



Institutional Equity
University of Missouri

EXHIBITS DOCUMENT

Hailey Taylor v. Carter Robinson

*[Not a real case]
Created for a Mock Hearing 8.10.2023*

The information contained in this report is intended solely for its authorized recipient(s).
If you are not an intended recipient, please contact us immediately at (573) 882-3880.

University of Missouri System
MU Office of Institutional Equity Incident Report Form

Submitted on February 7, 2023 at 3:28:55 pm CDT

Nature **Incident Report**
Urgency **Normal**
Incident Date and Time **2023-02-04**
Incident Location **On Campus Barkley Residence Hall**

Reported by

Name: **Halley Taylor**
Title: **Student**
Email: [REDACTED]
Phone: [REDACTED]
Address:

Involved Parties

Halley Taylor () Complainant	MU Student	[REDACTED]	[REDACTED]
Carter Robinson () Respondent	MU Student	[REDACTED]	[REDACTED]
Vanessa Grant () Witness	MU Student	[REDACTED]	[REDACTED]
Ryan Dorsey () Witness	MU Student	[REDACTED]	[REDACTED]

About the Incident(s)

Please indicate the basis of concern:

(Select those that apply)

Sexual Misconduct/Sexual Assault

Please provide a detailed description of the incident(s) below. NOTE: You can describe more than one incident in this box; if doing so, please include dates, names, and locations, (if known) for each incident.

Carter Robinson sexually assaulted me on February 4th. We were friends at the time, and we were in his room watching a movie that night. He touched me while I was asleep, so I could not consent. I woke up and tried to stop him multiple times, but he kept going. I did not consent to any of it, and I need to talk with someone about what happened.

Indicate anywhere else that you have reported this information:

If other, please indicate here:

Pending IR #00025523

Submitted from [REDACTED] Processed by routing rule #34. Routed to Amber Lammers, Director of Investigations and Deputy Title IX Coordinator.

Copies to: hayesas@missouri.edu, zufalle@missouri.edu

University of Missouri System
MU Office of Institutional Equity Formal Complaint Form

Submitted on February 13, 2023 at 3:10:47 pm CDT

Nature **Formal Complaint**
Urgency **Normal**
Incident Date and Time **2023-07-20**
Incident Location **Provided Below**

Reported by

Name: **Halley Taylor**
Title: **She/Her**
Email:
Phone:
Address:

Involved Parties

Carter Roblnson () Respondent (person being accused)		
Vanessa Grant () Witness		
Ryan Dorsey () Witness		

Incident and Complaint Information

I believe the event(s) that occurred constituted discrimination/harassment on the basis of:

(Select those that apply)

To learn more about definitions related to sex discrimination, sexual harassment, sexual misconduct, as well as all other forms of harassment and discrimination covered under the University's Non-Discrimination Policies, please visit equity.missouri.edu.

Sexual Misconduct/Sexual Assault

I believe the event(s) that occurred constituted retaliation (place checkmark in space provided, if applicable).

I believe the event(s) that occurred constitute a violation of the Consensual Romantic Relationship Policy, CRR 330.065 (place checkmark below, if applicable).

Incident(s) Date(s):
02/04/2023

Incident(s) Location(s):
Barkley Hall

Please provide a detailed description of the incident(s) below. NOTE: You can describe more than one incident in this box; if doing so, please include dates, names, locations, and witnesses (if known) for each incident. If you already have this information prepared in a Word document, enter "See Attached" in the box below and attach the document in the next section.

Carter Roblnson 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.

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 violation within the scope of the Office of Institutional Equity's authority, my complaint may be referred to another office for review.

If you are a person with a disability and believe you may need an accommodation, please indicate below. You may also contact us directly to discuss.

Electronic Signature (Typing my name in the box below serves as my electronic signature.)

Hailey O. Taylor

Attachments

screenshot1.png

screenshot2.png

screenshot3.png

screenshot4.png

screenshot5.png



February 20, 2023

VIA ELECTRONIC MAIL

Carter Robinson
[REDACTED]

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, we will review the process, 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,

A handwritten signature in black ink, appearing to read 'Heidi Shearer'.

Heidi Shearer

Equity Consultant and Investigator

Enclosures

cc: Andy Hayes, Assistant Vice Chancellor for Institutional Equity, Title IX Coordinator

SECTION I ALLEGATIONS

Hailey Taylor reported that, during the evening hours of Saturday, February 4, 2023, Carter Robinson engaged in Sexual Assault, in the form of nonconsensual fondling of her genitals and breast, while she was sleeping.

