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TITLE IX COMPLIANCE REVIEW

UNIVERSITY OF TEXAS AT AUSTIN

Department of Physics

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TITLE IX COMPLIANCE REVIEW REPORT

Department of Physics

University of Texas at Austin

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TITLE IX COMPLIANCE REVIEW REPORT

I. Introduction

The Office of Civil Rights (OCR) of the United States Department of Energy (DOE or the Department), conducted a Title IX compliance review of the University of Texas at Austin (UT or University), Department of Physics graduate program for the academic years 2007-2008 through 2011-2012. The compliance review was conducted pursuant to Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. Section 1681, *et seq.*, and DOE's implementing regulations at 10 C.F.R. Parts 1040 and 1042. The report of findings is based on a review of records and other data provided by the University; information obtained from the University's website; and information obtained through interviews of students, faculty, and administrators of the Department of Physics graduate program, the Director for Compliance, the Vice President of Student Affairs and Title IX Coordinator, and other University administrative officials.

A. Background

DOE supports a diverse portfolio of research at colleges, universities, and research institutions across the United States, providing funding to more than 300 such institutions every year. The funding provided by DOE for research at universities and colleges supports thousands of principal investigators, graduate students, and post-doctoral researchers. DOE provided over \$13 million in financial assistance to the University of Texas at Austin during the period under review.

Title IX and DOE's implementing regulations prohibit recipients of Federal financial assistance, such as universities and colleges, from discriminating on the basis of sex in any of their programs and activities. *See* 20 U.S.C. § 1681(a) and 10 C.F.R. 1042.100. In addition, DOE's implementing regulations require the Department to periodically conduct compliance reviews of recipients of DOE financial assistance to ensure compliance with the nondiscrimination requirements of Title IX. *See* 10 C.F.R. 1042.605 and 1040.101(a).

In July 2004, the Government Accountability Office (GAO) issued a report (GAO-04-639) entitled, *GENDER ISSUES: Women's Participation in the Sciences has Increased, but Agencies Need to do More to Ensure Compliance with Title IX*. The purpose of the report was two-fold: (1) to report on the status of women in the sciences; and (2) to evaluate the Title IX compliance activities of the four federal science agencies—the Department of Energy, Department of Education, National Aeronautics and Space Administration, and National Science Foundation. With respect to the status of women in the sciences, the GAO reported that the participation of women in the sciences at the undergraduate and graduate levels had increased over the past 30 years; however, the GAO reported that “[w]omen continue to major in the sciences and earn degrees in the sciences to a lesser extent than men.” The GAO also noted that some studies suggest that sex discrimination may still affect women's choices and professional progress in the sciences. With respect to the Title IX compliance activities of the four federal science agencies, the GAO found that the agencies had taken steps, through the conduct of complaint investigations and the provision of technical assistance, to ensure that the institutions to which they provide

financial assistance are in compliance with Title IX. However, the GAO noted that “[g]iven the general lack of knowledge and familiarity with the reach of Title IX and the disincentives for filing complaints against superiors,” the agencies needed to do more to judge whether sex discrimination exists in the sciences. To that end, the GAO made recommendations specific to each of the four federal science agencies. With respect to the Department, the GAO recommended that the Secretary of Energy ensure that compliance reviews of grantees are periodically conducted.

In August 2007, Congress passed, and the President signed into law, the America COMPETES Act, Pub. L. No. 110-69, § 5010, 121 Stat. 572, 620 (2007),¹ which provided additional impetus for the Department to conduct compliance reviews. The Act requires that the Department: (1) implement the recommendations contained in the GAO report; and (2) conduct at least two Title IX compliance reviews annually of recipients of DOE financial assistance.

B. Objective

The objective of the Title IX compliance review at the University of Texas at Austin is to: (1) determine whether male and female applicants and students have equal access to the opportunities and benefits offered by the Department of Physics graduate program; (2) determine whether the University’s graduate Physics Department is in compliance with the nondiscrimination requirements of Title IX and DOE Title IX implementing regulations; and (3) identify and report on any promising practices that have been instituted by the University for promoting equity among male and female applicants and students.

C. Scope

The review included a review of the University’s Department of Physics graduate program for the academic years 2007 through 2012. In order to determine whether graduate applicants and students, regardless of their sex, had equal access to opportunities and benefits offered, OCR evaluated the following areas and/or practices of the Department of Physics graduate program: (1) policies, procedures, and practices, including nondiscrimination policies, grievance procedures, and the role of the Title IX Coordinator; (2) recruitment and outreach efforts; (3) admissions policies; (4) financial assistance opportunities; (5) leave of absence and re-admission policies; and, (6) Title IX nondiscrimination and sexual harassment training policies, procedures, and practices.

II. University of Texas at Austin Department of Physics Graduate Program

A. Student Enrollment

During the 2012-2013 academic year, two hundred and seventeen (217) students were enrolled in the University’s doctoral (Ph.D.) and Master of Science (M.S.) Physics degree programs. Twelve (12) students (11 Ph.D. candidates and one M.S. student) did not return

¹ Reauthorized January 4, 2011.

in the spring of 2013. The compliance review team interviewed fifty-one (51) students or twenty-five percent (25%). Of those interviewed, eighteen (18) were females and thirty-three were male.

Table 1 below shows the enrollment of students, by gender, in the M.S. and Ph.D. programs for years 2007-2008 through 2011-2012.

Table 1: Graduate Physics Student Enrollment (includes M.S. and Ph.D. students)

Academic Year	Total Enrolled	Male	% Male	Female	% Female
2008-2009	234	198	85%	36	15%
2009-2010	231	200	86%	31	14%
2010-2011	222	193	87%	29	13%
2011-2012	222	192	86%	30	14%
2012-2013	217	191	88%	26	12%

B. Faculty

At the time of the review, the University’s Department of Physics graduate program had approximately fifty-five (55) faculty members involved in research - forty (40) males and fifteen (15) females. The compliance review team interviewed twelve (12) faculty members, including six (6) females. The compliance team also interviewed seven (7) administrators, including the Physics Department Chair.

III. Outreach and Recruiting

DOE’s Title IX implementing regulations prohibit recipients of financial assistance from discriminating on the basis of sex in the recruitment of students. 10 C.F.R. 1042.310. In order to determine whether the Department of Physics graduate program was in compliance with this provision, OCR reviewed their recruitment and outreach activities.

A. Recruitment and Outreach Events and Activities

Similar to many other universities, the University utilizes an “Open House” as its primary tool for reaching prospective students. The Department of Physics invites a number of interested parties to briefings and presents promotional materials to highlight its strengths. The Department of Physics also encourages UT undergraduates to remain within the UT system and pursue advanced studies. Much of its recruiting for the Physics graduate program is done via the Physics graduate program webpage, which highlights various aspects of the programs offered. The University also utilizes a variety of printed materials, advertises via the Internet, and contacts student organizations to attract students to its graduate Physics program.

