

University of Missouri-Kansas City

2015-2016 Title IX Report

August 1, 2015 - July 31, 2016

Office of Affirmative Action



OFFICE OF AFFIRMATIVE ACTION

October 17, 2016

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

The Office of Affirmative Action invites you to review its annual UMKC Title IX Report. The Report describes sex, gender, pregnancy, gender identity, gender expression, and sexual orientation discrimination reported to the Office of Affirmative Action from August 1, 2015 to July 31, 2016. The Report helps establish baseline information that the University can use in future years to begin to identify trends. We have an opportunity and an obligation to use this information to improve campus culture and reduce sex discrimination.

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

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

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

If you have any feedback regarding the Report, please email me at thompsonmikah@umkc.edu. If you would like to make a report of sex discrimination, learn more about campus and community resources, or if you are in need of accommodations, please call the Office of Affirmative Action at (816) 235-6910.

Thank you for your interest in the University's Title IX work and your commitment to creating a more equitable, safe and inclusive UMKC.²

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

² The Office of Affirmative Action would like to thank Ellen Eardley, Title IX Administrator and Assistant Vice Provost at the University of Missouri, and Salama Gallimore, Lead Title IX Investigator at the University of Missouri, for allowing UMKC to utilize the University of Missouri's Annual Title IX Report as a model.

Sincerely,

A handwritten signature in blue ink that reads "Mikah K. Thompson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Mikah K. Thompson
Director of Affirmative Action and Title IX Coordinator

GUIDE TO THE 2015-2016 REPORT

History of the UMKC's Title IX Efforts

The University of Missouri System (“UM System”) has taken a number of proactive steps over the past three years to advance gender equity throughout campus. The UM System revised its policies prohibiting sex discrimination and required all employees to report incidents of sex discrimination to the Title IX Coordinator on each of the four UM System campuses.³ The Office of Affirmative Action (“OAA”) at UMKC is charged with handling complaints of gender discrimination and overseeing the University’s Title IX compliance efforts. In February 2015, Mikah K. Thompson was hired as UMKC’s Director of Affirmative Action and Title IX Coordinator.

Over the summer of 2014, the UM System adopted new procedures that describe the process the University uses when it receives notice that a student has allegedly violated the University’s anti-discrimination policies.⁴ These procedures are utilized when the Respondent (accused person, persons or entity) is a student or a student organization. In cases in which a student allegedly experiences discrimination and the Respondent is unknown, undisclosed or not affiliated with the University, the OAA focuses its response on supporting the student. In all cases, the OAA is available to provide the student Complainant (alleged victim of discrimination) with resources, interim remedies and accommodations.

Since early 2015, the OAA has worked with the Provost’s Office and Human Resources to address reports of sex discrimination in which a faculty or staff member is the Respondent. On Feb. 5, 2015, the UM System adopted new procedures regarding the investigation of complaints against faculty and staff.⁵ The OAA continues to educate the community about these new procedures.

³ [Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy](#), UM System Collected Rules and Regulations Section 600.020.

⁴ [Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Student or Student or Student Organization](#), UM System Collected Rules and Regulations Section 200.025.

⁵ [Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Faculty Member](#), UM System Collected Rules and Regulations Section 600.040; [Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Staff Member](#), UM System Collected Rules and Regulations Section 600.050.

Types of Reports

This Report presents information about alleged sex, gender identity, gender expression, and sexual orientation discrimination reported to the Office of Affirmative Action (“OAA”) and the actions taken by the OAA in response. More specifically, this document includes descriptions of all reports brought forward between August 1, 2015 and July 31, 2016 (Reporting Period).⁶ Information regarding the reports of discrimination received by the OAA are communicated in both statistical and narrative formats. Reports of sex discrimination are assigned to general categories such as “sexual harassment” and “sexual misconduct” as defined by the UM System policies, which cover a multitude of prohibited behaviors.

This Report presents information about the **148** individuals who were reported to have experienced sex, gender or sexual orientation discrimination; two of these individuals reportedly experienced more than one incident of discrimination, and five reports of discrimination were submitted by two or more complainants. Thus, the OAA actually received **136** reports of discrimination during the Reporting Period. The **136** incidents reported to the OAA were classified into **142** alleged policy violations, as some Complainants indicated that they experienced more than one policy violation during an incident of discrimination.

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

- **Complainant**- alleged victim of the University’s anti-discrimination policies
- **Respondent**- person who allegedly violated the University’s anti-discrimination policies (sometimes called the “Accused”)
- **Report**- information received by the OAA stating that an individual has or may have experienced sex, gender or sexual orientation discrimination⁷
- **Policy Violation**- the classification of a report into a specific behavior prohibited by the University’s anti-discrimination policies

Additionally, please read the footnotes within the Report as they contain helpful contextual information. While intended to be descriptive, this Report has limitations, such as the inability to convey the complexity of each incident that has been shared with the OAA. It also remains a challenge to draw conclusions about patterns, trends and reporting because this is the Office’s first full-year Report. We recognize that many incidents that impact our students are not reported. As the OAA becomes more established and people become more aware of its purpose, we would not be surprised to see reporting increase in future years.

⁶ Not all incidents reported to the OAA between August 1, 2015, and July 31, 2016, occurred during this same time period. For instance, a report that was received between August 1, 2015, and July 31, 2016, may have described incidents that occurred in May 2015.

⁷ The OAA distinguishes between a report (which is information regarding an alleged violation of policy) and a formal complaint (which triggers the formal investigation and disciplinary process). Not all reports of alleged discrimination proceed to formal complaints.

I. How Does the OAA Receive Reports of Alleged Sex Discrimination?

Required Reports: Employees Must Connect Potential Victims of Discrimination with the Title IX Coordinator

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

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

Exceptions to Required Reports: Confidential Resources Are Not Required to Refer Potential Victims to the Title IX Coordinator

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

Confidential Resources include mental and/or physical health care providers at:

- [UMKC Counseling Center](#)
- [Student Health and Wellness Center](#)
- [Employee Assistance Program \(EAP\)](#)

Self Reports

A number of people, including students, come to the OAA seeking resources on their own. The Title IX Coordinator will connect them to resources, explain their rights and options, and can help them decide the next steps. Students, employees, volunteers and visitors of the University who have experienced any form of sex discrimination, including sexual harassment or sexual misconduct, are encouraged to report any incident of sex discrimination promptly to the Title IX Coordinator, Mikah K. Thompson, at (816) 235-6910 or thompsonmikah@umkc.edu. While everyone is encouraged to make a report, victims of discrimination are not required to share the incident with the Title IX Coordinator.

II. False Reporting

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

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

Failure to find that a policy violation occurred does not mean the complaint was false. In other words, simply because the University finds that an individual is not responsible for an alleged policy violation does not mean that the underlying complaint was false. The determination that a report is false must be supported by evidence that discrimination did not occur.

The OAA received three false reporting allegations within the Reporting Period (August 1, 2015 through July 31, 2016).

III. What Happens After the Title IX Coordinator Receives a Report?

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

The OAA staff member also will offer the Complainant interim remedies⁸ 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 s/he chooses to file a formal Complaint or pursue an investigation.*

The Title IX Coordinator will not report the information received in reports to law enforcement agencies (except where campus and community safety is at risk); however, if a Complainant expresses the desire to make a report to a law enforcement agency, the Title IX Coordinator can facilitate a meeting with the Complainant and a law enforcement officer. The Title IX Coordinator does report each on-campus crime to the University's Clery Officer but will protect the confidentiality of the Complainant upon request.

It is the Complainant's right to file a formal complaint with the Title IX Coordinator and pursue an investigation and disciplinary action against the Respondent. Complaints against students, faculty or staff of the University of Missouri-Kansas City are resolved using one of the Equity Resolution Processes.

