

UNIVERSITY *of* MISSOURI

TITLE IX OFFICE

September 17, 2015

Dear Members of the University of Missouri Community:

The Title IX Office invites you to review the first MU Title IX Office Annual Report. The 2014-2015 Annual Report describes incidents of discrimination regarding sex, gender, pregnancy, gender identity, gender expression, and sexual orientation discrimination reported to the Title IX Office from August 1, 2014 to July 31, 2015. The Annual Report helps establish baseline information that the University can use in future years to begin to identify trends. We have an opportunity and an obligation to use this information to improve campus culture and reduce sex discrimination.

The reality is that sex discrimination – including sex-based violence – happens at the University of Missouri and on college campuses across the country. We wish that no one had to endure these types of behaviors, but we are encouraged that the Mizzou community is regularly engaging with the Title IX Office when sex discrimination does occur.

In the past year, our office has worked closely with many departments and offices on campus to stop sex discrimination and prevent its occurrence and/or recurrence. The Title IX Office has responded to allegations of sex discrimination through educational panels, presentations, disciplinary proceedings and conflict resolution. We have provided numerous students with the resources, support and accommodations they need to stay in school.

This report is intended to provide you with data and contextual information regarding the number of reports received by the Title IX Office and the process by which reports are resolved. As you read the 2014-2015 Annual Report, please be aware that we have an obligation to balance transparency with our commitment to respecting the privacy of those involved as well as our duty to keep confidential information that is protected by the Family Education Rights and Privacy Act (FERPA).¹

If you have any feedback regarding the Annual Report please email us at title9@missouri.edu. If you would like to make a report of sex discrimination, learn more about campus and community resources, or if you are in need of accommodations, please call the Title IX Office at (573) 882-3880.

Thank you for your interest in the Title IX Office and your commitment to creating a more equitable, safe and inclusive Mizzou.

Sincerely,
Ellen Eardley
Title IX Administrator and Assistant Vice Provost

¹ See 20 U.S.C. § 1232g and 34 CFR Part 99 (a federal law that protects the privacy of student education records).

GUIDE TO THE 2014-2015 ANNUAL REPORT

History of the Title IX Office

The University of Missouri has taken a number of proactive steps over the 18 months to advance gender equity throughout campus. In June of 2014, the University of Missouri appointed an interim Title IX coordinator, Linda Bennett, and created the Title IX Office. On August 1, 2014, Salama Gallimore was hired as the lead Title IX investigator, and she began responding to incidents of sex discrimination involving students. On April 20, 2015, Ellen Eardley was named the Title IX administrator and assistant vice provost. The UM System also revised its policies prohibiting sex discrimination and required all employees to report incidents of sex discrimination to the Title IX Office.²

During its first year, the Title IX Office focused primarily on students. Over the summer of 2014, the UM System adopted new procedures³, describing the process the University uses when it receives notice that a student allegedly violated the University's anti-discrimination policies. These procedures are utilized when the **Respondent** (accused person, persons or entity) is a student or a student organization. In cases in which a student allegedly experiences discrimination and the Respondent is unknown, undisclosed or not affiliated with the University, the Title IX Office focuses its response on supporting the student. In all cases, the Title IX Office is available to provide the student **Complainant** (alleged victim of discrimination) with resources, interim remedies and accommodations.

Over the last year, the Title IX Office worked with Provost's Office, the Equity Office, and Human Resources to address reports of sex discrimination in which a faculty or staff member was the Respondent. On Feb. 5, 2015, the UM System adopted new procedures regarding the investigation of complaints against faculty and staff.⁴ The Title IX Office continues to educate the community about these new procedures and to work with its partners on investigation.

² [Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy](#), UM System Collected Rules and Regulations Chapter 600.020.

³ [Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Student or Student or Student Organization](#), UM System Collected Rules and Regulations Chapter 200.025

⁴ Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Faculty Member, UM System Collected Rules and Regulations Chapter 600.040; Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Staff Member, UM System Collected Rules and Regulations Chapter 600.050

Student-Related Reports

In keeping with the primary mission of the Title IX Office during its first year, this Annual Report is student focused. It presents information about alleged sex, gender and sexual orientation discrimination reported to the Title IX Office and the actions taken by the Title IX Office in response. More specifically, this document includes descriptions of all reports brought forward between August 1, 2014, and July 31, 2015 (Annual Reporting Period), against student respondents or brought by students against third parties or unknown respondents.⁵

Information regarding the reports of discrimination received by the Title IX Office are communicated in both statistical and narrative formats. Reports of sex discrimination are assigned to general categories such as “sexual harassment” and “sexual misconduct” as defined by the UM System policy, which cover a multitude of prohibited behaviors. Additionally, some reports are classified as “not Title IX” to indicate that the behavior reported does not violate the University’s Anti-Discrimination policy with regard to *sex-based* discrimination. Other reports are described as “sexual misconduct, unclassified” to indicate that, with the information reported, we were unable to further classify the report as a more specific form of sexual misconduct.

The current Annual Report presents information about the **328** individuals who were reported to have experienced sex, gender or sexual orientation discrimination; four of these individuals reportedly experienced more than one incident of discrimination. Thus, the Title IX Office actually received 332 reports of discrimination during the Annual Reporting Period. The **332** incidents reported to the Title IX office were classified into **374** alleged policy violations, as some Complainants indicated that they experienced more than one policy violation during an incident of discrimination.

Please read the Annual Report carefully and take time to click on hyperlinks to [key definitions](#), which will provide you with detailed descriptions of terms used by the Title IX Office. These terms are critical to understanding the Annual Report:

- **Complainant**- alleged victim of the University’s anti-discrimination policies
- **Respondent**- person who allegedly violated the University’s anti-discrimination policies (sometimes called the “Accused”)
- **Report**- information received by the Title IX Office stating that an individual has or may have experienced sex, gender or sexual orientation discrimination⁶
- **Policy Violation**- the classification of a report into a specific behavior prohibited by the University’s anti-discrimination policies

Additionally, please read the footnotes within the report as they contain helpful contextual information. While intended to be descriptive, this Annual Report has

⁵ Not all incidents reported to the Title IX Office between August 1, 2014, and July 31, 2015, occurred during this same time period. For instance, a report that was received between August 1, 2014, and July 31, 2015, may have described incidents that occurred during May 2014.

⁶ The MU Title IX Office distinguishes between a report (which is information regarding an alleged violation of policy) from a formal complaint (which triggers the formal investigation and disciplinary process). Not all reports of alleged discrimination proceed to formal complaints.

limitations, such as the inability to convey the complexity of each incident that has been shared with the Title IX Office. It also remains a challenge to draw conclusions about patterns, trends and reporting because this is the office's first annual report. We recognize that many incidents that impact our students are not reported. As the Title IX Office becomes more established and people become more aware of its purpose, we would not be surprised to see reporting increase in future years.

I. How Does the Title IX Office Receive Reports of Alleged Sex Discrimination?

Required Reports:

Employees Must Connect Potential Victims of Discrimination with the Title IX Office

University policy requires any employee of the University who becomes aware of sex discrimination (including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation) to share that information with the Title IX Office, regardless of whether the recipient of the behavior is a student, employee, volunteer or visitor of the University. This is sometimes called the "Mandated Reporting" policy. In practice, when employees make a required report, they are simply connecting students and colleagues to resources that can support them during a potentially difficult time in their lives.

The Title IX Office receives most reports of sex discrimination from employees of the University who express sincere concerns about Mizzou students. The Department of Residential Life, faculty members and course instructors, academic advisors and the University of Missouri Police Department were the primary sources of reports during the timespan covered by this Annual Report.

Exceptions to Required Reports:

Confidential Resources Are Not Required to Refer Students to the Title IX Office

Employees with a legal obligation or privilege of confidentiality (including health care providers, counselors, lawyers and their associated staff) are not required to share information regarding sex discrimination with the Title IX Office when the information is learned in the course of a confidential communication. This also means that the employee seeking the exemption is employed by the University ***for that specific purpose*** and was acting ***in that capacity*** when the confidential disclosure was made. If the information about alleged sex discrimination is not learned in the course of confidential communication (for example, behavior is observed in class) then the employee must disclose the information to the Title IX Office.

Confidential Resources include mental and/or physical health care providers working in their capacity at:

- The MU [Counseling Center](#)
- The [Student Health Center](#) and [Behavioral Health](#) Services
- MU [Psychological Services Clinic](#) (PSC)
- [Missouri Psychiatric Center](#) (MUPC)

- The [Employee Assistance Program](#) (EAP)
- [University Hospital](#)

Additionally, the University has designated the [Relationship and Sexual Violence Prevention Center](#) (RSVP) as a confidential resource because it provides confidential services including, but not limited to, basic crisis intervention by trauma-informed staff, legal advocacy (not representation), campus system advocacy, housing advocacy and academic advocacy.

Self Reports

A number of people, including students, come to the Title IX Office seeking resources on their own. The Title IX Office will connect them to resources, explain their rights and options, and can help them decide the next steps. Students, employees, volunteers and visitors of the university who have experienced any form of sex discrimination, including sexual harassment or sexual misconduct, are encouraged to report any incident of sex discrimination promptly to the Title IX Administrator, Ellen Eardley, at (573) 882-3880 or title9@missouri.edu. While everyone is encouraged to make a report, victims of discrimination are not required to share the incident with the Title IX Office. ***Remember, everyone has the right to be free from discrimination.***

II. What is Retaliation?

Retaliation is any adverse action taken against a person because of that person's participation in a protected activity. **The University strictly prohibits retaliation against any person for** making any good faith report or for filing, testifying, assisting or participating in any investigation or proceeding involving allegations of discrimination in violation of the University's Equal Employment/Education Opportunity Policy. Individuals who retaliate will be subject to discipline.