Each February, the Department of Physics organizes a recruitment Open House. The graduate recruitment committee analyzes the application materials submitted by prospective students and applicants, selects approximately fifty (50) of the best domestic

students, including foreign students studying in the U.S., and invites them for a visit to the University. Prospective students can attend the Physics Colloquium and are encouraged to attend other topical seminars and graduate classes. During the evening, current graduate students hold a poster session with light food to facilitate informal exchanges.

Presentations that describe the current research taking place in the Department of Physics are arranged for the visitors, as well as lab tours and meetings with individual faculty members. The events are followed by an Open House dinner with faculty and more individual meetings and lab visits. The Department of Physics considers that these interactions are very effective. For example, in 2009, forty-eight (48) students attended the Open House and seventeen (17) of these students accepted UT's offer of admission. More than ninety percent (90%) of the students who were interviewed were aware of the outreach programs.

The recruitment and outreach efforts appeared to be focused on attracting interested parties in the specific Physics research groups at the University. Accordingly, the outreach may appeal to those already inclined to study Physics as a career or area of interest.

Other outreach programs include:

Alice in Wonderland - In cooperation with local high school teachers, the Department of Physics sponsors a special program to bring women students to the campus for at least one month in the summer to study modern Physics and to work with graduate students in research labs. The students receive a \$1000 stipend from several funding sources that support Physics research. This program started in 2005 with one student. To date, forty (40) students - thirty-six (36) women and four (4) men - have passed through the program. All are currently enrolled at major universities and are majoring in a science, math, or engineering field.

Circus of Physics (commonly called "Physics Circus") - This is an elementary school outreach program that presents basic Physics in engaging ways to local schools. The program is hugely popular in the community.

IV. Admissions

A. The Admissions Process

Application to the Department of Physics graduate program is made online. In response to DOE's data request, the University stated that applicants to the Department of Physics graduate program follow the same application procedures set forth by the Graduate School. Both M.S. and Ph.D. applicants are required to submit an application, transcripts, letters of recommendation, and their GRE and TOEFL (for international applicants) scores.

Applicants to the Department of Physics M.S. and Ph.D. programs must have a minimum undergraduate grade point average of 3.0 on a 4.0 scale for regular admission. Applicants must also present: evidence of potential to do graduate work by having completed specified coursework; a grade point average in Physics and math of at least 3.0 during the

last two years; and courses equivalent to those required for obtaining the Physics degree, even though a Physics degree is not required. In addition to the GRE, prospective students are required to have taken the Advanced Physics Examination before applying for admission.

The University did not state, nor did DOE find on the University's website, whether a threshold GRE score must be obtained to be considered for admission to one of its graduate Physics programs.

According to the Graduate School's policies, once an applicant submits an application, a file is created containing supporting materials such as reference letters, test scores, transcripts, and other information. When the package is complete, the prospective department, in this case, the Department of Physics, reviews the information. The Chair of the Physics Department and a departmental graduate committee evaluate the applications. Factors that are considered and discussed in the evaluation are scholastic record, professional experience, letters of recommendation, statement of purpose, resumes, and scores on standardized tests.² According to the University, the purpose of the discussions is to facilitate matches with applicant goals and what the UT research program can provide. The Graduate School gives further consideration to those who are recommended.

The Graduate School makes the final decision on which applicants will receive an offer of admission. Although the application requests that applicants identify their sex, none of the faculty and administrators who were interviewed claim that an applicant's sex is a factor that is considered in an offer of admission.

B. Ranking Applicants and Numerical Limitations on the Admission of Applicants to Graduate Physics Programs

The University states that applicants to the Department of Physics graduate program are not ranked in the admission process. According to the University, offers of admission are based upon the number of assistantships that are available for any given semester³, continued external support (research grant renewals for continuing students), and the number of graduate assistantships it can expect from the College of Science, in order to make offers to new students.

C. Admissions and Enrollment Data

Table 2a below shows the number of students, by sex, who applied for, were admitted to, and then enrolled in the M.S. Physics program.

Table 2a: Graduate Physics Student Admissions and Enrollment Data- Master of Science

² Neither the Graduate School nor the Department of Physics list a minimum GRE score required for admission to a graduate Physics program.

³ The University stated that its base allotment is small. In prior years, there were only 26 graduate teaching assistantships available.

Academic Year	Male Applied	Male Admitted	Male Enroll	Female Applied	Female Admitted	Female Enrolled
2008	14	8	5	3	0	0
2009	13	5	4	4	1	1
2010	10	3	2	3	1	1
2011	11	3	3	0	0	0
2012	21	3	2	1	1	1

Table 2b below shows the number and percentage of students, by sex, who were accepted to, and enrolled in, the doctoral program over the same time period.

Table 2b: Graduate Physics Student Admissions and Enrollment Data-Ph.D.

Applicants Academic Year	Male Applied	Male Admitted	Male Enrolled	Female Applied	Female Admitted	Female Enrolled
2008	325	94	25	72	24	8
397	(82%)	(29%)	(26%)	(18%)	(33%)	(33%)
2009	352	108	44	76	22	3
428	(82%)	(31%)	(41%)	(18%)	(29%)	(14%)
2010	317	87	35	68	12	2
385	(82%)	(27%)	(40%)	(18%)	(18%)	(17%)
2011	283	83	28	43	18	6
326	(87%)	(29%)	(34%)	(13%)	(42%)	(33%)
2012	322	90	30	71	23	5
393	(82%)	(28%)	(33%)	(18%)	(32%)	(22%)

D. Admissions Statistics

Of particular interest to DOE is whether there is a disparity in the ratio of male and female student applicants versus male and female applicants who were admitted. During the five (5) year period covered by the review, the number of female applicants was consistently small as compared to the number of male applicants (82% male versus 18% female). Nevertheless, over the same five-year period, male student admission percentage rates were 29%, 31%, 27%, 29% and 28%, or an average rate of 29%. Over the same period, female admission percentage rates were 33%, 29%, 18%, 42% and 32%, or an average of 30%. However, the number of students who applied, were admitted, and enrolled into the M.S. program is extremely small, and therefore, no conclusions can be drawn.

Although the review showed no evidence of disparate treatment in the admissions process, in two academic years there were significant disparities⁴ in rates of admission among males and females. For instance, in academic year 2010, only twelve (12) female students were offered admission, a rate of only eighteen percent (18%), while at the same time 27%

⁴ Ten percent (10%) or more.

of the male applicants were offered admission. However, in the following academic year, the admission rate increased to 42% of female applicant's versus 29% of male applicants.

E. Student Evaluation of the Admissions Process

A majority of the students who were interviewed described the admissions process as a "standard on-line process" that involves completing an application form and submitting test scores, a letter of interest or a statement of purpose, and letters of recommendation. All of the students who were interviewed said they did not believe anything in their admission experience was unfair. Several of the students who were interviewed suggested that there is a perception that the Department of Physics makes a conscious effort to include women in its program, and does not focus on grades alone in the admissions process.

