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Executive Summary

a. The Office of Equity and Title IX (ETIX) received 140 reports during the Annual Reporting Period (August 1, 2018, Through July 31, 2019). The Collected Rules and Regulations of the University of Missouri System differentiate between claims of discrimination based on identity characteristics such as race, religion, or other federally protected classes\(^1\) and gender or sex-based discrimination\(^2\) as policy violation categories. For the purposes of this report, we will reference gender-based discrimination (sexual harassment, assault, stalking, and intimate partner violence) as “Title IX” reports\(^3\). All other reports will be referenced as “Equity” reports. Seven of the reports were initially reported as discrimination on the basis of protected class, but later determined, during the preliminary review that the behavior did not describe a policy violation. The following data presents information about 140 reports, which are further classified into 176 potential violations of University policies. The chart below shows a preliminary breakdown of reported violations.

\[^{1}\text{CRR 600.010: Conduct based on an individual's race, color, national origin, ancestry, religion, sexual orientation, age, disability, protected veteran status.}\]

\[^{2}\text{CRR 600.020: Conduct based on an individual's sex, pregnancy, gender identity, or gender expression. This policy further defines that sexual harassment, sexual misconduct, sexual exploitation, stalking on the basis of sex and dating/intimate partner violence as forms of sex discrimination.}\]

\[^{3}\text{Title IX refers to the Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.}\]
b. During the annual reporting period, there were 140 reports, which included 132 named respondents. 17 of the respondents were unknown, totalling 149 individuals. Chart ES.B shows the breakdown.

ES.B - Respondent Type

<table>
<thead>
<tr>
<th>Type</th>
<th>Count</th>
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</thead>
<tbody>
<tr>
<td>Unknown</td>
<td>17</td>
</tr>
<tr>
<td>Faculty</td>
<td>23</td>
</tr>
<tr>
<td>Staff</td>
<td>16</td>
</tr>
<tr>
<td>Student</td>
<td>76</td>
</tr>
<tr>
<td>Recognized Student Organization</td>
<td>2</td>
</tr>
<tr>
<td>The University</td>
<td>11</td>
</tr>
<tr>
<td>No Affiliation</td>
<td>4</td>
</tr>
</tbody>
</table>

c. During the annual reporting period there were 89 reports that would constitute a Title IX Policy Violation, totalling 92 respondents. There were 51 allegations of sex discrimination in which the respondent was a student. 10 allegations name a Faculty member as the respondent and 7 alleged that a staff member as the respondent. There were 3 allegations where the respondent had no affiliation with the University. 13 instances where the respondent’s status was unknown and in 1 instance, the respondent was a Recognized Student Organization.

ES.C - Respondent Type when Title IX Violation

<table>
<thead>
<tr>
<th>Type</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unknown</td>
<td>13</td>
</tr>
<tr>
<td>Faculty</td>
<td>10</td>
</tr>
<tr>
<td>Staff</td>
<td>7</td>
</tr>
<tr>
<td>Student</td>
<td>51</td>
</tr>
<tr>
<td>Recognized Student Organization</td>
<td>1</td>
</tr>
<tr>
<td>The University</td>
<td>7</td>
</tr>
<tr>
<td>No Affiliation</td>
<td>3</td>
</tr>
</tbody>
</table>
d. On Average, ETIX received 11.66 reports per month during the annual reporting period. Peak reporting occurred between August and October of 2018, February of 2019, and then again between April and May of 2019. The only months Equity reports outnumbered Title IX reports were August of 2018, and June and July of 2019. There are nine instances where a report consisted of both equity and Title IX related policy violations.
e. The majority (63%) of incidents reportedly occurred on campus\footnote{For purposes of this report, “on campus” is defined as: (1) any building or property owned or controlled by Missouri University of Science and Technology 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; (2) public property within or immediately adjacent to the campus; (3) buildings or property owned or controlled by the Missouri University of Science and Technology; (4) All Greek houses, 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 parameter of “on campus” reporting required by the Cleary Act. See 34 CFR 668.46©(4) for a definition of “campus” and “noncampus” pursuant to the Cleary Act.} in academic buildings, residence halls, on the streets and sidewalks which border or are adjacent to campus building, including privately owned houses occupied by members of Greek organizations. Sixteen percent (16%) of the incidents reported occurred off campus. Reported incidents that occurred electronically (8%) included harassment, stalking and sexual exploitation. These incidents were reportedly carried out using email, cellular phone calls, text messages and various social media applications including (Groupme, Snapchat, Facebook, Twitter, and Instagram).

In some instances, the person reporting discrimination or the person who experienced discrimination was unaware of where the incident occurred or did not disclose the location. In other instances, particularly in reports of stalking and intimate partner violence, the person experienced discrimination in multiple locations.
The Equity Resolution Process contains the procedures used to formally investigate allegations of University Policy Violations under the Collected Rules and Regulations 600.010 and 600.020 and determine whether individuals are responsible for violating them. ETIX conducted 32 investigations during the report period.

In some instances, there was insufficient information provided to pursue an investigation. Frequently, many complainants did not wish to participate in a full investigation and asked that the formal process not move forward. In other instances, complaints remained reluctant despite ETIX outreach efforts. Some instances ended after the preliminary investigation because the Title IX Coordinator/Equity Officer determined that the complaint did not describe a policy violation. Many times after a full investigation, the Title IX Coordinator/Equity officer determined that there was insufficient evidence that a policy had been violated. ETIX had 0 reports resolved through conflict resolution and only 2 complaints were resolved through a formal hearing panel. There were 20 instances where the University did not have jurisdiction over the respondent. 56 percent of incidents ended in administrative resolution.

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5 An investigation is considered as such when the respondent receives a Notice of Investigation from the Title IX Coordinator.

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ETIX ANNUAL REPORT 2018-2019
ES.F.b - Disposal of Complaints Not Investigated

[Graph showing the disposal of complaints not investigated with types including 'Could Not Pursue', 'Request Not to Pursue', 'Accommodation Only', 'Not a Policy Violation', 'Discretionary Jurisdiction', and 'Reluctant Complainant'. The graph indicates the number of complaints for each type and sub-type, with 'total', 'eq based', and 'tix based' lines.]

The office’s mission is met each day by the staff of individuals committed to inclusion, diversity and equity.

The Office of Equity and Title IX is centrally located on campus in 203 Centennial Hall, 300 12th Pine Street. The University Investigator and Intake Officer conducted approximately 209 meetings during the annual reporting period, and an average of 4 meetings per week. These meetings were a mix of informational meetings with reporting parties, complainants and respondents, lasting 30 to 45 minutes, as well as investigative meetings that often lasted 1 – 1 ½ hours. The ETIX office also welcomes individuals who walk in to meet with staff members without an appointment. Graph A breaks down the number of meetings per month, and further delineates between the type of meeting. There were a total of 91 meetings with Complainants, 52 meetings with Respondents, 64 meetings with Witnesses, and two additional meetings classified as Other.

