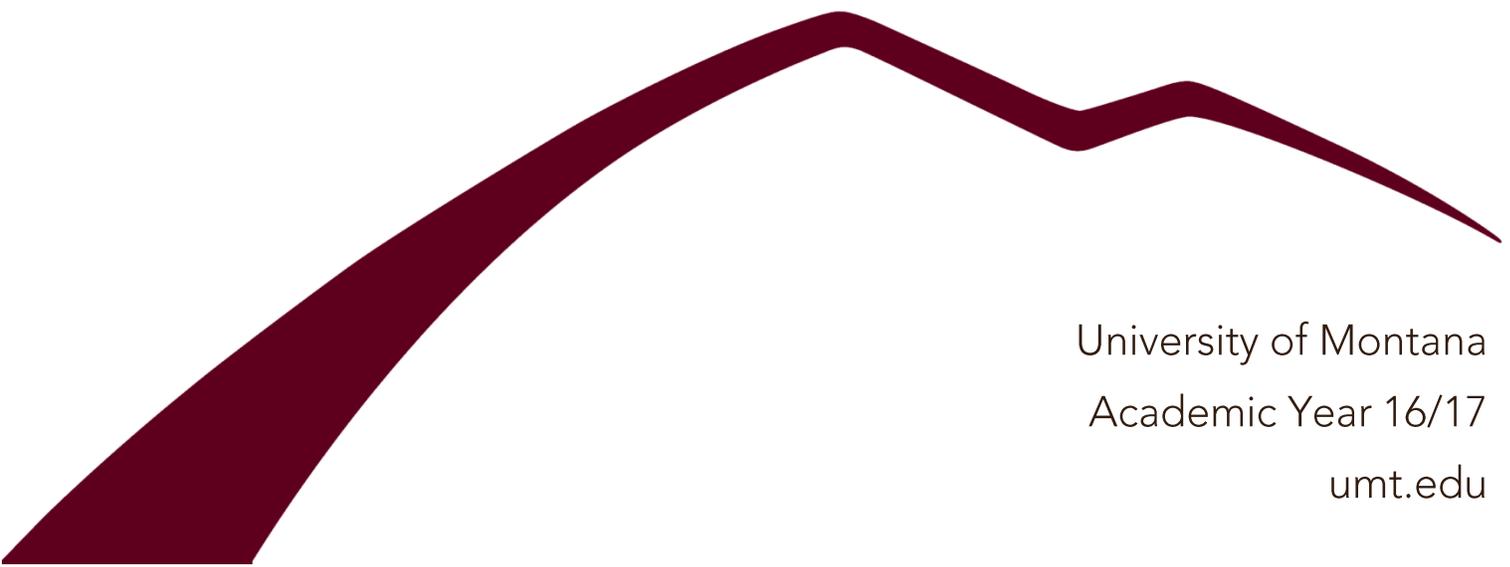


AY 2016-2017 **Annual Assessment**
of Effectiveness of Anti-Harassment Efforts, Including
Proposed Recommendations for Improving the
University's Anti-Harassment Program



University of Montana
Academic Year 16/17
umt.edu



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A. Background and Summary

Safety is an essential and ongoing priority for the University of Montana. This annual report highlights and assesses the effectiveness of anti-harassment efforts for the period from July 1, 2016, through June 30, 2017.¹ Our 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.

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 prosocial intervening behaviors, include knowledge of and skills for safely intervening, change harmful attitudes toward rape and interpersonal violence, increase knowledge of the elements of sexual consent, discuss campus policies and laws, and provide knowledge about community resources. UM has been a leader in its prevention strategies, making mandatory these efforts:

