UNIVERSITY OF MISSOURI
Columbia . Kansas City . Rolla . St. Louis

BOARD OF CURATORS

Minutes of the Board of Curators Meeting
February 5-6, 2015
University of Missouri
Columbia, Missouri

BOARD OF CURATORS MEETING – PUBLIC SESSION

A meeting of the University Of Missouri Board Of Curators was convened in public session at 11:00 A.M., on Thursday, February 5, 2015, in Columns Room 208 C, D and E of the Reynolds Alumni Center on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Donald L. Cupps, Chairman of the Board of Curators, presided over the meeting.

Present
The Honorable Ann K. Covington
The Honorable Donald L. Cupps
The Honorable Maurice B. Graham
The Honorable Pamela Q. Henrickson
The Honorable John R. Phillips
The Honorable Phillip H. Snowden
The Honorable David L. Steelman

The Honorable David L. Steward was absent for the meeting.

Also Present
Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy Harmon, Secretary of the Board of Curators
Miss Tracy H. Mulderig, Student Representative to the Board of Curators
Dr. Gary K. Allen, Vice President for Information Technology
Dr. Brian D. Burnett, Vice President for Finance
Dr. Henry "Hank" Foley, Executive Vice President of Academic Affairs
Dr. Thomas F. George, Chancellor for University of Missouri-St. Louis
Mr. Stephen C. Knorr, Vice President for University Relations
Dr. R. Bowen Loftin, Chancellor for University of Missouri-Columbia

Mr. Leo E. Morton, Chancellor for University of Missouri-Kansas City
Dr. Betsy Rodriguez, Vice President for Human Resources
Dr. Cheryl B. Schrader, Chancellor for Missouri University of Science and Technology
Ms. Zora Z. Mulligan, Chief of Staff, UM System
Mr. John Fougere, Chief Communications Officer, UM System
Media representatives

General Business

Change of Meeting Protocol for February 5-6, 2015

It was moved by Curator Henrickson and seconded by Curator Covington that for the February 5-6, 2015 meeting only, the Board shall forego committee reports and votes and proceed "informally" on all matters in the following manner:

1. The appropriate committee chairs shall lead the discussion on information and action items customarily within the charge of their committees, as those items are reflected in the agenda;

2. All members of the Board may participate in the discussion of all information and action items, regardless of committee assignment;

3. After discussion of a proposed action item, there shall be no vote or recommendation by a committee; instead, any member of the Board may move or second a motion, regardless of committee assignment;

4. After appropriate discussion, the Board Chair shall call for the vote on pending and properly seconded motions or amendments; and

5. After the Board Chair calls for a vote, all members of the Board may vote on the action item, regardless of committee assignment.

Roll call vote of the Board:

Curator Covington voted yes.
Curator Cupps voted yes.
Curator Graham voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Snowden voted yes.
Curator Steelman voted yes.
Curator Steward was absent.

The motion carried.

Review of Consent Agenda – No discussion.

Resolution for Executive Session of the Board of Curators Meeting

It was moved by Curator Phillips and seconded by Curator Henrickson, that there shall be an executive session with a closed record and closed vote of the Board of Curators meeting February 5-6, 2015 for consideration of:

- **Section 610.021(1), RSMo**, relating to matters identified in that provision, which include legal actions, causes of action or litigation, and confidential or privileged communications with counsel; and
- **Section 610.021(2), RSMo,** relating to matters identified in that provision, which include leasing, purchase, or sale of real estate; and
- **Section 610.021(3), RSMo**, relating to matters identified in that provision, which include hiring, firing, disciplining, or promoting of particular employees; and
- **Section 610.021(12), RSMo,** relating to matters identified in that provision, which include sealed bids and related documents and sealed proposals and related documents or documents related to a negotiated contract; and
- **Section 610.021 (13), RSMo**, relating to matters identified in that provision, which include individually identifiable personnel records, performance ratings, or records pertaining to employees or applicants for employment; and
- **Section 610.021 (17), RSMo**, relating to matters identified in that provision, which include confidential or privileged communications between a public governmental body and its auditor.

Roll call vote of the Board:

Curator Covington voted yes.
Curator Cupps voted yes.
Curator Graham voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Snowden voted yes.
Curator Steelman voted yes.
Curator Steward was absent.

The motion carried.

Board of Curators Finance Committee meeting convened at 11:04 A.M. and concluded at 12:00 P.M. on Thursday, February 5, 2015.

Finance Committee

Action
1. Fiscal Year 2016 Tuition and Required Fees and Student Housing and Dining Rates, UM
2. Fiscal Year 2016 Supplemental and Other Related Enrollment Fees, UM
3. Project Approval, New Softball Stadium, MU

Fiscal Year 2016 Tuition and Required Fees and Student Housing and Dining Rates, UM – presented by Vice President Burnett (slides and information on file)

It was recommended by the respective Chancellors, endorsed by President Wolfe, moved by Curator Phillips and seconded by Curator Graham, that the attached schedules of rates for tuition, information technology fees, student activity, facility and service fees, and student housing and dining contract rates (as on file with the minutes of this meeting), be approved, effective beginning with the 2015 Summer Session.

1. Tuition and information technology fees as shown in the attached schedules (as on file with the minutes of this meeting) and described in the Board materials be approved and become effective beginning with the 2015 summer session. Specifically this includes:

    a. Tuition rates to increase as follows:
        i. Resident undergraduate and graduate tuition to increase by the CPI (0.8%) and nonresident undergraduate and graduate tuition to increase by 3% at MU.
        ii. Undergraduate and graduate tuition to increase by the CPI (0.8%) at UMKC.
        iii. Resident undergraduate tuition to increase by the CPI (0.8%), nonresident undergraduate and resident graduate tuition to increase by 3% and nonresident graduate tuition to increase by 6% at S&T.
        iv. Undergraduate and graduate tuition at UMSL to increase by the

CPI (0.8%) plus $17.25 per credit hour for the student recreation and wellness center fee.

v. Professional school tuition to increase from 0.8%-6%.

b. A differential tuition rate for graduate nursing programs at UMKC is created and phased in over two years. Resident rates will be $400 per credit hour and nonresident rates will be $942 per credit hour in FY2016; an increase of $58 per credit hour over the standard tuition rates. The Graduate Nursing tuition rates will increase an additional $50 per credit hour in FY2017 to complete the new tuition rate phase in.

c. The information technology fee will increase by the CPI (0.8%), rounded to the nearest $0.10.

2. Student activity, facility and service fees as shown in the attached schedule (as on file with the minutes of this meeting) and described in the Board materials be approved and become effective beginning with the 2015 summer session.

3. Student housing and dining contract rates as shown in the attached summary (as on file with the minutes of this meeting) schedules for MU, UMKC, Missouri S&T, and UMSL be approved and become effective beginning with the 2015 summer session.

4. Effective beginning with the 2015 summer session, the Board of Curators revokes and repeals all previous tuition and fee schedules and adopts the attached tuition, information technology fee, student activity, facility, and services fees, and housing and dining contract rate schedules (as on file with the minutes of this meeting). The Board finds such action to be necessary for the maintenance and operation of the University.

Rate schedules for FY2016 tuition, information technology fees, student activity, facility and service fees, and student housing and dining contract rates are found on the following pages.

UNIVERSITY OF MISSOURI - Columbia
Tuition Rates
Beginning with the 2015 Summer Session
February 5-6, 2015

TUITION				2014-2015 RATES		2015-2016 RATES	
Student Level or Professional Program	**Residence Status**	**Term Type**	**Plateau**	**Per Credit Hour Rate**	**Flat Rate**	**Per Credit Hour Rate**	**Flat Rate**
*Undergraduate **	*Missouri*	*Semester*	*None*	*$274.00*		*$276.20*	
	Nonresident	Semester	None	$774.90		$798.10	
Graduate	Missouri	Semester	None	$347.30		$350.10	
	Nonresident	Semester	None	$910.10		$937.40	
Law, JD	Missouri	Semester	None	$600.50		$630.50	
	Nonresident	Semester	None	$1,169.20		$1,199.20	
Law, LLM	Missouri	Semester	None	$678.60		$708.60	
	Nonresident	Semester	None	$1,326.50		$1,356.50	
Medicine, MD	Missouri	Semester	18	$759.40	$13,669.20	$765.50	$13,778.60
	Missouri	Summer	8	$759.40	$6,075.20	$765.50	$6,123.80
	Nonresident	Semester	18	$1,512.00	$27,216.00	$1,524.10	$27,433.70
	Nonresident	Summer	8	$1,512.00	$12,096.00	$1,524.10	$12,192.80
Veterinary Medicine, DVM	Missouri	Semester	16	$664.70	$10,635.20	$704.60	$11,273.20
	Nonresident	Semester	16	$1,573.20	$25,171.20	$1,613.10	$25,809.20

