UNIVERSITY OF MISSOURI Office for Civil Rights & Title IX

2015-2016 ANNUAL REPORT

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Kathy Schmidtke Felts, MU Institutional Research and Quality Improvement Girl, MU Division of Informational Technology MU OCRT9 Staff

Dear Members of the University Community:

We invite you to review the first MU Office for Civil Rights & Title IX (OCRT9) Annual Report. The 2015-2016 Annual Report describes 674 alleged incidents of race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, disability, religion, age, genetic identity, or protected veteran status discrimination reported to OCRT9 from August 1, 2015, to July 31, 2016. Full investigations were requested in 53 matters and the evidence warranted holding 20 people responsible for various violations. To foster respect, 98 students, faculty or staff received targeted education after an allegation of discrimination so that they could better understand our non-discrimination policies and expectations. We also engaged with students, faculty and staff to provide 285 interim remedies, referrals, or other assistance tailored to their needs.

We hope that this report will provide you with a sense of the campus climate and demonstrate our efforts to identify, stop, and prevent discrimination and sexual violence. Let there be no doubt—our team and other stakeholders in the MU community are working tirelessly to stop discrimination on campus.

This report covers the Fall of 2015, when students protested and spoke out publicly against race discrimination as well as against hate-motivated incidents on campus, including one in which students were called "n----r" on Traditions Plaza, and another in which a swastika was discovered in a residence hall restroom. The day after the University President and Chancellor resigned, a race-based terroristic threat was posted on social media threatening the lives of people of color on campus. Even before these incidents occurred, administrators were working to centralize responsibility for receiving and acting on reports of discrimination, harassment and sexual violence on campus. The result was the creation of the Office for Civil Rights & Title IX in December 2015, which became part of the new Division of Inclusion, Diversity & Equity.

This is the first report of its kind at the University of Missouri, but it builds upon the 2014-2015 Title IX Office Annual Report. We will provide the community a report each year to identify trends and patterns. The annual data also helps the Office and the Division develop strategic plans and engage in more targeted training or education. We have an opportunity and an obligation to use this information to improve the civic culture on campus and to reduce discrimination.

Staff within the Office for Civil Rights & Title IX, among our Division of Inclusion, Diversity & Equity, and others throughout campus are engaging in preventative measures aimed at fostering respect and responsibility aimed at ending discrimination and sexual violence. We hope you will join us by doing your part. Learn more about steps you can take by following this link.

Sincerely,

Ellen Eardley, Assistant Vice Chancellor for Civil Rights and Title IX Salama Gallimore, Director of Investigations and Deputy Title IX Coordinator

Guide to the Office for Civil Rights & Title IX

History of the Office for Civil Rights & Title IX (OCRT9)

On December 1, 2015, Provost Garnett Stokes <u>announced</u> the creation of the Office for Civil Rights & Title IX (OCRT9) as an office in the Division of Inclusion, Diversity and Equity (IDE). The announcement of the new office served to inform the University Community of the expanded role of the Office previously known as the MU Title IX Office. Previously, the MU Title IX Office responded only to reports of sex and gender discrimination involving students. Other reports of prohibited discrimination involving students were handled by the Office of Student Conduct while the MU Equity Office responded to reports of discrimination involving employees, visitors and volunteers.

The Office for Civil Rights & Title IX was created to serve as a central place to respond to all reports of prohibited discrimination impacting all members of the University community. Currently, OCRT9 operates under the expanded role of responding to ALL reports of prohibited discrimination involving faculty, staff, students, visitors and volunteers.

Vision and Mission Statements

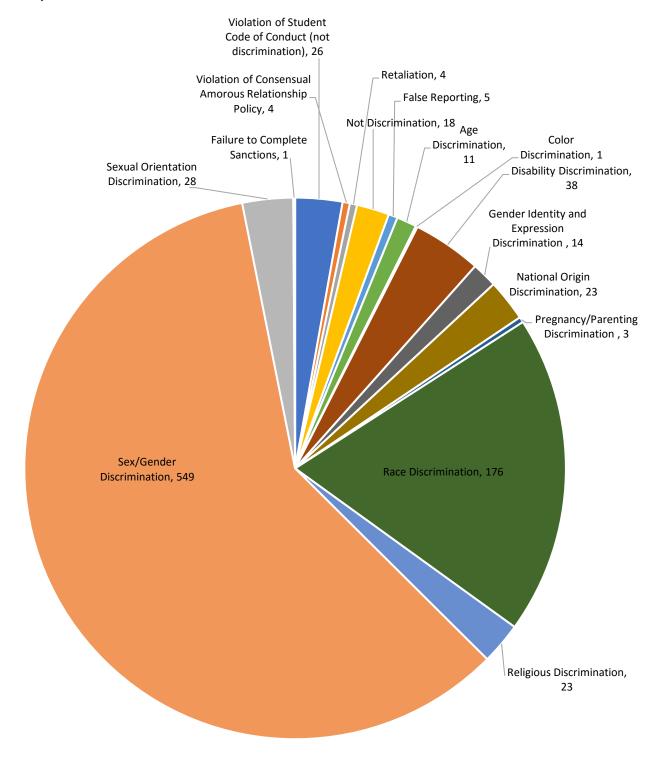
We envision an equitable and accessible campus community, free from discrimination, where inclusion and diversity are nurtured and endure.

To bring that vision into reality, we:

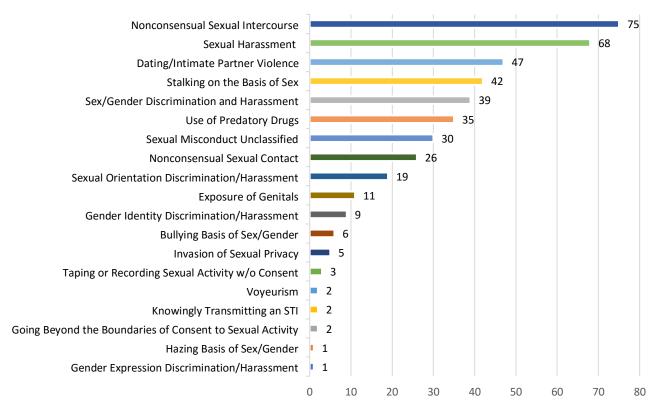
- Educate community members about non-discrimination, non-violence, and accessibility policies and practices; including individuals' rights and options;
- **Listen** to the equity concerns of the campus community;
- **Connect** people to resources that can support them if they experience discrimination, sexual violence, retaliation, or barriers to inclusion;
- **Investigate** and **resolve** potential violations of the university's non-discrimination policies;
- **Facilitate** conversations among parties to enhance understanding and build community when possible;
- Collaborate with units and departments within the campus community to **transform** existing practices to make them more inclusive and equitable;
- Address systemic discrimination and barriers to inclusion through review of patterns, trends, and policies;
- **Encourage** the community to view civil rights, Title IX, and ADA compliance as opportunities to be more inclusive and to practice our shared values of respect, responsibility, discovery, and excellence.

EXECUTIVE SUMMARY

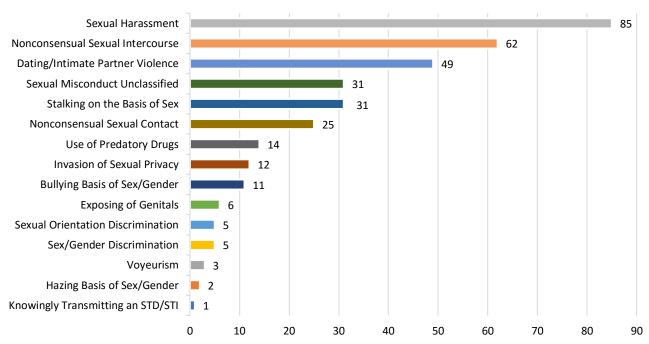
a. The Office for Civil Rights & Title IX (OCRT9) received 674 reports during the Annual Reporting Period (August 1, 2015, through July 31, 2016). These reports were further classified into 924 potential violations of University policies. The chart below shows a preliminary breakdown of reported violations.



b. During 2015-2016, there were **423** allegations of sex/gender discrimination in which the respondent was a student.

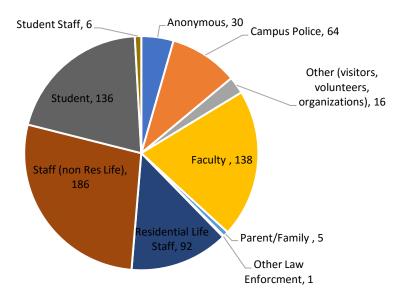


c. In comparison, during **2014-2015**, there were **342** allegations of sex/gender discrimination and related retaliation in which the respondent was a student.

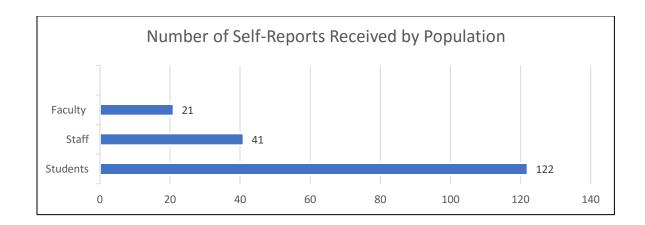


d. During 2015-2016, reports were submitted to OCRT9 via the <u>online incident reporting form</u>, by phone call, email and also in person. University employees submitted required reports of sex or gender discrimination and voluntary self-reports in which they described experiencing sex/gender discrimination. Employees also submitted voluntary reports of discrimination that were not sex or gender-based. We also received voluntary self-reports from students, visitors and volunteers as well as anonymous reports. Staff members, including Residential Life Staff and student staff, reported 43% of the incidents during the annual reporting period.

Number of Reports Made to OCRT9 by Reporter Type



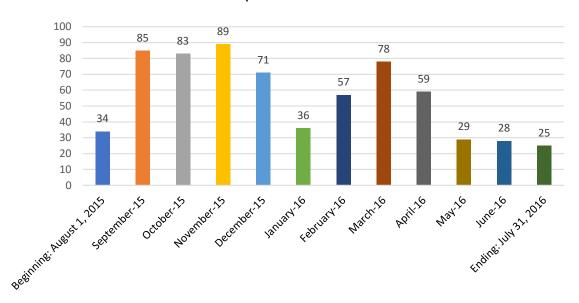
e. During the annual reporting period, OCRT9 received **184** reports in which the person who experienced the discrimination made the report. Voluntary self-reporting accounted for approximately **27%** of the total reports received by OCRT9. Students made up the largest percentage of voluntary self-reporters (66%) followed by staff (22%) and faculty (12%).



¹ The person reporting the incident may or may not be the same as the person who experienced the discrimination.

f. On average, OCRT9 received **56** reports per month during the annual reporting period. Peak reporting occurred between September 2015 and the end of November 2015 and during the month of March 2016. During the 2014-2015 reporting period, the Former MU Title IX Office received the most reports in October 2014 (**50**) followed by April 2015 (**37**).

Number of Reports Received Per Month



g. The majority (63%) of incidents reportedly occurred on campus² in academic buildings, residence halls, at the University Hospital and on the streets and sidewalks which border or are adjacent to campus buildings, including privately owned houses occupied by members of Greek organizations. Nineteen percent (19%) of the incidents reported occurred off campus and primarily in privately owned apartment complexes as well as in bars and nightclubs in Columbia, Missouri. Reported incidents that occurred electronically (11%) included harassment, stalking and sexual exploitation. These incidents were reportedly carried out using email, cellular phone calls, text messages and various social media applications including (Groupme, Snapchat, Facebook, Twitter, Instagram, and Yik Yak).

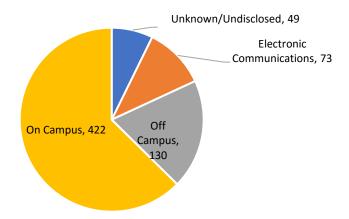
noncampus pursuant to the energ Act.

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² For purposes of this report, "on campus" is defined as: (1) any building or property owned or controlled by the University of Missouri – Columbia within the same geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; (2) public property within or immediately adjacent to the campus; (3) buildings or property owned or controlled by the University of Missouri

⁻ Columbia; (4) **All** Greek houses, while not controlled by the University, are considered "on campus" for the purposes of this Annual Report. This definition is similar to but not the same as the geographic parameters of "on campus" reporting required by the Clery Act. *See* 34 CFR 668.46(c)(4) for a definition of "campus" and "noncampus" pursuant to the Clery Act.

Location of Reported Incidents



In some cases, the person reporting discrimination or the person who experienced discrimination was unaware of where the incident occurred. In other cases, individuals chose not to share the location of a reported incident, or did not communicate with OCRT9 to provide additional information that would verify the incident location.

- h. OCRT9 identified **1477** individuals who were parties to reported incidents, **762** complainants³ and **715** respondents⁴. For purposes of this report, these individuals were further classified into **seven** groups:
 - **Faculty** as defined by Sections 310.020 and 310.035 of the Collected Rules and Regulations (CRRs) and including former faculty members and visiting fellows.
 - **Staff** as defined by Sections 320.050.II and 320.050.III of the CRRs and including former staff members, consultants, student staff and applicants for staff positions.
 - **Student** as defined by Sections 200.020(B)(3) and 250.010 of the CRRs and including visiting scholars, applicants for admission, student organizations recognized by the institution and student organizations⁵ formerly recognized by the institution.
 - University Entities This term was created for purposes of this report to refer to official University of Missouri schools, colleges, departments, offices and programs, excluding student organizations.
 - **Unknown Persons** Some of the individuals identified in reports were classified as unknown persons because they were unknown to the complainant or reporting party, or because the complainant or voluntary reporter⁶ chose not to disclose a name.

³ Reported victim of the University's anti-discrimination policies.

⁴ Person who allegedly violated the University's anti-discrimination policies (sometimes called the "Accused").

⁵ A recognized student organization which has received official approval in accordance with CRR 250.010.

⁶ Mandatory reporters of sex and gender discrimination must provide all information known, including the complainants' and respondents' names.

- Visitor individuals who do not have and have never had a student identification number or an employee identification number, but were present on campus when an incident occurred, including organizations that visit campus for activities and camps.
- **Volunteer** and individual who is not paid a salary or wages by the University, but maintains an official relationship with the institution or one of its recognized organizations, colleges, schools or departments.

During the annual reporting period, OCRT9 received 22 reports from 22 individuals who requested general information or reported behavior that could not have been discrimination based on the information provided. These individuals were in the following groups: 1 faculty member, 4 staff members and 17 students. These individuals are counted as complainants for the purposes of this report, even though these incidents did not involve respondents.

The tables below indicate how many individuals from each group were accused of violating University policies (respondents) and how many individuals from each group reported experiencing behavior that violated University policies (complainants).

i. **72 faculty members** were accused of violating the University's anti-discrimination policies by the following types of complainants:

Group	Number of Complainants
Faculty	11
Staff	12
Student	47
Unknown Persons	4
Total	74

ii. **131 staff members** were accused of violating the University's anti-discrimination policies by the following types of complainants:

Group	Number of Complainants
Faculty	12
Staff	63
Student	53
Unknown Persons	16
Visitor	3
Volunteer	1
Total	148

iii. **221 students** were accused of violating the University's anti-discrimination policies by the following types of complainants:

Group	Number of Complainants
Faculty	4
Staff	5
Student	190
Unknown Persons	22
Visitor	3
Total	224

iv. **21 University Entities** were accused of violating the University's anti-discrimination policies by the following types of complainants:

Group	Number of Complainants
Faculty	1
Staff	14
Student	14
Unknown Persons	2
Total	31

v. **233 Unknown Persons** were accused of violating the University's anti-discrimination policies by the following types of complainants

Group	Number of Complainants
Faculty	7
Staff	27
Student	187
University Entity	1
Unknown Persons	29
Total	251

vi. **35 Visitors** were accused of violating the University's anti-discrimination policies by the following types of complainants

Group	Number of Complainants
Faculty	1
Staff	6
Student	22
Unknown Persons	4
Visitor	6
Total	39

vii. **2 Volunteers** were accused of violating the University's anti-discrimination policies by **2 Student** complainants.

Number of Each Type of Complainant

Group	Number of Complainants Reporting
	Discrimination
Faculty	36
Staff	127
Student	515
University Entities	1
Unknown Persons	77
Visitors	12
Volunteers	1
Total ⁷	769

i. Training and Education

During the reporting period, we educated **5,407** students, faculty, and staff about principles of inclusion, equity, and non-discrimination.



⁷ Number varies from the number of total complainants listed on Page 11 because some individual complainants experienced discrimination by multiple types of respondents.

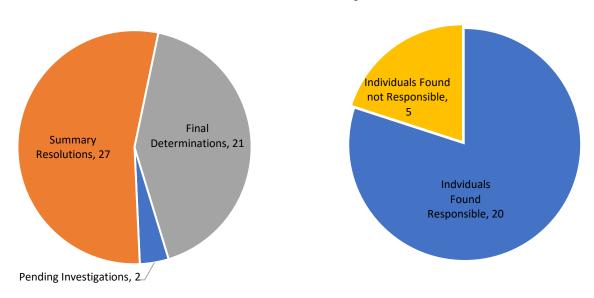
j. Investigations and the Equity Resolution Processes

The Equity Resolution Processes are the procedures used to formally investigate allegations of discrimination and sexual violence and determine whether individuals are responsible for violating MU policies. OCRT9 conducted 53 full investigations via these processes during 2015-2016.

In some situations, there was insufficient information provided to pursue a full investigation. Frequently, many victims/complainants did not wish to participate in a full investigation and asked that the formal process not move forward. Mindful of the safety and security of campus, OCRT9 attempts to honor such requests when appropriate and to explore alternatives for addressing concerns. We communicated with **619** complainants and provided **285** interim remedies, academic and employment adjustments as well as referrals.

In other instances, the victim/complainant preferred that we engage the respondent in education or coaching, or we utilized in early conflict resolution to resolve the situation. Accordingly, we engaged 98 respondents in training and education.

Regardless of whether a matter is resolved through the formal Equity Resolution Processes, OCRT9 provides information about rights and options, connects individuals to resources, and works to stop discrimination, prevent its recurrence, and remedy its effects. People who are accused of discrimination are also advised of their rights and options and connected to resources; we provided **88** referrals, remedies and adjustments to respondents.



After full investigation, 20 individuals were found responsible for violating various policies, and 3 matters were resolved via formal conflict resolution. Several individuals were permanently removed from our campus or voluntarily left.

The 2015-2016 OCRT9 Annual Report

OCRT9 Team

The OCRT9 mission is accomplished each day by a staff of individuals committed to inclusion, diversity and equity.

The Director of Investigations, Equity Consultants/Investigators, and the Case Manager work in room 145 of the <u>Heinkel Building</u>, located at 201 South Seventh Street. The Equity Consultants and Director of Investigations conducted **610** scheduled meetings during the annual reporting period, an average of about **11** meetings per week. These meetings were a mix of informational meetings with complainants and respondents, lasting 30 to 45 minutes, as well as investigative meetings that often last two hours. Staff at the OCRT9 office also welcomed approximately **20** individuals who walked in and met with a staff member without an appointment.

Equity Consultants/Investigators and Case Manager

The Equity Consultants/Investigators and Case Manager, respond to reports of alleged violations of the University's anti-discrimination policies. Once assigned a new case, Investigators contact potential complainants to offer information regarding their rights and opportunities for assistance, including academic or workplace modifications, housing or schedule adjustments, and no contact directives. Investigators also refer parties to resources and coordinate such referrals with agencies and departments on campus and in the Columbia community that provide counseling, advocacy and support, and education and training.

Investigators engage individuals in a discussion of various options for resolving reported violations, such as mediation between the parties, filing a formal complaint, and other forms of conflict resolution. Investigators are responsible for clearly explaining the University's policies and procedures to complainants, respondents, and advisors. Investigators are also responsible for interviewing parties and witnesses, and gathering relevant evidence and documentation in the course of an investigation. Investigators write detailed and thorough investigative reports that are a primary source of evidence in both Administrative and Hearing Panel Resolutions.

Director of Investigations and Deputy Title IX Coordinator

Salama Gallimore serves as the Director of Investigations and Deputy Title IX Coordinator. The Director is responsible for implementing prompt and appropriate responses to reports of discrimination and for overseeing investigations of discrimination, harassment and retaliation prohibited by the University's nondiscrimination policies. Ms. Gallimore also conducts intake meetings, arranges interim remedial measures and monitors complaint activity to identify patterns or systemic issues. The Director is also responsible for auditing and managing the OCRT9 case management system and writing the OCRT9 annual report. During the annual reporting period, she supervised three fulltime Equity Consultants/Investigators, including Megan Fewell Grant, Amber Lammers, and Bailey Toulmin, and Case Manager Demitri Raftopoulos.

As Deputy Title IX Coordinator, Ms. Gallimore assists with developing and conducting training on sex and gender discrimination and works to foster relationships with stakeholders across campus. She also serves as the acting Title IX Administrator when required.

The University has appointed three additional Deputy Title IX Coordinators who act as ambassadors and points of contacts in their departments. These deputies include:

Cathy Scroggs, PhD

Title IX Deputy and Vice Chancellor of Student Affairs For Title IX complaints involving students

Sarah Reesman, JD

Title IX Deputy and Executive Associate Athletic Director For Title IX complaints involving athletics

Brenda Quinlan

Title IX Deputy Coordinator University of Missouri Health Care For Title IX complaints at MUHC

Education and Prevention Efforts

The OCRT9 staff provided education on a variety of topics including the structure, responsibilities and mission of OCRT9. Additionally, OCRT9 educated the campus community on reporting requirements, the University's anti-discrimination policies and how to identify and respond to discrimination in the workplace.

The Relationship and Sexual Violence Prevention Center⁸ (RSVP Center) also engaged in prevention and education efforts during the reporting period. Specifically, between October 2015 and June 2016, educators associated with the RSVP Center provided **189** presentations and trainings to **5,628** students and **230** staff/faculty members at the University. RSVP educators also reached **1,477** community members during this time period.

Education & Prevention Coordinator

In July 2016, the Education and Prevention Coordinator position was added to the office. Brittani Fults serves in this position providing strategic outreach to the campus. The Education and Prevention Coordinator is responsible for educating students, faculty, staff members, volunteers and organizations about discrimination, harassment and related retaliation prohibited by the University's anti-discrimination policies. The Coordinator is also responsible for informing the community about campus resources as well as raising awareness of OCRT9's

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⁸ Center committed to decreasing the prevalence of rape, sexual assault, relationship violence and stalking by creating a campus culture that does not tolerate violence. Professional staff members provide crisis intervention and advocacy services for survivors of violence, while student staff and student organizations hold many education programs and events throughout the year for the campus community.

mission and the goal of a more inclusive and diverse community. Ms. Fults provides responsive training and education to remediate incidents of discrimination that have been reported or investigated by the office. In order to maximize her outreach and education on the campus, she collaborates with the Division of Inclusion, Diversity and Equity and with other campus partners to deliver education through various platforms, marketing campaigns, and most commonly through in-person presentations at high-profile events with multiple stakeholders.

OCRT9 collaborates with the MU social justice centers, academic departments, and student organizations to develop specific programs and training on leadership development, professional development, and cultural competencies tied to diversity, inclusion and equity. To request a presentation, email Ms. Fults directly at fultsb@missouri.edu or call her for more information at (573) 884-7031.

During the annual reporting period, OCRT9 conducted **98** presentations that provided education and training to approximately **5,407** individuals including 3,990 students and student employees, 433 faculty members and 984 staff members, including administrators.

The new education and prevention role has had a significant impact on outreach in 2016-2017 including:

- Meeting with every dean of a college or school at the University or their representative;
- Meeting with several departments and organizations to remediate reported discrimination;
- Attending open houses and panels conducted in residence halls;
- Enhancing the reach of required student programs like *Not Anymore* and Citizenship@Mizzou by offering in-person programs that build on core concepts from these foundational tools:
- Meeting with MU Staff Council and councils affiliated with specific departments at the University;
- Advising student organization leaders, faculty and department chairs on how to respond to situations involving reported discrimination; and
- Traveling with the MU Office of Admissions to meet prospective students and their families and to educate them on services and resources provided by ORCT9 and the Division of IDE.

Education and prevention plans for 2017-2018 include:

- Assisting staff across campus in creating and achieving diversity and inclusion benchmarks in myPerformance;
- Hosting an open house/Real Talk with OCRT9 with the OCRT9 team;
- Building assessment tools to better evaluate the impact of education and outreach;
- Creating and implementing local education plans for departments throughout campus.

Assistant Vice Chancellor for Civil Rights & Title IX and Title IX Administrator9

The Office for Civil Rights & Title IX team and the Disability Inclusion and ADA Compliance Manager are led by Ellen Eardley, Assistant Vice Chancellor for Civil Rights & Title IX and Title IX Administrator. Executive Assistant Liz Zufall supports the team and carries out special projects, including administration of required student inclusion, diversity, and equity programs during 2015-2016.

As a member of the Chancellor's Cabinet, the Provost's Staff and the senior leadership team of the Division of Inclusion, Diversity & Equity, the Assistant Vice Chancellor/Title IX Administrator serves as the senior leader on gender inclusion and equity as well as sexual violence issues. She also advances non-discrimination principles regarding race, color, national origin, religion, ancestry, disability, gender identity, gender expression, genetic information, and veteran status within the administration and throughout campus.

The Assistant Vice Chancellor regularly provides guidance and support to the colleges, schools and departments about the unique equity-related workplace and educational challenges faced by each unit, offering informal conflict resolution, professional development, policy review, and creative problem-solving.

This position oversees implementation of the student, faculty, and staff Equity Resolution Processes at MU, including development and coordination of professional development for the more than 40 hearing panelists and administrators who are decision-makers in the equity processes.

In the Equity Resolution Process for Student Respondents, the Assistant Vice Chancellor determines whether students are responsible for violating the policies prohibiting discrimination, retaliation, and sexual violence and imposes sanctions. She may also impose interim suspension pending the outcome of the process. If the parties wish, they may choose to have their case reviewed by a hearing panel instead.

⁹ The Assistant Vice Chancellor serves as the Title IX Coordinator as defined in CRR 600.020.D, whose duties include "monitoring and oversight of overall implementation of Title IX compliance at the University, including coordination of training, education, communications, and coordination with grievance procedures for faculty, staff, students and other members of the University community."

Guide to Reading the Report

This annual report provides a nuanced understanding of the scope of the Office for Civil Rights & Title IX (OCRT9), the prohibited behavior that is reported to the office, and how the office responds to these reports. More specifically, this document summarizes all reports submitted to OCRT9 between **August 1, 2015, and July 31, 2016** (Annual Reporting Period). Where appropriate, the report provides comparison of the data presented in the 2014-2015 Title IX Annual Report. While intended to be descriptive, this annual report has limitations, such as the inability to convey the complexity of each reported incident. Further, it is difficult to draw conclusions and to highlight patterns and trends concerning reports involving faculty, staff members, and students who experienced discrimination that was not based on sex or gender because the offices previously responsible for tracking and responding to these incidents did not issue a 2014-2015 annual report.

Information regarding the reports submitted to OCRT9 is presented in both statistical and narrative formats. When appropriate, contextual information is provided to enrich the understanding of complex policy provisions, statistics provided, and the campus climate during the 2015-2016 reporting period. The footnotes throughout the report provide clarifying information and references to University policies, federal regulations and other resources.

The document includes hyperlinks that will direct readers to full online versions of University policies and detailed descriptions of important policy terms and provisions. The following terms are critical to understanding the report:

- **Appropriate Administrative Officer-** employees assigned by the Chancellor or the Chancellor's designee to respond to reports of discrimination and/or to serve as decision makers in the Equity Resolution Process.
- **Complainant** alleged victim of actions that violate the University's anti-discrimination policies.
- Formal Complaint or Complaint- a statement of an alleged policy violation submitted by a complainant which officially requests the University to conduct an investigation and may contain the following elements: name of the accused individual, organization or entity, date of the alleged policy violation occurred, request for a specific resolution process (informal/administrative, formal/hearing panel or conflict resolution and a list of witnesses).
- **Respondent** person who allegedly violated the University's anti-discrimination policies (sometimes called the "Accused").
- **Incident-** an occurrence of reported behavior that may constitute prohibited discrimination.
- **Investigation (full)** a fact and information gathering process during which an Equity Consultant/Investigator interviews parties and witnesses and engages in evidence

¹⁰ Not all incidents reported to the OCRT9 between August 1, 2015, and July 31, 2016, occurred during this same time period. For instance, a report that was received between August 1, 2015, and July 31, 2016, may have described incidents that occurred in May of 2015 or even years earlier.

¹¹ The Title IX Annual Report summarized reports of sex, gender and sexual orientation discrimination brought forward between August 1, 2014, and July 31, 2015 against student respondents or brought by students against third parties or unknown respondents.

- gathering. A full investigation is initiated after a formal complaint is filed by a complainant or after the Appropriate Administrative Officer makes a determination to proceed with an investigation.
- **Report** information received by OCRT9 stating that an individual or organization has or may have engaged in discrimination, or stating that an individual or organization has or may have experienced discrimination ¹² as prohibited by the University's anti-discrimination polices.
- **Policy Violation** the classification of a report into a specific behavior prohibited by the University's anti-discrimination policies.
- **Type of Discrimination-** a characteristic of a person that should not be targeted for discrimination, as delineated in the University's Equal Employment and Educational Opportunity Policy, CRR 320.010.
- **Equity Resolution Process-** the process by which complaints and reports of discrimination are resolved as outlined in the UM System Collected Rules and Regulations (CRRs).

Who is Covered?

In keeping with the mission and objectives of OCRT9, the current annual report describes incidents reported by students, faculty and staff members of the University of Missouri. Reports submitted by visitors and volunteers of the University and reports that accused these individuals of discrimination are also contained in the report. Additionally, OCRT9 has been assigned to respond to reports of discrimination in which complainants or respondents are employed by the University of Missouri System¹³ (UM System), excluding staff members employed by University of Missouri Healthcare (UMHC). OCRT9 is also charged with responding to reports involving individuals employed and/or managed by MU Extension, a division of the University of Missouri that manages science-based knowledge programs offered across the state and designed to provide Missourians with practical knowledge and continuing education. Third parties and anonymous persons also submit reports of discrimination to OCRT9, and these incidents are included in the annual report.

¹² The OCRT9 distinguishes between a report (which is information regarding an alleged violation of policy) from a formal complaint (which triggers the formal investigation and disciplinary process). Not all reports of alleged discrimination proceed to formal complaints.

¹³ Individuals employed by the UM System occupy positions which provide support and administration to all four University of Missouri campuses.



OCRT9 is assigned to respond to a reporting population of approximately **62,961** individuals. The actual number of guests and visitors to campus is unknown; however, thousands of visitors come to campus for a variety of reasons including: college visits, campus tours, athletic games, academic events, concerts, conferences and camps.

Category	# of Individuals ¹⁴
UM System Employees	502
MU Extension Employees and Volunteers	1033
MU Students (undergraduate, graduate, professional,	35,424
distance learners)	
MU Faculty Members	3,210
(Full-time and Part-time, all tracks)	
Graduate Assistants ¹⁵	2,610
(teaching & research assistants, library &	
instructional support)	
Staff Members	7,822
(full-time and part-time)	
Visitors ¹⁶	12,360+
Estimated Potential Reporting Population	62,961+

¹⁵ Graduate and Research Assistants may also be counted as "MU Students" as described in row three of the table, thus, these numbers are approximate.

¹⁴ Unless otherwise indicated, the numbers provided were calculated by the UM System <u>Office of Institutional</u> <u>Research</u>.

¹⁶ The total number of visitors who were housed on campus for conferences and camps from 05/15/15 to 8/14/16 as reported by the Department of Residential Life.

How Many Reported?

The 2015-16 Annual Report presents information regarding 674 reported incidents of prohibited discrimination. The 674 incidents reported to OCRT9 were classified into 919 alleged policy violations. In many incidents, the complainant or complainants reported experiencing more than one type of discrimination, for example, both sex and race discrimination. Many individuals reported experiencing more than one type of prohibited behavior related to the same type of discrimination, for example, sexual harassment and sexual misconduct. In other instances, individuals reported experiencing more than one type of discrimination and more than one prohibited behavior, for example, disability discrimination and stalking on the basis of sex. Some reports were classified as "not discrimination" after the conclusion of a preliminary investigation.

What is the Jurisdiction of the University?

The University's anti-discrimination policies state that the jurisdiction of the University of Missouri is limited to conduct that occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action in certain circumstances against students, faculty and staff for conduct that occurs in other settings, including off campus.

How Does OCRT9 Receive Reports?

Required Reports: Employees Must Connect Potential Victims of Sex and Gender Discrimination with the Office for Civil Rights & Title IX

University policy requires any employee of the University who becomes aware of sex and gender discrimination (including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation) to share that information with OCRT9, regardless of whether the recipient of the behavior is a student, employee, volunteer or visitor of the University. This is sometimes called the "Mandated Reporting" policy. In practice, when employees make a required report, they are simply connecting students and colleagues to resources that can support them during a potentially difficult time in their lives.

OCRT9 receives many mandated reports from employees at the University, but the Office also receives referrals from campus offices and departments, such as Human Resources, the Office of Student Conduct, University of Missouri Police Department and Residential Life. The Office also receives reports by phone, email, online reporting system and in person. Members of the University community also have the ability to submit reports through the University of Missouri System Ethics and compliance hotline. Hotline reports are referred to OCRT9 if the reports refer to behavior which may constitute discrimination.

Required Referrals to OCRT9

You make a required or "mandated" report to our office.

We reach out to discuss options, rights, privacy and safety.

Individual decides whether to file a formal complaint.*

If there is a formal complaint, an investigation begins.

Conflict resolution may also be an option.

Regardless of whether there is a formal investigation, OCRT9 provides assistance, works to stop discrimination & prevent its recurrence.

We encourage members of the campus community to refer ALL forms of prohibited discrimination to OCRT9.

Exceptions: Confidential Resources Are Not Required to Refer Students to OCRT9

Employees with a legal obligation or privilege of confidentiality (including health care providers, counselors, lawyers and their associated staff) are not required to report information regarding sex discrimination with OCRT9 when the information is obtained 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 about alleged sex discrimination is not learned in the course of confidential communication (for example, behavior is observed in class) then the employee must disclose the information to OCRT9.

Confidential resources include mental and/or physical health care providers working in their capacity at:

- The MU Counseling Center
- The Student Health Center and Behavioral Health Services
- MU Psychological Services Clinic (PSC)
- Missouri Psychiatric Center (MUPC)
- The Employee Assistance Program (EAP)
- University Hospital

^{*} In some cases, the University may pursue a formal investigation via the Equity Resolution Processes to protect the safety on campus, to address pattern behavior, or to promote non-discrimination principles, even if the individual does not want to proceed with a formal complaint.

Additionally, the University has designated the <u>Relationship and Sexual Violence Prevention</u> <u>Center</u> (RSVP) as a confidential resource because it provides confidential services including, but not limited to, crisis intervention by trauma-informed staff, legal advocacy (not representation), campus system advocacy, housing advocacy and academic advocacy.

Confidential Reporting Options

- Doctors, therapists, clergy
- MU Behavioral Health
- MU Counseling Center
- MU RSVP Center
- MU Student Health and Hospital
- MU Employee Assistance Program
- True North (Crisis Center/Shelter)

Voluntary Reports

Members of the University Community are encouraged to report *all forms of discrimination* promptly to OCRT9 by calling staff at the Heinkel office at (573) 882-3880 or by contacting Ellen Eardley at (573) 882-2824. Individuals can also submit online reports by visiting http://civilrights.missouri.edu or by email to civilrights-titleix@missouri.edu.

All individuals are encouraged to make voluntary reports to OCRT9, but victims of discrimination are not required to report the incident. *Remember, everyone has the right to be free from discrimination*.

What Happens After OCRT9 Receives a Report?

After receiving a report of alleged discrimination, an OCRT9 Equity Consultant will contact the complainant (or reported victim) by phone or email to inquire about the individual's safety, inform them of their rights, and connect the individual with campus and community resources.

The Equity Consultant will also offer the complainant interim remedies ¹⁷ and adjustments, such as campus housing support, class schedule changes, academic support and work adjustments. *It is the complainant's right to receive these interim remedies whether or not they choose to file a formal complaint or to pursue an investigation*. Additionally, complainants are immediately informed that they are not obligated to meet with or communicate with OCRT9 staff.

OCRT9 will not report the information received in reports to law enforcement agencies (except where campus and community safety is at risk and except for de-identified data for record-

¹⁷ See UM Collected Rules and Regulations Chapter 200.025 section D for more examples of interim remedies and accommodations.

keeping purposes); however, if a complainant expresses the desire to make a report to a law enforcement agency, Equity Consultants can facilitate a meeting between a complainant and a law enforcement officer.

It is the complainant's right to file a formal complaint with OCRT9 and to pursue an investigation and disciplinary action/sanctions against the respondent(s). Complaints against faculty, staff and students of the University of Missouri are resolved using the Equity Resolution Process. Everyone has the right to be free from retaliation for making or supporting a report of discrimination.

Requests for Confidentiality

The Office for Civil Rights & Title IX makes every attempt to protect the privacy of complainants and respondents. Information is kept private and OCRT9 staff members only share information on a need-to-know basis. The Title IX Administrator and Equity Consultants/ Investigators seek permission from complainant(s) before beginning a preliminary investigation.

If a complainant requests confidentiality or that OCRT9 not conduct an investigation or pursue discipline against the respondent(s), Ellen Eardley, the Assistant Vice Chancellor for Civil Rights and Title IX, or the Appropriate Administrative Officer—including Director of Human Resources Jatha Sadowski and the Provost's designee—are frequently able to honor that request. The office takes a trauma-informed approach to requests for confidentiality and concerns about investigations, including safety concerns. It is important to provide the reported victim with the agency to determine whether or not to engage in the OCRT9 processes.

However, it is possible that University officials may determine that it is necessary to move forward with an investigation, despite the complainant's wishes, in order to provide a safe and nondiscriminatory environment everyone. In considering a complainant's request that an investigation not proceed, the appropriate administrator also considers other steps, such as education and training, to limit the effects of the reported discrimination, to prevent its recurrence, and to remedy its effects on the complainant and the University community.

During the annual reporting period, **fourteen (14)** of the **fifty-three (53)** formal investigations **(26%)** through the Equtiy Resolution Processes were initiated by an administrator without a complainant filing a formal complaint. The complainants involved in these matters were informed that an investigation would be conducted, and these complainants participated at some point in the investigation by participating in interviews, submitting evidence for consideration, meeting with decision makers or appearing in a formal hearing. **Four** of the respondents were found responsible for violating University policies, **one** respondent chose to separate voluntarily from the University and the cases involving the remaining **nine** respondents were summarily resolved.¹⁸

¹⁸ Meaning a decision maker reviewed the investigation and determined that a reasonable person, based on the evidence gathered, could not find the Accused responsible for violating the University's Anti-Discrimination Policies.

What Behavior was Prohibited in 2015-2016?

- Race
- Color
- National Origin
- Ancestry
- Sex
- Gender Identity
- Gender Expression
- Sexual Orientation
- Religion
- Age
- Disability
- Veteran Status
- Genetic Information

Discrimination included harassment, bullying & hazing.

Retaliation was also prohibited.

University of Missouri Collected Rules and Regulations from 2015-2016

Equal Employment and Educational Opportunity Policy 320.010

Sex Discrimination 600.020

Student Standard of Conduct 200.010

Equity Resolution Process (Student Respondent) 200.025

Equity Resolution Process (Staff Respondent) 600.050

Equity Resolution Process (Faculty Respondent) 600.040

The report focuses on the **three** University Anti-Discrimination policies that were part of the <u>Collected Rules and Regulations of the University of Missouri System</u> (CRRs)¹⁹ during the reporting period.

UM System Anti-Discrimination Policies

The <u>Equal Employment and Educational Opportunity Policy</u> (CRR <u>320.010</u>), in effect during the reporting period prohibited unlawful discrimination on the basis of race, color, national origin, ancestry, sex, gender identity, gender expression, sexual orientation, disability, religion, age, genetic identity, or protected veteran status. Additionally, the policy states that equal opportunity is and shall be provided for all students, employees and applicants for employment and admission.

The <u>Standard of Conduct</u> (CRR <u>200.010</u>) in effect during the reporting period described a set of community standards to which all University students and student organizations must adhere. Additionally, the Standard of Conduct outlines behavior or conduct for which students and student organizations, when applicable, are subject to sanctions. Prohibited behaviors includes discrimination, harassment and bullying on the basis of the same 13 protected classes delineated in 320.010. The policy also provided the following definitions:

 Discrimination "...occurs when a person has been treated inequitably on the basis of [a protected class] ..."

¹⁹ These CRRs have since been amended by the Board of Curators, but were in effect from 9/23/14 to 2/28/17, encompassing the entire 2015-2016 annual reporting period.

- O Harassment is defined as unwelcome verbal or physical conduct, on the basis of actual or perceived membership in a protected class as defined in the University's anti-discrimination policies, that creates a hostile environment by being sufficiently severe or pervasive and objectively offensive so that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.
- Bullying is defined as repeated and/or severe aggressive behavior likely to
 intimidate or intentionally hurt, control or diminish another person, physically or
 mentally, on the basis of actual or perceived membership in a protected class.
- Retaliation is any adverse action taken against a person because of that person's participation in protected activity. The University strictly prohibits retaliation against any person for making any good faith report or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination in violation of the University's Equal Employment/Education Opportunity Policy.

The <u>Sex Discrimination</u>, <u>Sexual Harassment and Sexual Misconduct in Education and Employment Policy</u> (CRR 600.020) applies to both students and employees, relates to Title IX of the Education Amendments of 1972²⁰ and prohibits sex and gender discrimination in educational programs, activities and employment. Sex discrimination is a general term defined in the policy as "when a person has been treated inequitably based on sex, gender identity, or gender expression." The policy also prohibits more specific behaviors that fall under the umbrella of sex discrimination. These behaviors include: <u>sexual harassment</u>, <u>sexual misconduct</u>, <u>stalking on the basis of sex</u>, <u>dating/intimate partner violence</u> and <u>sexual exploitation</u>.

The Policy also defined both consent to sexual activity and incapacitated:

- Consent to Sexual Activity (600.020.C.7) is knowing and voluntary. Someone who is incapacitated cannot consent. Silence or absence of resistance does not establish consent. 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. Consent must be obtained at the time of the specific activity and can be withdrawn at any time. Lack of consent or withdrawal of consent may be communicated by words or non-verbal acts. Coercion and force, or threat of either, invalidates consent.
- O Incapacitated (600.020.C.8) sexual contact with someone one knows to be or should know to be incapacitated is a violation of policy. An individual who is incapacitated lacks the capacity to give knowing consent. Incapacitation can be due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the individual from having the capacity to give consent.

²⁰ See 20 U.S.C. § 1681 *et seq*. (A comprehensive federal law that prohibits discrimination on the basis of sex in any federally-funded education program or activity, which includes a specific application in athletic programs to ensure gender equity).

The Policy provided an additional prohibition against retaliation that pertains specifically to sex discrimination, which was also incorporated in the Standard of Conduct²¹:

• Retaliation (600.020.L) "is any adverse action taken against a person because of that person's participation in protected activity. The University strictly prohibits retaliation against any person for making a report required by this policy, for making any good faith report to a Title IX Coordinator or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of sex discrimination, sexual harassment or sexual misconduct. Any person who engages in such retaliation shall be subject to disciplinary action in accordance with applicable procedures…"

Reports of Retaliation Received

OCRT9 received **three** reports of incidents in which **four** respondents were accused of retaliation during the annual reporting period (August 1, 2015-July 31, 2016). Two complainants declined to pursue an investigation of the reported retaliation, and the other report of retaliation (involving two respondents) is currently under investigation. In each of the three reports, the respondent was accused of retaliating after the complainants reported a form of sex discrimination, which is in violation of CRR 600.020.L.

The <u>Sex Discrimination</u>, <u>Sexual Harassment and Sexual Misconduct in Education and Employment Policy</u> (Hereinafter "Sex/Gender Discrimination Policy") also prohibits the false reporting of sex discrimination:

• False Reporting (600.020.M) 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. False reporting is a serious offense subject to appropriate disciplinary action ranging from probation up to and including expulsion or termination.

A determination that a report of sex discrimination is false can be made only if evidence collected during an investigation establishes that the report was intentionally false and no act of discrimination was either committed or attempted. OCRT9 would make a determination that a report of sex discrimination was false *only* after a thorough, impartial investigation. Inaccurate reports, for example, reports that misstate the time or date of the alleged behavior, made in good faith, are not considered false reports.

After an investigation, there may be a finding that the allegations do not rise to the level of a policy violation. After a resolution process, the respondent may be found "not responsible." However, the fact that a decision maker finds that there is not enough evidence to move a case forward to resolution, or an individual is found "not responsible" for an alleged policy violation after a resolution process, does not mean that the underlying complaint was false. The determination that a report is false must be supported by evidence that the behavior or incident amounting to discrimination did not occur and the report was intentionally made in bad faith.

²¹ Retaliation is also prohibited by the <u>UM System Human Resources Policy Manual</u>, CRR Section <u>520</u>.

Reports of False Reporting Received

OCRT9 staff members spoke to **five** individuals (3 faculty members, 1 student and 1 staff member) who contemplated filing a formal complaint of false reporting. However, the Office received **ZERO** requests to pursue investigations or resolutions of claims that a complainant made a false report during the annual reporting period (August 1, 2015-July 31, 2016). In each case, the individuals who contemplated filing a formal complaint of false reporting were respondents undergoing investigation for alleged sex discrimination. The underlying allegations consisted of sexual misconduct, sexual harassment and sexual orientation discrimination. In two of these matters, the respondents were found responsible for violating the University's Sex Discrimination Policy. However, the allegations brought against the other three respondents were summarily resolved after an investigation was conducted and reviewed by a decision maker who determined that there was not enough evidence to move forward.²²

Consensual Amorous Relationship Policy

Consensual Amorous Relationship Policy 2015-2016



Romantic or Sexual Relationships of Concern Due to Conflict

- · Direct Supervisory or Evaluative Authority
- · Employee/Student or Supervisor/Subordinate

Steps that Must Be Taken if a Relationship Exists

Person with Authority Must Disclose the Relationship & Remove the Conflict

Consequences for Failure to Abide by this Policy

· Discipline, up to and including Termination

CRR 330.065

The OCRT9 investigators also respond to reported violations of the Consensual Amorous Relationship Policy (CRR <u>330.065</u>). This policy prohibits consensual amorous relationships²³ between members of the University community "... when one participant has direct evaluative or supervisory authority²⁴ over the other because such relationships create an inherent conflict of interest. Per subsection B of the policy, "A violation of this policy, regardless of the manner in which it is brought to the attention of the University, may lead to disciplinary action as

²² Per CRR 600.020 Section J.1, a determination based on a "preponderance of the evidence," defined as determining whether the evidence shows it is more likely than not that a policy violation occurred.