- UM requires in-person Bystander Intervention Training for all new students, including graduate students. Our 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 graduate students.
- UM requires a refresher online training on interpersonal violence awareness and prevention for students in their Junior Year.
- UM requires an online tutorial on alcohol and risk reduction which reinforces sexual assault awareness and prevention.
- Student orientation provides a number of programs that raise awareness and introduce students to campus resources.
- All new employees are required to take an online training about interpersonal violence and discrimination and their responsibilities as employees if they become aware that a student has experienced interpersonal violence.
- UM conducts yearly training for individuals most likely to have students disclose experiences with interpersonal violence such as Academic Advisors, Residence Life Employees, Curry Health Center, SARC, Athletic Coaches and UMPD. Over 1500 people a year receive this training on policies, procedure, and awareness from the Equal Opportunity and Affirmative Action Office.
- University of Montana Police continue to train its personnel on its Sexual Assault Investigation Policy and in practices such as lethality assessment in cases of domestic violence. The Policy includes consistent referrals to the Title IX Coordinator and other resources.

¹ University fiscal year is being used for consistency.

- University personnel involved in processing, investigating, or resolving complaints of interpersonal violence including sexual misconduct received comprehensive training.
- There are a host of awareness and prevention programs starting at orientation, and running throughout the year that are put on across campus by students, faculty, staff and invited speakers.
- 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).

Policies, Response, Support, Collaboration

- In 2013, UM adopted the Discrimination Harassment, Sexual Misconduct Stalking and Retaliation Policy and Discrimination Grievance Procedures. This past year the Procedures were reviewed and revised. They have been widely disseminated and apply to faculty, staff, students and visitors and clearly provide to whom reports of discrimination and interpersonal violence should be made, and the procedures that will be followed upon receipt of a report. They define terms, identify available accommodations, and create an equitable procedure for campus investigation into whether UM's Discrimination policy was violated.
- SARC provided comprehensive, professional, confidential, and free services to students who accessed them.
- Web Resources: A comprehensive "[Campus Safety](#)" link on the University home page gives immediate access to Policies, Online Reporting and Resources, including downloadable resources found on the EOAA linked page.
- Notices and information about campus policies and how to report to the Title IX Coordinator were widely disseminated to the University community.
- All Griz Cards (student/employee IDs) are printed with contact information for UM Police, Title IX Coordinator, Dean of Students, and SARC.
- The Annual Campus Security and Fire Safety Report is available at www.umt.edu/clery/
- The University continued involvement in local multidisciplinary agency boards and councils in the community such as Just Response, a community criminal justice system response to domestic violence and sexual assault.

Monitoring Campus Climate

- The University Council on Student Assault (UCSA) met to monitor and provide recommendations on campus climate
- The UCSA case-review subgroup met to conduct confidential monthly case reviews of reported sex-based discrimination, sexual misconduct, relationship violence, stalking, and retaliation involving students in order to assess practices and make recommendations.
- Data is collected after trainings are conducted.

- The working group of professionals who conducted three consecutive campus climate surveys compiled data and reported to stakeholders on campus and nationally about findings. Over the 2016-2017 school year they also began a process of evaluating focus group responses.²

2016-2017 Climate Survey

The University administered a Campus Climate Survey for three consecutive years. The last survey covered 2015-2016. The results of this survey show significant and meaningful positive change to the campus climate particularly in reduction in rape myth acceptance. Results of the campus climate survey have been shared with the University Council on Student Assault made up of students, staff, faculty, and community members. The data allows us to know where services are being used, how satisfied students are with resources, and where we could improve. Building on the information gathered from three years of Campus Climate Survey data, researchers held focus groups on campus beginning in May 2016. The groups included residence hall assistants, fraternity and sorority members, ASUM members, and student athletes. The results of the focus groups are currently being transcribed and information is not available at this time.

Based on data gathered from the three years of climate survey data as well as other data, prevention programs underwent a detailed analysis to meet students where they expressed the greatest need. For example, Bystander Intervention training was updated to include a greater focus on the meaning of consent. Education about the role and presence of the Title IX office was enhanced. Focus on persisting rape myths was also increased. In response to student caution in “stepping in” there had also been an increase in how to use intervention skills. Given a regular process for review and armed with accurate data, both from the climate survey and from other sources, UM can ensure relevance and sustainability in its comprehensive campus prevention and outreach programs.

