

**INITIAL DATA REQUEST**

University of Texas Health Science Center at San Antonio (UTHSC-SA),

OCR Docket #: 06162022

**Response Due: March 10, 2016**

To facilitate the resolution of the above-referenced complaint, it is requested that the UTHSC-SA provide OCR with the following information and/or documentation for the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (to date) academic years within fifteen (15) calendar days of the date of the attached letter, or **March 10, 2016**. The Student is identified as (b)(6); (b)(7)(C) a (b)(6); (b)(7)(C) UTHSC-SA student.

Please note that in this request, the term “correspondence” includes, but is not limited to, e-mail messages, meeting notes, interviews, notes of telephone conversations, and all related memoranda. In each instance where a policy is requested but a written policy on the matter at issue does not exist, provide instead an explanation of the UTHSC-SA’s usual practice.

\*Although not required, it would be helpful if the data response is numbered in the lower right-hand corner (e.g., 001, 002) to ensure staff from OCR and the UTHSC-SA are looking at the same page during any future discussions about this data response.

1. The name and telephone number of the person who has been designated by UTHSC-SA to assist OCR with the resolution of this complaint.
2. A copy of the following UTHSC-SA policies, procedures, and documents that have been in effect at any time from the (b)(6); (b)(7)(C) to the present. To the extent these documents are available on UTHSC-SA’s website, an appropriate link is sufficient.
  - a. Title IX policies and procedures regarding discrimination based on sex and, if different, policies regarding sexual harassment and sexual violence.
  - b. Grievance procedures for complaints and other avenues for reporting alleged sex discrimination and, if different, sexual harassment and sexual violence. If the UTHSC-SA has different procedures depending on whether complaints are against students, faculty or staff, please provide all procedures.
  - c. The Student, Staff and Faculty Codes of Conduct and any other document(s) that contain the UTHSC-SA’s policies and procedures regarding student, staff and faculty behavior and discipline, including procedures for determining whether the UTHSC-SA will impose sanctions for sexual harassment and sexual violence.
  - d. Student, staff and faculty handbooks.
  - e. The UTHSC-SA’s nondiscrimination statement.

If not already provided in the data items above, please indicate how students, staff, and faculty are notified regarding the above policies and procedures.

3. For each grievance procedure or complaint process procedure offered to students and used by the UTHSC-SA to address sexual harassment and sexual violence or other sex discrimination complaints, if not indicated in the policy or procedure, identify the name and title of each individual, including UTHSC-SA police, administrators, staff and students responsible for accepting, investigating, deciding or otherwise resolving complaints. Identify any other offices or departments with any responsibility for responding to reports of sexual harassment and violence, and any other offices or departments to which students typically report such conduct.
4. A copy of any:
  - a. Internal or external assessments of the adequacy or effectiveness of the UTHSC-SA's policies and procedures concerning sexual harassment and sexual violence; and
  - b. Internal or external recommendations made to the UTHSC-SA since the (b)(6); (b)(7)(C) regarding changes to its policy and procedures for responding to or investigating complaints of sexual harassment and sexual violence.

Please provide a narrative response as to whether the UTHSC-SA made any changes to its policies and procedures in response to these assessments and/or recommendations.

5. If the UTHSC-SA has conducted any climate surveys or self-assessments, or otherwise collected data on or monitored sexual violence, provide a copy of the tool used, the results, any analysis of the results, and a description of any action the UTHSC-SA took in response.
6. Describe any proactive efforts by the UTHSC-SA to prevent sexual assault or sexual harassment, as well as any resources the UTHSC-SA provides to students, staff and faculty, including complainants and accused students or persons. Explain how the UTHSC-SA communicates with staff about its outreach efforts to educate students and staff about sexual assault or sexual harassment, such as through publications or websites.
7. Identify the names, office addresses and office e-mail addresses of the individuals designated by the UTHSC-SA to ensure its compliance with Title IX (Title IX Coordinator) from the (b)(6); (b)(7) to the present. In responding to this request, please include the dates each person held this position (the month and year are sufficient).
8. Describe how complaints of alleged sexual harassment and violence are communicated to the Title IX office. In your response, please state which classifications of staff/employees the UTHSC-SA consider mandatory reporters and how mandatory reporters document and relay complaints of sexual harassment/violence to the Title IX office.



