

# Sexual Misconduct Prevention & Bystander Response Tools

Krista Anderson, Systemwide Title IX Coordinator

Spring 2023



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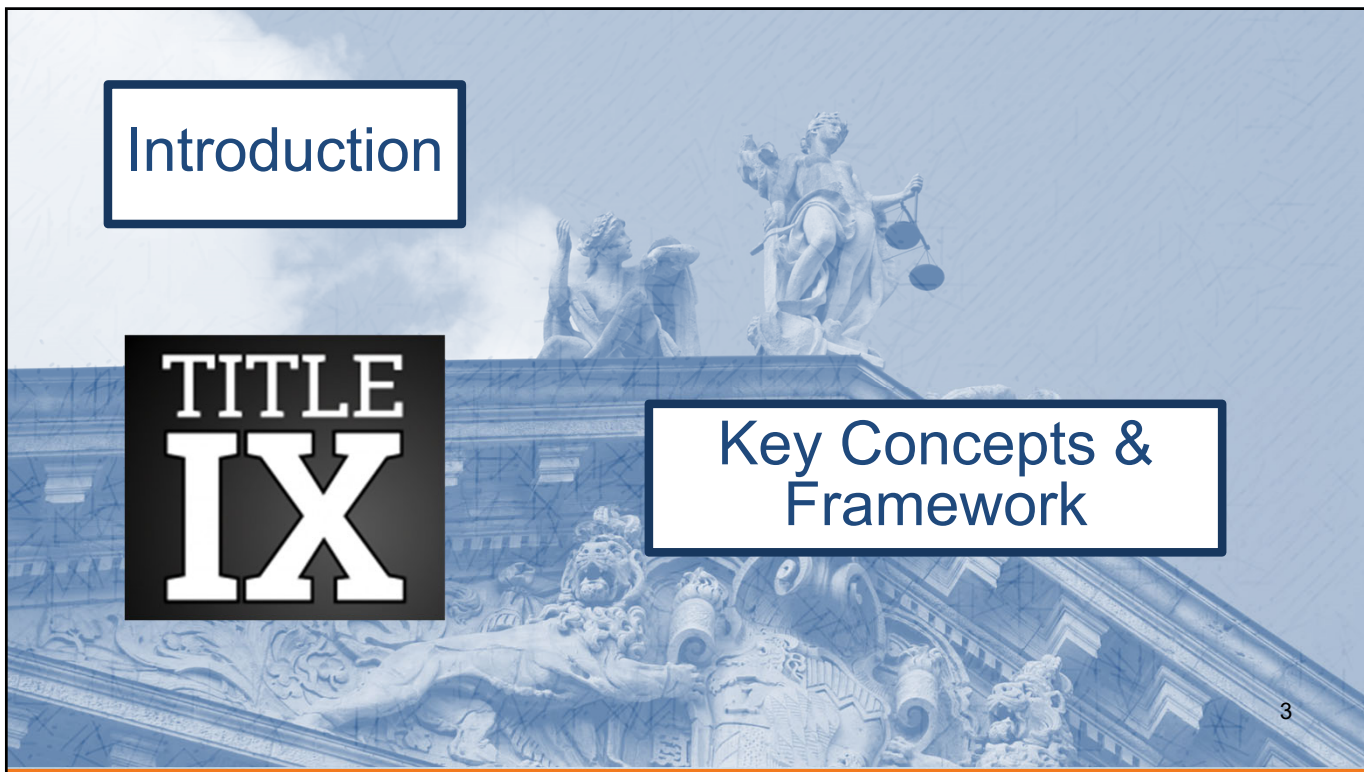
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## Agenda

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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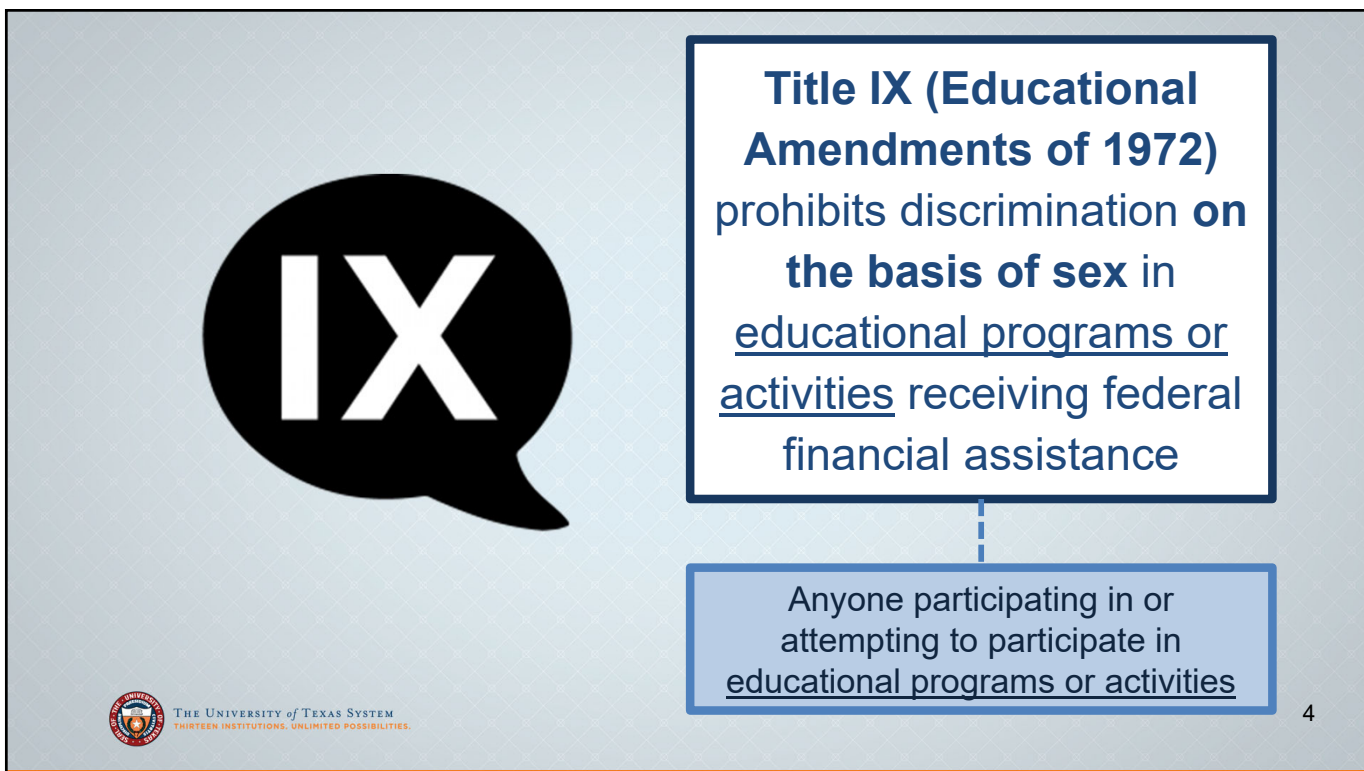
Introduction

