Sexual Misconduct Prevention & Bystander Response Tools

Krista Anderson, Systemwide Title IX Coordinator

Spring 2024

Agenda

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

Primary Prevention Tools

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

- 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.

- Respect
- Trust
- Communication
- Feeling Included
- Teamwork
- Healthy Boundaries
- Support
- Accountability
- Transparency
- Learning/Growth Mindset
3. Describe ways to foster **supportive relationships** with colleagues or staff.

- 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!
What is Bias?

**Assumptions**
- Thoughts, Generalizations
- Limited or inaccurate perception of others

**Stereotypes**
- Overly simplified Ideas
- Limited or inaccurate perception of others

**Prejudices**
- Beliefs, Feelings, Attitudes of liking or disliking someone or something
- Limited or inaccurate perception of others
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)

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
Other Implications of Bias

Assumptions
- Thoughts, Generalizations
- Limited or inaccurate perception of others

Stereotypes
- Overly simplified ideas
- Limited or inaccurate perception of others

Prejudices
- Beliefs, Feelings, Attitudes of liking or disliking someone or something
- Limited or inaccurate perception of others

Discrimination Harassment Retaliation
- Actions
  
  Can be influenced by Assumptions, Stereotypes, and/or Prejudices of others

Sex Discrimination Sexual Harassment/Misconduct Retaliation

Bias & Problematic Behavior

Upstream Approach
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*
Hypo 1

Your supervisor asks you about your career interests and ambitions.

Adapted from
UT Austin’s “Are We Okay?” Boundaries Workshop
Hypo 2

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

Hypo 3

Your coworkers respond to emails most nights and weekends.
Hypo 4

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

Hypo 5

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

Hypo 9

A student shows up to your office unannounced, asking if they can meet with you.
Hypo 10

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

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?
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

<table>
<thead>
<tr>
<th>Explicit/Formal Examples</th>
<th>Implicit/Informal Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supervisory roles</td>
<td>Education/Degrees</td>
</tr>
<tr>
<td>Hierarchal positions</td>
<td>Titles</td>
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<tr>
<td>Leadership positions</td>
<td>Age and/or Years of experience</td>
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<tr>
<td>Decision-making responsibilities</td>
<td>Seniority statuses</td>
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<tr>
<td>Hiring responsibilities</td>
<td>Positional statuses</td>
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<tr>
<td>Budget and Funding responsibilities</td>
<td>Relational/Social statuses</td>
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</table>
Valued Leadership Qualities

<table>
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<tbody>
<tr>
<td>Openness to learning</td>
<td>• Demonstrates a growth mindset.</td>
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<tr>
<td></td>
<td>• Values learning from mistakes or errors.</td>
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<td></td>
<td>• Doesn’t emphasize “perfectionist thinking.”</td>
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<tr>
<td>Empathy for others</td>
<td>• Demonstrates active listening with others.</td>
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<tr>
<td></td>
<td>• Values others’ feelings and needs.</td>
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<tr>
<td>Productive feedback to others</td>
<td>• Focuses on the “what” and “how.”</td>
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<tr>
<td></td>
<td>• Illustrates the desired solution or outcome.</td>
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<td></td>
<td>• Considers when/how others desire feedback.</td>
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<tr>
<td></td>
<td>• <strong>Example:</strong> “You did X, that negatively impacted Y, and in the future, I’d like you to instead do Z.”</td>
</tr>
<tr>
<td>Input &amp; pushback from others</td>
<td>• Solicits differing views and ideas.</td>
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<tr>
<td></td>
<td>• Values others’ expertise and perspectives.</td>
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<tr>
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<td>• Doesn’t respond “defensively.”</td>
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</table>

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?
### How do we communicate boundaries?

#### Example Prompts or Strategies

<table>
<thead>
<tr>
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<th>Example Prompts or Strategies</th>
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<tbody>
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<td>• “Help me understand what [blank..] means...”</td>
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<tr>
<td><strong>Direct Verbal Cues</strong></td>
<td>• “I feel ____ when you say/do ____ [or] I am ____ when I hear you say ____.”</td>
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<td>(“I” Statements)</td>
<td>• “I am not able to ____ when you say/do ____.”</td>
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<td>• “When you say/do ____ it affects me by ____.”</td>
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<td><strong>Redirect or Distract</strong></td>
<td>• Change the subject</td>
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<td><strong>Delegate</strong></td>
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<td><strong>Remove oneself from the situation</strong></td>
<td>• Adjourn the meeting</td>
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<td>• Take a time out or excuse yourself from the space</td>
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<td><strong>Non-verbal Cues</strong></td>
<td>• Shake head, discontinue eye contact, or cross your arms</td>
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<td>• Show “puzzling” or “turned-off” facial expression</td>
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Giving Feedback (Examples)

Use “I” statements…
Acknowledgment is important.
Focus on the impact the conduct had on you.
Focus on your needs and 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 and 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

Giving Feedback (Example “I” Statements)

<table>
<thead>
<tr>
<th>Name your…</th>
<th>Example “I” Statements</th>
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</table>
| Feeling(s)  | • “I feel _____ when you say/do ____.”  
|             | • “I am ____ when I hear you say ____.” |
| Impact(s)   | • “I am not able to ____ when you say/do ____.”  
|             | • “When you say/do ____ it affects me by ____.” |
| Need(s)     | • “I need ____ from you.”  
|             | • “When I _____, I need you to ____.”  
|             | • What I need is ____. |
The Illusion of Transparency

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
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.
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

Identify

Address the behavior

Adapted from UT Austin’s Title IX Basics Workshop
Examples of Addressing Behavior

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Adapted from UT Austin’s Title IX Basics Workshop
What are **barriers** to addressing behavior?

