Sexual Misconduct Prevention & Bystander Response Tools

Krista Anderson, Systemwide Title IX Coordinator
Fall 2022

Agenda

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

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
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…* (Kimberlé Crenshaw, 1989)

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Power & Privilege Wheel (Example)

Source: Sylvia Duckworth; Adapted from ccrweb.ca
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.
Examples of a positive, productive environment

✓ Being seen & heard
✓ Having agency of your work
✓ Bringing your “whole self” to work
✓ Being 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.
Examples of community values

- Respect
- Trust
- Communication
- Inclusion
- Teamwork
- Healthy Boundaries
- Support
- Accountability
- Transparency
- Learning/Growth Mindset

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

Bias & Problematic Behavior?
### What is Bias?

<table>
<thead>
<tr>
<th>Assumptions</th>
<th>Stereotypes</th>
<th>Prejudices</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thoughts, Generalizations</td>
<td>Overly simplified Ideas</td>
<td>Beliefs, Feelings, Attitudes of liking or disliking someone or something</td>
</tr>
<tr>
<td>Limited or inaccurate perception of others</td>
<td>Limited or inaccurate perception of others</td>
<td>Limited or inaccurate perception of others</td>
</tr>
</tbody>
</table>

### Sex/Gender-Based Examples

- Beliefs in **strict gender roles**
- Hostile attitudes toward a person on the basis of sex/gender (including gender identity & expression) or sexual orientation
- Accepting attitudes of IPV
- Assumptions that a person is **superior/inferior** on the basis of sex/gender (including gender identity & expression) or sexual orientation
- Beliefs in **historical/societal gender norms**
Beware: “Trust 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

Cognitive Ease

Low Cognitive Ease

High Cognitive Ease

*Source: Thinking, Fast and Slow (Daniel Kahneman, 2011)*
• Limited or lack of information to base one’s decisions or judgments.

Examples:
1. Unclear boundaries, roles, or tasks
2. Multiple ways to interpret information
3. Unfamiliarity with subject matter

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

Can be influenced by Assumptions, Stereotypes, and/or Prejudices of others

Discrimination
Harassment
Retaliation

Actions
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

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
1.a Your supervisor sends you an email during regular work hours assigning you a task.

1.b Your supervisor texts you on your cell phone during regular work hours assigning you a task.

Adapted from UT Austin’s “Are We Okay?” Boundaries Workshop
1.c Your supervisor texts you on your cell phone late on Friday night assigning you a task.

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

1.d Your supervisor texts you on your cell phone late on Friday night, asking if you completed a list of tasks assigned to you earlier in the week.

Adapted from UT Austin’s “Are We Okay?” Boundaries Workshop
1.e (Same as before) Your supervisor texts you on your cell phone late on Friday night, asking if you completed a list of tasks assigned to you earlier in the week... (New) Your supervisor texts again, saying it’s urgent and the work must be completed before Monday morning.

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

2.a Before a staff meeting starts, your coworkers are casually chatting about what they did last weekend with family or friends.

Adapted from
UT Austin’s “Are We Okay?” Boundaries Workshop
2.b (Same as before) Before a staff meeting starts, your coworkers are casually chatting about what they did last weekend with family or friends... (New) A coworker turns to you and asks what you did last weekend.

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

2.c (Same as before) Before a staff meeting starts, your coworkers are casually chatting about what they did last weekend with family or friends... (New) A coworker says they went out with some old college friends and “did some things I probably shouldn’t have, if you know what a I mean.”

Adapted from UT Austin’s “Are We Okay?” Boundaries Workshop
Hypothetical 2.d

2.3 (Same as before) Before a staff meeting starts, your coworkers are casually chatting about what they did last weekend with family or friends. A coworker says they went out with some old college friends and “did some things I probably shouldn’t have, if you know what I mean.”… (New) Another coworker asks you what’s your best “partying” story.

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

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.
- **Taking stock**: Attempt to understand others’ needs, barriers, challenges, and support.
- **Generous assumptions**: Assume good will and/or good intentions.
- **Curiosity**: Ask questions to learn, clarify, and understand an unknown. Emphasize and model a growth mindset.

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>
</tr>
<tr>
<td>Leadership positions</td>
<td>Age and/or Years of experience</td>
</tr>
<tr>
<td>Decision-making responsibilities</td>
<td>Seniority statuses</td>
</tr>
<tr>
<td>Hiring responsibilities</td>
<td>Positional statuses</td>
</tr>
<tr>
<td>Budget and Funding responsibilities</td>
<td>Relational/Social statuses</td>
</tr>
<tr>
<td></td>
<td>Identity groups</td>
</tr>
</tbody>
</table>

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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?

How do we communicate boundaries?
### Examples of Communicating Boundaries

<table>
<thead>
<tr>
<th>Approaches</th>
<th>Example Prompts or Strategies</th>
</tr>
</thead>
</table>
| **Clarifying Check**        | • “Help me **understand** what [blank..] means... “  
|                             | • “Help me **understand** what you meant by [blank.. repeat/phrase]... “                    |
| **Direct Verbal Cues**      | • “I **feel** ____ when you say/do ____ . [or] I am ____ when I hear you say ____.”            |
| (“I” Statements)            | • “I am not able to ____ when you say/do ____.”                                                 |
|                             | • “When you say/do ____ , it **affects** me by ____.”                                           |
| **Redirect or Distract**    | • Change the subject                                                                            |
| **Delegate**                | • Ask someone else to **help you** or to **get assistance**                                    |
| **Remove oneself from the situation** | • Adjourn the meeting  
|                             | • Take a time out or excuse yourself from the space                                              |
| **Non-verbal Cues**         | • 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.

