



**SOUTHEAST MISSOURI**  
STATE UNIVERSITY · 1873®

**BUSINESS  
POLICY AND  
PROCEDURE  
MANUAL**

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Section: ADMINISTRATION		Classification Code: 01-03
Subject: ANTI-HARASSMENT AND NON-DISCRIMINATION		

## GENERAL STATEMENT OF POLICY

Southeast Missouri State University is committed to providing a safe, inclusive, civil, positive and respectful learning, living, and working environment for its students, faculty, staff, and visitors, free from harassment or discrimination in any form. Through this policy, the University provides means to address discrimination, discriminatory harassment, sexual harassment that does not fall within the scope of the University’s jurisdiction under Title IX of the 1972 Education Amendments, and related misconduct. The primary goals of this policy are to prevent discrimination and harassment, to provide for prompt and appropriate remedial action to be taken to address to end such discrimination and harassment when it occurs, and to prevent its recurrence.

This policy prohibiting discrimination and harassment applies to all members of the University community, and to discrimination and harassment based on any classification protected by this policy and applicable law, including race, ethnicity, religion, national origin, sex, gender, sexual orientation, gender identity, age, genetic information, disability, or protected veteran status. Discrimination or harassment by members of the University community based on any of these classifications is reprehensible and will not be tolerated by the University. It subverts the mission of the University and threatens the careers, educational experience, and well-being of students, faculty, and staff.

This policy is intended to be consistent with the academic mission of the University and with the legal requirements of applicable federal and state laws prohibiting harassment or discrimination, including, but not limited to, Title IX of the 1972 Education Amendments, which prohibits discrimination based on sex/gender in the University’s educational programs and activities, and requires equal and fair treatment based on sex; and Title VII of the Civil Rights Act of 1964, the Missouri Human Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Vietnam-Era Veterans Readjustment Act, the Genetic Information Nondiscrimination Act of 2008, and all amendments to the foregoing.

This policy also prohibits retaliation against anyone who asserts a claim of discrimination or harassment, participates in a discrimination or harassment investigation, or otherwise opposes unlawful harassment. Reprisal or retaliation against an individual for making a complaint of discrimination or harassment, or for using or participating in the informal or formal complaint process, is a violation of University policy, and any such action is cause for disciplinary action.

The Assistant to the President for Equity & Diversity is responsible for maintaining operating procedures related to this policy.

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## OPERATING PROCEDURES

### 1. Discrimination or Discriminatory Harassment

Discrimination is generally defined as a materially adverse action affecting the terms and conditions of employment or academic status that is taken because of an individual's race, color, national origin, age, religion, sex, gender, sexual orientation, gender identity or expression, veteran status, disability or genetic information.

#### A. Equal Employment Opportunities

The University's nondiscrimination policy and commitment to equal opportunity applies to all applicants for employment, to all phases of the employment process, and to all terms and conditions of employment with the University.

#### B. Access to Educational Opportunities

The University's prohibition against discrimination also applies to admission policies and practices, financial aid programs and to all other aspects of the University's educational programs and activities offered or sponsored by the University, in accordance with applicable law, including the requirements of Title IX of the Education Amendments of 1972, which requires the University not to discriminate based on sex in its education programs and activities.

### 2. Harassment

Harassment is a form of discrimination. It is generally defined as unwelcome conduct, on or off campus, that is based on race, color, national origin, age, religion, sex, gender, sexual orientation, gender identity or expression, veteran status, disability or genetic information, that (1) is subjectively and objectively offensive, (2) is severe or pervasive, and (3) has the purpose or effect of unreasonably interfering with an individual's work or educational performance and creating an abusive, hostile or intimidating environment for work or learning. Whether conduct constitutes harassment often depends on the totality of the circumstances.

### 3. Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Missouri regard sexual harassment as an unlawful discriminatory practice. Southeast Missouri State University has adopted the following definition of sexual harassment to address the unique environment for our academic community.

Acts of sexual harassment may be committed by any person upon any person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Sexual harassment can be addressed and resolved under the University's Policies and Procedures for Defining and Adjudicating Sexual Harassment. As those Policies and Procedures explain, certain conduct is considered sexual harassment under Title IX, and certain instances of sexual harassment may be adjudicated under the grievance procedures for alleged Title IX violations. Other instances of sexual harassment that do not fall within

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the Title IX definition of sexual harassment or are outside the scope of the University's Title IX jurisdiction may be addressed under this Policy, the Code of Student Conduct or the Faculty Handbook.

Consistent with the University's intent to provide an atmosphere and environment conducive to education and professional activities, this policy also covers those activities which, in and of themselves, do not meet the legal definition of sexual harassment, but are inappropriate in professional settings or circumstances. Interpretation of this policy will give consideration to the principles of academic freedom and freedom of speech.

Students may obtain information about the University's sexual harassment policy and resolution procedures may be obtained from the Dean of Students Office, the Office of Institutional Equity & Diversity, the Office of Student Conduct or may be viewed online. Southeast employees may obtain information from the Office of Institutional Equity & Diversity; the Human Resources Offices; or may be viewed online.

A complaint of sexual harassment against an employee, undergraduate, or graduate student should be filed with the Title IX Coordinator regardless of the status of the complainant (i.e., student, faculty, or staff). The complaint will be investigated in accordance with the Procedures for Defining and Adjudicating Title IX Cases.

In addition to University channels, a person who believes that she or he has been subjected to discrimination or harassment may file a charge with the Missouri Commission on Human Rights, the Equal Employment Opportunity Commission, or the U.S. Office of Civil Rights. Information on filing charges with any of these agencies may be obtained from the University's Office of Institutional Equity & Diversity.

## 4. Filing A Complaint

For complaints against faculty, staff or third-party affiliates:

### **Sonia R. Rucker**

Assistant to the President for Equity & Diversity, Title IX Coordinator/Dean of Students  
 Office of Institutional Equity and Diversity  
 011 Academic Hall, MS 3375  
 Cape Girardeau, MO 63701  
 Office: (573) 651-2524  
 Email: [equityissues@semo.edu](mailto:equityissues@semo.edu)

### **Trae Mitten**

Title IX/Civil Rights Investigator/Assistant Dean of Students  
 Office of Institutional Equity and Diversity  
 010A Academic Hall, MS3375  
 Cape Girardeau, MO 63701  
 Office: (573) 651-2524  
 Email: [lmitten@semo.edu](mailto:lmitten@semo.edu)



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Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

**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: 816-268-0599

TDD: 800-877-8339

Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)