February of 2019 saw the highest number of meetings, with 12 witnesses, 10 complainants and 9 respondents met with. June of 2019 had the lowest number of meetings, with just 5 total.

The number of meetings with complainants and respondents should not be compared side by side, as a number of complaints received do not go into investigation where a respondent would be called to meet.
University Investigator, Intake Officer and Database Manager

The Investigator and Intake Officer serve as the primary investigative team for the university. Handling both the process aspect and the investigation of the case. The Investigator will develop a plan for the course of the investigation, and implement it. Concluding with an investigation report that is submitted to the decision maker. Impartiality is a key component to this individual being successful in their responsibility to present the facts.

In the 2018-2019 academic year the University Investigator was Paula Balzer.

The Intake Officer serves the critical role of being the first individual that a complainant speaks to. This first contact allows the university to determine what accommodations and/or remedies the individual needs and wants. The Intake Officer additionally serves as the compliance officer for the office, ensuring that timelines are being met, and the process as outlined by the UM System Collected Rules and Regulations is being followed.

Siobhan Macxis served as the Intake Officer.

The Database Manager serves a logistical need for the operation of the department, and adherence to the rules and regulations that the department works under. This role manages the entry of incidents into the conduct management platform Maxient\(^6\) and serves as the Level 5 Administrator\(^6\) for the department. This position also manages the transcription of meeting recordings using the online platform Rev\(^7\), and the timelines for all cases.

Lisa Ours served as the Database Manager

Director of Equity and Title IX and Deputy Title IX Coordinator

The Director serves as the decision maker, and coordinator of the investigation process outlined by the UM System Collected Rules and Regulations. Serving as the supervisor of the department this role also identifies the themes and patterns of the reports received by the office, and directs educational action to remedy and prevent issues within the community.

Cady Holmes served as the Interim Director until October of 2018.
Benjamin White, M.Ed. served as the Interim Director from October of 2018 through the end of the reporting period.

\(^6\) Maxient is a third party online platform contratect by UM System to house all conduct records.
\(^7\) Rev is a third party online platform contracted by Missouri S&T to transcribe the recorded sessions held by the university investigator and intake officer. This service reduces the people hours required to transcribe written notes and increases the accuracy of the investigators work.
Education and Prevention Efforts

Equity and Title IX is responsible for providing preventative educational programs to the campus community, along with providing information on the ways to report and other critical aspects of the equity resolution process. The Educator in the office is responsible for taking the thematic areas of concern that the Director has identified, and developing an educational remedy for them. They are also responsible for assisting with educational sanctions that are a result of a decision made in the Equity Resolution Process. This position works closely with Student Wellness, which manages the campus’ Bystander Intervention Program called “Step Up!” and serves an active role on the committee that runs this program.

The university received grant funding from the Federal Office of Violence against Women to fund one additional full time staff educator for 3 full years. This funding also included programmatic funds. The focus of this position is on the international student population, and work has begun to assess their needs concerning equity and Title IX.

Andrew Pepper served as the OVW Grant Coordinator until September of 2018, and then Teresa Stratman filled this role in November of 2018.

The educator trained 991 faculty staff and students between January and July of 2019 with 695 of these trainings focused on a Title IX learning outcome, 196 on an equity learning outcome. The educator trained 40 faculty, 282 staff and 373 students on Title IX related subjects during this period, and 28 faculty, 83 staff, and 85 students on equity related subjects. Graph B and C detail these education efforts, broken down by month.

Graph B: Education Session for Title IX by Month

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8 Due to the transition in educators the department can only report on education numbers between January 15, 2019 and July 31, 2019.
The highest number of students (194) and staff (226) trained was in February of 2019. This coincided with an event that was sponsored through the OVA grant. The Department brought a speaker connected with Catharsis, and the facilitator provided their “Say What?!” program.

April and July were the months where the Educator trained the most faculty, staff and students in subjects centered around equity.

Additional Staff

The department has additional staff that provide essential function to the University. The Compliance Specialist II for Affirmative Action/EEO and ADA monitors and supports the EEO and Affirmative Action goals of the University. This person generates the Affirmative Action report for the institution annually. In addition, this role manages the Americans with Disabilities Act accommodation process for all University employees.

Barbi Spencer served as the Compliance Specialist II for the reporting period.

The Office has administrative support from an Office Support Assistant III, providing scheduling and other administrative duties that allow the professional staff the freedom to execute their job functions.
This position was vacant at the beginning of the reporting period, Jessica Newton filled this role from December of 2018 through the end of the reporting period.

Chief Diversity Officer and Title IX Coordinator

The CDO and Title IX Coordinator serves as the final decision maker and person in charge of all equity resolution process matters. This individual sits at the Chancellor’s Cabinet level and advises the university’s leadership on equity and Title IX related matters. Setting the direction and strategic goals, this individual identifies the priorities for the department, and exercises supervision over the Director.

Neil Outar, J.D. served as the interim CDO until his full appointment in July of 2019.

Guide to Reading the Report

This annual report provides a nuanced understanding of the scope of the Office of Equity and Title IX (ETIX), the prohibited behavior that is reported to the office, and how the office responds to the reports. More specifically, this document summarizes all reports submitted to ETIX between August 1, 2018 – July 31, 2019 (Annual Reporting Period). While intended to be descriptive, this annual report has limitations, such as the inability to convey the complexity of each reported incident.

Information regarding the reports submitted to ETIX is presented in both statistical and narrative formats. When appropriate, contextual information is provided to enrich the understanding of complex policy provisions. The footnotes throughout the report provides clarifying information and references to University policies, federal regulations. The document includes hyperlinks that will direct readers to full online versions of University policies and detailed descriptions of important policy terms and provisions. The following terms are critical to understanding the report:

**UM System’s Nondiscrimination Policy - Equal Opportunity is and shall be provided for all employees, students and applicants for admission without unlawful discrimination on the basis of their race, color, national origin, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, gender expression, age, disability, protected veteran status, or any other status protected by applicable state or federal law.**

**UM System’s Sex Discrimination, Sexual Harassment and Sexual Misconduct Policy - University policy and applicable state and federal law, prohibit all students, employees, volunteers and visitors at the University from engaging in discrimination on the basis of any protected characteristic, including sex, pregnancy, gender identity, and gender expression. In addition, University policy and the law prohibit sexual misconduct, sexual**

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9 Not all incidents reported to ETIX between August 1, 2018 and July 31, 2019 occurred during this same time period. For instance, a report that was received in this time period may have described incidents that occurred in January 2017.
harassment, stalking on the basis of sex, dating/intimate partner violence, and sexual exploitation.¹⁰

University’s Anti-Discrimination Policies - The University’s Anti-Discrimination Policies is an all-encompassing term used when referring to the University’s Nondiscrimination Policy located at Section 600.010 of the Collected Rules and Regulations and the Sex Discrimination, Sexual Harassment and Sexual Misconduct Policy located at Section 600.020 of the Collected Rules and Regulations.

