

Sexual Misconduct Prevention & Bystander Response Tools

Krista Anderson, Systemwide Title IX Coordinator

Fall 2022



1

1

Agenda

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

2

2

Introduction

TITLE IX

Key Concepts & Framework

3

3



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



4

4

Title IX

Sex Discrimination
Sexual Harassment
Retaliation



5

5

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



6

6

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)

7

7

Diversity & Intersectionality: 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

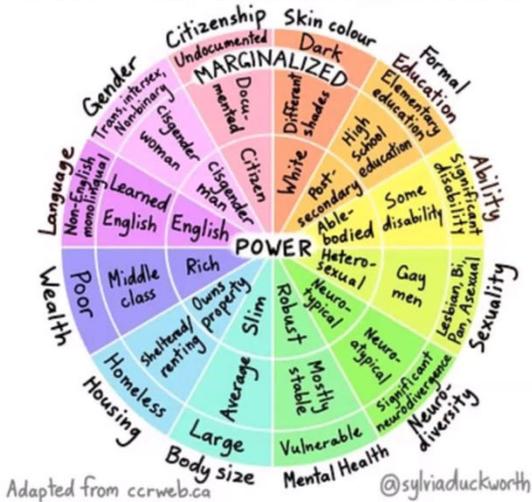
Source: Gardenswartz & Rowe. *Four Layers of Diversity (Wheel) from Diverse Teams at Work* (2003)

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8

(Perceived) Power & Privilege Wheel (Example)

WHEEL OF POWER/PRIVILEGE



TYPES OF PRIVILEGE IN OUR SOCIETY

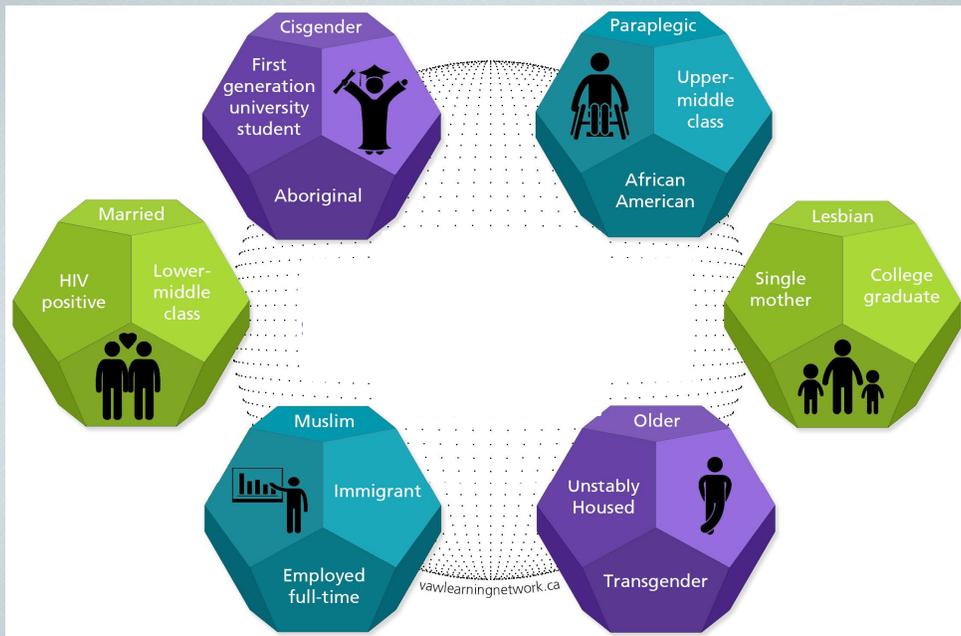
(Which are yours?)

- More power ← → Less power
1. Light ← SKIN COLOUR → Dark
 2. Cisgender* ↔ woman ↔ GENDER → Gender diverse man
 3. Family wealth ← SOCIO-ECONOMIC → Poverty
 4. Post secondary ← FORMAL EDUCATION → Low level completion
 5. Citizenship ← DOCUMENTED STATUS → Undocumented immigrant
 6. Non-disabled ← PHYSICAL ABILITY → Disabled
 7. Neurotypical ← NEURODIVERSITY ▲ → Neurodivergent
 8. Heterosexual ← SEXUAL ORIENTATION → Gender queer
 9. Normative ← PHYSICAL APPEARANCE → Non-normative
 10. Robust ← MENTAL HEALTH → Vulnerable
 11. Christian ← RELIGION → Non-Christian
- * Gender corresponds with birth sex ▲ Developmental, intellectual & cognitive abilities
- @sylvia duckworth



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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


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11



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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12

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



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13

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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14

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.



