advisor of choice; or the provided advisor by the institution (If applicable)



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

75

75

Investigation Timeframe (Example)

The investigation of a formal complaint will be concluded within **90 days** of the filing of a formal complaint

Note: Circumstances may require a **temporary delay** in this timeframe & the institution may extend this timeframe for good cause.

- Provide **notice** to the parties for temporary delays or extensions



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

76

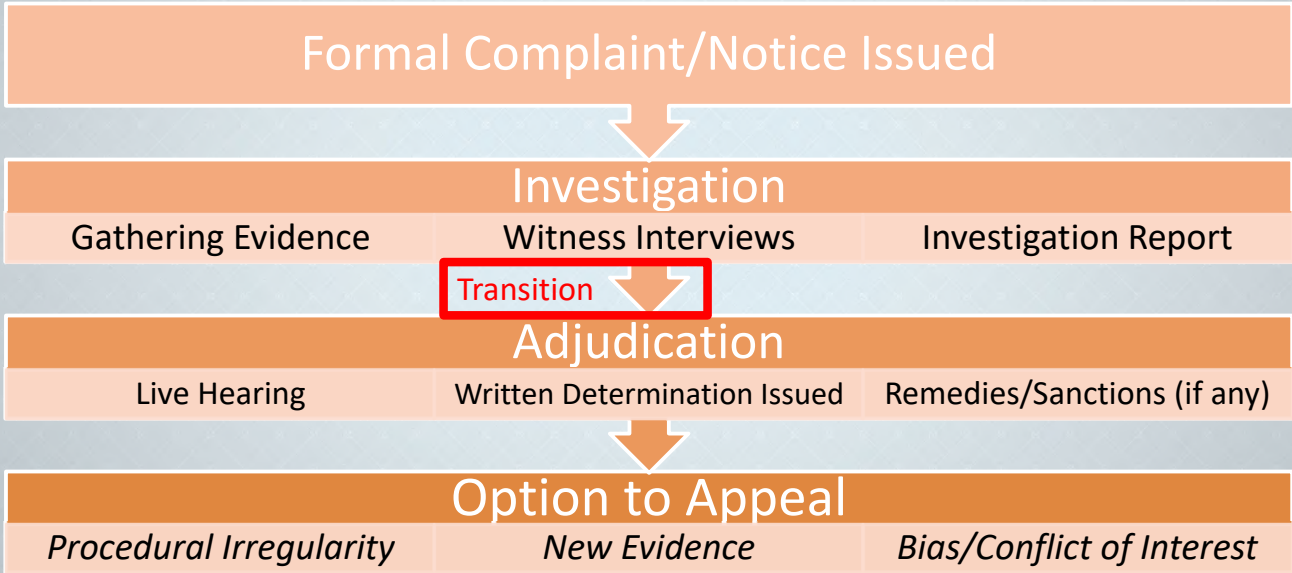
Source: UT System Model Policy for Sexual Misconduct (2021)

76

Formal Grievance Process Flowchart (Zoomed-In)

77

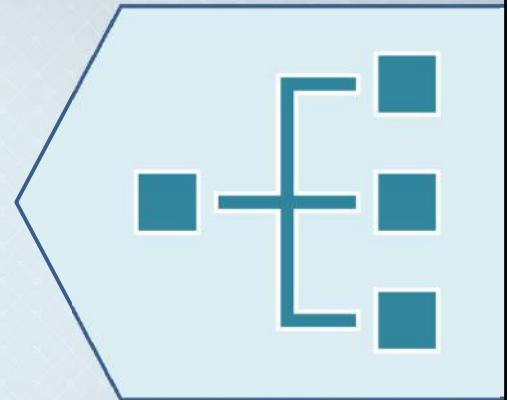
Title IX/Sexual Harassment



77

Transition to Adjudication

- Transition process to the adjudication office? Referral?
- An administrative coordinator for the adjudication intake, scheduling, organizing, & communicating the next steps (e.g. hearing) to all participants.



