Dear Members of the University of Missouri-St. Louis Community:

The Office of Equal Opportunity and Diversity (OEOD), is pleased to present this first annual report of Title IX incidents on the UMSL campus for your review. This report describes incidents of discrimination regarding sex, gender, pregnancy, gender identity, gender expression, sexual misconduct and related concerns that were reported to the Office of Equal Opportunity and Diversity between August 1, 2014 and July 31, 2015. Although this is the first report, it is our hope that the data presented in this and in future reports will help to identify Title IX trends for the UMSL campus community so that appropriate resources and strategies can be developed to address Title IX concerns in an efficient and effective manner. The overall goal is to use this information to improve the campus climate and to continue the work of making UMSL a safe place for students, faculty, staff and visitors.

The issues surrounding Title IX, i.e., sex discrimination, sexual misconduct, etc., have been a major concern at universities all over the United States. UMSL is not immune to this trend. However, we understand that as a campus community we must be ever vigilant in our efforts to raise awareness to prevent incidents of this nature and when they occur, address them immediately. Training and working to educate students, faculty and staff is our first line of defense to prevention. As a result of these efforts, we are receiving mandated reports and bystanders seem more apt to report incidents of sex discrimination and misconduct.

The OEOD is administratively responsible for the coordination of Title IX functions on the UMSL campus. This work represents a collaborative effort with other campus units such as the Division of Student Affairs, Institutional Safety (Campus Police) and Human Resources. Over the past year, the NCHERM group has provided numerous training sessions for UMSL Title IX campus team members (coordinator, deputies, hearing panelists, etc.). Additionally, faculty, staff and students have also received training to help them better understand the requirements of Title IX. The campus has given students the resources, tools, support and accommodations to not only stay in school, but to feel safe while on campus or participating in an UMSL sponsored event.

This report is intended to provide you with a snapshot of Title IX efforts at UMSL. While being as specific as possible with our data, identifying factors are not reflected in order to protect the confidentiality of Complainants. This report is not meant to cause victims to relive past traumas, but as a way to help outsiders understand what is occurring on UMSL’s campus.
If you have any feedback or concerns regarding this report, please feel free to email me at dburris@umsl.edu. If you would like to report an incident of sexual discrimination or need more information regarding available resources, please do not hesitate to call our office and speak to me or any of my knowledgeable staff at (314) 516-5695. Information can also be found at: http://www.umsl.edu/services/oeo/titleIX/index.html.

Thank you for your interest in the Office of Equal Opportunity and Diversity and your commitment to helping the University of Missouri-St. Louis become a safer place for all.

Sincerely,
Deborah Burris
Director and Chief Diversity Officer, Title IX Coordinator
GUIDE TO THE 2014-2015 ANNUAL REPORT

What is Title IX?

Title IX of the Education Amendments of 1972 prohibits discrimination, on the basis of sex, in any educational institution which receives federal funding.¹ As a result of additional guidance provided by the Office of Civil Rights Dear Colleague Letters and through the work with the NCHERM group, the following UM System policies have been adopted or modified to meet Title IX requirements:

200.010 Standard of Conduct
200.020 Rules of Procedures in Student Conduct Matters
200.025 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination Against a Student or Student Organization
320.010 Equal Employment Opportunity
600.020 Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment
600.040 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Faculty Member
600.050 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Staff Member

History of Title IX on the University of Missouri-St. Louis Campus

Historically, Title IX administration has been a part of the Office of Equal Opportunity and Diversity since its inception. As the Director and Chief Diversity Officer, Title IX compliance, along with insuring the compliance of other EO laws and regulations, has been Deborah Burris’ responsibility. Additionally, the Athletic Department has historically designated a staff member to insure that athletic programs met Title IX compliance guidelines. Deborah Burris was given the formal “Title IX Coordinator” title in 2013. Through the “Dear Colleague” letters, it became clear Title IX roles needed to be more structured. Because of this, Title IX Deputy Coordinator positions were created. Currently, there are five Deputy Title IX Coordinators, one from Student Affairs (D’Andre Braddix), Academic Affairs (Tanisha Stevens), Athletics (Lori Flannigan), Campus Police (Marisa Smith) and OEOD (Dana Daniels). In August 2015, the OEOD hired a compliance manager, Jessica Swederske, to focus on Title IX issues and investigations.

