Annual Title IX Report for Academic Year 2012-2013

A. Background and Summary

In December 2011, the University of Montana retained a highly qualified special investigator, Diane Barz, a retired Montana Supreme Court Justice and District Court Judge, to conduct an independent, fair, and thorough investigation into allegations that one or more University students may have engaged in sexual assault against other students. Barz submitted her final report in January 2012 with recommendations for improving the University’s efforts to combat sexual violence. These recommendations included the following:

- Create a sexual assault website with a hotline for easy reporting;
- Train University employees on how to respond to sexual assault reports;
- Ensure that the Student Advocacy Resource Center (SARC) has adequate resources to provide prompt response for victims, long-term counseling, education outreach and coordination of services to survivors of sexual assault;
- Revise policies and procedures on sexual harassment;
- Take a more active role in local multidisciplinary agency boards and councils in the community;
- Offer a mandatory 101-type class for all student-athletes and UM freshman on social skills and mores expected to be observed, appropriate sexual relationships and practices, the consequences of risky behavior from alcohol and casual sex, and information on where resources can be found for mental health, chemical dependency issues, or sexual harassment and assaults;
- Encourage a program where third parties are not afraid to report incidents of alcohol, drugs, or sexual harassment;
- Encourage students on campus to organize their own programs to reach out to students in need of support for better performance in their academic life and improved social life without binge drinking, drugs, and maybe some acceptable social boundaries on casual sex; and
- Conduct a review of UM investigation procedures by an independent, fair, and unbiased task force.

The University Council on Student Assault (UCSA) is a long-standing University committee which monitors progress and makes recommendations to the President on how to reduce instances of sexual assault. In 2010, the UCSA provided President Engstrom with a progress report on 33 recommendations made in a report from 1992. The 2010 progress report concluded that the prior recommendations were largely met through program and policy. In February 2011, President Engstrom asked the UCSA whether there were new recommendations to consider,
what overall conclusions should be drawn from the recent report, and whether there were additional steps the University should take to further reduce the number of sexual assaults. In February 2012, the UCSA submitted a comprehensive report to President Engstrom regarding steps to take to decrease the number of sexual assaults.

In 2012 and 2013, the University implemented a number of efforts to improve the effectiveness of its anti-harassment program which includes efforts to reduce sexual violence involving the campus community. The following are efforts implemented in AY 2012-2013:

- In March 2012 a new student-athlete code of conduct was adopted.
- In March 2012, President Engstrom issued a directive to the campus community mandating that employees who have any knowledge of sexual misconduct involving students report such conduct to the Title IX Coordinator.
- In the late summer of 2012, University employees involved in the processing, investigating or resolving complaints of sex discrimination, assisting in coordinating the University’s compliance with Title IX, or likely to receive complaints of sex discrimination received comprehensive training on sexual assault, harassment, and discrimination, including how to respond to and investigate complaints of sex-based discrimination, including sexual violence.
- Starting in the fall of 2012, all students are required to take PETSA (Personal Empowerment Through Self-Awareness), an online tutorial on sexual assault and harassment, the risks of alcohol and drug use, the University’s policies and procedures on these issues and criminal sanctions for sexual assault and rape.
- An anonymous survey connected to PETSA was implemented and received 1,581 responses. Additionally, more than 300 emails from students provided feedback on the effectiveness of PETSA.
- A new sexual misconduct website, containing information about reporting options and options for help, as well as information about policy and laws regarding sexual violence, was launched in August 2012.
- In 2012, the University added the Title IX Coordinator, the Dean of Students, and the Chief of University Police to serve along with the Director of SARC on the community multidisciplinary task force.
- In Spring 2012, the University brought the nationally recognized program *Men Can Stop Rape* to campus and conducted multiple training sessions around that program.
- The University Police Department hired an additional patrol officer and created a position for an officer to be present in the residence halls.
- The Title IX Coordinator, Dean of Students and Director of SARC conducted numerous departmental training and information sessions about appropriate response to reports of sexual misconduct and the University’s policies and procedures regarding sexual harassment.
- Posters and brochures were widely circulated around campus to ensure that students and employees knew where and how to report about sexual violence and where to find out about available resources. The University partnered with the City
of Missoula to provide comprehensive resource guides as part of the It’s Your Call 911 Campaign. A second edition of the comprehensive pamphlet will be published in Spring 2015.

