

Understanding Equity & Title IX Mandatory Reporting

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Jessica Swederske-Title IX Coordinator and Chief Equity Officer

Equity

Discrimination & Harassment

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.

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.**

Equity – Discrimination & Harassment

Discrimination Examples:

- An employee is not permitted to dress in religious garb 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 application indicates that the applicant graduated from college in 1974.

Harassment Examples:

- Jokes, pranks, or negative comments that are hostile or demeaning with regards to a protected category
- Racial slurs
- Repeated requests for dates
- Symbols that are offensive based on race or religion
- Obscene or offensive e-mails, phone call, or text messages including "sexting"

Title IX

Sexual Harassment

Title IX

Title IX of the Education Amendments of 1972

“No person in the United States shall, on the basis of **sex**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

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**

*New Title IX Regulations currently on hold.

Title IX Sexual Harassment

CRR 600.020

Quid Pro Quo

- Employee 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

- 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

Sexual Assault

- rape, sodomy, sexual assault with an object, fondling, incest, statutory rape

Dating Violence/Domestic Violence

- current/former relationship, current/former spouse, child in common, roommate

Stalking

- Course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or suffer substantial emotional distress

Process and Procedure

Report & Intake

Reports can be made:

- In person
- By mail
- By telephone
 - #5748
- By email
 - swederskej@umsl.edu
 - titleix@umsl.edu
- Online
 - <https://www.umsl.edu/title-ix//index.html>



University employees (unless exempt) are **mandated reporters**- required to report any form of discrimination or harassment of which they are aware to the Title IX and Equity Office.

How Reports are Made

Mandated Reporters

- **Mandated Reporters.** Any employee of the University, except as noted below, who becomes aware of sexual harassment as defined in this policy is a Mandated Reporter, regardless of whether the recipient of the behavior is a student, employee, volunteer or visitor of the University.
 - Employees with a Legal Obligation or Privilege of Confidentiality
- **Required Reporting.** A Mandated Reporter is required to promptly report the information to the appropriate Title IX Coordinator. The Mandated Report must be made regardless of whether the person reporting the information to the Mandated Reporter requests confidentiality and regardless of how the Mandated Reporter becomes aware of the offensive behavior (personal observation, direct information from the subject of the behavior, indirect information from a third party, etc.). If the Complainant requests confidentiality or that a report not be pursued, the Mandated Reporter should warn the Complainant that, at this stage in the process, the Mandated Reporter must report all known information to the Title IX Coordinator.

Report v. Complaint

Report to Title IX and Equity Office

- Initial communication to Complainant
- Supportive Measures
- Discussion regarding next steps

(Formal) Complaint

- Triggers an investigation

Complainant: Individual alleged to have been subjected to conduct that may constitute discrimination or harassment.

Respondent: Individual who has been reported to be the perpetrator of conduct that could constitute discrimination or harassment.

(Equity) Support Person: Individual selected by a Party to provide support and guidance throughout the Title IX or Equity Process.

Advisor: Individual who will conduct cross-examination and other questions on behalf of a Party at a hearing.

Hearing Officer: Individual who will preside over and rule on objections and the relevancy of questions and evidence during a Title IX hearing.

Hearing Panel Chair: Individual who will preside over a hearing.

Equity Resolution Appellate Officer: Individual appointed to review a prior decision of a decision-maker(s).

Who's Who?

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
 - *Examples:* 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

Scenario 1

Faculty member was reported to have asked a student to stay after class multiple times so he could “help” the student with the course. When the student repeatedly declined the faculty member’s request, he advised that the student would not receive the same grade unless the student continued to visit him after class – that he liked the attention and had thought there was something special between them.

Scenario 2

Complainant reports that she ended her long-term relationship with Respondent a month ago, but Respondent won't leave her alone. She provides screenshots of 100 text messages from Respondent. In one of the text messages, Respondent says that she looked pretty in that red dress. Complainant reported that the day she received that text, she was wearing a red dress. Complainant says that she is scared to come to class now because Respondent is also a student and is worried about running into Respondent on campus.

Title IX & Equity Office
240 JCP North
314-516-5748

Title IX Coordinator: Jessica Swederske
Swederskej@umsl.edu

Investigator: Libby Cozzoni
ecozzoni@umsl.edu