** Falls under SB389*

UNIVERSITY OF MISSOURI - Kansas City
Tuition Rates
Beginning with the 2015 Summer Session
February 5-6, 2015

TUITION				2014-2015 RATES		2015-2016 RATES	
Student Level or Professional Program	**Residence Status**	**Term Type**	**Plateau**	**Per Credit Hour Rate**	**Flat Rate**	**Per Credit Hour Rate**	**Flat Rate**
*Undergraduate **	*Missouri*	*Semester*	*None*	*$270.10*		*$272.30*	
	Nonresident	Semester	None	$705.40		$711.00	
	Metropolitan	Semester	None	$270.10		$272.30	
Graduate	Missouri	Semester	None	$342.50		$345.20	
	Nonresident	Semester	None	$884.20		$891.30	
	Metropolitan	Semester	None	$342.50		$345.20	
Anesthesia, UMKC	Missouri	Semester	18		$10,986.50		$11,096.40
MS	Missouri	Summer	18		$7,324.20		$7,397.40
	Nonresident	Semester	18		$13,118.00		$13,249.20
	Nonresident	Summer	18		$8,745.50		$8,833.00
Med Physician Asst	Missouri	Semester	18		$10,275.00		$10,357.20
MS	Missouri	Summer	18		$6,850.00		$6,904.80
	Nonresident	Semester	18		$12,330.00		$12,428.60
	Nonresident	Summer	18		$8,220.00		$8,285.80
Dentistry, DDS	Missouri	Semester	16	$885.90	$14,174.60	$912.50	$14,599.80
	Missouri	Summer	8	$885.90	$7,087.30	$912.50	$7,299.90
	Nonresident	Semester	16	$1,765.60	$28,249.80	$1,818.60	$29,097.30
	Nonresident	Summer	8	$1,765.60	$14,124.90	$1,818.60	$14,548.60
Dentistry,	Missouri	Semester	14	$1,019.60	$14,274.10	$1,027.70	$14,388.30
Graduate Certificate	Missouri	Summer	7	$1,019.60	$7,137.00	$1,027.70	$7,194.10
and MS	Nonresident	Semester	14	$2,035.50	$28,496.90	$2,051.80	$28,724.90
	Nonresident	Summer	7	$2,035.50	$14,248.50	$2,051.80	$14,362.50
Law, JD	Missouri	Semester	None	$564.90		$569.40	
	Nonresident	Semester	None	$1,115.30		$1,124.20	
Law, LLM	Missouri	Semester	None	$658.90		$664.20	
	Nonresident	Semester	None	$1,303.80		$1,314.20	
Medicine,	Missouri	Semester	16	$590.40	$9,446.40	$595.10	$9,522.00
MD, Years 1 and 2	Missouri	Summer	8	$590.40	$4,723.20	$595.10	$4,761.00
	Regional	Semester	16	$885.60	$14,169.60	$892.70	$14,283.00
	Regional	Summer	8	$885.60	$7,084.80	$892.70	$7,141.50
	Nonresident	Semester	16	$1,180.80	$18,892.80	$1,190.20	$19,043.90
	Nonresident	Summer	8	$1,180.80	$9,446.40	$1,190.30	$9,522.00
Medicine,	Missouri	Semester	18	$610.30	$10,985.80	$616.40	$11,095.70
MD, Years 3 thru 6	Missouri	Summer	12	$610.30	$7,323.80	$616.40	$7,397.00
	Regional	Semester	18	$915.50	$16,479.60	$924.70	$16,644.40
	Regional	Summer	12	$915.50	$10,986.50	$924.70	$11,096.40
	Nonresident	Semester	18	$1,220.60	$21,971.60	$1,232.90	$22,191.30
	Nonresident	Summer	12	$1,220.60	$14,647.70	$1,232.90	$14,794.20
Pharmacy, Dpharm	Missouri	Semester	15	$631.70	$9,476.10	$636.80	$9,551.90
	Missouri	Summer	6	$631.80	$3,790.50	$636.80	$3,820.80
	Nonresident	Semester	15	$1,389.00	$20,835.50	$1,400.10	$21,002.20
	Nonresident	Summer	6	$1,389.00	$8,334.30	$1,400.20	$8,401.00
Nursing Graduate	Missouri	Semester	None	$342.50		$400.00	
	Nonresident	Semester	None	$884.20		$942.00	

* *Falls under SB389*

MISSOURI UNIVERSITY OF SCIENCE AND TECHNOLOGY
Tuition Rates
Beginning with the 2015 Summer Session
February 5-6, 2015

TUITION				2014-2015 RATES		2015-2016 RATES	
Student Level or Professional Program	**Residence Status**	**Term Type**	**Plateau**	**Per Credit Hour Rate**	**Flat Rate**	**Per Credit Hour Rate**	**Flat Rate**
*Undergraduate**	*Missouri*	*Semester*	*None*	*$274.00*		*$276.20*	
	Nonresident	Semester	None	$802.90		$827.00	
Graduate	Missouri	Semester	None	$375.70		$387.00	
	Nonresident	Semester	None	$1,012.80		$1,073.60	
Business, MBA	Missouri	Semester	na	$637.30		$656.40	
	Nonresident	Semester	na	$1,064.90		$1,128.80	

* *Falls under SB389*

UNIVERSITY OF MISSOURI - St. Louis
Tuition Rates
Beginning with the 2015 Summer Session
February 5-6, 2015

TUITION				2014-2015 RATES		2015-2016 RATES	
Student Level or Professional Program	**Residence Status**	**Term Type**	**Plateau**	**Per Credit Hour Rate**	**Flat Rate**	**Per Credit Hour Rate**	**Flat Rate**
*Undergraduate**	*Missouri*	*Semester*	*None*	*$315.80*		*$335.50*	
	Nonresident	Semester	None	$826.50		$850.40	
	Metropolitan	Semester	None	$315.80		$335.60	
Graduate	Missouri	Semester	None	$415.20		$435.80	
	Nonresident	Semester	None	$1,023.60		$1,049.00	
	Metropolitan	Semester	None	$415.20		$435.80	
Optometry, OD	Missouri	Semester	16	$687.90	$11,006.40	$710.70	$11,371.20
	Nonresident	Semester	16	$1,180.60	$18,889.60	$1,207.30	$19,316.80

* *Falls under SB389*

Note: Tuition rates are inclusive of the new Recreation and Wellness Center Fee approved by student referendum that will be assessed beginning in FY16

Information Technology Fees
Beginning with the 2015 Summer Session
February 5-6, 2015

SUPPLEMENTAL FEES	2014-2015 RATES		2015-2016 RATES	
	Per Credit Hour Rate	Flat Rate	Per Credit Hour Rate	Flat Rate
*MU - Information Technology Fee **	*$13.00*		*$13.10*	
*UMKC - Information Technology Fee **	*$13.60*		*$13.70*	
*Missouri S&T - Information Technology Fee **	*$13.80*		*$13.90*	

** Falls under SB389*

Roll call vote of Board of Curators:

Curator Covington voted yes.
Curator Cupps voted yes.
Curator Graham voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Snowden voted yes.
Curator Steelman voted no.
Curator Steward was absent.

The motion carried with seven votes in favor and one vote opposed.

Fiscal Year 2016 Supplemental and Other Related Enrollment Fees, UM – presented by Vice President Burnett (slides and information on file)

It was recommended by the respective Chancellors, endorsed by President Wolfe, moved by Curator Phillips and seconded by Curator Henrickson, that the attached schedule of rates for supplemental and other enrollment fees (as on file with the minutes of this meeting) be approved, effective beginning with the 2015 Summer Session.

