

# **TITLE IX COMPLIANCE REVIEW REPORT**

**University of Utah**

**Department of Mechanical  
Engineering**

*Fiscal Year 2015*



**U.S. DEPARTMENT OF  
ENERGY**

## TITLE IX COMPLIANCE REVIEW REPORT

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University of Utah  
Conducted September 22-23, 2015

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# TITLE IX COMPLIANCE REVIEW REPORT

University of Utah, Salt Lake City, Utah  
Conducted September 22-23, 2015

## I. Introduction

On September 22 and 23, 2015, the Office of Civil Rights (OCR) of the United States Department of Energy (the Department or DOE) and the Office of Diversity and Inclusion (ODI) of the National Science Foundation (NSF) conducted a joint Title IX compliance review of the graduate program of the Mechanical Engineering (ME) programs at the University of Utah (the University or Utah). 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 the Department's Title IX implementing regulations, 10 C.F.R. Parts 1042 and 1040 (2013) and the NSF Title IX implementing regulations at 45 C.F.R. Part 618. During the course of the compliance review, the Department requested and obtained data from the University and gathered data from the University's website. In September 2015, members of the Department's compliance review team held on-campus interviews with University administrators, including the University's Title IX Coordinator, and with students, faculty, and staff of the ME program. The facts, findings, and recommendations contained in this report are based on a review and an analysis of the data obtained from the University, including the University's website, as well as information obtained from the interviews held with students, faculty, staff, and administrators.

### A. Objective and Scope

#### Objectives

The objective of the Title IX compliance review at the University was three-fold: (1) to determine whether male and female applicants and students had equal access to the opportunities and benefits offered by the graduate ME program; (2) to determine whether the University was in compliance with the requirements of Title IX and DOE/NSF Title IX implementing regulations; and (3) to identify and report on any promising practices instituted by the University for promoting gender equity.

#### Scope

At the University, the Title IX review team elected to review the graduate component of the ME program. To determine whether graduate applicants and students, regardless of their sex, had equal access to the opportunities and benefits offered by the ME program, the Title IX review team evaluated the following areas and practices of the ME program: (1) student enrollment; (2) recruitment and outreach efforts; (3) admissions policies; (4) leave of absence and re-enrollment policies; (5) financial assistance opportunities; (6) graduate examination and writing requirements; (7) the academic climate; and (8) student safety. To determine whether the University was in compliance with the requirements of Title IX and DOE/NSF Title IX implementing regulations, the OCR and ODI evaluated the following: (1) whether Utah has designated a Title IX Coordinator; (2) whether the University has taken continuing steps to notify the campus community about its nondiscrimination policies related to Title IX; and (3) whether the University has adopted and published grievance procedures providing for the prompt and



equitable resolution of Title IX-related complaints, including sex discrimination and sexual harassment complaints.

## B. 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, which supports thousands of principal investigators, graduate students, and post-doctoral researchers. Similarly, the NSF provides funds to more than 1,900 colleges, universities, and non-profit institutions supporting approximately 300,000 researchers, postdoctoral fellows, trainees, teachers and students.

During the most recent five-year period for which public data on research funding data are available (2010-2014, inclusive, the period included in this review), the DOE and NSF, together, provided \$130.4M in research funding to the Utah averaging just over \$43.4M annually. In the same period, Utah received more than \$655M in funding from all Federal agencies, combined<sup>1</sup>.

The Title IX statute and DOE's Title IX implementing regulations prohibit recipients of federal financial assistance, such as colleges and universities, from discriminating on the basis of sex in any of their educational programs or activities. (20 U.S.C. § 1681(a); 10 C.F.R. § 1042.100) In addition, DOE's regulations at 10 C.F.R. parts 1040 and 1042, require the Department to periodically conduct compliance reviews of recipients of DOE financial assistance to ensure compliance with the nondiscrimination requirements of Title IX. (10 C.F.R. §§ 1042.605, 1040.101(a))

NSF has promulgated regulations to ensure that educational programs receiving NSF funds are free of gender discrimination and harassment. (45 C.F.R. Part 618). NSF's regulation under Title VI of the Civil Rights Act of 1964 incorporated by reference to NSF's Title IX compliance responsibilities, require the agency to conduct periodic reviews of the practices of recipients to determine whether they are in compliance. At NSF, the Office of Diversity and Inclusion (ODI) is charged with conducting compliance reviews under Title IX, and the Department of Justice (DOJ), pursuant to Executive Order 12250, has overall enforcement authority to ensure agencies are in compliance.

### *Title IX:*

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance ...*

*20 U.S.C. § 1681(a)*

Additional statutory authority requiring DOE and NSF to conduct compliance reviews is found in the American COMPETES Act, Pub. L. No. 110-69, § 50101, 121 Stat. 572, 620 (2007), first enacted in 2007 and reauthorized in 2011. The Act states that DOE and NSF should: (1) implement the recommendations contained in a July 2004 Government Accountability Office (GAO) report titled, "Gender Issues: Women's Participation in Sciences has Increased, but Agencies Need to Do More to Ensure Compliance with Title IX;" and (2) conduct at least two Title IX compliance reviews annually of recipients of DOE/NSF financial assistance.

<sup>1</sup> Source: Survey of Federal Science and Engineering Support to Universities, Colleges, and Nonprofit Institutions, accessed via the National Science Foundation WebCASPAR database system [Online <http://webcaspar.nsf.gov>; access date 15 November 2016].



### C. Review Process

The Joint Title IX Compliance Review was initiated via memo on 4 February 2015. Utah was selected, using neutral criteria, as one of a number of institutions that received funding from both the National Science Foundation and the Department of Energy.

An initial data request was sent and arrangements were made with the Utah Title IX Coordinator and the DOE lead for the site visit. Publicly-available Institutional Postsecondary Education Data System (IPEDS) data on degrees awarded in mechanical engineering were accessed to provide trend analysis on degrees awarded by the University in Mechanical Engineering as compared to other fields over the past decade.

A site visit team held meetings and interviews at Utah September 22-23, 2015. An opening session was held with many university representatives, to introduce the site visit team and explain the purpose and procedures to be followed for the visit. At this meeting, background about the Title IX Compliance Review was presented, as was the plan for the visit.

After the meeting, eleven administrators (including the University President, Dean of Engineering, Mechanical Engineering (ME) Department Head, Title IX Coordinator, etc.) were interviewed. A total of 19 full-time (i.e., tenured/tenure track) faculty members and one assistant professor (lecturer)<sup>2</sup> associated with the ME department were interviewed. Interviewees included five of the ME department's seven<sup>3</sup> women faculty (three assistant, one associate, and one assistant professor (lecturer)). The 15 male faculty members included six assistant, six associate, and three full professors were interviewed. Interviewees represented 61% of the ME Department faculty but 71% of its women faculty.

The team interviewed 60 students, 16 women and 44 men were interviewed of whom five were in master's degree programs and 44 were at various stages of ME PhD programs. With few exceptions, all interviews were completed by two team members, each of whom wrote separate sets of notes used in the development of this report following a standard set of general questions about the program, understanding of Title IX, experiences with the program, and perceptions of gender and fairness. All interview notes and information provided in response to the data request were coded into Excel spreadsheets for subsequent analysis. No inferential statistics were used; the findings are descriptive analyses.

It should be noted that, since the onsite visit, the US Department of Education, Office for Civil Rights (OCR) conducted an investigation of review of Utah's policies and procedures regarding sex-based discrimination. Utah was informed by the Office for Civil Rights (OCR) in June 2016 that it had received a complaint alleging Utah had discriminated on the basis of sex by failing to timely respond to a complaint of sexual misconduct<sup>4</sup>. The [onsite visit](#) was conducted February 22-23, 2017. A second complaint was filed with OCR in March 2018. The complainant alleges in that complaint, that Utah failed to conduct a prompt, thorough, and impartial inquiry after he notified Utah's Office of Equal Opportunity

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<sup>2</sup> The designation lecturer, combined with the position as the Director of Undergraduate Studies and the lack of connection to a research group indicated that this faculty member (a female) occupied a different status within the department than did the tenured and tenure-track faculty. The Graduate Director for the department is included among the faculty counts in this report; the Department Chair is included among the administrator counts.

<sup>3</sup> There were six tenured/tenure track women faculty plus an additional assistant professor woman who is a lecturer.

<sup>4</sup> OCR informed the review team in May 2018 that it is currently investigating systemic class-wide allegations regarding response to sexual violence complaints.



and Affirmative Action that he believed he had been subject to sex-based harassment. OCR confirmed to the review team in May 2018 that this complaint involved the student health center and the University's hospital only. As of the date of this report, none of these OCR investigations have been closed. DOE and NSF are aware that any recommendations made for modification in Utah's policies, procedures and practices with respect to areas of Title IX compliance that cover Title IX administration, sexual harassment and sexual assault may be impacted by any OCR Letter of Findings and resolution agreement to resolve non-compliance with Title IX that may arise from OCR's investigation.

## II. Background: The Utah Mechanical Engineering Program

The Department of Mechanical Engineering (ME) is within the Utah College of Engineering. The department is housed in the Rio Tinto Mechanical Engineering Kennecott Building (MEK), a newly-renovated 80,000 ft<sup>2</sup> building with offices, clean labs, a computer lab, and a large lecture hall. According to the department website, "The building is designed to encourage informal student-faculty interactions through its many gathering spaces," which include conference rooms, meeting areas, a student advising center, a tutoring center, student group meeting rooms, and a café.

The web-based materials for ME's graduate programs appear to be strongly student-centered, with highly detailed checklists that include weblinks to relevant documents, timelines for when various actions need to be taken, and pdf forms that can be downloaded. Additionally, the website makes it relatively easy to locate information about the classes that are offered, the professors in the department, and the research labs that are actively working on projects. As an example, in the BS/MS dual-degree program checklist, students are provided with the following guidance:

"Fall Junior Year:

- Take the GRE (Holiday Recess is a good time to consider taking it)
- Send scores to UofU Mechanical Engineering Department"

Figure 1 shows the trend in the number of ME degrees awarded by Utah in the four five-year periods since 1995 by sex as well as females as a percentage of these degrees. Despite a near doubling of the number of male students at the bachelor's and master's levels, growth in the number of female students at these levels was smaller; over the past two decades, females as a percentage of all bachelor's degree recipients at Utah has been relatively unchanged at between 5-7%. At the doctoral level, the overall number of PhDs awarded by the department has fluctuated across each of the five-year periods. There has been growth in the number of females who have earned ME PhDs, from two in the 1995-1999 period to a maximum of six in the 2005-2009 period. Over the past 20 years, the annual average number of PhDs earned by females was less than one.