9. A copy of any Memorandum of Understanding (MOU) or other written agreement between the UTHSC-SA, the UTHSC-SA's police department and/or the (b)(6); (b)(7)(C) police department related to protocols that are followed regarding the handling of sexual violence complaints. Unless stated in the MOU or other written agreement, explain how the UTHSC-SA handles criminal complaints and the effect of criminal complaints on the Title IX investigative process.
10. Identify by name and title any UTHSC-SA designated contact points for criminal investigations of campus sexual violence. Describe the process for communications with the local prosecutor about the status of criminal investigations and decisions to proceed with or decline prosecution.
11. Explain how the UTHSC-SA's policies regarding sexual harassment and sexual violence are (or have been) distributed and publicized to UTHSC-SA students, faculty and staff and any other means the UTHSC-SA uses (or has used) to notify students, faculty and staff about how to file a complaint of sexual harassment and sexual violence or other discrimination based on sex. Please include documentation or web links that support this response, including, but not limited to, brochures, distributed flyers, newspaper or web articles, and orientation materials.
12. Provide a detailed description of training provided to UTHSC-SA faculty and staff since the fall of 2012 covering the topics of sexual harassment and sexual violence or other discrimination based on sex. Include the date(s) provided and the names, titles, and qualifications of the person(s) that who provided the training(s); and lists of attendees and their positions. Provide copies of any material provided during the training, including PowerPoint slides.
13. Provide a detailed description of training and information sessions for students (including freshmen orientation) since the (b)(6); (b)(7)(C) covering the topics of sexual harassment and sexual violence or other discrimination based on sex. Include the date(s) the training was provided and the names, titles, and qualifications of the person(s) that who provided the training(s). Provide copies of any material provided during the training.
14. Provide a detailed description of training provided since the (b)(6); (b)(7)(C) to individuals responsible for investigating complaints of sexual harassment and sexual violence and to members of any committees or boards that hear or decide complaints of sexual harassment and sexual violence, including bodies that decide sanctions. Include the date(s) provided and the names, titles, and qualifications of the person(s) that who provided the training(s); and lists of attendees and their positions. Provide copies of any material disseminated during the training including PowerPoint slides.
15. Provide a list of all student complaints or reports of (a) sexual harassment and sexual violence or (b) retaliation or intimidation in relation to a complaint or report of sexual harassment or sexual violence, that have been brought to the UTHSC-SA's attention (formally or informally) for the time period indicated above (b)(6); (b)(7)(C)

(b)(6), (b)(7)(C) (to date) academic years). Include copies of anonymous complaints/reports. For each complaint identified, please provide the information below with the dates for each step of the process:

- a. The name, or unique identifier, and sex of the student who made the report or complaint.
- b. The name or unique identifier, sex and position (*e.g.*, student, faculty, staff) of the individual against whom the complaint was filed.
- c. The date each complaint or report was made, the date the investigation (if any) was started, the date the investigation was completed, the date any hearing was convened, the date the final decision was issued, and a description and date of any other step in the process.
- d. The type of report or complaint filed (*i.e.*, formal or informal).
- e. The allegation(s) made in the report or complaint including whether it alleged sexual harassment, sexual assault or sexual violence, and whether the incident(s) described in the complaint occurred on or off campus. If off campus, indicate the location, whether the location was hosted or sponsored by the UTHSC-SA and whether the location was owned or leased by (b)(
- f. The title of the UTHSC-SA office or the name of the UTHSC-SA staff member where the report or complaint was filed (*e.g.*, campus police, student services, academic dean, counselor, etc.).
- g. Indicate whether the complaint was investigated. If yes, provide the name and title of the UTHSC-SA official or staff member who investigated the complaint. If no, indicate why not.
- h. Copies of all correspondence between the UTHSC-SA and the Student and respondent, informing them of the status of an informal or formal process, the results of any investigation, the outcome of any disciplinary proceeding, and, if an appeal has been filed, the notification to either party of the opportunity to provide input on an appeal.
- i. Indicate whether a hearing was conducted in connection with the complaint. If a hearing was conducted, indicate which process was used and the names and titles of all persons who participated in the hearing and decision making; provide a copy of the hearing decision, report or other documents describing the hearing decision, including all documents describing the remedies and sanctions that resulted from the decision.