⁸ See UM Collected Rules and Regulations Section 200.025.D for more examples of interim remedies and accommodations.

Requests for Confidentiality

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

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

It is possible, however, that the Title IX Coordinator 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 also considers other steps, such as education and training, to limit the effects of the reported discrimination, prevent its recurrence, and remedy its effects on the Complainant and the University community.

During the Reporting Period, there were no occasions in which the Title IX Coordinator proceeded with an investigation and resolution without the Complainant filing a formal complaint.

IV. What is Sex Discrimination?

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

Please note that the definitions in this Report differ from criminal offenses described in the Revised Missouri Statutes. Additionally, this Report is not meant to be a substitute for the University's Annual Clery Security Report. The definitions used by the OAA differ from the crime definitions and classifications required under the Clery Act.⁹

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

Sexual Orientation Discrimination occurs when a person has been treated inequitably based on their sexual orientation.

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

⁹ See 34 CFR 668.46(c)(7) and The Federal Bureau of Investigation's *Uniform Crime Reporting Handbook* (UCR).

of discrimination:

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

reasonably know that his or her conduct is likely to cause affront or alarm.

- [Sexual Exploitation](#) occurs when one person takes nonconsensual or abusive sexual advantage of another person for his/her own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited and the behavior does not constitute any other form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, the following activities done without the consent of all participants:
 - Invasion of sexual privacy;
 - Prostituting another person;
 - Taping or recording of sexual activity;
 - Going beyond the boundaries of consent to sexual activity (letting friends hide to watch individuals engaging in sexual activity);
 - Engaging in voyeurism;
 - Knowingly transmitting an STI, STD, venereal disease or HIV to another person;
 - Inducing another to expose their genitals.

- [Stalking on the Basis of Sex](#) is following or engaging in a course of conduct on the basis of sex with no legitimate purpose that puts another person reasonably in fear for his or her safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed. Stalking behaviors can include, but are not limited to:
 - Following the victim;
 - Showing up uninvited at places the victim is present;
 - Repeated and unwanted calling, texting or emailing;
 - Sending unwanted gifts; and/or
 - Damaging the victim's property.

- [Dating/Intimate Partner Violence](#) is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the recipient of the violent behavior, including a pattern of violence in any intimate relationship where one person inflicts physical or emotional pain on their partner in order to control them. Examples include:
 - Threatened or completed violence towards a person's body, possessions, pets or children;
 - Intimidation through words, threats or acts of violence;
 - Isolating the victim from family and friends; and/or
 - Insisting on sex or forcing a partner to have sex.

- [Bullying](#) (on the basis of sex) is defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally, on the basis of actual or perceived sex, gender, sexual orientation, gender identity or gender expression.

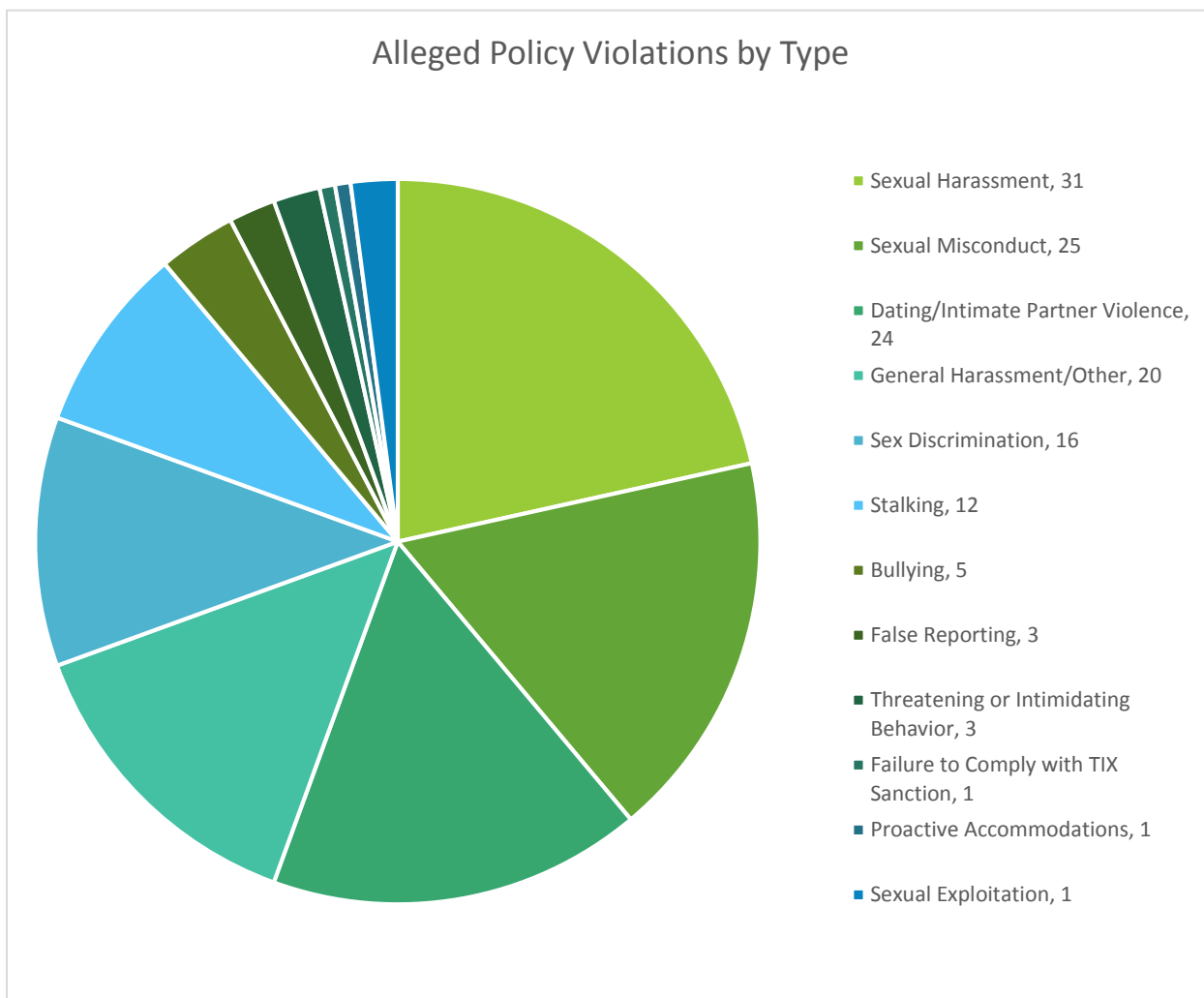
[Consent to Sexual Activity](#), as defined by University policies, is knowing and voluntary. Silence or absence of resistance does not establish consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to engage in sexual activity with one

person does not imply consent to engage in sexual activity with another. Consent must be obtained at the time of the specific activity and can be withdrawn at any time. Lack of consent or withdrawal of consent may be communicated by words or non-verbal acts. Coercion and force, or threat of either, invalidates consent.

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

V. Reports of Potential Sex Discrimination

142 Allegations of Sex Discrimination – Sorted by Type of Incident



The reports received by the Title IX Coordinator indicated that **148** individuals reportedly experienced sex, gender and sexual orientation discrimination; two of these individuals reportedly

experienced more than one incident of discrimination. There were five reports that had two or more Complainants; these incidents were reported by fourteen individuals. Thus, the Title IX Coordinator actually received **136** reports of discrimination during the Reporting Period. The **136** incidents reported to the Title IX Coordinator were classified into **142** alleged policy violations, as some Complainants indicated that they experienced more than one policy violation during an incident of discrimination. For example, dating/intimate partner violence was often reported in conjunction with stalking.

