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A) Sexual Harassment in Education. The University is committed to affording equal employment and education opportunities to its employees and students, and to creating an environment free from discrimination and harassment. In furtherance of these commitments, both University policy and applicable state and federal law, prohibit all students, employees, volunteers and visitors at the University from engaging in sexual harassment in a University education program or activity against a person in the United States.

This policy applies to sexual harassment in any phase of the University's employment process, any phase of its admission or financial aid programs, and all other aspects of its education programs or activities. For purposes of this policy, "education program or activity" includes locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the conduct occurs, and includes any building owned or controlled by a student organization that is officially recognized by the University. This policy and CRR 600.030 do not apply to sexual harassment that happens outside the United States, even when the conduct occurs in an education program or activity of the University.

B) Definitions

1) Sexual Harassment. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- a) Quid Pro Quo - An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
- b) 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;
- c) Sexual assault - Any sexual act that constitutes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape, as defined below:
  - (i) Rape is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object, without the consent of the victim. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent. Attempted Rape is included.

(ii) "Sodomy" is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

(iii) "Sexual Assault with an Object" is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim

3) ! 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 circ

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If the report of alleged sexual harassment in a University education program or activity involves the University's Title IX Coordinator, reports may be made to the System Title IX Coordinator. If the report involves the System Title IX Coordinator, 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](mailto:president@umsystem.edu)

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

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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.

- 6) Content of Mandated Report to Title IX Coordinator . 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. Employees also are cautioned that non-compliance with this policy may increase

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