1. Supplemental course fees, eLearning, special program delivery and continuing education fees as shown in the attached schedules and described in the Board materials be approved and become effective beginning with the 2015 summer session. Specifically this includes:

    a. Supplemental course fees will increase at the rate of inflation rounded

to the nearest $0.10 will the exceptions described below.

i. Multiyear increases approved by the Board last year.
ii. MU College of Engineering course fee will increase to $82.40 per credit hour.
iii. College of Engineering Excellence fee at MU will increase to $31.50 for residents and $73.50 for nonresidents per credit hour.
iv. College of Arts and Science supplemental fee at MU will increase to $30 per credit hour.
v. MU Trulaske College of Business undergraduate supplemental course fee will increase to $79.40 and the graduate supplemental fee will increase to $93 per credit hour.
vi. MU College of Human Environmental Sciences supplemental fee will increase to $53.50 per credit hour.
vii. MU Sinclair School of Nursing undergraduate course fee will increase to $90 per credit hour.
viii. MU School of Medicine Clinical Lab fee will increase to $742.20 per semester.
ix. Course fees in the School of Health Professions and Truman School of Public Policy at MU will remain flat.
x. UMKC School of Biological Sciences Lab fee will be eliminated and replaced by a course fee of $25 per credit hour for all courses taught by the School of Biological Sciences.
xi. At S&T four supplemental course fees (Engineering Supplemental fee, Science Supplemental fee for Biological Sciences and Chemistry, Science Supplemental fee for Computer Science, Geology, and Geophysics, and the Science Supplemental fee for Physics) will be eliminated and replaced with an Engineering and Sciences Course fee of $105 per credit hour.
xii. S&T Business, IS&T and M&IS course fee will be replaced by the Business and Information Technology Course Fee of $50 per credit hour.
xiii. UMSL College of Business Administration undergraduate course fee will increase to $55 per credit hour and the graduate course fee will increase to $85 per credit hour.
xiv. UMSL College of Education course fee will increase to $20 per credit hour.
xv. UMSL College of Nursing undergraduate course fee will increase to $196 in FY2016 and to $216 in FY2017.

b. New supplemental course fees will be approved as follows:

i. An online course fee will be assessed at UMKC for enrollment in all online courses and will be phased in over three years. The per credit hour fee will be $15 in FY2016, $30 in FY2017, and $45 in FY2018.

ii. The UMKC Law School will create a Legal Technology Fee of $8 per credit hour.

c. eLearning, Special Program Delivery and Continuing Education Fees will remain flat or increase at the same rate as the tuition rates they are linked to.

2. With the 2015 summer session, the Board of Curators revokes and repeals all previous supplemental and other enrollment fee schedules and adopts the attached supplemental and other related enrollment fee schedules. The Board finds such action to be necessary for the maintenance and operation of the University.

Roll call vote of Board of Curators:

Curator Covington voted yes.
Curator Cupps voted yes.
Curator Graham voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Snowden voted yes.
Curator Steelman voted yes.
Curator Steward was absent.

The motion carried.

Project Approval, New Softball Stadium, MU – presented by Vice President Burnett (information on file)

It was recommended by Chancellor Loftin, endorsed by President Wolfe, moved by Curator Graham and seconded by Curator Snowden, that the following action be approved:

the project approval for the New Softball Stadium project for the University of Missouri-Columbia.

Funding of the project budget is from:

Private Gifts	$13,500,000
Debt Financing	2,500,000
Total Funding	$16,000,000

Roll call vote Full Board:

Curator Covington voted yes.
Curator Cupps voted yes.
Curator Graham voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Snowden voted yes.
Curator Steelman voted yes.
Curator Steward was absent.

The motion carried.

The Finance Committee and the public session of the Board of Curators meeting recessed at 12:00 P.M. on Thursday, February 5, 2015.

Board of Curators Meeting – Executive Session

A meeting of the University of Missouri Board of Curators was convened in executive session at 12:17 P.M., on Thursday, February 5, 2015, in Donrey Media Room 211 of the Reynolds Alumni Center on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Donald L. Cupps, Chairman of the Board of Curators, presided over the meeting.

Present
The Honorable Ann K. Covington
The Honorable Donald L. Cupps
The Honorable Maurice B. Graham
The Honorable Pamela Q. Henrickson
The Honorable John R. Phillips
The Honorable Phillip H. Snowden
The Honorable David L. Steelman

The Honorable David L. Steward was absent.

Also Present
Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy S. Harmon, Secretary of the Board of Curators
Miss Tracy Mulderig, Student Representative to the Board of Curators
Dr. Henry “Hank” Foley, Executive Vice President for Academic Affairs
Dr. Betsy Rodriguez, Vice President for Human Resources
Ms. Marsha Fischer, Attorney, UM System

Dr. Deborah Noble-Triplett, Assistant Vice President, UM System
Mr. Daniel Swinton, NCHERM Consultant

General Business

Legal Advice regarding Title IX and Collected Rules and Regulations revisions – presented by General Counsel Owens, Assistant Vice President Noble-Triplett and Mr. Swinton.

No action taken by the Board.

The executive session of the Board of Curators meeting recessed at 1:40 PM.

PUBLIC SESSION

A meeting of the University Of Missouri Board Of Curators was reconvened in public session at 1:45 P.M., on Thursday, February 5, 2015, in Columns Room 208 C, D and E of the Reynolds Alumni Center on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Donald L. Cupps, Chairman of the Board of Curators, presided over the meeting.

Present
The Honorable Ann K. Covington
The Honorable Donald L. Cupps
The Honorable Maurice B. Graham
The Honorable Pamela Q. Henrickson
The Honorable John R. Phillips
The Honorable Phillip H. Snowden
The Honorable David L. Steelman

The Honorable David L. Steward was absent for the meeting.

Also Present
Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy Harmon, Secretary of the Board of Curators
Miss Tracy H. Mulderig, Student Representative to the Board of Curators
Dr. Gary K. Allen, Vice President for Information Technology
Dr. Brian D. Burnett, Vice President for Finance
Dr. Henry “Hank” Foley, Executive Vice President of Academic Affairs
Dr. Thomas F. George, Chancellor for University of Missouri-St. Louis
Mr. Stephen C. Knorr, Vice President for University Relations

Dr. R. Bowen Loftin, Chancellor for University of Missouri-Columbia
Mr. Leo E. Morton, Chancellor for University of Missouri-Kansas City
Dr. Betsy Rodriguez, Vice President for Human Resources
Dr. Cheryl B. Schrader, Chancellor for Missouri University of Science and Technology
Ms. Zora Z. Mulligan, Chief of Staff, UM System
Mr. John Fougere, Chief Communications Officer, UM System
Media representatives

Academic, Student and External Affairs Committee

Curator Covington, in Chairman Steward's absence, provided time for discussion of committee business.

Information

1. Financial Aid Report, UM (slides and information on file)
2. eLearning Update, UM (handout on file)
3. University Relations Report (slides on file)

Combined Academic, Student and External Affairs and Compensation and Human Resources Committee

Chairman Phillips and Curator Covington provided time for discussion of combined committee business.

Information

1. Title IX Report – presented by President Wolfe. Report included progress thus far throughout the UM System and next steps.

Action

1. Amendment, Collected Rules and Regulations:
    - 310.020 Regulations Governing Application of Tenure;
    - 310.060 Procedures in Case of Dismissal for Cause;
    - 370.010 Academic Grievance Procedure;
    - 380.010 Grievance Procedure for Administrative, Service and Support Staff;
    - 390.010 Discrimination Grievance Procedure for Students

    And Adoption of New Collected Rules and Regulations:
    - 600.040 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Faculty Member;
    - 600.050 Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Staff Member

2. Amendment, Collected Rules and Regulations, 320.010 Equal Employment/Educational Opportunity Policy

Amendments and New Collected Rules related to University's Processes for Discrimination Complaints against Faculty Members and Staff Members (presented by Executive Vice President Foley and Vice President Rodriguez – information on file)

It was recommended by Hank Foley, Executive Vice President for Academic Affairs, Research and Economic Development and Betsy Rodriguez, Vice President for Human Resources, endorsed by President Wolfe, moved by Curator Graham and seconded by Curator Snowden, that the following action be approved:

> The revised and new Collected Rules and Regulations related to the University's processes for discrimination complaints against faculty member and staff members including Collected Rules and Regulations 310.020, 310.060, 370.010, 380.010 and 390.010, be amended, and 600.040 and 600.050 be adopted, all as set forth in the attached (and as on file with the minutes of this meeting).
>
> Roll call vote of Board:
>
> Curator Covington voted yes.
> Curator Cupps voted yes.
> Curator Graham voted yes.
> Curator Henrickson voted yes.
> Curator Phillips voted yes.
> Curator Snowden voted yes.
> Curator Steelman voted yes.
> Curator Steward was absent.
>
> The motion carried.

Collected Rules and Regulations

Faculty Bylaws and Tenure Regulations

Chapter 310: Academic Tenure Regulations

310.020 Regulations Governing Application of Tenure

Bd. Min. 3-17-72, p. 36,281; Revised Bd. Min. 6-27-80, p. 38,132; Amended Bd. Min. 9-12-80; Amended Bd. Min. 10-30-87, 6-19-92, 3-18-93, 9-28-01, 2-5-15.

The following regulations, under which the Board intends to exercise the powers vested in it, govern the application of the principle of tenure at the University of Missouri, but these regulations shall not impair, or be taken to waive, any powers now or hereafter vested in the Board under the Constitution and laws of the State of Missouri. At the same time, the Board recognizes that matters relating to faculty status are primarily a faculty responsibility. Recommendations in matters of appointment, reappointment, nonreappointment, promotion, tenure, and dismissal shall be by the appropriate faculty through established procedures, followed by action by administrative officers, with final determination by the appointing authority. For allegations of harassment or discrimination against a faculty member, the procedures are found in Section 600.040: Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Faculty Member and when applicable, Section 310.060: Procedures in Case of Dismissal for Cause.

