

EQUITY COMPLIANCE OFFICE

2022-2023 REPORT



This report provides information related to the University of Dayton's Equity Compliance Office, the Nondiscrimination and Anti-Harassment Policy, statistics and outcomes of reported matters for the Academic Year 2022-2023. Also included is information regarding the University's campus-wide training efforts to prevent bias, harassment, and discrimination. The purpose of reporting this information is both to increase awareness and promote transparency.

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Who We Are and How to Report

Our Office

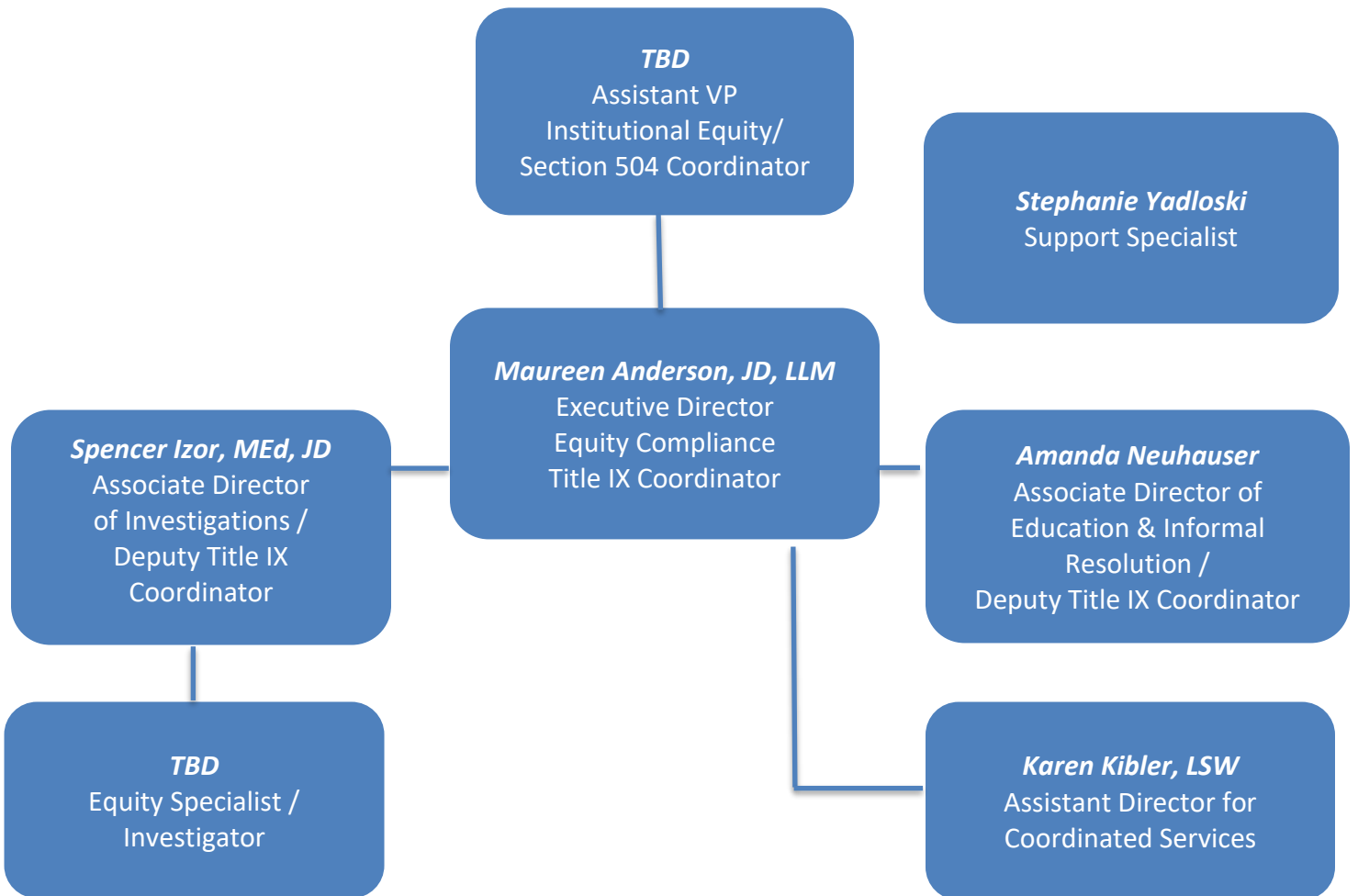
In April of 2022, the Equity Compliance Office (ECO) moved from St. Mary's Hall to a new office in Marianist Hall. Our Entrance is on the east side of the building, facing the student health center in Gosiger Hall.