B. Overview of Reports and to whom reports are made

The statistics below include all reports of sexual harassment, sex-based discrimination, relationship violence, sexual misconduct, stalking, retaliation, sexual assault, and sexual intercourse without consent (“Title IX Reports”) received within the reporting period of July 1, 2016 and June 30, 2017 regardless of when the reported events occurred.³ The complainant is the person who reported having experienced misconduct, or, in the case of third-party complaints, the person who is reported to have experienced it. The respondent is the person (or persons) alleged to have committed the misconduct.

Every reported case received a preliminary investigation to identify steps the University needs to take. Any appropriate steps are taken; this can include training, facilitated meetings, assistance with accommodations, safety planning or other action. If no formal investigation is sought or required, those cases are closed with the option to reopen. Cases may be reopened if more information is brought to light or a student makes that request. In those cases that have been closed with the option to reopen, 39% of

² The climate survey is further referenced in the next section.

³ 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.

those complainants received assistance rendered in the form of interim measures or other assistance. In another 25% of cases the complainant specifically declined an investigation but received assistance in the form of interim measures or other assistance. In 31% of cases the complainant did not respond directly to outreach from the Title IX office. Looking at this information in light of the assistance rendered, this data supports the fact that students receive the support, accommodations or actions needed to stop the discrimination or harassment. This often occurs as seen in these numbers without a formal university investigation process to determine whether or not the policy was violated.

The statistical summaries present the reports by incident type, by reporting party, and also include information about services provided, by complainant affiliation, by respondent affiliation.

Between July 1, 2016 and June 30, 2017, Title IX Coordinator received 96 Title IX reports.⁴

16-17 Case Reports by Incident Type

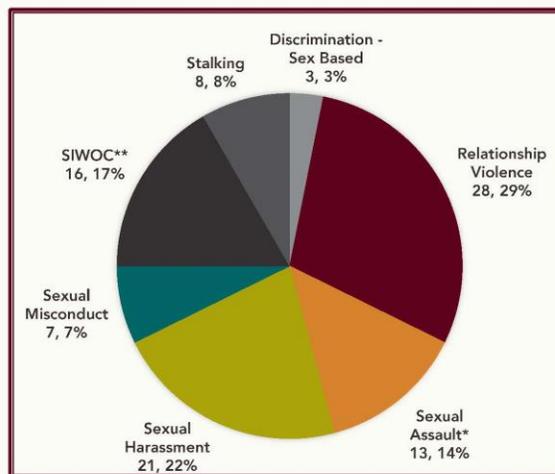
96 Title IX reports were made between July 1, 2016 and June 30, 2017

Reports involve at least one student and covered

- Sexual Harassment
- Sex-based Discrimination
- Relationship Violence
- Sexual Misconduct
- Stalking
- Retaliation
- Sexual Assault
- Sexual Intercourse Without Consent (SIWOC)

*Sexual Assault --An actual or attempted sexual contact with another person without that person's consent not including SIWOC

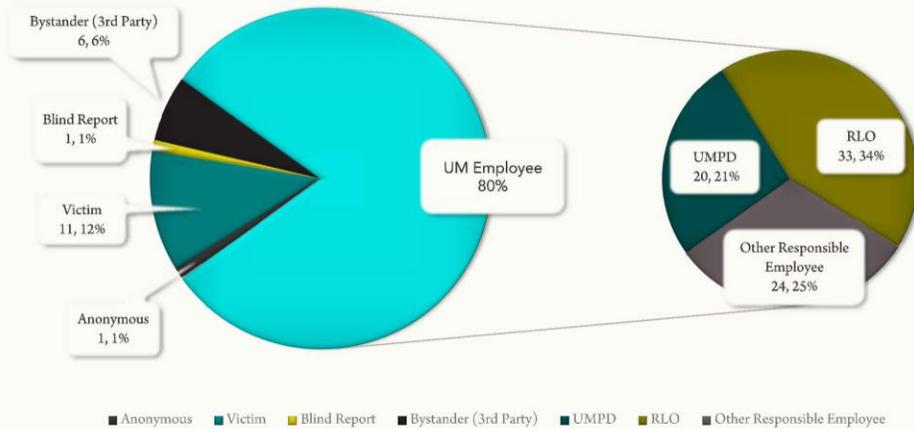
**SIWOC-- Sexual Intercourse Without Consent, commonly known as rape.