A. **Classes of Academic Staff Appointments** -- Academic staff appointments are those in which the principal responsibilities are teaching, research, extension, academic service, or any combination thereof. There shall be only two classes of academic staff appointments, designated as such: regular and nonregular.

1. **Regular** -- A regular appointment requires full-time service by the holder thereof and must carry full-time pay from the University, except as provided in Section B.2.a. Special exception may be made for licensed physicians on the staff of the Harry S. Truman Veterans Administration Hospital who can be recommended for regular academic appointment in the University of Missouri-Columbia School of Medicine by the Dean of said School if endorsed by the Chancellor of the Columbia campus. In so doing the School of Medicine assumes full responsibility for the tenure status of the individual physician. There shall be only three titles of rank for regular appointments, designated as such: Professor, Associate Professor, and Assistant Professor. The holder of a regular appointment either is tenured or, unless notified of nonreappointment or terminal appointment, is considered to be working toward tenure.

2. **Nonregular** -- All other academic staff appointments are nonregular. Nonregular appointments are either temporary (not to exceed seven years), part-time, or involve duties substantially different from those of faculty members holding regular appointments. The following sections illustrate the class of nonregular appointments.

    a. Temporary appointments involving duties similar to those of regular appointees, such as Visiting Professor. The maximum number of consecutive annual appointments in this category shall be seven (7), unless funds for the position come from a project grant or contract.

    b. Unless explicitly exempted under the above paragraph, all part-time or summer appointments. This category includes appointments such as Adjunct Professor or Clinical Professor and others of like nature, where the holder does not have full-time responsibilities or pay associated

with that title. This category also includes certain academic appointments for persons having primary appointments of an administrative nature.

c. Appointments to positions involving duties substantially different from those of regular appointees, such as academic field staff appointments in Extension; Lecturer, Assistant Instructor, Instructor, Research Assistant, Research Associate, Graduate Research Assistant, Graduate Teaching Assistant, Extension Assistant, Extension Associate, Student Assistant, and others of like nature; coaches of intercollegiate athletics. Titles in this category shall not include Professor, Associate Professor, and Assistant Professor, but may be modifications thereof.

B. **Types of Appointments**

1. Within the class of regular appointments, there shall be two types: regular term appointments and continuous appointments. Within the class of nonregular appointments, there shall be one type: nonregular term appointments.

a. **Regular Term Appointments** -- Regular term appointments begin at a specified date and terminate at a specified date. Such appointments are usually for a period of one academic year, but may be for a longer or shorter period, except that no single term appointment shall be for a period longer than three years. Regular term appointments are subject to the maximum probationary period described in Section 310.020 C and D. Faculty members on regular term appointments are to be considered as reappointed for the succeeding year unless appropriately notified under Section 310.020 F.

b. **Continuous Appointments** -- Continuous appointments are regular appointments that begin at a specified date but have no specified date of termination. Such appointments shall be deemed to exist in a given department or school on a specific campus. Unless a continuous appointment is subsequently acquired in another unit, no faculty member shall lose, by an approved change in duties or administrative unit, a continuous appointment already acquired. No faculty member shall lose a continuous appointment already acquired if granted a leave of absence with subsequent resumption of duties. In circumstances in which the interest of the University may be better served thereby, a continuous appointment already acquired may be changed, upon request of the faculty member, from full-time to part-time status.

c. **Nonregular Term Appointments** -- Nonregular term appointments begin at a specified date and terminate at a specified date. Such appointments are usually for a period of one academic year but may be for a longer or shorter period, except that no single term

appointment shall be for a period longer than three years. No number of nonregular term appointments shall create any presumption of a right to reappointment on term or continuous basis, subject to the limitations described in Section 310.020 A.2.

2. **Administrative Functions** -- The administrative functions and titles of administrators shall be distinct and severable from their functions, titles, and status, if any, as appointees to the academic staff. The academic appointments of persons whose primary responsibilities are administrative may be regular or nonregular depending upon the particular circumstances, but the academic appointment must be made through established procedures for such appointments and its terms made explicit prior to the start of the appointment. An initial appointment may be made for both administrative functions and academic staff duties.

C. **Tenure**

1. Faculty members on continuous appointments shall have tenure, subject to dismissal only for cause, retirement for age in accordance with Board retirement regulations, or termination because of formal discontinuance of a program or department of instruction. Adequate cause for dismissal shall be related, directly and substantially, to the faculty member's fitness or performance in the professional capacity of teacher or researcher. Cause for dismissal may include but is not limited to the following:
    - Conviction of a felony or other crime involving moral turpitude during the period of employment by the University of Missouri which is related, directly and substantially, to the faculty member's academic fitness or performance in the professional capacity of teacher or researcher.
    - Professional incompetence in the performance of academic responsibilities.
    - Intentional and habitual neglect of duty in the performance of academic responsibilities, provided that a written warning and a reasonable opportunity to correct the behavior have been given.
    - Severe research misconduct, academic irresponsibility, or other default of academic integrity in the performance of academic responsibilities.
    - Willful misrepresentation of material matters in applying to the University of Missouri for employment which are related, directly and substantially, to the faculty member's fitness or performance in the professional capacity of teacher or researcher.
    - Harassment or discrimination in violation of the University's Anti-Discrimination Policies, as determined through the procedures in Sections 600.040 and 310.060 of the Collected Rules and Regulations.

- Due consideration shall be given to seniority in terms of academic rank and length of service in the event that certain continuous appointments must be terminated because of financial exigencies. Where termination of an appointment with tenure, or of a nontenured appointment before the end of the specified term, is based upon bona fide financial exigency or discontinuance of a program or department of instruction, faculty members shall be able to have the issues reviewed by the faculty, or by an appropriate faculty committee, with ultimate review of all controverted issues by the Board.
- Before terminating an appointment for either of these reasons, the University will make every effort to place affected faculty members in other suitable positions. The faculty member whose appointment is terminated under the conditions of financial exigency or discontinuance of a program or department of instruction will be given notice not less than that prescribed in Section 310.020 F.2; and no position within the same administrative unit for which the released faculty member is qualified will be filled by a replacement within a period of three years, unless the released faculty member has been offered reappointment and a reasonable time within which to accept or decline it.

2. Appointees to the academic staff under term appointments, either regular or nonregular, are subject to termination prior to expiration of the stated term only for cause or under extraordinary circumstances because of financial exigencies or discontinuance of a program or department of instruction. Term appointments for Non-Regular and Regular, Untenured faculty may be terminated prior to expiration of the stated term pursuant to Section 600.040: Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination against a Faculty Member. An appointment with tenure may be terminated pursuant to Section 600.040 and Section 310.060: Procedures in Case of Dismissal for Cause.
3. Termination of an appointment with tenure, or of a probationary or special appointment before the end of the period of appointment, for medical reasons, will be based upon clear and convincing medical evidence that the faculty member cannot continue to fulfill the terms and conditions of the appointment. The decision to terminate will be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member's position and to respond to the evidence. If the faculty member so requests, the evidence will be reviewed by the Faculty Committee on Tenure before a final decision is made. (See also University benefit programs--optional long-term disability income protection.)

4. The relieving of any person of administrative functions shall not impair any existing tenure status as an appointee to the academic staff.

D. **The Probationary Period** -- The purpose of a probationary period is to allow reasonable time for faculty members to establish their academic performance and for their departments to evaluate performance and potential performance in the long-range future in order to validate recommendations for continuous or terminal appointments. The following rules and guidelines are applicable to determination of the probationary period and creditable previous service of persons with experience prior to the start of a regular appointment at this University.

1. Beginning with appointment to the rank of full-time Assistant Professor or higher rank, the total probationary period of term appointments will not exceed six years (including within this six-year period full-time creditable service in all institutions of higher education), except that if after a term of probationary service of more than three years in one or more institutions, a faculty member is appointed at a campus of the University of Missouri, it may be agreed in writing that there shall be a probationary period at that campus not to exceed three years. In no case will the conditions established in this section cause the probationary period at a campus of this University to be longer than prescribed in Section 310.020 E. In all cases the probationary period will be indicated on the appointment form.
   The probationary period will be followed either by continuous appointment or a one-year terminal appointment.

2. In general, credit will be allowed for previous experience on a full-time academic staff appointment at the rank of Assistant Professor or higher at this University or any other institution of higher education. Because some academic appointments at this and other institutions of higher education carry responsibilities substantially different from the prospective appointment at this University, there may be circumstances in which previous service should not be credited as a part of the maximum probationary period. If this is determined to be the case, it must be agreed to prior to this appointment and reflected in the probationary period indicated on the appointment form.