**TITLE IX**

Key Concepts & Framework

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**IX**

**Title IX (Educational Amendments of 1972)** prohibits discrimination **on the basis of sex** in educational programs or activities receiving federal financial assistance

Anyone participating in or attempting to participate in educational programs or activities



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**Title IX**

Sex Discrimination  
Sexual Harassment  
Retaliation



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Institutions must reasonably respond in light of known circumstances...

1. Stop & prevent behavior from continuing or escalating
2. Remedies: Supportive measures & resources
3. Formal grievance process



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# Challenges & Barriers

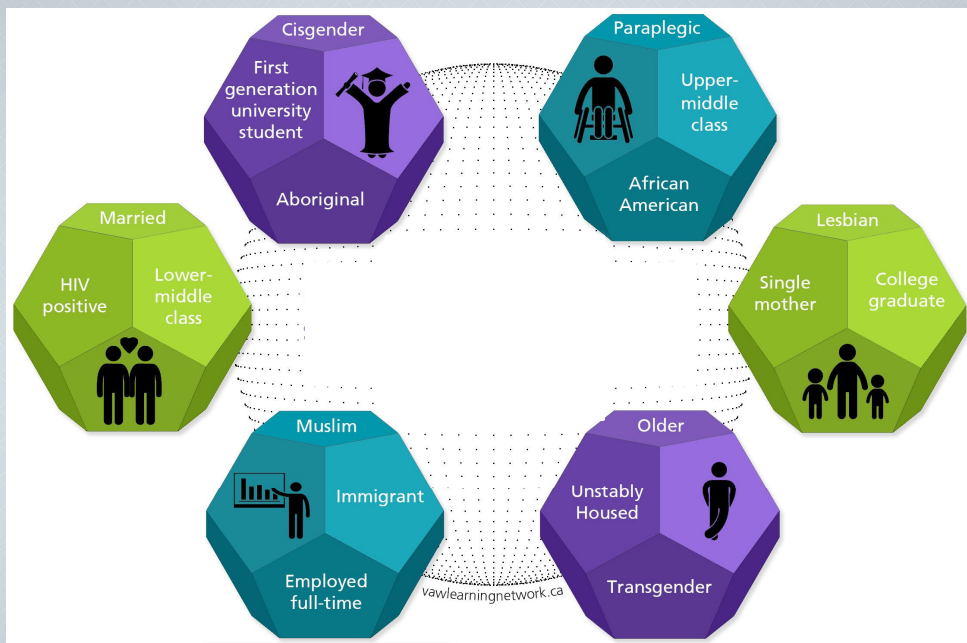


Family pressure or disagreements	Care for family and/or dependents	Financial stress
Housing and/or food insecurity	Disabilities	Medical and/or mental health issues
Unhealthy relationships or boundaries	Relationship breakups	Lack of coping skills
Addiction and/or substance use	Academic issues	

Source: Gardenswartz & Rowe. *Four Layers of Diversity (Wheel) from Diverse Teams at Work (2003)*

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Source: [www.vawlearningnetwork.ca](http://www.vawlearningnetwork.ca)

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An Upstream Approach

Primary Prevention Tools

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Upstream Approach

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

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



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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/Growth Mindset