B. UCSA Report and Recommendations

The following analysis from the UCSA gives recommendations for improving the University response to reports of sexual assault in 2012. The report recommends revisions to University policy and procedures, as well as increasing education of students and employees about sexual assault prevention and response.

C. Review of Student Feedback from PETSA Survey

In May 2013, the feedback from the anonymous student PETSA survey (1,582 responses) and additional student feedback (300+ responses) was analyzed. The response to PETSA was positive, with 76.1% of survey respondents expressing a positive opinion of the tutorial. The distribution of positive, negative, and mixed responses can be found in Figure 1, showing that the vast majority of female respondents and the majority of male respondents had a positive opinion of PETSA.

Chi-square analysis supports that there is a significant number of women and men who experienced PETSA positively ($\chi^2(1579,2)= 90.32, p<.00$). However, although a majority of men experienced PETSA positively, there is a significant difference in the proportion of men who experienced it negatively compared to women. Mixed reviews are those that expressed satisfaction with some parts of the tutorial but felt other parts were unsatisfactory or needed modification. Although a small proportion of feedback was mixed, some of that feedback was particularly helpful to us. We reviewed all feedback and paid specific attention to the negative
feedback to determine whether concerns expressed were possible for us to address in our modification of PETSA.

Positive feedback typically took the form of thanking the University for offering the tutorial, expressing appreciation that the issue of sexual misconduct was being addressed, and commenting on the usefulness of knowing the law, bystander intervention phrases, or other specific attributes of the training. (See Table 1 below.)

Mixed reviews expressed positive experience with some aspects of the training and negative experience with others, such as pride that the University is tackling this hard issue but feeling that the training should more strongly address alcohol as a problem.

The negative responses were subdivided into categories: 1) those whose reactions could be addressed, such as men feeling that PETSA was biased against them or non-traditional students feeling like PETSA was of no use to them, as well as misunderstandings about the meaning of the statistics; 2) those who expressed anger at a specific subgroup of people to blame for the problem, such as athletes, rapists, or men, etc.; 3) those who felt any effort was useless, who were demoralized and hopeless about change; 4) people who were angry and dissatisfied entirely because the tutorial was mandatory; and 5) men who felt that they were the real victims in society due to false accusations.

The first three categories of negative responses can be addressed effectively through modifications to the PETSA tutorial. The last two groups are not likely to be satisfied because the tutorial will remain mandatory and we are unlikely to be able to remove the fact that rape is a gendered crime primarily against women; we do include specific language that men can also be victims of rape. We will revise the tutorial to provide clear information about the law regarding sexual assault as well as to reflect revisions to the UM sexual misconduct policy and procedures.

Table 1: Sample Feedback to the PETSA Tutorial

<table>
<thead>
<tr>
<th>Positive</th>
<th>Negative</th>
<th>Mixed</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXCELLENT. Very, very well done.</td>
<td>none... i understand why after the administrations failure in the situation that you have to launch massive PR moves to make it seem like your doing something but this really isn't going to help. people are still going to get drunk and make unwanted sexual advances regardless of how many videos you make them watch.</td>
<td>The only video that seemed to need more info was the &quot;stand up, don’t stand by&quot; video. All the random comments were a bit confusing and that subject could have been discussed in more detail about how to separate a friend, ask questions, and intervene.</td>
</tr>
<tr>
<td>Thank you for your hard work</td>
<td>This is a pathetic attempt for UM to cover their ass due to their lack of creating a safe culture on campus. If you want to make a real change, don’t create an online &quot;tutorial,&quot; instead make sure ALL reports are investigated thoroughly. I have been in Missoula for the past 3 years and the only reports that seem to be investigated are the ones where Griz football players are</td>
<td>I think it is important for the campus community to be better educated on the topics of sexual assault, rape, and domestic abuse. However, I do foresee some backlash from how some of the information is presented. I understand that ignorance of the law does not make one less guilty of a crime, but the area of social interaction and communication can be so grey that as</td>
</tr>
</tbody>
</table>
not involved. If the Griz are involved (at least until **STUDENT NAME REDACTED**) the charges always seem to get dropped a few months down the road once the issue has been out of the press for awhile. The athletic department needs to institute a ZERO tolerance policy for violence by student-athletes. The safety of your students CANNOT come after the success of athletic programs.

