2016 ANNUAL REPORT OF INCIDENTS OF ALLEGED SEX DISCRIMINATION, SEXUAL MISCONDUCT, AND OTHER FORMS OF INTERPERSONAL VIOLENCE

Office for Equity and Diversity
EAST CAROLINA UNIVERSITY
DECEMBER 2016
2016 Annual Report of Incidents of Alleged Sex Discrimination, Sexual Harassment, Sexual Misconduct, and Interpersonal Violence

East Carolina University is committed to the safety and well-being of the entire campus community, including students, faculty, staff, and visitors. Violence, including sexual assault, offensive touching, domestic and dating violence, and harassment, including sexual harassment, sexual exploitation, and stalking are not tolerated or accepted. In an effort to continue to build trust and improve the dialogue around these issues, the following report contains information regarding how reports of this kind are handled by the University, the intersection and differences of Title IX of the Education Amendments Act of 1972 and the Violence Against Women Act Amendments to the Clery Act, and University reporting options and resources.

Also contained in this report is specific information regarding reports of these incidents the University has received and how the University responds to these reports. Please be mindful that the information shared in this report contains sensitive material and the University must balance the benefit of sharing this information against the privacy individuals request when reporting these matters and seeking assistance. For that reason, the University will not disclose the facts of specific cases on an individual basis but, presents the data in aggregate.

The University always encourages individuals with knowledge of these incidents to report to the University. Individuals can report incidents of sex discrimination or interpersonal violence to either of the resources listed below. The University, including the ECU Police Department, can also assist with contacting the law enforcement agency with appropriate jurisdiction. The resources listed below indicate two mechanisms for reporting incidents of sex discrimination to the University.

1. LaKesha Alston Forbes, Title IX Coordinator
   
   http://www.ecu.edu/cs-acad/titleix/

   (252) 328-6804

2. ECU Cares
   
   http://www.ecu.edu/cs-studentaffairs/ECU_CARES.cfm

   (252) 737-5555

Sincerely,

LaKesha Alston Forbes
Associate Provost for Equity and Diversity
Title IX Coordinator and ADA Compliance Officer
East Carolina University
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Title IX of the Education Amendments Act of 1972

Title IX of the Education Amendments of 1972 ("Title IX") prohibits sex discrimination in education and related programs in the United States. Specifically, Title IX states, "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" (20 U.S.C. Sect. 1681). Educational institutions receiving federal funds, both higher education and K-12, cannot discriminate on the basis of sex, including gender, gender identity, and sexual orientation, in their education programs or activities.

Title IX applies regardless of a specific geographic location and whether the respondent is affiliated with the University. Institutions must respond to reported incidents that can have an impact on the individual's access to education or related programs regardless of where the incident took place.

Additionally, the status of the respondent, whether or not they are affiliated with the University, does not affect an institution's responsibilities under Title IX. While the University may not be able to utilize an established grievance procedure with those who are not affiliated, the University can implement a number of accommodations and/or measures for the individual harmed and the campus community as a whole.

The aim of Title IX is to ensure equal access to education regardless of sex, including gender, gender identity, or sexual orientation. Each individual is protected by Title IX from discrimination on the basis of sex at every institution of education that receives federal funding.

East Carolina University's "Interim Regulation on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence" can be found here: http://www.ecu.edu/prr/06/40/03

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

In 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") was signed into federal law. The Clery Act requires all higher education institutions that receive federal funding to release an annual report ("Annual Security Report") that includes crime statistics for certain offenses that occur within the geographical bounds described in the Clery Act. At ECU, the report is titled, "Safety & You at ECU: 2016 Annual Security and Fire Safety Report." Specifically, there are three areas of geography that are to be reported in the Annual Security Report: on campus, to include an on campus subset - residence hall; non-campus building or property; and public property. These geographic areas are defined within the Clery Act, and crimes that occur in those locations must be reported by the institution each year by October 1st. Previous to 2015, the crimes that had to be reported were: murder/ non-negligent manslaughter, negligent manslaughter, forcible sex offenses, non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, weapon law violations, drug abuse violations, liquor law

1 This Regulation along with the "Regulation Addressing Sexual Assault, Domestic and Dating Violence and Stalking as Required by the Violence Against Women Act Amendments to the Clery Act – Interim", has been replaced with the new "Regulation on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence" as of January 1, 2016.
violations, and hate crimes in categories previously listed, in addition to larceny, vandalism, intimidation, and simple assault.