²³ See 330.065(3), "For purposes of this policy, consensual amorous relationships exist when two individuals mutually and consensually understand a relationship to be romantic and/or sexual in nature except when those two individuals are married to each other."

²⁴ Direct evaluative or supervisory authority exists when one participant is personally involved in evaluating, assessing, grading, or otherwise determining the other participant's academic or employment performance, progress or potential. Per 330.065(3).

appropriate, up to and including termination of employment in the most serious circumstances, following appropriate processes for such discipline."

OCRT9 investigators conduct investigations into these reports to determine whether the relationship is consensual and does not otherwise violate CRR 600.020 and to collect evidence that may prove or disprove the existence of a relationship and/or the supervisory or evaluative nature of an individual involved in the relationship. Additionally, an individual who is not involved in the relationship may "...claim to have been adversely affected personally by a violation of this Policy," or a third party may report that the relationship caused them to experience sex discrimination. OCRT9 will conduct investigations into these reports as well.

After an investigation of reports that *may* constitute a violation of this Policy, but *do not* constitute discrimination, the matter will be submitted to Human Resources or to the Provost's Office for resolution.²⁵ These offices are charged with determining whether a violation of the Policy occurred and determining appropriate sanctions for individuals found responsible of violating the policy.

Reported Violations of the Consensual Amorous Relationship Policy

During the annual reporting period, OCRT9 received **four** reports that accused three employees of engaging in relationships that violated the Consensual Amorous Relationship Policy. The respondents were employees falling into the categories of staff and faculty. Regarding **three** of the four reports, an investigation revealed that no supervisory or evaluative relationship existed between the parties, and in **one** matter reported, no violation was found.

Detailed Breakdown of Reported Discrimination

- I. Reports of Sex, Gender and Sexual Orientation Discrimination
 - a. These reports included inequitable treatment, adverse employment actions, unwelcome comments or physical actions, bullying and hazing on the basis of:
 - i. **Sex:** a person's biological status that is typically categorized as male, female, or intersex.²⁶ Additionally, an individual's sex may change over their lifespan.
 - ii. **Gender:** refers to the attitudes, feelings, and behaviors that a given culture associates with a person's biological sex which may not correspond with the experience of all individuals.²⁷ ²⁸

²⁵ Reports accusing faculty members of violating 330.065 will be submitted to the Provost's Office and reports involving staff respondents will be submitted to Human Resources.

²⁶ American Psychological Association. (2012). Guidelines for Psychological Practice with Lesbian, Gay, and Bisexual Clients. American Psychologist, 67(1), 10–42. doi: 10.1037/a0024659. Retrieved from https://www.apa.org/pi/lgbt/resources/sexuality-definitions.pdf on 3/16/17.

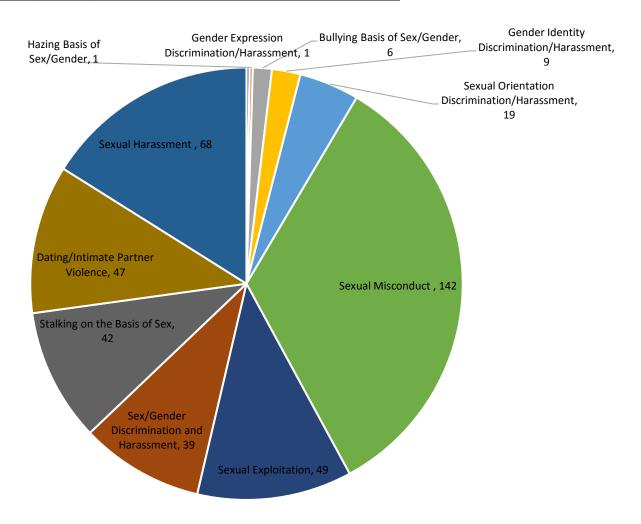
²⁷ American Psychological Association & National Association of School Psychologists. (2015). Resolution on gender and sexual orientation diversity in children and adolescents in schools. Retrieved from https://www.apa.org/pi/lgbt/resources/sexuality-definitions.pdf on 3/16/17.

²⁸ See Appendix, Page 117 for additional information regarding how to support trans students.

- iii. **Sexual Orientation:** refers to the sex of those to whom one is sexually and romantically attracted.²⁹
- iv. Gender Identity Discrimination occurs when a person has been treated inequitably based on their gender identity.
 - 1. Gender Identity is one's internal, personal sense of being a man, a woman (or a boy or girl), neither, or both.
 - 2. A person may identify as a gender that does or does not appear to correspond to the sex assigned to that person at birth, or the person may not identify as either a man or woman (or boy or girl).
 - 3. For example, it would be inappropriate for a student organization to withhold membership from a qualified and interested student who is transitioning their gender because members of the organization are uncomfortable with this change.
- v. **Gender Expression Discrimination** occurs when a person has been treated inequitably based on how they express their gender identity.
 - 1. Gender expression is the external manifestation of one's gender identity, usually expressed through "masculine," "feminine" or gender variant behavior i.e. clothing, voice, haircut or body characteristic.

²⁹ *Id*.

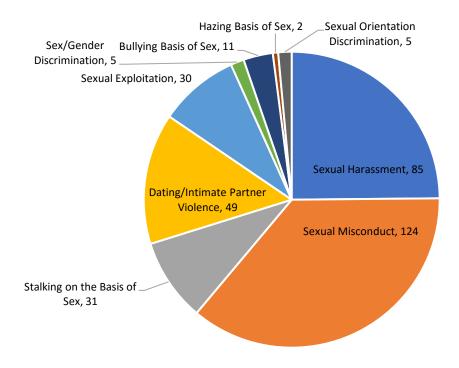
Reported Sex, Gender, Sexual Orientation Discrimination – Students³⁰



During the 2015-2016 annual reporting period, student respondents were accused of 423 reported sex discrimination violations.

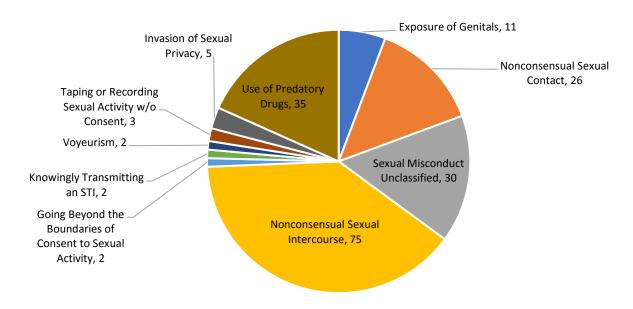
³⁰ Unknown parties were counted as students in all charts that follow because a majority of the unknown/undisclosed individuals were respondents in reports in which a student was the complainant or the unidentified respondent was referred to as a "college-aged" individual.

2014-2015 Comparison of Reported Sex, Gender, Sexual Orientation Discrimination – Students



Student respondents were accused of 342 reported sex discrimination violations during the 2014-2015 reporting period.

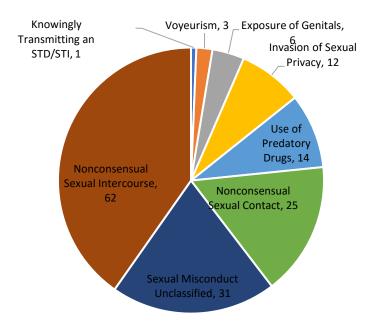
Reported Sexual Misconduct – Students



During the 2015-2016 annual reporting period, student respondents were accused of 191 reported sexual misconduct violations.

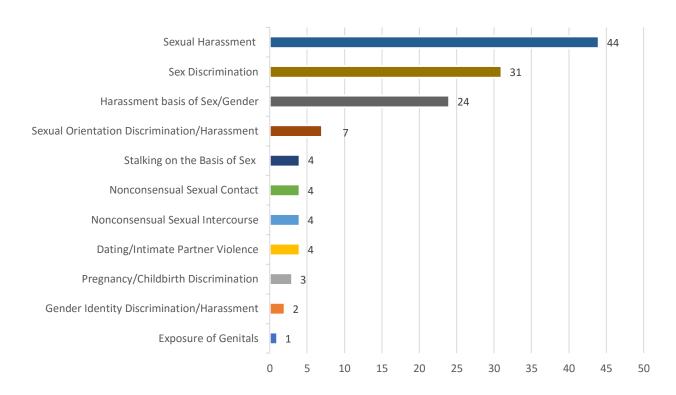
The most frequently reported type of sexual misconduct during the annual reporting period was nonconsensual sexual intercourse (39%), followed by sexual misconduct unclassified (16%). Examples of unclassifiable conduct include reports in which the complainant stated, or is reported to have stated, "I was sexually assaulted," or "someone forced themselves on me." Hence, these reports could include vaginal, anal, oral penetration or nonconsensual sexual contact. There were 35 student respondents who reportedly used predatory drugs or alcohol to incapacitate another individual. In the reported instances involving the possible use of predatory drugs, complainants recalled knowingly drinking a beverage (both alcoholic and nonalcoholic) and subsequently experiencing nausea, vomiting and dramatic changes in consciousness and motor skills, which seemed abnormal given the amount of drink consumed or their reported level of tolerance for alcohol. During 2015-2016, a summary of resources for individuals who experienced sex-based violence was available online at titleix.missouri.edu or title9.missouri.edu.

2014-2015 Comparison of Reported Sexual Misconduct – Students



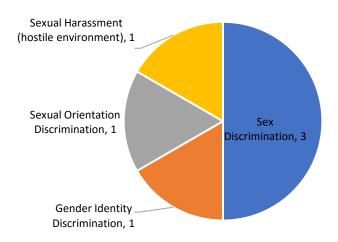
Student respondents were accused of 154 reported sexual misconduct violations during the 2014-2015 reporting period.

Reported Sex, Gender, Sexual Orientation Discrimination – Employees



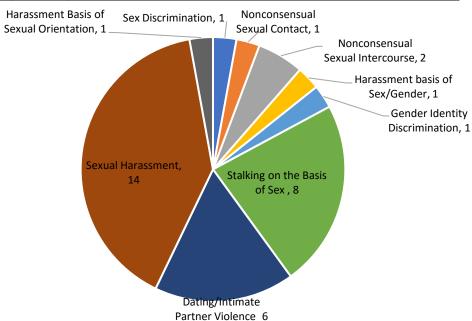
Employee respondents, including faculty and staff members, were accused of 128 sex, gender and sexual orientation discrimination violations.

Reported Sex, Gender, Sexual Orientation Discrimination – University Entities



There were **six** University Entities accused of **six** sex, gender and sexual orientation discrimination violations during the reporting period. Complainants accused entities of

discrimination when there was not a single respondent, but rather, systemic discrimination in a University of Missouri school, college, department or office. Complainants also named entities as respondents when they felt that materials and/or programming produced by an entity was discriminatory or prejudiced in nature.



Reported Sex, Gender, Sexual Orientation Discrimination – Visitors and Volunteers

During the reporting period, a combination of **33** visitors or visiting organizations/groups and **one** volunteer were named as respondents in **35** reported violations of sex, gender and sexual orientation discrimination and harassment.

II. Reports of Race and Color Discrimination

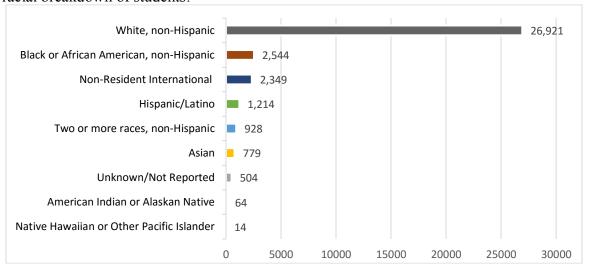
- a. These reports included inequitable treatment, adverse work actions, unwelcome verbal comments or physical actions, bullying and hazing on the basis of:
 - i. **Race:** refers to physical differences that groups and cultures consider socially significant;³¹
 - ii. **Color:** refers to personal characteristics associated with race (such as skin color, hair texture or certain facial features).³²

The University of Missouri is a predominately White institution, meaning that the majority of the students (76%) who attend and have chosen to self-identify their race, identify as White. In the

³¹ American Sociological Association "Race and Ethnicity," Retrieved from http://www.asanet.org/topics/race-and-ethnicity on 3/16/17.

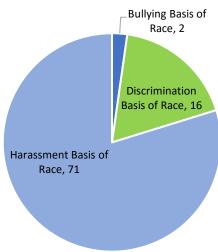
³² U.S. Equal Employment Opportunity Commission. "Race/Color Discrimination," Retrieved from https://www.eeoc.gov/laws/types/race_color.cfm on 3/16/17.

Fall of 2015, about 35,448 students were enrolled at the University.³³ The chart below depicts the racial breakdown of students:



In 2016, the majority of faculty members who chose to self-identify also identified as White (1480 of 2,010 or **73%**).³⁴ Further, **83.6%** of staff who chose to self-identify in 2016, also identified as White.

Reported Race and Color³⁵ Discrimination – Students



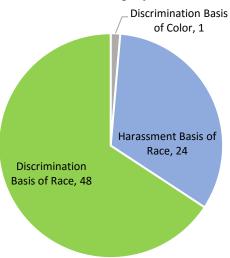
79 students and student organizations were accused of 89 race discrimination violations

³³ Number provided by MU Institutional Research "Diversity Data" http://ir.missouri.edu/DiversityData.html retrieved 4/11/17.

 $^{^{34}}$ Id

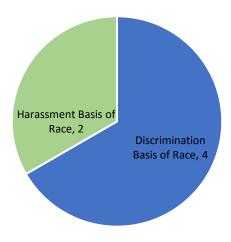
³⁵ During the annual reporting period, there were no reports of color discrimination involving students as the accused party.

Reported Race and Color Discrimination - Employees



65 employees were reported to have engaged in 73 race and/or color discrimination violations

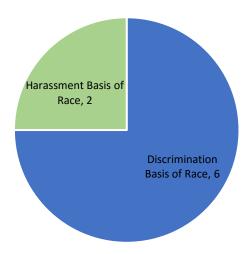
Reported Race and Color³⁶ Discrimination – University Entities



5 University Entities were accused of engaging in 6 violations of race discrimination during the annual reporting period

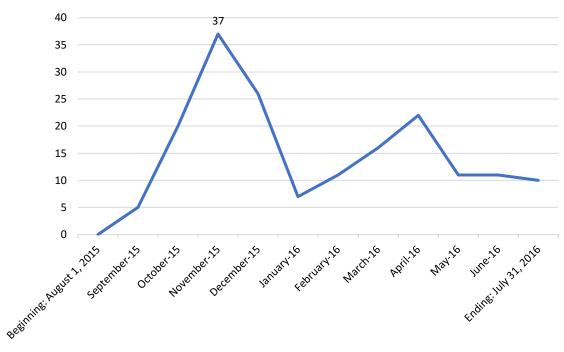
³⁶ During the annual reporting period, there were no reports of color discrimination involving University Entities as the accused party.

Reported Race and Color³⁷ Discrimination – Visitors and Volunteers



7 visitors and 1 volunteer were accused of engaging in 8 violations of race discrimination during the annual reporting period

Number of Race/Color Violations Reported by Month



In September 2015, the former Title IX Office began collecting information about reports of race discrimination. The Office saw a rise in reports in October 2015 (**20 reports**) and a spike in reports in November 2015 (**37 reports**).

³⁷ There were no reports of color discrimination involving visitors or volunteers as the accused party.

The spike of race discrimination reports in November coincided with several events occurring on campus including, Concerned Student 1950 protests, the resignation of top administrators, and the creation of the new MU Division of Inclusion, Diversity & Equity. During November 2015, the Office received several reports of harassment on the basis of race. Students, faculty and staff members reported a variety of behavior including:

- *Numerous* reports of students of color being referred to as "n----rs";
- Vandalism of the Gaines Oldham Black Culture Center (GOBCC) and threatening phone calls received by employees of the GOBCC;
- Threats toward people of color posted to social media sites like Yik Yak, for example:
 - o "We're waiting for you at the parking lots. We will kill you;"
 - o "I'm going to stand my ground tomorrow and shoot every black person I see, and, "Some of you are alright. Don't go to campus tomorrow."
- Social media posts referring to Concerned Student 1950 protesters using racist slurs or racially charged language;
- Employees and students of color being yelled at by unknown individuals driving through campus in their vehicles;
- Comments and jokes from members of the campus community denying the existence of White privilege while simultaneously making derogatory comments about Black people; and
- Reports of racial microaggressions, or "...brief and commonplace daily verbal, behavioral and environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults to the target person or group..." 38

Also during November 2015, a number of offices throughout campus received anonymous telephone calls and emails that were critical of student protests and university leadership.

40

³⁸ Sue, D.W., et al. (2007). Racial microaggressions in everyday life: Implications for clinical practice. *The American Psychologist*, 62, 271–286. For more information see: Sue, Derald Wing. *Microaggressions in everyday life: Race, gender, and sexual orientation*. John Wiley & Sons, 2010.

What is a Hate-Motivated Incident?

A hate-motivated incident is an action taken toward a person or group because of bias or prejudice related to characteristics or identities such as race, color, national origin, sex, sexual orientation, religion and disability.

Examples of Hate-Motivated Incidents

- Vandalism or hate graffiti directed toward people because of their identities where it will be seen by members of the target group.
- Using a vehicle to physically intimidate a pedestrian and yelling slurs at the pedestrian from the vehicle.
- Threats to harm others or physically harming others based on an identity.

Options for Reporting Hate-Motivated Incidents

Make a Report to the Office for Civil Rights & Title IX

We'll make every effort to identify the person who is responsible and hold them accountable using the university's non-discrimination policies and Student Standard of Conduct.

We can also take steps to address the incident such as targeted education, conflict resolution, or public awareness campaigns.

Hate-motivated incidents contradict the core values of respect, responsibility, discovery and excellence—as well as our commitment to diversity, equity, and inclusion—and harm us all.

Make a Report to the MU Police

Some hate-motivated incidents may be hate crimes or other crimes. If you are in immediate danger, call 9-1-1.

If you make a report to MUPD, officers will review the matter and assess whether the behavior is a potential crime under the law. If the incident is a crime, it will be referred to the appropriate state or federal prosecutor for criminal prosecution.

III. Reports of Ancestry and National Origin Discrimination³⁹

- a. These reports included inequitable treatment and unwelcome verbal comments, such as ethnic slurs and negative comments regarding an individual's accent or culture.
 - i. **Ancestry:** refers to an individual's or their family's particular ethnic background. ⁴⁰
 - ii. **National Origin:** refers to an individual's or their family's country of origin.⁴¹

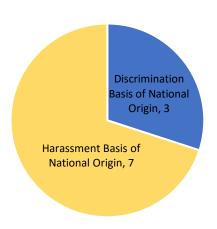
³⁹ During the annual reporting period, there were no reports of discrimination on the basis of ancestry

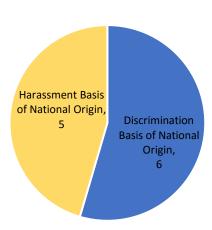
⁴⁰ Missouri Department of Labor. "National Origin/Ancestry Discrimination," Retrieved from https://labor.mo.gov/mohumanrights/Discrimination/origin on 3/30/17.

⁴¹ U.S. Equal Employment Opportunity Commission. "National Origin Discrimination," Retrieved from https://www.eeoc.gov/laws/types/nationalorigin.cfm on 3/30/17.

Reported National Origin Discrimination – Students – Employees – University Entities

Students Employees





- 7 students were accused of 10 violations of national origin discrimination
- 10 employees were accused of 11 violations of national origin discrimination
- 1 University Entity was accused of 2 violations of national origin discrimination

IV. Reports of Religious Discrimination

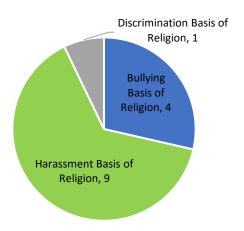
- a. These reports included inequitable treatment of individuals, unwelcome verbal and physical conduct targeting an individual's religious beliefs, complaints regarding Christmas decorations and parties, incidents in which employees felt they did not receive accommodations to practice their religious beliefs and reports of University property being vandalized with offensive phrases and symbols, like the swastika.
 - i. **Religion:** traditional organized systems of faith and worship such as Buddhism, Christianity, Islam, Hinduism, Judaism and *also* other sincerely held religious, ethical or moral beliefs. ⁴²

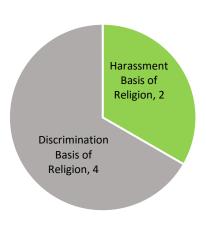
⁴² U.S. Equal Employment Opportunity Commission. "Religious Discrimination," Retrieved from https://www.eeoc.gov/laws/types/religion.cfm on 3/30/17.

<u>Reported Religious Discrimination – Students – Employees – Visitors – University Entities</u>

Student Violations

Employee Violations



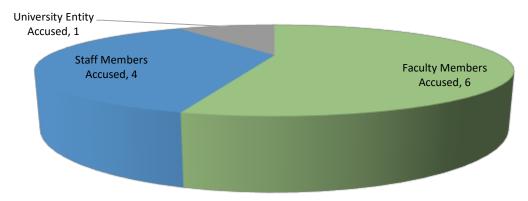


- 12 students were accused of 14 violations of religious discrimination
- 7 employees were accused of 6 violations of religious discrimination
- 1 visitor was accused of 1 violation of religious discrimination
- 2 University Entities were accused of 2 violations of religious discrimination

V. Reports of Age Discrimination

a. The Age Discrimination in Employment Act (ADEA) forbids inequitable treatment and harassment of people who are age 40 or older. 43 Reports of age discrimination included allegations of withheld job opportunities and assignments, inequitable pay, unfair hiring and promotion practices that impacted employees age over 40, as well as unwelcome comments regarding retirement directed at older employees.

Reported Age Discrimination by Respondent Type



⁴³ U.S. Equal Employment Opportunity Commission. "Age Discrimination," Retrieved from https://www.eeoc.gov/laws/types/age.cfm on 3/31/17.

VI. Genetic Information Discrimination

- a. The Genetic Information Nondiscrimination Act (GINA) prohibits the inequitable treatment employees or applicants because of genetic information and restricts employers from "requesting, requiring or purchasing genetic information and strictly limits the disclosure of genetic information."⁴⁴
- b. <u>Genetic Information</u> Includes information about genetic tests, manifestation of diseases and disorders, receipt of genetic services. Genetic information also includes an individual's family medical history and the genetic information of a fetus carried by a pregnant woman as well as the genetic information of any embryo for use in legal assisted reproduction. ⁴⁵
- c. <u>How does genetic information discrimination occur?</u> This discrimination occurs when employers or supervisors make employment decisions including, hiring, firing, job assignments and benefit and training offerings on the basis of an employee's genetic information or the genetic information of their family's medical history.
- d. <u>Harassment on the basis of genetic information</u> can present as negative or derogatory comments or jokes based on an employee's genetic information which create a hostile environment for the employee.

OCRT9 received ZERO reports of genetic information discrimination during the annual reporting period.

VII. Veteran Status Discrimination

- a. The Amended Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) requires employers to take affirmative actions to recruit, hire and promote veterans as covered by the law including disabled veterans and veterans recently discharged from active duty. 46 Additionally, employers and educational institutions are prohibited from discriminating against protected veterans when making employment decisions and employed veterans are protected from harassment based on their veteran status. 47
- b. The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects veterans' jobs while they are deployed by providing that returning service members are to be reemployed in the job that they would have attained had they not been absent for military services with the same seniority, pay, rights and benefits.⁴⁸
- c. The University has several resources for veterans including OCRT9, Human Resources, the Mizzou Student Veterans Association and the Veterans Center.

OCRT9 received ZERO reports of veteran status discrimination during the annual reporting period.

⁴⁴ U.S. Equal Employment Opportunity Commission. "Genetic Information Discrimination," Retrieved from https://www.eeoc.gov/laws/types/genetic.cfm on 3/31/17.

⁴⁶ US Dept. of Labor. "New regulations on VEVRAA," Retrieved from https://www.dol.gov/ofccp/regs/compliance/factsheets/VEVRAA FactSheet OA 508c.pdf on 3/31/17.

⁴⁷ See Veterans Opportunity to Work (VOW) Act of 2016, Pub. L. No. 112-156, Retrieved from https://www.congress.gov/112/plaws/publ56/PLAW-112publ56.pdf on 3/31/17.

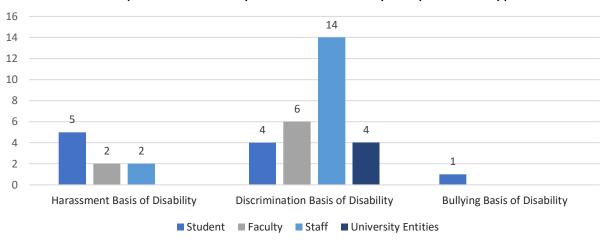
⁴⁸ US Dept. of Labor. "Job Rights for Veterans and Reserve Component Members." Retrieved from https://www.dol.gov/vets/programs/userra/userra/sh.htm on 3/31/17.

VIII. Reported Disability Discrimination

- a. The Americans with Disabilities Act (ADA), as amended, prohibits employers and other entities, like universities, covered by the ADA from treating an individual who is an employee or applicant in an inequitable manner because they have a disability.⁴⁹
 - i. Section 504 of the Rehabilitation Act of 1973 also prohibits disability discrimination in programs and activities that receive federal financial assistance.⁵⁰
- b. Additionally, the ADA requires employers to provide reasonable accommodations to employees and applicants with disabilities unless doing so would create an undue hardship for the employer.⁵¹
- c. The ADA also prohibits public colleges and universities from discriminating against people with disabilities including students.

OCRT9 received reports of discrimination in which complainants stated they experienced inequitable treatment and harassment in their work environments and/or living environments which was motivated by the fact that they were individuals with disabilities. Additionally, complainants reported experiencing inadvertent disclosures of their disability status and students and staff members reported that faculty members and supervisors, respectively, failed to accommodate their disabilities.

Reported Disability Discrimination by Respondent Type



- 15 staff members were accused of 16 violations of disability discrimination
- 10 students were accused of 10 violations of disability discrimination
- 8 faculty members were accused of 8 violations of disability discrimination
- 4 University Entities were accused of 4 violations of disability discrimination

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⁴⁹ U.S. Equal Employment Opportunity Commission. "Disability Discrimination," Retrieved from https://www.eeoc.gov/laws/types/disability.cfm on 3/31/17.

⁵⁰ US Dept. of Labor. "Section 504, Rehabilitation Act of 1973." Retrieved from https://www.dol.gov/oasam/regs/statutes/sec504.htm on 4/11/17.

⁵¹ *Id*.

Disability, Inclusion and ADA Compliance Summary

Disability Inclusion and ADA Compliance Manager

Amber Cheek has served as the ADA Compliance Manager for the University of Missouri since 2014. She works to foster an inclusive and welcoming environment at the University free of physical, programmatic, informational, and attitudinal barriers for people with disabilities. Toward the broader goal of inclusion, we emphasize universal design so that University programs, activities, and services are readily available to as many people as possible. In other words, we support the full integration of people with disabilities into all aspects of University life. These are diversity issues, which is why the position is organizationally located within the Division of Inclusion, Diversity & Equity and the Office for Civil Rights & Title IX.

The following definitions are pertinent in understanding the work of the ADA Compliance Manager:

- **Disability** a physical or mental impairment that substantially impacts one or more major life activities or major bodily functions.
- **Reasonable Accommodation** an assistive device or modification to a workplace policy that allows an employee with a disability to have equal opportunity.
- **Physical Accessibility** the ability to access the University's physical facilities.
- **Digital Accessibility** the ability of an individual with a disability to access the University's "digital campus" via online platforms and digital communications.
- **Program Access** the ability of an individual with a disability to participate in programs offered by the University, including events.
- **Employment Access** the ability of a person with a disability to have equal opportunity in hiring, retention, promotion, training, and all of the benefits of employment at the University.

The University's work in this area encompasses six primary areas: 1) employment access and accommodations for faculty and staff, 2) program and event access, 3) physical facilities accessibility, 4) digital accessibility, 5) policy and procedure development, and 6) training and education around the ADA and disability. These responsibilities of the ADA Compliance Manager are further defined below:

• Employment Access:

- o Arrange reasonable accommodations for faculty and staff with disabilities;
- Provide training on reasonable accommodations and disability awareness in the workplace; and
- Address systemic barriers that affect employment opportunity for persons with disabilities at Mizzou.

• Program Access:

- Provide advice and guidance on planning accessible events;
- Assist with arranging reasonable accommodations for attendees at University events;
- Resolve event access complaints; and

• Promote education to ensure equal access for persons with disabilities in all university programs.

• Physical Facilities Access:

- o Provide advice on accessibility of existing facilities and design projects;
- Resolve accessibility complaints; and
- Pursue strategic projects to improve accessibility of campus in collaboration with Campus Facilities, Parking and Transportation, and the Disability Center.

• Digital Communications Access:

- Provide advice and guidance on digital accessibility requirements in collaboration with the ACT Center;
- Resolve digital access complaints; and
- Pursue strategic projects that improve digital accessibility campus-wide.

• Policy and Practice Development:

- o Participate in the drafting and development of policies that affect the interests of persons with disabilities; and
- Assist departments across campus with developing practices and procedures that ensure access for persons with disabilities and prevent systemic discrimination.

• Education and Campus Climate:

- o Conduct trainings on disability awareness, accessibility, and the ADA; and
- Collaborate with the Disability Center and Chancellor's Committee for Persons with Disabilities to plan events and support student initiatives which foster an inclusive campus climate for persons with disabilities.

Accessibility and ADA Education Privacy Policy:

In her role as ADA Compliance Manager, Ms. Cheek does not share private disability information or medical documentation. However, when needed or requested, Ms. Cheek does share information with OCRT9 and general information with Human Resources or the Disability Center when collaborating on accommodations. Ms. Cheek also partners with the Adaptive Computing Technology Center (ACT Center), Campus Facilities, the Department of Information Technology (DOIT), Residential Life and Parking and Transportation Services.

Recent accessibility accomplishments include:

- Creating the Digital Accessibility Initiative, a campus-wide strategic initiative to improve access to our digital campus, in collaboration with IT, the ACT Center, the Disability Center, and Mizzou Creative;
- Drafting the Digital Accessibility Policy and creating a strategy to pursue adoption;
- Receiving funding for and beginning work on the Accessible Signage Initiative, a project to install wayfinding signage to help visitors find accessible entrances across campus;
- Creating an Accommodation Plan template to standardize recordkeeping for accommodation processes and to provide guidance for supervisors; and
- Creating a central fund for physical accessibility projects with the generous financial support of the Vice Chancellor for Operations and a process for the Chancellor's Committee for Persons with Disabilities to evaluate and vote on top-priority projects each year.

Additionally, Ms. Cheek engages in outreach and education efforts. During the annual reporting period, Ms. Cheek gave 28 presentations:

- 9 presentations focused on reasonable accommodations,
- 6 presentations focused on general disability awareness and culture, and
- 12 presentations provide education on ADA compliance issues.

The University also provides targeted trainings addressing specific ADA concerns or systemic issues, speaks to administrators about accessibility and campus concerns, engages in disability awareness presentations, participates in the planning for Celebrate Ability Week, and manages nominations for the annual Lee Henson Awards.

To continue to enhance accessibility and inclusion, the University plans to advance the following goals and initiatives in the coming year:

- Adoption of the Digital Accessibility Policy and creation of the Digital Accessibility Working Group;
- Implementation of the Accessible Signage Initiative across campus on at least 80 buildings;
- Creation of a "Central Fund" covering the full cost of reasonable accommodations for faculty and staff;
- Completion of additional reasonable accommodation trainings for supervisors;
- Creation of an annual "State of Accessibility" event in collaboration with the Disability Center and ACT Center; and
- Implementation of accessibility improvements at Missouri Theater.

The Equity Resolution Processes

The procedures used to respond to and resolve reports of discrimination are called the Equity Resolution Processes. During the annual reporting period, the Equity Resolution Processes⁵² provided a framework for resolving reports and formal complaints of discrimination against students, faculty members and staff members. One purpose of these procedures is to ensure fairness and due process.

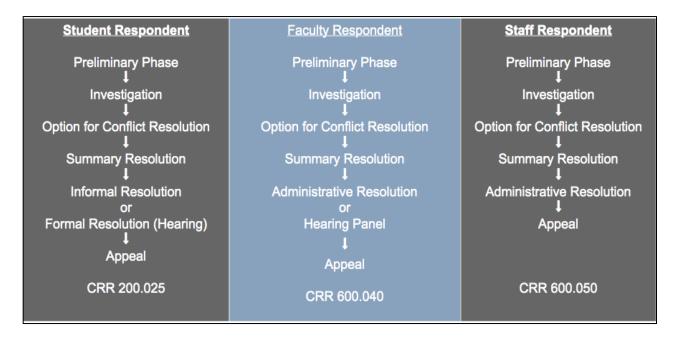
The CRRs that governed the Equity Resolution Process during the reporting period provided the following rights to complainants and respondents from each major population group (student, faculty, staff):

- The right to be treated with respect by University officials;
- Access to campus support resources (such as counseling, mental health and University health services;
- To report the matter to law enforcement;
- To be free from retaliation;

⁵² CRR 200.0025 (student respondents), 600.050 (staff respondents) 600.040 (faculty respondents). The processes are largely the same, except there is no hearing panel for staff.

- To have an Advisor of the complainant or respondent's choice accompany them to all interviews, meetings and proceedings throughout the Equity Resolution Process;
- To have an opportunity to present a list of witnesses and provide evidence to the Investigator;
- To be informed in writing of the finding, rationale and sanctions; and
- To have an opportunity to appeal the findings and sanction.

Major Steps in the 2015-2016 Equity Resolution Process



Roles of Administrators in the 2015-2016 Equity Resolution Processes

		Student Respondent	Staff Respondent	Faculty Respondent
1	Investigation: Will an investigation proceed if the complainant does not wish to move forward?	Ellen Eardley	Jatha Sadowski	Ken Dean
2	Summary Resolution: Is there enough evidence of a possible violation to move forward?	Ellen Eardley	Jatha Sadowski	Ken Dean
3	Responsibility: Is the person responsible for violating university policy?	Ellen Eardley or Hearing Panel	Jatha Sadowski	Ken Dean or Hearing Panel
4	Sanctions & Remedial Measures: What sanctions should be imposed and what remedial measures taken?	Ellen Eardley or Hearing Panel	Jatha Sadowski	Garnett Stokes
5	Appeal: Is there reason to allow an appeal and if so, should the outcome be altered?	Cathy Scroggs	Ken Dean	Hank Foley

Preliminary Investigation and Investigation

Upon receipt of a report, an Equity Consultant/Investigator conducts a preliminary investigation to gather enough information to refer the matter to an appropriate resolution process, to provide interim remedies as needed, to address any concerns regarding confidentiality, and to assess any requests that an investigation not be pursued. If a complainant or the University wishes to pursue a full investigation, then such investigation will proceed.

OCRT9 attempts to complete investigations within **30 business days** of receipt of a formal complaint. However, investigations may take longer in complex cases. Additionally, in cases where criminal charges are being pursued for the same behaviors, the University may undertake a short delay in its investigation. The Office caseload also impacts the speed of conducting individual investigations.

When an allegation of discrimination involving a student is reported to OCRT9 that also alleges a violation of the Standard of Conduct (200.010), OCRT9 will investigate and resolve the related conduct violations.

During the 2015-2016 annual reporting period, OCRT9 conducted 54 full investigations of discrimination and assigned outside investigators in 2 matters. This represents 8.0% of all reports to the Office.

Summary Resolution

After the Equity Consultant/Investigator completes an investigation, an Administrator reviews the investigation and may meet with the Investigator for clarification regarding information gathered during the investigation.

Next, the Administrator makes a decision, based on the evidence gathered, whether the complaint should move to the resolution phase. The Administrator will direct the complaint to move to the resolution phase if a **reasonable person** could, based on the evidence gathered, find the accused individual responsible for violating University policy. If the Administrator determines that the complaint should move to the resolution phase, the complaint will be resolved through one of three processes, conflict resolution, informal resolution, or formal resolution. The decision maker will use the **preponderance of the evidence standard**, which means that the administrator determines whether it is more likely than not that a reasonable person could find the respondent responsible (culpable) for violating University policy.

Twenty-seven of the 53 matters (50.9%) investigated were resolved via summary resolution. In other words, the administrator determined that a complaint should not move forward to the resolution phase after evaluating the respective investigation. On these occasions, the complainant still received interim remedies, support and resources from OCRT9 and was referred to on-campus resources and services.⁵³

	Faculty Respondent	Staff Respondent	Student Respondent
Decision Maker	Provost's Office	Human Resources	OCRT9
# of Matters Closed via Summary Resolution	12 of 19	12 of 12	3 of 20
Summary Resolution Percentage	63%	100%	15%

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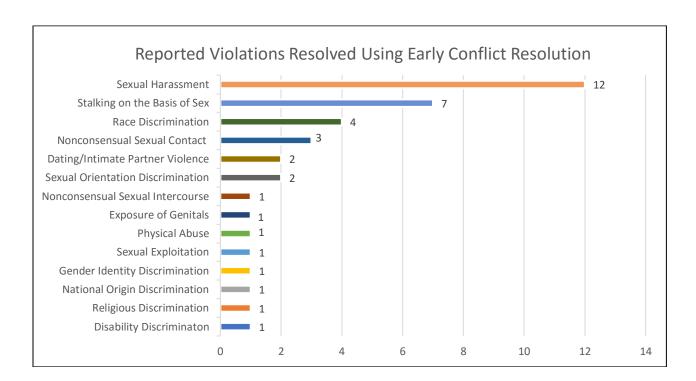
⁵³ During the annual reporting period, no investigations in which the respondent(s) was a staff member moved past the summary resolution stage. However, after the matters were summarily resolved, the majority were referred to Human Resources for additional consideration and follow up including, changing office procedures, professional development for employees and students and some resulted in changes in office structure.

Formal Conflict Resolution and Early Conflict Resolution

<u>Formal conflict resolution</u>⁵⁴ may be used to resolve formal complaints of discrimination and as an alternative to the informal and administrative processes and the formal/hearing panel resolution processes, if the parties agree. <u>Early conflict resolution</u> typically occurs before a formal complaint of discrimination has been filed. In this process, the parties agree to resolve reports of discrimination without pursuing a formal process. In any case, either method of conflict resolution may consist of alternative dispute resolution mechanisms, such as mediation, facilitated dialogue, negotiated agreements and restorative justice. Conflict resolution is only utilized if an administrator determines it is appropriate. In making a determination of appropriateness, the decision maker considers:

- The willingness of the parties;
- The nature of the conduct at issue;
- The susceptibility of the conduct to conflict resolution; and
- The emotional and physical safety and wellbeing of the parties participating in the process.

Sanctions and appeals are not possible as a result of a conflict resolution process, though the parties may agree to appropriate remedies. OCRT9 keeps records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions, which could be disciplinary actions or agreed upon sanctions.



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⁵⁴ Formal Conflict Resolution is described in CRRs 200.025(G)(2), 600.050(M) and 600.040(L).

Equity Consultants utilized early conflict resolution to address 33 reports of discrimination involving 38 alleged policy violations during the annual reporting period. This is 5.6% of all reports of discrimination received by OCRT9.

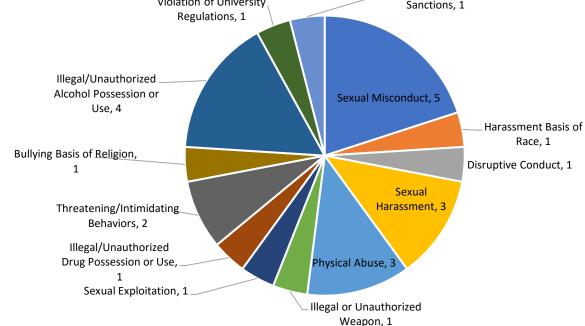
Three matters investigated were resolved after three student respondents agreed to voluntary temporary separation from the University, and one matter investigated was resolved when one student respondent agreed to voluntary permanent separation from the University.

Informal and Administrative Resolutions

The informal resolutions (for students) and the administrative resolutions (faculty and staff) can be used only if both the complainant and respondent agree to this form of resolution. In the informal and administrative processes, a single decision maker will make a determination or finding of responsibility. The decision maker will read a written investigative report and review exhibits prepared by an investigator and will typically meet with the respondent and the complainant. The investigative report summarizes statements made by witnesses and evidence collected through an impartial investigation.

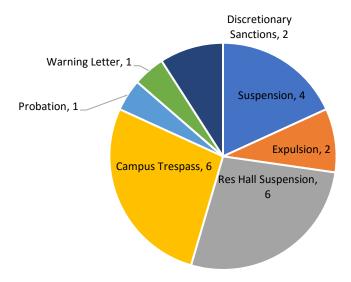
After the decision maker makes a determination of responsibility, the parties are promptly informed of the decision. In the period from August 1, 2015, to July 31, 2016, ten respondents were collectively charged with 20 policy violations that were resolved by informal resolution.





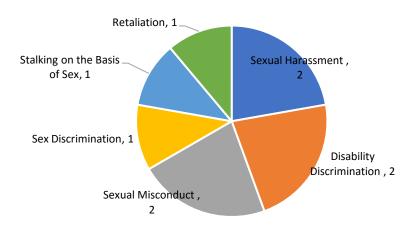
⁵⁵ CRR 200.010(C)(15): "The illegal or unauthorized possession or use of firearms, explosive, other weapons, or hazardous chemicals;" CRR 200.010(C)(12): "Manufacture, use, possession, sale or distribution of alcoholic beverages or any controlled substance without proper prescription or required license..."

Number of Respondents Receiving Each Type of Sanction via Informal Resolution (students)



Nine of the ten respondents were found responsible for at least one policy violation, and sanctions were attached to the findings of responsibility. In most cases, respondents received more than one type of sanction. Typically, students who were suspended or expelled from campus were also trespassed from campus permanently or for the duration of their suspension. Suspended and expelled students were also expelled permanently from Residence Halls. Suspensions ranged from two semesters to four years in duration. Expulsions are a permanent separation of a student from the University.

Alleged Policy Violations Adjudicated via Administrative Resolution (faculty)



In the period from August 1, 2015, to July 31, 2016, **six faculty** respondents were collectively charged with **9** policy violations that were resolved by Administrative resolution.

Outcomes and Sanctions of Administrative Resolutions

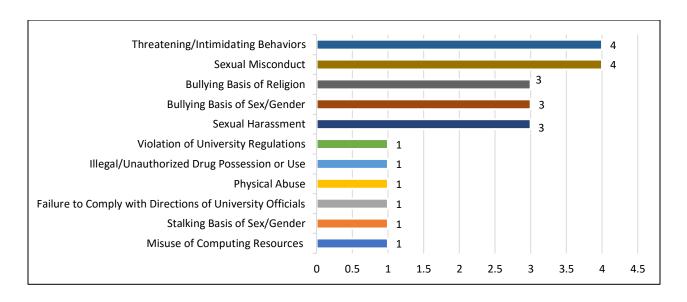
In the faculty process, sanctions are recommended by the decision maker,⁵⁶ but ultimately determined by the Provost. **Two** of the nine faculty respondents were found responsible for at least one violation of University policy. The sanctions determined by the Provost included the following measures:

- Recommendation of termination via Dismissal for Cause proceedings;
- Suspension without pay;
- Removal from campus;
- Loss of supervisory duties; and
- Warning letters.

Formal and Hearing Panel Resolutions

In the student and faculty processes, the parties have the option to request a hearing panel, also called formal resolution. An Equity Resolution Hearing Panel (composed of three staff or administrators) assembles at a formal hearing. The Investigator serves as a witness to present the Investigative Report, which the parties and panel have received prior to the hearing. The parties may serve as witnesses and may also call individuals to serve as witnesses at the discretion of the Hearing Panel Chair. The Hearing Panelists make a finding of responsibility for the alleged policy violations and prepare a written report detailing the findings, including any sanctions or remedial measures. In the faculty process, the panel can only recommend sanctions. Final decisions on sanctions are made by the Provost. The decision is subject to appeal.

Alleged Policy Violations Charged and Adjudicated via Formal Resolution (students)

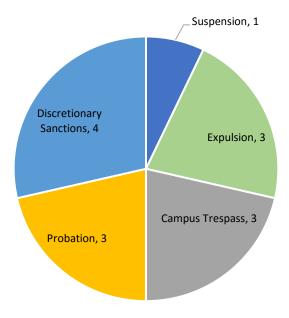


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⁵⁶ During the 2015-2016 annual reporting period, the Provost's Designee was typically Senior Associate Provost Ken Dean.

⁵⁷ 200.010(C)(12): "Manufacture, use, possession, sale or distribution of alcoholic beverages or any controlled substance without proper prescription or required license..."

Number of Respondents Receiving Each Type of Sanction in Formal Resolution (students)



Seven students chose to proceed with a formal resolution of the allegations against them. All **seven** respondents were found responsible for at least one policy violation by the hearing panelists convened to hear their cases. Sanctions were attached to the panelists' findings of responsibility. In most cases, respondents received more than one type of sanction. Typically, all respondents who were expelled from campus were also trespassed from campus permanently. The one suspension was for a term of seven months, and the three expulsions are a permanent separation of the student respondents from the University.

Alleged Policy Violations Adjudicated via Hearing Panel Resolution (faculty)

Two faculty respondents chose to proceed with a hearing panel resolution to resolve the allegations against them. These two respondents were accused of **two** violations of sexual harassment and **one** violation of sex discrimination.

Outcomes and Sanctions of Hearing Panel Resolutions (faculty)

Both of the faculty members who proceeded with formal resolution were found **responsible** for violating the University's policy that prohibits sex discrimination. The sanctions determined by the Provost included the following measures:

- Required training;
- Loss of supervisory duties;
- Warning letter; and
- Direction that a No Contact Directive remain in place.

Summary Chart of Findings in Resolutions

	Decision Maker	# of Faculty Respondent found Responsible	# of Student Respondents Found Responsible
Informal Resolution	OCRT9		9 of 10
Formal Resolution	Student Hearing Panelists		7 of 7
Administrative Resolution	Provost's Office	2 of 6	
Hearing Panel Resolution	Faculty Hearing Panelist	2 of 2	

Appeals

Parties to a resolution are permitted to appeal the decision of the Equity Resolution Panel and the Title IX Administrator, HR Equity Officer or Provost's Designee, but only for the following reasons:

- 1. A procedural error that significantly impacted the outcome of the formal resolution, such as substantiated bias or material deviation from the established procedure;
- 2. To consider new evidence, unavailable during the original hearing that could substantially impact the original finding or sanction; or
- 3. The sanctions fall outside the range typically imposed:
 - For the offense (as determined by the appellate officer), or
 - For the cumulative conduct record of the accused.