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



### Examples of supportive relationships

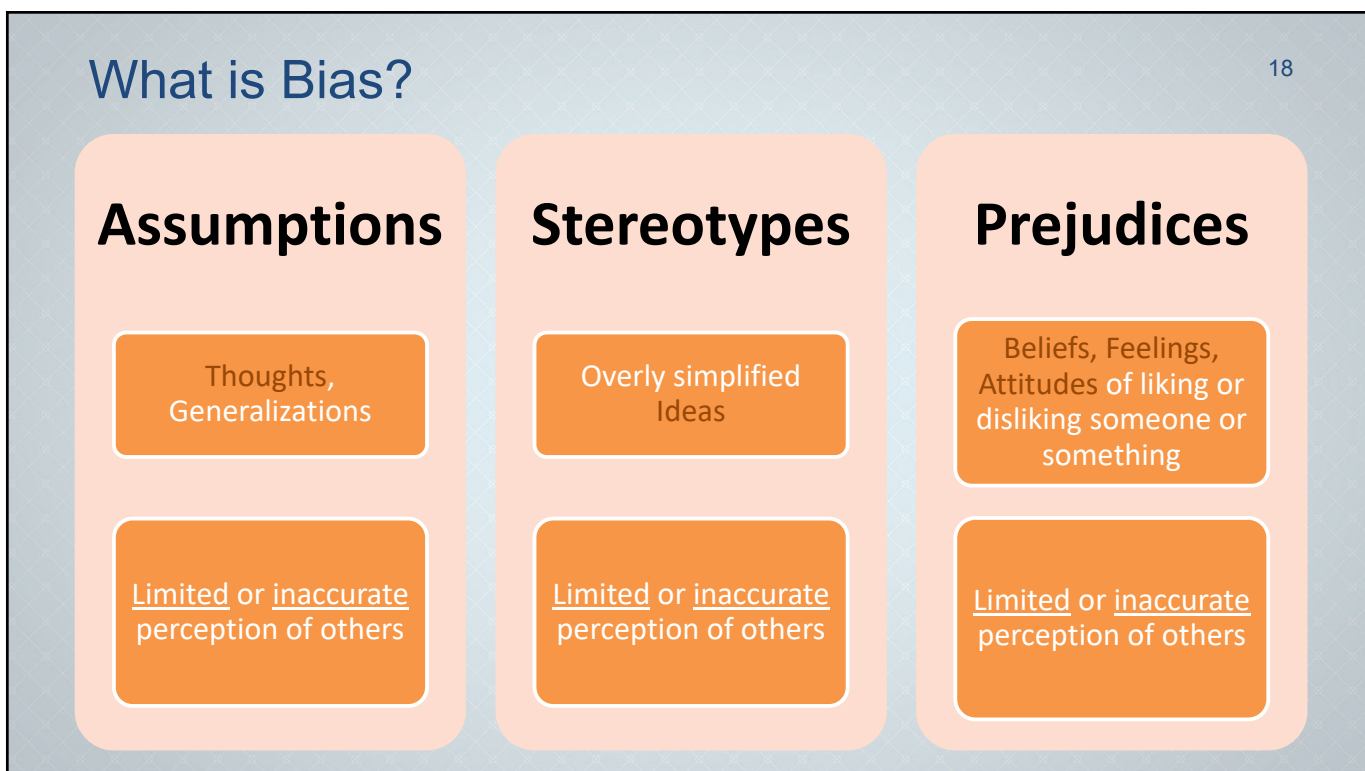


- ✓ Help others feel safe, a sense of belonging, and that they matter.
- ✓ Show genuine interest in others
- ✓ Acknowledge people's strengths & contributions
- ✓ Address peoples' needs
- ✓ Use active listening
- ✓ Follow-through on your words & actions
- ✓ Be open-minded
- ✓ Assume good will
- ✓ Engagement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





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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



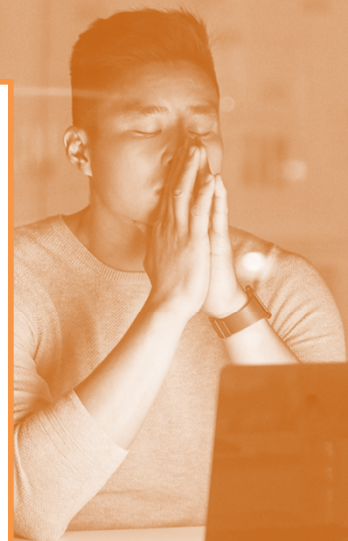
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## Beware: “Trust Your Gut”

- 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**



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# Cognitive Ease

## Low Cognitive Ease



## High Cognitive Ease



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

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- Limited or lack of information to base one's decisions or judgments.

