

**Equity: UM System's Anti-Discrimination Policy**  
 Equity & Title IX Annual Volunteer Training, August 2023



University of Missouri System  
 COLUMBIA | KANSAS CITY | ROLLA | ST. LOUIS

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**Equity**  
 University of Missouri Statement of non-discrimination, CRR 600.010

"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 or condition of employment, education, living environment or participation in a University activity; or
2. **Creates a hostile environment** by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits, or denies the ability to participate in or benefit from the University's educational programs, activities, or employment.



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### Equity – Discrimination & Harassment

**Discrimination:** Treating someone differently based on a protected class or status

- A professor not excusing a pregnant student's absence from class despite the absence being medically necessary due to the student's pregnancy.
- An employee is not permitted to dress in religious attire as per the employee's religious beliefs because the employer believes it might send the wrong image to its customers.
- A job applicant is not given an interview because the applicant graduated from college in 1974.



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### Equity – Discrimination & Harassment

**Harassment:** Engaging in conduct that creates a hostile environment for another because of their protected class

- Jokes, pranks, or negative comments that are hostile or demeaning with regards to a protected category
- Racial slurs
- Repeated requests for dates
- Giving sexually suggestive looks such as staring, winking, and licking lips or touching yourself sexually in front of others
- Symbols that are offensive based on race or religion
- Obscene or offensive e-mails, phone call, or text messages including "sexting"



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### Equity – Discrimination & Harassment

**JURISDICTION**

*Power / authority for the University to act concerning prohibited conduct*

- UM premises or at UM sponsored or supervised functions
- Action may happen for conduct in other settings including off-campus:
  - To protect physical safety of students, employees, and visitors or other members of University community
  - If effects of conduct interfere with or limit any person's ability to participate in or benefit from the University's educational programs, activities or employment
  - If conduct is related to a faculty member's fitness or performance in the professional capacity of teacher or researcher
  - If conduct occurs when a faculty/staff member is serving in role of a University employee



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### KNOWLEDGE CHECK

#### SCENARIO A

- Ted, manager of University soccer, learns that Nate, after being promoted, is increasingly demeaning to his fellow co-workers. Nate has been posting to social media untruths about Roy and Jamie. Ted tries to calm Roy, but Roy starts grunting and confronts Nate. When Roy does this, Nate spits on Roy and calls Roy a derogatory homosexual slur. Roy says he will not continue coaching for University because of Nate.
- Ted makes a report to the Equity Office. What University policy might be violated?



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### KNOWLEDGE CHECK

#### SCENARIO B

- Ted asks Leslie, assistant manager, to sit-in at a press conference that Ted cannot appear. When Rebecca, Ted's supervisor, finds out, she forbids Leslie to appear citing Leslie's "hiccup" condition. Leslie has provided Rebecca documentation from his doctor explaining that his condition is simply a hereditary condition that requires he be permitted to drink water at all times but Rebecca thinks it makes him look "weak," fears what Rupert might think, and forbids it.
- Leslie files a Complaint against Rebecca.
- Does this describe a potential policy violation? If so, what are the next steps?



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### KNOWLEDGE CHECK

#### SCENARIO C

- Several students tryout for the soccer team over the summer. Due to high level of interest, Ted, Roy and Beard had to be highly selective and ultimately had to cut 3 players: all three students were from India. No player on the team is Indian. And Nate, of Indian descent – former assistant coach - was just fired. Ted explained to the press that these "boys were tough kids, but just not ready to run with the older men."
- One of the three cut students filed a Complaint for discrimination. Thoughts?



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## Process and Procedure

Which process?

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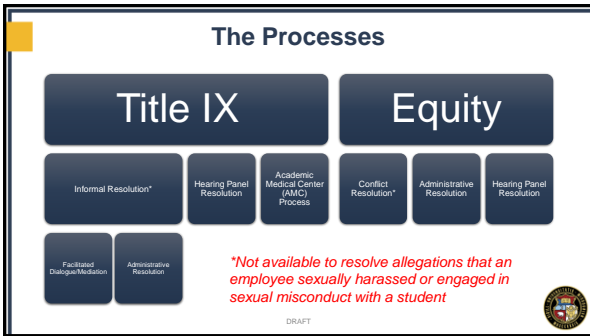
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### Available Process

**Conflict Resolution / 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

**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

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

**Hearing Panel Resolution**

- 3-person decision-maker (majority vote)
- Live hearing with testimony and opportunity for questions to be asked of Parties/witnesses
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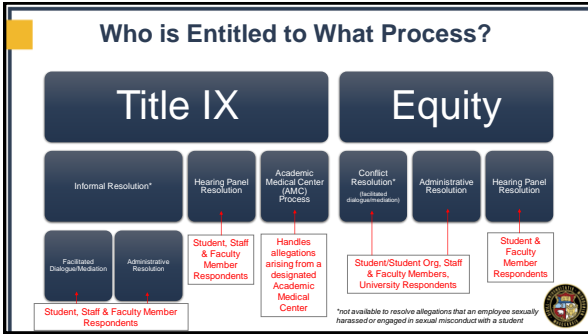
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### KNOWLEDGE CHECK

SCENARIO D

- Student 1 files a Complaint of race discrimination against Student 2. After the investigation has began and speaking with his support person, Student 1 indicates that he is interested in Conflict Resolution.
- Is Conflict Resolution an available option?

