Dear Members of the Missouri S&T Community:

I invite you to review the second Missouri University of Science and Technology Equity and Title IX Annual Report of the Division of Human Resources, Equity, and Inclusion. The 2015-2016 Annual Report describes incidents of discrimination regarding race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, gender expression, age, genetic information, disability, or protected veteran status, as defined by the University of Missouri System’s Collected Rules and Regulations, reported to the university from February 1, 2015 through July 31, 2016. The Annual Report helps establish baseline information that the university can use in future years to identify trends and develop programs, policies, and procedures to improve our campus culture and is only one of a number of initiatives that the university has implemented to eliminate equity and/or sex discrimination on campus.

It is important to note that these initiatives would not be possible without the support of the entire Missouri S&T community to create a culture on campus that stands up to all forms of discrimination. While the groundwork has been laid, there is still much left to accomplish. With the help of other departments and offices on campus, we have diligently worked on developing a comprehensive program to not just investigate equity and/or sex discrimination when it occurs, but also to change the dialogue surrounding the issues. We recognize the negative impact that these experiences can have on parties involved and have stepped up our efforts to offer accommodations that will allow them to remain focused on the path ahead. Additionally, more aggressive outreach and education programs have been implemented to send a unified message that Miners work together to prevent discrimination.

This report is intended to not only highlight our efforts for continuous improvement, but to provide you with data regarding the number of reports received by the university, as well as an outline of the process by which reports are resolved. As you read the 2015-2016 Annual Report, please be aware that we have an obligation to balance transparency with the privacy rights guaranteed to those involved as protected by the Family Education Rights and Privacy Act (FERPA).

If you have any feedback regarding the Annual Report please email us at jedi@mst.edu. If you would like to make a report of sex discrimination, learn more about university and community resources, or if you are in need of accommodations, please contact me, the Title IX Coordinator, at (573) 341-4920.

Thank you for your interest in Equity and Title IX and your ongoing commitment to creating a more equitable, safe, and inclusive Missouri S&T.

Sincerely,

Shenethia Manuel, JD
Vice Chancellor for Human Resources, Equity, and Inclusion
Title IX Coordinator
Chief Equity Officer
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Definitions

These terms are critical to understanding the Annual Title IX and Equity Report. Please take proactive steps to familiarize yourself with these terms prior to reading the report. For more information, please visit the UM System Collected Rules and Regulations found at umsystem.edu. Please note that the definitions in this Annual Report differ from criminal offenses described in the Revised Missouri Statutes. Additionally, this Annual Report is not meant to be a substitute for the university’s Annual Clery Security Report. The definitions below differ from the crime definitions and classifications required under the Clery Act in the Annual Clery Security Report.

The Office of Institutional Equity, Diversity and Inclusion (IEDI) does not conduct criminal investigations and this Annual Report does not classify criminal behavior. Rather, this office investigates and responds to reports of potential policy violations of the university’s prohibition on sex and equity discrimination.

- **Complainant**—alleged victim of the university’s anti-discrimination policies.

- **Accused**—person who allegedly violated the university’s anti-discrimination policies.

- **Report**—information received by IEDI, stating that an individual has or may have experienced discrimination based on a protected class, (i.e. race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, gender expression, age, genetic information, disability, or veteran status).

- **Policy Violation**—the classification of a report into a specific behavior prohibited by the university’s anti-discrimination policies.

These terms are used within this report to classify varying violations in accordance with Section 200.010 of the university of Missouri System Collected Rules and Regulations.

For purposes of this report, “on campus” is defined as any building or property owned or controlled by the university within the same geographic area and used by the university in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls.

Greek housing and areas contiguous and adjacent to campus, while not controlled by the university, are considered “on campus” for the purposes of this Annual Report. This definition is similar to but not the same as the geographic parameters of “on campus” reporting required by the Clery Act. See 34 CFR 668.46(c)(4) for a definition of “campus” and “non-campus” pursuant to the Clery Act. Greek housing, owned and controlled by student organizations, would be considered “non-campus” for purposes of Clery Act reporting.

- **Retaliation**—Retaliation is any adverse action taken against a person because of that person’s participation in a protected activity. The university strictly prohibits retaliation against any person for making any good faith report or for filing, testifying, assisting or participating in any investigation or proceeding involving allegations of discrimination in violation of the university’s Equal Employment/Education Opportunity Policy. Individuals who retaliate will be subject to discipline.

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

A determination that a report of discrimination 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. A determination that a report of sex discrimination is false can only be made after a thorough investigation. Erroneous reports made in good faith are not considered false reports.

