Annual Title IX Report for Academic Year 2013-2014

Prepared January 2015

A. Background and Summary

This annual report covers the period from August 16, 2013, through August 15, 2014. This year reflects increased University efforts aimed at improving prevention and response to sexual violence and harassment. The deliberate collaboration between University groups such as the Student Advocacy Resource Center (SARC), the University Police Department (UMPD), the Title IX Coordinator, the Dean of Students, and Residence Life, coupled with increased community communication, led to a strong and coordinated community effort to prevent and respond to sexual violence and harassment.

In addition, the legal landscape and policy focus nationwide changed. For example, at the end of Spring Semester, in April 2014, the Office for Civil Rights in the Department of Education issued additional comprehensive guidance, and the White House Task Force issued its “Not Alone” first report. This information further assisted the University in adjusting its policies and training in accordance with that guidance. Efforts included the following:

- The new Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation policy and procedures were implemented and publicized.
- Notices and information about the Title IX Coordinator were widely disseminated to the University community.
- University personnel involved in processing, investigating, or resolving complaints of sexual misconduct received comprehensive training, as did all Resident Assistants, University Police, Curry Health Center employees, academic advisors, and other campus personnel who are likely to receive reports of sexual misconduct or sexual violence.
- All University employees were required to take an online tutorial regarding discrimination, harassment, and their responsibility to report information to the Title IX Coordinator.
The University Council on Student Assault (UCSA) formed a subgroup which began to conduct monthly case reviews of reports of sexual misconduct involving students.

The Safe Campus Survey (campus climate survey) was launched on October 29, 2013, with consultations from Victoria Banyard at the University of New Hampshire.

The University hired a new Campus Assault Prevention Coordinator in November 2013.

University Police personnel received comprehensive training on sexual violence response.

All new Griz Cards (student IDs) are printed with contact information for UM Police, Title IX Coordinator, Dean of Students, and SARC.

SARC instituted “Don’t Cancel That Class,” a national model providing a trained substitute for instructors who would otherwise cancel a class for travel or illness. Classes address how to be a first responder to a relationship violence, sexual assault, or stalking situation; healthy relationship tips and recognizing red flags in unhealthy relationships; and bystander intervention. Classes are primarily offered by graduate interns via SARC.

Revised student outreach training continued via Personal Empowerment Through Self-Awareness (PETSA), UM’s online tutorial for sexual assault prevention; Beer Goggles training via Curry Health Center’s Wellness program, addressing alcohol consumption and safety tips to avoid risk factors regarding sexual assault on campus; and bystander intervention role play skits during orientation provided by UM Advocates via Residence Life.

Thirty-two individuals (including administration, staff, faculty, student leaders, and community partners) received “Bring in the Bystander” training via Prevention Innovations of the University of New Hampshire in March 2014.

Thirteen courses taught on campus directly address the topics of relationship violence and/or sexual assault, including undergraduate and graduate level three-credit courses (e.g., Gender and Society, Psychology of Family Violence, Intimate and Family Relationships, Gender and Communication, and Human Sexuality).

The University has taken a more active role in local multidisciplinary agency boards and councils in the community such as Just Response, a community advocacy response to domestic violence and sexual assault.
B. Review of Climate Survey

A campus climate survey was administered from October to December 2013 to students who volunteered to report on their knowledge of sexual assault risks and behaviors, understanding of and access to resources, and beliefs and attitudes about reporting and rape myths, as well as experiences with sexual assault, sexual harassment, stalking, and physical violence. The use of a volunteer sample as opposed to a mandatory sample is necessary when inquiring about difficult experiences and is the standard format used to gather information intended to provide a snapshot of student life. Thus, the current data provides estimates of key areas of interest. The intent of gathering this information is to inform campus administration, staff, faculty, and students of the current campus climate in order to understand the possible extent of the problems, concerns, and needs with regard to campus sexual violence. Data was analyzed and reported to key groups for application of information beginning in March 2014. This data provides baseline statistics to which prevention and intervention efforts can be compared for feedback regarding ongoing educational efforts, resource provision, and performance and programming guidance.