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

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<tr>
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<th>Example Statements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dismissive</strong></td>
<td>• <em>I never</em> said/did <em>that</em>.</td>
</tr>
<tr>
<td></td>
<td>• <em>Your</em> memory is bad.</td>
</tr>
<tr>
<td></td>
<td>• I don’t remember it that way.</td>
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<tr>
<td></td>
<td>• <em>That didn’t happen.</em> [or] <em>That’s</em> not what happened.*</td>
</tr>
<tr>
<td></td>
<td>• I have no idea what you are talking about.</td>
</tr>
<tr>
<td><strong>Minimizing</strong></td>
<td>• <em>It’s only</em> a joke. [or] <em>It’s</em> not that bad.</td>
</tr>
<tr>
<td></td>
<td>• We’re <em>just</em> having fun.</td>
</tr>
<tr>
<td></td>
<td>• <em>Nobody</em> got hurt.</td>
</tr>
<tr>
<td></td>
<td>• <em>What’s</em> the big deal?</td>
</tr>
<tr>
<td><strong>Rationalizing or Making Excuses</strong></td>
<td>• <em>This wasn’t</em> ever an issue before now.</td>
</tr>
<tr>
<td></td>
<td>• I said/did ___ because ___.</td>
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<tr>
<td></td>
<td>• I didn’t even know I did anything.</td>
</tr>
<tr>
<td></td>
<td>• I didn’t mean it like that.</td>
</tr>
<tr>
<td></td>
<td>• <em>That’s</em> not how things used to be.</td>
</tr>
<tr>
<td></td>
<td>• <em>No one else</em> is saying anything.</td>
</tr>
<tr>
<td></td>
<td>• <em>Others</em>, even you, do the same thing too.</td>
</tr>
<tr>
<td><strong>Attacking or Defensive</strong></td>
<td>• <em>You’re</em> too sensitive. [or] <em>You’re</em> overreacting.</td>
</tr>
<tr>
<td></td>
<td>• <em>You’re</em> petty. [or] <em>You’re</em> jealous.</td>
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<tr>
<td></td>
<td>• <em>You</em> are taking it the wrong way.</td>
</tr>
<tr>
<td></td>
<td>• <em>You</em> think you are better than everyone else.</td>
</tr>
<tr>
<td></td>
<td>• <em>You</em> can’t take a joke.</td>
</tr>
<tr>
<td></td>
<td>• <em>This</em> is why nobody likes <em>you</em>.</td>
</tr>
<tr>
<td></td>
<td>• <em>It’s your fault</em> because ____.</td>
</tr>
<tr>
<td></td>
<td>• <em>What about</em> when <em>you</em> said/did ____.</td>
</tr>
<tr>
<td></td>
<td>• Why are you so emotional?</td>
</tr>
<tr>
<td></td>
<td>• <em>You’re</em> letting your emotions get the better of you.</td>
</tr>
<tr>
<td></td>
<td>• <em>Who</em> told you that? <em>What did</em> they say?</td>
</tr>
<tr>
<td></td>
<td>• <em>What do you</em> have to back that up?</td>
</tr>
</tbody>
</table>
### Escalation of Verbal Responses

- **Dismissive**
- **Minimization**
- **Rationalization**
- **Defensive**
- **Verbal Attacks or Insults**

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

<table>
<thead>
<tr>
<th>Type of Response</th>
<th>Example Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bystander Effect</strong></td>
<td>Says <em>nothing</em> 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.</td>
</tr>
<tr>
<td><strong>Afraid for your own safety</strong></td>
<td>Says <em>nothing</em> because he/she/they are fearful of jeopardizing their own safety</td>
</tr>
<tr>
<td><strong>Uncertain what to do</strong></td>
<td>Says <em>nothing</em> because he/she/they are unsure how to intervene</td>
</tr>
</tbody>
</table>
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

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**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?

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
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

Report

UT Institution’s Title IX Coordinators: https://www.utsystem.edu/offices/systemwide-compliance/title-ix/ut-title-ix-coordinators
Support

Active listening
Express compassion
Referrals & Resources

Adapted from
UT Austin’s Title IX Basics Workshop

Support

Be transparent about your role
Be flexible
Take care of yourself

Adapted from
UT Austin’s Title IX Basics Workshop
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

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
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

Examples of Supportive Measures – Title IX Office

**Non-Disciplinary & Non-Punitive Measures**… that do not 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
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

Campus Support Services, Resources, & Policies

UT Institution’s Title IX Coordinators:
https://www.utsystem.edu/offices/systemwide-compliance/title-ix/ut-title-ix-coordinators
Support & Resources for **YOU**

- Your Supervisor and/or Human Resources (HR)
- Employee Assistance Program (EAP)
- Behavior Intervention Team (BIT)
- Dean of Students Office
- Campus Police & Victim Services
- Ombuds Office
- Legal Affairs
- Off Campus Medical and/or Mental Health Providers

Resolution Flowchart:
Sexual Misconduct Cases (Example)

- **A Report to TIXC**
  - Can be submitted by **anyone**: Complainant, witness, third-party, employee, etc.
  - Triage & Preliminary Assessment

  - Formal Complaint
    - Submitted/Signed by CP
    - Submitted/Signed by TIXC

  - Written Notice of Formal Complaint
    - Supportive Measures
    - Rights & Options
    - Notice of Grievance Process

  - Resolution Options
    - Formal Grievance Process (Investigation & Adjudication)
    - Informal Resolution
    - Formal Complaint Dismissal
Q & A

Contact Information

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