Ambiguity

### Examples:

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



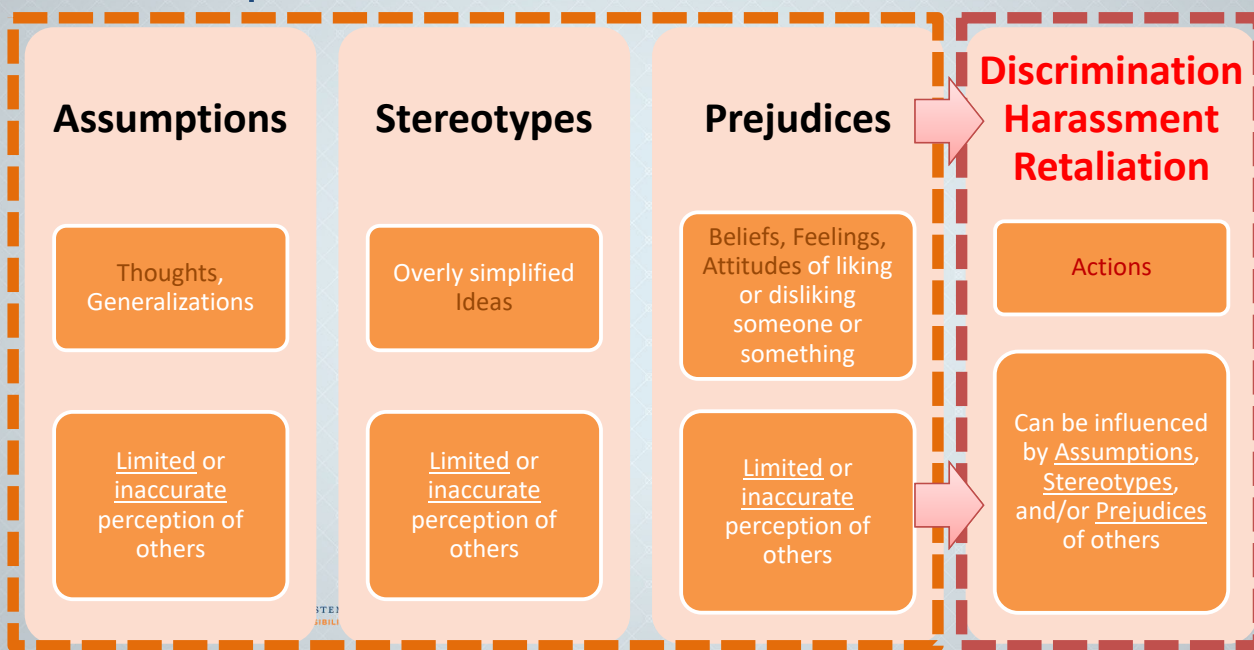
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# Other Implications of Bias

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# Boundaries

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## What are Boundaries?

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

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

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

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# Stop-Light Activity

For each prompt:  
(Green): Within your boundary  
(Yellow): Unsure of your boundary  
(Red): Outside your boundary

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

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## Hypo 1

Your supervisor asks you about your career interests and ambitions.



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## Hypo 2

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



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## Hypo 3

Your coworkers respond to emails most nights and weekends.



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Hypo 4

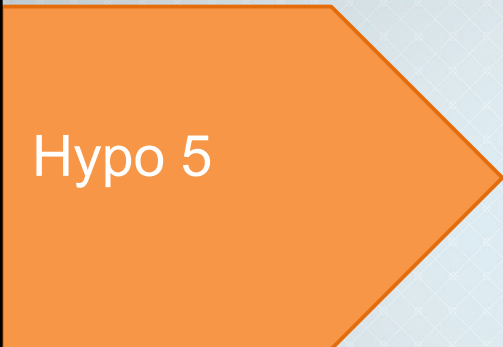
Your supervisor asks you for a ride to work (their car temporarily broke down).



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Hypo 5

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



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## Hypo 6

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



## Hypo 7

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



## Hypo 8

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



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## Hypo 9

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



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## Hypo 10

You supervisor invites the staff to their house for an office party and celebration at the end of the year.



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## Debrief

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

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## Boundary Takeaways

- **Communication:** Continue to check-in and revisit boundaries, expectations, accountability, and responsibilities. Boundaries can change.
- **Taking stock:** Attempt to understand others' needs, barriers, challenges, and support.
- **Generous assumptions:** Assume good will and/or good intentions.
- **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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## Valued Leadership Qualities

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

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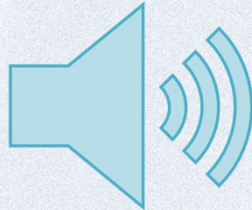
## Power Dynamics Reflection

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

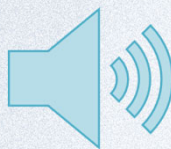
Approaches	Example Prompts or Strategies
<b>Clarifying Check</b>	<ul style="list-style-type: none"> <li>• “Help me <b>understand</b> what [blank..] means... “</li> <li>• “Help me <b>understand</b> what you meant by [blank.. repeat/paraphrase]... “</li> </ul>
<b>Direct Verbal Cues</b> (“I” Statements)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

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## Giving Feedback (Examples)



### Use “I” statements...

Acknowledge your feelings.

Focus on the impact the conduct had on you.

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

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

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

Positive outcomes & benefits of acknowledging boundaries

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

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

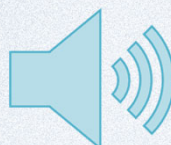
Adapted from

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

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## Giving Feedback (Example “I” Statements)



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

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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 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"



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## 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 **anti-discrimination education 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 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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**Identify**



Notice the  
behavior



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Adapted from  
UT Austin's Title IX Basics Workshop

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**Identify**



Address the  
behavior



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Adapted from  
UT Austin's Title IX Basics Workshop

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## Examples of Addressing Behavior

Approaches	Example Prompts or Strategies
<b>Clarifying Check</b>	<ul style="list-style-type: none"> <li>• “Help me <b>understand</b> what [blank..] means... “</li> <li>• “Help me <b>understand</b> what you meant by [blank.. repeat/paraphrase]... “</li> </ul>
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## Identify



## Follow-up

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

## What are **barriers** to addressing behavior?

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## Examples of **External** Barriers or Roadblocks (Psychological Manipulation from Others)

