LAND ACKNOWLEDGEMENT

The University of Montana acknowledges that we are in the aboriginal territories of the Salish and Kalispel people. We honor the path they have always shown us in caring for this place for generations to come.
# TABLE OF CONTENTS

Table of Contents................................................................................................................................................. 3
UM’s Commitment........................................................................................................................................................ 4
  Policy Statement......................................................................................................................................................... 5
Introduction................................................................................................................................................................. 6
  Policies, Response, Support, Collaboration.............................................................................................................. 7
  Awareness and Prevention Education................................................................................................................... 7
  Required Employee Reporting to EO..................................................................................................................... 9
UM Response to reports.............................................................................................................................................. 10
  Resources and Interim Measures........................................................................................................................... 10
Statistical Overview.................................................................................................................................................... 11
  Title IX Reports by Affiliation................................................................................................................................. 12
  Title IX Reports by Location.................................................................................................................................. 13
Details about reports made to EO............................................................................................................................ 13
  Relationship Violence.............................................................................................................................................. 14
  Sexual Assault and Sexual Intercourse Without Consent (SIWOC)................................................................. 16
  Stalking..................................................................................................................................................................... 18
  Retaliation.................................................................................................................................................................. 19
  Sexual Misconduct.................................................................................................................................................... 19
  Sex-Based Discrimination and Sexual Harassment .............................................................................................. 20
Case Resolutions and Formal Investigations........................................................................................................ 22
Monitoring Campus Climate.................................................................................................................................. 25
  Additional Evaluation and Analysis of Data Collected.......................................................................................... 25
  University Council on Student Assault (UCSA; now PEACE)........................................................................... 26
Conclusion................................................................................................................................................................. 28
Brief Definitions and Terminology Commonly Used in this Report ............................................................... 29
List of Figures and Tables........................................................................................................................................ 31

*July 1, 2018 – June 30, 2019*
"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."
Title IX, Education Amendments of 1972

UM’S COMMITMENT

“Regardless of future changes to federal regulations, UM’s commitment to raise awareness, educate and address sexual violence on our campus remains firm. We have policies and procedures in place that create equitable and procedurally fair processes for all students involved, and individuals active in processing, investigating, or resolving complaints of sexual misconduct receive comprehensive training. At UM, we recognize that preventing and ending sexual and dating violence on college campuses is an important part in making higher education accessible for all students.”

Jessica Weltman, J.D.
Title IX Coordinator | Director (FY14-19)
Equal Opportunity and Affirmative Action

The Office of Equal Opportunity and Affirmative Action (“EO”) ensures UM’s commitment to foster diverse and inclusive working and learning environments free from discrimination, harassment, sexual misconduct, stalking, relationship violence, and retaliation in compliance with state and federal laws. EO works to eliminate barriers inhibiting individuals from achieving their full potential in education, employment, and other University programs. To fulfill its mission, EO provides:

- **Response.** Responds to reported incidents to determine if student, faculty, or staff conduct has, or may, violate the University’s *Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation Policy* (“Policy”).

- **Unbiased investigation.** Investigations can be formal, resulting in written reports and findings of whether an individual violated the Policy or informal, resulting in any series of steps that are responsive to the complaint.

- **Resources.** Provides resources and accommodations to stop and address the effects of prohibited discrimination.

- **Compliance.**
  - Oversees compliance with the *Americans with Disabilities Act* ("ADA") and *Section 504 of the 1973 Rehabilitation Act*;
  - Ensures compliance with affirmative action and equal opportunity laws;
- Oversees Title IX compliance by coordinating UM’s responses to all complaints involving possible sex discrimination, including monitoring outcomes, identifying and addressing any patterns, and assessing effects on the campus climate; and
- Collaborates with UM partners on Clery¹ and VAWA² compliance.

- **Education.** Develops and delivers educational and prevention programs online and in-person to students, faculty, staff, and outside constituents on federal law, investigations, policies, equitable hiring processes, and other topics.

- **Policies and guidance.** Recommends, interprets, and implements policies and procedures in support of non-discrimination.

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**Policy Statement³**

The University of Montana (“UM”) is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based upon race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among all people at our University. The University will take appropriate action to eliminate, prevent and address the effects of discrimination, harassment, sexual misconduct, stalking and retaliation.

Consistent with state and federal law, reasonable accommodation will be provided to persons with disabilities.

It is important that members of the University community understand that the law does not just prohibit discrimination and harassment of employees by employers. The law also prohibits discrimination and harassment between members of the University community more generally: for example, between an instructor and a student, between two students,

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³ Statement from Policy Number 707: Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation Policy, adopted 8/1/2013 and last revised 11/1/2018; Replaced on 8/14/2020 by Policy Number 735: Discrimination, Harassment, and Retaliation Policy.
or between a student and an applicant or campus guest. The Policy applies in all University programs and activities, including, but not limited to, discrimination in athletics, instruction, grading, university housing, and university employment. In addition, the law prohibits retaliation against an individual for opposing any practices forbidden under this Policy, for bringing a complaint of discrimination or harassment, for assisting someone with such a complaint, for attempting to stop such discrimination or harassment, or for participating in any manner in an investigation or resolution of a complaint of discrimination or harassment. It is central to the values of this University that any individual who believes they may have been the target of unlawful discrimination or harassment feel free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution.

This Policy shall not be construed or applied to restrict academic freedom at UM, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant, or even hateful.

