

Sexual Misconduct Prevention & Bystander Response Tools

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Spring 2024



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Agenda

1. Title IX Intro
2. Primary Prevention
3. Bias & Problematic Behavior
4. Boundaries
5. Response & Intervention Tools
6. Additional Remedies & Support

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Introduction

TITLE IX

Key Concepts & Framework

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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



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Title IX

Sex Discrimination
Sexual Harassment
Retaliation



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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



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An Upstream Approach

Primary Prevention Tools

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Upstream Approach

1. Focuses on the “root causes” of sexual harassment and sexual misconduct and **changing the conditions and norms** that typically enable sexual harassment and sexual misconduct to occur.
2. Focuses on **cultivating a culture and environment** where everyone **feels safe**, and **shares community values**.

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1. Describe what a positive, productive [educational or work] **environment** means to you.



Examples of a positive, productive environment



- ✓ Being seen & heard
- ✓ Having agency of your work
- ✓ Bringing your “whole self” to work
- ✓ Feeling valued & respected
- ✓ Treating others with respect
- ✓ Being collaborative
- ✓ Listening to others

2. Name **community values** that can cultivate a positive environment where people can feel safe & thrive.



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Examples of community values



- ✓ Respect
- ✓ Trust
- ✓ Communication
- ✓ Feeling Included
- ✓ Teamwork
- ✓ Healthy Boundaries
- ✓ Support
- ✓ Accountability
- ✓ Transparency
- ✓ Learning/Growth Mindset

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3. Describe ways to foster **supportive relationships** with colleagues or staff.



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Examples of supportive relationships



- ✓ Help others feel safe, a sense of belonging, and that they matter.
- ✓ Show genuine interest in others
- ✓ Acknowledge people's strengths & contributions
- ✓ Address peoples' needs
- ✓ Use active listening
- ✓ Follow-through on your words & actions
- ✓ Be open-minded
- ✓ Assume good will
- ✓ Engagement & participation
- ✓ Ask for input from others
- ✓ Reassess & keep it up!



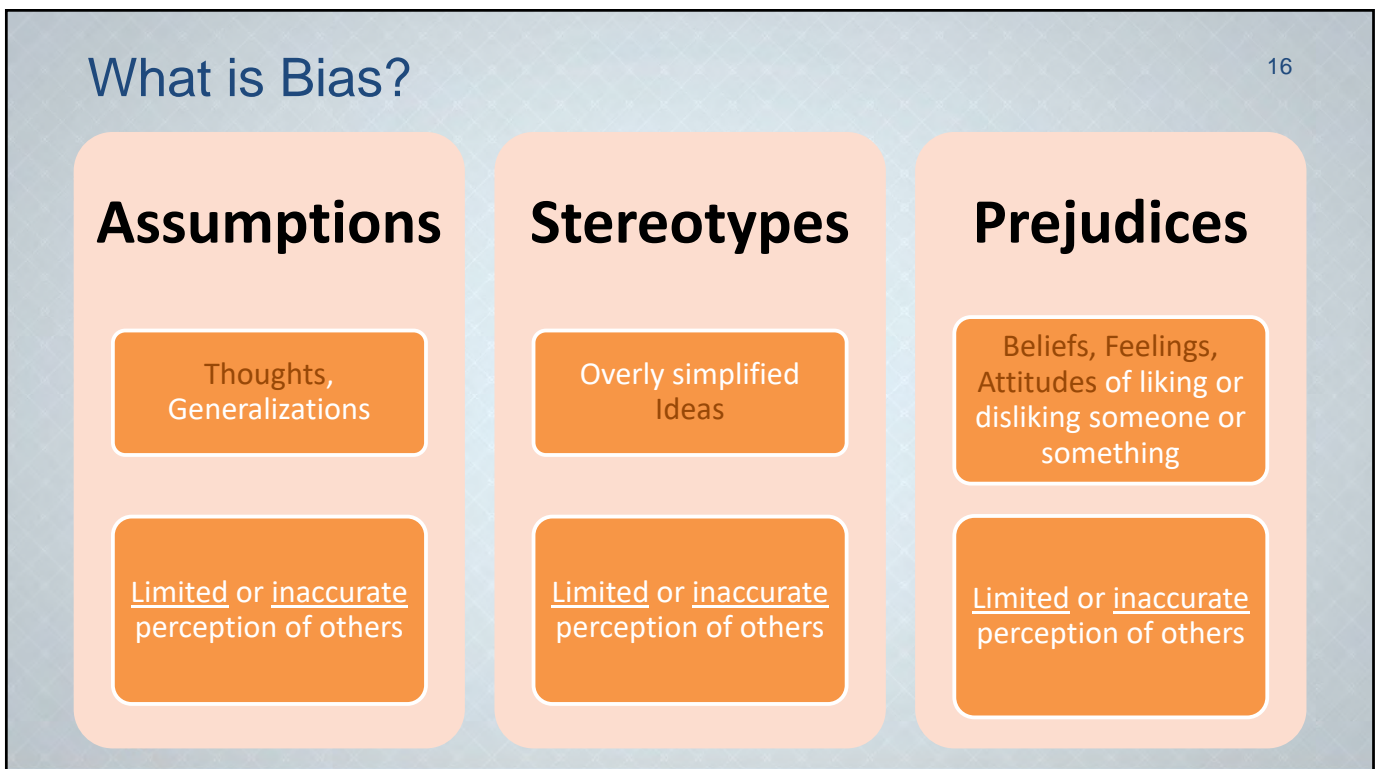
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Beware of “Trusting your Gut”

- Subjective (personal point of view)
- Emotional response
- Based on limited information
- Inherent “blind spots”
- Influenced by our filters or past experiences (limited, anecdotal lens)
- Can be influenced by our **biases**

Instead: “Check your Gut”

for assumptions, stereotypes, and prejudices before acting on them.