Figure 2 shows how the ME graduate degree production at Utah compares to that nationwide. Across all fields of engineering, temporary residents have accounted for more than half of PhDs<sup>5</sup> in 2014. In mechanical engineering, nationwide, 56% of PhDs were awarded to temporary residents, while at Utah, temporary residents accounted for 37% of PhDs; this lower percentage translates to a lower representation of women among ME graduate degree recipients at Utah. Additionally, when considering U.S. citizens

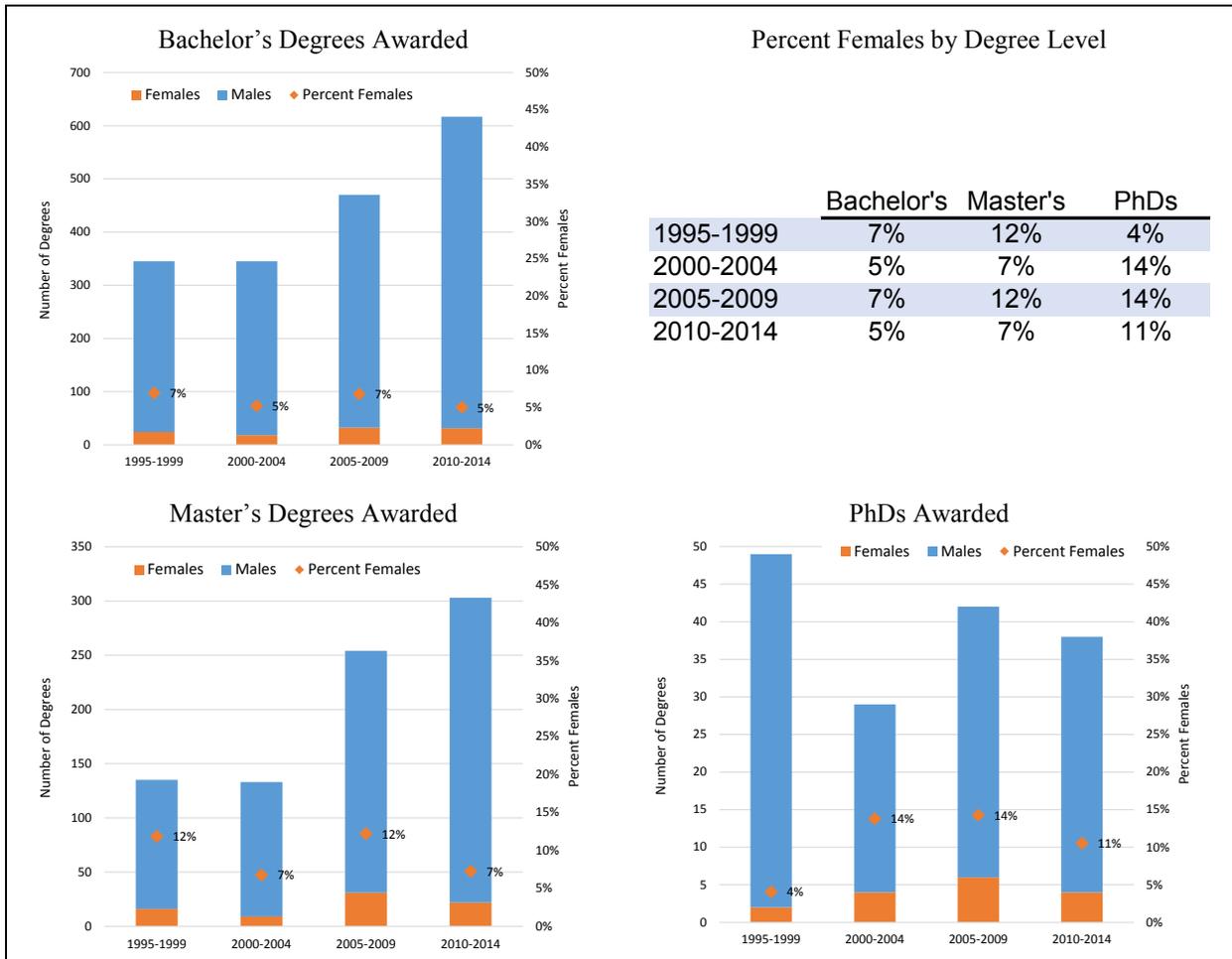
<sup>5</sup> National Science Foundation, National Center for Science and Engineering Statistics. 2015. Doctorate Recipients from U.S. Universities: 2014. Special Report NSF 16-300. Arlington, VA. Available at <http://www.nsf.gov/statistics/2016/nsf16300/>.



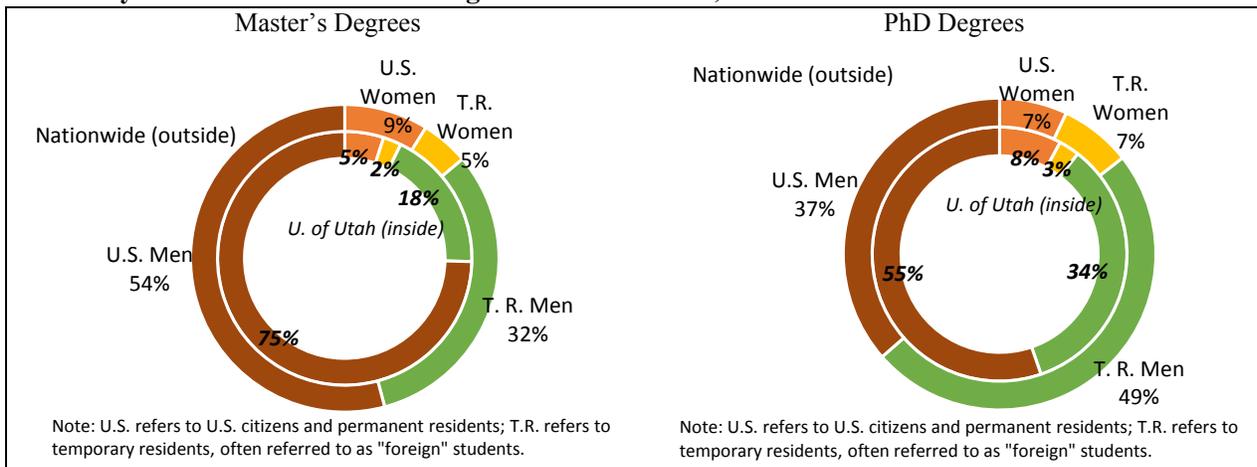
and permanent residents, while women's representation at the doctoral level is on par with that nationwide (8% Utah, 7% nationally), at the master's level women's representation is almost half (5%) that of the national level (9%). Three-fourths of the master's degrees awarded in ME by Utah between 2010 and 2014 were to U.S. citizen and permanent resident men.



**Figure 1. University of Utah ME Degrees Awarded by Sex and Level, Five-Year Periods, 1995-2014**



**Figure 2. ME Graduate Degrees Awarded by Sex, Citizenship Status, and Level at the University of Utah and All U.S. Colleges and Universities, 2010-2014**



Master's degrees have thesis and non-thesis options; an additional master's degree program offers an MS/MBA dual degree. The professional Master of Engineering degree has been discontinued, although some students may have been completing this program at the time of the site visit. The department offers the doctoral degree with different credit hour requirements dependent upon whether the student has earned a master's degree (32 post-MS minimum credit hours) or enters the program with a bachelor's degree (53 minimum credit hours). Additionally, the "Master of Philosophy" degree (M.Phil.) is available in the department for those students who complete all other doctoral degree requirements except the dissertation (elsewhere, this is commonly referred to as "All but dissertation," or ABD status). According to department materials, this credential is considered a terminal degree; students who return and wish to complete a PhD are required to engage in a formal action to have their M.Phil degree rescinded.

The Department website lists four broad areas of specialty:

- Robotics and controls;
- Design, ergonomics, manufacturing, and systems;
- Solid mechanics; and
- Thermal fluids and energy systems.

The website has a tab for each of these specialty areas on which each of the associated courses is listed along with the departmental plans for offering these courses over for the 2016 and 2017 academic years, which reflects a student-centered approach.

Specific research topics include:

- Biomechanical Engineering
- Composite Materials
- Controls
- Design
- Energy Systems
- Ergonomics & Safety
- Fluid Mechanics
- Heat Transfer
- Manufacturing
- Microsystems & Nanosystems
- Thermodynamics
- Robotics
- Solid Mechanics

**Compliance Review Finding:** Women are underrepresented among master's degree recipients in ME at Utah when compared to the national level. At the doctoral level, U.S. citizen and permanent resident women are represented similar to the national level, but temporary resident women are underrepresented at a higher rate than are temporary resident men.



### A. The Graduate School at Utah

The Utah Graduate School oversees university administration of a comprehensive slate of master's degrees, doctoral degrees, and professional programs, including distance (online) options in some fields, with the Graduate School website emphasizing the natural environment, low cost of living and relatively low in- and out-of-state graduate tuition rates. The Graduate Dean is a faculty member (full professor) affiliated with the Department of Physics and Astronomy, with the Associate Dean also a faculty member (Modern Dance). Two Assistant Deans in the Graduate School are focused on Diversity and Postdoctoral Affairs and are not also faculty members. In addition to a Graduate Council, each of Utah's graduate programs has a Director of Graduate Studies. Most elements of graduate education reside in the departments and colleges, representing a relatively decentralized approach, as reported by the Graduate Dean in his interview with the team. Students interested in graduate studies at Utah are directed to the specific programs.

The Graduate School houses a Diversity Office, which is led by the Assistant Dean for Diversity. This office provides resources for recruitment of diverse students, including Diversity Fellowships, the University Visit Program (which includes guidance to students about the content of the visit), and a centralized set of search resources for departments to proactively seek diverse students (e.g., McNair Scholars, the National Name Exchange, the California Forum for Diversity, and GRE). Sample emails to use to recruit diverse graduate students are provided as is information about nationwide recruitment events. Additionally, the Diversity Office administers the "Graduate Preparation Institute", described on the website as:

"an intensive four-week undergraduate summer research program hosted at the University of Utah in Salt Lake City. We welcome applications from college juniors and seniors who belong to historically underrepresented groups in Science, Technology, Engineering, and Mathematics (STEM) fields.

In addition to 30+ hours of research a week, GPI fellows attend a series of workshops where they learn how to identify graduate programs, prepare competitive applications for graduate school, identify sources of funding and much more! GPI fellows attend a number of social events that create opportunities to develop new networks and friendships with students from across the Southwest."

In addition to recruitment initiatives, the Graduate School Diversity Office has a number of student retention initiatives including: Emerging Diversity Scholars Fellowship, Graduate Diversity Enhancement Grants, sponsorship of Conference Travel, and information about external fellowships, external community resources, graduate student groups and helpful websites.

### B. Student Population in the Department of Mechanical Engineering

Graduate student enrollment data for the most recent five academic years are shown in Figure 3. Since the 2010-11 academic year, master's enrollments decreased for men (41% decline) but increased for women (83% increase) so that as of 2014-15 the eleven women enrolled in master's degree programs in the ME Department, represented 12% of master's students. Doctoral enrollments increased over this same time period for men (22%) with women's doctoral enrollment ranging from five to eleven students. In the 2014-15 academic year, the eleven women enrolled as doctoral students accounted for 13% of the doctoral students that year.



Overall, about half of the ME graduate students are enrolled in the master’s programs and half in the PhD program. No separate data were provided about enrollment in the three master’s program options (i.e., thesis, non-thesis, and MS/MBA dual degree) nor about the BS/MS dual degree program.

**Figure 3. Graduate Enrollment by Level and Gender, AY 2010-2014**

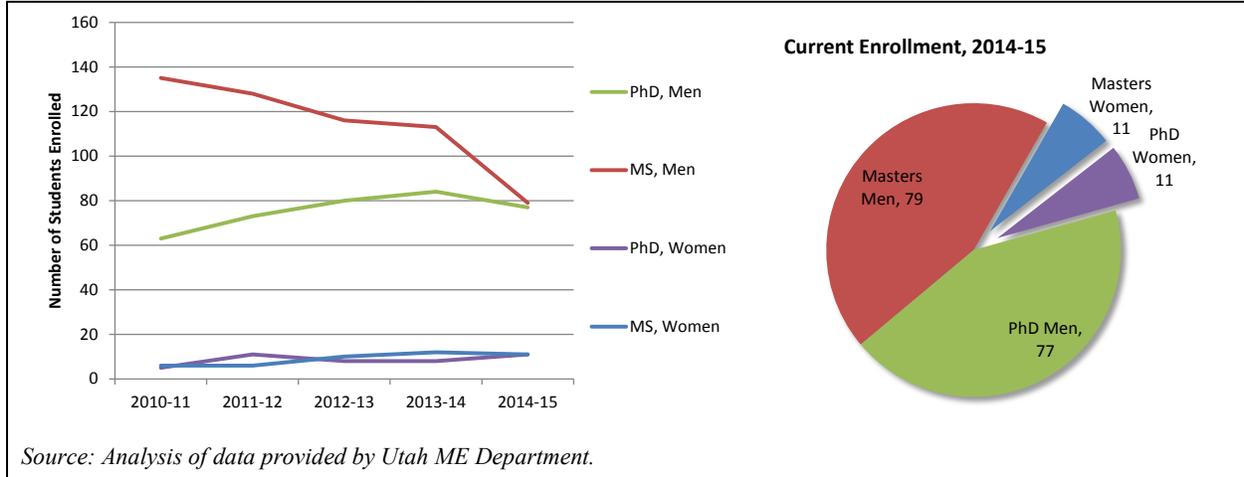


Table 1 shows that most of the 48 interviewed students were studying for their doctoral degrees. While this is a substantial overrepresentation of PhD students (about half of the ME graduate students are pursuing master’s degrees), PhD students are all involved in research, while master’s level students are often not involved in the research projects funded by DOE and NSF. Though interview notes indicated that at least twelve of the graduate student interviewees were international students, without consistent reporting, it was not possible to determine the extent to which the interviewees were representative of the general graduate student population with respect to international status. Women were overrepresented among interviewees at both the MS and PhD levels.