All University employees are required to contact the Title IX Coordinator if a student discloses to them they have experienced one of these Title IX violations. Consistent training for all new employees and those most likely to be a first responder are in place to assist campus employees in meeting this obligation. With advice and oversight from the Title IX Coordinator, these first responders often continue to assist in the provision of resources.

⁴ The Discrimination Policy also covers protected-class discrimination and harassment including ADA violations. Those cases are not discussed in this report.

Who made the report?



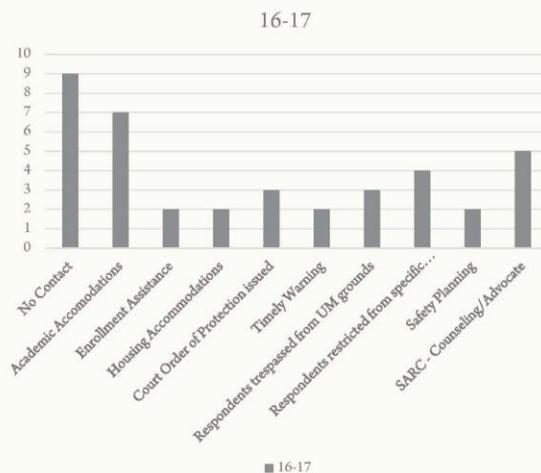
C. Resources and Interim Measures

In all cases where a report was received by the Title IX Coordinator, the Title IX office provided the complainant with written notification about the option to begin a formal university investigation into whether or not the Discrimination Policy was violated, information about assistance contacting the police, and information about campus and community resources (sometimes called interim measures) available whether or not the person wanted to begin a formal university investigation and contact information for the Title IX Coordinator to discuss these options. SARC, the campus confidential advocacy center, also confidentially assists students in obtaining interim measures. Due to confidentiality restrictions, these services are not included in those counted.

Interim Measures Provided

In all cases, the Title IX office sent or emailed information about beginning a University or police investigation, and information about resources to the complainant.

- No Contact (9)
- Academic Accommodations (7)
- Enrollment Assistance (2)
- Housing Accommodations (2)
- Court Order of Protection issued (3)
- Timely Warning (2)
- Respondents trespassed from UM grounds (3)
 - One person was the respondent for four cases.
- Respondents restricted from specific UM buildings (4)
- Safety Planning (2)
- SARC - Counseling/Advocate (5)



D. Title IX Reports by Incident Type⁵

Between the period of July 1, 2016-June 30, 2017, the Title IX Coordinator received 28 reports of relationship 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.”*

Federal Law governing universities breaks 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 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.

Many of these reports involved one person who was not a student. Fifteen of the respondents were not students. One of the complainants was not a student. Several other cases involved protected police information. The incidents of relationship violence occurred off-campus (3); on and off-campus (4); in campus housing (17); on campus grounds (1); telephone/electronic communication (1); 2 unknown.

None of the complainants requested a university investigation into whether their partner had violated the policy. Seven complainants declined an investigation, but the Title IX office rendered assistance to all 7 complainants. Fifteen complainants chose not to respond to outreach by the Title IX office. One complainant requested no contact with the Title IX office and four complainants were protected criminal justice information. Two cases were in preliminary case status at the time of the report.

