

# Sexual Misconduct

Policy and  
Procedures at UCM

# **Title IX of the Education Amendment 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 educational program or activity receiving federal financial assistance.”*

## **TITLE IX – FEDERAL LAW**

- EDUCATION AMENDMENTS OF 1972, 20 U.S.C. A§ 1681  
ET. SEQ.

# EEO is Federal Law

- ◆ Title VII of the Civil Rights Act of 1964
  - ◆ Prohibits discrimination in terms, conditions, or privileges of employment based on race, color, religion, national origin, sex
  - ◆ Unlawful to discriminate in job advertising, recruitment, selection, assignment, transfer, classification, promotion, wages, salary, discipline, training, seniority, benefits, layoffs, recall, termination, etc.

# New UCM Policy, August 2020

- ◆ The University of Central Missouri seeks to foster a safe and healthy environment built on mutual respect and trust and is committed to affording **equal opportunity in employment and education.**
- ◆ Sex discrimination, including sexual harassment, sexual violence, and other forms of **sexual misconduct will not be tolerated.**

- ◆ University policy and applicable law
  - ◆ prohibit sexual misconduct, sexual harassment, stalking, domestic violence, dating violence and sexual assault in the University's education programs and activities
  - ◆ prohibit discrimination on the basis of any protected characteristic, including under this policy sex, pregnancy, gender identity, gender expression, and gender (non)conformity.
  
- ◆ UCM does not tolerate sex discrimination. As used in this policy, the word "sex" is also inclusive of the term "gender."

# New Definitions

- “*Sexual misconduct*” includes conduct that can be classified as sex discrimination, sexual harassment, sexual violence, and other conduct of a sexual nature as defined by UCM policy.
- Title VII: Severe or pervasive
- Title IX: Severe, pervasive, and objectively offensive

# Sexual Harassment

- “Sexual harassment” means conduct on the basis of sex that satisfies *one or more of the following*:
  - An employee of the university conditioning the provision or denial of an aid, benefit, or service of the university on an individual’s participation in sexual conduct (**Quid Pro Quo**);
  - Unwelcome conduct that a reasonable person would find to be *so severe, pervasive, and objectively offensive* that it effectively **denies a person equal access** to the University’s education program or activity; or
  - Any instance of **sexual assault** (as defined by the Clery Act), **dating violence, domestic violence, or stalking** (each as defined in the Violence Against Women Act (VAWA)).

# Who? What? When? Where?

This policy applies to all students, employees, volunteers, visitors, contractors, customers, and other participants **in all aspects of the university's education programs or activities, whether such programs or activities occur on-campus or off-campus**

On campus incidents or within University programs:  
jurisdiction to investigate or act

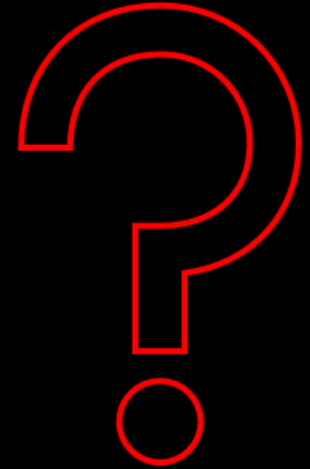
Off campus: may not investigate. Unless:

The University has **substantial control** over the respondent and the context where it occurred (programs and locations, ownership by organization)

There is a pattern or behavior which creates a greater threat to the University community



# What happens if....



- ◆ Off campus incidents – private residences, student and employees
- ◆ Study Abroad
- ◆ “Other” harassment – texts, social media
- ◆ Roommates
- ◆ Individual(s) not related to the University, incidents on campus

# Being A Mandated Reporter at UCM

- All UCM employees (other than student or temporary employees) are mandated reporters, unless otherwise designated with a legal obligation or privilege or confidentiality
- You **ARE** a mandated reporter: You have the duty to promptly report incidents of sexual misconduct to the Title IX Coordinator
- You can not remain anonymous and you can not promise confidentiality
- A mandated reporter *must* report all details that they possess, including names of parties, and all other information known – even if other mandated reporters or authorities are present
- Applies to acting in the official capacity when the disclosure was made



**Please DO NOT investigate on your  
own**

# Non-Compliance as a Mandated Reporter



*Failure to comply with this policy can result in disciplinary action. Employees also are cautioned that non-compliance with this policy may increase their risk of personal liability.*



Further, an individual who fails to report as required under this policy may be determined to be ineligible for defense or protection by the University for any associated claims, causes of action, liabilities or damages.

# Responding to disclosures of sexual misconduct

- If possible, tell of your responsibility to report before continuing with the conversation.
- Listen – it can be an awkward conversation
- Safety
- Honor privacy (*you can not promise confidentiality* – requests will be discussed with the Title IX Office)
- Provide gratitude for sharing their experience
- Use supportive language
- Refrain from judging
- Support and resources – let them know where the information goes and they will receive communications (Up not Out)



# How to Report

- **Mandatory Reporting Form**
- **Under Title IX link on the bottom of each UCM webpage**
  - **Title IX/Sexual Misconduct**
  - **Complainant vs. Respondent**
- **If immediate response is necessary, please call Public Safety.**

If you provide supportive measures,

You *MUST* document what supportive measures were provided.