III. False Reporting

The University's Sex Discrimination Policy, Chapter 600.020, Section M, prohibits false reporting. False reporting is a serious offense subject to appropriate disciplinary action ranging from probation up to and including expulsion or termination. A false report is a report made in bad faith that is intentionally false.

A determination that a report of sex discrimination is false can be made only if the evidence establishes that the report was intentionally false and no act of discrimination was either committed or attempted. The Title IX Office could only make a determination that a report of sex discrimination was false after a thorough investigation. Erroneous reports made in good faith are not considered false reports.

Failure to find that a policy violation occurred does not mean the complaint was false. In other words, simply because the University finds that an individual is not responsible for an alleged policy violation does not mean that the underlying complaint was false. The

determination that a report is false must be supported by evidence that discrimination did not occur.

The Title IX Office received zero false reporting allegations within the Annual Reporting Period (August 1, 2014-July 31, 2015).

IV. What Happens After the Title IX Office Receives a Report?

After receiving a report of alleged sex discrimination, a staff member of the Title IX Office will contact the Complainant (or alleged victim) by phone or email to inquire about the individual's safety, inform them of their [rights](#), and connect the individual with [campus and community resources](#).

The Title IX staff member also will offer the Complainant interim remedies⁷ and accommodations, such as campus housing support, class schedule accommodations, academic support and work accommodations. ***It is the Complainant's right to receive accommodations whether or not they choose to file a formal Complaint or pursue an investigation.*** Additionally, we inform students that they are not obligated to meet with or communicate with the Title IX Office.

The Title IX Office will not report the information received in reports to law enforcement agencies (except where campus and community safety is at risk); however, if a Complainant expresses the desire to make a report to a law enforcement agency, the Title IX Office can facilitate a meeting with the Complainant and a law enforcement officer.

It is the Complainant's right to file a formal Complaint with the Title IX Office and to pursue an investigation and disciplinary action against the Respondent. Complaints against students of the University of Missouri are resolved using the Equity Resolution Process.

Requests for Confidentiality

The Title IX Office makes every attempt to protect the privacy of Complainants and Respondents. Information is kept private and Title IX staff members only share information on a need-to-know basis. Further, the Title IX administrator and Title IX investigators obtain the consent of Complainants before beginning a preliminary investigation.

If a Complainant requests confidentiality or that the Title IX Office not conduct an investigation or pursue discipline against the Respondent, the Title IX administrator is generally able to honor that request. The Title IX Office takes a trauma-informed approach to requests for confidentiality and requests that investigations not proceed. It is

⁷ See UM Collected Rules and Regulations Chapter 200.025 Section D for more examples of interim remedies and accommodations.

important to provide an alleged victim with the agency to determine whether to engage in the Title IX Office's processes.

It is possible, however, that the Title IX administrator may need to move forward with an investigation, despite the Complainant's wishes, in order to provide a safe and nondiscriminatory environment for all students. In considering a Complainant's request that an investigation not proceed, the Title IX administrator also considers other steps, such as education and training, to limit the effects of the reported discrimination, prevent its recurrence, and remedy its effects on the Complainant and the University community.

During the annual reporting period, there were two occasions in which the Title IX administrator proceeded with an investigation and resolution without the Complainant filing a formal complaint.

V. What is Sex Discrimination?

The following definitions of sex discrimination are closely *based* on the definitions indicated in the UM System Collected Rules and Regulations Section 200.010 (Standard of Conduct) and Section 600.020 (Sex Discrimination, Sexual Harassment, and Sexual Misconduct in Education/Employment Policy). However, in some cases, the Title IX Office has added definitions to promote understanding.

Please note that the definitions in the Title IX Office's Annual Report differ from criminal offenses described in the Revised Missouri Statutes. Additionally, this Annual Report is not meant to be a substitute for the University's Annual Clery Security Report. The definitions used by the Title IX Office differ from the crime definitions and classifications⁸ required under the Clery Act in the Clery Security Report.

The Title IX Office does not conduct criminal investigations and this Annual Report does not classify criminal behavior. Rather, the Title IX Office investigates and responds to reports of potential policy violations of the University's prohibition on sex discrimination.

Sex Discrimination occurs when a person has been treated inequitably based on sex or gender, and includes discrimination on the basis of pregnancy. Sex discrimination includes:

- **Sexual Orientation Discrimination** occurs when a person has been treated inequitably based on their sexual orientation.
 - Sexual orientation is the term used to describe what gender(s), if any, someone is sexually and/or romantically attracted to.
- **Gender Identity Discrimination** occurs when a person has been treated inequitably based on their gender identity.

⁸ See 34 CRF 668.46(c)(7) and The Federal Bureau of Investigation's *Uniform Crime Reporting Handbook* (UCR).

- Gender Identity is one's internal, personal sense of being a man, a woman (or a boy or girl), neither, or both.
 - A person may identify as a gender that does or does not appear to correspond to the sex assigned to that person at birth, or the person may not identify as either a man or woman (or boy or girl).
 - For example, it would be inappropriate for a student organization to withhold membership from a qualified and interested student who is transitioning their gender because members of the organization are uncomfortable with this change.
- Gender Expression Discrimination occurs when a person has been treated inequitably based on how they express their gender identity.
 - Gender expression is the external manifestation of one's gender identity, usually expressed through "masculine," "feminine" or gender variant behavior i.e. clothing, voice, haircut or body characteristics
 - Pregnancy Discrimination occurs when a woman (student or employee) is treated inequitably because of pregnancy, childbirth or medical condition related to pregnancy and childbirth.
 - Sexual Harassment includes:
 - Unwelcome sexual advances or requests for sexual activity by a person or persons in a position of power or authority to another person, or
 - Other unwelcome verbal or physical conduct of a sexual nature by a person to another person, when:
 - Submission to or rejection of such conduct is used explicitly or implicitly as a condition for academic or employment decisions; or
 - Such conduct creates a hostile environment by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.
 - Sexual Misconduct includes:
 - Nonconsensual Sexual Intercourse (NCSI) is nonconsensual vaginal, oral and anal penetration.
 - This conduct is sometimes referred to in common usage as **rape or sexual assault**.
 - Nonconsensual Sexual Contact (NCSC) involving the nonconsensual sexual touching of the genitals, breast or anus of another person or the nonconsensual sexual touching of another with one's own genitals whether directly or through the clothing
 - This conduct is sometimes referred to in common usage as **sexual assault**.
 - Exposing One's Genitals to another under circumstances in which he or she should reasonably know that his or her conduct is likely to cause affront or alarm.

- **Sexual Exploitation** occurs when one person takes nonconsensual or abusive sexual advantage of another person for his/her own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited and the behavior does not constitute any other form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, the following activities done without the consent of all participants:
 - Invasion of sexual privacy;
 - Prostituting another person;
 - Taping or recording of sexual activity;
 - Going beyond the boundaries of consent to sexual activity (letting friends hide to watch individuals engaging in sexual activity);
 - Engaging in voyeurism;
 - Knowingly transmitting an STI, STD, venereal disease or HIV to another person;
 - Inducing another to expose their genitals.
- **Stalking on the Basis of Sex** is following or engaging in a course of conduct on the basis of sex with no legitimate purpose that puts another person reasonably in fear for his or her safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.
 - Stalking behaviors can include, but are not limited to:
 - Following the victim;
 - Showing up uninvited at places the victim is present;
 - Calling, texting or emailing repeatedly;
 - Sending unwanted gifts; and/or
 - Damaging the victim's property.
- **Dating/Intimate Partner Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the recipient of the violent behavior.
 - A pattern of violence in any intimate relationship where one person inflicts physical or emotional pain on their partner in order to control them. Examples include:
 - Threatened or completed violence towards a person's body, possessions, pets or children;
 - Intimidation through words, threats or acts of violence;
 - Isolating the victim from family and friends; and/or
 - Insisting on sex or forcing a partner to have sex.
- **Bullying**⁹ (on the basis of sex) is defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived sex, gender, sexual orientation, gender identity or gender expression.

