

Title IX Frequently Asked Questions

Sean Flammer, Assistant General Counsel
Krista Anderson, Systemwide Title IX Coordinator

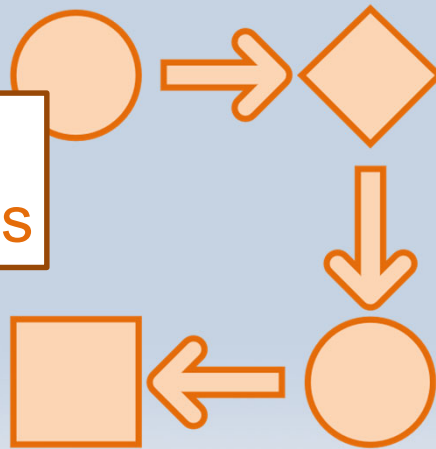
Spring 2021



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

1

Case Mgt &
Investigation FAQ's



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

2

2



Question 1

When should the Title IX Coordinator sign a formal complaint? Under what circumstances?



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

3



Question 2

When should an emergency removal be initiated by the institution? Under what circumstances? Who makes this decision?



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

4



Question 3

A party has requested access to the evidence related to the allegation while the investigation is underway (e.g. interviews are ongoing, some evidence has been gathered so far).

Should the investigator provide the evidence gathered when the investigation is still ongoing or at the end of the investigation?



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

5



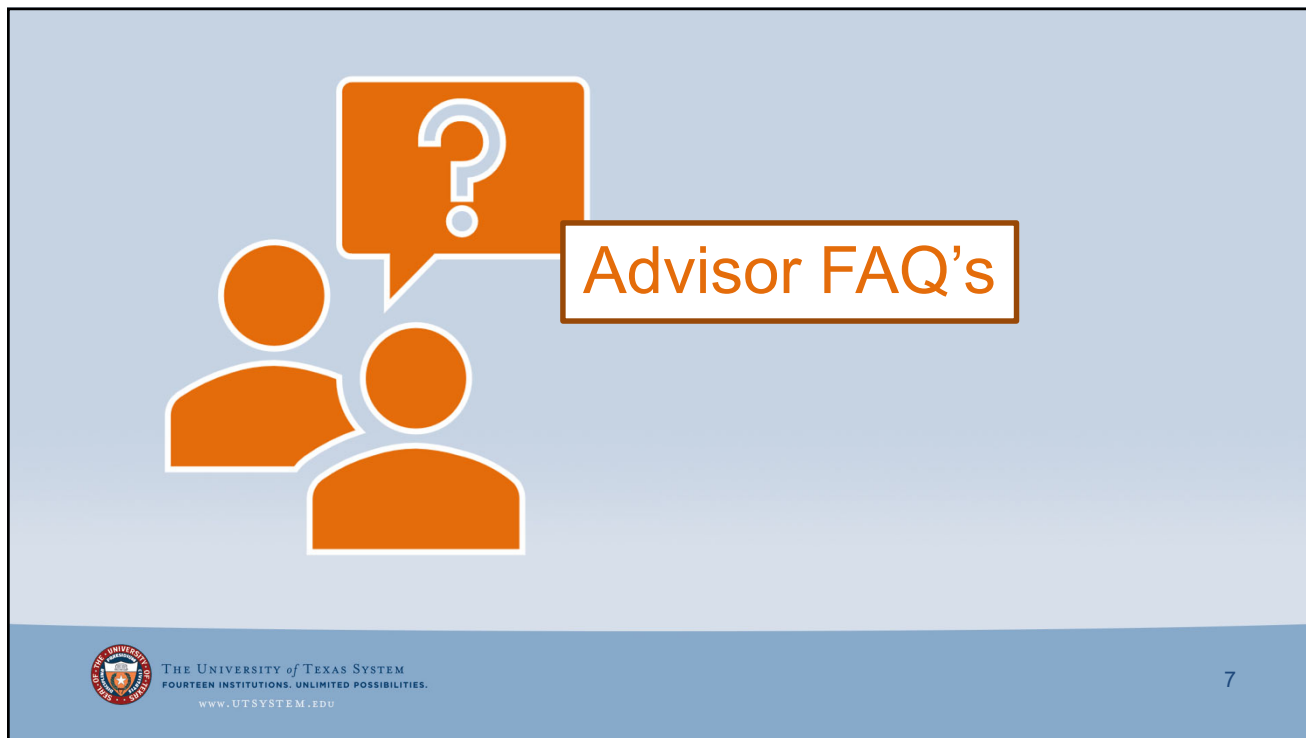
Question 4

When should the investigation report be released to the parties (and the party's advisors)? Can the institution provide a draft investigation report first?



