

PSYCHOLOGY INTERNSHIP POLICY MANUAL

2021-2022

**DEPARTMENT OF PSYCHIATRY AND BEHAVIORAL SCIENCES
SCHOOL OF MEDICINE
UNIVERSITY OF TEXAS HEALTH SAN ANTONIO**

SCIENTIST-PRACTITIONER MODEL APA-ACCREDITED PROGRAM

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Track Coordinators

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INTERN RECRUITMENT AND SELECTION

Recruitment materials outlining the program are available through our website at http://psychiatry.uthscsa.edu/Clinical_Psychology/Clinical_Psychology_Home.asp and through the APPIC Directory at <https://membership.appic.org/directory/display/505>. Interested applicants are encouraged to submit their AAPI through the APPIC portal. Please refer to our website for application and interview deadlines. Every application that is submitted by the application due date is reviewed by either the Training Director or the Associate Training Director. In addition to the prior doctoral program requirements outlined below, preferences are given to individuals with clinical training experiences, research activities, and/or professional goals that match one or more of our tracks (i.e., Child, Adolescent, and Family; Cognitive Behavioral; Forensic; and Integrated Primary Care Behavioral Health). For example, applicants with clinical child experience will be viewed more favorably for the Child, Adolescent, and Family Track than applicants without child experiences.

Some applicants will be invited to interview with the University of Texas Health San Antonio between January and February. Interviewees will receive an orientation to the program, have an opportunity to meet with current interns to ask questions, and interview with faculty and the internship directors. For individuals who are bilingual in Spanish and applying for the Integrated Primary Care Behavioral Health Track, faculty interviews may be conducted in Spanish. However, it is important to note that the ability to speak Spanish is not a requirement for any tracks within our internship. Historically, these interviews have been conducted in person. However, the program plans to utilize guidance from APPIC to determine whether to switch to virtual interviews in the upcoming years.

During each interview, interns are scored on a 11-point Likert rating scale (0-10, where 0 = Poorly Qualified and 10 = Extremely Well Qualified) for how well their qualifications and training goals match with the training program. Weighted scores are averaged across interviewers and are used to inform the rank list. Track Coordinators provide input on the rank list before the list is officially entered into the APPIC Match.

If the training program is required to enter Match II to fill internship slots, guidelines established by the APA COA and APPIC will be followed. In general, every application will be reviewed by the Training Director or Associate Training Director. Eligible applicants will be invited to participate in a one-hour virtual interview with the training directors and a one-hour virtual interview with track-specific faculty. They will also be provided with contact information for our current interns.

APPLICATION PROCESS DURING THE COVID-19 PANDEMIC

The status of the COVID-19 pandemic is one of several factors that will be used to guide the program's decision on whether in-person interviews will be offered this interview season. Other factors include APPIC and/or APA guidance, costs for applicants, and cost for the program. More information about the training experience during the pandemic are outlined in our COVID-19 policy below. Importantly, this information is fluid and training sites may implement greater restrictions or loosen restrictions based upon COVID-19 cases in our community with the goal of providing in-person services when it is safe for our interns, faculty, staff, and patients. Thus far, our program has had no delays with start dates or end dates due to COVID-19 restrictions. All previous interns were able to graduate the program on time. Applicants are encouraged to reach

out to the program regarding specific questions about our training program during the pandemic.

The internship year begins on July 1 and ends June 30. Applicants will be invited to apply to one or more tracks and are encouraged to rank one or more tracks if interested. If the program moves towards virtual interviews, there will be additional “Open Houses” for each track to provide interns the opportunity to hear more about the track and sites in a less formal setting. The Open Houses are not mandatory; however, they are encouraged. Invites for the Open Houses will be sent once interview dates are scheduled.

Additionally, if the program elects to use virtual interviews, applicants will be asked to review the following video, “UT Health Psychology Internship Program” (link) prior to attending the Zoom Open House and individual Zoom interviews with faculty, interns, and the training directors. This video provides an orientation to our program with more detail about our tracks and sites. Some of our tracks may also developed videos to describe their services and training opportunities. Please see the links next to each track name for more in-depth introductions to our tracks. Orientation dates and interview dates are published on our website.

Application Deadline: 04 December 2021

Interview Notification: 08 December 2021

TRAINING EXPERIENCES DURING COVID-19 (DATE: 6/1/2021*)

Please notice that the UT Health San Antonio Clinical Psychology Interns have had no difficulties maintaining their training or accruing training hours during the pandemic. All previous interns have graduated on-time with a modified training schedule to ensure the safety of our interns, faculty, staff, and patients.

UT Health San Antonio Clinical Psychology Interns are considered “**essential personnel**”.

Safety Precautions:

Based on guidance from the CDC and the State of Texas, the University of Texas has recently step down safety precautions for COVID-19. Masks are encouraged but not required for vaccinated individuals in non-clinical spaces. However, masks are still required in UT Health clinics. Temperature checks are not required to enter the UT Health main campus; however, some clinics may still require temperature checks of patients and providers upon entry. Group meetings are now permitted in learning and social spaces; however, groups are encouraged to maintain 3 ft spacing between individuals. Waiting rooms, patient rooms, and provider offices have been configured to maintain social distancing and are being sanitized frequently. Interns who have not been vaccinated will be offered vaccinations through UT Health San Antonio. Interns are encouraged to discuss any pandemic-related concerns with their supervisors and/or Training Directors.

Clinical Rotation Sites:

During the height of the COVID-19 pandemic, our training sites made informed adjustments to the delivery of psychological services to maximize the safety of their trainees, staff, and patients. While these adjustments varied by site, all sites adopted precautions to minimize the transmission of COVID-19 in the workplace. With the increased availability of COVID-19 vaccinations, our training sites have resumed in-person services. Each of the sites, along with the Training

Committee, will continue to monitor the pandemic throughout the training year and will make training-related decisions that are responsive to CDC, state, and university guidelines concerning the pandemic.

PRIOR DOCTORAL EXPERIENCE

Our internship accepts students from APA- or CPA-accredited doctoral programs (PhD or PsyD) in clinical, counseling, and school psychology. Applications from non-accredited programs will not be accepted. Applicants must have three years of graduate training, have passed their comprehensive exams, and have an approved dissertation proposal.

FINANCIAL AND OTHER BENEFIT SUPPORT

This 12-month, full-time internship pays an annual salary of \$27,500. Paychecks will be issued by the University of Texas Health San Antonio at the beginning of each month starting in August. UT Health San Antonio also provides employees access to individual medical insurance at no cost. Medical insurance coverage of dependents, legally married partners, or domestic partners with declaration of informal marriage documentation may be purchased by the intern. Interns, who are student affiliates of the American Psychological Association, also receive paid malpractice insurance during their year of employment. Additional benefits provided by the program includes \$500 support for professional development (e.g., attending psychology conference) and \$100 for professional books and/or treatment manuals. Program-provided benefits (i.e., professional development and library funds) are dependent on the availability of departmental funding and is not guaranteed. Professional development activities and professional books must be pre-approved by the training directors for interns to receive reimbursement.

REQUIREMENTS FOR SUCCESSFUL INTERNSHIP PERFORMANCE

The goal of the internship training program is to prepare interns for the next step in the licensure process and to function as an entry level professional by providing a breadth of knowledge and training experiences through a generalist training program. To evaluate whether an intern is ready to function as an entry level professional, the following Internship Competencies will be assessed: Research, Assessment, Psychological Intervention, Consultation, Professionalism, Individual and Cultural Diversity, Ethical and Legal Standards, Supervision, and Communication and Interpersonal Skills. Competencies may be evaluated in one or more of the following ways: formal demonstration of skill or knowledge; direct observation of daily work; video/audio tape review; case conferences; assessment reports; case studies; process notes; case notes in professional/medical record; during supervision; and, through feedback from others.

These areas of competence are evaluated formally using the Competency Assessment Form (Current Version: July 2021). Please refer to this form for a detailed description of each area of competence and a list of evaluation items. Each item is rated using an inverse 4-point scale (see below). Raters may also endorse “N/A” if the item is not applicable for the training experience or not assessed during the evaluation period.

COMPETENCY RATING DESCRIPTIONS
Needs Remedial Work. Intern requires remedial training. Serious concerns about professional, ethical, or clinical behavior have been noted.
Passing. Common rating for beginning of internship. Minimal level of performance needed to pass rotation. Common rating for beginning of new rotation. Needs frequent in-depth supervision on most cases.
Successful. Common rating throughout internship. Routine supervision of each activity is needed. Generally, exercises good clinical and professional judgment and seeks supervision when needed.
Excellent. Demonstrates Readiness Entry Level Practice as defined as: (a) the ability to independently function in a broad range of clinical and professional activities; (b) the ability to generalized skills and knowledge to new situations; and (c) the ability to self-assess when to seek additional training, supervision, or consultation
Not applicable for this training experience or Not assessed during this evaluation period.

Minimal levels of achievement for completion include the following: 1) Interns will be rated at a level of competence of “3” or lower during the first three quarterly evaluations and 2) Interns will be rated at a level of competence of “1” for at least 80% of all objectives accumulatively at the 12-month evaluation across all training experiences and site. A rating of “4” on a quarterly evaluation during the first three quarterly evaluations will result in a remediation plan. Supervisors are instructed to list specific areas of competence which must be addressed as part of a remediation plan should a rating of “4” be given. A rating of “4” on the final evaluation may result in not passing the internship year.

INTERN PERFORMANCE EVALUATION

Each clinical assignment (e.g., primary rotation site, Advance Clinic, year-long group) will have a designated faculty supervisor. It is the responsibility of the supervisor of each activity to provide ongoing supervision and evaluative feedback to the intern assigned to him/her. In order to help improve the accuracy of the evaluative feedback, supervisors for the major site rotations and the year-long training activities provide direct observation or conduct a video/audio review of the intern’s clinical work each evaluation quarter. Interns are expected to meet with their supervisors early in the evaluation period to develop a plan to ensure that direct observation/audio/video review occurs quarterly.

In addition to ongoing, informal feedback, the supervisor completes a formal, written evaluation of the intern’s clinical work each quarter. The supervisor is expected to meet with the intern to review their evaluation. The format of this meeting rests with the supervisor but should include an open discussion of the ratings with the intern and corrective feedback where applicable. Evaluations by interns and faculty should stress proposed corrective action. These evaluations should be written, discussed, with a copy given to the intern. Both intern and supervisor will make comments about the evaluation feedback session and sign the evaluation form. A copy will also be placed on file with the training directors. The intern will also provide his/her mentor the evaluation and feedback that he/she has received from each of his/her supervisor.

Informal evaluations of the interns will be presented to the training committee during monthly meetings. Formal evaluations of the intern will be presented to the training committee quarterly. Evaluative feedback of the intern’s progress will be shared with his/her doctoral program after

his/her six-month evaluation and at the end of the internship year

INTERN FEEDBACK

Interns will be asked to evaluate Tuesday morning seminars throughout the year. Interns will also evaluate each supervisor, mentor, and rotation at the conclusion of the training experience. These evaluations will be turned into Sandy Collazo, the program administrator, who will place the evaluations in a sealed envelope. Program evaluations will not be examined by the faculty until after the internship year has ended.

REMEDICATION, RETENTION AND TERMINATION DECISIONS

Clinical supervisors routinely observe their interns' clinical skills and professional behaviors through direct observations, review of clinical documentation, and during supervision and/or professional meetings. These observations are used to provide interns with regular verbal feedback about their progress as well as formal written feedback every three months. As such, an intern's problematic behavior and/or failure to make progress will most likely be identified by a clinical supervisor and/or the training directors. While the clinical progress and professional behaviors of each intern is discussed during monthly training meetings, concerns about an intern can be communicated between monthly Training Committee Meetings through email and/or telephone calls between the clinical supervisor(s) and the training directors. When needed, the training directors will schedule meetings with relevant supervisor(s) and mentor to discuss the training needs of an individual intern.

Concerns regarding an intern's progress or behavior (i.e., failure to meet minimal levels of competence on the quarterly evaluations, professional issues, or ethical violations) will be discussed by the Training Committee during monthly training committee meetings. Concerns judged by the Training Committee to be significant and in need of remedial action will be managed in the following manner:

1. (a) When a concern is judged by the Training Committee to be significant enough to warrant corrective action by the intern, the Training Directors and/or supervisor/mentor will meet with the intern to explain the concern and to develop a plan for informal remediation. This plan will provide corrective action as well as a timeline for remediation. The Training Directors may reach out to the home graduate school to gather more information regarding the intern's progress and behaviors while in previous training environments.
 - (b) If the concern cannot be resolved by this means, then the Training Directors of the Psychology Internship Training Program with the supervisor and/or mentor will meet with the intern for further counseling. The intern will receive a written explanation of the concern and a written plan for remediation. A copy of this document will be sent to the home graduate school. The Training Director will instruct the mentor to monitor the intern's corrective action and will warn the intern that he/she will be placed on formal probation should sufficient corrective action not occur.
2. (a) If the concern persists, the Training Committee will meet to consider formal probation. Before that meeting, the Training Director will have sent the home graduate school a copy of the written explanation of the concern and the plan for remedial action. Additionally, the Training Director will receive input from the home graduate school and will present this input

to the Training Committee as part of the deliberation. The intern will be asked to attend the Training Committee meeting to present his/her arguments against probation. Probation will be decided by a simple majority vote of the Training Committee. Failure of the intern to successfully remediate the concern while on probation may result in the failure to successfully complete the Psychology Internship Program or the termination of the intern from the Psychology Internship Program.

(b) Failure of the intern to successfully complete the program will be determined by simple majority vote of the Training Committee. Prior to this meeting, the Training Director will have already provided the home graduate school with a written copy of the concern and remedial steps (done during the probation phase). As an additional step, the Training Director will inform the home graduate school of the possible action by the Training Committee and will seek further input from the home graduate school. The input will be introduced into the deliberation by the Training Director. As in the case of probation, the Intern will be asked to attend the Training Committee meeting in order to present arguments against failure to complete the program. The Training Director will inform the home graduate school regarding the final decision. The intern may appeal the decision as outlined in the Appeal Process.

3. In the event that the concern is judged by the Training Committee to be as highly significant as to merit an immediate termination hearing, all the steps leading to probation will be omitted. In such a case, the Training Director will communicate the concern to the home graduate school in writing and will seek their input. Termination will be decided by a simple majority vote of the Training Committee. The intern will be asked to attend the Training Committee meeting to present arguments against termination. The intern may appeal the decision as outlined in the Appeal Process.

It is anticipated that a move for direct termination without probation will be an extremely rare event. It is anticipated that such action would occur only as a consequence of the intern's serious ethical or professional misconduct.

THE APPEAL PROCESS: Should the Training Committee recommend failure of the training program or termination from the program; the intern may invoke the right of appeal. As is consistent with policy of all departments of The University of Texas Health San Antonio, the appeal will be made to a departmental body. This Committee will be formed and chaired by the Chairman of the Department of Psychiatry and Behavioral Sciences and include other members of the Department. In the event of an appeal hearing, the Chairman will appoint members to this Committee. Committee members and additional appointees will be members of the staff who are not involved in the Training Committee and who have not been directly involved with the issues of the case. The decision to recommend failure of the training program or to recommend termination from the program will be decided by simple majority vote.

