Sexual Misconduct Case Management Overview

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Fall 2022

Agenda

1. Title IX Intro
2. Challenges & Barriers to Accessing Support
3. Triage & Case Mgt
4. Resolution Options
5. Adjudication Logistics
6. Documentation & Record Keeping
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.
“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)
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.

Source: Title IX Regulations (2020)
Conduct on the basis of sex that does not meet the definition of “sexual harassment” (under the Model Policy), but is prohibited inappropriate or unprofessional sexual conduct. Such conduct 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.

2. **Physical conduct** that is objectively offensive to a reasonable person and also so **severe or pervasive** that it created a Hostile Environment.

**Source:**

UT System Model Policy for Sexual Misconduct (2022)
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;
- Deliberate physical interference with or restriction of movement; or
- Consensual sexual conduct that is unprofessional and inappropriate, and created a Hostile Environment.

Source: UT System Model Policy for Sexual Misconduct (2022)

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Serving Impartially in Your Role

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

Source: Title IX Regulations (2020)
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
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.

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.
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

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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
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
Intersectionality:

*Interconnected nature of social categorizations such as race, class, and gender as they apply to a given individual or group.*

*Creates overlapping and independent systems of discrimination and disadvantage.*

Source: Demarginalizing the Intersection of Race and Sex... (Kimberle Crenshaw, 1989)

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**Power & Privilege Wheel (Example)**

Source: Sylvia Duckworth; Adapted from ccrweb.ca
Challenges and Barriers

- Family pressure or disagreements
- Care for family and/or dependents
- Financial stress
- Housing and/or food insecurity
- Disabilities
- Medical and/or mental health issues
- Unhealthy relationships
- Relationship breakups
- Lack of coping skills
- Addiction and/or substance use
- Academic issues
Intersectionality Considerations

- In what ways, if any, have specific challenges affected a person’s experiences?
- In what ways, if any, have a person’s communities, family, or friends affected a person’s decisions to:
  - Tell someone or report an incident
  - End or continue an unhealthy or abusive relationship
  - Get help or support
- Has the person received support from family and friends throughout the process? What does “being supported” look like for each person?

Triage & Case Management
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 ???

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
Resolution Flowchart

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
Informal Resolution
Formal Complaint Dismissal

Supportive Measures
Emergency Removal or Administrative Leave

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?
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.

Examples of Supportive Measures

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 academic penalty)
- Leave of Absence
- Mutual No-Contact Btwn Parties
- Campus Escort Services
- Increased Campus Security
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.

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**.
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.

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?

<table>
<thead>
<tr>
<th>Type of Concern</th>
<th>Action</th>
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<tbody>
<tr>
<td>Non-emergency behavioral or wellness issues(s)</td>
<td>Refer to Behavior Intervention Team (BIT) or campus equivalent</td>
</tr>
<tr>
<td>Immediate safety concerns (emergencies) or welfare check required</td>
<td>Report immediately to 911</td>
</tr>
</tbody>
</table>
| Clery reportable crimes that meet Clery geography requirements and/or timely warning requirements | **Timely Warnings:** Report immediately to campus law enforcement  
**Clergy Crime Reporting:** Report to the campus Clergy 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 |
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…

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

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  Informal Resolution  Formal Complaint Dismissal

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**Formal Complaint Dismissals**
Resolution Flowchart

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
Informal Resolution
Formal Complaint Dismissal

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)
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)

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
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.

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**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?
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.

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Formal Complaint Dismissal (Example #1)

<table>
<thead>
<tr>
<th>Grounds (examples): Serious nature of the allegations; Multiple reports/alleged incidents naming same RP</th>
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<tbody>
<tr>
<td>Initiate Formal Grievance Process (Investigation Stage)</td>
</tr>
<tr>
<td>Formal Complaint Dismissed (Close Case)</td>
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<tr>
<td>Notice of F. C. Dismissal Issued (Close Case): Option to Appeal</td>
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<tr>
<td>Appeal Resolution Options</td>
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<tr>
<td>Affirm F.C. Dismissal (Close Case)</td>
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</tbody>
</table>
### Formal Complaint Dismissal (Example #2)

**Formal Complaint (Signed by CP)/Notice Issued**

- Allegation(s): “Sexual harassment” allegation (e.g. hugs, shoulder touches, “romantic date” requests, comment about CP’s appearance)

**Initiate Formal Grievance Process (Investigation Stage)**

**Formal Complaint Dismissed (“Under Title IX”) & Cont. Investigation**

- Basis “Under Title IX” (example): Allegations don’t meet “severe, pervasive, and obj. offensive” elements of “sexual harassment” definition
- Reason(s) for Continuing (example): Allegations meet definition(s) of other prohibited conduct under SM Policy

**Notice of F. C. Dismissal Issued (“Under Title IX”): Option to Appeal**

- Procedural Irregularity
- New Evidence
- Bias/Conflict of Interest

**Appeal Resolution Options**

- Affirm F.C. Dismissal (“Under Title IX”) & Cont. Investigation under SM Policy (e.g. with “other inapp. sexual conduct” allegations)
- Cont. Investigation “Under Title IX” (e.g. with “sexual harassment” allegations)

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**Informal Resolutions**
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.
Resolution Flowchart

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
- Informal Resolution
- Formal Complaint Dismissal
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.

