

Equal Opportunity Policies & Hearings

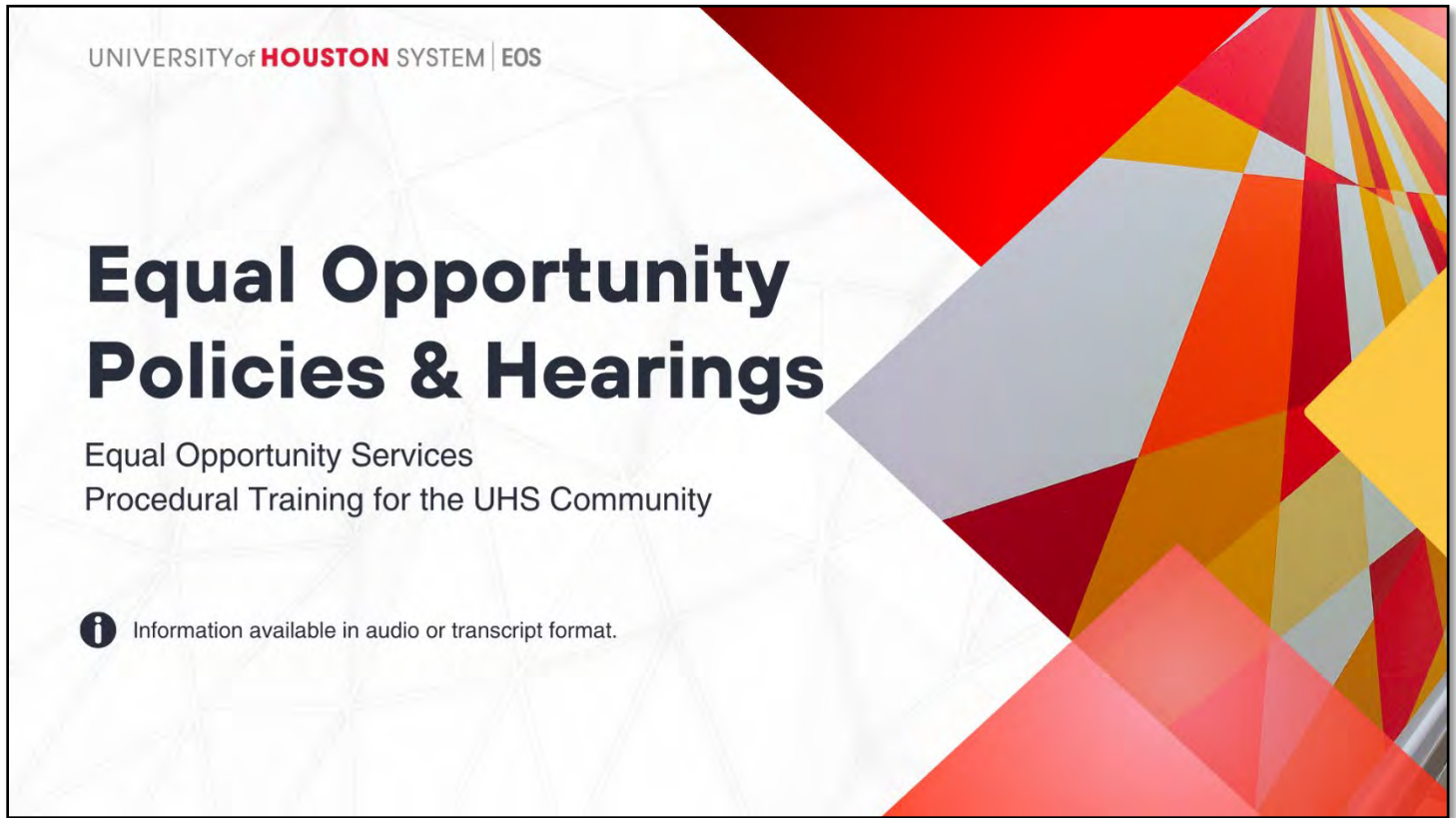
Training Materials for Participants

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Introduction

Equal Opportunity Policies & Hearings



Slide Contents:

Equal Opportunity Policies & Hearings

Equal Opportunity Services Procedural Training for the UHS Community

Information available in audio or transcript format.

Narrator Notes:

These materials will overview University of Houston System Equal Opportunity Policies, Procedures and specifically hearings as part of resolution and grievance processes. Alternate formats are available with audio or transcripts.

Important Notice #1

Important Notice #1

The University's procedures are available in full in the following Policies.

SAM 01.D.07 – UH System [Anti-Discrimination Policy](#).

SAM 01.D.08 – UHS [Sexual Misconduct Policy](#).

- Appendix B for Title IX Grievance Process
- Appendix C for other UH System Sexual Misconduct Grievance Process

We recommend that a person reviews the relevant policy as soon as they become aware of a possible concern.

For other concerns, see additional policies provided on the [EOS website](#).

**Due to publication and retention requirements, this training may include outdated information and parties should always compare training content with the most recent version of the UH System Policy.*

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Slide Contents:

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System Administrative Memorandum (SAM) 01.D.07 – UH System Anti-Discrimination Policy

System Administrative Memorandum 01.D.08 – UHS Sexual Misconduct Policy, specifically:

- Appendix B for Title IX Grievance Process
- Appendix C for other UH System Sexual Misconduct Grievance Process

We recommend that a person reviews the relevant policy as soon as they become aware of a possible concern.

For other concerns, see additional policies provided on the EOS website.

**Due to publication and retention requirements, this training may include outdated information and parties should always compare training content with the most recent version of the UH System Policy.*

Narrator Notes:

(same as above)

Important Notice #2

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This training material is provided for public review in accordance with federal law.

This presentation is not legal advice; the materials are compiled for compliance guidance and employees should consult with UH System Office of General Counsel for legal advice related to their official duties, as appropriate.

The material may be utilized only for non-commercial educational and training purposes with the user assuming all risk for use of any content herein.

Commercial use of this material is strictly prohibited.

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Narrator Notes:

(same as above)

Additional Advisory

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Please note that the issues and topics related to this material may involve discussion of abusive conduct, which may be offensive or triggering for some individuals.

Content is not developed for “shock value” but will be consistent with the situations and concerns presented as part of civil rights compliance work.

If you find yourself reacting negatively to the content, please step away to the degree that you need to, and please seek appropriate assistance if necessary.