The Title IX Coordinator received **thirty-one (31)** reports of sexual harassment (22%); **twenty-five (25)** reports of sexual misconduct (18%); **twenty-four (24)** reports of dating/intimate partner violence (17%); **sixteen (16)** reports of sex discrimination (11%); and **twelve (12)** reports of stalking (8%). The category “sex discrimination” includes reports of differential treatment based on gender, gender identity discrimination, and discrimination based on sexual orientation. The Title IX Coordinator also received **five (5)** reports of gender-based bullying, which includes gender-based name calling (4%); **three (3)** reports of false reporting (2%); **three (3)** reports of threatening or intimidating behavior (2%); and one report each of sexual exploitation and failure of a Respondent to comply with a sanction issued by the Title IX Coordinator. Lastly, the Title IX Coordinator received one instance of a student contacting the OAA to secure accommodations related to pregnancy/childbirth.

The Title IX Coordinator determined that **twenty (20)** reports did not fall under the jurisdiction of the OAA - “general harassment/other.” Reports that cannot be classified as Title IX include reports from individuals who experienced harassment that was not sex-based and reports from witnesses who could not identify the parties actively involved in the incident.

Reports of Sexual Harassment

Sexual harassment was the most reported category during the Reporting Period. Most reports received by the Title IX Coordinator detailed situations in which the Complainant alleged that a Respondent’s actions made them feel uncomfortable, scared or disrespected in their working, learning or living environment. Usually, sexual harassment was reported to have occurred when individuals received unwanted communication of a sexual nature, including unwelcome sexual advances and requests for sexual activity. Sexual harassment was also reported when individuals made offensive comments about women or men generally, such as an individual using an offensive slang term to describe all women or men. Reports of an individual making an offensive comment about a person’s sex to another specific individual were counted in the “sex discrimination” type category. Of the **thirty-one (31)** reported incidents of sexual harassment, **twenty-six (26)** occurred on campus; **three (3)** occurred electronically; **one (1)** report occurred off campus; and the location of **one (1)** report was undisclosed.

Reports of Dating or Intimate Partner Violence

Dating or intimate partner violence ranked as the third most reported category. Most of these incidents, 14 of 24 reports, or 58% of reports, occurred on campus. Reports primarily involved female students (Complainants) who were in romantic relationships with male Respondents. Since the OAA staff is aware that some people who endure intimate partner violence may still be in a relationship with the Respondent at the time a report is made to the Title IX Coordinator, staff members proceed with caution in these situations when contacting the Complainant. Additionally,

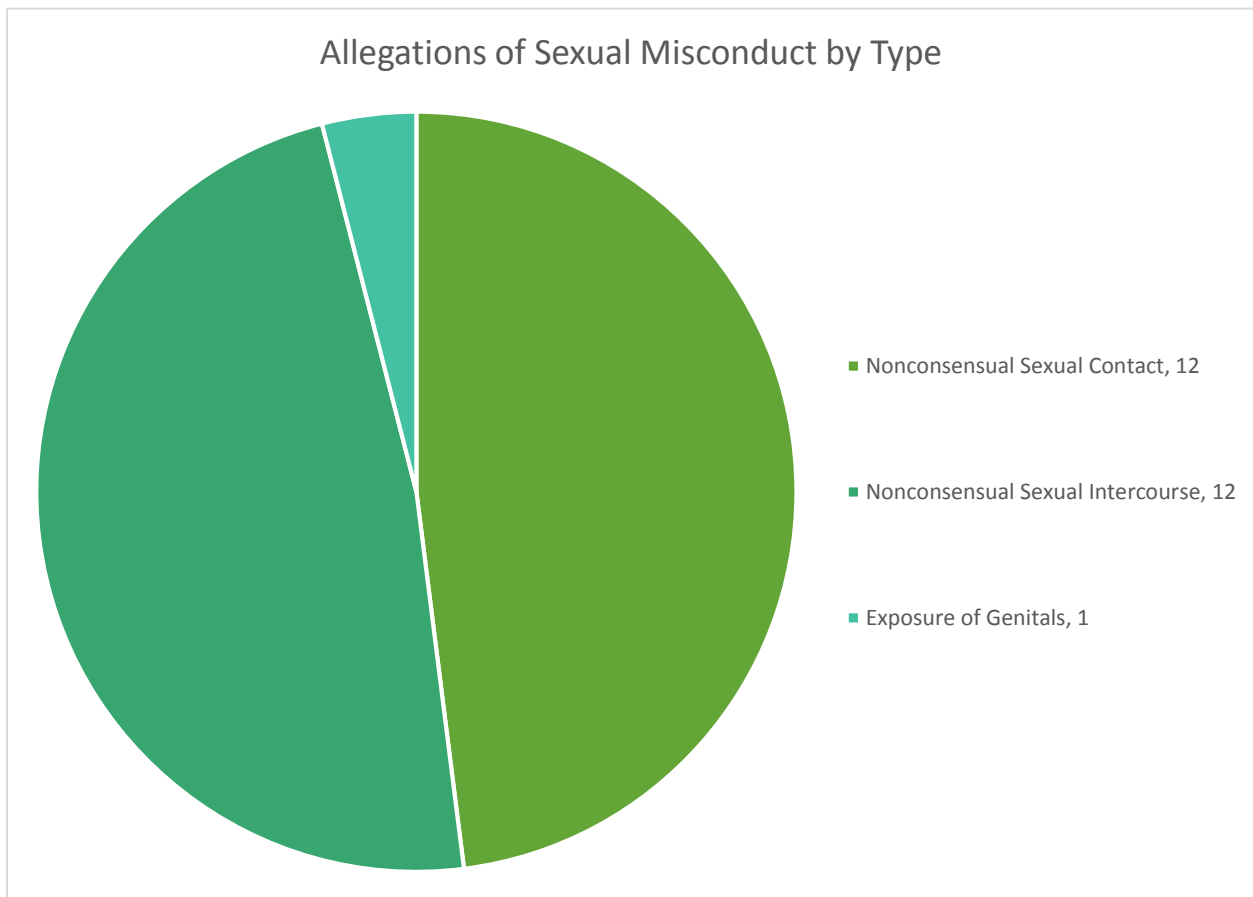
staff members understand that it may not be safe for the Complainant to pursue a complaint or investigation. These factors, including any requests for confidentiality, inform how the Office proceeds when dating or intimate partner violence is reported.

Reports of Sexual Exploitation

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

The Title IX Coordinator received one (1) reports of sexual exploitation during the Reporting Period. Under University policy, sexual exploitation includes allegations of predatory drugs used against a Complainant. Examples of predatory drugs include: alcohol, gamma hydroxybutyrate (GHB), Rohypnol, Ketamine, MDMA-Ecstasy, anxiety medications and prescription sleep pills. The incident reported to the Title IX Coordinator did not involve the use of predatory drugs.