INTRODUCTION

Safety is an essential and ongoing priority for UM. This annual report highlights and assesses UM’s effectiveness of anti-harassment efforts for the period from July 1, 2018, through June 30, 2019. UM’s goal is to both create and implement nationwide best practice and includes:

- Awareness and Prevention Education;
- Implementing Equitable Policies and Effective Response;
- Providing Comprehensive Support;
- Engaging in a Collaborative Approach; and
- Monitoring Campus Climate.

This assessment includes all Title IX Reports received by EO during FY19 regardless of when the reported events occurred. Each case involves at least one UM student or employee and may have involved current or past harm. This assessment does not include other acts of discrimination (Non-Title IX-related reports) that may violate the Policy.

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4 The University fiscal year spanning from July 1, 2018 – June 30, 2019, shall be referred to as “FY19” in this report, for conciseness and consistency.

5 Incidents of sexual harassment, sex-based discrimination, relationship violence, sexual misconduct, stalking, retaliation, sexual assault, and sexual intercourse without consent (hereinafter referred to as “Title IX Reports”)

6 The sexual assault data in this report will not correspond to the University of Montana’s annual report required under the federal Clery Act because the campus Discrimination Policy uses a more expansive definition of sexual assault and includes cases from a wider geographic jurisdiction than in the Clery report.
The purpose of reporting this data is to increase awareness and promote transparency. Please be aware that UM is obligated to balance transparency with the commitment to respect the privacy of those involved and the duty to safeguard confidential information protected by state and federal laws.

Policies, Response, Support, Collaboration

- In 2013, UM adopted the Policy and Discrimination Grievance Procedures ("Procedures"). In 2018 the Procedures were reviewed and revised. The Policy was reviewed in 2019 and reaffirmed. UM disseminates the Policy and Procedures widely across campus, both of which apply to faculty, staff, students, and visitors. These policies provide that reports of discrimination and interpersonal violence should be made to EO and describe the procedures followed upon receipt of a report. They define terms, identify available accommodations, and create an equitable procedure for campus investigation into whether a Policy violation occurred.

- The Student Advocacy Resource Center ("SARC") provides comprehensive, professional, confidential, and free counseling, advocacy, and support services to students who accessed them.

- Web Resources: A comprehensive "Campus Safety" link on the University home page gives immediate access to Online Reporting.

- UM circulates information broadly throughout the University community about UM policies and avenues for reporting to the Title IX Coordinator.

- UM prints all Griz Cards (student/employee IDs) contact information for UM Police, Title IX Coordinator, and SARC.

- The Annual Campus Security and Fire Safety Report ("AFSR") is available at www.umt.edu/clery/.

- The University continues involvement in local multidisciplinary agency boards and councils in the community such as Make Your Move! and Just Response, a community criminal justice system response to domestic violence and sexual assault.

- EO continues to meet weekly with campus partners to coordinate response and support.

- Campus partners and EO continue to monitor and evaluate resources, best practices, and response effectiveness through climate surveys and assessments of programs and resources.

Awareness and Prevention Education

UM has been intentional in its development, targeted delivery, tracking, and assessment of online and in-person prevention and awareness programs. These programs increase intervening prosocial behaviors, include knowledge of and skills for safely intervening, changing harmful attitudes toward sexual assault and interpersonal violence, improving understanding of the elements of sexual consent,

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7 As of FY20, the Office of Equal Opportunity and Affirmative Action was renamed the Office of Equal Opportunity and Title IX.
discussing campus policies and laws, and providing knowledge about community resources. UM implements this strategy across the social-ecological model. Activities occur at the individual level, the relationship level, the community level, and the societal level, complementing and reinforcing one another. UM has been a leader in its prevention strategies.

- The following training is required, and students may not register for classes if they have not completed this training:
  - UM requires in-person **Bystander Training for New Students** for all new students, including graduate students. UM’s Student Advocacy Resource Center (“SARC”) trains approximately 3,400 students yearly.
  - UM requires online training on interpersonal violence awareness and prevention for all new students, including domestic and international transfer and graduate students.
  - UM requires **AlcoholEdu**, an online tutorial on alcohol and risk reduction, which reinforces sexual assault awareness and prevention.
  - UM requires completion of an online program, **Sexual Assault Prevention for Adult Learners**.

- Student orientation provides many programs that raise awareness and introduce students to campus resources.

- All new employees must take online training about interpersonal violence and discrimination and their responsibilities as employees if they become aware that a student has experienced interpersonal violence.

- EO attends New Employee Orientation and discusses the **Policy** and **Procedures**.

- UM conducts yearly in-person training for individuals most likely to have students disclose experiences with interpersonal violence such as Academic Advisors, UM Housing Employees, Curry Health Center, SARC, Athletic Coaches, and the University of Montana Police Department (“UMPD”). Over 1500 people a year receive this training on policies, procedures, and awareness from EO.

- UMPD continues to train its personnel on its **Sexual Assault Investigation Policy** and practices, such as lethality assessment applied in domestic violence cases. The **Sexual Assault Investigation Policy** includes consistent referrals to the Title IX Coordinator and other resources.

- UMPD participates in the Lethality Assessments Program (“LAP”) when called to dating or domestic violence incidents.

- University personnel involved in processing, investigating, or resolving interpersonal violence reports, including sexual misconduct, receive comprehensive training.