In March 2014, when the data was compiled and analyzed, pertinent results were shared with the UCSA, the campus committee charged by the University President to examine issues regarding campus policies and procedures addressing sexual assault. Membership in the UCSA includes the Title IX Coordinator, SARC Director, Director of Residence Life, Dean of Students, Vice President for Student Affairs, University Police Chief, and Sexual Assault Prevention Coordinator, as well as students and key community partners.

1. Analysis of the data by campus and community partners revealed the following:

- More females than males report experiencing sexual harassment while at UM. More females than males who reported experiencing sexual harassment reported that it rose to the level of creating a hostile environment.
- More females than males reported an experience in the past year of sexual contact without their consent (sexual assault), sexual intercourse without consent, and stalking.
• In this sample, the percentage of University of Montana students who experienced sexual violence was either consistent with national norms (sexual assault) or less than national norms (other areas).

• Only a few students who had experienced sexual violence completed follow-up questions, but of those who did, the majority knew the perpetrator.

• Most of the students in the survey who reported having experienced sexual violence told a friend or partner. Few students made formal complaints with the University or police.

• The most common reasons women reported not telling anyone were shame or embarrassment, feeling partially responsible, feeling the matter was private, and wanting to forget it happened.

• Female survey respondents stated that the greatest barrier to reporting intimate partner or dating violence was the fear of retribution, followed by the fear of others over-reacting, fear of being told what to do, fear of not being believed, and fear of being misunderstood.

• Students who responded to the survey had a relatively good understanding of the following:
  o the definition of sexual assault;
  o that a person who rapes while under the influence of alcohol is still responsible for his/her behavior;
  o that acquaintance rape is more common than stranger rape;
  o that the benefits to reporting something that felt wrong or uncomfortable include: learning the options to responding and staying safe, possibly preventing others from being harmed, getting support or help with how one feels, and learning what one needs to do to take legal action.

However, students need more education in a number of areas:
  o A majority of students incorrectly identified the definition of stalking. Most believe that stalking is defined as either knowingly or unknowingly causing another person “substantial emotional distress or reasonable apprehension of bodily injury or death by repeatedly following the stalked person or harassing,
threatening or intimidating the stalked person,” as opposed to only *knowingly* as written in Montana state statute. In other words, students perceive that *unknowingly* causing distress in the other person constitutes stalking behavior.

- A majority of students also reported the belief that making a report guaranteed the person who harmed them would be held accountable.

- A majority of students reported having knowledge of the University’s policy and procedures on sex discrimination. However, about a quarter of the survey respondents stated that they did not know the policies and procedures for sex discrimination and more than a quarter of the students reported that they did not know how to access the policies and procedures. The inconsistency of these findings could indicate that students are not fully aware of where University policies and procedures can be found and/or how to access them on the University website where they are posted.

- The University provides bystander intervention and prevention education in orientation skits, residence hall programming, and PETSA, as well as in special campus programs such as Diverse U and “Don’t Cancel That Class.” However, many students did not indicate that they had participated in a training on sexual harassment or sexual violence awareness and prevention.

- Students reported the most comfort with reporting sexual violence to University Police, Counseling Services, and SARC on campus and to city police and county sheriff off campus. There was slightly less comfort in reporting to the Title IX Coordinator.

2. **Differential impact by Sorority, Fraternity, Athlete, Residence Life**

None of these analyses thus far have produced findings that indicate problems with a particular student group. With such a large proportion of UM students living off campus and relatively low numbers of students represented in these groups, findings might be influenced by such unequal or low numbers of respondents on low incidence behaviors. In next year’s analysis, UCSA will review merged 2013 and 2014 data for particular groups to see if anything can be determined.
3. **Recommendations**

Based on the survey data and analysis by campus partners as described above, the following are recommendations for how the University can better encourage reporting of and improve its response to complaints of sex-based harassment and retaliation.

