Sexual Misconduct Prevention & Bystander Response Tools

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Spring 2022

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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 <u>educational programs or activities</u> receiving federal financial assistance

Anyone participating in or attempting to participate in <u>educational programs or activities</u>

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Title IX

Sex Discrimination
Sexual Harassment
Retaliation

IX

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Institutional Sexual Misconduct Policy (Example)

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

- Sex Discrimination
- Sexual Harassment
  - o Sexual Assault
  - o Dating Violence
  - o Domestic Violence
  - o 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.

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

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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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Why is it important that **<u>institutions</u>** respond to reports of sexual misconduct?

Stop   Prevent   Remedy

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

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Intersectionality:

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

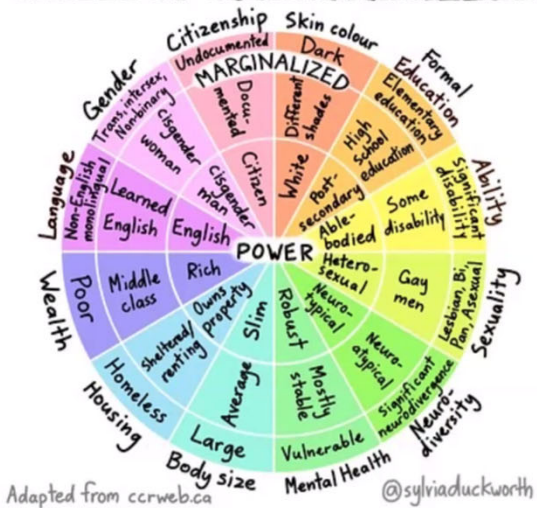*Creates overlapping and independent systems of discrimination and disadvantage.*

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

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Power & Privilege Wheel

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Source: Sylvia Duckworth; Adapted from ccrweb.ca

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Source: www.vawlearningnetwork.ca

An Upstream Approach

Primary Prevention Tools

1. **Focuses on the "root causes"** of sexual harassment and sexual misconduct <u>and</u> **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**.

Upstream Approach

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

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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

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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
- ✓ Inclusion
- ✓ Teamwork

- ✓ Healthy Boundaries
- ✓ Support
- ✓ Accountability
- ✓ Transparency
- ✓ Learning

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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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Bias & Problematic Behavior?

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4/26/2022

What is Bias?

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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

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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

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Other Implications of Bias

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Assumptions	Stereotypes	Prejudices	Discrimination Harassment Retaliation
Thoughts, Generalizations	Overly simplified Ideas	Beliefs, Feelings, Attitudes of liking or disliking someone or something	Actions
Limited or inaccurate perception of others	Limited or inaccurate perception of others	Limited or inaccurate perception of others	Can be influenced by Assumptions, Stereotypes, and/or Prejudices of others

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Ambiguity

- 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

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Sex Discrimination
Sexual Harassment/Misconduct
Retaliation