Equity Compliance Office
Marianist Hall, Suite 240
Dayton, Ohio 45469-0701
(937) 229-3622
equitycompliance@udayton.edu



Our Staff ⁱ



How to Make a Report....

All University employees, including student employees, are mandatory reporters, with the exception of doctors, counselors, and clergy while acting in that capacity.

To report an incident of bias, discrimination, or harassment (including sexual assault), click [here](#).

You can also click on the word “Nondiscrimination” at the bottom of every University of Dayton webpage, and you will be directed to the reporting form (“Submit a Report”). If you need to immediately exit from the reporting page, click the UD logo at the top left to take you to the UD Porches page.



Equity Compliance Office Overview

The University of Dayton is committed to providing a working and learning environment that is safe and inclusive, and free from bias, discrimination, and harassment, including sexual harassment. Sexual harassment, including acts of sexual violence, is a type of sex discrimination.

The Equity Compliance Office (or the “ECO”) supports the University’s mission by overseeing the Nondiscrimination and Anti-Harassment Policy, the Mandatory Reporting Policy, and the related grievance procedures. We work with students, faculty, and staff. The ECO receives all reports relating to protected class bias, discrimination, and harassment. Title IX is a federal Civil Rights law that prohibits sex and gender-based discrimination in higher education. Some of our work involves Title IX, but not all of it.

Protected Classes Include:

Age	Race	Color
Creed	Religion	Ancestry
National/Ethnic Origin	Sex/Gender	Sexual Orientation
Gender Identity	Gender Expression	Disability
Genetic Information	Military/Veteran Status	Familial Status



The work of the Equity Compliance Office falls generally into these areas:

- ◆ Receiving and responding to reports and complaints of bias, discrimination, harassment, and sexual violence.
- ◆ Educating and training with regard to Title IX, the Nondiscrimination and Anti-Harassment Policy, and the Mandatory Reporting Policy.
- ◆ Assessing the campus climate and identifying patterns, reporting trends, or systematic concerns.
- ◆ Maintaining centralized records regarding reported experiences of harassment and discrimination based on a protected class.

The University's Notice of Nondiscrimination reads:

*The University adheres to all federal and state civil rights laws prohibiting discrimination in private institutions of higher education. The University of Dayton does not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of **age, race, color, creed, religion, ancestry, national or ethnic origin, sex/gender, sexual orientation, gender identity, gender expression, disability, genetic information, military status, veteran status, familial status** or any other protected category consistent with the requirements of applicable local, state or federal law, ordinance or regulation. This includes protections for those opposing discrimination or participating in any such reporting process on campus or within the Equal Employment Opportunity Commission, Ohio Civil Rights Commission or other human rights agencies, in the planning and administration of its admissions policies, educational programs, scholarships, loans, and other financial aid, athletic and other school-administered programs, services, and activities, or in employment.*



Policy and Processes

The U.S. Department of Education announced that it is planning to amend the Title IX regulations which are expected to be finalized and released in Fall 2023. The Equity Compliance Office will update the University's policy and processes to reflect the changes to ensure federal compliance.

The Nondiscrimination and Anti-Harassment Policy grievance process for investigating and resolving reports of sexual harassment that fall under the Title IX regulations is in compliance with the 2020 revisions.

Currently, the ECO operates under a one policy, two process model.

- ◆ [The Sexual Harassment Resolution Process](#)
- ◆ [The Equity Compliance Resolution Process](#)

When a member of the UD community files a formal complaint, the Title IX Coordinator will assess the details to determine which process the investigation will fall under. The most significant differences in the processes include a live hearing and cross examination conducted by the parties' advisors within the Sexual Harassment Resolution Process. This process addresses conduct falling under the Title IX regulations.

Both processes include the option for parties who do not wish to participate in the formal resolution process to request to participate in a voluntary informal resolution. **Each process uses the *preponderance of the evidence* standard.** Also, the ECO offers individuals supportive measures (such as No Contact Orders, academic or employment support, or housing changes) with or without participating in a formal investigation.

The ECO and the University remain committed to a process for investigating and resolving reports of sexual harassment that respects the dignity of all community members.



Students who need an accommodation will work with the Office of Learning Resources for assistance. Employees with short-term or long-term disability questions or seeking assistance with accommodation requests should talk Human Resources.



If there is an issue with how an accommodation request is handled or determined, then the student or employee can seek the assistance of the ECO. In other words, the ECO provides an avenue of appeal/grievance after an accommodation decision has been made.