F. Finding

The Department has found no evidence of discrimination based on sex in the admissions process, nor has the Department found any evidence of disparate treatment. The application and admissions processes for UT's graduate Physics programs are facially neutral, and there is no evidence to suggest that an applicant's sex is a factor considered when determining whether to extend an offer of admission. DOE concludes that the Department of Physics graduate program's admissions processes and procedures are in compliance with Title IX and DOE implementing regulations.

V. Time Limit for Degree Completion, Leave of Absence, Readmission, and Retention

DOE evaluated the Graduate School's leave of absence and readmission policies to determine whether they comply with the DOE's implementing regulations. *See,*

10 C.F. R.1042.400. The Department of Physics graduate program follows the Graduate School's policies and procedures for graduate students who wish to take a leave of absence and for students requesting readmission. Graduate students must be registered continuously at the University during the fall and spring semesters, unless on an approved leave of absence.

A. Time Limit for Degree Completion and Extension of Time

The time limit for degree completion is measured from the semester in which the first course is applied to until conferring the degree. The plan is for a master's degree to be awarded within a six (6)-year period of study. There is no set time limit for completing the doctoral degree. However, students in the doctoral programs are required to submit a Plan of Study and undergo an annual academic review for the purpose of evaluating a student's satisfactory progress toward a degree. The Department of Physics *Graduate Student Handbook* states that the students in a Ph.D. program should not expect to receive a master's degree, as the Ph.D. is the target; and, that where a student drops out of the Ph.D. program, the school may confer a master's degree.

B. Leave of Absence

The Graduate School leave of absence policy states that a graduate student may apply for a leave of absence for no more than two semesters. If the student has been admitted to candidacy for the doctoral degree, the application for leave must be petitioned for in advance by the graduate adviser to the graduate Dean, and will be approved only in rare and unusual circumstances.

The Department of Physics and the Graduate School acknowledge that students sometimes experience situations in which they cannot be continuously enrolled and may need to request a leave of absence. According to some students and faculty who were interviewed, decisions about delays in study by reason of hardship, pregnancy or other interruptions are at the discretion of the Department. The Graduate School acknowledges that it has no standard rule or policy for granting a leave of absence, and that the students' situations are evaluated on an individual basis. The Department of Physics, via the College of Natural Sciences, is currently reviewing its leave of absence practices to determine what standard considerations can be included in its policies that will make the program more family-friendly.

The College of Natural Sciences parental accommodation policy allows graduate students to postpone academic responsibilities during or immediately following the semester in which their child is born or adopted. The policy defines academic responsibilities to include coursework (including seminar courses), qualifying exams, committee meetings, required presentations, or any other academic milestones that are required in a student's progress toward a degree. These academic requirements can be postponed for one semester, or in the case of coursework, until the class is next offered. This academic accommodation policy does not address a graduate student's responsibilities with regard to their graduate research assistantship (GRA), teaching assistantship (TA) or fellowship appointment.

The academic accommodation policy states:

1) A student may use the policy to postpone academic responsibilities (e.g. courses, exams, committee meetings, etc.) while still remaining registered as a full-time student and continuing to work as a graduate student employee (e.g. GRA, TA or AI). We anticipate that most students will choose this option to avoid a break in their employment and benefits. International students must choose this option in order to maintain student visa status. Students should be aware that an appointment as a GRA or TA during the childbirth/adoption semester will still "count against" the 14 semesters they are allowed for graduate student employment.

2) A student may postpone all academic responsibilities and take a complete leave of absence from the graduate program for one semester. In this case, students will lose student and employment status, and will not be eligible to enroll in student insurance or to maintain employee insurance and benefits. (Note, however, that continuation coverage may be available and, in some

situations, previously purchased student insurance will remain in effect.) Students will not enroll in courses during the leave semester, and they may not use any university facilities or obtain advice from faculty during their time away. Students will be reinstated to the graduate program immediately following their one-semester leave.

Please note that a leave of absence requires submission of appropriate paperwork to the Graduate School.

C. Application for Readmission

Graduate students who have a break in attendance for one long semester or more must apply for readmission by completing the online Application for Readmission available at https://utdirect.utexas.edu/adm/grad_reentry_app.WBX. Students must submit the Application for Readmission to the Graduate and International Admissions Center (GIAC) by May 1 for the summer session, July 1 for the fall semester, and December 1 for the spring semester. Students who do not have an approved leave of absence on file must pay a readmission fee at the time the application is submitted.

The graduate adviser (or his or her representative) will receive an electronic worksheet for the applicant seeking readmission. The graduate adviser may place conditions on the readmission or deny it. The Associate Director of Admissions notifies the student, in writing, of the graduate program's decision to admit or deny readmission. The graduate adviser is responsible for notifying the student of any conditions that are placed on the readmission.

Students who left the program in a warning status must have the approval of the graduate dean in order to return. The graduate adviser may submit a petition via the electronic worksheet to the graduate dean and may specify special conditions or requirements. In the case of doctoral students, the adviser should notify the Graduate School regarding the status of the dissertation committee, age of the course work, any conditions to be placed, and the means of monitoring progress. Doctoral candidates who fail to register continuously and who have not been granted a leave of absence must be readmitted to candidacy as well as to the graduate program. The Graduate Studies Committee and the graduate dean must approve readmission to candidacy and may impose additional course work for the program of work.

Students who wish to change to another graduate program upon their return must file an application with the GIAC.

D. Exceptions to Policies

The *Graduate Catalog*⁵ outlines the policies for readmission; however, there is no appeal processes identified except in instances of disciplinary matters. Interviews reflect the

⁵ Readmission policies are found at <http://www.utexas.edu/ogs/admissions/howtoreadmit.html>

belief that the decisions regarding leaves of absences and readmissions are left to the discretion of Departmental Staff (the Dean).

E. Retention

According to the University's records, fifteen (15) students dropped out of the graduate Physics program during the five-year period under review (thirteen (13) males and two (2) females). Six (6) students transferred to other universities (five (5) males and one (1) female); and six (6) students made interdepartmental transfers (four (4) males and two (2) females). All of the dropouts or transfers were doctoral students. The site interviews revealed no formal system for documenting reasons for departure, and the interviews did not provide anecdotal explanations. None of the students who were interviewed believed they were subjected to disparate treatment or discrimination in the readmissions or leave of absence process.

F. Finding

The University's leave of absence and readmission policies appear to be facially neutral, and there is no evidence to suggest disparities in their application to either males or females. However, there are no standard bases for considering the granting of a leave of absence, and the students' situations are evaluated on an individual basis. The Department of Physics, via the College of Natural Sciences, is currently reviewing its leave of absence practices to determine what standard considerations can be included in its policies that will make the program more family-friendly.