Source: Thinking, Fast and Slow (Daniel Kahneman, 2011)

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Bias Examples

- Hostile or favorable attitudes toward a person on the basis of sex/gender
- Accepting attitudes of interpersonal violence
- Assumptions that a person is superior/inferior on the basis of sex/gender



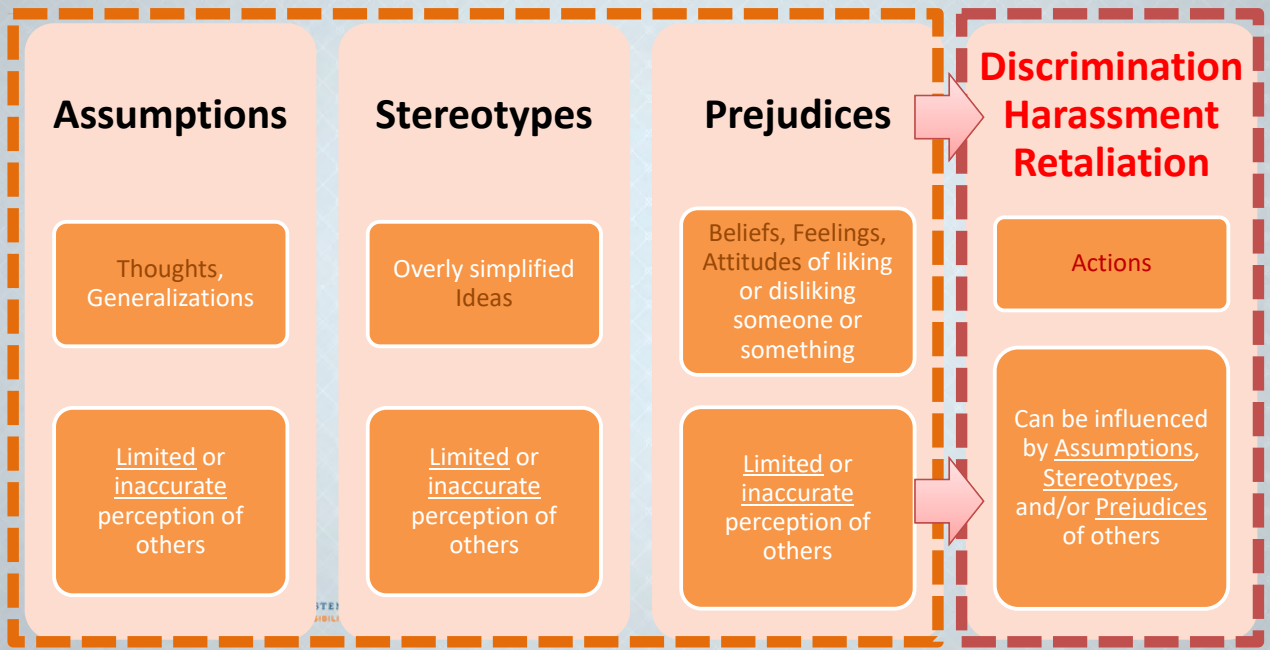
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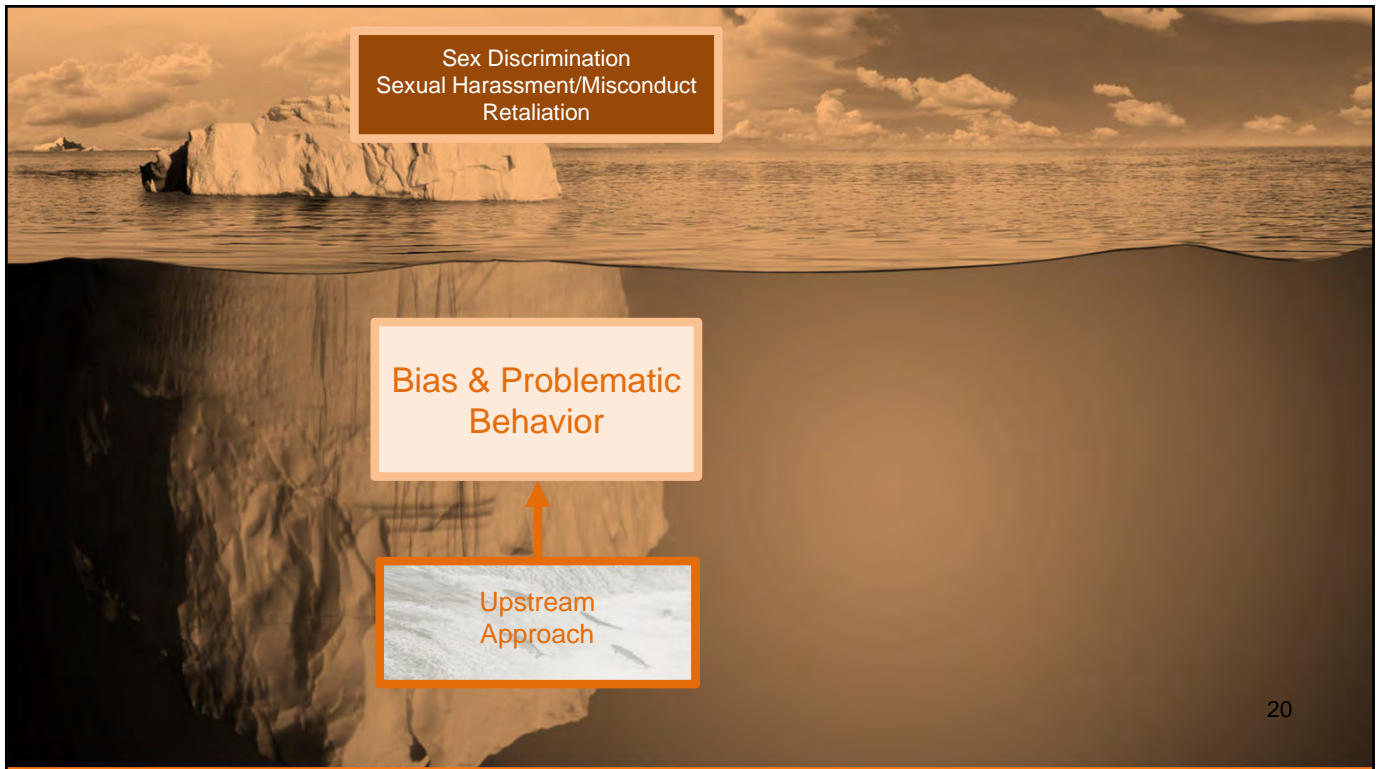
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Other Implications of Bias