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17

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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18

18



Bias & Problematic Behavior?

19

19

What is Bias?

20

Assumptions	Stereotypes	Prejudices
Thoughts, Generalizations	Overly simplified Ideas	Beliefs, Feelings, Attitudes of liking or disliking someone or something
Limited or inaccurate perception of others	Limited or inaccurate perception of others	Limited or inaccurate perception of others

20

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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21

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**



22

22

Cognitive Ease

Low Cognitive Ease



High Cognitive Ease



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

23

23

- 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



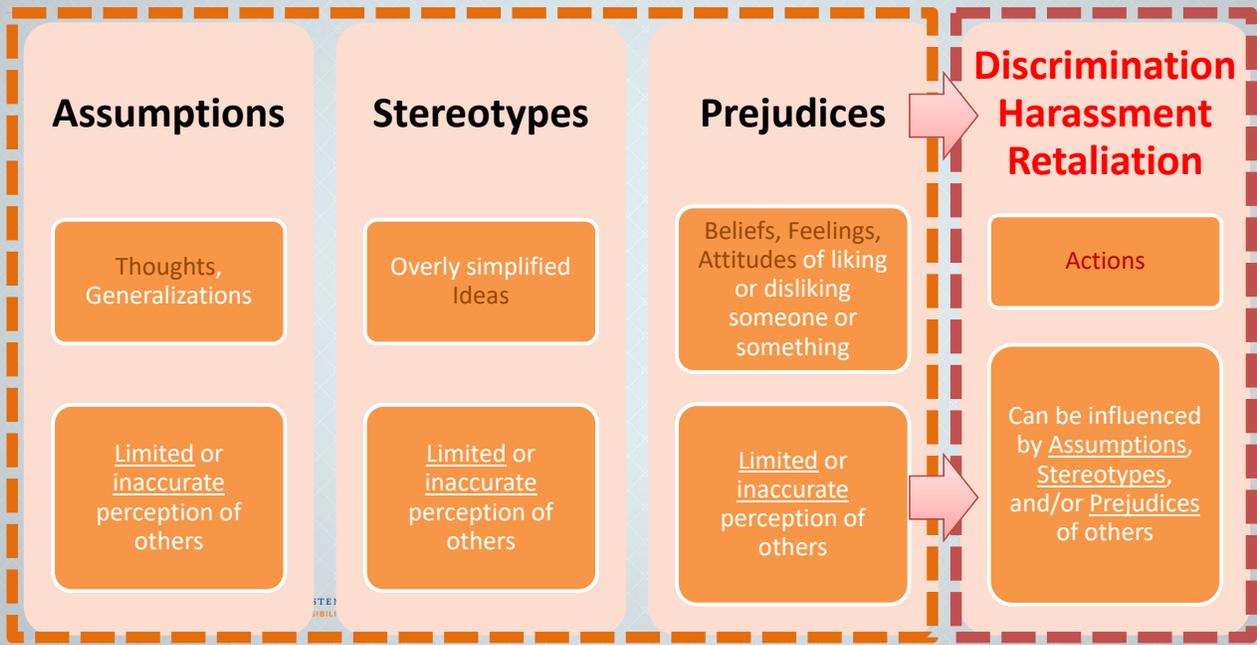
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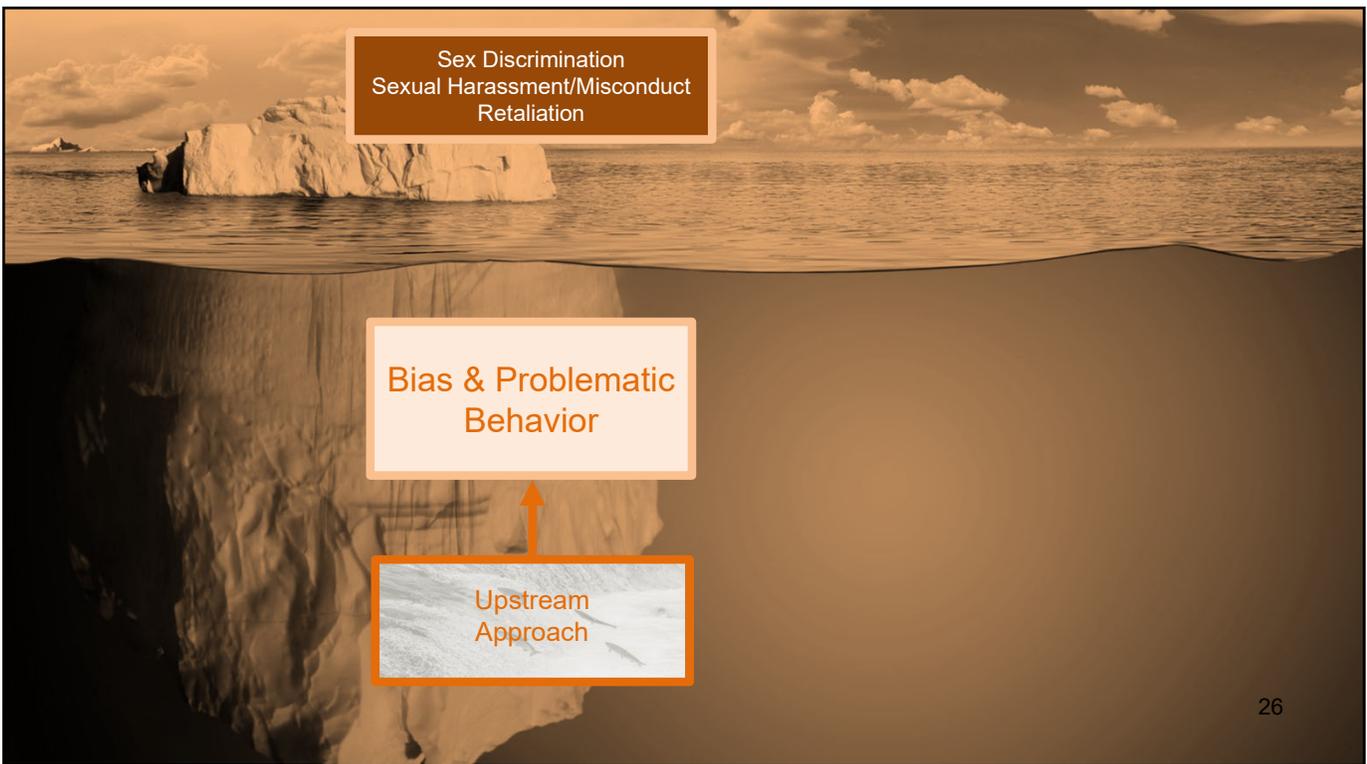
24