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

6



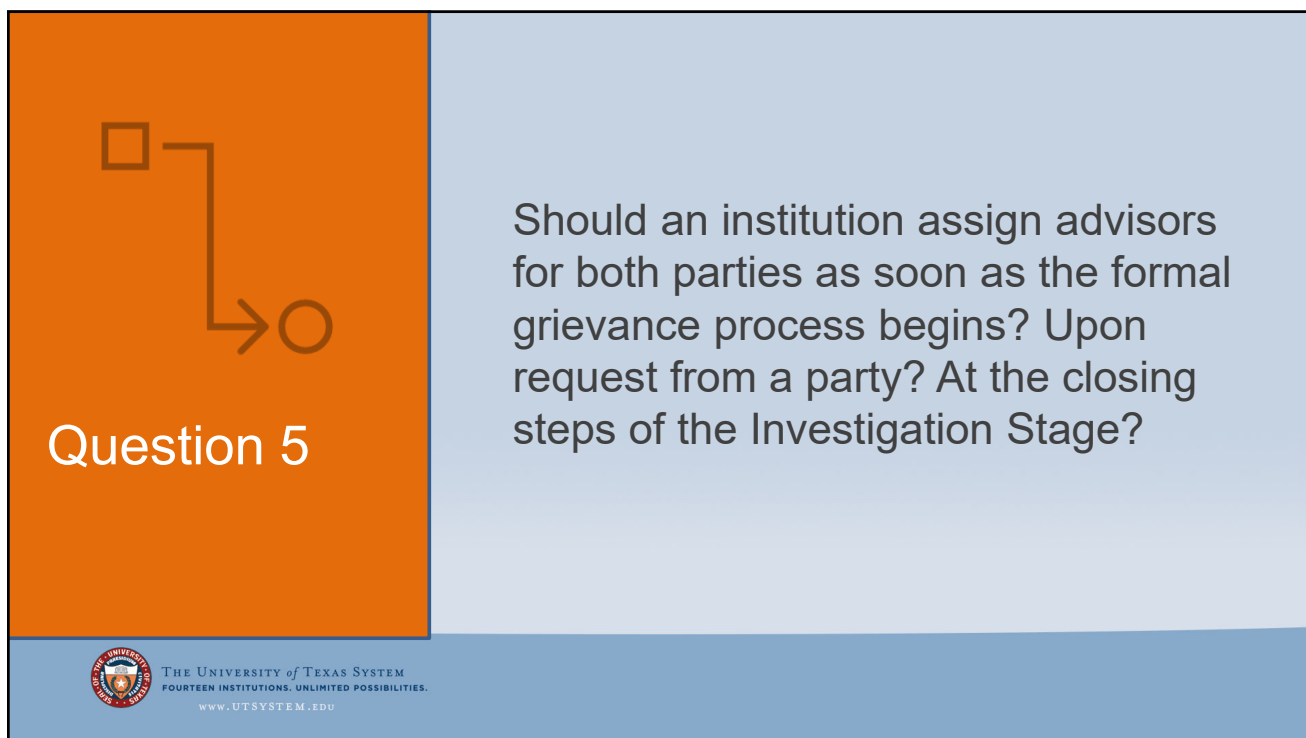
Advisor FAQ's

THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

7

This slide features a light blue background with a darker blue footer. On the left, there is an orange icon of two stylized human figures. Above them is an orange speech bubble containing a white question mark. To the right of the speech bubble, the text "Advisor FAQ's" is written in orange within a white rectangular box with an orange border. The footer contains the University of Texas System logo on the left, the text "THE UNIVERSITY of TEXAS SYSTEM FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES. WWW.UTSYSTEM.EDU" in the center, and the number "7" on the right.

7



Question 5

Should an institution assign advisors for both parties as soon as the formal grievance process begins? Upon request from a party? At the closing steps of the Investigation Stage?

THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

8

This slide features a light blue background with a darker blue footer. On the left, there is an orange vertical bar containing a white icon of a square connected by a line to a circle, with an arrow pointing from the circle to the right. Below this icon, the text "Question 5" is written in white. To the right of the orange bar, the text "Should an institution assign advisors for both parties as soon as the formal grievance process begins? Upon request from a party? At the closing steps of the Investigation Stage?" is written in dark grey. The footer contains the University of Texas System logo on the left, the text "THE UNIVERSITY of TEXAS SYSTEM FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES. WWW.UTSYSTEM.EDU" in the center, and the number "8" on the right.

8



Question 6

If a party has an advisor of choice, should the institution appoint a university advisor as a back-up in case that party's advisor does not attend the hearing?



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

9



Question 7

If a party wants to ask a question that the advisor thinks is not a good idea (and is potentially even detrimental to the party's position), does the advisor have to ask that question? In other words, if the party and advisor disagree on a course of action, must the advisor go along?



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

10




Hearing FAQ's



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU


11

11



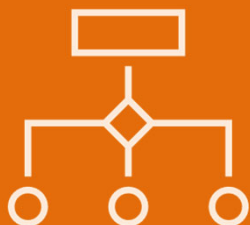
Question 8

What are some examples of types of evidence that a respondent might consider relevant at the hearing that may draw an objection?



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

12



Question 9

Part A: Who sends the “Notice of Hearing”? Who coordinates receiving and distributing witness lists and exhibits provided by the CP and RP?

Part B: When and to whom do the parties have an opportunity to respond to the completed investigation report?



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

13



Question 10

What happens at the hearing? Who is there? Who goes first? Does the Complainant go first with the CP’s witnesses?



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

14



Question 11

The institution's document sharing platform allows certain permission-levels to the documents, such as "view-only" access, "print" access, etc.

What permission level should be granted to the parties (and party advisors) for access to the evidence prior to the hearing?



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

15



Question 12

In situations where two or more people were involved in potentially violating a policy and only one is before a hearing officer for a given case, is it relevant what happened to the other potential respondent?

For example, is it relevant for the current hearing officer to consider whether the other respondent in the case was found responsible for a policy violation? And what were the sanctions and remedies issued?



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

16



Q & A

 THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

17

Contact Information

Krista Anderson	Sean Flammer
Systemwide Title IX Coordinator	Assistant General Counsel
Office of Systemwide Compliance UT System (Austin, TX)	Office of General Counsel UT System (Austin, TX)
Phone: 512-664-9050	Phone: 512-579-5106
Email: kranderson@utsystem.edu	Email: sflammer@utsystem.edu

 THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.
WWW.UTSYSTEM.EDU

18

18