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Boundaries

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What are Boundaries?

- ✓ Limits
- ✓ Comfort levels
- ✓ Expectations
- ✓ Laws
- ✓ Prevention tool
- ✓ "Keep us safe"
- ✓ "Protect us"
- ✓ "A line"
- ✓ "Your bubble"

- ✓ Physical
- ✓ Emotional
- ✓ Psychological
- ✓ Sexual
- ✓ Relational
- ✓ Spiritual
- ✓ Ethical
- ✓ Legal

*Adapted from
UT Austin's "Are We Okay?" Boundaries Workshop*

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Stop-Light Activity

For each prompt:

- (Green): Within your boundary
- (Yellow): Unsure of your boundary
- (Red): Outside your boundary

*Adapted from
UT Austin's "Are We Okay?" Boundaries Workshop*

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Hypo 1

Your supervisor asks you about your career interests and ambitions.



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Hypo 2

A student tells you that they got really drunk, passed out, and have a handover from last night.



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Hypo 3

Your coworkers respond to emails most nights and weekends.



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Hypo 4

Your supervisor asks you for a ride to work (their car temporarily broke down).



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Hypo 5

The Dean of Students texts you about a student matter on Saturday night.



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Hypo 6

A coworker comments to you that a student just came into the office wearing a “crop top” and “extremely short shorts.”

Hypo 7

During a staff meeting, in front of your coworkers, your supervisor says to you, “You should improve on X, Y, and Z when you work on your next project.”

Hypo 8

A couple of your coworkers invite you to hangout on the weekend and have brunch together.



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Hypo 9

A student shows up to your office unannounced, asking if they can meet with you.



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Hypo 10

Your supervisor makes a joke in front of you about another employee in a different department.



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Debrief

1. How did you know your boundaries when you were presented a hypothetical? How did you figure out where the "line" was for you?
2. How did it feel to name a color level to a hypothetical?...Green, yellow, or red...
3. How did you feel when you saw that others identify different levels of comfort than you? Either more comfortable or less comfortable than you in a scenario?

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Boundary Takeaways

- **Communication:** Continue to check-in and revisit boundaries, expectations, accountability, and responsibilities. Boundaries can change.
- **Taking stock:** Attempt to understand others' needs, barriers, challenges, and support.
- **Generous assumptions:** Assume good will and/or good intentions, when possible.
- **Curiosity:** Ask questions to learn, clarify, and understand an unknown. Emphasize and model a growth mindset.

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Recognizing Power Dynamics

Explicit/Formal Examples	Implicit/Informal Examples
Supervisory roles	Education/Degrees
Hierarchal positions	Titles
Leadership positions	Age and/or Years of experience
Decision-making responsibilities	Seniority statuses
Hiring responsibilities	Positional statuses
Budget and Funding responsibilities	Relational/Social statuses



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Valued Leadership Qualities

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Leadership Qualities	Examples
Openness to learning	<ul style="list-style-type: none"> • Demonstrates a growth mindset. • Values learning from mistakes or errors. • Doesn't emphasize "perfectionist thinking."
Empathy for others	<ul style="list-style-type: none"> • Demonstrates active listening with others. • Values others' feelings and needs.
Productive feedback to others	<ul style="list-style-type: none"> • Focuses on the "what" and "how." • Illustrates the desired solution or outcome. • Considers when/how others desire feedback. • <u>Example</u>: "You did X, that negatively impacted Y, and in the future, I'd like you to instead do Z."
Input & pushback from others	<ul style="list-style-type: none"> • Solicits differing views and ideas. • Values others' expertise and perspectives. • Doesn't respond "defensively."