Furthermore, failure to find that a policy violation occurred does not mean the complaint was false. To clarify, a finding that an individual has not violated university policy, does not mean the report was false, or made in bad faith. The determination that a report is false must be supported by evidence that an alleged policy violation did not occur or was not attempted.

- **Equity-based Discrimination**— refers to discrimination on the basis of a protected class including both sex-based and non-sex based discrimination. Protected classes include:
  - race
  - color
  - national origin
  - ancestry
  - religion
  - sex
  - sexual orientation
  - gender identity
  - gender expression
  - age
  - disability
  - genetic information
  - disability
  - veteran status

- **Non-Sex Based Discrimination**— refers to discrimination on the basis of race, color, national origin, ancestry, religion, age, disability, genetic information, disability, or protected veteran status.

- **Sex-Based 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). In some cases, however, definitions have been added to this report to promote understanding.
Prior to listing commonly used terms within the Annual Report to express sex discrimination and assault, it is important to define **Consent to Sexual Activity** as it is defined by University of Missouri System:

- **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.

- **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:

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

    Sexual orientation is the term used to describe what gender(s), if any, someone is sexually and/or romantically attracted to.

  - **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:
  - **Nonconsensual Sexual Intercourse (NCSI)**— is nonconsensual vaginal, oral and/or 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:
  
  o following the victim
  
  o showing up uninvited at places the victim is present
  
  o calling, texting, and/or emailing repeatedly
  
  o sending unwanted gifts
  
  o 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, or 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:
  
  o threatened or completed violence towards a person’s body, possessions, pets, or children
  
  o intimidation through words, threats, or acts of violence
  
  o isolating the victim from family and friends
  
  o 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.

• **Hazing (on the basis of sex)**— is defined as an act that endangers the mental or physical health or safety of a student, or an act that is likely to cause physical or psychological harm to any person within the university community, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization, where the intent or impact of the act is based on or creates disparities based on sex, gender, sexual orientation, gender identity or gender expression. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent, failing to discourage, and/or failing to report those acts may also violate this policy.
Guide to this Report

The Annual Report presents information about alleged inequity based on protected class and the actions taken by the Office of Institutional Equity, Diversity and Inclusion (IEDI), and the Chief Equity Officer/Title IX Coordinator in response. More specifically, this document includes descriptions of all reports of potential discrimination brought forward between February 1, 2015, and July 31, 2016. This information is communicated in both statistical and narrative formats.

Reports of equity-based discrimination are initially broken into two categories: non-sex based and sex-based. Reports of non-sex based discrimination are presented in 13 categories: race, ancestry, gender identity, disability, color, sex, gender expression, retaliation, religion, sexual orientation, protected veteran status, national origin, and genetic information. Reports of sex-based discrimination include all Title IX complaints and are presented in 12 different categories: sexual harassment, dating/intimate partner violence, bullying on the basis of sex, gender expression discrimination, sexual misconduct, retaliation, sexual orientation discrimination, pregnancy discrimination, stalking on the basis of sex, sex discrimination, gender identity discrimination, and hazing on the basis of sex. Reports of sexual misconduct are then further divided and assigned to sub-categories to better classify their nature.

This Annual Report presents information about 109 reported instances of equity based discrimination received during the reporting period of February 1, 2015 to July 31, 2016. However, of those 109 reports, there were 14 instances where complaints were initially reported as discrimination on the basis of protected class but later eliminated during the preliminary stage as non-equity based complaints. Thus, the Office of IEDI actually received 95 reports of equity based discrimination during the annual reporting period. These complaints were reported by individuals or campus organizations that experienced or witnessed inequity based on a protected class, and were classified into 14 categories of alleged policy violations.

Of the 95 equity based complaints, 17 reportedly experienced more than one type of discrimination. 6 Complainants experienced more than one type of discrimination on the basis of sex, and 8 Complainants experienced more than one type of non-sex based discrimination. In 3 reports Complainants reportedly experienced both non-sex and sex based discrimination. In 4 instances, there were multiple Complainants involved in the same report. In 6 other instances there were unknown Complainants, which means there was a reporting party that did not experience the alleged violation firsthand but had enough knowledge to report it.

Additionally, the Annual Report further analyzes sex-based discrimination covered under Title IX. There were 65 instances of sex or gender based discrimination; 6 of these Complainants reportedly experienced more than one type of sex based discrimination and in 3 cases Complainants experience sex and non-sex based discrimination. In 3 instances, there were multiple Complainants involved in the same case, and in 5 instances, there were unknown Complainants, which means there was a reporting party that did not experience the alleged violation firsthand but had enough knowledge to report it. These 65 incidents were classified into 12 categories of alleged policy violations.

