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## Equity

Discrimination & Harassment

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### Equity

"The University of Missouri does not discriminate on the basis of **race, color, national origin, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, gender expression, age, disability, protected veteran status, and any other status protected by applicable state or federal law.**"



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## Equity – Discrimination & Harassment

**Discrimination or Harassment.** Conduct that is based upon protected class that:

1. **Adversely affects a term, condition or benefit of employment if \*58.** living environment or participation in a University Discrimination or Harass





## Title IX Sexual Harassment

### Categories of Prohibited Conduct (that occurs on the basis of sex):

- **Quid Pro Quo**
  - Employees of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in an **unwelcome sexual conduct**
- **Hostile Environment**
- **Sexual Assault**
- **Dating Violence / Domestic Violence**
- **Stalking**

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  - EX: Faculty member conditions a student's grade on whether or not the student will engage in sexual intercourse, despite the student's previous rejection of this idea
- **Hostile Environment**
  - Unwelcome conduct determined by a reasonable person to be so **severe, pervasive, and objectively offensive** that it effectively denies a person equal access to the University's education program or activity
  - EX: Student repeatedly makes lewd and offensive comments to another student about the other student's sexual orientation such that it causes the other student to transfer to another residential hall
- **Sexual Assault**
  - rape, sodomy, sexual assault with an object, **fondling, incest, statutory rape**
  - **Fondling** = touching of the private body parts of another person for the purpose of sexual gratification, without consent
- **Dating Violence / Domestic Violence**
  - current/former relationship, current/former spouse, child in common, roommate
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- **Stalking**
  - Course of conduct directed at a specific person that would cause a reasonable person to fear for safety or suffer substantial emotional distress

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## Jurisdiction

Power / authority for the University to take action over prohibited conduct

- TITLE IX
  - Occurs in an education program or activity
    - Locations, events, or circumstances over which University exercised substantial control over both Respondent and context in which conduct occurs
  - Any building owned or controlled by a student organization that is officially recognized by University

## Supportive Measures

Upon receipt of a report, the Equity / Title IX Office will reach out to the Complainant, if known, to offer **supportive measures**

- Offered to either Party at no cost
- Non-disciplinary & non-punitive
- : mutual restrictions on contact, counseling/support services, adjusting course, assignment and/or exam schedules, altering on-campus housing assignment

### Balancing act:

- Restore or preserve equal access to the University program or activity the Party was previously enjoying prior to the alleged incident
- Not unreasonably burdensome to the other Party
- Protect safety of all Parties
- Deter future occurrences of discrimination or harassment

## Process and Procedure

## Investigation Process

Report is made  
Intake by Equity & Title IX Office personnel

### Filing of (Formal) Complaint

Notice of Allegations provided to known Parties & Investigation plan developed

#### Fact gathering

- Parties interviewed
- Witnesses interviewed
- Evidence collected

Analysis of Information & Report Writing

Dismissal / Summary determination

Case Resolution/Adjudication

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## Process and Procedure

Which process?

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## The Processes

Title IX

Equity

Informal Resolution

Hearing Panel Resolution

Academic Medical Center (AMC) Process

Conflict Resolution

Administrative Resolution

Hearing Panel Resolution

Facilitated Dialogue/Mediation

Administrative Resolution

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## Available Process

- Administrative Resolution
  - Single or joint decision-maker
  - Both Parties must elect to use this process
  - Decision-maker can meet with Parties
  - Parties may provide questions for decision-maker to ask the other Party
  - Decision-



## Dismissal & Summary Determination

### Title IX

**Mandatory Dismissal:**

- Conduct alleged does not constitute sexual harassment, even if proved
- Conduct alleged did not occur in University's education program or activity
- Conduct alleged did not occur against a person in US

**Permissive Dismissal:**

- Complainant wants to withdraw Formal Complaint or any allegations