Specifically, Taylor reported the following:

1. Taylor reported that she and Robinson walked together from the campus library to Robinson's room in Barkley Hall around 10:00pm. In his room, Taylor alleges that they engaged in consensual kissing and "cuddling" while watching a movie, then she fell asleep around 11:00pm. She reported that she did not consume any alcohol that night, but Robinson drank about 6-8 shots of vodka, mixed with Sprite, while they hung out.
2. Taylor alleges that she slept for about 5-10 minutes before she was awakened by Robinson's fingers rubbing her genitals (clitoris). She reported feeling "confused" and "disoriented" at that time, as well as "frozen" and "unable to move" for several seconds as he continued.
3. Taylor reported that she rolled away from Robinson on the futon, in an attempt to stop the contact. She alleges that, in response, Robinson shifted closer to her without removing his hand or stopping contact.
4. Next, Taylor reported that she shook her head side to side and audibly "grunted," attempting to signal "no" and her lack of consent to Robinson fondling her genitals. She alleges that Robinson waited several more seconds before he removed his hand from her pants, slid it up her body, and "squeezed" her breast twice before he got up from the futon.

Taylor alleges that she was asleep, and thus incapacitated and unable to consent, when Robinson initiated sexual activity as described above. She further alleges that Robinson continued to fondle her genitals—and then her breast—after she was awake and had physically communicated her lack of consent.

SECTION II SUPPORTIVE MEASURES

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. ([CRR 600.030\(H\)](#)). If, at any time, you need to review the availability of supportive measures, please contact me.

Measure in Place: A No Contact Directive has been issued. Please read it carefully. I will inform you of any additional supportive measures that may impact you.

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 the 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](#), which is the University's 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. **"Sexual assault"** - Any sexual act that constitutes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape, as defined below:

- (iv) "Fondling" is the touching of the private body parts of another person 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) defines **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 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.

CRR 600.020(B)(3) defines **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)

SECTION IV PARTICIPATION IN THE PROCESS

Nothing in the Title IX process is intended to supersede or expand any rights you may have under applicable state or federal statutory laws, or the U.S. Constitution.

Presumption of Non-Responsibility: At this stage in the process, these are only allegations and you are presumed not responsible for any policy violation. You will maintain this presumption until the conclusion of the Title IX process, where a determination regarding responsibility is made. During this investigation, you will be given an opportunity to respond to each allegation.

Support Person: You may have a Support Person of your choice present with you for all Title IX Process interviews and meetings. You may select whomever you wish, including an attorney or parent. The Support Person may not attend the hearing unless they are acting as your Advisor during the hearing.

If you are a student who does not have a Support Person and would like one, you may submit a request to the Office of Institutional Equity. Upon receipt of your request, the Office of Institutional Equity may assign a trained Support Person to explain the Equity Resolution Process and attend interviews and meetings with you. University Trained Support Person(s) are administrators, faculty, or staff at the University, who have been trained on the Equity Resolution Process. A Trained Support Person cannot be

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 have 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 raised 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 pursuant to applicable HR policies (CRR 370.010 or HR 601), or if by a student, may be the basis for student conduct action pursuant to the provisions of Section 200.010 of the University's Collected Rules and Regulations.

Respondent Right to File a Complaint: You have the right to file a report or Formal Complaint if you believe you have experienced harassment or discrimination. If you file a Formal Complaint against the Complainant within ten (10) business days of the date of the Notice of Allegations, where the allegations of sexual harassment in both Formal Complaints arise out of the same facts or circumstances, the University will consolidate the Formal Complaints for purposes of investigation and resolution in accordance with this policy.

Retaliation: Retaliating, or taking adverse action, against anyone who participates in the process is strictly prohibited and may result in disciplinary action, up to and including expulsion or termination. Please contact me immediately if you believe you are experiencing retaliation.

Privacy: In order to protect the integrity of the investigation and to respect the privacy of those involved, we ask all Parties and witnesses to keep this information as private as possible. This request for discretion is not a mandate or prohibition from discussing the allegations, or from gathering relevant evidence.

Contact Information: All future notices regarding this matter will be sent to your University-issued email account, unless you provide an alternate method of notification to the Title IX Coordinator. If you do not have a University-issued email account, all future notices will be sent via U.S. Mail unless you provide a preferred method of notification.