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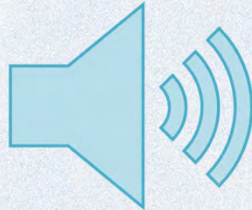
Power Dynamics Reflection

1. Who is occupying the room (including yourself)?
2. How do the people (including yourself) impact the power dynamics of the group?
3. How will you accept and validate other people's boundaries?
4. Who is in a "better" position to talk about boundaries?
5. When should boundary conversations be happening?
6. Leaders: How are you integrating & sharing power to encourage collaboration?
7. How will you open the conversation about boundary setting?

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How do we communicate boundaries?



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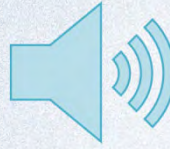
Examples of Communicating Boundaries

Approaches	Example Prompts or Strategies
Clarifying Check	<ul style="list-style-type: none"> • “Help me understand what [blank..] means... “ • “Help me understand what you meant by [blank.. repeat/paraphrase]... “
Direct Verbal Cues (“I” Statements)	<ul style="list-style-type: none"> • “I feel ____ when you say/do _____. [or] I am ____ when I hear you say _____.” • “I am not able to ____ when you say/do _____.” • “When you say/do _____, it affects me by _____.”
Redirect or Distract	<ul style="list-style-type: none"> • Change the subject • Refocus to the main topic at hand
Delegate	<ul style="list-style-type: none"> • Ask someone else to help you or to get assistance
Remove oneself from the situation	<ul style="list-style-type: none"> • Adjourn the meeting • Take a time out or excuse yourself from the space
Non-verbal Cues	<ul style="list-style-type: none"> • Shake head, discontinue eye contact, or cross your arms • Show “puzzling” or “turned-off” facial expression

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Giving Feedback (Examples)



Use “I” statements...

Acknowledge your feelings.

Focus on the impact the conduct had on you.

Focus on your needs & what your boundary does for you.

Concentrate on the issue/problem, not the person or personality.

Focus on a strengths-based mindset & solutions...

Positive outcomes & benefits of acknowledging boundaries

(And don't forget about) Positive recognition...

Acknowledge the person's positive actions, sincerely and specifically.

Adapted from

UT Austin's "Are We Okay?" Boundaries Workshop

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Giving Feedback (Example “I” Statements)



Name your...	Example “I” Statements
Feeling(s)	<ul style="list-style-type: none"> • “I feel ____ when you say/do ____.” • “I am ____ when I hear you say ____.”
Impact(s)	<ul style="list-style-type: none"> • “I am not able to ____ when you say/do ____.” • “When you say/do ____, it affects me by ____.”
Need(s)	<ul style="list-style-type: none"> • “I need ____ from you.” • “When I ____, I need you to ____.” • What I need is ____.

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The Illusion of Transparency

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Receiving Feedback (Examples)



Take a pause.

Show gratitude: *"Thank you for the feedback."*

Be accountable...

1. Acknowledge your behavior & its impact on other(s).
2. Reflect/restate the feedback you just heard.
3. Make a plan to change or adapt.
4. Change or adapt accordingly.

Adapted from
UT Austin's "Are We Okay?" Boundaries Workshop

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Framing Effect

- Relying on the way information is presented when making judgments or decisions
- Equivalent information can be more or less attractive depending on **how** the information is delivered

Recap: Upstream Approach to Primary Prevention

1. Develop a **positive culture** and **environment**.
2. Share and reinforce **community values**.
3. Establish and maintain clear **boundaries, conduct expectations**, and accountable **consequences**.
4. Support **anti-discrimination initiatives**.
5. Cultivate **open communication** and **collaboration**.
6. Foster **supportive relationships** within teams.

Bystander Response & Intervention Tools



Identify

Bias & Problematic Behavior



Identify



Notice the
behavior



Adapted from
UT Austin's Title IX Basics Workshop

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Identify



Address the
behavior



Adapted from
UT Austin's Title IX Basics Workshop

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Examples of Addressing Behavior

Approaches	Example Prompts or Strategies
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Identify



Follow-up

- “How did that affect you?”
- “Do you need support?”
- “What do I need?” (Self-care)



Adapted from
UT Austin’s Title IX Basics Workshop

What are **barriers** to addressing behavior?

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Examples of **External** Barriers or Roadblocks (Verbal Responses from Others)

