



# Annual Title IX Report

August 1, 2015 through July 31, 2016

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

The Office of Equal Opportunity and Diversity (OEOD) has historically been administratively responsible for the coordination of Title IX functions on the University of Missouri-St. Louis (UMSL) campus. The OEOD has worked in collaboration with other campus units including the Office of Student Affairs, Campus Police, and Human Resources (HR), concerning Title IX efforts. As of October 1, 2016, all Title IX and equity related efforts were taken over by the Human Resources department on the campus. The OEOD and the Human Resources department are pleased to present this second 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 OEOD between **August 1, 2015 and July 31, 2016**. Although this is only the second 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 (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 when they occur and 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. As predicted, UMSL's total number of reported Title IX incidents went up in the last year. This year we had **68** reports of Title IX complaints as opposed to **49** last year. We expected this rise in reported incidents because a larger percentage of the campus community is receiving training on reporting and more people feel comfortable coming to the OEOD to report Title IX incidents. Please note, the Human Resources department took over Title IX compliance in October of 2016. Therefore, this report contains only reports made to the OEOD. In future Title IX annual reports, all reported information will come from the Human Resources office.

As stated above, the OEOD has worked closely with many other campus departments to prevent sexual discrimination on campus. Over the past two years, the NCHERM group has continued to provide training sessions for UMSL Title IX campus team members (coordinator, deputies, hearing panelists, etc). Additionally, faculty, staff, and students have received training to help them better understand the requirements of Title IX, especially in the role of mandated reporters. 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 in regard to Title IX.

If you have any feedback, questions, or concerns regarding this report, please feel free to email Deborah Burris (formal Title IX Coordinator) at [dburris@umsl.edu](mailto:dburris@umsl.edu) or Justin Lacy at [lacyjk@umsl.edu](mailto:lacyjk@umsl.edu) (current Title IX Coordinator). If you would like to report an incident of sexual discrimination or need more information regarding available resources, please do not hesitate to call the Human Resources office and speak to any of the knowledgeable staff at (314) 516-5805. Information regarding Title IX on UMSL's campus can also be found at: <http://www.umsl.edu/title-ix/>.

Thank you for your interest in Title IX and your commitment to helping the University of Missouri-St. Louis become a safer place for all.

Sincerely,

**Deborah Burris**

Director, Chief Diversity Officer  
Office of Diversity and Inclusion

**Justin Lacy, J.D.**

Senior Human Resources Consultant  
Title IX Coordinator  
Human Resources

## **GUIDE TO THE 2015-2016 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.<sup>1</sup> 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

You can read the above Collected Rules and Regulations in full here:

[https://www.umsystem.edu/ums/rules/collected\\_rules/](https://www.umsystem.edu/ums/rules/collected_rules/).

### *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, the positions of Title IX Deputy Coordinators were created. Currently serving as Deputy Title IX Coordinators are Dana Beteet Daniels, Jessica Swederske, D'Andre Braddix, Lori Flannigan, and Captain Marissa Smith. In August 2015, the OEOD hired a compliance manager whose sole purpose is to focus on Title IX issues and investigations.

As mentioned in the introduction, as of October 1, 2016, the Human Resources office has taken over all aspects of Title IX and compliance. The Human Resources office investigates

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<sup>1</sup> 20 U.S.C. § 1681 & 34 C.F.R. 106

complaints and provides appropriate trainings related to Title IX and equity. The OEOD has now become the Office of Diversity and Inclusion. Deborah Burriss remains the Chief Diversity Officer while Justin Lacy has taken over the role of Title IX Coordinator. The Human Resources office and the Office of Diversity and Inclusion will continue to work closely together to create a more inclusive UMSL campus.

### *Student-Related 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, 2015 through July 31, 2016, the Office of Equal Opportunity and Diversity received and investigated **68** complaints of Title IX related incidents. Approximately 10% of these complaints were made by students while approximately 63% were made by mandated reporters. A breakdown of these 68 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. 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 (Human Resources office)*

University policy requires any employee of the University who becomes aware of sex discrimination to share that information with the OEOD (Human Resources), 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 (Human Resources). 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.

Also in the past year we have seen a rise in the number of mandated reports coming from Resident Advisors (RAs) who live on campus with students. We attribute this rise in mandated reports to more thorough training which leads to RAs who have a better understanding of the mandated reporter requirement.

