



TO: James B. Milliken, Chancellor, U. T. System Administration
FROM: The U. T. System Student Advisory Council
DATE: April 27th, 2020
RE: Support Resources for Survivors of Sexual Misconduct

Executive Summary

After careful consideration, The University of Texas System Student Advisory Council respectfully submits the following recommendations regarding providing support to survivors of sexual misconduct.

1. The U. T. System should require and assist every U. T. institution in creating and publishing a flowchart or comparable graphic that clearly delineates where students can go to receive assistance for the specific services they are seeking.
2. U. T. System should require each institution to employ case investigators in an appropriate ratio in relation to the number of Title IX cases reported to the university, according to the most recently available reporting data.
3. U. T. System should require each institution to employ full-time confidential employees, exempt from mandatory reporter status, and formally trained in accordance with SB 585, in an appropriate ratio in relation to the estimated number of students who experience interpersonal violence during their college years.
4. U. T. System should draft and require each institution to distribute an advisory notice to all students regarding the significance of the new reporting requirements outlined in SB 212. The notice should be sent through campus-wide emails prior to the 4th class day every academic semester.

Background

Sexual violence has shown to be more prevalent in college campuses than any other crimes. According to the CLASE Academic Survey in 2017, 25% of students at academic institutions reported student-perpetrated sexual harassment victimization (CLASE Academic, 2017). High rates of student-perpetrated sexual harassment have been found, especially at the undergraduate level, with 68% of student sexual harassment incidents occurred on-campus (CLASE Academic, 2017). Seventeen percent of undergraduate female students reported having experienced unwanted sexual touching, and undergraduate students identifying as LGBTQ+ reported higher rates of victimization than majority students (CLASE Academic, 2017).

Furthermore, victims of sexual misconduct reported having impacts on their daily life due to their victimization. Eleven percent of victims had to take time off school as a result of victimization (CLASE Academic, 2017).

While there are several preventive efforts that need to be undertaken on college campuses, disciplinary and reporting measures need to be streamlined to reduce further negative impact on students affected by sexual misconduct. Students should be made aware of who on their campus is a designated reporter of sexual misconduct and who is a private advocate. Increased trust in institutional reporting systems will increase the number of sexual misconduct reports, thereby removing barriers to academic success and overall student wellness. Survivors of sexual misconduct have expressed concern for their mental health when having to report their experience repeatedly. Streamlining an easier process for reporting sexual misconduct and knowing who to go to would mitigate emotional risks undertaken through disclosure.

The majority of victims of sexual harassment, stalking, dating/domestic abuse and violence and unwanted sexual contact (72%) did not disclose to anyone about the incident prior to taking this survey (CLASE Academic, 2017). The majority of victims (77%) did not disclose the incident(s) prior to taking the survey (CLASE Health, 2017). Eight percent of victims who disclosed told someone at their U. T. academic institution (CLASE Academic, 2017). Victims screened positive for depression at more than twice the rate (22%) of non-victims (10%) (CLASE Academic, 2017). Victims also reported higher overall rates of physical health problems than non-victims. For example, gastrointestinal issues occurred at nearly twice the rate in victims (23%) than they did in non-victims (13%) (CLASE Academic, 2017).

Summary of Policy and Practice Issues

The Council researched student perceptions of how campuses handle instances of sexual misconduct and determined there are several gaps and discrepancies in resources provided to support survivors of sexual misconduct and interpersonal violence across U. T. institutions. First, it is important to note that many students believe that the Title IX reporting process is unduly complicated and cumbersome. Moreover, each UT institution has its unique procedures when assisting complainants/respondents in the Title IX investigation process and when providing resources for survivors. We believe there is an opportunity to provide guidance to institutions to implement changes in the area of handling incidents of sexual misconduct that extend further than what the State and Federal requirements are currently. The goal of any changes would be to improve student support services, allow survivors of sexual assault to be knowledgeable of the resources available to them, and to improve access to these resources.

While a number U. T. policies and Rules are in place to ensure compliance with relevant federal and state laws, several procedural issues have been identified that are cause for concern for students, leading many to refrain from seeking university resources due to fears of unintended consequences. To help address this, the Council believes that the



U. T. System needs to streamline resources and address discrepancies in services among the institutions.

Recommendations

In an effort to ensure the institutions are transparent in their divisions of responsibility and the proper channels to discuss matters related to interpersonal violence and sexual misconduct, the Council submits the following recommendations:

1. The U. T. System should require and assist every institution in creating and publishing a flowchart or comparable graphic that clearly delineates where students can go to receive assistance for the specific services they are seeking.