**Table 1. Representation of Women and Men, by Degree Level, among Interviewed ME Students at Utah**

	Women	Men	% Women
MS	3	2	60.0%
PhD	13	40	24.5%
Total	16	42	27.6%

**C. Faculty and Administrators**

The department reported 33 full-time faculty (tenured and tenure track) plus a faculty member who was listed as an assistant professor-lecturer and was the undergraduate program advisor. The six tenured and tenure track women (18%). Women were represented at the assistant professor level (four of the six) and the associated professor level (two) with no women at the full professor level. ME is led by a Department Chair, currently a full professor (male). The Director of Graduate Studies is an associate professor (male) who is supported by an administrator (a female graduate of the Utah ME PhD program). The Director of Undergraduate Studies (a female assistant professor-lecturer) is assisted by two Undergraduate Advisors (administrative positions, one male, one female).



## Recruitment and Outreach Programs

Unlike undergraduate education, which includes many non-department-based requirements, graduate education resides within programs housed in departments. At comprehensive public institutions like Utah, the undergraduate student body is often highly representative of the state's own high school graduating classes with a relatively small percentage of students from outside the state.

For graduate education, high performing undergraduate students may be individually recruited by faculty members, for whom high-quality graduate assistants are an incentive. The principal means of recruitment reported by the ME Department is the webpage, which provides details about faculty, current research projects, and facilities. The ME Department also referenced participating in Utah-based graduate fairs, flyers (with examples included in the materials provided by the department), Peterson's graduate guide, and recruitment emails sent to students with high GRE scores in the intermountain west by the College of Engineering. Utah provided information about outreach efforts associated with career fairs and discipline-based conferences, but had no outcomes data associated with these efforts. Additionally, the department participated with the College of Engineering "Grad Visitation Weekend<sup>6</sup>," which provides prospective domestic PhD students with an opportunity to visit campus – all expenses paid by the College of Engineering – to meet faculty, visit the facilities and participate in area excursions to learn about the Salt Lake City area. Students interested in the visitation weekend need to have all application materials submitted by January 1. As a note, the University of Utah deadlines for admission are April 1 for fall admissions, therefore, the January 1 deadline for participation in the departmental visitation is a full three months early.

The ME department provided data on the overall number, number of applicants and number of admitted "Prospective Graduate Students who Participated in Outreach and Recruitment Efforts," without specifying which recruitment effort was used. In the past five academic years, 2010-2011 through 2014-2015 (inclusive) 14 women and 56 men participated in master's level recruitments (20% women). All of these applied for admission and all but one woman and one man were admitted to the ME master's program.

Sample emails sent by the departmental Director of Graduate Studies provide all potential applicants with detailed information about participation in the "Fly-In Program" and with the need to make email contact with a faculty member to explore assistantship opportunities, once they had been admitted. The departmental email emphasized the need for students seeking assistantships to be persistent in their efforts to reach faculty members. Based on the student interviews, six men and three women reported having a visit paid by Utah (14% of male and 19% of female interviewees). With an emphasis on student initiative, only five students (four men and one woman) referenced being recruited to Utah. Five men also referenced an offer of an assistantship as material to their decision to pursue graduate studies in the Utah ME program.

There was no separate information provided about international recruitment efforts. As a note, Figure 2 indicated that 37% of PhDs and 20% of Master's ME degrees awarded by Utah since 2009 were to international students. The ME department did not report data for international students separately from domestic students.

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<sup>6</sup> In some materials this is referred to as the "Fly-In Program."



Student interviews covered topics related to recruitment to Utah. There were several themes that emerged in these interviews; multiple themes could be present in any given set of interview notes (which is why the numbers reported in this paragraph do not sum to 100%; the denominators were number of interviewees within gender – 16 women and 42 men were interviewed). Themes associated with location, including being close to family, having been a Utah undergraduate, or friends recommending the school were brought up by 60% of male interviewees and 50% of women. The next most common theme related to program reputation issues, such as the professors, a recommendation from a student’s undergraduate professor(s), the facilities at Utah, or the robotics program (specifically); 45% of men and 56% of women indicated these as the reasons for matriculating at Utah. Three students reported they had been IGERT<sup>7</sup> students, while 8 (two women and one man) had been undergraduates at Utah.

#### **D. Admissions**

From a Title IX perspective, the issue of gender disparate impacts in university processes is of interest. With respect to admissions, the specific questions are: What are the processes of admission and to what extent do these processes have a disparate impact upon female as compared to male applicants to the ME graduate programs?

The application process is highly decentralized, meaning that each graduate department or program receives applications and engages in its own review process. Minimal requirements for admission to the University of Utah are:

- Bachelor’s degree from a regionally accredited college of university;
- A 3.0 / 4.0 GPA or a minimum, overall, or within the last 60 credit hours (90 quarter hours) of undergraduate work;
- Meeting the academic department’s admission standards and receiving a recommendation for admission to their program.

International students are directed to the International Admissions Office (IAO), which evaluates student transcripts from international institutions and requires submission of Test of English as a Foreign Language (TOEFL) scores (no standard score requirement was referenced). For students who meet the Utah requirements, IAO sends applicants’ materials to the relevant graduate department for consideration and advises international applicants that this review could take 1-2 months.

In addition to the requirements of the University of Utah, specified above, the ME department provided a list of seven items that are taken into consideration when making admissions decisions, these are summarized herein:

1. Ranking or prior institutions (mostly for international applicants);
2. Evaluation of academic transcripts (especially performance in courses related to graduate area of interest);
3. GRE scores: department prefers scores above the 80<sup>th</sup> percentile on the quantitative section and prefers a 3 or higher on the 6-point scale in the analytical reasoning section;
4. Statement of purpose;
5. Applicant’s resume: prior preparation and suitability for success in graduate school;

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<sup>7</sup> IGERT is an NSF-funded program, the “Integrative Graduate Education and Research Traineeship” with a goal of increasing participation in graduate education. For more details see [www.igert.org](http://www.igert.org).



6. Letters of recommendation: “The letters of recommendation play an important role in determining admission. Letter writers also provide ratings on the applicant’s credentials for graduate school.”
7. Writing sample: not required, but sometimes students upload an example to exhibit credentials for graduate school (e.g., prior research or project).

Master’s program applicants are held to a less rigorous standard on each of the above criteria than are the applicants to the PHD program. Students are ranked as either meeting admissions standards and recommended for admission, as not meeting all standards, but have “strong and compelling evidence in certain categories that merit a detailed review by the entire graduate committee,” or as no meeting standards and, therefore, not recommended for admission.

Graduate Committee membership information was provided by ME for the past five academic years (AY). This seven-member committee has been chaired by Dr. Balaji, an associate professor (male), since the 2011-2012 AY and was interviewed by the team. The other six members (for the 2014-2015 AY) included one male full professor (a member since the 2010-2011AY, when he was the chair), two other associated professors (both males one a member since the 2010-2011AY, the other newly appointed in 2014-2015), and three assistant professors (one female appointed in 2014-2015, one male appointed in 2011-2012 and the other male appointed in 2013-2014). Dr. Rebecca Brannon was the only woman on the committee, serving between 2010 and 2013, with no women on the committee in the 2013-2014 AY. Additional support for this committee’s work is provided by Dr. Saffioti, the ME Graduate Advisor, and a recent graduate of the Utah program.

#### Graduate ME Department Admissions Data

Data on the number of applicants, admissions, and enrollments for the past five academic years (2010-11 through 2014-15, inclusive) were provided by the Utah ME Department disaggregated by program level (master’s and doctoral) and sex (men and women), but not by national origin. Table 2 presents analysis of applicant-admissions-enrollment data combined for all five years, along with the overall numbers and percent of women.

Highlights of these data at the master’s level (Appendix Table E1 and top half of Table 3) include:

- There were 624 applicants to the Utah ME master’s programs over the past five years with 72 new enrollments during that time;
- At the doctoral level, there have been 29 new students who enrolled over the past five years, of which four (14%) were women;
- Students’ conditional likelihood of enrollment was larger at the master’s than at the doctoral level for both women and men. At the doctoral level, women’s and men’s likelihood of enrollment was the same, while at the master’s level, women who applied to the ME department were slightly more likely to eventually enroll.

**Table 2. ME Department Applications, Admissions, and Enrollments by Sex and Program Level, Five Most Recent Academic Years, Combined (2010-11 through 2014-15)**



	Master's				Doctoral			
	Total		Grand Total	Percent Women	Total		Grand Total	Percent Women
	Women	Men			Women	Men		
Applicants	55	569	624	8.8%	42	264	306	13.7%
Admissions	31	281	312	9.9%	34	173	207	16.4%
Enrollment	7	65	72	9.7%	4	25	29	13.8%
Admits as a % of applicants	56.4%	49.4%	50.0%		81.0%	65.5%	67.6%	
Enrolled as a % of admits	22.6%	23.1%	23.1%		11.8%	14.5%	14.0%	
Conditional likelihood of enrollment	0.127	0.114	0.115		0.095	0.095	0.095	

**E. Financial Assistance, Assistantships, Incentives, and Awards**

Funds from fellowships and assistantships are critical for the support of graduate studies. Additionally, types of support are important because of the research relationships embodied within these support systems. Historically, women, among other groups underrepresented in science and engineering fields, have been hindered from equitable access to graduate study by gender-based restrictions on funding, especially of married women, and to research laboratories, in which they could develop research collaboration skills and receive guidance/mentorship from a faculty member and other experienced researchers. The Title IX analysis for this section is focused on determining whether female and male graduate students in ME have equitable access to funds and research opportunities.

Assistantships

The ME Department offers graduate students a research<sup>8</sup> or teaching assistantship (hereafter, GRA and GTA, respectively). Research assistantships are awarded at the discretion of individual faculty members, based on the availability of funds and the fit between the student’s interests and skills and the needs and focus of the faculty member’s research project. Teaching assistantships require students to submit an application to a teaching assistant database, in which the student indicates ME courses taken and previous TA/grader experience.

In order to gain access to research experience, GTAs need to work beyond their assigned hours (which GRAs typically do as well) and can be sidetracked by student questions due to their typically greater familiarity with undergraduate students in classes that they support.

The ME Department 10-20 hour/week (0.25 or 0.5 time) graduate assistantships (GA) include:

- A stipend, which can be split over 12 months;

**Table 3. Department-Provided Graduate Student Financial Support by Sex, Type and Level of Support, 2-14-2015 AY**

<sup>8</sup> ME department-provided attachment 44a reports on “Research assistants” (RAs) and “Graduate assistants” (GAs), which are, together, to be equivalent to “GRAs.” According to the ME department website, RAs are paid from research grants, while GAs are paid from start-up funds (i.e., new faculty). While RAs and GAs do the same work and are paid the same amounts, GAs are not eligible for subsidized health insurance.



- Tuition and fees waiver proportionate to the appointment (i.e., either 100% for a 20 hr/week and 50% for a 10 hr/wk GA); and
- Health insurance subsidy for the student (RAs and TAs but not GAs).

In the Spring 2015 semester, a total of 98 students were receiving support from the ME department as RAs, GAs, or TAs, generally at the 0.5 FTE or 0.25 FTE level<sup>9</sup>. While 60% of the 20 female students enrolled in the ME department received financial support, a slightly lower percentage of males (55% were receiving support in Spring 2015). The type of support was markedly different for females compared to males, with males twice as likely as females to have a half-time research-based assistantship. Females, on the other hand, relied heavily on TA positions for support.