Of the 95 instances reported, 48 were investigated past the preliminary investigation. The remaining 47 instances were categorized as reluctant Complainants, requests not to pursue, could not pursue for lack of information, or were out of jurisdiction.

Please read the Annual Report carefully and take time to familiarize yourself with the key definitions section, which will provide you with detailed descriptions of terms used within this report. While intended to be descriptive, this Annual Report has limitations, such as the inability to convey the complexity of each incident that has been shared in an effort to protect the privacy of all parties.
In coming years, analysis of possible trends in data will be analyzed across multiple Annual Reports; however, these early analyses will also have limitations. Many incidents that impact our students are currently unreported, as the Office of IEDI is still relatively new to the Missouri S&T campus. As IEDI becomes more established and people become more aware of its purpose, it would not be a surprise to see reporting increase in future reports.

**Changes to this Report**

The first Title IX Annual Report published in October 2015, consisted of data pertaining only to incidents of sex-based discrimination. During IEDI’s first year in operation, the Annual Report aimed to define the main mission of the department: protecting students from discriminatory environments and behavior on the Missouri S&T campus. While this is still a top priority, this year’s report has expanded to include all cases of equity discrimination, both sex-based and non-sex based.

In addition, this year’s Annual Report will include all reports of equity-based discrimination for all students, staff, faculty, and visitors on campus beginning from the inception of the Office of IEDI to the end of the 2015-2016 fiscal year, February 1, 2015 to July 31, 2016. Going forward, the annual report will follow the university’s fiscal year calendar.

The second Annual Title IX and Equity Report will conclude with an analysis of hypothesized trends made apparent over the first two years of the Annual Reports. This data is in no way definitive of reporting trends, as the sample size is too small for absolute results. However, it is important to recognize the potential for emerging trends in data.
How the University Receives Reports of Alleged Discrimination

The university receives reports in a number of ways. Anyone that becomes aware of or experiences a potential Title IX or equity violation can report the incident by communicating concerns to the Title IX Coordinator, mandated reporters (see below) of the university, or by contacting the Office of IEDI directly via phone, email, or in person. Reports can also be made by any party by submitting claims through the online reporting portal located on the Office of the Chancellor’s webpage. All reports made to the university have the option to remain anonymous.

Self-Reports

Students, staff, faculty, volunteers, and visitors to the university who have experienced any form of sex discrimination, including sexual harassment or sexual misconduct, or equity-based discrimination firsthand are encouraged—but not required—to report the incident promptly to the Title IX Coordinator, Shenethia Manuel, at (573) 341-4920 or at iedi@mst.edu. Remember, everyone has the right to be free from discrimination.

Any individual who would like to make a report may contact the Title IX Coordinator or the Office of IEDI via e-mail, the online form, phone, or in person. The Intake Officer will connect them with resources, explain their rights and options, and help them decide the next steps. While everyone is encouraged to make a formal report of alleged violations, victims of discrimination are not required to share the incident with the university. Victims are also not required to make formal complaints after they have communicated their initial concerns.

Mandated Reporters

A Mandated Reporter is any employee of the university who becomes aware of an act of sex discrimination (including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation) or behavior which could be characterized as sexual harassment, when perpetrated against a faculty, staff, student or visitor of the university. University policy requires any employee (staff, faculty, student workers, and volunteers) who become aware of a discriminatory incident to share that information with the Office of IEDI. Mandated reporters must share all details that they have knowledge of in the report.

While Mandated Reporters are not required to report acts of equity discrimination, all staff and faculty at Missouri S&T are encouraged to report any behavior that could violate university policy.

Exceptions to Mandated Reporting

Employees with a legal obligation or privilege of confidentiality (including lawyers and their associated staff, as well as some health care providers and counselors) are not required to share information regarding sex discrimination with the university 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 Office of IEDI.

Confidential Resources on campus include some mental and/or physical health care providers working in their capacity in Missouri S&T Counseling, Disability Support and Student Wellness (CDSW).
Equity-Based Discrimination Reports Received

Equity Complaints Reported By Month

During the annual reporting period of February 1, 2015 to July 31, 2016, 95 total reports of potential UM System policy violations were submitted to the Office of IEDI. The above diagram shows the number of reports received each month. However, this does not mean that the alleged incidents necessarily occurred during the month in which it was reported. This diagram does not include the 14 instances where complaints were initially reported as discrimination on the basis of protected class but later eliminated during the preliminary stage as non-equity or Title IX based complaints.

The months of February 2015 and April 2016 received the largest number of incoming reports with 11 each, followed by November 2015 with 10 reports and April 2015 and March 2016 with 9 reports each. May 2015 and January 2016 had 6 reports each and December 2015 and February 2016 each received 5 reports. The months of September 2015, October 2015, and May 2016 each had 4 reports. March 2015 and August 2015 had 3 reports each, followed by the summer months with the least reported cases. July 2015 and June 2016 had 2 reports each followed by July 2015 with 1 report. No reports were received for the month of June 2015.