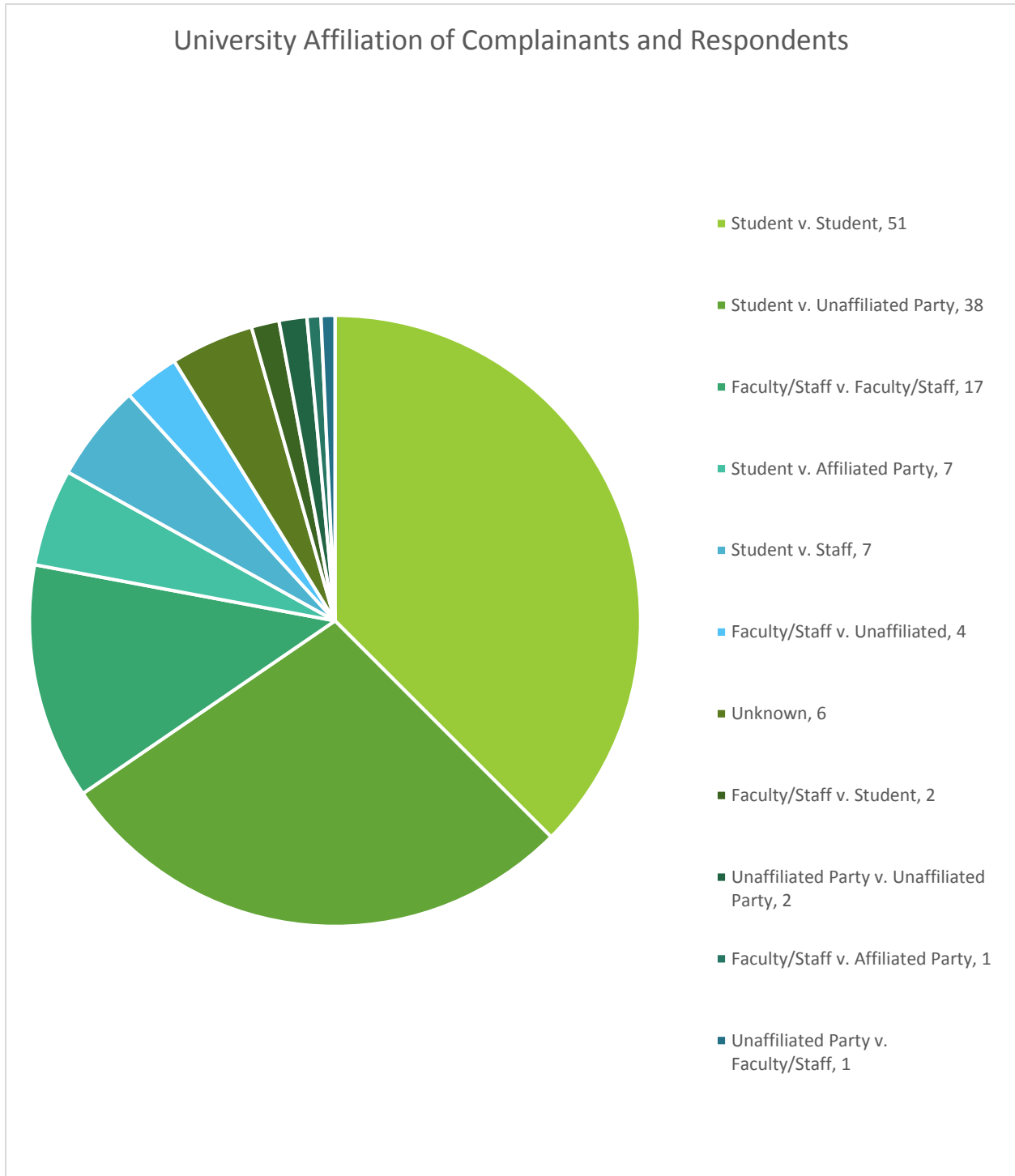
Reports of Sexual Misconduct



There were 25 reports of sexual misconduct during the Reporting Period, including **twelve (12)** reports of non-consensual sexual intercourse (48%); **twelve (12)** reports of non-consensual sexual contact (48%); and **one (1)** report of someone exposing their genitals to another person (4%).

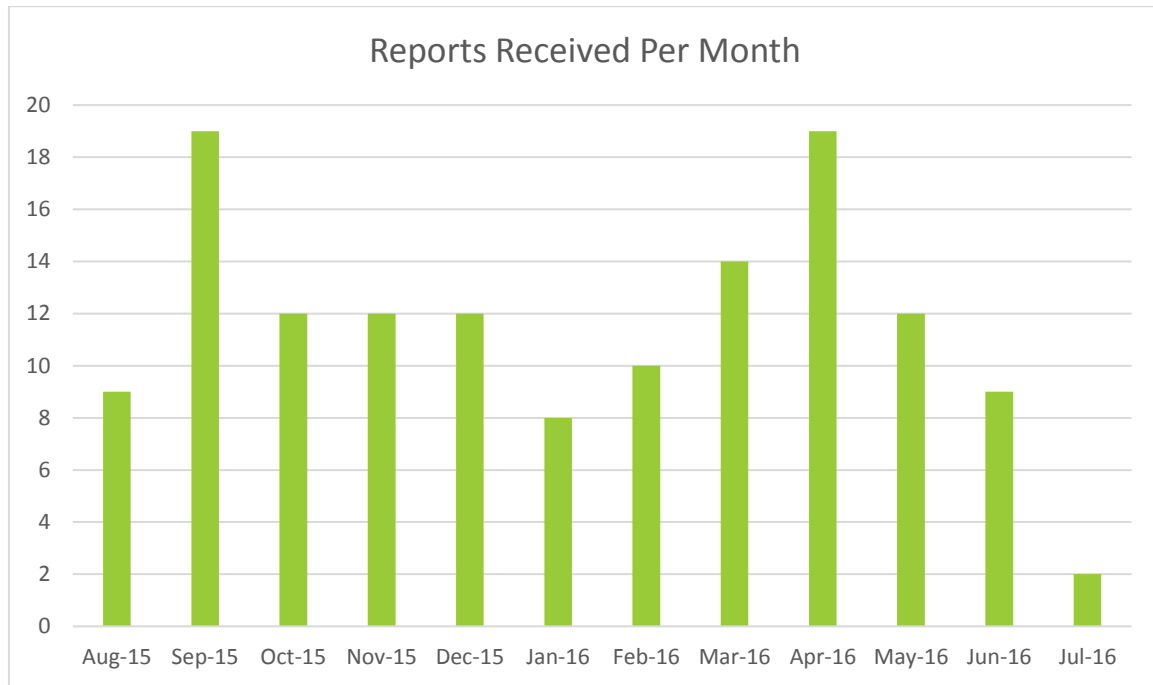
Eleven (11) reported incidents occurred on campus (44%); **eleven (11)** reported incidents occurred off campus; and the location of **three (3)** reported incidents was not disclosed.