Disability Accommodation: If you are a person with a disability and believe you may need accommodations for any part of the process, please reach out to me for assistance with your request.

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 Person of the Party's choice accompany the party to all interviews and meetings (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 other 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 Formal Complaints heard in substantial accordance with these procedures.
10. To receive written notice of any delay of this process or limited extension of time frames for good cause which may include considerations such as the absence of a Party, a Party's Advisor or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
11. To be informed of the finding, rationale, sanctions and remedial actions.
12. To report the matter to law enforcement (if applicable) and to have assistance in making that report.
13. To have an opportunity to appeal the dismissal of all or a portion of a Formal Complaint, and appeal the determination of a Hearing Panel or other decision-maker.
14. Additional Rights for Students as a Party:
 - a. To request reasonable housing, living and other accommodations and remedies consistent with Section 600.030.H.
 - b. To receive amnesty for minor student misconduct that is ancillary to the incident, at the discretion of the Title IX Coordinator.
15. Additional Rights for Hearing Panel Resolution:
 - a. To receive notice of a hearing.
 - b. To have the names of witnesses who may participate in the hearing and copies of all documentary evidence gathered in the course of the investigation and any investigative report prior to the hearing.
 - c. To be present at the hearing, which right may be waived by either written notification to the Hearing Officer or by failure to appear.
 - d. To have present an Advisor during the hearing and to consult with such Advisor during the hearing, and have the Advisor conduct cross-examination and other questioning on behalf of the Party at the hearing.
 - e. To have an Advisor of the University's selection appointed for a Party where the Party does not have an Advisor of their own choice at a hearing.
 - f. To testify at the hearing or refuse to testify at the hearing; however, if a Party or witness fails to submit to cross-examination at the hearing, the Hearing Panel shall not rely on any statement of that Party or witness in reaching a determination regarding responsibility. The Hearing Panel shall not draw any inference about the determination regarding responsibility based solely on a Party's or witness's failure to submit to cross-examination.

- 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 decision-maker.
 - 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.



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

February 20, 2023

VIA ELECTRONIC MAIL

Carter Robinson
[REDACTED]

RE: No Contact Directive

Dear Carter Robinson:

The Office of Institutional Equity (OIE) received a Formal Complaint from Hailey Taylor, alleging that you 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 are advised to abide by the contract restrictions, below.

Contact Restriction: Effective immediately upon receipt, this letter serves as an official directive that you have no contact with Hailey Taylor. Contact includes, but is not limited to, communication in person; by telephone, email, text message, social media, or other electronic means of communication; or through a third party (other than an attorney). This also prohibits physical contact.

If you need to contact Taylor, you are to do so via OIE. Taylor has been notified of this directive and has been asked to follow the same instructions.

Further contact may result in disciplinary proceedings through the University.

Please note: You are presumed to be not responsible for any of the reported behaviors, and this mutual contact restriction is non-disciplinary and non-punitive.

Non-Retaliation: At no time should you engage in any type of retaliation against anyone who has made a report, filed a complaint, or is otherwise participating in this Title IX Process. Retaliation is strictly prohibited and would constitute a separate policy violation. Retaliation is any adverse action taken against a person because of that person's participation in protected activity (e.g., making a good faith report of discrimination, participating in an investigation, testifying, etc.).

Thank you for your cooperation, and if you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heidi Shearer', written over a white background.

Heidi Shearer
Equity Consultant and Investigator



Institutional Equity

University of Missouri

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

May 8, 2023

VIA ELECTRONIC MAIL

Carter Robinson
[REDACTED]

RE: Notice of Hearing

Dear Carter Robinson:

This letter is to inform you that the University will proceed with Hearing Panel Resolution to address your alleged violations of the University of Missouri Collected Rules and Regulations.

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

Section I: Hearing Date and Location

Section II: Hearing Panelist Information

Section III: Investigative Report and Relevant Materials

Section IV: Timeline and Deadlines

Section V: Title IX Resolution Process and Applicable Policies

Section VI: Procedural Information

Privacy: In order to protect the integrity of the investigation and to respect all parties involved, please keep this information private, except for discussions with your support person.

Disability Accommodation: If you are a person with a disability and believe you may need accommodations for any part of the process, please reach out to the investigator of your case, Heidi Shearer, for assistance with your request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'AH'.