Bias & Problematic Behavior

Upstream Approach

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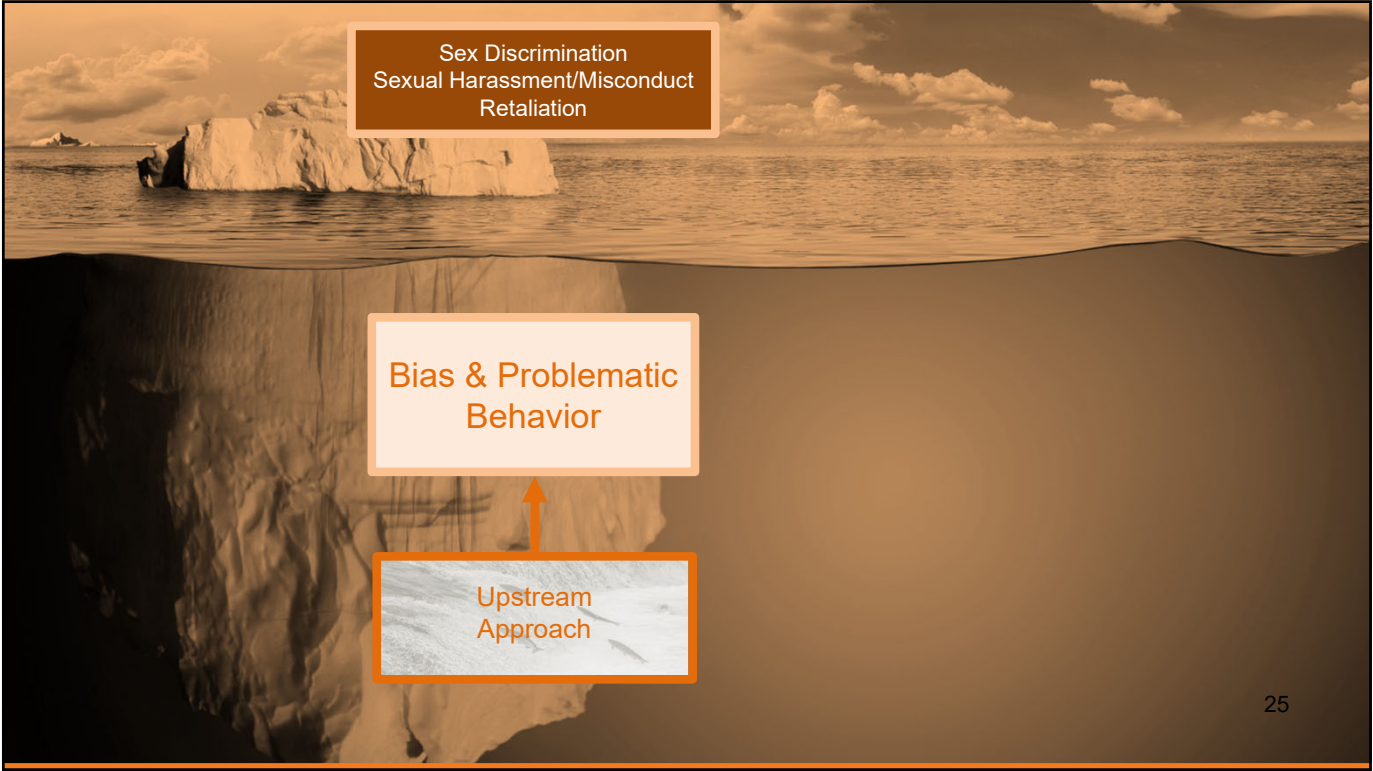
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Boundaries

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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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Hypothetical 1.a

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

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Adapted from
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Hypothetical 1.b

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

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Hypothetical 1.c

1.c Your supervisor texts you on your cell phone late on Friday night assigning you a task.

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Hypothetical 1.d

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.

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Hypothetical 1.e

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.

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Hypothetical 2.a

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

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Hypothetical 2.b

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.

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Hypothetical 2.c

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."

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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 a I mean."… (New) Another coworker asks you what's your best "partying" story.

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Debrief

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

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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.

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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
	Identity groups

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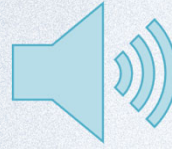
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How do we **communicate** boundaries?
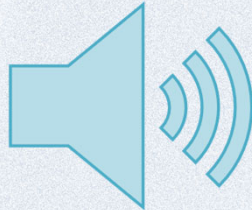
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Examples of Communicating Boundaries

Approaches	Example Prompts or Strategies
Clarifying Check	• *"Help me **understand** what [blank..] means… "* • *"Help me **understand** what you meant by [blank.. repeat/paraphrase]… "*
Direct Verbal Cues ("I" Statements)	• *"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	• Change the subject • Refocus to the main topic at hand
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 <u>feelings</u>.
Focus on the <u>impact</u> the conduct had on you.
Center on your <u>needs</u> & what your boundary does for you.
Concentrate on the <u>issue/problem</u>, not the person or personality.

Focus on a strengths-based mindset & solutions…
<u>Positive outcomes & benefits</u> of acknowledging boundaries

(And don't forget about) Positive recognition…
Acknowledge the person's <u>positive actions</u>, sincerely and specifically.

