



# Institutional Equity

University of Missouri

## HEARING PANEL RESOLUTION INVESTIGVE

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### February 20, 2023

- OIE sent Notices of Allegations<sup>3</sup> and No Contact Directives<sup>4</sup> to Taylor and Robinson.

### February–March 2023

- OIE conducted an Investigation, including interviews with the parties and witnesses.

### April 18, 2023

- OIE sent a draft Investigative Report to Taylor and Robinson for a 10-day review period, as required by Title IX policy.

### May 8, 2023

- OIE sent Notices of Hearing<sup>5</sup> and copies of the finalized Investigative Report and Exhibits to the parties.

### June 6, 2023

- Hearing scheduled to occur via Zoom.

## INTERVIEWS WITH PARTIES AND WITNESSES

1. February 15, 2023 – Interview with Complainant Taylor (In Person)
2. February 28 – Interview with Respondent Robinson (In Person)
3. March 7 – Interview with Witness Dorsey (Zoom)
4. March 10 – Interview with Witness Grant (Zoom)
5. March 22 – Interview with Complainant Taylor (Zoom)

## METHODS USED TO GATHER EVIDENCE

In conducting my investigation, I met with the Parties and witnesses through in-person and Zoom meetings. All communications outside of these interviews were through email.

## SITE VISITS

No site visits were conducted.

## POTENTIAL POLICY VIOLATIONS

I delivered a Notice of Allegations (NOA) to Carter Robinson via University email on February 20, 2023. The NOA informed him that an investigation was being conducted pursuant to the University of Missouri Collected Rules and Regulations (CRR) Section [600.030](#), which is the Resolution Process for Resolving Complaints of Sexual Harassment under Title IX.

The NOA explained that Robinson was accused of violating [CRR 600.020](#), which is the University's Sexual Harassment under Title IX Policy. The NOA contained this information:

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<sup>3</sup> Exhibit 3: (CR Notice of Allegations 2.20.2023).

<sup>4</sup> Exhibit 4: (CR No Contact Directive 2.20.2023).

<sup>5</sup> Exhibit 5: (CR Notice of Hearing 5.8.2023).



can be withdrawn at any time. Consent, lack of consent, or withdrawal of consent may be communicated by words or non-verbal acts.

Someone who is incapacitated cannot consent. Silence or absence of resistance does not establish consent. The existence of a dating relationship or past sexual relations between the Parties involved should never by itself be assumed to be an indicator of consent. Further, consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Coercion and force, or threat of either, invalidates consent.

3. Incapacitated or incapacitation. A state in which rational decision-making or the ability to consent is rendered impossible because of a person's temporary or permanent physical or 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 when the Respondent knew or should have known of the other individual's incapacitation. 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. Inability to physically or verbally communicate coherently, particularly with regard to consent (e.g., slurred or incoherent speech)
- c. Lack of full control over physical movements (e.g., difficulty walking or standing without stumbling or assistance)
- d. Physical symptoms (e.g., vomiting or incontinence)

#### APPLICABLE PROCEDURE

At all times, this investigation was conducted in accordance with CRR 600.030, which describes the Resolution Process for Resolving Complaints of Sexual Harassment under Title IX.

#### JURISDICTION

At the time of the alleged incidents, both Hailey Taylor and Carter Robinson were enrolled students<sup>6</sup> at the University of Missouri.

#### STANDARD OF PROOF

When this matter is reviewed by the decision maker(s) pursuant to the Title IX Resolution Process, the standard of proof will be "preponderance of the evidence," defined as determining whether evidence shows it is more likely than not that a policy violation occurred.<sup>7</sup>

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<sup>6</sup> Meeting the definition as set forth by CRR 600.030(C)(22), "A person having once been admitted to the University who has not completed a course of study and who intends to or does continue a course of study in or through one of the Universities of the University System."

<sup>7</sup> Per CRR 600.030(Q)(12)(a).

## CREDIBILITY ASSESSMENT

The information provided in each interview summary was obtained by an interview with the stated person that was free of prompting, coaching, or behavior that could, in any way, compromise the validity of the statements made. At all times, the parties and witnesses were interviewed in a manner free of any coercion or undue intimidation.

All parties and witnesses were interviewed in person or via Zoom. The statements offered by parties and witnesses during interviews were in their own words and of their own accord. Prior to finalization of this Investigative Report, each party and witness had an opportunity to review and approve their statements contained therein, which they did.

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## PARTY INTERVIEWS

**COMPLAINANT:** HAILEY Taylor, MU STUDENT, STAFF AT CAMPUS LIBRARY

I first met with Hailey Taylor on Thursday, February 9, 2023, in my office. During our meeting, she briefly described an incident with Carter Robinson that may violate the University's Title IX policy; we discussed her rights and options, and she expressed an interest in pursuing a Formal Complaint against Robinson, which she then submitted to OIE on February 13. In the signed Formal Complaint, Taylor identified two witnesses—Ryan Dorsey and Vanessa Grant—and included a narrative alleging that Robinson engaged in sexual assault in the form of nonconsensual fondling of her genitals and breast, at Barkley Hall on February 4, 2023. In relevant part, the complaint<sup>8</sup> stated:

Carter Robinson was a friend and coworker of mine. We first met last year when we were hired as student staff at the library at the same time. We quickly became close at work, and then started hanging out as friends outside of work. This incident has ruined our friendship, and I am no longer comfortable working with 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.

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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.