- Examples:
  - Immediately (or later) moving a student to a safe room or other residence hall
  - Walked a student to the counseling center



**Report received**



**Reviewed by the Title IX Office**



**Appropriate Outreach (Coordinator, Investigator, Case Manager, etc.)**



**Supportive Measures**



**If not sexual misconduct or there is no element of investigation, a referral may be made**



**Formal Grievance Process - Options**



**Complainant requests no investigation, no further action or no assistance**



**No response**

# Overview of the Process



# University Response

- Assistance and support are available, regardless if a formal complaint is filed
- Options for those who have experienced sexual misconduct
- Formal complaints must be filed with, or signed by, the Title IX Coordinator for a formal process/action to take place against a student or employee
- Equitable treatment and equal rights for the complainant and respondent – no disciplinary action until a determination has been made

# *New*

- Live hearing and cross-examination during formal grievance process
  - *You may have to attend a hearing*
- Advisors
- Informal resolutions available
  - Not available when an employee engaged in sexual misconduct toward a student
- Bans/restrictions – immediate threat to the physical health or safety of others, possible interim measure

# THE “BLACK HOLE OF TITLE IX”

- ◆ **“The University is not doing anything.” “Nothing is happening.” “No one cares.”**
  - ◆ **The University response begins the moment a report is received.**
  - ◆ **This process is private. FERPA protections.**
  - ◆ **What you hear is partial information.**
  - ◆ **The complainant has not responded or chose not to pursue the matter.**
  
- ◆ **“I don’t know anything, and I was the reporter.”**
  - ◆ **After a report is made, you will not be contacted unless additional information is needed, further assistance is needed, or you are called for a hearing.**
  
- ◆ **“Why is that person still here?!”**
  - ◆ **The University has determined that a person is not a further threat. No disciplinary action will be taken without a determination.**

# The Clery Act and Title IX

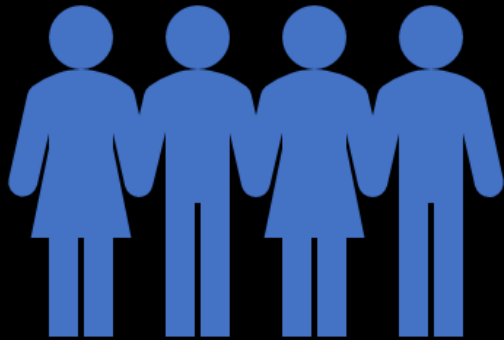
**The Clery Act is a federal law that requires institutions to disclose information about crime reported on and around their campuses.**

**Our staff are required to make statistical disclosures without identifying information (time, date, location, incident type).**

**UCM Public Safety**

**Timely Warnings and Emergency Notifications (serious or continuous threat, personal protection)**

# Supportive Measures



- ◇ **Student Experience and Engagement (SEE)**
  - ◇ 660-543-4114, ADM 214
- ◇ **Title IX Case Manager**
  - ◇ 660-543-8328, ADM 213
- ◇ **Title IX Support Line (*Confidential*)**
  - ◇ 660-441-4855
- ◇ **UCM Counseling Center (*Confidential*)**
  - ◇ 660-543-4060, HUM 131
- ◇ **University Health Center (*Confidential*)**
  - ◇ 660-543-4770, Intersection of College and Clark

# Examples of Supportive and Interim Measures

- Mutual No Contact Orders
- Temporary location restrictions
- Campus escort services, when available
- Increased security and monitoring of certain areas of the campus
- Connection with counselors or therapists, medical assistance, law enforcement, and referrals to attorneys, legal aid and courts
- Academic accommodations and schedule changes
- Leaves of absence
- Non-punitive adjustments to work schedules or temporary relocation to another work assignment for the protection of both parties
- The ability to withdraw from/retake a class without penalty
- Access to academic support such as tutoring, retaking exams or requesting extensions of deadlines or other course-related adjustments
- The ability to change living arrangements or dining facilities as space allows, safe space locations
- Off campus resources and support

# Immediate Assistance

If the individual discloses that they are in **imminent danger** or there is an emergency, please call **911**.

## **UCM Public Safety (on campus, also mandated reporters)**

660-543-4123

306 Broad Street

Text Line: 660-422-2632

## **Warrensburg Police Department (off campus)**

660-747-2265

102B South Holden Street

911 for emergencies

## **Western Missouri Medical Center**

403 Burkarth

660-747-2500



# Support

**Support is a *primary* component of our process. At UCM, supportive measures are coordinated through Student Experience & Engagement and the Title IX Office. Support will primarily be coordinated through the Title IX Case Manager, or others as appropriate.**

**The complainant and respondent are provided equal access.**

**On campus and off campus support is available. Should the individual prefer an off-campus resource, the Case Manager will assist with connecting the individual with the requested support.**

**Remember to practice self-care and to set your own, healthy boundaries.**



# Questions?

## Dr. Corey Bowman, Title IX Coordinator

- 660-543-4114, [bowman@ucmo.edu](mailto:bowman@ucmo.edu), ADM 214

## Rick Dixon, Deputy Title IX Coordinator

- Investigator, Primarily Employees
- 660-543-8958, [rdixon@ucmo.edu](mailto:rdixon@ucmo.edu), ADM 213

## Heather Jennings, Deputy Title IX Coordinator

- Investigator, Primarily Students
- 660-543-8030, [hjennings@ucmo.edu](mailto:hjennings@ucmo.edu), ADM 213

## Heather Lawson, Title IX Case Manager

- Resources and Support
- 660-543-8328, [hlawson@ucmo.edu](mailto:hlawson@ucmo.edu), ADM 213