Dr. Cathy Scroggs, Vice Chancellor of Student Affairs, serves as the appellate officer for the student process. During the reporting period, Senior Associate Provost Ken Dean served as the appellate officer for staff administrative resolutions, and Chancellor Bowen Loftin and Interim Chancellor Hank Foley served as the appellate officer for faculty administrative and hearing panel resolutions.

During the 2015-2016 reporting period, **seven** findings of responsibility were appealed. **Six** student respondents appealed findings of responsibility made by Equity Resolution Panelists. **One** complainant appealed a "not responsible" finding by the Title IX Administrator, while **one** respondent appealed a finding of responsibility made by the Title IX Administrator. All findings of responsibility and sanctions issued by the Equity Resolution Panelists were upheld, and one

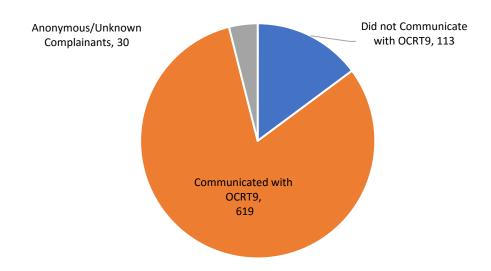
finding of responsibility made by the Title IX Administrator and its accompanying sanctions were overturned.

No faculty respondents appealed findings of responsibility by Equity Resolution Panelists or by the Provost's Designee.

Interim Remedies, Adjustments and Referrals

When a report of alleged discrimination is made by someone other than the person affected by the discrimination, OCRT9 contacts the complainant to provide a statement of their rights and to inform them that they can receive interim remedies and utilize campus resources. There were 674 incidents of discrimination reported during the annual reporting period that identified **762** complainants.

How Complainants Interacted with OCRT9

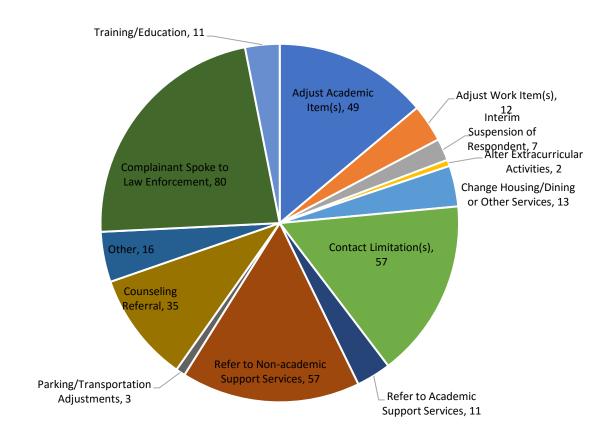


Six hundred and nineteen (619) complainants (81.2%) communicated with OCRT9 by phone, email or in person by meeting with an Equity Consultant/Investigator or an OCRT9 administrator. OCRT9 received 30 reports involving 30 anonymous/unknown complainants (3.9%) who the office was unable to contact and 113 complaints (14.8%) chose not to communicate with OCRT9 at all.

Complainants are not required to communicate with OCRT9. However, OCRT9 provided **285** interim remedies, adjustments and referrals to complainants who communicated with Equity Consultants or OCRT9 Administrators. Many complainants received more than one type of remedy, and some complainants did not request or receive any remedies, so the number of

remedies, adjustments and referrals does not match the number of complainants identified during the annual reporting period.

Number of Interim Remedies and Adjustments Received by Complainants (by type)



- Complainant spoke to law enforcement (23%)
 - OCRT9 staff arranged meetings between law enforcement officers and complainants so that the complainants could make a police report. When appropriate, OCRT9 has requested that MUPD prohibit individuals from coming on to University property by issuing a trespass warning. This number also represents complainants who reported speaking to law enforcement officers prior to contacting OCRT9 (the majority of the 80 complainants in this category).
- Contact limitation(s) (16%)
 - When complainants experience discrimination, they are often uncomfortable engaging in further contact with the respondent. OCRT9 has the ability to issue No Contact Directives⁵⁸ and otherwise limit interactions between parties.
- Refer to nonacademic support services (16%)

⁵⁸ Letters issued to the complainant and respondent, which mandate the parties to cease all or some contact (in person, physical, electronic). The directive also warns the recipients that any contact in violation of the letter could be considered a violation under University policy.

 OCRT9 staff are able to provide personal referrals to complainants to obtain additional assistance. The most frequent referral was to the RSVP Center where members of the Mizzou community can receive confidential crisis intervention and advocacy services, followed by referrals to the ADA Compliance Manager, Human Resources, the Office of Student Conduct and Residential Life Staff.

• Adjust academic item(s) (14%)

Students who experience discrimination sometimes report experiencing anxiety and depression that make it difficult for them to attend classes and take exams. Academic adjustments included working with faculty and instructors so that students could make up missed assignments, participation and attendance points; altering final exam schedules; and granting alternate class attendance and participation.

• Counseling referral (10%)

 OCRT9 also refers individuals to mental and behavioral healthcare providers, including the Counseling Center, Behavioral Health and the Employee Assistance Program (EAP).

• Other (5%)

 This category encompasses a variety of actions including OCRT9 staff members monitoring websites and social media accounts, speaking to witnesses, and meeting with administrators, coaches and advisors to discuss reports.

• Change housing/dining or other services (4%)

o Complainants also request that OCRT9 facilitate housing changes if they feel unsafe in their on-campus housing as a result of the reported discrimination.

• Adjust work item(s) (3%)

 Work adjustments included communicating with supervisors to change complainants' work schedules, assignments, locations or the reporting structure of an office or department.

• Training/Education (3%)

o Typically consisted of an OCRT9 staff member providing relevant information or advice to a complainant so that they could better advocate for themselves.

• Refer to academic support services (3%)

 OCRT9 staff members referred students to academic support offices such as the Writing Center and the Success Center, but also to individuals, for example, academic advisors, deans and program directors.

• Interim suspension of respondent (2%)

Some reported matters led the Appropriate Administrative Officer to determine that a respondent should no longer be permitted on campus. As such, the decision maker sends an interim suspension letter notifying the respondent that they are suspended from all or part of campus pending the outcome of an investigation.⁵⁹

• Parking/Transportation adjustments (1%)

o Typically, changes to parking assignments.

• Alter extracurricular activities (1%)

• This could include adjusting the policies, practices and membership requirements of student organizations.

⁵⁹ On these occasions, respondents are allowed 7 business days to meet with the decision maker in order to show cause as to why the interim suspension should not be enforced.

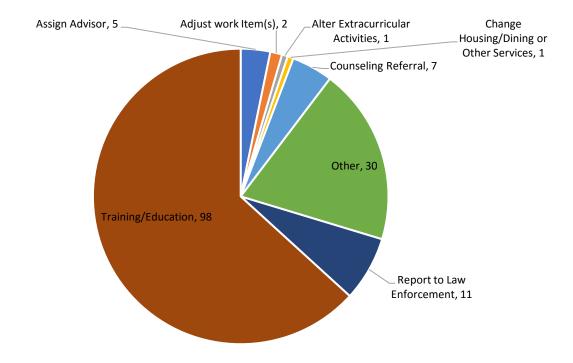
Most complainants did not request interim remedies; rather, they communicated with OCRT9 and provided additional information, for example:

- I do not want to file a complaint or pursue an investigation;
- The Respondent's name is _____;
- I feel safe, and I do not need referrals or interim remedies;
- I only want to document my side of the story;
- The accused is not affiliated with Mizzou:
- I took care of the situation myself;
- My supervisor handled the situation; and
- I am seeking counseling and do not wish to discuss the report.

The 113 complainants who chose not to respond to OCRT9 communications (phone calls and emails) still received information regarding their rights, copies of University anti-discrimination policies, and an invitation to meet with OCRT9 staff members at any future time. OCRT9 strives to identify trends and patterns of behavior; hence, any information shared will be added to our private database and used to prevent future discrimination if possible. Even if a complainant does not wish to pursue an investigation when an incident is reported, OCRT9 will document the information the complainant provides, which can be used if the complainant requests an investigation at a future date.

OCRT9 provides both complainants *and* respondents with interim remedies. During the annual reporting period, respondents received **186** interim remedies, referrals and adjustments.

Types of Interim Remedies and Adjustments Received by Respondents



OCRT9 provides training and education upon request and when OCRT9 staff determines that training may be necessary to disrupt a potential or actual discriminatory environment within an organization or University Entity. OCRT9 staff also meets with students, faculty and staff members on a one-on-one basis to discuss and correct discriminatory behavior. OCRT9 staff members also understand the impact that a report of discrimination may have on a respondent, thus, staff members refer respondents to counseling and mental health resources.

University policies provide that students, if requested, will be assigned a trained advisor to provide support and guidance as they proceed through the equity resolution process. During the reporting period, five student respondents requested a trained advisor. In lieu of pursuing an investigation, OCRT9 also engages in other interim remedies (19%) including requesting the disciplinary history of the respondent from other institutions, contacting the supervisor of the respondent, and notifying relevant administrators and supervisors of the allegations against the respondent to help assist and mentor the respondent.

OCRT9 staff members share information with law enforcement (7%) when appropriate to protect the safety of those on campus and to notify law enforcement about patterns of threatening behaviors or individuals of concern.

Conclusion

By creating OCRT9, the University has provided the campus with a central resource for addressing discrimination and sexual violence. Centralization has enhanced the University's ability to be transparent about reports of discrimination and to identify opportunities for improvement. Moving forward, we will be tracking the data points offered in this 2015-2016 Annual Report so that we can identify trends, improve outreach to prevent discrimination and sexual violence, and respond appropriately as the community's needs change. We look forward to sharing similar data with the community at the end of the 2016-2017 reporting period.

Since its inception in December 2015, OCRT9 has helped students stay in school and employees stay employed. In our first year, we communicated with hundreds of employees, students, visitors and volunteers who reported incidents of discrimination or sexual violence. These community members received a variety of services and remedies to improve their work, living and learning environments. Additionally, many individuals, including people who were accused of discrimination, received support from mental health, counseling, advocacy and crisis intervention services.

We have identified the following areas for *enhanced bystander intervention* that may be helpful in transforming the campus culture.

- Be Aware of Your Surroundings and Support Others in Need

OCRT9 encourages anyone who witnesses unknown individuals directing racial, religious or gender-based epithets towards members of our campus community to be aware of their surroundings and get a description of the people involved. If a vehicle is involved, take note of

the license plate, make and model of the vehicle, and take a photograph of the vehicle if it is safe for you to do so. If you are a witness, be supportive of the person who is targeted by the slurs. Check to see if they need assistance and let them know they are not alone. Report the incident to OCRT9 online, or if you wish, report it to the MU Police Department or the Columbia Police.

- Be Respectful of Others Online

Approximately 11% of reports to OCRT9 involved use of email, Internet, and social media as a tool to degrade, belittle or threaten others based on their identities or characteristics in potential violation of the University's non-discrimination policies. Often, the harmful messages are posted anonymously, and it cannot be determined whether the messenger is affiliated with the University. OCRT9 can provide support to anyone who is harmed, but this is also a community issue. You might show support online towards groups who are unfairly targeted. Educators throughout our Division of Inclusion, Diversity & Equity are working to ensure that students are aware that their actions impact others, and to promote our core values of respect, responsibility, discovery and excellence.

Looking back on 2015-2016, we have identified the following *areas of promise* in moving forward.

- Increased Reporting, Trust and Assessment

In the Spring of 2016, OCRT9 launched its central website for receiving <u>online reports</u> of discrimination. Anonymous reports are accepted as well. While anonymous reports may limit our ability to follow up and address the issue, they still provide important information to our office as we endeavor to understand the campus climate, patterns and trends. We plan to improve the website to make it even clearer that hate-motivated incidents can be reported there.

During 2015-2016, the new OCRT9 office saw an increase in reports of sex/gender discrimination against students over reports received by the former Title IX Office in the 2014-2015 academic year. There was also a significant number of voluntary self-reports from students. We believe this suggests increased knowledge of the work of our office, increased confidence in the new office, and/or increased awareness of the University's policies prohibiting discrimination. While discrimination and sexual violence tend to be underreported to offices like ours, we expect the number of reports of discrimination and sexual violence to continue to rise as more people become aware of our services and as more people understand that we address hatemotivated incidents throughout campus.

With the assistance of the MU Sexual & Intimate Partner Violence Task Force, we plan to conduct quality improvement and other assessment measures in the coming year to better measure our impact. We are also comparing our data with the <u>2015 Association of American Universities Campus Climate Sexual Assault and Sexual Misconduct Survey</u> for students and will do the same with the results from the <u>MU 2016 Campus Climate Survey</u> for faculty, staff and students, when they are available.

- Early Intervention for Respondents and Early Conflict Resolution

OCRT9 provided over 90 respondents with education, training, and coaching in order to stop and prevent future discrimination. OCRT9 is pleased to report that a number of cases were resolved via early conflict resolution, which we believe allowed the parties to gain a better understanding of the incident, adopt new viewpoints, avoid future infractions, and promote professional growth and development.

Increased Outreach and Prevention

The University of Missouri is committed to proactively engaging in prevention and education efforts to help stop discrimination and interpersonal violence from occurring in the first place.

OCRT9 hired a full-time Education & Prevention Coordinator at the end of the 2015-2016 reporting period. This role significantly expands the proactive reach of the office and fosters collaboration with other units in our Division of Inclusion, Diversity and Equity.

During the annual reporting period, OCRT9 gave more than 60 presentations, workshops or seminars, reaching at least 3,500 individuals, including key student, faculty and staff leaders. These presentations focused on bystander intervention, students' rights and options, and the resources available on campus. We are continuing to provide programming throughout campus, including partnerships with Residential Life, Greek Life, Athletics, student organizations, staff, and faculty.

We are continuing to require new undergraduate, graduate and professional students to complete, *Not Anymore*, a video-based program that provides baseline education to students about sexual assault, consent, intimate partner violence, stalking and bystander intervention techniques. Both the Office for Civil Rights & Title IX and the RSVP Center are facilitating follow-up, in-person discussions about *Not Anymore* with students across campus.

As of Spring 2016, undergraduate students who are new to Mizzou are completing a new program called *Citizenship@Mizzou*, offered through the Division of Inclusion, Diversity & Equity and led by Professor Stephanie Shonekan. Citizenship@Mizzou is a two-hour interactive program designed to introduce new students to the values of Mizzou and to the ways in which we engage with issues of citizenship on a richly diverse campus. The goal of the program is to prepare students to think critically about the world of Mizzou and to recognize that the faculty, staff and student population includes people from a wide range of places, spaces, identities and views.

Through our outreach, we strive to help make Mizzou a safer, more inclusive community. We encourage you to invite OCRT9 to meet with your organization, class, department or division.

Glossary of Terms Used During the 2015-2016 Reporting Period⁶⁰

- Bullying⁶¹ was defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived sex, gender, sexual orientation, gender identity or gender expression.
- Consent to Sexual Activity, as defined by University policies, is knowing and voluntary. Silence or absence of resistance does not establish consent. 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. Consent must be obtained at the time of the specific activity and can be withdrawn at any time. Lack of consent or withdrawal of consent may be communicated by words or non-verbal acts. Coercion and force, or threat of either, invalidates consent.
- Hazing 62 (on the basis of sex) is defined as an act that endangers the mental or physical health or safety of a student, or an act that is likely to cause physical or psychological harm to any person within the University community, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization, where the intent or impact of the act is based on or creates disparities based on sex, gender, sexual orientation, gender identity or gender expression. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent, failing to discourage, and/or failing to report those acts may also violate this policy.
- <u>Incapacitation</u> An individual who is incapacitated lacks the capacity to give knowing consent. Incapacitation can be due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the individual from having the capacity to give consent.
- <u>Sex Discrimination</u> occurs when a person has been treated inequitably based on sex or gender, and includes discrimination on the basis of pregnancy. Sex discrimination includes:
 - Sexual Orientation Discrimination occurs when a person has been treated inequitably based on their sexual orientation.
 - Sexual orientation is the term used to describe what gender(s), if any, someone is sexually and/or romantically attracted to.

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⁶⁰ The Board of Curators updated the University policies in February of 2017, effective March 2017. Future reports will refer to new policies and new or revised sections of the CRRs.

⁶¹ See Standard of Conduct, UM System Collected Rules and Regulations Chapter 200.010 Section B.6(c).

⁶² As defined by the Standard of Conduct, UM System Collected Rules and Regulations Chapter 200.010 Section B.16.

 Pregnancy Discrimination occurs when a woman (student or employee) is treated inequitably because of pregnancy, childbirth or medical condition related to pregnancy and childbirth.

o Sexual Harassment includes:

- Unwelcome sexual advances or requests for sexual activity by a person or persons in a position of power or authority over another person, or
- Other unwelcome verbal or physical conduct of a sexual nature by a person to another person, when:
 - Submission to or rejection of such conduct is used explicitly or implicitly as a condition for academic or employment decisions; or
 - Such conduct creates a hostile environment by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.

o Sexual Misconduct includes:

- <u>Nonconsensual Sexual Intercourse (NCSI)</u> is nonconsensual vaginal, oral and anal penetration.
 - This conduct is sometimes referred to in common usage as rape or sexual assault.
- <u>Nonconsensual Sexual Contact (NCSC)</u> involving the nonconsensual sexual touching of the genitals, breast or anus of another person or the nonconsensual sexual touching of another with one's own genitals whether directly or through the clothing.
 - This conduct is sometimes referred to in common usage as **sexual assault.**
- Exposing One's Genitals to another under circumstances in which he or she should reasonably know that his or her conduct is likely to cause affront or alarm.
- <u>Sexual Exploitation</u> occurs when one person takes nonconsensual or abusive sexual advantage of another person for his/her own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited and the behavior does not constitute any other form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, the following activities done without the consent of all participants:
 - Invasion of sexual privacy;
 - Prostituting another person;
 - Taping or recording of sexual activity;
 - Going beyond the boundaries of consent to sexual activity (letting friends hide to watch individuals engaging in sexual activity);
 - Engaging in voyeurism;
 - Knowingly transmitting an STI, STD, venereal disease or HIV to another person;
 - Inducing another to expose their genitals.

- Stalking on the Basis of Sex is following or engaging in a course of conduct on the basis of sex with no legitimate purpose that puts another person reasonably in fear for his or her safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.
 - Stalking behaviors can include, but are not limited to:
 - Following the victim;
 - Showing up uninvited at places where the victim is present;
 - Calling, texting or emailing repeatedly;
 - Sending unwanted gifts; and/or
 - Damaging the victim's property.
- <u>Dating/Intimate Partner Violence</u> is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the recipient of the violent behavior.
 - A pattern of violence in any intimate relationship where one person inflicts physical or emotional pain on their partner in order to control them. Examples include:
 - Threatened or completed violence towards a person's body, possessions, pets or children;
 - Intimidation through words, threats or acts of violence;
 - Isolating the victim from family and friends; and/or
 - Insisting on sex or forcing a partner to have sex.

APPENDIX 1

To better understand OCRT9, we recommend the relevant sections of the Collected Rules and Regulations in place during the reporting period (8/1/15-7/31/16), additional documents and the websites listed below.

Policies Applying to Students	
1. CRR 200.010 – Student Standard of Conduct	1-3
2. CRR 200.025 – Equity Resolution Process for Student Respondents	4-14
3. Student Respondent – Equity Resolution Flowchart	15
4. Student Respondent – Rights of the Complainant	16
5. Student Respondent – Rights of the Accused	17
6. CRR 390.010 – Discrimination Grievance Procedure for Students	18-24
Policies Applying to Faculty	
7. CRR 600.040 – Equity Resolution Process for Faculty Respondents	25-34
8. Faculty Respondent – Equity Resolution Flow Chart	61
9. Faculty Respondent – Rights of the Complainant	
10. Faculty Respondent – Rights of the Accused.	63
11. CRR 370.010 – Academic (Faculty) Grievance Procedure	64-66
Policies Applying to Staff	
12. CRR 600.050 – Equity Resolution Process for Staff Respondents	55-60
13. Staff Respondent – Equity Resolution Flowchart.	61
14. Staff Respondent – Rights of the Complainant	
15. Staff Respondent – Rights of the Accused	
16. CRR 380.010 - Grievance Procedure for Administrative, Service, and Support Staff	64-66
Policies Applying to Students, Staff, and Faculty	
17. CRR 600.020 – Sex Discrimination, Sexual Harassment and Sexual Misconduct in	
Education/Employment	
18. CRR 330.065 – Consensual Amorous Relationship Policy	73
19. CRR 320.010 – Equal Employment/Educational Opportunity	74
20. CRR 330.070 – Affirmative Action on Committee Appointments	75

22. CRR 300.010 Faculty Bylaws of the University of Missouri	
(Faculty Irresponsibility)	76-85
23. CRR 310.060 Procedures in Case of Dismissal for Cause	
24. Promoting Trans Student Inclusion at MU	91
25. 2015-2016 Notice of Rights and Options	92



Chapter 200: Student Conduct

200.010 Standard of Conduct

Amended Bd. Min. 3-20-81; Bd. Min. 8-3-90, Bd. Min 5-19-94; Bd. Min. 5-24-01, Bd. Min. 7-27-12; Bd. Min. 12-7-12; Bd. Min. 6-19-14; Revised 9-22-14 by Executive Order 41; Revised 11-3-15 by Executive Order 41.

A student at the University assumes an obligation to behave in a manner compatible with the University's function as an educational institution and voluntarily enters into a community of high achieving scholars. A student organization recognized by the University of Missouri also assumes an obligation to behave in a manner compatible with the University's function as an educational institution. Consequently, students and student organizations must adhere to community standards in accordance with the University's mission and expectations.

These expectations have been established in order to protect a specialized environment conducive to learning which fosters integrity, academic success, personal and professional growth, and responsible citizenship.

- A. **Jurisdiction of the University of Missouri** generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to the imposition of sanctions under Sections 200.020 and 200.025 of the Collected Rules and Regulations against students and student organizations for conduct occurring in other settings, including off campus, in order to protect the physical safety of students, faculty, staff, and visitors or if there are effects of the conduct that interfere with or limit students' ability to participate in or benefit from the University's educational programs and activities.
- B. A student organization is a recognized student organization which has received official approval in accordance with Section 250.010 of the Collected Rules and Regulations. To determine whether a student organization is responsible for conduct outlined in Section 200.010.C., all circumstances will be considered, including but not limited to whether:
 - The student organization approved, condoned, allowed, encouraged, assisted or promoted such conduct;
 - The prohibited behavior in question was committed by one or more student organization officers or a significant number of student organization members;
 - Student organization resources, such as funds, listservs, message boards or organization locations, are used for the prohibited conduct; and/or
 - 4. A policy or official practice of the student organization resulted in the prohibited conduct.
- C. **Conduct** for which students and student organizations, when applicable, are subject to sanctions falls into the following categories:
 - 1. Academic dishonesty, such as cheating, plagiarism, or sabotage. The Board of Curators recognizes that academic honesty is essential for the intellectual life of the University. Faculty members have a special obligation to expect high standards of academic honesty in all student work. Students have a special obligation to adhere to such standards. In all cases of academic dishonesty, the instructor shall make an academic judgment about the student's grade on that work and in that course. The instructor shall report the alleged academic dishonesty to the Primary Administrative Officer.
 - a. The term **cheating** includes but is not limited to: (i) use of any unauthorized assistance in taking quizzes, tests, or examinations; (ii) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (iii) acquisition or possession without permission of tests or other academic material belonging to a member of the University faculty or staff; or (iv) knowingly providing any unauthorized assistance to another student on quizzes, tests, or examinations.
 - b. The term plagiarism includes, but is not limited to: (i) use by paraphrase or direct quotation of the published or unpublished work of another person without fully and properly crediting the author with footnotes, citations or bibliographical reference; (ii) unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials; or (iii) unacknowledged use of original work/material that has been produced through collaboration with others without release in writing from collaborators.
 - c. The term sabotage includes, but is not limited to, the unauthorized interference with, modification of, or destruction of the work or intellectual property of another member of the University community.
 - 2. Forgery, alteration, or misuse of University documents, records or identification, or knowingly furnishing false information to the University.

- Obstruction or disruption of teaching, research, administration, conduct proceedings, or other University activities, including its public service functions on or off campus.
- 4. Physical abuse or other conduct which threatens or endangers the health or safety of any person.
- 5. **Stalking** another by following or engaging in a course of conduct with no legitimate purpose that puts another person reasonably in fear for his or her safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.
- Violation of the University's Equal Employment/Education Opportunity Policy located at Section 320.010 of the Collected Rules and Regulations. These violations include, but are not limited to:
 - a. Harassment. Harassment in violation of the University's anti-discrimination policies, is unwelcome verbal or physical conduct, on the basis of actual or perceived membership in a protected class as defined in the University's anti-discrimination policies, that creates a hostile environment by being sufficiently severe or pervasive and objectively offensive so that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.
 - b. Sex Discrimination, Sexual Harassment and Sexual Misconduct as further defined in Section 600.020 and/or referenced in Section 200.010B7 below.
 - c. Bullying. Bullying is defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally, on the basis of actual or perceived membership in a protected class.
 - d. Retaliation. Retaliation is any adverse action taken against a person because of that person's participation in protected activity. The University strictly prohibits retaliation against any person for making any good faith report or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of discrimination in violation of the University's Equal Employment/Education Opportunity Policy.
 - e. **False Reporting.** False reporting is making an intentional false report or accusation as opposed to a report or accusation, which, even if erroneous, is made in good faith.
- 7. Violation of the University's Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy in Section 600.020 of the Collected Rules and Regulations. These violations include:
 - a. Sex Discrimination. Sex discrimination occurs when a person has been treated inequitably on the basis of sex, gender identity, or gender expression. Specifically, the University of Missouri System upholds Title IX, which states in part that "[n]o 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." Sexual harassment, sexual misconduct, sexual exploitation, stalking on the basis of sex and dating/intimate partner violence are forms of sex discrimination.
 - b. Sexual Harassment. Sexual harassment is defined as:
 - 1) Unwelcome sexual advances or requests for sexual activity by a person or persons in a position of power or authority to another person, or
 - 2) Other unwelcome verbal or physical conduct of a sexual nature by a person to another person, when:
 - a) Submission to or rejection of such conduct is used explicitly or implicitly as a condition for academic or employment decisions; or
 - b) Such conduct creates a hostile environment by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.
 - c. Sexual Misconduct. Sexual misconduct is:
 - 1) nonconsensual sexual intercourse;
 - 2) nonconsensual sexual contact involving the sexual touching of the genitals, breast or anus of another person or the nonconsensual sexual touching of another with one's own genitals whether directly or through the clothing;
 - 3) exposing one's genitals to another under circumstances in which he or she should reasonably know that his or her conduct is likely to cause affront or alarm; or
 - 4) sexual exploitation.
 - d. **Stalking on the Basis of Sex.** Stalking on the basis of sex is following or engaging in a course of conduct on the basis of sex with no legitimate purpose that puts another person reasonably in fear for his or her safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.
 - e. **Dating/Intimate Partner Violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the recipient of the violent behavior.

- f. Sexual Exploitation. Sexual exploitation occurs when one person takes nonconsensual or abusive sexual advantage of another person for his/her own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited and which behavior does not constitute any other form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, the following activities done without the consent of all participants:
 - 1) Invasion of sexual privacy;
 - 2) Prostituting another person;
 - 3) Taping or recording of sexual activity;
 - 4) Going beyond the boundaries of consent to sexual activity (letting your friends hide to watch you engaging in sexual activity);
 - 5) Engaging in voyeurism;
 - 6) Knowingly transmitting an STI, STD, venereal disease or HIV to another person;
 - 7) Inducing another to expose their genitals.
- g. Retaliation. Retaliation is any adverse action taken against a person because of that person's participation in protected activity. The University strictly prohibits retaliation against any person for making a report required by Section 600.020 of the Collected Rules and Regulations, for making any good faith report to a Title IX Coordinator or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of sex discrimination, sexual harassment or sexual misconduct.
- h. **False Reporting.** False reporting is making an intentional false report or accusation as opposed to a report or accusation, which, even if erroneous, is made in good faith.
- 8. Threatening or Intimidating Behaviors, defined as written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property or implied threats or acts that cause a reasonable fear of harm in another.
- Participating in attempted or actual taking of, damage to, or possession without permission of property of the University or of a member of the University community or of a campus visitor.
- 10. Unauthorized possession, duplication or use of keys to any University facilities or unauthorized entry to or use of University facilities.
- 11. **Violation of University policies, rules or regulations or of campus regulations** including, but not limited to, those governing residence in University-provided housing, or the use of University facilities, or student organizations, or the time, place and manner of public expression.
- 12. Manufacture, use, possession, sale or distribution of alcoholic beverages or any controlled substance without proper prescription or required license or as expressly permitted by law or University regulations, including operating a vehicle on University property, or on streets or roadways adjacent to and abutting a campus, under the influence of alcohol or a controlled substance as prohibited by law of the state of Missouri.
- 13. **Disruptive conduct.** Conduct that creates a substantial disruption of University operations including obstruction of teaching, research, administration, other University activities, and/or other authorized non-University activities that occur on campus.
- 14. Failure to comply with directions of University officials acting in the performance of their duties.
- 15. The illegal or unauthorized possession or use of firearms, explosives, other weapons, or hazardous chemicals.
- 16. Hazing, defined as an act that endangers the mental or physical health or safety of a student, or an act that is likely to cause physical or psychological harm to any person within the University community, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent (and/or) failing to discourage (and/or) failing to report those acts may also violate this policy.
- 17. Misuse of computing resources in accordance with University policy, including but not limited to:
 - a. Actual or attempted theft or other abuse.
 - b. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
 - c. Unauthorized transfer of a file.
 - d. Unauthorized use of another individual's identification and password.
 - Use of computing facilities to interfere with the work of another student, faculty member, or University official.
 - f. Use of computing facilities to interfere with normal operation of the University computing system.
 - g. Knowingly causing a computer virus to become installed in a computer system or file.



Chapter 200: Student Conduct

200.025 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Student or Student Organization

Executive Order 41, 9-22-14.

A. General

The University will act on any formal or informal complaint or notice of violation of the University's antidiscrimination policies. The procedures described below apply to all such complaints or notice when the Accused is a student, students or a student organization.

Jurisdiction of the University of Missouri generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to, the imposition of sanctions under Section 200.025 of the Collected Rules and Regulations against students for conduct occurring in other settings, including off-campus, in order to protect the physical safety of students, faculty, staff, and visitors or if there are effects of the conduct that interfere with or limit students' ability to participate in or benefit from the University's educational programs and activities.

B. Definitions:

- 1. University's Anti-Discrimination Policies. The University's Anti-Discrimination Policies include the Equal Employment/Education Opportunity Policy located at Section 320.010 of the Collected Rules and Regulations and the Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy located at Section 600.020 of the Collected Rules and Regulations.
- Complainant. The term "Complainant" refers to the alleged victim of discrimination under the University's Anti-Discrimination Policies. The University may also serve as Complainant when the alleged victim does not wish to participate in the Resolution Process.
- Accused. The person, persons or student organization alleged to have violated the University's Anti-Discrimination Policies.
- Complaint. Formal or informal complaint or notice of violation of the University's Anti-Discrimination Policies.
- Advisors. The individuals selected by Complainant and Accused to provide support and guidance throughout the Equity Resolution Process. Each party is allowed one advisor.
- 6. Appropriate Administrative Officers. The Appropriate Administrative Officers are trained administrators designated by the Chancellor or designee and typically are the Title IX Coordinator, the Director of Student Conduct or the Chief Equity Officer/Affirmative Action Officer.
- 7. Student. A person having once been admitted to the University who has not completed a course of study and who intends to or does continue a course of study in or through one of the campuses of the University. For the purpose of these rules, student status continues whether or not the University's academic programs are in session.
- 8. Student Organization. A recognized student organization which has received Official Approval in accordance with Section 250.010 of the Collected Rules and Regulations. Three members of the organization may represent the student organization in all proceedings.
- 9. Equity Resolution Hearing Panelists. A group of at least ten (10) administrators or staff appointed by the Chancellor or designee to serve as hearing panelists in the Formal Resolution Process.
- 10. Equity Resolution Hearing Panel. A group of three (3) trained administrators or staff from the larger group of Equity Resolution Hearing Panelists who serve as the Formal Hearing Panel for a specific Complaint.
- 11. Equity Resolution Appellate Officer. A trained, senior-level administrator appointed by the Chancellor or designee to hear all appeals stemming from the Equity Resolution Process.
- 12. Formal Resolution. Resolution of a Complaint by an Equity Resolution Hearing Panel.
- 13. Informal Resolution. Resolution of a Complaint by the Appropriate Administrative Officer.
- 14. Conflict Resolution. Resolution using alternative dispute resolution mechanisms such as mediation, facilitated dialogue or restorative justice.
- C. Filing a Complaint. Any student, employee, volunteer or visitor who believes that a student or student organization has violated the University's Anti-Discrimination Policies should contact the Chief Student

Affairs Officer (or designee) and in the case of sexual misconduct or allegations of other forms of sex discrimination as defined in Section 600.020 of the Collected Rules and Regulations, the Title IX Coordinator. Such individuals can also contact campus police if the alleged offense may also constitute a crime. In order to foster reporting and participation, the University may provide amnesty to Complainants and witnesses accused of minor student conduct violations ancillary to the incident.

In matters of a student Complainant involving sexual misconduct, sex-based stalking, dating/intimate partner violence, and sexual harassment, as defined in Section 600.020C, the Title IX Coordinator should inform and obtain the consent from the Complainant before proceeding with an investigation. If the Complainant requests confidentiality or asks that the Complaint not be pursued, the Title IX Coordinator should take all reasonable steps to investigate and respond to the Complaint consistent with the request for confidentiality or the request not to pursue an investigation. If a Complainant insists that identifiable information, such as the Complainant's name, not be disclosed to the alleged perpetrator, the Title IX Coordinator should inform the Complainant that the institution's ability to respond may be limited. The Title IX Coordinator should evaluate the Complainant's request in the context of providing a safe and nondiscriminatory environment for all students. The University reserves the right to pursue a resolution when a Complainant chooses not to initiate an investigation or participate in the Equity Resolution Process, when necessary to protect the University community or others and provide a safe and nondiscriminatory environment for all students. If, after due deliberation, the Title IX Coordinator decides the University will not pursue the Complaint, the Title IX Coordinator should consider other steps to limit and remedy the effects of the alleged misconduct and prevent its recurrence.

- D. Interim Remedies. During the Equity Resolution Process and prior to making a determination whether the alleged violation has occurred, the Appropriate Administrative Officer (or designee) may provide interim remedies including, but not limited to, one or more of the following:
 - Referral and facilitating access for Complainant to counseling, medical services and/or mental health services.
 - At Complainant's request, assignment of a trained Advisor to provide support to the Complainant throughout the Equity Resolution Process.
 - 3. Implementing contact limitations on the Accused or on all parties.
 - 4. Referral of Complainant to victim advocacy and support services either on and/or off-campus.
 - Referral of Complainant to academic support services and any other services that may be beneficial to the Complainant.
 - 6. Adjusting the courses, assignments, exam schedules, etc. of the Complainant and/or the Accused.
 - Altering the on-campus housing assignments, dining arrangements, or other campus services for either the Complainant and/or the Accused.
 - 8. Altering the extracurricular activities of either the Complainant and/or the Accused.
 - 9. Providing transportation accommodations for the Complainant.
 - 10. Informing the Complainant of her/his right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
 - 11. Suspending, on an interim basis, the Accused from University housing, classes, the University campus/facilities/events and/or all other University activities or privileges for which the student might otherwise be eligible, when the Appropriate Administrative Officer or designee finds and believes from the available information that the presence of the Accused on campus would seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. The appropriate procedure to determine the future status of the student will be initiated within seven business days.
 - a. In all cases in which an interim suspension is imposed, the Accused will be given the opportunity to meet with the Appropriate Administrative Officer prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented.
 - At the discretion of Appropriate Administrative Officer, alternative coursework options may be pursued to ensure as minimal an impact as possible on the Accused.
 - c. The Appropriate Administrative Officer has sole discretion to implement or stay an interim suspension and to determine its conditions and duration.
 - d. Violation of an interim suspension under this policy will be grounds for expulsion.
 - 12. Suspending, on an interim basis, the Accused Student Organization's operations, University recognition, access to and use of the University campus/facilities/events and/or all other University activities or privileges for which the Accused Student Organization might otherwise be eligible, pending the completion of the Equity Resolution Process.

E. Investigation

Upon receipt of a Complaint, the Appropriate Administrative Officer and, in the case of sexual misconduct or allegations of other forms of sex discrimination as defined in Sections 600.020 and/or 200.010C of the Collected Rules and Regulations, the Title IX Coordinator or designee conducts a preliminary investigation to gather enough information to refer the matter to the appropriate resolution process and to provide appropriate interim remedies. If a Complainant wishes to pursue an investigation or if the University, based on the alleged policy violation, wishes to pursue an investigation, then the Appropriate

Administrative Officer promptly investigates or appoints a trained investigator or a team of trained investigators. Investigation of reported misconduct brought directly by Complainant should be completed expeditiously, normally within 30 business days of notice to the Appropriate Administrative Officer. Investigation may take longer when initial reports fail to provide direct first-hand information or in complex cases.

The University may undertake a short delay (several days to weeks, to allow evidence collection by the law enforcement agency) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. University action will not typically be altered or precluded on the grounds that civil cases or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

All investigations will be thorough, reliable and impartial, and will include interviews with relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary. The parties are allowed to have an Advisor of their choice present with them for all Equity Resolution Process interviews, meetings and proceedings.

F. Advisors

Each Complainant and Accused is allowed to have one Advisor of their choice present with them for all Equity Resolution Process interviews, meetings and proceedings. The parties may select whomever they wish to serve as their Advisor, including an attorney or parent. If requested by either the Complainant or the Accused, the Appropriate Administrative Officer will assign a trained Advisor to provide support throughout the Equity Resolution Process. University trained Advisors are administrators or staff at the University trained on the Equity Resolution Process. The parties may not require that the assigned Advisor have specific qualifications such as being an attorney. An Advisor is not required and any party may elect to proceed without an Advisor.

The Advisor may not make a presentation or represent the Complainant or the Accused during any meeting or proceeding. The parties are expected to ask and respond to questions on their own behalf, without representation by their Advisor. The Advisor may consult with the advisee quietly or in writing, or outside the meeting or proceeding during breaks, but may not speak on behalf of the advisee to the investigators or hearing panelists. Advisors who do not follow these guidelines will be warned or dismissed from the meeting or proceeding at the discretion of the investigator(s) during the investigation, the Appropriate Administrative Officer during the Informal Resolution process, or the Equity Resolution Hearing Panel Chair during the Formal Resolution process. If warned, a second violation will result in dismissal of the Advisor from the meeting or proceeding.

G. Resolution of a Complaint

During or upon the completion of investigation, the Appropriate Administrative Officer will review the investigation, which may include meeting with the investigators. Based on that review, the Appropriate Administrative Officer will make a decision on whether a reasonable person could, based on the evidence gathered, find the Accused responsible for violating the University's Anti-Discrimination Policies. If, in the opinion of the Appropriate Administrative Officer, a reasonable person could find the Accused responsible based on the evidence presented, the Appropriate Administrative Officer will direct the process to continue and the Complaint will be resolved through one of three processes discussed briefly here and in greater detail below:

- Conflict Resolution Resolution using alternative dispute resolution mechanisms such as mediation, facilitated dialogue or restorative justice
- Informal Resolution Resolution by the Appropriate Administrative Officer
- Formal Resolution Resolution by the Equity Resolution Hearing Panel

The parties may select Conflict Resolution (subject to the approval of the Appropriate Administrative Officer), Informal Resolution or Formal Resolution for resolution of the Complaint.

If either party or both parties select a Formal Resolution, the Complaint will be addressed using the Formal Resolution option. If there is no Complainant, the Accused may select either Informal Resolution or Formal Resolution for resolution of the Complaint.

If, following the review described above, the Appropriate Administrative Officer decides that no reasonable person could find the Accused in violation, then the process will end. In the case of sexual misconduct or allegations of other forms of sex discrimination as defined in Section 600.020 of the Collected Rules and Regulations, Complainant may request that the Title IX Coordinator reopen the investigation. If there is reasonable cause to reopen the investigation, the Title IX Coordinator will direct the investigation to continue, or if there is a preponderance of evidence of a violation, then the Title IX Coordinator may recommend conflict resolution, Informal Resolution or Formal Resolution, based on the below criteria. This decision lies in the sole discretion of the Title IX Coordinator. Such decisions are considered final.

1. Notice of Charges

At least seven business days prior to the applicable resolution process, or as far in advance as is

reasonably possible if an accelerated resolution process is scheduled with the consent of the parties, the Appropriate Administrative Officer will send a letter to the parties with the following information:

- a. A description of the alleged violation(s) and applicable policies
- b. A description of the applicable procedures
- c. A statement of the potential sanctions/remedial actions that could result
- d. An indication that the parties may have the assistance of an Advisor of their choosing, throughout the resolution process, though the Advisor's attendance at throughout the resolution process is the responsibility of the respective parties
- e. A statement that Retaliation is prohibited

This Notice of Charges letter will be made in writing and will be delivered either:

- i. In person, or
- ii. Mailed to the local address of the respective party as indicated in official University records and emailed to the party's University-issued email account. If there is no local address on file, mail will be sent to the party's permanent address.

Once received in person or mailed and emailed, notice will be presumptively delivered.

2. Conflict Resolution

The Appropriate Administrative Officer will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to conflict resolution. Conflict resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Informal Resolution or Formal Resolution processes to resolve conflicts. Mediation is never utilized in cases involving allegations of nonconsensual sexual intercourse or nonconsensual sexual contact. In a conflict resolution meeting, the Appropriate Administrative Officer will facilitate a dialogue with the parties to an effective resolution, if possible.

Sanctions and appeals are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Appropriate Administrative Officer will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions. The Appropriate Administrative Officer utilized for Conflict Resolution may not be the same as the Appropriate Administrative Officer used in either the Informal Resolution or Formal Resolution Processes.

Conflict resolution will not be the primary resolution mechanism used to address complaints of sexual misconduct or violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Appropriate Administrative Officer believe that it could be beneficial. It is not necessary to pursue conflict resolution prior to pursuing either Informal Resolution or Formal Resolution and either party can stop that process at any time and request either the Informal Resolution or Formal Resolution Process

3. Procedural Details for Informal Resolution and Formal Resolution.

For both the Informal and Formal Resolution Processes, the following will apply:

- a. The standard of proof will be "preponderance of the evidence," defined as determining whether evidence shows it is more likely than not that a policy violation occurred.
- b. Three members of the organization may represent the Accused Student Organization in all proceedings.
- c. Questioning or evidence about the Complainant's prior sexual conduct is not permitted, though the Appropriate Administrative Officer or Equity Resolution Hearing Panel Chair may grant a limited exception in regards to the sexual history between the parties.
- d. The resolution process will normally be completed within 60 business days. Deviations from this timeframe will be promptly communicated to both parties.
- e. The Accused may not directly question the Complainant and the Complainant may not directly question the Accused. However, if both Complainant and Accused request the opportunity, direct questioning between the parties will be permitted. Otherwise questions will be directed through the Chair, the Investigator or the Appropriate Administrative Officer and those questions deemed appropriate and relevant will be asked on behalf of the requesting party.
- f. Informal resolution procedures may be used when both parties elect to resolve the Complaint using the Informal Resolution or when there is no Complainant and the Accused elects Informal Resolution.
- g. At any time prior to the conclusion of the Informal Resolution process (i.e.: prior to a finding being made as to responsibility for the charges), the Complainant and/or the Accused may request that the Complaint shift to the Formal Resolution process. Upon receipt of such a request from either or both parties, the Complaint will shift to the Formal Resolution Process.
- h. The Appropriate Administrative Officer may, in their discretion, grant reasonable extensions to the timeframes and limits provided.

- i. The Resolution Processes will proceed regardless of whether the Accused chooses to participate in the investigation, the finding or the hearing.
- 4. Rights of the parties in Informal Resolution and Formal Resolution.
 - a. Statement of the Rights of the Complainant
 - 1) To be treated with respect by University officials.
 - 2) Access to campus support resources (such as counseling and mental health services and University health services).
 - 3) To have an Advisor of their choice accompany them to all interviews, meetings and proceedings throughout the Equity Resolution Process.
 - 4) To refuse to have an allegation resolved through the Informal Resolution Process.
 - 5) To receive amnesty for minor student misconduct that is ancillary to the incident, at the discretion of the Appropriate Administrative Officer.
 - 6) To receive advance notice of the investigation and notice of a Formal Resolution Hearing.
 - 7) An equal opportunity to present a list of potential witnesses and provide evidence.
 - 8) To be free from retaliation.
 - 9) To have Complaints heard in substantial accordance with these procedures.
 - 10) Where the Complainant is not the reporting party, the Complainant has full rights to participation in any Equity Resolution Process.
 - 11) To be informed of the finding, rationale and sanction (where applicable to the Complainant) of the Complaint in writing.
 - 12) To report the matter to law enforcement (if applicable) and to have assistance in making that report.
 - 13) To request reasonable housing, living and other accommodations and remedies consistent with Section 200.025D of the Collected Rules and Regulations.
 - 14) To request a no contact directive between the parties.
 - 15) Equal opportunity to appeal the findings and sanction.
 - 16) Additional Rights For Formal Resolution:
 - To have the names of witnesses that may participate in the hearing at least two days prior to the hearing.
 - To have copies of all pertinent documentary evidence and any investigative report at least two business days prior to the hearing.
 - To request alternative attendance or questioning mechanisms for the hearing (e.g.: screens, Skype, questions directed through the Chair, etc.)

b. Statement of the Rights of the Accused

- 1) To be treated with respect by University officials.
- 2) Access to campus support resources (such as counseling and mental health services and University health services), unless suspended from campus pending the completion of the process
- 3) To have an Advisor of their choice accompany them to all meetings and proceedings throughout the Equity Resolution Process.
- 4) To refuse to have an allegation resolved through conflict resolution procedures or using the Informal Resolution process.
- 5) An equal opportunity to present a list of potential witnesses and provide evidence.
- 6) To receive notice of the policies alleged to have been violated and notice of a Formal Resolution Hearing.
- 7) To have complaints heard in substantial accordance with these procedures.
- 8) To be informed of the finding, rationale and sanction of the Complaint in writing.
- 9) Equal opportunity to appeal the findings and sanction.
- 10) Additional Rights For Formal Resolution:
 - a) To have the names of witnesses that may participate in the hearing at least two days prior to the hearing.
 - b) To have copies of all pertinent documentary evidence and any investigative report at least two business days prior to the hearing.
 - c) To request alternative attendance or questioning mechanisms for the hearing
 - (e.g.: screens, Skype, questions directed through the Chair, etc.)