VI. University Affiliation of the Complainant and Respondent



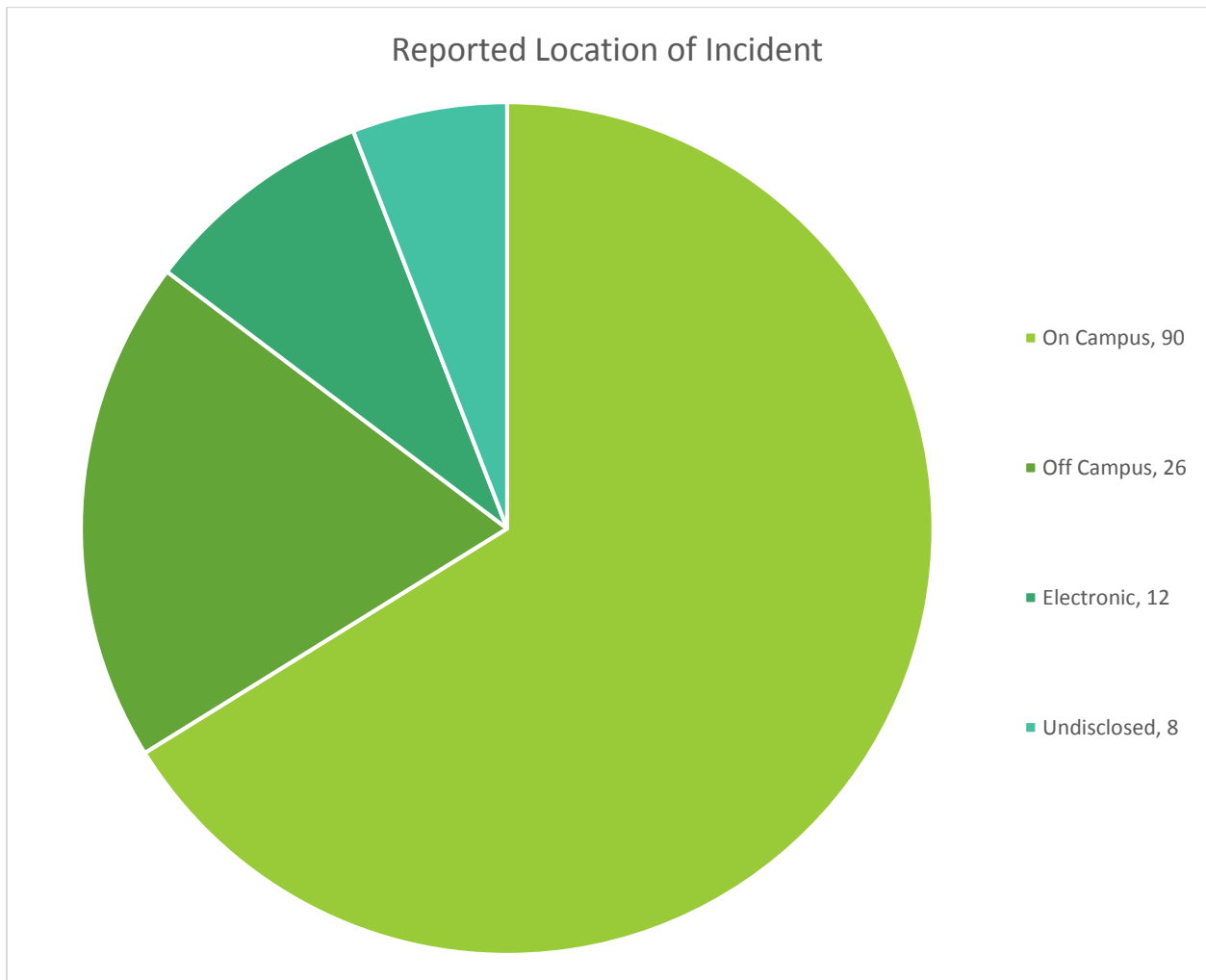
The Title IX Coordinator kept record of how Complainants and Respondents were affiliated with the University. Most of the reports involved students; however, there were **seventeen (17)** reported incidents between faculty and staff members and **one (1)** report where a faculty or staff member was named as the Respondent but the Complainant was not affiliated with the University. There were **one hundred and eleven (111)** reports where a student was identified as a Complainant or Respondent. Some staff members are actually employed by a third party and work on UMKC property on a contractual basis; these staff members are counted as “affiliated”. Affiliated persons were listed as a Respondent in **eight (8)** complaints. Guests of students and persons whose affiliation with UMKC could not be determined were counted as “unaffiliated”. Unaffiliated persons were listed as a Complainant or Respondent in **forty-five (45)** reports. **Two (2)** reports list unaffiliated persons as both the Complainant and Respondent; these incidents were witnessed and reported to the OAA by a person affiliated with UMKC.

VII. Reports to the OAA by Month



The above diagram shows the numbers of reports the Title IX Coordinator received each month. The Title IX Coordinator received the largest number of reports during the months of September and April. It is important to note that incidents may not have occurred during the same month they were reported; for example, an incident that was reported during the first week of May but actually occurred during the last week of April would be counted during the month of May.

VIII. Location of Complainant when Reported Discrimination Occurred



Ninety (90) Complainants reported that they experienced discrimination while on campus (66%). **Twenty-six (26)** incidents occurred off campus (19%). The “electronic” category refers to Complainants who experienced discrimination electronically, by phone calls (cell and landline), text message or in cyberspace (via email and social networking websites), rather than in a physical, static location. Typically, violations such as stalking, sexual exploitation and sexual harassment were reported to have been carried out electronically. However, bullying, retaliation, and sex discrimination also can be carried out through electronic means. During the Reporting Period, **twelve (12)** Complainants reported experiencing discrimination carried out by purely electronic means (9%). The location of **eight (8)** incidents was not disclosed to the Title IX Coordinator (6%).

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

When a report of alleged discrimination is made by someone other than the person affected by the discrimination (Complainant), the OAA reaches out and contacts the Complainant. The goal of the initial contact is to provide Complainants with a statement of their rights and to inform Complainants that they can receive accommodations and utilize campus resources. There were **136** incidents of discrimination reported during the Annual Reporting Period, which identified **148** Complainants.

Complainants are not required to communicate with the Title IX Coordinator; however, **58** Complainants received accommodations after speaking with the Office. Each of the **58** Complainants who received accommodations communicated with the Title IX Coordinator by email, phone or in person in order to arrange the specific accommodation requested.

An additional **57** Complainants spoke to the Title IX Coordinator by phone or in person; however, these individuals did not request accommodations or an investigation. Individuals falling into this category often communicated with the Office to provide additional information, for example:

- I do not want to file a complaint or have an investigation
- I do not wish to disclose the identity of the Respondent
- I feel safe, and I do not need resources or accommodations
- The accused is not affiliated with UMKC
- There is no longer a problem
- The incident did not occur on campus
- I took care of the situation myself
- I did not experience discrimination
- I am seeking counseling and do not wish to discuss the report

The Title IX Coordinator strives to identify trends and patterns of behavior; hence, any information shared will be added to our private database and used to prevent future discrimination if possible. Even if Complainants do not wish to pursue an investigation when an incident is reported, the Title IX Coordinator 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 communications from the Title IX Coordinator (phone calls and emails). However, these Complainants still received information regarding their rights and an invitation to meet with an OAA staff member at any future time. **Eight** complainants elected to file formal complaints, and **two** Complainants had not yet responded to the Title IX Coordinator's initial attempt to contact them by July 31, 2016.