- There are a host of awareness and prevention programs starting at orientation put on across campus by students, faculty, staff, and invited speakers that run throughout the year.
• Numerous courses taught on campus directly address the topics of relationship violence 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).

### Required Employee Reporting to EO

In FY19, 71% of all reports to the Title IX Coordinator came from campus employees. Within 24-hours of learning of a possible Title IX violation involving a student, UM Responsible Employees⁸ must report all relevant information they have to the Title IX Coordinator. Prompt and thorough reporting enables a more effective response by UM to stop instances of Title IX violations. Relevant information includes all details shared about the incident, such as the date, time, and location as well as the name(s) of the respondent(s), complainant(s), and other witnesses or involved parties.

Upon receiving a report, the Title IX Coordinator evaluates the information received and determines what actions to take.⁹

### OVERVIEW OF REPORTER IDENTITY

![Figure 1: Who Made the Report to EO](image)

In all cases, the Title IX Coordinator takes steps to provide information about the Policy, Procedures, health and advocacy resources, and options for criminal reporting.

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⁸ Responsible Employees include all UM employees, except confidential resources (e.g., campus counselors).

⁹ EO acts in accordance with the Procedures.
Consistent training opportunities are in place to assist campus employees in meeting mandated reporter obligations. In partnership with the Title IX Coordinator, employees often continue supporting students by connecting them to resources and providing other interim measures.

**UM RESPONSE TO REPORTS**

EO provides a range of options for pursuing complaints, whether through a formal investigation or other measures that address the complainant’s varied needs. EO offers all complainants supportive and interim measures regardless of how they choose to proceed. Under the *Policy*, a complainant retains as much control as possible over the actions taken in response to misconduct acted upon them. Accordingly, whenever possible, it is the complainant’s choice as to whether they pursue a complaint and choose which options are best for them.

If a complainant requests that an investigation not be conducted, the EO will consider the reasons for the request, including concerns about continued safety of the person reportedly harmed and members of the campus community. The EO must balance considerations about the continued health and safety of members of the community against a complainant’s desire not to have the report investigated.

**Resources and Interim Measures**

In all reports received by the Title IX Coordinator, the complainant received written outreach from EO. The outreach included information about resources and interim measures, the option to begin a formal university investigation into whether a violation of the *Policy* occurred, and information about assistance contacting law enforcement.

The following is a list of interim and supportive measures facilitated by UM:

- Academic Accommodations
- Employment Accommodations
- Housing Accommodations
- Registration / Withdrawal assistance
- No Contact Directive issued
- SARC – Counseling / Advocate support
- Department / Group targeted training
- Safety planning
- EO one-on-one follow-up with respondent
- Respondent trespass from specific buildings or campus grounds
- Timely Warning issued
- Other interim or supportive measures as needed

Interim measures are available whether or not the complainant pursues resolution through EO. Other campus entities may provide interim or supportive measures independently and/or at EO’s direction. At times, EO facilitates communication through the mandated reporter who reported the incident, ensuring the student receives the resources and support from an individual they have already entrusted.
When University officials outside of the EO Office provide interim or supportive measures, EO is not automatically informed. Therefore, these services and support provided independently by other University officials are not always known and thus may not be included as statistics in this report.

**STATISTICAL OVERVIEW**

The following is a statistical summary of all Title IX reports made to EO during FY19, regardless of when the alleged events occurred. The reports are presented by incident type, reporting party, the affiliation of the complainant and respondent, as well as the location where reported incidents took place. Reports involving a single complainant and respondent alleging more than one type of misconduct are listed only once.

**In FY19, the Title IX Coordinator received 115 Title IX reports.**

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**FY19 TITLE IX REPORTS BY INCIDENT TYPE**

*Figure 5: Title IX Reports by Incident Type*

*Sexual Assault – An actual or attempted sexual contact with another person without that person’s consent and does not include SIWOC*

**SIWOC – Sexual Intercourse without Consent, commonly known as rape**

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10 The *Policy* also covers protected-class discrimination and harassment including ADA violations. Those cases are not discussed in this report.
### Title IX Reports by Affiliation

**Table 1: Title IX Reports by Affiliation**

<table>
<thead>
<tr>
<th>Incident Type</th>
<th>Involvement (Complainant or Respondent)</th>
<th>Student</th>
<th>Prior Student</th>
<th>Employee</th>
<th>Prior Employee</th>
<th>Dependent Resident</th>
<th>Non-Affiliate</th>
<th>Unknown</th>
<th>Total Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Relationship Violence</strong></td>
<td>Complainant</td>
<td>26</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>Respondent</td>
<td>15</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>12</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td><strong>Sexual Assault, including SIWOC</strong></td>
<td>Complainant</td>
<td>35</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>Respondent</td>
<td>14</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td><strong>Stalking</strong></td>
<td>Complainant</td>
<td>10</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Respondent</td>
<td>7</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td><strong>Sexual Harassment</strong></td>
<td>Complainant</td>
<td>19</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Respondent</td>
<td>6</td>
<td>0</td>
<td>9</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td><strong>Sexual Misconduct</strong></td>
<td>Complainant</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Respondent</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td><strong>Sex-based Discrimination</strong></td>
<td>Complainant</td>
<td>3</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Respondent</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Retaliation</strong></td>
<td>Complainant</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Respondent</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>Complainant</td>
<td>99</td>
<td>2</td>
<td>5</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>115</td>
</tr>
<tr>
<td></td>
<td>Respondent</td>
<td>48</td>
<td>4</td>
<td>14</td>
<td>1</td>
<td>0</td>
<td>21</td>
<td>27</td>
<td></td>
</tr>
</tbody>
</table>
### Title IX Reports by Location

