

Office of Affirmative Action

Equity Annual Report

August 1, 2017 – July 31, 2018



March 1, 2019

Dear Members of the University of Missouri-Kansas City Community:

This Equity Annual Report presents data regarding alleged incidents of discrimination based on race, color, national origin, ancestry, religion, age, disability, protected veteran status, or any other status protected by applicable state or federal law reported to the University of Missouri-Kansas City's Office of Affirmative Action ("OAA") during the Reporting Period between August 1, 2017, and July 31, 2018,¹ as well as incidents of discrimination based on sex reported to external agencies. This Annual Report does not include internal Reports of discrimination based on sex, gender, gender identity, gender expression, pregnancy, or sexual orientation, as those Reports are contained within OAA's [Title IX Annual Report](#). Tracking such data allows OAA to monitor UMKC's campus climate over time and to continue identifying opportunities for further training, education, and ongoing efforts to help prevent discrimination and remediate its impact on the campus community. Further, OAA publishes this data in the interest of transparency, as well as individual and institutional accountability.

Applicable Policies

OAA is tasked with enforcing the University of Missouri Collected Rules and Regulations [Chapter 600 Equal Employment/Educational Opportunity](#), which includes the following:

- Equal Employment/Educational Opportunity and Nondiscrimination Policy ([CRR 600.010](#))
- Equity Resolution Processes for Resolving Complaints of Discrimination, Harassment, and Sexual Misconduct:
 - Student or Student Organization ([CRR 600.030](#))
 - Faculty Member ([CRR 600.040](#))
 - Staff Member ([CRR 600.050](#))
 - UMKC Programs, Departments, Institutional Entities ([CRR 600.060](#))

Team Members

OAA is staffed by a team of four individuals dedicated to [UMKC's Key Values](#) of Learning, Diversity, Integrity, Accountability, Respect, and Collaboration. Sybil Wyatt serves as the Associate Director, Title IX Coordinator, and Employee ADA Coordinator. Michael Garvin acts as OAA's Equity Specialist and KC Atchinson is OAA's Title IX Compliance Specialist; both are Deputy Title IX Coordinators and Senior Investigators. Christi Roeder supports OAA as Equity Assistant.

We encourage you to review this Equity Annual Report carefully and to visit UMKC's Affirmative Action website for more information: <https://info.umkc.edu/hr/affirmative-action/>.

Thank you,



Sybil Wyatt, J.D., M.A., M.S.

¹Not all incidents reported to OAA in this Reporting Period occurred during the same time period. For example, a report that was received in May 2018 may have described incidents occurring in May 2015.

Title IX Annual Report Guide

In addressing alleged instances of discrimination, OAA follows and applies the definitions and processes stated in [Chapter 600](#). For purposes of this Annual Report, OAA provides the following definitions of terms contained within, as well as summaries of the resolution processes.²

Jurisdiction

Jurisdiction of OAA is generally limited to conduct which occurs on University 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 against students, faculty, staff, or University programs, departments, or institutional entities for conduct occurring in other settings, including off-campus in the following situations:

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

If a Report alleges or a preliminary investigation or full Formal Investigation suggests that, in concert with a violation of [Chapter 600](#), a student, faculty, staff, or University program, department, or institutional entity also violated a separate University policy, OAA has the authority to investigate and take appropriate action regarding each of the alleged violations of [Chapter 600](#) pursuant to the Equity Resolution Process. To note, OAA does not conduct criminal investigations, and this Annual Report does not classify criminal behavior.

Conduct Definitions

Discrimination. Under [Chapter 600](#), conduct that is based upon an individual's race, color, national origin, ancestry, religion, sex, age, disability, protected veteran status, or any other status protected by applicable state or federal law 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.

Process Definitions

Incident. An occurrence of alleged behavior that may constitute prohibited conduct under [Chapter 600](#).

Report. Information received by OAA stating that an individual or group has or may have experienced an incident(s) in violation of [Chapter 600](#).

Formal Complaint. When a Complainant requests a Formal Investigation by OAA of a Report of an alleged violation of [Chapter 600](#), the Report becomes a Formal Complaint.

² Additional definitions are available by accessing [Chapter 600](#).

Retaliation. Retaliation is any adverse action taken against an individual because of their participation in a protected activity such as making a good faith Report of discrimination or for participating in any investigation or proceeding under [Chapter 600](#). Individuals who retaliate will be subject to discipline.