To not belabor the point, this will be the only content advisory for the series as a whole.

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Narrator Notes:

(same as above)

Content Roadmap (Starting Section One)

Learn About the Process

This series will overview the types of concerns covered by EOS policies and the various forms of resolution that may be applicable during EOS review.

1	Introduction to Equal Opportunity Services
2	Definitions of Misconduct Under EOS Policies
3	Preliminary Evaluation and Filing a Complaint
4	After a Formal Complaint: The Investigation Process
5	Understanding the Title IX Officer Hearing Process
6	Understanding the University Panel Hearing Process
7	Hearing Decorum and Preparing for the Hearing



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Slide Contents:

Learn About the Process (Content Roadmap)

This series will overview the types of concerns covered by EOS policies and the various forms of resolution that may be applicable during EOS review.

1. Introduction to Equal Opportunity Services (you are here about to start this section)
2. Definitions of Misconduct Under EOS Policies
3. Preliminary Evaluation and Filing a Complaint
4. After a Formal Complaint: The Investigation Process
5. Understanding the Title IX Officer Hearing Process
6. Understanding the University Panel Hearing Process
7. Hearing Decorum and Preparing for the Hearing

Narrator Notes:

Let's Learn About the Process with our Content Roadmap for the full E.O.S. series.

This series will overview the types of concerns covered by E.O.S. policies and the various forms of resolution that may be applicable during E.O.S. review.

1. The first section will include an Introduction to Equal Opportunity Services.
2. The second section provides Definitions of Misconduct and key terms Under E.O.S. Policies.
3. The third section provides information about Preliminary review of reports and the option for Filing a Complaint.

4. The fourth section describes the steps After a Formal Complaint with more information about The Investigation Process.
5. The fifth section describes the Title 9 (Officer) Hearing Process.
6. The sixth section describes the University Panel Hearing Process.
7. Finally, the seventh section covers general topics related to various types of hearings, including Hearing Decorum and Preparing for a Hearing.

To prepare for a Title 9 hearing, review sections 2, 5, and 7.

To prepare for a panel hearing, review sections 2, 6, and 7.

Section One

SECTION ONE

This section overviews the offices responsible for administering equal opportunity policies, the services available through equal opportunity processes and the jurisdiction requirements for the University to address concerns for discrimination or other forms of misconduct.

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Narrator Notes:

(same as above)

Introduction to Equal Opportunity Services

INTRODUCTION TO EQUAL OPPORTUNITY SERVICES

Welcome to our series on Equal Opportunity Services (also referred to as “EOS”). EOS supports the University’s values by enforcing the Anti-Discrimination and Sexual Misconduct/ Title IX Policies, and other equal opportunity policies.

Our teams operate at each University, provide training for compliance on anti-discrimination topics, and make tools and resources available to ensure information and services are accessible to our community.

At the University, we strive to maintain and continuously strengthen an environment in which all participants have the opportunity to succeed.

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Narrator Notes:

(same as above)

Title IX Coordinator

Each UH System campus designates a [Title IX Coordinator](#) as part of System Equal Opportunity Services who:

- Oversees the implementation of the UH System Sexual Misconduct Policy.
- Provides community members with information about their rights and resources.
- Ensures a prompt and equitable process for all involved parties.
- Evaluates whether alleged misconduct falls under Title IX.

Likewise, the Equal Opportunity Coordinator fulfills a similar role under the Anti-Discrimination Policy.

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Likewise, the Equal Opportunity Coordinator fulfills a similar role under the Anti-Discrimination Policy.

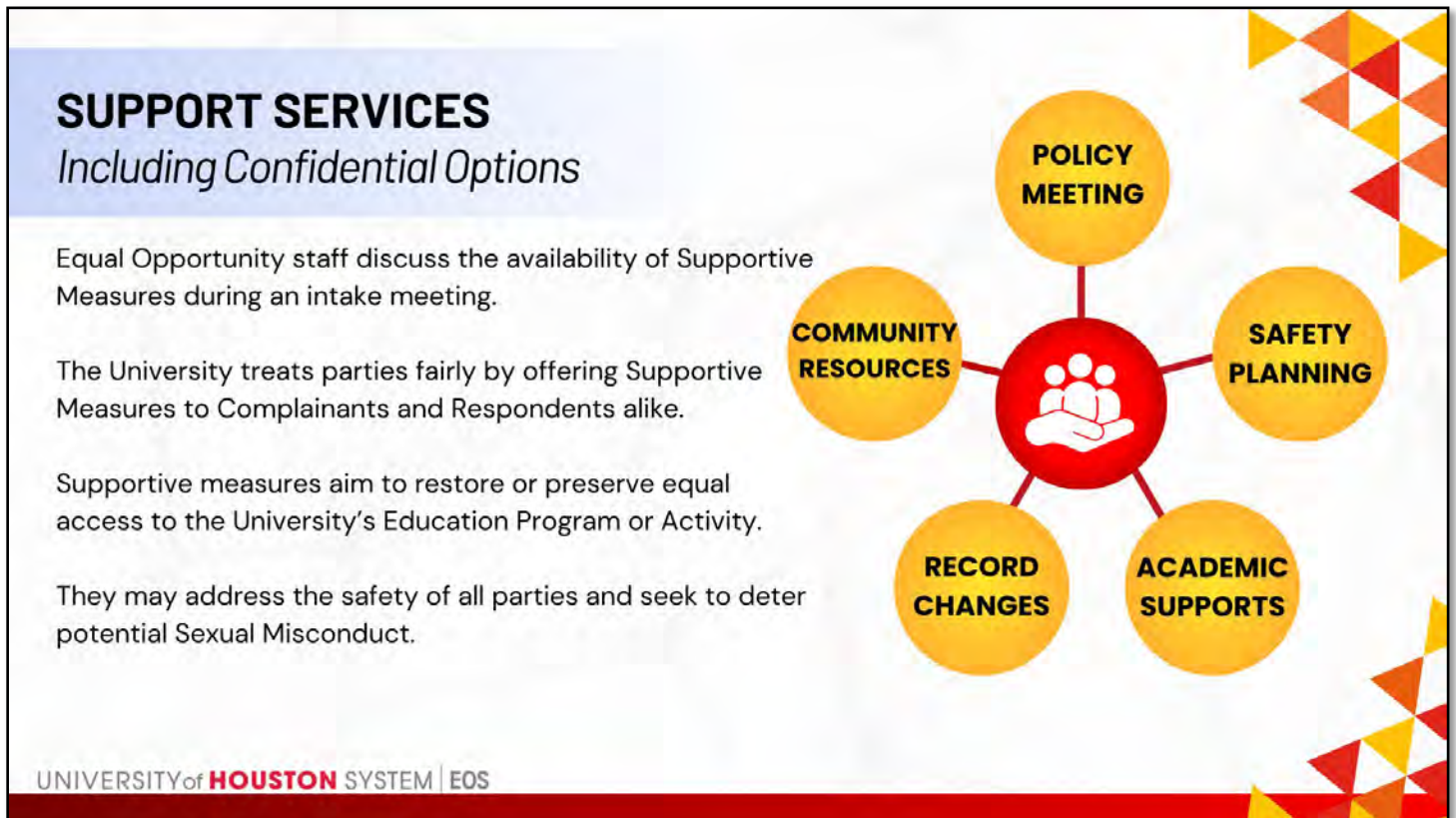
Narrator Notes:

According to the Sexual Misconduct Policy section 3.19, the Title IX Coordinator is the "person who has been designated on each University's campus to coordinate efforts to comply with and implement this Policy. The Title IX Coordinator is responsible for conducting the administrative investigation of reports of Sexual Misconduct and is available to discuss options, provide support, explain University policies and procedures, and provide education on relevant issues."

Title IX Coordinator provides community members with information about their rights and resources available to them and ensures a prompt and equitable process for all involved parties. Only the Title IX Coordinator has authorization to investigate alleged sexual misconduct violations and determine whether an incident falls under Title IX or another section of the Sexual Misconduct Policy.

Likewise, the Equal Opportunity Coordinator fulfills a similar role under the Anti-Discrimination Policy. See section 3.3 of the Anti-Discrimination Policy for more information.

Support Services Including Confidential Options



Slide Contents:

Equal Opportunity staff discuss the availability of Supportive Measures during an intake meeting.

The University treats parties fairly by offering Supportive Measures to Complainants and Respondents alike.

Supportive measures aim to restore or preserve equal access to the University's Education Program or Activity.

They may address the safety of all parties and seek to deter potential Sexual Misconduct.

Diagram of services hub for policy meeting, safety planning, academic supports, record changes, and community resources.

Narrator Notes:

Section 8.3 of the Anti-Discrimination Policy discusses that after receiving a report, Equal Opportunity staff, "Implement any appropriate Supportive Measures [and conduct] a preliminary investigation, as appropriate." A preliminary investigation is not a full, formal investigation, but helps assess for incident location, whether the involved persons are community members, safety considerations and more.

Likewise, the Sexual Misconduct Policy provides for the assessment of supportive measures which per section 9.1.4 "are designed to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational, living, and working environment, or to deter Sexual Misconduct.

Also, per section 3.18, Supportive Measures are "non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether a Formal Complaint has been filed."

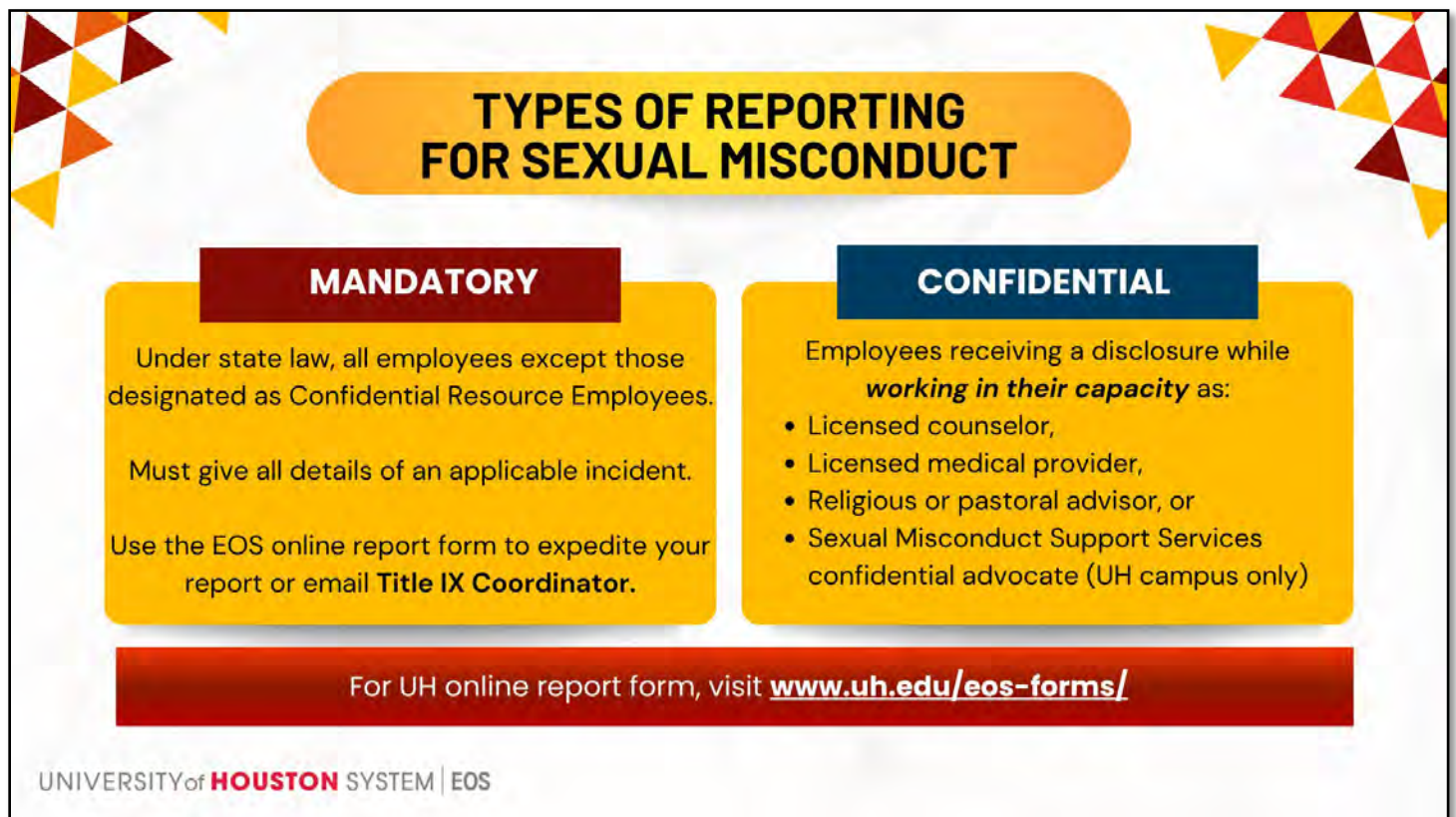
According to Appendix A, section 4 of the Anti-Discrimination Policy:

[The] Equal Opportunity office will consider informal measures as appropriate. Outcomes may include, but are not limited to:

- Maintaining documentation regarding the allegations and providing Policy information to the Complainant;
- Consultation with appropriate officials to provide notice of a concern, suggestions to prevent escalation, a reminder of reporting obligations, and other Policy information as appropriate;
- Referral to support services on or off University Premises;
- Safety planning;
- Educational conversation with [a] Respondent[.]