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

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Giving Feedback
(Example "I" Statements)
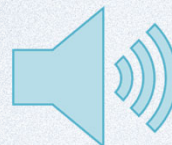
Name your…	Example "I" Statements
Feeling(s)	• *"I **feel** _____ when you say/do _____."* • *"I am _____ when I hear you say _____."*
Impact(s)	• *"I am not able to _____ when you say/do _____."* • *"When you say/do _____, it **affects** me by _____."*
Need(s)	• *"I **need** _____ from you."* • *"When I _____, I **need** you to _____."* • *What I **need** is _____.*

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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…
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

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Framing Effect

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

<u>Examples</u>:
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"

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Start-Stop-Continue Reflection

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

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Bystander Response & Intervention Tools

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Identify

Bias &
Problematic Behavior

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Sex/Gender-
Based
Examples

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

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Identify

Notice the behavior

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Identify

Address the behavior

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Examples of Addressing Behavior

Approaches	Example Prompts or Strategies
Clarifying Check	• *"Help me **understand** what [blank..] means… "* • *"Help me **understand** what you meant by [blank.. repeat/paraphrase]… "*
Direct Verbal Cues ("I" Statements)	• *"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	• Change the subject • Refocus to the main topic at hand
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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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*

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What are **barriers** to addressing behavior?

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Examples of <u>External</u> Barriers or Roadblocks (Psychological Manipulation from Others)

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

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Examples of <u>Internal</u> 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 <u>Internal</u> Barriers or Roadblocks (Cont.) (Coping Mechanisms)

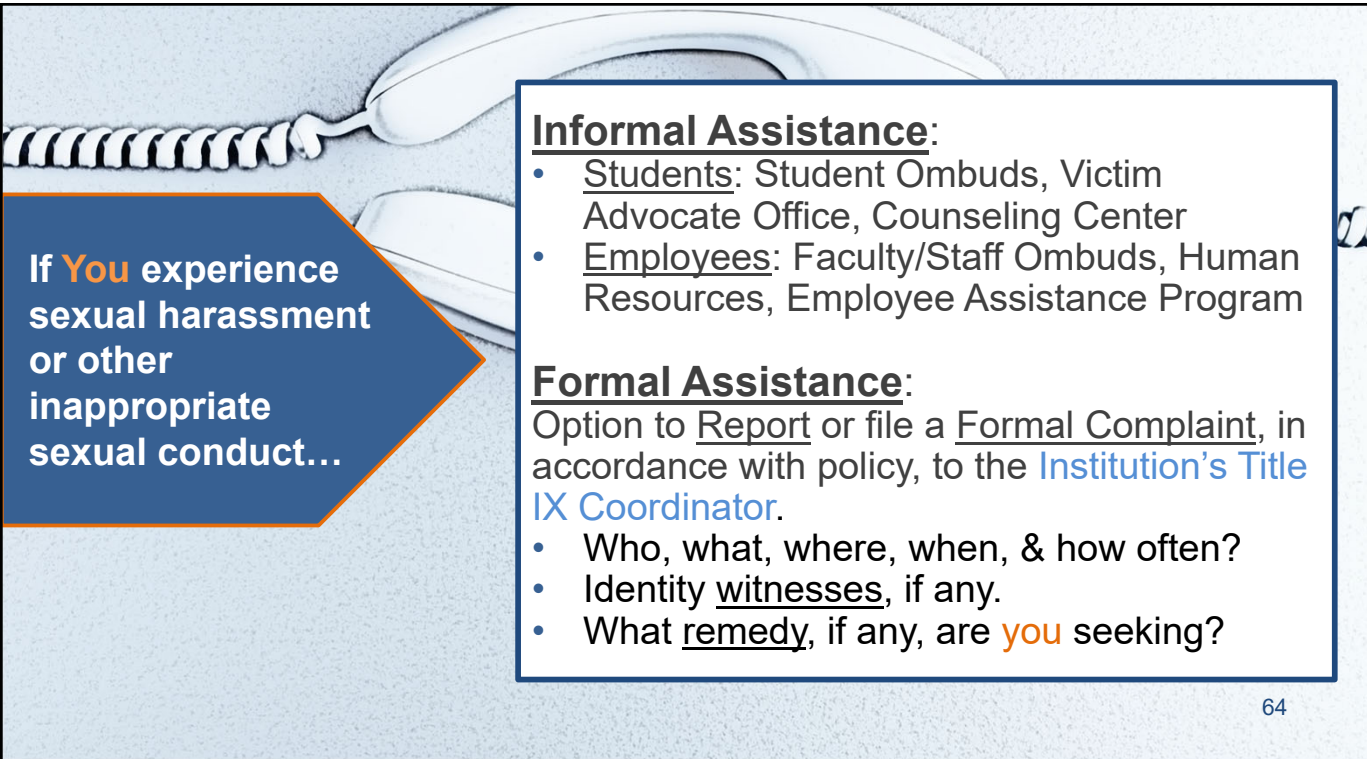| **Fight**	**Flight**	**Freeze**
<u>Verbally</u>…	<u>Physically or emotionally</u>…	<u>Cognitively</u>…
Aggressive	Withdrawing	"Analysis paralysis"
Attacking	Avoiding	Uncertain what to do
Defensive	Feeling unsafe	Bystander Effect
Insults		

