



Institutional Equity
University of Missouri

@

P

~
vō Ñà • M) Đ

Part	Nature	Incident Report Number
Incident Date and Time: 2023-09-01 Incident Location:		



him, as he violated my trust in the worst way that night. He sexually assaulted me.

It was February 4th, and we had both worked an evening shift at the library, which was 4:00-10:00pm. After work, we went to his dorm room to hang out like we had so many times before. I was completely sober and opted not to drink anything since I had plans the next morning. Carter had a couple mixed drinks, but he was not too intoxicated to know what he was doing or to forget what he did to me.

That night, we were sitting on his futon and watching a movie. We made out for a while, which was consensual. Then, I felt tired and laid down on the futon. Carter laid down too, and we were cuddling. I fell asleep and then woke up later when I felt him touching me. His hand was down my pants, and he was fingering me. I was confused and disoriented because I had been sleeping, so I definitely did not consent to him touching me like that. I was frozen for a moment, not sure what to do, and I was unable to move. Then, I pulled away from him, but he didn't stop. He just kept fingering me, which I did not want. I shook my head to tell him, "No!" but he still did not move his hand.

He eventually moved his hand from under my pants to my breasts. He squeezed them twice, which hurt. I did not want him to touch me there either, and I did not consent. Afterward, I was too scared to leave, so I stayed on the futon and cried, unable to sleep. I waited until early the next morning and left as quickly as I could.

E-Agreement University policy requires that we send some official documents to your University email address AND mailing address. You may request to receive these documents via email only, rather than U.S. Mail. Please indicate your preference below.

I wish to receive documents to my email address ONLY

Support Person/Advisor

I understand that it is my right to have a support person (or advisor) of my choosing throughout the process who can help me making decisions and accompany me to any meetings or proceedings. I acknowledge that my support person should not be someone who may serve as a witness in my case.

Investigation Acknowledgment

I have reviewed my rights and options and wish to file this formal complaint of discrimination against the person(s) named in my complaint. The information provided is complete and accurate to the best of my knowledge. I understand by submitting this form, I give authorization for the Office of Institutional Equity to initiate an investigation into the incidents I have described. This will include contacting the Respondent and any Witnesses that may be identified. I understand that this formal complaint may be shared with the Respondent. I understand that, should it be determined that my complaint does not state a potential policy



145 Heinkel Building
201 South 7th Street
Columbia, MO 65211
573-882-3880

February 20, 2023

VIA ELECTRONIC MAIL

Carter Robinson

RE: Notice of Allegations of Potential Policy Violation

Dear Carter Robinson:

I write to inform you that our office received a Formal Complaint alleging that you engaged in conduct that may constitute sexual assault, in violation of University policy. The allegations are described in greater detail on the following page. I have been assigned to investigate this matter in a thorough, reliable, and impartial manner.

Please understand, at this point, these are only allegations. At this stage in the process, you are presumed to be not responsible for any violations, and you will be given an opportunity to respond to each allegation.

Please read the contents of this letter and associated information carefully.

Section I: Allegations

Section II: Supportive Measures

Section III: Resolution Process and Applicable Policies

Section IV: Participation in the Process

Section V: Your Rights in the Process

Next Steps Please contact me at shearerh@missouri.edu to confirm receipt of this Notice and to schedule a time to meet. During our meeting, I will answer any questions you have, and you will have an opportunity to respond to the allegations. Please note: If we do not receive confirmation that you received this Notice within three (3) business days, a copy will be sent to you via U.S. Mail. If you replied using the Read Receipt feature, you do not need to respond again.

Sincerely,

Heidi Shearer
Equity Consultant and Investigator

Enclosures

cc: A

SECTION I
A

SECTION III
RESOLUTION PROCESS

I will conduct the investigation pursuant to the Resolution Process for Resolving Complaints of Sexual Harassment under Title IX [CRR 600.030](#) Under this procedure, the following processes are available:

Informal Resolution A voluntary resolution process using alternative dispute resolution mechanisms such as facilitated dialogue or mutually agreed upon terms. (600.030(O))

Administrative Resolution A voluntary informal resolution process where a decision maker makes a finding on each of the alleged policy violations in formal complaint and a finding on sanctions and remedies without a hearing. (600.030(P))

Hearing Panel Resolution A Hearing Panel makes a finding on each of the alleged policy violations and sanctions. (600.030(Q))

APPLICABLE POLICIES

The alleged conduct may violate the following provision of [CRR 600.020](#) Sexual Harassment under Title IX policy