⁹ See Standard of Conduct, UM System Collected Rules and Regulations Chapter 200.010 Section B.6(c)

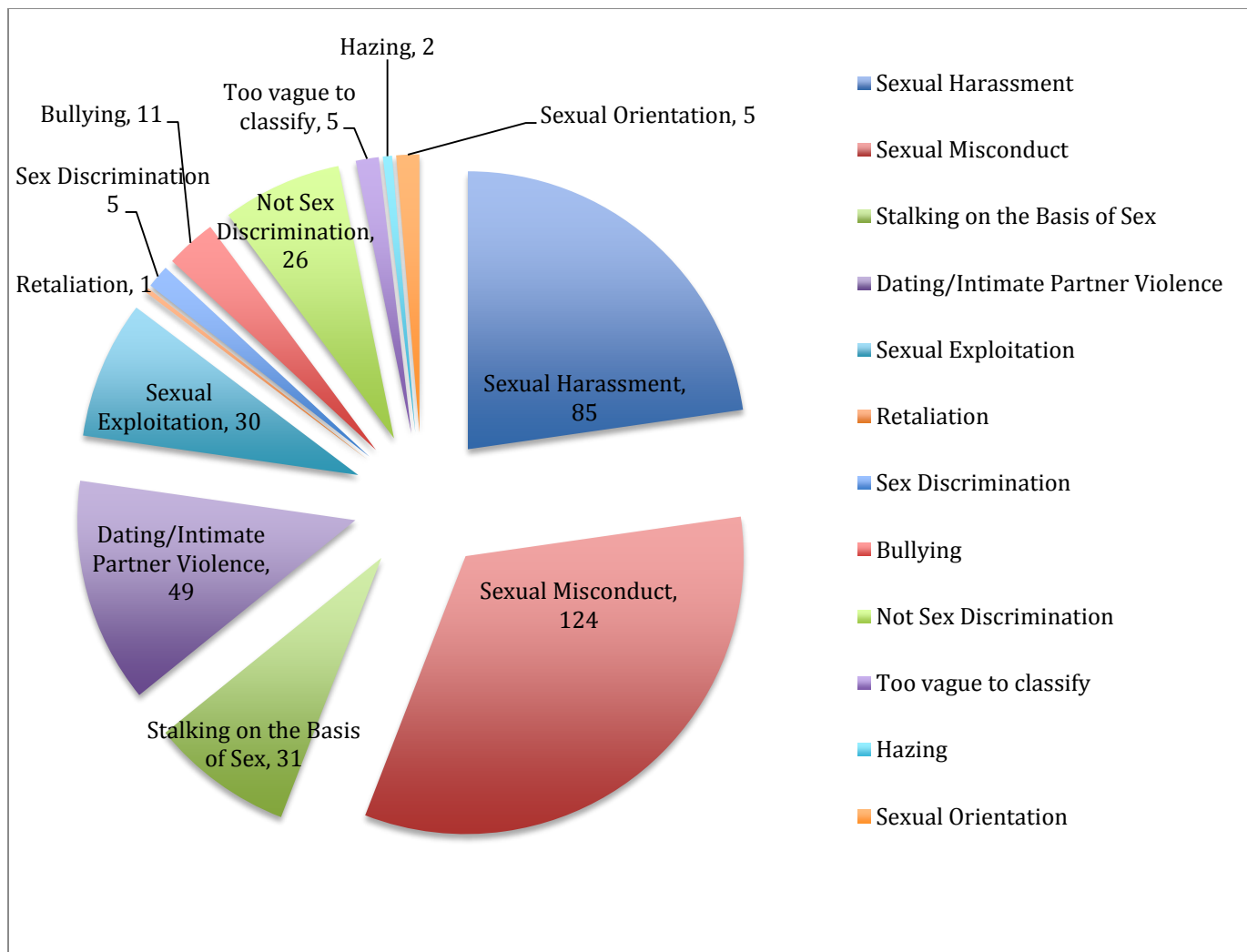
- **Hazing**¹⁰ (on the basis of sex) is defined as an act that endangers the mental or physical health or safety of a student, or an act that is likely to cause physical or psychological harm to any person within the University community, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization, where the intent or impact of the act is based on or creates disparities based on sex, gender, sexual orientation, gender identity or gender expression. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent, failing to discourage, and/or failing to report those acts may also violate this policy.
- **Consent to Sexual Activity**, as defined by University policies, is knowing and voluntary. Silence or absence of resistance does not establish consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent must be obtained at the time of the specific activity and can be withdrawn at any time. Lack of consent or withdrawal of consent may be communicated by words or non-verbal acts. Coercion and force, or threat of either, invalidates consent.

An individual who is incapacitated lacks the capacity to give knowing consent. Incapacitation can be due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the individual from having the capacity to give consent.

¹⁰ As defined by the Standard of Conduct, UM System Collected Rules and Regulations Chapter 200.010 Section B.16.

VI. Reports of Potential Sex Discrimination

374 Allegations of Sex Discrimination – Sorted by Type of Incident



The reports received by the Title IX Office indicated that **328** individuals reportedly experienced sex, gender and sexual orientation discrimination; four of these individuals reportedly experienced more than one incident of discrimination. Thus, the Title IX Office actually received **332** reports of discrimination during the Annual Reporting Period. The **332** incidents reported to the Title IX office were classified into **374** alleged policy violations, as some Complainants indicated that they experienced more than one policy violation during an incident of discrimination. For example, dating/intimate partner violence was often reported in conjunction with stalking, and, in some cases, sexual misconduct was reported in addition to sexual exploitation.

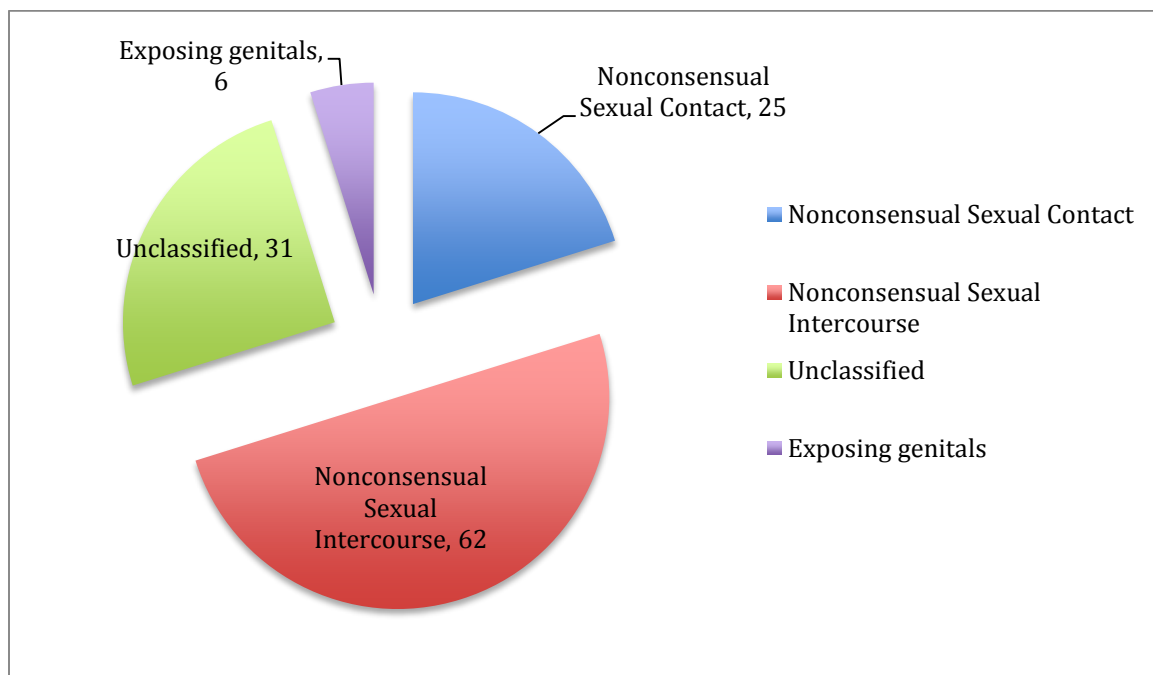
Sexual misconduct was the most reported violation (33.2%) followed by sexual harassment (22.7%), dating and intimate partner violence (13.1%), stalking (8.3%),

sexual exploitation (8.0%), not Title IX/sex discrimination policy violation (7.0%), bullying on the basis of sex (2.9%), hazing on the basis of sex (0.5%), sex discrimination (1.3%), sexual orientation discrimination (1.3%), and 1.3% of the complainants had experiences that were too vague to classify. Lastly, the Title IX Office received only one report of retaliation (0.3%) and no reports of gender identity (0%), gender expression discrimination (0%) or pregnancy discrimination (0%) where the respondent was a student or a third-party.

The Title IX Office determined that **twenty-six (26)** incidents could not be classified as sex discrimination—“not Title IX.” Reports that cannot be classified as sex discrimination include reports of individuals who experienced harassment that was not sex-based.

There were **five (5)** reports of alleged discrimination that were “too vague to classify.” In these vague instances, the Title IX Office may have received information that an individual was working with the RSVP Center, or that the student was “assaulted” with no further details provided.

Reports of Sexual Misconduct (excluding Sexual Exploitation)



The most reported type of sexual misconduct during the Annual Reporting Period was nonconsensual sexual intercourse (NCSI) (50.0%). There also were 25 reports of nonconsensual sexual contact (NCSC)—involving the sexual touching of the genitals, breast or anus of another person or the nonconsensual sexual touching of another with one’s own genitals whether directly or through the clothing—totaling approximately 20.2% of sexual misconduct reports.

The second most reported category (25.0%) was “sexual misconduct unclassified,” which constitutes reports of sexual misconduct that could not be definitively classified as either NCSC or NCSI. Examples of unclassifiable reports include reports in which the complainant states, or is reported to have stated, “I experienced a sexual assault,” “I was sexually violated,” or “someone forced themselves on me.” Therefore, the “unclassified” reports could include vaginal, anal, oral penetration or nonconsensual sexual contact.

Lastly, exposing of genitals constituted 4.8% of the reports of sexual misconduct during the annual reporting period. Typically, these reports coincided with reports of public intoxication and/or public masturbation.