### Crisis/Threat Continuum

**LOW**
- 1st time seeing a concern
- Makes you or others uncomfortable but nothing specific
- No direct threats made

**MODERATE**
- 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

**HIGH**
- 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**

- Excessive eye rolling
- Constant interruptions
- Annoying behaviors
- Crying, sad, angry
- Apathy, lack of energy
- Delayed responses
- Distracted or difficulty concentrating
- Impulsive
- 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
- Threatening and posturing in intimidating manner
- Violent statements
- Hate speech
- Physically violent

Adapted from Student Emergency Services & the Behavior Concerns & COVID Advice Line (BCCAL), UT Austin
Case Mgt: Closing Steps of the Investigation

Formal Grievance Process Flowchart (Zoomed-In)
Investigations of Sexual Misconduct Cases

- Formal Complaint/Notice Issued
- Investigation Initiated
  - Gathering Evidence
  - Witness Interviews
- Investigation’s Closing Steps
  - Access to Evidence
  - Completed Investigation Report
- Investigation Report Referral for Adjudication

Supportive Measures for CP & RP
Emergency Removal or Administrative Leave
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.

Evidence Pyramid

- Relevant evidence
- Evidence directly related to the allegations

Evidence included in the Investigation Report
Evidence provided to the parties & advisors for inspection & response
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)

Access to the Completed Investigation Report

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

Source: UT System Model Policy for Sexual Misconduct
Formal Grievance Process Flowchart (Zoomed-In)

Title IX/Sexual Harassment

Formal Complaint/Notice Issued

Investigation
- Gathering Evidence
- Witness Interviews
- Investigation Report

Transition

Adjudication
- Live Hearing
- Written Determination Issued
- Remedies/Sanctions (if any)

Option to Appeal
- Procedural Irregularity
- New Evidence
- Bias/Conflict of Interest

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.
### Adjudication Intake

<table>
<thead>
<tr>
<th>Referral Type (RP)</th>
<th>Adjudication Office (Examples)</th>
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</thead>
<tbody>
<tr>
<td>Student</td>
<td>Student Conduct</td>
</tr>
<tr>
<td>Faculty</td>
<td>Provost</td>
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<tr>
<td>Staff</td>
<td>Human Resources</td>
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</tbody>
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### Adjudication Roles, Operations, & Structure?

- **Case Manager or Adjudication Transition Coordinator**
- **Hearing Officer(s)**
- **University Representative Role at Hearings**
- **Advisor(s) provided by the Institution**
- **Appellate Role for Policy Violation Determinations (if applicable)**
- **Legal Affairs/OGC Support**
- **Others ???**
Title IX/Sexual Harassment

Notice

Investigation *(No determination)*

Both parties have access to all evidence related to the allegation(s) & ability to comment

Administrative Disposition or Hearing Options

Appeal

Non-Sexual Harassment

Notice

Investigation *(Preliminary determination)*

Both parties have access to all evidence related to the allegation(s) & ability to comment

No Administrative Disposition

Hearing Required

Appeal

**Adjudication Flowchart**

Investigation Report Referral

Adjudication Intake

Administrative Disposition Option? (if applicable)

Live Hearing

Live Testimony & Cross-Examination of Witnesses

Written Determination Issued

Remedies/Sanctions (if any)

Option to Appeal

Procedural Irregularity

New Evidence

Bias/Conflict of Interest
**Live Hearing: Logistics Flowchart**

1. **Assign Hearing Officer, Advisor(s), Uni. Rep, & Appellate Officer**
2. **Copies of Investigation Report & Access to All Evidence**
3. **Schedule Hearing Date & Send Notice of Hearing**
   - Request from Both Parties:
     - List of Exhibits & Witnesses?
     - Special Accommodations?
     - Need an Advisor?
4. **Hold the Live Hearing**
   - Opening Statements
   - Witness Testimony
   - Cross-Examination
   - Exhibits
   - Closing Statements
5. **Hearing Officer: Considers **ALL** relevant evidence impartially**
6. **Hearing Officer: Renders Written Determination**
   - Include Appellate Officer name & contact information
   - Issue copy to CP and RP; cc: TIXC, cc: RP’s file (Adjudication Office)
7. **Both Parties have option to Appeal**
   - Procedural Irregularity
   - New Evidence
   - Bias/Conflict of Interest

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**Appeal: Logistics Flowchart**

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

1. **Provide copy of Appealing Party’s Appeal to the Non-Appealing Party for opportunity to respond & deadline to respond.**
2. **Appellate Officer: Consider **ALL** points of view & relevant evidence impartially**
3. **Appellate Officer: Renders Final Determination**
   - Issue copy to CP and RP; cc: TIXC, cc: RP’s file (Adjudication Office)

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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.

**Source:** UT System Model Policy for Sexual Misconduct

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
Documentation & Record Keeping

The University (through the appropriate office) will retain all of the documentation included in the Grievance Process (outlined in the SM Policy) for 7 years, in accordance with state and federal records laws and University policy.

All documentation of records are private and confidential to the extent possible under law. Student records of the Grievance Process are disciplinary records under FERPA. Employee records of the Grievance Process are subject to the Freedom of Information Act (FOIA) and the Texas Public Information Act (TPIA), and included in the employee’s official employment record.

Source: UT System Model Policy for Sexual Misconduct
# Contact Information

<table>
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<tr>
<th>Krista Anderson</th>
<th>Sean Flammer</th>
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<tbody>
<tr>
<td>Systemwide Title IX Coordinator</td>
<td>Assistant General Counsel</td>
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<tr>
<td>Office of Systemwide Compliance</td>
<td>Office of General Counsel</td>
</tr>
<tr>
<td>UT System (Austin, TX)</td>
<td>UT System (Austin, TX)</td>
</tr>
<tr>
<td>Phone: 512-664-9050</td>
<td>Phone: 512-579-5106</td>
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<td>Email: <a href="mailto:kranderson@utsystem.edu">kranderson@utsystem.edu</a></td>
<td>Email: <a href="mailto:sflammer@utsystem.edu">sflammer@utsystem.edu</a></td>
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