On February 15, I met with Taylor (and her Support Person) to further discuss her relationship with Robinson and her allegations against him. I first asked how they met, and she explained:





And with the stories and teasing, it was similar—situational. Robinson was always a good storyteller, very animated and detailed. It's like he's performing, and it makes people laugh. He often gives people a hard time, not just me. One example was when he snuck up on me on the sidewalk after class one day, and he scared me. I jumped and screamed and then it became a running joke, like he would make a big deal of announcing his presence, even if I clearly see him, because he says I startle easily.

I then asked Taylor to walk me through the evening of February 4, step by step. She recalled:

Okay, Carter and I both worked at the library until 10:00. During our shift, we talked about what to do that night; it was a Saturday. He invited me to come to his room and hang out, so that's what we did. Everything was normal. We walked to his dorm, just a few minutes from the library. His roommate had gone home for the weekend, so it was just us. I sat on his futon and turned the TV on. I scrolled through Hulu for a bit [and] found a movie we both like. We watched that for a while. He made some drinks for himself and offered me some, too. I didn't take any, though, because I knew I had to be up and productive the next morning.

So, we were sitting on the futon. One time, when he came back to the futon after getting a drink, he sat closer to me than he had been, like almost on my leg. He leaned over for a kiss, and we kind of laughed. We made out for maybe a few minutes—just kissing, no touching or anything like that. Then we watched more of the movie, and a while later, I felt more tired and just laid down on the futon. Carter followed me and laid down behind me. It wasn't long before I fell asleep. We were cuddling when I fell asleep, but we weren't kissing or doing other sexual things. Then this all happened.

I asked Taylor if she could describe the details of what occurred next. She explained:

The next thing I know, I felt his fingers on me; his hand was down the front of my pants, and



each glass contained, she estimated three to four shots. She confirmed that she saw him pour the drinks himself while they were in his room. Taylor confirmed that the initial kissing and cuddling were consensual; she explained that everything was consensual before she fell asleep. I asked what time she fell asleep, and she estimated it was around 11:00pm. I referred back to her statement that they were cuddling when she fell asleep, and I asked her to describe their positions at that time. Taylor stated:

I was on my right side, lying on the futon and facing the TV. Carter was behind me, facing the













- e. In your written statement, you said, "We were progressing past friendship and getting more and more physical in our interactions.." Please explain more about the progression and physical interactions.
2. What types of intimate/sexual contact had you engaged in with Taylor before February 4?

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    - a. What conversations did the two of you have about engaging in sexual activity with each other, either on or before February 4?
    - b. Had you seen or contacted Taylor's genitals or breasts before that day?
    - c. How many times had you slept over in each other's rooms before? Did you engage in sexual activity on those nights?
  3. Describe your interactions with Taylor on February 4, prior to arriving at your room that night.
    - a. When you invited her to your room on February 4, what were your expectations as ( )-23(you)5(r)IQew g0

8.



The morning after it happened (February 5), Hailey came home really early, maybe around 6:45am. I was sleeping, but I heard her and sat up to see what was going on. She seemed upset; I could tell she had been crying because her eyes were puffy and red. She was wearing the same clothes as the day before, but I expected that because I knew she was staying over at Carter's room after they got off work. Sometimes she likes to do that if it gets too late when they're hanging out and she doesn't want to walk home; he lives closer to the library where they work.

Anyway, I asked if she was okay, and she said, "No." I asked what happened and she said that Carter hurt her. She sat down next to me on my bed, and I asked, "What do you mean?" She then explained what happened—that he reached down her pants while she was sleeping. She said it hurt, like he was pushing too hard, and she didn't know what was going on and tried to get away from him, but he wouldn't stop.

She was crying when she told me; she was really upset. I was shocked because they were so close, such good friends. It was hard to believe he would do that; I guess I hoped he was the kind of guy who wouldn't hurt her like that. But I believe Hailey and would have no reason not to [believe her]. He was blowing up her phone that day, freaking out because I think he realized he did something wrong. Hailey has been really stressed by the investigation and definitely quieter than normal. It all goes to show that something terrible did happen, and I feel terrible for her.

I asked Grant what her assessment was of the relationship between Taylor and Robinson before this incident on February 4. She said:

They were really good friends. I know they met at work and quickly started hanging out outside of work, too. They have similar interests, and I thought he was good for her. They spent time together, probably every week and sometimes on the weekends too. He came over to our room a few times, but they were more often in his room, I think. He went with us to some things, too, like the tailgates. She had met several of his friends, and they would hang out as a group. I know they also spent time alone sometimes, like one-on-one after work like this. Just really good friends, and Taylor never shared any concerns about him to me. I didn't expect anything bad.

Following up, I asked whether Taylor had shared with her that she (Taylor) had romantic feelings for Robinson, or that either of them was interested in being more than friends. She said, "No, nothing like that. We never talked about her liking him as more than a friend." I asked if she was aware of any prior sexual activity between them, and she said, "No. She never mentioned that. I think that's something she would tell me about. We talk about everything, even personal things like that."

## LIST OF EXHIBITS

Exhibit #	Description of Exhibit	Page #
1	Incident Report 2.7.2023	1
2	Formal Complaint 2.13.2023	2-3
3	CR Notice of Allegations 2.20.2023	4-11
4	CR No Contact Directive 2.20.2023	12
5	CR Notice of Hearing 5.8.2023	13-17
6	Text Messages between Taylor and Robinson 2.5.2023	18
7	Taylor Call Log 2.5.2023	19
8	Robinson Written Statement 2.28.2023	20-21