Complainant. The individual alleged to have been subjected to conduct in violation of [Chapter 600](#). In this Annual Report, the term Complainant is used to describe any individual or group who has allegedly experienced behavior that violates [Chapter 600](#), whether or not they choose to pursue a Formal Complaint against the Respondent; it is a general term that applies when a Report is received by OAA, regardless of how a Report is resolved.

University as Complainant. The University may serve as the Complainant when the individual or group alleged to have been subjected to conduct in violation of [Chapter 600](#) chooses not to act as the Complainant in the Equity Resolution Process or requests that the Report not be pursued. Multiple factors are considered by OAA in making this determination, including the following:

- Have there been other complaints of a similar nature against the Respondent?
- Are there multiple Respondents?
- Is the Complainant a minor?
- Does OAA have any other means of obtaining relevant evidence?

The presence of one or more of these factors may lead the University to serve as the Complainant. When OAA determines that it cannot honor a Complainant's request for no further action, OAA will inform the Complainant and will share the reasoning. In such cases, OAA will only share information on a need-to-know basis.

Respondent. The individual or entity alleged to have violated [Chapter 600](#). In this Annual Report, the term Respondent is used to describe all individuals or entities that are reported to have violated policy, regardless of whether or not there is a full Formal Investigation.

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

Policy Violation. The classification of a Report into a specific behavior under [Chapter 600](#).

Interim Remedies/Measures. OAA may provide academic, housing, safety, and/or employment assistance to Complainants or Respondents during the Equity Resolution Process. Interim remedies/measures may include:

- Expedited access to Counseling Services and/or Student Health and Wellness; assistance in setting up an initial appointment
- Assisting the Complainant in notifying law enforcement authorities, when applicable
- Issuance of a No Contact Directive to the Parties
- Safety assistance, i.e., security escorts, increased patrols, etc.
- Transportation assistance if available
- Academic accommodations made with agreement of the appropriate faculty who will not be informed of the specific reason for the request without permission of the requesting Party; these accommodations may include rescheduling exams and assignments, providing alternative course completion options, changes in class schedule, etc.
- Referring the Parties to academic support services, such as tutoring
- Changes in the work schedules or job assignments of the Parties
- Housing modifications or assistance from University staff to complete relocation
- Limiting an individual or organization's access to certain UMKC facilities or activities or the issuance of a No Trespass Directive
- Assisting an individual with a voluntary leave of absence from the University
- Interim suspension of the Respondent from housing, classes, the University

campus/facilities/events, and/or all other University activities or privileges for which the Respondent might otherwise be eligible per [Chapter 600](#), when the Title IX Coordinator/Equity Officer believes from the available information that the presence of the Respondent on campus would seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community.

Equity Resolution Processes

Equity Resolution Process. The process by which Reports and Formal Complaints are resolved by OAA, as outlined in [Chapter 600](#).

Preliminary Inquiry/Investigation. Upon receiving a Formal Complaint, OAA conducts a preliminary inquiry/investigation. The purpose of the preliminary inquiry/investigation is to gather enough information to make a threshold decision regarding whether the Formal Complaint describes a possible violation of [Chapter 600](#). If the Formal Complaint describes a possible violation, OAA will commence the Equity Resolution Process and provide appropriate interim remedies/measures. If the Formal Complaint does not describe a possible violation of [Chapter 600](#), the matter will be referred to the appropriate University department/unit for resolution. Under those circumstances, OAA may counsel an individual or entity and/or suggest monitoring or training opportunities to correct inappropriate behavior that does not rise to the level of a violation under [Chapter 600](#).

Investigation. A fact- and information-gathering process during which an Investigator interviews parties and witnesses and collects evidence in various forms. A full Formal Investigation is initiated after a Formal Complaint is submitted to OAA by a Complainant, or after OAA determines the University will act as the Complainant.

Conflict Resolution. The Complainant and/or Respondent may request Conflict Resolution, or mediation of a Formal Complaint, at any time during the Equity Resolution Process, including during the preliminary inquiry/investigation. Upon receiving such a request, or of their own accord, OAA will determine if mediation is appropriate, based upon the willingness of the Parties, the nature of the conduct at issue, and the likelihood of reaching a resolution through mediation. Conflict Resolution is often used for less serious, yet still inappropriate behaviors and is encouraged as an alternative to an Administrative Resolution or Hearing Panel Resolution.