Center 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
Giving Feedback
(Example “I” Statements)

<table>
<thead>
<tr>
<th>Name your...</th>
<th>Example “I” Statements</th>
</tr>
</thead>
</table>
| Feeling(s)   | “I feel ____ when you say/do ____.”  

| Impact(s)    | “I am not able to ____ when you say/do ____.”  

| Need(s)      | “I need ____ from you.”  

The Illusion of Transparency
Receiving Feedback (Examples)

Take a pause.
Show gratitude: “Thank you for the feedback.”

Be accountable…
Acknowledge your behavior & its impact on other(s).
Reflect/restate the feedback you just heard.
Make a plan to change or adapt.
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

Examples:
1. Presenting information through empirical research findings vs. a person’s anecdotal personal experience or opinion
2. Providing feedback in an “angry, raised voice” vs. a “more-balanced emotional posture”
**Start-Stop-Continue Reflection**

Going forward: With your own boundaries and the boundaries of others:
1. What are you going to start doing?
2. What are you going to stop doing?
3. What are you going to continue doing?

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**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 **diversity** and **inclusion initiatives**.
5. Cultivate **open communication** and **collaboration**.
6. Foster **supportive relationships** within teams.
Bystander Response & Intervention Tools

Identify Bias & Problematic Behavior
Sex/Gender-Based Examples

- Beliefs in strict gender roles
- Hostile attitudes toward a person on the basis of sex/gender (including gender identity & expression) or sexual orientation
- Accepting attitudes of IPV
- Assumptions that a person is superior/inferior on the basis of sex/gender (including gender identity & expression) or sexual orientation
- Beliefs in historical/societal gender norms

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

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## Examples of Addressing Behavior

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<th>Example Prompts or Strategies</th>
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<tr>
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<tr>
<td>(&quot;I&quot; Statements)</td>
<td>• “I am not able to ____ when you say/do ____.”</td>
</tr>
<tr>
<td></td>
<td>• “When you say/do ____, it <strong>affects</strong> me by ____.”</td>
</tr>
<tr>
<td>Redirect or Distract</td>
<td>• Change the subject</td>
</tr>
<tr>
<td></td>
<td>• Refocus to the main topic at hand</td>
</tr>
<tr>
<td>Delegate</td>
<td>• Ask someone else to <strong>help you</strong> or to <strong>get assistance</strong></td>
</tr>
<tr>
<td>Remove oneself from the situation</td>
<td>• Adjourn the meeting</td>
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<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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</table>
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?
### Examples of **External** Barriers or Roadblocks (Psychological Manipulation from Others)

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

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

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:**
- **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 (2021)*
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

Report

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

*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...* (Kimberlé Crenshaw, 1989)
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 (for example):
  - 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?
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
Active Listening

- **Goal**: Provide the person a sense of feeling heard and understood
- **Listener’s Mindset**: Open-minded, objective, & impartial
- Pay full attention to the person
- Nodding, affirmative non-verbals
- Not interrupting; using silence
- Open-Ended Phrases
- Clarifying checks & validations:
  - Validating & emotional acknowledgements
  - Reflecting (mirroring/paraphrasing)
  - Summarizing
  - Restating

Active Listening: Examples

<table>
<thead>
<tr>
<th>Type</th>
<th>Example Prompts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Validating</td>
<td>“That sounds difficult.”</td>
</tr>
<tr>
<td></td>
<td>“It’s okay to feel upset.”</td>
</tr>
</tbody>
</table>
| Emotional Acknowledgements | Emotional label to the person:  
|                       | “You seem disappointed right now.”                                                                        |
|                       | “You seem upset right now.”                                                                               |
| Emotional label to the subject matter: | “Having to consider different options can be stressful to navigate.”                                      |
| Reflecting            | “What I’m hearing is…”                                                                                   |
|                       | “Sounds like you are saying…”                                                                             |
| Summarizing or Restating | “Let me summarize to check my understanding [Repeat back]… Did I get that right?”                        |
|                       | “[Repeat/rephrase what the other person said]…Is this what you mean?”                                     |
| Open-Ended Phrases    | “Tell me more about…”                                                                                   |
|                       | “What do you mean when you say…?”                                                                         |
|                       | “Help me understand…”                                                                                   |
| Affirmative Comm      | “Yes”                                                                                                     |
|                       | “Go on.”                                                                                                   |
|                       | “Right.”                                                                                                   |
|                       | “I see.”                                                                                                   |
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?”

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

- Don’t ask questions about the incident.
- 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 related to the incident with…

Adapted from UT Austin’s Title IX Basics Workshop

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**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 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

Supportive Measures

Emergency Removal or Administrative Leave
Contact Information

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