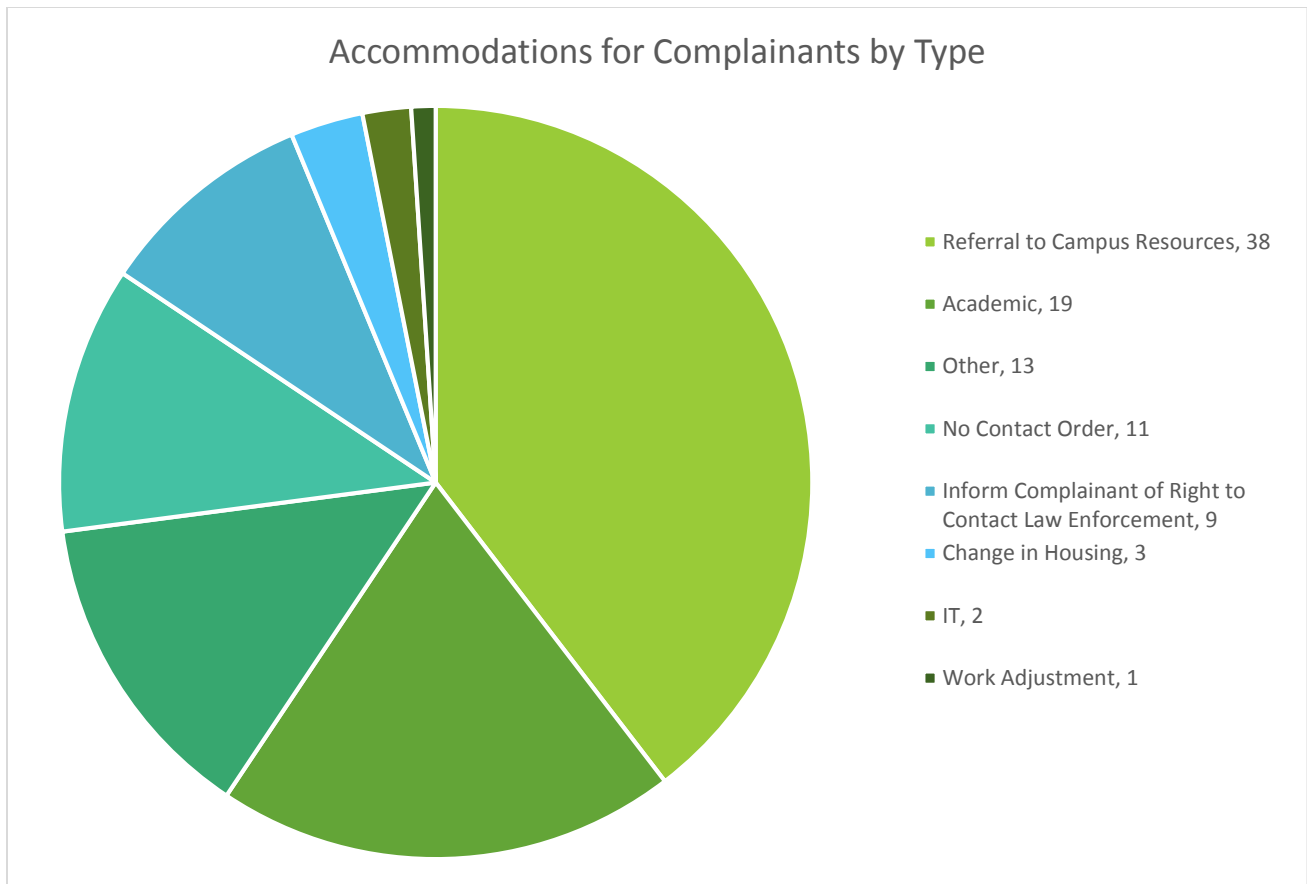
○ **Interim Remedies, Accommodations, and Sanctions**

When the Title IX Coordinator receives information about a potential violation, the first step is to reach out to the Complainant who reportedly experienced sex-based discrimination, harassment or violence. The goal is to connect individuals, based on their specific needs and preferences, with resources on campus, including the Violence Prevention and Response (VPR) Office, the UMKC Police Department, the Counseling Center, the Women's Center, the Employee Assistance (EAP)

Program, and the Student Health and Wellness Center. The OAA also supports Complainants by arranging accommodations, which could be academic in cases where the student has missed classes, assignments, has been academically dismissed, or needs assistance speaking with faculty or course instructors. Students also 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.

The 2015 Title IX Report counted interim remedies and accommodations for Complainants and sanctions imposed upon Respondents in one graph. The 2015-2016 Title IX Report counts interim remedies and accommodations for Complainants separately from sanctions imposed upon Respondents. The Title IX Coordinator issued a total of **one hundred and thirty-nine (139)** interim remedies, accommodations, and/or sanctions during the reporting period. This number is only slightly higher than the number of incident reports received by the OAA and is lower than the number of alleged policy violations. This difference is due to the fact that some Complainants received more than one interim remedy and/or accommodation, whereas some Complainants stated that they did not need or want further assistance. Sanctions were not imposed upon the Respondent if the Complainant stated that they did not want to pursue a formal complaint or if the identity of the Respondent was unknown to the Complainant or not disclosed to the Title IX Coordinator.

X. Number of Interim Remedies and/or Accommodations Issued by Type

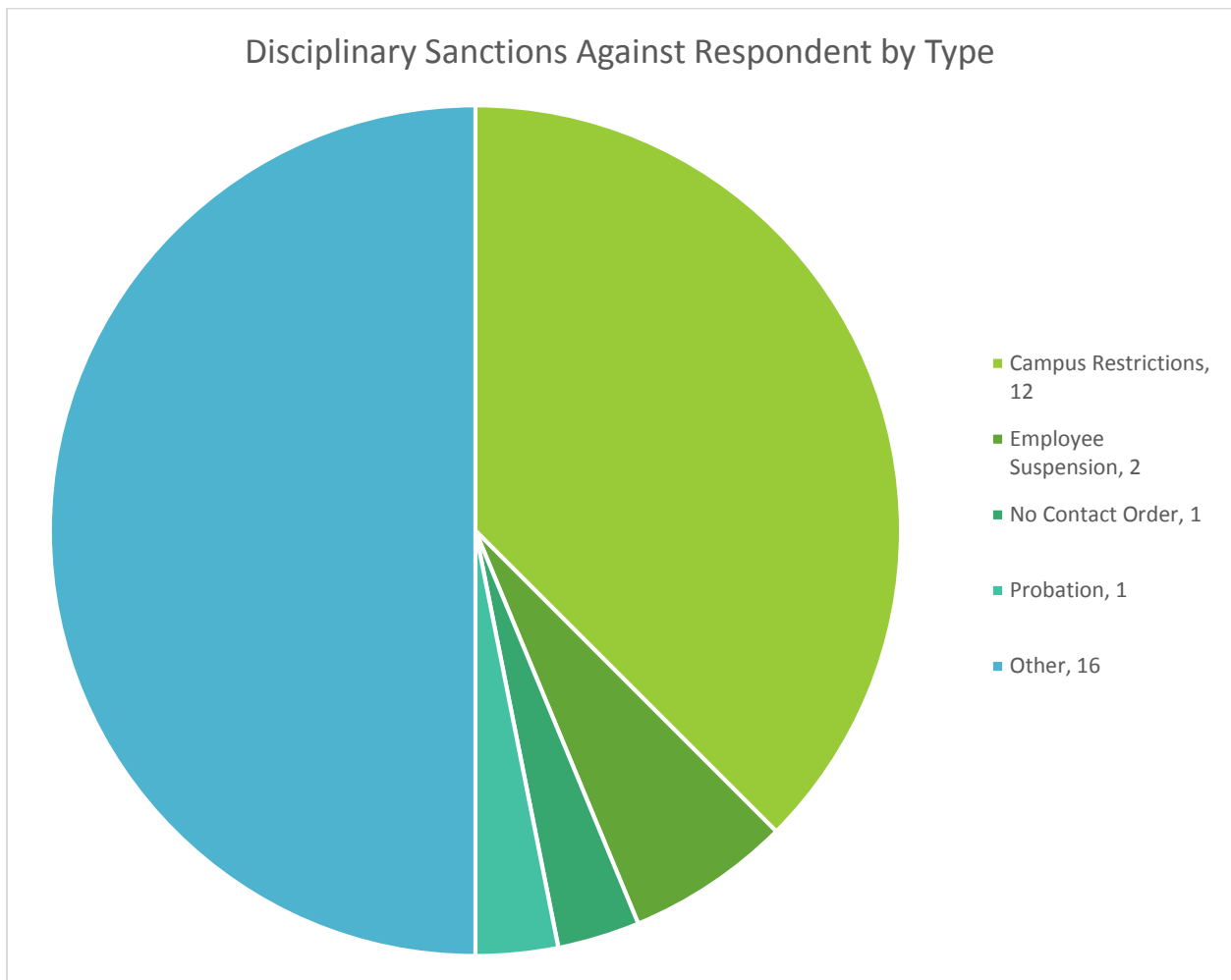


A total of **ninety-six (96)** accommodations were issued during the Reporting Period. Many Complainants received more than one type of accommodation, and some Complainants did not receive an accommodation, so the number of accommodations provided does not match the number of Complainants identified during the Reporting Period. The most common type of accommodation was referring the Complainant to campus resources, such as the Counseling Center or the Violence Prevention and Response Office. The Title IX Coordinator referred students to campus resources **thirty-eight (38)** times; these referrals may have included one or more resources on campus. The Title IX Coordinator informed Complainants of their right to contact the Kansas City Police Department, which is different from the University of Missouri-Kansas City Police Department, **nine (9)** times. **Nineteen (19)** Complainants requested academic accommodations during the Reporting Period. Academic accommodations included working with faculty and instructors so that a student could make up missed assignments, participation and attendance points, altering final exam schedules, and granting alternate class attendance and participation. Students who experience sexual and relationship violence sometimes experience anxiety and depression that may make it difficult to attend classes and take exams. Additionally, when Complainants experience discrimination by another student, they are often unable to attend classes in which the Respondent may be present, and the Complainant may request a No Contact Order.¹⁰ Although No Contact Orders were issued by the Title IX Coordinator **eleven (11)** times