Andy Hayes

Assistant Vice Chancellor & Title IX Coordinator

Enclosures

cc: Julia Stensby, Respondent Advisor
Heidi Shearer, Equity Consultant and Investigator
Amber Lammers, Hearing Officer

**SECTION I
HEARING DATE AND LOCATION**

Date	Start Time	Location
Tuesday, June 6, 2023	9:00am	Zoom

If any party does not appear at the scheduled hearing, it will be held, as scheduled, in their absence. For good cause, the Hearing Officer may grant requests to reschedule the hearing date.

Pre-Hearing Meeting. Unless otherwise agreed by the Parties and the Hearing Officer, a pre-hearing meeting is scheduled to occur one hour prior to the start of the hearing, to include the Hearing Officer and both Parties' Advisors. Parties may, but are not required to, attend this meeting. The Pre-Hearing Meeting will be at 8:00am on June 6, 2023.

**SECTION II
HEARING PANELIST INFORMATION**

Panel Members	Alternate Panelists
Amber Lammers* Mindy Wirges Liz Zufall	Jane Doe John Doe

*Amber Lammers has been designated as the Hearing Officer, and she may be reached at lammersa@missouri.edu. Those designated as alternates will attend the hearing in the event that one of the panelists is unable to attend.

**SECTION III
INVESTIGATIVE REPORT AND RELEVANT MATERIALS**

All pertinent documentary evidence and the investigative report for the case have been saved in a One Drive folder. Shortly, you will receive a link from Heidi Shearer to access the documents. If you do not receive a link within 24 hours or have trouble accessing the folder, please contact Heidi.

**SECTION IV
TIMELINE AND DEADLINES**

Please carefully read the following timeline and make note of the deadlines provided.

PRE-HEARING DEADLINES

- **Pre-Hearing Witness List and Documentary Evidence**

At least fifteen (15) business days prior to the hearing, the Complainant and Respondent will provide to the Investigator a list of the names of the proposed witnesses and copies of all proposed documentary evidence that a Party intends to call or use at the hearing.

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

- **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 in which the panel member's involvement could impact the Party's work or learning environment due to current or potential interactions with the panel member (e.g., a panel member being in the same department as either Party). Additionally, any panel member or Chair of the Hearing Panel who feels they cannot make an objective determination must recuse themselves from the proceedings in advance of the hearing.

Deadline: Monday, May 15, at 5:00pm. Please submit your objection(s) to Title IX Coordinator Andy Hayes at hayesas@missouri.edu.

- **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.

At least ten (10) business days prior to the hearing date, you must inform the Title IX Coordinator whether you intend to bring an Advisor of your choice to the hearing. 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 have specific qualifications, such as being an attorney.

Deadline: Monday, May 22, 2022, at 5:00pm. Please submit your request to Title IX Coordinator Andy Hayes at hayesas@missouri.edu.

- **Accommodations.** At least ten (10) business days prior to the hearing date, you must inform the Title IX Coordinator whether you are requesting accommodations for the hearing.

Deadline: Monday, May 22, 2022, at 5:00pm. Please submit your request to Title IX Coordinator Andy Hayes at hayesas@missouri.edu.

POST-HEARING

- **Hearing Panel Report.** The Hearing Officer will prepare a written determination reflecting the decision of the Hearing Panel regarding responsibility, sanctions, and remedial actions, if any, and deliver it to the Title IX Coordinator. This report will be delivered to you within 10 business days following the end of deliberations. Any deviations from this timeline will be communicated to the parties.
- **Appeal Rights.** Both parties are allowed to appeal the findings of the Hearing Panel Resolution Process, but appeals are limited to the following reasons:

- 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 decision-maker(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 ([CRR 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. **“Sexual assault”** - Any sexual act that constitutes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape, as defined below:

(iv) “Fondling” is the touching of the private body parts of another person 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.

2. **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 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)

Copies of the applicable anti-discrimination policies and procedures are enclosed for your convenience.