Other Implications of Bias

25



25



26

26

Boundaries

27

27

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*

28

28



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*

29

29

Hypothetical 1.a

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

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



30

30

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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*Adapted from
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31

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

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32

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

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33

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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34

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

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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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36

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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37

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

38

38



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?

39

39

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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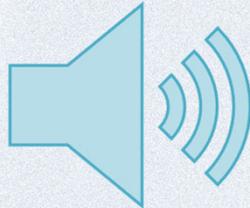
Recognizing Power Dynamics

Explicit/Formal Examples	Implicit/Informal Examples
Supervisory roles	Education/Degrees
Hierarchical 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

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?



43

43

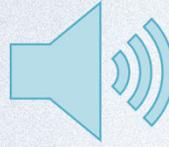
Examples of Communicating Boundaries

Approaches	Example Prompts or Strategies
Clarifying Check	<ul style="list-style-type: none"> • “Help me understand what [blank..] means... “ • “Help me understand what you meant by [blank.. repeat/paraphrase]... “
Direct Verbal Cues (“I” Statements)	<ul style="list-style-type: none"> • “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	<ul style="list-style-type: none"> • Change the subject • Refocus to the main topic at hand
Delegate	<ul style="list-style-type: none"> • Ask someone else to help you or to get assistance
Remove oneself from the situation	<ul style="list-style-type: none"> • Adjourn the meeting • Take a time out or excuse yourself from the space
Non-verbal Cues	<ul style="list-style-type: none"> • Shake head, discontinue eye contact, or cross your arms • Show “puzzling” or “turned-off” facial expression

44

44

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.

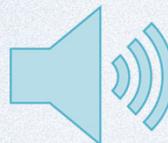
Adapted from

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

45

45

Giving Feedback (Example “I” Statements)



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

46

46

The Illusion of Transparency

47

47

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*

48

48

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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49

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?*

50

50



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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51

51



Bystander Response & Intervention Tools


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52

52



Identify

Bias & Problematic Behavior




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53

53



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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54

54

Identify



Notice the
behavior



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

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55

Identify



Address the
behavior



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

56

56

Examples of Addressing Behavior

Approaches	Example Prompts or Strategies
Clarifying Check	<ul style="list-style-type: none"> • “Help me understand what [blank..] means... “ • “Help me understand what you meant by [blank.. repeat/paraphrase]... “
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Remove oneself from the situation	<ul style="list-style-type: none"> • Adjourn the meeting • Take a time out or excuse yourself from the space
Non-verbal Cues	<ul style="list-style-type: none"> • Shake head, discontinue eye contact, or cross your arms • Show “puzzling” or “turned-off” facial expression

Identify



Follow-up

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

What are **barriers** to addressing behavior?