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Report

Institution's Title IX Coordinator

Adapted from UT Austin's Title IX Basics Workshop

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If You experience sexual harassment or other inappropriate sexual conduct…

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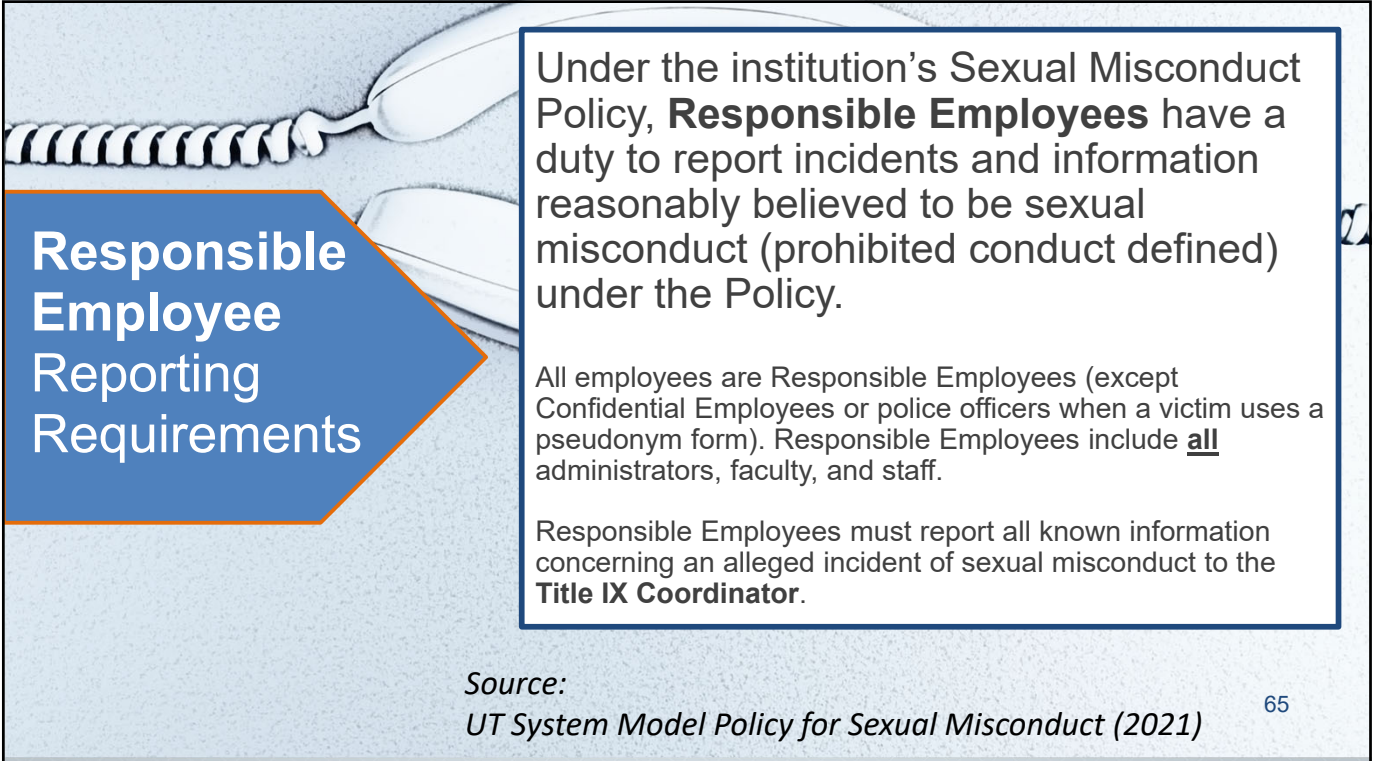- Students: Student Ombuds, Victim Advocate Office, Counseling Center
- Employees: Faculty/Staff Ombuds, Human Resources, Employee Assistance Program