The Training Director of the Internship Training Program will be on hand to present the position of the Training Committee, and the intern, together with any counsel he or she may choose, shall present the appeal. The Training Committee will abide by the judgment of the appeal panel. In the event that the appeal panel recommends continuation of the intern's training program, the Training Director and the intern's mentor will negotiate an acceptable training plan for the balance of the training year. If the decision is for failure of the year or for immediate termination, the Training Director of the program will execute whatever details may be necessary. The Training Director of the Psychology Internship will communicate results of the appeal to the home graduate school.

PROGRESSIVE DISCIPLINARY ACTION (HOP 4.9.3)

Policy

A. It is the policy of UT Health San Antonio to encourage fair, efficient, and equitable solutions for matters arising out of the employment relationship and to meet the requirements of state and federal law.

B. This policy is applicable to the conduct and/or job performance of an employee that results in a decision to impose a disciplinary penalty.

C. Disciplinary action is to be considered as primarily corrective; thus, dismissal will generally be resorted to only after corrective or rehabilitative methods have failed, unless the offense in itself is sufficiently serious to warrant dismissal in accordance with the policies and procedures described in this policy and Section 4.9.4, "Procedures for Dismissal of Employees", in the Handbook of Operating Procedures (HOP).

Applicability

A. This policy applies to all staff employees of UT Health San Antonio with the exception of the following:

1. Employees who are commissioned University Police Officers who are subject to other approved discipline procedures.
2. Employees who are appointed to positions without fixed terms and under applicable rule or regulation serve at the pleasure of a specific administrative officer.
3. Employees who are appointed for a period less than 180 days.
4. Employees who are appointed at a per diem or hourly rate and work on an as needed basis.

Documentation

A. Supervisors should keep a written record of the performance and conduct of each employee who they supervise directly. Such documentation is necessary to prepare an accurate performance evaluation and to serve as a justification for undertaking disciplinary action. Documentation is defined as maintaining a written record of the job performance and conduct of an employee. Documentation should include the date of an occurrence, the employee's name, a narrative description of the action that is being recorded, and any other relevant material. Personal and unrelated comments should not be included in such documentation. UT Health San Antonio employees have the right to examine such documentation when it is being used as a basis for disciplinary action.

Required Standards of Conduct

A. Employees are expected to understand the performance expectations for his/her particular job.

B. Employees are expected to comply with all rules, procedures, and standards of conduct established by the Board of Regents of The University of Texas System, UT Health San Antonio, and the employee's department or unit.

C. Employees who do not meet performance expectation or comply with rules, procedures, and

standards of conduct may be subject to disciplinary action up to and including termination.

Conduct Subject to Disciplinary Action

A. Employees are expected to maintain standards of conduct suitable and acceptable to the work environment. Disciplinary action, including dismissal, may be imposed for unacceptable conduct. Examples of unacceptable conduct include, but are not limited to:

1. Failing to meet work performance expectations.
2. Falsifying time sheets, personnel records including job application, or other institutional records including falsification of military records.
3. Neglecting duties or wasting time during working hours.
4. Gambling/ participating in lotteries or any other games of chance on the premises at any time.
5. Soliciting, collecting money, or circulating petitions on the premises other than within the rules and regulations of UT Health San Antonio.
6. Bringing intoxicants or drugs onto the premises of UT Health San Antonio, using intoxicants or drugs, having intoxicants or drugs in one's possession, or being under the influence of intoxicants or drugs on the premises at any time.
7. Abusing or wasting tools, equipment, fixtures, property, supplies, or goods of UT Health San Antonio.
8. Creating or contributing to unhealthy or unsanitary conditions.
9. Violating safety rules or accepted safety practices.
10. Failing to cooperate with the supervisor or a co-worker, impairment of function of work unit, or disruptive conduct.
11. Exhibiting disorderly conduct, harassing employees (including sexual harassment), or using of abusive language on the premises.
12. Fighting, encouraging a fight, or threatening, attempting, or causing injury to another person on the premises.
13. Failing to meet a reasonable and objective measure of efficiency and productivity.
14. Participating in any act of theft, dishonesty, or unauthorized use of UT Health San Antonio property including records and confidential information.
15. Creating a condition hazardous to another person on the premises.
16. Destroying or defacing UT Health San Antonio property or records or the property of a student or employee.
17. Refusing to follow instructions or to perform designated work that may be required of an

employee or refusing to comply with established rules and regulations.

18. Repeated tardiness or absence, absence without proper notification to the supervisor, or without satisfactory reason or unavailability for work.

19. Violating policies, procedures or rules of UT Health San Antonio or The University of Texas System.

Progressive Disciplinary Action - Investigation

A. The employee's supervisor or other designated individual shall impartially investigate all incidents that involve the potential for disciplinary action.

B. If the circumstances warrant further investigation, after obtaining the concurrence of Human Resources, an employee may be immediately placed on administrative leave with pay pending completion of an investigation.

C. If the investigation results in evidence that establishes with reasonable certainty that the employee engaged in conduct that warrants disciplinary action, the supervisor shall follow the progressive disciplinary process described below.

Coaching

A. Coaching occurs when a supervisor meets with an employee and discusses the employee's need to improve their job performance conduct, and/or expectations.

B. Coaching is not subject to a grievance based upon the fact that it is considered a coaching session. However, all sessions should be thoroughly documented by the supervisor and maintained in the employee's departmental personnel file.

C. Documentation of coaching sessions can be used as a basis for disciplinary action if performance and/or conduct continues to be an issue.

Written Warning

A. A written warning is appropriate in instances in which an employee has failed to respond to coaching or has committed an offense or violation which is, in itself, sufficiently serious to warrant more than coaching but less than suspension without pay or dismissal.

B. Written warnings should be presented in a written document to the employee, outlining the infraction and related policy/procedure. The written warning should also include a statement that indicates any future disciplinary action may include termination/dismissal from employment.

C. A copy should be retained in the employee's personnel file held by the department.

Suspension without Pay

A. A suspension without pay is appropriate in rare instances which an employee has failed to respond to a written warning(s) or has committed an offense or violation which is, in itself, sufficiently serious to warrant more than a written warning but less than dismissal.

B. All offenses and/or violations resulting in suspension should be thoroughly documented and

investigated and discussed with the Vice President & Chief Human Resources Officer or his/her delegate.

C. Suspensions should be presented in a written document to the suspended employee. The document should outline the specific incident, conduct, or unsatisfactory work performance, the specific period of suspension, not to exceed one month, and the related rule, regulation, or policy.

D. If it is determined, upon grievance, that a suspension was not for good cause, the employee shall be reinstated to the same position and shall be entitled to payment of back wages.

E. An employee suspended without pay continues to accrue sick and vacation leave, to be covered under group insurance, and to be entitled to other employee benefit programs.

Dismissal

A. A dismissal is appropriate in instances in which an employee has committed a single grave offense or through progressive discipline. B. No supervisor should dismiss an employee prior to conforming to the required procedural steps described in Section 4.9.4, "Procedures for Dismissal of Employees", of the HOP.

PROCEDURES FOR DISMISSAL OF EMPLOYEES (HOP 4.9.4)

Policy: It is the policy of UT Health San Antonio to encourage fair, efficient, and equitable solutions for matters arising out of the employment relationship and to meet the requirements of state and federal law.

Applicability

A. This policy is applicable to the conduct or job performance of employees that results in dismissal.

B. This policy does not apply to:

1. Commissioned University Police Officers who are subject to other approved discipline or dismissal procedures.

2. Employees on suspension with pay pending investigation of allegations.

3. Employees with fixed term appointments for a stated period of one year or less that expires at the end of such period without the necessity of notice of nonrenewal as provided in the Regents' Rules and Regulations or the rules and regulations of UT Health San Antonio.

4. Employees who are appointed to positions without fixed terms and, under applicable rule or regulation, serve at the pleasure of a specific administrative officer.

5. Employees who occupy positions that are dependent upon funding from a specific source and such funding is not received.

6. Employees dismissed as a result of reorganization.

7. Employees dismissed because of financial exigency.

8. Employees dismissed during the 180-day probationary period.

9. Employees appointed for a stated period that is less than 180 days.

10. Employees appointed at a per diem or hourly rate and work on an as needed basis.

Dismissal

A. All dismissals must be reviewed by the Vice President & Chief Human Resources Officer or his/her delegate, and the department head prior to employee notification.

Intent to Term

A. The supervisor shall inform the employee of the basis for any planned disciplinary action resulting in dismissal and allow the employee the opportunity to respond before a final decision is made. The notification serves as an opportunity for the employee to present additional information to their supervisor for consideration.

B. Before reaching a final decision to dismiss the employee:

1. The supervisor shall inform the employee in writing, of the factual basis for the planned dismissal.

2. The employee may request access to information the supervisor used to make their decision.

3. The employee shall have an opportunity to respond in writing to the supervisor about the planned dismissal within two business days. The employee has the opportunity to provide additional information stating why the facts for which the planned dismissal action is unwarranted.

C. If upon review of the employee's response, the decision to dismiss still stands, the supervisor, after confirming with Human Resources, may proceed with dismissal.

Appeals:

A. Dismissal may be appealed by the affected employee pursuant to the process set out below. The time limits set forth in the appeal procedure must be complied with by both the employee and the appropriate supervisory and administrative leaders unless extended for good cause by the Vice President & Chief Human Resources Officer. Failure by the employee to process the appeal in a timely manner to the next level constitutes a withdrawal of the appeal. Failure of the supervisor or administrative leader to make a timely response to an appeal shall constitute authorization for the employee to appeal to the next step. The employee's appeal shall contain:

1. A clear and concise statement of why the dismissal disciplinary action is inappropriate;

2. The reason(s) the employee believes the dismissal action decision should be changed;

3. The name(s) of any witnesses that may have information relevant to the employee's dismissal action;

4. The specific remedy sought by the employee;

5. Any additional relevant information to be considered in support of the employee's written appeal; and, the name and contact information of the employee's representative, if any.

B.

Procedural Step	Appeal Timeframe for Employee	Response Timeframe for Leadership
Step One: Next Level Up of Leadership (example: Manager)	Five (5) working days from date of disciplinary action to initiate a written appeal	Ten (10) working days from date of receipt of appeal to respond in writing
Step Two: Next Level up of Leadership (example: Director/Chair)	Five (5) working days from date of Step One response	Fifteen (15) working days from date of receipt of Step Two appeal
Step Three* Next Level up of Leadership (example: VP/Dean)	Five (5) working days from date of Step Two response	Thirty (30) working days from date of receipt of Step Three appeal

*The highest level of review for appeal is the respective Executive Committee Member.

C. Copies of all documents pertaining to the dismissal actions shall be filed in the employee's departmental personnel file.

GRIEVANCE PROCEDURES

The information below outlines the Internship's Grievance Procedures. This procedure works in conjunction with the University's Grievance Policy and Procedures (HOP Policy 4.9.5).

CLINICAL PSYCHOLOGY INTERNSHIP GRIEVANCE PROCEDURES

Grievance Format: An intern grievance should consist of two elements. 1. Grievances should contain a clear and concise statement that explains the specific complaint. 2. Grievances should also contain the intern's recommendation for attaining a sufficient remedy of the complaint.

No intern will be penalized, disciplined, or prejudiced for exercising the right to file a grievance. Grievances regarding training issues are handled informally and formally through the following procedures:

1. The intern is encouraged to discuss any grievances with the individuals involved (be it supervisor, mentor/preceptor, training directors, or fellow intern) to work toward a solution. An intern is encouraged to reach out to their mentor/preceptor (if the grievance is not related to the mentor/preceptor) who can help to initiate an informal discussion with both parties to work toward a solution. If the grievance involves the mentor/preceptor, the intern is encouraged to reach out to the training directors.
2. If this informal route does not remedy the grievance, the intern and/or mentor/preceptor inform the training directors of lack of success toward working out an informal solution to the grievance. The training directors will initiate an informal discussion with the individuals and work toward a resolution.
3. If the informal procedures do not remedy the grievance, the training directors will contact the UT Health San Antonio Psychiatry Residency Training Director (Dr. Jason Schillerstrom) and inform him of the grievance. The Psychiatry Training Director is an unbiased member of

the Psychiatry's Department Education Leadership Committee while having sufficient knowledge of the program's training requirements.

4. The Psychiatry Training Director will meet with the intern to discuss the grievance as well as to discuss failed informal attempts to resolve the grievance. The intern will present the Psychiatry Training Director with a written description of the grievance along with details regarding failed attempts to resolve the grievance. The Psychiatry Training Director will reach out to the individuals involved in the grievance to resolve the matter. The Psychology Training Directors will be present during these meetings.
5. Complaints not satisfactorily resolved by the Psychiatry Training Director may be appealed in writing to the Psychiatry Department Chair (Dr. Steven Pliszka). This written appeal will state why the appealed decision is not correct. The Psychiatry Department Chair will prepare a decision for the intern. This decision is final.
6. The written grievance and all decisions or responses regarding a complaint shall be filed by the Training Directors for use as part of accreditation by the APA and therefore the Training Directors should be cc'ed on all correspondence regarding any grievances.

*Any grievances regarding sexual harassment or other equity/discrimination matters should be reported to your Preceptor/Mentor, Training Directors and the Office of Human Services Equal Employment Opportunity/Affirmative Action as stated in the Student Handbook.

Interns may also contact Dr. Bonnie Blankmeyer (Blankmeyer@uthscsa.edu; 210-567-2691) as part of her role as the Executive Director of the Academic, Faculty, and Student Ombudsperson and ADA Compliance Office for additional support.

Please see <https://students.uthscsa.edu/studentlife/2016/11/student-ombudsperson/> for more information regarding assistance the Ombudsperson can provide.

GRIEVANCE POLICY AND PROCEDURES (UTHSCSA HOP 4.9.5)

Policy: It is the policy of the Health Science Center to encourage fair, efficient, and equitable solutions for problems arising out of the employment relationship and to meet the requirements of state and federal law.

Applicability: The complaint of all employees including faculty, probationary employees, temporary employees, and those hourly or per diem employees who work on an as needed basis will be considered pursuant to the procedure provided below.

Scope: Complaints concerning wages, hours of work, working conditions, performance evaluations, merit raises, job assignments, reprimands, the interpretation or application of a rule, regulation, or policy, or allegations that the termination of a probationary or temporary employee or an hourly or per diem employee who works on an as needed basis was for an unlawfully discriminatory reason shall not be processed through discipline and dismissal policy and procedures. Such complaints will be considered on an informal basis in order to allow prompt correction or explanation of the subject of the complaint. All discrimination issues are covered under Section 4.2.1, "Nondiscrimination Policy and Complaint Procedure", of the Handbook of Operating Procedures (HOP).

Retaliation Prohibited: No employee will be penalized, disciplined, or prejudiced for exercising

the right to make a complaint or for aiding another employee in the presentation of that complaint.