<table>
<thead>
<tr>
<th>Incident Type</th>
<th>Greek Housing</th>
<th>Off-Campus</th>
<th>On-and-off-campus</th>
<th>On-campus grounds</th>
<th>On-campus housing</th>
<th>Telephone/Electronic Communication</th>
<th>Unknown</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relationship Violence</td>
<td>1</td>
<td>7</td>
<td>3</td>
<td>4</td>
<td>11</td>
<td>1</td>
<td>4</td>
<td>31</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>0</td>
<td>9</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>5</td>
<td>17</td>
</tr>
<tr>
<td>SIWOC</td>
<td>0</td>
<td>9</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>8</td>
<td>22</td>
</tr>
<tr>
<td>Stalking</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>6</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td>Sexual Harassment</td>
<td>0</td>
<td>3</td>
<td>2</td>
<td>11</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>19</td>
</tr>
<tr>
<td>Sexual Misconduct</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Sex-based Discrimination</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Retaliation</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>1</td>
<td>33</td>
<td>5</td>
<td>29</td>
<td>24</td>
<td>4</td>
<td>19</td>
<td>115</td>
</tr>
</tbody>
</table>

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**DETAILS ABOUT REPORTS MADE TO EO**

While intended to be broadly informative, this report cannot fully convey the variety and complexity of the circumstances associated with each case due to privacy obligations. Consequently, to provide an overview of the conduct reported to EO during FY19, generalized details are described within each following incident type.
In FY19, the Title IX Coordinator received thirty-one (31) reports of relationship violence, accounting for approximately 27% of the 115 Title IX reports (see fig. 3).

The Clery Act separates relationship violence into two categories: “dating violence” and “domestic violence.” Under those definitions:

**Dating violence** means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

**Domestic violence** includes asserted violent misdemeanor and felony offenses committed by the victim’s current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

For Title IX reporting purposes and assessing University response, EO combines both definitions under relationship violence, which is defined in the Policy as follows:

**Relationship violence** is 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.

Of the thirty-one (31) incidents of relationship violence reported to EO, twenty-six (26) complainants and fifteen (15) respondents were students. Besides the complicated safety issues inherent in relationship violence, many of these reports involved one person who was not a student. The University had to weigh individual safety and community safety in the way it proceeded.

None of the complainants requested a University investigation into whether their partner had violated the Policy. In two (2) cases, facilitation of an informal resolution with one (1) respondent provided measures that supported two (2) student complainants as they completed and/or continue to complete their education at UM.
Twenty (20) incidents reported to EO occurred within the jurisdiction of UMPD, meaning the incidents occurred on UM property or Greek Housing. If the violence is perpetrated through telephone or electronic communication and received while the individual is on UM property, it falls within the investigative jurisdiction of UMPD. The University does not file reports to police, even when the incident has occurred within UMPD’s investigative jurisdiction; however, supportive measures offered to students include information about, and assistance in, reporting to law enforcement.

Twelve (12) incidents of relationship violence were reported to UMPD and referred to EO. In four (4) of those incidents, the complainant chose not to share their identity with EO, and therefore, their identity was considered protected criminal justice information (“PCJI”). When this occurs, the UMPD/Title IX Compliance Specialist reaches out to the student complainant and provides vital information about University support and resources while protecting their identity. This procedure ensures that all student complainants have information about resources such as SARC, First STEP, the Missoula’s Crime Victim Advocate Program, and the YWCA.

As with all forms of violence, the team that reviews and responds to reports of relationship violence receives ongoing training about the unique dynamics of interpersonal violence. In partnership with EO, this team includes experts in law enforcement, counseling, and student affairs. The team recognizes the importance of safety in ongoing relationships, the type of tactics used to exert power and control, and the reality that most individuals subjected to relationship violence never leave an abusive partner or only do so successfully after many failed attempts. UMPD, along with the Missoula Police Department (“MPD”), participate in LAP. This program provides responding officers with a list of questions they can ask the complainant to determine their lethality risk. If a complainant chooses to participate and assesses as high risk, they will have the opportunity to immediately connect with an advocate to review and consider their options.

OVERVIEW OF INTERIM MEASURES AND SUPPORTIVE ACTIONS OFFERED AND ACCEPTED.

As in all cases, many interim and supportive measures are offered and facilitated through EO; however, other UM employees provide support independent of EO. This report may not fully reflect that data.

In reported incidents of relationship violence, EO was able to track the following interim measures and supportive actions offered and accepted by complainants: safety planning (1), academic accommodation (8), enrollment assistance (2), SARC, or another advocate (10), report to law enforcement (22), LAP (6), and mutual no-contact directives (2).
In FY19, the Title IX Coordinator received seventeen (17) reports of sexual assault and twenty-two (22) reports of SIWOC, which includes acts commonly defined as rape.\textsuperscript{11} These reports accounted for approximately 34\% of the 115 Title IX reports (see fig. 4).