The ME department provided data about students by sex who worked with each of its 32 faculty members' labs. This list indicates a total of 24 female and 133 male students as associated with various labs. Presumably, students can be affiliated with multiple labs, since the department had reported that there were 20 female students enrolled in the 2014-2015 AY. The departmental data indicate, therefore, that at least 23 male students are not currently associated with a lab group, assuming that the 133 males are unduplicated counts.

		Spring 2015	
		Females	Males
RAs & GAs	0.5 FTE	3	46
	0.25 FTE	0	3
TAs	0.5 FTE	7	32
	0.25 FTE	2	3
	0.125 FTE	0	2
Enrollment (2014-2015 AY)	Masters	9	79
	Doctoral	11	77
<b>TOTAL</b>		<b>20</b>	<b>156</b>
Percentages			
0.5 FTE RA/GA		15%	29%
0.5 FTE TA		35%	21%
0.25 FTE RA/GA		0%	2%
0.25 FTE TA*		10%	3%
Total with any form of department-provided		60%	55%
<u>Notes:</u>			
*Includes one male with a 0.125 FTE TA			

### Incentives and Fellowships

According to the online materials for ME students, the following fellowships are available:

- Kingston Energy Fellowship (two, \$3,500 scholarships for U.S./permanent resident graduate student with a 3.5 minimum GPA and interest in an energy-related career);
- Alumni Legacy Scholarship (available to any student who had at least one parent who graduated from the University of Utah);
- Magdiel Student Financial Relief Fund (available to students with unforeseen financial hardships who are close to graduation for one academic year, no GPA requirement, funds vary);
- Ross-Dauncey Student Loan Endowment Fund (interest free loan for up to 10 years, value starting at \$3,000 – requires completion of FAFSA).

Additional incentives referenced by the department include the Graduate Visitation Weekend (GVW) (an expenses-paid recruitment trip to encourage students to attend Utah). A Summer Stipend is offered to first-year students, typically those who have attended the GVW and was extended to top international recruits in 2015 by one division within the department. The College of Engineering Fellowships provide \$15,000 to supplement a \$15,000 GRA provided by a faculty member in the first year. In the remaining years, the student received a \$25,000 GRA (therefore, the additional \$5,000 in year one appears as a sign-on bonus).

<sup>9</sup> One male student was reported as having a 0.125 FTE TA appointment.



Additional financial information is provided in the second recruitment email sent by the Chair of the Graduate Committee:

**FINANCIAL OPTIONS:** The U of U is a real bargain. Students who apply for admission by January 1st are pre-assessed and if qualified, forwarded to our fellowships committees for consideration for various fellowships, as well as for an invitation to our fly-in weekend. Once admitted, a student should begin contacting faculty to express interest in assistantships. Email is generally the best way to contact professors, but phone calls should also be employed. Persistence is key in obtaining an assistantship. Full assistantships provide at least a \$13,500 annual stipend and a tuition waiver in exchange for work performed for the department. Fellowships are like scholarships, but may have a service requirement as well. Fellowships typically have the highest stipends.

*For more info: [Financial Information](http://mech.utah.edu/academics/grads/financial-information/)  
(<http://mech.utah.edu/academics/grads/financial-information/>)*

The ME department provided a list of students who had received University of Utah-provided incentives/fellowships since the 2010-2011 AY. A total of 26 students were listed, three of which (11%) were women. Women were recipients of the GVW Fellowship and one woman had received the Kingston Energy Fellowship (referenced, above). The 23 men who received incentives included ten who were provided a “Wayne Brown Award” (no information provided by the Department; no information available on the College or Engineering or the ME department websites; Wayne Brown was a former dean of the College of Engineering at Utah). Another seven men received a “Summer Stipend,” four men received a “Campbell” award/fellowship, and one man had received the ARCS and another the Sid Green Fellowship. It is important to note that none of these incentives—with the exception of the summer stipend—were described in written materials provided by the department nor was information available online about these awards. Women, therefore, appear to have been disadvantaged in the award of Utah’s enrollment incentives based on these data.

**Compliance Review Finding:** Women were less likely than men to be provided research support and incentive awards. The lack of transparency about the Wayne Brown, ARCS, Campbell, Summer Stipend, and Sid Green fellowships may play a role in the lack of women who have received these awards. The reliance on individual faculty to provide research support may pose an additional challenge to female students in securing RA and GA positions.

## F. Degree Completion

Master’s and doctoral degree requirements differ, with fewer and more structured course-based requirements at the master’s level and more research-based requirements at the doctoral level. From a Title IX perspective, once admitted, to what extent are the outcomes of the educational processes equitable for women and men?

### Master’s Degrees

- 30 credits of coursework
- Thesis option: the 30 credits includes 21 regular course hours (of which, at least 12 are expected to be in ME) plus 9 thesis hours and a final oral examination



- Non-Thesis option: 30 credits, all of which are regular courses (including at least 18 hours in ME), no thesis credits, final master’s examination is administered, with advisor’s permission required to take the examination and advisor’s oversight of specific courses in preparation for the examination.

Students must complete a master’s degree in four years from the date of first enrollment.

#### Doctoral Degrees

ME students must complete a written qualifying examination, generally by their third semester (BS at entry) or their second semester (MS at entry). The qualifying exam covers material students are expected to have learned in their undergraduate programs. Students are required to complete a minimum of 32 credit hours if they have earned an MS prior to the PhD and 53 credit hours if they did not complete an MS degree, with a minimum of 14 dissertation hours. In order to advance to candidacy, students must satisfactorily pass a proposal defense and complete a proposal in a format similar to that used by federal funding agencies such as the NSF, Department of Energy, or National Institutes of Health (i.e., a 15 page narrative, references, biosketch, and one-page summary). The proposal defense includes a public presentation and then a closed oral defense of the proposal with the committee members. The final dissertation is completed a minimum of eight months after the proposal. Students must satisfy all the MS degree requirements, submit the manuscript to a peer-reviewed journal as approved by their committee and pass a final oral defense.

Students must complete a doctoral degree in eight calendar years from the date of first enrollment if they enter the PhD program with a bachelor’s degree and within six consecutive calendar years if they hold a master’s degree upon entry to the doctoral program.

Assessing attrition from the department’s graduate programs is not possible given the data that were requested and provided by the Department. There were minor inconsistencies across tabular (aggregate level) results that necessitate deeper analysis of student-level data over a longer timeframe than the most recent five years’ data requested for this report.

It is normative for students who persist to the final oral dissertation defense to succeed; it is rare for students to fail or drop out of a graduate program at this late point. Instead, student attrition typically occurs at examination time points (e.g., the qualifier in the two engineering degree areas and the comprehensive in all three program areas), as a result of academic difficulties completing coursework, or a variety of personal reasons. The ME Department reported that a total of six students: two male master’s students, one female master’s student and three male PhD students, had “dropped out” in the past five years. The ME department also reported that one male student had failed the final dissertation oral defense and a total of 10 students: nine male and one female students, failed the thesis defense at the master’s level.

### III. Title IX Statutory and Regulatory Requirements of NSF and DOE

Educational institutions that receive Federal financial assistance are required under Title IX to develop and implement nondiscriminatory policies and procedures, and to appoint an individual to coordinate and

**Compliance Review Finding:** Students lauded the guidance they received from faculty, suggesting that, as is normative, ME faculty play an important role as mentors in ensuring that students are well-prepared for important examinations, thesis, and dissertation work.



implement Title IX functions. Title IX also 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.

NSF regulations implementing Title IX are found at 45 C.F.R. § 618. DOE regulations implementing Title IX are found at 10 C.F.R. §§1040 and 1042. DOE implementing regulations require a 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. 10 C.F.R. §1042.140(b).

Recipients are also required to adopt and publish grievance procedures providing for the prompt and suitable resolution of student and employee complaints that allege actions prohibited by Title IX. 10 C.F.R. Section 1042.140(b). The U.S. Department of Justice 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.

**Title IX Coordination Compliance Requirements.** In addition to the contact information dissemination requirement, for purposes of this review, DOE and NSF focused on the following key aspects of Title IX coordination:

1. Effective functioning, including skills and competencies, regarding the key responsibilities of administrating and implementing the University’s Title IX grievance process;
2. The authority and access of the Title IX Coordinator to university senior leadership needed to effectively perform roles and responsibilities; and
3. Appropriate training of faculty, staff, and students.

Each NSF and DOE grant contains, as part of the grant terms and conditions, an article implementing Title IX, the DOE and NSF regulations. Basic compliance with the procedural requirements of NSF’s and DOE’s Title IX regulations requires the following:

Designation of a responsible employee (Title IX Coordinator, references: 45 C.F.R. § 618.135 and 10 C.F.R. §1042.135) – Recipients of Federal financial assistance must designate at least one employee to coordinate Title IX compliance efforts and responsibilities, including complaint investigation into allegations of discrimination prohibited by Title IX. The recipient must notify all its students and employees of the name, office address, and telephone number of the employee or employees appointed to fulfill the Title IX coordination responsibilities.

Adoption of Complaint Procedures (references: 45 C.F.R. § 618.135 and 10 C.F.R. §1042.135) – Recipients of Federal financial assistance must adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX.

Dissemination of Policy (references: 45 C.F.R. § 618.140 and 10 C.F.R. §1042.140) – Recipients must take specific and continuing steps to notify beneficiaries (e.g., notifying students and applicants for admission) that they do not discriminate on the basis of sex in the educational programs or activities that they operate, and that they are required by Title IX not to discriminate in such a manner.

**A. Nondiscrimination and Sexual Harassment Statement and Notification of Nondiscrimination Policies**

1. Nondiscrimination Statement



The Utah nondiscrimination statement is published on the bottom of the [www.utah.edu](http://www.utah.edu), homepage, at the “[Nondiscrimination and Accessibility](#)” web link under the “The Fine Print” column<sup>10</sup> as follows:

**Non-Discrimination (EEO/Title IX/Section 504 Statement/ADA)**

The University of Utah does not discriminate on the basis of race, color, religion, national origin, sex, age, status as a disabled individual, sexual orientation, gender identity/expression, genetic information or protected veteran’s status, in employment, treatment, admission, access to educational programs and activities, or other University benefits or services.

Additionally, the University endeavors to provide reasonable accommodations and to ensure equal access to qualified persons with disabilities. Inquiries concerning perceived discrimination or requests for disability accommodations may be referred to the University’s Title IX/ADA/Section 504 Coordinator:

Director, Office of Equal Opportunity and Affirmative Action  
201 South Presidents Circle, Rm. 135  
Salt Lake City, UT, 84112  
801-581-8365 (voice/tdd)  
801-585-5746 (fax)  
[www.oeo.utah.edu](http://www.oeo.utah.edu).

The nondiscrimination statement also appears in the Undergraduate Bulletin, which serves as the general handbook for undergraduates.

**Title IX**

Utah does not have a specific Title IX statement of nondiscrimination.

**Note:** Hereinafter, the Office of Equal Opportunity and Affirmative Action will be referred to as OEO/AA and the Director of the Office of Equal Opportunity and Affirmative Action will be referred to as the OEO/AA Director.