Procedures for Bringing a Grievance

1. The employee shall informally present the complaint to his/her supervisor for discussion, consideration, and resolution within five (5) working days from the date of the action which is the subject of the complaint. If the supervisor is the subject of the complaint, the employee may address the complaint to the appropriate department Chair or Director.
2. If the complaint is not satisfactorily resolved by the supervisor within five (5) working days, the employee may present the complaint in writing within five (5) working days to the department Chair or Director for consideration and action. A written decision will be mailed to the employee within ten (10) working days of receipt of the complaint.
3. Complaints not satisfactorily resolved by the department Chair or Director may be appealed in writing to the appropriate Vice President or Dean for the employee's department with a copy to the President, within five (5) working days of the date of the appealed decision. The appeal shall state why the appealed decision is not correct. Within a reasonable time, not to exceed thirty (30) days following receipt of the appeal, the Vice President or Dean, with the concurrence of the President, shall prepare and mail a written decision to the employee. This decision is final.
4. The written grievance and all decisions or responses regarding such complaint shall be a part of the personnel file of the employee. Therefore, the Vice President for Human Resources shall be copied on all grievance actions by the employee and the department on a timely basis.

Grievance Format Defined: An employee grievance shall consist of two elements. Grievances shall contain a clear and concise statement that explains the specific complaint. Grievances shall also contain the employee's recommendation for attaining a sufficient remedy of the complaint.

Summary of Grievances Steps

<u>PROCEDURAL STEPS</u>	<u>GRIEVANCE TIMEFRAMES</u>	<u>RESPONSE TIME FRAMES</u>
STEP ONE		
Immediate Supervisor (informal, unwritten basis)	Five (5) working days to verbally initiate a grievance	Five (5) working days to verbally respond
STEP TWO		
Department Chair/Director (formal, written basis)	Five (5) working days to appeal the response in writing	Ten (10) working days to respond to the appeal in writing
STEP THREE		
Dean/Vice President (formal, written basis)	Five (5) working days to appeal the response in writing with copy to the President	Thirty days to make a final response to appeal in writing with the concurrence of the President

SUPERVISION REQUIREMENTS/EVALUATION

Each intern is required to receive a minimum of 4 hours of supervision per week. At least two of these hours will consist of individual supervision by a licensed psychologist. Interns are required to complete a weekly supervision log. The training directors monitor supervision hours weekly. It is the responsibility of the intern to talk to their site supervisors if they are not receiving the required weekly supervision hours. If the intern is not able to rectify the shortage of supervision hours with their site supervisor directly, the training directors will meet with intern and site supervisor to ensure that appropriate supervision is being provided.

PRECEPTOR/MENTOR. Additionally, each intern is assigned a mentor to provide continuity, clarification, and coordination of the trainees' experience. The mentor chosen, when possible, has additional supervisory responsibilities for the intern. Except under extraordinary situations, faculty with less than one year's experience in the program will not serve as mentors. The mentor will schedule time to meet with the intern. In the beginning of the year, meetings may happen weekly but can decrease in frequency as the year progresses. Quarterly, the mentor will lead a faculty discussion of his/her mentee and obtain a consensus of the faculty's views during the internship training committee meeting. The Internship Director or Associate Director will write the home graduate school regarding evaluation after the mid-year and end-of-year evaluation. The Internship Director or Associate Director, with input from the mentor, will write a final evaluation at the end of the internship year reflecting a consensus of the faculty's views. This final evaluation is discussed with the intern and will be sent to the intern's graduate school. Should an intern and/or mentor (or supervisor) feel that their working relationship is unproductive, they should discuss this with the training directors. The directors will attempt to facilitate the relationship between mentee and the mentor (or supervisor). If this is unsuccessful, a change in intern/mentor (or supervisor) assignment can be made.

TELESUPERVISION

Rationale: Due to the COVID-19 Pandemic, telesupervision was expanded in order to protect the safety of both our interns and faculty while also meeting our training goals and curriculum. Post-pandemic, video supervision will continue to be utilized in the circumstance where the supervisor is located at a UT Health San Antonio satellite location. With a large internship, allowing supervisors from UT Health San Antonio satellite locations to supervise our interns helps ensure that the internship can provide more than the requisite 4 hours of supervision per week to our interns. Additionally, the use of telesupervision allows our interns to interact with diverse supervisors across the UT System and increases the likelihood that our interns can receive supervision in Spanish. Finally, telesupervision allows interns and supervisors to navigate relational and technological issues that can arise with the use of telehealth platforms. This is particularly relevant due to the increase in telehealth services offered at UT Health San Antonio as a result of COVID.

Consistent with Training Model: This policy remains in line with our current program aims and training outcomes by providing intensive supervision to our interns even if that cannot occur in person (particularly due to COVID). Telesupervision also meets the aims of our program by allowing our interns to interact with diverse faculty across the UT System that they would not be

able to interact with if telesupervision was not an option.

How Utilized: When employed, video supervision is utilized for one hour of individual supervision within the Advance Clinic (minor rotation). Telesupervision will not account for more than one hour of the minimum required two weekly hours of individual supervision and two hours of the minimum required four hours of total weekly hours of supervision. Our interns generally receive at least five hours of weekly supervision (3 individual/2 group) so telesupervision is being used in accordance with the SoA's guidelines and limits on telesupervision.

Which Trainees: Telesupervision is allowed for all trainees. Normally, this type of supervision only occurs occasionally within the Advance Clinic. However, due to COVID-19, this type of supervision has been utilized more frequently, and it is anticipated that this will continue to be the case over the course of the pandemic and post-pandemic. This is particularly true for training sites that have incorporated more telehealth options for treating patients due to COVID-19 or have space issues that makes it difficult to follow CDC guidelines regarding social distancing.

Establishing Relationships: To promote the establishment of a positive relationship at the onset of the supervisory experience, long-distance supervisors are invited to the Psychology Internship Orientation to meet with their supervisees in-person (while social distancing). The supervisors also meet in-person with the intern throughout the year when they travel to the UT Health San Antonio main campus. Additionally, all supervisors are encouraged to contact their supervisees through e-mail prior to the internship year beginning to develop a relationship.

Professional Responsibility: Because long-distance supervisors are UT Health San Antonio faculty, they have access to the electronic medical record (EPIC) that is used in the Advance Clinic. Long-distance supervisors sign off on all patient contacts ensuring professional responsibility for the clinical cases.

Non-Scheduled Consultation/Crisis Coverage: An intern is encouraged to call or email his/her supervisor in times of needed non-scheduled (non-emergency) consultation. The supervisor will reach out to the intern to schedule a time to discuss the case over and above regularly scheduled supervision. In cases of emergency, the Advance Clinic's Director (David Hunter) is contacted. This is the policy for all Advance Clinic patients regardless of who is supervising the case. Dr. McGearry and Dr. Blount are also on site while the interns are seeing Advance Clinic patients so they are also able to consult and provide crisis coverage in emergency situations.

Privacy/Confidentiality: Interns are provided a private office to contact their supervisor within the Advance Clinic. Interns and faculty are also able to do this within the privacy of their own homes. Interns and faculty also utilize a HIPAA compliant Zoom line for supervision calls.

Technology & Quality Requirements: The UT Health San Antonio Clinical Psychology Internship Program is utilizing a HIPAA compliant Zoom line for telesupervision. Zoom is very intuitive; however, if faculty or interns need training on how to use Zoom, the Training Directors will meet with the intern or faculty individually to train on the use of the platform.

MAINTENANCE OF RECORDS

The program maintains a permanent record of interns' training experiences during their internship year. The contents of these records include but is not limited to the following items: the intern's AAPI, the internship contract/welcome letter, quarterly evaluations, formal communication with the intern's doctoral program, remediation plans (as needed), and certificate of completion. The content of these records is considered confidential and are securely maintained. Access to these records is limited to internship leadership. However, individual records may be reviewed by the training committee, university leadership, or representatives of the internship's accrediting body (i.e., APA COA).

Interns are strongly encouraged to maintain a record of their own, including keeping a copy of their Certificate of Completion for future use (e.g., licensure, credentialing). However, interns may request copies of the documents maintained in their permanent record through written request to the training directors. Requested documentation will be provided within two weeks of a written request.

NON-DISCRIMINATION POLICIES

The program follows strict non-discrimination policies and operating conditions and avoids any actions that would restrict program access or completion on grounds that are irrelevant to success in graduate training or the profession. More specifically, the program adheres to our Diversity Policy and the UT Health San Antonio's Nondiscrimination Policy and Complaint Procedures (HOP 4.2.1), which are outlined below.

CLINICAL PSYCHOLOGY INTERNSHIP DIVERSITY POLICY

The enrichment of our educational program through diversity embodies more than attracting and retaining faculty, staff and interns of differing ethnicity and race. Diversity includes culture, country of origin, sexual orientation, gender expression, gender identity, age, disability, educational setting, geographic location and language.

Goal: In order to optimize the richness of diversity, every individual in the program at every level is accountable. Our goal is to provide the framework for developing an institutional culture that embraces diversity, encourages respect of all individuals and fosters an appreciation of individual differences.

Recruitment and Retention: Recruitment and retention of diverse staff and interns is conducted within "The Search Guidelines to Enhance Diversity" of the Texas Higher Education Coordinating Board. The Director of the equal Employment Opportunity and Affirmation Action Office for the University is a faculty member in the Department of Psychiatry and Behavioral Sciences and a member of the Psychology Training Committee.

Program Implementation: We encourage our faculty and staff to provide a thoughtful, coherent, integrated program in order to offer our interns relevant knowledge and experience to enable them

to function in any setting in which they may find themselves. We take positive steps to ensure exposure to cultural and individual diversity as it relates to the practice of psychology within the context of the entire internship year.

Our program evaluates the contribution of cultural and individual diversity in the following areas: research, assessment, psychological intervention, consultation, professionalism, individual and cultural diversity, ethical and legal standards, supervision, and communication/interpersonal skills.

Research: Interns consider cultural and diversity factors when consuming or producing research and when considering the empirical basis for treatment and assessments.

Assessment Skills: The assessment procedures chosen should provide data that makes it possible to answer the referral questions that are appropriate for the client/patient (gender, ethnic background, etc.). Interns should be able to apply knowledge of psychopathology and client strengths to the assessment process with sensitivity to its content (including familial, social, and cultural factors). Interpretations and conclusions should take into account an individual's unique characteristics (gender, ethnic background, etc.) as well as the external situation.

Psychological Intervention: Interns should be able to identify and implement the most suitable psychological interventions for clients based upon current literature, assessment findings, diversity characteristics, contextual variables, and specific to service delivery goals.

Consultation: Interns should be able to consider relevant cultural factors during the consultation process.

Professionalism: Interns should interact with staff, supervisors, treatment teams, professionals, and peers in a culturally sensitive manner.

Individual and Cultural Diversity: Intern demonstrates sensitivity to the individual and cultural diversity (including, but is not limited to, age, race, disability, ethnicity, gender expression, gender identity, language, national origin, religion, culture, sexual orientation, and SES) of clients as well as an awareness of their own cultural and ethnic background during therapy.

Ethical and Legal Standards: Interns will take into account relevant individual and cultural factors when applying ethical and legal standards to include APA Ethical Principles, state law and when assessing and managing high risk client situations.

Supervision: Interns should consider relevant cultural factors when supervising psychology trainees or other health professionals, provided supervision vignettes, or while role-playing.

Communication and Interpersonal Skills: Interns will be able to develop and maintain effective relationships with a wide range of diverse individuals including colleagues, organizations, supervisors, supervisees, and clients while respecting individual and cultural differences.

Interns have the opportunity to function in diverse settings with a variety of faculty and staff. In addition, there is a series of up to 10 seminars provided by a diverse group of knowledgeable experts in the community.

The internship training program is designed to ensure that individual and cultural differences are

taken into account in an integrated fashion and is ever evolving as a work in progress.

NONDISCRIMINATION POLICY & COMPLAINT PROCEDURE (UTHSCSA HOP 4.2.1)

Policy: It is the policy of UT Health San Antonio to provide an educational and working environment that provides equal opportunity to all members of the University community. In accordance with federal and state law, the University prohibits unlawful discrimination on the basis of race, color, religion, sex, national origin, age, disability, citizenship, genetic information, and veteran status. To the extent permitted by law, discrimination on the basis of sexual orientation is also prohibited pursuant to University policy.

Scope of Policy: This policy applies to all University administrators, faculty, staff, students/residents, fellows, post-docs, visitors and applicants for employment or admission. This policy is the principal prohibition of all forms of discrimination on campus, except as follows:

- The University’s controlling policy and procedures relating to sexual harassment and sexual misconduct can be found in the Handbook of Operating Procedures (HOP), Section 4.2.2, and “Title IX Sexual Harassment/Sexual Misconduct Policy.”
- Complaints concerning wages, hours of work, working conditions, performance evaluations, merit raises, job assignments, reprimands, and the interpretation or application of a rule, regulation or policy are governed by the HOP, Section 4.9.5, “Grievance Policy and Procedures”.

Definitions:

DISCRIMINATION: Including harassment, is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education on account of race, color, religion, sex, national origin, age, disability, citizenship, genetic information, veteran status, or sexual orientation.

HARASSMENT: As a form of discrimination, is defined as verbal or physical conduct that is directed at an individual or group because of race, color, religion, sex, national origin, age, disability, citizenship, genetic information, veteran status, or sexual orientation when such conduct is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of interfering with an individual's or group's academic or work performance; or, of creating a hostile academic or work environment. Constitutionally protected expression cannot be considered harassment under the policy.

Resolution Options: A person who believes that he or she has been subjected to discrimination or harassment in violation of this policy and seeks to take action may use either the informal resolution process or the formal complaint process, or both. The informal resolution and formal complaint resolution process described in this policy are not mutually exclusive and neither is required as a pre-condition for choosing the other; however, they cannot both be used at the same time.

Informal Resolution Process: This process may be used as a prelude to filing a formal complaint or as an alternative. It is not necessary that this option be used. Anyone who

believes that he or she has been subject to discrimination may immediately file a formal complaint as described below under “Complaint Procedures”. Informal resolution may be an appropriate choice when the conduct involved is not of a serious or repetitive nature, and disciplinary action is not required to remedy the situation. No formal investigation is involved in the informal resolution process.

1. Reporting: Faculty, residents, students, fellows and non-employee post-docs wishing to use the informal resolution process should contact the appropriate Associate Dean for Student Affairs or the Associate Dean for Graduate Medical Education or the Office of the Vice President for Academic, Faculty and Student Affairs. All other individuals wishing to utilize the informal resolution process should contact the Office of Human Resources.

Informal Assistance: The individual is provided assistance in attempting to resolve possible discrimination if the individual does not wish to file a formal complaint. Such assistance includes strategies for the individual to effectively inform the offending party that his or her behavior is offensive and should cease. Action should be taken by an appropriate University official to stop the offensive conduct, modify the situation in which the offensive conduct occurred, or begin mediation between the parties. However, the University may take more formal action to ensure an environment free of discrimination.