59

59

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

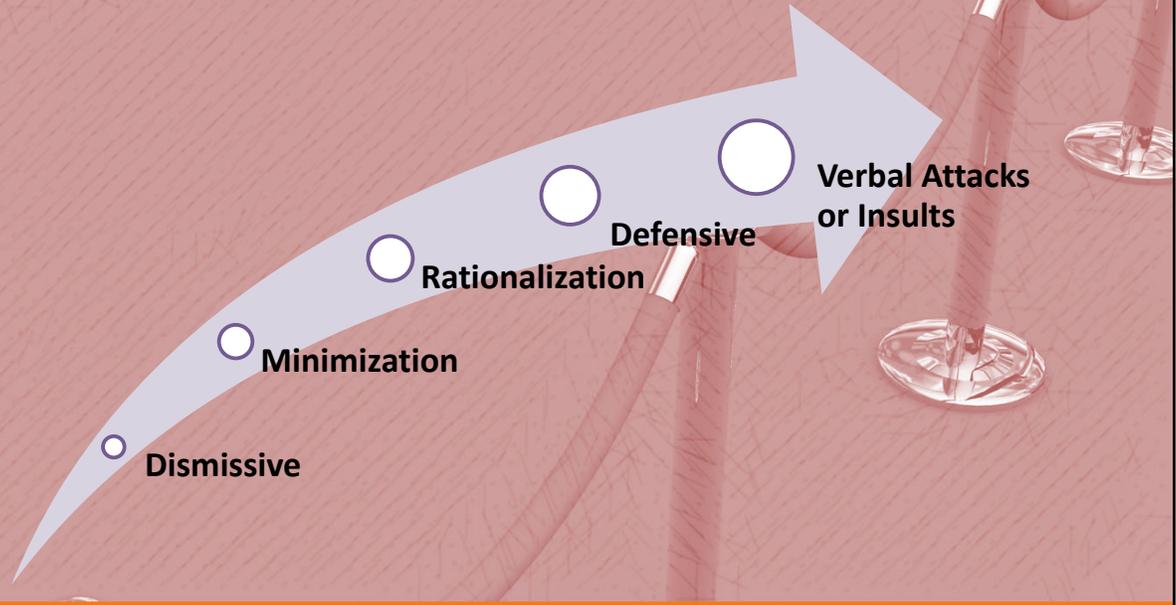
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Type of Response	Example Statements	
Dismissive	<ul style="list-style-type: none"> <i>I <u>never</u> said/did that.</i> <i><u>Your</u> memory is bad.</i> <i>I don't remember it that way.</i> 	<ul style="list-style-type: none"> <i>That didn't happen.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

60

Escalation of Responses (Psychological Manipulation from Others)