Bias Reports and Microaggressions

At the University of Dayton, we define a **bias incident** as *an act of conduct, speech, or expression that targets individuals or groups based on their actual or perceived membership in a protected class, and that causes the individual or group to feel targeted or unwelcome.*

Bias incidents can include name calling, using a racial, ethnic or other slur to identify someone; or, using degrading language. It can also include creating a racist or derogatory image or drawing, imitating someone with a disability, or imitating someone's cultural norms or practices.

Speech or expression that is consistent with the principles of academic freedom does not constitute a bias incident. Bias incidents are contrary to the University's mission and identity and can cause serious harm to members of our community.

Microaggressions are comments or actions, often indirect, subtle, or unintentional, that express a prejudice towards a member of a protected class.

The Equity Compliance Office classifies microaggressions as bias incidents. Although bias incidents sometimes constitute harassment or discrimination, many bias and microaggression incidents do not rise to the level of a policy violation.

The ECO often responds to incidents of microaggressions by having an educational or policy coaching conversation with the individuals who have caused harm if the impacted party would like the ECO to address it. If the impacted party does not want the ECO to contact the party who has caused harm, or the person is unknown, ECO keeps record to track trends, patterns, or areas where the issues arise.



What Happens after a Report is Made?



The ECO will review the report to determine if it is protected class related.

- ◆ If the report is not related to a protected class, the ECO will refer the matter to another campus office for review and follow up as applicable.



If the report does fall within a protected class, the impacted party(ies) will receive an email from the ECO offering to meet to learn more about the incident and to explain the person's rights and resources available through the ECO, at the University, or with community partners.

- ◆ The impacted party can choose if they want to meet with ECO. There is no time frame as to when they must meet with the ECO to discuss their options.
- ◆ If the impacted party chooses to meet with the ECO, they can share as much or as little information with the ECO as they wish. The impacted party does not have to prove they have been impacted in order to get support.
- ◆ Once the impacted party meets with the ECO, they may choose their next steps from the available options including, but not limited to:
 - The impacted party can receive supportive measures, explore informal resolution options, file a formal complaint, or ask the ECO to document the incident for climate and trending concerns.
 - The ECO offers continuing support as the impacted party needs it.



- The ECO only contacts the person who may have caused harm if the impacted party wants the ECO to, or if there is a pattern or behavior that needs to be addressed by the University.
- ◆ The ECO is a **neutral** office, and also offers supportive measures to the person who may have caused harm.



If the impacted party has not responded to the ECO's outreach after a couple of weeks, the ECO will send a second email. The email will remind them that the ECO is available to meet, offer information on supportive resources, and make them aware they can explore their options at a later time.



Summary of Reports Made in 2022-2023 and Overall Trends

Summary of Reports

The Equity Compliance Office received 396 reports between July 1, 2022 and June 30, 2023 (AY 2022-23). Of the 396 reports, there were 335 separate incidents reported. Comparatively, in AY 2021-22, Equity Compliance received 311 total reports with 262 separate incidents. Over the last two years, the ECO has made an effort to increase training to the campus community to share more about the Office, our mission, and the available support measures, which may explain the increase in the number of reports.

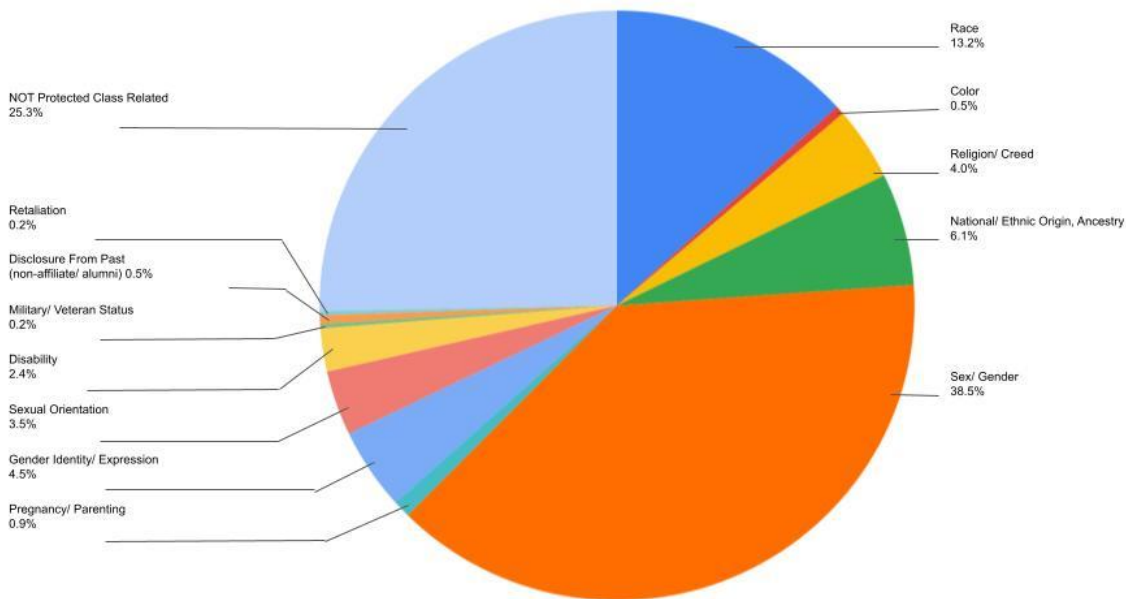
When reviewing the following statistics, please keep the following in mind:

- ◆ There are more reports than incidents because we receive duplicate reports (reports about the same incident from multiple sources including impacted parties, witnesses, mandatory reporters, Public Safety, etc.).
- ◆ There is overlap between the categories/ types of reports. For example, one report may allege multiple forms of harassment or discrimination (sex and race, age and disability, religion and national origin, etc.).
- ◆ The numbers we reference do not necessarily align with those found in the University's Annual Security Report issued by the Department of Public Safety to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("the Clery Act"). The Clery Act requires reporting of certain crimes within a specific location relative to campus, whereas the numbers used in this report include off-campus incidents and incidents that occurred in undisclosed locations.



Incidents Reported to the Equity Compliance Office in AY 2022-2023

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Overall Trends

Overall, total reporting has increased each year over the past three academic years. In Academic Year (AY) 2022-23, a total of 396 reports were made to the office. In AY 2021-22, 311 reports were made, and in AY 2020-21, 306 reports were made. The ECO sent a total of 427 outreach letters to complainants and witnesses. These included initial outreach letters, final outreach letters, and notification that the report may not be related to a protected class, but still offered to meet to learn more.

The most commonly reported concern alleged sex or gender-based harassment or discrimination. This protected class has consistently been the most reported in years past, and accounts for 39% of this year's reported incidents. Of the 163 reports which included sex or gender-based concerns, 86 were Title IX reports alleging sexual violence including sexual assault, dating violence, domestic violence, or stalking.



The ECO has also worked with individuals who were victims of online sexual extortion (“sextortion”), which is extortion that threatens to expose sexually compromising information unless the victim meets certain demands. The ECO encourages all community members to use caution while online and check privacy settings on all social media accounts.

Protected Class ⁱⁱⁱ <small>*Table includes Protected Class categories with greater than five reports</small>	# of reports 2021-2022 Academic Year	# of reports 2022-2023 Academic Year	% change
Report Intake	311	396	21%
Race	50	56	11%
Religion / Creed	8	17	53%
National / Ethnic Origin, Ancestry	21	26	19%
Sex / Gender	162	163	1%
Gender Identity / Gender Expression	3	19	84%
Disability	7	10	30%
Sexual Orientation	13	15	13%
Not Protected Classes	33	107	69%

Concerns of racial discrimination, which include bias incidents and microaggressions that might not rise to the level of a policy violation, account for 13% of total reports. All other protected classes combined account for 23% of reports, with national/ethnic origin and gender identity/ expression reported more than the others. The ECO has seen an increase this year in reports which do not fall into a protected class. The ECO continues to make efforts to educate the community about what protected classes our office works with, and to refer these reports to another appropriate office on campus to address if an incident does not fall under our umbrella.

Reports that require at least three or more touchpoints, meetings, or coordinated response are labeled as Extensive Inquiry. This does not include reports where formal complaints are filed, which will be addressed



later in this report. In AY 2022-23, the ECO addressed 32 reports that required Extensive Inquiry. Comparatively, the ECO addressed 26 reports as Extensive Inquiry in AY 2021-2022. Reports that require Extensive Inquiry typically do not rise to the level of a policy violation, but do require additional resources and support from the ECO.

