**HOP 3-3020 FAQs**

1. **What resources are available to participants in DIA’s processes under this Policy?**

The university offers a variety of resources to individuals participating in a DIA process under this Policy. For instance, the university’s Ombuds offices are free resources available to all staff, faculty, and students. The [Faculty Ombuds](https://ombuds.utexas.edu/faculty) office can be reached at (512) 471-5866). The [Staff Ombuds](https://ombuds.utexas.edu/staff) can be reached at (512) 471-3825. The [Employee Assistance Program (EAP)](https://eap.utexas.edu/) is another resource available to all university employees. The [Student Ombuds](https://ombuds.utexas.edu/student) can be reached at (512) 471-3825.

More information regarding additional resources is available [here](https://titleix.utexas.edu/campus-resources).

1. **Can I make an anonymous complaint?**

Yes, individuals may file anonymous complaints under this Policy. A decision to remain anonymous, however, may greatly limit the university’s ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating this Policy.

1. **What standard of evidence does DIA apply when determining whether this Policy has been violated?**

DIA bases its determinations on the preponderance of the evidence standard, which refers to the deliberative process used to determine which evidence produces the stronger impression, has the greater weight, and is the more convincing. This standard is satisfied if the alleged conduct is deemed more likely to have occurred than not based on all relevant and available evidence, including witness credibility.

1. **If DIA finds sufficient evidence of a policy violation, who determines the disciplinary actions?**

For complaints against faculty and staff, the appropriate vice president or the Provost will determine appropriate disciplinary action. The “appropriate vice president” is the vice president over the area in which the Respondent is employed. In determining disciplinary action, the vice president or Provost may consult DIA or other appropriate university officials.

For complaints against students, including student employees, the Dean of Students will determine appropriate disciplinary action. In determining disciplinary action, the Dean of Students may consult DIA and/or other appropriate university officials.

1. **If DIA closes a matter based on its initial assessment, can I appeal DIA’s decision?**

Yes. A party must submit a request for appeal to the University’s Chief Compliance Officer within 10 business days of receiving notification from DIA that it will not initiate a formal investigation. The request for appeal must be in writing and describe in sufficient detail the basis for the appeal and why DIA’s decision not to initiate a formal investigation was in error.

The Chief Compliance Officer will determine within 10 business days whether DIA’s decision to not initiate a formal investigation was in error. If the Chief Compliance Officer upholds DIA’s determination, the decision is final and no further appeal is available. If the Chief Compliance Officer overturns DIA’s determination, the Complaint or Report will be sent back to DIA for further investigation in accordance with the procedures outlined in this Policy.

1. **Am I subject to termination or discipline if I file a complaint under this Policy?**

The university prohibits retaliation against persons who report or bring a complaint under this Policy, oppose an unlawful practice, participate in an investigation, or request an accommodation.

However, engaging in a protected activity under this Policy does not delay or prevent a supervisor from disciplining or terminating an employee for reasons *unrelated* to the employee’s protected activity. Persons who participate in a protected activity, i.e., file a DIA complaint, under this Policy must maintain acceptable standards of work performance and comply with university rules and policies.

1. **Am I required to report if I believe an incident violates this Policy?**

Every supervisor, administrator, university official, or employee who learns of an incident through the course of their employment that they reasonably believe constitutes discrimination, harassment, or retaliation, and has the authority to take action to redress an alleged violation, must promptly report the incident to DIA.

1. **Is there a timeframe in which I must file a complaint?**

Yes. Complaints or reports must be filed with 180 calendar days of the most recent incident. DIA can may extend this timeframe for good cause.

1. **Am I required to cooperate with a DIA investigation?**

Yes. Faculty, staff, and students must cooperate in good faith with university investigations concerning allegations of discrimination or harassment. Refusal to cooperate with an investigation may result in disciplinary action.

1. **How long does an investigation take to complete?**

You can expect investigations to take, at a minimum, a few weeks to complete. Investigation times can vary greatly depending on the complexity of the allegations required to be investigated. This may result in DIA having to coordinate schedules with several witnesses for interviews and to gather evidence from a variety of sources. If you want to know the status of your investigation, please contact your assigned DIA investigator.

1. **I filed a complaint or report with DIA, what are the next steps?**

Upon receiving a complaint or report, DIA will follow the complaint procedures illustrated [here](https://compliance.utexas.edu/department-investigation-and-adjudication).

1. **What is national origin discrimination?**

Simply put, it is discrimination based upon the geographic birthplace of the person alleging discrimination or upon the geographic birthplace from which their ancestors came. The Equal Employment Opportunity Commission further describes it as the physical, cultural, or linguistic characteristics of a particular national origin group.

1. **Who is protected from age discrimination?**

People who are age 40 or older are protected from age discrimination. People under age 40 are not protected from age discrimination.

1. **A classmate/co-worker expressed their political ideology and I was offended by their statements. Can I file a complaint with DIA?**

DIA will always examine the context of any alleged conduct, but generally speaking, expression of certain types of opinions may be permitted by university policy. Specifically, “To make an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea is not harassment, even if some listeners are offended by the argument or idea.”

For further information see the university’s [General Information Catalogue](https://catalog.utexas.edu/general-information/appendices/appendix-c/speech-expression-and-assembly/).