¹ 20 U.S.C. § 1681 & 34 C.F.R. 106
Title IX Complaints

The number one priority for faculty and staff at UMSL is to provide students with an educational experience in a safe and secure environment. Faculty, staff and visitors to campus are also entitled to a safe campus environment whether they are working or attending an UMSL related event. From August 1, 2014 through July 31, 2015, the Office of Equal Opportunity and Diversity received 49 complaints of Title IX related incidents. 49% of these complaints were made by students while 47% were made by mandated reporters. A breakdown of these 49 Title IX complaints can be found later in this report. Please note, a Title IX complaint is a complaint which was filed with the Office of Equal Opportunity and Diversity. These complaints were made by faculty, staff, the police department, students and sometimes even concerned parents. Of the 49 reports mentioned above, 44 of the Complainants were students. Although a report may be made by a mandated reporter, the victim will always be referred to as the Complainant even though he or she may not have made the complaint.

Please see the below definitions which will be helpful in understanding the Title IX reporting process at the University of Missouri-St. Louis and can be found in Section 600.020 of the Collected Rules and Regulations.

Complainant - alleged victim of the University’s anti-discrimination policies.
Accused - The person, persons or student organizations alleged to have violated this policy.
I. How Does the Title IX Office Receive Reports of Alleged Sex Discrimination?

Mandated Reporters:

*Employees Must Connect Possible Victims of Discrimination with the Office of Equal Opportunity and Diversity*

University policy requires any employee of the University who becomes aware of sex discrimination to share that information with the OEOD, regardless of whether the victim of the behavior is a student, employee, volunteer, or visitor of the University. The purpose of mandated reporting is essentially to connect the Complainant of discriminatory behavior to available resources that may be useful. This can be a difficult time for both the Complainant and the Accused and mandated reporting allows the University to address the issue in a timely manner and provides immediate resources at a critical time for the individuals involved.

In the last year, most incidents of mandated reporting have come from staff and faculty members. As faculty interact with their students, sometimes information is shared that may be related to a Title IX issue. They are required to report these issues to the OEOD. Due to the high level of trust between faculty members and students, faculty are encouraged to explain mandated reporting in their syllabi so students are aware that faculty are not confidential resources. Additionally, all UMSL faculty and staff are required to complete mandated reporter training. In providing this training, we hope faculty and staff will have a thorough understanding of why it is necessary and important for them to acknowledge their roles as mandated reporters.

Exceptions to Mandated Reporters:

*Confidential Resources Are Not Required to Refer Students to the Office of Equal Opportunity and Diversity*

Employees with a legal obligation or privilege of confidentiality are not required to share information regarding sex discrimination with the OEOD when the information is obtained in the course of confidential communication. Listed below are the confidential resources available at the University of Missouri St. Louis.

- UMSL Health Services
- UMSL Counseling Services
- Employee Assistance Program (EAP)
- UMSL Center for Trauma Recovery
- UMSL Community Psychological Services
Additionally, the University has established Memorandums of Understanding (MOU) with the YWCA and Safe Connections. These can be considered confidential resources and also help with crisis intervention, victim advocacy, emergency housing, etc.

Self Reports

A number of people, including students, faculty and staff, report to the OEOD to discuss issues on their own or to seek out resources. Because of recent mandated reporter training, many staff and faculty contact the office to ask questions and to determine if an issue is actually something that should be reported. In addition to the Title IX Coordinator, the OEOD employs several staff who assist with Title IX issues: Dana Beteet Daniels, Dorothea Scott, and Jessica Swederske. When a report is made to the Title IX Coordinator, it will ultimately be investigated by one of the trained staff members listed above or a Title IX Investigator: D’Andre Braddix, Coledia Poole, Tanisha Stevens, Tara VanDeVoorde.

II. False Reporting

The University’s Sex Discrimination Policy, Section 600.020, prohibits false reporting. According to this policy: False reporting is making an intentional false report or accusation in relation to this policy as opposed to a report or accusation, which, even if erroneous, is made in good faith. False reporting is a serious offense subject to appropriate disciplinary action ranging from probation up to and including expulsion or termination.

The OEOD received one false report allegation within the Annual Reporting Period (August 1, 2014-July 31, 2015). The Complainant reported being raped on campus but the allegation was confirmed to be unfounded through surveillance tapes and the Complainant’s use of social media during the alleged attack timeframe. Furthermore, after the UMSL Police Department began investigating the allegation, the Complainant eventually recanted her story.

III. What is Retaliation?

Per Section 600.020 of the Collected Rules and Regulations, retaliation is any adverse action taken against a person because of that person’s participation in protected activity. The University strictly prohibits retaliation against any person for making a report required by this policy, for making any good faith report to a Title IX Coordinator or for filing, testifying, assisting or participating in any investigation or proceeding involving allegations of sex discrimination, sexual harassment or sexual misconduct. Any person who engages in such retaliation shall be subject to disciplinary action in accordance with applicable procedures. Examples of prohibited retaliation include, but are not limited to, giving a lesser grade than the student’s academic work warrants because the student filed a complaint of sexual harassment; giving lower than justified performance appraisals because a person was a witness in
an investigation of alleged sexual harassment; and threatening to spread false information about a person for filing a complaint of sexual harassment.