5. Informal Resolution: Resolution by the Appropriate Administrative Officer

Informal Resolution, or Resolution by the Appropriate Administrative Officer, can be pursued for any behavior that falls within the University's Anti-Discrimination Policies. Informal Resolution may be used when both parties elect to resolve the Complaint using the Informal Resolution process or, if there is no Complainant, the Accused elects Informal Resolution.

The Informal Resolution process consists of a prompt thorough and impartial investigation, a finding

on each of the alleged policy violations, and sanctions for findings of responsibility.

The Appropriate Administrative Officer will meet with the Accused to review the charges and the investigation. The Accused may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If the Accused admits responsibility, in whole or in part, the Appropriate Administrative Officer will render a finding that the individual is in violation of University policy for the admitted conduct. For any disputed violations, the Appropriate Administrative Officer will render a finding utilizing the preponderance of the evidence standard. The Appropriate Administrative Officer will also determine appropriate sanctions or remedial actions. The findings and sanctions are subject to appeal.

At any point during the Investigation and Informal Resolution process prior to the finding (i.e.: the conclusion of the Informal Resolution process), either party may request that the matter be referred to the Formal Resolution for presentation before The Equity Resolution Hearing Panel.

At least three business days prior to rendering a finding on disputed violations, the Appropriate Administrative Officer will provide the parties with written notice of intent to render a finding using Informal Resolution, either

- i. In person, or
- ii. Mailed to their local address of the respective party as indicated in official University records and emailed to the party's University-issued email account. If there is no local address on file, mail will be sent to the party's permanent address.

Once emailed, notice will be presumptively delivered.

If, after at least three business days neither of the parties request in writing that the matter be referred to the Formal Resolution process, the Appropriate Administrative Officer will render a finding on the disputed violations. Once findings have been made, the right to the Formal Resolution process is waived and the Informal Resolution process is complete. The finding of the Informal Resolution process remains subject to appeal.

The Appropriate Administrative Officer will inform the Accused and the Complainant of the final determination in writing within 3 business days of the resolution, without significant time delay between notifications. The final determination letter will be made in writing and will be delivered either:

- i. In person, or
- ii. Mailed to the local address of the respective party as indicated in official University records and emailed to the party's University-issued email account. If there is no local address on file, mail will be sent to the party's permanent address.

Once received in person or mailed and emailed, notice will be presumptively delivered.

6. Formal Resolution: Resolution by the Equity Resolution Hearing Panel

For Complaints that are not resolved through Informal Resolution, the Appropriate Administrative Officer will initiate the Formal Resolution Process.

a. Equity Resolution Hearing Panelist Pool

The University will create and annually train a pool of not less than ten (10) administrators or staff as hearing panelists. Panelists are appointed by the Chancellor (or designee) to serve a renewable term of three (3) years. Panelist appointments should be made with attention to representation of groups protected by the University's Anti-Discrimination Policies. The Chancellor (or designee) will select a Hearing Panelist Chair, who assigns and coordinates the pool and those Panelists assigned to specific hearings.

b. Equity Resolution Hearing Panel

When a Complaint is not resolved through the Informal Resolution Process, the Hearing Panelist Chair will assign three members from the Hearing Panelist pool to serve on the specific Hearing Panel and will also designate the Chair of the panel. An alternate may be designated to sit in throughout the process as needed. The Chair of the Hearing Panel helps ensure that the process adheres materially to the procedural elements of the Equity Resolution Hearing Process. The institution reserves the right to have its attorney or attorneys present during the hearing.

c. Notice of Hearing

At least seven business days prior to the hearing, or as far in advance as is reasonably possible if an accelerated resolution process is scheduled with the consent of the parties, the Appropriate Administrative Officer will send a letter to the parties with the following information:

- 2) A description of the applicable procedures
- 3) A statement of the potential sanctions/remedial actions that could result
- 4) An indication that the parties may have the assistance of an Advisor of their choosing, at the hearing, though the Advisor's attendance at the hearing is the responsibility of the respective parties. The Advisor may not address the Hearing Panel.
- 5) The time, date and location of the hearing. If any party does not appear at the scheduled resolution process, the resolution process will be held in their absence. For compelling reasons, the resolution process may be rescheduled.

This Notice of Hearing letter will be made in writing and will be delivered either:

- i. In person, or
- ii. Mailed to the local address of the respective party as indicated in official University records and emailed to the party's University-issued email account. If there is no local address on file, mail will be sent to the party's permanent address.

Once received in person or mailed and emailed, notice will be presumptively delivered.

d. Equity Resolution Hearing Panel - General Procedures

Equity Resolution Hearing Panels will be convened, usually within one to two weeks of the completion of the investigation. The Hearing Panel has the authority to hear all collateral allegations of misconduct, meaning that it hears all allegations of discrimination, harassment and retaliation, but also may hear any additional alleged policy violations that are alleged to have occurred in concert with the alleged discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within the jurisdiction of the Equity Resolution Procedure. Accordingly, investigations should be conducted with as wide a scope as necessary.

Participants will include the Chair, the two other members of the Hearing Panel, and may include the investigator(s) of the Complaint, the Complainant, the Accused (or up to three organizational representatives in a case where an organization is charged), Advisors to the parties and any called witnesses.

At least four business days prior to the hearing, the parties will give to the Appropriate Administrative Officer a list of the names of the proposed witnesses and copies of all proposed documentary evidence. At least two business days prior to the hearing, the Appropriate Administrative Officer will have available for the parties to pick-up the names of proposed witnesses, copies of all pertinent documentary evidence and a copy of any investigative report. In addition, the parties will be given a list of the names of each of the Equity Resolution Hearing Panel members at least two business days in advance of the hearing. Should any Complainant or Accused object to any panelist, they must raise all objections, in writing, to the Hearing Panelist Chair as soon thereafter as possible. Hearing Panel members will only be unseated if the Hearing Panelist Chair concludes that their bias precludes an impartial hearing of the Complaint. Additionally, any panelist or Chair of the Hearing Panel who feels they cannot make an objective determination must recuse himself or herself from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.

The Chair of the Hearing Panel, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) in the investigation report or during the hearing. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. If alternative attendance or questioning mechanisms are desired such as the grievant not wanting to be in the same room as the accused for the hearing (screens, Skype, questions directed through the Chair, etc.), the parties should request them from the Chair at least two business days prior to the hearing. The University will make reasonable accommodations for both parties in keeping with the principles of equity and fairness.

e. The Hearing

Formal rules of evidence will not apply. Any evidence that the panel believes is relevant may be considered, including history of related misconduct by the Accused that shows a pattern. The Chair of the Hearing Panel will address any evidentiary concerns prior to and/or during the hearing and may exclude irrelevant or immaterial evidence. The Chair of the Hearing Panel will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. There will be no observers permitted in the hearing other than as provided herein.

Once the procedures are explained and the participants are introduced, the investigator(s) will

present the report of the investigation first, and be subject to questioning by the parties and the Hearing Panel. The investigator(s) will be present during the entire hearing process. The Hearing Panel will then permit testimony by the parties and any present witnesses. The parties may question anyone giving testimony. Questions may be directed through the panel at the discretion of the Chair of the Hearing Panel.

Unless the Chair of the Hearing Panel determines it is appropriate, no one will present information or raise questions concerning:

- 1) Incidents not directly related to the possible violation, unless they show a pattern.
- 2) The sexual history of the Complainant (though there may be a limited exception made in regards to the sexual history between the parties).
- 3) The character of the Complainant.

The Chair of the Hearing Panel may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Panel or the parties involved. The Panel does not hear from character witnesses.

In hearings involving more than one accused individual or in which two Complainants have accused the same individual of substantially similar conduct, the standard procedure will be to hear the Complaints jointly; however, the Appropriate Administrative Officer or the Chair of the Hearing Panel may permit the hearing pertinent to each Accused to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each Accused.

f. Decisions

The three members of the Equity Resolution Hearing Panel will deliberate with no others present, except any legal advisor to the Hearing Panel, to determine whether the Accused is responsible or not responsible for the policy violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the Accused committed each alleged violation). If an Accused is found responsible by a majority of the panel, the panel will determine appropriate sanctions.

The Equity Resolution Hearing Panel Chair will prepare a written panel report and deliver it to the Appropriate Administrative Officer detailing the finding, how each member voted, the information cited by the panel in support of its determination and any information the Equity Resolution Hearing Panel excluded from its consideration and why. The report should conclude with sanctions. This report should not exceed two pages in length and is typically submitted to the Appropriate Administrative Officer within two (2) business days of the end of deliberations. Deviation from the 2-day period will be communicated to the parties, along with an expected time to completion.

The Appropriate Administrative Officer will inform the Accused and the Complainant of the final determination within 3 business days of receipt of the panel report, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods:

- i. In person.
- Mailed to the local or permanent address of the parties as indicated in official University records.
- iii. Emailed to the parties' University-issued email account.

Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

g. Sanctions

1) Factors considered in sanctioning

When the Accused is found responsible, the Equity Resolution Hearing Panel assigned to the Complaint in the Formal Resolution Process or the Appropriate Administrative Officer in the Informal Resolution Process will determine sanctions and remedial actions. The Appropriate Administrative Officer will apply and enforce the sanctions and remedial actions and may also add other remedial actions as deemed appropriate. Factors considered when determining a sanction/remedial action may include:

- a) The nature, severity of, and circumstances surrounding the violation.
- b) The disciplinary history of the Accused.
- c) Any other information deemed relevant by the Equity Resolution Hearing Panel in the Formal Resolution Process or the Appropriate Administrative Officer in the Informal Resolution Process.
- d) The need for sanctions/remedial actions to bring an end to the discrimination,

harassment and/or retaliation.

- e) The need for sanctions/remedial actions to prevent the future recurrence of discrimination, harassment and/or retaliation.
- f) The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the University community.

2) Types of Sanctions

The following sanctions may be imposed upon any Accused or Accused Student Organization found to have violated the University's Anti-Discrimination Policies or the Student Conduct Code; more than one of the sanctions may be imposed for any single violation. Sanctions include but are not limited to:

- a) Warning. A notice in writing to the Accused or Accused Student Organization that there is or has been a violation of institutional regulations.
- b) Probation. A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe sanctions if the Accused or Accused Student Organization is found to be violating any institutional regulation(s) during the probationary period.
- c) Loss of Privileges. Denial of specified privileges for a designated period of time.
- d) Restitution. Compensating the University for loss, damage, or injury to University property. This may take the form of appropriate service and/or monetary or material replacement.
- e) Discretionary Sanctions. Work assignments, service to the University, or other related discretionary assignments, or completion of educational programming or counseling.
- f) Residence Hall Suspension. Separation of the Accused from the residence halls for a definite period of time, after which the Accused is eligible to return. Conditions for readmission may be specified.
- g) Residence Hall Expulsion. Permanent separation of the Accused from the residence halls.
- h) Campus Suspension. Accused is suspended from being allowed on campus for a definite period of time. Logistical modifications consistent with the sanction imposed, may be granted at the discretion of the Chief Student Affairs Officer or designee.
- i) University Dismissal. An involuntary separation of the Accused from the institution for misconduct. It is less than permanent in nature and does not imply or state a minimum separation time.
- j) University Suspension. Separation of the Accused from the University for a definite period of time, after which the Accused is eligible to return. Conditions for readmission may be specified.
- k) Withdrawal of Recognition. Accused Student Organization loses it Official Approval as a recognized student organization. May be either temporary or permanent.
- I) University Expulsion. Permanent separation of the Accused from the University.

7. Withdrawal While Charges Pending

Should an Accused decide to withdraw from the University and not participate in the investigation and/or hearing, the process will nonetheless proceed in the Accused's absence to a reasonable resolution and, if the Accused is found responsible, the Accused will not be permitted to return to University unless all sanctions have been satisfied.

8. Equity Resolution Panel Appellate Process

a. Equity Resolution Appellate Officer

An administrator is appointed by the Chancellor to serve as the University's Equity Resolution Appellate Officer. The Equity Resolution Appellate Officer will be the individual who reviews all appeals to determine if they meet the requirements for appeal and, if the appeal does meet the requirements to appeal, examines the appeal and the entire record of the case, including but not limited to hearing testimony, all forms of evidence, the investigative report and record, to render a determination on the appeal.

b. Grounds for Appeal

Both Complainant and Accused are allowed to appeal the decision of the Equity Resolution Panel or the Appropriate Administrative Officer, but appeals are limited to the following:

- 1) A procedural error occurred that significantly impacted the outcome of the Informal or Formal Resolution (e.g. substantiated bias, material deviation from established procedures, etc.).
- 2) To consider new evidence, unavailable during the original hearing, Informal or Formal Resolution or investigation, that could substantially impact the original finding or sanction.
- 3) The sanctions fall outside the range typically imposed for this offense, or for the

cumulative conduct record of the Accused.

Both parties may submit a request for appeal to the Equity Resolution Appellate Officer. All requests for appeal must be submitted in writing to the Equity Resolution Panel Appellate Officer within three business days of the delivery of the written finding of the Equity Resolution Hearing Panel or the Appropriate Administrative Officer. The Equity Resolution Appellate Officer may, in their discretion, grant an extension of 5 business days to both parties to file a request for appeal.

c. Requests for Appeal

Appeals must meet the various requirements for appeal, or the Appeal is denied without being fully considered on its merits. This helps ensure the efficient and timely operation of the appellate process. Accordingly, when the parties submit an appeal, they are deemed to "request" that their appeal be heard and the Equity Resolution Appellate Officer will review the appeal to determine if it meets the requirements for an appeal.

d. Review of the Request to Appeal

The Equity Resolution Appellate Officer will make an initial review of the appeal request(s). The original finding and sanction are presumed to have been decided reasonably and appropriately. When any party requests an appeal, the other party (parties) will be notified. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The Equity Resolution Appellate Officer will then review the request for appeal to determine whether:

- 1) The request is timely, and
- 2) The appeal is on the basis of any of the three articulated grounds listed above in Section 200.025G.8.b., and
- 3) When viewed in the light most favorable to the appealing party, the appeal states grounds that could result in an adjusted finding or sanction.

The Equity Resolution Appellate Officer will reject the request for appeal if all three of the above are not met. Such a decision is final.

e. Review of the Appeal

If all three requirements for appeal listed above are met, The Equity Resolution Appellate Officer will accept the request for appeal and proceed with rendering a decision on the appeal applying the following additional principles:

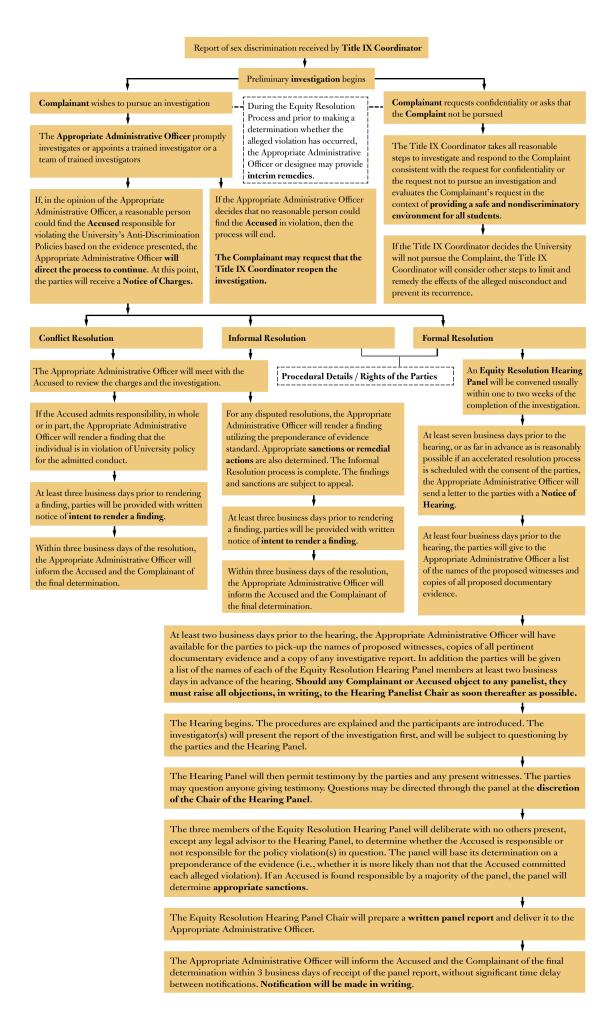
- 1) Decisions by the Equity Resolution Appellate Officer are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/remedial action only if there is a compelling justification to do so.
- 2) Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the Formal Resolution or Informal Resolution, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original Equity Resolution Hearing Panel or Appropriate Administrative Officer for reconsideration.
- 3) Sanctions imposed are implemented immediately unless the Equity Resolution Hearing Panel or Appellate Officer or designee stays their implementation pending the outcome of the appeal.
- 4) The Equity Resolution Appellate Officer will normally render a written decision on the appeal to all parties within 7 business days from accepting the request for appeal.
- 5) All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
- 6) Once an appeal is decided, the outcome is final: further appeals are not permitted.

9. Failure to Complete Sanctions/Comply with Interim and Long-term Remedial Actions All Accused are expected to comply with all sanctions, remedial actions and corrective actions within the time frame specified by the Appropriate Administrative Officer (Informal Resolution), the Equity Resolution Hearing Panel (Formal Resolution) or the Equity Resolution Appellate Officer. Failure to follow through on these sanctions, remedial actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/remedial/corrective actions and/or suspension, expulsion or withdrawal of recognition from the University. Suspension will only be lifted when compliance is achieved to the satisfaction of the Appropriate Administrative Officer.

10. Records

In implementing this policy, records of all Complaints, resolutions, and hearings will be kept by the Appropriate Administrative Officer. An audio, video, digital, or stenographic record of the hearings will be maintained and will be filed in the office of the Appropriate Administrative Officer or designee and, for the purpose of review or appeal, be accessible at reasonable times and places to the

Accused and the Complainant. Letters of notice, exhibits, hearing record, and the findings and determination of the Hearing Panel will become the "Record of the Case." Files will be kept for seven (7) years following final resolution.



Rights of the Complainant in the Equity Resolution Process Students

Statement of the Rights of the Complainant

- 1. To be treated with respect by University officials.
- 2. Access to campus support resources (such as counseling and mental health services and University health services).
- 3. To have an Advisor of their choice accompany them to all interviews, meetings and proceedings throughout the Equity Resolution Process.
- 4. To refuse to have an allegation resolved through the Informal Resolution Process.
- 5. To receive amnesty for minor student misconduct that is ancillary to the incident, at the discretion of the Appropriate Administrative Officer.
- 6. To receive advance notice of the investigation and notice of a Formal Resolution Hearing.
- 7. An equal opportunity to present a list of potential witnesses and provide evidence.
- 8. To be free from retaliation.
- 9. To have Complaints heard in substantial accordance with these procedures.
- 10. Where the Complainant is not the reporting party, the Complainant has full rights to participation in any Equity Resolution Process.
- 11. To be informed of the finding, rationale and sanction (where applicable to the Complainant) of the Complaint in writing.
- 12. To report the matter to law enforcement (if applicable) and to have assistance in making that report.
- 13. To request reasonable housing, living and other accommodations and remedies consistent with Section 200.025D of the Collected Rules and Regulations.
- 14. To request a no contact directive between the parties.
- 15. Equal opportunity to appeal the findings and sanction.
- 16. Additional Rights For Formal Resolution:
 - To have the names of witnesses that may participate in the hearing at least two days prior to the hearing.
 - To have copies of all pertinent documentary evidence and any investigative report at least two business days prior to the hearing.
 - To request alternative attendance or questioning mechanisms for the hearing (e.g.: screens, Skype, questions directed through the Chair, etc.)

Section 200.025 of the Collected Rules and Regulations of the University of Missouri: http://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.025_equity_resolution_process_for_resolving_complaints_of_harassment

Rights of the Accused in the Equity Resolution Process Students

Statement of the Rights of the Accused

- 1. To be treated with respect by University officials.
- 2. Access to campus support resources (such as counseling and mental health services and University health services), unless suspended from campus pending the completion of the process.
- 3. To have an Advisor of their choice accompany them to all meetings and proceedings throughout the Equity Resolution Process.
- 4. To refuse to have an allegation resolved through conflict resolution procedures or using the Informal Resolution process.
- 5. An equal opportunity to present a list of potential witnesses and provide evidence.
- 6. To receive notice of the policies alleged to have been violated and notice of a Formal Resolution Hearing.
- 7. To have complaints heard in substantial accordance with these procedures.
- 8. To be informed of the finding, rationale, and sanction of the Complaint in writing.
- 9. Equal opportunity to appeal the findings and sanction.
- 10. Additional Rights For Formal Resolution:
 - To have the names of witnesses that may participate in the hearing at least two days prior to the hearing.
 - To have copies of all pertinent documentary evidence and any investigative report at least two business days prior to the hearing.
 - To request alternative attendance or questioning mechanisms for the hearing (e.g.: screens, Skype, questions directed through the Chair, etc.)

Section 200.025 of the Collected Rules and Regulations of the University of Missouri: http://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.025_equity_resolution_process_for_resolving_complaints_of_harassment



Chapter 390: Student Discrimination Grievances

390.010 Discrimination Grievance Procedure for Students

Bd. Min. 12-17-82, Bd. Min. 1-25-90, Amended Bd. Min. 10-16-03, Amended Bd. Min. 11-29-07, Amended Bd. Min. 6-19-14. Amended Bd. Min. 2-5-15.

A. General

- 1. It is the policy of the University of Missouri to provide equal opportunity for all enrolled students and applicants for admission to the University on the basis of merit without unlawful discrimination as stated in the Equal Employment/Educational Opportunity Policy in Section 320.010. This policy shall not be interpreted in such a way 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. To insure compliance with this policy, all University of Missouri prospective or enrolled students shall have available to them this student discrimination grievance procedure for resolving complaints and/or grievances regarding alleged discrimination. When one of the following Sections is applicable, a grievance under Section 390.010 is not allowed for allegations within the jurisdiction of that applicable Section:

Section 200.025 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Student or Student Organization

Section 600.040 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Faculty Member

Section 600.050 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Staff Member.

- 3. This grievance procedure neither supersedes nor takes precedence over established University procedures of due process for any and all matters related to Academic Dishonesty, Grade Appeals, Traffic Appeals, Disciplinary Appeals, or other specific campus procedures which are authorized by the Board of Curators and deal with faculty/staff responsibilities.
- 4. These proceedings may be terminated at any time by the mutual agreement of the parties involved.

NOTE: A grievance concerning specific incidents filed under this discrimination grievance procedure shall not be processed on behalf of any student who elects to utilize another University grievance procedure. In addition, the filing of a grievance under these procedures precludes the subsequent use of other University grievance or appeals procedures for the same incident.

B. Definitions

- A complaint is an informal claim of discriminatory treatment. A complaint may, but need not, constitute a grievance. Complaints shall be processed through the informal procedure herein set forth.
- 2. A grievance is the written allegation of discrimination which is related to:
 - a. Recruitment and admission to the institution;
 - b. Admission to and treatment while enrolled in an education program;
 - c. Employment as a student employee on campus; or
 - d. Other matters of significance relating to campus living or student life, including, but not limited to:
 - · Assignment of roommates in resident halls;
 - · Actions of fraternities and sororities;
 - Membership in and/or admission to clubs/ organizations;
 - · Student Health Services;
 - Financial aid awards; and
 - e. Sections 200.025, 600.040 and 600.050 are not applicable.
- 3. **A student is** any person who has applied for admission or readmission, or who is currently enrolled, or who was a student of the University of Missouri at the time of the alleged discrimination.
- 4. Persons with disabilities -- For the purpose of this student discrimination grievance procedure, a "person with a disability" has been substituted for "handicapped individual" (Section 504, Rehabilitation Act of 1973) and shall be defined as "...any person who

- Has a physical or mental impairment which substantially limits one or more of such person's major life activities.
- b. Has a record of such impairment, or
- c. Is regarded as having such an impairment."

For purpose of this definition, "major life activity" means any mental or physical function or activity which, if impaired, creates a substantial barrier to employment and/or education.

Any reference in this document to written materials or to written oral presentations within the student discrimination grievance procedure may be adjusted to accommodate persons with disabilities for whom the stated materials or required presentations would not be appropriate. Cost of such accommodation will be borne by the University, with no charge to the individual.

- 5. Appropriate Administrative Officer -- The primary administrative officer on the staff of the Chancellor (in the area of Student Affairs/Services, Administrative Services, Development, and Academic Affairs) having administrative responsibility for the unit in which the discrimination is alleged to have occurred.
- 6. **Grievance Consultant** -- At any step the Director of Equal Opportunity or of Affirmative Action may be asked to serve as a consultant by any of the parties involved in this grievance procedure.

C. Complaints

- 1. Policies and Procedures -- A student with a complaint will be provided with copies of appropriate policies and procedures pertaining to student complaints and grievances, and the Chief Student Personnel Administrator or his/her designee and the Officer for Equal Opportunity or for Affirmative Action shall be available to assist the student in understanding the opportunities afforded through such policies and procedures. The student may choose to have an advisor participate in any stage of the grievance procedures, subject to the restrictions of the hearing procedures set forth in Section 390.010 F.
- 2. Joint Complaint -- If more than one student is aggrieved by the same action, these students may, by mutual written agreement among themselves, file with the Chief Student Personnel Administrator a complaint and pursue their complaints jointly under this grievance procedure. If the number of students in such a case is so large as to make it impracticable for them to be heard individually in a joint proceeding, they may, by mutual agreement, elect one or more of their number to act on behalf of them all.
- 3. Students may informally discuss a complaint with the relevant supervising administrator. Every reasonable effort should be made to resolve the matter informally at this administrative level. If a satisfactory resolution is not reached, the student may pursue the matter through each level of administrative jurisdiction up to and including the Appropriate Administrative Officer, or file a grievance within the time specified in D.1.b.

4. Complaints Involving Recruitment

- a. Undergraduate applicants must first present complaints about recruitment to the Director of Admissions. If a satisfactory resolution is not reached, the applicant may appeal the matter to the immediate supervising officer of the Director of Admissions.
- b. Applicants for graduate study may request a meeting with the academic department head and the Dean of the College for those campuses having schools or colleges, or their designees, who are actually involved in the recruitment effort to discuss the matter informally. If a satisfactory resolution is not reached, the applicant may appeal to the Dean of the Graduate School/Vice Provost for Graduate Studies and finally to the Appropriate Administrative Officer.
- 5. **Complaints Involving Admissions** (Undergraduate or Professional)
 - a. Undergraduate and professional student applicants shall present complaints to the Director of Admissions or to the Dean of the School or College, depending upon where the application was originally filed.
 - b. This University official shall compare the person's academic qualifications against the official University admissions criteria and review the denial. If the denial is sustained, officials' immediate supervisor or to the appropriate admissions committee.
- 6. Complaints Involving Admissions (Graduate) -- Applicants to the Graduate School may ask for a meeting with the academic department head of the program to which the applicant was seeking admission. This official shall explain the reasons for the denial of recommendation for admissions. If a satisfactory resolution is not reached, the applicant may then appeal to the Dean of the Graduate School/Vice Provost for Graduate Studies or to the appropriate admissions committee. If the denial is upheld, the applicant may appeal the decision to the appropriate administrative officer.
- 7. Complaints Involving Admissions to or Treatment in an Educational Program or in the Granting of Assistantships -- An undergraduate or graduate student enrolled at the institution who has a discrimination complaint involving admission to or treatment in an educational program or in the granting of assistantships may request a conference with the appropriate department head and with the Dean of the School or College (or the Dean's designee) on those campuses having schools or colleges to discuss the matter informally. If a satisfactory resolution is not reached, the student may present a grievance pursuant to Section 390.010 F.

- 8. Complaints Involving Nonacademic Matters Related to Campus Living and Student Life -- A currently enrolled student who has a University-related complaint concerning discrimination in nonacademic matters including but not limited to assignment of roommates, actions of fraternities and sororities, membership in and/or admissions to clubs/organizations, student health services and financial aid awards may request a conference with the appropriate administrative supervisor, department head and/or director to discuss the matter informally. If a satisfactory resolution is not reached, the student may present a grievance pursuant to Section 390.010 D.
- 9. Complaints Involving Student Employment on Campus -- A student enrolled at the University who alleges that discrimination occurred either in applying for work or while working as a student employee at a University job may request a conference with the supervisor, department head or director of the employing unit to discuss the matter informally. If a satisfactory resolution is not reached, the student may present a grievance pursuant to Section 390.010 D.
- 10. Complaints Involving Financial Aid (Undergraduate, Graduate, Professional):
 - a. Undergraduate, graduate, and professional student aid applicants shall present complaints to the Director of Student Financial Aid where the application was originally filed or the award originally made.
 - b. This University official shall compare the person's financial and academic qualifications against the official University financial aid criteria and review the award, amount, or denial of the aid. If the original judgment is sustained, the applicant may appeal this decision to the official's immediate supervisor or to the appropriate financial aid committee.

D. Initiating a Grievance

- 1. Policies and Procedures -- A student with a grievance will be provided copies of appropriate policies and procedures pertaining to student complaints and grievances, and the Chief of Student Personnel Administrator or designee and the Office for Equal Opportunity or for Affirmative Action shall be available to assist the student in understanding the opportunities afforded through such policies and procedures. The student may choose to have an advisor participate in any stage of the grievance procedure, subject to the restrictions of the hearing procedures set forth in Section 300 010 E
 - a. Joint Grievance -- If more than one student is aggrieved by the same action, these students may, by mutual written agreement among themselves, file with the Chief Student Personnel Administrator a grievance and pursue their grievances jointly under this grievance procedure. If the number of students in such a case is so large as to make it impractical for them to be heard individually in a joint proceeding, they may, by mutual agreement, elect one or more of their number to act on behalf of all of them.
 - b. Regardless of their nature, all discrimination grievances are to be filed with the Chief Student Personnel Administrator. A grievance must have been filed by a student within one-hundredeighty (180) calendar days of the date of the alleged discriminatory act.

2. Filing a Grievance

- a. All grievances must be presented in writing and contain the following information:
 - (1) A clear concise statement of the grievance which includes the name of the person(s) against whom the grievance is made, the date(s) of the alleged discrimination and a statement describing the specific supporting evidence;
 - (2) A brief summary of the prior attempts to resolve the matter which includes the names of persons with whom the matter was discussed and the results of those previous discussions;
- (3) A specific statement of the remedial action or relief sought.
- b. Within seven (7) working days, the original grievance form with an explanation will be returned to the student if, in the judgment of the Chief Student Personnel Administrator, the statements are vague or do not meet the above requirement. The student may make the necessary corrections, and resubmit the grievance within seven (7) days.
- 3. Any grievance not filed within the time limits specified in Section 390.010 D.1.b shall be deemed waived by the grievant. The Chief Student Personnel Administrator may extend the time limits only if adequate cause for an extension of the time limits can be shown by the student.
- 4. For informational purposes, copies of the grievance shall be forwarded to the Appropriate Administrative Officer and the Director of Equal Employment and/or Affirmative Action.
- 5. Within fifteen (15) working days of receipt of a grievance that satisfies the requirement of Section 390.010 D.1.b, the Appropriate Administrative Officer with the consent of the parties involved may establish an informal hearing with the aggrieved student, the responding faculty/staff/organization, the respondent's supervisor and the Appropriate Administrative Officer's designee. The Appropriate Administrative Officer shall not involve himself/herself in this meeting. If the informal means of resolving the grievance fails, a grievance committee will be impaneled as called for in Section 390.010 E.1.

E. Formation of Grievance Committee

1. It is the Appropriate Administrative Officer's responsibility to initiate the selection of the grievance committee within fifteen (15) working days after the request for the formation of a grievance committee or after the completion of the informal hearing provided for in Section 390.010 F.5 without satisfaction to the grievant.

- 2. A grievance hearing panel shall be established by October 1 of each year from which a grievance committee should be constituted. The panel shall consist of ten (10) faculty, ten (10) staff and ten (10) students. Selection of the panel will be made by the Chief Student Personnel Administrator from recommendations by the appropriate faculty, staff and student associations. Selection of membership will consider sex, race, disability, academic rank, student classification and employee classification. Membership on the hearing panel shall be for two years. A member's term shall expire on September 30 of the second year unless he/she is serving at that time on a hearing committee still in the process of reviewing an unresolved grievance. In such case, the member's term shall expire as soon as the committee has submitted a written report of its findings and recommendations to the Appropriate Administrative Officer.
- 3. A hearing committee shall be composed of five (5) members. The grievant shall select two (2) members from the grievance hearing panel provided by the Chief Student Personnel Administrator. The responding faculty/staff/organization shall select two (2) members from the grievance hearing panel. Both parties should have their selection made within 15 working days of the receipt of the request. The four committee members shall then select an additional member from the grievance hearing panel to serve as chair. Neither members of the immediate departmental unit nor student members of pertinent student organizations involved in the grievance shall be eligible to serve on the committee.
- 4. Any person selected to a grievance committee will be expected to serve on such committees and to be present at all sessions. If a member is absent from a single session, he/she will be required to review all tapes or transcribed proceedings of that session prior to the next meeting of the committee. Should a member be absent from two sessions or should a member request to be excused from service for reasons of illness, necessary absence from the campus or other hardship, then the member shall be replaced in the same manner used in the original selection (see Section 390.010 E.3). If a member is unable or ineligible to serve for whatever reason, the replacement shall review all tapes or written transcripts and all submitted evidence prior to service on the committee. Five members of the hearing committee, duly selected as in Sections 390.010 E.3 and E.4 must attend the opening and closing session of the hearing.

F. Hearing Procedures for Formal Grievances

- It shall be the responsibility of the Appropriate Administrative Officer to coordinate the procedure contained herein, to make provisions for hearing rooms, to coordinate secretarial and recording services and to otherwise serve the grievance committee as needed.
- 2. At the first organizational meeting of the grievance committee, the committee shall elect a chairperson from among the members to preside over subsequent meetings. Then the chairperson shall schedule a hearing at the earliest convenient time when all affected parties can be present.
- A quorum consists of a minimum of four members of the committee except as provided by Section 390.010 E.4.
- 4. The grievance committee shall invite the grievant and the responding person to all hearings. Attendance at the hearings shall be limited to persons who have an official connection with the case as determined by the chairperson. The grievant and the responding person may choose to be accompanied by an advisor. Others whose participation in the hearing is considered essential in order to assist the committee in establishing the facts of the case shall appear before the committee only long enough to give testimony and to answer questions of committee members.
- 5. It is within the duties and responsibilities of all members of a grievance committee to commit themselves to observe procedures consistent with fairness to all parties concerned. For example, it is a matter of principle that members of the grievance committee will not discuss a case with anyone outside of the hearing process and that their finding will not be influenced by anything other than the evidence presented to them in meetings in which all affected parties are present.
- 6. The grievance committee shall set forth the rules of procedure for the hearing within the guidelines set forth herein. The chairperson may, for good cause and with the concurrence of a majority of the entire committee, authorize deviation from the suggested format, in which case the principal parties shall be notified.
 - a. The grievant shall be heard first in all phases of a grievance hearing and shall be primarily responsible for the presentation of his/her position.
 - b. The advisor of the grievant or respondent may advise that person and may briefly explain his or her position but shall not be permitted to testify or to cross-examine.
 - A reasonable time limit should be established for opening and closing statements and shall be announced prior to the hearing.
 - d. Length of hearing sessions may be established in advance; every effort should be made to conduct the hearing as expeditiously as possible, with equal fairness to both parties.
 - e. The interested parties shall provide the chairperson with the names of the advisor and potential witnesses at least forty-eight (48) hours prior to the hearing. It is the responsibility of the interested party, working with the chairperson, to ensure the presence of these individuals in a timely manner.
 - f. After initial witnesses for both parties have been heard, such witnesses may be recalled for additional questioning if requested by either party or the grievance committee. The committee

- may call new witnesses whose testimony it deems relevant or helpful.
- g. In order to promote the truthful, unfettered exchange of information and ideas, all testimony pertaining to the grievance hearing shall be held in confidence.
- h. Only evidence relevant to the grievance may be introduced. Questions regarding the admissibility of evidence shall be decided by the chairperson.
- 7. At any point in the proceedings prior to the time at which the committee reaches its final decision, the grievant may withdraw any portion or all of the grievance with the consent of a majority of the committee members and of the respondent. In all cases of withdrawal at the consent of the committee and of the respondent, the grievant shall not have the privilege of reopening the same grievance at any time in the future. In the event that the student refuses to participate further in the committee hearing, the committee may choose to continue the case or to move to closure with an appropriate closing statement as per Section 390.010 F.9.
- 8. A confidential tape recording of the grievance hearing shall be made and will be accessible to the parties involved, the committee, the Appropriate Administrative Officer, the Chancellor, the President, members of the Board of Curators and authorized representatives on a need-to-know basis. Either party to the grievance may request that the committee provides a written transcript of testimony. The cost of preparation of such a transcript is to be paid by the party making such request unless Section 390.010 B.4 is applicable. After the report of the grievance committee has been prepared, the tapes and relevant materials will be sealed and filed in the Appropriate Administrative Office. Unless extraordinary circumstances apply, these materials will be destroyed at the end of five years.
- 9. At the conclusion of the grievance hearing, the members of the grievance committee shall meet in closed session to deliberate upon their findings. A majority vote of the entire committee shall be required on all decisions. The grievance committee shall make a written report on findings and recommendations to the Appropriate Administrative Officer of the University, with copies to the grievant(s) and the responding person(s). The written report will contain:
 - a. A statement of the purpose of the hearing,
 - b. Issues considered,
 - c. A summary of the testimony and other evidence presented,
 - d. Findings of fact as developed at the hearing, and
 - e. Recommendations for final disposition of the case.
- 10. The Appropriate Administrative Officer will make his/her decision. This decision and the actions that have been taken shall be presented to both parties in writing. If the administrative officer does not accept the recommendations of the grievance committee, a written statement of the reasons for so ruling must be given to both parties and to the chairperson of the committee.
- 11. If requested by the grievant or the responding party, normally within seven (7) calendar days of the notification of the decision, the decision of the Appropriate Administrative Officer may be subject to a review of the records by the Chancellor. Any review and decision by the Chancellor shall be made normally within thirty (30) calendar days. The decision of the Chancellor can be appealed to the President, who shall have thirty (30) calendar days in which to make a decision, which shall be final.
- 12. Grievances shall receive prompt attention. The hearing and the report of the grievance committee shall normally be completed within sixty (60) calendar days of the formation of the grievance committee, and a final decision shall be made by the Appropriate Administrative Officer normally within ten (10) calendar days thereafter. In any case in which these time schedules should prove to be inadequate, the committee shall present, in writing, an amended time schedule to all parties involved.
- G. The President of the University is authorized to amend this Board Rule by Executive Order on or before February 6, 2017.

Student Discrimination Grievance Procedure Form

(Use additional sheets if needed)

1. Your Name

Check OneMale: Female

Student I.D. No. Mailing Address

City State Zip Code

Telephone

2. Submitted to (Campus specific title for Chief Student Personnel Administrator) on:

Month Day Year

3. The basis for the grievance is alleged discrimination on the basis of:

Race Color Religion Sex Sexual Orientation Gender Identity Gender Expression National Origin Age Disability

4. University official or unit against whom this grievance is filed:

Name Department

- 5. Explain in a clear and detailed statement the following:
 - a. The nature of the grievance and a description of specific supporting evidence:
 - b. The specific remedial action or relief sought:
 - *For grievances alleging discrimination to admission and/or treatment while enrolled in an educational program, employment on campus, or other matters of consequence relating to campus living or activities.
 - c. A summary outlining with whom the point(s) of dissatisfaction were discussed and with what results:
- 6. Date you consider the "Informal discussion" ended:

I have read and understand the above grievance form and grievance procedure for students. This grievance I am filing to the best of my knowledge, information or belief.

Signature Date

This form forwarded to (Appropriate Administrative Officer)

on by Month Day Year (Campus-specific title for Chief Student Personnel Administrator)

(Campus Address)

cc: Director of Employee Relations/Affirmative Action

Suggested Format for Hearing

- I. Opening remarks accompanied by written submission of parties' outlines of relevant, non-redundant evidence to be offered to committee.
 - 1. Grievant
 - 2. Respondent
- II. Consideration of any decision on objections to acceptance of items of evidence.
- III. Presentation of relevant, non-redundant evidence.
 - a. Grievant (with additional questions from Respondent and/or committee)
 - 1. Witnesses
 - 2. Non-testimonial evidence
 - b. Respondent (with additional questions from Grievant and/or committee)
 - 1. Witnesses
 - 2. Non-testimonial evidence
- IV. Opportunity for presentation of any rebuttal evidence.
 - a. Grievant

- b. Respondent
- V. Presentation of additional evidence requested by committee.
- VI. Summation of case
 - a. Grievant
 - b. Respondent



Chapter 600: Equal Employment/Educational Opportunity

600.040 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Faculty Member

Board Min 2-5-15.

A. General

The University will act on any formal or informal complaint or notice of violation of the University's antidiscrimination policies. The procedures described below apply to all such complaints or notice when the Accused is a Faculty Member.

B. Jurisdiction

Jurisdiction of the University of Missouri generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to, the imposition of sanctions under Section 600.040 of the Collected Rules and Regulations against Faculty Members for conduct occurring in other settings, including off-campus, (1) in order to protect the physical safety of students, employees, visitors, patients or other members of the University community, (2) 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, (3) if the conduct is related to the Faculty Member's fitness or performance in the professional capacity of teacher or researcher or (4) if the conduct occurs when the Faculty Member is serving in the role of a University employee.

C. Definitions

- 1. University's Anti-Discrimination Policies. The University's Anti-Discrimination Policies include the Equal Employment/Education Opportunity Policy located at Section 320.010 of the Collected Rules and Regulations and the Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy located at Section 600.020 of the Collected Rules and Regulations.
- 2. **Complainant**. Complainant refers to the alleged victim of discrimination under the University's Anti-Discrimination Policies. The University may also serve as the Complainant when the alleged victim does not want to participate in the resolution process.
- Accused. The Faculty Member or Members alleged to have violated the University's Anti-Discrimination Policies.
- 4. Faculty Member. For purposes of Section 600.040, Faculty Member includes all regular and non-regular academic staff appointments as defined in Sections 310.020 and 310.035 of the Collected Rules and Regulations.
- Complaint. Any verbal or written communication or notice of an alleged violation of the University's Anti-Discrimination Policies.
- Advisors. The individuals selected by the Complainant and the Accused to provide support and guidance throughout the Equity Resolution Process. Each party is allowed one advisor.
- 7. **Investigators**. Investigators are trained individuals appointed by the Provost or Provost's Designee to conduct investigations of the alleged violations of the University's Anti-Discrimination Policies.
- 8. Equity Resolution Hearing Panelists Pool ("Hearing Panelist Pool"). A group of at least ten (10) faculty and ten (10) administrators and/or staff selected by the Chancellor or the Chancellor's designee to serve as hearing panel members in the Hearing Panel Resolution.
- Equity Resolution Hearing Panel ("Hearing Panel"). A group of three (3) trained Equity
 Resolution Hearing Panelist Pool members who serve as the Hearing Panel for a specific
 Complaint. The panel will include at least one faculty member and one administrator or staff
 member
- 10. Hearing Panelist Pool Chair ("Pool Chair"). The Hearing Panelist Pool Chair is selected by the Chancellor or Chancellor's Designee. The Pool Chair assigns and coordinates the hearing panel members to serve on the Hearing Panel for a specific Complaint and designates the Chair of the Hearing Panel for a specific Complaint. The Pool Chair may serve as a panel member or the Chair of the Hearing Panel for a specific Complaint.
- 11. Chair of the Hearing Panel ("Panel Chair"). Chair of the Hearing Panel for a specific Complaint is designated by the Hearing Panelist Pool Chair. The Pool Chair may serve as the Chair of the Hearing Panel for a specific Complaint.

- 12. **Summary Resolution**. Resolution of the Complaint upon the determination by the Provost or the Provost's Designee that no reasonable person could find the Accused responsible for violating the University's Anti-Discrimination Policies.
- 13. **Conflict Resolution**. Resolution using alternative dispute resolution mechanisms such as mediation, facilitated dialogue or restorative justice.
- 14. Administrative Resolution. Resolution of the Complaint by the Provost or Provost's Designee making the finding on each of the alleged policy violations, the Provost's Designee recommending sanctions (when applicable), and the Provost making the finding on sanctions.
- 15. Hearing Panel Resolution. Resolution of the Complaint by an Equity Resolution Hearing Panel making the finding on each of the alleged policy violations and recommending sanctions and the Provost making the finding on sanctions.
- 16. Record of the Case in the Section 600.040 Process. The Record of the Case in the Section 600.040 Process includes, when applicable: Letter(s) of notice, exhibits, hearing record (an audio, video, digital or stenographic record of the hearing); the finding on each of the alleged policy violations by either the Hearing Panel, the Provost or the Provost's Designee; the recommendation of sanctions by the Hearing Panel or Provost's Designee; the finding of sanctions by the Provost; and the decision on the appeal, if applicable.
- 17. Parties. The Complainant and the Accused are collectively referred to as the Parties.

D. Filing a Complaint

Any student, employee, volunteer, visitor or patient who believes that a Faculty Member has violated the University's Anti-Discrimination Policies should report the Complaint to the Provost or Provost's Designee or in the case of allegations of sexual harassment, sexual misconduct or allegations of other forms of sex discrimination as defined in Section 600.020 of the Collected Rules and Regulations, the Title IX Coordinator or Title IX Coordinator's Designee. Such individuals can also contact campus police if the alleged offense may also constitute a crime.

E. Interim Remedies

During the Equity Resolution Process and prior to making a finding whether the alleged violation has occurred, the Provost or Provost's Designee or in the case of allegations of sexual harassment, sexual misconduct or allegations of other forms of sex discrimination as defined in Section 600.020 of the Collected Rules and Regulations, the Title IX Coordinator or Title IX Coordinator's Designee, in consultation with the Provost or Provost's Designee when directly impacting a Faculty Member, may provide interim remedies including, but not limited to, one or more of the following:

- Referral and facilitating contact for the Complainant to on-or off-campus counseling, medical services and/or mental health services.
- 2. Implementing contact limitations on the Accused or on all Parties.
- 3. Referral of the Complainant to victim advocacy and support services either on and/or off-campus.
- 4. Adjusting the work schedules, work assignments, supervisory responsibilities, supervisor reporting responsibilities or work arrangements of the Complainant and/or the Accused.
- 5. If the Complainant is a student:
 - Referral of the Complainant to academic support services and any other services that may be beneficial to the Complainant.
 - b. Adjusting the courses, assignments, exam schedules of the Complainant.
 - Altering the on-campus housing assignments, dining arrangements, or other campus services for the Complainant.
- 6. Informing the Complainant of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
- 7. Implementing leave from work with pay for the Complainant and/or Accused.
- 8. Implementing suspension from campus with pay for the Accused.