Summary Resolution. A Summary Resolution, or dismissal of a Formal Complaint, may be utilized upon a determination by the Title IX Coordinator/Equity Officer (TIXC/EO) that there is an insufficient basis to proceed with the Equity Resolution Process, based on the TIXC/EO's review of the information gathered during a full Formal Investigation. If the TIXC/EO dismisses the Formal Complaint, then the process will end and the Parties will be sent written notification of the determination. The TIXC/EO may counsel the Respondent and/or suggest monitoring or training opportunities to correct for inappropriate behavior that does not rise to the level of a violation of [Chapter 600](#). The Complainant may request reconsideration of the Summary Resolution as outlined in [Chapter 600](#).

Administrative Resolution. Following a full Formal Investigation, a determination on the merits of the Formal Complaint is made by the Title IX Coordinator/Equity Officer (TIXC/EO). With an Administrative Resolution, the TIXC/EO makes a finding as to whether or not a Respondent is responsible for each alleged violation of [Chapter 600](#). If a Respondent is found responsible for any or all violations, sanctions are determined as outlined in [Chapter 600](#).

Hearing Panel Resolution. Following a full Formal Investigation, a determination on the merits of the Formal Complaint is made through a Hearing Panel Resolution, a process by which three trained staff/faculty panelists make a finding as to whether a Respondent is responsible for each of the alleged policy violations. If a Respondent is found responsible for any or all violations, sanctions are determined as outlined in [Chapter 600](#).

Reports of Discrimination

Self-Report. Individuals are encouraged to contact OAA to report any behavior that may be in violation of [Chapter 600](#). OAA will connect them to resources, explain their rights and options, and assist them in determining next steps. Students, employees, volunteers, and visitors of the University who have experienced any form of discrimination or harassment are encouraged to promptly make a Report to OAA at (816) 235-1323 or via the Equity Online Report at <https://info.umkc.edu/title9/affirmative-action-discrimination-report/>. Individuals may also contact Sybil Wyatt, Associate Director of Affirmative Action, at (816) 235-6910 or wyattsb@umkc.edu.

Third-Party Report. A Report received by OAA from an individual who is not the Complainant. The reporter may be a University employee, a student, or any individual who has directly witnessed the discrimination or themselves received a report of conduct that may be in violation of [Chapter 600](#). Third-party Reports may be made using the contact information noted above.

External Report. A complaint received by OAA from an external agency, such as the Equal Employment Opportunity Commission (EEOC) or the Missouri Commission on Human Rights (MCHR), is considered an External Report and a Formal Complaint.

False Report. [Chapter 600](#) 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 discrimination or harassment 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. OAA can only decide that a Report is false after conducting a thorough investigation. An erroneous Report made in good faith is not considered a false report. Failure to find that a policy violation occurred does not mean that the Report was false, as simply because the University finds that an individual is not responsible for an alleged policy violation does not mean that the underlying Report was false. The determination that a Report is false must be supported by evidence that discrimination did not occur.

Requests for Confidentiality

OAA is committed to protecting the privacy of all individuals involved in a Report of discrimination. However, it is important to note that privacy and confidentiality are not the same thing, and absolute confidentiality is not always possible, especially in cases where the University must take action to protect the safety of others.

Privacy. Privacy refers to the discretion that OAA will exercise in the course of the Equity Resolution Process. OAA may share information with a limited number of University employees on a need-to-know basis in order to assist in the assessment, investigation, and resolution of a Report or Formal Complaint. As a general rule, it is the practice of OAA not to disclose information about a Report or Formal Complaint to anyone who is not a Party to the Report or

Formal Complaint or is not directly involved in the Equity Resolution Process. However, there are exceptions:

- In order to meet UMKC's legal obligations to provide a safe and nondiscriminatory environment for the campus community as a whole, OAA may override a request for confidentiality, anonymity, or a request to not investigate or take action and pursue an investigation with the University acting as the Complainant. In this instance, OAA will make every effort to communicate with the Parties involved as to the information that may need to be disclosed, to whom, and why. OAA will also work with the Parties to maximize their safety and privacy to the extent possible.
- It may also be necessary to disclose a limited amount of information when arranging accommodations or interim measures following a Report, even if an individual does not want to file a Formal Complaint. For example, if an interim measure/remedy involves an action on the part of Respondent, OAA must provide enough information to give that individual notice and a minimal reason for the request.