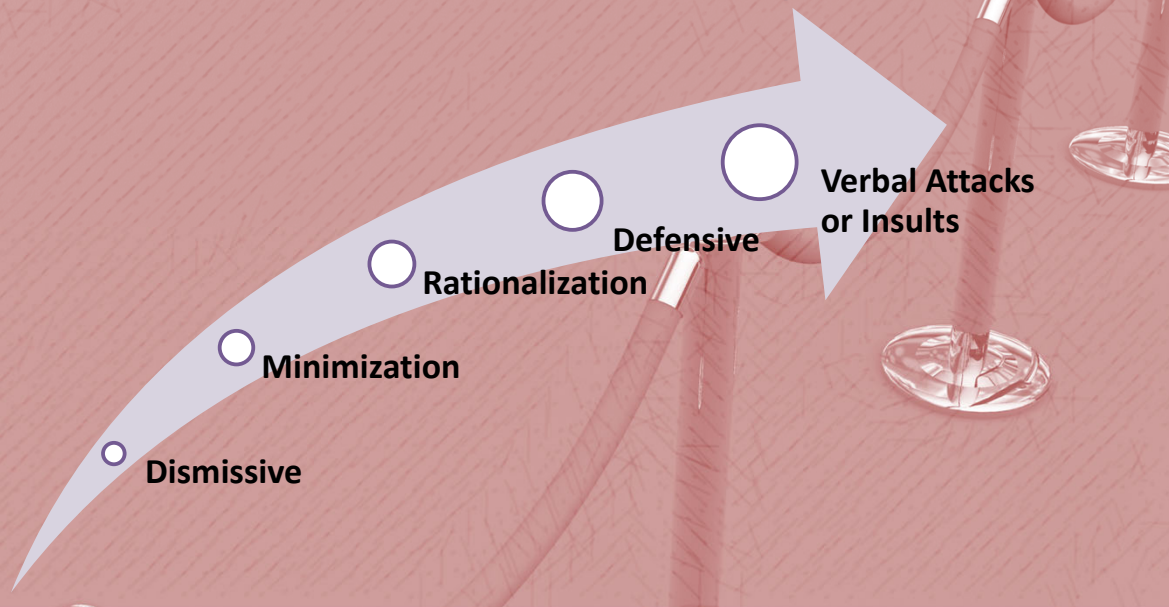
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Type of Response	Example Statements	
<b>Dismissive</b>	<ul style="list-style-type: none"> <li><i>I <u>never</u> said/did that.</i></li> <li><i><u>Your</u> memory is bad.</i></li> <li><i>I don't remember it that way.</i></li> </ul>	<ul style="list-style-type: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

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## Escalation of Responses (Psychological Manipulation from Others)

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

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

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



### Fight

Verbally...  
Aggressive  
Attacking  
Defensive  
Insults

### Flight

Physically or emotionally...  
Withdrawing  
Avoiding  
Feeling unsafe

### Freeze

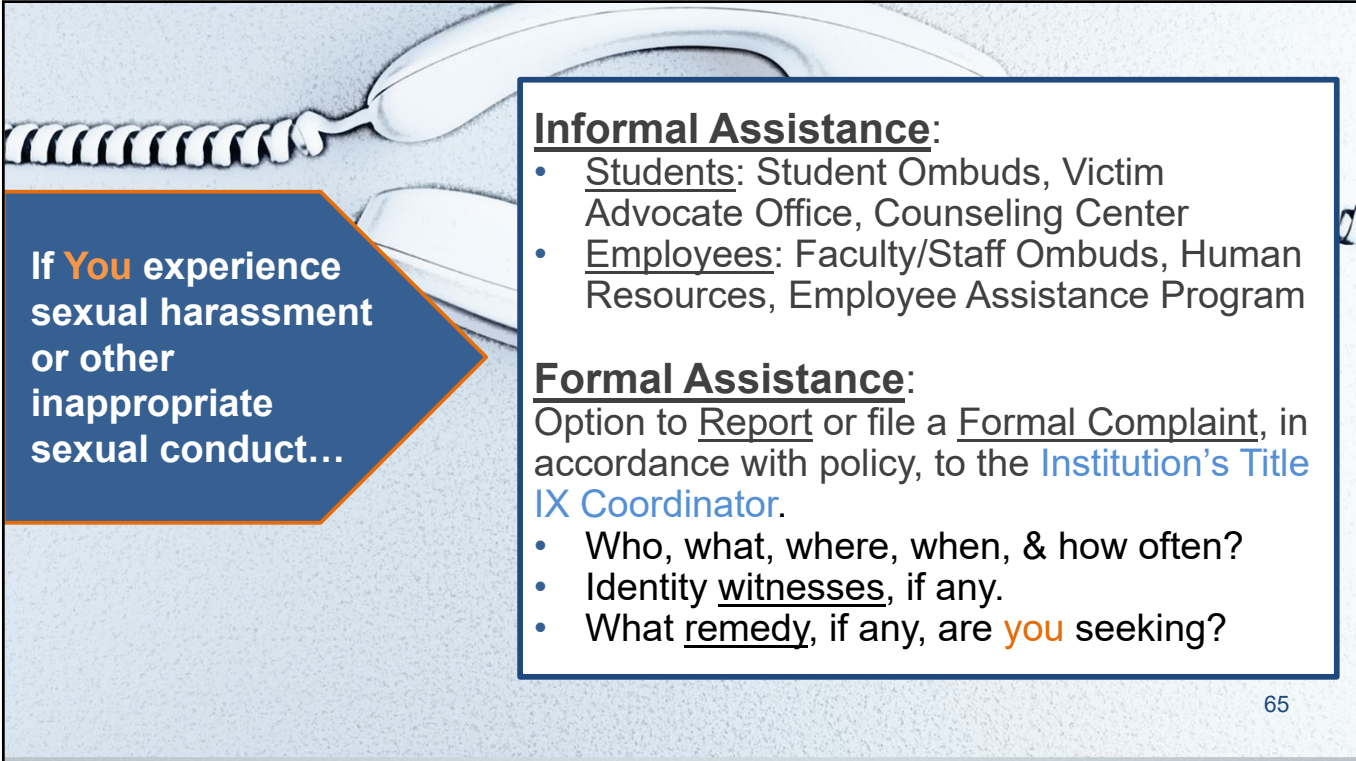
Cognitively...  
"Analysis paralysis"  
Uncertain what to do  
Bystander Effect