During the annual reporting period there were 3 reports where Complainants reportedly experienced both sex and non-sex based discrimination in the same complaint. These complaints were reported in the months of May 2015, December 2016 and January 2016. These reports are shown as one report in the above diagram but counted separately in the below diagrams - “Non-Sex Based Complaints Reported by Month” and “Sex Based Complaints Reported by Month”.
During the annual reporting period of February 1, 2015 to July 31, 2016, 30 of the total 95 reports to the Office of IEDI were categorized as non-sex based discrimination. The above diagram shows the number of non-sex based reports received each month. However, this does not mean that alleged incidents necessarily occurred during the month it was reported. This diagram does not include any of the 14 instances where complaints were initially reported as discrimination but later eliminated during the preliminary stage as non-equity or Title IX based complaints.

The month of November 2015 received the largest number of incoming reports with 5, followed by February 2015 and April 2016 with 4 reports each. The months of May 2015, December 2015, and January 2016 received 3 reports each, and August 2015 and May 2016 received 2 reports each. April 2015, July 2015, September 2015, and March 2016 all received 1 report each. There were no reports received in March 2015, June 2015, October 2015, February 2016, June 2016 or July 2016.

The months of May 2015, December 2016, and January 2016 each received 1 report in which the complainant experienced more than one type of discrimination.
During the annual reporting period of February 1, 2015 to July 31, 2016, 68 of the total 95 reports to the Office of IEDI were categorized as sex based discrimination. The above diagram shows the number of sex based reports received each month. However, this does not mean that alleged incidents necessarily occurred during the month it was reported. This diagram does not include any of the 14 instances where complaints were initially reported as discrimination but later eliminated during the preliminary stage as non-equity or Title IX based complaints.

The largest number of reports were received during the months of April 2015 and March 2016 with 8 reports each, followed by February 2015 and April 2016 with 7 reports each. November 2015 and February 2016 both had 5 reports each. May 2015, October 2015, and January 2016 each had 4 reports. March 2015, September 2015, and December 2015 had 3 reports each. May and June 2016 both had 2 reports each. July 2015, August 2015 and July 2016 had 1 report each. And lastly, no reports were received for the month of June 2015.

The months of May 2015, December 2015, and January 2016 each received one report in which the complainant experienced more than one type of discrimination.

The data collected does not show a clear trend based on events occurring at the university or in the surrounding community and in the number of reports during each month. It can be observed, however, that the number of reported incidents rises when students have been on campus for elongated periods, such as in the time between the start of school and winter break, and then again between winter break and spring break.

It is unknown at this time what factors promote the submission of reports.
What Happens After the University Receives a Report?

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

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

The Intake Officer will also offer the Complainant interim remedies and accommodations, such as campus housing support, class schedule accommodations, academic support and work accommodations. It is the Complainant’s right to receive accommodations whether or not they choose to file a Formal Complaint or pursue an investigation. Additionally, we inform all Complainants that they are not obligated to meet with or communicate with IEDI or file a Formal Complaint, but encourage all parties (including the Accused) involved in potential incidents of discrimination to utilize campus counseling services.

It is the Complainant’s right to file a Formal Complaint with IEDI to pursue an investigation and disciplinary action against the Accused. Both Title IX and Equity complaints against students, staff or faculty of Missouri S&T are resolved using the Equity Resolution Process, which will be discussed later in this report.

Requests for Confidentiality

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

If a Complainant requests confidentiality or that the university not conduct an investigation or request disciplinary actions against the Accused, the Title IX Coordinator or Chief Equity Officer is generally able to honor that request. A trauma-informed approach is used for all requests for confidentiality and requests that investigations not proceed.

It is possible, however, that the Title IX Coordinator or Chief Equity Officer may need to move forward with an investigation despite the Complainant’s wishes in order to provide a safe and nondiscriminatory environment for all students. In considering a Complainant’s request that an investigation not proceed, the Title IX Coordinator, Chief Equity Officer, or Deputy Title IX Coordinator also consider other steps, such as education and training for the Accused to limit the effects of the reported discrimination, prevent its recurrence, and remedy its effects on the Complainant and the university community.

During the annual reporting period, there were 4 occasions in which the Title IX Coordinator proceeded with either a preliminary investigation or formal investigation and resolution for sex based discrimination without the Complainant filing a Formal Complaint. There were also 2 occasions in which the Chief Equity Officer proceeded with non-sex based discrimination investigations without the Complainant filing a Formal Complaint.
Equity Based Reports of Discrimination

The following data expresses the different types of Equity related incidents that occurred during the annual reporting period, classified using terminology found in University of Missouri System Collected Rules and Regulations Section 200.010. For explanations of specific vocabulary used, please see the Definitions section of this report.