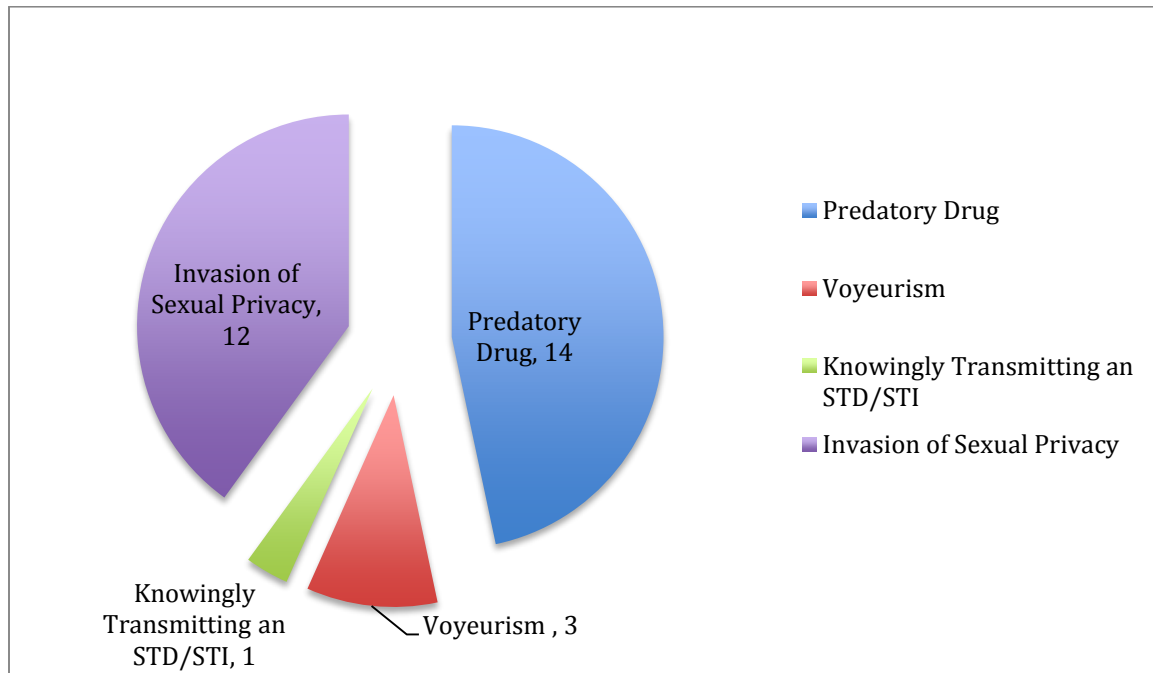
Reports of Sexual Harassment

Sexual harassment was the second most reported category during the annual reporting period. Most reports received by the Title IX Office detailed situations in which the Complainant alleged that a Respondent’s actions made them feel uncomfortable, scared or disrespected in their working, learning or living environment. Usually, sexual harassment was reported to have occurred when individuals received unwanted communication of a sexual nature, including unwelcome sexual advances and requests for sexual activity. However, some reports of sexual harassment consisted of an individual making an offensive comment about a person’s sex. Sexual harassment was also reported when individuals made offensive comments about women or men generally; for example, an individual using an offensive slang term to describe all women or men. The majority of reports of sexual harassment, **sixty-six (66)** of 85, or **77.6%**, occurred on campus.

Reports of Dating or Intimate Partner Violence

Dating or intimate partner violence ranked as the third most reported category. Most of these incidents, **twenty-eight (28)** of 49 reports, or **57.1%** of reports, occurred off campus. Reports primarily involved female students (Complainants) who were in romantic relationships with male Respondents. Since the Title IX Office staff is aware that some people who endure intimate partner violence may still be in a relationship with the Respondent at the time a report is made to the Title IX Office, staff members proceed with caution in these situations when contacting the Complainant. Additionally, staff members understand that it may not be safe for the Complainant to pursue a complaint or investigation. These factors, including any requests for confidentiality, inform how the Title IX Office proceeds when dating or intimate partner violence is reported.

Reports of Sexual Exploitation



Sexual exploitation occurs when one person takes nonconsensual or abusive sexual advantage of another person for his/her own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited and which the behavior does not constitute any other form of sexual misconduct.

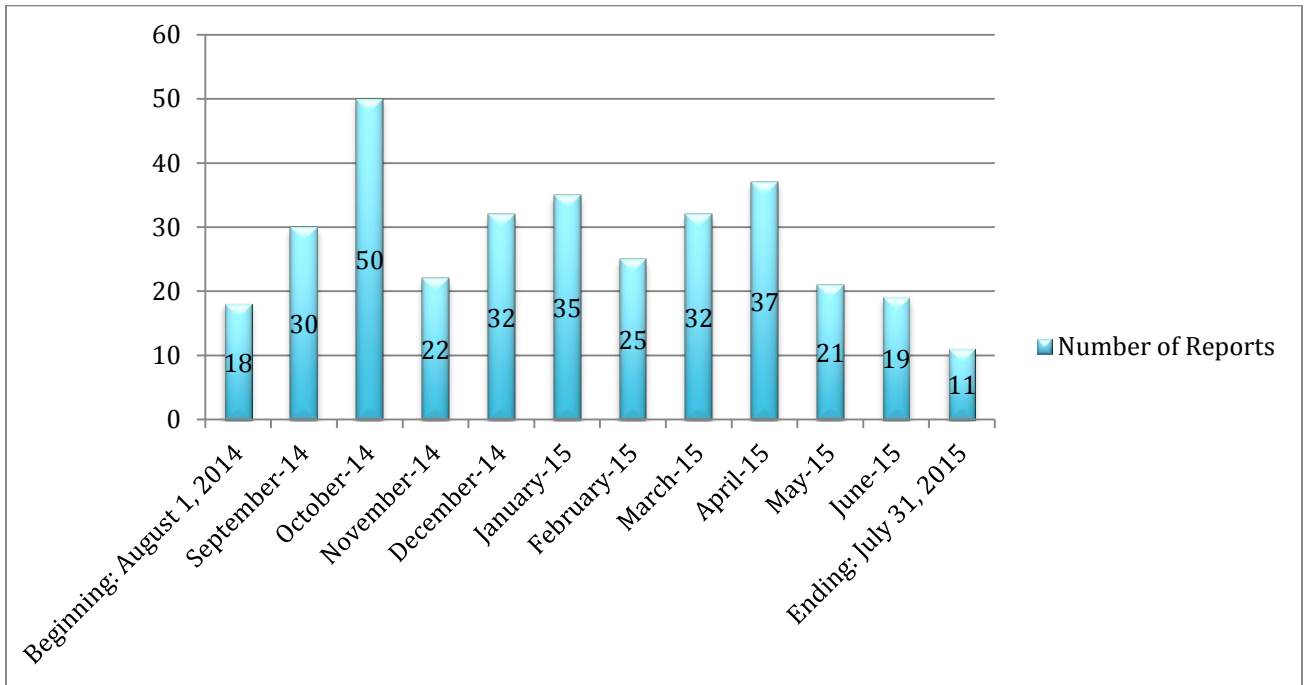
Under University policy, sexual exploitation includes allegations of predatory drugs used against a Complainant. Examples of predatory drugs include: alcohol, gamma hydroxybutyrate (GHB), Rohypnol, Ketamine, MDMA-Ecstasy, anxiety medications and prescription sleep pills. The Title IX Office received 14 reports involving predatory drugs. In the instances reported, individuals recalled knowingly drinking a beverage (both alcoholic and nonalcoholic). They subsequently experienced nausea, vomiting and dramatic changes in consciousness and motor skills, which seemed abnormal after drinking a nonalcoholic beverage or a small amount of alcohol (e.g. one beer or glass of wine). Complainants also reported experiencing mental and physical paralysis, unconsciousness, waking up with no memory, or missing large portions of memories. Most seriously, some Complainants reported that they were victims of sexual misconduct (such as nonconsensual sexual intercourse) and invasion of sexual privacy (sexually explicit photographing and videotaping) while under the effects of a predatory drug.

The second most common type of sexual exploitation reported was invasion of sexual privacy (40.0%). Invasion of sexual privacy is a violation of the University's policy prohibiting sex discrimination. Complainants who experienced invasions of their sexual privacy reported the following types behaviors:

- Being photographed or videotaped without their consent while nude or engaged in sexual activity
- Nonconsensual distribution of nude photographs or videos depicting sexual activity
 - Most often through electronic means, including, but not limited to:
 - Text messages
 - Email
 - Facebook
 - Snapchat
 - Instagram
 - Twitter
 - Groupme (group text message chats)
- Threats to distribute nude photographs or videos depicting sexual activity without their consent

The office also received three complaints of voyeurism (10.0%), which include reports of individuals being watched without their knowledge, or “spied on” while engaged in private behavior, such as sexual activity, showering, undressing and using the restroom. Lastly, the office received one report of an individual purposefully transmitting a sexually transmitted infection or disease (STI/STD).