In all cases, access to resources such as SARC, First STEP, Missoula’s Crime Victim Advocate program, and the YWCA were offered to students. Students were offered academic accommodations and safety measures, including no contact directives. In some cases, Residence Life staff worked closely with the

⁵ Title IX reports covered sexual harassment, sex-based discrimination, relationship violence, sexual misconduct, stalking, retaliation, sexual assault, and sexual intercourse without consent that involves at least one student. They may have been reported by a student or a non-student and may have involved current or past harm. Other acts of discrimination that may violate the University’s Discrimination Policy are not included in this report.

complainant to make sure they maintained access to their housing even if their partner moved out or was required to move out of University housing-

As in all forms of violence, the team reviewing domestic violence and dating violence reports are trained in the unique dynamics of relationship violence, recognize the importance of safety in ongoing relationships, the type of tactics used to exert power and control, and the reality that most victims/survivors never leave an abusive partner or do so successfully only after a number of attempts. Campus and community police conduct lethality assessments and campus health care providers also ask screening questions.

Between the period of July 1, 2016- June 30, 2017, the Title IX Coordinator received 13 reports of sexual assault. In addition, the Title IX Coordinator received 16 reports of sexual intercourse without consent, which includes acts commonly defined as rape. This made total of 29 reports.

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 each reported case, 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.

Nine of the reports, involved a past incident of sexual assault that occurred at some point in the complainants’ lives. Sixteen of these cases occurred off-campus. One case occurred in Greek-housing. Seventeen respondents were not students. Four no contact directives were implemented.

During the 16-17 reporting period, four investigations were requested and completed. One of the four was initiated in the prior reporting period but was not closed until the 16-17 reporting period. In these four cases, the respondents were found responsible in three cases.

Between the period of July 1, 2016- June 30, 2017, the Title IX Coordinator received 21 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."

Seventeen of 21 reports came from mandated reporters—employees of the university required to notify the Title IX Coordinator. From the reports, 2 respondents were unknown, 3 were non-affiliates, 5 respondents were employees, 11 were students and one complainant was a non-affiliate.

Two students requested no contact directives. Two complainants declined investigations and 7 chose not to respond to outreach. In cases where the complainant did not want a formal investigation and/or wished to remain anonymous, the Title IX Coordinator identified what measures to take including meeting with the respondent and discussed the inappropriate behavior, trained the respondent on the policy and through follow-up with the complainant was assured that the conduct had stopped. In other cases, the respondent needed additional support and counseling, so actions were taken by the Behavioral Intervention Team to assist the student in stopping behaviors. Individuals were also referred to the Dean of Students, who

address behaviors through sanctioning. In all cases where actions other than full investigations occurred, follow-up confirmed behaviors had stopped.

Between the period of July 1, 2016- June 30, 2017, the Title IX Coordinator received eight reports of stalking.

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 one case, the respondent was unknown. In at least one of these cases the students worked with UMPD, Title IX, and SARC to create a safety plan. In another case, the University’s directive for no contact from the respondent resulted in no additional contact or reported incident.

Between the period of July 1, 2016- June 30, 2017, the Title IX Coordinator received seven reports of sexual misconduct.

As counted here, the University policy defines sexual misconduct to include inducing incapacitation for sexual purposes and sexual exploitation. These definitions state:

- B. Inducing incapacitation for sexual purposes includes using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent (as “consent” is defined in this policy) to sexual contact.*
- C. Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for anyone’s advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:*
 - Prostituting another person;*
 - Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;*
 - Non-consensual distribution of photos, other images, or information of an individual’s sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;*
 - Going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex);*
 - Engaging in non-consensual voyeurism;*
 - Knowingly transmitting an STI, such as HIV, to another without disclosing your STI status;*
 - Exposing one’s genitals in non-consensual circumstances, or inducing another to expose his or her genitals;*
 - Possessing, distributing, viewing or forcing others to view illegal pornography;*

Six of the respondents were students. One complainant declined an investigation but received assistance, another complainant also received assistance and one case involved an informal resolution process. Of the

seven reported cases of sexual misconduct, one was determined not to be related to Title IX and was instead addressed by the Dean of Students.

Between the period of July 1, 2016- June 30, 2017, the Title IX Coordinator received three reports of sex-based discrimination.

All three students received assistance. Two of those students declined an investigation. None of the respondents were students.