Resolution Process Key Metrics ^{IV}	2021 - 2022 Academic Year	2022 - 2023 Academic Year	Description of Key Metric
Report Response	311 Total Reports	396 Total Reports	All reports received are reviewed to determine appropriate follow-up and next steps which includes outreach to impacted party.
Separate Incidents Reported	262	335	There are more reports than incidents due to duplicate reports (reports about the same incident from multiple sources including impacted parties, witnesses, mandatory reporters, Public Safety, etc).
Extensive Inquiry	26	32	Report(s) (i.e., case) that requires at least three or more touchpoints, meetings, or coordinated response; cases typically do not rise to the level of a policy violation
Formal Complaint	3	9	When a Formal Complaint is filed and there is reasonable cause to believe a policy violation may have occurred, the University will initiate an investigation that is thorough, reliable, impartial, prompt and fair.
Formal Complaint - Formal Resolution	1	1	A formal complaint can result in a formal resolution, be diverted to an informal resolution, or be dismissed.
Formal Complaint - Informal Resolution	1	4	
Formal Complaint - Complaint Dismissal	1	3	

**Approximately 5% of work is from prior year cases.*

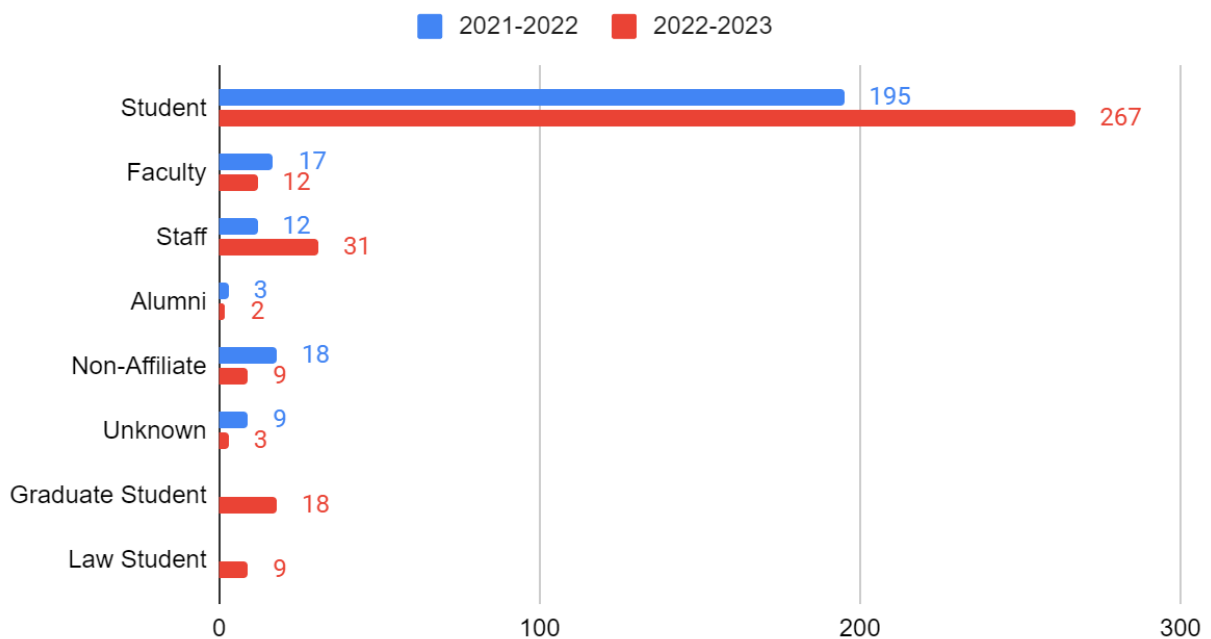
The ECO has made an effort to bring awareness of our office, our mission, and how we can support individuals to the University community. All University employees, including student employees, are mandatory reporters, with the exception of doctors, counselors, and clergy while acting in that capacity. 61% of our reports came from mandatory reporters and 32% came from students. The remaining 7% came from anonymous people and non-affiliates, all through our public reporting system. This year, the ECO met with individuals who came directly to the office for walk-in intakes on 22 occasions.