As shown in the illustration, supportive measures can affect a range of options for parties including policy meetings, safety planning, academic supports, record changes and connections to additional community services. Both Complainants and Respondents may request supportive measures through the Equal Opportunity office.

Types of Reporting



Slide Contents:

Mandatory

- Under state law, all employees except those designated as Confidential Resource Employees.
- Must give all details of an applicable incident.
- Use the EOS online report form to expedite your report or email Title IX Coordinator.

Confidential: Employees receiving a disclosure while *working in their capacity* as:

- Licensed counselor,
- Licensed medical provider,
- Religious or pastoral advisor, or
- Sexual Misconduct Support Services confidential advocate (UH campus only)

Click here for [UH Online Report Form](http://www.uh.edu/eos-forms/)

Narrator Notes:

Texas Law requires all university employees to report incidents of sexual harassment, sexual assault, dating violence, and stalking. This includes providing all details for information directly witnessed, received first-hand, heard or overheard second-hand, and even information that may be “just a rumor.” Each UH institution has an online report form to provide easy access to report Equal Opportunity concerns.

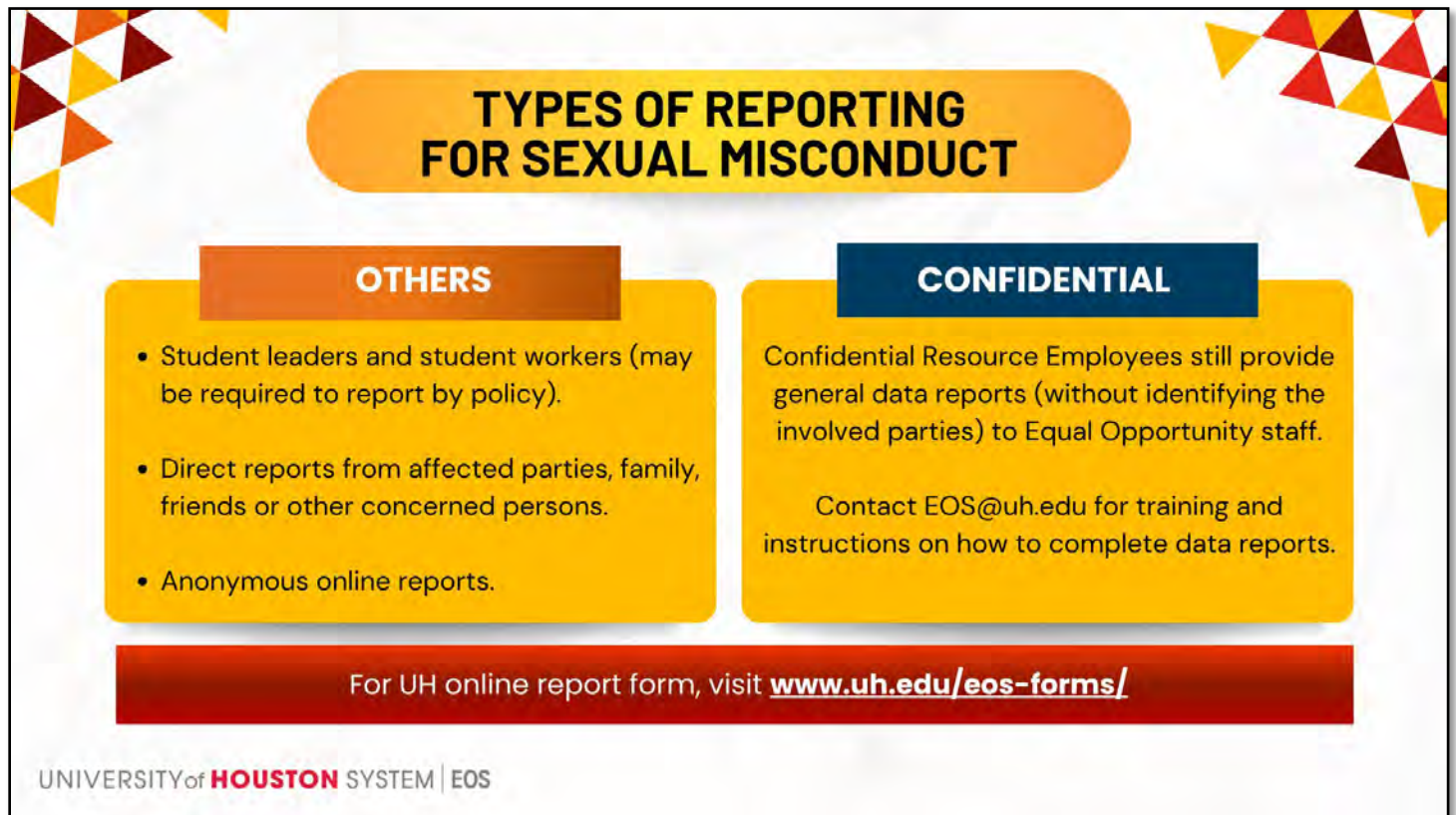
Texas law narrowly defines a few exceptions to these reporting requirements.

According to the Sexual Misconduct Policy section 3.3:

[A] Confidential Resource Employee [is a] University employee designated as a person with whom students may speak confidentially about Sexual Misconduct, who receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law. Such employees include, but are not limited to, The staff of a counseling or health center acting in their capacity as a counseling or health provider; Individuals who are associated with the University in the role of a pastoral counselor or confidential advisor acting in that capacity.