Non-Sex Based Discrimination or Harassment - Conduct that is based upon an individual's race, color, national origin, ancestry, religion, sexual orientation, age, disability, protected veteran status that:

- Adversely affects a term or condition of employment, education, living environment or participation in a University activity; or
- Creates a hostile environment by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits, or denies the ability to participate in or benefit from the University’s educational programs, activities, or employment.

Sex Based Discrimination - Conduct that is based upon an individual’s sex¹², as presented the Sex Discrimination, Sexual Harassment and Sexual Misconduct Policy located at Section 600.020 of the Collected Rules and Regulations, that:

- Adversely affects a term or condition of employment, education, living environment or participation in a University activity; or
- Creates a hostile environment by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits, or denies the ability to participate in or benefit from the University’s educational programs, activities, or employment.

Report or Complaint – any verbal or written information received by ETIX stating that an individual or organization has or may have engaged in discrimination, or stating that an individual or organization has or may have experienced discrimination as prohibited by the University’s Anti-discrimination policy (sometimes referred to as instance).¹¹

Incident – an occurrence of reported behavior that may constitute prohibited discrimination.

Policy Violation – The classification of a report into a specific behavior prohibited by the University’s Anti-discrimination policy.

Complainant – the person alleged to have been subjected to discrimination, harassment or sexual misconduct in violation of the University’s Anti-discrimination Policies. The University may serve

¹⁰ As used in this report, the word “sex” is also inclusive of the term “gender”
¹¹ ETIX distinguishes between a report of alleged policy violation and a formal complaint that triggers a preliminary or formal investigation. Not all reports of alleged discrimination proceed to a formal complaint.
as the Complainant when the person alleged to have been subjected to discrimination, harassment or sexual misconduct chooses not to act as the Complainant in the resolution process or requests that the Complaint not be pursued.

**Respondent** - The person(s) or organization alleged to have violated the University’s Anti-discrimination Policies.

**Parties** - The Complainant and the Respondent are collectively referred to as the Parties.

**University Jurisdiction** - Jurisdiction of the University of Missouri is limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to, the imposition of sanctions under the Collected Rules and Regulations against students, faculty and staff for conduct occurring in other settings, including off-campus, (1) in order to protect the physical safety of students, employees, visitors, patients or other members of the University community, or (2) if there are effects of the conduct that interfere with or limit any person’s ability to participate in or benefit from the University’s educational programs, activities or employment. (3) if the conduct is related to the Faculty Member’s fitness or performance in the professional capacity of teacher or researcher or (4) if the conduct occurs when the faculty or staff member is serving in the role of a University employee.

**Appropriate Administrative Officer** – employee assigned by the Chancellor or the Chancellor’s designee to respond to reports of discrimination and/or to serve as the decision makers in the Equity Resolution Process.

**Designated Administrator** - Designated Administrators are administrators selected by the System Chief Diversity Officer to assist in the administrative resolution process.

**Equity Officer** - The Equity Officer is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of reports or complaints regarding violation of the University’s Anti-Discrimination Policies.

**Title IX Coordinator** - The Title IX Coordinator is a trained administrator designated by the Chancellor (or Designee) to receive and assist with the investigation and resolution of reports or complaints regarding violation of the University’s Sex Discrimination, Sexual Harassment and Sexual Misconduct in Employment/Education Policy.

**Investigators** - Investigators are trained individuals appointed by the Equity Officer or Title IX Coordinator (or their designee) to conduct investigations of the alleged violations of the University’s Anti-Discrimination Policies.

**Preliminary Investigation** – the gathering of enough information to make a threshold decision regarding whether the complaint describes a possible violation of the University’s Nondiscrimination Policies. If the Complaint describes a
possible violation, the Equity Officer or Title IX Coordinator will refer the matter to the appropriate procedural process and provide appropriate interim remedies.

**Investigation or Formal Investigation** – a fact and information gathering process during which the University Investigator and Intake Officer interviews parties and witnesses and engage in evidence gathering. A formal investigation is initiated after a complainant files a formal complaint or after the Appropriate Administrative Officer makes a determination to proceed with an investigation.

**Equity Resolution Process** – the process by which complaints and reports of discrimination are resolved as outlined in the [UM System Collected Rules and Regulations](#).

**Policy Violation Definitions:**

**Discrimination and Harassment** – Conduct that is based upon an individual’s race, color, national origin, ancestry, religion, sexual orientation, sex, age, disability, protected veteran status, or any other status protected by applicable state or federal law that:

a. Adversely affects a term or condition of employment, education, living environment or participation in a University activity; or

b. Creates a hostile environment by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits, or denies the ability to participate in or benefit from the University’s educational programs, activities, or employment.

**Retaliation** - is any adverse action taken against a person because of that person’s participation in protected activity such as, making any good faith report of discrimination, harassment, or sexual misconduct, or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination, harassment or sexual misconduct.

**False Reporting** - making an intentional false report or accusation in relation to the University’s Anti-Discrimination Policy.

**Sex Discrimination** - conduct that is based upon an individual’s sex, pregnancy, gender identity, or gender expression that adversely affects a term or condition of an individual’s employment, education, living environment, or participation in a University activity.

**Sexual Harassment** - is defined as: 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 or because of sex, pregnancy, gender identity, or gender expression when:

1. Submission to or rejection of such conduct is used explicitly or implicitly as a condition for academic or employment decisions; or
2. Such conduct creates a hostile environment by being sufficiently severe or pervasive or objectively offensive that it interferes with, limits or denies the ability to participate in or benefit from the University’s educational programs, activities, or employment.

**UM System’s Sex Discrimination, Sexual Harassment and Sexual Misconduct Policy further defines Incapacitation and consent to sexual activity to determine what behaviors constitute sexualized violence or nonconsensual sexual activity. Section 600.020 B.7 - 8 states:**

**Consent to Sexual Activity** - is knowing and voluntary. Consent to sexual activity requires of all involved persons a conscious and voluntary agreement to engage in sexual activity. Each person engaged in the sexual activity must have met the legal age of consent. It is the responsibility of each person to ensure they have the consent of all others engaged in the sexual activity. Consent must be obtained at the time of the specific activity and can be withdrawn at any time. Consent, lack of consent or withdrawal of consent may be communicated by words or non-verbal acts.