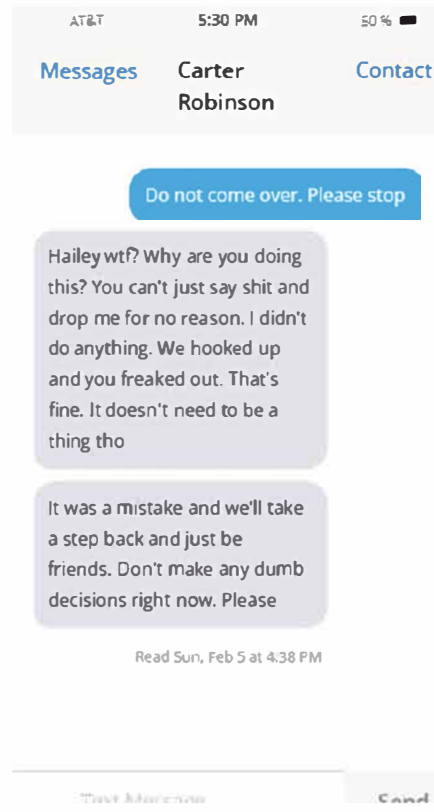
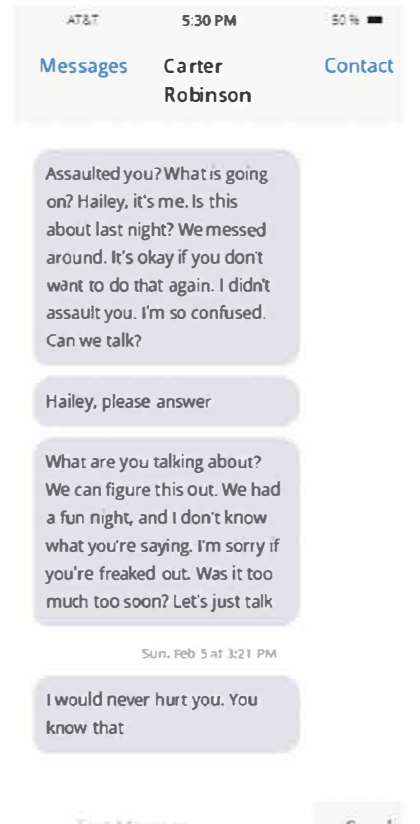
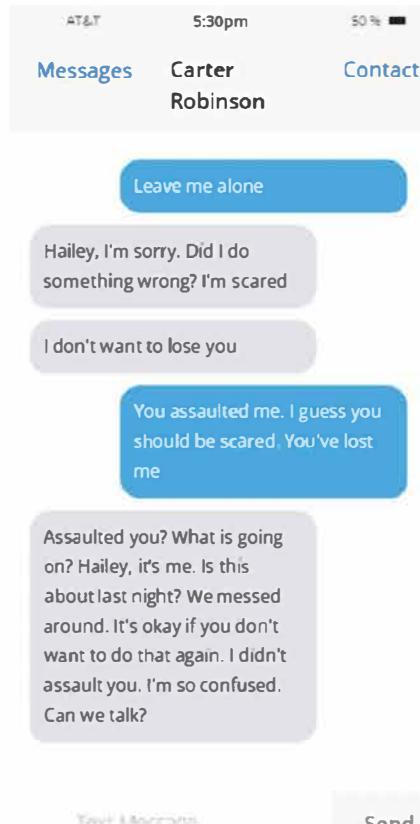
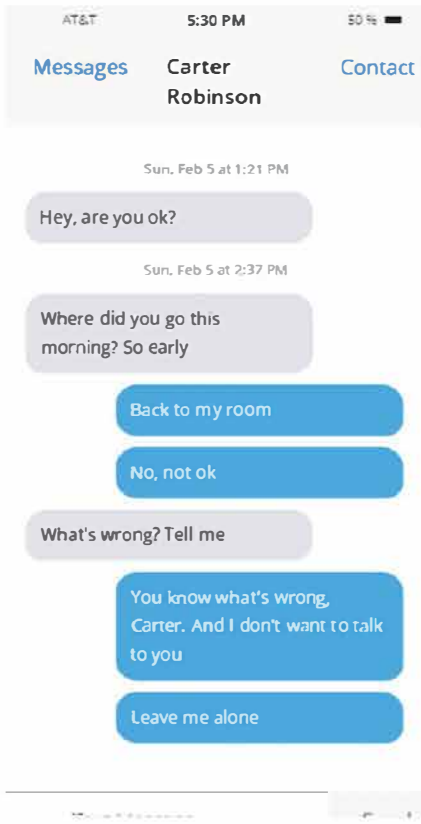
SECTION VI PROCEDURAL INFORMATION