- Although generally lower than national norms, this student sample did experience sexual violence at UM; therefore, continued efforts need to be made to educate and assist students in need. There was an absence of feedback from this sample; UCSA recommends satisfaction surveys from resource services as a means of ascertaining meaningful feedback on service provision. For the 2014 survey administration, posting Safe Campus Survey posters in each possible reporting venue is recommended, and, when appropriate in these settings, informing students of the opportunity to provide useful information on their experiences through completion of the survey.

- Some changes are recommended to the climate survey itself to gather additional or different data:
  - On future surveys, evaluate the use of the buddy system and bystander intervention education.
  - Include more explicit follow-up short answer questions on the helpfulness of resources, and include educational and living environment impact questions.
  - Add questions to better understand drug usage.
  - Add clarifying questions regarding when in their academic career students experience the sexual violence to ascertain more specific data on time of risk.

- Although reported at lower rates on this campus than nationally, students—and particularly female students—report experiencing fear and physical harm in relationships. Ongoing educational programs will continue to educate on resource options and safety planning specific to risk for physical violence and dating violence more generally.

- Continue coordination between University police and the Title IX Coordinator to help victims who are students.
• Continue and increase educational materials for faculty and staff about campus and community resources as well as appropriate first-responder responses when they receive reports of relationship and sexual violence by students.
• Educate students more explicitly on the definition of stalking.
• Include information about reporting sexual harassment in the employee Discrimination Prevention Tutorial.
• Expand efforts to get information to students, especially after the initial student orientation.
• Expand efforts to ensure that students know where and how to report.
• Increase first responder education, as the data shows that friends are most likely the first to be told.
• Given students’ strong feelings that they should be able to anonymously report to a University official about sexual violence, stalking, discrimination and intimate partner violence, and the changes in policy based on new federal guidance that require University employees to provide more detailed information to the Title IX Coordinator, the University will need to increase efforts to educate students on when information may be kept confidential and when it may not.
• Educate students on the role of the Title IX Coordinator, including information about the investigation process and/or interim measures which are not tied to an investigation outcome.
• Students reported preferring web-based access to information. It is recommended that efforts continue to improve access to information through web presence.
• Further review of the knowledge section led the team to decide to add all of the PETSA knowledge questions to the survey to determine whether students have long-term memory for the educational material represented in this mandatory training. Additionally, because students have little memory of participation in educational programming from orientation, residence halls, and other campus efforts on these topics, event-based surveying and Griz Card swipes to examine attendance were agreed to be important next steps.
• Update and educate on mandatory reporting for faculty and staff: what services and resources are confidential and that keeping identities of involved students anonymous is no longer an option under the Campus Save Act.
• Provide more widespread educational programming across campus and in classrooms about domestic violence, dating violence, sexual violence, and stalking.

C. Review of Reports and Responses

Between August 2013 and August 2014, the Office of Equal Opportunity and Affirmative Action/Title IX Coordinator received 77 reports of sexual misconduct, as listed in Table 1.

Table 1: Sexual Misconduct Reports, August 2013-August 2014

<table>
<thead>
<tr>
<th>Category</th>
<th>Number of Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relationship Violence</td>
<td>11</td>
</tr>
<tr>
<td>Sexual Assault (Not Including Sexual Intercourse Without Consent)</td>
<td>18</td>
</tr>
<tr>
<td>Sexual Intercourse Without Consent</td>
<td>4</td>
</tr>
<tr>
<td>Retaliation</td>
<td>0</td>
</tr>
<tr>
<td>Sexual Harassment</td>
<td>37</td>
</tr>
<tr>
<td>Stalking</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>77</strong></td>
</tr>
</tbody>
</table>

The data outlined above and discussed below should be treated as fairly accurate, but is not hard data. During this period of time, the new reporting policy and new tracking policy were being implemented. While the information was maintained in a confidential electronic manner, the narrative format was not conducive to aggregate reporting. The UCSA has made recommendations to increase the reliability of this system.

As will be seen below, the two biggest factors driving cases to have clearance codes such as “closed with the option to reopen” are (1) anonymous reports and those where a respondent was unknown, unnamed, or unrelated to campus, and (2) complainant seeks help and resources but chooses not to initiate a formal investigation process that could result in University accountability measures, if responsibility for policy violation were found.
Between the period of August 16, 2013, and August 15, 2014, the Title IX Coordinator received 11 reports of relationship/dating violence.