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)

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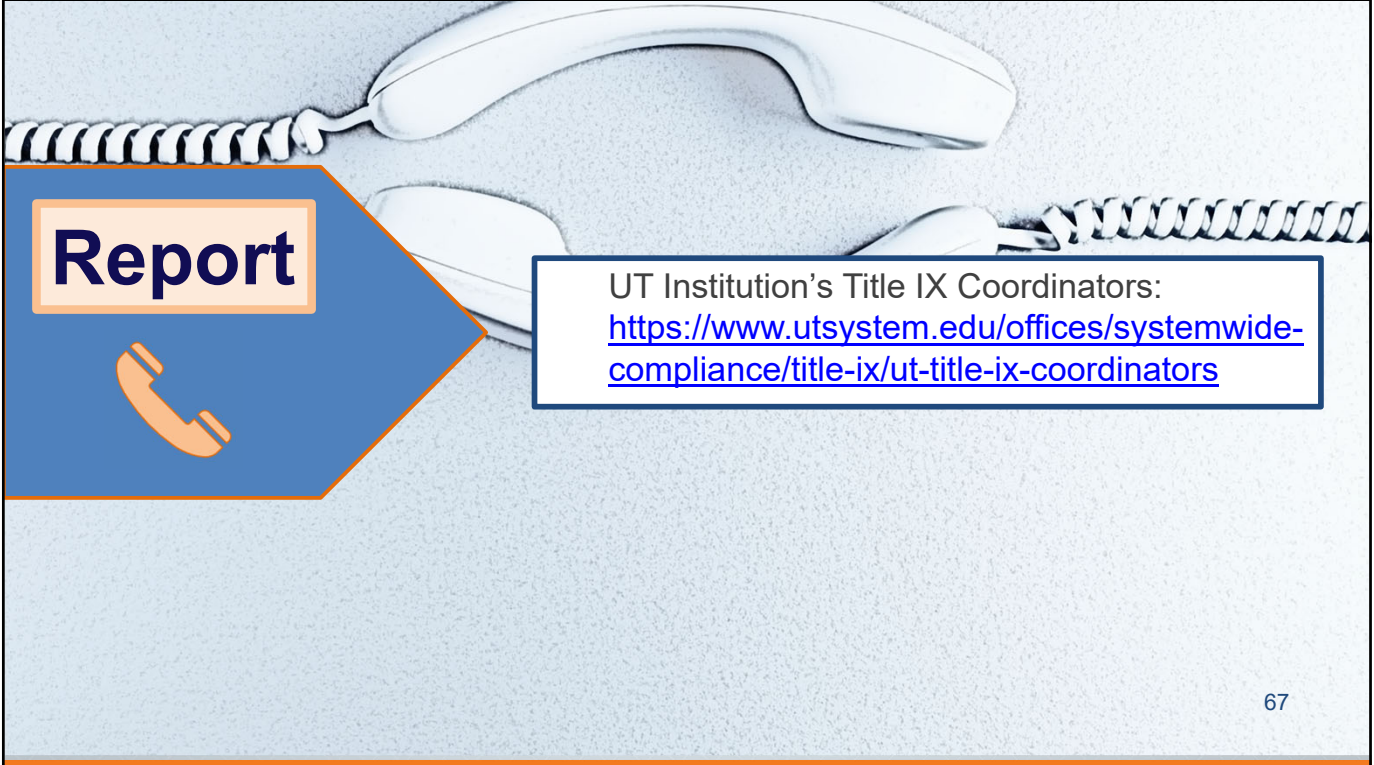
If a Responsible Employee <u>knowingly</u> fails to report all information concerning an incident the employee reasonably believes constitutes stalking, dating violence, sexual assault, or sexual harassment committed by or against a student or employee at the time of the incident, the <u>employee is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