In 2014, the Violence Against Women Reauthorization Act ("VAWA") required institutions to include dating and domestic violence as well as stalking in their 2015 Annual Security and Fire Safety Report. In addition, sexual assaults now include categories of rape, fondling, incest, and statutory rape. The inclusion of these crimes in the Annual Security Report pertains exclusively to those that occur in the three aforementioned geographic areas, and are not the complete record of all the reports of these incidents that the University receives. Included in this 2016 Annual Report are both those incidents that fall within the Clery Act geographic boundaries and those that were reported to have occurred outside of the boundaries. Therefore, the data in this report may not be consistent with the information provided in the Annual Security Report published annually in compliance with the Clery Act by the East Carolina University Police Department ("ECU PD").

Crime statistics are collected through a number of channels, including Campus Security Authorities completing an “Anonymous Crime Reporting Form”. Campus Security Authorities are ECU officials who have a significant responsibility for student and campus activities. A complete list of individuals deemed Campus Security Authorities can be found in the Annual Security Report. The Anonymous Crime Reporting Form is to be completed by the Campus Security Authority whenever that individual becomes aware of a crime.

Additionally, institutions must provide recipients of these crimes information on their rights and options, including the option to be assisted in notifying the law enforcement agency of the appropriate jurisdiction. Individuals are also provided with a list of University and community resources.


ECU PD also maintains the “Daily Crime Log” which can be found at http://www.ecu.edu/cs-admin/police/Police-Department-CrimeLogs.cfm

Regulation on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence

On January 1, 2016, the University replaced the previous regulations regarding Title IX and the VAWA Amendments to the Clery Act with the Regulation on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence ("Regulation"). Prior to this change, the applicable regulations were the Interim Regulation on Responding to Complaints of Sexual Harassment, Sexual Misconduct and/or Discrimination on the Basis of Sex and the Regulation on Addressing Sexual Assault, Domestic and Dating Violence and Stalking as required by the Violence Against Women Act Amendments to the Clery Act.

The new Regulation includes three appendices. Appendix A outlines the procedures that are utilized when the respondent is a student. Appendix B outlines the procedures that are utilized when the respondent is an employee. Appendix C contains the University’s training education and prevention
efforts regarding sexual and gender-based harassment and other forms of interpersonal violence. Additionally, the University has four separate Resource and Reporting Guides for the parties involved with reporting incidents to the University.

The new Regulation contains changes to definitions of what is now considered “Prohibited Conduct”. The University has also added to the forms of misconduct and now prohibits sexual exploitation, gender-based harassment, and complicity.

Definitions
For the purpose of this Report, violations of University policy are separated into different categories based on the conduct that occurred. Below are the definitions utilized for the purpose of this Report.

**Complainant** - an individual alleging conduct outlined in these definitions.

**Dating Violence** – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** – a felony or misdemeanor crime of violence committed: (1) by a current or former spouse or intimate partner of the victim; (2) by a person with whom the victim shares a child in common; (3) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (4) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; and/or (5) by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Offensive Touching** – the intentional sexual touching, without consent, of another person’s intimate parts (genitalia, groin, breast, buttocks, or mouth), whether clothed or unclothed, or the intentional sexual touching, without consent, of another person with one's intimate parts, or, for purposes of sexual gratification, using force to cause another person to touch his/her own or another person’s intimate parts. Offensive touching may be committed using one’s own body, a part thereof, or an object.

**Respondent** – an individual accused of conduct outlined in these definitions.

**Sex Discrimination** – actions that subject individuals to unfavorable or unequal treatment based on sex.

**Sexual Assault** – the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without their consent. The sexual assault definition for this Report also includes reports in which the conduct was
reported as "sexual assault"; however, information necessary for the University to move forward with an investigation was not provided.  

**Sexual Exploitation** - occurs when an individual takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other Prohibited Conduct offenses in this Regulation.

**Sexual Harassment** - any unwelcome sexual conduct, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (1) and/or (2), below, are present.