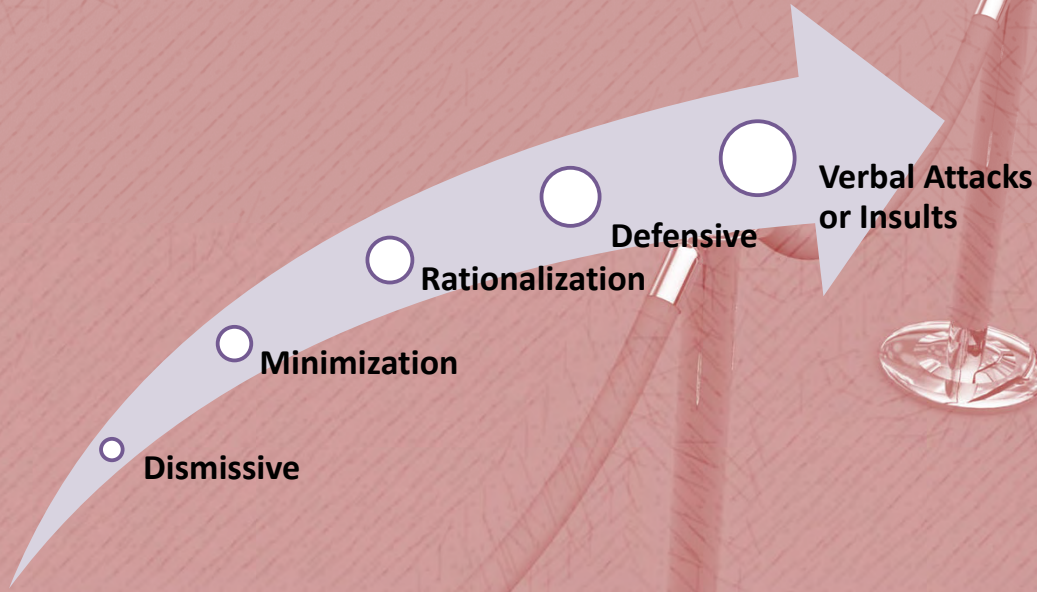
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Type of Response	Example Statements	
Dismissive	<ul style="list-style-type: none"> <i>I <u>never</u> said/did that.</i> <i><u>Your</u> memory is bad.</i> <i>I don't remember it that way.</i> 	<ul style="list-style-type: none"> <i>That didn't happen. [or] That's not what happened.</i> <i>I have no idea what you are talking about.</i>
Minimizing	<ul style="list-style-type: none"> <i>It's <u>only</u> a joke. [or] It's not that bad.</i> <i>We're <u>just</u> having fun.</i> 	<ul style="list-style-type: none"> <i><u>Nobody</u> got hurt.</i> <i>What's the <u>big</u> deal?</i>
Rationalizing or Making Excuses	<ul style="list-style-type: none"> <i>This wasn't ever an issue before now.</i> <i>I said/did ____ because ____.</i> <i>I didn't even know I did anything.</i> <i>I didn't mean it like that.</i> 	<ul style="list-style-type: none"> <i>That's not how things used to be.</i> <i><u>No one else</u> is saying anything.</i> <i><u>Others</u>, even <u>you</u>, do the same thing too.</i>
Attacking or Defensive	<ul style="list-style-type: none"> <i><u>You're</u> too sensitive. [or] <u>You're</u> overreacting.</i> <i><u>You're</u> petty. [or] <u>You're</u> jealous.</i> <i><u>You</u> are taking it the wrong way.</i> <i><u>You</u> think you are better than everyone else.</i> <i><u>You</u> can't take a joke.</i> <i>This is why nobody likes <u>you</u>.</i> 	<ul style="list-style-type: none"> <i>It's <u>your</u> fault because ____.</i> <i>What about when <u>you</u> said/did ____?</i> <i>Why are <u>you</u> so emotional?</i> <i><u>You're</u> letting your emotions get the better of you.</i> <i><u>Who</u> told you that? What did <u>they</u> say?</i> <i>What do <u>you</u> have to back that up?</i>

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Escalation of Verbal Responses

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Examples of Internal Barriers or Roadblocks (Cont.) (Coping Mechanisms)

Type of Response	Example Description
Bystander Effect	Says <u>nothing</u> because the presence of others might discourage a person from intervening. The greater the # of bystanders, the less likely it is for someone to provide help to a person in need.
Afraid for your own safety	Says <u>nothing</u> because he/she/they are fearful of jeopardizing their own safety
Uncertain what to do	Says <u>nothing</u> because he/she/they are unsure how to intervene

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Examples of Internal Barriers or Roadblocks (Cont.) (Coping Mechanisms)



Fight

- Verbally...
- Aggressive
- Attacking
- Defensive
- Insults

Flight

- Physically or emotionally...
- Withdrawing
- Avoiding
- Feeling unsafe

Freeze

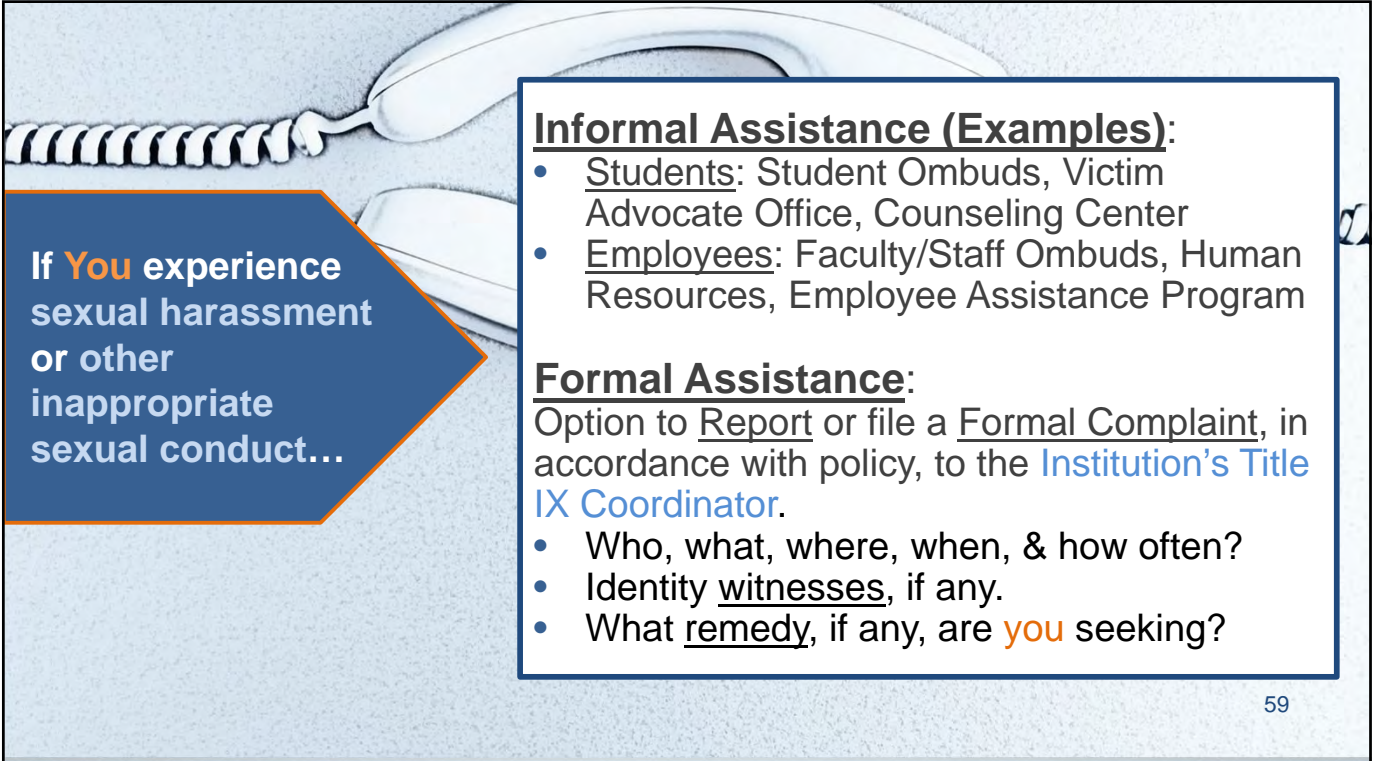
- Cognitively...
- "Analysis paralysis"
- Uncertain what to do
- Bystander Effect

