Responsive Employee Resource Guide

RESPONDING TO HARASSMENT, DISCRIMINATION AND SEXUAL MISCONDUCT CONCERNS
DID YOU KNOW?

- Responsible employees who are deemed “responsible employees” are mandatory reporters and are therefore **required** to promptly report allegations of discrimination, harassment, sexual assault, and misconduct to the University Title IX or Deputy Title IX Coordinators.

- Faculty-Student privilege and Supervisor-Employee privilege does **not** exist. You cannot keep what you know “confidential.”

- At UTA, “**responsible employees**” include, but are not limited to: administrators, academic advisors, coaches, faculty members, assistant instructors, teaching assistants, graduate research assistants, residence life staff, resident advisors, and all supervisory staff, or an employee who an individual could reasonably believe to have this duty.
IDENTIFYING WHEN TO REPORT A CONCERN

CONCERNS INVOLVING REAL OR PERCEIVED DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT, SEXUAL ASSAULT/VIOLENCE, STALKING, AND RETALIATION MUST BE REPORTED
EXAMPLES

- A student complains that other students in her class often make “sexist and derogatory” comments about women and people of other races.
- You hear rumors that a well-respected senior administrator regularly makes sarcastic and disparaging comments about employees who request disability accommodations.
- A faculty member tells you a former student is stalking her and leaving her threatening texts and voice messages.
- You meet with an employee about why she has missed work recently. The employee tells you she is missing work to avoid a co-worker who had sex with her after she blacked-out at a party.
EXAMPLES

- A student is concerned because a faculty member will not allow her to make up an exam after she was on bed rest for a pregnancy related condition.
- A student-athlete tells you “in confidence” that he believes he was sexually assaulted at a competition at another university.
- You ask about a staff member’s bruised eye and he informs you that his partner struck him.
- A student tells you that one of her classmates felt coerced into having sex with her Graduate Teaching Assistant, but does not want to “make any waves” until after the course if over because she fears retaliation.
Step 1: Listen

- Ensure the person is safe. Survivors of crimes such as sexual assault, stalking, family (domestic) or dating violence are strongly encouraged to report the crime to law enforcement.
- Listen openly. Encourage the person to seek support services.
- Be supportive. Refrain from judgmental questions. Don’t allow myths to affect how you perceive the survivor.
Step 2: Support

“I appreciate your coming to me for support. I want to make you aware of my role’s limitations. As an employee, I have an obligation to report any incident of sexual assault or misconduct to the Title IX Coordinator or a Deputy Coordinator. I also want to make you aware of resources on campus where you can discuss your situation confidentially and seek support if needed.”
WHO SHOULD I CONTACT?

Step 3: Report

- Report incident to the Title IX Coordinator or Deputy Coordinator by phone, email, online reporting form, or in person.
**Title IX Coordinator**
Michelle Willbanks
Director Equal Opportunity Services, Title IX Coordinator
Student and Administration Building
841 W. Mitchell St.
Arlington, Texas 76019
Telephone: 817-272-4585
titleix@uta.edu
eoaa@uta.edu

**FILE REPORTS ONLINE AT:**
www.uta.edu/titleix/

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**Deputy Title IX Coordinators:**

**Students**
Heather Snow
Associate Vice President & Dean of Students
Telephone: 817-272-2354, hsnow@uta.edu

**Faculty**
Antoinette Sol, Ph.D.
Vice Provost for Faculty Affairs
Davis Hall, 701 Nedderman Drive, Ste 300
Arlington, Texas 76019
Telephone: 817-272-5243 or 817-272-2103
amsol@uta.edu

**Staff, Visitors, and Contractors**
Eddie Freeman
Executive Director
J.D. Wetzel Building, 1255 W. Mitchell St.
Arlington, Texas 76019, Telephone: 817-272-2106
efreeman@uta.edu

**Athletics**
Debbie Garcia
College Park Center, 601 Spaniolo Drive
Arlington, TX 76019
Telephone: 817-272-7170, ranee@uta.edu
Share all the relevant details, including the name of the persons involved, date, time, location of incident, the names of any witnesses if known, whether incident was reported to law enforcement.

