

600.010 Equal Employment/Educational Opportunity and Nondiscrimination Policy - for matters involving conduct alleged to have occurred on or after August 14, 2020

Bd. Min. 2-19-71; Reaffirmed Bd. Min. 10-14-77; Amended Bd. Min. 5-23-80; Amended Bd. Min. 10-15-82; Amended Bd. Min. 10-16-03; Amended Bd. Min. 6-19-14; Revised 9-22-14 by Executive Order 41. Revised 2-5-15; Revised 2-9-17 with effective date of 3-1-17; Revised 7-28-20 with effective date of 8-14-20; [Amended Bd. 11-20-24](#); [Amended 8-4-2026](#).

A. Equal Employment/Educational Opportunity Policy and Statement of

Nondiscrimination. The Curators of the University of Missouri does hereby reaffirm and state the policy of the University of Missouri on Equal Employment/Educational Opportunity and Nondiscrimination.

1. Equal Opportunity is and shall be provided for all employees and applicants for employment on the basis of their demonstrated ability and competence without unlawful discrimination on the basis of their race, color, national origin, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, gender expression, age, disability, protected veteran status, [marital status](#), or any other status protected by applicable state or federal law. This policy shall not be interpreted in such a manner as to violate the legal rights of religious organizations or the recruiting rights of military organizations associated with the Armed Forces or the Department of Homeland Security of the United States of America.
2. Equal Opportunity is and shall be provided for all students and applicants for admission without unlawful discrimination on the basis of their race, color, national origin, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, gender expression, age, disability, protected veteran status, [marital status](#), or any other status protected by applicable state or federal law. This policy shall not be interpreted in such a manner as to violate the legal rights of religious organizations or the recruiting rights of military organizations associated with the Armed Forces or the Department of Homeland Security of the United States of America.
3. 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, [marital status](#), and any other status protected by applicable state or federal law. ~~As used in this policy, the word “sex” is also inclusive of the term “gender.”~~

3.4. Sexual Harassment, as defined in CRR 600.020, is governed exclusively by CRR 600.020 and CRR 600.030. All other forms of sex-based discrimination and harassment are governed by this policy.

The University's Nondiscrimination policies apply to any phase of its employment process, any phase of its admission or financial aid programs, other aspects of its educational programs or activities, and instances occurring in other settings, including off-campus, if there are effects of the conduct that interfere with or limit any person's ability to participate in or benefit from the University's educational programs, activities or employment. Notices of Nondiscrimination are posted online and in physical locations for the UM System and each of the Universities in the System.

The President of the University shall establish affirmative action procedures to implement this policy.

- B. **Definitions of Discrimination and Harassment.** For purposes of determining whether a particular course of conduct constitutes prohibited discrimination or harassment under this policy, the following definitions will be used:

1.—Discrimination or Harassment. Conduct that is based upon an individual's race, color, national origin, ancestry, religion, ~~sexual orientation~~, age, disability, protected veteran status, marital status, sex, pregnancy, sexual orientation, gender identity, gender expression, including sex discrimination as defined below, or any other status protected by applicable state or federal law that adversely affects a term or condition of employment, education, living environment or participation in a University activity.

a.1. Adversely affects a term or condition of employment, education, living environment or participation in a University activity; or

b.—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; or

2. **Harassment.** Conduct that is based upon an individual's race, color, national origin, ancestry, religion, age, disability, protected veteran status, marital status, sex, pregnancy, sexual orientation, gender identity, gender expression, or any other status protected by applicable state or federal law that 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.