DOE finds no evidence of gender disparity in the policies and procedures related to time limits imposed for degree completion, requests for leaves of absence, and requests for readmission. Therefore, we find that the University's Department of Physics is in compliance with Title IX and DOE's implementing regulations.

VI. Financial Assistance

According to the Department of Physics, graduate students entering the Physics program may be granted financial support upon admission, which is typically in the form of a graduate assistantship/teaching assistantship appointment from the department. After a student passes the Preliminary Examination, he/she is often supported by a research assistantship from the advisor's research group. In extraordinary cases, a research group may offer a research assistantship from the beginning. The types of assistance offered are: Assistant Instructor, Teaching Assistant, Tutor, Academic Assistant, Assistant and Graduate Research Assistant.

A. Graduate Assistantships and Graduate Teaching Assistantships

As mentioned above, incoming graduate students may be awarded a graduate assistantship (GA) or a graduate teaching assistantship (TA) by the Department of Physics. The Department of Physics Associate Chair, in consultation with the Department Chair, makes TA assignments. TA duties include teaching in labs or teaching undergraduate courses.

Faculty members in charge conduct performance evaluations on TAs each semester, and present the evaluations to the Graduate Committee and the Department Chair.

B. Research Assistantships

A research assistantship (RA) is supported by individual faculty members or research groups, and is usually offered to students who have passed the Preliminary Examinations.

According to the University, incoming graduate students have a chance to become familiar with research projects and research groups at weekly informal seminars, which are conducted by faculty in the Department of Physics. Those interviewed stated that, in order to obtain a RA, the student usually initiates contact with a faculty member involved in a particular research project to indicate his or her interest. None of the subjects interviewed felt that a student's gender played a role in the selection of a research assistantship.

C. Other Forms of Financial Support

Graduate Physics students may also receive financial assistance in the form of scholarships, fellowships, and awards. DOE reviewed information provided by the University concerning the types of awards that are available to graduate students, along with a description of the selection criteria, and award nomination forms. Examination of the award amounts revealed that in 2008-2009, the average award for students, male and female, was between \$58,084 and \$68,484. The largest and smallest awards were made to female students- one received an award of \$70,484, and another received an award of \$29,724. In 2009-2010, the average award for students was between \$60,132 and \$64,038. The largest awards were made to two males- one received an award of \$90,132, and another received \$77,488. In 2011-2012, the average award for male and female students was \$65,484. However, during that period, three male students received larger awards in the amount of \$71,484 each.

None of the students who were interviewed believed that they were subjected to disparities in treatment with respect to the award of teaching and graduate research assistantships, or in the award of financial assistance. The faculty who were interviewed also expressed this view.

D. Finding

DOE found no evidence suggesting gender disparity in awarding financial assistance to graduate students in the selection process for TA, or RA positions; or in the award of scholarships, fellowships, academic or achievement awards. The analysis of the amounts awarded to males compared to females reveals no significant difference in the amounts paid to females in the TA, RA or Fellowship areas. DOE concludes that the University is in compliance with Title IX and DOE's implementing regulations.

VII. Steps to Completion of a Graduate Degree in Physics

A. Graduate Degree Requirements

The Department of Physics offers three graduate degrees: a Master of Arts (M.A.) in Physics, a Master of Science (M.S.) in Applied Physics, and a Ph.D. in Physics. The requirements for these graduate degrees follow:

1. **Master of Arts in Physics**- The master's degree requires thirty (30) semester-hours of work, and must be completed within six (6) years.
2. **Master of Science in Applied Physics**- This program is designed to provide a broad background of graduate-level courses in physics and related fields. In addition to the requirements for a M.A. in Physics, this degree requires specific coursework in Experimental Physics, Electromagnetic Theory I, Quantum Mechanics 1, Physics of Sensors, and Technical Seminar. A thesis is also required.
3. **Ph.D. in Physics**- Four steps lead to the Ph.D. degree: the qualifying process; admission to the Ph.D. Candidacy; the preparation and approval of a dissertation based on original research; and the Final Oral Examination/Defense. Prior to being admitted to the Candidacy for the Ph.D. degree, the student must: complete core course requirements; show evidence of exposure to modern methods of experimental physics; and fulfill the oral examination requirement.

B. Ph.D. Degree Requirements

Within twenty-seven (27) months of entering the program, the student must take the Oral Qualifying Examination. This examination consists of a public seminar presented before a committee of four (4) Physics faculty members, one of whom is a member of the Graduate School Committee. It is followed by a private oral examination. The student chooses the topic of the seminar. The seminar need not present original work; he or she is expected only to demonstrate sufficient command of a specialty to begin original research in that area. The topic is usually that which will become the dissertation. As part of the examination, the student will generally be expected to indicate a problem, the solution of which would be a satisfactory dissertation. The questions are directed towards clarifying the presentation and helping the committee determine whether the student has a solid grasp of the basic material needed for research in his or her specialization.

The student passes the examination by obtaining a positive vote from at least three (3) of the four (4) faculty members on the committee.

After passing the Qualifying Examination, students must apply for Candidacy before the end of the following semester. Formal admission to Ph.D. Candidacy consists of the submission and approval of the following:

1. **Program of Work.** The Program of Work is comprised of required course work and a prospective dissertation title. The graduate adviser must approve the Program of Work. The Program of Work for the Ph.D. is a paper form available on the department's website. In addition to the core courses, each Program of Work for the Ph.D. degree must include at least four (4) advanced Physics courses, at least one of which must be in a specialty other than that of the student's dissertation. A list of acceptable advanced courses is available at the Physics Graduate Office, on the department's website. The Program of Work must also include three (3) courses outside the student's area of specialization. One of these must be an advanced Physics course; another must be outside the Department of Physics; the third may be either an advanced Physics course or a course outside the Department of Physics. The courses outside the department may be taken credit/no credit.
2. **Dissertation Committee.** The membership of the Dissertation Committee, proposed by the student, with the approval of the graduate adviser, is submitted to the Graduate School for approval by the Graduate Dean. The Dissertation Committee consists of at least five (5) members, one of whom must be from outside the major program. The Chair of the Dissertation Committee ordinarily serves as the supervisor of the research. When the research supervisor is not a member of the Physics Graduate School Committee, one such member is generally appointed as co-chair of the Dissertation Committee. A majority of the committee should be Department of Physics faculty.
3. **Dissertation Proposal.** A brief statement of the proposed dissertation must be submitted as part of the Online Application for Candidacy.
4. **Dissertation and Final Oral Examination.** Once advanced to Candidacy, the student must maintain continuous registration and has three (3) years to complete the dissertation and take any courses remaining on his or her Program of Work. If the student does not complete the requirements within three (3) years, further registration may be required, upon the recommendation of the Dissertation Committee and the Department of Physics. If the Dissertation Committee finds that the student is making good progress towards the degree, an additional year of Candidacy is commonly granted. Beyond that, however, candidacy will be extended only with specific argument and special circumstances.