¹⁰ A No Contact Order is a letter issued by the Title IX Coordinator to the Complainant and Respondent, which mandates the parties to cease all contact (in person, physical, electronic). The directive also warns

during the Reporting Period, they were issued as part of an investigation rather than in lieu of investigation. Students also request that the Title IX Coordinator facilitate housing changes if the Complainant feels unsafe in his or her on-campus housing as a result of the reported discrimination. This accommodation was made three times. The Title IX Coordinator twice assisted students with contacting Information Systems when the reported incidents occurred solely through electronic means.

XI. Disciplinary Sanctions by Type



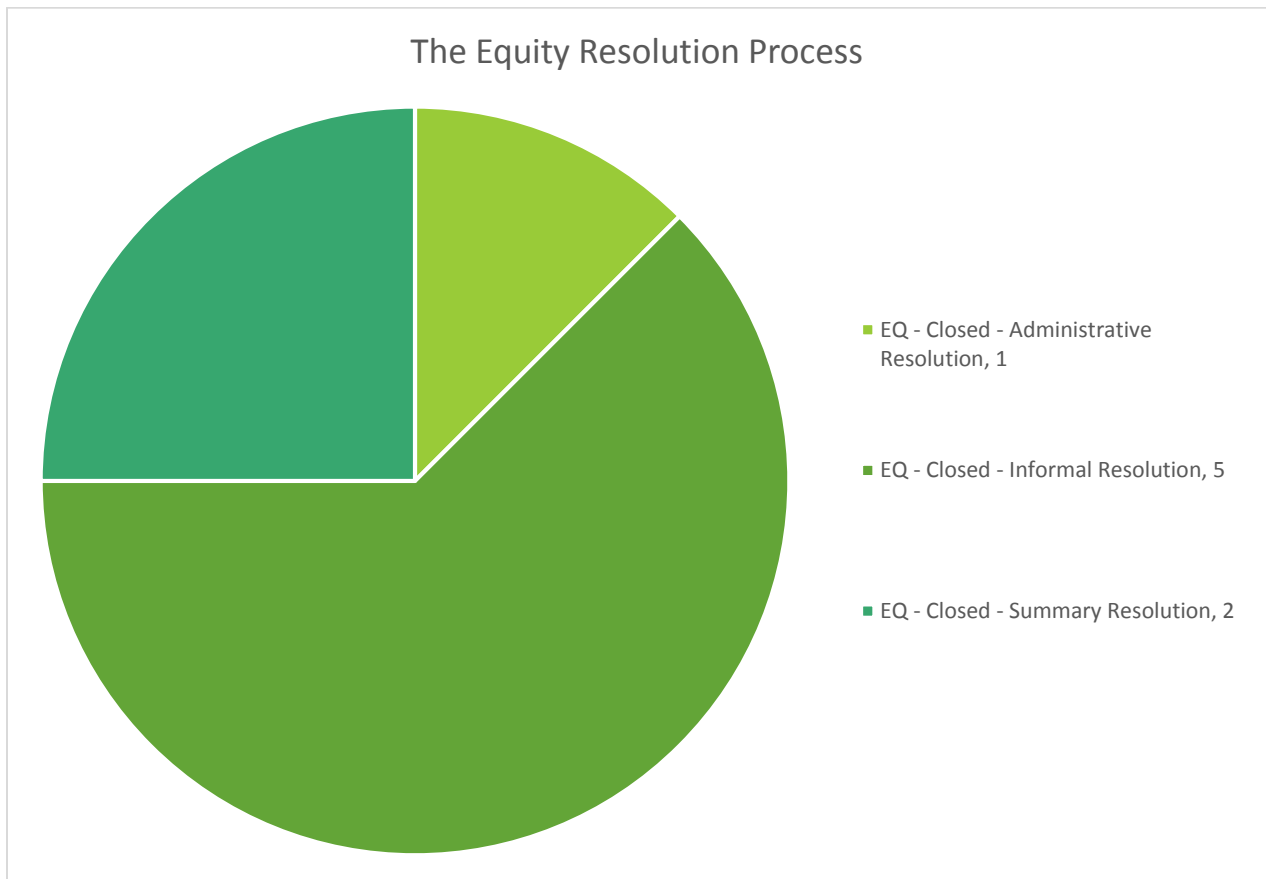
If a Complainant identifies the Respondent and that Respondent is affiliated with UMKC, the Title IX Coordinator has the jurisdiction to impose disciplinary sanctions upon the Respondent. These sanctions escalate in seriousness. The most benign sanction is requiring the Respondent to meet with a university administrator, such as the Title IX Coordinator or the Dean of Students, to discuss his or her behavior while the most serious sanction is expulsion from the University for students and dismissal from employment in the case of faculty or staff members.

the recipient that any contact in violation of the letter could be considered a violation under University policy.

The Title IX Coordinator issued **thirty-two (32)** sanctions during the Reporting Period. The two most common type of disciplinary sanctions issued during this Reporting Period was campus restrictions. Campus restrictions included banning Respondents from student housing, banning Respondents from campus, and issuing a warning to Respondents that they should not to trespass on UMKC property. No Contact Orders are typically issued as part of an investigation rather than in lieu of an investigation. No Contact Orders are usually issued to both parties; however, there was **one (1)** case within the Reporting Period in which the Title IX Coordinator issued a No Contact Order to the Respondent only. “Other” indicates that a conversation was had with the Respondent about their behavior, the Respondent was issued a directive to attend mandatory counseling, or the Respondent was issued a directive to attend mandatory training.

XII. The Equity Resolution Process

How Reports of Sex Discrimination Were Resolved When the Complainant Pursued a Formal Complaint



○ **Formal Complaints**

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

Formal complaints may contain the following elements:

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

There is no requirement that an alleged victim pursue a formal complaint. However, the University reserves the right to pursue a complaint even when an alleged victim chooses not to initiate an investigation or participate in the Equity Resolution Process.¹¹ As a result, the Title IX Coordinator 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 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, faculty and staff.

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

When the Title IX Coordinator receives a formal complaint, or the Title IX Coordinator elects to pursue an investigation, one or two Title IX investigators are promptly assigned to conduct an impartial investigation. During the Reporting Period, the OAA received **eight (8)** formal complaints, and the Title IX Coordinator did not proceed with investigation and resolution of any reports without an individual filing a formal complaint.