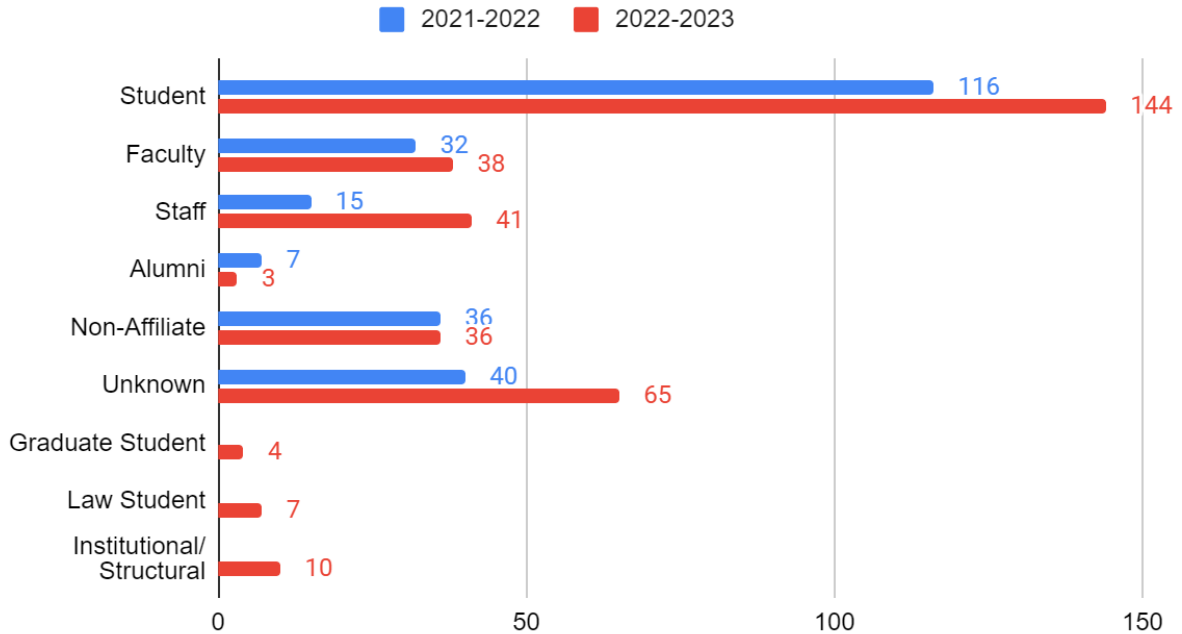
Roles of Parties Involved

For the purposes of the Equity Compliance Office, the complainant is the person who has been impacted by bias, discrimination, harassment, or sexual harassment. A respondent is the person who allegedly caused the harm. The ECO is a neutral office, but we are complainant driven in our response. This means that the complainant can choose what the next steps (or no further action) are based on what is best for the individual person. The exception to this is if there is a pattern or behavior that needs to be addressed by the University.

Complainant Roles ^v



Respondent Roles ^{vi}



The term “unknown” means that the report does not disclose the identity of the party involved, and the narrative details do not give enough information to classify them as another role. The term “non-affiliate” includes individuals that are not current or past members of the University community (students from other universities, local residents, etc.). On occasion the ECO will receive reports challenging a particular University policy or allegations that are broad and do not name a particular department. We have designated the respondent role in those reports as “institutional or structural.”



Supportive Measures

When the ECO responds to reports of bias, discrimination, or harassment, we try to do so in a way that aligns with the University's Catholic and Marianist mission. Nearly everyone that reports to our office is sharing an experience of harm. Our goal is to support those impacted individuals and to provide them with information regarding their rights and resources. And, when addressing those who may have harmed others, if possible, we will use an educational approach to address reported concerns, particularly where there are opportunities for learning and growth.



The ECO offers supportive measures to each individual who engages with us. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University's education programs or activities. We are a **neutral** office, and



complainants and respondents are offered resources so they can choose what best fits their individual needs. We aim to empower complainants to make decisions that best fit their individual circumstances and allow them to continue accessing their learning, living, and working environments. You do not have to prove you have been impacted to get support.

Some examples of supportive measures that parties can request include academic notifications, housing or employment adjustments, links to other campus partner offices, parking adjustments, and links to confidential services including the Counseling Center, Campus Ministry, the Employee Assistance Program, and YWCA Dayton.

In AY 2022-23, ECO sent 37 academic notifications on behalf of students in order for them to be able to ask individual professors for reasonable flexibility as needed in their classes. ECO worked with Housing and Residence Life to secure emergency housing for one student, changed housing assignments for two students, and asked that they track placement proximity for six students who were significantly impacted by another student as an attempt to mitigate incidental contact in their living spaces.

The ECO also requested four parking lot assignment adjustments in the last year for various reasons. The University has a MOU with YWCA Dayton who provides a confidential advocate who has office hours on campus weekly. The ECO linked four individuals directly with the advocate who can support students, staff, and faculty in legal and medical advocacy, safety planning, and support group referrals.