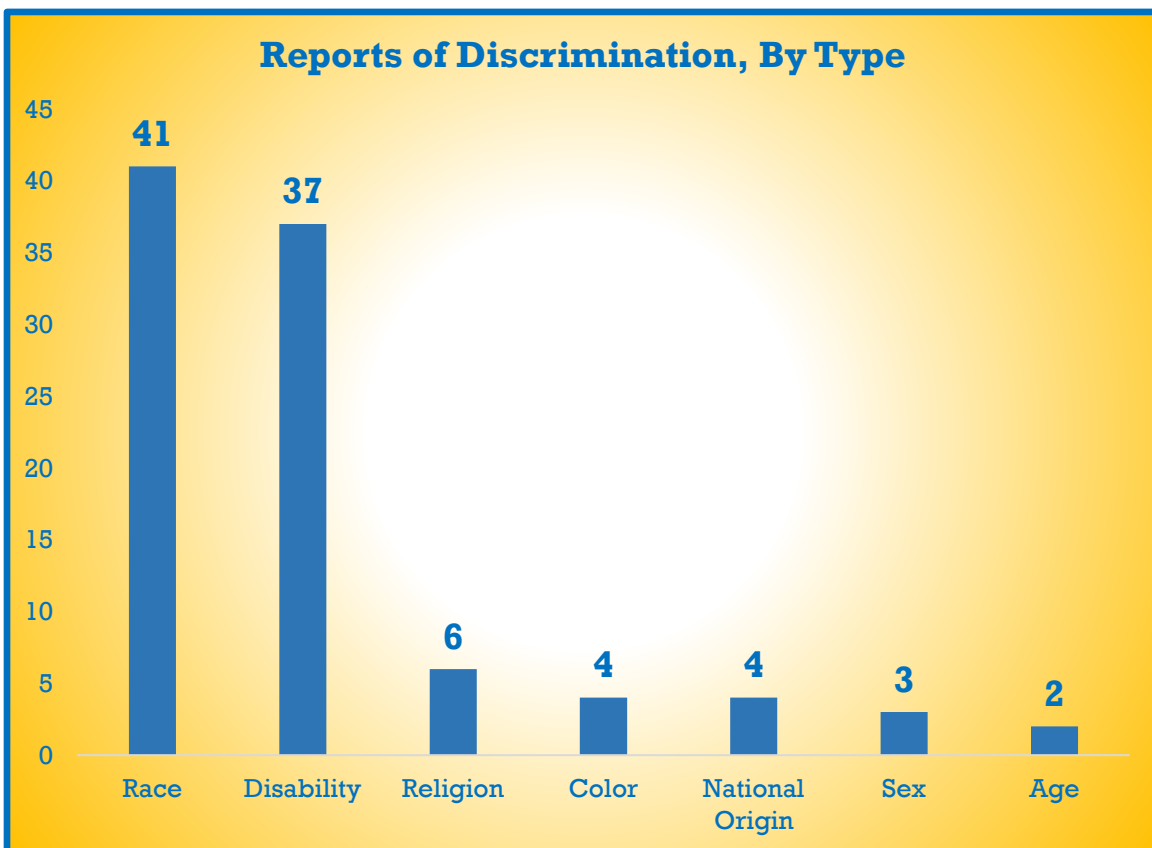
Confidentiality. Some offices at the University operate in a confidential manner, including [Violence Prevention & Response](#), [Student Health and Wellness](#), [Counseling Services](#), the [Faculty Ombudsperson](#), and the [Staff Ombudsperson](#). When an individual shares information with an employee in a confidential role at UMKC, the employee will not disclose the information without the individual's express permission to do so, unless required by ethical or legal obligations, such as a court order, subpoena, or expression of danger to oneself or others.

Equity Annual Report Statistical Data

Reports Made to the Office of Affirmative Action

Between August 1, 2017, and July 31, 2018, the Office of Affirmative Action received two-hundred forty-two (242) Reports of discrimination, harassment, or retaliation. Of those Reports, twenty-four (24) were determined to be non-jurisdictional, or having a basis unrelated to [Chapter 600](#). Of the remaining two-hundred eighteen (218) Reports, ninety-seven (97) were based on discrimination against Complainants due to their race, color, national origin, ancestry, religion, age, disability, protected veteran status, and/or any other status protected by applicable state or federal law, or discrimination based on sex but reported to OAA by an external agency.