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Source:
UT System Model Policy for Sexual Misconduct (2021);
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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Challenges & **Barriers** to Accessing Support

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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…
(Kimberlè Crenshaw, 1989)

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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

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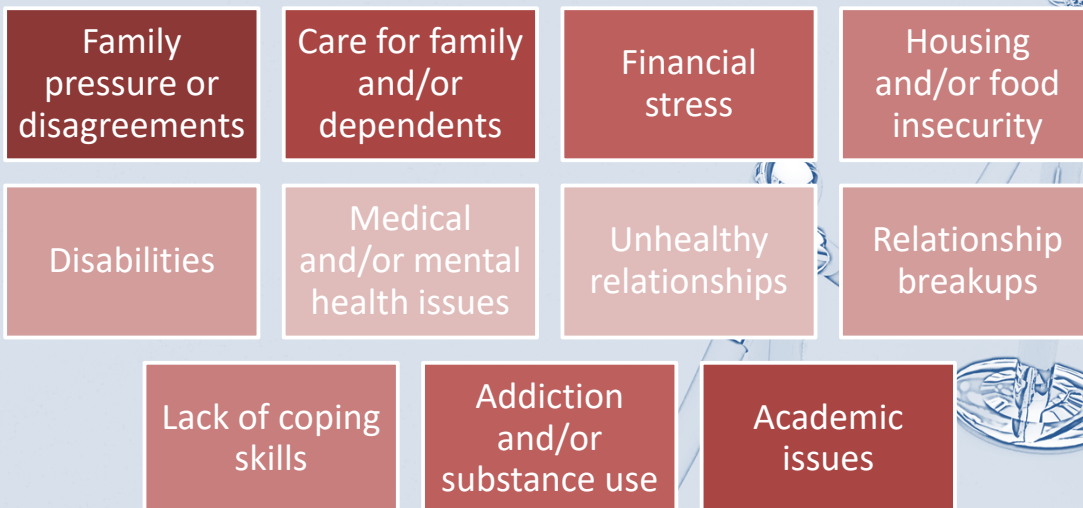
Intersectionality Considerations

- In what ways, if any, have **specific challenges** (e.g. racism, heterosexism, ableism, etc.) 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?

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Support

Active listening
Express compassion
Referrals & Resources

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Adapted from
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Support