The ECO can also implement mutual No Contact Orders (NCO) between parties. A No Contact Order is defined as an order from a University Official to have no contact with a particular person or persons. Contact is considered any verbal, written, electronic, nonverbal gesture, third party messages, indirect loud talking in the vicinity of the person and could include indirect actions that appear to the University to be intimidating. The Equity Compliance Office implemented 24 NCOs for students, staff, and faculty.



Last year, four individuals chose to write impact statements or letters in which the Equity Compliance Office shared with the respondent in the report. While the ECO has many policy coaching or educational conversations with respondents, impact letters or statements give the complainant the opportunity to share their experience from their lens with the person who caused them harm.



Most individuals working with the Equity Compliance Office choose a combination of the options available to them, and their choices may change over time as their needs change. If a person has a unique need, the ECO can be creative in the support in order for the person to be successful while at the University. Our support to individuals lasts until graduation or employment separation from the University.



Informal Resolution

Informal Resolution can be an option for parties to resolve an issue, and can be tailored to the parties and how they best feel they can move forward in the community together. This can also include restorative practices of circles, restorative justice, shuttle diplomacy, and facilitated conversations.

It is not necessary to pursue informal resolution first in order to pursue a formal investigation. At any point during an investigation, any party can request informal resolution. Both parties must agree on the terms, and the TIX Coordinator must agree that the proposed resolution is appropriate and will likely be successful for the parties. If during the informal process, either party does not feel it is appropriate or successful, the formal investigation can continue. Supportive measures are offered to both parties during the informal resolution process as well.



Formal Complaints/Investigations

Complainants can file a formal complaint or a complaint can be signed by the Title IX Coordinator when there is reasonable cause to believe a violation of the Nondiscrimination and Anti-Harassment Policy may have occurred. The University will initiate an investigation that is thorough, reliable, impartial, prompt, and fair. As previously indicated, the Equity Compliance Office manages two formal resolution processes, the Sexual Harassment Resolution Process and the Equity Compliance Resolution Process. Typically, an investigation lasts 60-90 business days.

There are different types of complaints including initial formal complaints, counter complaints, and retaliation complaints. Each of these types could be filed within one report that stems from a single event. In AY 2022-23, nine formal complaints were filed with ECO stemming from five events. Three of the complaints were dismissed, four were resolved with informal resolution agreements, and two complaints resulted in a finding of “not responsible” for violating the Nondiscrimination and Anti-Harassment Policy.

Roles of Complainant/Respondent ^{vii}	Number of Complaints Filed	Outcome of Each Complaint
Student/Student	4	2 Dismissed, 2 Not Responsible
Student/Student	2	Resolved with Informal Resolution
Student/Student	1	Resolved with Informal Resolution
Staff/Staff	1	Resolved with Informal Resolution
Faculty/Faculty	1	Dismissed

Comparatively in AY 2021-22, three formal complaints were filed which stemmed from three separate incidents. Two were resolved through informal resolution, and the third resulted in a finding of “responsible” for violating the Nondiscrimination and Anti-Harassment Policy.



Partnerships and ECO Staff Involvement

Partnerships

The Equity Compliance Office could not adequately serve the UD community without strong partnerships with other on-campus offices and individuals. These include the Dean of Students Office, Human Resources, Office of the Provost, School Deans and Chairs, the Brook Center, the Multi-Ethnic Education and Engagement Center (MEC), Athletics, the Office of Diversity and Inclusion, Public Safety, and the Counseling Center, among many others.

The office utilizes a volunteer pool of individuals (both internal to and external to the University) called the Resolution Process Pool. These annually-trained individuals include investigators, hearing officers, appeal officers, and advisors who may perform any or all of these roles (though not at the same time or with respect to the same case) during formal investigations. ECO held a short refresher training in early September for current members, and will hold a full day training for current and new members in January 2024. The new regulations will be discussed during the full day as well. If you are interested in becoming a volunteer with our office, please contact us!

ECO Staff Involvement

The ECO staff are members of several groups and committees around campus. These include the Dialogue Zone, Marianist Education Associate, Marianist Student Community, FAS Council, IBRAC, University Hearing Board, IDEA Committee (Inclusion and Diversity in Education Abroad), the Caregiver Coalition, Investigator for Student Organizations, and Religious Accommodations Work Group.

Equity Compliance regularly engages with students in the MEC Lounge in Alumni Hall.

As previously mentioned, we saw an increase in reports that were not related to a protected class. If you have an issue that is not protected class related, visit the ECO [Resource Sheet](#) to help you identify which partner office can best support your needs.