Someone who is incapacitated cannot consent. Silence or absence of resistance does not establish consent. The existence of a dating relationship or past sexual relations between the Parties involved should never by itself be assumed to be an indicator of consent. Further, 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. Coercion and force, or threat of either, invalidates consent.

**Incapacitated or incapacitation** - A state in which rational decision-making or the ability to consent is rendered impossible because of a person’s temporary or permanent physical or mental impairment, including but not limited to physical or mental impairment resulting from drugs or alcohol, disability, sleep, unconsciousness or illness. Consent does not exist when the Respondent knew or should have known of the other individual’s incapacitation. Incapacitation is determined based on the totality of the circumstances. Incapacitation is more than intoxication but intoxication can cause incapacitation.

Factors to consider in determining incapacity include, but are not limited to, the following:

- Lack of awareness of circumstances or surroundings (e.g., an inability to understand, either temporarily or permanently, the who, what, where, how and/or why of the circumstances; blackout state)
- Inability to physically or verbally communicate coherently, particularly with regard to consent (e.g., slurred or incoherent speech)
- Lack of full control over physical movements (e.g., difficulty walking or standing without stumbling or assistance)
- Physical symptoms (e.g., vomiting or incontinence).

**Sexual Misconduct:**
Nonconsensual sexual intercourse

Nonconsensual sexual contact - involving the sexual touching of a body part (i.e., the lips, genitals, breast, anus, groin, or buttocks of another person) or the nonconsensual sexual touching of another with one’s own genitals whether directly or through the clothing;

Exposing one’s genitals – exposing genitals to another under circumstances in which one should reasonably know that the conduct is likely to cause affront or alarm; or

Sexual Exploitation - occurs when one person takes nonconsensual or abusive sexual advantage of another person for one’s own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited and which 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
- (e.g., letting your friends hide to watch you 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;
- Nonconsensual distribution of intimate images;
- Use or distribution of drugs or alcohol with intent to facilitate sexual contact without consent (i.e., predatory drugs or alcohol).

Stalking on the Basis of Sex - following or engaging in a course of conduct based on sex with no legitimate purpose that makes another person reasonably concerned for their safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.

Dating/Intimate Partner Violence - Violence, threats of violence, intimidation and acts of coercion 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.

Failure to Complete Sanctions/Comply with Interim and Long-term Remedial Actions (Failure to Comply) – The failure to follow through on these sanctions, remedial actions and corrective actions by the date specified, whether by refusal, neglect or any other reason.

Types of Reports

This annual report presents information about alleged incidents of discrimination based on protected class and the actions taken by ETIX in response. More specifically, this document includes descriptions of all reports.
brought forward between August 1, 2018 and July 31, 2019 (Reporting Period). Reports of discrimination are initially broken down into two categories: sex based discrimination and non-sex based discrimination.

1. **Non-sex based discrimination is presented in 9 separate categories:** race, color, national origin, ancestry, religion, sexual orientation, age, disability, and protected veteran status.

2. **Sex based discrimination is presented in 8 categories:** sex, pregnancy, gender identity, and gender expression, sexual misconduct, sexual harassment, stalking, and dating/intimate partner violence.
   a. An allegation of sexual misconduct is further assigned a sub-category to better classify its nature: nonconsensual sexual intercourse, nonconsensual sexual contact, exposure of one’s own genitals and sexual exploitation.

The University’s Anti-Discrimination Policies provides additional prohibition against false reporting, failure to comply with sanctions and retaliation.

This report presents information regarding 140 instances of alleged discrimination received as reports by the Office of Equity and Title IX (ETIX). There were an additional 7 instances that were initially reported as discrimination based on protected class but an immediately determination was made that the alleged behavior did not describe a violation under the University’s Anti-Discrimination Policies and were referred to another department.

The 140 incidents reported to ETIX were classified into 176 alleged policy violations. Specifically, 32 incidents alleged behaviors that described multiple policy violations. 9 of these instances describe an equity and Title IX policy violation.

Of the reports that described multiple policy violations, 14 of them were equity based complaints. Of these complaints, 8 named Race and National Origin as behaviors that would potentially violate policy.

Of the reports that described multiple policy violations, 10 of them were Title IX based complaints. In 7 of these instances consent was a factor in the policy alleged to have been violated.

There was no discernible trend in the 9 instances that described an equity and Title IX policy violation.

There were 4 instances reported to have had multiple complainants. In 9 other instances the Complainant was unknown, which means that the reporting party did not disclose the identity of the Complainant or did not experience the alleged violation firsthand but had enough knowledge to report the incident. In 10 instances the University was the complainant in a case. This is a step that is sometimes taken when the impacted party may be reluctant, however the Title IX Coordinator feels that it is in the University’s best interest to proceed. The

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12 For purposes of this report we call sex based discrimination “Title IX or TIX”
13 For purposes of this report we call non sex based discrimination “equity or eq”
14 False reporting, failure to comply and retaliation can be categorized as sex or non-sex based discrimination. For instance, a student can file a false report of discrimination based on disability (non-sex based discrimination), or a staff member can retaliate against another staff members for their involvement in an investigation of sexual harassment (sex based discrimination)
15 These instances are included in the data of this report.
Title IX Coordinator provides a justification for the University standing as the complainant on a case by case basis.

Of the 140 reports, there were 80 instances of sex-based discrimination and 51 instances of non-sex based discrimination. In 9 instances there were both Equity & Title IX elements of discrimination present.
75 reports received a preliminary investigation of 10 business days or more. 43 of which ended during the preliminary investigation and were categorized as not a policy violation, discretionary jurisdiction, could not pursue, reluctant complainant, and request not to pursue. 32 of the 75 instances received a formal investigation of 30 business days or more.

The remaining 65 of the 140 did not receive a preliminary or formal investigation and were categorized as not a policy violation, discretionary jurisdiction, could not pursue, reluctant complainant, and request not to pursue.

As stated in the Executive Summary, on average, ETIX received 11.66 reports per month during the annual reporting period. Peak reporting occurred between August and October of 2018, February of 2019, and then again between April and May of 2019. The only months Equity reports outnumbered Title IX reports were August of 2018, and June and July of 2019. There are nine instances where a report consisted of both equity and Title IX related policy violations.

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16 Refer to the section titled “The Equity Resolution Process” for an explanation of the categorized used to resolve complaints.

17 It is possible for complaints to receive the same resolution category regardless whether ETIX conducted a preliminary investigation.
Peak reporting months for Title IX were September of 2018 and April of 2019. June of 2019 showed the lowest Title IX reporting numbers of 0.