○ **Preliminary Investigation and Investigation**

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

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

Investigations of reported misconduct are typically completed within 30 business days of notice to the Title IX Coordinator, though investigations may take longer in complex cases. Additionally,

¹¹ See Section 200.025.C of the University of Missouri Collected Rules and Regulations.

in cases where criminal charges are being pursued for the same behaviors, the University may undertake a short delay in its investigation. When an allegation of sex or gender discrimination is reported to the Title IX Coordinator that also alleges violation of the Standard of Conduct (200.010), the Title IX investigators also will investigate and resolve the related conduct violations. For example, if the Title IX Coordinator receives a report of stalking on the basis of sex and vandalism and the vandalism is related to the stalking allegations, then the OAA will investigate the related vandalism.

○ **Summary Resolution**

After the Title IX investigators complete an investigation, the Title IX Coordinator reviews the investigation and may meet with the investigators for clarification regarding information gathered during the investigation.

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

On **two (2)** occasions during the Reporting Period, the Title IX Coordinator determined, after evaluating the evidence gathered, that a complaint should not move forward to the resolution phase. On these occasions, the Complainant still received accommodations from the OAA and was referred to on-campus resources and services.

○ **Conflict Resolution**

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

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

Sanctions and appeals are not possible as a result of a conflict resolution process, though the parties

may agree to appropriate remedies. The OAA keeps records of any resolution that is reached, and failure to abide by the resolution can result in appropriate responsive actions, which could be disciplinary actions or agreed upon sanctions.

It is not necessary to pursue conflict resolution prior to pursuing either informal or formal resolution, and either party can stop the conflict resolution process at any time and request either the informal or the formal resolution process. The Title IX Coordinator did not utilize conflict resolution to address any formal complaints during the Reporting Period.

XIII. Outcomes of Formal/Hearing Panel and Informal/Administrative Resolutions

From August 1, 2015 through July 31, 2016, six complaints of sex discrimination were resolved using the University's informal/administrative or formal resolution processes. These processes are described in greater detail below and in the [Equity Resolution Policy](#) for complaints against students. The University has separate Equity Resolution Policies for [faculty](#) and [staff](#) members.

○ Informal Resolution

The informal resolution process is used to resolve cases where the Respondent is a student. The informal resolution process can be used only if both the Complainant and Respondent agree to this form of resolution. In the informal process, the Title IX Coordinator will make a decision of responsibility after reviewing the entire investigation, reading a written investigative report, and reviewing exhibits prepared by the Title IX investigators. The investigative report summarizes statements made by witnesses and evidence collected through an impartial investigation.

If, during the informal process, one of the parties requests the formal process (which utilizes a hearing panel), the complaint will be resolved using the formal process. After the Title IX Coordinator makes a determination of responsibility, the parties are promptly informed of the decision. During the Reporting Period, **five (5)** complaints were resolved by informal resolution.

○ Administrative Resolution

The administrative resolution process is very similar to the informal resolution process, but it is used to resolve cases in which the Respondent is a faculty or staff member.

The administrative process for staff members requires that the Title IX Coordinator and the Respondent's direct supervisor make a decision of responsibility after reviewing the entire investigation, reading a written investigative report, and reviewing exhibits prepared by the Title IX investigators. The investigative report summarizes statements made by witnesses and evidence collected through an impartial investigation. Staff members do not have the option of pursuing a formal or hearing panel resolution process as an alternative to the administrative resolution process.

For complaints in which a faculty member is the Respondent, the parties may agree to the administrative resolution process. The administrative process for faculty members requires that the Title IX Coordinator make a decision of responsibility after reviewing the entire investigation, reading a written investigative report, and reviewing exhibits prepared by the Title IX investigators. The investigative report summarizes statements made by witnesses and evidence

collected through an impartial investigation. If, during the administrative resolution process, one of the parties requests the formal/hearing panel process, the complaint will be resolved using the formal/hearing panel process. Although the Title IX Coordinator will make the decision regarding responsibility and recommend sanctions during the administrative resolution process, the Provost makes the final decision regarding sanctions.

The Title IX Coordinator issued **one (1)** Administrative Resolution during the Reporting Period.

○ **Formal/Hearing Panel Resolution**

In the formal/hearing resolution process, which is available for complaints against students and faculty members, an Equity Resolution Hearing Panel (composed of three trained faculty and/or staff members) will conduct a formal hearing. During the hearing, the Title IX investigators assigned to the case will serve as the main witnesses, presenting a report of the investigation to the panel. Both the Complainant and Respondent may serve as witnesses and/or call additional witnesses at the discretion of the Hearing Panel Chair. The chair may ask questions of any witnesses and each party.

Complainants and Respondents may direct questions to each other through the Chair. Both the Complainant and Respondent may have an advisor present with them during the hearing. If a Complainant or Respondent does not wish to attend the hearing in person, he or she can request alternative arrangements such as attendance by videoconference.

After the hearing, the hearing panelists will make a finding of responsibility for each charged policy violation and prepare a written report detailing their findings, how each member voted, and the information cited by the Panel in support of its determination. For complaints filed against students, the hearing panelists also issue sanctions against students found responsible for policy violations. For complaints filed against faculty members, the hearing panelists recommend sanctions to the Provost, and the Provost makes the final decision regarding sanctions. During the Reporting Period, no parties elected to utilize the formal/hearing panel resolution process.

○ **Appeals**

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

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

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.

The appellate officer for the Student as Accused process is Vice Chancellor for Student Affairs and Enrollment Management Mel Tyler. The appellate officer for the Staff as Accused process is Vice Chancellor for Human Resources Carol Hintz. The appellate officer for the Faculty as Accused Process is Vice Chancellor for Research and Economic Development Lawrence Dreyfus, and the alternate appellate officer for the Faculty as Accused process is Ellen Suni, Dean of the UMKC School of Law.

During the Reporting Period, the appellate officers did not overturn any findings of responsibility made by the Title IX Coordinator. Additionally, no students were expelled as a final result of the Equity Resolution Process. When found responsible, Respondents were sanctioned by suspension from the University or other discretionary sanctions.

XIV. Conclusion
***More Than Investigations –
Accommodations, Education, and Prevention***

We hope that this information is helpful to the UMKC Community in understanding the work of the Title IX Coordinator and the OAA. During investigations and throughout the adjudication of matters, we make every effort to provide a fair process for everyone. The dispositions of the investigations undertaken during the Reporting Period reflect these efforts.

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

In addition to providing accommodations, the OAA and the Violence Prevention and Response (VPR) Office are committed to proactively engaging in prevention and education efforts to help stop sex discrimination and sex-based violence from occurring in the first place. Through these efforts, we have the opportunity to help change campus culture.

During the annual reporting period, the OAA and VPR Offices gave more than 50 presentations, workshops or seminars, reaching at least 2,000 individuals, including key student, faculty and staff leaders. These presentations focused on sex-based violence, bystander intervention, students' rights and options, and the resources available on campus. We are continuing to provide programming throughout campus, including programs for Residential Life, Greek Life, Athletics, diverse student organizations, New Student Orientation, faculty and staff.

The OAA also forged partnerships and developed strong working relationships with other campus stakeholders who play lead roles in education and prevention efforts, such as the VPR Office and the Women's Center. We have partnered with the VPR Office on a number of presentations and events and are supportive of the VPR Office's bystander intervention education program – Green Dot.

Further, the University required all employees to complete an online module describing employees' responsibility to report sex discrimination to the Title IX Coordinator – in other words their obligation to connect students with a central campus resource. More than 86 percent of UMKC employees have completed the online module.

UMKC's Title IX training program, called *Not Anymore*, provides baseline education to students on sexual assault, consent, intimate partner violence, stalking and bystander intervention techniques. All students are required to take the *Not Anymore* training. As of the end of the Reporting Period, more than 72 percent of UMKC students had completed the training. Both the OAA and the VPR Office facilitate follow-up, in-person discussions about *Not Anymore* with students across campus.

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