*Exceptions to Mandated Reporters:*

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

Employees with a legal obligation or privilege of confidentiality are not required to share information regarding sex discrimination with the OEOD (Human Resources) 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. Counseling Services also employs a victim advocate who is available to speak to and counsel students.

## *Self Reports*

A number of people, including students, faculty and staff, have reported 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 Human Resources office employs staff who assist with Title IX issues: Dana Beteet Daniels 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, or Tara VanDeVoorde.

The Human Resources office currently offers numerous options for reports of discrimination to be made. Reports can be made online at: <https://www.umsl.edu/title-ix/>. The Human Resources office will also take reports of discrimination via email, telephone, or in person.

## **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.

Between August 1, 2015 and July 31, 2016, the OEOD received no allegations that turned out to be false reports as compared to one false report the prior year.

## **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 anyone in the Human Resources office.

As a rule, the Human Resources office 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, staff in the Human Resources office 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 as our office does not complete criminal investigations.

##### *Requests for Confidentiality*

The Human Resources office 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 Human Resources office 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 Human Resources office 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.

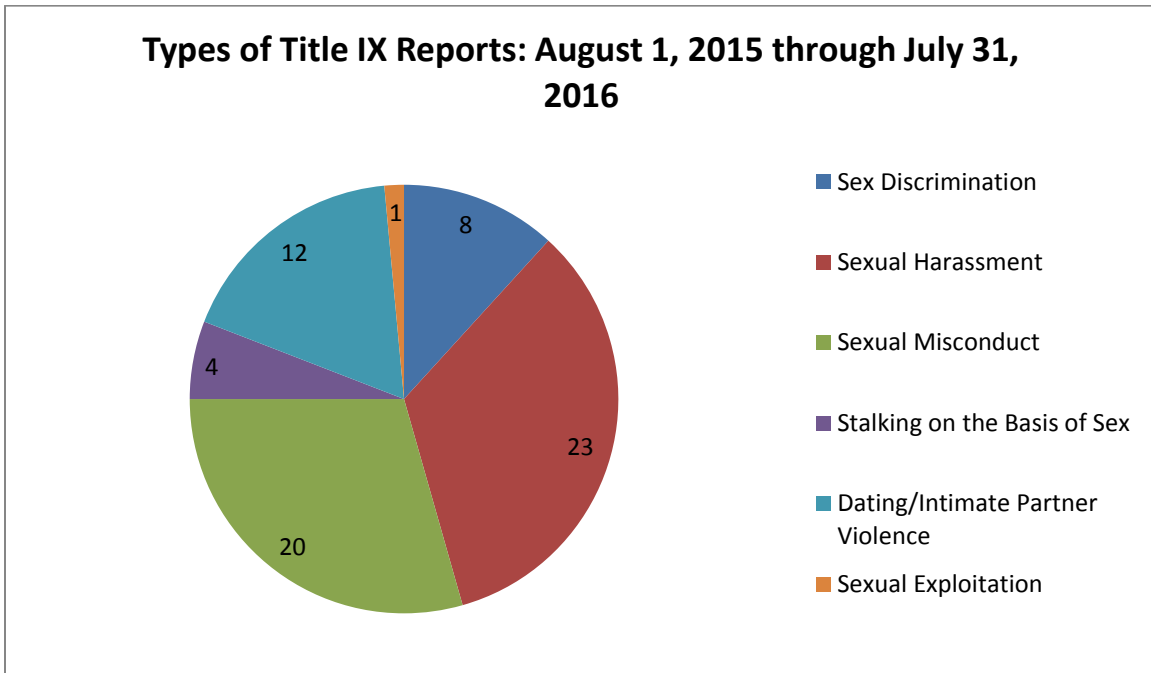
**Stalking on the Basis of Sex** is following or engaging in a course of conduct on the basis of sex with no legitimate purpose that puts another person reasonably in fear for his or her safety or would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

**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



Between August 1, 2015 and July 31, 2016, the Office of Equal Opportunity and Diversity received **68** reports of alleged Title IX violations. Above you can see a breakdown of these reports:

**Sex Discrimination: 8**

**Sexual Harassment: 23**

**Sexual Misconduct: 20**

**Stalking on the Basis of Sex: 4**

**Dating/Intimate Partner Violence: 12**

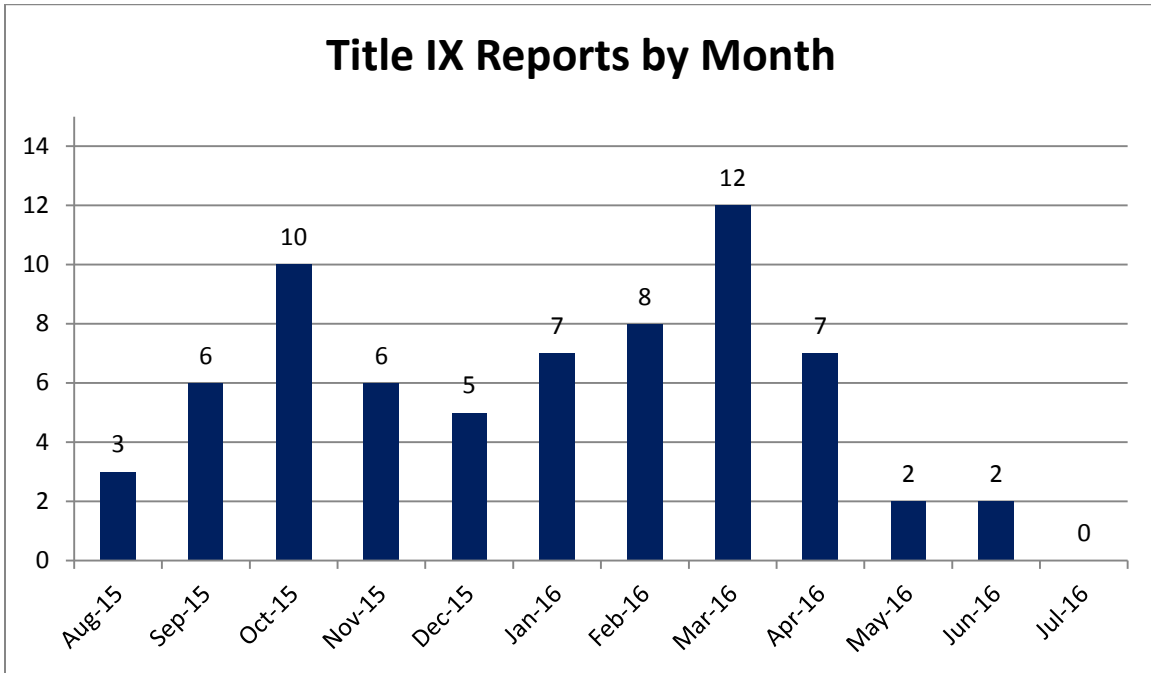
**Sexual Exploitation: 1**

For thorough definitions of each of the above, please refer to **Section V** of this report. In the 2014/2015 Title IX Annual Report, you will notice 49 reports of alleged sexual discrimination. Between the first annual report and this current report, we saw a jump of 19 reported Title IX complaints. To our office, this jump in cases indicates more people reporting Title IX incidents. It further indicates we are effectively training more students, staff and faculty on Title IX.

33.8% of all reported Title IX cases last year were considered Sexual Harassment. We hope that continued use of the “Not Anymore” training and mandatory Title IX training for staff and faculty will eventually lead to a lowered number of sexual harassment cases occurring on our

campus. However, this initial spike was expected as we are training more people and making more members of the campus community aware of Title IX requirements.

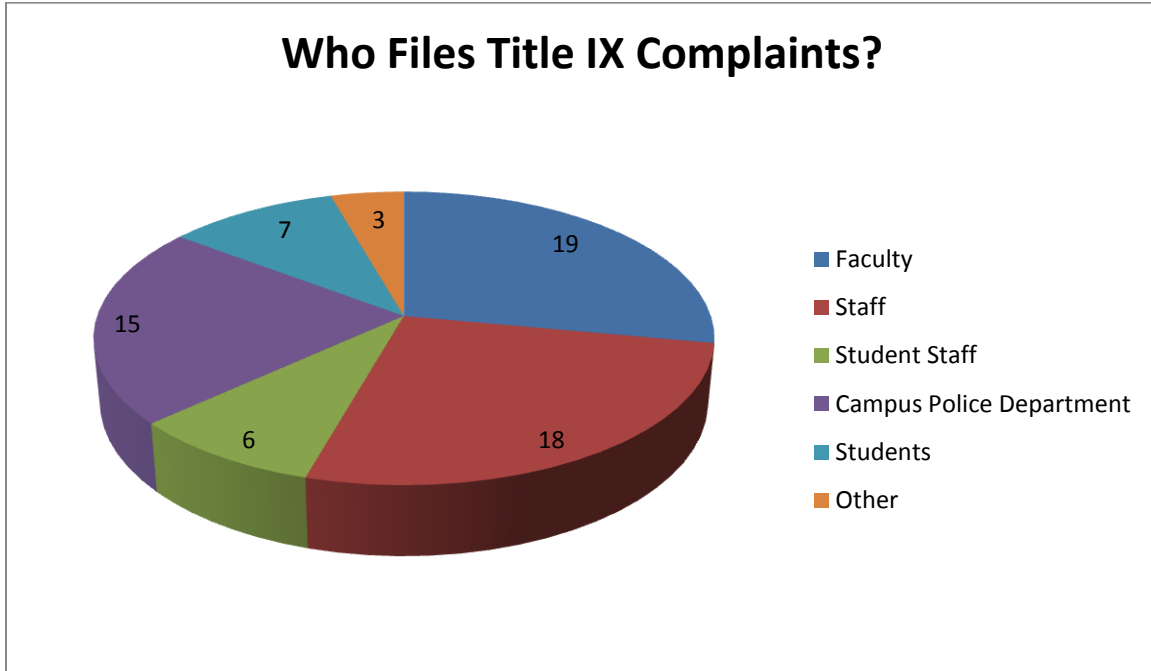
**VII. Title IX Reports by Month: August 1, 2015 through July 31, 2016**