See section 6.2(C) of the Anti-Discrimination Policy for exclusions for reporting all details of an incident for employees serving in a confidential capacity.

Types of Reporting (continued)



Slide Contents:

Others

- Student leaders and student workers (may be required to report by policy).
- Direct reports from affected parties, family, friends or other concerned persons.
- Anonymous online reports.

Confidential:

- Confidential Resource Employees still provide general data reports (without identifying the involved parties) to Equal Opportunity staff.
- Contact EOS@uh.edu for training and instructions on how to complete data reports.

Click here for [UH Online Report Form](http://www.uh.edu/eos-forms/)

Narrator Notes:

Section 7 of the policy explains mandatory employee reporting, and that, "A Confidential Resource Employee, in making a report under this section, will state only the type of incident reported and may not include any information that would violate someone's expectation of privacy." Contact your Title IX Coordinator on how to make a general report for state-required data collection purposes if you may be a confidential resource employee (which will not ask for identifying party information).

See section 6.2(D) of the Anti-Discrimination Policy or section 7.4 of the Sexual Misconduct Policy for reporting requirements for certain student employees and leaders. Options for anonymous reporting are included in section 6.3 of the same policy.

Anti-Discrimination Policy



REPORTING OTHER FORMS OF DISCRIMINATION

Discrimination and harassment are antithetical to the standards and ideals of the University of Houston System. The **Anti-Discrimination Policy** covers:

STUDENTS **FACULTY** **STAFF** **VISITORS**

We encourage everyone to report concerns about discrimination.

Supervisors have a duty to act and to report concerns related to discrimination under the Anti-Discrimination Policy to the Equal Opportunity Coordinator.

For UH online report form, visit www.uh.edu/eos-forms/

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Slide Contents:

Discrimination and harassment are antithetical to the standards and ideals of the University of Houston System. The policy covers:

- Students, Staff, Faculty and Visitors

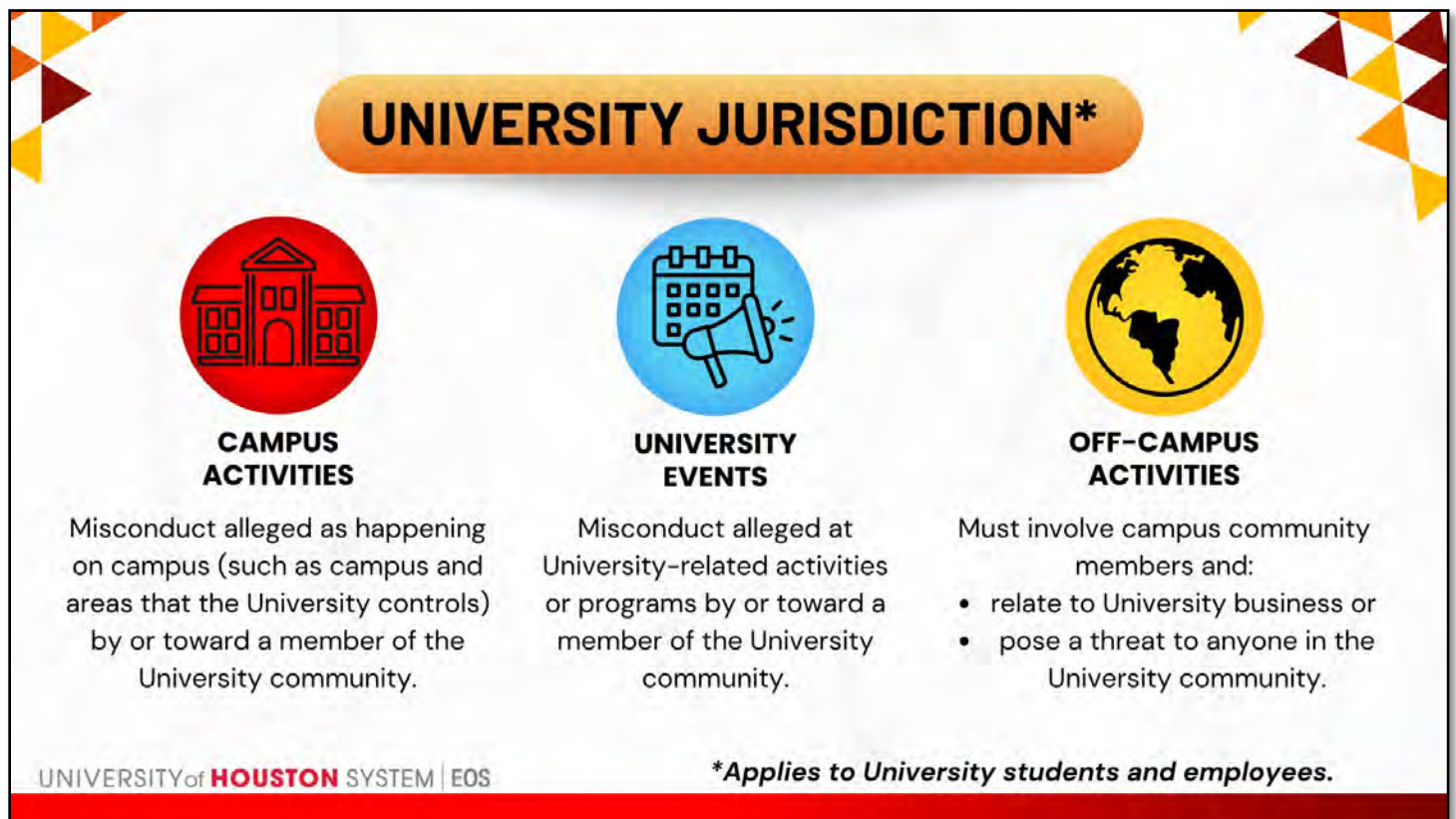
We encourage everyone to report concerns about discrimination.

Supervisors have a duty to act and to report concerns related to discrimination under the Anti-Discrimination Policy to the Equal Opportunity Coordinator.

Narrator Notes:

Discrimination and harassment are antithetical to the standards and ideals of the University of Houston System. The policies provide protection to students, staff, faculty, and visitors (including applicants). All persons are encouraged to report concerns for discrimination or harassment.

According to the Anti-Discrimination Policy section 6.2(B), "Employees in a supervisory capacity have a duty to act to not only prevent unlawful Discrimination, Harassment, and Retaliation, but to also report the conduct and behavior to the Equal Opportunity Coordinator."