2. Timeframe: Informal resolutions will be completed within a reasonable amount of time from receipt of a request for informal resolution.

3. Confidentiality and Documentation: The University will document informal resolutions for faculty, residents, students, fellows and non-employee post-docs by the appropriate Associate Dean for Student Affairs or the Associate Dean for Graduate Medical Education or the Office of the Vice President for Academic, Faculty and Student Affairs who will retain the official documentation. For all other informal resolutions, the Office of Human Resources will retain the official documentation. The University will endeavor to maintain confidentiality to the extent permitted by law. The University will attempt to find the right balance between the individual's desire for privacy and confidentiality with the responsibility of the University to provide an environment free of discrimination prohibited by law.

Complaint Procedures: Complaints that allege unlawful sexual harassment and sexual misconduct required under Title IX of the Education Amendments of 1972 are directed to follow the processes described in the HOP, Section 4.2.2 “Title IX Sexual Harassment/Sexual Misconduct Policy.”

Complaint procedures pursuant to this policy apply to complaints and grievances alleging unlawful discrimination on the basis of race, color, religion, sex, national origin, age, disability, citizenship, genetic information, and veteran status. As used herein, “complaint” is synonymous with “grievance.”

Reporting

1. UT Health San Antonio encourages any person who believes that he or she has been subjected to discrimination to immediately report the incident to his or her appropriate supervisor, to the appropriate supervisor of the accused faculty member or employee, to the

Office of Human Resources, or when faculty, residents, students, fellows and non-employee post-docs are the accused individuals, to the appropriate Associate Dean for Student Affairs or the Associate Dean for Graduate Medical Education or the Office of the Vice President for Academic, Faculty and Student Affairs. The complainant will be advised of the procedures for filing a formal complaint of discrimination. When a supervisor or Associate Dean of Students or Associate Dean for Graduate Medical Education receives a complaint, he or she will immediately notify the Office of the Vice President for Academic, Faculty and Student Affairs, and/or the Office of Human Resources, as appropriate.

2. Complaints should be filed as soon as possible after the conduct giving rise to the complaint, but no later than thirty (30) working days after the event occurred. In the case of a currently enrolled student, if the last day for filing a complaint falls prior to the end of the academic semester in which the alleged violation occurred, then the complaint may be filed within thirty (30) working days after the end of that semester.

3. In order to initiate the investigation process, the complainant should submit a signed, written statement setting out the details of the conduct that is the subject of the complaint, including the complainant's name, signature, and contact information; the name of the person directly responsible for the alleged violation; a detailed description of the conduct or event that is the basis of the alleged violation; the date(s) and location(s) of the occurrence(s); the names of any witnesses to the occurrence(s); the resolution sought; and, any documents or information that is relevant to the complaint. While an investigation may begin on the basis of an oral complaint, the complainant is strongly encouraged to file a written complaint.

Complaint Investigation: The Associate Dean for Student Affairs or Associate Dean for Graduate Medical Education and/or the Office of the Vice President for Academic, Faculty and Student Affairs, as appropriate, is responsible for:

1. Investigating formal complaints for faculty, residents, students, fellows and non-employee post-docs, while the Office of Human Resources is responsible for all other non-faculty/non-student complaints. If the complaint is not in writing, the investigator should prepare a statement of what he or she understands the complaint to be and seek to obtain verification of the complaint from the complainant.

2. Within ten (10) working days of receipt of a complaint, the Associate Dean for Student Affairs or the Associate Dean for Graduate Medical Education or the Office of the Vice President for Academic, Faculty and Student Affairs, and/or the Office of Human Resources as appropriate, will authorize an investigation of the complaint.

3. As part of the investigation process, the accused individual shall be provided with a copy of the allegations and be given the opportunity to respond verbally and/or in writing within a reasonable time frame.

4. The complainant and the accused individual may present any document or information that is believed to be relevant to the complaint.

5. Any persons thought to have information relevant to the complaint shall be interviewed and such interviews shall be appropriately documented.

6. The investigation of a complaint will be concluded as soon as possible after receipt of the written complaint. In investigations exceeding sixty (60) days, a justification for the delay shall be presented to and reviewed by the Office of the Vice President for Academic, Faculty and Student Affairs for faculty, students, residents and non-employee post-docs, or the Vice President for the Office of Human Resources for all non-faculty/non-student employees. The complainant, accused individual, and supervisor will be provided an update on the progress of the investigation after the review.

7. Upon completion of the investigation, a written report will be issued. The report shall include: a recommendation of whether a violation of the policy occurred, an analysis of the facts discovered during the investigation, any relevant evidence and recommended disciplinary action if a violation of the policy occurred.

8. A copy of the report will be sent to the appropriate administrative official. Written notification of the findings of the investigation and outcome will be sent to the complainant and the respondent by the appropriate administrative official. The complainant and the respondent have seven (7) working days from the date of the notification letter to submit comments regarding the investigation to the administrative official. However, if a complaint is filed against a student, then the complainant and respondent may not receive or comment on the notification letter in accordance with the Family Education Rights and Privacy Act's restrictions on disclosure of educational records.

9. Within thirty (30) working days of receiving any comments submitted by the complainant or respondent, the appropriate administrative official will take one of the following actions:

- a. request further investigation into the complaint;
- b. dismisses the complaint if the results of the completed investigation are inconclusive or there is insufficient reasonable, credible evidence to support the allegation(s); or,
- c. find that this policy was violated. A decision that this policy was violated shall be made upon the record provided by the investigator and any comments submitted by the complainant or respondent; and, shall be based on the totality of circumstances surrounding the conduct of complained of, including but not limited to; the context of that conduct, its severity, frequency, whether it was physically threatening, humiliating, or was simply offensive in nature. Facts will be considered on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual.

10. If the appropriate administrative official determines that this policy was violated, he or she will take disciplinary action that is appropriate for the severity of the conduct. Disciplinary actions can include, but are not limited to verbal reprimands, written reprimands, and the imposition of conditions, reassignment, suspension, and dismissal.

11. The complainant and the respondent shall be informed in writing of the administrative official's decision. However, if a complaint is filed against a student, then the determination letter sent to the complainant will be written in compliance with the Family Education Rights and Privacy Act.

12. Implementation of disciplinary action against faculty and employees will be handled

in accordance with the University's policy and procedures for discipline and dismissal of faculty and employees. The Associate Dean for Student Affairs or the Associate Dean for Graduate Medical Education will impose disciplinary action, if any, against a student, resident or fellow in accordance with the University's appropriate disciplinary procedures.

Provisions Applicable to All Complaints

Assistance: During the complaint process, a complainant or respondent may be assisted by a person of his or her choice; however, the assistant may not examine witnesses or otherwise actively participate in a meeting or interview.

Retaliation: An administrator, faculty member, student, resident, fellow, post-doc, or employee who retaliates in any way against an individual who has brought a complaint pursuant to this policy or an individual who has participated in an investigation of such a complaint is subject to disciplinary action, including dismissal.

False Complaints: Any person who knowingly and intentionally files a false complaint under this policy or any person who knowingly and intentionally makes false statements within the course of the investigation is subject to disciplinary action up to and including dismissal from the University.

Confidentiality and Documentation: The University shall document complaints and their resolution for faculty, residents, students and non-employee post-docs by the appropriate Associate Dean for Student Affairs or the Associate Dean for Graduate Medical Education or the Office of the Vice President for Academic, Faculty and Student Affairs. The Associate Deans will forward documentation of resolutions to the Office of the Vice President for Academic, Faculty and Student Affairs at the conclusion of the process for which they are responsible to conduct. The Office of the Vice President for Academic, Faculty and Student Affairs will retain the official documentation. For all other informal resolutions, the Office of Human Resources will retain the documentation. To the extent permitted by law, complaints and information received during the investigation will remain confidential. Relevant information will be provided only to those persons who need to know in order to achieve a timely resolution of the complaint.

Dissemination of Policy: The policy will be made available to all faculty, employees, students, residents, fellows, and post-docs. Periodic notices sent to faculty, employees, students, residents, fellows, and post-docs about the University's nondiscrimination policy will include information about the complaint procedure and will refer individuals to designated offices for additional information.

PROFESSIONAL WORK RELATIONSHIPS

PRINCIPLE: Interns will be treated with courtesy and respect. Interactions among trainees, supervisors, and staff will be collegial and conducted in a manner reflecting the highest standards of the profession of psychology.

MECHANISMS: Interns will be provided a copy of "Ethical Principles of Psychologists and Code

of Conduct” (2016, with the 2016 Amendment) which describes expectations regarding professional work relationships.

Interns will be provided with written policies and procedures regarding program requirements. Interns will receive UT Health San Antonio, Handbook of Operating Procedures Chapter 4, Policies 4.9.3 (Performance, Discipline, and Dismissal), 4.9.4 (Policies and Procedures for Discipline and Dismissal of Employees), and 4.9.5 (Grievance Policy and Procedures).

Interns will be provided written policies and procedures regarding equal employment opportunity (Chapter 4, Section 4.2.1), sexual harassment within the professional workplace (Chapter 4, Section 4.2.2), and Request for Accommodations under the ADA (Chapter 4, Section 4.2.3).

Interns will be provided guidance and support to encourage successful completion of the training program. Interns will evaluate faculty, regarding their perception of the quality of faculty guidance and support. Faculty will receive reports of evaluations.

Interns will be given performance feedback, quarterly, in writing regarding the extent to which they are meeting performance expectations with specific recommendations for remediating deficiencies and enhancing professional growth.

Interns will be provided conflict resolution procedures through which grievances can be heard. Grievances regarding sexual harassment or other equity matters are handled through the Office of Equal Employment Opportunity/Affirmative Action. Grievances regarding training issues are handled informally and formally through the following procedure and is outlined in more detail within the handbook section on Grievance Policy: 1) The Intern is encouraged to discuss any grievances with the individuals involved (be it supervisor, mentor/preceptor, Training Directors, or fellow intern) to work toward a solution. 2) If this informal route does not remedy the grievance, the Intern and/or mentor/preceptor inform the Training Directors of lack of success toward working out an informal solution to the grievance. The Training Directors will initiate an informal discussion with the individuals and work toward a resolution. 3) If the informal procedures do not remedy the grievance, the Training Directors will contact the UT Health San Antonio Psychiatry Residency Training Director (Dr. Jason Schillerstrom) and inform him of the grievance. 4) The Psychiatry Training Director will meet with the Intern to discuss the grievance as well as to discuss failed informal attempts to resolve the grievance. The Intern will present the Psychiatry Training Director with a written description of the grievance along with details regarding failed attempts to resolve the grievance. 5) Complaints not satisfactorily resolved by the Psychiatry Training Director may be appealed in writing to the Psychiatry Department Chair (Dr. Steven Pliszka). The Psychiatry Department Chair will prepare a decision for the Intern. This decision is final.

LEAVE POLICY

Each intern will have 12 days of vacation leave, 3 floating holidays, up to 12 days sick leave, and up to 5 days of administrative leave. **Vacation is to be split equally between the first and second half of the year. No more than 5 days of leave will be approved at the end of June.** All vacations must be approved by the clinical site, mentor, and the training directors *no later than 30 days in advance*. Leave requests need to be submitted *directly* to Ms. Sandra Collazo (do not place in Dr.

McGeary's box). Completed (i.e., signed by all respective supervisors) leave forms must be received **30 days** prior to leave. If not received in time, leave will NOT be approved (unless there are extenuating circumstances, e.g. death of a loved one).

Sick leave **can only be used for medical appointments, medical procedures, or illness of the intern or his/her dependent**. Per the institutional Handbook of Operating Procedures (HOP), any intern who takes **3 or more consecutive days of sick leave** will be asked to provide medical documentation with his/her leave form. Similarly, if a pattern of absences emerges (e.g., always sick on Tuesday or Friday) with sick leave, then interns will be asked to provide medical documentation.

Please do not schedule medical appointments during the Tuesday morning seminars. Interns need to email their respective site supervisors in addition to Sandy Collazo and Drs. McGeary and Blount as early as possible when he/she will not be attending work due to illness. When an intern is sick on a Tuesday, the intern is responsible for contacting the Advance Clinic to reschedule patients. Sick leave forms must be submitted (signed by either Dr. McGeary or Dr. Blount and the site supervisor) directly to Sandra Collazo. Interns who fail to submit sick leave will be counseled on their professionalism. For continued problems with leave, a remediation plan may be initiated.

Successful completion of an APA-accredited internship requires a minimum of 2000 hours per year. Consequently, interns are expected to participate actively in their training activities. Exceeding the leave parameters established may result in extending your internship year past June 30th to ensure that the requirements for internship are met. Interns will not receive financial compensation or benefits past June 30th.

USE OF VACATION DAYS FOR PSYCHOLOGY INTERNS

As stated in the University of Texas Health San Antonio HOP, an employee may not take vacation leave until they have been continuously employed with the State of Texas for six months, although vacation hours will be accrued during that period. Continuous employment means that the employee is paid a regular state salary for the six-month period. However, since interns are only employed at UT Health San Antonio for one-year, they are able to take leave prior to being employed for six-months. It should be noted that if an intern takes vacation within the first six months of employment and leaves employment before the completion of the internship, reimbursement for the vacation time taken will be required prior to the termination.

HOLIDAY. WEATHER AND COMPENSATORY POLICY

Holidays- All UT Health San Antonio Holidays are to be observed. If the intern works at a Clinical Site on a UT Health San Antonio Holiday, then Administrative Time will be credited per hour to the intern only with prior written approval from the Internship Directors. If a Clinical Site observes a holiday during a non-UT Health San Antonio Holiday, then the intern must either come to the UT Health San Antonio to work or take a day of vacation leave.

Inclement Weather: If a work day is cancelled at UT Health San Antonio due to inclement weather, then time spent at a clinical site may be credited to the intern per hour as

Administrative Leave (with permission from the Internship Director), UT Health San Antonio Interns are not eligible for Compensatory time, and Compensatory or Administrative time will never be given for training-related activities (i.e., working 10 hours instead of 8). Typical work weeks are expected to range from 45-55 hours.

EXTRA-SYSTEM (MOONLIGHTING) WORK POLICY

The psychology internship program at The University of Texas Health San Antonio involves comprehensive and demanding training. This training is carried out within a 45-55 hour per week format in which interns explore a variety of rigorous training/service experiences. Because we believe that training should be the primary focus of the year, it has been the policy of the program to discourage extra-system work (moonlighting).

Extra-system work may be permitted only under the following circumstances:

1. Psychology internship activities must all be satisfactorily completed. Extra-system work must not take priority or interfere in any manner with the program's training/service experiences. An intern who has knowledge deficiencies in evaluation or treatment will be urged to take courses, read under supervision, et al; such activities would take precedence over moonlighting.
2. Extra-system work must be conducted within the rules of the State Board of Examiners of Psychologists and within the framework of the ethics of the profession of psychology.
3. The Director of the Psychology Internship, in consultation with the Training Committee and the mentor, must give written permission for any extra-system work.
4. Extra-system work will be permitted only after the successful completion of the first quarter (three months).
5. These policies do not apply to work outside of the field of psychology.