Sexual Harassment under Title IX

B. Definitions

1. Sexual Harassment Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- c. Any sexual act that constitutes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape, as defined below:

for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

Additional definitions relevant to this case:

CRR 600.020(B)(2) definition of Consent to Sexual Activity Consent to sexual activity is knowing and voluntary. Consent to sexual activity requires of all involved persons a conscious and voluntary agreement to engage in sexual activity. Each person engaged in the sexual activity must have met the legal age of consent. It is the responsibility of each person to ensure they have the consent of all others engaged in the sexual activity. Consent must be obtained at the time of the specific activity and can be withdrawn at any time. Consent, lack of consent, or withdrawal of consent may be communicated by words or nonverbal acts.

Someone who is incapacitated cannot consent. Silence or absence of resista

called upon as a witness in a hearing to testify about matters learned while they were acting in their capacity as a Trained Support Person.

Advisor During the Hearing Each Party must have an Advisor at the hearing to conduct cross-examination and other questioning on your behalf. You may not directly question any other Party or witness during the hearing; all cross-examination and other questioning on your behalf must be conducted by your Advisor.

Your Advisor can be of your choosing and may be, but is not required to be, an attorney. If you do not have an Advisor of your choice present at the hearing, the University will provide one to you at no fee or charge. You may not require that the assigned Advisor has specific qualifications, such as being an attorney.

Review of Evidence As a Party to the Title IX proceedings, you will be permitted to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding any responsibility and inculpatory and exculpatory evidence whether obtained from a Party or other source.

False Statements Throughout the Title IX process, when making any statement or providing any information or evidence to the University, you must be truthful, and all documentary evidence must be genuine and accurate. False statements and fraudulent evidence may be the basis for personnel action

SECTION V
YOUR RIGHTS IN THE PROCESS

1. To be treated with respect by University officials.
2. To be free from retaliation.
3. To have access to University support resources (such as counseling and mental health services and University health services).
4. To request a no contact directive between the Parties.
5. To have a Support (excluding hearings) throughout the Title IX Process.
6. To refuse to have an allegation resolved through the Informal Resolution Processes.
7. To receive prior to a hearing or at the time of determination regarding responsibility, an investigative report that fairly summarizes the relevant evidence in an electronic format or hard copy for their review and written response.
8. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
9. To have a right to appeal the University's decision.

- g. To have an equal opportunity to present and question witnesses, including fact and expert witnesses, and present relevant evidence.
 - h. To request that the hearing be held virtually, with technology enabling participants simultaneously to see and hear each other.
16. Additional Rights for Academic Medical Center Process:
- a. To receive notice of the meeting with the decisionmaker.
 - b. To submit written, relevant questions that a Party wants asked of any Party or witness and to be provided with the answers to such questions.
 - c. To be allowed additional, limited follow-up questions.



Office of the Ombudsman
201 South 7th Street
Columbia, MO 65211



February 20, 2023

Confidentiality Notice

Carter Robinson

[Redacted]

RE: No Contact Restriction

UNIVERSITY OF MISSOURI

Dear Carter Robinson:

On February 10, 2023, [Redacted] may have violated the institution's *Sexual Harassment Under Title IX Policy (CRR 600.020)* and/or *Standard of Conduct (CRR 200.010)*. OIE has commenced an investigation of the allegations against you. During this process, both parties

Restriction: Effective immediately, [Redacted] is placed under a no contact restriction. [Redacted] is prohibited from any form of direct or indirect communication in person; by telephone, email, text message, social media, or other electronic



145 Heinkel Building
201 South 7th Street
Columbia, MO 65211
573-882-3880

May 8, 2023

VIA ELECTRONIC MAIL

SECTION I

HEARING DATE AND LOCATION

Case No.	Local No.	Date	Case Title	Location

Deadline: Monday, May 15, 2023, at 5:00p. Please submit any proposed additional evidence or witnesses to Investigator Heidi Shearer at shearerh@missouri.edu

- x Objection to Panelists If you object to any panelist, you must raise such objection(s), in writing, to the Title IX Coordinator. Hearing Panel members will only be unseated and replaced if the Title IX Coordinator concludes that good cause exists for the removal of a panel member. Good cause may include, but is not limited to, bias that would preclude an impartial hearing or circumstances

- a. A procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures, etc.);
- b. To consider new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
- c. The Equity Officer, Investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- d. The sanctions fall outside the range typically imposed for this offense, or for the cumulative conduct record of the Respondent.