Slide Contents:

Campus Activities: Misconduct alleged as happening on campus (such as campus and areas that the University controls) by or toward a member of the University community.

University Events: Misconduct alleged at University-related activities or programs by or toward a member of the University community.

Off-Campus Activities: Must involve campus community members, and relate to University business or pose a threat to anyone in the University community.

Narrator Notes:

According to the Sexual Misconduct Policy section 4.1:

The University has jurisdiction over allegations of Sexual Misconduct occurring on the University's premises, at University-Affiliated Activities, and/or where the Respondent or Complainant are either a student, faculty member, staff member, visitor to campus, or applicant for admission or employment. Consistent with its other codes of conduct, the University has jurisdiction over allegations of UH System Sexual Misconduct occurring off campus when the incident has a substantial connection to an employee's duties or the interests of the University, or when the incident poses a threat of serious mental or bodily harm to any member of the University community. Other than the University Police Department which may conduct a criminal investigation as appropriate, the University does not have jurisdiction over allegations between visitors or non-affiliated persons under this Policy.

The same policy defines a University-Affiliated Activity in section 3.22 as "any activity on or off campus that is initiated, aided, authorized, or supervised by the University or by an officially recognized University organization" and University Premises in section 3.23 as "buildings or grounds owned, leased, operated, controlled, or supervised by the University."

See also the jurisdiction sections of the policies for the University's option to take cases involving University-affiliated organizations as Respondents.

Have you heard of EOS?



Slide Contents:

Diagram with "Have you heard of 'EOS'" over bubbles listing areas of Reports, Investigation, Supports Services as well as Training and Prevention.

Narrator Notes:

Students may refer to the Equal Opportunity office on campus as "EOS" or the "Title IX Office." Title IX is actually just one aspect of Equal Opportunity campus services as you will understand as you continue to review these materials. Students may also have the perception that the only focus of the Equal Opportunity office is to conduct investigations. While investigations are part of the work, many cases resolve with preliminary reviews. Reviews made lead to referral to another office or resource, or with informal supportive for an impacted community member regardless of whether further investigation is appropriate. Additionally, Equal Opportunity staff design and deliver training and resources (such as these materials and mandatory training for students and employees) to help all persons understand community expectations of non-discrimination. Group leaders and supervisors can contact your campus Equal Opportunity office to request additional training and resources for your area.

“Title IX”

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Title IX is a federal law that prohibits discrimination based on sex in education.

In August 2020, federal rules went into effect that provide specific definitions and procedures for responding to certain types of “Title IX” sexual misconduct.

In the UH System Sexual Misconduct Policy, “Title IX” sexual misconduct, as defined by the federal rules, as well as other forms of sexual misconduct are prohibited.

We prioritize the safety and wellbeing of UH System community members and take all reports of sexual misconduct seriously.

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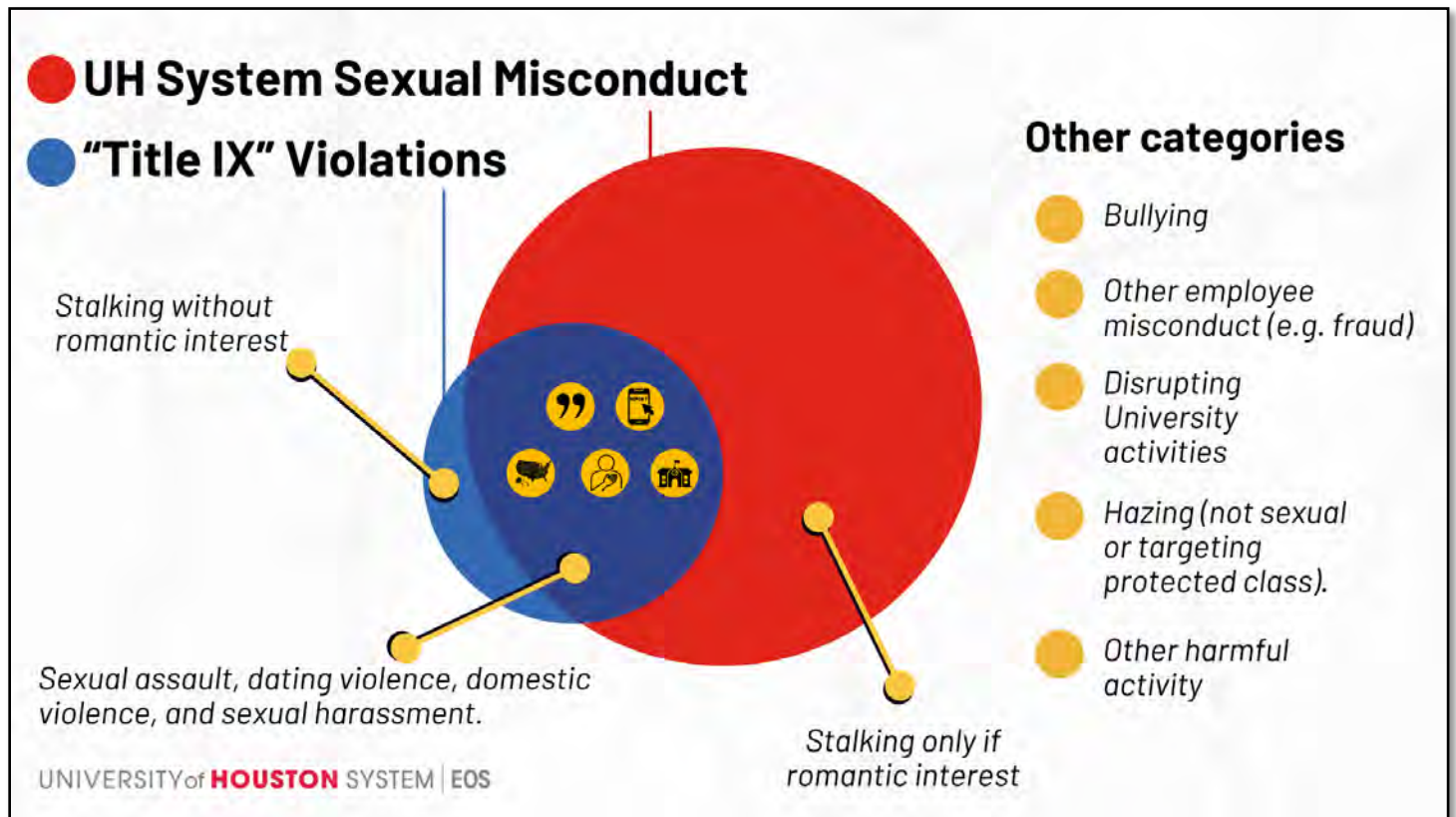
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Narrator Notes:

(same as above)

Diagram of Different Violations



Slide Contents:

Image Description: Diagram with large red circle (UH System Sexual Misconduct) and smaller blue circle that mostly overlaps with red circle (Title IX violations). Inside the blue circle are five images. One violation that does not overlap with red is stalking without romantic interest (stalking with romantic interest appears in red circle). Blue circle overlapping with red includes sexual assault, dating violence, domestic violence, and sexual harassment. Other categories not in either circle include bullying, employee misconduct, disrupting University activities, hazing (if not sexual or targeting protected class) and other harmful activities.