3. If the appointee has had a substantial period of previous service, the decision whether or not to recommend continuous appointment should be made as soon as reasonably feasible. The initial appointment may be a continuous appointment. A regular term appointment of a person who currently holds such an appointment in the same field at this University, or has held one during the preceding year, shall be deemed to be a reappointment, a change in appointment, or a connected appointment, and not a new or initial appointment.

4. In computing service to be credited within the probationary period, the following rules shall apply:
    a. Years of service shall be computed in terms of academic years. Not more than one academic year of credit shall be allowed for services during any consecutive twelve-month period. Service for less than one academic year shall be excluded unless the faculty member and the appointing authority agree in writing to the inclusion at the time of the initial appointment.
    b. Service on any nonregular appointment involving duties substantially different from duties on a regular appointment shall be excluded.
    c. Service while on leave of absence without pay shall be excluded unless the faculty member and the appointing authority agree in writing to the inclusion at the time the leave is granted. Leaves of absence for scholarly purposes of one year or less generally should be included.
    d. In allowing credit for service at this University or at another institution, fractions of an academic year shall be excluded where crediting such fraction would require decisions at times other than the normal period during the academic year when decisions are made as to recommendations or notices, even if such exclusion will have the effect of extending the probationary period beyond the normal maximum.

E. **Regular Term Appointments and Reappointments** -- The following provisions apply to initial regular term appointments and reappointments. The provisions apply to persons without previous service and are modified by Section 310.020 D for persons with creditable previous service.
    1. **Assistant Professor** -- Initial regular appointment at the rank of Assistant Professor shall be a term appointment. The maximum period on term appointment shall not exceed seven years. During the appointee's initial term, and during each succeeding term through the sixth year of service, the appropriate Dean or other administrative officer shall, after receiving recommendations from the appropriate faculty bodies, make one of the following recommendations, except that the recommendations 1.a and 1.b shall not be made during the appointee's sixth year of service.
        a. To reappoint as Assistant Professor on a regular term appointment.
        b. In exceptional cases, to promote to Associate Professor on term appointment. If such recommendation is effected, by proper appointment, Section 310.020 E.2 controls thereafter, except that the maximum period on term appointments shall not exceed seven years, and all of the service as an Assistant Professor shall be credited toward the seven-year maximum period.
        c. To promote to Associate Professor on continuous appointment.
        d. To reappoint as Assistant Professor on continuous appointment.

e. To reappoint as Assistant Professor on a terminal one-year term appointment, expressly stated to be such.

f. Not to reappoint, provided there has been due notice as stipulated in Section 310.020 F.2.

2. **Associate Professor** -- Initial regular appointment at the rank of Associate Professor normally shall be a term appointment but in exceptional cases may be a continuous appointment. The maximum period on term appointment shall not exceed five years. During the appointee's initial term, and during each succeeding term through the fourth year of service, the appropriate Dean or other administrative officer shall, after receiving recommendations from the appropriate faculty bodies, make one of the following recommendations, except that recommendation Section 310.020 E.2.a shall not be made during the appointee's fourth year of service:

   a. To reappoint as Associate Professor on a regular term appointment.

   b. To reappoint as Associate Professor on continuous appointment.

   c. To promote to Professor on continuous appointment.

   d. To reappoint as Associate Professor on a terminal one-year appointment, expressly stated to be such.

   e. Not to reappoint, provided there has been due notice as stipulated in Section 310.020 F.

3. **Professor** -- Initial regular appointment at the rank of Professor normally shall be a term appointment but may be a continuous appointment. The maximum period on term appointment shall not exceed four years. During the appointee's initial term and during each succeeding term through the third year of service, the appropriate Dean or other administrative officer shall, after receiving recommendations from the appropriate faculty bodies, make one of the following recommendations, except that recommendation Section 310.020 E.3.a shall not be made during the appointee's third year of service.

   a. To reappoint as Professor on a regular term appointment.

   b. To reappoint as Professor on continuous appointment.

   c. To reappoint as Professor on a terminal one-year term appointment, expressly stated to be such.

   d. Not to reappoint, provided there has been due notice as stipulated in Section 310.020 F.

4. **Erroneous Term Appointments** -- Since the granting of tenure should be a deliberate act after considered evaluation of the appointee's past performance and potential performance in the long-range future, a good faith term appointment beyond the maximum permissible period on term appointments prescribed by Sections 310.020 D.1, 310.020 E.1,2, or 3 shall not confer tenure by default nor be considered a terminal appointment. Immediately upon the discovery of such an error the appointee or administrative officer

shall notify the appointing authority and request that a determination be made as to the proper appointment.

F. **Nonrenewal of a Regular Term Appointment**

1. When an appointee on regular term appointment is not recommended for reappointment, notice to that effect shall be given in writing to such appointee by an appropriate administrative officer in accordance with Section 310.070 by the deadline dates specified in Section 310.020 F.2. A timely terminal appointment expressly stated to be such shall be sufficient notice that the appointee will not be recommended for reappointment at the end of the terminal period.

2. Notice shall be given as follows in the case of fiscal or academic year appointments. For appointments having other starting dates, comparable notice shall be given.

    a. Not later than March 1 of the first year of service at this University, if the appointment expires at the end of the first year. Not later than December 20 of the second year of service at this University, if the appointment expires at the end of second year.

    b. Thirty days prior to the first day of the terminal year of appointment where the terminal year is the third, or subsequent, year of service at this University.

3. At the time of initial appointment, a faculty member should be informed of expectations about performance and of procedures generally involved in decisions affecting renewal and tenure. There should be provision for annual review of the faculty member's performance to be made by the immediate supervisor and communicated in writing, during the probationary period, to the faculty member according to generally accepted criteria with reference to the expectations discussed in the initial conference. During the probationary period, information should be given as to the time when decisions affecting renewal and tenure are ordinarily made, and there should be an opportunity to submit material which will be helpful to an adequate consideration of the faculty member's circumstances. In the event of a recommendation at any level for nonrenewal of a regular appointment or for a terminal appointment, the faculty member shall be informed and, upon request, shall be furnished with an explanation of that decision. The faculty member shall have an opportunity to request a reconsideration of the decision and to appeal the decision to the Chancellor. If the result of that appeal is not satisfactory to the faculty member, the faculty member may file a grievance under the Faculty Grievance Procedures (Section 370.010) in the event it is alleged:

    a. That the decision resulted from inadequate consideration; or,

b. That the decision was based significantly on consideration violative of academic freedom; or,

c. That the decision was based significantly on considerations violative of governing policies on equal employment opportunity.

Notwithstanding any explanation given, the burden shall rest upon the faculty member to prove the allegations contained in the grievance. In the event that the grievance panel finds probable cause of a violation of academic freedom, the matter shall proceed under the provisions of Section 310.060 except that the burden of proof remains with the appellant.

G. An appointee to the academic staff on regular term appointment shall not subsequently be given a full-time nonregular term appointment to perform substantially the same type of duties in excess of a total period of service of seven years.

Collected Rules and Regulations

Faculty Bylaws and Tenure Regulations

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**

1. 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**

1. **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 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 allegations(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 allegations(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.

Collected Rules and Regulations

Academic Tenure Regulations

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, 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 C.11.c.

A. **Definition:**
   1. A grievance is defined as an allegation that one or more of the following has occurred:
      a. 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.
      b. 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.
      c. 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.

B. **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 members' 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.

C. **Grievance Process:**

1. *Grievance Resolution Panel (GRP):*

    a. Grievances shall be addressed by a standing GRP consisting of a senior administrator and two or four tenured faculty members:
        i. 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.
        ii. 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.
        iii. 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.
    b. 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.
    c. 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.

        i. 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.
        ii. 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) :
    a. 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:

a. 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.

   i. 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.
   ii. 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).

b. There are three requirements the grievant must meet when filing:

   i. The grieved act listed on the GFF must meet the definitional criteria in 370.010 A.
   ii. The grievant must demonstrate that s/he attempted to informally resolve the complaint before filing the grievance.
   iii. 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.

c. 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:

   a. The GRP will meet with the grievant to discuss the complaint and gain a greater understanding of the issues.
   b. 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.
   c. 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.
   d. 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.

e. 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.

    i. 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.
    ii. 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, HIPPA, 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).
    iii. 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.

f. 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.
g. Based on its own investigation, the GRP may collect evidence that it deems as having relevance and centrality to the grieved matters.
h. 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 non-testimonial evidence relevant to the case.
i. The GRP will consult with University Legal Counsel concerning legal issues of evidence, including but not limited to FERPA regulations, attorney/client privilege, and HIPPA-protected materials.
j. 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.
k. 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.
l. 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.
m. 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

    a. The GRP has broad administrative latitude to address grievances.
    b. At any point in the process, the GRP may:
        . Facilitate a settlement agreement between the grievant and the University of Missouri.
        i. Make a determination that the grievance has no merit. This determination is not appealable.
        ii. 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.
    c. 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:

        i. A finding in favor of the grievant and the recommendation of remedies, if any, to resolve the grievance.
        ii. 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.
        iii. A finding against the grievant with no recommendations for remedies to address the grievant's complaint.
        iv. 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.
    d. 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:

    a. 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).
    b. 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.
    c. 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:

    a. In reviewing the GRP decision:

        i. 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.
        ii. The Chancellor and Chancellor's designee will have access to all relevant documents.
        iii. 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.

    b. 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.
    c. The Chancellor's decision is final.
    d. 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:

    a. 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.
    b. The grievant uses the Grievance Acceptance Form (a copy of which is attached in Appendix C) to file a response to the final decision.