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure13}
\caption{Reports of Sexual Violence Comparison}
\end{figure}

\textbf{Sexual assault} is an actual or attempted sexual contact with another person without that person’s consent.\textsuperscript{12} Sexual assault includes, but is not limited to:

\begin{enumerate}
\item Involvement in any sexual contact when the victim is unable to consent.
\item 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).
\item Sexual intercourse without consent, including acts commonly referred to as ‘rape.’
\end{enumerate}

For Title IX reporting purposes and assessing University response, EO may refer to sexual assault and sexual intercourse without consent jointly as “sexual violence.”

EO received thirty-nine (39) reports of sexual violence. Eight (8) incidents of sexual violence occurred on campus or in campus housing. One (1) incident occurred in unofficial Greek housing, and thirteen

\textsuperscript{11} SIWOC is nonconsensual sexual penetration by a body part or object, however slight, performed by another person. This includes non-consensual contact between the mouth of one person and the genitals or anus of another person.

\textsuperscript{12} 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.
(13) locations were unknown. Six (6) reports of sexual violence resulted in a formal investigation. In the majority of these investigations, the incident occurred off-campus. Twenty-four (24) respondents and six (6) complainants were not UM affiliates, or their identity was unknown to EO.

It is important to note that of the thirty-nine (39) reported sexual violence incidents, only four (4) reports were made to EO by the complainant. Of the remaining thirty-five (35) incidents, thirty-one (31) reports were made by responsible employees and four (4) by bystanders (see fig. 5). As in all reports of Title IX violations that involved a student complainant, EO provided outreach either directly or through the individual who reported the incident. As a result of this process, six (6) complainants of sexual violence met with EO and requested a formal investigation.

At least six (6) reported incidents of sexual violence had occurred more than a year prior to the report or before the complainant enrolled at UM.

Even years after surviving sexual violence, a person can experience psychological, emotional, and physical effects that impact their success. Survivors can often manage these effects with the right help and support. That is why it is critical that mandated reporters inform EO when they learn of past sexual violence to ensure that the affected party receives information about resources and support available to them at UM and in the community.

OVERVIEW OF INTERIM MEASURES AND SUPPORTIVE ACTIONS OFFERED AND ACCEPTED.

As in all cases, many interim and supportive measures are offered and facilitated through EO; however, other UM employees provide support independent of EO. This report may not fully reflect that data.

In reported incidents of sexual violence, EO was able to track the following interim measures and supportive actions offered and accepted by complainants: safety planning (1), academic accommodation (5), enrollment assistance (3), SARC, or another advocate (14), report to law
enforcement (7), respondent access to property or building restricted (2), mutual no-contact directives (5), and formal investigations (6).

**Stalking**

*In FY19, the Title IX Coordinator received thirteen (13) reports of stalking, accounting for approximately 11% of the 115 Title IX reports (see fig. 6).*

Stalking includes 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.\(^{13}\)

Stalking is particularly concerning because of the severity of the impact it can have on the complainant. Although stalking is often associated with intimate partner violence, only two (2) cases reported to EO involved a complainant and respondent that were previously in an intimate relationship.

Seven (7) of the thirteen (13) reports of stalking involved a student respondent. Of the seven (7) reports involving a student respondent, five (5) occurred on campus grounds or in UM housing, one (1) occurred off-campus, and one (1) by telephone/electronic communication. Of the thirteen (13) reports of stalking, six (6) respondents were unknown or not affiliated with UM.

Three (3) reports of stalking involved the same student respondent but different complainants.

---

**OVERVIEW OF INTERIM MEASURES AND SUPPORTIVE ACTIONS OFFERED AND ACCEPTED.**

As in all cases, many interim and supportive measures are offered and facilitated through EO; however, other UM employees provide support independent of EO. This report may not fully reflect that data.

In reported incidents of stalking, EO was able to track the following interim measures and supportive actions offered and accepted by complainants: report to law enforcement (1), respondent access restricted from UM property or buildings (3), housing accommodation (2), mutual no-contact directives issued (2).

---

\(^{13}\) UM Policy #707: Stalking (Section V).
Retaliation

In FY19, the Title IX Coordinator received three (3) reports of retaliation, which accounted for approximately 3% of the 115 Title IX reports received.

Retaliation is action taken by an accused individual or an action taken by a third party against any person because that person has opposed any practices forbidden under this policy or because that person has filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. This includes action taken against a bystander who intervened to stop or attempt to stop discrimination, harassment, or sexual misconduct. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual’s complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy.\(^{14}\)

Two (2) of the three (3) incidents of retaliation reported to EO were made by the complainant, and in two (2) cases, the complainant did not respond to EO’s outreach. In one (1) report, the complainant met with EO, which resolved their concerns.

In all reported incidents of retaliation, EO attempted to contact the complainant to resolve the behavior. Only one complainant responded to EO’s outreach to receive support.

Sexual Misconduct

In FY19, the Title IX Coordinator received three (3) reports of sexual misconduct, accounting for approximately 3% of the 115 Title IX reports received.

For purposes of this section, sexual misconduct only includes inducing incapacitation for sexual purposes and sexual exploitation as defined in the Policy.

All three (3) reports of sexual misconduct alleged an attempt to induce incapacitation for sexual purposes, and the complainants did not report any additional policy violations.

OVERVIEW OF INTERIM MEASURES AND SUPPORTIVE ACTIONS OFFERED AND ACCEPTED.

As in all cases, many interim and supportive measures are offered and facilitated through EO; however, other UM employees provide support independent of EO. This report may not fully reflect that data.