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

After receiving a complaint of alleged discrimination, the complaint will be assigned to a trained staff member. This staff member will contact the Complainant by phone or email to request a meeting. This staff member will also inquire about the individual’s current situation and any potential threats to safety. The Complainant will also be given a list of available resources.

After making initial contact, the Title IX staff member will provide the Complainant with possible interim remedies. Interim remedies can include housing changes, class schedule accommodations, academic support, etc. The Complainant is also informed of the right to utilize counseling and health services. Throughout this process, the Complainant is made aware the utilization of resources offered is not required. Furthermore, the Complainant is under no obligation to meet with the Office of Equal Opportunity and Diversity.

As a rule, the OEOD will not report incidents to law enforcement, except when not reporting poses a substantial risk to the University or community. However, if the Complainant wishes to contact law enforcement, the OEOD can help facilitate a meeting with the police department. It is through the criminal investigation the police department will determine if the case gets turned over for prosecution.

Requests for Confidentiality

The OEOD makes every attempt to honor the Complainant’s wishes for confidentiality. Information is kept private and shared on a need-to-know basis only. However, based on the nature and circumstances surrounding a complaint, we cannot always guarantee confidentiality. In circumstances in which the immediate safety of the campus community is at stake, especially where others may be victimized, it may be necessary to provide confidential information to the proper authorities.

V. What is Sex Discrimination?

The following definitions of sex discrimination are based on the definitions indicated in the 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). It is of importance to note the Office of Equal Opportunity and Diversity does not conduct criminal investigations. Based on the Collected Rules and Regulations, we conduct investigations with the purpose of keeping all students, faculty, staff and others safe while also
following policy. Because of this, the Collected Rules and Regulations differ from Missouri State Statutes and should be interpreted as such. The Office of Equal Opportunity and Diversity conducts investigations based on the Collected Rules and Regulations while criminal investigations look to Missouri statutes for guidance.

**Sex Discrimination** occurs when a person has been treated inequitably based on sex. Specifically, Title IX prohibits the exclusion of a person from participation in, or denial of, the benefits of any University program or activity because of the sex of a person. Examples include: being refused an assistantship because you are a woman or being denied admission to a University event because you are a man.

**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 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** is:

- Nonconsensual sexual intercourse,
- Nonconsensual sexual contact involving the sexual touching of the genitals, breast, or anus of another person or the nonconsensual sexual touching of another with one’s own genitals whether directly or through the clothing,
- 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, OR
- Sexual exploitation.

**Sexual Exploitation** occurs when one person takes nonconsensual or abusive sexual advantage of another person for the abuser’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 (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 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.

**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 violence behavior.

**Consent to Sexual Activity** is knowing and voluntary. Someone who is incapacitated cannot consent. 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.

**Incapacitated**: Sexual contact with someone one knows to be or should know to be incapacitated is a violation of policy. An individual who is incapacitated lacks the capacity to give knowing consent. Incapacitation can be due to the use of drugs, 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.
VI. Reports of Potential Sex Discrimination

49 Allegations of Sex Discrimination-Sorted by Type of Incident

The above chart outlines the type of reported allegations of sex discrimination the University of Missouri-St. Louis has seen in the past year (August 1, 2014-July 31, 2015). 32.7% of reported sex discrimination cases at the University involved harassment. The most common cases we see are harassment via social media, email, and electronic devices (i.e. cellular phone text messages). In these reported incidents, most come to a close after we speak with the Complainant and the Accused. Typically, as an initial immediate remedy, we advise the Accused not to have contact with the Complainant and this is abided by. The investigation process will then continue so we confirm the Complainant is safe and the Accused is held responsible.

26.5% of reported sex discrimination cases made at the University of Missouri-St. Louis involve sexual misconduct. Sexual misconduct includes nonconsensual sexual intercourse, non-consensual sexual contact, sexual exploitation, etc. It is important to note that the cases at UMSL are not cases in which a victim is raped/attacked by a stranger. Many times, the victim is assaulted by someone the victim knows and is familiar with. When we receive reports of sexual misconduct, we are finding that the parties know each other. Because this is a problem on our campus, we have made consent a focus for upcoming trainings. There seems to be some confusion regarding what constitutes consent. We hope that this, combined with the “Not
Anymore” training, will help to lessen the number of sexual misconduct incidents we see at the University.