~~This includes Sex Discrimination and Harassment. Sex discrimination or harassment is conduct that is sexual harassment as defined in CRR 600.020 based upon an individual's sex, pregnancy, gender identity, or gender expression that adversely affects a term or condition of an individual's employment, education, living environment, or participation in a University education program or activity. Sex discrimination under this policy includes the following that occurs outside the University's education programs, activities, or employment, or occurs outside the United States, but nonetheless has an effect that interferes with or limits any person's ability to participate in or benefit from the University's education programs, activities, or employment.:~~

~~a.—Sexual Harassment, as defined in CRR 600.020, is governed exclusively by CRR 600.020 and CRR 600.030. All other forms of sex-based discrimination are governed by this policy, including sex-based harassment that does not rise to the level of Sexual Harassment as defined in CRR 600.020, and conduct that meets the substantive definition of Sexual Harassment as defined in CRR 600.020 that occurs outside the University's education programs, activities, or employment, or occurs outside the United States, but nonetheless has an effect that interferes with or limits any person's ability to participate in or benefit from the University's education programs, activities or employment;~~

~~b.—Workplace sexual harassment: Conduct that 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 education programs, activities or employment;~~

~~c.—Sex discrimination that does not involve conduct of a sexual nature.~~

3. Consent to Sexual Activity. Consent to sexual activity is knowing and voluntary. Consent to sexual activity requires of all involved persons a conscious and voluntary agreement to engage in sexual activity. Each person engaged in the sexual activity must have met the legal age of consent. It is

the responsibility of each person to ensure they have the consent of all others engaged in the sexual activity. Consent must be obtained at the time of the specific activity and can be withdrawn at any time. Consent, lack of consent, or withdrawal of consent may be communicated by words or non-verbal acts.

Someone who is incapacitated cannot consent. Silence or absence of resistance does not establish consent. The existence of a dating relationship or past sexual relations between the Parties involved should never by itself be assumed to be an indicator of consent. Further, consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

Coercion ~~or and force, or threat of either,~~ invalidates consent.

4. Coercion.

- a. Threats of serious harm to or physical restraint against any person;
- b. Any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
- c. The abuse or threatened abuse of law or the legal process.

3.5. Serious Harm. Any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing an action in order to avoid incurring that harm.

4.6. Incapacitated or incapacitation. A state in which rational decision-making or the ability to consent is rendered impossible because of a person's temporary or permanent physical or mental impairment, including but not limited to physical or mental impairment resulting from drugs or alcohol, disability, sleep, unconsciousness or illness. Consent does not exist when the Respondent knew or should have known of the other individual's incapacitation. Incapacitation is determined based on the totality of the circumstances. Incapacitation is more than ~~intoxication~~intoxication, but intoxication can cause incapacitation.

Factors to consider in determining incapacity include, but are not limited to, the following:

- a. Lack of awareness of circumstances or surroundings (e.g., an inability to understand, either temporarily or permanently, the who, what, where, how and/or why of the circumstances; **blackout state**)
- b. Inability to physically or verbally communicate coherently, particularly with regard to consent (e.g., slurred or incoherent speech)
- c. Lack of full control over physical movements (e.g., difficulty walking or standing without stumbling or assistance)
- d. Physical symptoms (e.g., vomiting or incontinence)

7. Antisemitism- The University complies with Section 173.001 of the Missouri Revised Statutes regarding antisemitism.

- a. In compliance with that statute, the International Holocaust Remembrance Alliance's (IHRA) Working Definition of Antisemitism, including its contemporary examples, as it was adopted on May 26, 2016, is used as a tool and guide for recognizing and combating antisemitism, in which antisemitism is defined as Aa certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.
- b. Criticism of Israel that is similar to criticism toward any other country shall not be construed to be antisemitic. In determining a complaint regarding possible antisemitic speech relating to criticism of Israel, the educational institution shall consider whether the speech is explicitly related to public policy or applies materially inconsistent standards, expectations, or condemnation to Israel as compared with other nations in comparable circumstances. Such consideration shall be one factor among the totality of the circumstances and shall not be independently determinative of whether the speech is antisemitic. As stated in Section 173.001.5(1), RSMo, this provision “shall only apply if the conduct relating to the speech is also determined to have created an atmosphere or circumstance in which individuals working at, visiting, or attending the educational institution and the educational institution's services and facilities either by physically

impeding such activity or by creating an atmosphere of fear or intimidation.”

- c. Harassment or discrimination that is motivated by or including antisemitism is prohibited and shall be treated in an identical manner to harassment or discrimination motivated by race.
- d. Nothing in this section shall be applied in ways that diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States or the Constitution of Missouri.