9. 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:

    a. 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.
    b. 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 370.010C.12.

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

11. Oversight:

a. 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.

i. The OC will consist of 3-5 tenured faculty appointed by Faculty Council or Faculty Senate for up to three year staggered terms.
ii. Chair of the OC will be a member of the Faculty Council or Faculty Senate.

b. OC monitoring of individual grievances:

i. 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.
ii. 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.
iii. The OC representative is an observer: The OC representative may not participate in the deliberations or rendering of findings and recommendations by the GRP.
iv. 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.
v. 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.
vi. 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.

c. OC monitoring of the grievance process:

i. The OC will continually monitor the overall grievance process.
ii. 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.
iii. 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:

a. 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.

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

- Appendix A (MS Word)
- Appendix B (MS Word)
- Appendix C (MS Word)

Collected Rules and Regulations

Grievance Procedures

Chapter 380: Administrative, Service and Support Staff Grievances

380.010 Grievance Procedure for Administrative, Service and Support Staff

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; Amended 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.

A. 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.

B. 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:

   a. The employee or employee's representative may designate one member.

   b. The University through its Grievance Representative, with the approval of the Chancellor of the campus, shall appoint one member.

   c. 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.

d. A decision of the grievance committee may be reached upon the concurrence of any two of the three members.

e. A hearing will be scheduled as soon as feasible after selection of the third committee member.

f. 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.

g. 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.

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

Collected Rules and Regulations

Grievance Procedures

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**

1. **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

   a. 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 or 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 390.010 F.

    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-hundred-eighty (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 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**

1. 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.

3. 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.
    c. 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 administrator 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. 1. Your Name
   Check One .....Male: 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

Collected Rules and Regulations

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 anti-discrimination 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.
3. **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.
5. **Complaint**. Any verbal or written communication or notice of an alleged violation of the University's Anti-Discrimination Policies.
6. **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.
9. **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:

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:
   a. 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.
   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 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.
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.

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.
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.

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
2. 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 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.
2. 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.
3. 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
2. 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 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.

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' 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.
c. 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
i. 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
l. 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.

Collected Rules and Regulations
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 anti-discrimination 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:

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 wish to participate in the resolution process.
3. **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.
5. **Complaint**. Any verbal or written communication or notice of an alleged violation of the University's Anti-Discrimination Policies.
6. **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.

9. **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.
13. **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:
    a. 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.
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.

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:

1. In person, or
2. 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;
b. A joint finding by the Equity HR Officer and Supervisor on each of the alleged policy violations; and
c. 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:

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. Sanctions

1. Factors Considered When Finding Sanctions/Remedial Actions

If the Accused is found responsible for a violation of the University's Anti-Discrimination Polies, 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.

Amendments to the Equal Employment/Educational Opportunity Policy – presented by Vice President Rodriguez (information on file)

It was recommended by Betsy Rodriguez, Vice President for Human Resources, endorsed by President Wolfe, moved by Curator Steelman and seconded by Curator Henrickson, that the following action be approved:

The University's Equal Employment/Educational Opportunity Policy at Section 320.010 of the Collected Rules and Regulations be amended as set forth in the attached.

Roll call vote of Board:

Curator Covington voted yes.
Curator Cupps voted yes.
Curator Graham voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Snowden voted yes.
Curator Steelman voted yes.
Curator Steward was absent.

The motion carried.

Collected Rules and Regulations

Employment and Termination

Chapter 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; Amended Bd Min. 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.

Audit Committee

Chairwoman Henrickson provided time for discussion of committee business.

Information
1. Internal Audit Quarterly Report, UM (information and slides on file)
2. Ethics and Compliance Hotline, Annual Report 2014, UM (information on file)

Action
1. Engagement of Independent Auditors and Related Fees, UM

Engagement of Independent Auditors and Related Fees, UM – presented by Vice President Burnett (information on file)

It was recommended by Vice President Burnett, endorsed by President Wolfe, recommended by the Audit Committee, moved by Curator Graham, seconded by Curator Phillips, that the following action be approved:

> that the Vice President for Finance be authorized to employ the firm of KPMG LLP to provide audit services to the University of Missouri for fiscal year ending June 30, 2015 for fees of $825,537 plus expenses not to exceed $70,061.

Roll call vote:

Curator Covington voted yes.
Curator Cupps voted yes.
Curator Graham voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Snowden voted yes.
Curator Steelman voted yes.
Curator Steward was absent.

The motion carried.

The public session of the Board of Curators meeting recessed at 3:45 P.M.

Board of Curators Meeting – Executive Session

A meeting of the University of Missouri Board of Curators was reconvened in executive session at 3:53 P.M., on Thursday, February 5, 2015, in Donrey Media Room 211 of the Reynolds Alumni Center on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Don Downing, Chairman of the Board of Curators, presided over the meeting.

Present
The Honorable Ann K. Covington
The Honorable Donald L. Cupps
The Honorable Maurice B. Graham
The Honorable Pamela Q. Henrickson
The Honorable John R. Phillips
The Honorable Phillip H. Snowden
The Honorable David L. Steelman

The Honorable David L. Steward was absent.

Also Present
Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy S. Harmon, Secretary of the Board of Curators
Miss Tracy Mulderig, Student Representative to the Board of Curators
Dr. Brian D. Burnett, Vice President of Finance

General Business

[254]Property Lease, MU – this item was completed on March 26, 2015. See excerpt of minutes at the end of this document.

[255]Property Lease, UMKC – this item was completed on May 26, 2015. See excerpt of minutes at the end of this document.

[256]Property Lease, 107 E. 6th Street, Rolla, Missouri, Missouri S&T – presented by Vice President Burnett (information on file)

It was recommended by Chancellor Schrader, endorsed by President Wolfe, moved by Curator Graham and seconded by Curator Snowden, that the following action be approved:

> that the Vice President for Finance be authorized to enter into a one year lease with one one-year renewal option for eight apartments in the building located at 107 E. 6th St., Rolla, Missouri with the Dale W. Wands Revocable Trust Dated February 26, 2001 and the Sara V. Wands Revocable Trust Dated February 26, 2001, for $205,200 per year, which value, combined with the three other current leases with the same landlord, further exceeds the $500,000 per year delegated limit.
>
> Funding is from:
>
> | | |
> |---|---|
> | Department of Residential Life, Division of Student Affairs | $205,200 |
>
> Roll call vote of Board:
>
> Curator Covington voted yes.
> Curator Cupps voted yes.
> Curator Graham voted yes.
> Curator Henrickson voted yes.
> Curator Phillips voted yes.
> Curator Snowden voted yes.
> Curator Steelman voted yes.
> Curator Steward was absent.
>
> The motion carried.
>
> This item was completed on February 10, 2015.

[257]Property Easement, UMKC – this item was completed on July 20, 2015. See excerpt of minutes at the end of this document.

Chancellor Morton joined the meeting.

President's Report on Personnel – presented by President Wolfe.

No action taken by the Board.

General Counsel's Report – presented by General Counsel Owens

Litigation Report – presented by General Counsel Owens.

No action taken by the Board.

The Board of Curators meeting recessed at 5:10 p.m.

Reception and Dinner for the Board of Curators, President and General Officers (By Invitation)
6:00 – 8:30 P.M.
Thursday, February 5, 2015
Hosted by Chancellor R. Bowen and Mrs. Loftin
Location: Lower Lair, MU Student Center, 901 Rollins Road, University of Missouri campus

BOARD OF CURATORS MEETING – PUBLIC SESSION

MU Faculty Council Breakfast and Presentation with the Board of Curators
8:00 – 8:45 A.M.
Friday, February 6, 2015
Presenter: Mr. Ryan Gill, President, Mizzou Veterans Association
Location: Columns Room 208 A&B, Reynolds Alumni Center

A meeting of the University of Missouri Board of Curators reconvened in public session at 9:10 A.M., on Friday, February 6, 2015, in Columns Room 208 C,D and E of the Reynolds Alumni Center on the University of Missouri campus, Columbia, Missouri, pursuant to public notice given of said meeting. Curator Don Downing, Chairman of the Board of Curators, presided over the meeting.