# Report



Institution's Title IX Coordinator

*Adapted from UT Austin's Title IX Basics Workshop*



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

**Informal Assistance:**

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

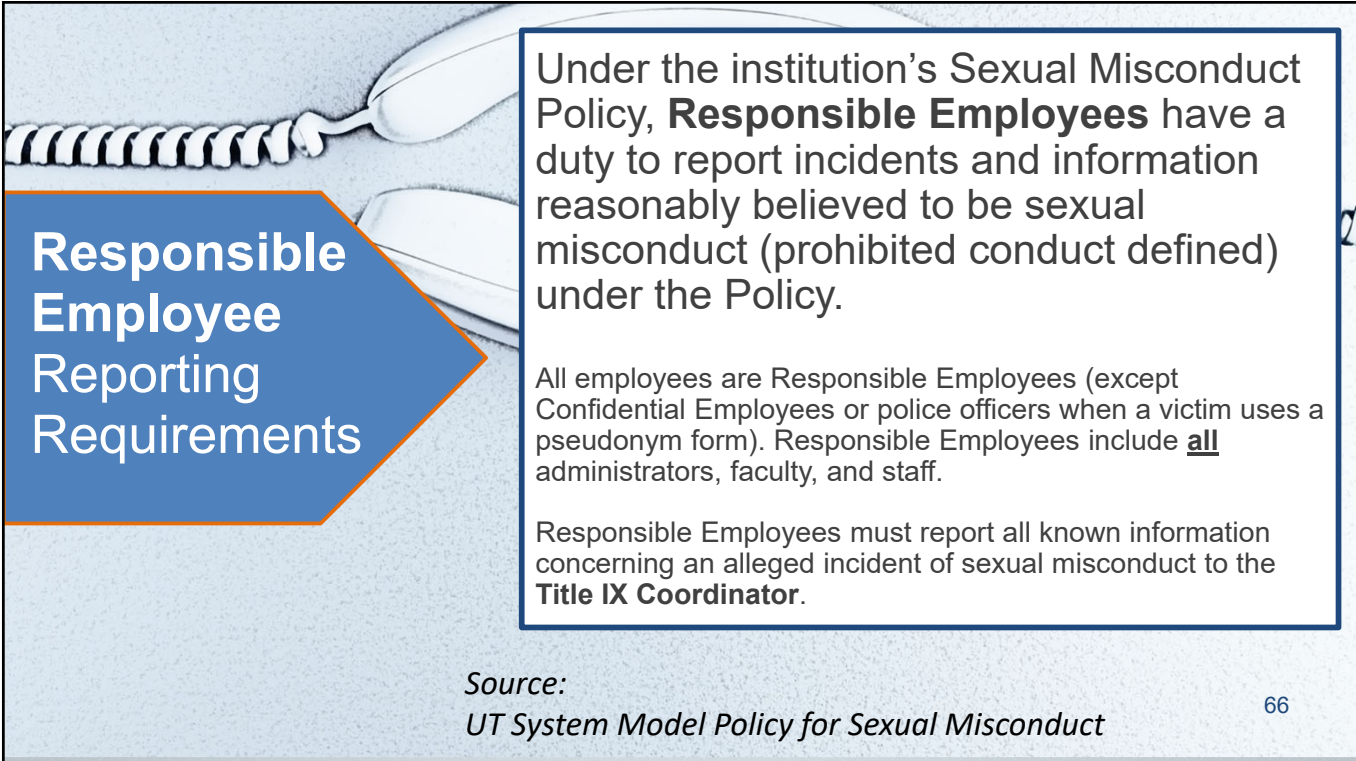
**Formal Assistance:**

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

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

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**Responsible Employee Reporting Requirements**

Under the institution's Sexual Misconduct Policy, **Responsible Employees** have a duty to report incidents and information reasonably believed to be sexual misconduct (prohibited conduct defined) under the Policy.

All employees are Responsible Employees (except Confidential Employees or police officers when a victim uses a pseudonym form). Responsible Employees include **all** administrators, faculty, and staff.

Responsible Employees must report all known information concerning an alleged incident of sexual misconduct to the **Title IX Coordinator**.

*Source:  
UT System Model Policy for Sexual Misconduct*

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## Definition of “Failure to Report” for Responsible Employees

If a Responsible Employee knowingly fails to report all information concerning an incident the employee reasonably believes constitutes Sexual Misconduct (including stalking, dating violence, sexual assault, or sexual harassment) committed by or against a student or employee at the time of the incident, the employee is subject to disciplinary action, including termination.