Relationship violence is defined in University policy as “abuse or violence between partners or former partners involving one or more of the following elements:

- Battering that causes bodily injury;
- Purposely or knowingly causing reasonable apprehension of bodily injury;
- Emotional abuse creating apprehension of bodily injury or property damage;
- Repeated telephonic, electronic, or other forms of communication -- anonymously or directly -- made with the intent to intimidate, terrify, harass, or threaten.”

In the majority of these 11 cases, one of the partners involved in the incident was not a student at the University. Specifically, in three of the cases, the complainant was not a student, and in three cases, the respondent was not a student. In three cases, a student made a report but did not name the respondent. In one of the three cases, the report was completely anonymous. In four cases, the University and UMPD assisted the complainant with moving from a residence. In all cases, access to resources such as SARC, First STEP, Missoula’s Crime Victim Advocate program, and the YWCA was provided to students. Students were offered academic accommodations and safety measures, including the possibility that the respondent be banned from campus. In one case the respondent was found responsible and the Dean of Students took disciplinary action.

Between the period of August 16, 2013, and August 15, 2014, the Title IX Coordinator received 22 reports of sexual assault. Of these reports, four were reports of sexual intercourse without consent, which includes acts commonly defined as rape.

Sexual assault is defined in University policy as “an actual or attempted sexual contact with another person without that person’s consent. Sexual assault includes, but is not limited to:

1. Involvement in any sexual contact when the victim is unable to consent.
2. Intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person’s intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast).
3. Sexual intercourse without consent, including acts commonly referred to as ‘rape.’

Consent is informed, freely given, and mutual. If coercion, intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation,
there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing future consent. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.”

In half of the reported cases, the report was either anonymous or the respondent’s name was unknown or not disclosed by the complainant. This limited the University response. In three other cases, students disclosed past sexual assault where both the respondent and the location were unrelated to the University. In one case, the sexual assault occurred on campus several years prior to the disclosure and the respondent was no longer a student at the time the disclosure was made. In three cases, the complainant explicitly asked for no formal investigation or did not respond to outreach from the Title IX Coordinator; in each of those cases, students were given information about advocacy, counseling, and medical resources, and/or were offered academic advocacy and other safety measures such as no contact directives or housing exchanges. Students took advantage of many of these resources. There are ongoing investigations in six cases. In one of those ongoing cases, the respondent was initially unknown but was later identified through investigation by UMPD and the Missoula Police Department. Police arrested that individual and trial is set; the respondent is banned from campus while the criminal justice process is ongoing. Students are in contact with the Crime Victim Advocate office and campus support resources. University adjudication is ongoing. In one other case, a formal investigation occurred and the respondent was found responsible and expelled; no appeal was filed.

**Between the period of August 16, 2013, and August 15, 2014, the Title IX Coordinator received 37 reports of sexual harassment.**

The University defines sexual harassment as “unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual assault. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex. Consistent with the law, this policy prohibits two types of sexual harassment:

1. **Tangible Employment or Educational Action** - This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual
advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual’s employment, education, living environment, or participation in a University program or activity. Generally, perpetrators will be agents or employees with some authority from the University.

2. Hostile Environment - Sexual harassment may create a hostile environment. A Hostile Environment based on race, color, religion, national origin, creed, service in the uniformed services, veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation exists when harassment:

- is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person’s ability to participate in or benefit from the University’s programs, services, opportunities, or activities; or
- when such conduct has the purpose or effect of unreasonably interfering with an individual’s employment.

Harassment that creates a hostile environment (“hostile environment harassment”) violates this policy.

A hostile environment can be created by anyone involved in a university program or activity (e.g., administrators, faculty members, students, and even campus guests). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, such as a sexual assault, even if isolated, can be sufficient.”