| Everything was helpful | No. I have the feeling this won't stop rapes from occurring | I don't think a tutorial is the answer to these issues
| Great! Good details but not overwhelming with lots of information | quit making this mandatory. you are cyber raping us. | I think in Missoula we have a growing issue of sexual assault based on sexual preference. I think this issue should have been covered more |

D. Analysis of Student Focus Groups

Ten focus groups of students were organized through the Department of Psychology and held between June 8 and July 7, 2013, on campus to gather student opinions and suggestions on PETSA and on the issue of sexual assault on (or associated with) campus. Nancy Bell, Ph.D., conducted the focus groups, assisted in some of them by Clinical Psychology graduate students. This analysis of student focus groups was compiled by Christine Fiore, Ph.D., and Nancy Bell, Ph.D.

A total of 45 students participated in focus groups and four answered the focus group questions online for a summer course. Participants comprised a combination of students from Sociology, Psychology, and Women and Gender Studies; male and female student-athletes; Resident Advisors (RAs); and fraternity members. All of these students offered thoughtful, insightful, and valuable perspectives and ideas.

Students who participated in these focus groups represented a range of ages and years at the University as well as different student groups. Some students self-identified as victims of sexual violence, stalking, or physical violence. Students who self-identified as victims were not specifically sought out as a group, but were part of the volunteer sampling process.

Focus groups are an important evaluation tool because they provide depth and richness to the information regarding one’s experience and provide an avenue for idea generation and expression that surveys cannot accomplish. However, the information gathered needs to be understood within a context of limitations, which represents potentially poor generalization and possible erroneous assumptions about the representations of an entire campus voice. To that end, the voices of 46 people are extremely helpful but are not fully representative of a campus of almost 15,000 students. This sample represented a disproportionate number of Psychology and Sociology students due to our access, but also included a valuable sample of other key student groups such as student-athletes, fraternity members, and RAs in the residence halls.
Analysis of the responses from the focus groups provides useful information about the campus climate as follows.

1. **Summary on Campus Climate Atmosphere**

No students were unaware of the issues regarding sexual assaults amongst students. Most cited PETSA or news media about sexual assaults as a primary means of learning about the issues. There is a sense that the attention, though difficult, has resulted in important actions and made people more aware of the risks and the need to take it seriously. The answers represent the challenging process of recognizing the good and the bad of publicity and the range of responses to it. Athletic programs clearly have educated student-athletes in a way that has created a feeling of greater awareness and accountability among the athletes. The general population of students expressed increased awareness with a little resentment about the impacts and the need for mandatory education; this was evident in the PETSA feedback as well and, in that feedback, blaming of athletes for sexual assault was more commonly expressed among students.

2. **Summary on Why Students Think Sexual Assault Happens**

Student answers reflected awareness of the dynamics and risks of sexual assault especially with regard to alcohol use. A good number have an awareness of the increased risks of being harmed in the party, drinking, and bar scene. There is also a sense of increased deterrence needed or lack of consequences in upbringing or in society and role models being poor. There is also some victim blaming and simplification of the issues, which may suggest that there is need for continued education on risks, respectful relationships, and perpetration.

3. **Summary of Who Students Think Should be Responsible**

In general, students felt that everyone had a bit of responsibility to address the problems related to sexual misconduct. The need for the University to address its responsibilities as well as provide education and support services is clear. Students also recognized the need for students to take on personal responsibility for their own behavior.