(1) submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual (often referred to as "quid pro quo" harassment); or

(2) such conduct creates a hostile environment; a "hostile environment" exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University's education or employment programs and/or activities (Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective). In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities; and;
- Whether the conduct implicates concerns related to academic freedom or protected speech

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

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Note that during calendar year 2015, the University used a different definition of sexual assault that may have resulted in certain sanctions occurring. For the definition used during calendar year 2015, see page 17.
Sexual Orientation Harassment - a form of discrimination. Harassment is unwelcome conduct based on sexual orientation, which creates either quid pro quo harassment or a hostile environment.

(1) Quid Pro Quo Harassment - submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual.

(2) Hostile Environment Harassment - A “hostile environment” exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University’s education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective.

Stalking - occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress.

2015 DATA

Total Number of Incidents Reported
Between January 1, 2015 and December 31, 2015, ECU received 192 reports of incidents involving alleged conduct that potentially violated either the University’s Interim Regulation on Responding to Complaints of Sexual Harassment, Sexual Misconduct and/or Discrimination on the Basis of Sex or the Regulation Addressing Sexual Assault, Domestic and Dating Violence and Stalking as required by the VAWA Amendments to the Clergy Act and/or the University’s policies on nondiscrimination. The Office for Student Rights and Responsibilities (“OSRR”) investigates incidents when the alleged respondent (i.e. the person accused of committing the harm) is a student and the Office for Equity and Diversity (“OED”) investigates incidents when the alleged respondent is an employee or in some circumstances a visitor to the University. The pie chart above displays the difference of the status of the respondent in those 192 reports.
Resolution by Type
The University offers differing types of resolutions regarding reported incidents. This includes the option to pursue a formal investigation or an alternative review. Typically, the decision of whether to pursue a formal investigation is made by the complainant (i.e., the party alleging the harm who may choose the method of resolution). However, there are certain circumstances where the University may need to pursue a formal investigation without the participation of the complainant. Those circumstances include, but are not limited to: ongoing threats to the University community, a pattern of conduct by the same respondent(s), and/or the act was committed using violence, weapons, or other threats of physical injury. The pie chart to the left shows the number of times a formal investigation was pursued in contrast with the number of times an alternative resolution was sought.

Reports by Month
The graph to the right displays the number of reports the University received during each month of 2015. This graph includes reports made against students and employees. The University receives reports through various mechanisms including Responsible Employees. Responsible Employees are defined as (1) a person designated as a supervisor of any University employee; (2) any person who is designated as a Campus Security Authority; or (3) any ECU employee responsible for coordinating or supervising clinical education experiences, practicum and/or internships. Responsible Employees must report incidents of Prohibited Conduct to the Title IX Coordinator and must not attempt mediation with the Complainant and Respondent.
Types of Reports

The University updated its regulation prohibiting forms of sex discrimination and interpersonal violence on January 1, 2016. The Regulation on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence sets out the definitions for conduct deemed “Prohibited Conduct” including sexual assault, offensive touching, sexual exploitation, dating violence, domestic violence, stalking, sexual harassment, gender-based harassment, complicity, and related retaliation. The graph below displays the types of Prohibited Conduct alleged in the reports received by the University during the 2015 calendar year. The definitions for each type of Prohibited Conduct can be found on pages 6-8 of this report. Please note, the “Other” category refers to allegations that were initially reviewed as an incident of potential sex discrimination or interpersonal violence; however, after further review, it was determined that the facts alleged were not a form of sex discrimination or interpersonal violence.
60 Day Timeframe for Investigations

ECU’s "Regulation on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence - Interim" Appendices A and B states “the University will typically investigate and come to an initial decision regarding sanctions, if any, within 60 calendar days.” This pie chart displays how many of the total investigations conducted by the University (including both those conducted by OSRR and OED) were completed within that 60 day timeframe. In total, 19 of the total 59 investigations were completed within the 60 day timeframe. The graph below contains further data regarding the completion timeframes for the 40 investigations that were completed beyond the 60 day period.

Post-60 Day Investigation Completion

The pie chart to the right depicts the timeframes for the closure of the investigations that occurred beyond 60 days. Eighteen or 45% of the investigations closed between 61 and 74 days. Twelve or 30% of the investigations closed between 75 and 90 days, and ten or 25% of investigations closed beyond 90 days.

Delays in investigations can be contributed to a number of factors including University closures, participation of the parties, availability of witnesses, etc. While the University endeavors to complete each investigation within 60 days, certain delays are fact specific to each individual case.
STUDENT RESPONDENT DATA

The data contained in the section below pertains to respondents who were deemed to be either ECU students or non-ECU affiliated respondents that were resolved by OSRR.