78

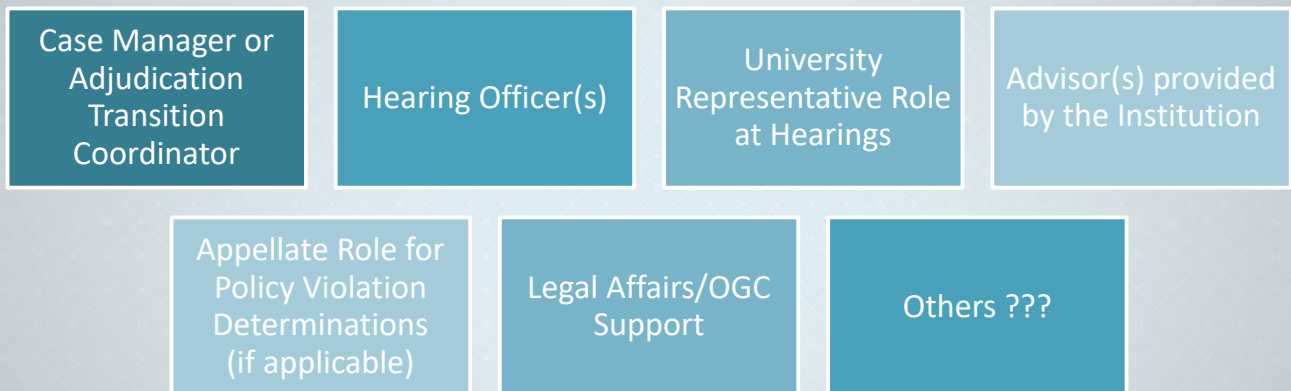
78

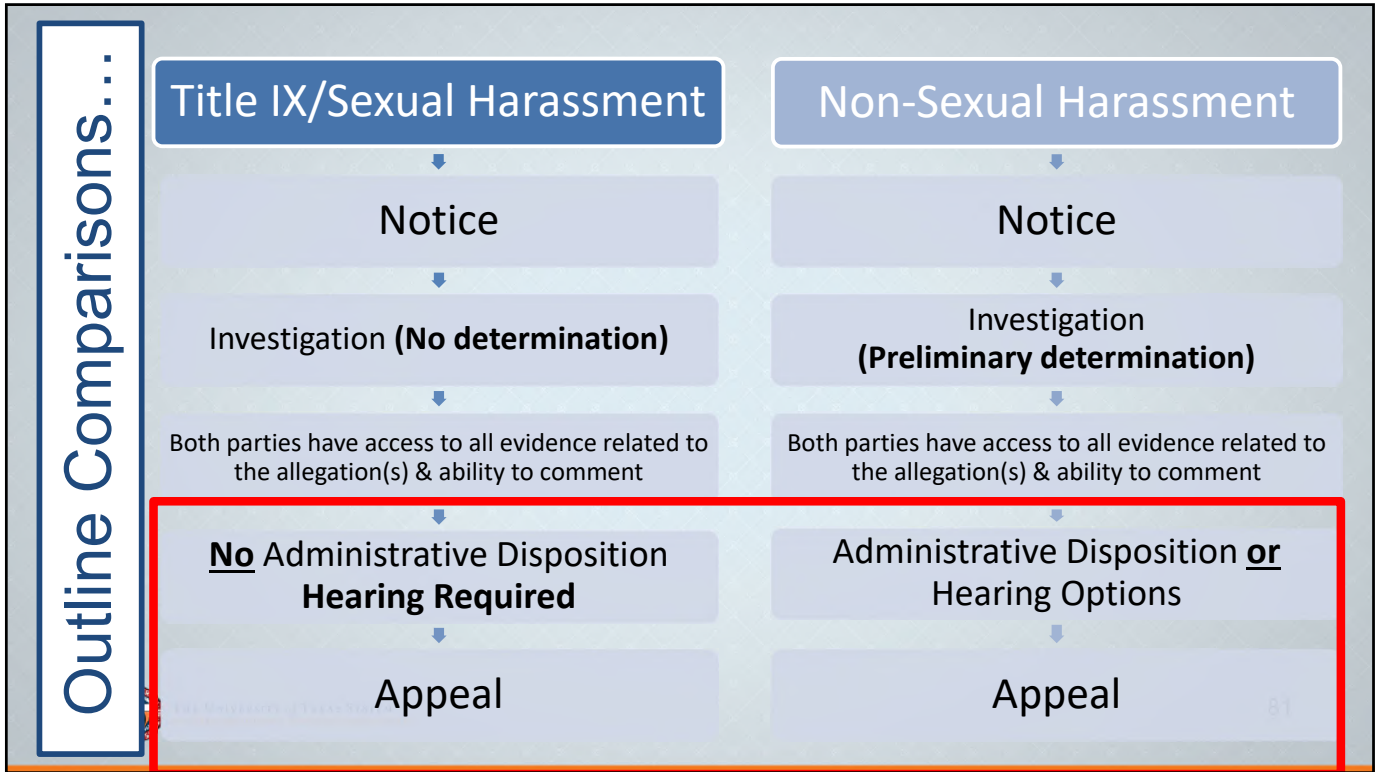
Adjudication Intake



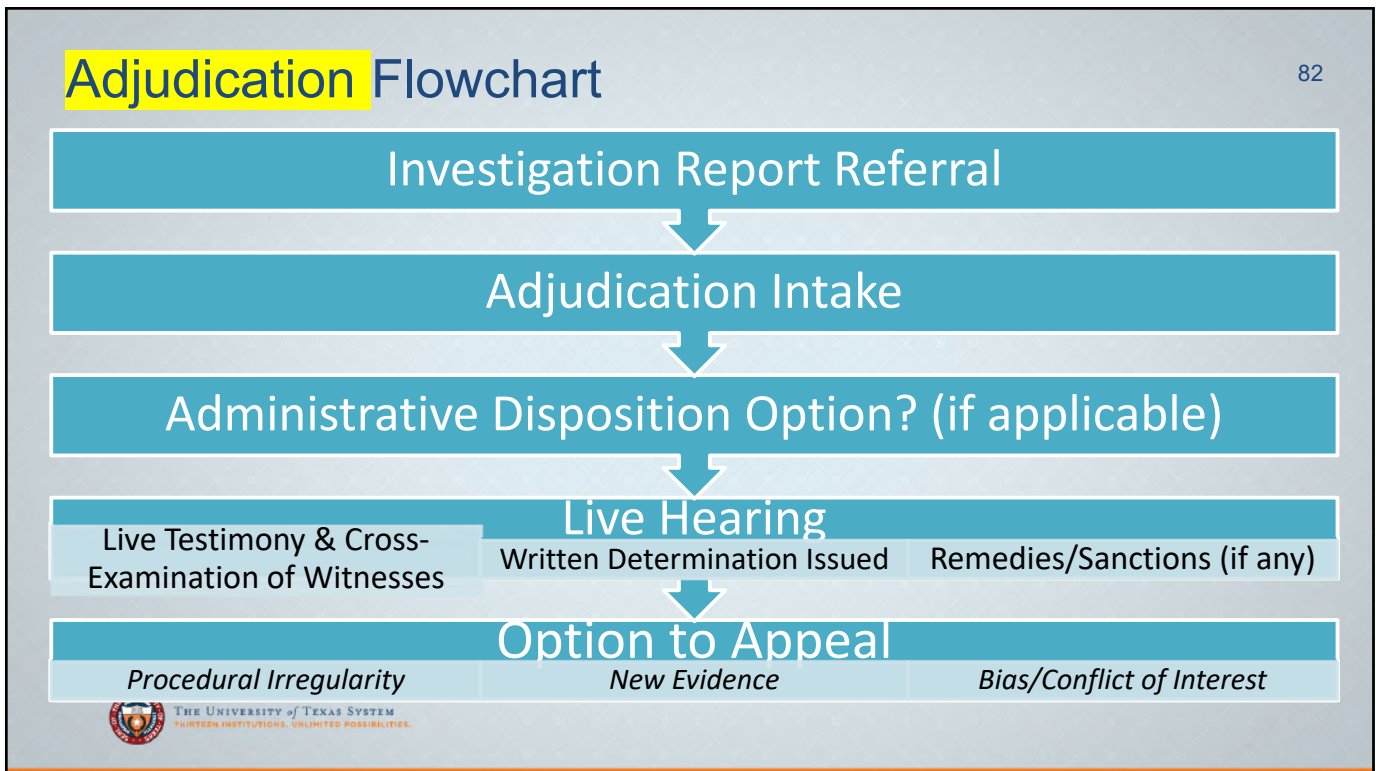
Referral Type (RP)	Adjudication Office (Examples)
Student	Student Conduct
Faculty	Provost
Staff	Human Resources

Adjudication Roles, Operations, & Structure?