2. Non-Discrimination and Sexual Harassment Policies

At the time of the onsite review Utah’s policy for non-discrimination (including sex discrimination prohibited under Title IX) and sexual harassment/sexual violence was contained in “Policy 5-210: Discrimination and Sexual Harassment Complaint Policy”. Since the onsite visit of the DOE/NSF review team, Utah has revised that policy and on February 14, 2017, “[University Policy 1-012: University Non-discrimination Policy, Revision 2](#) (the Policy) went into effect. With respect to University Policy 1-012, Utah’s Regulations Library states that:

*This Policy was formerly titled as Interim Policy 1-012 Sexual Misconduct, Sexual Assault, Dating Violence, Domestic Violence and Stalking Prevention and Response. As of February 2017 it was re-titled and significantly revised, along with enactment of a set of associated Rules and procedures. Some contents of the revised Policy and the new Rules and Procedures formerly appeared in Policy 5-210 Discrimination and Sexual Harassment and Response. As of February 2017 this Policy and the set of associated*

<sup>10</sup> The bottom banner of Utah’s webpage appears as locked and appears on most Utah websites



*Rules and Procedures replaces Policy 5-210 as the primary University Policy applicable to complaints of discrimination.*

The Policy itself states that:

*This is the primary Policy that informs the University community of the University's commitment to preventing prohibited discrimination and fostering an academic, employment, and health care environment that is free from prohibited discrimination, including harassment and Sexual Misconduct.*

*This policy applies to all academic and administrative units of the University, and to all members of the University community, including faculty, staff, students, patients, visitors, and participants in University programs or activities. The application of this Policy's associated regulations to staff who are also students, such as teaching assistants, research assistants, Medical Housestaff, or other University staff members who are also enrolled as students in a graduate education or other degree program, will be determined by the respective roles of those involved in any alleged violation.*

<https://oeo.utah.edu/resources/policies/>

The Policy contains a number of sections including those that provide purpose and scope, definitions, and the non-discrimination policy listed above. The Policy also incorporates a number of policies, rules and procedures, including but not limited to the following that are germane to Title IX compliance administration at Utah:

- [Rule 1-012](#): Discrimination Complaint Rule
- [Rule 1-012A](#): Discrimination Complaint Process Rule
- [Rule 1-012B](#): Sexual Misconduct Complaint Process Rule
- [Procedure 1-012](#): Discrimination Hearing Procedure
- [Policy 6-316](#): Code of Faculty Rights and Responsibilities (contains general nondiscrimination provisions)
- [Policy 6-400](#): Code of Student Rights and Responsibilities (contains general nondiscrimination provisions)
- [Policy 5-106](#) Equal Opportunity and Nondiscrimination Employment
- [Policy 5-107](#): Consensual Relationships
- [Rule 1-015A](#), Safety of Minors – Code of Conduct and Reporting Obligations

The Policy is written and organized in a manner that indicates a “one-stop” resource for all policies, procedures that are necessary to ensure that members of the university community have easy access to and clear understanding of those processes that deal with questions and issues related to sex discrimination and sexual misconduct, therefore confusion is minimized for those who need to access the Policy. The Policy also provides the OEO/AA Director’s office address, phone number, fax number and email.

## **B. Designated Title IX Coordinator and Responsible Office**

The designated Title IX Coordinator for Utah is the OEO/AA Director, who leads OEO/AA. According to the OEO/AA [website](#), OEO/AA is described as follows:



*“(OEO/AA) is a professional resource dedicated to the University of Utah’s commitment to provide a fair and equitable environment for individuals to pursue their academic and professional endeavors and to equally access University programs. In order to further this commitment, the OEO/AA is responsible for ensuring University practices and nondiscrimination policies are in full compliance with all federal, state and local anti-discrimination laws, and provide processes to fairly and effectively resolve complaints, provide reasonable accommodations, and to make appropriate corrections. The OEO/AA acts as a point of contact with state and federal agencies that enforce anti-discrimination laws....”*

The OEO/AA website further states that:

*“The Director of the OEO/AA, serves as the University’s Title IX Coordinator and is responsible to oversee the University’s response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate so the University can address issues that affect the wider school community.”*

In addition to a primary Title IX Coordinator, Utah also has eighteen Deputy Title IX Coordinators who serve in the various Utah schools and departments such as Athletics, Social Work, Medicine, but the College of Engineering does not have a deputy.

It should also be noted that the Director of the OEO/AA serves as the University’s Americans with Disabilities Act/Section 504 Coordinator and is responsible to oversee the University’s efforts to comply with the ADA and Sections 503 and 504 of the Rehabilitation Act; to ensure that University programs and facilities are accessible for faculty, staff, and student employment, as well as for public access for University health care, services, and programs; and to provide prompt and equitable processes for responding to requests for reasonable accommodations and for resolving complaints.

The Title IX Coordinator (former and current) are experienced individuals who are accessible to members of the Utah community. Most students, faculty and staff interviewed in 2015 correctly identified the Title IX Coordinator. The College of Engineering does not have a Deputy Title IX Coordinator. It is also not known what are the specific Title IX duties and tasks of the deputy coordinators, though Senior Deputy Title IX Coordinator reported to the review team that one function was to respond to complaints regarding student sexual misconduct. Utah has numerous deputy Title IX coordinators who serve in colleges and units across the university

<b>Review Criteria: Designation of Title IX Coordinator and Dissemination of Contact Information</b>	<b>Yes</b>	<b>No</b>
1. The University has designated a Title IX Coordinator.	X	
2. The Title IX Coordinator has notified faculty, staff, and students regarding his or her contact information (including name, office address, and telephone number).	X	
3. The Title IX Coordinator has the appropriate skills and competencies regarding the key responsibilities of administering the University’s Title IX grievance process.		Yes, for both former and the current coordinator



4. Title IX Coordinator has the authority and access to university senior leadership needed to effectively perform roles and responsibilities.	Yes, but “open door” type access

**C. Dissemination of Policy**

The Policy is accessible on the OEO/AA webpage at <https://oeo.utah.edu/resources/policies/>, which links to the Policy’s resident webpage at <http://regulations.utah.edu/>. The review team found the Policy on the website with no difficulty. The Policy is not published on any other Utah website to the extent that the review team can discern.

With respect to dissemination of information on Title IX, Utah provides this information online, in printed materials and in live training or orientation sessions.

The OEO/AA and the Office of Dean of Students, (ODOS) produce two brochures that address sexual discrimination, and are entitled "Sexual Harassment" and "[Sexual Misconduct](#)". These brochures are distributed at Student Orientation, provided to the Utah community and are distributed at every live presentation or training. The brochures are also available in the OEO/AA, Office of Dean of Students, Center for Student Wellness, Athletics, and in the offices of the Associated Students of the University of Utah (ASUU), as well as on their website. These brochures contain information on how and where to file a Title IX complaint, the protections from retaliation, and the job title and contact information for the OEO/AA Director (as the Title IX Coordinator). A larger brochure (15 pages) has been drafted and was to be made available for and distributed to the Utah community after June 1, 2015.

Utah provides a template syllabus for faculty as well as a [syllabus checklist](#) that includes "Essential" and "Non-essential" information to be included in a class syllabus. On page 3 of the Checklist, an essential item, entitled "Addressing Sexual Misconduct" contains the following language for inclusion on a syllabus<sup>11</sup>:

*Addressing Sexual Misconduct. Title IX makes it clear that violence and harassment based on sex and gender (which Includes sexual orientation and gender identity/expression) is a civil rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, color, religion, age, status as a person with a disability, veteran’s status or genetic information. If you or someone you know has been harassed or assaulted, you are encouraged to report it to the Title IX Coordinator in the Office of Equal Opportunity and Affirmative Action, 135 Park Building, 801-581-8365, or the Office of the Dean of Students, 270 Union Building, 801-581-7066. For support and confidential consultation, contact the Center for Student Wellness, 426 SSB, 801-581-7776. To report to the police, contact the Department of Public Safety, 801-585-2677(COPS).*

<sup>11</sup> According to University policy, at minimum instructors must include the contact information of the Title IX Coordinator on a syllabus.



Students are personally informed of their right to and the process for filing a complaint at their Student Orientation. Students attend a live presentation, wherein they are informed about the University policies that prohibit discrimination, sexual harassment, and sexual misconduct and the relevant definitions; they are assigned an online module (two-part series) that provides in-depth information about Sexual Assault Prevention Education and Bystander Intervention strategies, which includes information about the student's right to file a complaint and the complaint process. Utah reports that the Office of Dean of Students and the OEO/AA, (including the OEO/AA Director) conduct live presentations about Sexual Misconduct and Bystander interventions and the strategies to "high risk" groups, such as the athletics teams and sororities and fraternities, and upon request.

Utah also reports that beginning in the 2012-13 Academic Year, the OEO/AA began conducting in-person presentations for graduate students, which provided additional information about the protections of Title IX, along with the University's policies that prohibit discrimination, on the basis of race, national origin, color, religion, age, status as a person with a disability, veteran's status, genetic information, sex, sexual orientation, gender identity/expression, sexual harassment, and sexual misconduct (which includes sexual assault, domestic/dating violence, sexual exploitation, and stalking). The training includes information about how to file a complaint or to just seek information, or to speak with a person who can keep information confidential, as well as the policies and law that prohibit retaliation for filing a discrimination or Title IX complaint or participating in the complaint process. This training is part of the mandatory training for all International Teaching Assistants and for all "Housestaff," which includes the University's School of Medicine's residents and interns, became mandatory this year for tutors and is offered as one of several modules for the Spring Teacher's Assistant training.

A similar training but modified for faculty and staff, respectively, is offered to all faculty and staff and is part of the Human Resources "Professional Development" series<sup>12</sup>. All University employees, upon hire or during their first days on the job, participate in an orientation that provides general information about the University policies that prohibit discrimination on the basis of sex (amongst other protected categories), the job title of the Title IX Coordinator, and their right to and the process for filing complaints. Most of the faculty confirmed their attendance at orientation in interviews.

<b>Review Criteria: Policy Dissemination</b>	<b>Yes</b>	<b>No</b>
1. Title IX policies and procedures are posted in the following locations:		
a. On University Web site for Title IX Coordinator	X	
b. On University Web site for Student Affairs or other office		X
c. In University handbook and/or catalog	X	
d. In the Department under review (i.e., on a poster or other notice)		X
2. The Title IX procedures are easily found through a search on the University Web site.	X	
3. Students are regularly reminded of Title IX policies and procedures via email or letter (e.g., at the start of each semester).		X
4. Students interviewed seem to understand the process for filing a Title IX complaint.	X	
5. Faculty members interviewed seem to understand the process for filing a Title IX complaint.	X	
<b>Observations:</b> In sum, the Policy is available in one location, while the non-discrimination statement appears on most webpages and in a few publications. Utah conducts frequent training sessions to educate the community on Title IX, nondiscrimination and sexual misconduct. Nearly all students and faculty attended the training conducted by the OEO/AA Director. The OEO/AA Office continues to increase the number of trained students, faculty and staff		

<sup>12</sup> <https://www.hr.utah.edu/training/orientation-faculty.php>



According to the Office of the Dean of Students [2015-16 Annual Report](#), Utah conducted numerous trainings on Title IX, sexual misconduct to a variety of students, faculty and staff. The OEO/AA [2016 Annual Report](#) states that “In 2016, OEO/AA conducted 254 presentations reaching at least 6,409 faculty members, staff, and students, representing a 13% increase over the number of people trained in 2015”.

In faculty and student interviews, reviewers sought to determine the extent to which Title IX information is understood by the faculty and students in ME. Interviews with 55 graduate students indicated that there some knowledge of Title IX among the interviewed students:

- All 58 students knew that Utah has a Title IX Coordinator. Only three students could not name Ms. Pickens as the Title IX Coordinator.
- Only two students reported no knowledge of Title IX. Four students stated that Title IX involved gender equity in college athletics, 30 students stated that Title IX involved equal opportunity, nondiscrimination or prohibited sexual harassment, while 22 students cited general knowledge that Title IX existed or referenced the Title IX training that the EO/AA Director held for ME Department students just before our onsite visit.
- All interviewed students had attended training on Title IX and as previously stated, the most recent training for these students took place just before the September 2015 DOE/NSF site visit.

Review Criteria: Provision of Title IX Training	Yes	No
1. Title IX Coordinator provides appropriate training to faculty, staff, and students.	X	
2. Students interviewed recall having had education and awareness opportunities on anti-discrimination.	X	
3. If training is provided, is it mandatory?	X*	
4. If training is provided, are there education and awareness modules designed to resonate with STEM students and faculty, e.g., using hypothetical examples of inappropriate conduct or actions that might occur in a STEM setting such as a lab?		X
<b>Observations:</b> Utah provides extensive Title IX training. All students reported that they had Title IX training just before the onsite visit, which was provided by the OEO/AA Director.		