WORKERS' COMPENSATION

Psychology interns are required to promptly report all occupational injuries and exposures without delay. The University of Texas System has an agreement with Injury Management Organization, Inc. to provide a Workers' Compensation Insurance Network for the medical management of continuing care of occupational injuries. Interns should notified their site supervisor and training directors of the injury and seek appropriate medical care. The supervisor or training director in conjunction with the intern will complete the "First Report of Injury Form," which the department will transmit to the Environmental Health & Safety within 24 hours. Since interns are UT Health Employees, they should follow UT Health's policies and procedures regarding work-related injuries and not the policies of non-UT Health agencies.

Additional Information about Workers' Compensation can be found at the following website:

<https://wp.uthscsa.edu/safety/workers-compensation/>

UT HEALTH SAN ANTONIO HANDBOOK OF OPERATING PROCEDURES

As employees of the University of Texas Health San Antonio, interns are expected to follow the University's Policies and Procedures as outlined by the Handbook of Operating Procedures in addition to the Internship's Policies and Procedures. Key HOP policies are included below; however, an electronic copy of the entire HOP is located at:

uthealthsa.sharepoint.com/RAC/Pages/HOP.aspx.

Information about the Institutional Compliance Program is available at <https://uthscsa.edu/compliance/>, and the Compliance Office can be reached at 210-567-2014.

REQUEST FOR ACCOMMODATIONS UNDER THE ADA ADA AMENDMENTS ACTS OF 2008 (HOP 4.2.3)

This policy articulates UT Health San Antonio's responsibilities and implementation processes in compliance with the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 (ADAAA).

Scope: Title I of the ADA requires an employer to provide Reasonable Accommodations to Qualified Individuals with a Disability who are employees or applicants for employment or applicants for admissions as students, residents to one of the UT Health San Antonio schools.

Policy: It is the policy of UT Health San Antonio to comply with the provisions of the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 (ADAAA). The ADA prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, educational environments, and governmental activities.

Reasonable Accommodations will be decided by the department in concurrence with the Office of Human Resources for employment-related requests and the Executive Director, Faculty, Student Ombudsperson and ADA Compliance Office for all other requests. It may be determined that additional medical information is needed. If so, the individual will be provided with necessary forms/questionnaires for the health care provider to complete.

A. Requesting accommodation

1. Any faculty or staff member requesting an employment accommodation under the ADA is to submit a Request for Accommodation Under the Americans with Disabilities Act (ADA), form ADA-99, to the Office of Human Resources with a copy of the current job description or description of duties and responsibilities, as appropriate.

2. Students, fellows, and residents requesting an accommodation under ADA are to submit Request for Accommodation Under the Americans with Disabilities Act (ADA), form ADA-100, to the Executive Director, Academic, Faculty, Student Ombudsperson and ADA

Compliance Office with a copy of the current job description (if appropriate).

B. Interactive Process

A Reasonable Accommodation under the ADA and ADAAA is an ongoing process. At any point in time, the individual receiving the Reasonable Accommodation may request a reevaluation of their request from the Office of Human Resources or the Executive Director, Academic Faculty, Student Ombudsperson and ADA Compliance Office. At that point, the interactive process will be implemented in order to deal with any new requests and/or revisions to the initial requests.

C. Confidentiality

All medical-related information shall be kept confidential and maintained in the applicable office (Office of Human Resources or the Executive Director, Academic Faculty, Student Ombudsperson, and ADA Compliance Office) and will be maintained separately from other personnel or student, resident records. However, supervisors and managers and certain faculty in a school and/or program of study may be advised of information necessary to make the determinations they are required to make in connection with a request for an accommodation. First aid and safety personnel may be informed, when appropriate, if the Disability might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations. Government officials investigating compliance with the ADA and the ADAAA may also be provided relevant information as requested.

D. Records Retention

Form ADA-99, ADA-100, and attached documentation submitted to the Office of Human Resources and the Executive Director, Academic Faculty, Student Ombudsperson, and ADA Compliance Office will be maintained in a confidential manner in accordance with applicable federal and state mandated retention schedules.

E. Pregnancy and Religious Accommodations

Pregnancy itself is not considered a Disability under the ADA. However, employees, students and residents who suffer from pregnancy related disabilities, such as preeclampsia or diabetes, are entitled to Reasonable Accommodations from the employer and/or school and/or program of study and educational environment.

Examples of pregnancy accommodations in the workplace include a reduced work schedule, restrictions on lifting, and providing ergonomic office furniture, time, and place for lactation activities.

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on religion. This includes refusing to accommodate an employee's sincerely held religious beliefs or practices unless the accommodation would impose an Undue Hardship. A religious practice may be sincerely held even if newly adopted, not observed consistently, or different from common tenets of an individual's religion.

Examples of religious accommodations in the workplace and/or educational environment include exceptions to the dress code, schedule changes, and additional breaks during the

workday and/or school day.

Definitions: *When used in this document with initial capital letter(s), the following words have the meaning set forth below unless a different meaning is required by context.*

Disability – a mental or physical impairment that substantially limits at least one or more major life activities of an individual, a record of such an impairment, or being regarded as having such an impairment as described in the ADAAA listing of major life activities. The term does not include:

1. a current condition of addiction to the use of alcohol, a drug, an illegal substance, or a federally controlled substance; or
2. a currently communicable disease or infection as defined in Section 81.003, Health and Safety Code, or required to be reported under Section 81.041, Health and Safety Code, that constitutes a direct threat to the health or safety of other persons or that makes the affected unable to perform the duties of the person's employment.

Qualified Individual With A Disability – a person with a Disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position or educational program of study; such individual holds or desires, and who, with or without Reasonable Accommodation, can perform the essential functions of such position.

Reasonable Accommodation – generally speaking, a change in the work environment or work procedure that enables an individual with a Disability to enjoy equal employment opportunities. Examples of possible Reasonable Accommodations include making existing facilities accessible, job restructuring, modified schedules, and acquiring or modifying equipment.

Undue Hardship – an action that is excessively costly, extensive, substantial, or disruptive or that would fundamentally alter the nature or operation of the business. In determining Undue Hardship, factors to be considered include the nature and cost of the accommodation in relation to the size, the financial resources, the nature and structure of the employer's operation, as well as the impact of the accommodation on the specific facility providing the accommodation.

Related References

Forms

Staff/Faculty Employment Accommodation Request Form:

ADA-99, Request for Accommodation Under the Americans with Disabilities Act (ADA)

http://www.uthscsa.edu/hr/documents/ADA%20Request%20Form_Staff.pdf

Student, Fellow, Resident Accommodation Request Form: ADA-100, Request for Accommodation Under the Americans with Disabilities Act (ADA)

<https://uthscsa.edu/eo/form100studentresident.pdf>

Federal Law

Americans with Disabilities Act of 1990 (ADA) ADA

Amendments Act of 2008 (ADAAA)

Title VII of the Civil Rights Act of 1964

SEXUAL MISCONDUCT POLICY (HOP 4.2.2)

SEXUAL MISCONDUCT POLICY

I. Purpose: The purpose of this Policy is to ensure that the campus environment is free from sexual harassment and sexual misconduct and other conduct of a sexual nature that is both inappropriate and unprofessional for the academic and workplace environment. Sexual harassment and misconduct are prohibited and will not be tolerated.

II. Scope: This Policy applies to all UT Health San Antonio (The University) administrators, faculty, staff, students, trainees and third parties within the University's control, including visitors and applicants for admission or employment. It applies to conduct that occurs on University owned or controlled premises, in an education program or activity including University sponsored or supported events, buildings owned or controlled by student organizations officially recognized by the University, or off campus when the conduct potentially affects a person's education or employment with the University or potentially poses a risk of harm to members of the University community. It applies regardless of the gender, gender identity or sexual orientation of the Parties and applies (a) whether the complaint was made verbally, electronically, or in writing, or (b) whether the complaint was made by or against a third party.

III. Policy

A. General Policy Statements

1. The University is committed to maintaining a learning and working environment that is free from discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act (SaVE Act), Violence Against Women Act (VAWA), and Clery Act. Sexual Misconduct, Retaliation, and other conduct prohibited under this Policy will not be tolerated and will be subject to disciplinary action.

2. The University will promptly discipline any individual or organization within its control who violate this Policy. The University encourages any student, faculty, staff or visitor to promptly report incidents and/or violations that could constitute violations of the Policy to the Title IX Coordinator as outline in Section B. Reporting Incidents of this Policy.

3. Free Speech. Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered Sexual Misconduct under this Policy.

B. Reporting Incidents

1. Empowering Community This policy distinguishes between reporting sexual misconduct incidents and filing Formal Complaints. Reporting Sexual Misconduct incidents informs the University of the incident, which allows the institution to provide Supportive Measures (as outlined in Section D. 2 Supportive Measures of this Policy) to the Complainant and does not necessarily result in the initiation of the Grievance Process (as outlined in Section E Grievance Process of this Policy).

All Complainants who report incidents of Sexual Misconduct will be offered individualized Supportive Measures. If Complainants wish to initiate the Grievance Process, they should file a

Formal Complaint. As described in Section E Grievance Process of this Policy, the Grievance Process may involve an investigation into the incident and a hearing to determine the responsibility of the Respondent.

2. Filing a Complaint and Reporting Violations

a. Reporting Prohibited Conduct to the Title IX Coordinator. Any person may report Sexual Misconduct, Retaliation, or other conduct prohibited under this Policy to the Title IX Coordinator, whether or not the person reporting is the person alleged to be the victim of the incident. The report can be a verbal or written report to the Title IX Coordinator.

Title IX Coordinator: Dr. John Kaulfus

Address: 7703 Floyd Curl Drive, ALTC B106 San Antonio, Texas 78229-3900

Email: TitleIX@uthscsa.edu Phone: 210-450-8131

b. Responsible Employees

Sexual Misconduct incidents may also be reported to Responsible Employees. A Responsible Employee is a University employee who has the duty to report incidents of Sexual Misconduct to the Title IX Coordinator. Students, residents, and other trainees are not considered Responsible Employees for the purposes of this policy. (See Section IV, Definitions.)

c. Filing a Formal Complaint the Complainant may file a Formal Complaint with the Title IX Coordinator, as outlined in Section E.2 Formal Complaints Against Students and Employees.

i. Anonymity Reporters may make an anonymous report by telephone or in writing to the Title IX Office. Additionally, you may report incidents anonymously through the University's Hotline. The Hotline is managed by a third-party to ensure anonymity. Reporters may report on the toll-free number 877-507-7317.

Reporters may also report an incident online at: <http://UTHSCSA.edu/ReportNow>

When reporting anonymously, the Reporter will be guided to create a confidential Personal Identification Number (PIN). Reporters are encouraged to log-in periodically to answer any posted questions and/or provide additional information. Doing so will enhance the University's ability to stop the harassment, collect evidence, or take effective action against individuals or organizations accused of violating this Policy.

ii. Confidentiality the Reporter can discuss an incident in strict confidence by using the confidential resources outlined in Section 5 Confidential Support and Resources.

iii. Timeliness of Reporting

Responsible Employees (also see Section C. Parties Rights Regarding Confidentiality of this Policy) are required to report known incidents and information of Sexual Misconduct promptly to the Title IX Coordinator. For others in the University community, such as students, residents and other trainees, you are strongly encouraged to report Sexual Misconduct, Retaliation, and other conduct prohibited under this Policy as soon as you become aware of such conduct.

Delays in reporting can greatly limit the University's ability to stop the harassment, collect evidence, and/or take effective action against individuals or organizations accused of violating the Policy.

3. Reporting to Law Enforcement

Reports of Sexual Misconduct may also be made to UT Health San Antonio Police Department (UTPD) at 210-567-2800 (non-emergency) or 210-567-8911 (emergency) or 911 (emergency) or to other local law enforcement authorities.¹ The Title IX Office can help individuals contact these law enforcement agencies.

If a report of Sexual Misconduct is reported initially to UTPD, the Reporter shall be advised of their right to file a Formal Complaint with the Title IX Coordinator.

Employees and students with protective or restraining orders relevant to a complaint are encouraged to provide a copy to UTPD.

UTPD shall also notify the Title IX Coordinator of the report and provide the Title IX Coordinator access to any related UTPD enforcement records related to the report, so long as doing so does not compromise any criminal investigation.

4. Reporting to Outside Entities

You may also contact the following external agencies:

For students

Office for Civil Rights

U.S. Department of Education

1999 Bryan Street, Suite 1620 Dallas, TX 75201-6810

Phone: 214-661-9600

Fax: 214-661-9587

Office for Civil Rights U.S. Department of Health and Human Services

1301 Young Street, Suite 1169 Dallas, TX 75202

Phone: 800-537-7697

Fax: 214-767-0432

¹ Because of the multiple site locations where UT Health San Antonio programs are conducted, reporting to law enforcement may include the San Antonio Police Department (210-207-7273); Bexar County Sheriff's Department (210-335-6000); Harlingen Police Department (956-365-8900); Cameron County Sheriff's Department (956-233-6157); Edinburg Police Department (956-316-7151); Hidalgo County Sheriff's Department (956-383-8114); Laredo Police Department (956-523-7414); and Webb County Sheriff's Department (956-523-4500).

For employees

U.S. Equal Employment Opportunity Commission

Dallas District Office

207 S. Houston Street, 3rd Floor Dallas, TX 75202

Phone: 800-669-4000

Fax: 214-253-2720

Texas Workforce Commission

Civil Rights Division 101 E. 15th Street Room 144-T Austin, TX 78778-0001 512-463-2642

5. Confidential Support and Resources

Students may discuss an incident with Confidential Employees or an off-campus resource (e.g. rape crisis center, doctor, psychologist, clergyperson, etc.) without concern that the person's identity will be reported to the Title IX Office. Employees may also seek assistance from the Employee Assistance Program, their own personal health care provider, the clergyperson of their choice, or an off-campus rape crisis resource without concern that the person's identity will be reported to the Title IX Office.

Confidential resources are designated as such on this document:

<http://students.uthscsa.edu/titleix/wp-content/uploads/sites/7/2020/01/Title-IX-Resource-Guide-UT-Health-SA-2019-2020.pdf>

Community Resources Confidential Employees who receive information regarding incidents of Sexual Misconduct committed by or against a student or an employee of the University, are required to report the type of incident to the Title IX Coordinator. Confidential Employees may not include any information that would violate a student's expectation of privacy.

6. Immunity

In an effort to encourage reporting of Sexual Misconduct, the University may grant immunity from student and/or employee disciplinary action to a person who acts in good faith in reporting an incident, filing a Formal Complaint, or participating in a Grievance Process (e.g. investigation, hearing, appeal). This immunity does not extend to the person's own violations of this Policy. The University has great respect for the privacy of the parties identified in a report or Formal Complaint.⁴

C. Parties' Rights Regarding Confidentiality, Requests to Not Investigate, and Requests to Dismiss Formal Complaints.

The University has great respect for the privacy of the parties identified in a report or Formal Complaint. Under state law, however, Responsible Employees who receive information of alleged Sexual Misconduct must share that information with the Title IX Coordinator. As such, the University may need to act to maintain campus safety and must determine whether to investigate further, regardless of the Complainant's request for confidentiality or request to not investigate a report received by the Title IX Coordinator.