61



61

Examples of Internal 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

62

62

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



Fight

Verbally...
Aggressive
Attacking
Defensive
Insults

Flight

Physically or emotionally...
Withdrawing
Avoiding
Feeling unsafe

Freeze

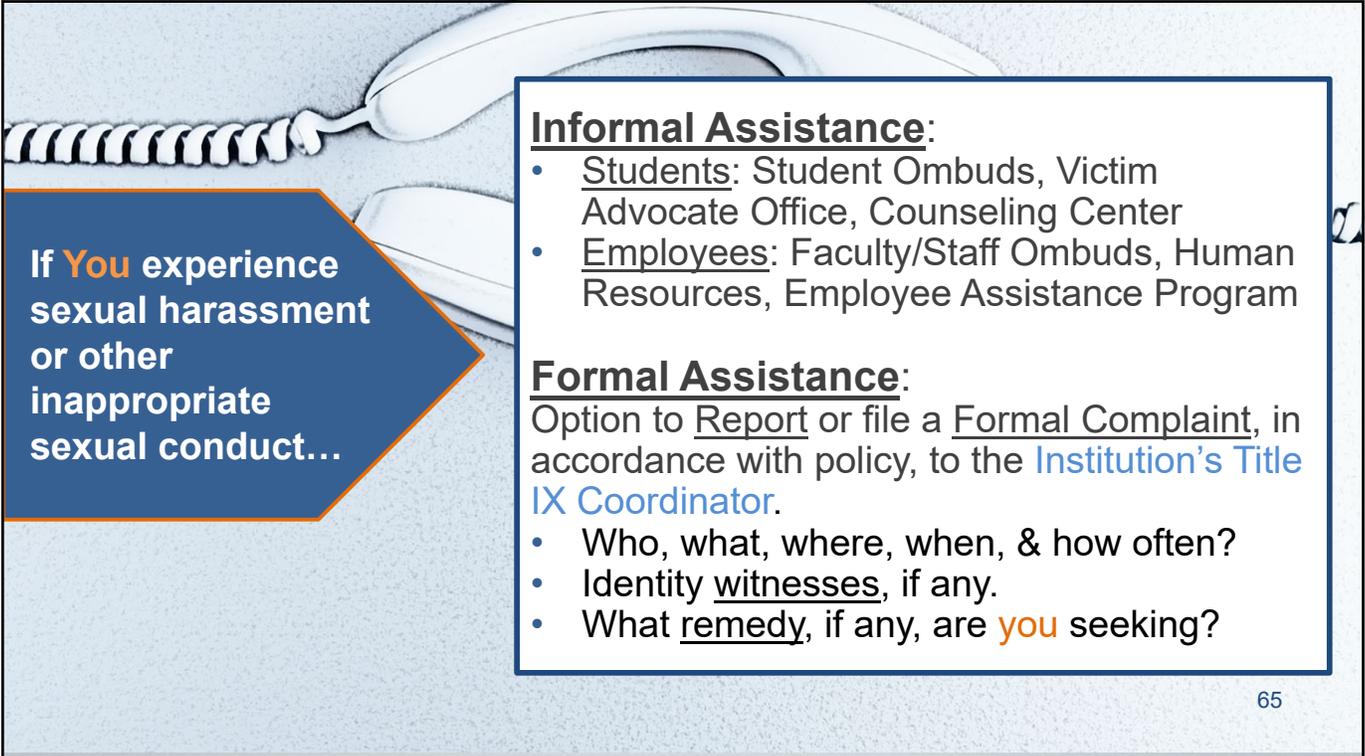
Cognitively...
"Analysis paralysis"
Uncertain what to do
Bystander Effect

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

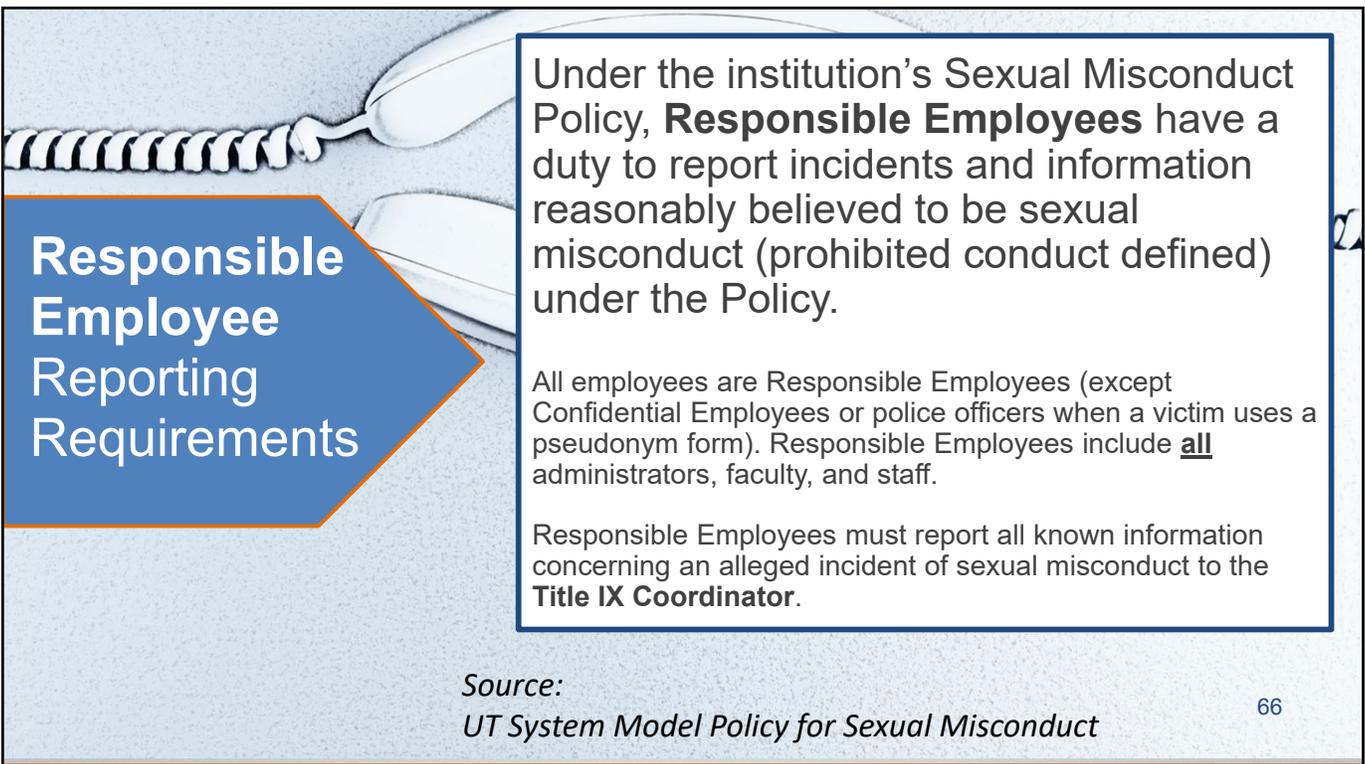
Formal Assistance:

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?

65

65



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*

66

66

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



67

67

Report



UT Institution's Title IX Coordinators:

<https://www.utsystem.edu/offices/systemwide-compliance/title-ix/ut-title-ix-coordinators>

68

68

Challenges & Barriers to Accessing Support

69

69

Diversity & Intersectionality: 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)*

70

70

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?

71

71

Support



Active listening
Express compassion
Referrals & Resources



Adapted from
UT Austin's Title IX Basics Workshop

72

72

Support



Be transparent about your role
Be flexible
Take care of yourself



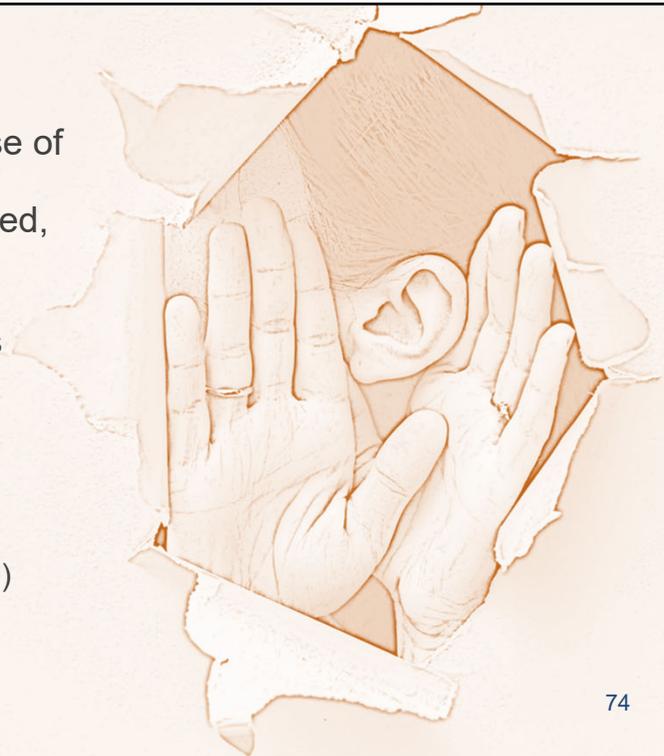
Adapted from
UT Austin's Title IX Basics Workshop

73

73

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



74

74

Active Listening: Examples

75

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

75

Supportive Questions to Ask (Examples)

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- “How are you feeling?”
 - “What can I do to help?”
 - “What kind of support, if any, do you need?”
 - “How are you doing in [classes or at work]?”
 - “Do you have a supportive network?” [or] “What’s your support network look like?”