In this reporting year, ETIX saw a notable downward trend in reporting coinciding directly with University Breaks where classes were not in session: Winter Break - December/January, Spring Break - March, and Summer Recess - June/July. A noticeable increase in reporting occurs at the start of the fall semester (August - October) and again in April.

It should be noted that just because a report came in during a particular month, it does not necessarily mean the alleged incident occurred during the month it was reported in. It is possible to receive a report in November of 2018 that contains allegations of behavior occurring in August of 2018.

What Happens After the University Receives a Report?

After receiving a report of alleged discrimination from any of the aforementioned sources, the Missouri S&T Intake Officer will send an outreach to the Complainant by email in an attempt to set up an initial intake meeting. This email also serves to inquire about the individual’s safety, give a brief background of the purpose of the Office of Equity and Title IX, inform them of their rights, and connect the individual with campus and community resources.

While reading the following sections, please note that reports of sex based discrimination covered under Title IX and non-sex based discrimination cover by UM Systems Equity policy, follow the same procedure throughout the investigative process. It is also important to recognize that the investigative process utilized by the university is different than the judiciary process used by law enforcement officials. The university will not report the information received in reports to law enforcement agencies (except where campus and community safety are at risk). However, if a Complainant expresses the desire to make a report to a law enforcement agency, the Office of ETIX can facilitate a meeting with the Complainant and a law enforcement officer.

The Intake Officer will also offer the Complainant interim remedies 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 all Complainants that they are not obligated to meet with or communicate with ETIX or file a Formal Complaint, but encourage all parties (including the Respondent) involved in potential incidents of discrimination to utilize campus counseling services. It is the Complainant’s right to file a Formal Complaint with ETIX to pursue an investigation and disciplinary action against the Respondent. Both Title IX and Equity complaints against students, staff or faculty of Missouri S&T are resolved using the Equity Resolution Process, which will be discussed later in this report.

Requests for Confidentiality

The university makes every attempt to protect the privacy of all parties involved by keeping investigations confidential. Information is kept private and departmental staff members only share information on a need-to-know basis. Further, the Title IX Coordinator and Chief Equity Officer, Deputy Title IX Coordinator,
S&T Investigator and Intake Officer obtain the consent from Complainants before beginning a preliminary investigation except, again, where campus and community safety are at risk.

If a Complainant requests confidentiality that the university does not conduct an investigation or request no disciplinary actions against the Respondent, the Title IX Coordinator or Chief Equity Officer is generally able to honor that request. A trauma-informed approach is used for all requests for confidentiality and requests that investigations not proceed.

It is possible, however, that the Title IX Coordinator or Chief Equity Officer 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 Coordinator, Chief Equity Officer, or Deputy Title IX Coordinator also consider other steps, such as education and training for the Respondent 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 5 occasions in which the Appropriate Administrative Officer proceeded with either a preliminary investigation or formal investigation where the Complainant did not file a formal complaint. 3 of which were sex-based discrimination and 2 were non-sex based discrimination.
Discrimination by Violation Type

The following data expresses the different types of policy violations that occurred during the annual reporting period, classified using terminology found in University of Missouri System Collected Rules and Regulations Section 600.010. For explanations of specific vocabulary used, please see the definitions section of this report.

Missouri University of Science and Technology and the University of Missouri System believe in equal and fair treatment and providing a nondiscriminatory environment for all faculty, staff, students, volunteers and visitors to the university. When incidents of discrimination are reported to the office of Equity and Title IX, the same procedures are applied in all instances.

The below diagram reflects a total of 176 policy violations of discrimination on the basis of protected class during the reporting period.

Discrimination based on sex accounted for 58% of the 140 alleged policy violations, followed by race with 11.9%. There were 5 instances of discrimination where the Title IX Coordinator was unable to classify the behavior. ETIX did not receive any reports of discrimination on the bases of protected veteran status and this category was not included in the above diagram.

Sex Based Discrimination by Violation Type

Missouri University of Science and Technology and the University of Missouri System further analyzes sex or gender based discrimination covered under Title IX. Sex discrimination is prohibited by university policy and
Federal law in educational programs, activities, and employment. Title IX applies to all students, employees, volunteers, and visitors at the university, and prohibits sexual harassment, sexual misconduct, and other forms of sex discrimination as defined in Section 600.020B of the Collected Rules and Regulations. Additionally, as used in this policy, the word “sex” is also inclusive of the term “gender.”

There were 89 reported instances of sex or gender based discrimination. The below diagram reflects 102 policy violations of sex based discrimination.

Graph 5: Sex Based Discrimination by Violation Type

Sexual Misconduct was the most reported with 37 violations. Followed by Sexual Harassment with 27 violations. Stalking had 17 violations. Discrimination on the bases of sex, dating/intimate partner violence, and retaliation had 6 violations each. Witness intimidation/harassment and gender identity or expression each had one violation each. One violation was alleged of the Consensual Romantic Relationship Policy. ETIX did not receive any reports of discrimination on the bases of pregnancy.

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18 This policy, CRR 330.065 addresses employees of the University of Missouri System and their behavior with respect to amorous relationships with other employees of the University. This CRR specifies complaints to follow the appropriate Equity Resolution Process in the 600 series.

19 These violations were classified using terminology found in University of Missouri System Collected Rules and Regulations Section 600.020 B. For explanations of specific vocabulary used; please see the definitions section of this report.
Reports of Sexual Misconduct

The 37 instances of sexual misconduct are further assigned sub-categories to better classify the nature. The University of Missouri System Collected Rules and Regulations Section 600.020 has identified four types of sexual misconduct: nonconsensual sexual intercourse, nonconsensual sexual contact, exposing one’s own genitals and sexual exploitation.

Graph 6: Sexual Misconduct Violations

Nonconsensual Sexual Contact and Nonconsensual Sexual Intercourse made up a total of 80% of the 37 Sexual Misconduct violations. Examples of Nonconsensual Sexual Contact, involves the sexual touching of a body part (i.e., the lips, genitals, breast, anus, groin, or buttocks of another person) or the nonconsensual sexual touching of another with one’s own genitals whether directly or through the clothing. The 15 alleged policy violations of Nonconsensual Sexual Intercourse refer specifically to an instance of vaginal, and/or anal penetration where consent was absent. This behavior is commonly referred to as “rape” or “sexual assault”.

There was 1 report involving the exposure of an individual(s) own genitals to another under circumstance in which one should reasonably know what the conduct is likely to cause affront or alarm.