The above chart illustrates the number of Title IX complaints the office of Equal Opportunity and Diversity received between August 1, 2015 and July 31, 2016. Please note, during the month of July 2016, the OEOD received no reports of Title IX incidents. This number can be explained by the lack of students on campus during the summer months.

Also of note are the months of August 2015, May 2016, and June 2016. The combination of these months accounts for only 10.3% of Title IX complaints we saw in the past year. This again can be attributed to the lack of students on campus during the summer months. Students finish their semesters in May and are typically off campus in June and July, returning in August. Although we do have an active semester in the summer months, student enrollment is far less than spring and fall semesters.

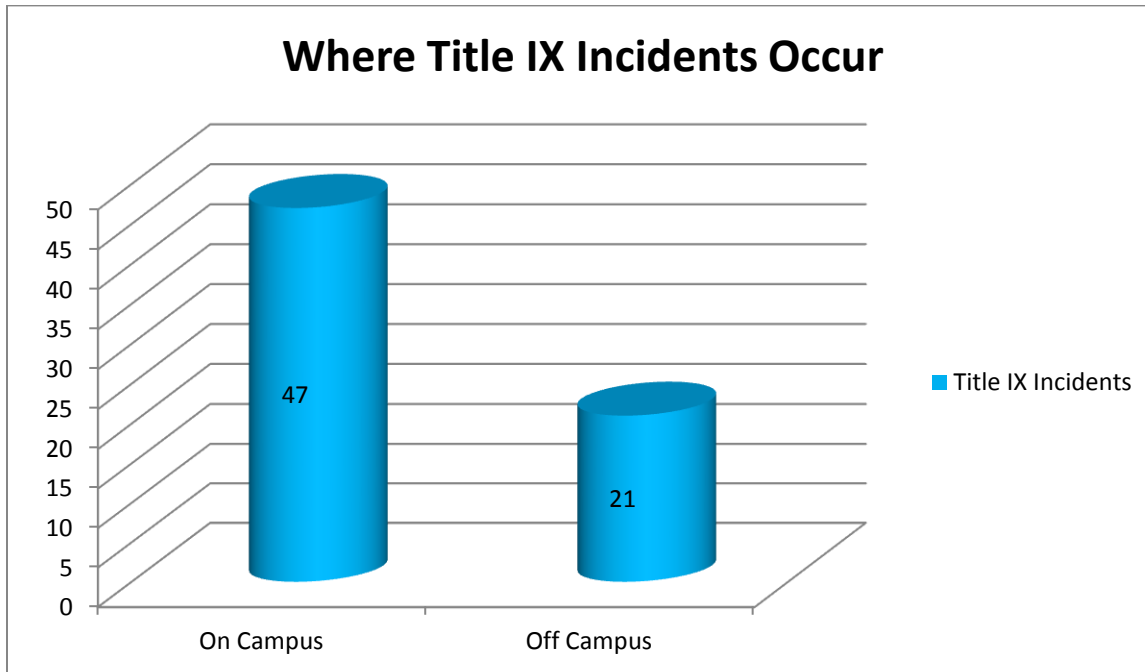
### VIII. Who Files Title IX Complaints?