4. **Summary of Students’ Participation in and Thoughts about Campus Activities**

The majority of students were not aware of the specific activities regarding sexual assault awareness and prevention with the exception of some programming that had occurred during their time in the residence halls. Students were able to recall activities that were required for a class or as a student-athlete. Students recalled this year’s specific events like invited speakers Jackson Katz and Victoria Banyard. Jackson Katz was perceived as hostile to males and adversarial especially among student-athletes. Victoria Banyard’s bystander intervention and
“It Takes a Community” message resonated with some students. SARC is the best-known of the groups/activities and notices posted in campus restrooms are seen positively, with mixed reviews of the classroom presentations. Other than PETSA, many students who are not freshmen are not very connected with ongoing activities. RAs expressed some concern about overloading freshmen.

5. **Summary of What Else Campus Might Do to Address Issues about Sexual Assault, Stalking and Violence in Relationships**

Students were clear that more time could be dedicated to the broad range of gender and sexual violence. Some shared personal examples that suggest the need for more education and coordination of services. Students are concerned about backlash and attention given to extreme points of view detracting from prevention efforts. Students came up with creative ideas such as a sexual assault week coordinated in a way to encourage and allow for student attendance, and more visible women’s groups and bystander or buddy systems. The range of student knowledge, opinions, and assumptions comes through in some students’ answers to each question, as in some not being aware of the function of SARC or implying that women are “asking for it” in a situation of mutual intoxication. There appears to be a sense that women need to protect themselves and debate about danger from strangers versus danger from friends or acquaintances. Suggestions to increase lighting or expand campus escort service was at times countered by fellow students and sometimes lost in discussion about risk-evidenced lack of knowledge.

6. **Summary of Knowledge about Reporting**

Although students were able to identify numerous places to report on campus and identified trusted advisors, coaches, or faculty from whom they would seek support, only one student had any knowledge of the person who was identified as the Title IX Coordinator in the past year. Many were aware of SARC for support services and some knew these services were confidential, but few were clear on how to bring sexual violence or misconduct to the University’s attention for action outside of police reporting.

7. **Summary about How to Publicize Information about Reporting**

No one was aware of the web-based material available to them. PETSA material, resources, and guidelines are available after taking the tutorial at www.umt.edu/petsa, at the SARC website (www.umt.edu/SARC), and on the Sexual Misconduct website (www.umt.edu/sexual misconduct). If students don’t know how to easily access the information, greater education is necessary. The PETSA tutorial is listed for all students in their Moodle accounts, but when students successfully complete PETSA, it disappears from Moodle. They aren’t told anywhere
that the information and resources in the tutorial and the videos can be accessed on the University website.

8. **Summary about Keeping the Campus Safe**

Students had mixed commentary about whether they felt campus was safe and how to address campus safety. Some provided ideas that dealt with dark places and stranger-type safety issues, while others dealt with alcohol and party environment risks. The student-athletes demonstrated strong knowledge of risk and personal responsibility as well as bystander roles for keeping each other safe. Several students spoke of personal incidents and the aspects of risk that they became aware of through their own experiences. The additional officer and campus police visibility were seen as positives, but students also cited the need for campus police training based on negative experiences. There was expressed fear of consequences of reporting while drinking as well as uncertainty about amnesty while drinking.

9. **Summary of What Information Should be Provided to Students/Faculty/Staff and How to Provide It**

Many students had an understanding of victim blaming, that it could happen to anyone, and the risk to judgment through drinking. Student-athletes were especially sensitive to how misunderstanding or bad judgment while drinking could ruin someone’s life. They cited a recent rape trial and the change in the culture within the Athletic Department as a means of increasing their awareness and taking the risks seriously. Many students felt more in-depth training through courses and personal discussion would be valuable; few were aware of courses already available on campus which provide this information. There is a wide range of student knowledge and awareness. Some students were well informed, while others evidenced a lack of knowledge about sexual assault issues.

10. **Summary of Information Learned From PETSA**

Much of what is stated here is consistent with feedback we received in more than 2,000 responses to PETSA. Although it sounds negative, the process piece of PETSA that we observed over the semester is evident in the ongoing dialogues in the focus groups. Some students complain about PETSA while at the same time recognizing that it is indeed offering them something to think about and work with in terms of the extent of the issue. Feedback indicates that there is a need to more effectively reach a greater number of students and not alienate male students.