ETIX received 6 alleged violations of sexual exploitation, which occurs when one person takes nonconsensual or abusive sexual advantage of another person for one’s own advantage or benefit, or for the advantage or benefit of anyone other than the person being exploited and which behavior does not constitute any other form
of sexual misconduct. The Collected Rules and Regulations further define Sexual exploitation\textsuperscript{20}, and in this reporting period ETIX received the following violation types: Sexual exploitation, voyeurism, going beyond the bounds of consent to a sexual activity and hazing\textsuperscript{21}. The graph below highlights these reports.

\begin{center}
\textbf{Graph 7: Sexual Exploitation Violations}
\end{center}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{graph7.png}
\end{figure}

\textbf{Reports of Sexual Misconduct, Sexual Harassment, and Race Discrimination}

Sexual misconduct, sexual harassment and discrimination based on race were among the most reported policy violations. Most reports of sexual harassment and race discrimination received by the university detailed situations in which the Complainant alleged that the Respondent's actions made them feel uncomfortable, scared or disrespected in their working, learning or living environment. Usually, sexual harassment reportedly occurred when individuals received unwanted communication of a sexual nature, including unwelcomed sexual advances and requests for sexual activity. Often, those who endure sexual misconduct may have been or still are in a relationship with the Respondent, or have mutual friends with the Respondent. Therefore, staff members must proceed with caution when contacting the Complainant and witnesses. Additionally, ETIX staff members understand that it may not be in the Complainant interest to pursue a complaint or investigation but

\begin{itemize}
\item \textsuperscript{20}See definitions of Sexual Exploitation CRR 600.020.B.6.
\item \textsuperscript{21}Hazing is only considered a Title IX policy violation when it takes the form of a sexual nature.
\end{itemize}
rather to seek supportive resources. These factors, including any requests for confidentiality, inform how the university determines the best course of action while pursuing these complaints.

**Location of Complainants when Incident Occurred**

The majority of Complainants alleged that they experienced discrimination while on campus. There were 12 instances in which the Complainant did not disclose where the incident occurred or the ETIX was unable to determine the location of the incident. There were 5 instances where Complainant alleged discrimination occurred in multiple locations. Typically, when Complainants alleged discrimination happened in multiple locations, the behavior continues over a duration of time.

The “electronic” category refers to discrimination experienced via phone calls (cell and landline), text message or in cyberspace (email or social networking websites), rather than in a physical locations. Typically, violations such as stalking and sexual harassment alleged to have been carried out electronically; however, sexual orientation, retaliation, gender expression and sex discrimination also can be carried out through electronic means. 13 Complainants reportedly experienced discrimination electronically, 11 of which indicated that the discrimination occurred purely electronically.
How Accommodations, Resources and Interim Remedies Are Provided

When someone makes a report of alleged discrimination other than the person affected by the discrimination (Complainant), the Office of ETIX will reach out and contact 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 145 Complainants identified during this annual reporting period. Complainants can be organizations, such as athletic teams, the university itself, clubs or departments, as well as individuals. Respondents to complaints of discrimination are provided the same resources that the Complainant receives and are afforded the opportunity to request accommodations or interim remedies.

Complainants and Respondents are not required to respond to communication from the university concerning discrimination. However, assisting the Complainant and the Respondent by providing accommodations is only possible if they communicate with the university. 27 individuals received 40 accommodations or interim remedies during this annual reporting period. Either Party can receive accommodation by contacting the Office of ETIX by email, phone or in person in order to arrange the specific accommodation requested. There were 2 individuals during this reporting period that did not alleged discrimination but were provided accommodations in order to prevent adverse impact to their educational experience because of their protected class.

In 81.4% of the reported complainants, neither Party requested accommodations. There were 17 Complainants who communicated with ETIX, but did not file a formal complaint. Individuals that responded to communication but did not file a formal complaint usually cited the following reasons:

- The Respondent’s name is...
- I do not know the Respondent’s name
- 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 Respondent is not affiliated with Missouri S&T
- 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 this report

22 Unless the individual is an employee of the university, then, the Title IX Coordinator may compel them to participate per the Collected Rules and Regulations. The Title IX Coordinator would provide justification for taking this action.

23 The office of ETIX will provide accommodation to protected classes if determined necessary in an effort to not cause adverse impact on that individual. Such as parking accommodations for a pregnant student or preferred housing to a student transitioning gender.
The university 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 department of Equity and Title IX is willing and able to document information, which can be used if the Complainant requests an investigation at a future date.

Lastly, 23 Complainants chose not to respond to outreach communications from the Office of ETIX. However, these Complainants still received information regarding their rights, copies of university anti-discrimination policies, and an invitation to meet with the Intake Officer at any future time.

**Interim Remedies and Accommodations**

When the university receives information about a potential violation, the first step is to reach out to the Complainant who reportedly experienced the discrimination, harassment, or violence. The goal is to connect individuals, based on their specific needs and preferences, with resources on campus such as the Counseling, Disability and Student Wellness Center (CDSW) and the Student Health Center.

The university also supports Complainants by arranging accommodations, which could be academic in instances where the student has missed classes, assignments, has been academically dismissed, or needs assistance speaking with faculty or course instructors. Students also can request alternative attendance procedures or on-campus housing changes, in addition to parking and transportation accommodations, where applicable. Employees (including student-employees) seeking accommodations may receive changes in work assignments, transfers or implementation of safety precautions while at work. Accommodations can be provided regardless of whether an individual decides to make a formal complaint and regardless of whether there is a formal investigation.

![Graph 9: Accommodations & Interim Remedies](image-url)
27 individuals received 40 accommodations or interim remedies during this annual reporting period. In some instances, more than one type of accommodation was provided for a single person or complaint. As a result, the number of accommodations provided will not match the number of individuals receiving accommodations.

In most instances of sex-based discrimination, Complainants did not want any accommodations. Academic accommodations were the most common remedy provided. No contact directives were issued in 11 instances, these ensure the Respondent and the Complainant are not to have contact in any way, including via electronic or by third party. An accommodation for Pregnancy was issued in one instance. In total, 4 instances of work related accommodations were made. Work accommodations consist of moving workspaces, a change to work schedules and alternative means of communication between involved Parties. Additionally, 3 instances involved an interim suspension, involving 2 student suspensions and 1 employee suspensions. Suspensions are the temporary removal of the Respondent from campus. In the instance of employee suspension, the Appropriate Administrative Officer can choose to suspend the employee with or without pay.

In all instances in which the Office of ETIX pursued, both the Complainant and the Respondent were provided information on resources and services available. Additionally, all parties identified in a report, including witnesses are encouraged to seek additional support from CDSW during the investigative process if needed.