- j. Indicate whether an appeal was filed and by whom. If yes, provide a copy of the appeal procedure used to respond to the appeal, identify the staff person responsible for deciding the appeal, and provide a copy of the appeal decision or outcome.
  - k. Indicate the final outcome of the complaint (*e.g.*, complaint dismissed due to inability to corroborate allegations, accused found guilty of violating Code of Conduct and suspended for one school year, etc.)
16. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) data for the most recent three academic years for which Clery Act data is available.
17. Copies of the following documents regarding the Student's report of alleged sexual assault on about (b)(6); (b)(7)(C) made to any UTHSC-SA staff (including counselors, UTHSC-SA police department staff, Title IX Coordinators, etc.):
  - a. Any complaints of sexual assault;
  - b. Any investigative notes, summaries, witness statements, findings, etc.;
  - c. Any hearing panel/appeals panel documents.
18. Explain how the UTHSC-SA handles requests for confidentiality regarding complaints of sexual assault or harassment.
19. A summary of any steps taken by the UTHSC-SA to investigate the Student's claim of sexual assault in the (b)(6); (b)(7)(C) the results of the UTHSC-SA's investigation, any interim steps taken during the UTHSC-SA's investigation, and the conclusion reached by the UTHSC-SA at the end of its investigation.
20. If not already provided in response to any data request above, please provide a copy of the UTHSC-SA's notice that it will not discriminate against individuals on the basis of sex.
21. Any other information the UTHSC-SA believes would be helpful in resolving this matter.



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620  
DALLAS, TX 75201-6810

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

February 24, 2016

OCR Docket # 06162022

(b)(6); (b)(7)(C)

Dear (b)(6); (b)(7):

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas office, has completed its evaluation of your complaint against the University of Texas Health Science Center at San Antonio (UTHSC-SA), San Antonio, Texas, which was received in our office on October 26, 2015. In your complaint, you alleged that the UTHSC-SA discriminated against (b)(6); (b)(7)(C) (hereinafter, the Student) on the basis of sex by failing to appropriately respond to her report of sexual assault (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

OCR is responsible for determining whether organizations or entities that receive or benefit from Federal financial assistance, either from the Department or an agency that has delegated investigative authority to the Department (recipients), are in compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 et seq., and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex.

The UTHSC-SA is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdiction to process this complaint for resolution under Title IX.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening the allegation. Please note that opening an investigation pertaining to this allegation in no way implies that OCR has made a determination with regard to its merit. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegation, in accordance with the provisions of Article III of OCR's *Case Processing Manual*.

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

OCR will investigate the legal issues of 1) whether the UTHSC-SA provided prompt and equitable responses to complaints, reports, and/or other incidents of sexual harassment or sexual violence, of which it had notice (knew about or should have known about) (including the Student's complaint), as required by the Title IX implementing regulation at 34 C.F.R. §§106.8, 106.9, and 106.31; and 2) whether any failure by UTHSC-SA to provide a prompt and equitable response allowed the Student or other students to be subjected to a sexually hostile environment that denied or limited students' ability to participate in or benefit from (b)(6); programs, in violation of the Title IX implementing regulation at 34 C.F.R. §§ 106.8 and 106.31.

For your information, a copy of the relevant regulation (Title 34 of the Code of Federal Regulations Part 106) is available upon request.

Please be advised that the UTHSC-SA may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, you may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

I am the investigator who has been assigned to assist you in the resolution of this complaint, and I will be contacting you in the near future to discuss this case. Meanwhile, if you have any questions regarding this letter, please contact me by telephone at (214) 661-9604 or at (b)(6); (b)(7)(C) or you may contact my supervisor, Ms. Terri Gonzales, at (214) 661-9687 or at (b)(6); (b)(7)(C).