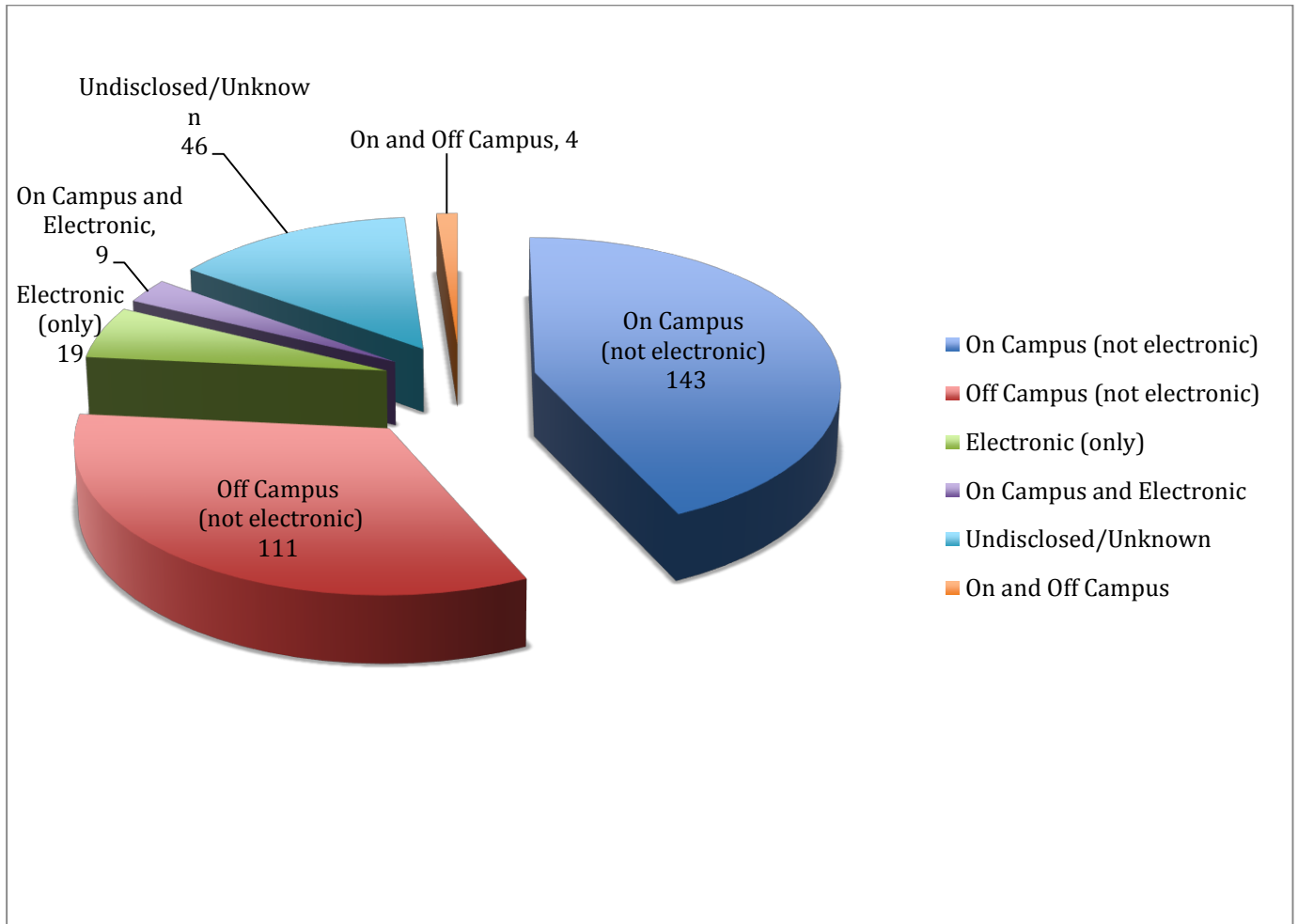
VII. Reports to the Title IX Office by Month



The above diagram shows the numbers of reports the Title IX Office received each month. This does not mean that the alleged incidents necessarily occurred during the same month. The Title IX Office received the largest number of reports during the month of October 2014 (15.1% of the reports during the annual reporting period). Additionally, 38 of the 50 incidents that were reported to the Title IX Office in October were alleged to have occurred during October 2014.

Because school began at the end of August 2014, there were not as many reports during August; however, the number of reported incidents rose by 40% in September after MU students were on campus for a month-long period. The diagram also indicates that reporting dropped dramatically in May 2015, likely because students left campus after the spring 2015 semester ended (May 15, 2015) and reports remained truncated during the summer semester.

VIII. Location of Complainant when Reported Discrimination Occurred

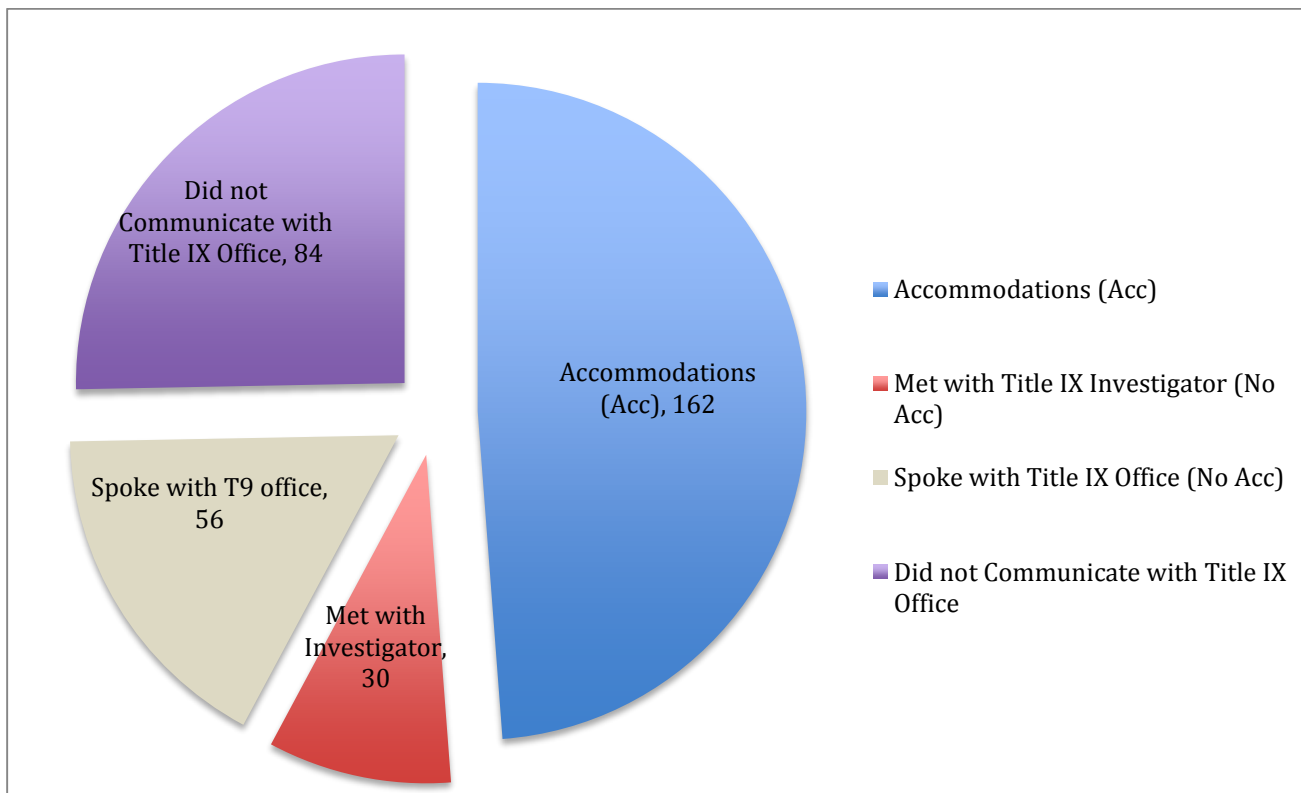


The largest number of Complainants (43.1%) alleged that they experienced discrimination while on campus,¹¹ followed closely by Complainants who experienced discrimination while off campus (33.4%). The “electronic only” category refers to Complainants who experienced discrimination electronically, by phone calls (cell and landline), text message or in cyberspace (via email, and social networking websites),

¹¹ For purposes of this report, “on campus” is defined as any building or property owned or controlled by the University of Missouri – Columbia within the same geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls. Greek housing and areas contiguous and adjacent to campus, while not controlled by the University, are considered “on campus” for the purposes of this Annual Report. This definition is similar to but not the same as the geographic parameters of “on campus” reporting required by the Clery Act. See 34 CFR 668.46(c)(4) for a definition of “campus” and “noncampus” pursuant to the Clery Act. Greek housing, owned and controlled by student organizations, would be considered “noncampus” for purposes of Clery Act reporting.

rather than in a physical, static location. During the annual reporting period, 5.7% of Complainants reported experiencing discrimination carried out by purely electronic means. Typically, violations such as stalking, sexual exploitation and sexual harassment were reported to have been able to be carried out electronically. However, bullying, hazing, retaliation, gender, sexual orientation and sex discrimination also can be carried out through electronic means. Additionally, 2.7% of Complainants experienced some form of discrimination both on campus and electronically.

IX. How Reports of Sex, Gender, and Sexual Orientation Discrimination Were Resolved when No Formal Complaint or Investigation was Pursued



When a report of alleged discrimination is made by someone other than the person affected by the discrimination (Complainant), the Title IX Office reaches out and contacts the Complainant. The goal of the initial contact is to provide Complainants with a statement of their rights and to inform Complainants that they can receive accommodations and utilize campus resources. There were 332 incidents of discrimination reported during the Annual Reporting Period, which identified 328 Complainants.