F. Employees and Students Participating in the Equity Resolution Process

All University employees and students must be truthful when making any statement or providing any information or evidence to the University throughout the process, including to the Investigator, the Provost (or Provost's Designee), the Title IX Coordinator (or Title IX Coordinator's Designee), the Hearing Panel and/or the Chancellor (or Chancellor's Designee), and all documentary evidence must be genuine and accurate. False statements, fraudulent evidence or refusal to cooperate with the Investigator, the Provost (or Provost's Designee), the Title IX Coordinator (or Title IX Coordinator's Designee), the Hearing Panel and/or the Chancellor (Chancellor's Designee) by an employee may be the basis for personnel action or by a student may be the basis for student conduct action pursuant to Section 200.010(B)(14) or other provisions of Section 200.010. Nothing in this provision is intended to require a Complainant to participate in the process.

G. Rights of the Complainant in the Equity Resolution Process

- 1. To be treated with respect by University officials.
- 2. To be free from retaliation.
- To have access to campus support resources (such as counseling and mental health services and University health services).
- 4. To have an Advisor of the Complainant's choice accompany the Complainant to all interviews, meetings and proceedings throughout the Equity Resolution Process.

- To refuse to have an allegation resolved through Conflict Resolution or Administrative Resolution Processes.
- 6. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
- 7. To have Complaints heard in substantial accordance with these procedures.
- 8. When the Complainant is not the reporting party, the Complainant has full rights to participate in any Equity Resolution Process.
- 9. To be informed in writing of the finding, rationale and sanctions.
- 10. To report the matter to law enforcement (if applicable) and to have assistance in making that report.
- 11. To have an opportunity to appeal the findings and sanctions.
- 12. Additional Rights for Hearing Panel Resolution:
 - a. To receive notice of a hearing.
 - b. To have the names of witnesses that may participate in the hearing at least two (2) business days prior to the hearing.
 - c. To have copies of all pertinent documentary evidence and any investigative report at least two (2) business days prior to the hearing.
 - d. To be present at the hearing, which right may be waived by either written notification to the Hearing Panel Chair or by failure to appear.
 - e. To request alternative attendance or questioning mechanisms for the hearing (e.g.: screens, Skype, questions directed through the Chair, etc.).
 - f. To have present an Advisor during the hearing and to consult with such Advisor during the hearing.
 - g. To testify at the hearing or refuse to testify at the hearing.
 - h. To present witnesses and documents deemed relevant by the Chair.
 - i. To question witnesses present and testifying at the hearing. See Section 600.040.M.6 below for limitations on directly questioning the Accused.

H. Rights of the Accused in the Equity Resolution Process

- 1. To be treated with respect by University officials.
- 2. To have access to campus support resources (such as counseling and mental health services and University health services), unless suspended from campus pending the completion of the process.
- To have an Advisor of the Accused's choice accompany the Accused to all meetings and proceedings throughout the Equity Resolution Process.
- 4. To refuse to have an allegation resolved through Conflict Resolution or Administrative Resolution Processes.
- 5. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
- 6. To receive notice of the policies alleged to have been violated.
- 7. To have complaints heard in substantial accordance with these procedures.
- 8. To be informed in writing of the finding, rationale and sanctions.
- 9. To have an opportunity to appeal the findings and sanctions.
- 10. Additional Rights for Hearing Panel Resolution:
 - a. To receive notice of the hearing.
 - b. To have the names of witnesses that may participate in the hearing at least two (2) business days prior to the hearing.
 - c. To have copies of all pertinent documentary evidence and any investigative report at least two (2) business days prior to the hearing.
 - d. To be present at the hearing, which right may be waived by either written notification to the Hearing Panel Chair or by failure to appear.
 - e. To request alternative attendance or questioning mechanisms for the hearing (e.g.: screens, Skype, questions directed through the Chair, etc.)
 - f. To have present an Advisor during the hearing and to consult with such Advisor during the hearing.
 - g. To testify at the hearing or refuse to testify at the hearing.
 - h. To present witnesses and documents deemed relevant by the Chair.
 - i. To question witnesses present and testifying at the hearing. See Section 600.040.M.6 below for limitations on directly questioning the Complainant.

I. Role of Advisors

Each Complainant and Accused is allowed to have one Advisor of their choice present with them for all Equity Resolution Process interviews, meetings and proceedings. The Parties may select whomever they wish to serve as their Advisor, including an attorney. An Advisor is not required and any party may elect to proceed without an Advisor.

If the Complainant is a student, the student Complainant may request that the Provost (or Provost's Designee) or Title IX Coordinator (or Title IX Coordinator's Designee) assign a trained Advisor to provide support throughout the Equity Resolution Process. University trained Advisors are administrators or staff at the University trained on the Equity Resolution Process.

The Advisor may not make a presentation or represent the Complainant or the Accused during any meeting or proceeding. The Parties are expected to ask and respond to questions on their own behalf, without representation by their Advisor. The Advisor may consult with the advisee quietly or in writing, or outside the meeting or proceeding during breaks, but may not speak on behalf of the advisee at any point throughout the process. Advisors who do not follow these guidelines will be warned or dismissed from the meeting or proceeding at the discretion of the Investigator(s) during the investigation, the Provost or Provost's Designee during the Administrative Resolution process, or the Chair of the Hearing Panel during the Hearing Panel process.

J. Investigation

If a Complainant wants to pursue an investigation or if the University wants to pursue an investigation, then the Provost or Provost's Designee promptly appoints a trained investigator or a team of trained investigators to investigate. Within seven (7) business days after the commencement of the investigation, the Investigator(s) will provide the Parties with written notice that an investigation has commenced, either:

- 1. In person, or
- Mailed to the mailing address of the respective party as indicated in the official University records and emailed to the Party's University-issued email account. If there is no local address on file, mail will be sent to the party's permanent address.

Once received in person or mailed and emailed, notice will be presumptively delivered.

The Parties are allowed to have an Advisor of their choice present with them for all Equity Resolution Process interviews, meetings and proceedings in which they participate. All investigations will be thorough, reliable and impartial. The Investigator(s) will make reasonable efforts to include interviews with the Parties and relevant witnesses, obtain available evidence and identify sources of expert information, if necessary. The Investigator(s) will provide an investigation report to the Provost or Provost's Designee.

Investigation of reported misconduct brought directly by a Complainant should be completed expeditiously, normally within thirty (30) business days of notice to the University. Investigation of a Complaint may take longer based on the nature or circumstances of the Complaint, such as lack of cooperation by the Complainant, when initial reports fail to provide direct first-hand information or in complex cases. The University may also undertake a short delay (several days to weeks, to allow evidence collection by the law enforcement agency) when criminal charges on the basis of the same behaviors that invoke the process are being investigated.

K. Summary Resolution

During or upon the completion of the investigation, the Provost or Provost's Designee will review the investigation, which may include meeting with the investigator(s). Based on that review, the Provost or Provost's Designee will make a summary determination whether a reasonable person could, based on the evidence gathered, find the Accused responsible for violating the University's Anti-Discrimination Policies.

If the Provost or Provost's Designee decides a reasonable person could find the Accused responsible for violating the University's Anti-Discrimination Policies, then the Provost or Provost's Designee will direct the process to continue. The Complaint will then be resolved through one of three processes: Conflict Resolution, Administrative Resolution or Hearing Panel Resolution. There is no right to reconsider or appeal the summary determination to continue the process.

If the Provost or Provost's Designee decides that no reasonable person could find the Accused responsible for violating the University's Anti-Discrimination Policies, then the process will end and the Complainant and the Accused will be sent written notification of the determination. The Provost or Provost's Designee may counsel and suggest training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.

The Complainant may request the Chancellor or Chancellor's Designee to reconsider the summary determination ending the process. If the Chancellor or Chancellor's Designee decides a reasonable person could find the Accused responsible for violating the University's Anti-Discrimination Policies, the Chancellor or Chancellor's Designee will reverse the determination ending the process and direct the process to continue. The Complaint will then be resolved through one of three processes: Conflict Resolution, Administrative Resolution or Hearing Panel Resolution. This determination to continue the process lies in the sole discretion of the Chancellor or Chancellor's Designee and such determination is final. Further appeals or grievances are not permitted.

If the Chancellor or Chancellor's Designee agrees with the summary determination ending the process by the Provost or Provost's Designee and that no reasonable person could find the Accused responsible for violating the University's Anti-Discrimination Policies, then the process will end and the Complainant and the Accused will be sent written notification of the determination. This determination to end the process lies in the sole discretion of Chancellor or Chancellor's Designee and such determination is final. Further appeals or grievances are not permitted.

L. Conflict Resolution

The Investigator(s) will determine if Conflict Resolution is appropriate, based on the willingness of the Parties, the nature of the conduct at issue and the susceptibility of the conduct to Conflict Resolution. Conflict Resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative and Hearing Panel Resolution processes to resolve conflicts. Mediation is never utilized in cases involving allegations of nonconsensual sexual intercourse or nonconsensual sexual contact. It is not necessary to pursue Conflict Resolution prior to pursuing either the Administrative or Hearing Panel Resolution Process and either party can stop the Conflict Resolution process at any time and request either the Administrative or Hearing Panel Resolution Process. In a Conflict Resolution meeting, a neutral, University-assigned facilitator will foster a dialogue with the Parties to an effective resolution, if possible. The Provost or Provost's Designee will keep records of any resolution that is reached, and failure to abide by the agreed upon resolution can result in appropriate responsive actions.

M. Procedural Details for Administrative Resolution and Hearing Panel Resolution

For both the Administrative Resolution and Hearing Panel Resolution, the following will apply:

- 1. The standard of proof will be "preponderance of the evidence," defined as determining whether evidence shows it is more likely than not that a policy violation occurred.
- Questioning or evidence about the Complainant's prior sexual conduct is not permitted, though the Investigator, Provost (or Provost's Designee), Title IX Coordinator (or Title IX Coordinator's Designee) or Hearing Panel Chair may grant a limited exception in regards to the sexual history between the Parties, if deemed relevant.
- Unless deemed relevant by the decision maker, character evidence of either the Complainant or the Accused will not be considered.
- 4. Incidents or behavior of the Accused not directly related to the possible violation(s) will not be considered unless they show a pattern of related misconduct. History of related misconduct by the Accused that shows a pattern may be considered, if deemed relevant by the decision maker.
- 5. The Administrative Resolution or Hearing Panel Resolution process will normally be completed within sixty (60) business days from the notice of the Complaint. Deviations from this timeframe will be promptly communicated to both parties.
- 6. The Accused may not directly question the Complainant and the Complainant may not directly question the Accused. However, if both the Complainant and the Accused request the opportunity, direct questioning between the Parties will be permitted in the Hearing Panel Resolution Process. Otherwise written questions will be directed to the Chair in the Hearing Panel Resolution Process, and those questions deemed appropriate and relevant will be asked on behalf of the requesting party.
- 7. In the Administrative Resolution Process, the Accused and the Complainant may provide a list of questions for the Investigator(s), Provost or Provost's Designee to ask the other party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting party.
- 8. The Administrative Resolution process may be used when both Parties elect to resolve the Complaint using the Administrative Resolution Process.
- 9. At any time prior to the finding on disputed policy violations, the Complainant and/or the Accused may request that the Complaint shift from the Administrative Resolution Process to the Hearing Panel Resolution process. Upon receipt of such a request from either or both Parties, the Complaint will shift to the Hearing Panel Resolution Process.
- 10. The Resolution Processes will proceed regardless of whether the Accused chooses to participate in the investigation, the finding or the hearing.
- 11. For good cause, the Provost or Provost's Designee in the Administrative Resolution Process and the Chair of the Hearing Panel in the Hearing Panel Resolution may, in their discretion, grant reasonable extensions to the time frames and limits provided.

N. Administrative Resolution

Administrative Resolution by the Provost or Provost's Designee can be pursued for any behavior that falls within the University's Anti-Discrimination Policies. Administrative Resolution may be used when both Parties elect to resolve the Complaint using the Administrative Resolution Process.

The Administrative Resolution process consists of:

- 1. A prompt, thorough and impartial investigation by the Investigator;
- 2. A finding by the Provost or Provost's Designee on each of the alleged policy violations; and
- 3. A finding by the Provost on sanctions for findings of responsibility.

The Investigator(s) will provide an investigation report to the Provost or Provost's Designee. The Provost or Provost's Designee can, but is not required to, meet with and question the Investigator and any identified witnesses. The Provost or Provost's Designee may request that the Investigator conduct

additional interviews and/or gather additional information. The Provost or Provost's Designee will offer to meet with the Complainant and will meet with the Complainant if the Complainant agrees to meet. The Provost or Provost's Designee will attempt to meet with the Accused to review the alleged policy violations and the investigation report. The Accused may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If the Accused admits responsibility, in whole or in part, the Provost or Provost's Designee will render a finding that the individual is in violation of University policy for the admitted conduct. For any disputed violations, the Provost or Provost's Designee will render a finding utilizing the preponderance of the evidence standard. The Provost's Designee may recommend appropriate sanctions but only the Provost will find sanctions or remedial actions. The findings and sanctions are subject to appeal.

At any point during the Investigation and Administrative Resolution process and prior to the finding on disputed policy violations, either party may request that the matter be referred to the Hearing Panel Resolution process.

At least three (3) business days prior to rendering a finding on disputed policy violations, the Provost or Provost's Designee will provide the Parties with written notice of intent to render a finding using the Administrative Resolution process, either:

- 1. In person, or
- Mailed to their mailing address of the respective party as indicated in official University records and emailed to the party's University-issued email account. If there is no local address on file, mail will be sent to the party's permanent address.

Once received in person or mailed and emailed, notice will be presumptively delivered. If, after the three (3) business days described above, the Provost or Provost's Designee has not received a request in writing from either party that the matter be referred to the Hearing Panel Resolution process, the Provost or Provost's Designee may render a finding on the disputed violations. Once the finding has been made, the right to the Hearing Panel Resolution process is waived and the Administrative Resolution process is complete. The finding of the Administrative Resolution process remains subject to appeal.

When a Provost's Designee makes the finding on each of the alleged policy violations, the Provost's Designee will recommend sanctions, but the Provost will make the finding on sanctions and remedial actions.

The Provost or Provost's Designee will inform the Accused and the Complainant of the finding on each of the alleged policy violations and the finding on sanctions, if applicable, in writing within five (5) business days of the findings, without significant time delay between notifications. Notification will be made in writing and will be delivered either:

- 1. In person, or
- 2. Mailed to the mailing address of the respective party as indicated in official University records and emailed to the party's University-issued email account. If there is no local address on file, mail will be sent to the party's permanent address.

Once received in person or mailed and emailed, notice will be presumptively delivered.

O. Hearing Panel Resolution

1. Equity Resolution Hearing Panelist Pool

The University will create and annually train a pool of not less than ten (10) faculty and ten (10) administrators and/or staff as hearing panelists to serve as hearing panel members in the Hearing Panel Resolution Process. Panelists are selected by the Chancellor or Chancellor's Designee and serve a renewable, one-year term. Panelist selections should be made with attention to representation of groups protected by the University's Anti-Discrimination Policies. The Chancellor or Chancellor's Designee will select a **Hearing Panelist Pool Chair** ("**Pool Chair**"). The Pool Chair assigns and coordinates the hearing panel members to serve on the Hearing Panel for a specific Complaint. The Pool Chair may serve as a panel member or the Chair of the Hearing Panel for a specific Complaint.

2. Equity Resolution Hearing Panel ("Hearing Panel")

When a Complaint is not resolved through the Administrative Resolution Process, the Hearing Panelist Pool Chair will assign three members from the Hearing Panelist pool to serve on the specific Hearing Panel and will also designate the **Chair of the Hearing Panel**. The Hearing Panel will include at least one faculty member and one administrator or staff member. Up to two alternates may be designated to sit in throughout the process as needed. The Chair of the Hearing Panel helps ensure that the process adheres materially to the procedural elements of the Hearing Panel Resolution process.

3. Notice of Hearing

a. At least seven (7) business days prior to the hearing, or as far in advance as is reasonably

possible if an accelerated resolution process is scheduled with the consent of the Parties, the Provost or Provost's Designee will send a letter to the Parties with the following information:

- 1) A description of the alleged violation(s) and applicable policy or policies that are alleged to have been violated.
- 2) Reference to or attachment of the applicable procedures.
- 3) An indication that the Parties may have the assistance of an Advisor of their choosing, at the hearing, though the Advisor's attendance at the hearing is the responsibility of the respective Parties.
- 4) The time, date and location of the hearing.
- 5) A list of the names of each of the Hearing Panel members and alternates.
- 6) A copy of the preliminary investigative report or summary.
- b. This Notice of Hearing letter will be made in writing and will be delivered either:
 - 1) In person, or
 - 2) Mailed to the mailing address of the respective party as indicated in official University records and emailed to the party's University-issued email account. If there is no local address on file, mail will be sent to the party's permanent address.

Once received in person or mailed and emailed, notice will be presumptively delivered.

4. Pre-Hearing Witness Lists, Documentary Evidence and Objection to Hearing Panel Member(s)

At least four (4) business days prior to the hearing, the Complainant and the Accused will provide to the Investigator a list of the names of the proposed witnesses and copies of all proposed documentary evidence and may also object in writing to any hearing panel member or alternate. At least two (2) business days prior to the hearing, the Investigator will have the names of proposed witnesses, copies of all pertinent documentary evidence and a copy of the investigative report available for the Complainant and the Accused, and a copy of the same will be sent to the Hearing Panel Chair.

5. Objection to or Recusal of Hearing Panel Member

Upon receipt, the Investigator will forward to the Hearing Panelist Pool Chair any written objection by the Complainant or the Accused to any hearing panel member. Hearing Panel members will only be unseated and replaced if the Hearing Panelist Pool Chair concludes that the panel member's bias precludes an impartial hearing of the Complaint. Additionally, any panel member or Chair of the Hearing Panel who feels they cannot make an objective determination must recuse himself or herself from the proceedings in advance of the hearing.

6. Request for Alternative Attendance or Questioning Mechanisms

The Complainant and the Accused should request alternative attendance or questioning mechanisms (screens, Skype, questions directed through the Chair, etc.) at least two (2) business days prior to the hearing. The request should be made to the Chair of the Hearing Panel. The University will make reasonable accommodations for both the Complainant and the Accused in keeping with the principles of equity and fairness.

7. Requests to Reschedule the Hearing Date

For good cause, the Chair of the Hearing Panel may grant requests to reschedule the hearing date.

8. Conduct of Hearing

The Chair of the Hearing Panel ("Chair" in this subsection) shall preside at the hearing, call the hearing to order, call the roll of the Hearing Panel and alternates in attendance, ascertain the presence or absence of the Investigator, the Complainant and the Accused, confirm receipt of notice of hearing, report any extensions requested or granted and establish the presence of any Advisors. Formal rules of evidence shall not apply.

a. Investigator's Report and Testimony

The Investigator(s) will first present the written investigative report and may give a narrative report of the investigation, and then be subject to questioning by the Complainant, the Accused and the Hearing Panel. The Investigator(s) may also call witnesses who will be subject to questioning by the Investigator, the Complainant, the Accused and the Hearing Panel. The Investigator may also submit documentary evidence. The Investigator(s) will remain present during the entire hearing process.

b. Complainant's Evidence

The Complainant may give testimony and be subject to questioning by the Investigator, the Accused (through the Chair as discussed in Section 600.040.M.6 above) and the Hearing Panel. The Complainant may also call and question witnesses who may also then be questioned by the Accused, the Investigator and the Hearing Panel. The Complainant may also submit documentary evidence.

c. Accused's Evidence

The Accused may give testimony and be subject to questioning by the Investigator, the Complainant (through the Chair as discussed in Section 600.040.M.6 above) and the Hearing Panel. The Accused may also call and question witnesses who may also then be questioned by the Complainant, the Investigator and the Hearing Panel. The Accused may also submit

documentary evidence.

9. Rights of the Hearing Panel

- a. The relevancy and admissibility of any evidence offered at the hearing shall be determined by the Chair, whose ruling shall be final unless the Chair shall present the question to the Hearing Panel at the request of a member of the Hearing Panel, in which event, the ruling of the Hearing Panel by majority vote shall be final.
- b. To question witnesses or evidence introduced by the Investigator, the Complainant or the Accused at any time during the hearing process.
- c. To call additional witnesses and submit documentary evidence.
- d. To exclude a witness proposed by the Investigator, the Complainant or the Accused if it is determined his or her testimony would be redundant or not relevant.
- e. To dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the Chair of the Hearing Panel ("Chair" in this subsection).
- f. To have present a legal advisor to the Hearing Panel, who shall be designated by the General Counsel of the Board of Curators.
- g. To have the names of witnesses that may be called by the Investigator, the Complainant and the Accused at least two (2) business days prior to the hearing.
- h. To have copies of all pertinent documentary evidence and the investigative report at least two (2) business days prior to the hearing.
- i. Procedural questions which arise during the hearing and which are not covered by these general rules shall be determined by the Chair, whose ruling shall be final unless the Chair shall present the question to the Hearing Panel at the request of a member of the Hearing Panel, in which event, the ruling of the Hearing Panel by majority vote shall be final.

10. Findings

The Hearing Panel will deliberate with no others present, except any legal advisor to the Hearing Panel, to find whether the Accused is responsible or not responsible for the policy violation(s) in question. The panel will base its finding on a preponderance of the evidence (i.e., whether it is more likely than not that the Accused committed each alleged violation). If an Accused is found responsible by a majority of the panel, the panel will recommend appropriate sanctions. The Chair of the Hearing Panel will prepare a written panel report and deliver it to the Provost or Provost's Designee detailing the finding, how each member voted, the information cited by the panel in support of its finding and any information the Hearing Panel excluded from its consideration and why. If the Accused is found responsible, the report should conclude with recommended sanctions. This report is typically submitted to the Provost or Provost's Designee within two (2) business days of the end of deliberations. Deviation from the 2-day period will be communicated to the Parties, along with an expected time for completion.

The Provost or Provost's Designee will inform the Accused and the Complainant of the hearing panel report and the Provost's finding of sanctions, if applicable, within five (5) business days of receipt of the panel report, without significant time delay between notifications. Notification will be made in writing and will be delivered either:

- a. In person, or
- b. Mailed to the mailing address of the respective party as indicated in official University records and emailed to the respective party's University- issued email accounts. If there is no local address on file, mail will be sent to the party's permanent address.

Once received in person or mailed and emailed, notice will be presumptively delivered.

P. Sanctions

If the Accused is found responsible for a violation of the University's Anti-Discrimination Policies, the Hearing Panel or Provost's Designee (when a Provost's Designee is used in the Administrative Resolution Process) will recommend sanctions but the Provost will make the finding of sanctions and remedial actions.

- 1. Factors Considered when Finding Sanctions/Remedial Actions include but are not limited to:
 - a. The nature, severity of, and circumstances surrounding the violation.
 - b. The disciplinary history of the Accused.
 - The need for sanctions/remedial actions to bring an end to the discrimination, harassment and/or retaliation.
 - d. The need for sanctions/remedial actions to prevent the future recurrence of discrimination, harassment and/or retaliation.
 - e. The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the University community.

2. Types of Sanctions

The following sanctions may be imposed upon any Faculty Member found to have violated the University's Anti-Discrimination Policies. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:

a. Warning – Verbal or Written

- b. Performance Improvement Plan
- c. Required Counseling
- d. Required Training or Education
- e. Loss of Annual Pay Increase
- f. Loss of Supervisory Responsibility
- g. Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions
- h. For Non-Regular Faculty, immediate termination of term contract and employment
- For Regular, Untenured Faculty, immediate termination of term contract and employment.
 Notice of not reappointing would not be required.
- j. Suspension without pay (while the appeal is pending this is a suspension with pay)
- k. Non-renewal of appointment
- I. For Regular, Tenured Faculty, suspension without pay (while the appeal is pending, but not for the duration of the dismissal for cause proceedings, this is a suspension with pay), removal from campus and referral to the Chancellor to initiate dismissal for cause as detailed in Section 310.060 of the Collected Rules and Regulations.

3. When Implemented

Sanctions are implemented immediately by the Provost or Provost's Designee unless the Chancellor or Chancellor's Designee stays their implementation pending the outcome of the appeal. Suspension without pay is automatically a suspension with pay during the appeal but immediately converts to a suspension without pay upon the conclusion of an appeal upholding the sanction.

Q. Appeal

1. Grounds for Appeal

Both the Complainant and the Accused are allowed to appeal the findings in the Administrative Resolution Process or the finding in the Hearing Panel Resolution Process. Appeals are limited to the following:

- a. A procedural error occurred that significantly impacted the outcome of the Administrative or Hearing Panel Resolution Process (e.g. substantiated bias, material deviation from established procedures, etc.).
- b. To consider new evidence, unavailable during the original resolution process or investigation that could substantially impact the original finding or sanction.
- c. The sanctions fall outside the range typically imposed for this offense, or for the cumulative disciplinary record of the Accused.

2. Requests for Appeal

Both the Complainant and the Accused may submit a request for appeal to the Chancellor or Chancellor's Designee. All requests for appeal must be submitted in writing to the Chancellor or Chancellor's Designee within three (3) business days of the delivery of the findings. When any party requests an appeal, the other party (parties) will be notified and receive a copy of the request for appeal.

3. Response to Request for Appeal

Within three (3) business days of the delivery of the notice and copy of the request for appeal, the other party (parties) may file a response to the request for appeal. The response can address that sufficient grounds for appeal have not been met and/or the merits of the appeal.

4. Review of the Request to Appeal

The Chancellor or Chancellor's Designee will make an initial review of the appeal request(s). The Chancellor or Chancellor's Designee will review the request for appeal to determine whether:

- a. The request is timely, and
- b. The appeal is on the basis of any of the three grounds listed above, and
- c. When viewed in the light most favorable to the appealing party, the appeal states grounds that could result in an adjusted finding or sanction.

The Chancellor or Chancellor's Designee will reject the request for appeal if all three of the above requirements are not met. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The Chancellor or Chancellor's Designee will normally render a written decision whether the request for appeal is accepted or rejected within seven (7) business days from receipt of the request for appeal.

5. Review of the Appeal

If all three requirements for appeal listed above are met, the Chancellor or Chancellor's Designee will accept the request for appeal and proceed with rendering a decision on the appeal applying the following additional principles:

a. Appeals are not intended to be full re-hearings of the Complaint and are therefore deferential to the original findings. In most cases, appeals are confined to a review of the written documentation and record of the Administrative Resolution or Hearing Panel Resolution, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original decision maker (Hearing Panel, Provost or Title IX Coordinator) for reconsideration.

- b. Sanctions are implemented immediately unless the Chancellor or Chancellor's Designee stays their implementation pending the outcome of the appeal. Suspension without pay is automatically a suspension with pay during the appeal but immediately converts to a suspension without pay upon the conclusion of an unfavorable appeal.
- c. The Chancellor or Chancellor's Designee will normally render a written decision on the appeal to all Parties within seven (7) business days from accepting the request for appeal.
- d. Once an appeal is decided, the outcome is final. Further appeals and grievances are not permitted.

6. Extensions of Time

For good cause, the Chancellor or Chancellor's Designee may grant reasonable extensions of time (e.g.: 7-10 business days) to the deadlines in the appeal process.

R. Records

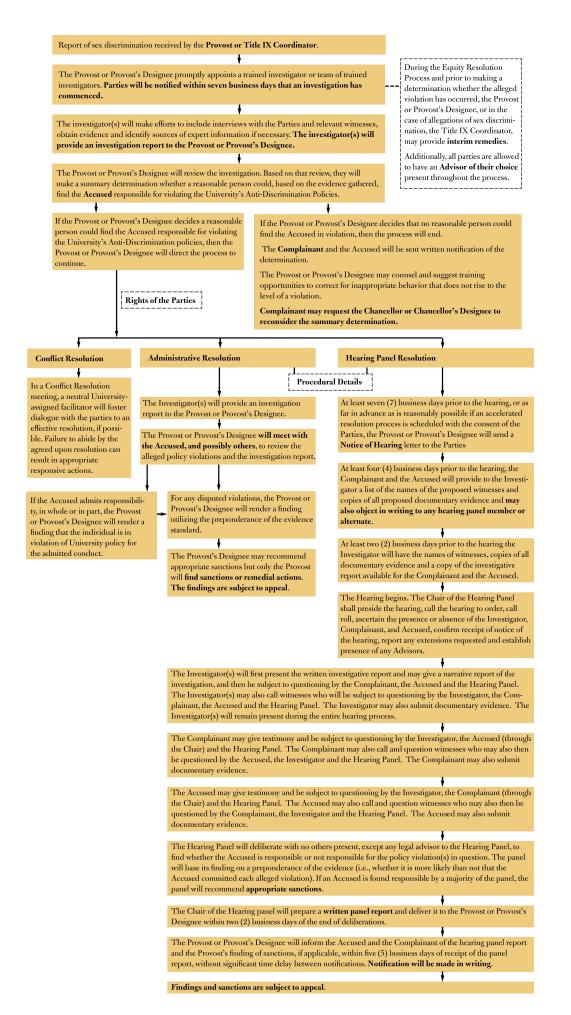
In implementing this policy, records of all Complaints, resolutions, and hearings will be kept by the Provost or Provost's Designee. An audio, video, digital, or stenographic record of the hearings will be maintained and will be filed in the office of the Provost or Provost's Designee and, for the purpose of review or appeal, be accessible at reasonable times and places to the Accused and the Complainant. The "Record of the Case in the Section 600.040 Process" includes, when applicable: letter(s) of notice, exhibits, hearing record (an audio, video, digital or stenographic record of the hearing); the finding on each of the alleged policy violations by either the Hearing Panel, the Provost or the Provost's Designee; the recommendation of sanctions by the Hearing Panel or Provost's Designee; the finding of sanctions by the Provost; and the decision on the appeal, if applicable. The Record of the Case in the Section 600.040 Process will be kept for a minimum of seven (7) years following final resolution.

S. Dismissal for Cause Referral

If the recommended sanction for a Regular, Tenured Faculty member is referral to the Chancellor to initiate Dismissal for Cause, the Record of the Case will be forwarded to the appropriate Faculty Committee on Tenure. Because the Dismissal for Cause proceeding is not a re-hearing of the Complaint, the Record of the Case will be included as evidence and the findings will be adopted for proceeding as detailed in Section 310.060: Procedures in Case of Dismissal for Cause in the Collected Rules and Regulations.

T. Amendments

The President of the University is authorized to amend this Board Rule by Executive Order on or before February 6, 2017.



Rights of the Complainant in the Equity Resolution Process Faculty

Statement of the Rights of the Complainant

- 1. To be treated with respect by University officials.
- 2. To be free from retaliation.
- 3. To have access to campus support resources (such as counseling and mental health services and University health services).
- 4. To have an Advisor of the Complainant's choice accompany the Complainant to all interviews, meetings and proceedings throughout the Equity Resolution Process.
- 5. To refuse to have an allegation resolved through Conflict Resolution or Administrative Resolution Processes.
- 6. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
- 7. To have Complaints heard in substantial accordance with these procedures.
- 8. When the Complainant is not the reporting party, the Complainant has full rights to participate in any Equity Resolution Process.
- 9. To be informed in writing of the finding, rationale and sanctions.
- 10. To report the matter to law enforcement (if applicable) and to have assistance in making that report.
- 11. To have an opportunity to appeal the findings and sanctions.
- 12. Additional Rights for Hearing Panel Resolution:
 - a. To receive notice of a hearing.
 - b. To have the names of witnesses that may participate in the hearing at least two (2) business days prior to the hearing.
 - c. To have copies of all pertinent documentary evidence and any investigative report at least two (2) business days prior to the hearing.
 - d. To be present at the hearing, which right may be waived by either written notification to the Hearing Panel Chair or by failure to appear.
 - e. To request alternative attendance or questioning mechanisms for the hearing (e.g.: screens, Skype, questions directed through the Chair, etc.).
 - f. To have present an Advisor during the hearing and to consult with such Advisor during the hearing.
 - g. To testify at the hearing or refuse to testify at the hearing.
 - h. To present witnesses and documents deemed relevant by the Chair.
 - i. To question witnesses present and testifying at the hearing. See Section 600.040.M.6 below for limitations on directly questioning the Accused.

Section 600.040 of the Collected Rules and Regulation of the University of Missouri: https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_op_portunity/ch600/600.040_equity_resolution_process_for_resolving_complaints_of_haras_sment

Rights of the Accused in the Equity Resolution ProcessFaculty

Statement of the Rights of the Accused

- 1. To be treated with respect by University officials.
- 2. To have access to campus support resources (such as counseling and mental health services and University health services), unless suspended from campus pending the completion of the process.
- 3. To have an Advisor of the Accused's choice accompany the Accused to all meetings and proceedings throughout the Equity Resolution Process.
- 4. To refuse to have an allegation resolved through Conflict Resolution or Administrative Resolution Processes.
- 5. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
- 6. To receive notice of the policies alleged to have been violated.
- 7. To have complaints heard in substantial accordance with these procedures.
- 8. To be informed in writing of the finding, rationale and sanctions.
- 9. To have an opportunity to appeal the findings and sanctions.
- 10. Additional Rights for Hearing Panel Resolution:
 - a. To receive notice of the hearing.
 - b. To have the names of witnesses that may participate in the hearing at least two (2) business days prior to the hearing.
 - c. To have copies of all pertinent documentary evidence and any investigative report at least two (2) business days prior to the hearing.
 - d. To be present at the hearing, which right may be waived by either written notification to the Hearing Panel Chair or by failure to appear.
 - e. To request alternative attendance or questioning mechanisms for the hearing (e.g.: screens, Skype, questions directed through the Chair, etc.)
 - f. To have present an Advisor during the hearing and to consult with such Advisor during the hearing.
 - g. To testify at the hearing or refuse to testify at the hearing.
 - h. To present witnesses and documents deemed relevant by the Chair.
 - i. To question witnesses present and testifying at the hearing. See Section 600.040.M.6 below for limitations on directly questioning the Complainant.

Section 600.040 of the Collected Rules and Regulation of the University of Missouri: https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_op-portunity/ch600/600.040 equity resolution process for resolving complaints of haras sment

Chapter 370: Academic Grievances

370.010 Academic Grievance Procedure

Bd. Min. 4-8-05; Extended Bd. Min. 4-4-08; Amended 12-12-08; 04-03-09; Bd. Min. 6-17-11. [The 6-17-11 version replaces 370.015 (Pilot Academic Grievance Procedure), and the prior version of 370.010.] Amended 6-19-14; Revised 2-5-15.

The Board of Curators, the faculty, and the administration of the University of Missouri recognize the importance of providing a prompt and efficient procedure for fair and equitable resolutions of grievances with the University without fear of prejudice or reprisal for initiating a grievance or participating in its settlement. To the extent possible, all grievances should be settled through informal discussions at the lowest administrative level, and disputed matters should be processed as formal grievances only when either party feels that a fair and equitable solution has not been reached in the informal discussions. Accordingly, the members of the faculty as defined in the rules and regulations, Section 310.020 A, including faculty who hold an administrative title or function, are encouraged to use this procedure for grievances relating to their status or activities as faculty members. Former faculty members may only use this process to grieve the non-renewal of their employment. This grievance procedure should not be used in connection with a matter relating to any administrative title or function which the faculty member currently holds or may also have had. When one of the following Sections is applicable, a grievance under Section 370.010 is not allowed for allegations within the jurisdiction of that applicable Section:

Section 200.025 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Student or Student Organization

Section 600.040 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Faculty Member

Section 600.050 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Staff Member.

The success of this procedure is contingent upon the good faith effort of all participants. It is the responsibility of the Faculty Council, Senate and Campus Administration, and the University President to encourage and sustain such efforts, and to ensure that the procedure is followed in its entirety in its spirit as well as letter. The Chancellors will be responsible for ensuring that the determination

reached in a grievance is implemented. The Faculty Council/Senate Oversight Committee will monitor this process, as per 370.010 C.11.c.

1. Definition:

- 1. A grievance is defined as an allegation that one or more of the following has occurred:
 - There has been a violation, a misinterpretation, an arbitrary or discriminatory application of written University rule, policy, regulation, or procedure which applies personally to the faculty member, notwithstanding that it may apply to others within or without the grievant's unit, relating to the privileges, responsibilities, or terms and conditions of employment as a member of the faculty.
 - 2. The faculty member has been discriminated against in violation of the Equal Employment/Educational Opportunity Policy in Section 320.010, and Sections 200.025, 600.040 and 600.050 are not applicable.
 - 3. There has been an infringement on the academic freedom of the faculty member.
- 2. 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. Termination and Non-Renewal of Regular Faculty

- 1. The termination of regular faculty on continuous appointments, on whatever grounds, is governed by the Academic Tenure Regulations (Section 310.020) and the Procedures in Cases of Dismissal for Cause (Section 310.060) rather than this Grievance Procedure. Any matter related to the termination of regular faculty on continuous appointment cannot be grieved under Section 370.010.
- 2. The non-renewal of regular faculty on regular term appointments, on whatever grounds, is governed by the Academic Tenure Regulations (Section 310.020) rather than this Grievance Procedure. As laid out in Section 310.020.F.3., if a tenure-track faculty member's non-renewal has been unsuccessfully appealed to the Chancellor, the faculty member may use this grievance process only to allege that the decision resulted from inadequate consideration, or that the decision was based significantly on consideration violative of academic freedom, or that the decision was based significantly on considerations violative of governing policies on equal employment opportunity.

3. Grievance Process:

- 1. Grievance Resolution Panel (GRP):
 - 1. Grievances shall be addressed by a standing GRP consisting of a senior administrator and two or four tenured faculty members:

- 1. Two models for the GRP are possible and the model employed by each campus, as well as the number of GRP members, will be determined by the Chancellor in consultation with Faculty Council/Senate.
 - (a) Model A: Two or four GRP faculty members (plus 2 alternate faculty members) will be chosen by the Faculty Council (FC) or Faculty Senate (FS) after consultation with the Chancellor or Chancellor's designee, via an application process designed by the FC or FS.
 - (b) Model B: The GRP will consist of two panels, each with two or four tenured faculty members and two alternate faculty members. Faculty will be chosen by FC/FS as described in Model A above.
- Faculty members may be granted release time to compensate for the effort devoted to the GRP. The amount of release time will be negotiated between the Chancellor/Chancellor's designee and the faculty member's dean/department chair.
- 3. The senior administrator member of the GRP under either Model A or B will be appointed by the Chancellor/Chancellor's designee after consultation with the FC or FS.
- 2. GRP members will serve up to three-year renewable terms pending FC or FS and Chancellor/Chancellor's designee approval. In the interest of continuity and consistency, faculty terms on the GRP will be staggered.
- 3. A conflict of interest is a situation in which financial or other personal considerations have the potential to compromise or bias professional judgment and objectivity.
 - 1. In the case of a conflict of interest of the senior administrative member of the GRP, the Chancellor/Chancellor's designee will appoint an alternate senior administrator after consultation with the FC/FS.
 - 2. In case of a conflict of interest of a faculty member of the GRP, the FC/FS will appoint alternate faculty members of the GRP. Release time, if any, for faculty alternates will be negotiated between the Chancellor/Chancellor's designee and the alternate's dean/department chair, as needed.
- 2. Faculty Council/Senate Oversight Committee (OC):
 - 1. The OC will monitor the grievance process. (Additional details on OC committee are provided below in section 370.010 C.11.)
- 3. Filing a grievance:

- 1. A faculty member files a grievance by the completion of the Grievance Filing Form (GFF) (see attached form in Appendix A) and submission of the form to the GRP.
 - 1. The grievant may submit any relevant evidence/attachments that the grievant would like to be considered by the GRP as well as a list of additional sources of information, including persons with knowledge, subject to the limitations as to length specified in the GFF.
 - 2. The grievant may also request that the GRP gather any additional relevant evidence that the grievant believes exists and that is not in the grievant's possession or to which the grievant does not have access. Taking into account considerations of FERPA, HIPAA, attorney/client privilege and impact on any party or university unit, the GRP will make reasonable attempts to obtain information that it deems relevant and central to the grieved matter(s).
- 2. There are three requirements the grievant must meet when filing:
 - 1. The grieved act listed on the GFF must meet the definitional criteria in 370.010 A.
 - 2. The grievant must demonstrate that s/he attempted to informally resolve the complaint before filing the grievance.
 - 3. The grievant must file the grievance within one hundred and eighty (180) calendar days after the grievant knew, or reasonably should have known, of the occurrence of the event or omission out of which the grievance has arisen. In situations where the grievance arises out of a series of events or omissions, the filing period shall be measured from the last event or omission in the series.
 - (a) A faculty member who does not initiate a grievance in accordance with the 180-day calendar limit specified herein shall be deemed for purposes of these procedures to have accepted the last decision rendered by an appropriate administrative officer.
- 3. If the GRP determines that any of these three requirements (370.010 C.3.) are not met, they may reject the grievance. Rejections of grievances cannot be appealed.
- 4. Processing a grievance:
 - 1. The GRP will meet with the grievant to discuss the complaint and gain a greater understanding of the issues.
 - 2. The GRP will also name a university respondent, in consultation with both the Chancellor/Chancellor's designee and the Chair/President of Faculty Council/Senate or their designee.

- 3. Early in the process, the GRP may hold one face-to-face meeting simultaneously with both the grievant and the person against whom the grievance is directed.
- 4. Both the grievant and the respondent have the right to consult with an attorney of their choice, but that attorney may not be present at any meetings with the GRP. Both the grievant and the respondent may have an advisor present at meetings with the GRP but the advisor must be a current university employee and cannot act in the capacity of an attorney. The advisor may not make presentations or statements to the GRP, or any other parties present.
- 5. The university respondent will be provided with the original grievance filing form and any other information gathered that the GRP deems relevant, and will be required to write a rebuttal statement.
 - The respondent may include any relevant evidence/attachments that the respondent would like to be considered by the GRP, as well as a list of additional sources of information, including persons with knowledge.
 - 2. The respondent may request that the GRP gather any additional relevant evidence that the respondent believes exists and that is not in the respondent's possession or to which the respondent does not have access. Taking into account considerations of FERPA, HIPAA, attorney/client privilege and impact on any party or university entity, the GRP will make reasonable attempts to obtain information that it deems relevant and central to the grieved matter(s).
 - 3. The respondent has 15 calendar days from the date that s/he is provided with the original grievance filing form to write this rebuttal statement. The respondent may submit a written request to the GRP for a time extension to prepare the rebuttal. Such extensions will be granted at the sole discretion of the GRP.
- 6. The GRP will investigate, gather evidence, meet individually or jointly with either or both parties, as well as other relevant individuals. There shall be no formal hearing in this process.
- 7. Based on its own investigation, the GRP may collect evidence that it deems as having relevance and centrality to the grieved matters.
- 8. The GRP shall receive the cooperation of campus administrators, the collegiate dean, the department chair, the grieving faculty member, other faculty members, other University employees, and students enrolled at the University. It will be the duty of all such

- individuals to provide, in a timely fashion, all requested nontestimonial evidence relevant to the case.
- 9. The GRP will consult with University Legal Counsel concerning legal issues of evidence, including but not limited to FERPA regulations, attorney/client privilege, and HIPAA-protected materials.
- 10. All University employees must be truthful in providing testimony to the GRP and all non-testimonial evidence must be genuine and accurate. False testimony, fraudulent evidence, refusal to cooperate with the GRP and breaches of confidentiality (see section 370.010 C.12) may be the basis for a personnel action against the uncooperative individual.
- 11. The grievant(s) and respondent(s) shall be promptly provided with a copy of all evidence collected by the GRP, or in the case of materials deemed confidential by the GRP, a summary of this evidence.
- 12. The GRP will have three months from the date of a correctly filed grievance (see 370.010 C.3.a) to conduct an investigation and render findings and recommendations, if any.
- 13. Prior to rendering its findings, the GRP will inform the parties in writing of their tentative findings and the basis for these findings, including documents collected and information received orally. The parties shall meet jointly with the GRP and each will have the opportunity to provide a 30 minute oral presentation to the GRP regarding their perspective on these tentative findings. Each party will be provided with the opportunity to make one ten minute rebuttal to the other party's presentation.