Training

A key component to preventing experiences of bias, discrimination, and harassment is education and outreach. The Equity Compliance Office provides comprehensive, intentional, and integrated programming to students, staff, and faculty. We often partner with other campus offices including Athletics, the Brook Center for Empowerment and Wellbeing, the Office of Human Resources, the Office of Diversity and Inclusion, and the Multi-Ethnic Education and Engagement Center (MEC).

During AY 2022-23, ECO staff members conducted 59 training sessions for students, staff, and faculty. Our trainings typically focus on the following:

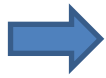
- ◆ Sharing information about the Equity Compliance Office, the Nondiscrimination and Anti-Harassment Policy, and the Mandatory Reporting Policy.
- ◆ Helping participants develop skills to address and prevent bias, discrimination, and harassment.
- ◆ Informing community members of their rights and resources, and how to report adverse experiences.

We pay special attention to new community members, as we want to assist these individuals in acclimating to our campus. We primarily connect with these individuals through beginning of year training and new employee onboarding. The ECO partners with the Brook Center to provide all graduate and law students with sexual violence prevention education using Vector online training module.

ECO staff members also engage in training both on and off campus in order to keep up with relevant trends and required training. Staff have participated in IEA sessions, LTC Forum sessions, ATIXA training, and Mental Health First Aid, to name a few.

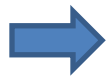


Plans for Upcoming Year 2023-2024



Changes to the Nondiscrimination and Anti-Harassment Policy and Procedures

As previously mentioned, we expect the U.S. Department of Education to release the new regulations mandating how higher education institutions are required to investigate and adjudicate reports of sexual harassment under Title IX in Fall 2023. The ECO will be working to revise our policies to be in compliance with the new regulations.



Continued Learning and Training Opportunities for the Campus Community

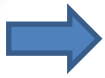
During the upcoming academic year, the Equity Compliance Office will continue to meet its training obligations by offering online and in-person training options. ECO incorporates scenario-based exercises and reflection questions designed to increase awareness of the Nondiscrimination and Anti-Harassment Policy and accompanying procedures, reporting obligations, and available resources. All training materials will be reviewed and updated regularly to ensure the educational content addresses behavioral expectations, trends and climate concerns, and provide examples of how to prevent, respond to, and report such matters. The Equity Compliance Office offers the option for individual offices and departments to request specific training on the Nondiscrimination and Anti-Harassment Policy, Mandatory Reporting Policy, and prevention and education related to Title IX and equity-based concerns.



Training for Our Resolution Process Pool

The ECO held a short refresher training in September 2023 for current volunteer Resolution Process Pool members, and will hold a full day training for current and new members in January 2024. The new regulations will be discussed during the full day as well. Please reach out if you would like to join the volunteer pool.





Healthy Minds Survey

The Equity Compliance Office will be reviewing the responses and data collected from the Healthy Minds Survey which was released in Spring 2023. ECO plans on using this data to respond to identified climate concerns and develop targeted training.



Culturally Engaging Campus Environments Surveys

In September 2023, the Culturally Engaging Campus Environments Survey was issued asking all students, staff, and faculty to participate. The purpose of this survey is to surface important information on university and unit level inclusive excellence goals and help community members use that information to become a more culturally engaging campus. The ECO will partner with the survey committee to review the results.



Coffee with Compliance

The Equity Compliance Office will be hosting a series of Open House opportunities for community members to join the ECO staff to learn more about the role the ECO plays on campus. The first Coffee with Compliance was held in September 2023.



Conclusion

As described in this report, there are many stakeholders involved in preventing and responding to experiences of bias, discrimination, and harassment of all kinds on the University of Dayton's campus. The Equity Compliance Office will continue to partner with these stakeholders to increase awareness and reporting, to monitor the campus climate, and to respond to incidents in a timely and equitable manner.



End Notes

A printed copy of this report can be requested by calling (937) 229-3622.

- i. Organizational Chart of the ECO employees
- ii. Pie chart of reported protected classes by percentage
- iii. Chart comparing number of reports from academic year 2021-2022 and 2022-2023 and percentage of increase for each protected class
- iv. Chart listing number of total reports made to the ECO, number of separate incidents reported, number of extensive inquiry reports, and number of formal complaints
- v. Bar graph of the roles of the complainants comparing academic years 2021-2022 and 2022-2023
- vi. Bar graph of the roles of the respondents comparing academic years 2021-2022 and 2022-2023
- vii. Chart showing the roles of the parties for each formal complaint made to the ECO and the outcome of the complaints