Note on training: Since the review, Utah has communicated the following to the Department related to Title IX Training:

- All new hires at the University receive mandatory Title IX training as part of the on-boarding process. For students, all incoming students are required to attend a new student/transfer student orientation during which Title IX issues are presented. In addition, the Dean of Students has implemented an on-line training product. Currently, all students have access to this training and the Office of the Dean of Students heavily promotes and encourages students to participate in this online training. As part of the Campus Safety Task Force convened by the University President, one of the recommendations was to implement mandatory training for students. Since that report, the Office of the Dean of Students has been implementing the underlying logistical steps that will enable the Dean of Students to track and monitor participation of the training for students, with the expected timeframe that this training will be mandatory for incoming students in the fall of 2018. In addition, OEO/AA provides training throughout campus on discrimination, harassment and sexual misconduct (which includes Title IX training, ADA and all forms of discrimination under our policy). In 2017, we held 301 trainings over the course of the year, up from 254 in 2016.



<https://studentaffairs.utah.edu/assessment/documents/annual-reports/annual-reports-2015-16/ODOS%20Annual%20Report%2015-16.pdf>

Similarly, there was at least basic knowledge about Title IX among the 19 ME faculty who were interviewed:

- Thirteen faculty members knew the name, but two faculty did not know the name of the Title IX Coordinator (it was not clear if the other four faculty members knew the Title IX Coordinator's name);
- Eighteen faculty indicated that they were aware of or had basic knowledge of Title IX, while one faculty member stated that they did not know about Title IX.
- Sixteen of the 19 interviewed faculty members reported that they had participated in anti-discrimination or harassment training either the session that occurred before our onsite visit, at new employee orientation or during another session or did online training. Several faculty members stated that this training was mandatory, while one faculty member believed that the training was not mandatory.

There is knowledge of Title IX and its prohibitions against discrimination and harassment among students and faculty.

#### **D. Complaint Process and Procedures**

Utah has policies and procedures for the receipt, investigation, processing and adjudication of discrimination complaints, including those that are Title IX complaints. At the time of the onsite review, Utah has accepted, processed, investigated and adjudicated complaints under several policies and procedures that are referred to as “University Policy 5-210: Discrimination and Sexual Harassment Policy” and Rule 5-210A, the procedure for investigating discrimination and sexual harassment complaints. Sexual Misconduct complaints, as defined in the operating policy at the time of the review, “Interim University Policy 1-012: Sexual Misconduct: Sexual Assault Dating Violence, Domestic Violence, and Stalking, Prevention and Response, Revision 1”, investigated under Rule 5-210A. These policies were revised since the onsite review, in February 2017. The present policy and procedures are discussed in greater detail below. Key changes from the old procedure to the current procedure includes:

- An expansion of the investigative timeframe from 45 days to 60 days
- A reduction in the timeframe for:
  - response to the findings by complainant and respondent of the draft investigative report from 10 days to 5 days
  - requesting a hearing from 10 days to 5 days
- Selection criteria for hearing panels.
- Annual training for Utah students, faculty and staff who are appointed to serve on the hearing committees was added to the present procedure.



Presently, Utah’s discrimination and harassment complaint processes are incorporated by reference in the Policy as [Rule 1-012: Discrimination Complaint Rule](#) (Rule 1-012)<sup>13</sup>. Rule 1-012 provides a foundation and framework for discrimination complaint processing at Utah and proscribes the following:

- Purpose - to implement the Policy and “describes the manner in which individuals may pursue discrimination complaints, including complaints of sexual misconduct, at (Utah).”
- Scope - All members of the university community as well as all units and departments at Utah, with the exception of the Utah’s healthcare providers and facilities, which have their own policies and procedures.
- Authority of OEO/AA to investigate discrimination complaints
- Definitions
- Rules regarding confidentiality, retaliation, duty to notify certain Utah managers and executives, and the filing of complaints.
- Alternative Resolution Procedures

Rule 1-012 also states in Section III.E that a complaint may be filed with OEO/AA by any individual who believes they have been subjected to discrimination in violation of any one of the following policies:

- [The Policy](#) (University Non-discrimination Policy)
- [Policy 5-106](#) (the policy for equal opportunity and nondiscrimination in employment)
- [Policy 5-117](#) (ADA Policy, Reasonable Accommodation and Access)
- [6-400 Section II.E](#) (Code of Student Rights and Responsibilities, Student Bill of Rights, Freedom from Discrimination and Sexual Harassment)
- [6-316 Section 4](#) (Code of Faculty Rights and Responsibilities, which describes the general duty of faculty to not discriminate or harass university community members)

Once a complaint is filed and accepted for investigation, the actual discrimination complaint procedures are provided in [Rule 1-012A, Discrimination Complaint Process Rule](#) (The Discrimination Complaint Process), which is the procedure for discrimination/harassment (non-sexual) complaints and in [Rule 1-012B, Sexual Misconduct Complaint Process Rule](#) (the Sexual Misconduct Complaint Process) for sexual harassment and sexual assault, commonly referred to in the policies and procedures as “sexual misconduct”<sup>14</sup>. In Section II (Definitions) of Rule 1-012, each form of sexual misconduct, with the exception of “sexual violence” is defined as such at the end of the definition of that misconduct, which indicates that such misconduct would be adjudicated under the Sexual Misconduct Complaint Process, while “sex discrimination”, as defined in Section II, appear to be processed under the Discrimination Complaint Process. Forms of sexual misconduct include sexual harassment, stalking, nonconsensual sexual contact/penetration, and intimate partner violence. The definition of each act of sexual misconduct are also listed and defined on an OEO/AA [webpage](#) dedicated to sexual misconduct.

With respect to the filing of complaints, OEO/AA is responsible for receipt, investigation, processing and adjudication of Title IX complaints. OEO/AA has also developed and published an [online Title IX complaint form](#) [complaint form](#) (2/22/2017 version) that individuals can complete and submit and is

<sup>13</sup> During the time of the onsite review, Rule 1-012 was known as Rule 5-210A until its revision and new number designation effective February 14, 2017.

<sup>14</sup> Rule 1-012 provides that “allegations of discrimination that do not involve sexual misconduct shall be resolved pursuant to (the Discrimination Complaint Process). Allegations of Sexual Misconduct shall be resolved pursuant to (the Sexual Misconduct Complaint Process)”



posted on the OEO [website](#) and the #SAFEU [webpage](#). This comprehensive Adobe Acrobat fillable form asks individuals to list if they are faculty, visitor, patient, staff, participant, applicant, student or other. It also asks the individuals to identify the specific basis of alleged discrimination and the specific type of sexual misconduct alleged to have encountered, if applicable, as well as the last date of alleged discrimination. Lastly, the complaint form provides addresses and contact information for Federal and state agencies who may have the jurisdiction to investigate discrimination complaints if it desired to file the complaint with those agencies. The US Department of Education’s Office for Civil Rights is one of the listed agencies, but not DOE nor NSF. Lastly, OEO/AA has developed and published a [Spanish version](#) of the complaint form (2/22/2017 version) and is also available on the OEO/AA website.

Rule 1-012 states that “A Complaint is timely if it is filed within 120 calendar days of the last alleged discriminatory act. A Complaint that is not timely or that fails to state a claim of discrimination may be dismissed by (the OEO/AA Director) after an initial review.” Notably, the rule further states that “At (the OEO/AA Director’s) discretion and for good cause, particularly in cases alleging Sexual Misconduct, a Complaint that is not timely may be accepted.” Both complaint procedures state that OEO/AA will endeavor to complete investigations within 60 days of receipt of the complaint and will notify both the complainant and respondent if more time is required to complete the investigation. Both parties are given five days to review the draft investigative report and provide comments and other evidence or documents to OEO/AA.

In evaluating whether a school's grievance procedures are prompt and equitable, and thus satisfy the Title IX requirement, DOE and NSF looks to applicable DOJ and U.S. Department of Education Office for Civil Rights (OCR) guidance to determine whether the procedures provide for:

1. Notice of the right to file a discrimination complaint with an appropriate Federal agency, either simultaneously with the filing of an internal grievance or after the unsatisfactory resolution of a grievance.
2. Notice to students, parents of elementary and secondary students, and employees of the procedure, including where complaints may be filed;
3. Application of the procedure to complaints alleging harassment carried out by employees, other students, or third parties;
4. Provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
5. Designated and reasonably prompt timeframes for the major stages of the complaint process;
6. Written notice to the complainant and alleged perpetrator of the outcome of the complaint;
7. An assurance that the school will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate;
8. Where appeals are part of procedures, they must be accorded equally between the parties;
9. Ease of access and understanding.



Both the Discrimination Complaint Process and the Sexual Misconduct Complaint Process Rule contain all of these elements. With respect to hearings, which may be requested by the complainant or the respondent, the hearing committee will review a finding by OEO/AA of no violation of policy, the hearing committee will determine whether a hearing should be held based on a review of the complaint, the respondent’s response, the written request for a hearing, the OEO Report. The Committee may determine that it is unnecessary to hold a hearing based on insufficient evidence to support a claim of discrimination; or the issue is no longer relevant or is moot.

ME graduate students and faculty were aware of the complaints process. Almost all students and most of the interviewed faculty member suggested that they would go to the OEO/AA Director if they had a Title IX complaint indicative of the effectiveness of the training provided to the ME Department by the OEO/AA Director. A few faculty indicated that they would bring Title IX complaints to the ME Department Chair or another Utah unit, such as Human Resources or the General Counsel. All the interviewed students and faculty informed the review team that they had not filed any Title IX complaints with the OEO/AA.

<b>Review Criteria: Grievance Procedures As Written – –2001 Dept. of Education OCR Guidance</b>	<b>Yes</b>	<b>No</b>
<b>The procedures must provide for:</b>		
1. Notice of right to file with appropriate Federal agency, either simultaneously or after unsatisfactory resolution of internal grievance.	X	
2. Notice to students and employees of procedure, including where complaints may be filed.	X	
3. Application of procedure to complaints alleging harassment carried out by employees, other students, or third parties.	X	
4. Provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence.	X	
5. Designated and reasonably prompt timeframes for the major stages of the complaint process.	X	
6. Written notice to complainant and alleged perpetrator of the outcome of complaint.	X	
7. Assurance that the school will take steps to prevent recurrence of any harassment and correct its discriminatory effects on the complainant and others, if appropriate.	X	
8. Appeals, if included, must be accorded equally between the parties.	X	
9. Appropriate dissemination, including efforts to ensure ease of access and understanding.	X	

<b>Review Criteria: Grievance Procedures As Implemented By ME</b>	<b>Yes</b>	<b>No</b>
1. In the Department in the past 5 years, there have been formal complaints of:		
• Sex discrimination		X
• Sexual harassment		X
• Sexual assault		X
2. If yes, did the University follow the written Title IX procedures in addressing the incident(s)?	N/A	
3. Faculty, staff, and/or students reported other or potential incidents of:		
• Sex discrimination	N/A	
• Sexual harassment		
• Sexual assault		



Utah had no Title IX complaints involving or arising from the ME Department or its faculty, staff or students in the five-year period under review. All interviewed student or faculty stated that they had not filed or were not involved in any Title IX complaints.

**Compliance Review Finding:** Utah has one discrimination and one sexual misconduct complaint discrimination procedure that applies to all members of the university community, which has been revised since the onsite visit and appears to strengthen due process protections, expedite complaint processing and minimize complexity in its application. The complaint procedures are readily available, easily accessible and most interviewed ME students, faculty and staff knew of their existence and whom to contact to file a complaint. The procedures meet all the recommended guidelines of the US Department of Education’s Office for Civil Rights with respect to Title IX grievance procedures.



## IV. The Environment/Climate

The term “chilly climate” in reference to the negative implications for equity in college education environments was coined in a 1982 report titled “The Classroom Climate: A Chilly One for Women.” Since that time, there have been over 40,000 references to the concept of climate in the scholarly literature. The on-going interest in this topic is reflected in recent research by the American Association of Universities on Sexual Assault and Sexual Misconduct at 27 colleges and universities. For the purposes of Title IX review, therefore, to what extent is the climate equitable for women and men in the subject departments?