5. Potential GRP Actions

- 1. The GRP has broad administrative latitude to address grievances.
- 2. At any point in the process, the GRP may:
 - 1. Facilitate a settlement agreement between the grievant and the University of Missouri.
 - 2. Make a determination that the grievance has no merit. This determination is not appealable.
 - 3. Terminate a grievance if a lawsuit related to the substantive content of the grievance, as determined by the GRP, is initiated at any time. The grievant and the respondent are immediately released from requirements imposed by Section 370.010 C.12. This action is not appealable.
- 3. At the conclusion of their investigation, the GRP shall make findings and recommendations that may include, but are not limited to, the following, which will be provided to the Chancellor,

Provost, the parties, and the Oversight Committee Representative:

- A finding in favor of the grievant and the recommendation of remedies, if any, to resolve the grievance.
- 2. A finding that both the grievant and the respondent have legitimate complaints and the recommendation of remedies, if any, to resolve both sets of complaints.
- 3. A finding against the grievant with no recommendations for remedies to address the grievant's complaint.
- 4. A finding that the respondent was subject to some adversity in connection with the aggrieved act and the recommendation of remedies, if any, to alleviate this adversity.
- 4. In the interest of solving problems, the GRP, in unique position to view university functions from multiple viewpoints, may occasionally identify areas of functioning of the University of Missouri that could be improved or changed to prevent future problems. These findings and recommendations can be provided periodically to the Provost, the Chancellor, and the Chair of Faculty Council/Senate.
- 6. Appeal of the GRP findings:
 - 1. Within 15 calendar days, either the grievant or the respondent may appeal the GRP findings and recommendations, if any, to the Chancellor using the Grievance Appeal Form (a copy of which is attached in Appendix B).
 - 2. The Chancellor will have 30 calendar days from the time it is received to act on the appeal. If the Chancellor needs more time, then the Chancellor shall provide reasons and a new estimated time via a letter to all parties (grievant, respondent, GRP, Oversight Committee representative). If the Chancellor does not act within 30 calendar days and does not provide such a letter, the decision of the GRP becomes final.
 - 3. If neither party appeals the GRP decision within 15 days, then the Chancellor will have an additional 30 days to accept or reject the findings of the GRP in whole or in part, and accept, reject or modify the recommendations of the GRP. If the Chancellor needs more time, then the Chancellor shall provide reasons and a new estimated time via a letter to all parties (grievant, respondent, GRP, Oversight Committee representative). If the Chancellor does not act within such additional 30 calendar days and does not provide such a letter, the decision of the GRP becomes final.
- 7. Chancellor's review of the GRP Decision:
 - 1. In reviewing the GRP decision:

- 1. The Chancellor, or the Chancellor's designee, may speak to the grievant and the respondent. If the Chancellor, or the Chancellor's designee, meets with one party, however, then the Chancellor or the Chancellor's designee must also meet with the other party as well, although not necessarily at the same time.
- 2. The Chancellor and Chancellor's designee will have access to all relevant documents.
- 3. The Chancellor or the Chancellor's designee may seek additional information or input as needed. If the Chancellor or Chancellor's designee seeks additional information, however, then the Chancellor shall inform the GRP and the OC representative to the grievance under consideration what additional information or input the Chancellor or the Chancellor's designee has sought.
- 2. The Chancellor may accept or reject the findings of the GRP in whole or in part, and accept, reject or modify the recommendations of the GRP. If the Chancellor rejects or modifies, the Chancellor or the Chancellor's designee shall meet with the GRP and the OC representative prior to rendering the final decision.
- 3. The Chancellor's decision is final.
- 4. Upon rendering of the final decision, the Chancellor will notify the grievant, respondent, GRP and Oversight Committee representative regarding the final outcome and remedies, if any.
- 8. Grievant's acceptance of the final decision:
 - 1. Once a decision is final, the grievant has 15 calendar days to provide written acceptance or non-acceptance of the decision and any recommended remedies.
 - 2. The grievant uses the Grievance Acceptance Form (a copy of which is attached in Appendix C) to file a response to the final decision.
- If the grievant fails to provide a written acceptance of the final decision or submits a Grievance Acceptance Form that rejects the final decision, the grievant suffers the loss of all remedies favorable to the grievant.
- 10. Grievant's legal rights:
 - 1. Upon acceptance of the final decision, the grievant waives the right to bring a lawsuit concerning any matters that were a subject of the grievance.
 - 2. If a lawsuit related to the substantive content of the grievance is initiated at any time, then this grievance process will immediately end and the grievant and the respondent are immediately released from requirements imposed by Section 370.010 C.12.

3. Upon rejection of the final decision, the grievant and the respondent are released from the confidentiality requirements imposed by Section 370.010 C.12.

11. Oversight:

- 1. There will be a Faculty Council/Senate Oversight Committee (OC), whose purpose will be to monitor the Grievance process as neutral observers and provide feedback on the process to the Faculty Council or Faculty Senate, the faculty and the Provost's and Chancellor's Office.
 - 1. The OC will consist of 3-5 tenured faculty appointed by Faculty Council or Faculty Senate for up to three year staggered terms.
 - Chair of the OC will be a member of the Faculty Council or Faculty Senate.
- 2. OC monitoring of individual grievances:
 - 1. A member of the OC will be appointed to each grievance case following receipt of the Grievance Filing Form by the GRP. OC members will rotate grievance case membership unless a conflict of interest is identified.
 - The OC representative will sit in on all GRP deliberations and will be copied on all correspondence. If during deliberations, the OC member has process or procedural concerns, the member may raise the concerns with the GRP, without the grievant or respondent or any other parties present.
 - 3. The OC representative is an observer: The OC representative may not participate in the deliberations or rendering of findings and recommendations by the GRP.
 - 4. GRP requests for extensions of up to two weeks may be approved by the OC representative on that case. Any additional requests for extensions must be approved by the OC. The OC shall rule on such requests within five calendar days from the receipt of the request.
 - 5. The OC representative shall not discuss the ongoing grievance with anyone, including other OC members, except any information necessary to the OC committee decision regarding time extension requests from the GRP.
 - 6. At the close of each grievance case, the OC representative shall present to the other OC members, and the GRP, a summative and evaluative report of the process as it relates to that particular case. These reports will not reveal any substantive information concerning grievances including but not limited to supporting materials, specific findings, and identifying information about any participant.

- 3. OC monitoring of the grievance process:
 - 1. The OC will continually monitor the overall grievance process.
 - 2. On a yearly basis the OC shall present a summative and evaluative report to Faculty Council or Faculty Senate Executive Committee, the Provost and the Chancellor.
 - 3. The OC will monitor the implementation of remedies resulting from the final grievance decision by communication with relevant parties, and in cases in which remedies are not being implemented the Faculty Council/ Faculty Senate will be notified.

12. Confidentiality:

- 1. All parties involved (grievant, respondent, GRP and OC) must agree to maintain strict confidentiality regarding any substantive information concerning grievances including but not limited to supporting materials, specific findings, and identifying information about any participant. The substance of the cases shall not be discussed at any time, before or after a final decision is made, except as provided in Section 370.010 C.5.b.iii, and 370.010 C.10.c.
- 4. The President of the University is authorized to amend this Board Rule by Executive Order on or before February 6, 2017.

Appendix A

Case #:	_(To Be Assigned by GRP)
Grievance Filing For	<u>'m</u>
Date of Filing this Fo	orm:
Name:	
Contact Information	(address, phone, email):

Instructions for Ouestions Associated with Roman Numeral I - III:

The Collected Rules and Regulations list three categories of grievances and these are listed below in Italics (see I, II, and III). Check the box(es) associated with the category or categories of the grievance you are filing. For each relevant category, answer the questions that follow by attaching a separate word document or inserting pages at the end of this document. Please number your responses in accordance with the numbering system employed below (e.g. I-a; III-b, etc.).

- I. There has been a violation, a misinterpretation, an arbitrary or discriminatory application of written University rule, policy, regulation, or procedure which applies personally to the faculty member, notwithstanding that it may apply to others within or without the grievant's unit, relating to the privileges, responsibilities, or terms and conditions of employment as a member of the faculty.
 - 1) List the specific written University rule, policy, regulation or procedure that was violated, misinterpreted, or discriminatorily applied. Either cite the specific Collected Rules and Regulations number or attach relevant policies (e.g., department bylaws). If there is more than one alleged violation, list each separately.
 - a) For each alleged violation, list the date of occurrence of the grieved act. Please note that the grievant must file the grievance within one hundred and eighty (180) calendar days after the grievant knew, or reasonably should have known, of the occurrence of the event or omission out of which the grievance has arisen. In situations where the grievance arises out of a series of events or omissions, the filing period shall be measured from the last event or omission in the series.
 - b) For each alleged violation, describe the grieved act. Include in your description the harm that you perceive resulted and the remedy requested.
 - c) The description of each grieved act is limited to three double-spaced pages (Times New Roman, 12 point).

- II. The faculty member has been discriminated against on the basis of race, color, religion, sex, gender identity, gender expression, national origin, age, disability, status as a Vietnam era veteran, or sexual orientation.
 - 1) List <u>specific</u> type(s) of discrimination(s) that is (are) alleged to have been violated.
 - a) For each alleged violation, list the date of occurrence of the grieved act. Please note that the grievant must file the grievance within one hundred and eighty (180) calendar days after the grievant knew, or reasonably should have known, of the occurrence of the event or omission out of which the grievance has arisen. In situations where the grievance arises out of a series of events or omissions, the filing period shall be measured from the last event or omission in the series
 - b) For each alleged violation, describe the grieved act. Include in your description the harm that you perceive resulted and the remedy requested.
 - c) The description of each grieved act is limited to three double-spaced pages (Times New Roman, 12 point)

III. There has been an infringement on the academic freedom of the faculty member.

(For information on academic freedom, see the Collected Rules and Regulations, Section 310.010).

- a) List the date of occurrence of the grieved act. Please note that the grievant must file the grievance within one hundred and eighty (180) calendar days after the grievant knew, or reasonably should have known, of the occurrence of the event or omission out of which the grievance has arisen. In situations where the grievance arises out of a series of events or omissions, the filing period shall be measured from the last event or omission in the series.
- b) Describe the grieved act. Include in your description the harm that you perceive resulted and the remedy requested.
- c) The description of each grieved act is limited to three double-spaced pages (Times New Roman, 12 point)

Instructions for Roman Numeral IV - VIII:

Answer the questions that follow by attaching a separate word document or inserting pages at the end of this document. Please number your responses in accordance with the numbering system employed below (e.g. IV, V, etc.).

- IV. Please specify in detail any attempts made for informal resolution. The description of such attempts is limited to one double-spaced page (Times New Roman, 12 point). Please note the grievant must demonstrate that s/he attempted to informally resolve the complaint before filing the grievance.
- V. If you have any relevant evidence/attachments that you would like the Grievance Resolution Panel (GRP) to consider, please include them. You must refer to any attachments in your replies to the questions above so that the relevance of each attachment is clear.

- VI. If desired, please list any additional sources of information, including persons with knowledge. Please specify the type of information available through these additional sources and the relevance of this information to the alleged violations.
- VII. The grievant may also request that the GRP gather any additional relevant evidence that the grievant believes exists and that is not in the grievant's possession or to which the grievant does not have access. Taking into account considerations of FERPA, HIPAA, attorney/client privilege and impact on any party or university entity, the *GRP* will make reasonable attempts to obtain information that it deems relevant and central to the grieved matter(s). Please list any such information and its relevance to the alleged violations.

VIII. Have you filed a lawsuit related to the substantive content of the grievance?

PLEASE NOTE THAT INCOMPLETE FILING FORMS OR FILING FORMS THAT DO NOT COMPLY WITH THE DIRECTIONS ABOVE WILL BE RETURNED.

Columbia Campus: Send form and responses to GRP@missouri.edu

<u>UMKC Campus:</u> Send form and responses to <u>GRP@umkc.edu</u>

MO S&T Campus: Send form and responses to GRP@mst.edu

UMSL Campus: Send form and responses to grievance@umsl.edu

Appendix B

Case #: (Please list case # assigned by GRP)
University of Missouri
Grievance Appeal Form
Date of Filing this Form:
Name:
Signature
Contact Information (address, phone, email):
Instructions: Chapter 370.010.C.6 of the Collected Rules and Regulations of the University of Missouri states that within 15 calendar days of the GRP rendering its findings and recommendations, "either the grievant or the respondent may appeal the GRP findings and recommendations, if any, to the Chancellor using the Grievance Appeal Form." Parties may thus appeal a finding, a recommendation or both. To appeal, please check the appropriate boxes and then answer the questions below by attaching separate pages. Please number your responses in accordance with the numbering system employed below.
☐ A. Appeal of GRP Findings

- 1. Identify each finding that you are appealing, <u>by quoting directly</u> from the GRP report provided to you.
 - a. For each finding that you are appealing, state specifically the basis for your appeal, using the list below (State for example. "I am appealing on the basis of A-I-b-ii, "The finding is inconsistent with the evidence presented").
 - b. Basis for Appeal:
 - i. The finding lacks factual support.
 - ii. The finding is inconsistent with evidence presented.

- iii. The GRP failed to consider evidence presented.
- iv. The finding is based on factual errors or a misinterpretation of fact.
- v. The finding is based on an erroneous interpretation of law, policy or rule.
- c. For each basis that you list, clearly explain this basis, being as specific as possible.
 - If you are appealing on the basis that the GRP failed to consider evidence presented, describe the evidence that was refused or not considered and explain how it would have affected the finding.
 - ii. If you are appealing on the basis that the finding is based on an erroneous interpretation of law, policy or rule, identify the law, policy or rule and describe its proper interpretation.
- 2. The appeal of each finding is limited to two double-spaced pages (Times New Roman, 12 point).

☐ B. Appeal of GRP Recommendations

- 1. Identify each recommendation that you are appealing by quoting directly from the GRP report provided to you.
 - a. For each recommendation you are appealing, explain the basis for your appeal. In your explanation be sure to include an explanation of what you perceive to be the deficiencies in the recommendation.
 - b. For each recommendation you are appealing, identify what you consider to be an appropriate remedy and explain your rationale for the appropriateness of this remedy.
- 2. The appeal of each remedy is limited to two double-spaced pages (Times New Roman, 12 point).

PLEASE NOTE THAT INCOMPLETE APPEAL FORMS OR APPEAL FORMS THAT DO NOT COMPLY WITH THE DIRECTIONS ABOVE WILL BE RETURNED.

A HARD COPY of this form must be filed at the address below, but to expedite processing, a scanned version can be first emailed to the email address listed below:

Columbia Campus:

Deputy Chancellor Michael Middleton 105 Jesse Hall Columbia, MO 65211 MiddletonM@missouri.edu

UMKC Campus:

UMKC Grievance Resolution Panel 5100 Rockhill Road, 358 AC Kansas City, MO 64110 GRP@umkc.edu

MO S&T Campus:

Missouri S&T Grievance Resolution Panel 105 Norwood Hall 320 W. 12th St. Rolla, MO 65409 GRP@mst.edu

UMSL

Vice Provost for Academic Affairs Judith Walker de Felix One University Blvd, 421 Woods Hall St. Louis, MO 63121 grievance@umsl.edu

Appendix C

Case #:	(Please list case # assigned by GRP)		
Univers	ity of Missouri		
GRIEV	ANCE ACCEPTANCE FORM		
Instruct	ions for the grievant:		
responsil		tions of the University of Missouri set forth the rights and Failure to file this form within 15 calendar days of notification is of all remedies favorable to the grievant."	
	eview the options below and check the appropriate boshown on this form.	ox, sign the form and mail or email to the appropriate campus	
	I accept the final decision. I understand I may not accept part of the decision and reject part of it, but must accept or reject it in its entirety. I understand that by accepting the final decision I waive my rights (if any) to bring a claim demand, or cause of action in any court of law concerning any matters that were a subject of this grievance. further understand and agree to abide by the confidentiality requirements of Section 370.010.C.12. I do not accept the final decision. I understand I may not accept part of the decision and reject part of it, but must accept or reject it in its entirety. I fully understand that by rejecting the final decision I will suffer the loss of an and all remedies contained in the final decision that are favorable to me. I also understand that if I reject the final decision neither I nor the respondent is bound by the confidentiality requirements of Section 370.010.C.12.		
	Typed or printed name	_	
	Signature	_	
	Date of signature	_	
	Contact information (address, phone, email):		
	D COPY of this form must be filed at the address lailed to the email address listed below:	below, but to expedite processing, a scanned version can be	
Deputy C 105 Jesse Columbia	hancellor Michael Middleton Hall I, MO 65211 Rolla, MO 65409	MO S&T Campus: Missouri S&T Grievance Resolution Panel 105 Norwood Hall 320 W. 12 th St. GRP@mst.edu	
5100 Roc	rievance Resolution Panel khill Road, 358 AC ity, MO 64110	UMSL Campus: Vice Provost for Academic Affairs Judith Walker de Felix One University Blvd, 421 Woods Hall St. Louis, MO 63121 grievance@umsl.edu	



Chapter 600: Equal Employment/Educational Opportunity

Chapter 600.050 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Staff Member

Board Min 2-5-15.

A. General

The University will act on any formal or informal complaint or notice of violation of the University's antidiscrimination policies. The procedures described below apply to all such complaints or notice when the Accused is a Staff Member.

B. Jurisdiction

Jurisdiction of the University of Missouri generally shall be limited to conduct which occurs on the University of Missouri premises or at University-sponsored or University-supervised functions. However, the University may take appropriate action, including, but not limited to, the imposition of sanctions under Section 600.050 of the Collected Rules and Regulations against Staff Members for conduct occurring in other settings, including off-campus, (1) in order to protect the physical safety of students, employees, visitors, patients or other members of the University community, (2) 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 or (3) if the conduct occurs when the Staff Member is serving in the role of a University employee.

C. At-Will Employment Status

Nothing contained in this policy is intended and no language contained herein shall be construed as establishing a "just cause" standard for imposing discipline, including but not limited to, termination of employment. Further, nothing contained in this policy is intended and no language contained herein shall be construed to alter in any manner whatsoever the at-will employment status of any at-will University employee.

D. Definitions:

- University's Anti-Discrimination Policies. The University's Anti-Discrimination Policies include
 the Equal Employment/Education Opportunity Policy located at Section 320.010 of the Collected
 Rules and Regulations and the Sex Discrimination, Sexual Harassment and Sexual Misconduct in
 Education/Employment Policy located at Section 600.020 of the Collected Rules and Regulations.
- Complainant. Complainant refers to the alleged victim of discrimination under the University's Anti-Discrimination Policies. The University may also serve as the Complainant when the alleged victim does not wish to participate in the resolution process.
- Accused. The Staff Member or Members alleged to have violated the University's Anti-Discrimination Policies.
- 4. Staff Members. Staff Members include all Administrative, Service and Support Staff, which includes all regular employees, variable hour employees, nonregular employees, per diem employees as defined in Section 320.050.II of the Collected Rules and Regulations, and Subsidiary Employees as defined in Section 320.050.III.
- Complaint. Any verbal or written communication or notice of an alleged violation of the University's Anti-Discrimination Policies.
- Advisors. The individuals selected by the Complainant and the Accused to provide support and guidance throughout the Equity Resolution Process. Each party is allowed one advisor.
- 7. Investigators. Investigators are trained individuals appointed by the Equity Human Resources Officer ("Equity HR Officer") or Equity HR Officer's Designee to conduct investigations of the alleged violations of the University's Anti-Discrimination Policies.
- 8. **Equity Human Resources Officers ("Equity HR Officers")**. The Equity Human Resources Officers ("Equity HR Officers") are trained human resources and/or equity administrators designated by:
 - a. the Chancellor or Chancellor's Designee for campus Staff Members;
 - b. the Chancellor or Chancellor's Designee for MU Health System Staff Members; and
 - c. the President or President's Designee for System Staff Members.
- Supervisor. The individual or individuals who have authority to terminate the Accused's employment. If a supervisor has a conflict as determined by the Equity HR Officer, the Equity HR

Officer will determine the appropriate manager to act as the Supervisor for purposes of this rule.

- 10. Equity Resolution Appellate Officers. Equity Resolution Appellate Officers are trained, senior-level administrators who hear all appeals stemming from the Equity Resolution Process and are designated by:
 - a. the Chancellor or Chancellor's Designee for campus Staff Members;
 - b. the Chancellor or Chancellor's Designee for Health System Staff Members; and
 - c. the President or President's Designee for System Staff Members.
- 11. Summary Resolution. Resolution of the Complaint upon the determination by the Equity HR Officer or Equity HR Officer's Designee that no reasonable person could find the Accused responsible for violating the University's Anti-Discrimination Policies.
- 12. **Conflict Resolution**. Resolution using alternative dispute resolution mechanisms such as mediation, facilitated dialogue or restorative justice.
- Administrative Resolution. Resolution of a Complaint by the Equity HR Officer and the Accused's Supervisor.
- 14. Parties. The Complainant and the Accused are collectively referred to as the Parties.

E. Filing a Complaint

Any student, employee, volunteer, visitor or patient who believes that a Staff Member has violated the University's Anti-Discrimination Policies should contact the Equity HR Officer or Equity HR Officer's Designee and in the case of allegations of sexual harassment, sexual misconduct or allegations of other forms of sex discrimination as defined in Section 600.020 of the Collected Rules and Regulations, the Title IX Coordinator or Title IX Coordinator's Designee. Such individuals can also contact campus police if the alleged offense may also constitute a crime.

F. Interim Remedies

During the Equity Resolution Process and prior to a finding whether an alleged violation has occurred, the Equity HR Officer or Equity HR Officer's Designee or in the case of allegations of sexual harassment, sexual misconduct or allegations of other forms of sex discrimination as defined in Section 600.020 of the Collected Rules and Regulations, the Title IX Coordinator or Title IX Coordinator's Designee may provide interim remedies including, but not limited to, one or more of the following:

- 1. Referral and facilitating contact for the Complainant to on- or off-campus counseling, medical services and/or mental health services.
- 2. Implementing contact limitations on the Accused or on all Parties.
- 3. Referral of the Complainant to victim advocacy and support services either on and/or off-campus.
- 4. Adjusting the work schedules, work assignments, supervisory responsibilities, supervisor reporting responsibilities or work arrangements of the Complainant and/or the Accused.
- 5. If the Complainant is a student:
 - Referral of Complainant to academic support services and any other services that may be beneficial to the Complainant.
 - b. Adjusting the courses, assignments, exam schedules, etc. of the Complainant.
 - c. Altering the on-campus housing assignments, dining arrangements, or other campus services for the Complainant.
- 6. Informing the Complainant of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
- 7. Implementing leave from work with or without pay for the Complainant and/or Accused.
- 8. Implementing suspension from campus with or without pay for the Accused.

G. Employees and Students Participating in the Equity Resolution Process

All University employees and students must be truthful when making any statement or providing any information or evidence to the University throughout the process, including to the Investigator, the Equity HR Officer (or Equity HR Officer's Designee), the Title IX Coordinator (or Title IX Coordinator's Designee) and/or the Equity Resolution Appellate Officer, and all documentary evidence must be genuine and accurate. False statements, fraudulent evidence or refusal to cooperate with the Investigator, the Equity HR Officer (or Equity HR Officer's Designee), the Title IX Coordinator (or Title IX Coordinator's Designee) and/or the Equity Resolution Appellate Officer by an employee may be the basis for personnel action or by a student may be the basis for student conduct action pursuant to Section 200.010(B)(14) or other provisions of Section 200.010. Nothing in this provision is intended to require a Complainant to participate in the process.

H. Rights of the Complainant in the Equity Resolution Process

- 1. To be treated with respect by University officials.
- 2. To be free from retaliation.
- 3. To have access to campus support resources (such as counseling and mental health services and University health services).
- 4. To have an Advisor of the Complainant's choice accompany the Complainant to all interviews, meetings and proceedings throughout the Equity Resolution Process.
- 5. To refuse to have an allegation resolved through the Conflict Resolution process.
- 6. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
- 7. To have Complaints heard in substantial accordance with these procedures.

- 8. When the Complainant is not the reporting party, the Complainant has full rights to participate in any Equity Resolution Process.
- 9. To be informed in writing of the finding, rationale and sanctions.
- 10. To report the matter to law enforcement (if applicable) and to have assistance in making that report.
- 11. To have an opportunity to appeal the findings and sanction.

I. Rights of the Accused in the Equity Resolution Process

- 1. To be treated with respect by University officials.
- To have access to campus support resources (such as counseling and mental health services and University health services), unless removed from campus pending the completion of the process.
- To have an Advisor of the Accused's choice accompany the Accused to all meetings and proceedings throughout the Equity Resolution Process.
- 4. To refuse to have an allegation resolved through the Conflict Resolution process.
- To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
- 6. To receive notice of the policies alleged to have been violated.
- 7. To have Complaints heard in substantial accordance with these procedures.
- 8. To be informed in writing of the finding, rationale and sanction.
- 9. To have an opportunity to appeal the findings and sanction.

J. Role of Advisors

Each Complainant and Accused is allowed to have one Advisor of their choice present with them for all Equity Resolution process interviews, meeting and proceedings. The Parties may select whomever they wish to serve as their Advisor, including an attorney. An advisor is not required and any party may elect to proceed without an Advisor.

If Complainant is a student, the student Complainant may request that the Equity HR Officer (or Equity HR Officer's Designee) or Title IX Coordinator (or Title IX Coordinator's Designee) assign a trained Advisor to provide support throughout the Equity Resolution Process. University trained Advisors are administrators or staff at the University trained on the Equity Resolution Process.

The Advisor may not make a presentation or represent the Complainant or the Accused during any meeting or proceeding. The Parties are expected to ask and respond to question on their own behalf, without representation by their Advisor. The Advisor may consult with the advisee quietly or in writing, or outside the meeting or proceeding during breaks, but may not speak on behalf of the advisee at any point throughout the process. Advisors who do not follow these guidelines will be warned or dismissed from the meeting or proceeding at the discretion of the Investigator(s) during the investigation and the Equity HR Officer or Equity HR Officer's Designee during the Administrative Resolution Process.

K. Investigation

If a Complainant wants to pursue an investigation or if the University wants to pursue an investigation, then the Equity HR Officer or Equity HR Officer's Designee promptly appoints a trained investigator or a team of trained investigators to investigate. Within seven (7) business days after the commencement of the investigation, the Investigator(s) will provide the Parties with written notice that an investigation has commenced, either:

- · In person, or
- Mailed to the mailing address of the respective party as indicated in the official University records
 and emailed to the Party's University-issued e-mail account. If there is no local address on file, mail
 will be sent to the party's permanent address.

Once received in person or mailed and e-mailed, notice will be presumptively delivered.

The Parties are allowed to have an Advisor of their choice present with them for all Equity Resolution Process interviews, meetings and proceedings in which they participate. All investigations will be thorough, reliable and impartial. The Investigator(s) will make reasonable efforts to include interviews with the Parties and relevant witnesses, obtain available evidence and identify sources of expert information, if necessary. The Investigator(s) will provide an investigation report to the Equity HR Officer and Supervisor.

Investigation of reported misconduct brought directly by Complainant should be completed expeditiously, normally within thirty (30) business days of notice to the University. Investigation of a Complaint may take longer based on the nature or circumstances of the Complaint, such as lack of cooperation by the Complainant, when initial reports fail to provide direct first-hand information or in complex cases. The University may also undertake a short delay (several days to weeks, to allow evidence collection by the law enforcement agency) when criminal charges on the basis of the same behaviors that invoke the process are being investigated.

L. Summary Resolution

During or upon the completion of the investigation, the Equity HR Officer or Equity HR Officer's Designee will review the investigation, which may include meeting with the investigator(s). Based on that review,

the Equity HR Officer or Equity HR Officer's Designee will make a summary determination whether a reasonable person could, based on the evidence gathered, find the Accused responsible for violating the University's Anti-Discrimination Policies.

If the Equity HR Officer or Equity HR Officer's Designee determines that a reasonable person could find the Accused responsible for violating the University's Anti-Discrimination Policies, then the Equity HR Officer or Equity HR Officer's Designee will direct the process to continue. The Complaint will then be resolved through either: Conflict Resolution or Administrative Resolution. There is no right to reconsider or appeal the summary determination to continue the process.

If the Equity HR Officer or Equity HR Officer's Designee determines that no reasonable person could find the Accused responsible for violating the University's Anti-Discrimination Policies, then the process will end and the Complainant and the Accused will be sent written notification of the determination. The Equity HR Officer or Equity HR Officer's Designee may counsel and suggest training opportunities to correct for inappropriate behavior that does not rise to the level of a violation.

The Complainant may request the Equity Resolution Appellate Officer to reconsider the summary determination ending the process. If the Equity Resolution Appellate Officer decides a reasonable person could find the Accused responsible for violating the University's Anti-Discrimination Policies, the Equity Resolution Appellate Officer will reverse the determination ending the process and direct the process to continue. The Complaint will then be resolved through either: Conflict Resolution or Administrative Resolution.

If the Equity Resolution Appellate Officer agrees with the summary determination ending the process by the Equity HR Officer or Equity HR Officer's Designee and that no reasonable person could find the Accused responsible for violating the University's Anti-Discrimination Policies, then the process will end and the Complainant and the Accused will be sent written notification of the determination. This determination to end the process lies in the sole discretion of the Equity Resolution Appellate Officer and such determination is final. Further appeals or grievances are not permitted.

M. Conflict Resolution

The Investigator(s) will determine if Conflict Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to Conflict Resolution. Conflict Resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution processes to resolve conflicts. Mediation is never utilized in cases involving allegations of nonconsensual sexual intercourse or nonconsensual sexual contact. It is not necessary to pursue Conflict Resolution prior to pursuing the Administrative Resolution Process and either party can stop the Conflict Resolution process at any time and request the Administrative Resolution Process. In a Conflict Resolution meeting, a neutral, University-assigned facilitator will foster dialogue with the parties to an effective resolution, if possible. The Equity HR Officer or Equity HR Officer's Designee will keep records of any resolution that is reached, and failure to abide by the agreed upon resolution can result in appropriate responsive actions.

N. Administrative Resolution

1. Procedural Details for Administrative Resolution.

For the Administrative Resolution Processes, the following will apply:

- a. The standard of proof will be "preponderance of the evidence," defined as determining whether evidence shows it is more likely than not that a policy violation occurred.
- b. Questioning or evidence about the Complainant's prior sexual conduct is not permitted, though the Investigator, Equity HR Officer (or Equity HR Officer's Designee) or Title IX Coordinator (or Title IX Coordinator's Designee) may grant a limited exception in regards to the sexual history between the parties, if deemed relevant.
- c. Unless deemed relevant by the decision maker, character evidence of either the Complainant or the Accused will not be considered.
- d. Incidents or behavior of the Accused not directly related to the possible violation(s) will not be considered unless they show a pattern of related misconduct. History of related misconduct by the Accused that shows a pattern may be considered, if deemed relevant by the Equity HR Officer or Equity HR Officer's Designee.
- e. The Administrative Resolution Process will normally be completed within sixty (60) business days from the notice of the Complaint. Deviations from this timeframe will be promptly communicated to both parties.
- f. The Accused and the Complainant may provide a list of questions for the Investigator(s), Equity HR Officer or Equity HR Officer's Designee to ask the other party. If those questions are deemed appropriate and relevant, they may be asked on behalf of the requesting party.
- g. The Equity HR Officer or Equity HR Officer's Designee may, in their discretion, grant reasonable extensions to the timeframes and limits provided.
- h. The Administrative Resolution Process will proceed regardless of whether the Accused chooses to participate in the investigation or the finding.

2. Administrative Resolution: Resolution by the Equity HR Officer and Supervisor

Administrative Resolution by the Equity HR Officer and Supervisor can be pursued for any behavior that falls within the University's Anti-Discrimination Policies.

The Administrative Resolution process consists of

- a. A prompt, thorough and impartial investigation by the Investigator;
- A joint finding by the Equity HR Officer and Supervisor on each of the alleged policy violations;
 and
- A joint finding by the Equity HR Officer and Supervisor on sanctions for findings of responsibility.

The Investigator(s) will provide an investigation report to the Equity HR Officer and Supervisor. The Equity HR Officer and Supervisor can, but are not required to, meet with and question the Investigator and any identified witnesses. The Equity HR Officer or Supervisor may request that the Investigator conduct additional interviews and/or gather additional information. The Equity HR Officer and Supervisor will offer to meet with the Complainant and will meet with the Complainant if the Complainant agrees to meet. The Equity HR Officer and Supervisor will meet with the Accused to review the alleged policy violations and the investigation report. The Accused may choose to admit responsibility for all or part of the alleged policy violations at any point in the process. If the Accused admits responsibility, in whole or in part, the Equity HR Officer and Supervisor will render a finding that the individual is in violation of University policy for the admitted conduct. For any disputed violations, the Equity HR Officer and Supervisor will render a joint finding utilizing the preponderance of the evidence standard. The Equity HR Officer and Supervisor will also render a finding on appropriate sanctions or remedial actions, if applicable. The findings are subject to appeal.

The Equity HR Officer will inform the Accused and the Complainant of the joint finding on each of the alleged policy violations and the joint finding on sanctions for findings of responsibility, if applicable, within five (5) business days of the findings, without significant time delay between notifications. Notification will be made in writing and will be delivered either:

- · In person, or
- Mailed to the mailing address of the respective party as indicated in official University records and emailed to the party's University-issued email account. If there is no local address on file, mail will be sent to the party's permanent address.

Once received in person or mailed and emailed, notice will be presumptively delivered.

O. Sanctions

1. Factors Considered When Finding Sanctions/Remedial Actions

If the Accused is found responsible for a violation of the University's Anti-Discrimination Policies, the Equity HR Officer and Supervisor will find sanctions and remedial actions. Factors considered when finding a sanction/remedial action may include:

- a. The nature, severity of, and circumstances surrounding the violation.
- b. The disciplinary history of the Accused.
- c. Any other information deemed relevant by the Equity HR Officer and Supervisor.
- d. The need for sanctions/remedial actions to bring an end to the discrimination, harassment and/or retaliation.
- e. The need for sanctions/remedial actions to prevent the future recurrence of discrimination, harassment and/or retaliation.
- f. The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the University community.

2. Types of Sanctions

The following sanctions may be imposed upon any Staff Member found to have violated a University's Anti-Discrimination Policy. Multiple sanctions may be imposed for any single violation. Sanctions include but are not limited to:

- a. Warning Verbal or Written
- b. Performance Improvement Plan
- c. Required Counseling
- d. Required Training or Education
- e. Loss of Annual Pay Increase
- f. Loss of Supervisory Responsibility
- g. Demotion
- h. Suspension without Pay
- i. Termination
- j. Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions

P. Appeal

1. Grounds for Appeal

Both the Complainant and the Accused are allowed to appeal the findings in the Administrative

Resolution Process. Appeals are limited to the following:

- a. A procedural error occurred that significantly impacted the outcome of the Administrative Resolution Process (e.g. substantiated bias, material deviation from established procedures, etc.).
- b. To consider new evidence, unavailable during the original Administrative Resolution Process or investigation that could substantially impact the original finding or sanction.
- c. The sanctions fall outside the range typically imposed for this offense, or for the cumulative disciplinary record of the Accused.

2. Requests for Appeal

Both the Complainant and the Accused may submit a request for appeal to the Equity Resolution Appellate Officer. All requests for appeal must be submitted in writing to the Equity Resolution Appellate Officer within three (3) business days of the delivery of the findings. When any party requests an appeal, the other party (parties) will be notified and receive a copy of the request for appeal.

3. Response to Request for Appeal

Within three (3) business days of the delivery of the notice and copy of the request for appeal, the other party (parties) may file a response to the request for appeal. The response can address that sufficient grounds for appeal have not been met and/or the merits of the appeal.

4. Review of the Request to Appeal

The Equity Resolution Appellate Officer will make an initial review of the appeal request(s). The Equity Resolution Appellate Officer will review the request for appeal to determine whether:

- a. The request is timely, and
- b. The appeal is on the basis of any of the three grounds listed above, and
- c. When viewed in the light most favorable to the appealing party, the appeal states grounds that could result in an adjusted finding or sanction.

The Equity Resolution Appellate Officer will reject the request for appeal if all three of the above requirements are not met. The decision to reject the request for appeal is final and further appeals and grievances are not permitted. The Equity Resolution Appellate Officer will normally render a written decision whether the request for appeal is accepted or rejected within seven (7) business days from receipt of the request for appeal.

5. Review of the Appeal

If all three requirements for appeal listed above are met, the Equity Resolution Appellate Officer will accept the request for appeal and proceed with rendering a decision on the appeal applying the following additional principles:

- a. Appeals are not intended to be full re-hearings of the Complaint and are therefore deferential to the original findings. In most cases, appeals are confined to a review of the written documentation and record of the Administrative Resolution Process, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original Equity HR Officer and Supervisor for reconsideration.
- b. Sanctions imposed are implemented immediately unless the Equity Resolution Appellate Officer stays their implementation pending the outcome of the appeal.
- c. The Equity Resolution Appellate Officer will normally render a written decision on the appeal to all parties within seven (7) business days from accepting the request for appeal.
- d. Once an appeal is decided, the outcome is final. Further appeals and grievances are not permitted.

6. Extensions of Time

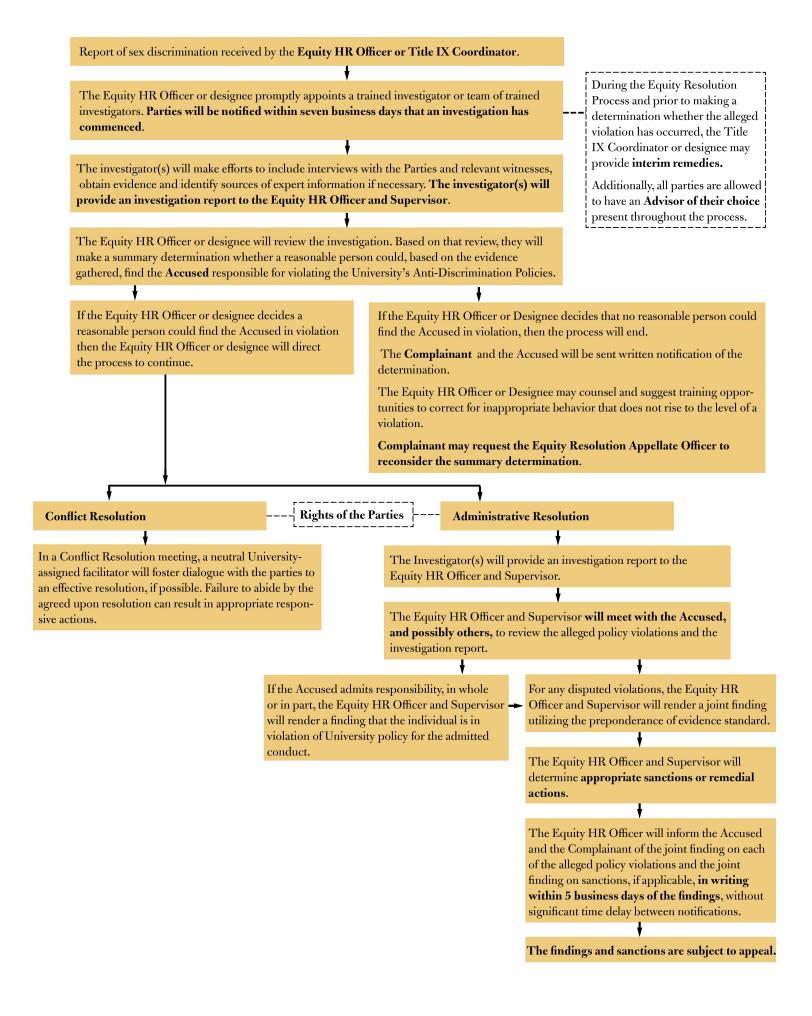
For good cause, the Equity Resolution Appellate Officer may grant reasonable extensions of time (e.g.: 5-7 business days) to the deadlines in the appeal process.

Q. Records

In implementing this policy, records of all Complaints and resolutions will be kept by the Equity HR Officer or Equity HR Officer's Designee. The "Record of the Case in the Section 600.050 Process" will include, if applicable, letters of notice, exhibits, the findings of the Equity HR Officer and Supervisor and the decision on appeal. The Record of the Case in the Section 600.050 Process will be kept for a minimum of seven (7) years following final resolution.

R. Amendments

The President of the University is authorized to amend this Board Rule by Executive Order on or before February 6, 2017.



Rights of the Complainant in the Staff Equity Resolution Process Staff

Statement of the Rights of the Complainant

- 1. To be treated with respect by University officials.
- 2. To be free from retaliation.
- 3. To have access to campus support resources (such as counseling and mental health services and University health services).
- 4. To have an Advisor of the Complainant's choice accompany the Complainant to all interviews, meetings and proceedings throughout the Equity Resolution Process.
- 5. To refuse to have an allegation resolved through the Conflict Resolution process.
- 6. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
- 7. To have Complaints heard in substantial accordance with these procedures.
- 8. When the Complainant is not the reporting party, the Complainant has full rights to participate in any Equity Resolution Process.
- 9. To be informed in writing of the finding, rationale and sanctions.
- 10. To report the matter to law enforcement (if applicable) and to have assistance in making that report.
- 11. To have an opportunity to appeal the findings and sanction.

Section 600.050 of the Collected Rules and Regulation of the University of Missouri: http://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opportunity/ch600/chapter_600.050_equity_resolution_process_for_resolving_complaints

Rights of the Accused in the Equity Resolution Process Staff

Statement of the Rights of the Accused

- 1. To be treated with respect by University officials.
- 2. To have access to campus support resources (such as counseling and mental health services and University health services), unless removed from campus pending the completion of the process.
- 3. To have an Advisor of the Accused's choice accompany the Accused to all meetings and proceedings throughout the Equity Resolution Process.
- 4. To refuse to have an allegation resolved through the Conflict Resolution process.
- 5. To have an opportunity to present a list of potential witnesses and provide evidence to the Investigator.
- 6. To receive notice of the policies alleged to have been violated.
- 7. To have Complaints heard in substantial accordance with these procedures.
- 8. To be informed in writing of the finding, rationale and sanction.
- 9. To have an opportunity to appeal the findings and sanction.

Section 600.050 of the Collected Rules and Regulation of the University of Missouri: http://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_op-portunity/ch600/chapter_600.050_equity_resolution_process_for_resolving_complaints

380.010 Grievance Procedure for Administrative, Service and Support Staff

Chapter 380: Administrative, Service and Support Staff Grievances

Bd. Min. 2-19-67, p. 32,163; Revised Bd. Min. 9-7-79; Revised Bd. Min.9-12-80; Revised Bd. Min. 2-2-94; Amended 9-26-97; Revised 10-1-98; Revised 2-5-15.

The Board of Curators has adopted the following resolution relating to grievance procedures for the administrative, service and support staff of the University of Missouri.

1. The University recognizes the right of employees to express their grievances and to seek a solution concerning disagreements arising from working relationships, working conditions, employment practices or differences of interpretation of policy which might arise between the University and its employees. A regular employee may process a grievance regarding any of these matters upon completion of their probationary period. A probationary or non-regular employee may process a grievance concerning issues of prohibited discrimination or application or interpretation of University policies and procedures. When one of the following Sections is applicable, a grievance under Section 380.010 is not allowed for allegations within the jurisdiction of that applicable Section:

Section 200.025 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Student or Student Organization

Section 600.040 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Faculty Member

Section 600.050 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Staff Member.

2. Procedures for Processing Grievances

1. Should an employee or the employee's representative feel after oral discussion with the immediate supervisor that employee's rights under University policy have been violated, the employee may originate a grievance within ten

- (10) days of the date the alleged grievable act occurred, by presenting the facts in writing to the proper supervisor, department head, or designated representative of the University, with a copy to the Campus Grievance Representative. The decision of such official shall be made in writing to the employee within ten (10) days after receipt of response. For an alleged act of prohibited discrimination, an employee has a 180-day filing period.
- 2. Should the employee decide the reply is unsatisfactory, the employee or the employee's representative shall within five (5) days submit an appeal to the Campus Grievance Representative. The Campus Grievance Representative or designate shall respond in writing to the grievance within five (5) days from the date of the review. If the grievance is resolved, no further action will be necessary.

If the grievance is not satisfactorily resolved, the employee or the employee's representative, may appeal within five (5) days after receipt of response to the University Grievance Representative (Vice President, Human Resource Services or a designated representative) for the purpose of reviewing the grievance. The decision of the University Grievance Representative or designate shall be made in writing to the employee and/or to employee's representative within five (5) days after the date of the review.

- 3. Should the employee decide that the reply of the University Grievance Representative or designate is unsatisfactory, the matter may be appealed within five (5) days of receipt of the response through the University Grievance Representative to a grievance committee which shall be established as follows:
 - 1. The employee or employee's representative may designate one member.
 - The University through its Grievance Representative, with the approval of the Chancellor of the campus, shall appoint one member.
 - 3. The selection of the third member shall be made by these two (2) members. If mutually agreeable, the two (2) designated members may select the third member from a list recommended by either and approved by both. Otherwise selection will be made from a list of committee members supplied by the Federal Mediation and Conciliation Service. The

- selection will be made by reducing the list in alternate turns. The toss of a coin shall determine the elimination sequence.
- 4. A decision of the grievance committee may be reached upon the concurrence of any two of the three members.
- 5. A hearing will be scheduled as soon as feasible after selection of the third committee member.
- 6. The grievance committee shall keep a complete record of the hearing before it, including any exhibits or papers submitted to it in connection with the hearing and a complete record of any testimony taken. Upon the rendering of its decision, the complete record shall be filed in the Office of the President of the University and shall be available to the employee, employee's representative and the University Grievance Representative.
- 7. Any cost of the third party on the committee and cost of transcript (if requested) shall be paid equally by the employee and the University.
- 4. In the event the decision of the grievance committee is unsatisfactory to either the employee or the University Grievance Representative, either may within five (5) days after receipt of the decision appeal to the Board of Curators by delivering such notice of appeal to the President of the University.
- 5. Upon the receipt of the notice of appeal, the President of the University shall cause the record of the hearing before the grievance committee to be filed with the Board of Curators of the University, who shall review such record. The decision of the Board of Curators, upon such review, will be final.
- 6. The prescribed time limits may be extended by mutual agreement whenever necessary in order for these provisions to be implemented.
- 7. The interpretation of "days" within this section is to be normal workdays (Monday through Friday) exclusive of official University holidays.
- 3. The President of the University is authorized to amend this Board Rule by Executive Order on or before February 6, 2017.



Chapter 600: Equal Employment/Educational Opportunity

600.020 Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy

Executive Order 40, 4-8-14; Revised 6-19-14; Revised 9-22-14 by Executive Order 41.

The policy set forth in this rule is intended to supplement the existing policies of the University of Missouri System and its respective campuses, as those policies relate to Title IX of the Education Amendments of 1972 ("Title IX"), 20 U.S.C. Sections 1881 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106, Title VII of the Civil Rights Act of 1964 and its implementing regulations, 29 C.F.R. Part 1604.11, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. 1092(f). In all informal or formal procedures involving allegations of Sex Discrimination, Sexual Harassment or Sexual Misconduct, regardless of any language found within the applicable procedural rules, the following shall apply:

A. Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education

Sex discrimination is prohibited by University policy and law in educational programs, activities and employment. Title IX applies to all students, employees, volunteers and visitors at the University and prohibits sexual harassment, sexual misconduct, and other forms of sex discrimination as defined in Section 600.020C of the Collected Rules and Regulations. Additionally, there is a specific application of Title IX in athletic programs to ensure gender equity and that women and men have equitable access to sports opportunities. As used in this policy, the word "sex" is also inclusive of the term "gender."

B. Statement of Nondiscrimination

As stated in its applicable rules and policies, the University of Missouri does not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age, disability or status as a protected veteran. The University affirms its commitment to providing equal opportunities by establishing the Equal Opportunity Policy statement in Section 320.010 of the Collected Rules and Regulations. The University's nondiscrimination policies apply to any phase of its employment process, any phase of its admission or financial aid programs, and other aspects of its educational programs or activities. Additionally, this policy and the existing Title IX policies apply to allegations of sexual misconduct or allegations of other forms of sex discrimination, as defined in Section 600.020C below, occurring within the University's educational programs and activities and instances occurring in other settings, including off-campus if there are effects of the conduct that interfere with or limit students' ability to participate in or benefit from the University's educational programs and activities. Notices of nondiscrimination are posted on the websites and at other locations for the UM System and each of the campuses.