Adapted from UT Austin’s Title IX Basics Workshop

76

76

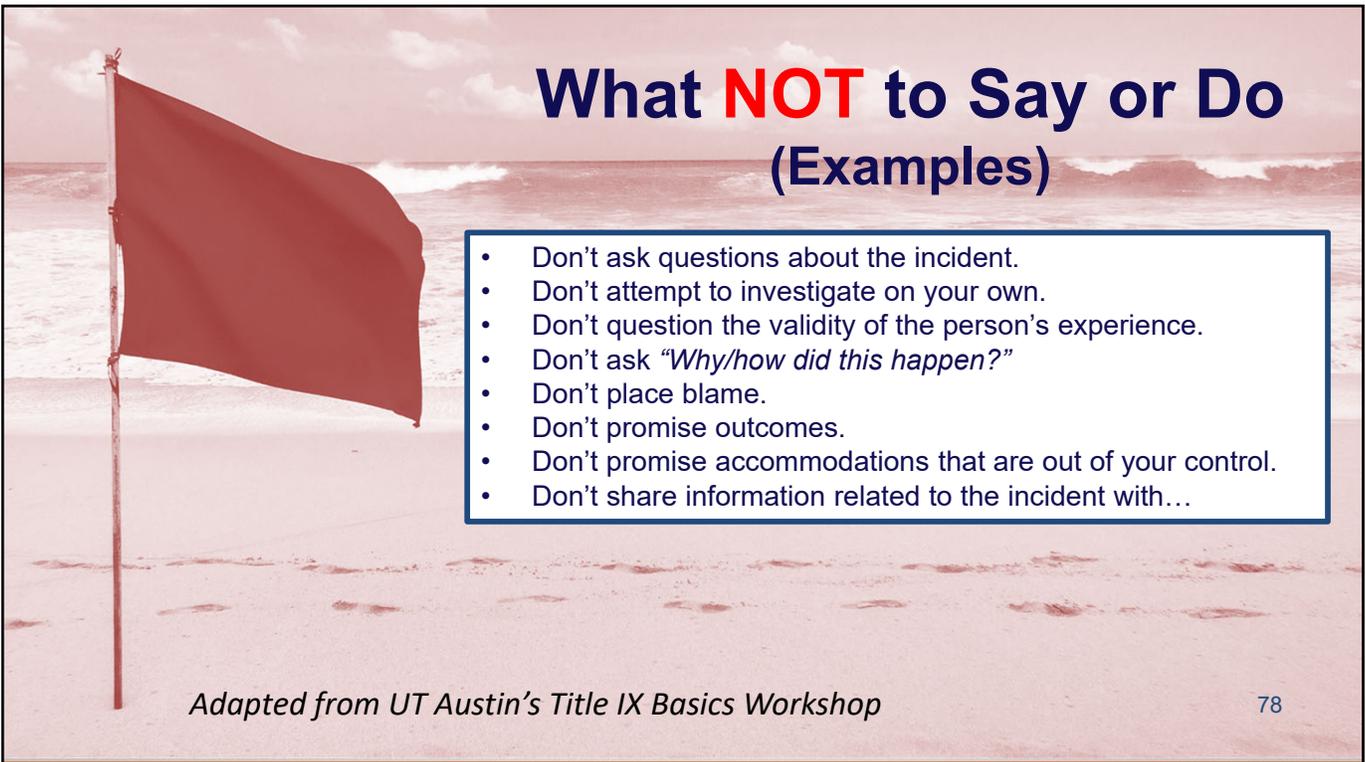


Supportive Statements (Examples)