Location of Student Respondent Incident Reports

The graph above shows the reported locations of the 140 incidents reported involving either a student respondent or a non-ECU affiliated respondent that was resolved by OSRR. The “On Campus” designation includes any location in which ECU owns or leases property including both east and west campuses. “Off campus” refers to any location in which ECU does not own or lease property, and can include locations outside of Greenville, NC. “Unknown” locations are those where either the complainant does not know/recall the location or the location was not provided to the University. “Multiple” refers to incidents that occurred in separate locations but were connected through the facts presented.

Types of Allegations Against Students

The graph on the next page shows the different categories of the 140 reports that involved an alleged student respondent. There are 149 total allegations as nine reports involved multiple allegations. Of the 68 total incidents, 66 were allegations of sexual assault as defined in the definition section of this report. There were 27 allegations of dating violence, 2 allegations of domestic violence, and 8 allegations of stalking. Additionally, there were 8 allegations of offensive touching and 24 allegations of sexual harassment (either quid pro quo or hostile environment harassment). There was one allegation of sex discrimination. The 13 “Other” allegations were initially reviewed as an incident of sex discrimination, however after further review, it was determined that the facts alleged were not a form of sex discrimination.
Types of Allegations Against Students

- Sex Discrimination (1) 0.67%
- Domestic Violence (2) 1.34%
- Offensive Touching (8) 5.37%
- Stalking (8) 5.37%
- Other (13) 8.72%
- Sexual Harassment (24) 16.11%
- Dating Violence (27) 18.12%
- Sexual Assault (66) 44.30%

Reports Filed Against Students

The University offers two different resolution options regarding reports of Prohibited Conduct. The first option is a Formal Resolution which consists of an investigation conducted by the University. The second option is an Alternative Resolution. An Alternative Resolution is the resolution of a case through means other than that of a formal investigation. An Alternative Resolution process may be followed when OSRR receives a report and may be unable to proceed with a full investigation. Examples of these situations include but are not limited to: (1) when the complainant is unidentified, (2) when the respondent is unidentified, and (3) when the respondent is not a member of the University community.

OSRR will offer the complainant (if known) resources and accommodations during both an Alternative Resolution and a Formal Resolution. In calendar year 2015, of the 140 reports filed against students, 46 were resolved through investigation and 94 were resolved through some form of Alternative Resolution.
Factors Contributing to Alternative Resolution of Reports Filed Against Students

The graph above the factors contributing to the 94 Alternative Resolutions conducted in the student respondent related reports. In 13 of the cases, the respondent was not affiliated with ECU; and in 27 of the cases, the respondent was not known to the University; (either the complainant did not reveal the identity to the University or the complainant was unable to identify the respondent). In 22 of the cases, the complainant did not wish to participate in a University investigation; in 3 of the cases the complainant was unknown to the University; and in 8 of the cases the identified complainant denied the allegations that were reported by a third party. In 7 of the cases, the identified complainant did not respond to attempts by the University to contact them; and in 1 of the cases, the respondent withdrew prior to an investigation being initiated; and, therefore OSRR placed a hold on the student’s record to alert the University should the respondent attempt to re-enroll.
Student Respondent Investigation Results
The finding of “allegation(s) substantiated” means the investigator was able to confirm, by the preponderance of the evidence, that the allegations were true and found a policy violation. Of the 46 investigations that occurred involving a student respondent, 19 resulted in a finding of “allegation(s) substantiated” or “responsible.”

The finding of “allegations not substantiated” means the investigator was unable to confirm, by a preponderance of the evidence, that the alleged conduct occurred. Of the 46 investigations conducted, 28 resulted in a finding of “allegation(s) not substantiated” or “not responsible.” There were a total of 47 outcomes for the 46 investigations due to one case in which there were multiple allegations with differing findings.

Student Respondent Sanctioning Outcomes
In cases where the investigator is able to substantiate the allegations by a preponderance of the evidence, sanctioning occurs by either a Student Conduct Board (typical in cases involving the possibility of suspension or expulsion) or a conduct administrator. Typical sanctions include: educational sanction, probation, suspension, or expulsion. The graph on the next page represents the sanctioning outcomes for the 19 cases where the finding was “allegation(s) substantiated.”