At the beginning of the semester in which the student expects to graduate, he or she must apply for graduation. There are multiple deadlines associated with graduation; among

these is the Request for Final Oral Defense of the dissertation, which requires the final abstract of the dissertation, drafts for the committee members, and signatures of the entire committee. The form must be filed with the Graduate School at least two (2) weeks in advance of the Defense. There is also a deadline for submitting the dissertation, including signatures of each committee member, in the exact form dictated by the Graduate School.

C. Physics Graduate Courses

Physics graduate courses may be categorized into four types: regular (including the Core and Advanced Courses), special topics, seminar, and research courses. The regular courses are lecture-type courses whose topics are generally fixed. The special topics courses are lecture-type courses on the most advanced current topics, and thus vary from time to time. The seminar courses are comprised of weekly seminars organized by each of the various research groups.

There are several types of research courses that can be taken any time by a student, and are appropriate to the preparation for his/her Oral Qualifying Examination.

The advanced courses are designed to prepare students for specialization, as well as to provide students outside their specialty with challenges to other fields of Physics. Each student is required to take four advanced courses with no letter grade below B. The courses are identified in the *Catalog* and they are outlined in the University's Data Response to DOE.

D. Pass/Fail Rates

Data provided by the University show that during the period under review, only two (2) male Ph.D. students failed the qualifying examination. The data also show that during the period under review, one (1) male Ph.D. student failed the dissertation requirements. No female Ph.D. student failed the dissertation requirements.

E. Finding

DOE reviewed the policies, procedures, and grading methods related to the Physics Department's qualifying examination and dissertation defense requirements, and found no evidence of bias or gender disparity in the manner in which the examinations were administered or graded. Nor did DOE find evidence of gender disparity in the pass rates of male and female test-takers.

Of some concern, however, are the conditions upon which an extension can be granted as it relates to the time limits for successfully completing the qualifying and preliminary examinations. Both the *Graduate Catalog* and the Department of Physics *Graduate Student Handbook* state that extensions may be granted at the discretion of the Graduate Committee, but only if the extension is granted before the time limits have expired, and extenuating circumstances beyond the student's control exist. The immediate concern with this policy is how it may affect a student who requests an extension due to the birth or adoption of a child, the timing of which may not be within a student's control or

predicted. Although this policy is facially neutral, it may have a disproportionate adverse impact upon female graduate students who may be pursuing their degree during their childbearing years.

Recommendation

The Department recommends that the University review its policies relating to extensions and define circumstances that are considered “beyond the student’s control,” to alleviate the potential for a disproportionate adverse impact this policy may have on female students.

VIII. The Environment

A. Gender Bias/Sexual Harassment

Most of the students who were interviewed stated that gender did not affect any aspect of their studies. It was their observation that the dynamics among students, and between professors and students, was positive. Faculty members made similar statements. Most of the students interviewed also stated that they had little or no occasion to interact with their program Chair, but felt that the Chair would be accessible if the need arose. In addition, a majority of the students interviewed said they had not observed or heard of any case of sexual harassment or gender bias, with the exception of one student who stated that it is “well-known” that one of the Physics Professors has had a history of making suggestive comments and “flirting” with females. The student who made this comment refused to identify the faculty member.

B. Campus Safety

Interview subjects were asked about campus safety features because it is believed that females are more often the victims of violence on college campuses than males. The reviewers posed questions about campus safety to the interviewees in order to determine whether students believed that any safety-related barriers had prevented equal access to, or participation in, the University’s academic programs and other activities. All of the students and faculty made statements that indicated they felt no threat to their personal safety on campus and had no other safety concerns. Those interviewed stated that they felt the campus was safe. Nevertheless, most of the students interviewed informed DOE of several safety measures taken by the University, and indicated that they used the public safety services offered by the University. The review team did not determine the adequacy of any safety measures taken by the University.

C. Child Care

On-campus childcare is available to students. However, only one of the students with children who were interviewed used campus child-care. Several of the students who were aware of the child care program informed DOE that the wait-list was long, and that tuition was too expensive. The general perception is that the child care program is well run and popular, as the number of individuals seeking the services is quite extensive.

E. Finding

Student interviewees did not report any disparities in the treatment of themselves or other students in the classrooms, lectures, or laboratories, by faculty, research assistants, teaching assistants, administrators, or fellow students that may be perceived as gender bias or barriers due to gender. Female students did not feel that they were limited in opportunities offered by the program, or denied participation in any manner. No student felt that gender played any role in the classroom or laboratory experience. Faculty interviewees uniformly expressed the opinion that no such bias or barriers were present in any program or activity within the Department of Physics.

For the most part, students, male and female, felt safe on campus and were satisfied with the safety services provided to them by the University. In addition, the majority of those interviewed stated that they had not been subjected to, nor had they witnessed acts of discrimination based on sex, or sexual harassment, within the graduate Physics program.

IX. Title IX Coordinator, Nondiscrimination Policy, and Title IX Grievance Procedures

Title IX requires each recipient of Federal financial assistance to notify its students and employees of the name, office address, and telephone number of the employee or employees appointed to coordinate and administer its Title IX grievance process. This information should be disseminated through newspapers and magazines operated by the recipient, and by memoranda or other written communication distributed to each student and employee.

In addition, DOE implementing regulations require each recipient to prominently include a statement of its policy of nondiscrimination on the basis of sex in each announcement, catalog, or application form that it makes available to students and employees, or which is otherwise used in connection with the recruitment of students and employees.

See, 10 C.F.R. 1042.135 through 140.

Recipients are also required to adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints that allege actions prohibited by Title IX. 10 C.F.R. 1042.140(b). The U.S. Department of Justice (DOJ) recommends that grievance procedures include both an informal and a formal process, and also provide complainants with information on their right to file a discrimination complaint with an appropriate Federal agency, if there is no satisfactory resolution of the complaint.⁶

A. The Title IX Coordinator

⁶ *See Title IX Legal Manual*, U.S. Department of Justice, Civil Rights Division, (Jan. 11, 2001).

DOE implementing regulation 10 C.F.R. 1042.13(a) provides that each recipient should designate at least one employee to coordinate its efforts for complying with, and carrying out, its Title IX responsibilities. The recipient must also notify its students and employees of the name, office address, and telephone number of the designated employee.

The University identified all of the assigned Coordinators for the 5-year period reviewed. The Coordinator for academic year 2012-2013 (and the previous 2 years) was Dr. Jennifer R. Hammat, Assistant Vice President for Student Affairs and Title IX Coordinator.

Dr. Hammat's contact information is: j.hammat@austin.utexas.edu, 512-232-3992, The University of Texas at Austin, Mail Code D9200, 1616 Guadalupe St., Austin, TX 78701.