Narrator Notes:

This diagram helps to show that the UH System prohibits forms of sexual misconduct that may or may not overlap with the federal Title IX definitions of misconduct. An example of where the two categories do not overlap is stalking. Under the System definitions, stalking includes only instances related to a romantic or sexual interest. However, under Title IX, more categories of stalking are covered that may not include a romantic or sexual interest. Title IX violations have particular criteria set in federal law which (represented by the images in small yellow circles) which may not apply to other types of policy violations, making the red circle broader for other System sexual misconduct. In section two, you will learn more about the specific types of covered categories under Title IX and other system policy.

Also, keep in mind that there are other types of violations outside of the sexual misconduct policy under other student and employee policies. For instance, bullying, hazing, and other disruptive or harmful activities may be prohibited under other policies. While this diagram may help with your general understanding, bear in mind that it is not a comprehensive list of all possible violation types. Next we will consider the five requirements for Title IX misconduct as pictured by the five yellow images inside the diagram.

What does “Title IX” process require?

The infographic is titled "What does 'Title IX' process require?" and features five yellow circular icons, each with a blue checkmark in the top right corner. The icons represent: 1. Definition (quotation marks), 2. Reported (a smartphone with a 'REPORT' button), 3. Geography (a map of the United States), 4. Program (a school building), and 5. Impact (a person with a hand on their chest). Below each icon is a bold heading and a descriptive sentence. At the bottom of the infographic, it says "UNIVERSITY of HOUSTON SYSTEM | EOS".

Definition	Reported	Geography	Program	Impact
Meets federal definition of sexual assault, sexual harassment, dating violence, or stalking.	Someone reported the conduct to the appropriate University official.	Conduct location is alleged within the United States.	Involved a University educational program or activity.	The affected person was attempting to participate in University educational program.

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Slide Contents:

- Definition: Meets federal definition of sexual assault, sexual harassment, dating violence, or stalking.
- Reported: Someone reported the conduct to the appropriate University official.
- Geography: Conduct location is alleged within the United States.
- Program: Involved a University program or activity.
- Impact: The affected person was attempting to participate in University educational program.

Narrator Notes:

It is important to remember that while we consider Title IX requirements, other types of conduct are also prohibited under System policy expanding community protections beyond just Title IX. Under the 2020 federal regulations, Title IX cases have a more limited jurisdiction set by federal law than other forms of System sexual misconduct.

The Sexual Misconduct Policy states in section 4.4 that:

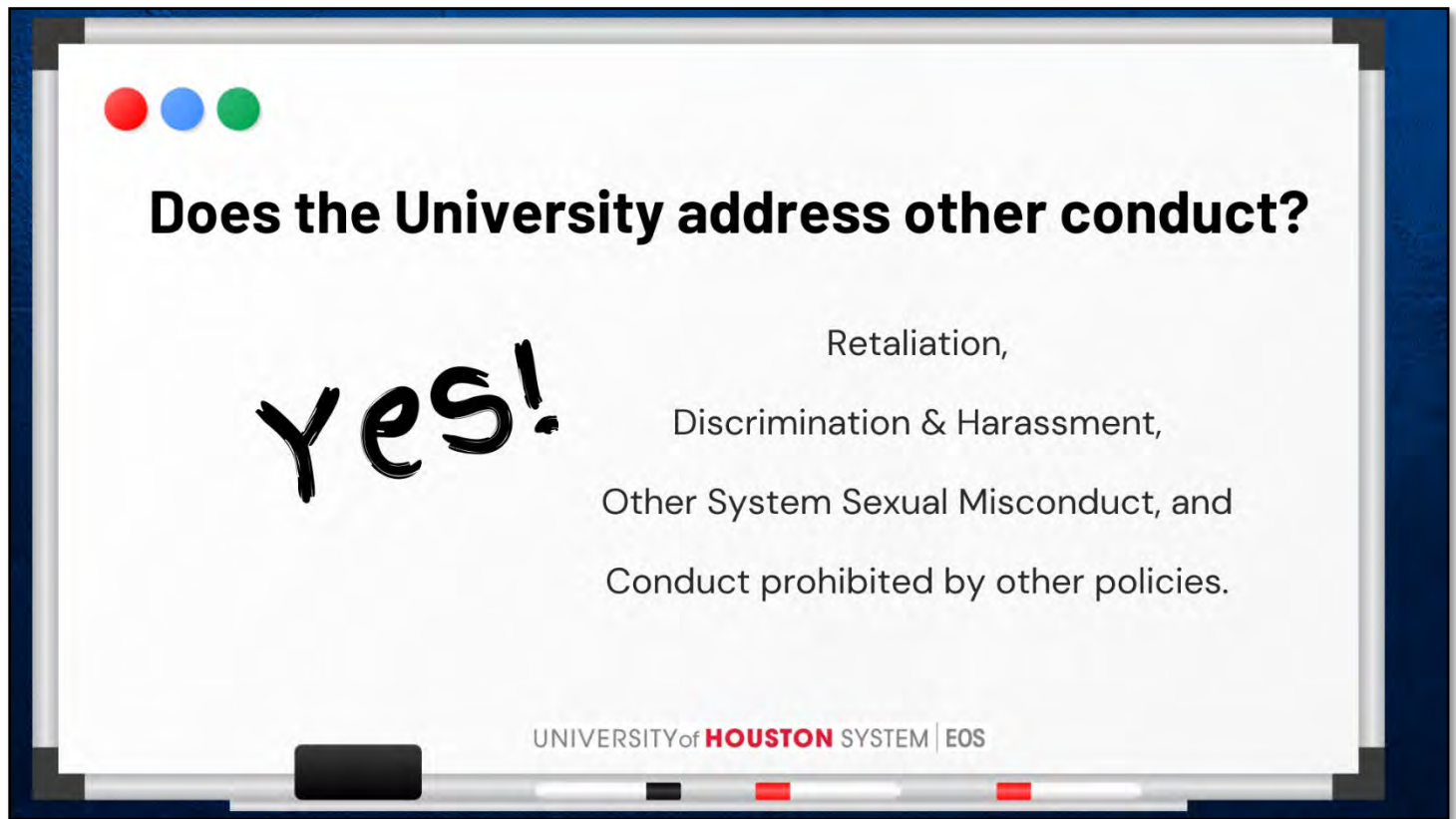
The University's jurisdiction over Title IX Sexual Misconduct is limited to incidents that meet the definition of Title IX Sexual Misconduct as well as the following requirements:

- The University received Actual Knowledge of allegations of Title IX Sexual Misconduct;
- The allegation of Title IX Sexual Misconduct occurred in an Education Program or Activity including any building owned or controlled by a student organization that is officially recognized by the University, whether such a building or activity is on-campus or off-campus;

- The allegation of Title IX Sexual Misconduct occurred against a person in the United States; and
- At the time of filing a Formal Complaint, the Complainant had been participating in or attempting to participate in the University's Education Program or Activity.

Per section 3.6, an "Education Program or Activity [includes] such locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Title IX Sexual Misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University, whether such a building or activity is on-campus or off-campus."

Does the University address other conduct?



Slide Contents:

Yes!


Retaliation, Discrimination & Harassment, Other System Sexual Misconduct, and conduct prohibited by other policies.

Narrator Notes:


Does the University address other conduct?

Yes, the University also prohibits retaliation, discrimination and harassment, and other forms of sexual misconduct. These additional possible violations will be covered by upcoming materials.

Additionally, according to section 14.2.4 of the Sexual Misconduct Policy, "If the Title IX office determines that the Formal Complaint does not contain alleged conduct that constitutes Sexual Misconduct as defined in this Policy, the Title IX office will endeavor to determine whether other codes of conduct or University policies might have been implicated by the alleged conduct and refer accordingly."




Standard and Objectives



Standard: Preponderance

When reviewing an allegation of discrimination including sexual misconduct, the University uses the preponderance of the evidence standard, that is, whether it is more likely than not that a person violated the Policy.



Three Policy Objectives

As you consider possible services, keep in mind these objectives:

- Stop discrimination and harassment,
- Prevent their recurrence, and
- Address any effects for learning, living or working in the UH System.

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Slide Contents:

Standard: Preponderance

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Three Policy Objectives

As you consider possible services, keep in mind these objectives:

- Stop discrimination and harassment,
- Prevent recurrence, and
- Address any effects for learning, living or working in the UH System.

Narrator Notes:

As you continue to review these materials, keep in mind the evidence standard and the three objectives. As explained in the Anti Discrimination Policy, Appendix B, section 6(B and C), "The finding(s) . . . will be determined using a preponderance of the evidence standard, that is, whether it is more likely than not that a Respondent violated this Policy. . . . If it is determined that this Policy was violated, appropriate University action will be recommended in an effort to eliminate Discrimination, Harassment, or Retaliation, prevent its recurrence, and address its effects." For similar provisions, see Sexual Misconduct Policy, Appendix B, section 3.3 for Title IX Standard of Evidence (Preponderance) and Appendix C, section 5.2 for other hearings' standard of preponderance.

So if two situations are equally supported by the evidence (one a violation and one not a violation), then there should not be a finding of a violation.

Secondly as mentioned previously, the three policy objectives are to stop discrimination and harassment, prevent their recurrence and address effects of such conduct.

Our Commitment

OUR COMMITMENT

The University is dedicated to creating an environment free from sex discrimination, including Sexual Misconduct. The University will take necessary actions to prevent such misconduct, address its effects, and prevent recurrence. The University response may include immediate corrective measures in case of violations and educational programs to raise awareness and reduce risk.

See the link at the bottom of the University website to report concerns for discrimination or sexual misconduct.

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See the link at the bottom of the University website to report concerns for discrimination or sexual misconduct.

Narrator Notes:

Our Commitment.

As shared in section 2 of the Sexual Misconduct Policy:

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, visitors, and applicants for admission or employment are free from sex discrimination of any kind. Sexual Misconduct, a form of sex discrimination, is antithetical to the standards and ideals of the University. The University will take appropriate action in an effort to eliminate Sexual Misconduct from occurring and prevent its recurrence, including, but not limited to, taking immediate and appropriate corrective action when a violation occurs which impacts an individual's employment. Likewise, the University will address its effects by conducting educational programs, including ongoing prevention and awareness campaigns, designed to promote awareness, reduce risk, and prevent Sexual Misconduct.

See section 1.2 of the Anti-Discrimination Policy for the commitment to address discrimination and harassment.

In support of these efforts, each campus posts online resources and educational content, as well as a link at the bottom of University website pages to a report page for reporting concerns of discrimination or sexual misconduct.

More Training Concepts

Now that you have started to consider the types of concerns addressed by Equal Opportunity offices, please contact your campus office if you have questions or would like to report a concern.

Continue for more training modules on key policy terms, community expectations, and types of resolution processes including the formal hearing process.

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Slide Contents:

Now that you have started to consider the types of concerns addressed by Equal Opportunity offices, please contact your campus office if you have questions or would like to report a concern.

Continue for more training modules on key policy terms, community expectations, and types of resolution processes including the formal hearing process.

Narrator Notes:

More Training Contents to follow.

(same as above)

Learn About the Process

This series will overview the types of concerns covered by EOS policies and the various forms of resolution that may be applicable during EOS review.

1	Introduction to Equal Opportunity Services
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Slide Contents:

Learn About the Process (Content Roadmap)

This series will overview the types of concerns covered by EOS policies and the various forms of resolution that may be applicable during EOS review.

1. Introduction to Equal Opportunity Services (you are here and completed section)
2. Definitions of Misconduct Under EOS Policies
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Narrator Notes:

You have completed section one. The next section discusses key terms from the policies, including misconduct definitions.