

Updates from the Title IX Office.

As of May and September 2020.¹

Data about investigative efforts and related student conduct processes

This informational resource has been compiled by the University of Portland’s Title IX Office. This resource contains data about the Title IX Office’s investigative efforts and related student conduct processes during the 2018-2019 and 2019-2020 academic years.

For information about the Title IX Office’s education efforts, we encourage community members to review this document: [Title IX Education and Outreach Participation Reports](#).

Regarding the data provided in this document, we encourage readers to review all the information set out below, including the sections titled, “Definitions and other information” and “Frequently asked questions.”

❖ **BACK BACKGROUND INFORMATION REGARDING THE WORK OF THE TITLE IX OFFICE DURING THE 2018-2019 AND 2019-2020 ACADEMIC YEARS**

A Presidential Ad Hoc Committee consisting of members of the University’s faculty, staff, and student body was formed on November 1, 2016, by Father Mark Poorman, C.S.C., the President of the University of Portland. Fr. Poorman charged the Ad Hoc Committee with the task of reviewing the University’s Title IX policies, processes, and resources. For approximately a one-year period, the Ad Hoc Committee reviewed these areas and gathered relevant information. On January 22, 2018, the Committee released their [report and recommendations](#).

During the summer of 2018, Sandy Chung, J.D.², Vice President for Human Resources, and Dr. Matthew Rygg, Ph.D., Associate Vice President for Student Development, accepted the roles of Title IX Coordinator for Compliance (Ms. Chung) and Title IX Coordinator for Education (Dr. Rygg).

Ms. Chung and Dr. Rygg started implementing the recommendations of the Presidential Ad Hoc Committee during summer 2018. This implementation included updates to UP’s Title IX policies and processes, centralization of Title IX investigations in the Title IX Office, expansion of Title IX resources such as confidential resources available to students, and expansion of Title IX educational resources.

The University’s implementation of the Presidential Ad Hoc Committee’s recommendations under the leadership of Ms. Chung and Dr. Rygg had positive impacts. During the 2018-2019 and 2019-2020 academic years, the reports received by the Title IX Office from faculty, staff, and students increased significantly – by 150% or more compared to the two prior academic years; the data indicates that the increased report levels were due to UP community members being better educated about how to report, as well as faculty and staff having a better understanding about their reporting responsibilities.

¹ This data was originally compiled in May 2020 and has been updated with data available as of September 23, 2020.

² Ms. Chung is a licensed attorney under the Oregon and California State Bars. However, with her responsibilities at the University of Portland, Ms. Chung does not act as legal counsel.

As well, during the 2018-2019 and 2019-2020 academic years, the UP community accessed Title IX educational opportunities and resources that were expanded. Please see this link for more information about our education efforts: [Title IX Education and Outreach Participation Reports](#).

❖ DATA ABOUT REPORTED MATTERS, INVESTIGATIONS, AND OUTCOMES.

During the **2018-2019 and 2019-2020 academic years combined**, the University's Title IX Office received reports about **199 Title IX matters where a UP community member was a reporting party and/or responding party**. The inappropriate conduct reported in these matters involved a range of concerns: sexual harassment, sexual misconduct, sexual touching or assault, dating violence, and stalking. In some of these matters, the reporting or responding party was not a UP community member. In others, the inappropriate conduct occurred outside the UP community or before the reporting party became a member of the UP community. With some matters, there was insufficient information to determine if both parties were UP community members or where and when the inappropriate conduct had occurred.

During the **2018-2019 and 2019-2020 academic years combined**, the University's Title IX Office received reports about **95 matters involving a UP student as a reporting party and UP student as a responding party**. The 95 matters involved concerns ranging from sex or gender related harassment to misconduct to violence.

Of the 95 matters referenced in the prior paragraph, there were **25 matters in which a UP student alleged that another UP student had engaged in nonconsensual sexual contact or sexual assault towards him/her/they**. (None of the reports during 2018-2019 and 2019-2020 involved allegations that a UP employee had engaged in nonconsensual sexual contact or sexual assault towards a UP student.)