In reported incidents of sexual misconduct, EO was able to track the following interim measures and supportive actions offered and accepted by complainants: report to law enforcement (1).

\(^{14}\) UM Policy #707: Retaliation (Section VI).

July 1, 2018 – June 30, 2019
Sex-Based Discrimination and Sexual Harassment

In FY19, the Title IX Coordinator received twenty-six (26) reports of sex-based discrimination and sexual harassment, accounting for approximately 23% of the 115 Title IX reports (see fig. 7).

Figure 25: Reports of Sex-Based Discrimination and Sexual Harassment Comparison

SEX-BASED DISCRIMINATION

In FY19, the Title IX Coordinator received seven (7) reports of sex-based discrimination, accounting for approximately 6% of the 115 Title IX reports.

Sex-based discrimination includes discrimination and harassing conduct (non-sexual) based on sex, gender identity, gender expression, or sexual orientation.

**Discrimination** is conduct that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual’s employment, education, living environment or participation in a University program or activity.\(^{15}\)

**Harassing conduct** may take various forms, including name-calling, graphic or written statements (including the use of cell phones or the internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Non-sexual sex-based harassment may be based on stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes.\(^{16}\)

\(^{15}\) UM Policy #707: Discriminatory Conduct (Section I).

\(^{16}\) UM Policy #707: Discriminatory Conduct (Section II).
Of the seven (7) incidents of sex-based discrimination reported to EO, two (2) resulted in formal investigations, and five (5) did not result in a formal investigation. Four (4) of the seven (7) reports involved employee complainants.

SEXUAL HARASSMENT

In FY19, the Title IX Coordinator received nineteen (19) reports of sexual harassment, accounting for approximately 17% of the 115 Title IX reports.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature not defined by sexual assault. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex.17

The Policy prohibits two (2) types of sexual harassment: (1) Tangible Employment or Educational Action; and (2) Hostile Environment. All reported acts of sexual harassment are included in this report regardless of the individual’s sex, gender identity, gender expression, or sexual orientation.

Of the nineteen (19) sexual harassment incidents reported, three (3) complainants requested a formal investigation. In cases where the complainant did not want a formal investigation and/or wished to remain anonymous, the Title IX Coordinator identified measures to alleviate ongoing problematic behavior.

Of the twenty-six (26) sexual harassment and sex-based discrimination reports to EO, seventeen (17) reports involved a UM employee either as a complainant or a respondent, eight (8) involved a student respondent, and twenty-two (22) involved a student complainant.

OVERVIEW OF INTERIM MEASURES AND SUPPORTIVE ACTIONS OFFERED AND ACCEPTED.

As in all cases, many interim and supportive measures are offered and facilitated through EO; however, other UM employees provide support independent of EO. This report may not fully reflect that data.

In reported incidents of sex-based discrimination and sexual harassment, EO was able to track the following interim measures and supportive actions offered and accepted by complainants: safety planning (2), academic accommodation (4), employment accommodation (2), SARC, or another advocate (2), report to law enforcement (3), respondent access restricted from UM property or building(s) (1), and formal investigations (6).

17 UM Policy #707: Sexual Harassment (Section II).
Of the six (6) formal investigations into violations of sex-based discrimination and sexual harassment, four (4) respondents were found responsible, and two (2) respondents were found not responsible for violating the Policy.

**CASE RESOLUTIONS AND FORMAL INVESTIGATIONS**

*In FY19, EO responded to 115 reported Title IX cases. Of those cases, twelve (12) resulted in a formal investigation (see fig. 8).*

As discussed above, EO conducts a preliminary investigation of all reports received to identify the best response. In providing a range of formal and informal options for individuals, the University seeks to meet the varied needs of complainants.

It is important to note that interim measures and supportive actions are available to complainants regardless of whether they choose to pursue resolution through EO, and therefore, available under a wide range of circumstances even when:

- The complainant does not want to report to law enforcement;
- The complainant does not wish to participate in the EO process;
- The complainant does not identify the respondent;
- The respondent is not a University affiliate.

During FY19, complainants took advantage of many of these resources. They received supportive measures, ranging from modified housing, academic accommodation, assistance reporting to law enforcement, safety planning, connection with SARC, and formal investigation. In some cases, UM Housing staff worked closely with the complainant to ensure they maintained access to their housing even if their partner moved out or was required to move out of UM housing. Table 3 provides a breakdown of the data EO collected regarding the interim measures and supportive actions offered and accepted by complainants.
Table 3: Actions and supportive measures offered and accepted by complainants

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</table>

*Sexual Violence refers to sexual assault including SIWOC
Retaliation: No interim or supportive measures requested

**FORMAL INVESTIGATION CONDUCTED**

In FY19, EO conducted sixteen (16) formal investigations. Of those investigations, twelve (12) were allegations of a Title IX violation, and nine (9) of those respondents were found responsible for violating UM’s Policy (see fig. 9).

An EO investigation evaluates whether it is more likely than not that a respondent has violated the Policy. The trained EO staff serve as unbiased, thorough, impartial investigators. EO makes every attempt to complete the investigation within 60 days.

A University investigation begins when:

1. A person reports a potential policy violation to the Title IX Coordinator; **and**
2. The EO staff determines there is jurisdiction; **and**

   Either of the following occurs:
a. The complainant states that they would like to begin a formal University investigation; or
b. Circumstances exist that require EO to unilaterally initiate a University investigation to mitigate potential harms, such as those involving risks to the safety of individuals or the campus community.