In 14 cases falling into the category of reported sexual harassment, the respondent was unknown. These included instances where an unknown person ran naked through a residence hall or exposed himself, where sexual comments were made by unknown customers to student workers, and where phone calls with sexual comments were received. In seven cases, the complainant was anonymous or requested that no formal investigation proceed. In such cases, the Title IX Coordinator evaluates the situation and follows up as appropriate to stop any ongoing sexual harassment and prevent it from occurring in the future. In five cases in which the respondent was identified, informal remedies such as sexual harassment training occurred. In all cases with informal processes, follow-up confirmed behaviors had stopped. In eight cases, initial investigation revealed no jurisdiction as the complaint was found to be unrelated to discrimination. There are six cases with investigation ongoing; in each of these ongoing cases, the respondent was initially unknown but was later identified through investigation by UMPD and the Missoula Police Department. Police arrested that individual and trial is set; the respondent is banned from campus while the criminal justice process is ongoing. Students are in contact with the Crime Victim Advocate office and campus support resources. University
adjudication is ongoing. In addition, over this time period, the respondents were found not responsible in two cases. In one case, the respondent was found responsible, disciplinary action was taken, and the respondent is no longer at the University; the respondent did not appeal the finding or the sanction.

**Between the period of August 16, 2013, and August 15, 2014, seven incidents of stalking were reported.**

The University policy defines stalking as “*repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method, that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.*”

In two of these cases, the respondent was identified by police as the same man alleged to be responsible in the six ongoing harassment cases and one ongoing sexual assault case. Put another way, one respondent was likely responsible for a total of at least nine reports of sexual misconduct. As discussed above, police arrested that individual and trial is set. The respondent is banned from campus while the criminal justice process is ongoing. Students are in contact with the Crime Victim Advocate office as well as campus resources. University adjudication is ongoing. In two cases, the complainant was anonymous or wanted no formal investigation. In one case, the victim was not a student and could not be reached. In two cases, informal processes such as no contact directives and moving classes resolved concerns. In one case the respondent was never identified.

Table 2 and Charts 1 and 2 below outline these findings. The two biggest factors driving cases to have clearance codes such as “closed with the option to reopen” are (1) anonymous complaints and those where a respondent was unknown, unnamed, or unrelated to campus, and (2) the complainant seeks help and resources but chooses not to initiate a formal adjudication process. “Found responsible” means there was a preponderance of evidence that violation of the Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Policy occurred. No Jurisdiction means that initial investigation revealed that the report did not relate sufficiently to the Discrimination Policy.
Table 2: Outcomes of Sexual Misconduct Reports

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>NUMBER OF REPORTS</th>
<th>Informal Resolution Process</th>
<th>Investigation complete: Accused found responsible</th>
<th>Investigation complete: Accused found not responsible</th>
<th>No Jurisdiction</th>
<th>Closed with the option to reopen</th>
<th>Unresolved: Investigation ongoing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relationship Violence</td>
<td>11</td>
<td></td>
<td>1</td>
<td>1</td>
<td>7</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Retaliation</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>18</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>13</td>
<td>5</td>
</tr>
<tr>
<td>Sexual Intercourse Without Consent</td>
<td>4</td>
<td></td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Sexual Harassment</td>
<td>37</td>
<td>6</td>
<td>1</td>
<td>2</td>
<td>8</td>
<td>14</td>
<td>6</td>
</tr>
<tr>
<td>Stalking</td>
<td>7</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>77</strong></td>
<td><strong>8</strong></td>
<td><strong>3</strong></td>
<td><strong>3</strong></td>
<td><strong>9</strong></td>
<td><strong>38</strong></td>
<td><strong>16</strong></td>
</tr>
</tbody>
</table>
D. Evaluation and analysis of data collected

To help put the data in context, it is useful to examine some of the relevant events that occurred over this reported time period. The University of Montana signed a resolution agreement with the U.S. Department of Justice Civil Rights Division Educational Opportunities.
Section and the U.S. Department of Education Office for Civil Rights May 8, 2013. This annual assessment covers the period just after this agreement, August 16, 2013, to August 15, 2014. This period has two additional important benchmarks that affected the data collected and the resulting evaluation and analysis. First, the University of Montana’s new Discrimination, Harassment, Sexual Misconduct, Stalking, and Retaliation Policy was released in the fall of 2013. This new policy dramatically altered the existing reporting process at the University. In the past, there were many points of entry for reports of sex-based violence and it was the Office of the Dean of Students that addressed these issues through the Student Conduct Code. The new policy requires all employees to report sex-based harassment, including sex-based violence, involving students to the Title IX Coordinator within 24 hours of receiving the report.