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24 Accommodations are tracked by the type of accommodation, not why they were provided. An accommodation does not exist “for pregnancy”. Rather, we use the fact that an individual is pregnant as the catalyst for why they are seeking specific assistance.
Equity Resolution Processes

The procedures used to respond to and resolve reports of discrimination are called the Equity Resolution Processes. The Equity Resolution Processes provided the framework for resolving reports and formal complaints of discrimination against students, faculty, staff, and the University. Each policy identifies major steps in the process as illustrated below:

<table>
<thead>
<tr>
<th>Student Respondents</th>
<th>Staff Respondents</th>
<th>Faculty Respondents</th>
<th>University Respondent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Investigation</td>
<td>Preliminary Investigation</td>
<td>Preliminary Investigation</td>
<td>Preliminary Investigation</td>
</tr>
<tr>
<td>Formal Investigation</td>
<td>Formal Investigation</td>
<td>Formal Investigation</td>
<td>Formal Investigation</td>
</tr>
<tr>
<td>Summary Resolution</td>
<td>Summary Resolution</td>
<td>Summary Resolution</td>
<td>Summary Resolution</td>
</tr>
<tr>
<td>Option for Conflict Resolution (non-sex based discrimination)</td>
<td>Option for Conflict Resolution (non-sex based discrimination)</td>
<td>Option for Conflict Resolution (non-sex based discrimination)</td>
<td>Option for Conflict Resolution (non-sex based discrimination)</td>
</tr>
<tr>
<td>Option for Administrative Resolution or Hearing Panel Resolution</td>
<td>Administrative Resolution</td>
<td>Option for Administrative Resolution or Hearing Panel Resolution</td>
<td>Administrative Resolution</td>
</tr>
<tr>
<td>Option to Appeal</td>
<td>Option to Appeal</td>
<td>Option to Appeal</td>
<td>Option to Appeal</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>CRR 600.030</th>
<th>CRR 600.050</th>
<th>CRR 600.040</th>
<th>CRR 600.060</th>
</tr>
</thead>
</table>

Stages of the Equity Resolution Process and Adjudication Categories

**Preliminary Investigation**

Upon receiving a Complaint, the Appropriate Administrative Officer will direct the investigative team to conduct a preliminary investigation. The purpose of the preliminary investigation is to gather enough information to make a threshold decision regarding whether the complaint describes a possible violation of the University’s Anti-Discrimination Policies. During the initial intake, the Complainant is provided information regarding accommodations, interim remedies and on or off campus resources. The investigative team will discuss resolution options and request the Complainant’s consent to conduct a formal investigation.

**Request Not to Pursue:** If the Complainant requests confidentiality or asks that the Complaint not be pursued, the Administrative Officer takes all reasonable steps to respond to the Complaint consistent with the request for confidentiality or request not to pursue an investigation. If the Title IX Coordinator or Chief Equity Officer decides that the incident does not pose a safety risk to the campus community, the Title IX Coordinator or Chief Equity Officer will respond according to the complainant’s request and the complaint is adjudicated as “Request Not to Pursue”.

After the university receives a report, the alleged Complainant must decide whether they wish to move forward with a formal complaint pursuant to the university’s Equity Resolution Process. A formal complaint provides the university with notice of a potential violation of the University’s Anti-discrimination Polices, and officially requests the university to conduct a formal investigation. Formal complaints may contain the following elements:

- A statement of the alleged policy violation
- Name of the Respondent or organization
- Date of the alleged policy violation occurred
- Request for a specific resolution process (administrative, hearing panel or conflict resolution)
- A list of witnesses

However, the university reserves the right to pursue a complaint even when an alleged Complainant chooses not to initiate an investigation or participate in the Equity Resolution Process. As a result, the Title IX Coordinator or Chief Equity Officer may elect to pursue an investigation when a Complainant has not filed a complaint or requested an investigation. In these circumstances, the Title IX Coordinator or Chief Equity Officer 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 university endeavors to take steps to limit
the effects of the alleged discrimination and prevent its recurrence, such as with training and education for the Respondent.

**Reluctant Complainant:** upon receipt of a complaint, the alleged Complainant receives an outreach with on and off campus resources and a request to meet with ETIX to further discuss options available to them. If, after at least two attempts, the Complainant remains reluctant, the report is adjudicated with the title “Reluctant Complainant”.

**Summary Determination:** If the Complaint does not describe a possible violation, the matter will be referred to the appropriate non-equity process. Under those circumstances, the Equity Officer or Title IX Coordinator may counsel and suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation. These complaints were adjudicated under the title “Summary Determination”.

**Formal Investigation**

If the Complaint describes a possible violation, the Equity Officer or Title IX Coordinator directed the matter to receive a formal investigation and provided the Complainant with written information regarding the appropriate procedural process and interim remedies. UM System has designated separate policies for resolving complaint of discrimination depending on the status of the Respondent.25

**UM System’s Equity Resolution Policies:**

600.030 Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against a Student or Student Organization

600.040 Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against a Faculty Member

600.050 Equity Resolution Process for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct against a Staff Member

600.060 Equity Resolution Process for Resolving Complaints of Discrimination and Harassment against the University of Missouri

**Could Not Pursue:** Instances where a complaints of discrimination did not contain enough information to conduct a complete investigation. In these circumstances, the complaint received an adjudication of “Could Not Pursue”. This adjudication category can occur during the preliminary or formal investigation.

**Discretionary Jurisdiction:** Missouri S&T may take appropriate action for conduct occurring on or off-campus;

- In order to protect the physical safety of students, employees, visitors, patients or other members of the University community

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25 If the Respondent has no affiliation to the University, then the Administrative Officer will use the Complainants status to determine which policy to follow.
● If there are effects of the conduct that interfere with or limit any person’s ability to participate in or benefit from the University’s educational programs, activities and employment.
● If the conduct occurs when staff or faculty members are serving in the role of University employees.

If none of these factors applies to an incident that occurred off campus, the Administrative Officer will decline jurisdiction and the complaint is adjudicated as “Discretionary Jurisdiction”. This type of adjudication can occur during the preliminary or formal investigation.

**Summary Resolution**

After the University Investigator completes an investigation, the Administrative Officer reviews the investigation report and may meet with the investigator for clarification regarding the information gathered during the investigation. Based on the review of the investigation, the Administrative Officer will make a summary determination whether, based on the evidence gathered, there is sufficient basis to proceed with the complaint that the Respondent is responsible for violating the University’s Anti-Discrimination Policies.

**Summary Resolution:** If the Administrative Officer determines there is insufficient basis to proceed with the complaint, then the process will end and both Parties receive written notification of the determination. The complaint will receive an adjudication of “Summary Resolution”.

If the Administrative Officer determines that there is sufficient basis to proceed with the complaint, the Administrative Officer will direct the process to continue and the complaint is resolved through one of the following: Conflict Resolution, Administrative Resolution, or Hearing Panel Resolution (available only to students and faculty respondents).