C. Equity Officers. Duties and responsibilities of the University’s Equity Officers include monitoring and oversight of overall implementation and compliance with the University’s Equal Employment/Educational Opportunity and Nondiscrimination Policy, including coordination of training, education, communications and coordination with the equity resolution processes for faculty, staff, students and other members of the University community and investigation of complaints of discrimination, harassment, and retaliation. Equity Officers also serve as Title VI and Title IX Officers. Equity Officers will be responsible for reporting incidents and complaints of antisemitic discrimination or harassment to the extent required by Missouri law.

Any person having inquiries concerning this policy should contact their respective UM System or University Equity Officer. The following individuals serve as Equity Officers and are designated to handle inquiries regarding the Anti-Discrimination policies and to serve as the coordinators for purposes of compliance with those policies:

University of Missouri System and University of Missouri-Columbia

Andy Hayes, J.D.

Equity Officer

Website: <https://www.umkc.edu/titleix/equity.missouri.edu>

Email: equity@umkc.edu equity@missouri.edu

Phone: 573-882-3880

Address:

~~University of Missouri~~

~~320 Jesse Hall~~

Columbia, MO 65211

Telephone: (573) 882-2824

Email: hayesas@missouri.edu
equity.missouri.edu

University of Missouri-Kansas City

KC Atchinson, J.D.

Equity Officer

Website: <https://www.umkc.edu/titleix/www.umkc.edu/titleix>

Email: eqtix@umkc.edu

Phone: [816-235-1771](tel:816-235-1771)

Address:

Administrative Center

5115 Oak Street, Room 212D

Kansas City, MO 64112

Telephone: [816-235-6705](tel:816-235-6705)

Email: atchinsonk@umkc.edu

www.umkc.edu/titleix

Missouri University of Science and Technology

Paul Hirtz, Ph.D.

Equity Officer

Website: <https://titleix.mst.edu/equity.mst.edu> **Address:**

Technology Development Center

900 Innovation Drive, Suite 500

Rolla, MO 65409-1040

Telephone: [573-341-4655](tel:573-341-4655) [7734](tel:573-341-7734)

Email: hirtzequity@mst.edu

titleix.mst.edu

University of Missouri-St. Louis

Jessica Swederske

Equity Officer

Website: <https://www.umsl.edu/oiec/title-ix/index.html> www.umsl.edu/oiec/title-ix

Address:

One University Boulevard

153 JC Penney North

~~St. Louis, MO 63121~~

~~☎~~ **Telephone:** 314-516-5748

Email: ~~titleix@umsl.edu~~ swederskej@umsl.edu

~~www.umsl.edu/title-ix~~

University of Missouri Health System

Julia Ware, M.D., J.D., CPHRM, CPPS

Equity Officer

~~**Address:**~~

~~One Hospital Drive~~

~~Columbia, MO 65212~~

Telephone: 573-882-8187

Email: wareja@health.missouri.edu

NOTE: All references to “Equity Officer” throughout this policy refer to the Equity Officer or the Equity Officer’s designee.

If the Complaint involves the University’s Equity Officer, reports may be made to the System Equity Officer. If the Complaint involves the System Equity Officer, reports may be made to the System President. The contact information for the System President is:

Office of the President

105 Jesse Hall

Columbia, MO 65211

Telephone: (573) 882-2011

Email: president@umsystem.edu

NOTE: The above-listed contact information for Equity Officers may be updated as needed and without requiring the approval of the Board of Curators.