Be transparent about your role
Be flexible
Take care of yourself

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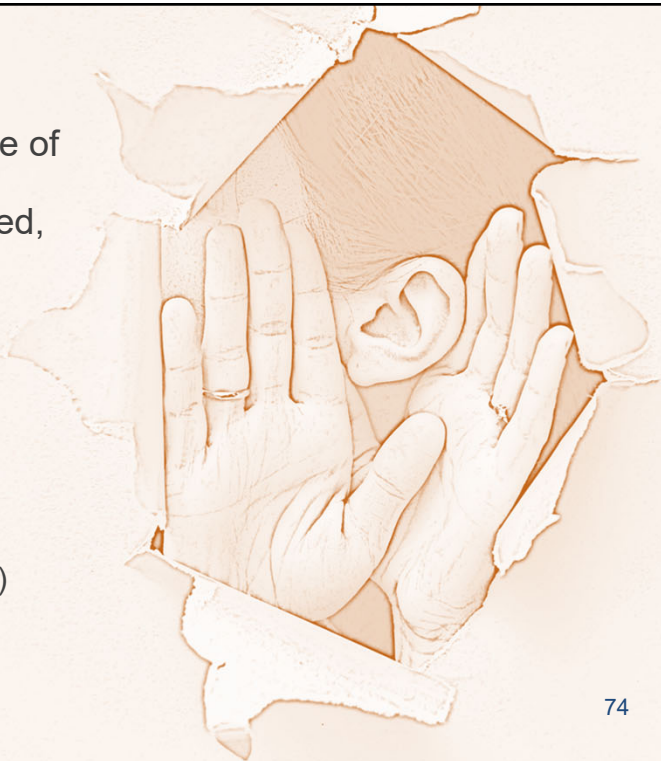THIRTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

Adapted from
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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:
  o Validating & emotional acknowledgements
  o Reflecting (mirroring/paraphrasing)
  o Summarizing
  o Restating

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Active Listening: Examples

Type	Example Prompts	
Validating	• *"That sounds difficult."*	• *"It's <u>okay</u> to feel upset."*
Emotional Acknowledge-ments	*Emotional label to the **person**:* • *"You seem <u>disappointed</u> right now."* • *"You seem <u>upset</u> right now."*	*Emotional label to the **subject matter**:* • *"Having to consider different options can be <u>stressful</u> 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…"* • *"Explain/describe…"*	• *"What do you mean when you say…?"* • *"Help me understand…"*
Affirmative Comm	• *"Yes"* • *"I see."*	• *"Go on."* • *"Right."*

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?"*

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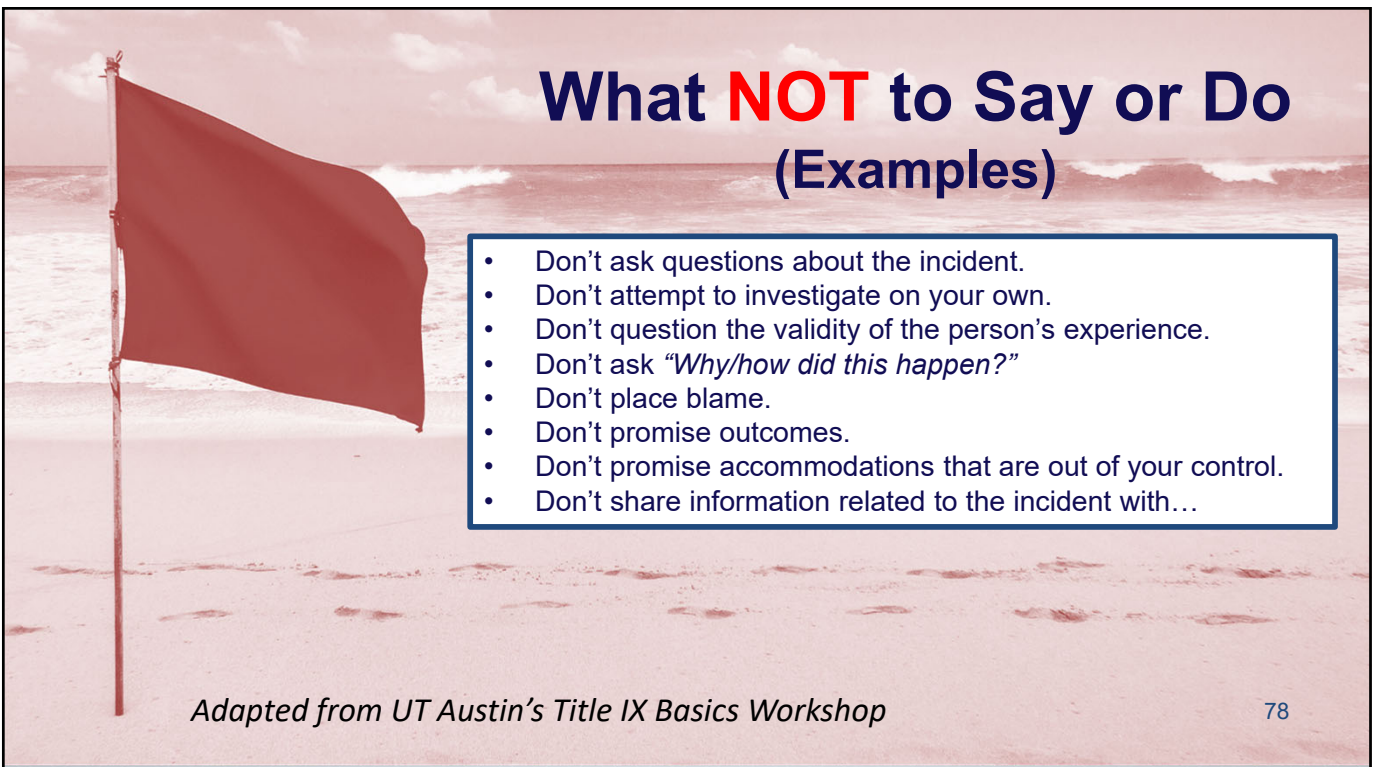
Supportive Statements
(Examples)