The above chart outlines who has filed Title IX complaints with the Office of Equal Opportunity and Diversity in the last year (August 1, 2015-July 31, 2016). Of the 68 Title IX complaints the OEOD received in the past year:

- 28%** were reported by **faculty**
- 26%** were reported by **staff**
- 22%** were reported by the **UMSL Police Department**
- 9%** were reported by **student staff**
- 10%** were reported by **students**
- 4%** were reported by **other individuals (parents, anonymous persons, etc)**

## X. Where Reported Title IX Incidents Occurred



Currently, approximately 17,000 students are enrolled at the University of Missouri-St. Louis (Fall 2016). Approximately 1,000 of those students live on campus. Of the 68 Title IX reports filed last year, approximately 68.1% of them occurred on campus. Approximately 30.9% of the reports indicated the Title IX incident took place off campus.

It is important to understand what constitutes on campus incidents. These are events that occurred on our campus or while a student, staff or faculty member, or visitor was on our campus. For example, if someone is receiving an inappropriate text messages via a cellular phone while in a class on UMSL's campus, we would count that as an on campus incident.

## **IX. Conclusion**

### *A Continuing Campus Effort*

As the Chief Diversity Officer and current Title IX Coordinator, we hope this annual report provides important insight into Title IX efforts at the University of Missouri-St. Louis in the past year. It is my hope this report has shown the importance of the work the OEOD has done along with the units it has partnered with on a regular basis. Not only have they completed investigations, the OEOD staff also offered staff, faculty, and student trainings. Furthermore, the OEOD staff acted as listening ears for both Complainants and Accused alike. The OEOD staff also spent a majority of time on interim remedies including class accommodations, housing accommodations, mediation, employment accommodations, and many others to make sure both the Complainant and Accused remain safe and comfortable throughout the investigation process and even after this process 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 continued growth and improvement. In the next year, the Office of Equal Opportunity and Diversity will see many changes. In the upcoming year, as stated above, all complaints of discrimination will be handled by the Human Resources department on the campus. Dana Beteet Daniels and Jessica Swederske will now be housed in the Human Resources department (located in the Arts Administration Building) under the Title IX Coordinator, Justin Lacy. Deborah Burris and Dorothea Scott will continue to maintain and run the Office of Diversity and Inclusion. They will continue to maintain the campus's Affirmative Action Plan (AAP). Investigations will still be completed as described in the Collected Rules and Regulations and the options for reporting Title IX incidents are not changing. However, instead of reporting claims of discrimination to the OEOD, they will now be made to the Human Resources department. Reports can be made to Justin Lacy (Senior HR Consultant and Title IX Coordinator), Dana Beteet Daniels (HR Consultant, Deputy Title IX Coordinator, and Deputy Equity Officer), or Jessica Swederske (HR Consultant, Deputy Title IX Coordinator, and Deputy Equity Officer).

In the next year and future years, we have goals to strengthen our Title IX training programs at the university. While we already complete a wide range of Title IX presentations and trainings, we hope having a larger staff will allow us to complete even more while focusing on specific groups. In the past year, we have seen a need to train our sororities, fraternities, and residential advisors further. We are partnering with Greek Life to make sure our sororities and fraternities are trained appropriately and can act as role models for other students. We also commit to working to provide more training for our staff and faculty, to also include the UMSL Police Department. As we are an inclusive campus, we also strive to expand our knowledge on current LGBTQ issues while providing training that will help continue to make the UMSL campus a place where everyone feels safe and comfortable while feeling they can be themselves.

Also in the next year the Title IX teams plans to bring new programs/campaigns to the campus community. As 2017 quickly approaches, we are looking into apps and campaigns that we feel will greatly benefit the campus. Furthermore, we hope to have a more active presence on social media. We continue to team up with other campus entities to promote Title IX related issues such as dating/intimate partner violence awareness and sexual violence awareness. We are also

working to obtain further trainings for our Title IX staff so they can provide the most current Title IX information possible to the campus community. The Human Resources department is looking forward to 2017 and all the changes the campus will see regarding Title IX. We continue to strive to keep UMSL a safe and inclusive place for students, faculty, staff, and visitors. With the help of our ever supportive campus community, we hope to make UMSL a safer and more inclusive place in the years to come. If you have any questions or concerns about any information in this report or would like to make a claim of discrimination, please contact Justin Lacy at [lacyjl@umsl.edu](mailto:lacyjl@umsl.edu).