- Race: 41 Reports
- Disability: 37 Reports
- Religion: 6 Reports
- Color: 4 Reports
- National Origin: 4 Reports
- Sex: 3 Reports
- Age: 2 Reports

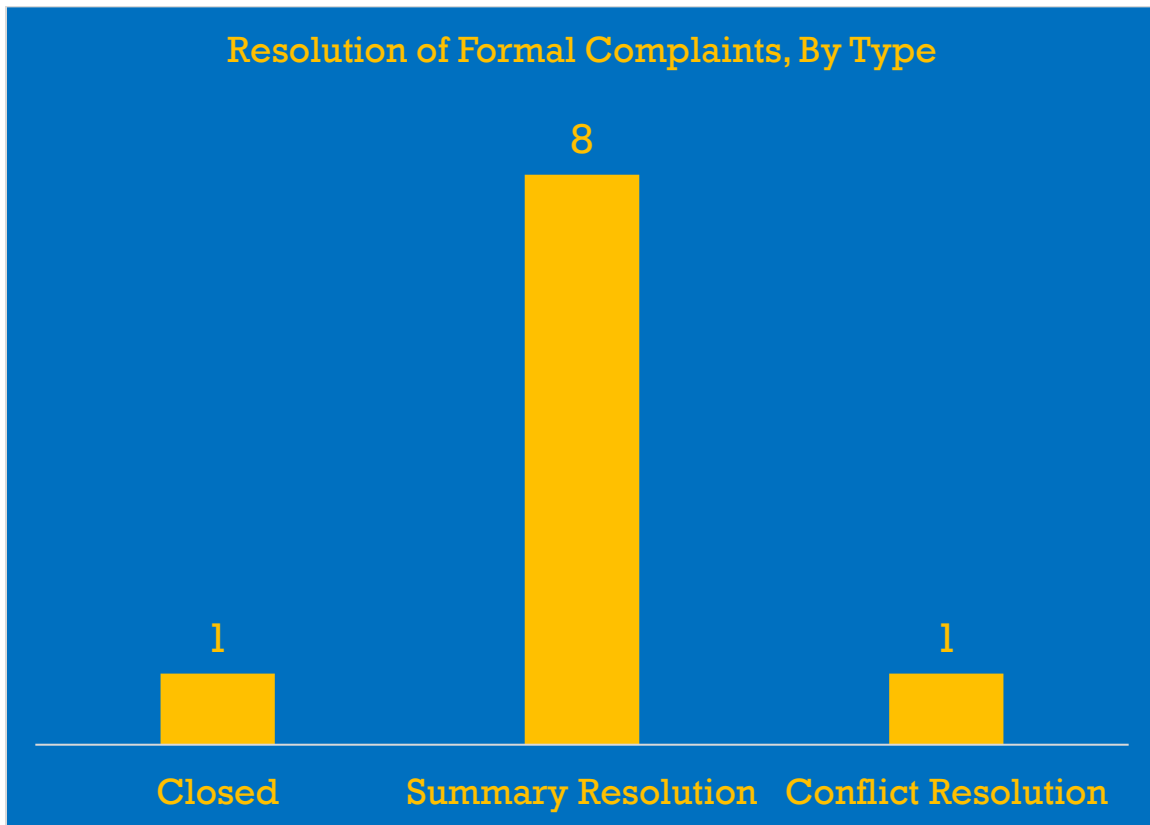


To note, OAA received zero (0) Reports of false reporting.

Resolution of Formal Complaints

Of the ninety-seven (97) Reports, ten (10) were investigated and resolved through the Equity Resolution Process and nine (9) were investigated in response to complaints made to external agencies. Of the ten (10) internal Formal Complaints that led to full Formal Investigations:

- Closed Prior to Conclusion of Investigation: 1 Formal Complaint
- Summary Resolution: 8 Formal Complaints
- Conflict Resolution: 1 Formal Complaint



Appeals Determinations

Both the Complainant and Respondent are allowed to appeal the decision in an Administrative Resolution or Hearing Panel Resolution for the following reasons:

- A procedural error that significantly impacted the outcome of the formal resolution, such as substantiated bias or material deviation from the established procedure;
- To consider new evidence, unavailable during the original hearing that could substantially impact the original finding or sanction; or
- The sanctions fall outside the range typically imposed for the offense or in light of the cumulative conduct record of the Respondent.

As no Formal Investigations concluded with Administrative Resolutions or Hearing Panel Resolutions, the University received zero (0) appeals.