Missouri University of Science and Technology and the University of Missouri System believe in equal and fair treatment and providing a nondiscriminatory environment for all faculty, staff, students, volunteers and visitors to the university. When incidents of equity related discrimination are reported to the Institutional Equity, Diversity and Inclusion department, the same procedure for Title IX incidents applies.

There were 95 reported complaints of equity based discrimination, 17 of which were reported to have experienced more than one type of discrimination. The below diagram reflects a total of 112 instances of equity based discrimination which includes reports with multiple alleged policy violations listed independently per violation.

Sex Discrimination was the most reported violation with 68 reports followed by Race with 16, National Origin with 13, Disability with 5, Protected Veteran Status 4, Sexual Orientation 3, and Retaliation, Religion and Age Discrimination with 1 report each. Lastly, IDEI did not receive any reports of discrimination on the basis of Gender Expression, Gender Identity, Ancestry, Color, or Genetic Information.
Reports of Sex Discrimination Covered Under Title IX

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

There were 65 reported incidents of sex or gender based discrimination, 3 in which Complainants reportedly experienced both sex and non-sex based discrimination, and 5 Complainants reportedly experience more than one type of sex based discrimination. The below diagram reflects a total of 72 instances of sex based discrimination. These type of incidents were classified using terminology found in University of Missouri System Collected Rules and Regulations Section 200.010. For explanations of specific vocabulary used, please see the definitions section of this report.

![Sex Based Reports of Discrimination](image)

Sexual Misconduct was the most reported violation with 26 instances followed by Sexual Harassment with 17. 12 reports were received for Dating/ Intimate Partner Violence, 7 for Stalking On The Basis Of Sex, 6 for Sex Discrimination, and 3 for Sexual Orientation Discrimination. One report of Retaliation for Filing a Title IX Complaint was received. Lastly, IED did not receive any reports of Bullying On The Basis Of Sex, Gender Identity, Gender Expression Discrimination, Pregnancy Discrimination, or Hazing on the Basis of Sex.
Reports of Nonconsensual Sexual Contact and Nonconsensual Sexual Intercourse

The most reported type of Sexual Misconduct during the annual reporting period was Nonconsensual Sexual Contact with 11 reports. Nonconsensual Sexual Contact involves 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. There were 10 reports of Nonconsensual Sexual Intercourse, which is defined as nonconsensual vaginal, oral, and/or anal penetration. This conduct is sometimes referred to in common usage as “rape” or “sexual assault.” During the annual reporting period, there were 3 reports of exposing of one’s genitals and 2 reports of Sexual Exploitation.

Reports of Sexual Misconduct and Intimate Partner/Dating Violence

Sexual Misconduct and Dating/Intimate Partner Violence were the second most reported categories during the annual reporting period. Most reports received by the university detailed situations in which the Complainant alleged that the Accused’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 unwelcomed sexual advances and requests for sexual activity. Often, those who endure Intimate Partner Violence may still be in a relationship with the Accused at the time a report is made, therefore staff members must proceed with caution 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 university determines the best course of action while pursuing these complaints.
The majority of Complainants alleged that they experienced discrimination while on campus with 78 reported instances, followed by 6 instances reportedly occurring off campus. There were 3 instances in which the Complainant did not disclose where the incident occurred.

The “electronic” category refers to discrimination experienced via phone calls (cell and landline), text message or in cyberspace (email or social networking websites), rather than in a physical, static location. Typically, violations such as stalking and sexual harassment were reported to have been carried out electronically; however, bullying, hazing, retaliation, gender, sexual orientation and sex discrimination also can be carried out through electronic means. Six Complainants reportedly experienced discrimination through purely electronic means, while 2 reports indicated that the discrimination occurred both on campus and electronically.
How Reports of 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 Office of IEDI will reach out and contact the Complainant. The goal of the initial contact is to provide Complainants with a statement of their rights and to inform Complainants that they can receive accommodations and utilize campus resources. There were 95 incidents of discrimination reported during the annual reporting period, which identified 94 Complainants. Complainants can be organizations, such as an athletic teams, clubs or departments, as well as individuals.

Complainants are not required to respond to communication from the university concerning discrimination. However, assisting the Complainant by providing accommodations is only possible if the Complainant communicates with the university. 28 Complainants received 39 accommodations or interim remedies during this annual reporting period. Complainants can receive accommodation by contacting the Office of IEDI by email, phone or in person in order to arrange the specific accommodation requested.