Source:

*UT System Model Policy for Sexual Misconduct;*  
*Tex. Edu. Code Section 51.252-51.259*



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## Report



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

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# Challenges & Barriers to Accessing Support

## Challenges & 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 or boundaries
- Relationship breakups
- Lack of coping skills
- Addiction and/or substance use
- Academic issues

Source: Gardenswartz & Rowe. *Four Layers of Diversity (Wheel) from Diverse Teams at Work (2003)*

## Holistic Approach & 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?

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# Support



Active listening  
Express compassion  
Referrals & Resources



Adapted from  
*UT Austin's Title IX Basics Workshop*

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# Support



Be transparent about your role  
Be flexible  
Take care of yourself



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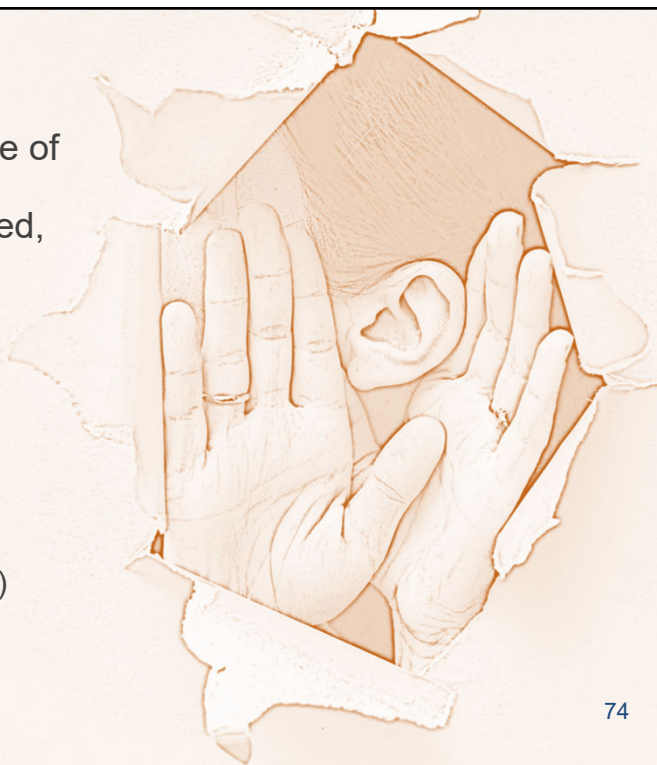
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## Active Listening

- **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:
  - Validating & emotional acknowledgements
  - Reflecting (mirroring/paraphrasing)
  - Summarizing
  - Restating



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## Active Listening: Examples

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Type	Example Prompts	
Validating	<ul style="list-style-type: none"> <li>• “That sounds difficult.”</li> </ul>	<ul style="list-style-type: none"> <li>• “It’s <u>okay</u> to feel upset.”</li> </ul>
Emotional Acknowledgements	<p><u>Emotional label to the <b>person</b>:</u></p> <ul style="list-style-type: none"> <li>• “You seem <u>disappointed</u> right now.”</li> <li>• “You seem <u>upset</u> right now.”</li> </ul>	<p><u>Emotional label to the <b>subject matter</b>:</u></p> <ul style="list-style-type: none"> <li>• “Having to consider different options can be <u>stressful</u> to navigate.”</li> </ul>
Reflecting	<ul style="list-style-type: none"> <li>• “What I’m hearing is...”</li> </ul>	<ul style="list-style-type: none"> <li>• “Sounds like you are saying...”</li> </ul>
Summarizing or Restating	<ul style="list-style-type: none"> <li>• “Let me summarize to check my understanding [Repeat back]... Did I get that right?”</li> </ul>	<ul style="list-style-type: none"> <li>• “[Repeat/rephrase what the other person said]...Is this what you mean?”</li> </ul>
Open-Ended Phrases	<ul style="list-style-type: none"> <li>• “Tell me more about...”</li> <li>• “Explain/describe...”</li> </ul>	<ul style="list-style-type: none"> <li>• “What do you mean when you say...?”</li> <li>• “Help me understand...”</li> </ul>
Affirmative Comm	<ul style="list-style-type: none"> <li>• “Yes”</li> <li>• “I see.”</li> </ul>	<ul style="list-style-type: none"> <li>• “Go on.”</li> <li>• “Right.”</li> </ul>

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## 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.”*