Report



Institution's Title IX Coordinator

Adapted from UT Austin's Title IX Basics Workshop



If **You experience sexual harassment or other inappropriate sexual conduct...**

Informal Assistance (Examples):

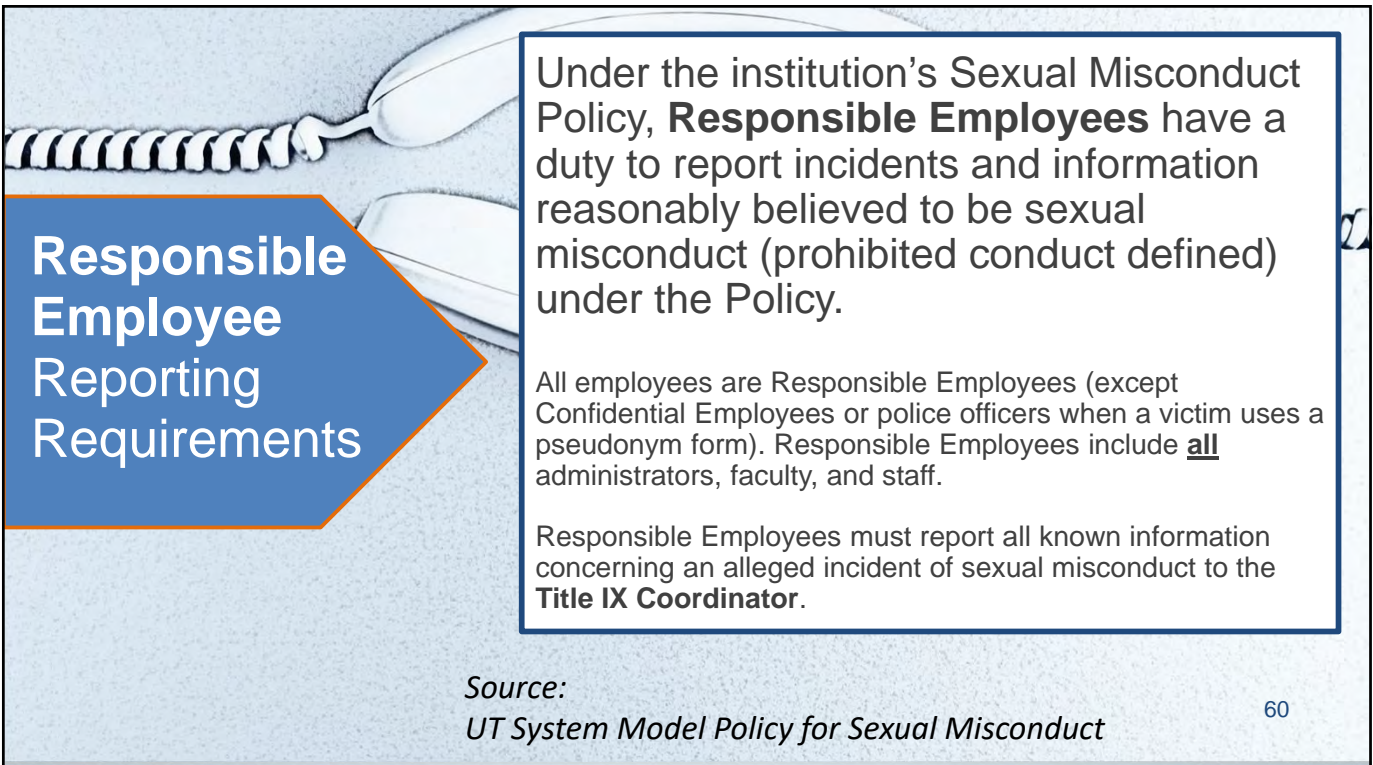
- Students: Student Ombuds, Victim Advocate Office, Counseling Center
- Employees: Faculty/Staff Ombuds, Human Resources, Employee Assistance Program

Formal Assistance:
Option to Report or file a Formal Complaint, in accordance with policy, to the Institution's Title IX Coordinator.