Not all Complainants ask for or indicate that they need accommodations. 64 Complainants during the annual reporting period did not request accommodations. 12 Complainants communicated with the Office of IEDI, but did not file a formal complaint. Individuals that responded to communication but did not file a formal complaint usually cited the following reasons:

- The Accused’s name is…
- I feel safe, and I do not need resources or accommodations
- I just want to talk with you about my options
- I only want to document my side of the story
- The accused is not affiliated with Missouri S&T
- There is no longer a problem
- The incident did not occur on campus
- I took care of the situation myself
- My supervisor handled the situation
- I did not experience discrimination
- I am seeking counseling and do not wish to discuss this report

The university strives to identify trends and patterns of behavior; hence, any information shared will be added to our private database and used to prevent future discrimination if possible. Even if Complainants do not wish to pursue an investigation when an incident is reported, the department of Institutional Equity, Diversity and Inclusion is willing and able to document information, which can be used if the Complainant requests an investigation at a future date.

Lastly, 25 Complainants chose not to respond to outreach communications from the Office of IEDI. However, these Complainants still received information regarding their rights, copies of university anti-discrimination policies, and an invitation to meet with the Intake Officer at any future time.
**Interim Remedies and Accommodations**

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

The university also supports Complainants by arranging reasonable accommodations in cases of potential discrimination. Academic accommodations are made in situations where a student has missed classes, assignments, has been academically dismissed, or needs assistance speaking with faculty or course instructors. Students also could request alternative attendance procedures or on-campus housing changes, in addition to parking and transportation accommodations, where applicable.

Accommodations can be provided regardless of whether an individual decides to make a formal complaint and regardless of whether there is a formal investigation.

**Types of Accommodations**

A total of 28 Complainants received accommodations during the annual reporting period. In some instances, more than one type of accommodation was provided for a single Complainant, and in others accommodations were not provided. As a result, the number of accommodations provided will not match the number of Complainants identified during the annual reporting period. In total, 39 accommodations were provided during the annual reporting period.

In most cases of Sex Based Discrimination during the annual reporting period, Complainants did not want any accommodations. Work accommodations were the most common accommodation provided. No contact directives were issued 6 times which indicate that the Accused and the Complainant can have no contact in any way, including via electronic or third party means. Exam date changes were provided 6 times, and work accommodations were provided in 9 different instances which included changing shifts or moving offices. One case involved a work suspension which temporarily removed the Accused staff from working on campus. Additionally, 1 case involved an interim suspension accommodation, which temporarily removed the Accused student from campus. There were 6
students that received counseling accommodations, 3 received housing accommodations, and 2 students requested campus police escorts. Off campus housing and medical resources were provided to 2 students, 1 student was provided transportation accommodations, and in one complaint the accused non-student received a no trespassing directive.

In all cases in which the Office of IEDI becomes aware, both the Complainant and the Accused will be provided with information on resources and services available. Additionally, all parties identified in a report, including witnesses are referred to CDSW to seek additional support during the investigative or reporting process if needed.
The Equity Resolution Process

After the university receives a report, 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 formal complaint provides the university with notice of a potential violation of the University’s anti-discrimination polices, and officially requests the university to conduct an investigation. 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)
- A list of witnesses

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. As a result, the Title IX Coordinator or Chief Equity Officer may elect to pursue an investigation when a Complainant has not filed a complaint or requested an investigation. In these circumstances, the Title IX Coordinator or Chief Equity Officer deliberates thoroughly prior to initiating an investigation and will only do so when an investigation is necessary to protect the university community or others and provide a safe and non-discriminatory environment for all students. Even if an investigation is not pursued, the university endeavors to take steps to limit the effects of the alleged discrimination and prevent its recurrence, such as with training and education for the Accused.
There is no requirement that an alleged victim of equity based discrimination must pursue a formal complaint. In some cases, the Complainant may choose not to make a formal complaint after the start of an investigation. During the annual reporting period, there was a total of 47 complaints that were not investigated past the preliminary stage.