*Adapted from UT Austin’s Title IX Basics Workshop*

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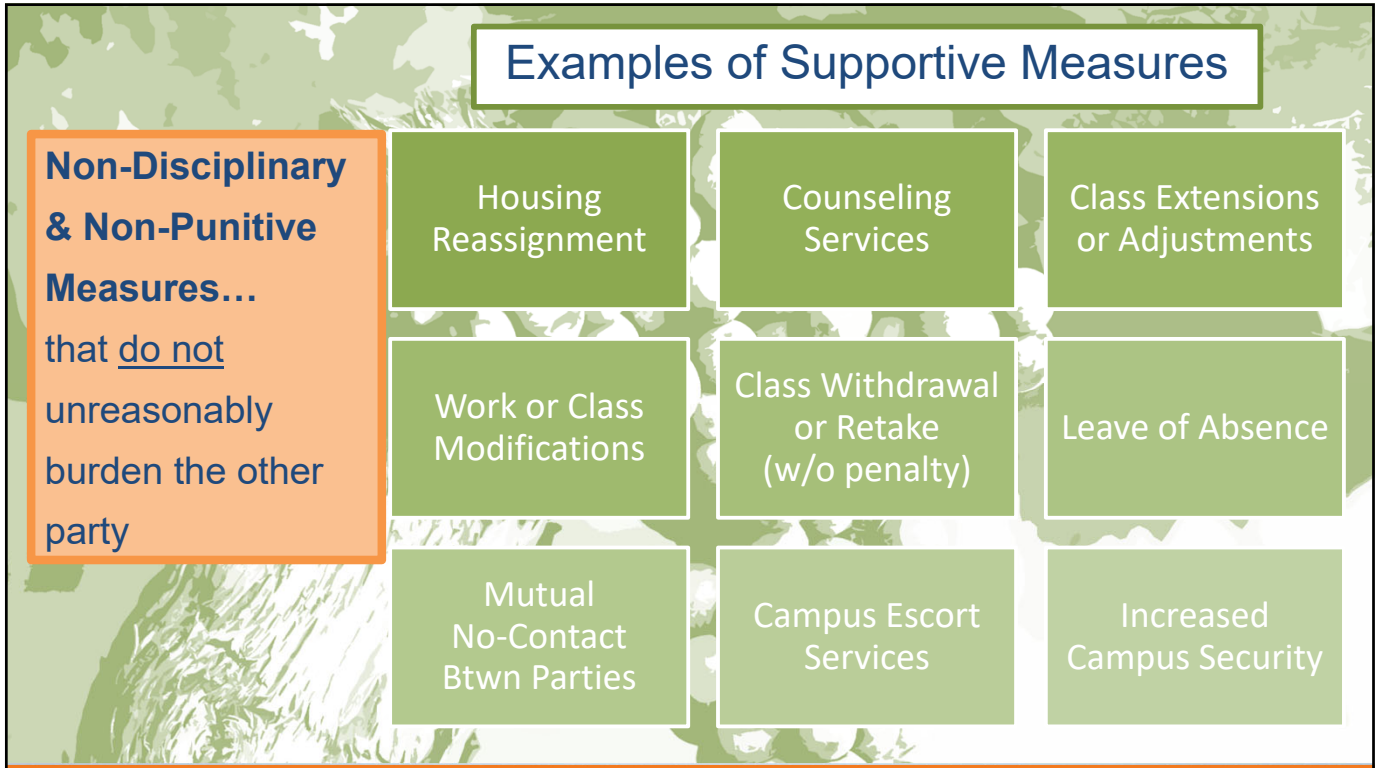


## What **NOT** to Say or Do (Examples)

- Don’t ask questions about the incident.
- 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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## 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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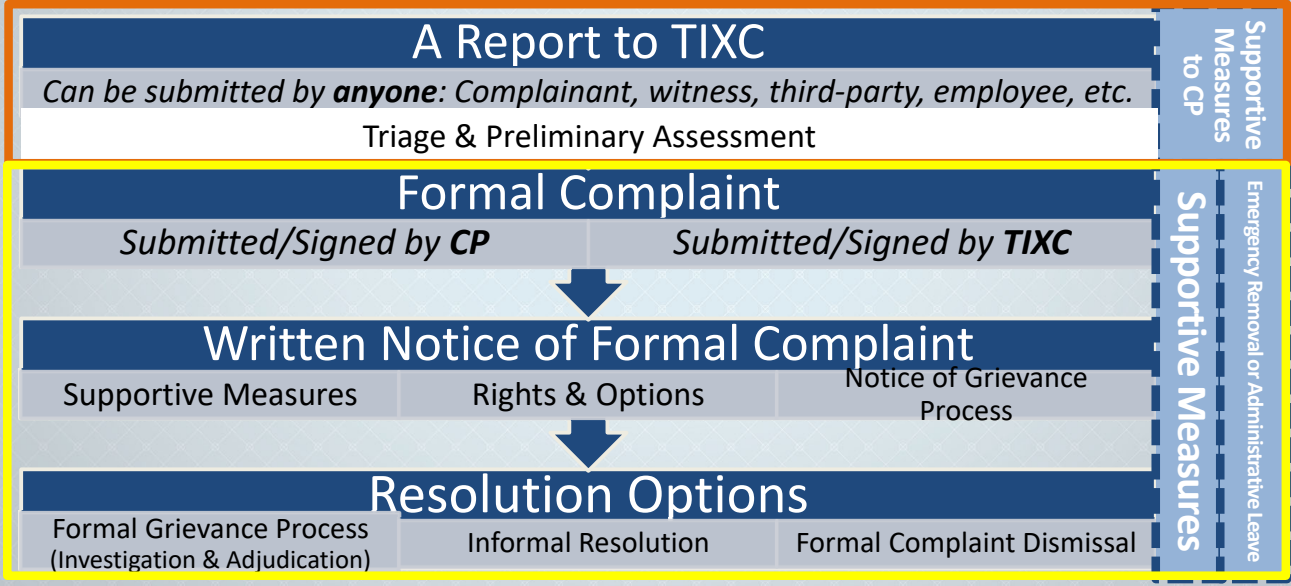
### Support & Resources for YOU

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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Q & A



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## Contact Information

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