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Equity

Discrimination & Harassment

2

Scenario for Equity

Betty 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. Betty 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. Betty also reports that new hires are typically between 22-25 years old.

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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,

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

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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

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

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-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

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

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

Who is Entitled to What Process?

Title IX

Informal Resolution*

Hearing P
Resp**

Facilitated
Dialogue/Mediation

Administrative
Resolution

Dismissal & Summary Determination