Present
The Honorable Ann K. Covington

The Honorable Donald L. Cupps
The Honorable Maurice B. Graham
The Honorable Pamela Q. Henrickson
The Honorable John R. Phillips
The Honorable Phillip H. Snowden
The Honorable David L. Steelman

The Honorable David L. Steward was absent for the meeting.

Also Present
Mr. Timothy M. Wolfe, President
Mr. Stephen J. Owens, General Counsel
Ms. Cindy Harmon, Secretary of the Board of Curators
Miss Tracy H. Mulderig, Student Representative to the Board of Curators
Dr. Gary K. Allen, Vice President for Information Technology
Dr. Brian D. Burnett, Vice President for Finance
Dr. Henry "Hank" Foley, Executive Vice President of Academic Affairs
Dr. Thomas F. George, Chancellor for University of Missouri-St. Louis
Mr. Stephen C. Knorr, Vice President for University Relations
Dr. R. Bowen Loftin, Chancellor for University of Missouri-Columbia
Mr. Leo E. Morton, Chancellor for University of Missouri-Kansas City
Dr. Betsy Rodriguez, Vice President for Human Resources
Dr. Cheryl B. Schrader, Chancellor for Missouri University of Science and Technology
Ms. Zora Z. Mulligan, Chief of Staff, UM System
Mr. John Fougere, Chief Communications Officer, UM System
Media representatives

The oath of office was administered for Curators Maurice Graham and Phillip Snowden.

General Business

Board Chairman's Report – presented by Chairman Cupps

Chairman Cupps presented his theme for 2015, The Year of the Student.

University of Missouri System President's Report – presented by President Wolfe (slides on file)

Consent Agenda

It was endorsed by President Wolfe, moved by Curator Henrickson and seconded by Curator Covington, that the following items be approved by consent agenda:

CONSENT AGENDA

1. Minutes, October 2-3, 2014 Board of Curators Meeting
2. Minutes, October 2-3, 2014 Board of Curators Committee Meetings
3. Minutes, October 21, 2014 Special Board of Curators Meeting
4. Minutes, December 10-11, 2014 Board of Curators Meeting
5. Minutes, December 10-11, 2014 Board of Curators Committee Meetings
6. Minutes, January 15, 2015 Special Board of Curators Meeting
7. Amendment to Collected Rules and Regulations Section 80.030 Insurance, UM
8. Energy Loan Program of the Missouri Department of Economic Development/Division of Energy, UMKC
9. Degree Revocation, UMKC

Roll call vote of the full Board:

Curator Covington voted yes.
Curator Cupps voted yes.
Curator Graham voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Snowden voted yes.
Curator Steelman voted yes.
Curator Steward was absent.

The motion carried.

1. Minutes, October 2-3, 2014 Board of Curators Meeting – as provided to the curators for review and approval.
2. Minutes, October 2-3, 2014 Board of Curators Committee Meetings - as provided to the curators for review and approval.
3. Minutes, October 21, 2014 Special Board of Curators Meeting - as provided to the curators for review and approval.
4. Minutes, December 10-11, 2014 Board of Curators Meeting - as provided to the curators for review and approval.
5. Minutes, December 10-11, 2014 Board of Curators Committee Meetings - as provided to the curators for review and approval.

6. Minutes, January 15, 2015 Special Board of Curators Meeting - as provided to the curators for review and approval.
7. Amendment to Collected Rules and Regulations Section 80.030 Insurance, UM

Collected Rules and Regulations

Business Management

Chapter 80: Purchasing

80.030 Insurance

Bd. Min. 6-30-78; Amended Bd. Min. 10-15-82; 12-1-97; 2-5-15.

A. **Types of Insurance Coverages** -- The University may purchase the following insurance coverages under the following conditions:

1. **Property (excluding Fidelity)**
    a. On specific or groups of University properties when the potential loss could be so large that the ability of the University to repair or replace the loss on a timely basis through state appropriations or other sources would be questionable.
    b. On University property where required by bond indenture, condition of trust or agreement, Federal or State Law; or
    c. On University property where the premium to insure will be paid from sponsored gifts, grants or contracts (non-general operating funds); or
    d. On University property used by an Auxiliary Enterprise or Sales and Service facility functioning like an Auxiliary Enterprise; or
    e. On property of others where required by the donor, exhibitor or owner as a condition of use.
2. **Casualty**
    a. Where required by bond indenture, condition of trust or agreement, or required by or voluntary acceptance of, Federal or State law; or
    b. Where the President determines that it is in the best interest of the University to provide insurance as an incident of employment for University employees who may become liable for their actions resulting from and directly related to, their position as an employee of the University; or
    c. Where the President determines, because of particular circumstances, that it is in the best interest of the University to provide insurance against its liability from its operation, maintenance or use of specific buildings, premises or other property owned or controlled by it.

3. **Fidelity, Bonds and Other**
    a. Where required by condition of trust or agreement, Federal or State law; or
    b. Where the President determines the cash and securities, employees or assets of the University are or may be at risk.
4. Staff Benefits coverages upon recommendation of the President.
5. Student insurance programs approved by the President and either funded by the students or for which University funds have been approved in the Budget.

B. **Methods of Purchase**

1. Until otherwise directed by the Board of Curators (Board), the method of purchase of all property, casualty, fidelity and student insurance shall be:
    a. Through competitive proposals solicited from two or more brokers, which shall be selected through a University pre-qualification process, and with Board approval; or
    b. By a program of self-insurance, with the program having been approved by the Board.
    c. Specialty markets may be accessed via a specialty broker.
2. The method of purchase of all Staff Benefit insurance shall be:
    a. By proposal from Brokers based on a University Request for Proposals; with the proposal having been selected with Board approval; and/or
    b. By a program of self-insurance, with the program having been approved by the Board.

C. **Delegation of Authority to Purchase** -- The President is authorized to purchase any of the insurance coverages authorized in Section 80.030 A meeting the conditions thereof, by the methods outlined in Section 80.030 B and for which funds are available for payment of premium, without reporting to or requesting authority of the Board; provided, however, the authority of the Board will be required for the purchase of insurance for:

1. Any Staff Benefit program that was not covered by insurance as of the date this Policy or amendments thereto are approved by the Board; and
2. Any change in coverage or conditions of Staff Benefit programs subsequent to the date this Policy or amendments thereto are approved by the Board unless funds therefor have been provided in the approved Budget.

D. **No Waiver of Immunity**--

1. By authorizing the purchase of insurance pursuant to this policy, the Board of Curators does not intend to waive and does not waive sovereign immunity, governmental immunity or any other immunity enjoyed by The Curators of the University of Missouri, its Board of Curators, its officers, administrators or employees and no language contained in any insurance policy purchased pursuant to this policy shall be construed to constitute a waiver of sovereign immunity, governmental immunity or any other immunity enjoyed by The Curators of the University of Missouri, its Board of Curators, its officers, administrators or employees.

2. By approving the establishment of a program of self-insurance, the Board of Curators does not intend to waive and does not waive sovereign immunity, governmental immunity or any other immunity enjoyed by The Curators of the University of Missouri, its Board of Curators, its officers, administrators or employees and no language contained in any program of self-insurance approved by the Board of Curators shall be construed to constitute a waiver of sovereign immunity, governmental immunity or any other immunity enjoyed by The Curators of the University of Missouri, its Board of Curators, its officers, administrators or employees.

NOTE: The President shall have the authority to determine the form of coverage, policy terms and conditions, the amount of coverage or limits of liability, the amount of any deductible, method of premium payment, and when or if proposals will be received based on University Request for Proposals.