Eighteen percent of the reported sex discrimination cases on the UMSL campus involved stalking. This does include someone following another individual but it can also be done via social media. The complaints we get usually involve someone who texts constantly or continuously posts comments on Facebook. The Accused usually ceases the inappropriate behavior upon notification that a complaint has been filed. If the behavior continues, appropriate steps are taken to remedy the situation so that the behavior of the Accused stops, the Complainant is safe and the Accused is held responsible.

Eighteen percent of our reported sex discrimination cases on campus involve dating/intimate partner violence. Typically, these acts occurred in campus housing.

VII. **Title IX Reports by Month: August 1, 2014 through July 31, 2015**

The above chart illustrates the number of Title IX complaints the office of Equal Opportunity and Diversity received between August 1, 2014 and July 31, 2015. Please note, during August of 2014 and July of 2015, the Office of Equal Opportunity and Diversity received no Title IX complaints.
VIII. Who Reports Title IX Complaints?

The above chart outlines who has filed Title IX complaints with the Office of Equal Opportunity and Diversity in the last year (August 1, 2014-July 31, 2015). Forty-nine percent of all Title IX reports during the annual reporting period were reported by students. This means that the office received Title IX complaints from Complainants, friends of Complainants, or classmates of Complainants.

Forty-seven percent of Title IX complaints within the annual reporting period were provided by either staff or faculty of the University of Missouri-St. Louis. In future years, we expect the number of reports received by mandated reporters to rise. As we continue to implement and upgrade mandated reporter training, it is believed that staff and faculty will continue to take this requirement seriously. We receive calls on a regular basis from staff and faculty with questions related to potential Title IX issues. It seems staff and faculty are being overly cautious in regard to mandated reporting which is appreciated. It is easier to advise a faculty or staff member that an incident is not Title IX than to go back and investigate a Title IX issue that happened months or years ago.

We have also received concerns from parents. Basically, parents become concerned when they find their student may be in an unhealthy relationship, harassing type of situation, etc. When
parents become aware of concerning behavior, they have sent emails to the Office of Equal Opportunity and Diversity or to another staff or faculty member their student is comfortable with. When we receive Title IX reports via a parent, we investigate the same way we would any other report.

IX. Conclusion

*An Ongoing Campus Effort*

As the Office of Equal Opportunity and Diversity Director, Chief Diversity Officer, and Title IX Coordinator, I hope this annual report provides some insight into Title IX efforts at UMSL on a yearly basis. It is my hope this report has shown the importance of the work of the OEOD staff and units that partner with OEOD to administer Title IX. Not only do they complete investigations, but staff training, and sometimes just offer a listening ear. Furthermore, we spend a majority of time on interim remedies (class accommodations, housing accommodations, mediation, employment accommodations, etc.) to make sure both the Complainant and Accused remain safe and comfortable throughout the investigation process and even after the investigation is complete.

As a federally funded university dedicated to Title IX compliance, we understand that no matter how we perform, there is always the need for growth and improvement. In the next year, we plan to focus on training in order to produce staff, faculty, and students who are more knowledgeable about Title IX issues. New and returning students have completed the “Not Anymore” training at a rate of 67% (as of November 16, 2015). This training outlines sex discrimination, sexual assault, and dating violence. In regard to faculty and staff, they were required to complete mandatory mandated reporter training online, as well as discrimination training.

Recently, NCHERM was on campus to specifically train the student athletes and athletic staff on Title IX issues. Per the athletic director, the training was extremely successful and helpful. The student training involved students only which allowed them to open up and ask questions they may not ask if adults were present. The students mainly focused on questions of consent which will be a topic we cover in training more thoroughly in the future. As explained previously, consent appears to be a foggy topic for students which is the reason we see a need for more thorough training on the topic.

Furthermore, we would like to obtain a permanent bystander prevention program as this is considered primary prevention training and could essentially decrease the number of sexual misconduct incidents which occur on campus. We will continue to train staff and faculty on Title IX updates and issues and are always willing to adopt new training practices when new issues arise.
In the past year we have also developed memorandums of understanding with Safe Connections and the YWCA. It is our goal to further develop these relationships with agencies for additional training and awareness within the campus community. This is another way in which UMSL has sought out services in order to make sure victims have a multitude of resources.

In the upcoming year, the Office of Equal Opportunity and Diversity will continue to provide training to faculty, staff and students. The OEOD will continue its strong collaborative efforts in addressing Title IX issues with the Student Affairs Division, the UMSL Police Department and Human Resources. We will continue to investigate all cases that come through our office fairly and equitably. We strive to keep UMSL a safe place for students, faculty, and staff. With the help of the UMSL community, we are sure to achieve the goal of a safer campus in years to come.