In making determinations regarding requests for confidentiality, Complainants' requests to not investigate, Complainants' requests to dismiss Formal Complaints, and/or requests to not disclose identifying information to Respondents, the Title IX Coordinator must deliberately weigh the rights, interests, and safety of the Complainant, the Respondent, and the campus community. Factors the University must consider when determining whether to investigate an alleged incident of Sexual Misconduct include, but are not limited to:

- The seriousness of the alleged incident;
- Whether the University has received other reports of alleged Sexual Misconduct by the alleged Respondent;
- Whether the alleged incident poses a risk of harm to others; and
- Any other factors the University determines relevant.

Under state law, if the Complainant requests in writing that the University not investigate a report, the University must inform the Complainant of its decision whether or not to investigate.

If the University dismisses a Formal Complaint (as outlined in Section E.2.c Mandatory and Discretionary Formal Complaint Dismissals of this Policy), the University must provide the Complainant and Respondent a written notice of the dismissal and the reason(s) for the dismissal.

In the course of the Grievance Process, the University may share information only as necessary with people who need to know in compliance with the law, which may include but is not limited to the investigators, witnesses, Complainant, Respondent, parties' advisors, hearing officer, and the appellate officer, if applicable. The University will take all reasonable steps to ensure there is no retaliation against the parties or any other participants in the investigation or in any other part of the Grievance Process.

D. Resources and Assistance

1. Immediate Assistance

a. Healthcare

If you experience sexual violence, you are encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within 4 days of the incident. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, go directly to the emergency department of the Methodist Specialty and Transplant Hospital, Emergency Room Sexual Assault Nurse Examiner (SANE), or the nearest hospital that provides SAFE services. Additional information about the SAFE, can be found here:

Methodist Specialty and Transplant Hospital Emergency Room Sexual Assault Nurse Examiner (SANE) on duty at all times
8026 Floyd Curl Drive, San Antonio, Texas

<https://sahealth.com/locations/methodist-specialty-and-transplanthospital/> Attorney General of Texas – Crime Victims
https://www.texasattorneygeneral.gov/files/cvs/sexual_assault_examination.pdf

The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases where a report will not be made to the police, the Texas Department of Public Safety. This does not include fees related to medical treatment that are not a part of the SAFE.

b. Police Assistance If you experienced or witnessed Sexual Misconduct, the University encourages you to make a report to the police. The police may, in turn, share your report with the Title IX Office.

A police department's geographic jurisdiction depends on where the incident occurred. Thus, if the incident occurred on the University campus, you may file a report with UTPD located at 7703 Floyd Curl Dr, San Antonio, TX 78229, even if time passed since the incident occurred.

UTPD can also assist with applying for any protective orders. Reporting an incident to law

enforcement does not mean the case will automatically go to criminal trial or go through a Grievance Process. If the University Police are called, a police officer will be sent to the scene to take a detailed statement. A police officer or victim services coordinator may also provide you with a ride to the hospital. You may also file a report with the University Police even if the assailant was not a University student or employee. If the incident occurred in the City of San Antonio, but off campus, you may also file a report with the San Antonio Police Department, even if time has passed since the incident occurred. If a report is made to the police, a police officer will usually be dispatched to the location to take a written report.

UT Health San Antonio Police Department Website: <https://www.uthscsa.edu/police/clery/victim-assistance-resources>

Non- Emergency: 210-567-2800 – option 3

Emergency: Call 911 or 210-567-8911

c. Counseling and Other Services

If you experience Sexual Misconduct, you are strongly encouraged to seek counseling or medical and psychological care even if you do not plan to request a SAFE or report the incident to the police. You may be prescribed medications to prevent sexually transmitted infections and/or pregnancy even if the police are not contacted or if a SAFE is not performed. Similarly, other individuals impacted or affected by an incident are encouraged to seek counseling or psychological care.

You may receive medical care at the UT Health San Antonio Wellness 360, at a local emergency room, or by a private physician. You may also be provided with psychological support by the Student Counseling Center (students), Employee Assistance Program (faculty and staff), or a care provider of your choosing.

Wellness 360 (Students, Employees and Faculty)

Website: <https://wellness360.uthealthsa.org/>

Phone: 210-567-2788

Students desiring counseling should contact:

UT Health Student Counseling Center

Website: <https://students.uthscsa.edu/counseling/> Office

Phone and 24-Hour Crisis Line: 210-567-2648

Faculty and staff should contact:

UT Employee Assistance Program (EAP)

Website: <https://www.uth.edu/uteap/>

Phone: 1-800-346-3549 or 713-500-3327

2. Supportive Measures

The University will offer reasonably available individualized services, without any fee or charge, to the parties involved in a reported incident of Sexual Misconduct with or without the filing of a Formal Complaint, when applicable.

Supportive Measures may include but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, withdrawal from or retake a class without penalty, campus escort services, mutual restrictions on contact between the

parties, change in work locations, leaves of absences, increased security and monitoring of certain areas of campus, or other similar measures tailored to the individualized needs of the parties.

Supportive Measures are non-disciplinary and non-punitive measures that do not unreasonably burden the other party. Any disciplinary or punitive measures may only be implemented following the conclusion of the Grievance Process, unless an emergency removal (as outlined in Section F. Emergency Removal and Employee Administrative Leave) is appropriate.

The University will maintain the confidentiality of Supportive Measures provided to the parties, to the extent that maintaining such confidentiality does not impair the ability of the University to provide the Supportive Measures.

E. The Grievance Process

1. Key Officials in the Grievance Process

a. Title IX Coordinator.

The Title IX Coordinator is the senior University administrator who oversees the University's compliance with Title IX. The Title IX Coordinator is responsible for administrative responses to reports and Formal Complaints of Sexual Misconduct, Retaliation, and other conduct prohibited under this Policy. The Title IX Coordinator is available to discuss the Grievance Process, coordinate Supportive Measures, explain University policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators to facilitate these responsibilities. At UT Health San Antonio, the Title IX Director functions as the Title IX Coordinator.

Any member of the University community may contact the Title IX Coordinator with questions.

b. Investigator(s) The University will ensure that Formal Complaints are properly investigated under this Policy by investigators assigned to the Formal Complaint. The investigators are neutral and impartial factfinders and gather evidence during the investigation. The investigators are responsible for completing an investigation report at the conclusion of the investigation. The Title IX Deputy Coordinators may supervise and advise the Title IX investigators when conducting investigations and update the Title IX Coordinator as necessary to ensure compliance with Title IX.

c. Hearing Officer The hearing officer is responsible for conducting the hearing in an orderly manner, controlling the conduct of all participants and attendees of the hearing, and rendering a written determination regarding responsibility of the Respondent's alleged conduct charges in an impartial, neutral, and objective manner.

2. Formal Complaints Against Students and Employees²

a. Applicability of the Grievance Process. The Grievance Process in this Policy applies to the following situations:

i. Students/Learners, Residents, and other Trainees. The Grievance Process in Sections E.2 through E.11 of this Policy applies in the instances where the Respondent is a student/learner (including student employees)³ at the University at the time of the alleged conduct and where the conduct alleged includes Sexual Harassment.

An alternative Grievance Process (in Section E.12 Alternative Grievance Process for Students,

Faculty and Staff of this Policy) applies in instances where the Respondent is a student at the time of the alleged conduct and where the conduct alleged does not include Sexual Harassment.

ii. Employees. Faculty and Staff. For employees, the Grievance Process in this Policy only applies where all the following conditions are met;

1. The Respondent is an employee at the University at the time of the alleged conduct;
2. The conduct alleged is Sexual Harassment under this Policy;
3. The alleged conduct occurred against a person in the United States; and
4. Where the Complainant was participating or attempting to participate in an education program or activity at the University. This element is met if the conduct occurred in any of the following: on any University property; during any University activity; in a building owned or controlled by a student organization that is officially recognized by the University; or in instances where the University exercised substantial control over the Respondent and the context in which the alleged conduct occurred.

An alternative Grievance Process (in Section E.12 Alternative Grievance Process for Students, Faculty, and

² For Formal Complaints against third parties, such as contracted workers, volunteers, or visitors, the University will apply the analysis in Section E.2(a)(ii) Employees, Faculty and Staff with regard to employees and may apply other institutional policies to those Respondents if the Grievance Process (outlined in this Policy) does not apply.

³ Respondents who are both students and employees are treated as students under this Policy.

Staff of this Policy) applies in instances where the Respondent is a faculty or staff member at the time of the alleged conduct and where the conduct alleged does not include Sexual Harassment, as defined in this policy.

b. To begin the Grievance Process, the Complainant must sign a Formal Complaint (requesting an investigation) and submit it to the Title IX Coordinator. The Complainant must submit a written statement setting out the known details of the alleged conduct that is the subject of the Formal Complaint, including the following:

- Complainant's name and contact information;
- Respondent's name;
- Detailed description of the alleged conduct or event that is the basis of the alleged violation under this Policy;
- Date(s) and location(s) of the alleged occurrence(s);
- Names of any witnesses to the alleged occurrence(s); and
- The resolution sought.

The Complainant may also submit any documents or information that is relevant to the Formal Complaint.

Title IX Coordinator may also sign a Formal Complaint against a Respondent (requesting an investigation) and in doing so will initiate the Grievance Process.

c. Mandatory and Discretionary Formal Complaint Dismissals

i. Under Title IX regulations, universities are required to distinguish between prohibited conduct that is “under Title IX” and prohibited conduct that is a violation of University Policy. Under Title IX, the University must dismiss a Formal Complaint or the part of the allegations in a Formal Complaint, if applicable, where Sexual Harassment is alleged and where,

1. The conduct alleged does not meet the definition of Sexual Harassment;
2. The alleged conduct did not occur in the University’s education program or activity; or
3. The alleged conduct did not occur against a person in the United States.

A dismissal under this provision only applies to allegations of Sexual Harassment under Title IX. In such an instance, the University may still investigate a Formal Complaint for allegations of Sexual Harassment under this Policy. The University may also investigate allegations of other prohibited conduct under this Policy through the process described in Section III, E.12, but it will not technically be “under Title IX.”

ii. The University may dismiss a Formal Complaint at its discretion, under this Policy’s Grievance Process for any of the follow circumstances:

1. If the Complainant requests in writing to dismiss a Formal Complaint (e.g. withdraws the Formal Complaint or any allegations therein), as outlined in Section C of this Policy;
2. If the Respondent is an employee and is no longer employed by the University at the time the Formal Complaint is filed;
3. Any specific circumstances that prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or any allegations therein; or
4. The conduct alleged does not meet the definition of any prohibited conduct under this Policy.

iii. If the University dismisses a Formal Complaint, the University must provide both parties a written notice of the dismissal and the reason(s) for dismissal.

d. Concurrent Criminal or Civil Proceedings. The University will not, as a matter of course, wait for the outcome of a concurrent criminal or civil justice proceeding to take action on the Formal Complaint in a University Grievance Process. The University has an independent duty to respond to Formal Complaints of Sexual Misconduct. At the University’s discretion the University may delay the investigation or Grievance Process for a brief period due to concurrent criminal or civil proceedings on a case-by-case basis.

3. Written Notice of the Formal Complaint, and Notification of University Officers Offering

Assistance.

After receiving a Formal Complaint, the Title IX Office will provide a written notice to the parties of the Formal Complaint and available University resources and assistance. The written notice of the Formal Complaint will include the following:

- A notice of the Grievance Process, as outlined in this Policy;
- A notice of the allegations that potentially constitute prohibited conduct under this Policy, including sufficient details about the alleged conduct, including the identity of the parties, if known, and the date(s), time(s), and location(s) of alleged conduct known by the University at the time of the Formal Complaint;
- A statement of the potential policy violations being investigated, • A statement that the Respondent is presumed not responsible for the alleged conduct and that the determination regarding responsibility will be made at the conclusion of the Grievance Process;
- Both parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review all evidence;
- A statement that the parties may review evidence gathered as part of any investigation;
- Provision of this Policy that knowingly making false statements or knowingly submitting false information during the Grievance Process is prohibited and subject to disciplinary action; and
- Any other relevant information for the written notice.

4. Informal Resolution Option of Certain Formal Complaints

After the parties have been provided a copy of the written notice of a Formal Complaint, both parties may, in writing, voluntarily agree to use this informal Resolution option, if applicable, at any point prior to reaching a determination regarding responsibility, but the parties are not required to do so. The Informal Resolution entails the parties forgoing the Grievance Process (including the investigation and hearing, depending on when the parties agree to engage in an Informal Resolution). The Informal Resolution may include a mediation process, for example:

a. The Title IX Coordinator will oversee the informal resolution process. At any point prior to agreeing to an Informal Resolution, each party has a right to withdraw from the Informal Resolution process and resume the Grievance Process with respect to the Formal Complaint.

b. Informal Resolution Availability

Informal Resolution process is rarely permitted in cases where Sexual Harassment is alleged in the Formal Complaint, but special cases may be considered by the Title IX Coordinator in consultation with the Office of Legal Affairs. At any point prior to agreeing to an Informal Resolution, the parties have a right to withdraw from the Informal Resolution process and resume the Grievance Process with respect to the Formal Complaint. Informal Resolution is also not available where the Respondent has previously participated in the Informal Resolution process and where that process resulted in a mutual agreement.

c. Informal Resolution Timeframe Informal Resolutions of a Formal Complaint will be concluded

within 45 days of notice to the University that both parties wish to proceed with the Informal Resolution process. Such notice that the parties wish to proceed with an Informal Resolution process will “pause” the counting of the timeframe to conclude the Grievance Process in Section E.11 Grievance Process Timeframe of the Policy, should the Informal Resolution process fail and the parties continue with the Grievance Process.

d. Informal Resolution Documentation Any final resolution pursuant to the Informal Resolution process will be documented and kept for seven years as required by law (see Section E.10 Grievance Process Documentation of this Policy). However, no recording of the Informal Resolution process will be made and all statements made during the Informal Resolution process and may not be used for or against either party (and the Hearing Officer and Appellate Officer may not consider any such statement made during Informal Resolution) should the parties resume the Grievance Process. Failure to comply with an Informal Resolution agreement may result in disciplinary action.