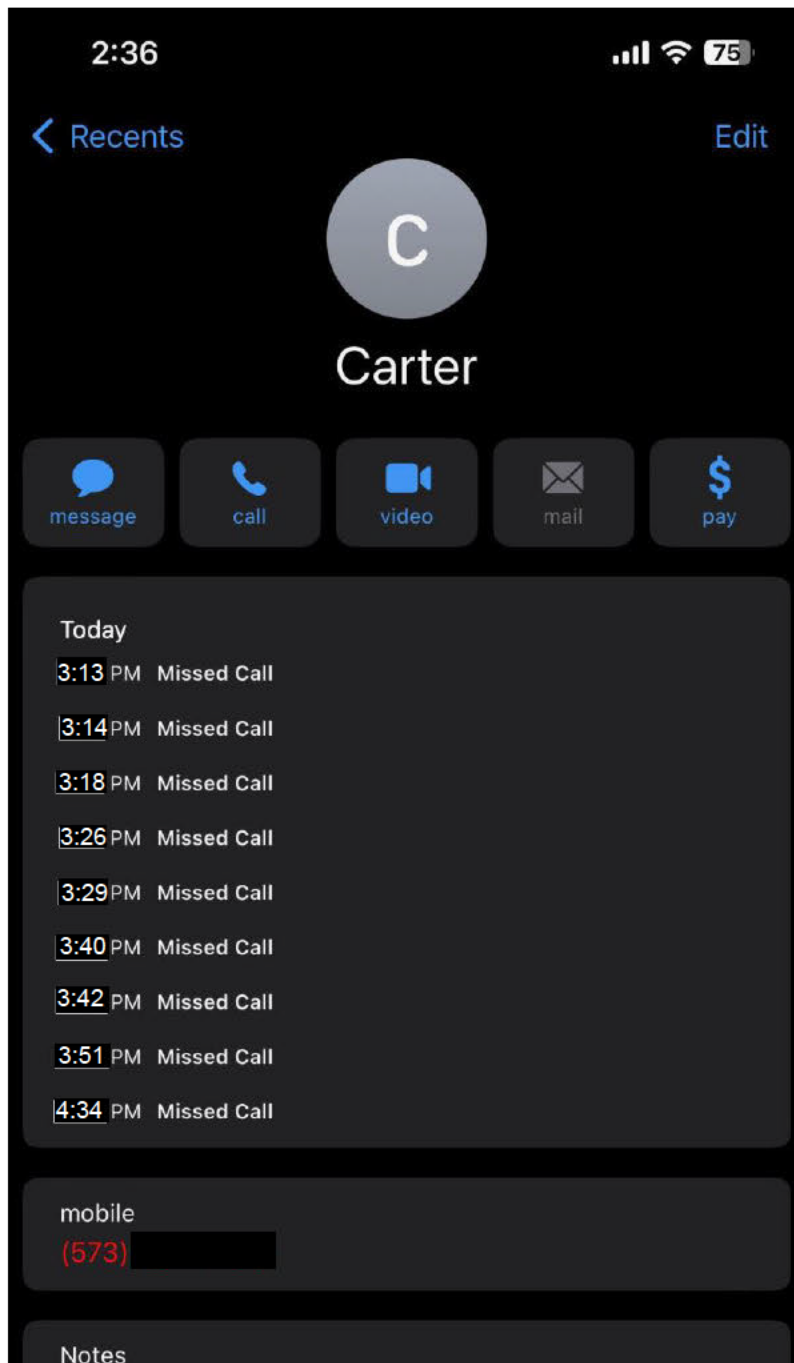
The Hearing is being conducted pursuant to Resolution Process for Resolving Complaints of Sexual Harassment under Title IX ([CRR 600.030](#)). For a list of Hearing Process Rules, refer to CRR 600.030(Q)(11).

Attendance and Cross-Examination. If a Party or witness does not submit to cross-examination at the hearing, the decision-maker(s) must not rely on any statement of that Party or witness in reaching a determination regarding responsibility, but no inference can be drawn from the fact that a Party or witness failed to submit to cross-examination.

Informal Resolution. If either Party wishes to engage in Informal Resolution, please contact your Investigator as soon as possible, and before the hearing date, to discuss those options.