The identity and contact information of the University's Title IX Coordinator is published in the following:

- a) Graduate Catalog, General Information:
<http://catalog.utexas.edu/general-information/appendices/> (Appendices D, Policy on Sex Discrimination; Appendix E, Policy on Sexual Misconduct; and Appendix H, Prohibition of Sexual Assault);
- b) Notice of Non-Discrimination on the Basis of Gender;
- c) Consumer Information Notices publication-October 1, 2012;
- d) Handbook of Operating Procedures, Nondiscrimination Policy; and
- e) Handbook of Operating Procedures, Sex Discrimination and Harassment.

B. Notice of Title IX Coordinator, Title IX Requirements, and Right to File a Title IX Complaint

In addition to conducting interviews with students, faculty, and administrators, DOE reviewed the University's website, announcements, catalogs, and applications to determine whether the Department of Physics and the University have notified applicants, students, and employees of Title IX policies concerning nondiscrimination on the basis of sex. DOE also reviewed whether applicants, students, and employees have been informed of the Title IX Coordinator's identity and how to file a complaint.

A review of information provided by the University and information gained through DOE's independent research shows that the University consistently informs applicants, students, and employees of its Title IX nondiscrimination policy. A link to the Equal Opportunity webpage is prominently displayed on the University's homepage. Clicking on the link brings the reader to a summary of the University's nondiscrimination policies, which lists the University's Office of Student Affairs as the main point of contact for questions related to its nondiscrimination policies.

Neither the Graduate School's nor the Department of Physics' webpages post the University's nondiscrimination policies. However, the University's nondiscrimination statement can be found within the Department of Physics *Graduate Student Handbook*, which is posted on the Department of Physics webpage.

The University's application for admission to the Graduate School is an online process. A nondiscrimination policy is displayed toward the end of the process.

According to the University, in addition to posting notice of its Title IX nondiscrimination and sexual harassment policies, the University offers training seminars regarding the same to the entire University community. For example, the Office of Institutional Equity in the Division of Diversity and Community Engagement conducts diversity training, which is available to faculty, staff, and those with teaching responsibilities. A portion of this training is dedicated to sexual harassment, discrimination, and how to make a complaint, including the University's complaint resolution process. This training is discussed in greater depth in the Sexual Harassment portion of this report. In addition, the University, through the Office of Student Affairs, the Office of Institutional Equity, and the Office of the Dean of Students conduct multiple trainings on Title VII and Title IX for students, staff, faculty, and administrators. In fact, from January through April 2012, the University conducted forty-five (45) such training seminars, reaching over 1,000 people.

In general, faculty members and administrators are knowledgeable regarding the University's Title IX policies and processes. Most of the faculty was aware of Title IX and the identity of University's Title IX Coordinator. However, there was a general lack of awareness by the students who were interviewed. About twenty-five percent (25%) of the students interviewed were knowledgeable of Title IX as it relates to academics; however, only five percent (5%) knew the identity and/or existence of the University's Title IX Coordinator. These students did not know where or how to file a complaint of discrimination or harassment. The Department recommends that the University monitor and evaluate its methods of communication in order to ensure the effectiveness of its notification processes.

C. Title IX Complaint Procedures

Nondiscrimination policies and procedures are required by Title IX of the Education Amendments of 1972, as amended. DOE implementing regulation 10 C.F.R. 1042.140(b) requires that a University adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX. While DOE's regulations do not provide specificity in terms of the requirements of the procedures, the Department of Education

(ED) ⁷ and the Department of Justice (DOJ) have issued guidance for the requirements of the grievance procedures.⁸

A data request was made in order to determine whether the University is in compliance with this section of the regulations. The University was requested to submit a copy of its policies and procedures for filing grievances and discrimination complaints under Title IX of the Education Amendments of 1972, as amended, and policies and procedures related to receiving, investigating, and processing complaints and grievances. In response to the requests, the University submitted copies of its policies and procedures, and provided references and links to its webpages.

As previously noted, the University manages its EEO and Diversity Initiatives under Title IX through the Office of Student Affairs. That office's responsibilities include investigation, training, outreach and compliance. The Office's full responsibilities and statement of applicable policies are set forth on its webpage. The webpage contains an array of links which provide information about sexual harassment and discrimination. The webpage also provides: information on how to make informal and formal complaints of sexual harassment and discrimination; what the complaint process entails; guidance on how to handle sexual harassment or discrimination; and a link to the University's policies relating to educational compliance with applicable laws. Finally, the webpage provides links on how to file discrimination and/or sexual harassment complaints with particular state and federal agencies.

The Department of Justice (DOJ) provides guidance on the basic components of an effective grievance process. DOJ recommends that grievance procedures include both an informal and a formal process, and that procedures should include informing the complainant of his or her right to file a discrimination complaint with the appropriate Federal agency at the same time that the internal grievance is filed, or following an unsatisfactory resolution with the University.

The University has developed procedures for internal resolution of discrimination and harassment complaints that arise within the University community. These procedures apply to acts of discrimination and/or harassment performed by any employee, volunteer, vendor, or contractor of the University. Any student, faculty, or staff member who believes he or she has been discriminated against or harassed by an employee, volunteer, vendor, or contractor of the University, may file a complaint with the identified offices.

⁷Section 106.8(b) requires that each recipient adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints under Title IX. See, U.S. Department of Education, Office of Civil Rights, "*Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*," (January, 19, 2001); U.S. Department of Justice, Civil Rights Division, Title IX Legal Manual, (January 11, 2001), Section V.E., page 111.

⁸See, U. S. Department of Justice Civil Rights Division, *Title IX Legal Manual* (Jan. 11, 2001).

Students may report incidents of sex discrimination, sexual harassment (including sexual violence), or sexual misconduct to any University administrator, official or unit supervisor, who is then responsible for promptly notifying the Title IX Coordinators of the reported incident.

Complaints or allegations of student-on-student sex discrimination, sexual harassment (including sexual violence), or sexual misconduct are handled by the Office of the Dean of Students. Students may also contact the U.S. Department of Education's Office for Civil Rights to file a complaint of sex discrimination or sexual harassment.

Cases of sexual violence may also be reported to the University of Texas Police Department (UTPD), the City of Austin Police Department (APD), and other local law enforcement authorities. The Title IX Coordinator can assist individuals with contacting these law enforcement agencies.

Complaints of sex discrimination, sexual harassment (including sexual violence), or sexual misconduct by non-students are handled by the University's Office of Institutional Equity. Travis Gill, J.D., was Director of Investigations and Outreach at the time of this review.

D. Responsibilities of Administrators, Supervisors, and Faculty

According to the University's policy, if an administrator, supervisor, or individual with instructional responsibility becomes aware of an incident that might reasonably be construed as constituting discrimination and/or harassment, he or she must take immediate steps to address the matter. In such cases, the administrator, supervisor, or individual with instructional responsibility is required to promptly contact the Department of Human Resources. Administrators, supervisors, and those with instructional responsibility are required to act whenever they learn, either directly or indirectly, about discrimination and/or harassment, even if the complainant requests that no action be taken.