Complainants are not required to communicate with the Title IX Office; however, 162 Complainants (48.8%) received accommodations after speaking with the Office. Each of the 162 Complainants who received accommodations communicated with the Title IX Office by email, phone or in person in order to arrange the specific accommodation requested.

An additional 56 Complainants spoke to the Title IX Office by phone and another 30 Complainants spoke to an investigator in person; however, these individuals (constituting 25.9% of Complainants) did not request accommodations or an investigation. Individuals falling into this category often communicated with the Office to provide additional information, for example:

- I do not want to file a complaint or have an investigation
- The Respondent's name is _____
- I feel safe, and I do not need resources or accommodations
- I just want to talk with you about my options
- I only want to document my side of the story
- The accused is not affiliated with Mizzou
- There is no longer a problem
- The incident did not occur on campus
- I took care of the situation myself
- My supervisor handled the situation
- I did not experience discrimination
- I am seeking counseling and do not wish to discuss the report

The Title IX Office strives to identify trends and patterns of behavior; hence, any information shared will be added to our private database and used to prevent future discrimination if possible. Even if Complainants do not wish to pursue an investigation when an incident is reported, the Title IX Office is willing and able to document information, which can be used if the Complainant requests an investigation at a future date.

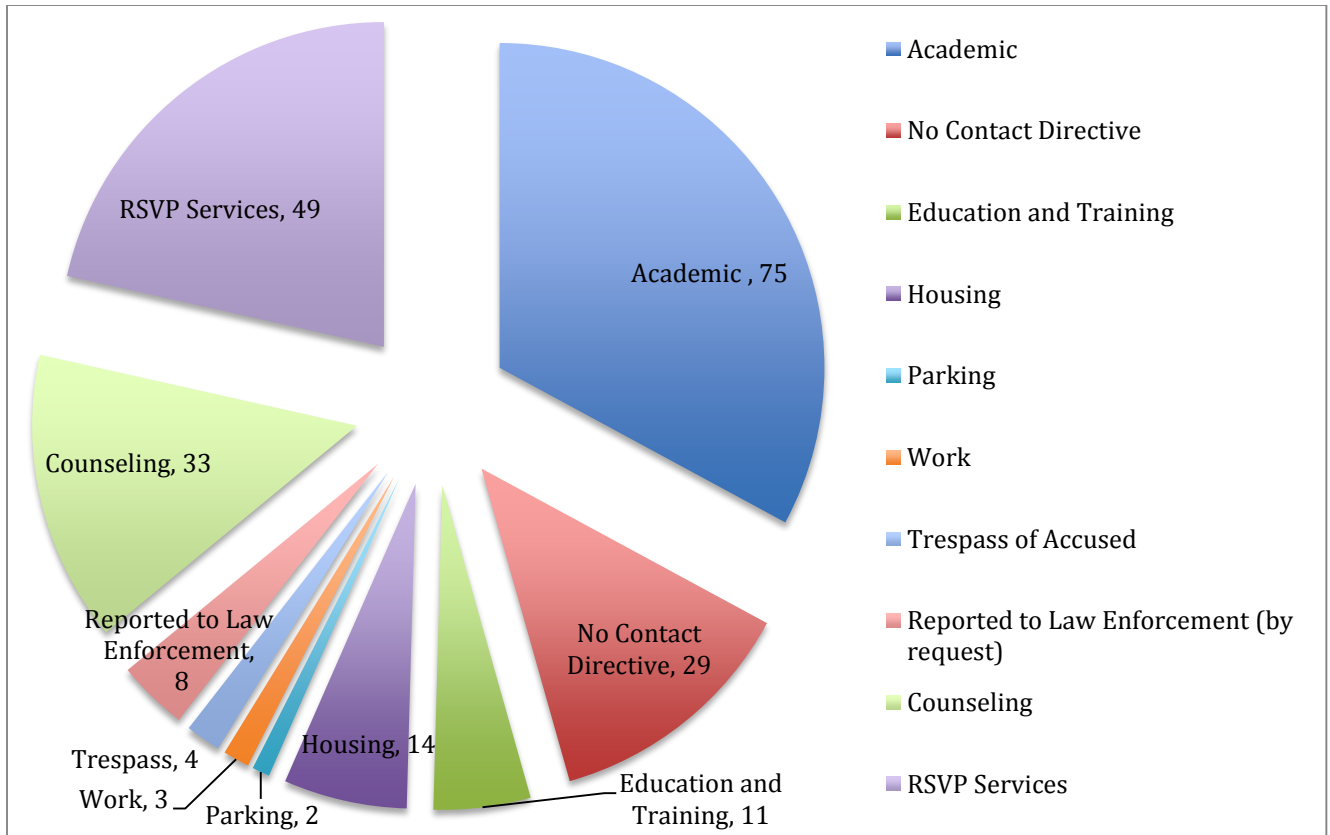
Lastly, 84 Complainants chose not to respond to communications from the Title IX Office (phone calls and emails). However, these Complainants still received information regarding their rights, copies of University anti-discrimination policies, and an invitation to meet with a Title IX staff member at any future time.

○ **Interim Remedies and Accommodations**

When the Title IX Office receives information about a potential violation, the first step is to reach out to the Complainant who reportedly experienced sex-based discrimination, harassment or violence. The goal is to connect individuals, based on their specific needs and preferences, with resources on campus, including the Relationship and Sexual Violence Prevention (RSVP) Center, Counseling Center, and Student Health Center. The Title IX Office also supports Complainants by arranging accommodations, which could be academic in cases where the student has missed classes, assignments, has been academically dismissed, or needs assistance speaking with faculty or course instructors. Students also could request alternative attendance procedures or on-campus housing changes, in addition to parking and transportation accommodations, where applicable. Accommodations

can be provided regardless of whether an individual decides to make a formal complaint and regardless of whether there is a formal investigation.

X. Number of Complainants who Received Each Type of Accommodation



A total of **162** complainants received accommodations during the annual reporting period. Many Complainants received more than one type of accommodation, and some complaints did not receive an accommodation, so the number of accommodations performed does not match the number of Complainants identified during the annual reporting period. Academic accommodations were the most frequent accommodations by the Title IX Office on behalf of students (32.9%). Academic accommodations included working with faculty and instructors so that a student could make up missed assignments, participation and attendance points; altering final exam schedules; and granting alternate class attendance and participation. Students who experience sexual and relationship violence sometimes experience anxiety and depression that may make it difficult to attend classes and take exams. Additionally, when Complainants experience discrimination by another student, they are often unable to attend classes in which the Respondent may be present, and the Complainant may request a No Contact Directive¹²

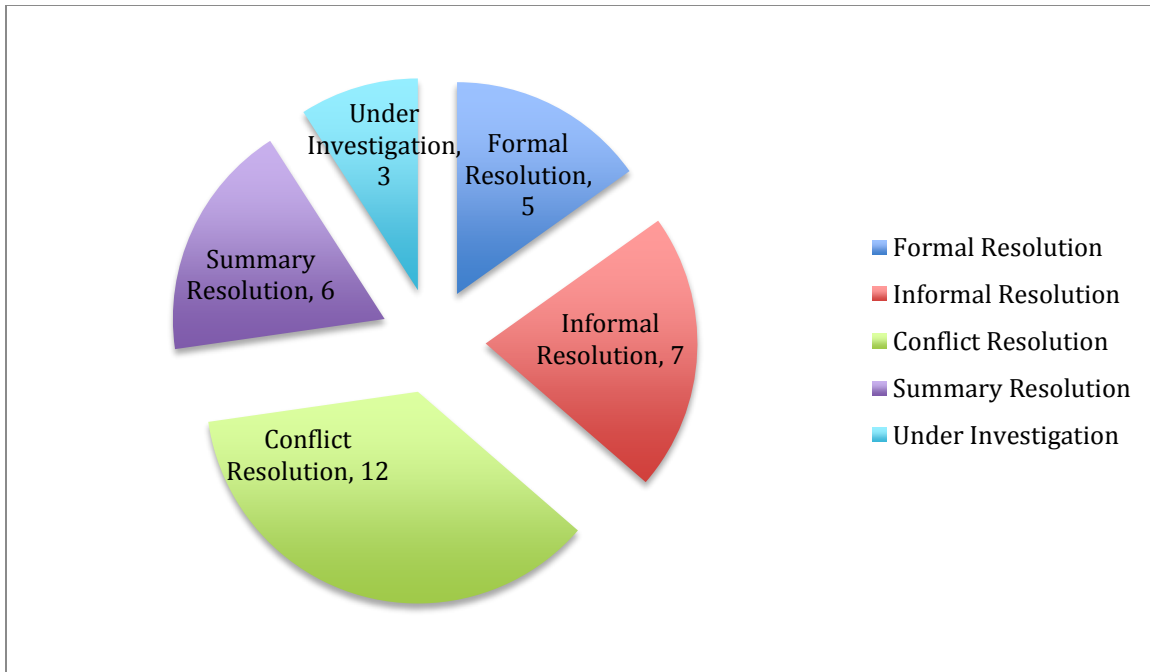
¹² A letter issued by the Title IX Office to the Complainant and Respondent, which mandates the parties to cease all contact (in person, physical, electronic). The directive also warns the recipient that any contact in violation of the letter could be considered a violation under University policy.