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### KNOWLEDGE CHECK

SCENARIO D

- Student 1 files a Complaint of race discrimination against Student 2. After the investigation has begun and speaking with his support person, Student 1 indicates that he is interested in Conflict Resolution.
- Is Conflict Resolution an available option?  
Yes, if Student 1 and Student 2 both voluntarily agree in writing to enter Conflict Resolution.

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**KNOWLEDGE CHECK**

**SCENARIO E**

- Student filed a Complaint against a staff member for gender discrimination. Student wants hearing panel resolution. Staff member wants hearing panel resolution.
- Is hearing panel resolution an available option?



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**KNOWLEDGE CHECK**

**SCENARIO E**

- Student filed a Complaint against a staff member for gender discrimination. Student wants hearing panel resolution. Staff member wants hearing panel resolution.
- Is hearing panel resolution an available option?  
No. For Equity matters, only faculty and students are entitled hearings. Staff members are entitled to Administrative resolution meeting with joint decision-makers.



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**KNOWLEDGE CHECK**

**SCENARIO F**

- Staff member filed a Formal Complaint against a Staff member for sexual harassment - stalking. Staff member complainant wants hearing panel resolution.
- Is hearing panel resolution an available option?



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### KNOWLEDGE CHECK

#### SCENARIO F

- Staff member filed a Formal Complaint against a Staff member for sexual harassment - stalking. Staff member complainant wants hearing panel resolution.
- Is hearing panel resolution an available option?  
 Yes. Under Title IX, hearing panel resolution is available to students, faculty, and staff.



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### Process and Procedure

Review & Appeal

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### 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
  - Respondent no longer enrolled/employed
  - Specific circumstances prevent University from gathering sufficient evidence to reach determination
- Either Party can **appeal** this decision



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**Dismissal & Summary Determination**

**Equity**

- Equity Officer will review evidence gathered to determine if there is a sufficient basis to proceed with the Complaint that the Respondent is responsible for violating university policy.
  - If so, the process will continue.
  - If not, the process will end and Parties will be provided notice of the Equity Officer's decision.
- Either Party can **request reconsideration** of the Equity Officer's summary determination.
- If reconsideration is requested, Equity Resolution Appellate Officer will review Equity Officer's finding and send notice of their findings.
- Equity Resolution Appellate Officer's decision is final.



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**Appeals**

- **Grounds for Appeal:**
  1. **Procedural irregularity** that affected outcome
  2. To consider **new evidence** that was not reasonably available previously and could affect the outcome
  3. Title IX Coordinator, Investigator, or Decision-maker had a **conflict of interest or bias** against a Party specifically or generally against Complainants or Respondents
  4. **Sanctions fell outside the range** typically imposed for the offense or for the cumulative record of the Respondent
- Either Party may appeal to Equity Resolution Appellate Officer within 5 days of receiving decision
- Decision of Equity Resolution Appellate Officer is final



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**KNOWLEDGE CHECK**

**SCENARIO C**

- After the investigation has been completed for allegations of national origin discrimination and the Equity Officer has issued her decision ending the process, the Respondent files a notice to appeal.
- Procedurally, what did the Respondent do wrong?



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### KNOWLEDGE CHECK

#### SCENARIO G

- After the investigation has been completed for allegations of national origin discrimination and the Equity Officer has issued her decision ending the process, the Respondent files a notice to appeal.
- Procedurally, what did the Respondent do wrong?  
At this stage in the process, Respondent may request reconsideration of the Equity Officer's summary determination.



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### KNOWLEDGE CHECK

#### SCENARIO H

- When the Title IX Coordinator learns that the alleged conduct did not occur in the U.S., he dismisses the Formal Complaint.
- Who may appeal the Title IX Coordinator's decision to dismiss?



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### KNOWLEDGE CHECK

#### SCENARIO H

- When the Title IX Coordinator learns that the alleged conduct did not occur in the U.S., he dismisses the Formal Complaint.
- Who may appeal the Title IX Coordinator's decision to dismiss?  
Either Party.



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