The creation of such a resource is critical because it will reduce barriers for survivors seeking support. Greater transparency and responsiveness from each respective university will enhance trust among students for university procedures and resources and can encourage more survivors and other students affected by related matters to utilize resources offered by the university.

The Council encourages U. T. System to provide guidelines to the institutions to ensure that each flowchart and resource delineation incorporates basic elements. First, each office and employee role should be clearly defined in terms of responsibility. The flowchart should also state what each office does not handle, which can sometimes be unclear even when responsibilities are outlined. For example, it is important to note that Student Legal Services will not provide legal support to students wishing to receive legal assistance in a sexual assault investigation but can offer outside referrals.

Lastly, each flowchart should provide distinctions between resources for undergraduate students, graduate students, staff, and faculty, if such distinctions are pertinent. Ultimately, it is important that the flowchart is user-friendly and is clear and easy to understand. Attaching an FAQ section would be appropriate.

2. U. T. System should require each institution to employ case investigators in an appropriate ratio in relation to the number of Title IX cases reported to the university, according to the most recently available reporting data.

In order to determine the ratio, U. T. System should take into account the average length of investigations and caseload per investigator at each institution, and implement an acceptable standard in the number of employed investigators so that each U. T. institution is able to complete most Title IX investigations within the federal standard of 60 days.

U. T. System should follow up with each institution on an annual basis to ensure that each university is on track to adhere to the case investigator/case ratio. In

addition, the Council recommends that the U. T. System provide financial support to schools limited in budgetary resources, provided that those schools agree to submit reports to the U. T. System in their progress in ensuring each investigator has a manageable caseload and in completing investigations within 60 days.

3. U. T. System should require each institution to employ full-time confidential employees, exempt from mandatory reporter status, and formally trained in accordance with SB 585, in an appropriate ratio in relation to the estimated number of students who experience interpersonal violence during their college years.

Full-time confidential employees are great resources for survivors to evaluate their options and figure out appropriate next steps. At many institutions, the Title IX process is perceived as confusing and intimidating. According to Student Emergency Services at U. T. Austin, “[a]dvocates (confidential employees) were the students’ first point of contact for support services in 51% of cases” from 08/01/18 to 07/29/19. Furthermore, 54% of the 119 cases serviced by advocates at U. T. Austin throughout 2019 were not reported to Title IX, demonstrating student need for support by means other than reporting.

The new mandatory reporting requirements enforced by SB 212 make it more difficult for survivors to make their own decision regarding reporting, as most university employees, including faculty and staff, are obligated to report. Texas Education Code, Section 51.290 requires each postsecondary educational institution to designate “one or more employees as persons to whom students enrolled at the institution may speak confidentially concerning sexual harassment, sexual assault, dating violence, and stalking.”

The Council recommends that U. T. System establish an appropriate ratio for employed full-time confidential advocates with recent study findings that one in five women and one in twenty men have experienced sexual violence (CLASE Study, 2017). In addition, according to the American Bar Association, 28% of students on college campuses experience dating violence. These statistics should be used to help determine the Systemwide ratio. The Council recommends that U. T. System provide financial support to schools limited in budgetary resources to ensure that survivors and individuals affected by interpersonal violence have adequate access and that each confidential employee’s caseload does not exceed 60 cases.

4. U. T. System should draft, and require each institution to distribute, an advisory notice to all students regarding the significance of the new reporting requirements outlined in SB 212. The notice should be sent through campus-wide emails prior to the 4th class day every academic semester.

While faculty members are currently advised to include their mandatory reporting responsibilities in their course syllabus, several professors have not taken these measures, with few or no repercussions. In order to ensure that each student is



aware of the new state requirements, the advisory notice should be sent out to all students, in addition to each institution's faculty and staff.

U. T. System should be responsible for drafting the notice, and the language should be approved by each U. T. institution. Once the language is agreed upon, each institution must send the notice prior to the 4th class day during every academic semester.

Thank you for your consideration.

References

The University of Texas System Academic Institutions. (2017). Cultivating Learning and Safe Environments: An Empirical Study of Prevalence and Perceptions of Sexual Harassment, Stalking, Dating/Domestic Abuse and Violence, and Unwanted Sexual Contact. Retrieved from

<https://www.utsystem.edu/sites/default/files/sites/clase/files/2017-10/academic-aggregate-R11-V4.pdf>.

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