(12.7% of Complainants did). Students also request that the Title IX Office facilitate housing changes if the Complainant feels unsafe in their on-campus housing as a result of the reported discrimination (6.1%).

The Title IX Office also connects both Complainants *and* Respondents to services. Most frequently, the Title IX Office refers Complainants to the RSVP Center where members of the Mizzou community can receive crisis intervention and advocacy services (32.9%). If a Complainant or Respondent expresses the desire to seek mental healthcare, the Office refers individuals to ongoing mental healthcare providers, including the Counseling Center, the Employee Assistance Program and Student Mental Health Services (14.5%). The Title IX Office also has arranged meetings with a law enforcement officer and a student so that the student can make a police report (3.5%). Further, when appropriate, the Title IX Office has asked MUPD to prohibit an individual from coming on to University property by issuing a trespass warning.

Lastly, the Title IX Office provides training to the campus community upon request and when the Title IX staff determine that training may be necessary to disrupt a potential or actual discriminatory environment within an organization, group or department. Title IX staff also meet with students, faculty and staff members on a one-on-one basis to discuss and correct discriminatory behavior (4.8%).

XI. The Equity Resolution Process
***How Reports of Sex Discrimination Were Resolved When
a Formal Complaint was Pursued by the Complainant
or the Institution Acted as the Complainant***



○ **Formal Complaints**

After information is reported to the Title IX Office, the alleged victim must decide whether s/he wishes to move forward with a formal complaint pursuant to the University's Equity Resolution Process. A complaint provides the University with notice of a violation of the University's anti-discrimination policies, and officially requests the University to conduct an investigation into an alleged violation of university policy.

Formal complaints may contain the following elements:

- A statement of the alleged policy violation;
- Name of the accused student or student organization;
- Date of the alleged policy violation occurred;
- Request for a specific resolution process (informal, formal or conflict resolution); and
- A list of witnesses.

There is no requirement that an alleged victim pursue a formal complaint. However, the University reserves the right to pursue a complaint even when an alleged victim chooses not to initiate an investigation or participate in the Equity Resolution Process.¹³ As a result, the Title IX administrator may elect to pursue an investigation when a Complainant has not filed a complaint or requested an investigation. In these

¹³ See Chapter 200.025 Section C of the University of Missouri Collected Rules and Regulations.

circumstances, the Title IX administrator deliberates thoroughly prior to initiating an investigation and will only do so when an investigation is necessary to:

- Protect the University community or others; and
- Provide a safe and non-discriminatory environment for all students.

Even if an investigation is not pursued, the Title IX Office endeavors to take steps to limit the effects of the alleged discrimination and prevent its recurrence, such as training and education.

When the Title IX Office receives a formal complaint, or the Title IX administrator elects to pursue an investigation, a Title IX investigator is promptly assigned to conduct an impartial investigation. ***During the annual reporting period, the Office received 31 formal complaints. On two occasions, the Title IX administrator proceeded with an investigation and resolution without an individual filing a formal complaint.***

○ Preliminary Investigation and Investigation

Upon receipt of a report, a Title IX investigator conducts a preliminary investigation to gather enough information to refer the matter to an appropriate resolution process, to provide interim remedies as needed, to address any concerns regarding confidentiality, and to assess any requests that an investigation not be pursued. If a Complainant or the University wishes to pursue further investigation, then such investigation will continue until all relevant information is obtained.

Title IX investigators are committed to conducting thorough, reliable and impartial investigations, which include relevant physical and electronic evidence, as well as detailed interviews with relevant parties and witnesses. The parties are allowed to have an advisor of their choice present with them for all Equity Resolution Process interviews, meetings and proceedings, and each party has an equal opportunity to present a list of potential witnesses and evidence.¹⁴

Investigations of reported misconduct are typically completed within 30 business days of notice to the Title IX administrator, though investigations may take longer in complex cases. Additionally, in cases where criminal charges are being pursued for the same behaviors, the University may undertake a short delay in its investigation. When an allegation of sex or gender discrimination is reported to the Title IX Office that also alleges violation of the Standard of Conduct (200.010), the Title IX Office also will investigate and resolve the related conduct violations. For example, if the Title IX Office receives a report of stalking on the basis of sex and vandalism, and the vandalism is related to the stalking allegations, then the Office will investigate the related vandalism. ***As of July 31, 2015, there were three ongoing Title IX investigations; however, the office has conducted up to 15 investigations at a given time.***

¹⁴ See Chapter 200.025 Section E.

○ **Summary Resolution**

After the Title IX investigator completes an investigation (involving an accused student or student organization), the Title IX administrator reviews the investigation and may meet with the Investigator for clarification regarding information gathered during the investigation.

Next, the Title IX administrator makes a decision on whether, based on the evidence gathered, the complaint should move to the resolution phase. The Title IX administrator will direct the complaint to move to the resolution phase if a **reasonable person** could, based on the evidence gathered, find the accused individual responsible for violating University policy. The Title IX administrator will use the **preponderance of the evidence standard**, which means that the administrator determines that it is more likely than not that a reasonable person could find the Respondent responsible (culpable) for violating University policy. If the Title IX administrator determines that the complaint should move to the resolution phase, the complaint will be resolved through one of three processes, conflict resolution, informal resolution, or formal resolution.

On six occasions during the annual reporting period, the Title IX administrator and/or the interim Title IX coordinator determined, after evaluating the respective investigation, that a complaint should not move forward to the resolution phase. On these occasions, the Complainant still received accommodations from the Title IX Office and was referred to on-campus resources and services.

○ **Conflict Resolution**

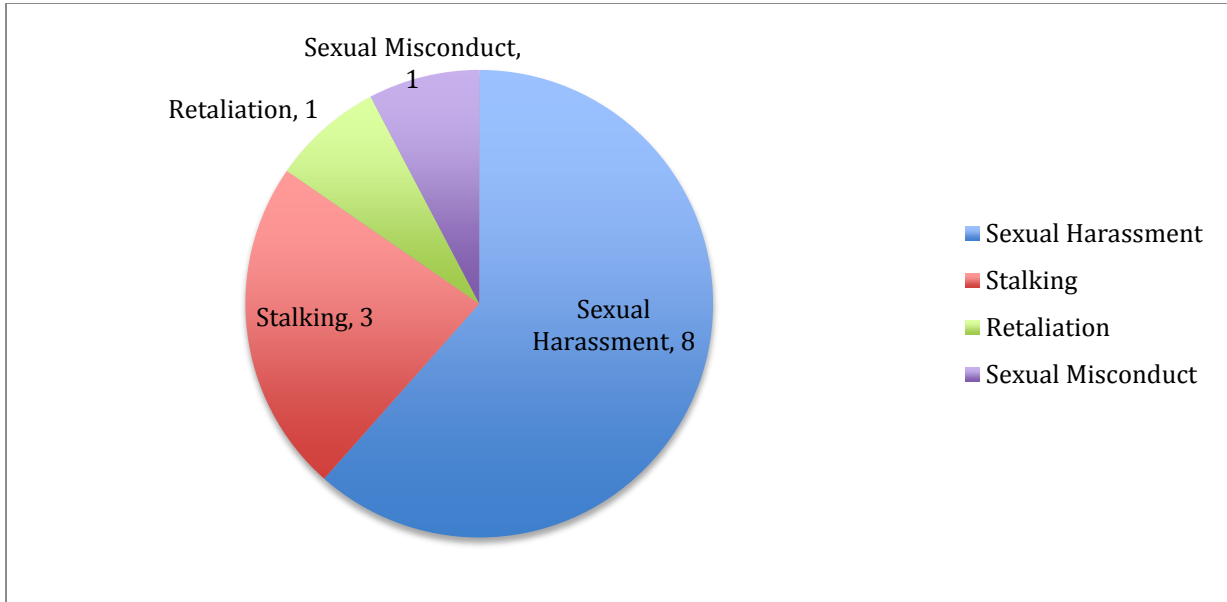
This method of resolution is often used for less serious, yet inappropriate behaviors. Complaints may be resolved using the conflict resolution process if the parties agree. The conflict resolution process consists of alternative dispute resolution mechanisms, such as mediation, facilitated dialogue or restorative justice. Conflict resolution will only be utilized if the Title IX Office determines that conflict resolution is appropriate. In making a determination of appropriateness, the Title IX Office considers:

- The willingness of the parties;
- The nature of the conduct at issue;
- The susceptibility of the conduct to conflict resolution;
- That mediation is never utilized in cases involving allegations of nonconsensual sexual intercourse or nonconsensual sexual contact; and
- That conflict resolution is typically not the primary resolution mechanism used to address complaints of sexual misconduct or violent behavior of any kind, or in other cases of serious violations of policy.