Second, through most of the 2013-2014 school year, the policy permitted employees to keep the names of the parties anonymous. At the end of April 2014, weeks before the end of the school year, guidance released by the Office for Civil Rights clarified that responsible employees provide, when known, the name of the student who experienced sexual violence, the name of the respondent if known, and relevant facts including the date, time, and location of the incident. The University immediately took steps to notify the campus community through training and outreach efforts that the policy now required all employees (except those statutorily prohibited from disclosing such information, such as employees in Curry Health Center and SARC) to report all information they received about sexual misconduct involving students.

By far, the majority of reports made to the Title IX Coordinator came from employees. Therefore, the fact that for most of the school year employees were not required to disclose names affected the resultant reports made and actions taken. In more than half of the reports that came to the Title IX Coordinator, complainants chose to remain anonymous, chose not to disclose the name of the respondent, or did not know names of the other party. Students were

1 Sex-based harassment means sexual harassment, sexual misconduct including sexual assault, relationship and dating violence, stalking, and retaliation as defined by the University policy on Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation. The University policy applies to all students, staff, and faculty on campus, and employees are required to report all reports involving students.
comfortable disclosing sex-based harassment and seeking assistance from University employees, but few wanted the University to conduct a formal investigation.

Table 3 and Graph 3, noting when a respondent was known, do not capture the cases in which the complainant chose to remain anonymous.

**Table 3: Status of Respondent in Reports of Sexual Misconduct**

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>Respondent</th>
<th>Known</th>
<th>Unknown</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relationship Violence</td>
<td>9</td>
<td>2</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Sexual harassment</td>
<td>23</td>
<td>14</td>
<td>37</td>
<td></td>
</tr>
<tr>
<td>Stalking</td>
<td>6</td>
<td>1</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Sexual assault (not including Sexual</td>
<td>8</td>
<td>10</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Intercourse Without Consent)</td>
<td>3</td>
<td>1</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>49</td>
<td>28</td>
<td>77</td>
<td></td>
</tr>
</tbody>
</table>

**Chart 3: Sexual Misconduct Reports by Known and Unknown Respondents**

Sexual Misconduct
Reports by Known and Unknown Offender
from Aug. 16, 2013 - Aug. 15, 2014

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>Known</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stalking</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Sexual harassment</td>
<td>23</td>
<td>14</td>
</tr>
<tr>
<td>Relationship Violence</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>Sexual assault (not including SIWOC)</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>SIWOC</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>
36% of all sexual misconduct reports have an unknown respondent. Policy changes adopted in April 2014 require the reporting party to identify the alleged offender, if known.

64% of sexual misconduct reports have an identified respondent. Some cases also have anonymous complainants.

Data tracked by the Title IX Coordinator reveals that students consistently and promptly received necessary services and information and that the University took steps to stop and remedy the effects of discrimination. Students were offered safety and interim measures, academic advocacy, and resources such as advocacy and/or counseling and, where appropriate, medical assistance. Data shows that several students chose to have the University assist them in moving their residence. Many students sought services at SARC, some students sought academic assistance, and many students requested no contact directives. These directives uniformly remained in place during the period for which either party was a student on campus. If either party violated the directive, that act could initiate a Student Conduct Code process; no such procedures were required during this period.