8. Approval of a resolution authorizing participation in the State of Missouri's Energy Loan Program of the Missouri Department of Economic Development/Division of Energy, UMKC

WHEREAS, THE CURATORS OF THE UNIVERSITY OF MISSOURI ON BEHALF OF THE UNIVERSITY OF MISSOURI – KANSAS CITY, an authorized Borrower under the Energy Loan Program (the "Public Entity"), through technical analysis and reports, has identified certain energy conservation measures which would benefit the Public Entity by reducing future energy costs to the Public Entity and has applied to the Missouri Department of Economic Development/Division of Energy ("DED/DE") for a loan to implement such energy conservation measures (the "Project"); and

WHEREAS, at the Public Entity's request, DED/DE has agreed to lend to the Public Entity certain funds pursuant to Sections 640.651 to 640.686 of the Missouri Revised Statutes ("RSMo"), as amended, up to the maximum amount authorized under Sections 640.651 to 640.686 RSMo based on estimates of savings to be generated from the Project, provided that the Public Entity complies with the various terms and conditions set

forth in Sections 640.651 to 640.686 RSMo and in 4 Code of State Regulations 340-2.010 *et seq*., as amended (the "Regulations"); and

WHEREAS, DED/DE may fund this Loan pursuant to its Energy Loan Program (the "Program") from the proceeds of revenue bonds issued by the State Environmental Improvement and Energy Resources Authority (the "Authority") pursuant to a Bond Indenture authorizing the Authority bonds used to fund the Loan (the "Bond Indenture") among the Authority, DED/DE, and the bond trustee named therein (the "Bond Trustee"); and

WHEREAS, in connection with its participation in the Program the Public Entity will be required to execute certain documents in connection with the Loan;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Public Entity as follows:

Section 1. The Governing Body of the Public Entity hereby finds and determines that it is in the best interests of the Public Entity to enter into the Loan Agreement and execute the Promissory Note in order to obtain funds for the purpose of installing energy conservation measures within the Public Entity. The Governing Body has received approval as required by Section 640.653.2 RSMo, as amended. The total Loan amount is hereby authorized in the amount of $2,036,460, which amount shall include (i) estimated maximum construction costs of $1,806,657, plus interest to accrue during the period from any draws on the loan by the Public Entity until completion of construction of the Project, (ii) interest on the Loan during the term of the Loan, at a rate of two and one-half percent (2.5%), and (iii) a loan origination fee of one percent (1%) of the principal amount of the Loan. Under the Loan Agreement, the Public Entity agrees to make semiannual payments equal to one half of the annual energy savings until the promissory note is retired.

Section 2. That the Public Entity hereby approves the form of the Loan Agreement, which is attached to this Resolution as Exhibit A, the blank form of Promissory Note, attached hereto as Exhibit C, which would reflect the total amount of Project Cost disbursements, one point origination fee and accrued interest as more fully described therein, and the form of Public Entity's Closing Certificate, attached hereto as Exhibit D.

Section 3. That the superintendent, city manager, chief administrative officer and/or chief financial officer of the Public Entity ("Public Entity Representative"), and each such person hereby is, authorized and empowered and directed to execute, enter into, deliver for and in the name of and on behalf of the Public Entity, under its corporate seal, the following documents (all of such documents, and such other documents, certificates and instruments as may be necessary to carry out the intent of this Resolution, together with any other documents and instruments

contemplated thereby, or otherwise necessary or appropriate to effectuate the transaction contemplated thereby, being the "Program Documents"), the forms of which have been presented in draft to the Governing Body:

Exhibit A Loan Agreement;
Exhibit C Promissory Note;
Exhibit D Public Entity's Closing Certificate.

Section 4. That the Governing Body of the Public Entity hereby approves the Project and authorizes the Public Entity Representative and such officers and employees as the Public Entity Representative may designate to proceed with arranging the financing for the Project, in furtherance of and subject to the requirements of this Resolution. The Public Entity Representative is hereby further authorized and empowered to execute the Program Documents with such additional modifications, corrections, amendments and deletions as shall, in the judgment of such Public Entity Representative, be necessary or appropriate, in the sole and absolute discretion of such officers, to effectuate the transactions contemplated by this Resolution, the execution of any such documents by any such Public Entity Representative constituting the conclusive evidence of his or her approval and the approval of the Public Entity to any such changes.

Section 5**.** That the amounts due under the Loan Agreement and the Promissory Note shall be limited obligations of the Public Entity payable solely from energy costs savings derived from the Project. Amounts due under the Loan Agreement and the Promissory Note shall not constitute a debt or liability of the Public Entity or of the State of Missouri or of any political subdivision thereof and such amounts shall not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

Section 6**.** That the Public Entity recognizes that DED/DE may choose to fund the Loan under its Energy Loan Program in cooperation with the Authority through the issuance and sale of tax-exempt bonds by the Authority, and that a portion of the proceeds of the Bonds may be used to reimburse the Public Entity for any advances made by the Public Entity in connection with the Project.

9. Degree Revocation, UMKC

That the Master of Arts in Music erroneously awarded in May 2001 to Melanie (Snell) Basham, due to a clerical error, be revoked. Basham has knowingly waived her right to notice and a hearing under CRR 220.025 and has consented to this action.

General Business

Good and Welfare

Draft April 9-10, 2015 Board of Curators meeting agenda – no discussion (on file)

It was moved by Curator Steelman and seconded by Curator Phillips, that the Board of Curators meeting, February 5-6, 2015, be adjourned.

Roll call vote:
Curator Covington voted yes.
Curator Cupps voted yes.
Curator Graham voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Snowden voted yes.
Curator Steelman voted yes.
Curator Steward was absent.

The motion carried.

There being no other business to come before the Board of Curators, the meeting was adjourned at 10:00 A.M. on Friday, February 6, 2015.

Respectfully submitted,

Cindy S. Harmon

Cindy S. Harmon
Secretary of the Board of Curators
University of Missouri System

Approved by the Board of Curators on April 10, 2015.

UNIVERSITY OF MISSOURI
Columbia . Kansas City . Rolla . St. Louis

BOARD OF CURATORS

Minutes of Board of Curators Meeting – Executive Session
Columbia, Missouri
February 5-6, 2015

CONFIDENTIAL
EXCERPT OF THE MINUTES OF THE CLOSED MEETING

Donrey Media Room 211
Reynolds Alumni Center
University of Missouri

General Business

[254]Property Lease, Off-Campus Student Housing, Columbia, Missouri, MU – presented by Vice President Burnett (information on file)

It was recommended by Chancellor Loftin, endorsed by President Wolfe, moved by Curator Graham and seconded by Curator Snowden, that the following action be approved:

> that the Vice President for Finance be authorized to enter into a lease with EdR for off-campus student housing at The Reserve at Columbia, Columbia, Missouri, beginning fall semester 2015, for up to 192 beds at $557 per bed, per month for 10 months, 44 beds at $598 per bed, per month for 10 months, and 2 office units (comprising 6 total beds) for $6,290 per unit for 12 months ($1,345,140 in aggregate), with the option to lease up to 60 additional beds for up to $629 per bed, per month for 10 months ($377,400) and up to 44 additional beds for up to $598 per bed, per month for ten months ($263,120), for a total option of 346 beds for $1,985,660.
>
> The University of Missouri-Columbia would also have the option to renew this contract for up to three (3) additional one year periods, with a rent increase not to exceed current published rates.

Roll call vote:

Curator Covington voted yes.
Curator Cupps voted yes.
Curator Graham voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Snowden voted yes.
Curator Steelman voted yes.
Curator Steward was absent.

The motion carried.

This item was completed on March 26, 2015.

[255]Property Lease, 5235 Rockhill Road, Kansas City, Missouri, UMKC – presented by Vice President Burnett (information on file)

It was recommended by Chancellor Morton, endorsed by President Wolfe, moved by Curator Graham and seconded by Curator Snowden, that the following action be approved:

> that the Vice President for Finance be authorized to enter into a 15-year lease of 5235 Rockhill Road, Kansas City, Missouri, for an initial annual rate of $140,400 for the 2015/2016 academic year with Lambda Zeta Chapter of Chi Omega House Corporation, (Lessee), a Missouri Nonprofit Corporation, for the University of Missouri-Kansas City.

Roll call vote of Board:

Curator Covington voted yes.
Curator Cupps voted yes.
Curator Graham voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Snowden voted yes.
Curator Steelman voted yes.
Curator Steward was absent.

The motion carried.

This action item was completed on May 26, 2015.

[257]Property Easement, 615 East 52nd Street, Kansas City, Missouri, UMKC – presented by Vice President Burnett (information on file)

It was recommended by Chancellor Morton, endorsed by President Wolfe, moved by Curator Graham and seconded by Curator Snowden, that the following action be approved:

> that the Vice President for Finance be authorized to enter into a property easement with The Kansas City Young Matrons, to provide dedicated parking rights on approximately 0.2 to 0.4 acres at 615 East 52nd Street, Kansas City, Missouri, per the Collected Rules and Regulations 70.050, Article C.4, for the University of Missouri-Kansas City.
>
> This property easement legal description is subject to survey which is currently in preparation.

Roll call vote of Board:

Curator Covington voted yes.
Curator Cupps voted yes.
Curator Graham voted yes.
Curator Henrickson voted yes.
Curator Phillips voted yes.
Curator Snowden voted yes.
Curator Steelman voted yes.
Curator Steward was absent.

The motion carried.

This action item was completed on July 20, 2015.

The Board of Curators meeting adjourned at 10:00 A.M., on Friday, February 6, 2015.

Respectfully,

Cindy S. Harmon
Secretary of the Board of Curators
University of Missouri System

Approved by the Board of Curators on April 10, 2015.