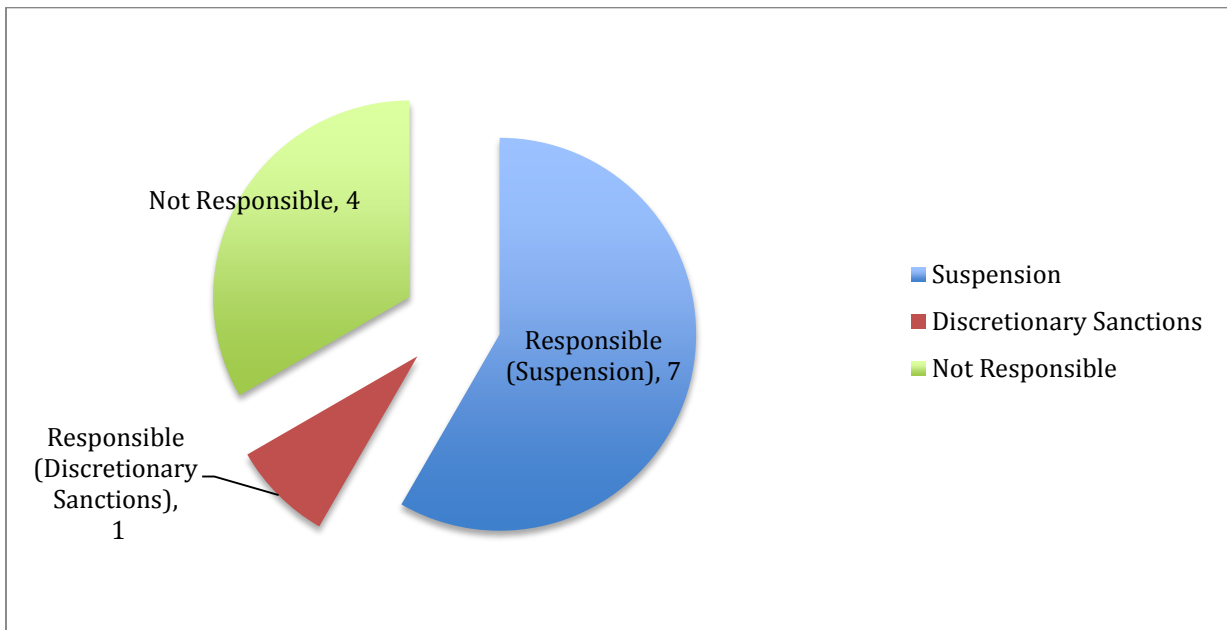
Sanctions and appeals are not possible as a result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Office keeps records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions, which could be disciplinary actions or agreed upon sanctions.

It is not necessary to pursue conflict resolution prior to pursuing either informal or formal resolution, and either party can stop the conflict resolution process at any time and request either the informal or the formal resolution process. *The Title IX Office utilized conflict resolution to address 12 reports involving 13 alleged policy violations during the annual reporting period. On one occasion, conflict resolution failed and the report was resolved using formal resolution.*

Types of Allegations Resolved by Conflict Resolution



XII. Outcomes of Formal and Informal Resolutions



From August 1, 2014, through July 31, 2015, 12 complaints of sex discrimination against students were resolved using the University's informal or formal resolution processes. These processes are described in greater detail below and the [Equity Resolution Policy](#) for complaints against students.

- **Informal Resolution**

The informal resolution process can be used only if both the Complainant and Respondent agree to this form of resolution. In the informal process (student or student organization as the Respondent), the Title IX administrator will make a decision of responsibility after reviewing the entire investigation and reading a written investigative report and reviewing exhibits prepared by a Title IX investigator. The investigative report summarizes statements made by witnesses and evidence collected through an impartial investigation.

If, during the informal process, one of the parties requests the formal process (which utilizes a hearing panel), the complaint will be resolved using the formal process. After the Title IX administrator makes a determination of responsibility, the parties are promptly informed of the decision. ***In the period from August 1, 2014, to July 31, 2015, seven complaints were resolved by informal resolution, five resolutions resulted in a finding that the accused was responsible, and two resolutions resulted in a finding of not responsible.***

- **Formal Resolution**

In the formal resolution process, an Equity Resolution Hearing Panel (composed of three trained staff member or administrators) will conduct a formal hearing on campus. During the hearing, the Title IX investigator assigned to the case will serve as the main witness, presenting a report of the investigation to the panel. Both the Complainant and Respondent may serve as witnesses and/or call additional witnesses at the discretion of the Hearing Panel chair. The chair may ask questions of any witnesses and each party. Complainants and Respondents may direct questions to each other through the chair. Both the Complainant and Respondent may have an advisor present with them during the hearing. If a Complainant or Respondent does not wish to attend the hearing in person, he or she can request alternative arrangements such as attendance by videoconference.

After the hearing, the Hearing panelists will make a finding of responsibility for each charged policy violation and prepare a written report detailing their findings, how each member voted, and the information cited by the Panel in support of its determination. ***In the period from August 1, 2014 to July 31, 2015, five complaints were resolved by formal resolution, three resolutions resulted in a Hearing Panel determination that the accused was responsible, and two resolutions resulted in a finding of not responsible.***

○ Appeals

Both parties are allowed to appeal the decision of the Equity Resolution Panel and the Title IX administrator, but only for the following reasons:

1. A procedural error that significantly impacted the outcome of the formal resolution, such as substantiated bias or material deviation from the established procedure;
2. To consider new evidence, unavailable during the original hearing that could substantially impact the original finding or sanction; or
3. The sanctions fall outside the range typically imposed:
 - For the offense (as determined by the appellate officer), or
 - For the cumulative conduct record of the accused.

Dr. Cathy Scroggs, vice chancellor of Student Affairs, currently serves as the appellate officer for both the informal and formal resolution processes. All requests for appeal must be in writing, submitted to the appellate officer within three business days of the delivery of a written finding.

During the 2014-2015 academic year, **five** (5) findings of responsibility were appealed. Two Respondents appealed “responsible” findings made by the Equity Resolution Hearing Panel after a formal resolution, and one Complainant appealed a “not responsible” finding made by the Panel. One appeal, which was filed by a Respondent, resulted in the appellate officer lessening the sanctions imposed by the Equity Resolution Panel.

Additionally, two individuals appealed a “responsible” finding after informal resolutions, and one of these appeals resulted in the appellate officer lessening the sanctions imposed by the Title IX administrator.

During the annual reporting period, the appellate officer did not overturn any findings of responsibility made by the Hearing Panel or the Title IX administrator. Additionally, no students were expelled as a final result of the Equity Resolution Process. When found responsible, Respondents were sanctioned by suspension from the University or other discretionary sanctions.

XIII. Conclusion

More Than Investigations – Accommodations, Education, and Prevention

We hope that this information is helpful to the Mizzou Community in understanding the newly created Title IX Office. During investigations and throughout the adjudication of matters, we make every effort to provide a fair process for everyone. The dispositions of the investigations undertaken in the last year reflect these efforts.

While investigation is an important responsibility of the Title IX Office, Title IX staff members also work to provide Complainants with support, interim remedies or accommodations. For students, this means that we help with their housing, academics or employment needs. For employees, we can provide support related to the workplace. We also refer individuals to relevant campus and community resources, including advocacy, counseling, legal and medical resources.

In addition to providing accommodations, the Title IX Office is committed to proactively engaging in prevention and education efforts to help stop sex discrimination and sex-based violence from occurring in the first place. We have the opportunity to help change campus culture.

During the annual reporting period, the Title IX Office gave more than 60 presentations, workshops or seminars, reaching at least 3,500 individuals, including key student, faculty and staff leaders. These presentations focused on sex-based violence, bystander intervention, students' rights and options, and the resources available on campus. We are continuing to provide programming throughout campus, including programs for Residential Life, Greek Life, Athletics, diverse student organizations, New Student Programs, faculty and staff.

The Title IX Office also forged partnerships and developed strong working relationships with other campus stakeholders who play lead roles in education and prevention efforts, such as the Relationship and Sexual Violence Prevention (RSVP) Center and the Women's Center. We partner with the RSVP Center in a number of presentations and events and are supportive of the RSVP Center's bystander intervention education program – Green Dot.

Further, the University required all employees to complete an online module describing employees' responsibility to report sex discrimination to the Title IX Office – in other words their obligation to connect students with a central campus resource. More than 92 percent of MU employees have completed the online module.

During spring semester 2015, the Title IX Office and the RSVP Center selected a new video-based program for Mizzou called *Not Anymore*, which provides baseline education to students on sexual assault, consent, intimate partner violence, stalking and bystander intervention techniques. *Not Anymore* was offered to all students in spring 2015.

Beginning fall semester 2015, it is required for all incoming undergraduate and graduate students, including transfer students. Both the Title IX Office and the RSVP Center are facilitating follow-up, in-person discussions about *Not Anymore* with students across campus.

Our education and prevention efforts are ongoing. Through our outreach, we strive to help make Mizzou a safer, more inclusive community. We encourage you to invite the Title IX Office to meet with your organization, class, department or division.

APPENDIX

To better understand the Title IX Office, we suggest that you review the following helpful documents and resource pages:

- [Options for assistance](#) following an incident of sex discrimination, sexual harassment, sexual misconduct, stalking, sexual exploitation or dating/intimate partner violence
- [Equity Resolution Process](#) (Student or Student Organization Respondent) – Chapter 200.025 of the University of Missouri Collected Rules and Regulations
- [Equity Resolution Flow Chart](#) (Student or Student Organization Respondent)
- Rights of the [Respondent](#) and [Complainant](#) in the Equity Resolution Process (Student or Student Organization Respondent)
- [Title IX Informational Flyer](#)
- [Example Initial Outreach Email to Complainant](#)