- Who, what, where, when, & how often?
- Identity witnesses, if any.
- What remedy, if any, are **you** seeking?

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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*

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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 Sexual Misconduct (including 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;
Tex. Edu. Code Section 51.252-51.259

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Report



UT Institution's Title IX Coordinators:

<https://www.utsystem.edu/offices/systemwide-compliance/title-ix/ut-title-ix-coordinators>

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Support



Active listening
Express compassion
Referrals & Resources



Adapted from
UT Austin's Title IX Basics Workshop

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Support




Be transparent about your role
Be flexible
Take care of yourself



Adapted from
UT Austin's Title IX Basics Workshop

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A pair of hands, one above the other, holding a small, light-colored wooden heart. The background is a warm, light brown color.


Supportive Questions to Ask (Examples)

- *“How are you feeling?”*
- *“What can I do to help?”*
- *“What kind of support, if any, do you need?”*
- *“How are you doing in [classes or at work]?”*
- *“Do you have a supportive network?” [or]
“What’s your support network look like?”*

Adapted from UT Austin’s Title IX Basics Workshop

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A pair of hands, one above the other, holding a small, light-colored wooden heart. The background is a warm, light brown color.

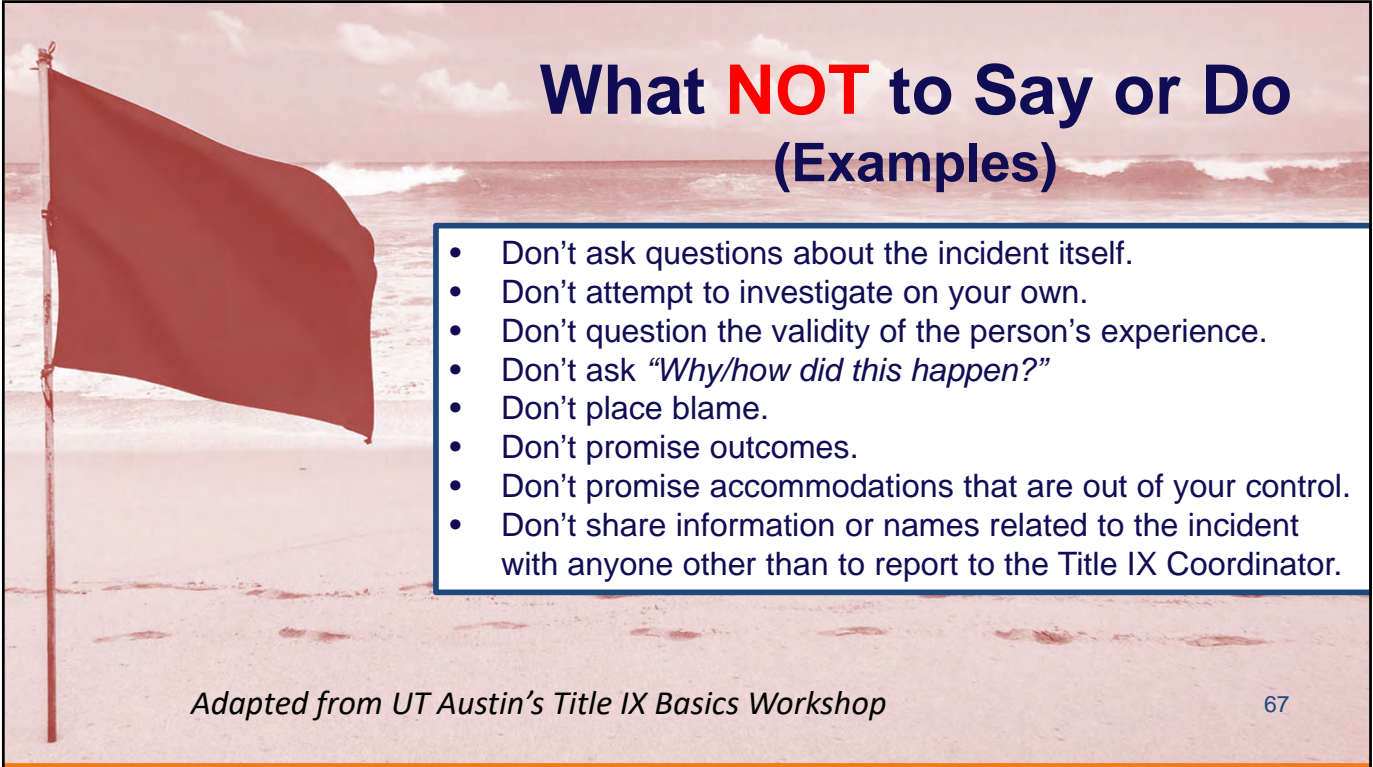
Supportive Statements (Examples)

- *“Thank you for sharing this with me.”*
- *“This sounds upsetting/difficult/hard.”*
- *“I hear you.”*
- *“I see that you’re feeling X, Y, Z”*
- *“I care about you and your experience.”*

Adapted from UT Austin’s Title IX Basics Workshop

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What **NOT** to Say or Do (Examples)

- Don't ask questions about the incident itself.
- Don't attempt to investigate on your own.
- Don't question the validity of the person's experience.
- Don't ask "Why/how did this happen?"
- Don't place blame.
- Don't promise outcomes.
- Don't promise accommodations that are out of your control.
- Don't share information or names related to the incident with anyone other than to report to the Title IX Coordinator.