11. **Summary of Bystander Intervention Knowledge and Comfort**
While many students could offer no examples of bystander intervention, a sizable proportion of men and women did have examples of either doing so themselves or observing it being done at bars or in party settings. Students were aware of how hard it would be to carry out socially among friends because of peer pressure and the difficulties of doing so with intoxicated friends.

E. Review of Reports and Responses

Between February 2012 and August 15, 2013, the Office of Equal Opportunity and Affirmative Action/Title IX Coordinator received 60 reports of sexual misconduct, as listed in Table 2:

Table 2: Sexual Misconduct Reports, February 2012-August 15, 2013

<table>
<thead>
<tr>
<th>Category</th>
<th>Number of Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault</td>
<td>31</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>4</td>
</tr>
<tr>
<td>Sexual Harassment</td>
<td>9</td>
</tr>
<tr>
<td>Sexual Intercourse Without Consent</td>
<td>10</td>
</tr>
<tr>
<td>Stalking</td>
<td>4</td>
</tr>
<tr>
<td>Sexual Misconduct</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>60</td>
</tr>
</tbody>
</table>

The above data should be treated as fairly accurate, but is not hard data. During this period of time, reports were made to both the Dean of Students and the Title IX Coordinator, and the University was still in the process of developing its data tracking system. While information was maintained in a confidential electronic format, the narrative format was not conducive to aggregate data reporting.

Many of the reports received during this period were vague and the Title IX Coordinator did not receive enough information to take effective action. Several reports were of incidents which had occurred in the past, even many years in the past. For example, some reports were from people to whom a student had disclosed an assault in their childhood. Other reports were received that students had experienced trauma of an unknown nature and were seeking to be readmitted to the University after having withdrawn. Many reports did not include the name of either victims or alleged perpetrators, which made follow up by the Title IX Coordinator impossible.

The most common interim measure provided was to refer the victim to SARC. Of the reports listed above, 42 victims were referred to SARC or other counseling or were reported to have received such services.

The majority of reports did not contain enough information for the Title IX Coordinator to effectively respond. From the information reported, there did not seem to be a pattern of conduct associated with any particular group of students or in any particular program. During this period, more information was provided regarding reports of sexual harassment, and
investigations could be pursued on those reports. Those reports were promptly investigated and resulted in resolutions which were appropriate to stop the harassment and prevent future harassment. There were some cases in which Title IX Investigations were not conducted. The reasons investigations were not conducted were that complainants did not want to pursue an investigation, the Title IX office did not receive enough information to be able to pursue a formal investigation, or a police investigation resulted in removal from campus and incarceration of the respondent.

Of the 10 reports of sexual intercourse without consent, six did not contain enough information to allow the Title IX Coordinator to conduct an investigation. Six respondents were removed from or otherwise left campus.

Of the nine reports of sexual harassment, five were resolved informally, which means that without a formal investigation the University was able to take effective measures to stop any ongoing harassment, take effective measures to prevent future harassment or retaliation, and to remedy harm done. Informal resolution is not appropriate in cases involving sexual violence.

F. Evaluation and analysis of data collected

In March 2012, President Engstrom issued the directive for employees to report information they received about sexual misconduct involving students to the Title IX Coordinator. This directive proved to be an effective measure to increase reporting by employees. Thirty-nine reports received during this period were the result of mandatory reporting. Because there was no mandate to require the reporting of names or detailed information, in most cases the Title IX Coordinator did not receive enough information to respond effectively to the reports. In 35 of the reports, there was no information provided or known about the respondents.

Many reports about sexual violence were not immediately reported to the Title IX Coordinator. Five of the reports came from campus administrators who reported that students were reapplying to school after having withdrawn due to trauma which appeared to be related to prior sexual violence. Another 19 reports pertained to incidents that had occurred months or years prior to the report being made to the Title IX Coordinator. Although the time delay in reporting can limit the ability to investigate, reporting allows the University to ensure that survivors are connected with helpful resources. It appears that students who needed such services were receiving SARC, counseling, and other medical services.