- *“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

77

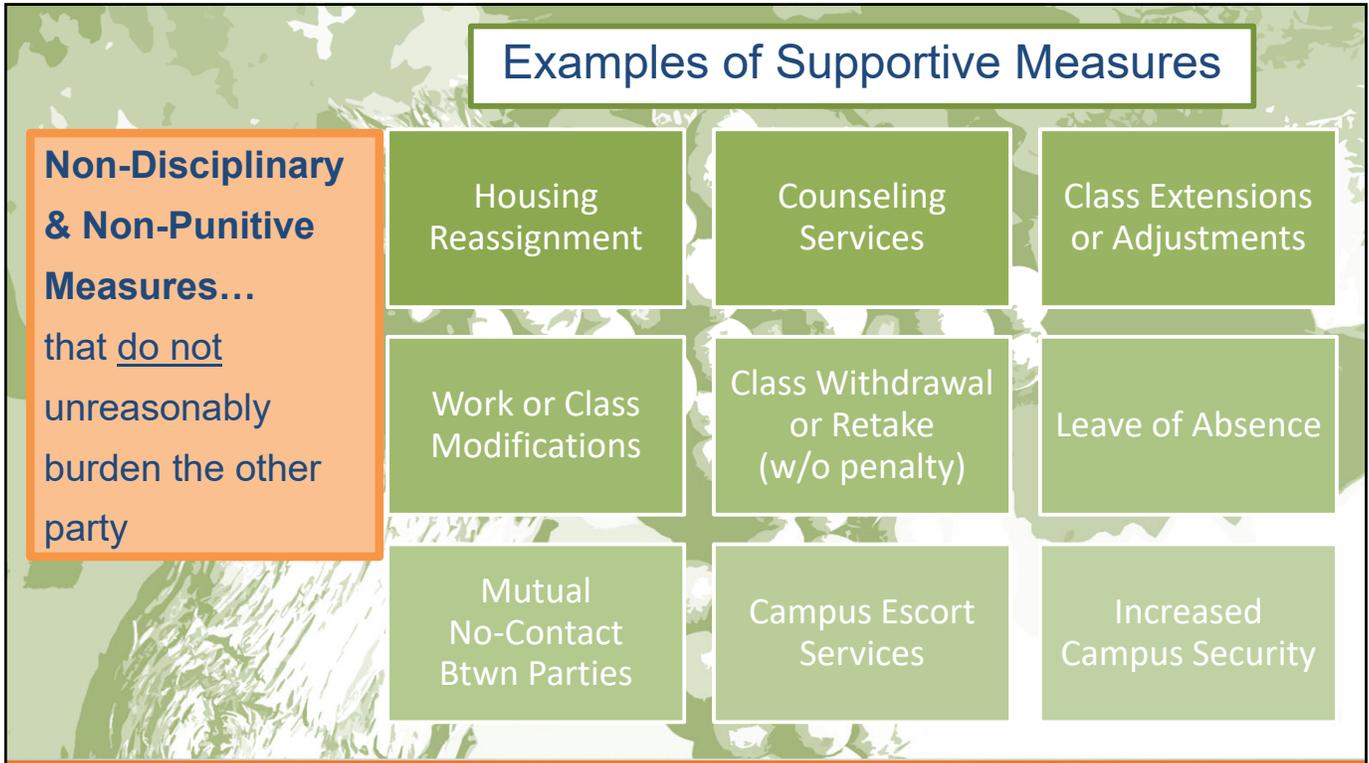


What **NOT** to Say or Do (Examples)

- 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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78



79



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

80

80



Campus Support Services, Resources, & Policies

UT Institution's Title IX Coordinators:

<https://www.utsystem.edu/offices/systemwide-compliance/title-ix/ut-title-ix-coordinators>

81

81

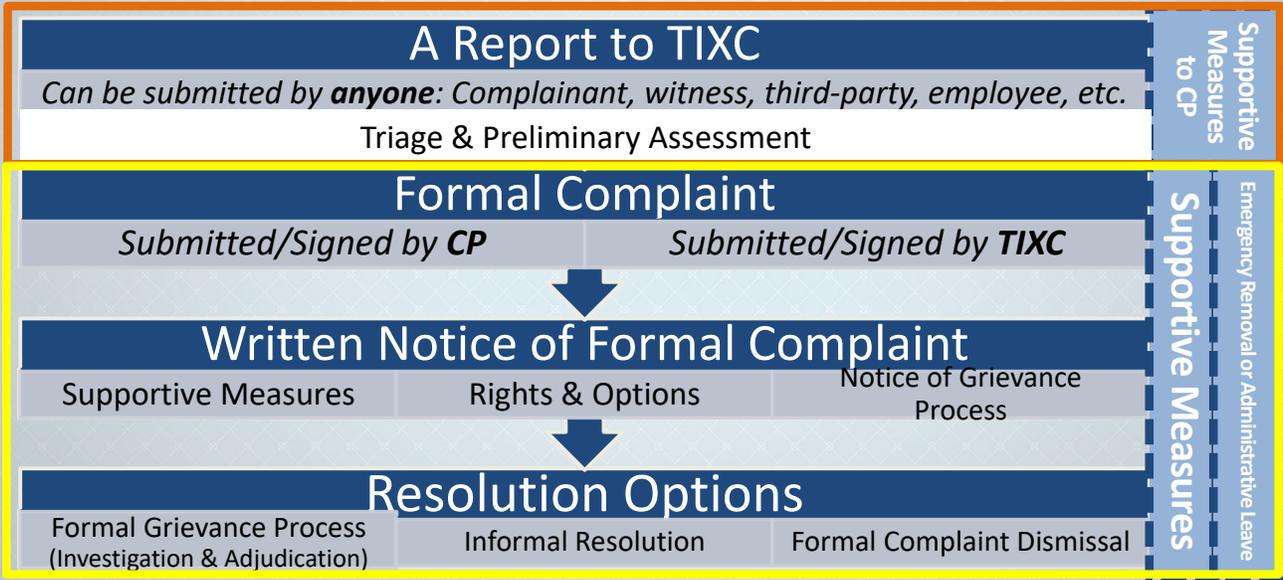
Support & Resources for YOU

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

82

Resolution Flowchart: Sexual Misconduct Cases (Example)

83



83

Q & A



84

84

Contact Information

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85