Adapted from UT Austin's Title IX Basics Workshop

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Examples of Supportive Measures – Title IX Office

Non-Disciplinary & Non-Punitive Measures... that <u>do not</u> unreasonably burden the other party	Housing Reassignment	Counseling Services	Class Extensions or Adjustments
	Work or Class Modifications	Class Withdrawal or Retake (w/o penalty)	Leave of Absence
	Mutual No-Contact Btwn Parties	Campus Escort Services	Increased Campus Security

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Campus Support Services & Resources (Examples)

Equal access & availability to all parties

Examples:

- Academic advising & accommodations
- Counseling services
- Emergency housing
- Financial aid
- Medical/Health services
- Disability accommodations & services
- Employment-related support
- Safety, law enforcement, & escort services
- Victim advocacy services
- Ombuds services
- Respondent services
- Advisors for hearings

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Campus Support Services, Resources, & Policies

UT Institution's Title IX Coordinators:

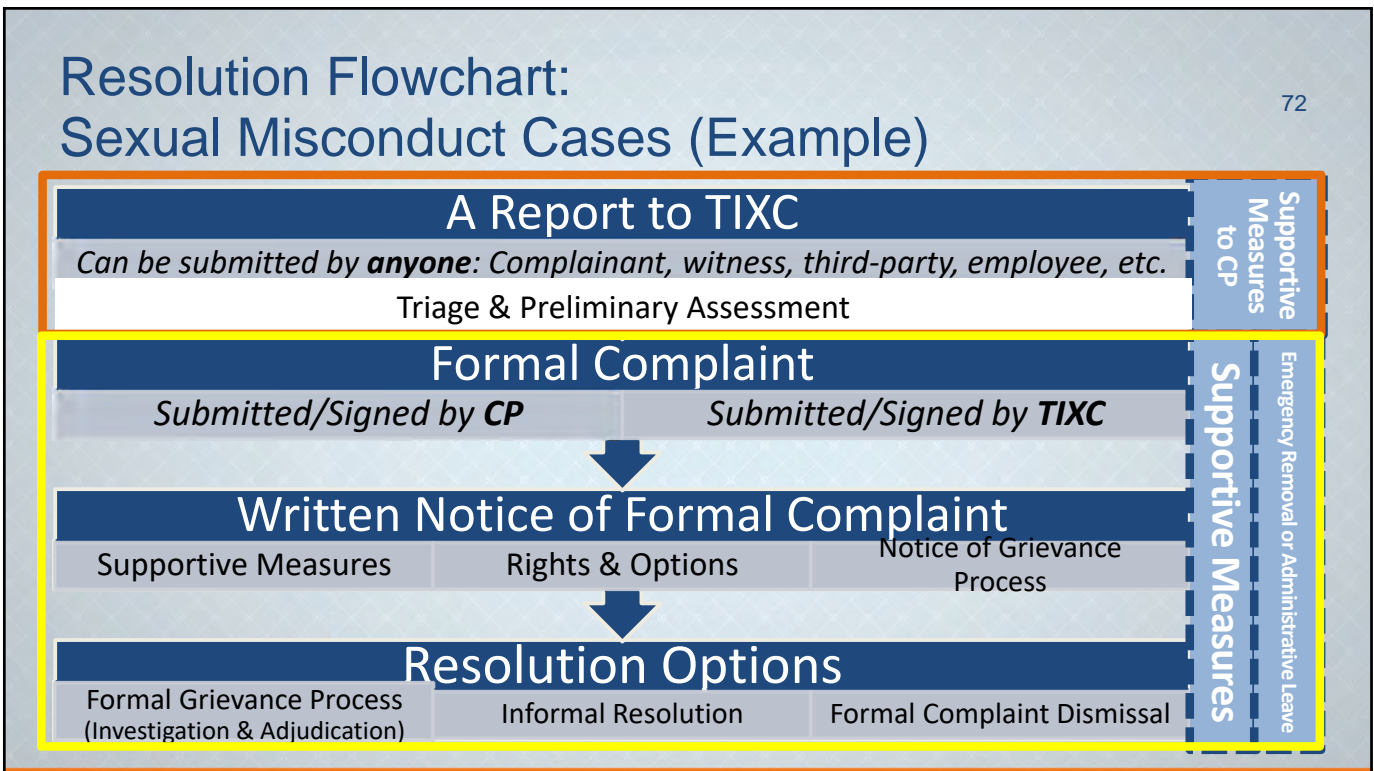
<https://www.utsystem.edu/offices/systemwide-compliance/title-ix/ut-title-ix-coordinators>

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A slide titled "Q & A" featuring five colorful speech bubbles (red, orange, blue, teal) containing white question marks. The background is a light blue grid pattern. In the bottom left corner is the University of Texas System logo and text: "THE UNIVERSITY of TEXAS SYSTEM THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES." In the bottom right corner is the number "73".

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Contact Information

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Office of Systemwide Compliance UT System (Austin, TX)
Phone: 512-664-9050
Email: kranderson@utsystem.edu



A slide titled "Contact Information" with a light blue grid background. It features a table with contact details for Krista Anderson. In the bottom left corner is the University of Texas System logo and text: "THE UNIVERSITY of TEXAS SYSTEM THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES." In the bottom right corner is the number "74".

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