The year of data reflects that Residence Life employees, the Dean of Students, and UMPD were involved most often as first responders. These groups provided necessary information about resources, choices regarding the University process, additional assistance, and follow-up. The University provided significant follow-up through personal phone calls, outreach by RAs and the Dean of Students, and letters emailed or delivered from the Title IX Coordinator to students still on campus. Review of the reports suggests the need for Title IX to ensure initial actions and follow-up are prompt and effective; thus, the Title IX Coordinator must coordinate these steps even if they are facilitated by first responders. It is recognized that often the first responders are the ones who already have established a relationship with the complainant and should maintain some role in supporting that student. Analysis of this data yields the following recommendation: While these first responders and others will continue to play important roles in assuring the University stops, prevents, and addresses the effects of sexual harassment, all actions taken will be reported to and coordinated by the Title IX Coordinator. In addition, one person in the Office of Equal Opportunity and Affirmative Action will be responsible for initial intake actions including initial resource letters to complainants that provide notice of important
rights and resources. At that time, that individual will also record on a calendar follow-up in all cases. This data also affirms the importance of the University continuing to provide advanced Title IX and first responder training to these campus employees.

The data suggests that students took seriously the request provided in University outreach, written into the University’s Discrimination Policy, and reiterated by PETSA and other trainings to report behavior before it rises to the level of a policy violation. This is supported by the types of complaints received and, in many cases, follow-up with students showed that the fact of the report, the initial contact with a respondent putting them on notice of behavior that could lead to a University policy violation if not halted, and safety measures taken had the effect of stopping, preventing, and addressing the effects of the unwanted behaviors that were or would have become sex-based harassment.

Several additional trends about specific respondents and in relation to student groups have been identified. First, analysis of the data plus the close working relationship between UMPD and the Missoula PD led to the conclusion that nine cases shared one respondent. In each of those cases the complainant did not personally know the respondent or his name. Over time, a similar modus operandi was observed through data tracking and police investigation that identified a suspect. As a result, parallel university and criminal investigations are ongoing. These are half of the cases labeled open and ongoing in the data explained and graphed above. A criminal trial is set for March 2015.

Second, one respondent was identified as being involved in two incidents. In one of those incidents, the complainant has requested complete anonymity. The case is being investigated while carefully balancing the complainant’s safety and request for confidentiality against the factors outlined in the federal guidance regarding overall campus safety. This balancing test is reflected in some delay in action. Ongoing training and review of scholarship on trauma-informed investigations and processes suggests some such delay may be appropriate in order to give a complainant room to process his or her needs in an informed manner. However, the University should continue to find ways to move as quickly as possible.

Third, among sub-groups of students, most complaints of relationship violence came from family student housing. Residence Life is hiring an additional professional staff member in the family housing area to help provide more preventative education and services. The Title IX
Coordinator has worked closely with Residence Life and UMPD in this regard. In addition, as to cases of relationship violence, it appears that after initial safety practices were put in place, the majority of students no longer responded to follow-up outreach from the Title IX Coordinator. In no case did a complainant initiate a formal investigation process that might result in accountability measures. In these relationship violence cases, it appears this is primarily because one party was not affiliated with the University or the party wanted to remain anonymous to protect his/her safety while getting the help needed to attend classes.

Fourth, while fraternities and sororities did not necessarily appear more often than any other student group, it was recognized that communication between these off-campus groups and the University needed to improve. A new anti-sexual violence initiative by student leaders from the Greek community will begin in March 2015.

E. Recommendations from UCSA upon sharing this annual assessment

The UCSA has a long history at the University. During the period of May 2013 to August 2014, the UCSA met as an umbrella group that served as the Coordinated Campus Response to keep student, staff, faculty, Missoula community, and State of Montana community groups apprised of efforts related to policies, programs, prevention efforts, trainings, and other issues relevant to sexual violence and Title IX. New partners are continuing to be added such as ROTC in May 2014.

Monthly UCSA meetings discussed best practices on relevant issues through discussion of training offered and attended on and off campus and in and out of state. Small working groups met on an ad hoc basis to delve into specific issues. For example, a media committee was formed to address the recognition that many students feared reporting because they did not want to end up as the headline in the local newspaper. The UCSA confidential case review working group was another group that met confidentially in order to monitor cases, make recommendations for actions and follow-up actions, and analyze trends. To date, the UCSA case review committee has reviewed every case that was reported for the entire period under analysis, August 16, 2013, to August 15, 2014.