**If you fail to timely report a concern:**
- Your delay could cause additional harm to the individuals involved.
- You could expose the University to legal liability.
Mandatory Reporting Requirement

Effective September 1, 2019, Texas State Law requires employees to report sexual harassment, sexual assault, dating violence, and stalking against a student or employee to the Title IX Coordinator.

Significantly, the bill creates a criminal offense for failure to report an incident or making a false report, effective January 1, 2020.

Employees who “in the course and scope of employment,” witness or receive information about an incident that the employee “reasonably believes to constitute sexual harassment, sexual assault, dating violence, or stalking” against a student or employee must “promptly report” the incident to the institution’s Title IX Coordinator or Deputy Coordinator.

The report must include all information concerning the incident known to the reporting party including whether the alleged victim expressed a desire for confidentiality.
Exceptions to Mandatory Reporting Requirement under Texas State Law:

- Employees designated as a “confidential employee”;
- An incident in which the employee was a victim; or
- An incident in which the person received information due to a disclosure made at a public awareness event sponsored by the postsecondary educational institution or by a student organization affiliated with the institution.
Failure to Report or False Report:

The law makes it a **Class B misdemeanor** (punishable by a maximum of 180 days in jail and/or a maximum fine of $2,000) for a person who “is required to make a report and knowingly fails to make the report” or “with the intent to harm or deceive, knowingly makes a report that is false.” The offense is escalated to a **Class A misdemeanor** (punishable by a maximum of one year in jail/or a maximum fine of $4,000) “if it is shown on the trial of the offense that the actor intended to conceal the incident that the actor was required to report.”

In addition, the institution **must terminate** any employee who it “determines in accordance with the institution’s disciplinary procedure” did not make a required report.

There is a **civil immunity** provision for any person who “in good faith” makes a report, assists in the investigation of a report, or otherwise participates in the institution’s disciplinary process. The immunity protection does not extend to those who perpetrated or assisted in the perpetration of a reported offense.
Your role is to report what you know. You should **not** try to determine the truthfulness of the complainant’s statements or severity of the complaint prior to reporting the concern.

You should **not** wait until an incident “rises to a certain level” before you make your report.

You should **not** prejudget any of the parties involved.

Rumors, whether ultimately deemed true or false, **should be** reported to appropriate university personnel.

Retaliation against people who voice concerns or participate in investigations is strictly **prohibited** and should be reported.
What to say to a victim/survivor:

- I’m sorry this happened to you
- It wasn’t your fault
- Thank you for telling me
- I’m always here if you want to talk
- Can I do anything for you?
- How can I support you?
What NEVER to say to a victim/survivor

- It was your fault
- You could have avoided it had you________________(e.g. been sober, stayed with your friends, locked your door, not led him/her on)
- You should not have________________(e.g.) walked alone at night, dressed provocatively, gone to his/her room, had so much to drink, kissed him/her)
- It’s been so long? Get over it!
You waited so long to tell someone, no one will believe you
You wanted it / You were asking for it
It’s not that big of a deal, it happens to lots of people
You should have fought back
He/she is such a nice person and couldn’t have done something like that
What did you do to provoke him/her?
If you report him/her, you will ruin his/her future

I would have _____(done something differently than the survivor e.g. fought back, ran away, screamed, called the policy)

I don’t believe you
**DOs and DON’Ts**

- **DO** respect the survivor enough not to pity him/her
- **DO** comfort him/her. Make the environment comfortable
- **DO** allow him/her to tell as much or as little as they need
- **DON’T** try to solve all of their problems for him/her. S/he has had his/her control taken away. Try to avoid doing that again.
- **DON’T** pressure the survivor to do what you think he/she should do.
- **DON’T** attempt to reassure the person that everything is “Okay” or tell him/her you know how he/she feels.
FURTHER SUGGESTIONS

- Refer the survivor to the Title IX website
- Remember you don’t have to fix the situation, just be supportive.
- Encourage the survivor to seek counseling and post-trauma services