5. Investigation of the Formal Complaint – Gathering Evidence

a. After the University provides written notice of a Formal Complaint to the parties, the Respondent will be allowed a reasonable time to respond in writing and through an interview with the investigator.

b. Notice of Invited or Expected Participation The University Investigators will provide written notice before all scheduled interviews to a party whose participation is invited or expected to include the date, time, location, participants, and purpose of all meetings for all investigative interviews, or other proceedings in the Grievance Process.

c. Evidence

The parties in the investigation may present any information and evidence that may be relevant to the Formal Complaint and may have an advisor of their choice attend any related interview, meeting, or proceeding in the Grievance Process. Advisors are not permitted to actively participate in meetings or proceedings in the Grievance Process, unless conducted in the manner explicitly outlined in Section E.7.(j) Questioning of the Participants in the Hearing of this Policy. The parties may present the names of any fact or expert witnesses who may provide relevant information, and how the witnesses may be relevant to the Formal Complaint. The parties may submit to the investigator any questions they would like asked of any known potential witnesses or parties.

d. Witness Interviews The investigators will interview relevant and available witnesses. Neither the Complainant nor the Respondent will normally attend these interviews; however, if either one permitted to attend, the other shall have the same right.

e. Investigation Timeframe The investigation of a Formal Complaint will be concluded within 90 days of the filing of a Formal Complaint. The parties should be provided updates on the progress of the investigation, as needed. If the investigation should last longer than 90 days, the investigators will present a justification for the overage to the Title IX Coordinator and Title IX Coordinator will share the justification with both parties.

f. Access to Evidence

Prior to the completion of the investigation report, the investigators will provide access to all evidence obtained (whether relevant or not) as part of the investigation to both parties (and the

party's advisor, if any, upon a party's signed information release for their advisor of choice). Both parties will have 10 days to inspect, review, and respond to the evidence. All responses to the evidence must be submitted by the party in writing to the investigator. Advisors are not permitted to submit written responses to the evidence on their own or on behalf of the party they are advising. The investigators will consider all timely responses submitted by the parties.

g. Completed Investigation Report The completed investigation report will outline each of the allegations that potentially constitutes prohibited conduct under this Policy, provide the timeline (e.g. procedural steps) of the investigation, and fairly summarize relevant evidence, participant statements, and responses to questions. The investigator will provide a completed investigation report concurrently to both parties and each party's advisor, if any, upon a party's signed information release for their advisor of choice at least 10 days prior to the date of the scheduled hearing to review and provide a written response at the hearing. A copy of the completed investigation report will be issued to the Title IX Coordinator who will then share with the assigned hearing officer.

6. Standard of Evidence and Presumption of Not Responsible All Grievance Processes will use the preponderance of the evidence standard, as defined in this Policy. By law, it is presumed that the Respondent is not responsible for the alleged conduct unless that determination regarding responsibility is made at the conclusion of the Grievance Process.

7. Live Hearing – Determination of Responsibility

a. Absent a Formal Complaint dismissal or the parties' decision to reach an Informal Resolution agreement (if applicable), the University will provide a live hearing for all Formal Complaints subject to the Grievance Process as outlined in this Policy.

b. Written Notice of the Hearing The University will provide at least 10 days written notice to participants of the hearing (and the participant's advisor, if any, upon a participant's signed information release for their advisor of choice), including the date, time, location, names of all participants of the hearing (including the hearing officer, and all parties and participants in the investigation report), purpose of the hearing, a statement of the alleged conduct charges, and a summary statement of the evidence gathered.

c. Challenges to the Hearing Officer

Either party may challenge the fairness, impartiality or objectivity of a hearing officer. The challenge must be submitted in writing to the hearing officer through the office coordinating the hearing within 4 days after notice of the identity of the hearing officer and must state the reasons for the challenge. The hearing officer will be the sole judge of whether he or she can serve with fairness, impartiality, and objectivity. In the event the hearing officer recuses themselves; an alternative hearing officer will be assigned in accordance with institution's procedures.

d. Hearing Officer Duties at the Hearing

The hearing officer will rule on all procedural matters and on objections regarding exhibits and testimony of participants at the hearing, may question participants who testify at the hearing, and is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the U.T. System.

e. Access to Evidence Each party will have access to all of the evidence from the investigation,

including a copy of the completed investigation report, as outlined in Section E.5(f) Access to Evidence in this Policy.

f. **Separate Rooms and Virtual Participation** At the request of either party, the University will hold the hearing in a manner where the parties are located in separate rooms with technology enabling the hearing officer and the parties to simultaneously see and hear the participants answering questions. Participants may appear at the hearing virtually and are not required to be physically present at the same physical location of the hearing.

g. **Closing Statements** Each party may make opening and closing statements.

h. **Privileged Information Excluded** No person will be required to disclose information protected under a legally recognized privilege. The hearing officer must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.

i. **Advisor of Choice** Each party may have an advisor of their choice at the hearing. If a party does not have an advisor, the University will provide one. Advisors are not permitted to actively participate in the hearing, except for asking questions of the other party and any other witnesses. In addition, witnesses may have an advisor of their choice at the hearing.

j. **Questioning of the participants in the hearing** the hearing officer may, at the hearing officer's discretion, ask questions during the hearing of any party or witness and may be the first person to ask questions of any party or witness. Each party's advisor will have an opportunity to ask relevant questions and follow-up questions of the other party and of any witnesses that participate in the hearing, including questions that challenge credibility. Each advisor has the ability to ask questions directly, orally, and in real time at the hearing. The parties will not be permitted to personally ask questions of the other party or any witnesses that participate in the hearing. The advisors may ask questions under the following procedure:

- The advisor will ask a question of the applicable participant.
- Before the participant answers a question, the hearing officer will rule as to whether the advisor's question is relevant to the alleged conduct charges.
- If the hearing officer rules the advisor's question as not relevant, then the hearing officer must explain any decision to exclude a question as not relevant. If the hearing officer allows the question as relevant, the participant will answer it.

k. **Prior Sexual History**

A Complainant's sexual predisposition or prior sexual behavior are not relevant except where questions and evidence about a Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct charged by the Complainant or if the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove the Complainant's consent of the alleged conduct.

l. **Not submitting to cross-examination**

If a party or witness refuses to submit to any cross-examination questions during the hearing, the

hearing officer will not rely on any statement of that party or witness, when reaching a responsibility determination. The hearing officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions.

m. Hearing Officer Determination

The hearing officer will issue a written determination, which must include the following:

- The allegations that potentially constitutes prohibited conduct under this Policy;
- A description of all of the procedural steps of the Grievance Process under this Policy (from receipt of a Formal Complaint to the determination regarding responsibility of the Respondent, including any notifications of the parties, interviews with parties and witness site visits, methods used to gather other evidence and hearings held);
- The findings of fact supporting the hearing officer's determination;
- The conclusion(s) and a rationale as to whether the Respondent is responsible for each allegation;
- The disciplinary sanctions, if applicable;
- The remedies if applicable, designed to restore the Complainant's access to the education program or activity; and
- The institution's procedures and permissible bases for the parties to appeal, if applicable.

The hearing office will send a copy of the written determination concurrently to the parties, in addition to the Dean (for student Respondents) or appropriate administrator (for employee Respondents), and the Title IX Coordinator.

n. Recording and Transcription of Hearing The hearing will be recorded in audio or audiovisual format and may be transcribed at the discretion of the University. The recording or transcript, if applicable, will be available for the parties to inspect and review, upon request.

8. Sanctions and Remedies The following sanctions and remedies may be considered by the hearing officer in accordance with this Policy:

a. Possible Sanctions and Remedies for Student Respondents:

- Educational training;
- No shared classes or extra-curricular activities;
- Disciplinary probation;
- Withholding of grades, official transcript, and/or degree.
- Bar against readmission, bar against enrollment, drop from one or more classes, and/or

withdrawal from the University;

- Suspension of rights and privileges, including but not limited to participation in athletic or extracurricular activities;
- Denial of degree;
- Suspension from the University for a specific period of time. Suspension is noted in the academic transcript with the term “Disciplinary Suspension.” The notation can be removed upon the request of the student in accordance with the University’s procedures when all conditions of the suspension are met;
- Expulsion (permanent separation from the University). Expulsion creates a permanent notation on the student’s academic transcript;
- Revocation of degree and withdrawal of diploma; and/or
- Other sanction(s) or remedies as deemed appropriate under the circumstances.

b. Possible Sanctions and Remedies for Employee Respondents:

- Employment probation;
- Job demotion or reassignment;
- Suspension with or without pay for a specific period of time;
- Dismissal of termination;
- Ineligible for rehire; and/or
- Other sanction(s) or remedies as deemed appropriate under the circumstances.

9. Appeals and Additional Processes provided to Students and Employees.

Appeals. Either party may appeal in writing to a hearing officer’s determination regarding a Respondent’s responsibility under the Grievance Process or from the University’s dismissal of a Formal Complaint (or any allegations in the Formal Complaint) within 10 days of the notification of such a determination, on the following basis:

- A procedural irregularity that affected the outcome of the matter;
- There is new evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator(s), or hearing officer had a conflict of interest or bias for or against the parties (generally, or specifically in this matter) that affected the outcome of the matter.

The appellate officer must not be the same person as the Title IX Coordinator, investigator(s), or hearing officer in the Grievance Process. Both Parties will be notified in writing when an appeal is filed, and the appeal procedures will apply equally for both Parties.

Any non-appealing party (or the University) will have 7 days from the notification of an appeal to submit a written statement in support of the outcome. The decisionmaker on the appeal will release a written decision within 21 days from the date of the appeal. The appellate officer will release a

written decision within 21 days from the date of the appeal to:

- Affirm the hearing officer's determination regarding the Respondent's responsibility and affirm the disciplinary sanctions and remedies, if applicable;
- Affirm the hearing officer's determination regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable;
- Remand the process back to the hearing stage for the hearing officer to remedy any procedural irregularity or consider any new evidence; • Reverse the hearing officer's determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable; or
- Affirm or amend the sanctions and/or remedies outlined in the administrative disposition issued under Section E.12 Alternative Grievance Process for Students of this Policy.

10. Grievance Process Documentation.

The University (through the appropriate office) will retain all of the documentation included in the Grievance Process (outlined in Section E. The Grievance Process of this Policy) for seven years, in accordance with state and federal records laws and University policy. All documentation of records are private and confidential to the extent possible under law. Student records of the Grievance Process are disciplinary records under FERPA. Employee records of the Grievance Process are subject to the Freedom of Information Act (FOIA) and the Texas Public Information Act (TPIA) and included in the employee's official employment record.

11. Grievance Process Timeframe. The entire Grievance Process (outlined in Section E. The Grievance Process of this Policy, including any appeal) will be completed in no more than 150 days from the filing of the Formal Complaint. However, the circumstances may require a temporary delay in this timeframe and the University may extend this timeframe for good cause. In such an instance, the University will provide written notice to the parties of the delay or extension and the reason(s) for the action. Good cause may include considerations such as the absence of a party, a party's advisory, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disability. The time period in this section does not include the period the parties attempted but failed to reach an agreement in the Informal Resolution Process, if applicable and in such a case the Grievance Process timeframe will be extended by the period the parties attempted to reach an Informal Resolution (outlined in section E.4 Informal Resolution Option of Certain Formal Complaints of this Policy).

12. Alternative Grievance Process for Students, Faculty, and Staff – Applicable Exceptions for Non-Sexual Harassment Formal Complaints for Formal Complaints where the alleged conduct does not include Sexual Harassment, the Grievance Process in Section E. The Grievance Process of this Policy applies, including the right to resolve informally, with the following exceptions:

a. Investigation Report & Determination Regarding Responsibility Section E.5(g) Completed Investigation Report applies except that the completed investigation report will include a preliminary determination regarding the responsibility of the Respondent for each allegation, the findings of fact supporting the investigator's determination, and the rationale for the determination for each allegation. The completed investigation report and determination regarding responsibility will be referred to the Title IX Coordinator. For the alternative grievance process, the Title IX Coordinator will not be the investigator.

Once the investigation report is received, the Title IX Coordinator will conduct an independent review of the investigation report, and will:

- Accept the preliminary determination regarding responsibility of the Respondent, and either dismiss the case or proceed to adjudication (if applicable);
- Amend the preliminary determination regarding responsibility of the Respondent, and proceed to adjudication (if applicable); or
- Remand the process back to the investigation stage to address an investigation concern.

b. Adjudication for Students and Learners: Once the Title IX Coordinator makes their determination, where responsibility finding(s) proceed to the adjudication stage, the case will be referred to the student affairs dean (for students) or the appropriate supervisor or administrator (for faculty and staff), and the Respondent and Complainant may elect one of the following options:

- i. Agree to the determination of responsibility for each of the applicable allegations, the sanctions, and remedies outlined in an administrative disposition, and waive the option of a hearing;
- ii. Agree to the determination of responsibility for each of the applicable allegations, appeal (in writing) the sanctions and/or remedies outlined in the administrative disposition, and waive the option of a hearing; or
- iii. Select a live hearing where the determination regarding responsibility of the Respondent will be made by a hearing officer.

If either party chooses adjudication option in Section E.12(b)(iii) Adjudication, then a live hearing must be initiated for the adjudication of the conduct allegations, as outlined in Section E.12(c) Live Hearing.

Absent either party choosing adjudication option E.12(b)(iii) Adjudication, if either party chooses adjudication option E.12(b)(ii) Adjudication, then any party choosing this option may appeal the sanctions and/or remedies outlined in the administrative disposition, using the Appeals process in Section E.9 Appeals and Additional Processes Provided to Students and Employees of this Policy. The finding of responsibility may not be appealed by either party.⁴ 4.2.2 Sexual Misconduct Policy Template version: 2020-05 Page 24 of 36

If both parties select adjudication option E.12(b)(i) Adjudication, then the administrative disposition will be final and there will not be any subsequent adjudication proceedings regarding the allegations.

c. Live Hearing (for students/learners only)

If a live hearing is selected for adjudication, the hearing procedures in Section E.7 Live Hearing – Determination of Responsibility of this Policy will apply, with the following exceptions:

- i. Advisor of Choice.⁴ Each party may have an advisor of their choice at the hearing. Upon request from either party, the University will provide an advisor to that party. Advisors are not permitted to actively participate in the hearing. In addition, witnesses may have an advisor of their choice at

the hearing.

ii. Questioning of the participants in the hearing.⁵ The hearing officer may, at the hearing officer's discretion, ask questions during the hearing of any party or witness and may be the first person to ask questions of any party or witness. Each party may ask relevant questions of any witness at the hearing, except that cross-examination questions of the other party must be submitted in writing to the hearing officer. The hearing officer will then ask relevant cross-examination questions of the other party and allow for relevant follow-up questions (if applicable). Advisors are not permitted to ask any questions at the hearing.

iii. Prior Sexual History: A Complainant's sexual predisposition or prior sexual behavior are not relevant except where questions and evidence about a Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct charged by the Complainant or if the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with the Respondent and are offered to prove the Complainant's consent of the alleged conduct.

d. Adjudication for Faculty and Staff:

i. Agree to the determination of responsibility for each of the applicable allegations, the sanctions, and remedies outlined in an administrative disposition, and waive the option of a hearing; or 4 Subsection E.7(i) Advisor of Choice does not apply when a hearing is conducted under Section E.12(c) Alternative Grievance Process for Students of this Policy. 5 Subsection E.7(j) Questioning of Participant in the Hearing does not apply when a hearing is conducted under Section E.12(c) Alternative Grievance Process for Students of this Policy.

ii. Agree to the determination of responsibility for each of the applicable allegations, appeal (in writing) the sanctions and/or remedies outlined in the administrative disposition and waive the option of a hearing.