“Educational Sanctions” include other types of conduct sanctions that are educational in nature and include: warning, service, educational task, counseling, no contact ban, restricted privileges.

Probation is defined as “a period of time during which the student's behavior is under University review”. Probation is “intended to communicate to the student that the University considers the student's behavior inappropriate and that further violations will result in more severe consequences, which may include suspension or expulsion”. “Further, a student on disciplinary probation shall be ineligible to hold any office or participate in any activity in which the student represents the

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3 See Section 3.3.2 of the Student Conduct Process for the full definition of Probation.
http://www.ecu.edu/PRR/11/30/01/
University or a University-recognized student organization either within or outside the University community”.

Suspension, the most frequent outcome in 2015 at 36.84%, is defined as “a temporary separation from enrollment at the University for a defined period of time”. Suspended students are “banned from the University premises during the period of suspension and might be required to complete specified sanctions prior to reenrollment” and “completion of the suspension period and other assigned sanctions does not automatically grant suspended students the right to return to the University community”. Additionally, “all suspended students must petition OSRR for readmission and a committee will consider the petition and make a recommendation to the Vice Chancellor for Student Affairs, or designee,” and “suspension shall be served during the student’s active terms of enrollment at the University”.

Expulsion is defined as “permanent separation from enrollment at the University and at any other member institution of the University of North Carolina”. Expelled students are “banned from University premises” and “a student who has been expelled from the University may not be admitted to another constituent institution of the University of North Carolina, unless and until the sanction of expulsion has been rescinded by the University”.

The category “Other” in this graph represents cases in which the finding outcome at the hearing differed from that in the investigative report. In these three cases, the respondent was not sanctioned regarding the applicable Prohibited Conduct as the hearing panel did not find them responsible for the allegation.

### Student Sanctioning Outcomes

<table>
<thead>
<tr>
<th>Sanction Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expulsions (0)</td>
<td>0.00%</td>
</tr>
<tr>
<td>Student Withdrawn Prior to Sanctioning (1)</td>
<td>5.26%</td>
</tr>
<tr>
<td>Educational Sanctions (2)</td>
<td>10.53%</td>
</tr>
<tr>
<td>Other (3)</td>
<td>15.79%</td>
</tr>
<tr>
<td>Probations (6)</td>
<td>31.58%</td>
</tr>
<tr>
<td>Suspensions (7)</td>
<td>36.84%</td>
</tr>
</tbody>
</table>

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4 See Section 3.3.9 of the Student Conduct Process for the full definition of Suspension.  
http://www.ecu.edu/PRR/11/30/01/

5 See Section 3.3.10 of the Student Conduct Process for the full definition of Expulsion.  
http://www.ecu.edu/PRR/11/30/01/
Student Respondent Sanctioning Outcomes – Sexual Assault Specific

The pie chart to the right indicates the sanctioning outcomes specific for investigations of allegations of sexual assault. Please note that during calendar year 2015, the University defined sexual assault as “an actual, attempted, or threatened sexual act with another person without that person’s consent..." The University has since updated its definition of sexual assault, and now defines it as “the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by any sex organ (penis, vagina, or anus) of another person, without their consent.” Of the 7 cases with an allegation of sexual assault that resulted in sanctioning, 3 resulted in a suspension of the respondent, and 2 resulted in placing the respondent on probation. Additionally, similar to the previous graph, the “Other” category refers to cases in which the hearing panel outcome regarding the finding of responsibility differed from the finding made in the investigative report. This occurred in two of the cases.

EMPLOYEE RESPONDENT DATA

The data contained in the section below pertains to respondents who were deemed to be either ECU employees (faculty, EHRA, SHRA) or visitors to ECU’s campus.

Types of Allegations Against Employees

Of the 52 incidents reported involving employee respondents, 27 alleged sexual harassment, 22 alleged sex discrimination, 7 alleged sexual orientation discrimination, and 1 alleged offensive touching. Additionally, five of the reported incidents involved multiple allegations, therefore there is 57 allegations for 52 reports. For definitions of these forms of Prohibited Conduct, please see the definitions section on page 6.