A review of all of the reports did not indicate any particular patterns involving particular groups of students or particular locations. Twenty-one of the reports were reported to have occurred on campus or in campus housing.

G. Evaluation of all measures designed to prevent or address sex-based harassment

As noted above, the president’s directive to University faculty and staff to report all information they receive about sexual violence or misconduct involving students is an effective way to
increase reporting. However, there is not clear direction for employees about how much information they should report. The lack of specific information reported limits the University’s ability to respond effectively.

The services provided by SARC are an effective response for victims and appear to be well-known by students and employees. It is believed that providing victims with these services will help empower victims to report which will ultimately lead to accountability and prevention.

Clear and widely publicized policy and procedures are needed to inform students and employees about the University’s intolerance of sexual violence. Efforts need to be made to get the information to students and employees.

Despite outreach and education, more creative efforts are needed to provide information to students who do not seek out information about sexual misconduct on their own.

H. Recommendations from UCSA upon sharing this annual assessment

Continued training with PETSA is important as are the modifications to address some of the male alienation felt in the tutorial. Given the expressed concerns about victim blaming and culture making reporting difficult, ongoing education through programs such as PETSA and student educational programs remains important.

The focus groups provided information that students hold some ideas, including some acceptance of victim blaming, which are suggestive of acceptance of a rape-prone culture that can continue to be addressed in educational programs. Communication and relationship dynamics are worthy of continued coverage. Perhaps examining the impact of the Healthy Relationships or Human Sexuality courses, as well as other campus courses, could be examined for pre-post attitude changes. The campus climate survey will also look at attitudes and knowledge.

Making the programs, efforts, and services well known to the campus community is essential to the University’s role and accountability for providing a safe campus environment. Publication and distribution of the Sexual Misconduct Policy and Procedures and the revised Student Conduct Code is important. Work with the student body on evidence-based prevention programs will also be important to maximizing the understanding of the campus community to the multiple factors related to sexual assault and misconduct.

Additional recommendations: Examine how to better reach out to the broader campus community for efforts that involve more than incoming students. Examine, coordinate, develop, and revise as necessary the residence hall curriculum through consultation. Campus outreach within SARC has been subsumed under Peers Reaching Out (PROSs) in Curry Health Center.
Continue these efforts to improve coordination and outreach to a broader segment of the campus.

Increase education for students on other forms of sexual violence, such as stalking. This should include information about the University’s policy and procedures to address these behaviors.

Train faculty and staff on sensitive, informed responsiveness to students who would like support and information on reporting and resource options. Employee training should clearly address the responsibility of reporting and to whom to report information on sexual assaults and other forms of discrimination (Title IX coordinator/EEO).

Add information to PETSA about reporting.

Add information to PETSA on amnesty and the Sexual Misconduct Policy. Provide more training for campus police.

Personalizing risk would be more effective in reaching students. Use testimonials in education, as students expressed testimonials are more emotional and powerful.

Publicize information in places with maximum impact where at-risk students are more likely to be reached, such as the UDASH bus.

Take efforts to make sure that students are more aware of the various online locations to find reporting information. Explore options for posting in bathrooms, University Facebook, and Griz Cards. Use of a “hotline” is similar to the SARC postings that already exist. Explore catchy texts for reporting with larger student groups to see if this makes sense and will be meaningfully utilized.

Increase bystander intervention training and programming.

I. Other proposed recommendations for improvement of the University’s anti-harassment program and timelines for the implementation and recommendations.

Publish and distribute the Sexual Misconduct Policy and Procedures and the revised Student Conduct Code in Fall 2013.

Through the cooperative agreement with the Department of Justice conduct training such as by Victoria Banyard et al, and “Bringing in the Bystander” in Spring 2014.

Train faculty and staff in Fall 2013 for sensitive, informed responsiveness to students who would like support and information on reporting and resource options.
Publicize the new Sexual Misconduct Policy and changes to the Student Conduct Code in PETSA, and through email, Facebook, and other public media venues.

In PETSA eliminate the ability of students to skip the quiz. Add student voices throughout the tutorial and address the perceived male bias. Increase the idea of community change.