If either party chooses adjudication option E.12(d)(ii) Adjudication, then any party choosing this option may appeal the sanctions and/or remedies outlined in the administrative disposition, using the Appeals process in Section E.9 Appeals and Additional Processes Provided to Students and Employees of this Policy. The finding of responsibility may not be appealed by either party.

If both parties select adjudication option E.12(d)(i) Adjudication, then the administrative disposition will be final and there will not be any subsequent adjudication proceedings regarding the allegations

F. Emergency Removal and Employee Administrative Leave

1. Emergency Removal for Students/Learners: A Respondent may be removed from the University's education program or activity on an emergency basis if, after the individualized safety and risk analysis, it is determined that such a removal is justified because the Respondent poses an immediate threat to the physical health or safety of an individual arising from the allegations of Sexual Misconduct. Under these circumstances, the Respondent will be notified in writing of the emergency removal from the University's education program or activity, and the Respondent will have an opportunity to immediately challenge the decision following the emergency removal. This determination shall be made by the University Behavioral Intervention Team/Threat Assessment Team. Appeals of this decision can be made to the student affairs dean (students) of the school

attended by that student.

2. Employee Administrative Leave. An employee Respondent may be placed on administrative leave, in accordance with the University's policy and procedures on employee administrative leave, during the pendency of a Grievance Process, as outlined in this Policy.

G. Dissemination of Policy and Education Programs.

1. This Policy will be made available to all University administrators, faculty, staff, and students online at <https://students.uthscsa.edu/titleix/> and in UT Health San Antonio publications. Periodic notices will be sent to University administrators, faculty, staff and students about the University's Sexual Misconduct Policy, including but not limited to at the beginning of each fall and spring semester. The notice will include information about Sexual Misconduct, Retaliation, and other conduct prohibited under this Policy, including the Formal Complaint procedure, the University Grievance Process, and available resources, such as support services, health, and mental health services. The notice will specify the right to file a Formal Complaint under this Policy, right to file a police report to law enforcement, the Title IX Coordinator's contact information, and will refer individuals to designated offices of officials for additional information.

2. Ongoing Sexual Misconduct Training.

The University's commitment to raising awareness of the dangers of Sexual Misconduct includes providing ongoing education through annual training and lectures by faculty, staff, mental health professionals, and/or trained University personnel. Preventive education and training programs will be provided to University administrators, faculty, staff, and students and will include information about primary prevention, risk reduction, and bystander intervention: <https://students.uthscsa.edu/titleix/>

3. Training of the Title IX Coordinators, Investigators, Hearing Officers and Appellate Authorities. All Title IX Coordinators, Deputy Coordinators, investigators, and those with authority over University Grievance Processes, and appeals shall receive training each academic year about applicable prohibited conduct, Grievance Process, due process, and University policies related to Sexual Misconduct. All training materials used to train Title IX-related personnel (e.g. Title IX Coordinators deputies, investigators, hearing officers, and appellate officers (among others) will be made available on the University's website: <https://students.uthscsa.edu/titleix/>

4. Annual Reporting and Notice

The University's Title IX General Policy Statement will be made available to all students, faculty, and employees online, in required publications.

H. Additional Conduct Violations under this Policy

1. Retaliation Any person who retaliates against (a) anyone filing a report of Sexual Misconduct or Formal Complaint, (b) the parties or any other participants (including any witnesses or any University employee) in a Grievance Process relating to a Formal Complaint, (c) any person who refuses to participate in a Grievance Process, or (d) any person who under this Policy opposed any unlawful practice, is subject to disciplinary action up to and including dismissal or separation from the University. If any participant in a Grievance Process believes they have been subject to Retaliation (as defined in this Policy), they should immediately report the alleged retaliatory conduct to the appropriate administrator as outlined in HOP 2.5.2, Protection from Retaliation for

Reporting Suspected Wrongdoing.

2. False Information and False Complaints Any person, who in bad faith, knowingly files a false complaint under this Policy or provides materially false information is subject to disciplinary action up to and including dismissal or separation from the University. A determination that a Respondent is not responsible for allegations of Sexual Misconduct does not imply a report, Formal Complaint, or information provided was false. Similarly, a determination that a Respondent is responsible for a policy violation does not imply that a Respondent's statements disclaiming responsibility were false.

3. Interference with the Grievance Process Any person who interferes with the Grievance Process (outlined in Section E of this Policy) is subject to disciplinary action up to and including dismissal or separation from the University. Interference with a Grievance Process may include, but is not limited to:

- a. Attempting to coerce or prevent an individual from providing testimony or relevant information;
- b. Removing, destroying, or altering documentation relevant to the Grievance Process; or
- c. Knowingly providing false or misleading information to the Title IX Coordinator, investigator or hearing officer, or encouraging others to do so.

4. Failure to Report for Responsible Employees Under state law, if a Responsible Employee knowingly fails to report all information concerning an incident the employee reasonably believes constitutes 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. Students, residents, and other trainees are not considered Responsible Employees for the purposes of this policy. For purposes of Failure to Report, the definition of sexual harassment, as defined under state laws, is broader than the definition of sexual harassment under this Policy and is defined as: Unwelcome, sex-based verbal or physical conduct that:

- a. In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
- b. In the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary institution.

5. No Effect on Pending Personnel or Academic Actions Unrelated to the Complaint.

The filing of a Filing Compliant under this Policy will not stop or delay any action unrelated to the Formal Complaint, including: (a) any evaluation or disciplinary action relating to a Complainant who is not performing up to acceptable standards or who has violated University rules or policies; (b) any evaluation or grading of students participant in a class, or the ability of a student to add/drop a class, change academic programs, or receive financial reimbursement for a class; or (c) any job related functions of a University employee. Nothing in this section shall limit the University's ability to take interim action or execute an emergency removal.

IV. Definitions

When used in this document with initial capital letter(s), the following words have the meaning set

forth below unless a different meaning is required by context.

Coercion – The use of pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including psychological or emotional pressure, physical or emotional threats, intimidation, manipulation, or blackmail that causes the person to engage in unwelcome sexual activity. A person’s words or conduct are enough to constitute coercion if they eliminate a reasonable person’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include but are not limited to threatening to “out” someone based on sexual orientation, gender identity, or gender expression; threatening to harm oneself if the other party does not engage in the sexual activity; and threatening to expose someone’s prior sexual activity to another person.

Complainant – The individual who is alleged to be the victim of any prohibited conduct under this Policy. Confidential Employees – Confidential Employees include counselors in Counseling and Psychological Services, a health care provider in Health Services or clergypersons. Additionally, employees who receive information regarding an incident of sexual misconduct under circumstance that render the employee’s communications confidential or privileged under other law (such as attorneys) are also considered “Confidential Employees.”

Consent – A voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation or (f) any other factor that would eliminate an individual’s ability exercise their own free will to choose whether or not to have sexual activity.

A current or previous dating or sexual relationship, but itself is not enough to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

The definition of consent for the crime of sexual assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.⁶

Dating Violence⁷ - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the consideration of the following factors: (a) the length of the relationship; (b) the type of relationship; and (c) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

It does not include acts covered under the definition of domestic violence. Domestic Family Violence⁸ - includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Texas, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the state of

Texas.

Day – Calendar day

6 Texas Penal Code Section 22.011(b) states that a sexual assault is without consent if : (1) the actor compels the other person to submit or participate by the use of physician force or violence; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person that has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat. 7 Dating Violence is defined by the Texas Family Code, Section 71.0021 as: (a) an act ,other than a defensive measure to protect oneself, by an actor that (1) is committed against a victim; (A) with whom the actor has or has had a dating relationship: or (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault. (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship; (c) A casual acquaintance or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b). Texas Penal Code, Section 22.01 provides the criminal penalties associated with Data Violence.

Hostile Environment – exists when sexual misconduct is sufficiently severe or pervasive to deny or limit the individual's ability to participate in or benefit from an education program or activity or an employee's terms and conditions of employment.⁹ A hostile environment can be created by anyone (e.g., administrators, faculty members, employees, students, and University visitors) involved in an education program or activity or work environment.

In determining whether sexual misconduct has created a hostile environment, the University considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not adequate, that the conduct was unwelcome to the individual who was mistreated. To conclude that conduct created or contributed to a hostile environment, the University must also find that a reasonable person in the individual's position would have perceived the conduct as undesirable or offensive.

To ultimately determine whether a hostile environment exists for an individual or individuals, the University may consider a variety of factors related to the severity persistence, or pervasiveness of the sexual misconduct, including; (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of the persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and (5) the degree to which the conduct affected an individual's education or employment.

The more severe the sexual misconduct, the less need there is to show a repetitive series of incidents to find a hostile environment. Likewise, a series of incidents may be enough even if the sexual misconduct is not particularly severe.

Incapacitation – incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. An individual may be incapacitated if they are unaware at the time of the incident of where they

are, how they got there, or why or how they became engaged in a sexual interaction.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of impaired by use of the drug. Alcohol and other drugs impact each individual differently and determining whether an individual is incapacitated requires an individualized determination.

After establishing that a person is in fact incapacitated, the University asks two questions: (1) Did the person initiating sexual activity know that the other party was incapacitated? And if not, (2) Should a sober, reasonable person in the same situation have known that the other party was incapacitated?

If the answer to either of these questions is “yes,” consent was absent, and the conduct is likely a violation of this Policy.

A Respondent will be found to have violated policy only if the Respondent knew or should have known that the person was incapacitated.

⁸ Family Violence is defined by the Texas Family Code Section 71.004 as: (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonable places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or (3) dating violence, as that term is defined by Section 71.0021. Texas Penal Code Section 22.01 provides the criminal penalties associated with Domestic (Family) Violence.

Intimidation – Unlawfully placing another person in reasonable fear of bodily harm using threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Other Inappropriate Sexual Conduct – Conduct on the basis of sex that does not meet the definition of “sexual harassment” under this Policy, but is

(1) If verbal conduct (including through electronic means), unwanted statements of a sexual nature intentionally stated to a person or group of people, that are objectively offensive to a reasonable person and also so severe or pervasive that they created a Hostile Environment, as defined in this Policy. The type of verbal conduct (if all other elements are met) may include:

(a) unwelcome sexual advance (including explicit or implicit proposition(s) of sexual contact or activity),

(b) Requests for sexual favors (including overt or subtle pressure);

(c) Gratuitous comments about an individual’s sexual activities or speculation about an individual’s sexual experiences;

(d) Gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;

(e) Persistent, unwanted sexual or romantic attention;

(f) Exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars

or other materials; or

(g) Deliberate, repeated humiliation or intimidation.

(2) If physical conduct, either:

(a) Sexual exploitation, as defined in this Policy;

(b) Unwelcome intentional touching of a sexual nature;

(c) Deliberate physical interference with or restriction of movement; or

(d) Sexual violence as defined in this Policy.

Participants – The term “participants” includes the Complainant, Respondent, and any witnesses.

Parties – This term refers to the “Complainant” and the “Respondent” under this Policy.

Preponderance of the Evidence – The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining allegations of prohibited conduct under this Policy. This standard is satisfied if the action is deemed more likely to have occurred than not.

Respondent – The individual who has been reported to be the perpetrator of prohibited conduct under this policy.

Responsible Employee – A University employee who has the duty to report incidents of and information reasonably believed to be Sexual Misconduct to the Title IX Coordinator. All employees are Responsible Employees except Confidential Employees. Responsible Employees include all administrators, faculty, and staff. Students, residents, and other trainees are not considered Responsible Employees for the purposes of this policy. Responsible Employees must report all known information concerning the incident to the Title IX Office and must include whether a Complainant has expressed a desire for the confidentiality in reporting the incident.

Retaliation – Any adverse action (including, but is not limited to, intimidation, threats, coercion, harassment, or discrimination) taken against someone because the individual has made a report or filed a Formal Complaint; or who has supported or provided information in connection with a report or a Formal Complaint; participated or refused to participate in a Grievance Process under this Policy; or engaged in other legally protected activities.

Sex Discrimination – Occurs when an individual is treated less favorably on the basis of that person’s sex (including gender), which may also include on the basis of sexual orientation, gender identity, or expression, pregnancy or pregnancy-related condition, or a sex stereotype. Sexual harassment, as defined in this Policy, is a form of sex discrimination.

Sexual Assault¹⁰ – An offense that meets the definition of rape, fondling, incest, or statutory rape:

(a) Rape - the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

(b) Fondling - The touching of the private body parts of another person for the purpose of sexual

gratification, without the consent of the victim, including purpose of sexual gratification, without the consent of the victim including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

(c) Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

(d) Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent.

¹⁰ Sexual Assault is defined by Texas Penal Code, Section 22.011 as intentionally or knowingly; (a) Causing the penetration of the anus or sexual organ of another person by any means, without that person's consent; or (b) Causing the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or (c) Causing the sexual organ of another person without that person's consent to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.

Sexual Exploitation – Conduct where an individual takes non-consensual or abusive sexual advantage of another for their own benefit or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; the intentional removal of a condom or other contraceptive barrier during sexual activity without the consent of a sexual partner; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowing transmitting a sexually transmitted disease (STD) to another.

Sexual Harassment – Conduct on the basis of sex that satisfies one or more of the following:

(a) Quid pro quo: An employee of the institution conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct,

(b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity, or

(c) Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined in this Policy.

Subsections (a) and (c) in this definition are not evaluated for severity, pervasiveness offensiveness, or denial of equal educational access, because such conduct is sufficiently serious to deprive a person of equal access. Therefore, an instance of Quid pro quo sexual harassment and any instance of Sexual Assault, Date Violence, Domestic Violence, and Stalking are considered sexual harassment under this Policy.

Sexual Misconduct – This term is broadly defined to encompass Sex Discrimination, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Other Inappropriate Sexual Conduct. Sexual Violence – Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. The term includes, but is not limited to, rape, sexual assault, sexual battery, sexual coercion, sexual abuse, indecency with a child, and/or aggravated sexual assault.

Stalking¹¹ - Engaging in a Course of Conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition –

Course of Conduct – means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property.

11 Stalking as defined by Texas Penal Code, Section 42.072 is when an individual on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that (a) is considered harassment, or that the actor knows or reasonably should know the other person will regard as threatening; (i) bodily injury or death for the other person; (ii) bodily injury or death for a member of the other person’s family or household or for an individual with whom the other person has a dating relationship; or (iii) that an offense will be committed against the other person’s property; (b) causes the other person, a member of the other person’s family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person’s property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and (c) would cause a reasonable person to: (i) fear bodily injury or death for himself or herself; (ii) fear bodily injury or death for a member of the person’s family or household or for an individual with whom the person has a dating relationship; (iii) fear that an offense will be committed against the person’s property; or (iv) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

Reasonable Person – means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial Emotional Distress – means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

V. **Related References** (see HOP online
<https://uthealthsa.sharepoint.com/RAC/Documents/HOP/Chapter04/4.2.2.pdf>