C. Definitions

- 1. Sex Discrimination. Sex discrimination occurs when a person has been treated inequitably based on sex, gender identity, or gender expression. Specifically, the University of Missouri System upholds Title IX, which states in part that "[n]o 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." Sexual harassment, sexual misconduct, sexual exploitation, stalking on the basis of sex and dating/intimate partner violence are forms of sex discrimination.
- 2. Sexual Harassment. Sexual harassment is defined as:
 - a. Unwelcome sexual advances or requests for sexual activity by a person or persons in a position of power or authority to another person, or
 - b. Other unwelcome verbal or physical conduct of a sexual nature by a person to another person, when:
 - 1) Submission to or rejection of such conduct is used explicitly or implicitly as a condition for academic or employment decisions; or
 - 2) Such conduct creates a hostile environment by being sufficiently severe or pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.
- 3. Sexual Misconduct. Sexual misconduct is: 1) nonconsensual sexual intercourse; 2) nonconsensual sexual contact involving the sexual touching of the genitals, breast or anus of another person or the nonconsensual sexual touching of another with one's own genitals whether

directly or through the clothing; 3) exposing one's genitals to another under circumstances in which he or she should reasonably know that his or her conduct is likely to cause affront or alarm; or 4) sexual exploitation.

- 4. Stalking on the Basis of Sex. Stalking on the basis of sex is following or engaging in a course of conduct on the basis of sex with no legitimate purpose that puts another person reasonably in fear for his or her safety or would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.
- 5. **Dating/Intimate Partner Violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the recipient of the violent behavior.
- 6. Sexual Exploitation. Sexual exploitation occurs when one person takes nonconsensual or abusive sexual advantage of another person for his/her own advantage or benefit or for the advantage or benefit of anyone other than the person being exploited and which behavior does not constitute any other form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, the following activities done without the consent of all participants:
 - a. Invasion of sexual privacy;
 - b. Prostituting another person;
 - c. Taping or recording of sexual activity;
 - d. Going beyond the boundaries of consent to sexual activity (letting your friends hide to watch you engaging in sexual activity);
 - e. Engaging in voyeurism;
 - f. Knowingly transmitting an STI, STD, venereal disease or HIV to another person;
 - g. Inducing another to expose their genitals.
- 7. Consent to Sexual Activity. Consent to sexual activity is knowing and voluntary. Someone who is incapacitated cannot consent. Silence or absence of resistance does not establish consent. 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. Consent must be obtained at the time of the specific activity and can be withdrawn at any time. Lack of consent or withdrawal of consent may be communicated by words or non-verbal acts. Coercion and force, or threat of either, invalidates consent.
- 8. Incapacitated. Sexual contact with someone one knows to be or should know to be incapacitated is a violation of policy. An individual who is incapacitated lacks the capacity to give knowing consent. Incapacitation can be due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the individual from having the capacity to give consent.
- 9. Complainant. The person who is the alleged victim of discrimination under this policy.
- 10. Accused. The person, persons or student organizations alleged to have violated this policy.

D. Title IX Coordinators

Duties and responsibilities of the University's Title IX Coordinators include monitoring and oversight of overall implementation of Title IX compliance at the University, including coordination of training, education, communications, and coordination with grievance procedures for faculty, staff, students and other members of the University community. The University may designate Deputy Coordinators as needed to assist in fulfillment of the Coordinator's duties and responsibilities.

NOTE: All references to "Title IX Coordinator" throughout this policy refer to the Title IX Coordinator or the Coordinator's designee (typically a Deputy Coordinator).

Any person having inquiries concerning the application of Title IX should contact their respective UM System or campus Title IX Coordinator. The following individuals serve as Title IX Coordinators and are designated to handle inquiries regarding the nondiscrimination policies and to serve as the coordinators for purposes of Title IX compliance:

University of Missouri System Staff and University of Missouri-Columbia

Ellen Eardley, J.D/M.A. Title IX Administrator Assistant Vice Provost

Address:

202 Jesse Hall University of Missouri Columbia, MO 65211 **Telephone**: 573-882-7915

Email: EardleyE@missouri.edu (mailto:EardleyE@missouri.edu)

http://title9.missouri.edu (http://title9.missouri.edu)

University of Missouri-Kansas City

Mikah K. Thompson, J.D. Title IX Coordinator

Director of Affirmative Action

Address:

Administrative Center Room 212 5115 Oak Street, Room 212 Kansas City, MO 64110

Telephone Number: (816) 235-6910

Email Address: thompsonmikah@umkc.edu (mailto:thompsonmikah@umkc.edu)

http://www.umkc.edu/titleix/ (http://www.umkc.edu/titleix/)

Missouri University of Science and Technology

Shenethia Manuel, J.D.

Vice Chancellor for Human Resources, Equity and Inclusion

Title IX Coordinator

Address:

113 Centennial Hall 300 W. 12th Street Rolla, MO 65409

Telephone Number: (573) 341-4920

Email Address: manuels@mst.edu (mailto:manuels@mst.edu)

http://titleix.mst.edu/ (http://titleix.mst.edu)

University of Missouri-St. Louis

Deborah J. Burris

Director, Office of Equal Opportunity, and Chief Diversity Officer

Title IX Coordinator

Address:

127 Woods Hall

Saint Louis, MO 63121

Telephone Number: (314) 516-5695

Email Address: burrisd@umsl.edu (mailto:burrisd@umsl.edu)
http://www.umsl.edu/services/oeo/policies1/titlelX.html
(http://www.umsl.edu/services/oeo/policies1/titlelX.html)

If the complaint involves the University's Title IX Coordinator, complaints may be made to the System Title IX Coordinator. If the complaint involves the System Title IX Coordinator, reports may be made to the System President.

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.

E. Reporting Sexual Harassment including Sexual Misconduct

- 1. Students, Employees, Volunteers and Visitors. Students, employees, volunteers and visitors of the University who have experienced any form of sex discrimination, including sexual harassment or sexual misconduct, are encouraged to report the incident promptly to the appropriate Title IX Coordinator listed in Section 600.020D above. For questions regarding confidentiality or requests that the complaint not be pursued, see Section 600.020F below. In order to foster reporting and participation, the University may provide amnesty to Complainants and witnesses for minor student conduct violations ancillary to the incident.
- 2. Mandated Reporters. Any employee of the University who becomes aware of sex discrimination as defined in this policy (including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation) is a Mandated Reporter, regardless of whether the recipient of the behavior is a student, employee, volunteer or visitor of the University. Exception: Employees with a legal obligation or privilege of confidentiality (including health care providers, counselors, 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. Consistent with the law and upon approval from the Office of General Counsel, campuses may also designate non-professional counselors or advocates as confidential for purposes of this policy and, therefore, excluded from the definition of Mandated Reporters. However, these individuals are required once per month to report to the Title IX Coordinator aggregate, non-personally identifiable information regarding incidents of sex discrimination reported to them. The aggregate data report should contain general information about individual incidents of sexual violence such as the nature, date, time, and general location of the incident. Confidentiality in this context is not the same as privilege under the law.

- 3. Required Reporting and Disclosure. A Mandated Reporter is required to promptly report the information to the appropriate Title IX Coordinator. The 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 the charges 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.
- 4. 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.

F. Requests for Confidentiality or Not to Pursue a Preliminary Investigation

- 1. The Title IX Coordinator or other appropriate official should inform and obtain the consent from the Complainant before beginning a preliminary investigation. If the Complainant requests confidentiality or asks that the complaint not be pursued, the Title IX Coordinator should take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a Complainant insists that identifiable information, such as the Complainant's name, not be disclosed to the Accused, the Title IX Coordinator should inform the Complainant that the institution's ability to respond may be limited. The Title IX Coordinator should evaluate the Complainant's request in the context of providing a safe and nondiscriminatory environment for all students.
- 2. After due deliberation of the Complainant's request, and in accordance with Title IX, the Title IX Coordinator may decide not to proceed with an investigation or referral to the appropriate procedural process. Such a decision should be well-reasoned and documented. If, after due deliberation, the Title IX Coordinator decides the University cannot or should not take disciplinary action with respect to the Accused, the Title IX Coordinator should consider other steps to limit the effects of the alleged harassment and prevent its recurrence, and remedy its effects on the victim and the University community.

G. Cooperation with Law Enforcement

In accordance with federal law, the Title IX Coordinator will not wait for the conclusion of a criminal investigation or criminal proceeding to begin the Title IX preliminary investigation. It may be necessary to delay temporarily the fact-finding portion of a Title IX preliminary investigation while the police are gathering evidence. The Title IX Coordinator will promptly resume the preliminary Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence-gathering process. The Title IX Coordinator will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the Complainant and the campus community and the avoidance of retaliation.

H. Interim Remedies Available During Investigation

During the preliminary investigation and procedural process and prior to a determination whether the alleged violation has occurred, the Title IX Coordinator or other authorized administrators may provide interim remedies including, but not limited to, one or more of the following:

- Referral and facilitating access for Complainant to counseling, medical services and/or mental health services.
- 2. Implementing contact limitations on the Accused or on all parties.
- Referral of Complainant to victim advocacy and support services either on and/or off-campus.
- Referral of Complainant to academic support services and any other services that may be beneficial to the Complainant.
- 5. Adjusting the courses, assignments, exam schedules of the Complainant and/or the Accused.
- Adjusting the work schedules, work assignments, supervisory responsibilities, supervisor reporting responsibilities or work arrangements of the Complainant and/or the Accused.
- 7. Altering the on-campus housing assignments, dining arrangements, or other campus services for either the Complainant and/or the Accused.
- 8. Altering the extracurricular activities of either the Complainant and/or the Accused.
- 9. Providing transportation accommodations for the Complainant.
- 10. Informing the Complainant of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
- 11. Suspending, on an interim basis, the Accused from University housing, classes, the University campus/facilities/events and/or all other University activities or privileges for which the Accused might otherwise be eligible, when the Appropriate Administrative Officer or designee finds and believes from the available information that the presence of the Accused on campus would seriously disrupt the University or constitute a danger to the health, safety, or welfare of members of the University community. The appropriate procedure to determine the status of the student will be initiated within seven business days.
 - a. In all cases in which an interim suspension is imposed, the Accused will be given the

- opportunity to meet with the Appropriate Administrative Officer prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented.
- b. At the discretion of Appropriate Administrative Officer, alternative coursework options may be pursued to ensure as minimal an impact as possible on the Accused.
- c. The Appropriate Administrative Officer has sole discretion to implement or stay an interim suspension and to determine its conditions and duration.
- d. Violation of an interim suspension under this policy will be grounds for expulsion.
- 12. Institute leave from work with or without pay for the Complainant and/or Accused.

I. Preliminary Investigation

A preliminary investigation into the report shall be conducted by the Title IX Coordinator or designee. For questions regarding confidentiality or requests that the complaint not be pursued, see Section 600.020F above. The purpose of the preliminary investigation is to gather enough information to refer the matter to the appropriate procedural process and to provide appropriate interim remedies. The preliminary investigation shall be conducted promptly (typically 2-3 days).

At the conclusion of the preliminary investigation the Complainant will be provided written information regarding the appropriate procedural process and interim remedies.

J. Procedures

In all informal or formal procedures involving allegations of Sex Discrimination, Sexual Harassment or Sexual Misconduct, regardless of any language found within the applicable procedural rules, the following shall apply:

- 1. The standard of proof shall be "preponderance of the evidence", defined as determining whether evidence shows it is more likely than not that a policy violation occurred.
- 2. The Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution. Conflict resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Informal Resolution or Formal Resolution processes to resolve conflicts. Mediation is never utilized in cases involving allegations of nonconsensual sexual intercourse or nonconsensual sexual contact. In a conflict resolution meeting, the Appropriate Administrative Officer will facilitate a dialogue with the parties to an effective resolution, if possible. The Appropriate Administrative Officer utilized for Conflict Resolution may not be the same as the Appropriate Administrative Officer used in either the Informal Resolution or Formal Resolution Processes.
- 3. Informal resolution procedures are optional and may be used when the University determines that it is appropriate and both the Complainant and the Accused are agreeable. Either the Complainant or the Accused may end the informal procedure at any time prior to a finding being rendered, and move to the formal procedure. Once a finding is rendered in the informal process, then the right to the formal process is waived and the informal process is complete. The finding of the informal process remains subject to appeal.
- 4. Both the Complainant and the Accused will be given notice of the procedure, a hearing (if applicable), and equal opportunity to present witnesses and evidence.
- Questioning or evidence about the Complainant's prior sexual conduct with anyone other than the Accused is prohibited.
- 6. The Accused may not directly question the Complainant and the Complainant may not directly question the Accused. However, if both Complainant and Accused request the opportunity, direct questioning between the parties will be permitted. Otherwise questions will be directed through the Chair, the Investigator or the Appropriate Administrative Officer and those questions deemed appropriate and relevant will be asked on behalf of the requesting party.
- 7. The resolution process will normally be resolved within 60 calendar days. Deviations from this timeframe will be promptly communicated to both parties.
- 8. Both the Complainant and the Accused will be given periodic updates.
- 9. The Complainant and the Accused will be notified in writing of the outcome of the resolution process.
- 10. Remedies available once Investigation is concluded. The Title IX Coordinator or other authorized administrators may immediately provide the Complainant with appropriate remedies including, but not limited to, one or more of the following:
 - (a) Providing escort services to assure that the Complainant can move safely between classes and activities;
 - (b) Removing the person found responsible from classes or extracurricular activities which include the Complainant or otherwise assuring that the Complainant and the person found responsible are not required to share the same classes or extracurricular activities;
 - (c) Moving the person found responsible to a different residence hall to assure that the Complainant and the person found responsible are not required to share the same residence hall;
 - (d) Providing the Complainant with comprehensive victim services including medical

services, counseling and academic support services such as tutoring;

- (e) Arranging for the Complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty; and
- (f) Any of the interim remedies outlined in Section 600.020H above.

The Title IX Coordinator or other authorized administrator may also provide additional remedies as may be appropriate for the University community.

- Any available appeals process must be equally available for both the Complainant and the Accused.
- 12. Sanctions for those found responsible for violating the University's sex discrimination, sexual harassment or sexual misconduct policies range from warning up to and including expulsion for students, and for employees and faculty, range from a warning up to and including termination of employment. Generally speaking, the University considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension, dismissal, or expulsion for students and termination for employees. However, the University reserves the right to impose any level of appropriate sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any act of sex discrimination, sexual harassment or sexual misconduct, including dating/intimate partner violence, non-consensual sexual contact and stalking based on the facts and circumstances of the particular complaint.

K. 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 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 Collected Rules and Regulations for any associated claims, causes of action, liabilities or damages.

L. Retaliation

Retaliation is any adverse action taken against a person because of that person's participation in protected activity. The University strictly prohibits retaliation against any person for making a report required by this policy, for making any good faith report to a Title IX Coordinator or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of sex discrimination, sexual harassment or sexual misconduct. Any person who engages in such retaliation shall be subject to disciplinary action in accordance with applicable procedures. 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 complaint of sexual harassment; giving lower than justified performance appraisals because a person was a witness in an investigation of alleged sexual harassment; and threatening to spread false information about a person for filing a complaint of sexual harassment.

M. False Reporting

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. False reporting is a serious offense subject to appropriate disciplinary action ranging from probation up to and including expulsion or termination.

N. Office of Civil Rights – Inquiries concerning the application of Title IX also may be referred to the United States Department of Education's Office for Civil Rights. For further information on notice of nondiscrimination, visit http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm

(http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm) and for the address and phone number of the U.S. Department of Education office which serves your area, or call 1-800-421-3481. The State of Missouri regional Office of 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: 816-268-0599 TDD: 800-877-8339

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



napter 330: Employee Conduct

330.065 Consensual Amorous Relationship Policy

Bd. Min. 12-15-06; Revised 6-19-14.

- A. The University of Missouri promotes an atmosphere of professionalism based on mutual trust and respect. The integrity of interaction among faculty, staff and students must not be compromised. In that regard, consensual amorous relationships between members of the University community are prohibited when one participant has direct evaluative or supervisory authority over the other because such relationships create an inherent conflict of interest. Examples of such relationships that are prohibited include, but are not limited to, employee (faculty, staff or student)/student and supervisor (faculty, staff or student)/subordinate, when those relationships involve direct evaluative or supervisory authority. In such cases, the individual in the evaluative or supervisory position has an obligation to disclose the consensual amorous relationship to his or her administrative superior and to cooperate with the administrative superior in removing himself or herself from any such evaluative or supervisory activity in order to eliminate the existing or potential conflict of interest.
- B. Should a violation of this policy be claimed by a person involved in the consensual amorous relationship, the matter shall be investigated by the appropriate University official or, if that person elects to file a grievance, under the appropriate University grievance procedure or, if the complainant believes he or she has been discriminated against based upon his or her sex, he or she may file a complaint with the Title IX Coordinator for the campus. Should any employee or student not involved in the consensual amorous relationship claim to have been adversely affected personally by a violation of this policy, the situation will be investigated by the appropriate University official or, if that person elects to file a grievance, under the appropriate University grievance procedure or, if the complainant believes he or she has been discriminated against based upon his or her sex, he or she may file a complaint with the Title IX Coordinator for the campus. A violation of this policy, regardless of the manner in which it is brought to the attention of the University, may lead to disciplinary action as appropriate, up to and including termination of employment in the most serious circumstances, following appropriate processes for such discipline.
- C. For purposes of this policy, consensual amorous relationships exist when two individuals mutually and consensually understand a relationship to be romantic and/or sexual in nature except when those two individuals are married to each other. Direct evaluative or supervisory authority exists when one participant is personally involved in evaluating, assessing, grading, or otherwise determining the other participant's academic or employment performance, progress or potential.



Chapter 320: Employment and Termination

320.010 Equal Employment/Educational Opportunity Policy

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.

- A. Policy -- The Curators of the University of Missouri do hereby reaffirm and state the policy of the University of Missouri on Equal Employment/Educational Opportunity.
 - 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, sexual orientation, gender identity, gender expression, age, genetic information, disability or protected veteran status. 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, sexual orientation, gender identity, gender expression, age, disability or protected veteran status. 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.
- B. **Procedures** -- The President of the University shall establish affirmative action procedures to implement this policy.



Chapter 330: Employee Conduct

330.070 Affirmative Action on Committee Appointments

Executive Guideline No. 13, October 31, 1977.

A. Affirmative Action -- As a part of the implementation of the Affirmative Action Plan of the University of Missouri, any person appointing any committee for the University or any campus, in selecting the membership, shall give due consideration to the inclusion in such membership of women and minorities unless membership thereon is ex-officio.



Chapter 300: Faculty Bylaws

300.010 Faculty Bylaws of the University of Missouri-Columbia

Bd. Min. 11-22-74; Amended Bd. Min. 2-15-80 and 4-25-80; Amended Bd. Min. 1-31-91; 6-6-08; Amended 6-17-11; Amended 4-12-13.

- A. **The Faculty Bylaws** for the University of Missouri-Columbia as approved by the faculty on November 14, 1974 (a copy of which is on file with the Secretary), be approved, subject to the following:
 - 1. That the Bylaws are subject to all rules and regulations of the Board of Curators.
 - That any amendment of the Bylaws shall be submitted to the Board of Curators for approval before becoming effective.
 - 3. This action be printed as part of the printed Bylaws.
- B. **Membership** -- The University of Missouri-Columbia* faculty shall consist of the president, chancellor, all persons with regular academic appointments, and all full-time, ranked non-tenure track (NTT) faculty with professorial designation. Campus-wide faculty votes on issues specific to tenure or tenured/tenure track (T/TT) faculty will be restricted to T/TT faculty.
 - *(Hereafter referred to as UMC. Also, when "faculty" is used alone, it is meant to refer to the UMC faculty, unless otherwise specified.)
- C. Faculty Rights, Ethics, Responsibilities and Authority
 - 1. Rights
 - a. Academic Rights -- Faculty members have the right to freedom of inquiry, discourse, research, publication and teaching. These rights are accompanied by their correlative responsibilities as noted in 300.010.C.1 and C.2 in this section (Also Ref: Sections 310.010-310.070).
 - b. Civil Rights -- Faculty members do not relinquish any of their constitutional rights by virtue of employment with the University of Missouri (Ref: Sections 330.020, 330.030 and 90.050).
 - c. Employment Rights -- Faculty members have rights consistent with their continuous appointment or term appointment. These include the right to be notified as early as possible of their appointments and conditions of contract renewal (Ref: Sections 310.010-310.070).
 - d. Right to be Kept Informed -- The faculty has the right to be informed of actions and activities of committees and executive officers of the campus and of the University-wide system, including those related to budget matters, as well as decisions of other bodies which affect UMC. Where possible, this information shall be made available to the faculty before being made available to the general public.
 - 2. Professional Ethics and Academic Responsibilities -- The professor, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognizes the special responsibilities placed upon him/her. His/her primary responsibility to his/her subject is to seek and to state the truth as he/she sees it. To this end he/she devotes his/her energies to developing and improving his/her scholarly competence. He/she accepts the obligation to exercise critical self-discipline and judgment in using, extending and transmitting knowledge. He/she practices intellectual honesty. Although he/she may follow subsidiary interests, these interests must never seriously hamper or compromise his/her freedom of inquiry.
 - a. As a teacher, the professor encourages the free pursuit of learning in his/her students. He/she holds before them the best scholarly standards of his/her discipline. He/she demonstrates respect for the student as an individual, and adheres to his/her proper role as intellectual guide and counselor. He/she makes every reasonable effort to foster honest academic conduct and to assure that his/her evaluation of students reflects their true merit. He/she respects the confidential nature of the relationship between professor and student. He/she avoids any exploitation of students for his/her private advantage and acknowledges significant assistance from them. He/she protects their academic freedom.
 - b. As a colleague, the professor has obligations that derive from common membership in the community for scholars. He/she respects and defends the free inquiry of his/her associates. In the exchange of criticism and ideas he/she shows due respect for the opinions of others. He/she acknowledges his/her academic debts and strives to be objective in his/her professional judgment of colleagues. He/she accepts his/her share of faculty responsibilities for the governance of his/her institution.

- c. As a member of his/her institution, the professor seeks above all to be an effective teacher and scholar. Although he/she observes the stated regulations of the institution, provided they do not contravene academic freedom, he/she maintains his/her right to criticize and seek revision. He/she determines the amount and character of the work he/she does outside his/her institution with due regard to his/her paramount responsibilities within it. When considering the interruption or termination of his/her service he/she recognizes the effect of his/her decision upon the program of the institution and gives due notice of his/her intentions.
- d. As a member of his/her community, the professor has the rights and the obligations of any citizen. He/she measures the urgency of those obligations in the light of his/her responsibilities to his/her subject, to his/her students, to his/her profession, and to his/her institution. When he/she speaks or acts as a private person he/she avoids creating the impression that he/she speaks or acts for his/her college or university. As a citizen engaged in a profession that depends upon freedom for its health and integrity, the professor has a particular obligation for promoting conditions of free inquiry and to further public understanding of academic freedom. Further, the faculty accepts the responsibility of monitoring its own members if accepted standards of professional responsibility are abrogated (Section 300.010.L of these Bylaws).
- 3. Authority -- The faculty's authority, as delegated by the Board of Curators, is of three types: direct and primary, in which the faculty has essential decision-making authority; shared, in which the faculty participates with others; and advisory, in which the faculty counsels with the person or offices with ultimate decision-making authority. (On those matters requiring multi-campus coordination, the faculty shall act through its appropriate bodies, Section 300.010.F.)
 - a. Primary and Direct Authority -- The UMC faculty has essential decision-making authority in matters directly affecting the educational program of UMC, including but not limited to:
 - (1) Articulation and maintenance of standards of academic performance -- this includes but is not limited to guidelines for appropriate research, service, and scholarships; requirements for graduation; and related matters.
 - (2) Construction and approval of courses of instruction and of curricula.
 - (3) Construction and approval of procedures governing educational support programs on the UMC campus.
 - (4) Formulation of criteria determining professional standing of faculty -- including but not limited to such matters as tenure, promotion, termination, guidelines for responsibility, faculty standing with regard to graduate faculty membership and doctoral dissertation supervision.
 - (5) Determination of an appropriate faculty committee structure.
 - (6) Determination of minimum admission requirements.
 - (7) Selection of awardees for academic scholarships.
 - Shared Authority -- The UMC faculty has shared authority by which it participates cooperatively with other persons or offices in matters such as:
 - (1) Development and articulation of students' rights and responsibilities.
 - (2) Determination of an appropriate academic calendar.
 - (3) Selection of awardees for honorary degrees.
 - (4) Application of criteria affecting professional standing of faculty.
 - Advisory Authority -- The UMC faculty has advisory authority and responsibility with other persons or offices in matters such as:
 - (1) Budget and resource allocation.
 - (2) Planning, including capital expenditures and physical facilities.
 - (3) Selection of departmental, divisional, campus, and university-level administrators.
 - (4) Determination of the campus standing committee structure.
 - (5) Development and implementation of general business procedures which facilitate academic program excellence.
 - (6) Use of facilities for program activities.
 - (7) Application of criteria affecting promotion, tenure and termination.
 - d. Faculty Delegation of Authority -- The faculty, recognizing that handling matters through meetings of the faculty is cumbersome, that attendance at such meetings varies, and that it is often difficult to have complete discussion of issues at such meetings, may delegate its authority to the Faculty Council. Such delegation, if made, shall be in accord with and subject to the following provisions:
 - (1) The delegation shall be made by majority vote of the faculty by mail ballot or at a regular meeting of the faculty. The delegation may be for a specific period (not less than one academic year) or for an indefinite period. However, the delegation may be withdrawn at any time by specific action of the Faculty.
 - (2) The delegation shall not prevent the calling of meetings of the faculty under the provisions of Section 300.010.C. Regular meetings of the faculty shall be held at least once a semester.

- (3) The delegation shall give the Faculty Council authority to act for the faculty and, except as provided below, to take such actions as the faculty could take.
 - (a) This authority shall include but not be limited to:
 - Proposing revisions of the Bylaws to be submitted to the faculty for adoption.
 - Referring any matter to the faculty either by calling a meeting of the faculty or by mail ballot.
 - Appointing special committees (whose members need not be members of the Faculty Council) to report to the Faculty Council
 - (b) The authority to amend these Bylaws is not delegated.
 - (c) The delegation shall not affect the prerogatives of individual faculty members nor of individual faculties
- (4) Any member of the faculty may request any matter to be placed on the agenda of the Faculty Council and may request to be allowed to appear before the Faculty Council. Such requests may be made either through his/her representatives or the chairperson of the Faculty Council.
- (5) Meetings of the Faculty Council shall be open to members of the faculty
- (6) The actions of the Council, in those areas in which it has delegated authority, shall be deemed final unless challenged within 10 days. Such challenge shall require a petition signed by 25 faculty members from at least three divisions calling for a review by the faculty of a particular council action.
- (7) The Faculty Council shall report its actions to the faculty either at a meeting of the faculty or in the Faculty Bulletin.

D. Meetings

- 1. The faculty shall meet at times determined by it or when called by the chancellor. Upon written request of twenty (20) members of the faculty addressed to the chancellor, a meeting shall be called within fifteen (15) days of receipt by the chancellor.
- 2. Reasonable notice (preferably one week minimum) shall be given by the chancellor to all members of the faculty of the time and place of all faculty meetings.
- Fifty (50) members of the faculty representing at least three (3) academic divisions shall constitute a quorum.
- 4. The agenda for faculty meetings shall be determined jointly by the chairperson of the Faculty Council on UMC Policy and the chancellor.
- 5. Any item of new business not included on the distributed agenda of a faculty meeting will require either a 50 percent vote of approval of those present to be considered at the next faculty meeting or, to be enacted at the meeting at which it is introduced, two-thirds vote of approval of those present.

E. Faculty Organization

- 1. The authority of the faculty as delegated by the Board of Curators shall include the responsibilities set forth in Section 300.010.C. In order to perform these functions, the faculty takes cognizance of the consequences of its size and complexity and therefore delegates specific policy making and coordinating functions to representative bodies. The main representative body shall be a Faculty Council.
- 2. The Faculty Council is established as the elected representative body of the faculty. It shall act for the general faculty on all matters within the framework of the policies expressed in these Bylaws and shall function in accordance with the specifications formulated in Section 300.010.C. The Faculty Council shall have the right to delegate some of its operation tasks to an executive committee and/or its officers.
- 3. The Faculty as a whole shall approve all policies which involve a modification or change of the principles set forth in these Bylaws. The faculty further may review decisions and actions by the Faculty Council provided that a petition requesting such action has been signed by at least 25 faculty members representing at least three divisions of the campus.
- 4. There shall be a Graduate Faculty organization. It shall develop its own criteria for membership, organizational structure, its own obligations and rights providing they are consonant with the philosophy and principles of the federal faculty Bylaws. The Graduate Faculty shall determine the functions of the Graduate Faculty Senate. The Graduate Faculty shall set standards for graduate education on the campus, provided they meet at least the minimum standards established by the general faculty.
- 5. Divisional faculties are established in the various academic divisions. They shall develop policies adapted to their specific needs, but standards of performance must not be set below those established by the general faculty.
- 6. Establishment of new divisions shall entitle them to representation where divisional representation is designated in these Bylaws or otherwise deemed appropriate.

F. Faculty Participatory Authority and Functions in Campus Governance

 Participatory authority and functions of the faculty are expressed through faculty involvement in the campus committee structure including those committees which govern academic and administrative matters affecting the campus, faculty and students. The faculty participates in the selection of administrative officers. The faculty participates in the monitoring of administrative and academic operating procedures. These participatory functions of the faculty are articulated as follows:

- a. The faculty, through its elected representative structure, the Faculty Council, nominate faculty members to participate in a specially designated body currently called the University Assembly which is charged with advising the chancellor on matters mutually affecting all constituencies of the University (faculty, students, administration, and non-academic employees), and nominating members to campus-wide standing committees. The participation of the UMC faculty in this Assembly will represent faculty participation to the extent that the domains of faculty primary and direct authority are not infringed upon.
- b. An Academic Regulations Committee shall be established consisting of representatives of the Faculty Council (which may be the Executive Committee) and campus administration. This committee will assume responsibility for the development and monitoring of campus standard operating guidelines which, after approval by the Faculty Council, administration, and students where appropriate, shall be published as "Academic Regulations Manual." These guidelines will cover the academic schedule of studies and examinations, calendar, academic procedures and policies and campus governance and shall be consonant with these Bylaws. This committee will meet regularly to monitor these guidelines and to coordinate the need for modification and changes.
- c. The Faculty Council will nominate faculty members to participate in ad hoc committees, including Search and Screening Committees for campus administrators and academic officers.
- 2. The faculty representatives to the University Assembly and the Academic Regulations Committee will report to the Faculty Council at appropriate intervals.

G. Faculty Participation in University-wide Governance

- 1. The faculty shall participate in education policy determination about those matters which are University-wide; some of these will be parallel to those issues in which the faculty exercises shared authority at the campus level (Section 300.010.C.3.a). The faculty's responsibility in these matters shall be exercised through mechanisms such as:
 - a. The Intercampus Faculty Council on which the UMC faculty shall have representatives designated by the UMC Faculty Council.
 - b. The University Doctoral Council to which the UMC Graduate Faculty shall elect its members.
 - Ad hoc and standing University-wide committees to which the faculty (often acting through its elected campus body, the Faculty Council) shall designate its members.
 - d. Intercampus committees concerned with cooperation in educational and research activities within the respective disciplines.

H. Faculty Council on UMC Policy

- 1. A Faculty Council shall be composed of faculty members who shall be elected by the several divisional faculties as hereinafter provided. The Faculty Council shall have certain delegated authority to act on behalf of the General Faculty (Section 310.010.C.3.c of these Bylaws). In addition, the Council, as a representative faculty voice, shall advise the chancellor and the UMC faculty on questions of UMC policy submitted by either to the Council, and may initiate recommendations concerning changes in the UMC policy for consideration and appropriate action by the chancellor or UMC faculty.
- All colleges and schools that are headed by a dean who reports to the provost for academic affairs shall be entitled to voting representation.
- 3. The minimum T/TT number of representatives on the Council shall be 25 and the maximum shall be 30. Four additional representatives on the Council shall be NTT faculty.
- 4. Representatives for T/TT faculty shall be allocated to a college or school on the basis of the total number of T/TT faculty members of the UMC faculty within the college or school. The determination of the number of T/TT faculty representatives shall be made on November 1 of each academic year, and the number so determined shall govern representation for the next academic year. A T/TT representative who has a joint appointment in two or more colleges or schools shall be assigned to the college or school in which he/she devotes the largest percentage of his/her time. If the assignment cannot be made on this basis, the Council shall make the assignment, first having consulted with the T/TT faculty member to the extent feasible. Representation of the various colleges and schools shall be based upon persons holding the three eligible ranks listed in the most recent UMC general catalog. Emeritus professors and any academic titles other than professors, associate professors, assistant professors will not be included in the computations, with the exception that retired professors on continued service will be counted.
 Each college or school shall be entitled to representation at a basic ratio of one representative for

each college or school shall be entitled to representation at a basic ratio of one representative for each fifty (50) T/TT faculty members or majority fraction thereof (26-49), and in particular as follows: one (1) representative for 1-75; two (2) representatives for 76-125; and so on for each additional fifty (50) T/TT faculty or major fraction thereof.

In the event the number of T/TT faculty members changes to the point where the basic ratio of one to 50 would give less than 25 or more than 30 representatives, the Council by a finding recorded in

- its minutes shall adjust the ratio to produce not less than 25 and not more than 30 T/TT faculty representatives.
- 5. T/TT Faculty Council representatives must be elected from among the T/TT faculty members of the UMC faculty.
 - Every T/TT faculty member of the UMC faculty is eligible for election to and service on the Council: Provided, however, that members of the UMC faculty who hold administrative positions with the rank of assistant dean or higher, or equivalent positions regardless of the title, are ineligible for election or service. Only those eligible to serve on the Faculty Council as T/TT faculty are eligible to vote for T/TT representatives on the Council.
- 6. The T/TT faculty of each college or school shall determine the election procedures for the election of its T/TT representative or representatives and shall report these to the Faculty Council. Election shall be by secret ballot. In those divisions that have two or more representatives, terms shall be staggered.
- 7. Full-time ranked NTT faculty campus-wide will elect four members of Faculty Council, one each from the categories of teaching, research, clinical and extension. UMC NTT faculty shall determine the election procedures for the election of NTT representatives and shall report these to the Faculty Council. Every NTT faculty is eligible for election to and service on the Council and only NTT faculty shall vote in election of NTT Faculty Council representatives. As defined in the Faculty Council Rules of Order, NTT faculty representatives are not eligible for service on the Faculty Council Board of Tenured or Tenure-Track Faculty, which votes on matters specific to tenure or tenured/tenure track (T/TT) faculty.
- 8. The regular term of office for a member shall be three years beginning on the first day of the fall semester. No member shall serve more than two terms in succession, but a member may serve any number of discontinued terms, and even though he/she has served two terms in succession may from time to time serve two more terms in succession after a break in service. Terms of less than three years, whether of one or two years duration or fraction thereof shall count the same as a three-year term.

I. Officers of the Faculty

- 1. The chairperson of the general faculty shall be the chancellor. The vice chairperson of the faculty shall be the chairperson of the Faculty Council.
 - Ordinarily, the chairperson shall preside at faculty meetings, but determination of who shall preside will be guided by the nature of the business at hand. The vice chairperson shall preside at meetings of the general faculty in the absence of the chairperson, or at other times when so designated by the chairperson.
- 2. The secretary of the faculty shall be a member of the general faculty and shall be appointed by the Faculty Council. The secretary shall keep minutes of all faculty meetings and shall distribute copies of the same to all members of the general faculty, and shall provide copies of the agenda of all faculty meetings to all members of the faculty prior to any faculty meeting. (By Faculty Council action October 21, 1982, the recorder of Faculty Council shall be secretary of the faculty, with the technical assistance of the registrar; the minutes of the general faculty meetings shall be reviewed, approved and distributed to all faculty in the same manner as the minutes of the Faculty Council meetings.)
- 3. A parliamentarian shall be appointed by the chairperson from among members of the faculty.

J. Designation of Faculty Representatives

- The Faculty Council shall monitor faculty representation on all committees where such representation is required by the Bylaws and on other committees where faculty representation is appropriate.
- 2. Faculty-originated appointments to campus and university committees may be challenged by a signed petition calling for a campus-wide election from at least 25 members of the faculty representing at least three divisions of UMC. The Faculty Council shall vote on such petition, and if approved, shall initiate a campus-wide election.

K. Faculty Tenure Committee

- 1. The University of Missouri-Columbia Faculty Committee on Tenure shall be composed of members elected by the faculty of colleges and schools that are headed by deans who report to the provost for academic affairs. The faculty of each such college or school shall be entitled to have one single elected member of the University of Missouri-Columbia Faculty Committee on Tenure at any given time.
- 2. Faculty of each college or school shall, at a regular meeting during the second semester in each academic year, elect one of its members to membership on the University of Missouri-Columbia Faculty Committee on Tenure to serve for the following academic year, and also elect an alternative member, who shall serve in the event the regular committee member is unable to serve. If a faculty fails to elect during the second semester, or a vacancy in its representation occurs after it has elected, a later election may be conducted. Elections of members and alternate members shall be reported to the provost of academic affairs who shall cause the names of the members, alternate

- members and officers of the committee to be published in the same manner as the membership of the Faculty Council on University Policy.
- 3. At the inception of a hearing before the committee, the respondent and the relator may challenge members present (including alternate members and the chairperson and secretary) for cause. A member challenged for cause is entitled to be present during the hearing on the challenge but he/she, the relator and respondent, shall withdraw from the meeting during the vote on the challenge. If a challenge for cause of the chairperson is sustained, the secretary shall act as chairperson. If neither the chairperson nor the secretary is present after action on challenges for cause, the committee shall elect a chairperson pro tempore to preside at the hearing.
- 4. As prescribed by Sections 310.010-310.070, University of Missouri Collected Rules and Regulations, at least ten members of the committee or their alternates must be present to constitute a quorum at a meeting to elect a permanent chairperson or secretary and at the inception of a hearing. For the purposes of acting on challenges and conducting a hearing after the disposition of challenges, seven members of the committee, or their alternates, shall constitute a quorum. If, during the course of a hearing, the number of members, or their alternates, not previously removed by challenge, are present. The relator and the respondent shall be given opportunities to challenge for cause members or their alternates who were not present from the inception of the hearing and to request that such members or alternates listen to or read the taped or stenographic record of any portion of the hearing at which they were not present.

L. Procedures Governing the Disposition of Charges of Faculty Irresponsibility

1. Basis for the Article -- This faculty has affirmed its commitment to the principles of academic freedom repeatedly, and has recognized that academic freedom implies also academic and professional responsibility and obligations. In support of this recognition the faculty has accepted the American Association of University Professors' statement of ethical standards (1966) and other standards pertaining to specific duties. (Ref: Section 300.010.C of these Bylaws; Section 420.010 Research Dishonesty) Following the principle that a faculty should monitor its own members, Section 300.010.L establishes appropriate procedures for dealing with cases of alleged violation of professional responsibility.

2. Definition of Faculty Member and Teacher

- a. The term "faculty member" as used in this article means a person holding a regular or non-regular academic staff position at the rank of instructor or above.
- b. The term "teacher" as used in this article means a person other than a "faculty member" who holds an academic staff position.
- 3. Purpose and Limits of the Article -- This article shall govern the filing and disposition of charges alleging breaches of professional ethics or commission of irresponsible acts made against UMC faculty members and teachers. No portion of this article shall be deemed to amend or affect Section 10 of the Academic Tenure Regulations, March 10, 1950, or any revision thereof; nor shall this article be construed to affect adversely the rights which any person may have under the University Tenure Regulations.
- 4. Initiation and Transmission of a Charge -- A charge of unethical or irresponsible action may be brought against a faculty member or teacher by a person or group of persons associated with the University, such as a student, faculty member, teacher, administrator, or board member.
 - a. The charge must be submitted in writing and signed by the person or persons making the charge. The charge must specify the act or acts which allegedly constitute unethical or irresponsible action, and must be supported by pertinent details such as time(s), the act(s) was/were committed, specific place(s) where the act(s) occurred, names of witnesses who are able to support the charge, the conditions under which the alleged act(s) occurred, and any additional relevant information.
 - b. The charge shall be transmitted promptly to the UMC provost for academic affairs, whose office shall ascertain the extent to which the charge describes the act(s) that allegedly constitutes unethical or irresponsible action, and determine that all necessary details have been supplied. The provost shall discuss the substances of the charge with the accuser(s) to assure further that the facts and nature of the charge are understood clearly. Once the provost has verified the procedural adequacy of the charge, he/she shall forward it promptly to the dean of the division in which the accused faculty member or teacher has his/her academic appointment.
 - c. Upon receipt of the signed, written charge against a faculty member or teacher employed within his/her division, the dean shall consult with the accused's department chairperson, in those divisions with more than one department. They shall review the charge for adequacy of procedural detail. If in their opinions, the charge is vague or insufficiently detailed, they shall so inform the provost in writing and return the charge to him/her with a request for clarification, or addition of information, and resubmission.
 - d. If in the opinions of the divisional dean and the department chairperson the charge is properly described, the department chairperson, or dean in those divisions without departments, as soon as possible, shall provide the accused with a full copy of the charge, including the name of the person, or persons, making the charge.

- 5. Action by the Department Chairperson (or Divisional Dean) -- The department chairperson shall discuss the alleged violation informally with the accused and with the accuser, meeting them either together or separately, or both, and shall attempt to reconcile differences and find a solution acceptable to all persons involved.
 - a. If an acceptable solution is found, this shall be reported by the chairperson in writing to the divisional dean along with any explanation and justification. A copy of the report shall be furnished the accused. If an acceptable solution is not found, the department chairperson shall report this fact in writing to the divisional dean along with such comments as he/she considers appropriate. A copy of this report shall be supplied to the accused. In addition, the chairperson shall provide the accused with a written statement of his/her recommendations for disposition of the charge and shall describe the rights of the accused to an informal hearing.
 - b. If the divisional dean agrees with the acceptable solution and the provost for academic affairs concurs, this shall end the matter and the accused shall be so informed. If the divisional dean or the provost for academic affairs does not agree with the acceptable solution or if no acceptable solution was reached, the matter may be referred back to the department chairperson for further negotiation, or the procedures under Section 300.010.L.6 shall be followed.
 - c. In those divisions having only one department, the divisional dean shall take the steps set out in Section 300.010.L.5 and shall report to the provost for academic affairs.
 - d. The department chairperson or the divisional dean shall be disqualified from action under Section 300.010.L.5 if he/she is the accuser or the accused and in such case the respective department or division shall elect a chairperson pro tem to act instead.
- 6. Informal Hearing Before Peers at the Department or Divisional Level -- If a resolution of the charge is not reached under the provisions of Section 300.010.L.5, the divisional dean shall inform the accused in writing of his/her recommendations for disposition of the charge, and shall describe the rights of the accused to an informal hearing. The accused may request in writing an informal hearing at either the department level (in divisions with more than one department) or the divisional level, but not both. If no written request is made by the accused within ten (10) school days, or if he/she waives in writing the informal hearing, the procedures of Section 300.010.L.7 shall be followed.
 - a. After a written request for an informal hearing, such hearing shall be held by a committee designated for this function according to the following procedure:
 - (1) A Department Committee on Faculty Responsibility shall be established annually according to normal procedures in the structuring of committees in the department. If the accused or the accuser is a member of the committee, he/she is disqualified from the committee for that case. If the accused is a teacher, the department committee must be adjusted to include peers of the same academic rank, in proportion to the department roster. In small departments, same-level peers may be appointed from related departments by mutual consent of the accused and the department chairperson. The chairperson shall supply the accused with a written report of the membership of the Department Committee on Faculty Responsibility.
 - (2) For the Divisional Committee on Faculty Responsibility, a panel of 13 faculty members and a special panel of five teachers shall be named annually by the Divisional Policy Committee. In any case where the accused or the accuser is a member of the panel, he/she shall be replaced by a substitute appointed by the Divisional Policy Committee.
 - (a) When the accused is a faculty member, the divisional dean will strike three names and then the accused will strike three names from the panel of faculty members and the remaining seven faculty members will constitute the committee.
 - (b) When the accused is a teacher, five members of the panel of Faculty members will be removed by lot from the panel and replaced by the members of the special panel of teachers. From the resulting panel of 13 the divisional dean will strike three names and then the accused will strike three names and the remaining seven members will constitute the committee.
 - (c) The Divisional Committee on Faculty Responsibility, once constituted, shall organize itself. The divisional dean shall supply the accused with the names of the members of the Divisional Committee on Faculty Responsibility.
 - b. The committee (department or division) shall investigate the charge and shall offer the accused and the accuser an opportunity to state their positions and to present testimony and other evidence relevant to the case. The accused shall have access to all information considered by the committee and the names of all persons giving evidence against him/her. The hearing shall be informal and the accused and the accuser at their option may be present during the hearing. Other persons shall not be present except while giving testimony or other evidence.
 - c. After completion of the hearing the committee shall meet in closed session and after deliberation prepare a written report. This report (including a minority report, if any) shall be transmitted to the divisional dean and a copy transmitted promptly to the accused. This report

shall be limited to one of the following:

- (1) The charge is unfounded or there is insufficient reason to believe the accused has violated professional ethics or acted irresponsibly, and the matter should be dropped without prejudice to the accused. The justification for this conclusion must be included.
- (2) There is sufficient reason to believe the accused has acted unethically or irresponsibly, and
 - (a) If the accused is a faculty member, the matter should be referred for a formal hearing. No recommendation as to sanction should be made but an assessment of the seriousness of the alleged violation, including whether it is serious enough that termination of appointment should be considered, shall be made.
 - (b) If the accused is a teacher, a recommendation as to the appropriate sanction shall be made. The justification for this conclusion must be included.

7. Action by the Divisional Dean and the Provost for Academic Affairs

- a. If the accused is a faculty member and no request for an informal hearing was made, the divisional dean with the concurrence of the provost for academic affairs shall either:
 - (1) Dismiss the charge, in which case the matter is closed without prejudice to the accused, or
 - (2) Refer the matter to the Campus Committee on Faculty Responsibility without any recommendation as to sanction, in which case the procedures of Section 300.010.L.8 shall be followed. If the provost for academic affairs does not concur,he/she may take either of the above actions on his/her own motion.
- b. If the accused is a faculty member, after receiving the recommendation of the department or divisional Committee on Faculty Responsibility, the divisional dean with the concurrence of the pProvost for academic affairs shall either:
 - (1) Dismiss the charge, in which case the matter is closed without prejudice to the accused, or
 - (2) Refer the matter to the Campus Committee on Faculty Responsibility with or without a recommendation as to sanction, in which case the procedures of Section 300.010.L.8 shall be followed, or
 - (3) Recommend that the accused's appointment be terminated, in which case the matter shall be governed by the Academic Tenure Regulations and no further proceedings under this Article shall be taken.