Additionally, of the 52 incidents reported involving an employee respondent, 21 were filed by a student.
Types of Allegations Against Employees

<table>
<thead>
<tr>
<th>Allegation</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offensive Touching (1)</td>
<td></td>
<td>1.75%</td>
</tr>
<tr>
<td>Sexual Orientation Discrimination</td>
<td>(7)</td>
<td>13.28%</td>
</tr>
<tr>
<td>Sex Discrimination (22)</td>
<td></td>
<td>38.60%</td>
</tr>
<tr>
<td>Sexual Harassment (27)</td>
<td></td>
<td>47.37%</td>
</tr>
</tbody>
</table>

Reports Filed Against Employees
Similar to the Reports Filed Against Students, the University offers both Alternative and Formal Resolution options regarding allegations of Prohibited Conduct brought against employees. This pie chart displays that of the 52 reports filed against employees 13 cases were handled through an investigation, i.e. Formal Resolution and 39 were handled through Alternative Resolution. Typically, it is the choice of the complainant regarding the type of resolution pursued, however the University may need to move forward with an investigation regarding some matters given individual circumstances and facts presented. If a complainant requests an Alternative Resolution, they may at any point prior to the conclusion of the Alternative Resolution, withdraw their request and initiate the formal resolution process.

Reports Filed Against Employees

- Formal Resolution (13) 25.00%
- Alternative Resolution (39) 75.00%
Factors Contributing to Alternative Resolution of Reports Filed Against Employees

There were six primary reasons why a complaint is resolved through Alternative Resolution rather than through investigation; those include: (1) the complainant was unknown to the University, (2) the respondent was unknown to the University, (3) the report is not within the purview of OED, and OED subsequently referred the matter to the appropriate University office, (4) the complainant preferred OED to conduct an educational meeting with the respondent, (5) the complainant did not file a complaint with OED, and (6) the information presented did not fall within the time constraints, i.e. the report was not timely. This graph represents the factors that contributed to 38 reports that OED utilized the Alternative Resolution option for.

Employee Respondent Internal Investigation Results

A finding of “allegation substantiated” indicates the investigation confirmed, by the preponderance of the evidence, that the allegations were true and the respondent violated applicable University policy. A finding of “allegation not substantiated” indicates the investigation did not confirm, by the preponderance of the evidence, that the allegations were true, and that the respondent did not violate applicable University policy.

A finding of “allegation not substantiated - inappropriate conduct” indicates the investigation revealed that the respondent’s behavior was inappropriate and/or unprofessional but did not find a violation of applicable University policy.

Of the 13 internal investigations involving an employee respondent, 2 investigations concluded with the allegations being substantiated, 10 cases resolved with the allegations not being substantiated, and 1 concluded with the allegations not substantiated but the conduct was deemed inappropriate. Regarding sanctioning data for employee respondents in cases with the finding “allegation substantiated”, in one case, the respondent voluntarily separated from the University prior to
sanctioning occurring, and in the other case, the respondent was suspended from certain duties and subsequently voluntarily separated from the University. In the case with the finding of “allegation not substantiated – inappropriate conduct”, the respondent voluntarily separated from the University prior to the conclusion of the investigation.

**Employee Respondent Internal Investigation Results**

- Allegations Not Substantiated - Not Responsible (10), 76.92%
- Allegation Not Substantiated - Inappropriate Conduct (1), 7.69%
- Allegation Substantiated - Responsible (2), 15.38%

**Education, Prevention, and Awareness**

The University is committed to providing a safe and non-discriminatory environment for all members of the University community. Each year the University offers multiple opportunities to educate members of the University community on the various forms of sex discrimination, sexual misconduct, and other forms of interpersonal violence. The University offers these opportunities through a variety of different learning platforms for students, faculty, and staff. For a complete list of the University's offerings regarding education, prevention, and awareness on the various forms of sex discrimination, please see Appendix C: Training, Education, and Prevention Programs of the Regulation on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence.
Conclusion
We wish to thank each office and individual that collaborated with us to make this report possible. Responding to and ensuring compliance regarding these issues is a University-wide effort. For more information regarding the procedures utilized by the University to resolve reports of Prohibited Conduct, please see Appendix A (student respondent) and Appendix B (employee respondent) of the Regulation on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence, located here: http://www.ecu.edu/prr/06/40/03.

The information provided in this report is meant to lend a greater understanding to how the University responds to these issues. In observance of the privacy of the parties involved in these specific matters, greater detail cannot be provided on individual reports. Should you have further questions regarding the aggregate data, please contact:

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