25 reports could not be further pursued because Complainants did not respond to outreach communication. These Complainants did however still receive information on counseling information and support services offered by the university. In 4 instances, the university could not pursue an investigation due to lack of information. 6 reports could not be investigated because they were outside of the university’s jurisdiction. 12 reports were not pursued at the Complainant’s request.
Resolutions of Sex Based Complaints

During the annual reporting period, there were 21 instances of sex based discrimination in which the Complainants did not respond to outreach prior to the start of an investigation. In 4 instances, the university could not pursue an investigation due to lack of information. In 4 instances, the university could not pursue an investigation because the complaint was outside of the university’s jurisdiction. There were 20 instances that ended in Summary Resolution and 9 instances that ended in Informal Resolution. There were 6 complaints not pursued at the Complainants request. Only 1 instance ended in Administrative Resolution.
During the annual reporting period, there were 4 instances of non-sex based discrimination in which the Complainants did not respond to outreach prior to the start of an investigation. These instances were categorized as Reluctant Complainants. In 2 instances, the university elected to not pursue an investigation because the complaint was out of the university’s jurisdiction. 2 cases ended with Conflict Resolution, and there were no cases that ended in Administrative Resolution. There were 15 instances that ended in Summary Resolution and 1 instance that ended in Informal Resolution. There were 6 complaints not pursued at the Complainants request. There were no instances in which the university could not pursue an investigation due to lack of information.
Of the 95 reports of Equity Based Discrimination, a Student was the Accused in 37 complaints, followed by accused Faculty with 21 complaints. Accused Staff accounted for 16 complaints. There was 1 organization accused of discrimination and 7 accused individuals which had no affiliation with the university. Lastly, in 13 complaints the accused was unknown.

Of the 65 reported cases of Sex Based Discrimination, Students were the most accused, with 33 complaints, followed by accused Faculty with 13 complaints. Accused Staff accounted for 4 complaints. There were 6 accused individuals which had no affiliation with the university. Lastly, in 10 complaints of sex-based discrimination the accused was unknown. No organizations on campus were affiliated as the Accused in any of the 65 reported cases.
Preliminary Investigation and Formal Investigation

Upon receipt of both potential inequity and Title IX related reports, the University Investigator conducts a preliminary investigation to gather enough information to refer the matter to an appropriate resolution process, to provide interim remedies as needed, to address any concerns regarding confidentiality, and to 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.

The University Investigator is committed to conducting thorough, reliable and impartial investigations, which include relevant physical and electronic evidence, such as screenshots of text messages and emails, as well as detailed interviews with relevant parties and witnesses. In accordance with the UM Collected Rules and Regulations Chapter 200.025 Section B, 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 or chief Equity Officer, though investigations may take longer in complex cases. Additionally, 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 discrimination is reported to the university that also alleges violation of the Standard of Conduct (200.010), the Office of IEDI will also investigate and resolve the related conduct violations. For example, if the university receives a report of stalking on the basis of sex and vandalism, and the vandalism is related to the stalking allegations, then the vandalism will also be investigated.

However, the university provides amnesty for minor student conduct policy violations during the investigation into alleged inequity and Title IX violations to provide support to involved parties during the investigative process.

Summary Resolution

During the annual reporting period, 20 reports of sex based discrimination were evaluated by the Title IX Coordinator and after the respective investigation, it was determined that the complaint should not move forward to the Resolution Phase. 15 reports of non-sex based discrimination evaluated by the Chief Equity Officer were not recommended to move forward to the Resolution Phase. On these occasions in both categories, the Complainant was still able to receive accommodations from the university and was referred to on-campus resources and services.

Resolution Processes

After the University Investigator completes an investigation (involving an Accused student or student organization), the Title IX Coordinator or Chief Equity Officer will review the investigation and may meet with the Investigator for clarification regarding information gathered during the investigation.

Next, the Title IX Coordinator makes a decision, based on the evidence gathered, on whether the complaint should move to the Resolution Process 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 Accused 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.
Conflict Resolution
This method of resolution can be used for less serious behaviors in Title IX related cases, and in all cases of inequity. During the annual reporting period, 2 Equity complaints were resolved using the conflict resolution process. There were no Title IX complaints resolved through this process.

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 Office of Institutional Equity, Diversity and Inclusion determines that conflict resolution is appropriate. In making a determination of appropriateness, the following points are considered:

- 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
- 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.

It is not necessary to utilize the conflict resolution process prior to pursuing either an 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.

Informal Resolution
The informal resolution process can be used only if both the Complainant and Accused agree to this form of resolution. In the informal process (student or student organization as the Accused), 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 University Investigator. 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 annual reporting period, 10 Accused were found responsible of violating university policy, 9 for complaints of sex-based discrimination and 1 for a complaint of racial discrimination.

Formal Resolution
The Formal Resolution Process, involves an Equity Resolution Hearing Panel composed of three trained staff or faculty members that will conduct a formal hearing on campus. This resolution process is only available to students and faculty. During the hearing, the University Investigator will serve as the main witness, presenting a report of the
investigation to the panel. Both the Complainant and Accused 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 Accused may direct questions to each other through the chair. Both the Complainant and Accused may have an advisor present with them during the hearing. If a Complainant or Accused does not wish to attend the hearing in person, he or she can request alternative arrangements such as attendance by video conference.