Of the 25 matters involving student to student nonconsensual sexual contact or sexual assault, **13 matters were fully investigated**. The Title IX Office was unable to fully investigate 12 of the 25 matters because we were unable to obtain sufficient information to investigate; oftentimes, we were unable to investigate because reporting parties and/or witnesses did not or would not provide the name/identity of the responding party.

Of the 13 matters involving student to student nonconsensual sexual contact or sexual assault that were fully investigated, the Student Conduct process or Title IX Informal Resolution process resulted in the following sanctions: **1 suspension** (*i.e.*, temporary separation of a responding party from UP), **9 dismissals** (*i.e.*, permanent separation of a responding party from UP), and **2 resolutions** involving requirements such as no-contact orders and education. One matter is still pending.

❖ DEFINITIONS AND ADDITIONAL INFORMATION.

Important Note: We have combined Title IX data during the 2018-2019 and 2019-2020 academic years to help preserve the anonymity and confidentiality of reporting and responding parties.

“Reporting Party and Responding Party”: For situations involving sexual or gender-based harassment, misconduct, and violence, a student who is the alleged victim/survivor is referred to as the “reporting party.” Under the new federal Title IX regulations, a reporting party is also referred to as “complainant.” A student who is the alleged perpetrator of the sexual or gender-based harassment, misconduct, or violence is referred to as the “responding party” or “respondent.”

“Nonconsensual sexual contact and sexual assault”: Nonconsensual sexual contact is any sexual touching, however slight and with any object, by any person upon another without consent. Sexual touching is contact of a sexual nature, however slight. Examples of nonconsensual sexual contact can include but is not limited to: touching of a nonconsenting person's intimate parts (such as groin, genitals, breast, buttocks, mouth, and/or clothing covering these parts); touching a nonconsenting person with

one's own intimate parts; making a nonconsenting person touch you or another; or any intentional bodily contact in a sexual manner. Depending on the nature or extent of the contact, this form of sexual misconduct may also be considered and referred to as "sexual assault."

"Suspension": This is a separation of the student from the University for at least one or more semesters.

"Dismissal": This is a permanent separation of the student from the University, i.e., the student is no longer a University of Portland student.

❖ FREQUENTLY ASKED QUESTIONS AND ANSWERS.

FAQ 1. In presenting the data here, why did the Title IX Office combine data for two academic years?

We combined the data to make it as anonymous as possible, to preserve confidentiality for reporting parties and responding parties.

FAQ 2. Did the Title IX Office receive reports where the reporting party and/or responding party were not UP students? We received a fair number of reports about situations where the reporting party or responding party were not UP students. Some UP students had experienced Title IX situations before or outside UP where the responding party was a non-UP individual. Also, there were reports where the reporting party was a UP employee or non-UP individual, or where the responding party was a UP employee or non-UP individual. In all these situations, the Title IX Office offered support and resources to UP students or employees and engaged in investigative and resolution processes as appropriate and consistent with the University's policies.

FAQ 3. What is the definition of "nonconsensual sexual contact" and "sexual assault"? Please see the "Definitions and additional information" section of this document.

FAQ 4. If 25 of the 95 matters involving UP students as reporting and responding parties were about nonconsensual sexual contact or sexual assault, what types of concerns were reported in the remaining 70 matters? These reports involved a wide range of concerns including potential sex or gender-based harassment or misconduct, dating/relationship related violence, and stalking.

FAQ 5. Why is the Title IX Office not able to investigate a matter if it is reported? Some reports and/or reporting parties do not provide all the information needed to investigate. Oftentimes, the information that is not provided is that about the responding party, *i.e.*, the individual who may have engaged in inappropriate or harmful conduct. It is difficult for the University to investigate what may have happened in a situation if limited or no information is provided about the situation or the individual who may have caused the harm.

FAQ 6. Can the Title IX Office require a reporting party to identify the responding party or to participate in an investigatory process? The Title IX Office provides support, resources, and information so that reporting parties can choose for themselves how they would like to participate in a Title IX process. However, the Title IX Office does not force reporting parties to engage in processes that they do not choose, as this would take away autonomy and choice from the reporting party and could also impact the reporting party's wellness.

FAQ 7. What is a suspension versus a dismissal? A suspension is a separation of a student from the University for at least one or more semesters. A dismissal is a permanent separation of the student from the University with no possibility for readmission.