Within a university graduate program, the faculty establish and model the norms of appropriate behavior, reward and sanction students’ behaviors in conformity to the norms of professional conduct, and are a resource for students as mentors and advisors. Within the academic setting, as well, junior faculty ( untenured assistant professors) rely upon senior (tenured) faculty, who evaluate progress towards tenure for tenure-track faculty and establish norms of professional conduct. A Title IX compliance review analysis examines the extent to which the ME department’s climate is equitable for women and men and specifically the extent to which female and male graduate students have equitable access to professional development within the ME department’s graduate programs.

### A. Gender Bias Perceptions

To understand the climate, the site visit team reviewed data provided by Utah about complaints and investigations of potential gender bias issues undertaken by the OED as well as interviews with faculty and students in ME.

#### Complaint and Investigations Analysis

Complaints and investigations undertaken by OED provide one way of understanding gender bias issues at Utah. The original data request (see Appendix A), included:

“13. a. Identify the number of Title IX complaints, if any, that did not originate in the Mechanical Engineering Department whether informal or formal, filed with the University during the 2010-2011, 2011-2012, 2012-2013, 2013-2014, and 2014-2015 academic years. Include a brief description of each complaint and a statement as to the status of each complaint.

13. b. Identify the number of Title IX complaints, if any, that originated in the Mechanical Engineering Department, whether informal or formal, filed with the University during the 2010-2011, 2011-2012, 2012-2013, 2013-2014, and 2014-2015 academic years. Include a brief description of each complaint and a statement as to the status of each complaint.”

As previously stated, Utah informed DOE and NSF that there were no Title IX complaints that originated in the ME department during the review period, while 50 Title IX complaints were received outside the ME Department during this period.

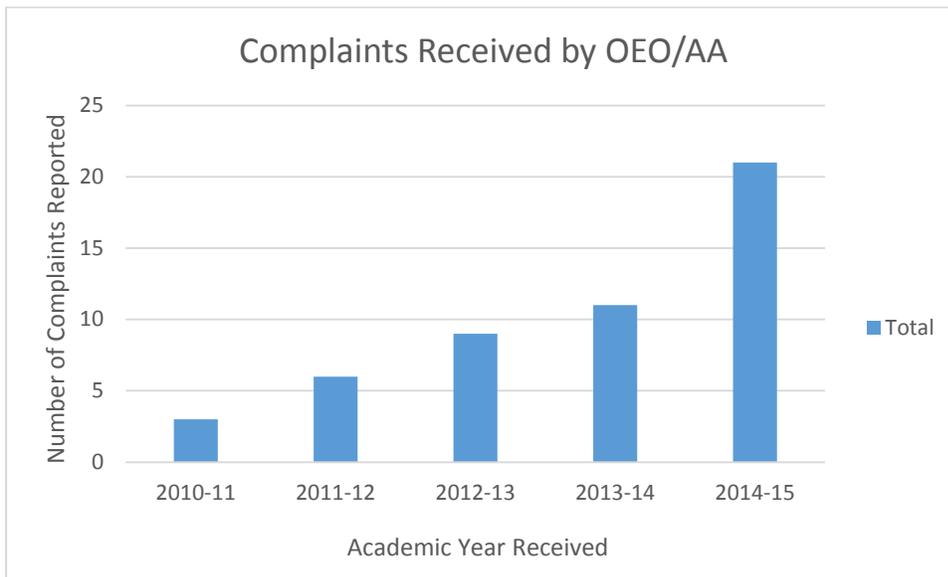
Data for the complaints were provided, with a brief, but detailed description of each complaint, which included the basis for the complaint (i.e., sex, raced), a brief description of the allegation, a key fact or two regarding the complaint, the finding or outcome of the complaint and a brief descriptions of any remedies or interventions provided by the OEO/AA Office to complainant or respondent. Utah also provided the date the complaint was filed and the number of days to process each complaint.



In reviewing the complaint data, the review team analyzed the complaints’ processing times, disposition of complaints and sanctions, if rendered.

Figure 8 shows a plot of the number of complaints for each calendar year included in the 2010-2011 through 2014-2015 academic years for which data were provided, there was a steady increase in the number of Title IX complaints received from three in 2010-11 to 21 in 2014-15. The review team is unable to ascertain a reason for this increase over the five-year period at this time.

**Figure 8. Utah Complaints by Academic Year**



Source: Analysis of data provided by Utah.

Table 5 below details the processing time of 49 of the 50 complaints received throughout the five-year reporting period. The majority of complaints, 45 percent, were processed within 30 days, while 41 percent of the complaint were processed between 31-90 days and 14 percent of complaints were processed in more than 90 days after receipt. For complaints processed within 30 days, there were a variety of outcomes, including allegations that were informal resolutions without investigations, withdrawals of complaints, resolution or administrative closure because of outside circumstances or the complainant reported an incident but decided not to follow through with a complaint.

**Table 5. Processing Time of Complaints Investigated by the OEO/AA Office.**

Number of Days	Number of Complaints	Percentage
1-30	22	45%
31-60	14	29%
61-90	6	12%
91-120	4	8%
121-180	2	4%
<180	1	2%

Source: Analysis of data provided by Utah.



In classifying the disposition of each complaint, the review team applies the following terminology to classify each complaint's outcome:

- Substantiated (allegation was found to have occurred via preponderance of evidence standard)
- Unsubstantiated (allegation was found not to have occurred via preponderance of evidence standard)
- Unsubstantiated In Part/Substantiated In Part (allegations found not to have violated one part of Utah's conduct code, such as sexual misconduct, but found to have violated another part of the code such as sexual harassment)
- Informal Resolution (complaints resolved without investigation via an alternative dispute resolution-type process facilitated by OEO/AA)
- Reported, not Filed (a complainant reported an incident, but did not want to file a complaint and go through the OEO/AA complaint process)
- Withdrawn (complainant withdrew the complaint and the complaint was closed by OEO/AA)
- Dismissed (OEO/AA determined that the complaint had no discriminatory basis and closed the complaint)
- Resolved (Complaint allegation was resolved outside of OEO/AA)
- Administrative Closure (OEO/AA closed the complaint because there was no longer an issue in dispute, timeliness or other reason).
- Referred (Complaint was referred to another adjudicative or investigative unit at Utah).

With respect to the categories of findings listed above and detailed below in Table 6, 15 of the 50 Title IX complaints (30 percent) for the 2010-11 to 2014-15 reporting period had allegations that were found to be unsubstantiated by an OEO/AA investigation, while 12 complaints (24 percent) were found to be substantiated. Furthermore, 6 complaints (12 percent) were completed through informal resolution between complainants and respondents. There were three complaints where the allegations were found to be unsubstantiated with respect to sexual misconduct, but OEO/AA found that the same allegations did meet the standards and definition of sexual harassment under Rule 1-012. With respect to the types of sanctions that were applied to substantiated complaints, the sanctions included termination of employment, expulsion of students, and suspensions of student and faculty. However, most of the respondents, which include faculty, staff and employed students had resigned from their positions at Utah. Only one employee, a faculty member, remained in that position without losing employment but was sanctioned. Several staff and faculty were restricted from being rehired by Utah for a five-year period following separation from the university.

For unsubstantiated complaints, the review team found that eight of 15 such complaints resulted in no sanctions. As for several other unsubstantiated complaints, other sanctions were rendered such as "administrative discipline", "inappropriate conduct" or restrictions placed on student. Other sanctions, especially for those that involved informal resolution included 1:1 training or counseling of respondents.

OEO/AA offers complainants with interim and supportive measures to protect students following an allegation of sexual misconduct regardless of the nature of findings and sanctions. The review team found that such measures were provided in 15 Title IX sexual misconduct complaints, and provided, but declined by complainants in three other complaints. These measures include but are not limited to: changes to housing, dining, or work circumstances; academic accommodations; counseling; health and mental health services; and disability services.

**Table 6. Findings Rendered by the OEO/AA Office for Complaints during the Reporting Period**



Finding	Number of Complaints	Percentage
Unsubstantiated	15	30%
Substantiated	12	24%
Informal Resolution	6	12%
Reported, Not Filed	4	8%
Withdrawn	4	8%
Unsubstantiated In Part/Substantiated In Part	3	6%
Dismissed	2	4%
Resolved	2	4%
Administrative Closure	1	2%
Referred	1	2%
<b>Grand Total</b>	<b>50</b>	<b>100%</b>

Source: Analysis of data provided by Utah.

Site Visit Interview Analysis

None of the interviewed students and faculty had ever filed a Title IX complaint against the ME department or Utah. As previously stated, most students and faculty stated that if they had to file a Title IX complaint, they would contact the OEO/AA office. With respect to the climate of the ME Department, the interviews revealed that the ME Department was considered by most students and faculty to be a collegial environment that was generally supportive of students regardless of gender and did not have any gender bias incidents or undercurrents of gender bias.

**Compliance Review Finding:** OEO/AA investigated and resolved Title IX complaints in accordance with its stated procedures and US Department of Education guidance on Title IX complaints. Complainants were routinely offered interim remedies in cases of sexual harassment or sexual assault while complaints were being investigated. OEO/AA investigated allegations of sexual misconduct even if the complainant did not wish to file a complaint. The review team found for all complaints that were substantiated where the respondent did not resign, sanctions ranged from termination or suspension to 1:1 training or written sanctions. Utah also prohibited a number of these individuals from being hired by Utah for future employment for a five-year period.

**B. Campus Safety**

Issues of campus safety can have a disparate gender impact. Graduate students work in laboratories, which embody a range of potential workplace safety concerns. Faculty and students may often work late at night and on weekends, suggesting a need to ensure safety concerns are addressed due to the equity implications. That is, if men but not women feel unsafe on campus, then there would be a disparate impact, suggesting non-compliance with Title IX. The site visit team asked faculty and students about safety issues but did not seek other data (e.g., incident report data to campus or local police departments) often used to assess safety.



The review team found that after the onsite, Utah convened the Presidential Task Force on Campus Safety<sup>15</sup>, which made a series of recommendations in May 2017 to enhance and improve the overall safety on campus with respect to violence, sexual harassment, sexual assault or discriminatory behavior. One of the recommendations was to “create a centralized, comprehensive campus safety website”.<sup>16</sup> This website is the #SAFEU webpage which provides links to the online Title IX complaint form. With respect to sexual assault, Utah maintains a website devoted to sexual assault services and resources at <https://sexualassault.utah.edu/>. Utah’s website states that it “maintains a campus alert system capable of providing students and employees information about unforeseen events and emergencies on campus such as snow closures, building closures, significant traffic interruptions, sever power outages, gas leaks, and physical threats. Students and employees may receive alerts via phone, email or text messaging. For more information visit [www.campusalert.utah.edu](http://www.campusalert.utah.edu).”

For the 2017-18 academic year, Utah announced through its website that it will “host a variety of events designed to acquaint students, faculty and staff with campus resources. The events focus on improving health and wellness, promoting a safe campus environment, connecting with safety officers, empowering students to advocate for their peers and more.” A list of these events can be found at <https://attheu.utah.edu/facultystaff/a-safer-u/>

Most interviewees interpreted the safety questions to reference issues related to the buildings or feeling safe walking around or near campus, especially at night and weekends. Graduate students commonly work long hours, therefore, the extent to which students feel safe in the labs and in walking from the labs to their living spaces and/or transportation can be a factor in their success. The University of Utah and the surrounding area were described as very safe by most faculty and student interviewees. Students and faculty stated that a number of services are provided by Utah that are provided on most campuses across the United States such as text alerts regarding criminal activity or active shooter situations, university police escort and shuttle services available after-hours, card access for locked doors and security cameras. The ME Department Chair informed the review team that the ME Department’s building has 11 security cameras and is locked with card access for students, faculty and staff.