The EO investigation is an administrative process and is not the same as a legal civil or criminal process. The respondent is presumed not to have engaged in an alleged policy violation(s) unless a “preponderance of the evidence” supports a finding that the violation(s) has occurred. This preponderance of the evidence standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it.

**Equitable Rights of Parties to an Investigation**

- Both parties have the right to provide their description of events, identify people with relevant information (witnesses), and provide evidence. Both parties may review relevant evidence gathered, respond, ask questions, and provide feedback, additional evidence, or other witnesses.

- Both parties have the right to have a “person of support” accompany them at meetings with the investigator. A “person of support” may include a supportive friend, a trusted faculty member, a SARC employee, a parent, a union representative (if applicable), or an attorney.

- Both parties receive notification of the outcome of the investigation in writing.

- Both parties have the right to appeal the finding to the UM Discrimination Grievance Committee.

- Both parties have the right to appeal the Discrimination Grievance Committee’s finding to the Commissioner of Higher Education of the Montana University System.
MONITORING CAMPUS CLIMATE

- The University Council on Student Assault (UCSA - now PEACE) meets to monitor and provide recommendations on campus climate.

- The PEACE case-review subgroup met to conduct confidential monthly case reviews of reported Title IX violations involving students. During these reviews, the group assesses practices, identifies needs, makes recommendations, and coordinates support.

- Data from training is collected to monitor attitude change, propensity for behavioral change, and knowledge acquisition.

- The working group of professionals who conducted three consecutive campus climate surveys compiled data and reported to stakeholders on campus and nationally about findings. UM conducted a climate survey in 2018. UM has scheduled the following climate survey for 2021.

Additional Evaluation and Analysis of Data Collected

A comprehensive review of the climate survey results, and reports made to the Title IX Coordinator over the past year, illustrates that the following factors continue to influence whether a student chooses to pursue a formal university investigation.

- Interim measures (e.g., no-contact directive, academic accommodations, housing accommodations) and other informal actions the University puts in place.

- Other University proceedings or processes, such as student conduct or law enforcement, address unwanted or prohibited behavior.

- A desire for closure through a method other than a formal investigation (considerations of the trauma cycle and/or confidentiality considerations).

- Temporary or permanent leave of absence from the University.

- The process length and/or time commitment required.

- Support from family and/or friends.

Reports to the Title IX Coordinator increased during FY19, despite the decline in student enrollment. Experts typically view an increase in reporting as positive. Climate survey data supports this theory, noting students’ growing knowledge and comfort in obtaining campus resources. The number of campus employee reports continues to grow, demonstrating an increased understanding and success from training on these issues and requirements.

The data shows that many students are accessing interim measures and other resources, ensuring that the educational environment of each student reporting harassment is improved.

Considering the types of reports received, the data again suggests that students took seriously the request provided in University outreach, written into the Policy, and reiterated by Haven and other training to report behavior even if they were unsure if there was a Policy violation. In many cases, follow-
up with the complainant showed that safety measures and notifying the respondent of the Policy addressed the impact of the unwanted behaviors.

Increased coordination with SARC has effectively improved access to resources for students. Together, the Title IX team and SARC provided training across departments and answered first responder questions regarding how to support a survivor.

Data tracked by the Title IX Coordinator reveals that student complainants consistently and promptly received necessary services and information. UM took steps to stop and remedy the effects of discrimination by offering students safety and interim measures, academic advocacy, and resources such as advocacy and/or counseling and, where appropriate, medical assistance.

The Title IX Coordinator also collaborated closely with UM Housing staff, the Office of Community Standards, academic advisors, and UMPD. The University provided significant follow-up through personal phone calls, outreach by professional UM Housing staff, and appointments with academic advisors and the Office of Community Standards.

UM also worked closely with the community, providing information and resources to the Crime Victim Advocates. Hence, they were familiar with UM policy and Just Response, a multidisciplinary team of criminal justice actors.

**University Council on Student Assault (UCSA; now PEACE)**

The PEACE has a long history at UM. It continues to serve as the Coordinated Campus and Community Response to keep the UM, Missoula, and Montana community groups apprised of updates regarding policies, programs, prevention efforts, training, and other issues relevant to relationship violence, sexual violence, and Title IX.

The PEACE confidential case review working group was another group that met to monitor cases, make recommendations for actions and follow-up actions, and analyze trends. This group meets monthly and includes the Title IX Coordinator, UMPD representatives, UM Housing, Community Standards, Specialized Faculty, and SARC. Some of the individuals in this group are part of the Behavioral Intervention Team, and others are involved in the campus climate survey implementation and analysis. This group also includes Fraternity and Sorority Involvement (FSI) once a month to focus on updates and collaborate on prevention and training regarding University recognized Greek chapters.

SARC does not reveal any confidential information but is present to provide input on a trauma-informed response. Among other things, the group explicitly discussed whether actions are needed when a complainant does not wish any action to be taken. It also advises when a student referral should be made to the Behavioral Intervention Team. The team has also discussed the duration of investigations and reasons students may or may not seek formal university investigations. Together they have looked at ways to reach and communicate with underrepresented groups on campus.
Incidents involving sexual harassment, sex-based discrimination, and retaliation were more likely to be directly reported to EO by the complainant than in other Title IX reports (see fig. 10). Of the twenty-six (26) reported incidents of sex-based discrimination and sexual harassment, EO conducted six (6) formal investigations. Four (4) cases involved sexual harassment and two (2) involved sex-based discrimination. These cases accounted for fifty percent (50%) of the formal investigations alleging Title IX violations conducted by EO.