The UCSA has made the following observations and recommendations.

- Additional educational tools should be created to describe employee-mandated reporting responsibilities and highlight confidential resources. Recommendation: Create a “What
To Do When” document for mandated reporters that will be available online. PETSA should be updated to reflect mandated reporting so students are aware that all University employees (other than confidential resources such as SARC) must report disclosures regarding students and sex-based harassment to the Title IX Coordinator. In response to this recommendation, the Title IX Coordinator has been meeting with key groups to discuss mandated reporting, and has already attended the Student Affairs bi-monthly meeting, the Deans’ and Directors’ meetings, the Associate Deans’ meeting, the New Department Chair Meetings, the College of Humanities and Sciences New TAs meeting, and Mansfield Library and other departmental meetings. In addition, a flyer was created describing where to go for a University response to sexual assault, which highlights the role of the Title IX Coordinator, mandated reporters, and confidential resources. The flyer was paid for and approved by the Office of Violence Against Women.

- The spreadsheet approved by the United States for tracking complaints of sex-based harassment has been an inadequate tool for record-keeping and analysis. As discussion during case review meetings identified, far more action has been taken, particularly as it relates to additional contacts and follow-up with complainants, than is clearly apparent in the spreadsheet. Both the University and the United States have raised the fact that the existing spreadsheet was not equipped to track such things as: the 24-hour reporting requirements, dates of contacts with both parties, when parties are enrolled as students, which individuals provided follow-up, or when a complainant requested either confidentiality or that no further action be taken yet remedial actions or other actions on behalf of the University still occurred. Recommendation: Create a standard intake form that includes the categories identified as needing improvement. In addition to other categories, the form needs to indicate the result of a preliminary investigation and contact with complainant as this will help identify why a formal investigation and formal finding may or may not have occurred. In response to this recommendation, a new intake form will be fully implemented for 2015 and will include all categories identified by the United States in the resolution agreement but will also gather further information to allow for a more complete data analysis.
While many students felt comfortable disclosing sex-based harassment to University employees such as faculty, staff, and Residence Life employees, and while they did receive assistance, very few students affirmatively chose to file a complaint that would yield a formal University investigation and accountability measures if there were a finding that policy violation had occurred. Recommendation: Title IX Coordinator will continue to train SARC employees about the University investigative process and will work with advocates to create a document identifying the primary questions, fears, and barriers complainants may have. Data from the climate surveys will also be taken into account.

- Update PETSA, UM’s online tutorial required of every new student, to include more student voices to share messages about laws, policy, safety, prevention, campus adjudication, and criminal processes.
- Encourage student involvement. Students want to be trained by/discuss these issues with other students and not constantly hear the messages from employees or “adult authority figures.” In response to this recommendation, SARC trained 22 peer advocates to conduct the bystander trainings in person. In 2015, these advocates will begin to roll-out these trainings in the residence halls, at fraternities and sororities, and for athletic teams who have not yet participated in these trainings.
- Find another way to display posters (i.e., the SARC posters on bathroom mirrors made a real impression on students). As a response to this recommendation, Make Your Move Prevention campaign posters will be placed in high-traffic restrooms, and ads will run before films shown in the UC Theater.
- Create a weekly confidential case review with UMPD, Dean of Students, Title IX Coordinator, Director of Residence Life, SARC Director, and possibly the Campus Assault Prevention Coordinator. As a response to this recommendation, the Title IX case review group meets weekly, in addition to the monthly UCSA case review group. The group discusses current cases and identifies any new action taken or follow-up needed. The SARC Director does not identify any confidential information but is present to assist in making decisions that reflect a trauma-informed focus.
- Increase communication between the Dean of Students and Title IX.
The UCSA identified the need for the Title IX Coordinator and UMPD to work more closely on monitoring data to identify patterns and if two reports are the same. It also identified the need for UMPD to have a system to refer dating and relationship violence cases or potential cases to the Title IX Coordinator. As a result of this recommendation, a system has been identified and is now imbedded in police protocol. In addition, a new position has been created; the UMPD Title IX Data Manager will capture data and referrals.