Administrators, supervisors, and those with instructional responsibility are responsible for protecting a complainant from continued discrimination, harassment, or retaliation. They must also protect those accused of discrimination and/or harassment from potential damage by reason of false allegations. The University states that it holds administrators and supervisors accountable for dealing with and taking steps to prevent discrimination and/or harassment. The University also holds administrators and supervisors responsible for informing their employees and students of its nondiscrimination and harassment policies.

The University indicates that the Office of Student Affairs supports the establishment and maintenance of a non-discriminatory, non-harassing, and non-retaliatory work and academic environment. This includes, but is not limited to, all policies, practices and conditions of employment and academia. The University further indicates that employment and academic decisions are made without regard to sex, race, color, age,

national origin, religion or disability, citizenship status, Vietnam Era or special disabled veteran status, sexual orientation, gender identity, or gender expression.

E. Informal Resolution Process

The informal resolution process is used when there is no serious misconduct, and disciplinary action is not required in order to remedy the problem. The process does not require a formal investigation and is not a fact-finding process. Some of its features are:

- Opportunity for Office of Institutional Equity to have an educational discussion with the department.
- There is no discipline at this period in this process.
- Used to address behavioral and attitudinal concerns.
- The department is advised of the complainant's right to come forward, and the anti-retaliation provisions of this process.
- Generally, the employment or academic concern is handled if the complaint is made within ninety (90) days of occurrence.

All informal complaints are documented and retained by the Dean of Students or the Office of Institutional Equity, and confidentiality is maintained. The informal resolution process may not be used concurrently with the formal complaint resolution process.

F. Formal Complaint Resolution Process

Pursuant to the University's procedures, a formal complaint that alleges discrimination or harassment must be filed in writing. Oral allegations, as well as email correspondence, and anonymous communications will not be considered. The complaint must be filed within ninety (90) days of the alleged discriminatory act.

The complaint must include the following information:

- Name and University identification number of the complainant;
- Name of the person or persons responsible for the violation;
- Contact information, including address, telephone and email address;
- Dates and location of the alleged acts of discrimination or harassment;
- Nature of the alleged acts complained of;
- Detailed description of the conduct that is the basis of the complaint;
- Copies of any relevant documents;
- Names of any witnesses;
- Any action that is requested to resolve the complaint;
- Complainant's signature and the date of filing; and,

- Any other relevant information.

The Office of Institutional Equity or the Office of the Dean of Students must acknowledge the receipt of the complaint within five (5) working days by written notification to the student. The notification will include a copy of the University's complaint procedures. When the complaint is complete and timely filed, the Office of Institutional Equity or the Office of the Dean of Students will determine whether the allegations, if true, would constitute a violation of the University's anti-discrimination/harassment policies, and notify the complainant of its decision to proceed with the investigation. If it is determined that the allegations do not warrant investigation, the notification letter will inform the complainant and the alleged offender of the basis of the decision not to proceed, and of the complainant's right to appeal that decision within ten (10) working days from the notification date. The appeal must be made to the Vice President for Student Affairs, if the complainant is a student. Employees must file the appeal with the Vice President for Employee and Campus Activities. The appeal decision is made within twenty (20) working days. A decision by the Vice President to uphold the dismissal of the complaint is final. If the decision to dismiss the complaint is overturned, then the case is returned to the Office of Institutional Equity or the Office of the Dean of Students to investigate.

The accused will be provided with written notice that an investigation is being conducted, and a copy of the written complaint. The accused is advised of his or her right to submit a written response to the allegations within ten (10) working days, unless granted additional time. The notification letter includes a statement that warns against retaliation against the complainant.

The Office of the Dean of Students conducts investigations of complaints against students; the Office of Institutional Equity conducts investigations against non-students. The investigator is required to interview both the complainant and the accused, and they may each designate and be accompanied by an advisor or representative of their choosing.

In the case of complaints against non-students, the investigator must provide his/her findings and copies of relevant documents and evidence to the appropriate vice president within thirty (30) working days of the receipt of the complaint. The vice president will promptly notify the parties and provide them with a copy of the investigative findings. The complainant and the respondent then have ten (10) working days from the date of the notification to submit comments and corrections. Fifteen (15) days following this notification, the vice president and the investigator shall meet to review the findings, comments and corrections. Fifteen (15) days subsequent to this meeting, the vice president shall: a) request further investigation; b) dismiss the complaint; or c) make a finding. If the vice president determines that the nondiscrimination/harassment policies were violated, he/she shall determine the appropriate disciplinary action. Disciplinary action may include reprimand, reassignment, suspension, or termination. The parties, the Office of Institutional Equity, and the Office of the Dean of Students will be notified in writing of the decision and provided a final statement of findings.

In the case of complaints against students, the investigator will provide a statement of findings and relevant evidence to the Dean of Students within thirty (30) working days of the receipt of the accused's response to the complaint. The Dean of Students and the investigator will meet within fifteen (15) working days to review the record, and within fifteen (15) days of that meeting, the Dean will take action to: a) request additional investigation; b) dismiss the complaint; or c) make a finding. If it is determined that the University's nondiscrimination/harassment policies were violated, the Dean will initiate disciplinary action in accordance with the University's rules of conduct for students.⁹ Students found in violation may be subjected to a warning, probation, suspension, imposition of conditions, and/or dismissal. Any student who is disciplined under the policy of the University has the right to appeal, as set forth in the student disciplinary rules referenced above.

A complainant found to have intentionally made false allegations of discrimination and/or harassment is subject to University discipline.

G. Finding

Based on information provided by the University, and on information published on the University's website, we find that the University has met the Title IX requirement of prominently including a statement of its policy of nondiscrimination on the basis of sex in its announcements, catalogs, and application forms that are used in connection with the recruitment of students and employees.

The Department recognizes that the University has taken the initiative to conduct Title IX related training for the University community. DOE also recognizes that the University has published the identity and contact information of the Title IX Coordinator on its webpages and documents, as noted above.

The Department finds that the University of Texas at Austin has met Title IX's basic requirements for adopting and publishing procedures that provide for the prompt and equitable resolution of complaints of discrimination. By utilizing an informal and formal discrimination complaint process, and requiring that the complaint be in writing, the University complies with the guidance provided by the Department of Justice and the Department of Education. The complaint procedures provide for due process within specified timeframes, and provide for an appeal of decisions. The procedures set forth who may file a complaint, where the complaint may be filed, what types of complaints may be filed (informal or formal), how a complaint is filed, what information may be provided in the complaint, what happens after a complaint is filed, and possible remedies that may result as a consequence of filing a complaint. We find that the formal processes outlined for students are clear, direct, comprehensive, and easily accessible to students and others on the University's webpages. In addition, the notices to students and faculty

⁹ Student disciplinary rules of conduct are found in the *Institutional Rules of Student Services and Activities*, Chapter 11, Appendix C of the *General Information Catalog*; <http://registrar.utexas.edu/catalogs/gi11-12>

inform them of their right to file a complaint with the appropriate state and Federal agencies.