If the provost for academic affairs does not concur, he/she may take any of the above actions on his/her own motion. If the action of the divisional dean or the provost for academic affairs differs from the conclusion reached by the department or divisional Committee on Faculty Responsibility, a statement of reasons shall be given. Notification of the action with the statement of reasons shall be transmitted promptly to the accused.

c. If the accused is a teacher, after receiving the report of the department or divisional Committee on Faculty Responsibility, or if the informal hearing was not requested, the divisional dean shall dispose of the case. Notification of his/her disposition with a statement of reasons shall be transmitted promptly to the accused. The divisional dean's decision is subject to review by the provost for academic affairs who may accept an appeal from the teacher or review the case on his/her own motion.

8. Formal Hearing before Campus Committee on Faculty Responsibility

- a. If the matter is referred for a formal hearing before the Campus Committee on Faculty Responsibility, the accused may, within seven school days after notification of the referral, waive in writing the hearing before the Campus Committee. If the hearing is waived and no informal hearing under Section 300.010.L.6 has been held, the matter shall be returned to the divisional dean who may then recommend termination of appointment as under Section 300.010.L.7.b, or any other action he/she considers appropriate. If he/she does not recommend termination of appointment, or if the informal hearing has been held, the procedures of Section 300.010.L.9 shall be followed.
- b. For the Campus Committee on Faculty Responsibility, the Faculty Council shall name annually a panel of thirteen (13) faculty members. If the accuser of any person who has engaged in the investigation of the case is a member of the panel, he/she shall be disqualified and a replacement shall be appointed by the Faculty Council. When a case is referred to the Campus Committee on Faculty Responsibility, the provost for academic affairs will strike three (3) names from the panel; then the accused will strike three (3) names from the panel; the remaining seven (7) members will constitute the committee. The formal hearing shall be conducted according to the following procedures:
 - (1) The provost for academic affairs shall convene the committee. The committee shall elect a chairperson who shall preside. The provost for academic affairs shall present the case. Generally accepted principles and procedures of administrative due process shall govern the conduct of the hearing. The hearing shall not necessarily be limited by the rules of evidence applied in civil or criminal judicial proceedings. Both the committee and the provost for academic affairs may receive the advice of counsel.
 - (2) The committee and the accused shall receive from the provost for academic affairs prior to

- the hearing copies of all reports and recommendations in the case, the text of the original charge, the name(s) of the accuser(s) and the names of the witnesses.
- (3) The accused shall have the right to be present at the hearing, to have counsel of his/her choice present with him/her at the hearing, to address the committee at any reasonable time upon request, to offer and present evidence, to examine all documents offered at the hearing and challenge their validity or admissibility, to question all witnesses, and to have his/her counsel perform any and all of these acts in his/her behalf. After the termination of the proceedings and completion of the committee's report, the accused shall receive promptly a transcript of the proceedings at University expense.
- c. Following the hearing, the Campus Committee on Faculty Responsibility shall meet in closed session and, after deliberation, shall prepare a written report which shall include findings of fact (including whether the accused committed the acts mentioned in the charge), a determination of whether the accused's acts constitute a significant violation of professional ethics or responsibility, and the recommendation of specific sanctions or actions to be taken in the case. If the committee's recommendations differ from those made by the divisional dean, the report shall include the reasons for the difference. The report (including a minority report, if any) shall be transmitted promptly to the accused.
 - (1) If the committee recommends termination of appointment and the provost for academic affairs concurs; or if the provost for academic affairs recommends termination of appointment, the matter shall be governed by the Academic Tenure Regulations and no further proceedings under this Article shall be taken.
 - (2) If termination of appointment is not recommended, the report shall be transmitted to the chancellor and the procedures of Section 300.010.L.9 shall be followed.
- 9. Review by the Chancellor -- The chancellor shall, on written request of the accused or of the provost for academic affairs filed within seven days from the notification of the decision of the Campus Committee on Faculty Responsibility, or may, on his/her motion without the filing of an appeal, review the case and affirm, modify, or reverse the decision or remand it to the committee for rehearing. If the chancellor accepts an appeal or otherwise formally reviews the case, he/she shall notify the provost for academic affairs and the accused, and shall afford them an opportunity to make written submissions or suggestions concerning the disposition of the appeal on review. If the chancellor reverses or modifies the decision of the committee, he/she shall set forth in writing a statement of his/her decision and the reasons therefor, and shall furnish a copy of his/her statement to the accused and to have accepted the committee's decision as the final disposition of the case. If the chancellor is absent from the campus or for any reason is unable to act throughout the review period, he/she may designate a deputy (not the provost for academic affairs) to discharge this function for him/her, or in case of need the president may be requested by the provost for academic affairs or the chairperson of the Campus Committee on Faculty Responsibility to name a deputy to exercise the chancellor's authority in the case. After action by the chancellor, any further appeal by the accused shall be confined to the general right of all members of the University to petition the president and the Board of Curators.
- 10. Charges Against Administrators -- This Article shall cover charges of unethical or irresponsible actions against administrators in their teaching capacities. If a charge is filed against a divisional dean in his teaching capacity, the case shall be referred to the provost for academic affairs and the Campus Committee on Faculty Responsibility without action or recommendation at the departmental or divisional level. If a charge is filed against the provost for academic affairs in his/her teaching capacity, the charge shall be in the hands of the chancellor and the Campus Committee on Faculty Responsibility. Charges of unethical or irresponsible actions against administrators in their capacity as administrators involve procedures beyond the scope of this Article. However, in such cases, the chancellor may seek the assistance and advice of the department, divisional or Campus Committee on Faculty Responsibility.
- 11. General Provisions -- Successful operation of these procedures depends upon the integrity, good faith and cooperation of all persons involved. Circumvention of these procedures by the imposition of penal sanctions under the guise of purely administrative actions must be avoided. Both faculty and administrators in carrying out their duties should keep in mind the goal of dealing with cases promptly and fairly with due regard for the interests of the accused and the University. The following guidelines and principles will be expected to characterize the monitoring of Faculty responsibility through all formal and informal proceedings:
 - a. Preservation of academic freedom, tenure rights, and the integrity of the University community.
 - Protection of faculty members and teachers against malicious and multiple charges, intimidation and harassment.
 - c. Protection of the accuser against recriminations when a charge is made in good faith.
 - d. Confidentiality of all aspects of responsibility hearings.
 - e. Caution in the dissemination of information concerning disposition of a case.
 - f. Promptness in conducting each step of the investigation, consistent with fairness in time allowed for preparation. Seven to fourteen days in which the University is in session are reasonable lower and upper limits for each action, with extensions possible for good cause.

- g. Assurance to all parties involved of adequate notification of meetings and scheduling at times and places convenient to the persons involved.
- h. Freedom of the accused against sanctions prior to completion of these procedures. In a serious case where the continuation of duties by an accused would disrupt the educational process or would create a serious threat to lives and property, the chancellor may suspend the accused without loss of pay, on good cause shown and incorporated into written findings delivered to the accused.
- i. The rights of the accused to waive any or all of the peer judgment steps in these procedures and to negotiate a settlement with appropriate administrative officers at any time.
- j. The right and desirability of the divisional dean, after receiving a committee report (or in the absence of such a report where a hearing has been waived), to request and receive from the department chairperson communications concerning the disposition of the case prior to the divisional dean's taking action; and the similar right of the provost for academic affairs to communicate with the divisional dean and the department chairperson.
- M. Revision of Bylaws -- Revisions of these Bylaws may be proposed by Faculty Council. Proposed revisions shall be presented and discussed at a meeting of the general faculty or a faculty forum. As soon as possible after the general faculty meeting or faculty forum, all faculty members will be notified of the proposed revision and provided access to a ballot. Ballots will be tabulated by a committee of Faculty Council within two weeks following completion of voting. A simple majority of the votes submitted will be required for approval. Results of the vote will be reported to Faculty Council and then all faculty members as soon as feasible. Revisions become effective upon approval by the Board of Curators.



Chapter 310: Academic Tenure Regulations

310.060 Procedures in Case of Dismissal for Cause

Bd. Min. 3-17-72, p. 36,281; Revised Bd. Min. 6-27-80, p. 38,132; Amended Bd. Min. 9-12-80, 12-12-86, 10-30-87, 2-5-15.

In cases of dismissal of faculty for cause, the burden of demonstrating the existence of an adequate case for dismissal shall rest with the University. A faculty member who has been notified in writing of a proposed action for dismissal may request a preliminary informal conference before an appropriate faculty committee as specified in the Bylaws of the campus faculty. If so requested, the Committee or other body shall promptly inquire into the matter and shall schedule a conference, which the parties shall be entitled to attend, the purpose of which shall be to determine whether an amicable adjustment of the matter can be effected. If no such adjustment can be made, and the notice of proposed action is not withdrawn, the matter shall proceed in accordance with Section 310.060 B.

A. Faculty Committees on Tenure

- Each Campus Faculty Committee on Tenure shall hold hearings within the jurisdiction of this
 regulation involving personnel in the several academic divisions of the campus it represents.
- 2. In any case where the Campus Committee determines prior to a hearing that the best interests of all concerned would be served better by a hearing by the University Faculty Committee on Tenure, the Campus Committee may transfer the case to the University Committee, in which case the University Committee shall serve in the place and stead of the Campus Committee.
- 3. In addition to serving in the place and stead of the Campus Committee where a case is transferred, the University Committee shall have original jurisdiction to hold hearings involving personnel holding systemwide, rather than campus, academic staff appointments.

B. Formal Proceedings

- Definitions -- In the procedures established under Section 310.060 the following definitions shall apply:
 - a. Respondent shall refer to the faculty member against whom charges are filed.
 - b. Relator shall refer either to the Chancellor or to such person or persons as may be designated from time to time by the Chancellor, to represent the Chancellor in the formal proceedings against a Respondent. This may be the Dean or other appropriate administrative officer recommending action against a Respondent, or other person specifically designated.
 - c. The "Record of the Case in the Section 600.040 Process" includes, when applicable: Letter(s) of notice, exhibits, hearing record (an audio, video, digital or stenographic record of the hearing); the finding on each of the alleged policy violations by either the Hearing Panel, the Provost or the Provost's Designee; the recommendation of sanctions by the Hearing Panel or Provost's Designee; the finding of sanctions by the Provost; and the decision on the appeal, if applicable, pursuant to Section 600.040: Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Faculty Member
 - d. Complainant is defined in Section 600.040.C.2 of the Collected Rules and Regulations.

2. Statement of Charges - Request for a Committee Hearing

- a. When dismissal for cause is considered by or recommended to the Chancellor, the Respondent shall be notified in writing by the Relator of the proposed action for dismissal and the reasons therefor, stated with reasonable particularity and called the Charge, and of the right to a hearing by the appropriate Faculty Committee on Tenure together with a membership roster of the Committee. If the Respondent desires a hearing, the Respondent shall give written notice of this request to the Chancellor within thirty consecutive calendar days from the receipt of the formal notice. The Respondent shall also send copies of this request for hearing to the Relator and to the Chairman of the Committee. The Relator shall thereupon file a copy of the Charge with the Chairman of the Committee. Failure by the Respondent to make a timely written request for a hearing shall constitute a waiver of the Respondent's right to a hearing before the Committee.
- b. The Respondent shall file a written Answer to the Charge with the Chairman of the Committee at least three calendar days prior to the date set for hearing before the Committee. Such Answer shall specifically admit or deny the allegations of the reasons contained in the Charge. A failure to answer or to deny an allegation of fact in the Charge may be considered by the Committee as an admission of such fact.

- c. The Relator shall notify the Complainant of the filing of the Charge and the request for hearing.
- 3. Suspension from Duties Pending a final decision by the Committee, the Respondent will be suspended (or assigned to other duties in lieu of suspension) if immediate harm to someone is threatened by continuance or if the Charge was initiated according to a finding and referral under Section 600.040. For allegations contained in the Charge not previously decided pursuant to the process in Section 600.040, the Chancellor shall consult with an appropriate standing committee of the faculty before suspending the respondent or as soon as possible thereafter and salary will continue during any period of suspension, and an assignment to other duties shall not diminish salary. If the Charge was initiated according to a finding and referral under Section 600.040, Respondent shall be suspended without pay and removed from campus until the Chancellor makes a determination and all appeals have been exhausted under Section 310.060.

4. Hearing by Committee

- a. If the Respondent makes a timely written request for a hearing by the Committee, the Chairman shall notify in writing the Respondent, the Complainant (when applicable) and the Relator of the date, time, and place of hearing before the Committee, which shall be within a reasonable time but not less than ten, or more than thirty, consecutive calendar days after the date of the receipt of the request for hearing. Not less than twenty days shall be allowed between the delivery of the Charge to the Respondent and the beginning of the hearing.
- b. Any request for continuance shall be made by the Respondent, Complainant or Relator in writing to the Chairman, who shall have discretionary authority to continue the hearing within the time limits fixed under Section 310.060 B.4.a upon determining that the request is timely and made for good cause. Any continuance beyond the time limit fixed must be by action of the Committee and approved by the Chancellor.
- c. In accordance with standing University policy in personnel matters, such hearings shall not be open to the public.
- d. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by the Relator, the Complainant, the Respondent, the Committee, or administrative officers will be avoided until the proceedings have been completed, including final appeal.
- 5. Conduct of Hearing -- The Chairman shall preside at the hearing, call the hearing to order, call the roll of the Committee in attendance, ascertain the presence or absence of the Respondent, the Complainant (when applicable) and the Relator, read the notice of hearing, read the Charge and Answer, verify the notice of the Charge to the Respondent, report any continuances requested or granted, establish the presence of any advisor or counselor of either party, call to the attention of the Respondent and Respondent's advisor any special or extraordinary procedures to be employed during the hearing, and permit the Respondent to suggest or object to procedures. Formal rules of evidence shall not be required.

a. Opening Statements

- (1) The Relator shall make opening remarks outlining the general nature of the case. Such remarks shall not be considered as evidence. The Relator may give evidence, but only if called to testify as a witness.
- (2) The Respondent may also make an opening statement to the Committee about the charge, either at this time or at the conclusion of the Relator's presentation, at the Respondent's election. Such remarks shall not be considered as evidence. The Respondent may give evidence, but only if called to testify as a witness.
- (3) The Complainant may make an opening statement to the committee about the allegation(s) in the Charge which were previously decided pursuant to the process in Section 600.040. Such remarks shall not be considered as evidence.

b. Evidence for Matters Previously Decided in the Section 600.040 Process

- (1) The Record of the Case in the Section 600.040 Process will be the evidence before the Committee and the findings will be adopted by the Committee. There will not be a rehearing of those issues previously decided in the Section 600.040 process and the Relator, the Complainant and the Respondent will not be allowed to present additional evidence or rebuttal evidence regarding those matters.
- (2) Any additional allegation(s) in the Charge which were not within the jurisdiction of and not previously decided in the Section 600.040 Process will follow the process in Section 310.060.
- (3) If the Committee determines that there is good cause to believe that there is new evidence, unavailable during Section 600.040 Process and that could substantially impact the original finding, the Committee may refer the matter back to the applicable process in Section 600.040 for further proceedings. If the original decision maker is available, the matter will be heard by the original decision maker.

c. Relator's Evidence

- (1) Relator's witnesses are to be called and identified and evidence or written statements or reports introduced as appropriate.
- (2) The Committee may question witnesses or examine evidence at the conclusion of the Relator's presentation. Respondent may question the Relator or witnesses.

d. Respondent's Evidence

- (1) Respondent's witnesses are to be called and identified and evidence or written statements or reports introduced as appropriate.
- (2) The Committee may question witnesses or examine evidence at the conclusion of Respondent's presentation. Relator may question the Respondent or witnesses.
- e. **Rebuttal Evidence** -- The Committee shall permit the Relator or the Respondent to offer any matter in rebuttal of the other's presentation.

6. Rights of Committee -- The Faculty Committee on Tenure shall have the right:

- a. To determine the relevancy and admissibility of any evidence offered at the hearing, except that when the allegation(s) in the Charge was previously decided pursuant to the process in Section 600.040, the Record of the Case in the Section 600.040 Process will be the evidence before the Committee and the findings will be adopted by the Committee.
- b. To permit a stipulation of agreed facts by the Relator and the Respondent.
- c. To permit the incorporation in the record by a reference of any document, affidavit or other exhibit produced and desired to be incorporated in the record by the Relator or the Respondent.
- d. To question witnesses or evidence introduced by either the Relator or the Respondent at any time.
- e. To call additional witnesses for allegations contained in the Charge which were not within the jurisdiction of and not previously decided pursuant to the process in Section 600.040.
- f. To have access to the Record of the Case in the Section 600.040 Process.
- g. For allegations in the Charge previously decided pursuant to the process in Section 600.040, if the Committee determines that there is good cause to believe that there is new evidence, unavailable during the Section 600.040 Process and that could substantially impact the original finding, the Committee may refer the allegation(s) back to the applicable process in Section 600.040 for further proceedings. If the original decision maker is available, the matter will be heard by the original decision maker.
- h. To dismiss any action or permit informal disposition at any stage of the proceeding if agreed to by Relator, Respondent, and appointing authority.
- i. To permit at any time amendment of the Charge or Answer so as to include matters which may come to the attention of the Committee before final determination of the case, provided however, that in such event the Committee shall grant to the Respondent or the Relator such time as the Committee may determine reasonable under the circumstances to answer or explain such additional matters.
- j. To dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the Chairman of the Committee.
- k. To have present a legal advisor to the Committee, who shall be designated by the General Counsel of the Board of Curators.

7. Parties' Rights Upon Hearing

- a. A Relator appearing before a Faculty Committee on Tenure for a hearing pursuant to formal notice of a Charge shall have the right:
 - (1) To be present at the hearing, which right may be waived by failure to appear.
 - (2) To have present any legal or other advisor or counselor and to consult with such advisor or counselor during the hearing.
 - (3) To present evidence by witnesses and by properly identified written statements or reports in support of the Charge for allegations contained in the Charge which were not within the jurisdiction of and not previously decided pursuant to the process in Section 600.040.
 - (4) To hear or examine evidence presented by the Respondent for allegations contained in the Charge which were not within the jurisdiction of and not previously decided pursuant to the process in Section 600.040.
 - (5) To question witnesses present and testifying for Respondent for allegations contained in the Charge which were not within the jurisdiction of and not previously decided pursuant to the process in Section 600.040.
 - (6) To make any statement to the Committee in support of the Charge.
 - (7) To be informed in writing of the findings of the Committee and its recommendation on the Charge.
- b. A Respondent appearing before a Faculty Committee on Tenure for a hearing pursuant to formal notice of a Charge shall have the right:
 - (1) To be present at the hearing, which right may be waived by failure to appear.
 - (2) To have present any legal or other advisor or counselor and to consult with such advisor or counselor during the hearing.
 - (3) To present evidence by witnesses and by properly identified written statements or reports for any defense the Respondent desires for allegations contained in the Charge which were not previously within the jurisdiction of and not previously decided pursuant to the process in Section 600.040.
 - (4) To hear or examine evidence presented to the Committee for allegations contained in the

- Charge which were not previously within the jurisdiction of and not previously decided pursuant to the process in Section 600.040.
- (5) To question witnesses present and testifying at the hearing for allegations contained in the Charge which were not previously within the jurisdiction of and not previously decided pursuant to the process in Section 600.040.
- (6) To make any statement to the Committee in mitigation or explanation of the conduct in question.
- (7) To be informed in writing of the findings of the Committee and its recommendation on the Charge.
- c. Complainant may elect to participate in the Section 310.060 process but there is no negative inference if Complainant elects not to participate. If Complainant elects not to participate in the Section 310.060 process, Complainant still has the right to be informed in writing of the findings of the Committee and its recommendation on the Charge, as it relates to the allegation(s) in the Charge previously decided pursuant to the process in Section 600.040. If Complainant elects to participate in the Section 310.060 process, Complainant shall have the right:
 - (1) To be present, which may be waived by failure to appear, at the portions of the hearing related to the allegation(s) in the Charge previously decided pursuant to the process in Section 600.040.
 - (2) To have present any legal or other advisor or counselor and to consult with such advisor or counselor during the hearing.
 - (3) To make an impact statement, either verbally or in writing, to the Committee.
 - (4) To be informed in writing of the findings of the Committee and its recommendation on the Charge, as it relates to the allegation(s) in the Charge previously decided pursuant to the process in Section 600.040.

8. Other Procedural Questions

- a. Procedural questions which arise during the hearing and which are not covered by these general rules shall be determined by the Chairman, whose ruling shall be final unless the Chairman shall present the question to the Committee at the request of a member of the Committee, in which event, the ruling of the Committee by majority vote shall be final.
- b. General Rules of Decorum -- The following general rules of decorum shall be adhered to:
 - (1) All requests to address the Committee shall be made to the Chairman.
 - (2) The Chairman shall rule on all requests and points of order and may consult with the Committee's legal advisor prior to any ruling. The Chairman's ruling shall be final and all participants shall abide thereby unless the Chairman shall present the question to the Committee at the request of a member of the Committee, in which event the ruling of the Committee by majority vote shall be final.
 - (3) An advisor or counselor shall be permitted to address the Committee and to question witnesses. An advisor or counselor may request clarification of a procedural matter or may object on the basis of procedure at any time by addressing the Chairman after recognition.
- 9. Determination by Committee -- The Committee shall then make its findings and determination by majority vote in executive session out of the presence of the Relator and Respondent. Separate findings of fact are to be made as to each count of the Charge, and a recommendation made based upon the findings on all charges. Before recommending dismissal of the Respondent, the Committee shall be convinced by the evidence in the record considered as a whole that one or more counts have been sustained and that such count or counts warrant dismissal.
 - a. Official Report of Findings and Determination -- Promptly after the hearing and, in any event, within ten consecutive days after receipt of the record, the Committee shall make its findings of fact and recommendations in writing and transmit them to the Chancellor, to the Relator, to the Complainant (when applicable and as it relates to the allegation(s) in the Charge previously decided pursuant to the process in Section 600.040) and to the Respondent forthwith. If the Committee concludes that adequate cause for dismissal has not been established, and therefore tenure is not involved, but that some discipline or penalty less than dismissal may be appropriate, it may recommend that the Record of the Case be referred to the appropriate campus-level Committee for its recommendation to the Chancellor.
- C. Record of Case -- A taped or stenographic record of the hearing shall be taken and shall be maintained for five (5) years. The notice, exhibits, hearing record, a copy of the Record of the Case in Section 600.040 Process, when applicable, and the findings and determination of the Committee shall become the "Record of the Case," shall be filed in the Office of the President of the University, and shall be available only for official purposes, and for the purpose of appeal be accessible at reasonable times and places both to the Relator and the Respondent. In the event of an appeal, no new evidence shall be taken in the case, but the appellate authority may remand the matter for further evidence to the Committee. Either party may have any such record of the hearing reduced to writing for the purposes of appeal.
- D. Determination by Chancellor and Right of Appeal

- 1. The Chancellor shall make a determination in the matter after giving due consideration to the findings and recommendations of the Committee and may remand the matter to the Committee or to the decision maker in the Section 600.040 Process, when applicable, for further proceedings. Upon reaching this determination, the Chancellor shall notify the Respondent, the Complainant (when applicable and as it relates to the allegation(s) in the Charge previously decided pursuant to the process in Section 600.040) and Relator in writing of the determination and disposition. The Respondent, Complainant or Relator shall be entitled to appeal to the President of the University as provided in Section 310.060 D.3. The Complainant's right to appeal and have access to records related to the appeal in Section 310.060.D are limited to the allegation(s) in the Charge which were previously decided pursuant to the process in Section 600.040. When the allegation(s) in the Charge was previously decided pursuant to Section 600.040 and if the Chancellor determines that adequate cause for termination has not been established, the Chancellor, in consultation with the Provost, shall determine sanctions less than termination for cause. The determination of sanctions less than termination for cause is stayed pending the appeals related to the Chancellor's decision as to termination and are not part of those appeals.
- 2. When permitted by these Regulations, the Respondent, Complainant or Relator may appeal a decision of the Chancellor by filing written notice of appeal within seven (7) consecutive calendar days after notice of the decision of the Chancellor with the President. A copy of the Notice of Appeal will simultaneously be given by the appealing party to all other parties. The appealing party may file a written argument confined to the issues and evidence previously submitted and contained in the Record of the Case for consideration by the President. Such memorandum must be filed with the Notice of Appeal, and the President may request a reply to such memorandum by the Respondent, Complainant or Relator. The President shall have the discretionary right to grant extensions of time.
- 3. The President shall review the full Record of the Case and the appeal documents and may affirm, reverse, remand the case for further proceedings or, upon concluding that adequate cause for termination has not been established, and therefore tenure is not involved, but that some discipline or penalty less than dismissal may be appropriate, may refer the Record of the Case to the appropriate campus final Committee on Faculty Responsibility for its recommendation to the Chancellor and the President shall notify the Respondent, Complainant (when applicable) and the Relator in writing of this decision on the appeal.
 - a. The Relator, Complainant or the Respondent may thereafter appeal to The Board of Curators of the University of Missouri by filing a written Notice of Appeal with the President of the University and the Secretary of the Board of Curators and giving notice either to the Respondent or the Relator, as appropriate. Such Notice of Appeal must be filed within seven (7) consecutive calendar days of the notification of action by the President. Upon the filing of a Notice of Appeal to the Board, the President shall cause the record of the case, including any written memoranda received during its consideration, to be filed promptly with the Secretary of the Board of Curators.
 - b. The appealing party shall have the privilege of filing written argument confined to the issues and evidence previously submitted and considered in the Record of the Case for consideration by the Board of Curators with the Notice of Appeal, and the other parties may file a written reply within seven consecutive calendar days. The President of the University may grant extensions of time for filing written argument. The parties have the right of appearance before a committee of the Board.
- 4. The Board of Curators shall either sustain the decision of the Hearing Committee or return the proceedings to the Committee with specific objections. The Committee shall then reconsider, taking into account the stated objections and receiving new evidence if necessary. The Board of Curators shall take such final action on the appeal as it deems appropriate after study of the Committee's reconsideration. The Secretary of the Board shall notify the Respondent and the Relator in writing of the decision of the Board.

Notice -- If the appointment is terminated, a tenured faculty member shall normally receive salary to the end of the contract year in which final determination was made by the Chancellor under these procedures, as set forth in Section 310.060 D.1, except that no salary shall be paid beyond the date of termination if the cause of termination was conviction of a felony or if the cause of termination resulted from a Charge that was initiated pursuant to a finding and referral pursuant to Section 600.040. The Faculty Committee on Tenure may make recommendations if a shorter or longer period is deemed appropriate because of such considerations as the nature and gravity of the conduct which justified dismissal and the length and quality of service of the faculty member. Notice may also be extended by the President if, through no fault of the faculty member, inordinate delays occur in the appeal process.

Promoting Trans Student Inclusion at MU

The University of Missouri is committed to growing and sustaining a diverse and inclusive learning, living, and working environment. The University strives to ensure that students, faculty, and staff of all sexes, genders, and gender identities are welcomed.

MU prohibits discrimination on the basis of sex (or gender), gender identity, and gender expression, among other identities.

Additionally, the U.S. Department of Education and the U.S. Department of Justice released guidance in May 2016 explaining that schools must:

- Respond promptly and effectively to sex-based harassment of all students, including harassment based on a student's actual or perceived gender identity, transgender status, or gender transition;
- Treat students consistent with their gender identity even if their school records or identification documents indicate a different sex;
- Allow students to participate in sex-segregated activities and access sex-segregated facilities consistent with their gender identity; and
- Protect students' privacy related to their transgender status under Title
 IX and the Family Educational Rights and Privacy Act.

MU affirms its commitment to these principles. Staff and faculty play an important role in upholding this commitment.

Tips for the Classroom

On the first day of class, use a questionnaire to ask all students to identify their preferred name and preferred pronouns (such as she/he, her/him, they/them).

If the class roster includes a preferred name, use the student's preferred name, not the "legal" name.

Some students may be private about their gender, gender identity or gender transition and others may not. It is up to the student, not you, to decide whether to disclose this information to others.

Other Tips

To the extent that restrooms and locker rooms are gender segregated, welcome individuals into this space based on their own gender identity.

If your unit has name tags, ask staff if they would like their preferred pronoun printed on the name tag.

Remember to respect individual's privacy.

Educate yourself on ways to support LGBTQ students, such as attending a Safe Space Training or Trans 101 training from the LGBTQ Resource Center.

Sex: a biological status. Sex is assigned to an individual at birth, and may change during their lifespan.

Gender: a set of characteristics with which an individual may identify at a given time.

Gender Expression: external manifestations of gender, expressed through names and pronouns, clothing, behavior, voice, or physical characteristics. Society identifies these cues as feminine and masculine, although what is considered feminine and masculine changes over time and varies by culture.

Gender Identity: an individual's internal sense of gender. A person's gender identity may or may not be related to the person's sex assigned at birth. Gender identity is not visible to others.

Transgender or Trans: an umbrella identity term used by some people who experience a gender identity that is different from the sex assigned at birth.

Genderqueer: an identity used by some people who experience their gender identity and/or gender expression as falling outside the categories of man and woman.

Gender Transition: the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time

See U.S. Department of Education and Department of Justice, Dear Colleague Letter on Transgender Students, May 13, 2016.

http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf

For more information about trans inclusion, preferred names and pronouns, or student privacy, please contact LGBTQ Resource Center or the Office for Civil Rights and Title IX.

Resources for Students and Employees who have experienced Sexual Violence, Dating or Domestic Violence, Sexual Exploitation, or Stalking

For more information, contact the MU Office for Civil Rights & Title IX (573-882-3880) or the Relationship and Sexual Violence Prevention (RSVP) Center (573-882-6638).

The University of Missouri is committed to providing a safe learning and working environment for every member of our community, as well as visitors. Sexual violence of any type, including sexual assault, dating violence, domestic violence, sexual exploitation, and stalking, is not tolerated. We encourage students, employees, and visitors who have been impacted by any of these offenses, whether on or off campus, to access the support services we provide, and to consider taking action through our internal equity resolution process and/or pursuing options available through the criminal justice system.

Confidential Resources and Support

There are resources, on and off campus, providing confidential assistance to students and employees. Resources that are available 24-hours a day are marked with an asterisk (*).

On Campus

- MU Relationship & Sexual Violence Prevention (RSVP) Center
 - o Phone: 573-882-6638
 - o Hours: Monday-Friday 8:00am to 5:00pm
 - o Address: G216 MU Student Center
- MU Counseling Center
 - o Phone: 573-882-6601
 - o Hours: Monday-Friday 8:00am to 5:00pm, Crisis support available in person or by phone
 - o Address: 119 Parker Hall
 - o After hours crisis support: 573-882-6601*
 - After business hours, you may speak to a licensed counselor by phone
- <u>MU Behavioral Health Services</u> (Counseling and Psychiatry) at MU Student Health Center
 - o Phone: 573-882-1483
 - o Hours: Monday, Tuesday, Thursday, Friday 8:00am to 5:00pm

Wednesday 9:00am to 5:00pm

Closed 11:45am to 12:45pm daily

- o Address: 1020 Hitt Street, 4th Floor
- o After-hours support: 573-882-7481*
 - After business hours, you may speak with a crisis nurse

MU Student Health Center

o Phone: 573-882-7481

o Hours: Monday, Tuesday, Thursday, Friday 8:00am to 5:00pm

Wednesday 9:00am to 5:00pm

Closed 11:45am to 12:45pm daily

o Address: 1020 Hitt Street, Fourth Floor

o After-hours support: 573-882-7481*

After business hours, you may speak with a crisis nurse

• Sexual Assault Nurse Examiner (SANE) Clinic at University Hospital ER*

o Phone: 573-882-8091

Ask for charge nurse, then ask for SANE to be paged

o Hours: 24-hours a day, 7 days a week

o Address: 1 Hospital Drive

MU Employee Assistance Program

o Phone: 573-882-6701

o Hours: Monday-Friday 8:00am to 5:00pm

o Address: 102 Parker Hall

Off-Campus

• True North of Columbia (Hotline, Shelter, Counseling, Advocacy)*

o Phone: 573-875-1370 or 800-548-2480 (24-hour hotline)

o Address: 1316 Parkade Blvd, Columbia, MO 65203

- Missouri Crisis Line/Deafline*
 - 01-888-761-4357
 - o Deaf or hard of hearing individuals may call 800-380-3323, 573-445-5108 or text HAND to 839863. *all lines voice and TTY accessible

• Rape, Abuse & Incest National Network (RAINN) Hotline*

o Phone: 800-656-4673

o Hours: 24 hours a day, 7 days a week

• National Domestic Violence Hotline*

o Phone: 800-799-7233

o Hours: 24 hours a day, 7 days a week

• Anonymous Crime Reporting through CrimeStoppers

o Phone: 573-875-8477

o Address: PO Box 319, Columbia MO 65205

Assistance and Accommodations

The University of Missouri can provide students and employees who experience sexual violence with important assistance and accommodations, where reasonably available. The accommodations are available regardless of whether the victim chooses to go to the police. Possible assistance and accommodations may include, but are not limited to:

- Referral to mental health providers and confidential advocates
- No Contact Order to eliminate contact with the accused person(s)
- Interim Protective Measures
 - o Such as limiting the accused from participating in an activity, being present in a particular area or building, or imposing an interim suspension
- Academic Accommodations
 - o Such as changing class sections or requesting extensions for coursework
- Referral to Legal Assistance available on campus or in the community
- Immigration and Visa Assistance
 - o Such as when changes in enrollment, due to the incident, affect visa status
- Change in Living Arrangements
 - Such as changing residence halls
- Change in Transportation Arrangements
 - o Such as being allowed to park in a different location
- Change in Working Situation
 - o Such as being relocated to a more private or secure location
- Assistance in reporting to on or off-campus Law Enforcement
- Initiation of an Investigation and Equity Resolution Proceedings

To request assistance or accommodations, contact the Office for Civil Rights & Title IX and/or the MU Relationship & Sexual Violence Prevention (RSVP) Center.

Reporting Sexual Violence, Dating or Domestic Violence, Sexual Exploitation, or Stalking

When a student or employee reports an incident to the University, their privacy will be respected to the fullest extent possible. The report will be shared with only those members of the campus community with a need to know, and the student or employee will be apprised of actions taken. Requests for confidentiality, however, may limit the institution's ability to respond to a report. Typically, a student may choose whether to report an incident to the police. Please note that reports to the police may create public records.

Completely confidential resources, including counseling, are identified previously as "Confidential Resources." These resources can provide critically important assistance and support through the reporting process(es). Please know that disclosing to a confidential resource will not lead to action being taken by the University of Missouri.

Filing a Complaint with the University of Missouri

MU Office for Civil Rights & Title IX

- o Ellen Eardley, Title IX Administrator, 573-882-2824, 202 Jesse Hall
- o Title IX Investigators located at 145 Heinkel Building, at 201 S. 7th Street,

573-882-3880:

- Salama Gallimore (Director of Investigations), 573-884-7526
- Amber Lammers, 573-882-0943
- Megan Fewell, 573-882-6218
- Bailey Toulmin, 573-882-6204

To file a complaint against a student, student organization, employee, or visitor, please contact the Office for Civil Rights & Title IX, 573-882-3880, Title9@missouri.edu, or 145 Heinkel Building. If you wish, you may contact the RSVP Center for assistance in filing a complaint.

MU strictly prohibits all acts of sexual assault, dating violence, domestic violence, sexual exploitation, and stalking. When a complaint is made, MU's Office for Civil Rights & Title IX will investigate, and may initiate disciplinary action against the accused using the Equity Resolution Process. The process shall—

- Provide a prompt, fair and impartial investigation and resolution.
- Be conducted by officials who have received annual training on how to conduct an investigation, and conduct a proceeding in a manner that protects the safety of victims and promotes accountability.
- Be conducted within 60 business days or less, unless there are special circumstances, in which case both the complainant and respondent shall be notified.
- Have responsibility determined by the preponderance of the evidence, more likely than not, standard.

Both the complainant and respondent shall have the same right to—

- To be accompanied by an advisor of their choice to all related meetings.
- To present information and witnesses.
- To be simultaneously informed in writing of the outcome of any disciplinary action.
- To be informed of the procedures and deadline for appealing the outcome.
- To be informed when such results become final.

University Policies and Procedures

Sex Discrimination, Sexual Harassment and Sexual Misconduct in Education/Employment Policy: https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opp-ortunity/ch600/600.020_sex_discrimination_sexual_harassment_and_sexual_misconduct

MU Student Code of Conduct: http://mbook.missouri.edu/

MU Employee Code of Conduct

http://www.umsystem.edu/ums/rules/collected_rules/personnel/ch330/330.010_personal_c onduct_of_employees

Equity Resolution Processes

The University uses procedures called the Equity Resolution Processes to address reports of sex-based discrimination or violence. The process that is used depends on whether the person accused (respondent) is a student, faculty, or staff member. The specific provisions of the University of Missouri Collected Rules and Regulations that describe the Equity Resolution Processes related can be found online:

For student respondents:

https://www.umsystem.edu/ums/rules/collected_rules/programs/ch200/200.025_equity_res_olution_process_for_resolving_complaints_of_harassment_

Flowchart: http://www.umsystem.edu/ums/hr/titleix/student-erp

For faculty respondents:

https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opp_ortunity/ch600/600.040_equity_resolution_process_for_resolving_complaints_of_harassm_ent

Flowchart: http://www.umsystem.edu/ums/hr/titleix/faculty-erp

For staff respondents:

https://www.umsystem.edu/ums/rules/collected_rules/equal_employment_educational_opp_ortunity/ch600/chapter_600.050_equity_resolution_process_for_resolving_complaints

Flowchart: http://www.umsystem.edu/ums/hr/titleix/staff-erp

Sanctions by the University

Individuals found responsible for sex-based violence or discrimination may be subject to sanctions, including but not limited to—

For students: (a) Warning; (b) Probation; (c) Loss of Privileges; (d) Compensating the University for loss, damage, or injury to University property; (e) Discretionary Sanctions such as completion of educational programming or counseling; (f) Residence Hall Suspension; (g) Residence Hall Expulsion; (h) Campus Suspension; (i) University Dismissal; (j) University Suspension; (k) Withdrawal of Recognition of a student organization; (l) University Expulsion.

For faculty: For faculty: (1) Warning—Verbal or Written; (2) Performance Improvement Plan; (3) Required Counseling; (4) Required Training or Education; (5) Loss of Annual Pay Increase; (6) Loss of Supervisory Responsibility; (7) Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions; (8) For Non-Regular Faculty, immediate termination of term contract and employment; (9) For Regular, Untenured Faculty, immediate termination of term contract and employment. Notice of not reappointing would not be required; (10) Suspension without pay (while the appeal is pending this is a suspension with pay); (11) Non-renewal of appointment; (12) For Regular, Tenured Faculty, suspension without pay (while the appeal is pending, but not for the duration of the dismissal for cause proceedings, this is a suspension with pay), removal from campus and referral to the Chancellor to initiate dismissal for cause as detailed in Section 310.060 of the Collected Rules and Regulations.

For staff: (a) verbal or written warning; (b) Performance Improvement Plan; (c) Required Counseling; (d) Required Training or Education; (e) Loss of Annual Pay Increase; (f) Loss of Supervisory Responsibility; (g) Demotion; (h) Suspension without Pay; (i) Termination; (j) Recommendation of discipline in a training program, including recommendation of termination, suspension or other corrective or remedial actions.

Filing a Criminal Complaint

Reports may be made to the University of Missouri Police Department at 573-882-7201 or 901 Virginia Avenue, to the Columbia Police Department, the Boone County Sheriff's Department, or to the Police Department in the jurisdiction where the incident occurred. Law enforcement can initiate a criminal investigation and provide assistance in obtaining Orders of Protection (or no-contact orders) from a court of law, which will be honored both on and off campus.

Students and employees are encouraged to file a report as soon as possible. Delays in reporting may make gathering evidence to secure a criminal conviction more difficult, but it may still be possible. Filing a report does not commit an individual to pressing charges. Each person who has experienced sexual violence, relationship violence, or stalking should consider all of their options to determine what is best for their unique situation, keeping in mind that filing a police report may or may not be the best course of action.

Resources for Reporting to the Police and Filing a Criminal Complaint

• Emergencies: Dial 911

• <u>MU Campus Police</u>

o Phone: 573-882-5804

o Address: 901 Virginia Avenue

• Columbia Police Department

o Phone: 573-874-7652

o Address: 600 East Walnut

• Boone County Sheriff's Department

o Phone: 573-875-1111

o Address: 2121 Country Drive

APPENDIX 2: ACTION STEPS

Action Steps to Transform Campus Culture and Reduce Discrimination, Prevent Sexual Violence, and Enhance Inclusion

For Staff and Administrators

- Invite the <u>Division of Inclusion</u>, <u>Diversity & Equity</u> to your next staff or faculty meeting to provide professional development tailored to your needs.
- If you are a manager or administrator, send regular high-profile messages to your college, school or division about the importance of transforming campus culture and embedding principles of inclusive excellence into all we do.
- Be an active bystander by disrupting discrimination, harassment and/or situations that could lead to sexual violence.
- Enroll in <u>Diversity 101</u>, a 6-week, interactive, online professional development course that will enhance your capacity to build a culture where everyone feels that they are welcome and can thrive.
- Become a member of a standing committee related to diversity and inclusion, such as the Minority Affairs Committee, the Persons with Disabilities Committee, and the Sexual & Intimate Partner Violence Task Force.
- Complete the online "*Not Anymore*" program to become aware of the programming that we provide to students. Learn more <u>here</u>. If you are a manager, require your team to complete "*Not Anymore*."
- Make sure that job descriptions for new and existing positions include competency in diversity and inclusion as part of the job qualifications. Be sure to highlight diversity and inclusion when you announce a search to fill a vacancy.
- Participate in and encourage others to participate in Green Dot bystander intervention workshops, trainings and sessions that are offered by the RSVP Center. Learn more here.
- If you are a supervisor, give your staff paid professional development time to participate in diversity, inclusion and non-discrimination/anti-violence programming, including training to become a Green Dot Instructor.
- Be respectful and responsible when you use social media. Speak out and support others who value diversity, equity and inclusion.
- Be alert. If you hear racial, religious or gender-based epithets directed towards members of our campus community, be aware of your surroundings and get a description of the people involved. If a vehicle is involved, take note of the license plate, make and model of the vehicle, and take a photograph of the vehicle if it is safe for you to do so. If you are a witness, be supportive of the person who is targeted by the slurs. Check to see if they need assistance and let them know that they are not alone. Report the incident to OCRT9 online, or if you wish report it to the University of Missouri Police Department or to the Columbia Police. In an emergency, dial 9-1-1.

For Faculty

- Invite team members from the <u>Division of Inclusion</u>, <u>Diversity & Equity</u> to give a presentation to your department or division.
- Host a facilitated discussion in your class about <u>Citizenship@Mizzou</u> or the online "<u>Not Anymore</u>" program so that students have an opportunity to talk about what they learned. Invite someone from the Division of Inclusion, Diversity & Equity to facilitate.
- If someone confides in you that they experienced discrimination or violence, listen to them, believe them, and support them.
- <u>Learn more</u> about required referral or mandatory reporting of sex discrimination so that you are comfortable providing support if students share their stories with you.
- Include a message about reporting all forms of discrimination and harassment (including sexual violence) on your <u>syllabus</u>.
- Enroll in <u>Diversity 101</u>, a 6-week, interactive, online professional development course that will enhance your capacity to build a culture where everyone feels that they are welcome and can thrive.
- Become a member of a standing committee related to diversity and inclusion, such as the Minority Affairs Committee, the Persons with Disabilities Committee, and the Sexual & Intimate Partner Violence Task Force.
- Make sure that job descriptions for new and existing positions include competency in diversity and inclusion as part of the job requirements. Be sure to highlight diversity and inclusion when you announce a search to fill a vacancy.
- Be respectful and responsible when you use social media. Speak out and support others who value diversity, equity and inclusion.
- Be alert. If you hear racial, religious or gender-based epithets directed towards members of our campus community, be aware of your surroundings and get a description of the people involved. If a vehicle is involved, take note of the license plate, make and model of the vehicle, and take a photograph of the vehicle if it is safe for you to do so. If you are a witness, be supportive of the person who is targeted by the slurs. Check to see if they need assistance and let them know that they are not alone. Report the incident to OCRT9 online, or if you wish report it to the University of Missouri Police Department or to the Columbia Police. In an emergency, dial 9-1-1.

For Students

- Invite Diversity Peer Educators (DPE) to your next student organization meeting. Better yet, become a diversity peer educator! Learn more here.
- Endorse social media campaigns aimed at ending violence and promoting inclusion, such as <u>MU It's On Us</u>.
- Check out an event at the Gaines/Oldham Black Culture Center, the Multicultural Center, the Women's Center, the RSVP Center, or the LGBTQ Resource Center—or just visit one of these spaces to learn more about active allyship.
- Start your own movie club or book club to explore the <u>Citizenship@Mizzou</u> reading/film list.

- Learn more about the equal educational and employment policies that prohibit
 discrimination on the basis of race, color, national origin, religion, ancestry, age,
 disability, sex, pregnancy, gender identity, gender expression, sexual orientation, and
 veteran status. Invite the Office for Civil Rights & Title IX to your next student
 organization meeting.
- Be respectful and responsible when you use social media. Speak out and support others who value diversity, equity and inclusion.
- Foster an accessible and inclusive environment for people with disabilities. Learn how here.
- Get involved with Green Dot. Participate in and encourage others to participate in Green Dot bystander intervention workshops, trainings and sessions that are offered by the RSVP Center. Learn more here.
- Invite the RSVP Peer Educators to your residence hall or organization to facilitate a discussion. Better yet, become a peer educator at the RSVP Center! Learn more here.
- If someone confides in you that they experienced discrimination (such as discrimination on the basis of race, disability, national origin, religion, sexual orientation, ancestry, gender identity, gender expression), sexual violence, or intimate partner violence, listen to them, believe them, and support them.
- Be alert. If you hear racial, religious or gender-based epithets directed towards members of our campus community, be aware of your surroundings and get a description of the people involved. If a vehicle is involved, take note of the license plate, make and model of the vehicle, and take a photograph of the vehicle if it is safe for you to do so. If you are a witness, be supportive of the person who is targeted by the slurs. Check to see if they need assistance and let them know that they are not alone. Report the incident to OCRT9 online, or if you wish report it to the University of Missouri Police Department or to the Columbia Police. In an emergency, dial 9-1-1.