Title IX 101	-
Understanding the Basics	
September 2021	
University of Missouri System  COLUMBIA   KANSAS CITY   ROLLA   ST. LOUIS	
COLUMBIA   KANSAS CITY   ROLLA   ST. LOUIS	
Title IX	
Sexual Harassment	
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Title IX Sexual Harassment		
Categories of Prohibited Conduct (that occurs on the basis of sex):		
· Quid Pro Quo		
Hostile Environment		
Sexual Assault     Dating Violence / Domestic Violence		
• Stalking		
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<ul> <li><u>Categories of Prohibited Conduct (that occurs on the basis of sex):</u></li> <li>Quid Pro Quo</li> </ul>		
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### **Title IX Sexual Harassment**

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   Dating Violence / Domestic Violence
   current/former relationship, current/former spouse, child in common, roommate

- Stalking



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Jurisdiction	

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

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

Occurs <u>against a person in the US</u>
Occurs <u>in an education program or activity</u>

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Process and Procedure	
Report & Intake	
How Powerto are Made	
How Reports are Made	
<ul> <li>Any person can make a report to the Equity / Title IX Offices</li> <li>Reports can be made:</li> </ul>	
– În person – By mail	
– By telephone – By email – On-line	
<ul> <li>University employees (unless exempted) are mandated reporters – required to report any form of discrimination or harassment of which they are aware to the Equity / Title IX Office.</li> </ul>	
they are aware to the Equity / Title IX Office.	
Supportive Measures	
<ul> <li>Upon receipt of a report, the Equity / Title IX Office will reach out to the Complainant, if known, to offer supportive measures</li> </ul>	
Offered to either Party at no cost     Non-disciplinary & non-punitive	
<ul> <li>Examples: mutual restrictions on contact, counseling/support services, adjusting course, assignment and/or exam schedules, altering on-campus housing assignment</li> </ul>	
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	
Who's Who?	
Complainant: Individual alleged to have been subjected to conduct that may constitute discrimination or harassment.	
<ul> <li>Respondent: Individual who has been reported to be the perpetrator of conduct that could constitute discrimination or harassment.</li> </ul>	
<ul> <li>Support Person: Individual selected by a Party to provide support and guidance throughout the Title IX Process.</li> </ul>	
<ul> <li>Advisor: Individual who will conduct cross-examination and other question on behalf of a Party at a hearing.</li> </ul>	
<ul> <li>Hearing Officer: Individual who will preside over and rule on objections and the relevancy of questions and evidence during a Title IX hearing.</li> </ul>	
Equity Resolution Appellate Officer: Individual appointed to review a prior decision of a decision-maker(s).	
Investigation Process	
Report is made     Intake by Equity & Title IX Office personnel	
Filing of Formal Complaint	
<ul> <li>Notice of Allegations provided to known Parties &amp; Investigation plan developed</li> <li>Fact gathering</li> </ul>	
Parties interviewed     Witnesses interviewed	

Analysis of Information & Report Writing
 Dismissal
 Case Resolution/Adjudication

# **Process and Procedure**

Which process?

# **The Processes** Title IX Academic Medical Center (AMC) Process Hearing Panel Resolution Informal Resolution Facilitated Dialogue/Mediation Administrative Resolution

### **Available Process**

- Informal Resolution

  Parties must voluntarily agree to use this process in writing

  Available at any time during the process

  Can stop this process at any time and move into the other available processes.

  Neutral facilitator will foster dialogue with the Parties to an effective resolution, if possible includes mediation. Never available to resolve allegations that an employee sexually harassed or engaged in sexual misconduct with a student

sudemic Medical Center Process (Title IX)
Used to resolve Formal Complaints that
arise from a University of Missouri Hospital
and Clinic or other designated facility
Process similar to administrative resolution
Single decision-maker



### **Available Process**

- Administrative Resolution (type of Informal Resolution)
- Both Parties must elect to use this process

- 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-maker will render a decision on responsibility
  and a decision or recommendation on sanction(s)
   Either Party may appeal



### **Available Process**

- Hearing Panel Resolution

  3 -person decision-maker (majority vote)
  Live hearing with testimony and opportunity for
  questions to be asked of Parties/wintesses
  Decision-maker will render a decision on responsibility
  and a decision or recommendation on sanction(s)
  Either Party may appeal



## **Available Process**

- Academic Medical Center Process (Title IX)
   Used to resolve Formal Complaints that arise from a University of Missouri Hospital and Clinic or other designated facility
   Process similar to administrative resolution
- Single decision-maker



Who is Entitled to What Process?	
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Title IX	
Informal Resolution*  Hearing Panel Academic Medical Center	
Resolution Resolution (AMC) Process	
Facilitated Administrative Faculty Member Respondents Content Resolution Resol	
Student, Staff & Faculty Member Respondents have acid or engaged in sexual microsocia with a student Respondents	
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Process and Procedure Review & Appeal	
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Dismissal	
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:	
Respondent no longer enrolled/employed     Specific circumstances prevent University from gathering sufficient evidence	
to reach determination  Either Party can <b>appeal</b> this decision	

ĺ	Appeals	
	Grounds for Appeal:  Procedural irregularity that affected outcome To consider new evidence that was not reasonably available previously and could affect the outcome	
	The IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias against a Party specifically or generally against Complainants or Respondents     Sanctions fell outside the range typically imposed for the offense or for the cumulative record of the Respondent	
	<ul> <li>Either Party may appeal to Equity Resolution Appellate Officer within 5 days of receiving decision</li> </ul>	
	Decision of Equity Resolution Appellate Officer is final	
	Questions?	
	University of Missouri System	
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