SECTION V
TITLE IX HEARING PANEL RESOLUTION PROCESS AND APPLICABLE POLICIES

Sexual Harassment under Title IX ([34 CFR 600.020](#))

B. Definitions

- 1. Sexual Harassment Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
 - c. $\hat{\hat{\mu}}$

mental impairment, including but not limited to physical or mental impairment resulting from drugs or alcohol, disability, sleep, unconsciousness or illness. Consent does not exist if the person is unconscious, asleep, or otherwise incapable of giving consent. Incapacitation is determined based on the totality of the circumstances. Incapacitation is more than intoxication but intoxication can cause incapacitation.

Factors to consider in determining incapacity include, but are not limited to, the following:

- a. Lack of awareness of circumstances or surroundings (e.g., an inability to understand, either temporarily or permanently, the who, what, where, how and/or why of the circumstances; blackout state)
- b.

Exhibit 6: Text Messages between Taylor and Robinson 2.5.2023

AT&T 5:30 PM 50%
Messages **Đê D ù D** Contact
ánf b » œ

Sun. Feb 5. d 1:21 PM

U@fi½ 4 <+Ç

Sun. feb Sat(;) 7 PM

' j : : iCE4Z, KZ Ì. I
! : : : Èä ' zEfi

I ó Ž! fie !

Ý . Ž +

' j 13w Brikdä */! *

^ u HHj "3#p"
úV , p̄f " e~ " ĞHi fiPP í/
I<^

Ú \$R ! ' / ' "

AT&T 5:30pm 50%
Messages **Carter** Contact
Robinson

Ū ž / " ž/ fi"

UžK fi (! ě Dfi60~ (~
" ! ' O " - # 2 " - cĚ ě8\$2 "

J" fi5# \$" O - I ě fi "

ç u \$ " \$u Φ / " Á(: " © I p.
L " " f, " 7[, " %o Ě / p Ž
/ "

' j " , X " fi " c " X\$0E: I :

B' dU1 ' fi fi! ! ' 3Ě Ž (I
žW Žñ " \ i- " žc' ! ! " ě"
" 2 , A " a(Ě + \$fiyfi " " D
i Y%3 " " % \$Ĵ -) ě (" " Ž
ž " " \$, \ fi " Ě q < 8 " " " €
" " # " \$ / d

AT&T 5:30 PM 50%
Messages **Ū " ě @ - " ě** Contact
" ž [s' [" œ

fH " N9CE4E?É" M%Ā K=&
=Y, ..1N4iĚ! , ěF%ĥ
" W?O" i%&: LŽE" " ! H y
" -& žqž " +fiu fiC, " " Ğ
Hi &OP " " RMGS \$&a(" ; j y
" H ó , %4C-Ā# I C<C& " 19 A
N1c S*]1v+E

..1Nfi] " *F, " &FS *Y

' L " " 9fIB < / ; & " VC I
" " < " & " K? ; 9% M " ?] Ā " L " "
1 " ě " " " ě " " B " " " B H
S + " Ž4E? E " I " & K ě ě I = E I Ā
4Bv5 " " 19 + 9 " =? " " H 19 Ž = Z
! , dVOC I " " , Ū " F vF3%N

Sun. ' e 5:1 1:21 PM

tH ? / " " ĞE v < you. ě
& = S Ā M %

1

2

3

5:30 P M

AT&T

M5:

Do not come over. Please stop

Written Response to Allegations against Carter Robinson

To: Heidi Shearer, Investigator
From: Carter Robinson, Respondent
Date: February 28, 2023

The allegations against me are untrue, and I am deeply saddened by the false accusations and ~~frustration~~ of a ~~friend~~ over this situation. All sexual activity between us was mutual and consensual, and I do not know why inaccurate information has been provided about me. I want to take this opportunity to share about myself and my experiences with the complainant, ~~in~~ to respond to each allegation.

I met the complainant in September 2022 when we were hired to work at the campus library. We became fast friends and spent a lot of time together outside of work. Over the course of the Fall Semester and into the Spring Semester, we grew closer and began to explore more of an intimate relationship, well before February 4. We were progressing past friendship and getting more and more physical in our interactions, which led to consensual sexual activity that night.

We routinely spent time alone in one of our rooms, and we were mutually comfortable with physical contact. The complainant never gave any indication that she was uncomfortable around me or did not like where our relationship was heading. We trusted each other ~~and~~ knew each other well, and I would never violate that trust.

Nothing was out of the ordinary or concerning to me until I awoke on February 5 to find that the complainant