E. Additional Evaluation and Analysis of Data Collected

As discussed above, all reports receive a preliminary investigation to identify how to address the report. In providing a range of formal and informal options individuals, the university seeks to meet the varied needs of complainants. Given the violating nature of sexual misconduct, it is important that those who have experienced it retain as much control as possible over the actions taken in response. Accordingly, whenever possible, it is the complainant who decides whether or not to pursue a formal investigation, to meet with the Title IX Coordinator, or any other action. In certain unusual circumstances, such as those involving ongoing risks to the safety of individuals and/or the community, the university will bring matters to a formal investigation independently of the wishes of an individual complainant.

In reviewing reports made to the Title IX Coordinator over the past year, and results from the climate survey, a number of factors seem to be influencing whether a student chooses to pursue a formal university investigation. These factors are consistent with the previous year's report:

- The interim measures (e.g., no-contact directive, academic accommodations, housing accommodations) and other informal actions the university puts in place are effective in stopping the unwanted behaviors and addressing the effects
- Criminal proceedings are already occurring
- Considerations of the trauma cycle
- Some students choose to leave the University to return to be with family for support
- Some students wish to maintain complete confidentiality and do not want the respondent contacted
- Some students do not link their healing with a formal investigation
- Concerns about the process
- Wishing to remain anonymous. Media issues related to local and national university Title IX cases may be a dissuading factor

In this time period, overall reports to the Title IX Coordinator increased over last year. Experts typically view an increase in reporting as positive. Climate survey data supports this theory, noting student growing knowledge and comfort in obtaining campus resources. In addition, the number of reports from campus employees who are required to report has grown. This demonstrates an increased understanding and success from training on these issues and requirements. No significant patterns emerged as to the involvement of particular groups of students. 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.

In addition, the data again suggests that students took seriously the request provided in University outreach, written into the University's Discrimination Policy, and reiterated by PETSAs and other trainings to report behavior even if they were unsure if there was a policy violation. This is supported by the types of complaints received. In many cases, follow-up with complainants showed that safety measures and contacting the respondent to put them on notice of the policy and their behavior had the effect of stopping, preventing, and addressing the effects of the unwanted behaviors that were or would have become sex-based harassment.

The Title IX Coordinator increased coordination with SARC, which increased access to resources for students. In addition, a significant amount of information about policies and resources was shared with University employees, including at new employee orientation.

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.

Formal investigation times varied and the University will continue to look at this matter to work with students in the best and most appropriate way for each situation.

Together, the Title IX team and SARC provided training across departments and answered first responder questions regarding how to support a survivor.

The Title IX Coordinator also collaborated closely with Residence Life professional staff, the Dean of Students, academic advisors, and UMPD. The University provided significant follow-up through personal phone calls, outreach by professional Residence Life staff, and appointments with academic advisors and the Dean of Students.

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

F. University Council on Student Assault

The UCSA has a long history at the University. This year the UCSA met as an umbrella group that served as the Coordinated Campus Response to keep student, staff, faculty, the Missoula community, and State of Montana community groups apprised of efforts related to policies, programs, prevention efforts, trainings, and other issues relevant to relationship violence, sexual violence, and Title IX.

UCSA meetings highlighted best practices on relevant issues through discussion of the climate survey. Small working groups met on an ad hoc basis to delve into specific issues.

As one example, a media committee collaborated with the community Just Response CCR group to analyze how local media reporting of interpersonal violence may affect victim behavior and reporting

practices. Students responding to the climate surveys confirmed that media can pose a barrier to reporting. The community CCR group will continue to meet and work with local media.

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. This group meets monthly and includes the Title IX Coordinator, UMPD representatives, Residence Life, Dean of Students, 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. 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/what action was needed where a complainant did not wish any action to be taken. It also addressed when/if a student needed to be referred 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.

G. Conclusion

The University continues to monitor the effectiveness of its efforts to prevent and address sex-based harassment and retaliation and to promote a non-discriminatory school climate. In this past year the University has seen improved outcomes from the efforts made by the entire UM community pulling together to tackle these issues. More work can always be done. At UM, we care; we are here for each other.