Exhibit 6: Text Messages between Taylor and Robinson 2.5.2023





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 loss 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, then 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 had already left my room. It was really early, and it was unusual for her to leave at that hour. We had each stayed overnight in each other's rooms many times before. I had no reason to think something was wrong until she left like that. From my perspective, we had a good night and both enjoyed the sexual activity before going to sleep. That afternoon, I texted her to see if she was okay. I thought maybe she wasn't feeling well or something was bothering her, unrelated to me. We talk every day, and it was strange that she hadn't reached out to me yet, after leaving in such a hurry that morning.

Her text responses were very minimal and didn't sound like her. She was clearly upset, and I wanted to help, but then she said I had assaulted her. I was confused because that is not what happened. At first, I wasn't too worried because I thought it was an innocent misunderstanding and we would talk it out together, but then she shut down and wouldn't answer my calls or respond to my messages. She said she didn't want to talk to me. It hurt; it felt surreal because I had no idea what was going on, and nothing like this had happened between us before.

I talked to a friend, Ryan Dorsey, asking for advice. He said I should wait for her to respond. So, I stopped messaging her. The next communication I received was a letter about this investigation. I was shocked.

My overall response to the allegations is that they are false and very hurtful to me. All contact was consensual. Specific information per each allegation:

1. *Taylor reported that she and Robinson walked together from the campus library to Robinson's room in Barkley Hall around 10:00pm. In his room, Taylor alleges that they engaged in consensual kissing and "cuddling" while watching a movie, then she fell asleep around 11:00pm. She reported that she did not consume any alcohol that night, but Robinson drank about 6-8 shots of vodka, mixed with Sprite, while they hung out.*

The complainant and I had a very close relationship, at that time. As mentioned above, it was common for us to hang out together in our dorm rooms, which we did on the night in question. As admitted by

the complainant, she consented to kissing and cuddling in my room that night. These were normal activities for us, as our friendship was developing into more of an intimate connection. The level of our physical contact with each other progressed in a natural manner, both in our relationship as a whole and on February 4th when consensual contact continued past the kissing and cuddling.

I consumed a minimal amount of alcohol that night and retain full memory of all the events that occurred. The complainant did not fall asleep at 11:00; I was right next to her, and we were watching a movie and making out, at that time. We did not sleep until later, closer to midnight.

2. *Taylor alleges that she slept for about 5-10 minutes before she was awakened by Robinson's fingers rubbing her genitals (clitoris). She reported feeling "confused" and "disoriented" at that time, as well as "frozen" and "unable to move" for several seconds as he continued.*

The complainant was not asleep while I was on the futon with her. She never indicated feeling tired or stated that she was going to sleep. Instead, she was participating in our mutual activities. After kissing for a while, we both laid down together, and I fondled her in a consensual manner. There was only a moment between those things, not enough for her to fall asleep. The complainant moved and moaned in pleasure as I touched her. She was very much awake during all contact. As stated above, it was a natural progression of sexual activity; it was not forced.

3. *Taylor reported that she rolled away from Robinson on the futon, in an attempt to stop the contact. She alleges that, in response, Robinson shifted closer to her without removing his hand or stopping contact.*

The complainant did not communicate that she wanted to stop or that she was not consenting to our ongoing contact. Both of us repositioned in the course of natural progression of sexual contact. Had the complainant indicated that she was not comfortable or otherwise objected, I would have stopped immediately. Instead of objecting, the complainant was actively engaged and provided nonverbal feedback that she was enjoying the contact. She was certainly awake and moving.

I did not know, nor should I have known, that she withdrew consent during the progression of our contact, as she now claims. At the time, we were very close friends and our relationship was evolving beyond that; I would never have harmed her or anyone else in this way. I cannot emphasize enough that everything we did was completely consensual.

4. *Next, Taylor reported that she shook her head side to side and audibly "grunted," attempting to signal "no" and her lack of consent to Robinson fondling her genitals. She alleges that Robinson waited several more seconds before he removed his hand from her pants, slid it up her body, and "squeezed" her breast twice before he got up from the futon.*

The complainant did not shake her head "no" or grunt "no" at any point during this encounter. Had she done so, I would have stopped immediately and asked what was wrong. I would have clearly communicated if there were any concerns. The complainant did not get up from the futon, push me away, say no, or otherwise indicate a lack of consent. I obtained nonverbal consent, as permitted by policy, through positive affirmations like responsive movement and moaning.

Furthermore, I did not squeeze the complainant's breasts after we finished. I removed my hand from her genitals and lifted myself off the futon. The complainant then opted to stay in my room overnight, and we both slept—her on the futon and me on the bed.