Sincerely,

(b)(6)

Page Baird  
Senior Equal Opportunity Specialist  
Office for Civil Rights  
Dallas Office

cc: (b)(6); (b)(7)(C)





UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620  
DALLAS, TX 75201-6810

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

February 24, 2016

OCR Docket # 06162022

William L. Henrich, M.D., MACP, President  
The University of Texas Health Science Center at San Antonio  
7703 Floyd Curl Drive  
San Antonio, TX 78229

Dear Dr. Heinrich:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas office, has completed its evaluation of the above-referenced complaint against the University of Texas Health Science Center at San Antonio (UTHSC-SA), San Antonio, Texas, which was received in our office on October 26, 2015. In the complaint, the complainant alleged that the UTHSC-SA discriminated against (b)(6); (b)(7)(C) (hereinafter, the Student) on the basis of sex by failing to appropriately respond to her report of sexual assault (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

OCR is responsible for determining whether organizations or entities that receive or benefit from Federal financial assistance, either from the Department or an agency that has delegated investigative authority to the Department (recipients), are in compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 et seq., and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex.

The UTHSC-SA is a recipient of Federal financial assistance from the Department. Therefore, OCR has jurisdiction to process this complaint for resolution under Title IX.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening the allegation. Please note that opening an investigation pertaining to this allegation in no way implies that OCR has made a determination with regard to its merit. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the recipient, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegation, in accordance with the provisions of Article III of OCR's *Case Processing Manual*.

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*



OCR will investigate the legal issues of 1) whether the UTHSC-SA provided prompt and equitable responses to complaints, reports, and/or other incidents of sexual harassment or sexual violence, of which it had notice (knew about or should have known about) (including the Student's complaint), as required by the Title IX implementing regulation at 34 C.F.R. §§106.8, 106.9, and 106.31; and 2) whether any failure by UTHSC-SA to provide a prompt and equitable response allowed the Student or other students to be subjected to a sexually hostile environment that denied or limited students' ability to participate in or benefit from (b)(6)  
(b)(7) programs, in violation of the Title IX implementing regulation at 34 C.F.R. §§ 106.8 and 106.31.

For your information, a copy of the relevant regulation (Title 34 of the Code of Federal Regulations Part 106) is available upon request.

Section 100.6(c) of Title 34 of the Code of Federal Regulations stipulates that each recipient of Federal financial assistance shall permit access to pertinent sources of information to responsible Department officials or designees. Enclosed is an initial data request, which is required in assisting our efforts to ascertain compliance with the regulations enforced by OCR. Please provide the requested information to OCR within fifteen (15) calendar days of the date of this letter. This request may be supplemented through interviews with UTHSC-SA personnel or any witnesses who may have knowledge of the issue, and if necessary, additional data requests from UTHSC-SA as the complaint investigation progresses. After reviewing this information or any additional information, OCR will determine whether an on-site investigation is warranted. If so, you will be contacted to arrange a mutually convenient date.

Complaints may be resolved before the conclusion of an investigation if the institution that is the subject of the complaint (recipient) expresses an interest in resolving the complaint. This process is voluntary and must be requested by the recipient. The Office Director or designee must determine that it is appropriate to resolve the complaint during the course of an investigation. If the voluntary resolution process has been determined appropriate, OCR will immediately notify the complainant of the recipient's interest in resolving the complaint and will keep the complainant informed throughout all stages of this resolution process. The resolution agreement is negotiated between OCR and the recipient. The provisions of the resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation, and will be consistent with applicable regulations, and a copy of the signed resolution agreement will be included with the resolution letter. OCR will then monitor the implementation of the resolution agreement.

Please be advised that the UTHSC-SA may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the complainant may file another complaint allegation such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Please notify OCR of the name, address, and telephone number of the person who will serve as the University's contact person during the resolution of this complaint. We would like to talk with this person as soon as possible regarding the information requested in this letter. In addition, OCR may need to request additional information and interview pertinent personnel. If an on-site visit is determined to be necessary, you will be contacted to schedule a mutually convenient time for the visit.

I am the investigator who has been assigned to assist you in the resolution of this complaint, and I will be contacting you in the near future to discuss this case. Meanwhile, if you have any questions regarding this letter, or are interested in resolving the complaint prior to conclusion of the investigation through either the ECR process or by entering into a voluntary resolution agreement, please contact me by telephone at (214) 661-9604 or at (b)(6); (b)(7)(C) or you may contact my supervisor, Ms. Terri Gonzales, at (214) 661-9687 or at (b)(6); (b)(7)(C).

Sincerely,

(b)(6)

Page Baird  
Senior Equal Opportunity Specialist  
Office for Civil Rights  
Dallas Office

Enclosures