After the hearing, the hearing panelists will make a finding of responsibility for each 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. In the period from February 1, 2015 to July 31, 2016, there were no complaints resolved by the formal resolution process.

**Administrative Resolution**

Administrative Resolution process can be pursued for any behavior that falls within the University’s Anti-Discrimination Policies and may be used when both parties elect to resolve the Complaint using the Administrative Resolution Process. This process is administered by the Equity HR Officer and Supervisor can be pursued for any behavior that falls within the University’s Anti-Discrimination Policies.

The Administrative Resolution process consists of:

- a prompt, thorough and impartial investigation by the Investigator
- a joint finding by the Equity HR Officer and Supervisor on each of the alleged policy violations
- a joint finding by the Equity HR Officer and Supervisor on sanctions for findings of responsibility

During the annual reporting period, 1 Accused individual was found responsible of violating university policy.

**Appeals**

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

- a procedural error that significantly impacted the outcome of the formal resolution, such as substantiated bias or material deviation from the established procedure
- to consider new evidence, unavailable during the original hearing that could substantially impact the original finding or sanction
- the sanctions fall outside the range typically imposed:
  - for the offense (as determined by the appellate officer)
  - for the cumulative conduct record of the accused
Dr. Robert Marley, Provost and Executive Vice Chancellor for Academic Affairs, currently serves as the appellate officer for both the informal and formal resolution processes for student-related complaints. All requests for appeal must be in writing, and submitted to the appellate officer within three business days of the delivery of a written finding. During the annual reporting period, the university received 4 requests to appeal the findings of responsibility, all 4 appeal requests were denied.
Conclusion

This report is one of many efforts to address inequities on our campus. It is our hope that the information provided within has been helpful in understanding the complex nature of equity-based discriminations, as well as the processes in which they are resolved. This report summarizes the Office of Institutional Equity, Diversity and Inclusion’s first year handling reports of discrimination. As we continue on into our second year, we will continue to promote the understanding that Missouri S&T will not tolerate any form of discrimination and will investigate any report with dedication to fairness.

In addition to this report, it is important to note the steps that IEDI has been taking to educate the campus community on Title IX and other equity-based discrimination. Since the culmination of our department, our team has been working diligently to increase Title IX awareness for all members of campus with an emphasis on prevention being everyone’s responsibility. To that end, our Training Coordinator has developed a number of Title IX and Equity discrimination trainings on campus dedicated to addressing questions surrounding rights and responsibilities, what can be done to prevent recurrence, as well as insight into the Equity Resolution Process. As of February 1, 2015, these face to face trainings have been provided to over 1174 students, staff, and first responders.

Furthermore, new students attending classes on campus as well as online through Missouri S&T are required to take an online Not Anymore training designed to assist in helping students develop strategies to prevent and protect themselves and others from sexual violence and harassment. Through a series of interactive videos and activities, the program educates students on topics such as consent and sexual assault, bystander intervention, dating and domestic violence, and stalking.

IEDI continues to collaborate with and support the efforts of other programs on campus with the same agenda. A continued partnership with Counseling, Disability and Student Wellness (CDSW) on campus promotes their bystander intervention program, StepUP!, as well as other CDSW events such as Walk a Mile in Her Shoes, and Take Back the Night, both of which discuss sexual harassment and violence and college campuses.

As our department continues to grow and is more able to assess the needs of campus based off these reports and campus involvement in trainings and other activities, we hope to promote and sustain a more involved and informed campus community where instances of sexual violence are not tolerated and support is provided to those involved. As always, we encourage anyone with questions and/or concerns about this report, Title IX, or any other equity matter to reach out to our office at (573) 341-7734.
Appendix

To better understand the Institutional Equity, Diversity and Inclusion office and the reporting system for Title IX and discrimination complaints, we suggest that you review the following helpful documents and resource pages:

- The Institutional Equity, Diversity and Inclusion department’s [Title IX](#) webpage and [Equity](#) webpage; you can also find the Published Missouri S&T Nondiscrimination Statement on the Title IX webpage

- Missouri S&T’s Title IX and Discrimination [Online Reporting Portal](#) found on the Office of the Chancellor’s webpage

- [Equity Resolution Process](#) for Students or Student Organizations as Accused – Chapter 200.025 of the University of Missouri Collected Rules and Regulations

- [Equal Employment/Educational Opportunity Policy](#) – Chapter 300.010 of the University of Missouri Collected Rules and Regulations

- [Equity Resolution Flow Chart](#) (Student or Student Organization Accused)

- Rights of the [Accused](#) and [Complainant](#) in the Equity Resolution Process (Student or Student Organization Accused)