- *"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."*

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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…

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Examples of Supportive Measures

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
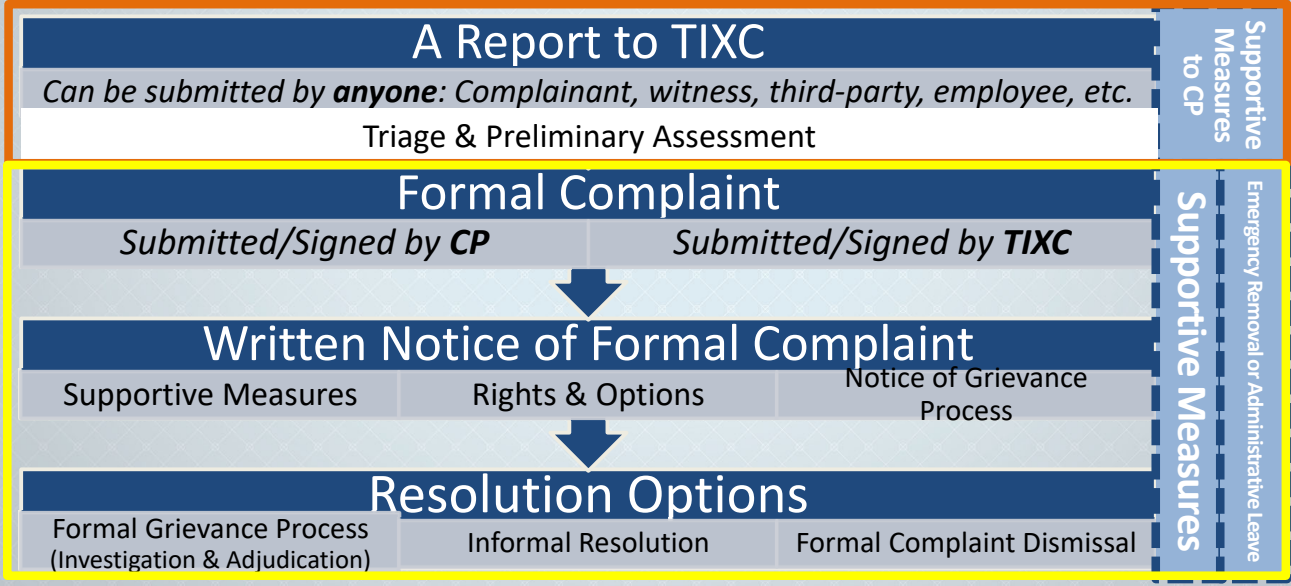
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Support & Resources for YOU

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

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Resolution Flowchart: Sexual Misconduct Cases (Example)

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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 to CP

Supportive Measures

Emergency Removal or Administrative Leave

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Q & A

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Contact Information

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