### C. Family Focused Initiatives

Utah provides an array of services to students and faculty who need child care while working on campus. These service are provided through Utah’s [Center for Child Care and Family Resources](#). Services include the following on campus programs:

#### [UKids - Presidents Circle Child Care Program](#)

This program, which includes the Associated Students of the University of Utah (ASUU) Student Child Care Program, is available to students, faculty and staff. It includes part-time care – 20 hours per week maximum while student parent(s) attends class, curriculum for children 12 months through 5 years of age (up to age 7 in the Summer only), An hourly pay rate based on

<sup>15</sup> <https://attheu.utah.edu/facultystaff/investing-in-a-safer-campus/>

<sup>16</sup> <https://safeu.utah.edu/about/>



income, non-traditional hours, drop in child care for students and staff, day care for exercise workout sessions and free care for student's children during finals week.<sup>17</sup>

- [BioKids](#)

The BioKids website states that “We serve children ages 6 weeks through 5 years in two classrooms - the Infant/Toddler Room for infants and toddlers up to 24 months of age, and the Preschool Room for children 2-5 years of age. BioKids offers a developmentally appropriate curriculum in an intimate setting. BioKids was founded by Biology Department faculty looking for quality care in a convenient location. BioKids is open to all families, although priority enrollment is given to Department of Biology faculty and staff, siblings of currently enrolled students, and employees of (Utah).”

- [Child and Family Development Center](#)

The website states that “In a collaborative effort with the Family & Consumer Studies Department, the Child and Family Development Center (CFDC) is an accredited Montessori preschool located on President's circle that provides quality learning experiences for families and hands-on training to university students. Divided into three classrooms, CFDC is open to the community and serves ages infants through six. The design of the CFDC program and physical structure of the classrooms facilitate parent, student, and teacher education. It also provides research opportunities for University faculty interested in studying young children and families.”

- UKids - Guardsman Way Child Care Program

The website states that “UKids-Guardsman Way caters primarily to the employees and students of the University, however we do also offer care to other community members, when space is available. We feature an exciting curriculum where children can explore all aspects of their lives in a nurturing positive way. With our trademarked Early Foundations curriculum, children grow physically, intellectually, emotionally and socially using play as the primary means of discovery and exploration. We place health and safety as our top priority, followed closely by education and learning. We are nationally accredited with NAEYC and the majority of our teachers have degrees in early childhood education.” STOP HERE 9/23/17 but go back to Campus Safety.

A number of students and faculty interviewed were generally aware of these services, but cited limited space, high demand (both of which resulting in waiting lists) and costs as possible impediments to access to these services. A few students reported that students have brought their children to the ME Department while engaged in academic activities and there has been no issue with this arrangement. Utah also provides campus housing for married students.

With respect to parental leave policies (i.e., childbirth, child caregiving) Utah has an official policy for faculty known as [Policy 6-315: Faculty Parental Benefits -- Leaves of Absence with Modified Duties and Review Extensions](#). Key features of this policy are the granting of leave to faculty for childbirth, adoption and caregiving of children. Parental benefits, as described in this policy are provided to eligible

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<sup>17</sup> <http://presidentscircle.childcare.utah.edu/Parent%20Handbook%202015-2016.pdf>



faculty members twice (additional benefits require the approval of a university senior vice president. The “tenure clock” for tenure-track faculty can be stopped for one year. Also, a faculty member can have a leave of absence with modified duties for a semester at 95 percent of base pay for that semester. With respect to students, at the time of the onsite review in September 2015 there were no established parental leave policies for students.

With respect to parental leave for graduate students, there is no university-wide parental leave policy for students and the ME Department Chair confirmed to the review team during the site visit that there is no student parental leave policy for ME students (he informed the review team that the ME Department will attempt to accommodate students who request parental leave or accommodations). As of the date of this report, there is still no parental leave policy for students. The review team elicited a verbal commitment from Utah’s President to implement a paternal leave policy for Ph.D. students in the Mechanical Engineering graduate program and other STEM Graduate Programs in order to provide graduate students in these programs the same benefits as those studying in other disciplines at the university. Utah’s President did direct academic departments across the university to produce their own policy language for graduate student parental/family leave and dismissal. Several departments, but not the ME Department, developed parental leave policies<sup>18</sup>, whose policies can be found at Utah’s Graduate School webpage at a section entitled “[Family Leave and Dismissal Policies](#)”. The webpage also has a link to sample language for developing a graduate student family leave policy, which is provided below:

*Parental Leave Policy for Graduate Students: Two Options*

*Option #1:*

***Leaves of Absence***

*Students who wish to discontinue their studies for one or more semesters may request a leave of absence from the department’s Director of Graduate Studies, which may be granted subject to the approval of the Dean of the Graduate School in the following circumstances:*

- 1. Leaves of absence will generally be granted and reviewed on a yearly basis for reasons relating to illness, military service, pregnancy and/or child care, or residence outside the state of Utah.*
- 2. Leaves may also be granted and reviewed on a yearly basis to students who, in the judgment of the Director of Graduate Studies, are engaged in work considered beneficial to their academic goals, such as temporary teaching or professional positions or employment which will ultimately allow the student to complete the degree.*
- 3. Leaves for other reasons may be granted and reviewed on a yearly basis when the Director of Graduate Studies believes the leave is in the best interest of both the student and the University.*

*While on a leave of absence, a student may continue to get health care coverage through the Graduate School.*

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<sup>18</sup> The Utah departments and colleges that have student parental leave policies are Physics and Astronomy, Chemistry, Communication, Neurobiology and Anatomy and the College of Health.



*Option #2:*

*The Department/College provides up to twelve (12) weeks of parental leave to graduate students in good standing in the Ph.D. track, provided that they have not yet defended their Ph.D dissertation. Ordinarily this twelve week period will begin with the birth date of the child but adjustment may be made to accommodate any issues that arise before the birth of a child. In some circumstances, men who are the primary caregiver within the family may qualify and may petition the chair for such consideration. Students who qualify for this leave will be paid at their normal rate. Such additional medical complications arise that require longer term medical care, student should seek a leave under the policy for graduate student leaves.*

Furthermore, the website provides links to several departments that have revised or implemented graduate student parental leave policies. However, the ME Department was not one of them. The ME Department’s [2016-17 Graduate Advising Guide](#) (the Guide) on Page 54 does have a leave of absence policy, but no specific provisions for parental leave, which is stated below:

*A leave of absence must be requested any time a student plans on not registering for a fall or spring semester. Leaves are requested by filling out a Leave of Absence Form. The student and his or her faculty advisor both need to sign the form. The form must be submitted to the Graduate Advising Office during the semester for which the leave is to take place. Leaves up to one year at a time may be requested. Without a formal leave of absence, the student’s graduate level status is canceled, and re-application to the program and payment of all applicable fees is required.*

In the above sample language, there appears to be no provision for extension of time to complete degree requirements specifically because of parental leave The Guide states that “If the student requires additional time, the student’s advisor must submit a letter to the Director of Graduate Studies and to the Dean of the Graduate School requesting an extension with a plan for completing the program.”

Among student and faculty interviewed by the review team, some describe Utah as a very “family friendly place”. The review team noticed a higher level of awareness of family friendliness in the area as compared to other institutions NSF and DOE have visited. However, not all students were aware that child care services existed. Some students report that, in spite of the lack of a parental leave/accommodation policy, the ME Department is accommodating towards parental issues that arise, including permission to have children accompany students while working or studying in the ME Department.

Review Criteria: Family Friendly and Parental Leave Policies	Yes	No
1. The institution has a separate leave policy that addresses parental/family status for graduate students.	X	Department-specific
2. The institution has a “stop the clock” policy for tenure-track faculty that addresses parental/family needs.		
3. The individual situations DOE and NSF heard about involving pregnancy indicate that individual faculty members are responding appropriately and consistent with Title IX requirements.	X	



**Observations:**

Faculty and students indicated that Utah was a generally “family friendly” place. Students report that the ME Department is accommodating towards parental issues that arise, including permission to have children accompany students while working or studying in the ME Department. No ME Department parental leave/accommodation policy exists, but the ME Department will attempt to accommodate students who require it.

**Compliance Review Findings:** During the onsite visit, the review team elicited a verbal commitment from the Utah’s President to implement a maternity/paternity policy for Ph.D. students in the Mechanical Engineering graduate program and other STEM Graduate Programs in order to provide graduate students in these programs the same benefits as those studying in other disciplines at the university. As detailed above, Utah’s President did direct academic departments across the university to produce their own policy language for graduate student family leave and dismissal. In spite of this directive, only a handful of university STEM departments have developed and implemented these policies. The ME Department has not adopted a parental leave of absence policy and currently has a general leave of absence policy. Sample policy language does not state whether or not the absence counts toward maximum degree completion times.

## V. Conclusions and Recommendations

DOE and NSF find the University of Utah to be in compliance with the Title IX procedural requirements regarding coordination, grievance procedures, and self-evaluation.

The recommendations regarding both procedural requirements as well as program administration are designed to assist Utah and the Mechanical Engineering programs to further their efforts to ensure equal educational opportunity regardless of gender. These recommendations are:

- The ME Department should review why women are less likely than men to be provided research support and incentive awards, and more likely than men to receive teaching assistantships, and as appropriate take action to award more research assistantships to women students.
  - a. On July 18, 2018, NSF and DOE hosted a call with Utah to discuss the draft review and this disparity was discussed. Utah stated that TAs are usually awarded outside the competitive RA process and are used as incentives to bring on women students that are underrepresented. The disparity between RAs and TAs is a result of awarding TAs to incentivize underrepresented women to join the ME Department.
- The ME Department should develop and implement a parental leave and accommodation policy and state in its policies how parental leave is counted towards maximum time for degree completion requirements.
  - a. See comment related to the next bullet point.
- Utah’s Office of the President should continually encourage STEM departments that have not adopted parental leave and accommodations policies to do so. Ultimately, Utah should consider adopting a university-wide policy if departments do not adopt these policies.



- a. In the July 18<sup>th</sup> conference call, Utah stated that the University plans to develop a family leave policy in the near future.
- Utah should consider updating this form to reflect the complaint form and policy/complaint procedure changes that have occurred in February 2017.
  - a. This form has been updated to reflect these policy changes.

With respect to best practices and highlights, the review team notes the following:

- Utah’s nondiscrimination and sexual misconduct policies and complaint procedures clearly define acts of discrimination and sexual misconduct and are organized in such a manner where one can distinguish between a determination of whether the evidence, evaluated under a Preponderance of the Evidence standard, supports a finding that a violation of University non-discrimination policy occurred and which disciplinary process for student, faculty or staff will impose a sanction.
- Utah’s nondiscrimination policy can be found in an embedded link at the bottom of most webpages, enabling easy access to the policy. The review team was able to locate links to information provided by OEO/AA at other websites.
- OEO/AA provided interim measures to complainants alleging sexual misconduct at the beginning of complaint investigations regardless of complaint outcomes. Most complainants utilized these measures.
- Utah conducted numerous trainings on Title IX, sexual misconduct to a variety of students, faculty and staff (including nearly all of the ME Department students and faculty interviewed by the review team. Utah also increased its training opportunities in 2016 over 2015.

Finally, while not required, institutional self-evaluation is a highly recommended practice to enable institutions to proactively meet its requirements under Title IX (reference: 45 CFR § 618.110(c)). Recipients of federal funds should evaluate, in terms of the requirements of Title IX, current policies and practices and their effects concerning admission of students, treatment of students, and employment of both academic and nonacademic personnel working in connection with the recipient’s education program or activity. Policies and practices should be modified as necessary to ensure full compliance with the requirements of Title IX. The following regulations and guidance are available to institutions as resources for self-evaluation:

- Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 45 C.F.R. § 618 et. seq.;
- Business Systems Review Guide, National Science Foundation Office of Budget, Finance and Award Management;
- Department of Justice (DOJ), Coordination of Enforcement of Non-discrimination in Federally Assisted Programs, 28 C.F.R. Subpart F, §§ 42.401 – 42.415;
- DOJ, Questions and Answer regarding Title IX Procedural Requirements; and
- Department of Education (ED) OCR, Title IX Grievance Procedures: An Introductory Manual (Second Edition, 1987)
- National Aeronautics and Space Administration (NASA), Title IX & STEM: A Guide for Conducting Title IX Self-Evaluations in Science, Technology, Engineering, and Mathematics



Programs. Accessible online at [http://odeo.hq.nasa.gov/documents/TITLE\\_IX\\_STEM\\_Self-Evaluation.pdf](http://odeo.hq.nasa.gov/documents/TITLE_IX_STEM_Self-Evaluation.pdf) (June 2012).

