

DO I NEED TO REPORT THIS?

**MANDATORY REPORTING
EQUITY & TITLE IX**

AUGUST 2023

CONSIDER THIS ...

Staff member from S&T calls in upset that her supervisor did not provide her information about her leave options, including FMLA, which she tells you is important as she wants to get as much paid time off as possible during maternity leave. As you discuss FMLA and benefit options, the staff member discloses that her supervisor has reduced her schedule by 20%, and rather than allowing her to continue working in the field, started scheduling her to desk work to compile data for the grant. Staff member indicates that she has asked the supervisor to return her to her normal schedule and duties, but so far, the supervisor told her that she did not want to add any additional stress to her “in her condition.”

CONSIDER THIS ...

You have now hung up with the caller.

Does this trigger a reporting obligation?

If so, how do you make a report?

MANDATORY REPORTING

EQUITY & TITLE IX

MANDATORY REPORTING

THE WHO & THE WHAT

All employees of the University, unless exempted, who become aware of any form of possible discrimination or harassment, including sexual harassment, are Mandated Reporters.

- ❖ *If you are unsure whether it is necessary, reach out to the appropriate Equity & Title IX Office to discuss whether the situation requires you make a mandated report.*

MANDATORY REPORTING

WHO IS EXEMPTED?



MANDATORY REPORTING

WHAT MUST BE REPORTED?



MANDATORY REPORTING

WHEN MUST INFORMATION BE REPORTED?

As soon as possible.

MANDATORY R

EQUITY

[CRR 600.010](#)

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 (gender),**
- **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 a 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 or Harassment. Conduct that is based upon a protected class that:

1. **Adversely affects** a term or condition of employment, education,

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 garb as per the employee's religious beliefs.
ng caa* (bel)e.5 (t)3.5 (abs)-2 (M1.4 (oy)4 (ee")19.4 .1.4 (i)14-1.9 M1.4bse')1 beiscted moy beicT

KNOWLEDGE CHECK

- Co-worker A leaves around the breakroom memes that include racial and ethnic stereotypes even after Co-worker B asked Co-worker A to stop, resulting in Co-worker B to no longer use the breakroom.

KNOWLEDGE CHECK

- Student complainant filed a report to the Equity and Title IX Office alleging that female students were required to present their oral exams while wearing skirts, though the male students could wear pants.

KNOWLEDGE CHECK

- A Deaf applicant applying for an on-campus job in a print shop requested that a sign language interpreter be provided for the interview, however, the print shop supervisor did not provide such an interpreter.

KNOWLEDGE CHECK

- Dana has been working for University Hospital's IT department for 15 years and is 57 years old. She reports that her supervisor has made multiple comments about how great it is when "freshblood" gets into the department, since the millennials are not old dogs and *can* learn new tricks. Dana reports that she has requested to attend various IT trainings but is repeatedly turned down and has not received more than a 1% merit raise in 3 years. Dana also reports that new hires are typically between 22-25 years old.

Title IX, Sexual Harassment

[CRR 600.020](#)

Title IX

Title IX of the Education Amendments of 1972

“No person in the United States shall, on the basis of **sex**, be

Title IX Sexual Harassment

-

KNOWLEDGE CHECK

- 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.

KNOWLEDGE CHECK

- 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.

KNOWLEDGE CHECK

- Employee reported that her supervisor near the end of the day
w

Process and Procedure

Equity & Title IX

Jurisdiction

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

EQUITY

-

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
- Occurs against a person in the US

Supportive Measures

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



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

The Processes

Title IX

BEST PRACTICES

- Remain calm and exhibit empathy

—

BEST PRACTICES

- What can empathy look like in this situation?
 - *Affirming statements*: “I can’t imagine what you must be going through.” or “I’m sorry to hear this happened to you.”
 - *Acknowledging vulnerability*: “This must be hard to talk about.” or “I appreciate you sharing with me.”
 - *Showing interest*: “How are you feeling?” or “Do you have the support you need?”
 - *Being supportive*: “How can I help you?” or “What are your immediate concerns?” or “I am happy to connect you with support resources on campus.”

REMEMBER THIS ...

Staff member from S&T calls in upset that her supervisor did not provide her information about her leave options, including FMLA, which she tells you is important as she wants to get as much paid time off as possible during maternity leave. As you discuss FMLA and benefit options, the staff member discloses that her supervisor has reduced her schedule by 20%, and rather than allowing her to continue working in the field, started scheduling her to desk work to compile data for the grant. Staff member indicates that she has asked the supervisor to return her to her normal schedule and duties, but so far, the supervisor told her that she did not want to add any additional stress to her “in her condition.” **If you took this call, what would you do?**

OFFICE CONTACT INFORMATION

OFFICE CONTACT INFORMATION

OFFICE CONTACT INFORMATION

OFFICE CONTACT INFORMATION

QUESTIONS?

cecilyhicks@umsystem.edu