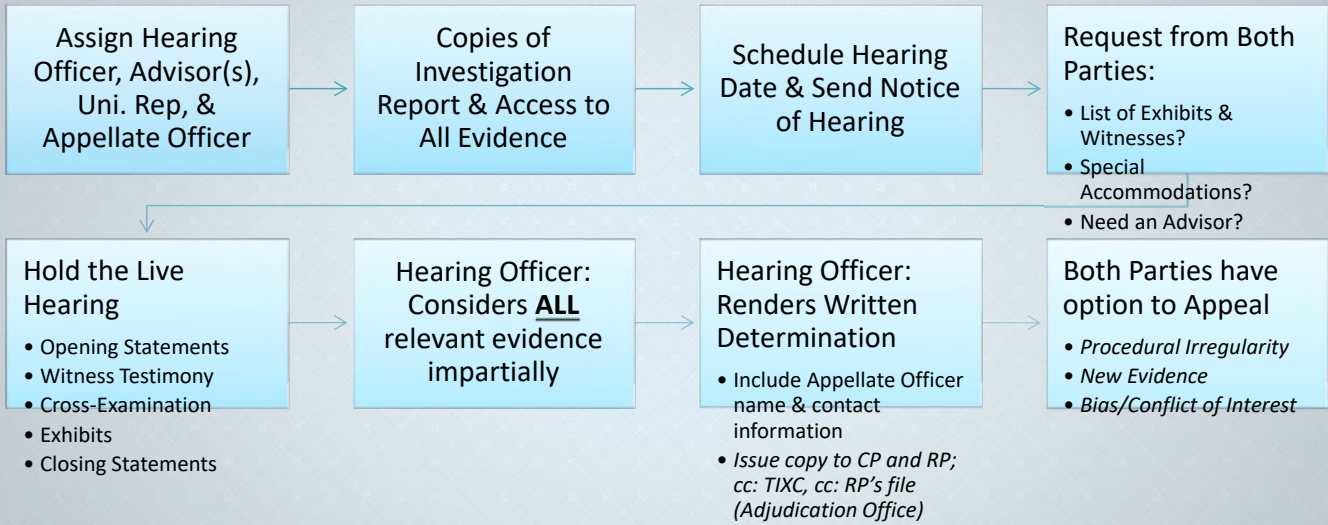


81



82

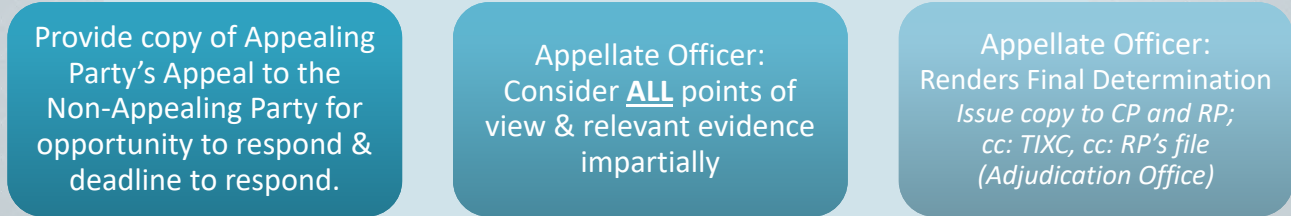
Live Hearing: Logistics Flowchart



Specific deadlines may be published in the institution's policy and/or procedures.

Appeal: Logistics Flowchart

If a Party submits an Appeal to the Appellate Officer...



Specific deadlines may be published in the institution's policy and/or procedures.



Grievance Process Timeframe (Example)

The entire Grievance Process will be completed in no more than **150 days** from the filing of the formal complaint

Note: Circumstances may require a **temporary delay** in this timeframe & the institution may extend this timeframe for good cause.

- Provide **notice** to the parties for temporary delays or extensions



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

Source: *UT System Model Policy for Sexual Misconduct (2021)*

85

85

Documentation & Record Keeping Examples

- Documentation Checklists & Forms
- Intake & Initial Assessments
- Case Management Timelines & Decisions
- Contact & Communications
- Notices, Letters, Dismissals, & Reports
- Written Determinations
- Appeals
- Data Systems for Electronic & Hard Copy Records



THE UNIVERSITY of TEXAS SYSTEM
THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

86

86



A slide titled "Q & A" featuring five colorful speech bubbles (red, orange, blue, teal) containing white question marks. The University of Texas System logo and name are in the bottom left, and the number 87 is in the bottom right.

87

Contact Information

Krista Anderson	Sean Flammer
Systemwide Title IX Coordinator	Assistant General Counsel
Office of Systemwide Compliance UT System (Austin, TX)	Office of General Counsel UT System (Austin, TX)
Phone: 512-664-9050	Phone: 512-579-5106
Email: kranderson@utsystem.edu	Email: sflammer@utsystem.edu

88

88