- D. **Equity Resolution Processes.** The University is committed to preventing and eliminating impermissible discrimination and harassment in its educational programs, ~~activities~~[activities](#), and employment. To that end, the University maintains policies regarding reporting, investigation, and resolution of complaints of discrimination or harassment. Specifically, please see:

1. Section 600.040 – Equity Resolution Process for Resolving Complaints of Discrimination and Harassment Against a Faculty Member or Student or Student Organization
2. Section 600.050 – Equity Resolution Process for Resolving Complaints of Discrimination and Harassment Against a Staff Member or the University of Missouri

E. Reporting Discrimination or Harassment

1. **Students, Employees, Volunteers, and Visitors.** Students, employees, volunteers, and visitors of the University who have experienced any form of discrimination or harassment are encouraged to report the incident promptly to the appropriate Equity Officer listed in Section 600.010.C above. In addition, students, volunteers, and visitors of the University who have witnessed such conduct are encouraged to report the incident promptly to the appropriate Equity Officer. The University will respond to all such reports pursuant to one of its Title IX or Equity Resolution Processes (see Sections 600.030, 600.040, 600.050).
2. **Mandated Reporters.** Any employee of the University, except as noted below, who becomes aware of discrimination or 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.
3. **Employees with a Legal Obligation or Privilege of Confidentiality.** Employees with a legal obligation or privilege of confidentiality (including health care providers, counselors, journalists, lawyers, and their associated staff) are not considered Mandated Reporters and are not required to report when the information is learned in the course of a confidential communication. This also means that the employee seeking the exemption is employed by the University for that specific purpose and was acting in that capacity when the confidential disclosure was made. If the information is not learned in the course of confidential communication (for example, behavior is observed in class) then the employee has the same obligation as a Mandated Reporter.
4. **Designated Confidential Employees.** Consistent with the law and upon approval from the Office of the General Counsel, a University may also designate non-professional counselors or advocates as confidential for

purposes of this policy and, therefore, excluded from the definition of Mandated Reporters.

5. **Required Reporting.** A Mandated Reporter is required to promptly report the information to the appropriate Equity Officer. A 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 Equity Officer.
6. **Content of Mandated Report to Equity Officer.** Mandated Reporters must report all details that they possess. This includes names of the Parties, if known, and all other information in the Mandated Reporter's possession.
7. **Non-compliance.** Failure to comply with this policy can result in disciplinary action under applicable University policies. 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 under Section 490.010 of the University's Collected Rules and Regulations for any associated claims, causes of action, liabilities or damages.

F. Retaliation, False Reporting, and Witness Intimidation or Harassment.

1. Retaliation is any adverse action taken against a person because of that person's participation in protected activity. The phrase "participation in a protected activity" includes refusal to participate in proceedings involving sex discrimination under CRRs 600.040 and 600.050. Any person who engages in such retaliation shall be subject to disciplinary action, up to and including expulsion or termination, in accordance with applicable procedures. Any person who believes they have been subjected to retaliation is encouraged to notify the Equity Officer. The University will promptly respond to all claims of retaliation in accordance with this policy. Examples of prohibited retaliation include, but are not limited to, giving a lesser grade than the student's academic work warrants because the student filed a report or Complaint of discrimination or harassment; giving lower than

justified performance appraisals because a person was a witness in an investigation of alleged discrimination or harassment; and threatening to spread false information about a person for filing a report or Complaint of discrimination or harassment.

2. False reporting is making an intentional false report or accusation in relation to this policy as opposed to a report or accusation, which, even if erroneous, is made in good faith.
3. The University prohibits attempted or actual intimidation or harassment of any potential Party or witness. No individual participating in an investigation relating to a report or Complaint that a violation of this policy has occurred should, directly or through others, take any action which may interfere with the investigation.
4. For situations involving alleged retaliation, false reporting, and witness intimidation or harassment, the Equity Officer will refer the matter to the appropriate University process.

G. U.S. Department of Education – Office for Civil Rights. Inquiries concerning discrimination in educational opportunities also may be referred to the United States Department of Education’s Office of Civil Rights. For further information on notice of nondiscrimination and for the address and phone number of the U.S. Department of Education office which serves your area call 1-800-421-3481.

The State of Missouri Regional Office for Civil Rights is located in Kansas City and is available to provide assistance.

Office for Civil Rights
U.S. Department of Education
One Petticoat Lane
1010 Walnut, 3rd Floor, Suite 320
Kansas City, MO 64106
Telephone: (816) 268-0550
FAX: (816) 268-0559
TDD: (800) 877-8339
Email: OCR.KansasCity@ed.gov