![Complainant reports to EO comparison](image)

**Figure 37: Complainants Reports to EO Comparison**
CONCLUSION

Over the past year, EO has worked hard to increase resources, support, and educational initiatives and empower community members impacted by sexual or gender-based discrimination and harassment to make informed decisions about accessing the various resources available across campus. UM EO continues to monitor its effectiveness to prevent harms contemplated by the Policy and promote a non-discriminatory school climate.

Overall, EO expanded awareness of the resources available across the University in FY19, and as a result, EO saw increases in disclosures of sexual and/or gender-based discrimination and harassment. In FY19, EO received and responded to 115 disclosures of sexual and/or gender-based discrimination and harassment—a 20% increase over FY18. These numbers are the highest EO has seen since its formation; however, we recognize that there remains work to be done in this area so that all community members feel that they can safely seek support from the University. While the University has made progress in many areas, all available data supports the need for a multifaceted approach to address issues of sexual and gender-based discrimination and harassment in academia. By exploring innovative approaches, examining and implementing promising practices, and drawing from expertise both within the UM community and across the nation, EO is committed to addressing sexual and gender-based harassment concerns while recognizing that there will always be more to do.

![Annual Comparison](image)

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</tr>
</tbody>
</table>

Figure 38: 4-year Annual Report Comparison
Complainant is the person (or persons) who experienced harm because of the misconduct.

Respondent is the person (or persons) alleged to have committed the misconduct.

Mandated Reporter / Responsible Employee is a UM employee (including paid student employees, only when acting as employees of the University) who must share information with a Title IX Coordinator about potential incidents of sexual or gender-based harassment.

Title IX Reports include all incidents of sexual harassment, sex-based discrimination, relationship violence, sexual misconduct, stalking, retaliation, sexual assault, and sexual intercourse without consent.

Sexual Assault is an actual or attempted sexual contact with another person without that person’s consent.

Sexual Violence is a blanket term used in this report to refer to either sexual assault or SIWOC.

SIWOC is an acronym for sexual intercourse without consent, commonly referred to as rape. SIWOC is non-consensual sexual penetration by a body part or object, however slight, performed by another person that includes non-consensual contact between one person’s mouth and the genitals or anus of another person.

Sexual Misconduct as defined by Policy 707 includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, and relationship violence. However, in this report, sexual assault and relationship violence are evaluated independently of other forms of sexual misconduct.

Formal Investigation is the process followed by trained EO staff to gather information in a thorough, impartial, structured, and timely way so that a decision regarding the facts and evidence presented in a case determines whether there has been a Policy violation.

Interim Measures are actions implemented, such as a No Contact Directive, to minimize the potential for behavior that may constitute a Policy violation.

Supportive Measures are actions taken by University officials to accommodate the needs of a Complainant.

No Contact Directive is issued on behalf of EO and is mutual and intended to be preventive and non-punitive. The University addresses a violation of a No Contact Directive as a Student Conduct Code Violation.

______________________________

18 While sexual assault and other sexual misconduct is often considered a subset of “sexual harassment,” for purposes of this policy and the consequences that may result from violating this policy, the terms are distinct.
**Order of Protection** is an order issued by the court restricting one party from contacting another. Violation of an Order of Protection or Temporary Order of Protection is a criminal offense.

**Protected Activity** is action taken by an individual against any person “because that person has opposed any practices forbidden under this policy or because that person has filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy.”

**LAP** or **Lethality Assessment Program** is a project by the Maryland Network Against Domestic Violence and designed for law enforcement and utilized by UMPD and MPD in relationship violence cases. The program provides first responders with a standardized, evidence-based lethality assessment to identify victims of intimate partner violence who are in the most danger of being killed by their partners. If a victim screens in as high-risk, they are connected to a local advocate for emergency safety planning and provide information about options and support available to them.

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19 Policy 707: VI: Retaliation
LIST OF FIGURES AND TABLES

Figure 1: Who Made the Report to EO .................................................................................................................. 9
Figure 2: Title IX Reports by Incident Type ......................................................................................................... 11
Figure 3: Reports of Relationship Violence Comparison ...................................................................................... 14
Figure 4: Reports of Sexual Violence Comparison ............................................................................................... 16
Figure 5: Who Reported Sexual Violence ........................................................................................................ 17
Figure 6: Reports of Stalking Comparison ............................................................................................................ 18
Figure 7: Reports of Sex-Based Discrimination and Sexual Harassment Comparison ........................................ 20
Figure 8: Investigation/Other Resolution Comparison ......................................................................................... 22
Figure 9: Title IX/Non-Title IX Investigation Comparison .................................................................................. 24
Figure 10: Complainants Reports to EO Comparison .......................................................................................... 27
Figure 11: 4-year Annual Report Comparison .................................................................................................... 28

Table 1: Title IX Reports by Affiliation .................................................................................................................. 12
Table 2: Title IX Reports by Location .................................................................................................................. 13
Table 3: Actions and supportive measures offered and accepted by complainants ............................................. 23