The Complainant may request reconsideration of the summary resolution ending the process by filing a written request with the Equity Resolution Appellate Officer within five (5) business days of notice of the summary determination. If the Equity Resolution Appellate Officer decides there is a sufficient basis to proceed, the complaint will then be resolved through one of three processes: Conflict Resolution, Administrative Resolution, or Hearing Panel Resolution. **During this reporting period, ETIX received no requests to reconsider the summary resolution.**

**Conflict Resolution**

Either Party can request Conflict Resolution at any time during the process, including the preliminary investigation. The Administrative Officer will determine if conflict resolution is appropriate, based on the willingness of the Parties and the nature of the conduct at issue. Conflict Resolution is often used for less serious, yet inappropriate behaviors. Mediation is prohibited in cases involving allegations of nonconsensual sexual intercourse or nonconsensual sexual contact.

**Conflict Resolution:** Resolution using alternative dispute resolution mechanisms such as mediation, facilitated dialogue or restorative justice.
Administrative Resolution

Administrative Resolution process can be pursued for any behavior that falls within the University’s Anti-Discrimination Policies. This resolution process is used when neither Party elects to resolve the complaint through a formal hearing (if applicable). Hearing Panel Resolution is only available in complaints against students or faculty members. The Administrative Resolution consists of a prompt and thorough investigation, the opportunity for the Parties to meet with the decision maker(s), Parties receive a copy of the investigation report. Additionally the decision maker(s) will make a finding or joint finding on each alleged policy violation and a finding of sanctions for each finding of responsibility.

The decision maker(s) for the Administrative Resolution is determined by the status of the Respondent as outlined below:

<table>
<thead>
<tr>
<th>Student Respondent</th>
<th>Faculty Respondent</th>
<th>Staff Respondent</th>
<th>University Respondent</th>
</tr>
</thead>
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<tr>
<td>CRR 600.030</td>
<td>CRR 600.040</td>
<td>CRR 600.050</td>
<td>CRR 600.060</td>
</tr>
<tr>
<td>Equity Officer/ Title IX Coordinator</td>
<td>Provost or Provost Designee</td>
<td>Equity Officer/Title IX Coordinator and Respondent’s Supervisor</td>
<td>Equity Officer/Title IX Coordinator and Designated Administrator</td>
</tr>
</tbody>
</table>

Administrative Resolution: a finding (by the applicable decision maker(s)) that the Respondent is “Responsible” or “Not Responsible” for violating UM System’s Anti-Discrimination Policies and a finding of sanctions (if applicable).

Hearing Panel Resolution

The Hearing Resolution Process, involves an Equity Resolution Hearing Panel composed of three trained staff or faculty members that will conduct a formal hearing on campus. This resolution process is only available to students and faculty. During the hearing, the University Investigator 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 video conference.
After the hearing, the hearing panelists will make a finding of responsibility for each alleged policy violation and prepare a written report detailing their findings. The Equity Officer/Title IX Coordinator informs the Respondent and the Complainant of the finding on each of the alleged policy violations and the finding on sanctions for findings of responsibility, if applicable.

**Hearing Panel Resolution:** a finding (by the Equity Resolution Hearing Panelist) that the Respondent is “Responsible” or “Not Responsible” for violating UM System’s Anti-Discrimination Policies and a finding of sanctions (if applicable).

**Appeals**

Both Complainant and Respondent are allowed to appeal the findings of the Administrative Resolution Process or Hearing Panel Resolution Process. Appeals are limited to the following:

A. A procedural error occurred that significantly impacted the outcome of the Administrative or Hearing Panel Resolution Process (e.g., substantiated bias, material deviation from established procedures, etc.).
B. To consider new evidence, unavailable during the original hearing. Administrative or Hearing Panel Resolution Process or investigation that could substantially impact the original finding or sanction.
C. The sanctions fall outside the range typically imposed for this offense, or for the cumulative conduct record of the Respondent.

Dr. Robert Marley, Provost and Executive Vice Chancellor for Academic Affairs, served as the appellate officer for both the informal and formal resolution processes for cases where a student is the respondent. Joan Nesbit, Vice Chancellor for University Advancement serves as the appellate officer for both the informal and formal resolution processes for cases where a faculty or staff member is the respondent. All requests for appeal must be in writing, and submitted to the appellate officer within three business days of the delivery of a written finding. During the annual reporting period, the university received 6 requests to appeal the findings of responsibility, 5 appeal requests were rejected\(^\text{26}\), and one was denied\(^\text{27}\).

\(^{26}\) Meaning the respondent did not have grounds for appeal.

\(^{27}\) Meaning the appellate officer accepted their grounds for appeal, but did not find cause to reverse the decision.
There were 140 reported instances of discrimination during this reporting period. ETIX conducted 32 investigations during the report period. The graph below details the disposition of these 32 investigated cases.

Graph 10: Resolution Process Used After NOI

An investigation is considered as such when the respondent receives a Notice of Investigation from the Title IX Coordinator.
That leaves 108 cases that did not receive a formal investigation that were reported to ETIX in this report period. In some instances, there was insufficient information provided to pursue an investigation. Frequently, many complainants did not wish to participate in a full investigation and asked that the formal process not move forward. In other instances, complaints remained reluctant despite ETIX outreach efforts. Some instances ended after the preliminary investigation because the Title IX Coordinator/Equity Officer determined that the complaint did not describe a policy violation. Many times after a full investigation, the Title IX Coordinator/Equity officer determined that there was insufficient evidence that a policy had been violated. ETIX had 0 reports resolved through conflict resolution and only 2 complaints were resolved through a formal hearing panel. There were 20 instances where the University did not have jurisdiction over the respondent. 56 percent of incidents ended in administrative resolution. The graph below details how these cases were disposed of.

**Graph 11: Disposal of Complaints Not Investigated**

- Total: 108
- Eq based: 28
- Tix based: 25

- Could Not Pursue: 17
- Request Not to Pursue: 6
- Accommodation Only: 2
- Not a Policy Violation: 14
- Discretionary Jurisdiction: 8
- Reluctant Complainant: 6

**Disposal of complaints not investigated**
Of the 32 cases that were formally investigated, a finding was normally rendered using either Summary Resolution, Administrative Resolution, or Hearing Panel Resolution. The chart below identifies the 9 cases where a case involved an equity based policy violation, and the disposition of the case by Respondent type.
Of the 32 cases that were formally investigated, 25 of them were Title IX based complaints. The chart below identifies the 9 cases where a case involved an equity based policy violation, and the disposition of the case by Respondent type.

### Conclusion

The Office of Equity and Title IX would like to thank you for reviewing this annual report. The Office’s work plays a critical role in the University’s attempt to create and maintain an inclusive environment. The staff of ETIX work to continuously improve the processes through which complaints are resolved, and fine tune the educational outreach to our community. If you have any observations or feedback you would like to provide us you are welcome to do so via email at equity@mst.edu.