While most of the individuals interviewed could not identify the Title IX Coordinator, the link to the website that identifies the responsible office is apparent at the Graduate School website and in the appendices to the *General Information Catalog*. Moreover, the training provided to TAs and faculty on an annual and bi-annual basis is frequent enough to comply with the requirement to provide notification of the identity of the Title IX Coordinator.

X. Sexual Harassment and Sex Discrimination Policies

A. Sexual Harassment Policy

The University has an established policy against sexual harassment which is published in the same avenues and manner as the University's nondiscrimination policies and statements, described above. The policies are readily accessible at the University's website.

The policy states:

It is the policy of The University of Texas at Austin ("University") to provide an educational and working environment for its students, faculty and staff that is free from sex discrimination and harassment. In accordance with federal and state law, the University prohibits discrimination on the basis of sex, including sexual harassment. Sex discrimination and sexual harassment will not be tolerated, and individuals who engage in such conduct will be subject to disciplinary action. The University encourages students, faculty, staff and visitors to promptly report sex discrimination and sexual harassment.

The University defines sex discrimination, including sexual harassment, to be conduct directed at a specific individual or group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education on account of sex. Sexual harassment is a form of sex discrimination that may include sexual violence. Sexual harassment can occur when the submission to unwelcome physical conduct of a sexual nature, or to unwelcome requests for sexual favors or other verbal conduct of a sexual nature, is made an implicit or explicit term or condition of employment or education; or the submission to, or rejection of, unwelcome physical conduct of a sexual nature, or to unwelcome request for sexual favors or other verbal conduct of a sexual nature, has the effect of creating an objectively hostile environment that interferes with employment or education on account of sex.

The University's sexual harassment policy advises students to report incidents of sexual harassment to the Office of the Dean of Students; and, employees and campus visitors

are encouraged to report to the Office of Institutional Equity. Every supervisor, administrator and University official must promptly report incidents of sex discrimination or sexual harassment that come to their attention to either the Office of the Dean of Students or the Office of Institutional Equity.

The University has written policies on sexual misconduct, consensual relationships, and prohibition of sexual assault. These policies may be found in the University's *General Information Catalog* at <http://catalog.utexas.edu/general-information/appendices/appendix>. The University's stated policy does not tolerate physical abuse, threats of violence, physical assault or any form of sexual assault, including but not limited to acquaintance or date rape. A student who engages in such acts against another is subject to disciplinary action as well as civil or criminal proceedings. A student who is a victim of sexual assault is advised to seek medical and psychological care immediately, and to report the assault to the police. The University Counseling and Mental Health Center's Voices Against Violence Program (VAV) provides support services to any student who has been affected by sexual assault. The VAV will provide assistance to the student regarding safety, legal, medical, academic, and housing options, as well as individual and group counseling. The program offers 24-hour telephone counseling every day.

In the case of sexual assault, a student may file a complaint against another student with Student Judicial Services (which is part of the Office of the Dean of Students). A student may file a complaint against a faculty or staff member with the Office of Institutional Equity.

B. Preventive Measures

In addition to establishing its sexual harassment policy and complaint procedures, the University has developed sexual harassment preventive measures. The University does have a mandatory sexual harassment training policy for teaching assistants and faculty. Its practice is to provide workshops on harassment prevention and complaint handling on a regular basis. Faculty members are required to attend training every two (2) years. The interviews confirmed the policies on sexual harassment and nondiscrimination with the entire faculty acknowledging participation in the aforementioned training.

Policies on nondiscrimination and sexual harassment prevention are available to students on the University's website, and there are orientation sessions that address the school's policies as well. The campus police have made policies available through the web, and such policies reinforce the University's prohibitions against sexual violence.

A review of complaint activity for the 5-year period reveals that all of the allegations filed were external to the Physics Department. However, the interviews revealed that most of the faculty and about half of the students interviewed confirmed they had received sexual harassment training. None of the witnesses interviewed were aware of any incidents of sexual harassment, save one individual who stated that there were reported instances of a professor who had engaged in inappropriate behavior in the

Department. When asked to identify the person, the student declined to identify the offending party.

C. Finding

The policies, procedures, and practices adopted by the University for discouraging sexual harassment and for processing complaints of sexual harassment are within the standards established by Title IX and DOE implementing regulations. We commend the University for its wide-ranging efforts to disseminate discrimination and harassment policies; the frequent sexual harassment and assault training it conducts; and the number of individuals that have been provided sexual harassment and assault training.

XI. Conclusion and Recommendations

DOE finds that the University's Department of Physics graduate program is in compliance with the basic requirements of Title IX and DOE's implementing regulations. The compliance review did not uncover any evidence of discrimination in the implementation of the University's outreach and recruitment, admissions, leave of absence, and/or financial assistance policies and practices. There is also no evidence that the campus climate or other circumstances hinder or exclude Physics students in the programs or activities offered by the University.

The University has complied with the requirement to adopt and publish grievance procedures that provide for the equitable resolution of Title IX discrimination and harassment complaints. The University has well-developed policies and procedures regarding nondiscrimination, sexual harassment, and sex discrimination.

We also find that the University has complied with the notification requirements of Title IX and DOE's implementing regulations. The policies and procedures are broadly disseminated throughout the institution via print and multiple website locations in order to inform students, faculty, administrators, and staff. In addition, the University has complied with the requirements for designating a Title IX Coordinator to carry out its policies and procedures. However, despite complying with this requirement, many students who were interviewed were unaware of the existence and identity of the University's Title IX Coordinator.

DOE has identified some policies and procedures which could improve the University's Title IX compliance efforts, and recommends that the University take the following actions:

1. DOE recommends that the University review and evaluate its methods for notifying students of the identity of its Title IX Coordinator. The Department recommends that the University monitor these processes to ensure effective communication, and make improvements as necessary.

2. DOE recommends that the University review its policies relating to extensions for taking the preliminary and qualifying examinations, and define circumstances that are considered beyond the student's control in order to alleviate the possibility that the policy may have a disproportionate adverse impact on female students.
3. DOE recommends that the University continue the review of, and possible amendment to, its existing policies to establish uniform standards for addressing matters of leave where female students may be disadvantaged by reason of pregnancy. Currently, matters of leave of absence are left to the discretion of the Departments.
4. DOE recommends that the Department of Physics issue a reminder to staff regarding sexual harassment claims, in light of the fact that a student who was interviewed stated that it is "well-known" that one of the Physics Professors has had a history of making suggestive comments and "flirting" with females.

The Department commends the Department of Physics and the Graduate School on its outreach efforts to attract students to the STEM fields of study through numerous programs, which have been made widely available. Students and faculty have high visibility and engagement with the surrounding community, and provide classes, lectures, and demonstrations to many in the community. We commend the University's outreach, as it could be considered a model for other universities to follow.